

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>MIDWEST RENEWABLE ENERGY PROJECTS LLC,</p> <p style="padding-left: 40px;">Petitioner,</p> <p style="text-align:center">v.</p> <p>INTERSTATE POWER AND LIGHT COMPANY,</p> <p style="padding-left: 40px;">Respondent.</p>	<p>DOCKET NOS. AEP-05-2 AEP-05-3 AEP-05-4</p>
--	---

ORDER

(Issued January 24, 2007)

On July 26, 2006, the Utilities Board (Board) issued an order in this case directing the undersigned to convene a prehearing conference and establish a procedural schedule. The Board stated it had granted limited rehearing in Docket No. AEP-05-1 and the rehearing process should be complete by the end of the calendar year. The Board stated that since the rehearing decision in AEP-05-1 may impact this case, a hearing should not be scheduled until after the rehearing decision in Docket No. AEP-05-1 is issued.

On October 2, 2006, the Board set the hearing in Docket No. AEP-05-1 for December 18, 2006. The Board also ordered that parties could file simultaneous briefs on or before January 10, 2007.

In an order issued October 10, 2006, the undersigned administrative law judge found it reasonable to establish a deadline for the parties to file a proposed prehearing conference date for this case that was tied to the deadline for filing post-hearing briefs in Docket No. AEP-05-1. The parties were ordered to file a statement proposing a prehearing conference date on or before January 10, 2007, or the date initial post-hearing briefs were due in Docket No. AEP-05-1. In Docket No. AEP-05-1, the Board then extended the deadline for the filing of briefs to January 22, 2007.

On January 23, 2007, Midwest Renewable Energy Projects LLC (MREP), Interstate Power and Light Company (IPL), and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) each filed a separate statement regarding the establishment of a prehearing conference because they could not agree on an appropriate date for the prehearing conference. IPL and the Consumer Advocate argue the prehearing conference should be held after the Board issues its decision on rehearing in Docket No. AEP-05-1 because the issues in this case are very similar to those in Docket No. AEP-05-1 and the decision on rehearing will likely affect the issues and presentation of the parties' evidence in this case. MREP requested that a prehearing conference be scheduled for one of several proposed dates in early February, but did not provide a reason for its position.

It appears that the issues in this case are similar to those in Docket No. AEP-05-1, the parties are identical, and the decision on rehearing in Docket No.

AEP-05-1 could significantly affect this case. When it assigned this case to the undersigned, the Board stated that the hearing in this case should not be held until after the decision on rehearing was issued. The undersigned is unaware of any reason why the prehearing conference should be held prior to the Board's issuance of its decision on rehearing.

IT IS THEREFORE ORDERED:

The parties shall file a statement proposing workable prehearing conference dates for Docket Nos. AEP-05-2, AEP-05-3, and AEP-05-4 within five days after the Board issues its decision on rehearing in Docket No. AEP-05-1.

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 24th day of January, 2007.