

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE: CITY OF EVERLY, IOWA, Petitioner, v. INTERSTATE POWER AND LIGHT COMPANY, Respondent;	DOCKET NO. SPU-06-5
CITY OF KALONA, IOWA, Petitioner, v. INTERSTATE POWER AND LIGHT COMPANY, Respondent;	DOCKET NO. SPU-06-6
CITY OF ROLFE, IOWA, Petitioner, v. INTERSTATE POWER AND LIGHT COMPANY, Respondent;	DOCKET NO. SPU-06-7
CITY OF TERRIL, IOWA, Petitioner, v. INTERSTATE POWER AND LIGHT COMPANY, Respondent;	DOCKET NO. SPU-06-8
CITY OF TITONKA, IOWA, Petitioner, v. INTERSTATE POWER AND LIGHT COMPANY, Respondent.	DOCKET NO. SPU-06-9
CITY OF WELLMAN, IOWA, Petitioner, v. INTERSTATE POWER AND LIGHT COMPANY, Respondent.	DOCKET NO. SPU-06-10

**ORDER SETTING PROCEDURAL SCHEDULE**

(Issued September 5, 2006)

On June 6, 2006, the cities of Everly, Kalona, Rolfe, Terril, Titonka, and Wellman, Iowa (collectively, Cities), each filed with the Utilities Board (Board) a petition requesting a certificate of authority to furnish electric service to the existing point of delivery of customers already receiving service from another electric utility. These filings, commonly referred to as municipalization proceedings, are identified as Docket Nos. SPU-06-5 through SPU-06-10. Each of the Cities is an Iowa municipal corporation presently receiving electric service from Interstate Power and Light Company (IPL). IPL owns the electric distribution system within each of the Cities. IPL has filed objections to each of the municipalization petitions and a motion to dismiss with respect to the case involving the city of Terril, Docket No. SPU-06-8.

On August 17, 2006, the Board issued an order consolidating the dockets for purposes of hearing and procedural schedule (Consolidation Order). The order also set a prehearing conference for August 30, 2006. The purpose of the conference was for the parties and the Board's staff to discuss scheduling issues. All parties were represented at the prehearing conference.

The parties, after consultations with Board staff, agreed on the parameters of the procedural schedule. The Board will establish a procedural schedule that reflects these discussions and agreements. The Board will also, pursuant to discussions at the prehearing conference, set a time frame for any additional arguments to be filed with respect to the motion to dismiss in Docket No. SPU-06-8.

The Board notes that in the Consolidation Order it was discussed how many copies of pleadings or prefiled testimony must be filed in cases where the filing is identical in all six dockets and in cases where the filing is peculiar to a particular docket. That discussion is still valid. However, for purposes of having a complete evidentiary record in each docket, the Board intends that the complete transcript and exhibits at hearing will be part of the record of each individual docket. The Board wants to reduce the number of copies the parties need to file but at the same time ensure that each docket has a complete record in the event of an appeal, because cross-examination regarding an issue for one particular city could impact the Board's consideration or discussion of a similar issue for another city.

**IT IS THEREFORE ORDERED:**

1. The petitions filed on June 6, 2006, are docketed as identified in the caption of this order, pursuant to Iowa Code § 476.23. The matters to be decided shall be as stated in the petitions and responsive pleadings as they may develop during the course of these proceedings.

2. The city of Terril may file any supplemental response to IPL's motion to dismiss in Docket No. SPU-06-8 on or before October 2, 2006. IPL and any intervenor may file a reply to the supplemental response on or before October 13, 2006.

3. The following consolidated procedural schedule for Docket Nos. SPU-06-5 through SPU-06-10 is established:

- a. The parties shall notify the Board prior to May 1, 2007, if they desire a prehearing conference.
- b. The Cities shall file prepared direct testimony, with underlying workpapers and exhibits, on or before December 1, 2006. If a party references a data request in its prepared testimony, the data request shall be filed as an exhibit.
- c. IPL, Consumer Advocate, and any intervenors shall file direct testimony, with underlying workpapers and exhibits, on or before March 15, 2007. If a party references a data request in its prepared testimony, the data request shall be filed as an exhibit.
- d. If IPL, Consumer Advocate, and any intervenors find it necessary to file testimony in rebuttal to each other's direct testimony, they may file rebuttal testimony on or before May 1, 2007.
- e. The Cities shall file their rebuttal testimony, with underlying workpapers and exhibits, on or before May 1, 2007.
- f. The parties shall file a joint statement of the issues on or before May 10, 2007.
- g. All parties that choose to file a prehearing brief may do so on or before May 18, 2007.
- h. A hearing shall be held beginning at 9 a.m. on June 25, 2007, for the purpose of receiving testimony and the cross-examination of all testimony.

The hearing shall be held in the Iowa Utilities Board's Hearing Room, 350 Maple Street, Des Moines, Iowa. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

i. The parties may file simultaneous initial briefs on or before August 17, 2007.

j. All parties who file initial briefs may file reply briefs on or before September 7, 2007.

3. In the absence of objection, all underlying workpapers shall become a part of the evidentiary record of these proceedings at the time the related testimony and exhibits are entered into the record.

4. In the absence of objection, all data requests and responses referred to in oral testimony or on cross-examination which have not been previously filed shall become a part of the evidentiary record of these proceedings. The party making reference to the data request shall file an original and six copies of the data request and response with the Board at the earliest possible time.

5. In the absence of objection, when the Board has called for further evidence on any issue and the evidence is filed after the close of the hearing, the evidentiary record will be reopened and the evidence will become part of the record

five days after the evidence is filed with the Board. All evidence filed pursuant to this paragraph shall be filed no later than seven days after the close of the hearing in this proceeding.

**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 5<sup>th</sup> day of September, 2006.