

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AMES MUNICIPAL ELECTRIC SYSTEM	DOCKET NOS. E-21743 E-21744
--	--------------------------------

ORDER REGARDING EMINENT DOMAIN NOTICE

(Issued March 8, 2007)

On March 6, 2007, Ames Municipal Electric System (Ames) filed a proposed notice regarding eminent domain properties with the Utilities Board (Board) for approval. As of the date of this order, Ames has requested the right of eminent domain for three parcels of property in Polk County (Docket No. E-21743), designated as parcels P-2, P-3, and P-16 (petition Exhibits E-1, E-2, and E-3, respectively). As of the date of this order, Ames has requested the right of eminent domain for five parcels of property in Story County (Docket No. E-21744), designated as parcels S-2, S-3, S-6, S-7, and S-8 (petition Exhibits E-1, E-2, E-3, E-4, and E-5, respectively).

Attached to the proposed notice, Ames included a certificate of service that listed the parties Ames served with the proposed notice. The undersigned notes that the service list is incomplete. Ames must revise its service list so that it includes all the individuals on the Board's service list.

The proposed notice includes a number of documents. The first proposed document is a letter in Docket No. E-21743. This document is approved with the following modifications:

Page one, paragraph "c," line 6: change "represent" to "represents."

Page one, paragraph "c," second unnumbered paragraph, line 5: change "Record Center" to "Records and Information Center."

Page two, paragraph "d," second unnumbered paragraph, line 5: change "Objection" to "Objections."

Page two, paragraph "d," second unnumbered paragraph, line 6: add "Executive Secretary," prior to "Iowa Utilities Board."

Page two, paragraph "d," third unnumbered paragraph: change the first sentence to read "The Board has assigned this case to its administrative law judge, who will preside over the hearing and issue a proposed decision."

Page two, paragraph "d," third unnumbered paragraph, line 5: add the words "of issuance of the Board's decision" after "within 20 days."

Page two, paragraph "d," third unnumbered paragraph, line 6: add the words "of issuance of the Board's decision" after "within 30 days."

Page two, paragraph "d," fourth unnumbered paragraph, line 1: add the words "in the hearing" after "to observe or participate."

The second document, Attachment A for Polk County, appears to be identical to petition Exhibit A in Docket No. E-21743 and is therefore approved.

The third document, Attachment B for Polk County, is approved with the following modifications:

First unnumbered paragraph, line 4: "electric transmission lines" must be changed to specifically describe the electric transmission line proposed to cross the parcel, such as "an electric transmission line, operating at a nominal voltage of 161,000 volts." Ames must also describe any underbuild it proposes to construct on a particular parcel.

Attachment B is not specific to each parcel and does not list the width of the requested easement. However, after the three unnumbered paragraphs in Attachment B, Ames states it will attach petition Exhibit E for the affected parcel. This must be done in order for Attachment B to be approved. In addition, each petition Exhibit E refers to "electric transmission lines" in the description of the easement rights being sought. This must be changed in each petition Exhibit E for each affected parcel to specifically describe the electric transmission line proposed to cross the parcel, such as "an electric transmission line, operating at a nominal voltage of 161,000 volts," and the exhibit must also describe any underbuild Ames proposes to construct on the affected parcel.

The fourth document, Attachment C for Polk County, is approved with the following modifications:

At the beginning of Attachment C, just below the title, add the following sentence: "For the purposes of this attachment, the acquiring agency is Ames Municipal Electric System."

Paragraph 4: "appraises" should not be capitalized.

Final unnumbered paragraph: change the Iowa Code reference from 2003 to 2007.

The fifth proposed document is a letter in Docket No. E-21744. Ames must make the same changes to this document that it makes to the letter in Docket No. E-21743 as listed above. The document is approved with those changes.

The sixth document, Attachment A for Story County, appears to be identical to petition Exhibit A in Docket No. E-21744 and is therefore approved.

The seventh document, Attachment B for Story County, is similar to Attachment B for Polk County and the comments made above with respect to Attachment B for Polk County apply to Attachment B for Story County. Ames must make the same changes to this document and the referenced petition Exhibits E for Story County that it makes to Attachment B and the referenced petition Exhibits E for Polk County as listed above. The document is approved with those changes.

The eighth document, Attachment C for Story County, is identical to Attachment C for Polk County. Ames must make the same changes to this document as it makes for Attachment C for Polk County as listed above. The document is approved with those changes.

IT IS THEREFORE ORDERED:

1. The proposed eminent domain notice filed by Ames on March 6, 2007, is approved with the modifications discussed on the body of this order.
2. Ames must serve the notice for the appropriate docket on each of the owners of record and parties in possession of the parcels over which Ames requests the right of eminent domain by certified mail, return receipt requested, in accordance with the requirements of Iowa Code § 478.6 and 199 IAC 11.5(3). Ames must file return receipts with the Board not less than five days prior to the hearing date.
3. Ames must file revised petition Exhibits E in both dockets that incorporate the changes discussed in the body of this order with the Board within seven days of the date of this order.
4. Ames must revise its service list so it includes all the individuals on the Board's service list.

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 8th day of March, 2007.