

TATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  CEDAR FALLS UTILITIES	DOCKET NO. E-21647
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**ORDER DIRECTING ISSUANCE OF FRANCHISE**

(Issued November 21, 2005)

On September 21, 2005, the Board issued an order affirming the proposed order of the Administrative Law Judge that granted a franchise to Cedar Falls Utilities (CFU) to erect, maintain, and operate a 161 kV (kilovolt) electric transmission line, a portion of which will be located outside the city limits of Cedar Falls, Iowa, and within the jurisdiction of the Board pursuant to Iowa Code chapter 478. On November 4, 2005, the Board issued an order denying the application for rehearing filed by Bert and Diane Schou and reopening the record for the receipt of additional information concerning an airfield that was located within one mile of the proposed route of the transmission line.

The Board reopened the record based upon a finding that CFU had not complied with the requirements of 199 IAC 11.2(1)"b"(8) when it failed to indicate the existence of the airfield in the petition for the franchise and failed to comply with the requirements in 199 IAC 11.5(4) when it failed to give notice of the proposed route to the owner of the airfield. The Board also directed the staff engineer who filed the

original report concerning the proposed transmission line to file an addendum to the report addressing the location of the airport in relation to the proposed route.

On November 9, 2005, CFU filed a copy of the letter giving notice of the proposed transmission line to the owner of the airfield. On November 14, 2005, the staff engineer filed the addendum and indicated the airfield is located one-half mile from the proposed route. The staff engineer concluded that the airfield paralleled the proposed route and the location of the airfield did not cause the proposed route to conflict with Board rules or standards. The owner of the airfield did not file an objection to the proposed transmission line.

Based upon the staff engineer's report and the lack of an objection by the owner of the airfield, the Board will issue CFU a franchise to construct a transmission line as granted in the Board's September 21, 2005, order. In addition, the Board will take official notice of the addendum filed by the staff engineer pursuant to Iowa Code § 17A.14(4). The Board finds, based upon its decision affirming the proposed decision of the Administrative Law Judge and denying the application for rehearing, that due process does not require the parties be given an opportunity to contest the facts in the addendum because there is no material dispute concerning those facts.

**IT IS THEREFORE ORDERED:**

1. Official notice is taken pursuant to Iowa Code § 17A.14(4) of the addendum filed November 14, 2005, to the staff engineer's report.

2. A franchise will be issued to Cedar Falls Utilities to construct, erect, operate, and maintain the electric transmission line as granted in the September 21, 2005, "Order Affirming Proposed Order, Addressing Motions, and Granting Permission to Appear."

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 21<sup>st</sup> day of November, 2005.