

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 GRANTING REQUEST FOR ADMINISTRATIVE NOTICE**

(Issued August 29, 2007)

On August 6, 2007, Interstate Power and Light Company (IPL) filed a request for administrative notice with the Utilities Board (Board). IPL requests that the undersigned administrative law judge take administrative notice of certain listed documents, transcripts, and pleadings from Docket No. AEP-05-1. IPL argues the proceedings in Docket No. AEP-05-1 qualify for administrative notice pursuant to Iowa Code § 17A.14(4) (2007) and Iowa Rule of Evidence § 5.201(b). It further argues that, since the issues in the dockets are similar, it would be appropriate to take administrative notice of portions of the record in Docket No. AEP-05-1. IPL argues administrative notice of these records would potentially avoid duplication of pleadings and evidence in this consolidated docket.

On August 10, 2007, Midwest Renewable Energy Projects LLC (MREP) filed a response to IPL's request. MREP does not object to IPL's request for administrative notice and requests that certain additional listed documents and pleadings from Docket No. AEP-05-1 be administratively noticed for the same reasons set forth in IPL's request.

On August 17, 2007, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a response to IPL's request and MREP's response. The Consumer Advocate does not object to the Board taking administrative notice of the materials designated by IPL and MREP and does not seek to designate additional materials at this time.

The requests by IPL and MREP are reasonable and allowed by Iowa Code § 17A.14(4), so long as it is understood that the taking of official notice is of the designated documents, pleadings, and transcripts themselves as part of the record in Docket No. AEP-05-1. The undersigned is not necessarily taking official notice of the truth of all the individual facts contained in the designated documents, pleadings, and transcripts, because some of the facts are in dispute within those documents, pleadings, and transcripts.

The undersigned notes that Iowa Code §§ 17A.12(6) and 17A.14(4) refer to the taking of official notice, rather than to the taking of administrative notice.

**IT IS THEREFORE ORDERED:**

The documents, pleadings, and transcripts from Docket No. AEP-05-1 designated by Interstate Power and Light Company in its "Request for Administrative Notice," filed August 6, 2007, and those designated by Midwest Renewable Energy Projects LLC in its "Response to Interstate Power and Light Company Request for Administrative Notice," filed August 10, 2007, are hereby officially noticed in this consolidated docket as discussed in the body of this order.

**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 29<sup>th</sup> day of August, 2007.