

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: AMES MUNICIPAL ELECTRIC SYSTEM	DOCKET NOS. E-21743 E-21744
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**ORDER REASSIGNING TO ADMINISTRATIVE LAW JUDGE
AND SETTING TIME FOR RESPONSES**

(Issued October 2, 2007)

On September 12, 2007, the Administrative Law Judge (ALJ) of the Utilities Board (Board) issued a "Proposed Decision and Order Denying Franchises" in Docket Nos. E-21743 and E-21744.

On September 27, 2007, Ames Municipal Electric System (Ames) filed a "Motion to Reopen Hearing" pursuant to 199 IAC 7.24. Ames asks that the Board reopen the hearing in this matter and receive additional evidence as described in affidavits attached to the motion.

At first glance, it would appear that rule 7.24 does not apply to electric transmission line hearings, pursuant to rule 7.1(3). However, rule 7.26(4) provides, in essence, that in a matter that was heard by a presiding officer, new evidence "must be presented to the presiding officer pursuant to a motion to reopen the record, unless the board orders otherwise." In other words, this matter should be assigned to the ALJ for consideration of the motion to reopen the record and for such further proceedings as may be appropriate, and the Board will do so.

In order to allow the ALJ to act on the motion in a timely manner, the Board will also set a deadline for filing responses to the motion to reopen the hearing. Any

responses must be filed within 14 days of the date the motion was filed; that is, no later than October 11, 2007.

IT IS THEREFORE ORDERED:

1. Pursuant to Iowa Code § 17A.11(1)"b" (2007) and 199 IAC 7.3, Docket Nos. E-21743 and E-21744 are assigned to the Board's administrative law judge, Amy Christensen, as presiding officer, to, among other things, consider the pending motion to reopen hearing and, if appropriate, set a procedural schedule, conduct a further or additional hearing, and issue a new or revised proposed decision. The presiding officer shall have the authority provided under 199 IAC 7.3.
2. Any responses to the motion to reopen hearing must be filed on or before October 11, 2007.
3. The time for filing an appeal from any proposed decision in this matter, including the September 12, 2007, proposed decision, will run from the date of the presiding officer's next proposed decision disposing of the matter on the merits, either by denying the motion to reopen hearing or after granting the motion and hearing additional evidence.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 2nd day of October, 2007.