

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>PIONEER HI-BRED INTERNATIONAL, INC.,</p> <p style="text-align:center">Complainant,</p> <p style="text-align:center">vs.</p> <p>INTERSTATE POWER AND LIGHT COMPANY,</p> <p style="text-align:center">Respondent.</p>	<p style="text-align:right">DOCKET NO. FCU-07-13 (C-07-174)</p>
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**ORDER DOCKETING COMPLAINT, DIRECTING FILING OF WAIVER REQUEST,
AND GRANTING REQUEST FOR CONFIDENTIALITY**

(Issued October 29, 2007)

COMPLAINT AND REQUEST FOR WAIVER

On May 4, 2007, Pioneer Hi-Bred International, Inc. (Pioneer), filed with the Utilities Board (Board) an informal complaint against Interstate Power and Light Company (IPL) alleging that IPL had incorrectly installed a gas meter at Pioneer's Sheldahl facility that resulted in gas overbilling of approximately \$900,000 over a 12-year period. In support of the complaint, Pioneer alleged that IPL had installed an incorrect register on the gas meter in 1994 that resulted in Pioneer being billed approximately ten times the actual usage. Pioneer indicated that IPL had previously refunded \$453,913.44 for the last five years of the overbilling; however, Pioneer was seeking an additional \$443,000 for the period between the installation of the meter and the period covered by the previous refund.

On May 7, 2007, the Board's Consumer Services section sent notice of the complaint to IPL and informed IPL that a response was due on or before May 29, 2007. On May 29, 2007, IPL filed a response to the informal complaint. Based upon a request from the Consumer Advocate Division of the Department of Justice (Consumer Advocate), Board staff requested additional information from IPL. IPL filed the additional information on June 25, 2007.

On October 22, 2007, Pioneer and IPL filed a joint motion for approval of a settlement agreement reached between the two companies regarding the overbilling at the Sheldahl facility. The agreement states that the overbilling in question is covered by 199 IAC 19.4(13)"d" and the companies agree that a variation from the five-year limit on refunds in that paragraph should be waived in this instance. The refund agreed to in the settlement is \$318,394.02. As part of the agreement, IPL states that shareholders are willing to pay the non-gas portion of the refund, \$63,416.79, and IPL requests that the remainder of the refund, \$254,977.23, be incorporated into IPL's annual purchased gas adjustment (PGA) reconciliation. The companies indicate that the settlement will have failed if the Board does not approve the recovery of the remainder of the refund through the annual reconciliation.

Subrule 199 IAC 6.5(1) provides that the Board may initiate a formal complaint proceeding on its own motion at any time. To allow for full consideration by the Board, the proposed settlement agreement of the complaint made by Pioneer against IPL will be docketed as a formal complaint. The issues raised by the proposed settlement in connection with recovery of overbilling refunds from other customers

through the PGA needs to be addressed in a formal proceeding rather than through the informal complaint process.

In addition, IPL has informally requested a waiver of the five-year refund limit in 199 IAC 19.4(13)"d." IPL will need to file a formal waiver request pursuant to 199 IAC 1.3 before the Board can consider that request. Once the waiver request has been filed, the Board will determine whether it needs additional information and whether additional proceedings are required.

APPLICATION FOR CONFIDENTIAL TREATMENT

Contemporaneous with the filing of the "Joint Motion for Approval of Settlement Agreement and Settlement Agreement," IPL filed a request that the Board treat Attachments A and B to the settlement agreement as confidential. Attachment A contains several years worth of Pioneer billing records and Attachment B is a spreadsheet representing an analysis of the data in Attachment A. IPL states that the two attachments should be treated as confidential pursuant to Iowa Code § 22.7(6) as a report to a government agency which, if released, would give advantage to competitors and serve no public purpose. IPL marked Attachments A and B as confidential and provided the affidavit of a corporate officer to support the request.

The Board has reviewed Attachments A and B and finds that the information meets the requirements in Iowa Code § 22.7(6) as a report to a government agency which, if released, would benefit competitors and serve no public purpose. The information about Pioneer's billing over several years would help competitors compete with Pioneer and release of the information would serve no public purpose.

IT IS THEREFORE ORDERED:

1. The informal complaint filed May 4, 2007, by Pioneer Hi-Bred International, Inc., against Interstate Power and Light Company, identified as C-07-174, is docketed as a formal complaint proceeding identified as Docket No. FCU-07-13.
2. Interstate Power and Light Company shall file a request for waiver pursuant to 199 IAC 1.3 on or before November 2, 2007.
3. Pursuant to 199 IAC 6.7, the informal complaint and all supplemental information in the file identified as C-07-174, is made a part of the record in this case.
4. The application for confidential treatment filed by Interstate Power and Light Company on October 22, 2007, is granted under the provisions of Iowa Code § 22.7 (6).
5. The information shall be held confidential by the Board subject to the provisions of 199 IAC 1.9(8)"b"(3).

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 29th day of October, 2007.