

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: INTERSTATE POWER AND LIGHT COMPANY	DOCKET NO. WRU-07-19-150 (GCU-07-1)
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ORDER GRANTING LIMITED WAIVER

(Issued August 8, 2007)

On August 1, 2007, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a request for limited waiver of 199 IAC 24.6(1)"a," which requires that a hearing in this docket be held 90 to 150 days after the initial filing is accepted. In its request, Consumer Advocate stated that on July 2, 2007, Interstate Power and Light (IPL) filed an application for construction of an electric power generating facility. The Board has yet to establish a procedural schedule in this matter. Consumer Advocate seeks a waiver to allow the hearing to commence at a later date.

Consumer Advocate stated that due to the complexity of the filing, a reasonable amount of time is needed to thoroughly investigate IPL's application and, if necessary, prepare prefiled testimony, exhibits, and work papers.

Also, Consumer Advocate proposes that the hearing in this matter commence on January 14, 2008, or as soon thereafter as the Board's schedule permits in order to allow Consumer Advocate a reasonable amount of time and to avoid a hearing

during the Christmas and New Year's holidays. Consumer Advocate further states that it has contacted counsel for IPL regarding its request for limited waiver and IPL has no objections to the granting of Consumer Advocate's request.

DISCUSSION

Board rule 24.6(1)"a" states that "[u]pon acceptance of the application, the board shall establish a schedule for the certification proceeding which shall include a hearing to be commenced in accordance with 24.8(476A), no earlier than 90 days nor later than 150 days from the date of acceptance."

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

In the present case, Consumer Advocate has contacted IPL regarding the limited waiver and IPL does not object to the request. Neither party is placed in an inferior position because of Consumer Advocate's request and neither party's substantial legal rights have been prejudiced. Furthermore, the Board believes that granting Consumer Advocate's request will give them a reasonable amount of time to thoroughly investigate IPL's application and prepare any necessary prefilled

testimony, exhibits, and work papers. Therefore, the Board will grant Consumer Advocate's request for limited waiver of rule 24.6(1)"a."

IT IS THEREFORE ORDERED:

The "Request for Limited Waiver" filed in this matter by the Consumer Advocate Division of the Department of Justice on August 1, 2007, is granted as discussed in the order.

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 8th day of August, 2007.