

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ENVIRONMENTAL RECLAMATION & RECYCLING, L.L.C.	DOCKET NO. 199 IAC 15.19
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**ORDER GRANTING EXTENSION OF TIME**

(Issued May 11, 2007)

On May 7, 2007, Environmental Reclamation & Recycling, L.L.C. (ERR), filed with the Utilities Board (Board) an application for the Board to extend the time for making a determination on ERR's application for certification of eligibility for renewable energy tax credits pursuant to Iowa Code chapter 476C and 199 IAC 15.19. ERR states that subsequent to the filing of its application for certification of eligibility on April 12, 2007, questions have been raised regarding the interpretation of chapter 476C as it applies to ERR's application; ERR expects to seek a declaratory ruling from the Board, but needs additional time to research the issues and determine the appropriate course of action. ERR also states it needs additional time to provide adequate documentation to comply with sections 476C.4(1)(c) and (d) and verification of the amount of heat for a commercial purpose that has been generated from fuel pellets purchased from ERR's facility. ERR requests an extension of time pursuant to Iowa Code § 476C.2.

The Board will grant an extension until 30 days after the Board has issued a ruling on ERR's anticipated petition for declaratory ruling, which ERR expects to file on or before June 8, 2007. If ERR does not file a petition for declaratory ruling by that date, the extension of time will expire on June 8, 2007. ERR will retain its place in the waiting list for the tax credits during the period of the extension.

**IT IS THEREFORE ORDERED:**

The request for extension of time filed by Environmental Reclamation & Recycling, L.L.C., on May 7, 2007, is granted. The time for making a preliminary determination of eligibility for tax credits is extended to 30 days after the Board's ruling on a petition for declaratory ruling expected to be filed by ERR, or until June 8, 2007, if no petition for declaratory ruling is filed by that date.

**UTILITIES BOARD**

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 11<sup>th</sup> day of May, 2007.