

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. E-21822
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**ORDER CONDITIONALLY GRANTING MOTION TO AMEND  
AND SETTING DEADLINE FOR RESPONSE**

(Issued November 9, 2006)

On July 10, 2006, MidAmerican Energy Company (MidAmerican) filed a petition with the Utilities Board (Board) requesting a franchise to erect, maintain, and operate a total of 4.64 miles of nominal 69 kV (72.5 kV maximum) electric transmission line proposed to be constructed in Floyd County, Iowa. The Board granted VeraSun Energy Corporation's (VeraSun's) petition to intervene in an order issued October 17, 2006.

On October 31, 2006, the undersigned administrative law judge issued a procedural order and notice of hearing. The procedural order set deadlines for the filing of prepared testimony and rebuttal by the parties. Among other things, the procedural order provided that MidAmerican could file prepared rebuttal testimony and exhibits and a reply brief on or before December 8, 2006.

On November 6, 2006, VeraSun filed a motion to amend the procedural schedule. VeraSun stated it supports MidAmerican's petition and it had been granted the opportunity to file prepared direct testimony and a brief on or before November

15, 2006, the same deadline established for MidAmerican. VeraSun further stated that, although the procedural order allows MidAmerican the opportunity to file prepared rebuttal testimony and a reply brief, the order did not grant VeraSun the same opportunity. VeraSun stated it was requesting the Board to correct this apparent oversight in the procedural schedule and moved for an order allowing VeraSun the opportunity to file prepared rebuttal testimony and exhibits and a reply brief on or before December 8, 2006.

MidAmerican filed the petition for franchise in this case, and thus has the burden of proving the requested franchise should be granted. It was for this reason that MidAmerican was given the opportunity to file prepared rebuttal testimony and a reply brief. VeraSun is an intervenor, and although its interests are aligned with MidAmerican's, it does not have the burden of proof that MidAmerican does. Therefore, VeraSun was not granted the opportunity to file rebuttal testimony or a reply brief.

It does not appear that granting VeraSun's request would be harmful to the other parties since VeraSun's interest is similar to that of MidAmerican's. However, the other parties, including objectors, have not yet had the opportunity to respond to VeraSun's request, and they should be provided such an opportunity.

**IT IS THEREFORE ORDERED:**

1. VeraSun's "Motion to Amend Procedural Schedule" filed November 6, 2006, is hereby granted with the following condition. If any party, including an objector, opposes VeraSun's motion and files a written response with the Board on or before November 20, 2006, the undersigned will consider the response and may modify this grant of the motion.
2. If no written response is filed with the Board on or before November 20, 2006, VeraSun may file rebuttal testimony and exhibits and a reply brief on or before December 8, 2006, without further order being issued.
3. All provisions of the "Order Establishing Procedural Schedule, Proposing to Take Official Notice, and Notice of Hearing" issued October 31, 2006, not specifically modified by this order 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 9<sup>th</sup> day of November, 2006.