

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

| | |
|---------------------------|---------------------|
| IN RE: PAUL NEPPEL | DOCKET NO. DRU-06-3 |
|---------------------------|---------------------|

**ORDER REQUIRING ADDITIONAL INFORMATION
AND SETTING COMMENT SCHEDULE**

(Issued June 27, 2006)

On June 7, 2006, Paul Neppel filed with the Utilities Board (Board) a petition for a declaratory ruling on whether eligibility of certain limited liability companies for wind energy production tax credits pursuant to Iowa Code chapter 476C and 199 IAC 15.19 is affected by a time-limited, majority position taken in the limited liability companies with respect to financial rights by an equity investor. Mr. Neppel's proposed answer is that the eligibility for tax credits should not be adversely impacted by use of such a financing mechanism. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a petition for intervention that included some comments on the petition for declaratory ruling on June 21, 2006. Pursuant to 199 IAC 4.3(1), Consumer Advocate qualifies as an intervenor in this proceeding.

In reviewing Mr. Neppel's petition for declaratory ruling, the Board finds that additional information is necessary before it can consider Mr. Neppel's request. As alluded to in Consumer Advocate's filing, the actual terms of the financing arrangement referred to in Mr. Neppel's petition should be filed for the Board and Consumer Advocate to review. Mr. Neppel will be required to file the proposed

financing arrangement on or before July 7, 2006. If appropriate, Mr. Neppel may seek confidential treatment of the financing arrangement according to the procedures set forth in 199 IAC 1.9(5) and (6).

Pursuant to Iowa Code § 17A.9(5), the Board will set a time for additional comments that will allow the Board to issue, or decline to issue, a declaratory ruling within the 60-day time limit provided by Iowa Code § 17A.9(8). Mr. Neppel may file additional comments or arguments when he files the financing arrangement information on or before July 7, 2006; Consumer Advocate may file any additional comments on or before July 12, 2006.

IT IS THEREFORE ORDERED:

1. Paul Neppel shall file the additional information referred to in this order and any additional comments or arguments on or before July 7, 2006.
2. Consumer Advocate may file any additional comments on or before July 12, 2006.

UTILITIES BOARD

/s/ John R. Norris

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Curtis W. Stamp

Dated at Des Moines, Iowa, this 27th day of June, 2006.