

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: RESCISSION OF 199 IAC CHAPTER 28, IOWA SUPPLEMENTAL ENERGY CONSERVATION PLAN	DOCKET NO. RMU-07-7
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ORDER COMMENCING RULE MAKING

(Issued September 20, 2007)

On October 23, 1980, the Iowa State Commerce Commission (ISCC), predecessor to the Utilities Board (Board), issued an order in Docket No. RMU-86-16, In re: Iowa State Commerce Commission Rules Regarding a Residential Energy Conservation Plan for Rural Electric Cooperatives and Municipal Utilities, adopting rules to implement a residential energy conservation plan for customers of municipal utilities and rural electric cooperatives. The rules were designed to ensure that reasonably consistent conservation services were available statewide to those customers not covered by the Iowa-Save America's Vital Energy (I-SAVE) plan for large investor-owned utilities adopted in 199 (formerly 250) IAC chapter 27. Participation in the plan adopted in chapter 28 was voluntary; chapter 28 was, in essence, a companion to chapter 27 and focused on smaller utilities.

On April 17, 1992, the Board issued an order rescinding the I-SAVE rules in chapter 27. See Docket No. RMU-91-17, In Re: Rescission of I-SAVE Rules. The Board stated that chapter 27 required large investor-owned utilities to offer energy audit programs to each of its customers and the I-SAVE program had been superceded by the energy efficiency plan requirements in 199 IAC chapter 35.

At the request of the Code Editor, the Board has reviewed chapter 28 to determine if the rules are still applicable after the repeal of chapter 27. Based upon that review, the Board has determined that municipal utilities and electric cooperatives have established energy efficiency plans pursuant to Iowa Code §§ 476.1A and 476.1B and there is no longer a need for the voluntary rules established in chapter 28. The Board is proposing to rescind 199 IAC chapter 28 through the "Notice of Intended Action" that is attached hereto and incorporated by reference. The notice will be published in the Iowa Administrative Bulletin on October 10, 2007. Interested persons may file comments on or before October 30, 2007.

IT IS THEREFORE ORDERED:

1. A rule making proceeding identified as Docket No. RMU-07-7 is commenced for the purpose of receiving comments on the proposed rescission in the notice attached hereto and incorporated herein by reference in this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this 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 20th day of September, 2007.

UTILITIES DIVISION[199]

Notice of Intended Action

Pursuant to Iowa Code sections 17A.4, 476.2, 476.1A, and 476.1B the Utilities Board (Board) gives notice that on September 20, 2007, the Board issued an order in Docket No. RMU-07-7, In re: Rescission of 199 IAC chapter 28, Iowa Supplemental Energy Conservation Plan, "Order Commencing Rule Making." The Board is proposing to rescind chapter 28 since it is no longer necessary to establish voluntary requirements for municipal utilities and electric cooperatives to provide energy efficiency plans. The order containing the background and support for this rule making can be found on the Board's Web site, www.state.ia.us/iub.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before October 30, 2007, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)"b," an oral presentation may be requested or the Board on its own motion after reviewing the statements may determine that an oral presentation should be scheduled.

The rescission is intended to implement Iowa Code sections 17A.4, 476.2, 476.1A, and 476.1B.

The following rescission is proposed.

ITEM 1. Rescind 199 IAC chapter 28.

September 20, 2007

/s/ John R. Norris

John R. Norris
Chairman