

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  INTERSTATE POWER AND LIGHT COMPANY AND ITC MIDWEST LLC	DOCKET NO. SPU-07-11
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**ORDER DENYING MOTION FOR CONTINUANCE**

(Issued July 20, 2007)

On July 19, 2007, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a motion to continue the hearing scheduled to begin August 1, 2007, in Docket No. SPU-07-11, to August 8, 2007. The Municipal Coalition filed a response on July 19, 2007, supporting the motion, and the Board understands that some other intervenors may also support the motion. This docket involves the joint application for reorganization filed by Interstate Power and Light Company (IPL) and ITC Midwest LLC (ITC Midwest) to allow IPL to sell and transfer its electric transmission assets to ITC Midwest. Pursuant to the proposed sale, ITC Midwest would purchase, among other things, IPL's Iowa-based electric transmission assets.

In support of its motion, Consumer Advocate said that in rebuttal testimony filed on July 6, 2007, IPL and ITC Midwest added an alternative transaction adjustment for the parties to analyze. Consumer Advocate also noted that IPL filed additional information on July 17, 2007, in response to a Board order. Consumer

Advocate said an additional week was necessary to fully analyze and respond to the rebuttal testimony and additional information.

Pursuant to Iowa Code § 476.77(2), "a proposal for reorganization shall be deemed to have been approved unless the board disapproves the proposal within ninety days after the filing." This section further provides "[t]he board, for good cause shown, may extend the deadline for acting on an application for an additional period not to exceed ninety days."

On April 27, 2007, the Board issued an order in Docket No. SPU-07-11 that, among other things, extended the 90-day deadline for an additional 90 days. The extension was granted pursuant to Consumer Advocate's request, although no objections to the extension request were filed. The deadline for a Board decision is September 27, 2007; Iowa Code § 476.77(2) does not allow for additional extensions.

The Board will deny the request for extension. Because of the statutory time limit, the hearing cannot be delayed for a week. The procedural schedule provides that reply briefs will be filed on August 24, 2007. This gives the Board and its staff only about one month to review initial and reply briefs, go over relevant portions of transcripts and exhibits, prepare for a decision meeting (or memorandum), and draft, review, and issue a written decision. Any delay in the hearing, and subsequent delay in briefing, would not leave sufficient time for the Board's decision.

**IT IS THEREFORE ORDERED:**

The "Motion for Continuance" filed by the Consumer Advocate Division of the Department of Justice on July 19, 2007, is denied.

**UTILITIES BOARD**

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/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of July, 2007.