

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MIDAMERICAN ENERGY COMPANY	DOCKET NOS. E-21752 E-21753 E-21754
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**ORDER REGARDING MOTION FOR EXTENSION AND MOTION TO INITIATE
CONDEMNATION PROCEEDINGS**

(Issued May 22, 2006)

On May 16, 2006, Ms. Linda Juckette (Ms. Juckette), an objector in this case, filed a motion for a two-day extension of time to file and serve the testimony and exhibits of witness Mr. Charles J. Bishop. Ms. Juckette also filed the direct testimony of Mr. Charles J. Bishop on May 16, 2006, along with other testimony, a brief, and an answer. Ms. Juckette also filed a "Motion to Initiate Condemnation Proceedings" on the same date.

Pursuant to the "Order Establishing Procedural Schedule, Proposing to Take Official Notice, and Notice of Hearing" issued April 3, 2006, any testimony or exhibits to be filed by Ms. Juckette was required to be filed on or before May 16, 2006. In her motion for extension, Ms. Juckette stated that due to unforeseen circumstances, she would need an additional two days to file the testimony of Mr. Bishop and Exhibits LJ200, LJ205, and LJ206 prepared by Mr. Bishop. However, Ms. Juckette filed the testimony of Mr. Bishop on May 16, 2006. Therefore, the motion apparently related only to the filing of Exhibits LJ200, LJ205, and LJ206. Ms. Juckette argued that none of the parties to this action would be prejudiced by the two-day delay.

On May 18, 2006, Ms. Juckette filed a document entitled "Proof of Service Re Exhibits LJ200 and LJ205 (for Linda Juckette)" and Exhibit LJ200. Ms. Juckette did not file Exhibits LJ205 or LJ206. Therefore, the motion for extension filed on May 16, 2006, apparently relates only to the filing of Exhibit LJ200.

Although the motion was filed on the date the exhibit was due and did not state the position of the other parties with respect to the motion,¹ the undersigned administrative law judge will grant the motion and accept the late-filed Exhibit LJ200. MidAmerican Energy Company's (MidAmerican's) rebuttal testimony is due May 23, 2006, and the hearing in this case will be held on May 30, 2006. Due to the shortness of this schedule, the undersigned is ruling on the motion without waiting for MidAmerican to respond to the motion. If MidAmerican or any other party believes it has been prejudiced by the grant of the motion, it can file an appropriate motion.

In her "Motion to Initiate Condemnation Proceedings," Ms. Juckette requested that MidAmerican be required to move the proposed transmission line route at issue in this case from view of Ms. Juckette's property or, in the alternative, if the current proposed transmission line route is approved, that MidAmerican be required to initiate condemnation proceedings for the alleged diminution in the value of Ms. Juckette's property caused by the transmission line. The route of the proposed line is one of the contested issues in this case. Therefore, the ruling on this motion will be made as a part of the proposed decision in the case. However, the undersigned is

¹ In the future, if a party or presumed party (objector) wishes to file a scheduling motion near to or on a due date, the party should contact the other parties to determine their position with respect to the motion and state the position of the other parties in the motion.

unaware of any legal authority that would give the Utilities Board or the undersigned the authority to order MidAmerican to initiate condemnation proceedings as requested in the motion as the alternative form of relief.

IT IS THEREFORE ORDERED:

1. The "Motion for Extension of Time to File and Serve Testimony and Exhibits by Charles J. Bishop," filed by Ms. Juckette on May 16, 2006, is hereby granted with respect to Exhibit LJ200. LJ200 is accepted and will be considered a part of the evidence in this case.

2. The ruling on the "Motion to Initiate Condemnation Proceedings" will be made as a part of the proposed decision in this case.

3. All provisions of the "Order Establishing Procedural Schedule, Proposing to Take Official Notice, and Notice of Hearing," issued April 3, 2006, and the "Order Regarding Rebuttal Testimony," issued May 9, 2006, remain in effect.

UTILITIES BOARD

/s/ Amy L. Christensen
Amy L. Christensen
Administrative Law Judge

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 22nd day of May, 2006.