

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MIDAMERICAN ENERGY COMPANY	DOCKET NOS. E-21820 E-21821
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**ORDER ESTABLISHING PROCEDURAL SCHEDULE, PROPOSING TO TAKE
OFFICIAL NOTICE, AND NOTICE OF HEARING**

(Issued November 8, 2007)

On September 29, 2006, MidAmerican Energy Company (MEC) filed petitions with the Utilities Board (Board) requesting franchises to construct, operate, and maintain a total of 12.07 miles of 161,000 volt (161 kV) nominal, 169 kV maximum, electric transmission line proposed to be constructed in Polk and Dallas Counties, Iowa. The petitions were identified as Docket No. E-21820 (Dallas County) and E-21821 (Polk County). The proposed transmission line would begin at an interconnection with an existing 161 kV electric transmission line northwest of Granger in Dallas County and terminate at an interconnection with an existing MEC 161 kV transmission line within the city of Grimes in Polk County, Iowa. The parts of the proposed line within the corporate limits of the cities of Granger and Grimes are not part of the franchise request because the Board does not have jurisdiction of transmission lines within city limits. Iowa Code § 478.1 (2007). The proposed route of the line is primarily on private property and public right-of-way and runs generally along and adjacent to Iowa Highway 141 and county roads. Approximately 7.34

miles of the proposed line would be in Dallas County, and approximately 4.73 miles of the proposed line would be in Polk County. MEC filed revisions to the petitions and additional information on January 16, March 28 and 29, May 11, and June 14, 2007.

MEC does not request the power of eminent domain pursuant to Iowa Code § 478.6. Several written objections were filed in the two dockets, although many objections have been withdrawn. As of the date of this order, three objections in Dallas County and two objections in Polk County remain. The following individuals in Dallas County filed written objections with the Board and have not withdrawn them: Mr. Larry R. Harney, Mr. Kent Woodruff, and Mr. Tim Harney. The following individuals in Polk County filed written objections with the Board and have not withdrawn them: Mr. Bradley D. and Ms. Lori A. Parks, and Mr. Denny Drake and Justice Marsha Ternus. The property owned by some of the objectors appears to be some distance away from the proposed route, so it is unclear how many of the objectors are still opposed to the proposed line.

In addition, in Dallas County, Mr. Doug Olmstead filed an objection on June 19, 2006. There is a petition attached to the objection that was signed by both Mr. Doug Olmstead and by Ms. Kathy Olmstead. However, Mr. Doug Olmstead was the only person who signed the withdrawal of objection. Therefore, it is unclear whether Ms. Kathy Olmstead continues to object to the proposed line. MidAmerican must either file a withdrawal of objection signed by Ms. Kathy Olmstead or must

address her petition in its prepared testimony. In addition, Ms. Kathy Olmstead must be added back to the Board's service list for this case unless and until it becomes clear that she no longer objects to the proposed line.

In Polk County, the following objectors stated that the withdrawal of their objections was contingent on the proposed route finally selected by MEC staying the same, they wished to be notified if the route changed, and they wished to be kept informed of the case: Mr. Jon and Ms. Janine Seibert, Mr. Kenneth Wiley, and Mr. Barret Mack. Therefore, those individuals will remain on the Board's service list.

Iowa Code § 476.6 requires a hearing to be held in an electric transmission line franchise proceeding if objections to a franchise petition are filed or if eminent domain is requested. If a proposed transmission line is more than one mile in length, the hearing must be held in the county seat of the county located at the midpoint of the proposed line. Iowa Code § 478.6. The midpoint of the proposed line is in Dallas County. Therefore, the hearing in this case must be held in Adel, Iowa.

On October 31, 2007, the Board issued an order assigning this case to the undersigned administrative law judge to, among other things, set a procedural schedule, conduct a hearing, issue a proposed decision, and exercise the authority provided in 199 IAC 7.3.

THE BOARD'S AUTHORITY AND JURISDICTION

The Board has the authority to grant franchises to construct, erect, maintain, and operate electric transmission lines capable of operating at an electric voltage of

69 kV or more along, over, or across any public highway or grounds outside of cities for the transmission, distribution, or sale of electric current. Iowa Code § 478.1. The Board may grant franchises in whole or in part upon such terms, conditions, and restrictions, and with such modifications as to line location and route, as may seem to it just and proper. Iowa Code § 478.4. To obtain a franchise, the petitioner must show that the proposed line or lines are necessary to serve a public use and represent a reasonable relationship to an overall plan of transmitting electricity in the public interest. Iowa Code § 478.4.

The conduct of this case is governed by Iowa Code chapters 17A and 478, and by Board rules at 199 IAC 11.

THE ISSUES

In Exhibit D of its petition, MEC discusses the purposes of the proposed line. Among other things, MEC states that there has been considerable population growth in the northwestern Des Moines metropolitan area, this trend is expected to continue, and the proposed line is needed to meet current and future electricity demands in the area. MEC states that the proposed project is required to serve MEC's planned Granger 161-13 kV Substation, which is needed to provide power to MEC's customers in the Granger and Grimes area. Furthermore, MEC states, one or more additional electric distribution substations will be needed in the future along the proposed route to serve existing and future loads located near the proposed route.

MEC states that the proposed project is an integral part of, and compatible with, comprehensive electric utility planning for the Grimes and Granger area.

MEC must demonstrate that the proposed transmission line is necessary to serve a public use. Iowa Code § 478.4. It must also show the proposed line represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. Iowa Code § 478.4. MEC must demonstrate that the transmission line is proposed to be constructed near and parallel to roads, to railroad rights-of-way, or along division lines of land, wherever practical and reasonable, and so as not to interfere with the public use of the highways or streams of the state, nor unnecessarily interfere with the use of any lands by the occupant, as required by Iowa Code § 478.18 and Board rules. If MEC is considering the use of existing electric transmission routes, it must demonstrate that the proposed route is in conformance with prior decisions of the Iowa Supreme Court and the Board regarding use of existing routes. Gorsche Family Partnership v. Midwest Power, et al., 529 N.W. 2d 291 (Iowa 1995); Anstey v. Iowa State Commerce Commission, 292 N.W. 2d 380 (Iowa 1980); Hanson v. Iowa State Commerce Commission, et al., 227 N.W. 2d (Iowa 1975); In re: MidAmerican Energy Company, Docket Nos. E-21752, E-21753, and E-21754, "Order Affirming Proposed Decision and Order Granting Franchises" (September 12, 2006), and "Proposed Decision and Order Granting Franchises" (July 26, 2006); In re: MidAmerican Energy Company, Docket Nos. E-21621, E-21622, E-21625, E-21645, and E-21646, "Proposed Decision and Order

Granting Franchises," (December 8, 2004). MEC must also show that the proposed line conforms to the construction and safety requirements of Iowa Code §§ 478.19 and 478.20 and applicable Board rules at 199 IAC 11 and 25. In addition, the undersigned will determine whether any terms, conditions, and restrictions on the franchise, if granted, should be imposed, and whether modifications of line location and route would be just and proper. Iowa Code § 478.4.

Any person whose rights may be affected by the proposed transmission line may file an objection with the Board. Iowa Code § 478.5. Objections must be filed in writing with the Board no later than 20 days after the date of the second publication of the notice required by Iowa Code § 478.5. As of the date of this order, a number of written objections filed by the persons listed above remain. The issues that were raised in the remaining written objections, including the three objections conditionally withdrawn, and any issues that may be raised in objections filed in the future, are also issues in the case.

As discussed below, Board staff Mr. Bao Nguyen filed a report (Nguyen report) regarding the petitions and proposed transmission line dated October 17, 2007. Mr. Nguyen raised a number of issues in his report, and those issues are also issues in the case.

PREPARED TESTIMONY AND EXHIBITS

All parties will be given the opportunity to present evidence and argument on all issues involved in this proceeding and to respond to evidence presented by

opposing parties. Parties may choose to be represented by counsel at their own expense. Iowa Code § 17A.12(4). The proposed decision and order that the undersigned administrative law judge will issue in this case must be based solely on evidence contained in the record and on matters officially noticed in the record. Iowa Code §§ 17A.12(6) and (8). Unless contrary arrangements are made on the record at the hearing, all evidence will be received at the hearing, and the record will be closed to any further evidence at the conclusion of the hearing.

The submission of prepared evidence prior to hearing will help to identify disputed issues of fact to be addressed at the hearing. Prepared testimony contains all statements that a witness intends to give under oath at the hearing, set forth in question and answer form. When a witness who has submitted prepared testimony takes the stand, the witness does not ordinarily repeat the written testimony or give a substantial amount of new testimony. Instead, the witness is cross-examined by the other parties concerning the statements already made in writing. The use of prepared testimony prevents surprise at the hearing and helps each party to prepare adequately for the hearing, so that a full and true disclosure of the facts can be obtained. Iowa Code §§ 17A.14(1), 17A.14(3) and 478.4. This procedure also tends to diminish the length of the hearing and spares the parties the expense and inconvenience of additional hearings.

MEC must file prepared direct testimony and exhibits prior to the hearing in conformance with the procedural schedule set forth below. At a minimum, MEC's

prepared testimony must address the issues listed above, including each of the issues and questions raised in the October 17, 2007, report filed by Mr. Nguyen and each of the issues raised by each of the remaining objectors, including the three objections that were conditionally withdrawn.

MEC must file a copy of any applicable route study, including an explanation of what factors were used to evaluate alternative routes and how the factors were applied. In addition to filing the route study, MEC must discuss the various alternative routes it considered, the criteria it used to evaluate the routes, and explain why it chose the proposed route. This discussion must include, but not be limited to, information regarding the cost of the various alternatives considered.

The Nguyen report at page seven recommends that certain documents informally provided to staff be filed in the docket, including a copy of the most recent plan and profile drawings prepared for this project. MEC must file these plan and profile drawings with its prepared direct testimony.

MEC must evaluate each of the alternate routes suggested in the remaining objections, including those conditionally withdrawn, address each route in its prepared testimony, and explain the advantages and disadvantages of each alternative route in comparison to the route proposed by MEC. This evaluation and comparison must include, but not be limited to, a comparison of the cost of each alternative route with the proposed route. In its prepared testimony, MEC must state what could be done to address the objectors' concerns, discuss the feasibility and

consequences of any actions that might be taken in response to the concerns, and state what it would be able and willing to do to address the concerns.

If additional objections are filed in this case, MEC's prepared direct testimony must respond to issues raised in all written objections that are received by MEC at least seven (7) days before the deadline for filing MEC's prepared testimony. New written objections filed with the Board and received by MEC less than seven (7) days before the deadline for filing MEC's prepared direct testimony, or received by MEC after it files its prepared direct testimony and at least seven (7) days prior to the deadline for filing MEC's prepared rebuttal testimony, must be addressed in MEC's prepared rebuttal testimony.

MEC has the burden to prove that its proposed transmission line meets all applicable statutory and regulatory requirements. Failure to file adequate prepared testimony and exhibits to support its petition for franchise may result in delays of these proceedings or denial of the requested franchise.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) and any objectors may also file prepared testimony and exhibits before the hearing in accordance with the procedural schedule in this order. Although they are not required to participate further, objectors are encouraged to file a statement disclosing whether the proposed route addresses the concerns they expressed in their written objections filed with the Board. This will help clarify which objectors are still objecting to the proposed route.

Parties other than MEC who choose not to file prepared testimony and exhibits before the hearing will not be precluded from participating in the proceedings. If an objector, for example, does not intend to present evidence going substantially beyond the information contained in the letter of objection, it is unnecessary for the objector to file prepared testimony. However, when a party (including an objector) has a substantial amount of information to present to the Board about the proposed project, if the information has not been previously disclosed to the Board, it should be presented in the form of prepared testimony and exhibits according to the procedural schedule established below. Similarly, if the Consumer Advocate takes the position that MEC should not be granted the requested franchise, or that restrictions on the grant should be imposed, it must file prepared testimony or a brief in support of its position according to the procedural schedule.

PARTIES AND OBJECTORS

MEC and the Consumer Advocate are parties to this proceeding. Iowa Code §§ 17A.2(8) and 475A.2. As of the date of this order, it appears that five objections to the petitions filed with the Board remain.

Each objector, and anyone else who files an objection pursuant to this order and Iowa Code §§ 478.5, is presumed to be a party to this proceeding unless it is established at hearing that the objector has no right or interest that may be affected by the grant or denial of the requested franchises. Iowa Code §§ 478.5, 17A.2(5), and 17A.2(8). Therefore, at a minimum, objectors should be prepared to give

evidence at the hearing that will explain the nature of their specific rights or interests they believe should be protected, and that shows how their rights or interests will be affected by the proposed transmission line. As discussed above, to the extent that this evidence goes substantially beyond information already communicated to the Board in an objection letter, it should be written down and filed as prepared testimony according to the procedural schedule established below.

Objections must be made in writing and filed with the Executive Secretary of the Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

Because objectors will be presumed to be parties up to the time of the hearing, an objector will receive copies of all documents that are filed after the letter of objection has been filed with the Board. If a person files an objection after some or all of the prepared testimony and exhibits have already been filed, that person will not receive copies of the previously filed documents. If a person files an objection after some or all of the prepared testimony and exhibits or other documents have already been filed with the Board by other parties, the objector should make direct contact with the parties who have already filed prepared testimony and exhibits in order to obtain a copy of those materials. Alternatively, the objector may view documents in the Board's Records and Information Center, 350 Maple Street, Des Moines, Iowa.

The official file of this case will be available for inspection at the Utilities Board Records and Information Center, 350 Maple Street, Des Moines, Iowa. Copies may be obtained, and there will be a charge to cover the cost of copying.

If it has not already done so, MEC must serve a copy of the most current petition on each of the objectors who filed a written objection prior to the date of this order. MEC does not need to serve a copy of its petition on the objectors who filed a withdrawal of their objection with the Board prior to the date of this order. MEC should review its service list to make sure all remaining objectors are included.

After an objector has filed a letter of objection, all further communications from the objector to the Board having to do with this case (including motions or prepared testimony and exhibits) must be sent to the Executive Secretary. A party (including objectors) must file an original and ten copies of each communication with the Executive Secretary, and the party must send one copy to each of the other parties to this case, except three copies must be served on the Consumer Advocate. 199 IAC 1.8(4), 7.4(6). Along with the communication being sent, the party must file with the Board a certificate of service that conforms to 199 IAC 2.2(16) and verifies that a copy of the document was served upon the other parties.

These procedures are necessary to comply with Iowa Code § 17A.17, which prohibits ex parte communication. Ex parte communication is when one party in a contested case communicates with the judge without the other parties being given the opportunity to be present. In order to be prohibited, the communication must be about the facts or law in the case. Calls to the Board to ask about procedure or the status of the case are not ex parte communication. Ex parte communication may be oral or written. This means the parties in this case may not communicate about the

facts or law in this case with the undersigned administrative law judge unless the other parties are given the opportunity to be present, or unless the other parties are provided with a copy of the written documents filed with the Board.

The parties should examine Iowa Code chapter 478, and Board rules at 199 IAC 11 and 25, 199 IAC 1.8, 7.1(3), 7.22, 7.26, and 7.27 for other substantive and procedural rules that apply to this case. There are links to the Iowa Code and the administrative rules on the Board's website at www.state.ia.us/iub.

PROPOSAL TO TAKE OFFICIAL NOTICE

Mr. Bao Nguyen, utility regulatory engineer for the Board, has prepared a report in the form of a memo dated October 17, 2007, concerning MEC's petitions pursuant to Iowa Code § 478.4. A copy of the report is attached to this order. Pursuant to Iowa Code § 17A.14(4), the undersigned administrative law judge proposes to take official notice of the report and of the facts contained therein, thus making them a part of the record of this case. Iowa Code §§ 17A.12(6)(c), 17A.14(4). Any party objecting to the taking of official notice of the report must file such objection as soon as possible, and no later than five days prior to the hearing. The parties will have the opportunity to contest any information contained in the report in prefiled testimony and at the hearing, and they may also cross-examine Mr. Nguyen concerning the contents of his report at the hearing.

IT IS THEREFORE ORDERED:

1. If it has not already done so, MEC must serve a copy of the most current petition in the relevant docket on each of the objectors who filed written objections prior to the date of this order, excluding those objectors who have filed withdrawals of their objections with the Board, but including those objectors who conditionally withdrew their objections.

2. Although they are not required to participate further, objectors who have not previously withdrawn their objections are encouraged to file a statement disclosing whether the proposed route addresses the concerns they expressed in their written objections filed with the Board. This will help clarify which objectors are still objecting to the proposed route.

3. Each person who files a written objection to one of MEC's petitions in this proceeding will be presumed to be a party in the proceeding unless it is established at hearing that the objector has no right or interest that may be affected by the grant or denial of the franchises.

4. Objections must be made in writing and filed with the Executive Secretary of the Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069. Objections must be filed no later than 20 days after the date of the second publication of notice unless good cause is shown for the late filing. Objectors must file an original and ten copies of all subsequent communications to the Board with the Executive Secretary, and must send a copy of each communication to the other

parties in the case, except three copies must be served on the Consumer Advocate. Along with the communication being sent, the party must file with the Board a certificate of service as discussed in this order.

5. The following procedural schedule is established:
 - a. On or before December 3, 2007, MEC must file prepared direct testimony and exhibits and the additional documents as discussed in this order. In its prepared testimony, MEC must address the issues discussed in the body of this order. When it files exhibits, MEC should use exhibit numbers one and following. If it chooses to file a prehearing brief, MEC must file it on or before December 3, 2007.
 - b. On or before December 27, 2007, the Consumer Advocate and any objector may file prepared responsive testimony. If the Consumer Advocate takes the position that MEC should not be granted the requested franchises, or that restrictions on the grant should be imposed, it must file prepared testimony or a brief in support of its position on or before December 24, 2007. If it files exhibits, the Consumer Advocate should use exhibit numbers 100 and following. If any objector files exhibits, the objector should use exhibit numbers starting with the person's initials and numbers 200 and following, such as "Exhibit LJ-200" etc.
 - c. On or before January 14, 2008, MEC may file prepared rebuttal testimony and exhibits and a reply brief.

d. A public hearing for the presentation of evidence and the cross-examination of witnesses concerning the issues identified in this notice of hearing will be held beginning at 9:30 a.m. on Thursday, January 24, 2008, in the Community Room, Adel Public Library, 303 S. 10th Street, Adel, Iowa 50003. Each party must provide a copy of its prepared testimony and its exhibits to the court reporter at the hearing. Persons with disabilities who will require assistive services or devices to observe this hearing or participate in it should contact the Utilities Board at (515) 281-5256 as soon as possible and at least ten business days in advance of the hearing date to request that appropriate arrangements be made.

6. Required number of copies. All parties must file an original and ten copies of all documents filed with the Board. 199 IAC 1.8(4), 7.4(4).

7. The undersigned administrative law judge proposes to take official notice of Mr. Nguyen's report dated October 17, 2007, attached to this order, and of the facts contained therein. Any party objecting to the taking of official notice of the report should file such objection as soon as possible, and must file such objection no later than five days prior to the hearing.

8. Pursuant to Iowa Code § 478.6, a copy of this order will be served by ordinary mail upon MEC and the remaining objectors who filed written objections prior to the date of this order, including those objectors who conditionally withdrew their objections. This order will be delivered to the Consumer Advocate.

9. As discussed in this order, Board staff will add Ms. Kathy Olmstead back on the service list unless and until it becomes clear that she has withdrawn her objection.

10. Board staff will provide MEC with a notice to be published and MEC must publish the notice in Dallas and Polk Counties as required by Iowa Code § 478.5 and 199 IAC 11.5(2)"a." MEC must file proof of publication of notice with the Board at least five business days prior to the hearing.

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 8th day of November, 2007.

IOWA UTILITIES BOARD
Safety & Engineering Section

Docket No.: E-21820, E-21821
Utility: MidAmerican Energy Company
Date: October 17, 2007

TO: The Docket Files

FROM: Bao Nguyen

SUBJECT: Proposed MidAmerican Energy Company's Granger To Grimes 161 kV Transmission Line in Dallas and Polk Counties.

I. Background and History

On May 31, 2006, in compliance with Iowa Code § 478.2, MidAmerican Energy Company (MEC) held informational meetings in Dallas and Polk Counties for a proposed 161,000 volts (161 kV) electric transmission line. The proposed line route originated from an interconnection with an existing Interstate Power and Light Company (IPL) 161 kV electric transmission line, located northwest of Granger in the Southeast Quarter (SE ¼) of Section 16, Township 81 North, Range 26 West, Dallas County. The line passed through Granger and ultimately terminated at an interconnection point with other existing MEC 161 kV electric transmission line within the city of Grimes in Polk County. For Iowa Utilities Board (Board) administrative purposes the following docket numbers were assigned for the project segments in the affected counties¹:

Docket No. E-21820 – Dallas County

Docket No. E-21821 – Polk County

At the time of the informational meetings a specific route was not proposed. The notices showed several possible transmission line corridors generally along roads. (See Petition Exhibits G.) In general, the corridor within which landowners were notified was approximately from a quarter mile to half mile wide on each side of the highway and alternate routes.

There was landowner opposition to this proposal. Following the publication of informational meetings and the informational meetings, twenty-five (25) individual objections (by 23 objectors) were filed with the Board; twenty (20) objections were subsequently withdrawn. Frequently stated reasons for objecting were the impact on property values and historic farm homesteads, interference with radio, satellite/internet reception, land use, wildlife and aesthetic view, concern over the possible health risk of electromagnetic fields (EMF), and opposition to tree removal.

¹ A separate franchise is required in each county traversed by the project, therefore a separate docket number is assigned to the line segment in each affected county. 199 IAC 11.3(4).



II. The Petitions

On September 29, 2006, MEC filed petitions for electric franchise for a 161 kV electric transmission line to be located in Dallas and Polk Counties. The docket numbers assigned to the petitions and the length of electric line² for which franchise is sought in each petition are:

Docket No. E-21820 – Dallas County – 7.34 miles.

Docket No. E-21821 – Polk County – 4.73 miles.

The total project line length is 12.07. The route selected is primarily on private right-of-way, generally along and adjacent to Iowa Highway 141 and county roads.

There followed several exchanges between the Board staff and MEC (deficiency letters, e-mails, or direct contact) on December 22, 2006, February 7 & 9, April 13, and June 6, 2007, with MEC responses on January 16, March 28 & 29, May 11, and June 14, 2007, which provided answers and petition amendments responding to Staff's review of the filing by correcting errors and clarifying or updating content.

As the filings approached their final form after corrective and update amendments, Board staff examined the route, and the properties of objectors located on and off the current proposed route. The Board staff inspected the route of the proposed line plus nearby areas on January 12 and October 15, 2007. Docket Nos. E-21820 and E-21821 were considered by Staff to be in sufficient order to be set for hearing following review of amendments filed on June 14, 2007, the date of latest amendment filing.

Each petition includes the following content:

Form Of Petition

This document requests granting of a franchise, introduces the exhibits, and makes certain statements concerning the project and process. When the petitions were first filed, the right of eminent domain (condemnation) was requested in both dockets. However, that request was later withdrawn from both petitions.

Exhibit A

Contains a legal description of the route based on the government land survey system (section, township, range). This information is included in the published notice of the franchise petition, and is attached to franchises issued by the Board as the record of the approved line location. 199 IAC 11.2(1)"a".

² These are the final lengths as shown on subsequently corrected and amended petitions, with the final petitions filed on May 11, 2007. The original filings stated lengths of 7.79 miles in Dallas County and 5.61 miles in Polk County.

Exhibit B

A map of the route showing the proposed electric line location and its relationship to natural, public, utility and private features of the area being crossed. 199 IAC 11.2(1)"b".

Exhibit C

Engineering information and drawings. 199 IAC 11.2(1)"c".

Exhibit D

Contains information required by Iowa Code § 478.3, including on need and planning issues. 199 IAC 11.2(1)"d".

Exhibit E

Contains property-specific information on the rights and extent of taking being sought through eminent domain. 199 IAC 11.2(1)"e". As the current petitions do not request the right of eminent domain, they do not include an Exhibit E.

Exhibit F

A showing that notice of the petition filing was made to the owners of potentially affected utilities and other infrastructure near the route. 199 IAC 11.2(1)"f".

Exhibit G

An affidavit required by Iowa Code § 478.3 stating that required informational meetings were held and providing copies of the forms of notice used. 199 IAC 11.2(1)"g".

Iowa Code § 478.6 states that a public hearing must be held if an objection is filed or if the right of eminent domain is requested. Since objections are on file in both dockets, hearing on both is required although all easements needed for the proposed project have been voluntarily obtained by MEC.

Staff recommends the dockets be consolidated for hearing. The two dockets are interrelated parts of a larger project, and the "public use" and "reasonable relationship" tests of Iowa Code § 478.4, as well as the routing of any one segment, might be influenced by other segments.³

Iowa Code § 478.6 further states that when a hearing is required, if a proposed line is more than a mile long, the hearing must be held in the county seat of the county at the midpoint of the proposed line. The midpoint of the total project in these dockets falls in Dallas County, therefore the hearing must be held in Adel.

III. Description of Project

The project as now proposed consists of 12.07 miles of 161 kV nominal voltage (169 kV maximum) electric transmission line.

³ Gannon vs. Iowa State Commerce Commission, Polk County District Court, Case No. 92922 (1970).

The proposed line would run south from an interconnection point with an existing IPL 161 kV transmission line, located in the Southeast Quarter (SE ¼) of Section 16, Township 81 North, Range 26 West, Dallas County, to MEC's proposed Bittersweet Road Substation as a double circuit of 161 kV line without distribution voltage underbuild (UB) for 0.23 mile. The proposed line would continue as a single circuit 161 kV line from said substation east and south parallel to roads to the west Corporate Limits of the city of Granger.

The line would then cross a corner of the City of Granger that lies south of Iowa Highway 141, exit the city limits for a short distance, then enter another small corner of the city lying south of the highway, where it would connect to MEC's proposed Granger Substation, to be located within the city of Granger (Section 12, Township 80 North, Range 26 West, Dallas County), as a single circuit line. The proposed line then exits the city limits and continues generally, but not entirely, along Iowa Highway 141 to the North Corporate Limits of the city of Grimes near the southwest corner of Section 28, Township 80 North, Range 25 West, Polk County. The proposed line ultimately terminates at an interconnection point with another existing MEC 161 kV electric transmission line within the city of Grimes in the Southwest Quarter of Section 9, Township 79 North, Range 25 West, Polk County.

The line route is primarily a new route and is mostly on private property alongside and parallel to roads, although there are segments in public right-of-way, or on private right-of-way but not along a road.

The proposed transmission line design is a single-pole construction. In addition to the 161 kV circuit, for much of its length it would also carry an underbuild distribution circuit with a voltage of 7.2 kV, 12.47 kV, or 13.2 kV. Most of the underbuild would also be owned by MidAmerican, but some segments northwest of Granger would be owned by Guthrie County Rural Electric Cooperative.

A combination of single wood, light duty steel, and steel poles, 61 to 86 feet tall after installation, with polymer horizontal line post insulators, and with an average span of 300 feet and a maximum span of 320 feet, will constitute the typical construction of the proposed line (See filed Exhibit C-1, figures C-1.1 and C-1.2). At slight angle structures, a combination of a single wood pole with down guying and anchoring systems, and/or a direct embedded single light duty steel pole will be used (See filed Exhibit C-1, figure C1.5). At 90° angles, large dead-end angles, and double dead-end structures, a single steel pole bolted to a concrete foundation/base will be used (See filed Exhibit C-1, figures C-1.3, and C-1A.4). The transmission line conductors will be T-2 Dove (2 – 556.5 kcmil). The design includes a shield wire of optical ground wire (OPGW) at the top of structure, at least 10 feet above the top conductor, for lightning protection and communications between MEC's electrical facilities for its monitoring and operations.

Under worst case conditions, the above ground and roadway crossing clearances of the 161 kV circuit conductors would be both at least 21.5 feet, while the clearances of the distribution voltage UB conductors (where present) and its neutral would be at least 18.5 feet and 20 feet, and 16 feet and 20 feet, respectively above ground and roadway crossings. In addition to distribution voltage UB, Mediacom cable TV is present as a second UB in one segment of the proposed line, of which its above ground and roadway clearances would be 15.5 feet and 18.5 feet respectively.

Staff review has concluded that the design of the proposed typical facilities as described in the Exhibit C is consistent with the National Electrical Safety Code (NESC) and other safety provisions adopted by the Board in rule 199 IAC 25.2.

IV. Requirements of Iowa Code Section 478.4

Under Iowa Code § 478.4, to grant a franchise the Board “*shall make a finding that the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.*”

a. Necessary to serve a public use

In the petition Exhibits D, MEC includes the following statements:

“... The northwestern Des Moines metropolitan area has experienced considerable growth in recent years. The number of new electric customers added to the MidAmerican system in the Grimes and Granger areas has increased from approximately 200 per year in 1990 to approximately 1,600 in 2004. This trend is expected to continue in the future.” (Page 1, paragraph 2)

“The proposed project is an integral part of and compatible with comprehensive electric utility planning for the Grimes – Granger area. The project will provide locations along which 161 – 13 kV distribution substations can be located to serve the area’s increasing electric load.” (Page 1, last paragraph)

“The proposed project is necessary to meet the needs of the public presently served and future projections based on population trends. The population of Grimes increased from 2,653 to 5,098 between 1990 and 2000, an average increase of 6.75% per year according to U.S. Census Bureau estimates. The Grimes Chamber of Commerce estimated the 2005 population of Grimes to be 6,175. The City of Grimes Comprehensive Plan adopted in 2002 contains Grimes population projections of 6,900 by year 2010 and 9,000 by year 2020. The proposed project is designed to meet the needs of the public based on these population trends.” (Page 2, last paragraph)

MEC should expand on the brief Exhibit D summary statements in its prefiled hearing testimony or at hearing. The additional information should include an explanation of how this line would relieve constraints, enhance reliability, and provide voltage support.

b. Represents a reasonable relationship to an overall plan of transmitting electricity in the public interest

Petition Exhibits D, Items A through H, contain responses to a series of issues that Iowa Code § 478.3(2) requires petitioners to address in a franchise filing. They deal with the relationship of the proposed project to economic development, electrical system, public, and land use considerations, presently and in future. The allegations by MEC in these items contain statements relevant to the “reasonable relationship” issue. MEC includes the following statements:

“In the effort to coordinate transmission planning activities among utilities, MidAmerican has entered into discussions with Central Iowa Power Cooperative (CIPCO) by which CIPCO would obtain a 41.63% joint ownership share of the proposed project.” (Page 2, paragraph 1)

“In another effort to coordinate transmission planning activities among utilities, MidAmerican has entered into discussions with the Iowa Public Power Association (IPPA) by which IPPA would obtain a 25.00% joint ownership share of the proposed project. IPPA is the transmission project funding entity of the Midwest Municipal Transmission Group (MMTG) ...” (Page 2, paragraph 2)

“If the discussions between MidAmerican, CIPCO and MMTG are successful, it is expected that a joint investment and ownership agreement will be finalized by the parties during the first three months of 2007. It is anticipated that any such joint investment and ownership agreement would provide that MidAmerican would act as the agent for the other owners in the constructing, operating, maintaining, etc., of the line. If the discussions among MidAmerican, CIPCO and MMTG are not successful, MidAmerican plans to proceed with the proposed project based on the local load serving needs based on projected electric load increases in the Grimes and Granger areas.” (Page 2, paragraph 3)

“MidAmerican has also entered into discussions with Interstate Power and Light Company regarding the establishment of an interconnection of the proposed project with the existing Interstate Power and Light Company 161 kV transmission line at the north end of the proposed project. Discussions pertaining to ownership and capacity rights are ongoing.” (Page 2, paragraph 4)

“The proposed line will become an integral part of MidAmerican’s existing electric utility system. . . . Power flowing through the Grimes – Granger area will be able to flow either from south to north or from north to south on the proposed line.” (Page 3, paragraph 1)

MEC should expand in prefiled testimony or at hearing on how the project has been affected by the final outcomes of the above discussions among utilities in general, and the north interconnection agreement in particular. If the above discussions were not successful, MEC should further explain whether this project would still meet the second requirement of Iowa Code § 478.4 and how the reliability and voltage support be affected.

V. The Route

The location of the proposed route is described in Petition Exhibits A, B, and D. Current land use on the route is predominantly agricultural, although a number of objectors have residences located on same side or opposite side of roads as the proposed line, and some are located approximately half mile away from the final route of the proposed line.

MEC generally mentions certain factors in its route selection process in Exhibit D including Iowa Code § 478.18(2) and minimizing the impact on land use. MidAmerican states “MidAmerican evaluated potential routes starting with routes near and parallel to roads, railway right-of-way, and land division lines. Route segments between the two termini were identified and route criteria were evaluated. This evaluation and field review resulted in the selection of the proposed route.” (Page 3, Section F.)

MEC should be instructed to file in these dockets a copy of any applicable route study including of what factors were used or how they were applied, showing the alternatives examined, and containing conclusions explaining why the proposed route was selected.

“Plan and Profile” drawings of the proposed line route are commonly prepared for a project of this type. In past projects the route details provided by these drawings have been useful to Staff. Although not formally filed with the Board, a referenced Plan and Profile for this proposed line was provided to the Staff. *MEC should be instructed to file in these dockets a copy of most recent “Plan and Profile” drawings prepared for this project.*

Drawings provided as part of Exhibit C indicate that where the line parallels a road on private property, the poles would be located 3 feet inside the property lines. Exhibit C shows the 161 kV horizontal post insulators would typically extend 5 feet 5 inches from the pole, and underbuild crossarms would also typically extend 4 feet 6 inches from the pole. Where wires are hung on the road side of the pole, this means insulators, crossarms and conductors would overhang road right-of-way. This would require approval from the road authority. *MEC should explain in prefiled testimony or at hearing the extent of public right-of-way overhang, and whether the necessary approvals have been obtained from road authorities.*

Iowa Code § 478.18(2) contains these provisions for the routing of electric lines:

A transmission line shall be constructed near and parallel to roads, to the right-of-way of the railways of the state, or along the division lines of the lands, according to the government survey, wherever the same is practicable and reasonable, and so as not to interfere with the use by the public of the highways or streams of the state, nor unnecessarily interfere with the use of any lands by the occupant.

The proposed route generally follows division lines of lands and/or parallels and is adjacent to roads, except for an approximately 0.2 mile line diagonal segment crossing NW 121st Street and generally located in the SW ¼ NE ¼ of Section 17, Township 80 North, Range 25 West, Polk County. There is no road or railroad at this location and the route is not along a division line of land. In 199 IAC 11.2(1)d(2) Board rules state that petitioners are to provide a showing in Petition Exhibit D why routing that is not near and parallel to roads, railroads, or along division lines of land, is not practicable or reasonable. However, no such showing is included in Exhibit D.⁴

This departure does not mean the Board cannot find a route of this nature reasonable. Route planning that begins with examining routes meeting Iowa Code 478.18(2) criteria is consistent with 199 IAC 11.1(7) and court precedent. See Anstey v. Iowa State Commerce Commission, 292 N.W. 2d 380 (Iowa 1980). *However, MEC needs to show on the record in prefiled testimony or at hearing why the routing at this location should be accepted as compliant with Iowa Code section 478.18.*

Staff believes the route proposed by MEC for this project is generally reasonable and acceptable, although as described above believes additional information or explanation is needed in certain issues. This conclusion is contingent upon the Board concluding that reliability will not be adversely affected by the negative outcomes of the above discussions among utilities, particularly the north interconnection agreement with Interstate Power and Light Company for the power flowing from north to south.

VI. Objections

Altogether, twenty-five (25) individual objections (by 23 objectors) have been filed with the Board concerning this project. Thirteen (13) objections (by 12 objectors) were filed in E-21820 (Dallas County), and 12 objections (by 11 objectors) were filed in E-21821 (Polk County). Since the original filings, 20 objections (by 18 objectors) in both counties have withdrawn their objections. At this time there remain 3 objections (by 3 objectors) in Dallas County and 2 objections (by 2 objectors) in Polk County. MEC has not requested the right of eminent domain since all needed easements have been obtained voluntarily.

⁴ It appears from Staff review that by following this route two crossings of Beaver Creek can be avoided, and entry into the Beaver Creek Greenbelt, apparently owned by Polk County, is kept to a minimum. However, as noted above MEC has not addressed this in its filing.

Board staff re-examined the proposed route on October 15, 2007, as well as the properties of objectors located on and off the current proposed route.

a. Summary of Objections

Docket No. E-21820 – Dallas County – 13 objections.

On June 7, 2006, Jackie L. Schoop, 33770 200th Street, Granger, IA, filed an objection opposed to the location of the planned transmission line (per informational meeting's line route corridor) stating it would negatively affect her property value since the line is close to the property, and concerned the potential health affects from the transmission line. She suggests the line to be along Iowa Highways 141 and 17. This objection was later withdrawn.

On June 16, 2006, Ty Smedes, 4732 72nd Street, Urbandale, IA, filed an objection expressing concern for the impact on wildlife such as birds, geese, pelicans at the affected properties along 200th Street and Xavier Avenue. He suggests the line to be along Iowa Highways 141 and 17. This objection was later withdrawn.

On June 19, 2006, Doug Olmstead, 3266 141 Diagonal, Granger, IA, filed an objection opposed to the location of the planned transmission line alleging it would negatively affect his property value, and expressing concern over potential health issues, birds electrocuting, and radio and satellite interferences. This objection was later withdrawn.

On June 20, 2006, Larry R. Harney, 17794 Wendover, Granger, IA, filed an objection stating the line is near his home and there are other routes that are away from homes. He suggests the line to be located further west, or on an old railroad right-of-way.

On June 21, 2006, Virginia Phipps, 7409 Benton Dr., Urbandale, IA, filed an objection concerning affected property in the north half of the northeast quarter of Section 21, Township 81 North, Range 26 West, on the south side of 150th Street. She also suggests the line to be along Iowa Highway 141. The objection was later withdrawn.

On June 27, 2006, Kent Woodruff, whose the mailing address of P.O. Box 6, Winthrop, WA 98862 with the affected property described as "15680 Bittersweet Road, Section 21, Dallas Twp., Dallas County," filed an objection opposed to the location of the planned line saying there are better routes with less impact. He suggests the line to be on and along Iowa Highway 141.

On June 29, 2006, Tim Harney, 17498 Wendover Avenue, Granger, IA, filed an objection because the high voltage line would damage to property values on 145 acres he is preparing for development. He suggests the line to be along an old railroad right-of-way.

On June 30, 2006, Kurt and Ruth Heiss, who reside at 14888 Bittersweet Road, Woodward, IA, filed an objection opposed to the power line that would decrease the

home value, concerned of the health affects, wildlife, noise, and view disruption from the transmission line. They suggest the line to be routed along Iowa Highway 141. The objection was later withdrawn.

On July 3, 2006, Ed Harney, who resides at 3150 165th Street, Woodward, IA, filed an objection to oppose the planned transmission line that is close to house, grain bins, and mature trees (50-foot trees) that would decrease the property value. The objection was later withdrawn.

On July 3, 2006, Attorney Daniel Spellman (Spellman Law Firm, Perry, IA) filed an objection on behalf of himself, Martin Spellman, and Rose Mary Spellman (affected property in Section 2, Township 80 North, Range 26 West). On October 10, 2006, he filed a second objection on behalf of himself, Martin Spellman, Rose Mary Spellman, and Michael H. Figenshaw opposing to the planned transmission line that would affect homes, historic farmsteads, present and future businesses south of Granger, IA, and scenic roadways (Bittersweet Road), and concerning health issues related to Electric and Magnetic Fields (EMF). He suggests the line to be along Iowa Highways 141 and 17, then west along 165th Street to the east quarter mile of Section 28, then north to 150th Street. Both objections were later withdrawn, including clarification for Michael H. Figenshaw's objection was withdrawn as well.

On July 11, 2006, Michael H. Figenshaw, filed a separate objection opposing to the planned transmission line that would affect homes, historic farmsteads, present and future businesses south of Granger, IA, and scenic roadways (Bittersweet Road), and concerning health issues related to Electric and Magnetic Fields (EMF). He also suggests the line to be along Iowa Highways 141 and 17, then west along 165th Street to the east quarter mile of Section 28, then north to 150th Street. The objection was later withdrawn individually.

On September 6, 2006, John and Deborah Bargman, who reside at 33890 200th Street, Granger, IA, filed an objection opposed to the location of the high voltage line due to property value decreasing, close distance to house, and health related risks. They suggest both the proposed Granger Substation and 161 kV line be along Iowa Highway 141. The objection was later withdrawn.

Docket No. E-21821 – Polk County – 12 objections.

On May 24, 2006, Kenneth R. Wiley, who resides at 9311 NW 121st Street, Grimes, IA, filed an objection to oppose the transmission line that would negatively affect homes, property values, property improvements, view and quality of life. Concern over EMF was also mentioned. He suggests the line be located on undeveloped land west of north-south Dallas/Polk county line, or follow Iowa Highway 141. The objection was later withdrawn. *However, in his withdrawal letter he requests he be informed of any significant changes in the route that could place the lines closer to his residence. Staff recommends he remain on the service list so he can monitor the case.*

On May 24, 2006, Joe and Donna Henkels, who reside at 9423 NW 121st Street, Granger, IA, filed an objection to oppose the planned line route that would affect property values and aesthetic scenery. The objection was later withdrawn.

On May 24, 2006, David Johnson, who resides at 9455 NW 121st Street, Granger, IA, filed an objection opposed to the location of the high voltage power line through an existing residential area that would disrupt homes, properties with mature trees, and lives of existing residents. He suggests that the power line should follow the west side of Dallas/Polk county line (north of Iowa Highway 44) north to the proposed Granger Substation (south of Granger, IA), then stay along Iowa Highway 141. A second objection was filed on May 31, 2006, through his attorney. Both objections were later withdrawn.

On May 25, 2006, Andrew Black, who resides at 9359 NW 121st Street, Grimes, IA, filed an objection opposed to the location of an electric power line across his property. He contends the power line would greatly depreciate the value of his property, disturb wildlife (since the property is in flood plain bordering the conservation land). He suggests that the line to be along Iowa Highway 141. The objection was later withdrawn.

On May 26, 2006, (prior to the informational meeting) Bradley D. and Lori A. Parks, who reside at 9172 NW 121st Street, Grimes, IA, filed an objection to the placing of a high voltage power line. The 161 kV construction would be a waste of money and lower their property value. They suggest the line to be routed through farmland that has much less value than homeowner property.

On May 26, 2006, Barret C. Mack, who resides at 12041 NW Towner Dr., Grimes, IA, filed an objection generally opposed to the location of the power transmission line in residential areas. He suggests the line to be on routes of least residential resistance (but not specified which routes). This objection was later withdrawn. *However, in his withdrawal letter he requests he be notified of any changes to the route. Staff recommends he remain on the service list so he can monitor the case.*

On May 31, 2006, Attorney Michael Green filed an objection on behalf of Jon and Janine Seibert, 9489 NW 121st Street, Granger, IA, and David and Lois Johnson, 9455 NW 121st Street, Granger, IA, opposing the location of the transmission line that would decrease homes' and farmsteads' values and sale abilities, and disturb aesthetic scenery and wildlife since Seibert's property is adjacent to Polk County Conservation Board's property which has been designated as a wildlife preserve. They are also concerned with health issues related to the proposed line's EMF. They suggest the line to be all along Iowa Highway 141. Both Seibert and Johnson both later filed separate letters withdrawing their objections. *However, the Seiberts requested they remain on the service list so they could monitor the progress of the case and be aware of any project changes. A separate communication from the attorney states future correspondence should be sent directly to the Seiberts.*

On June 22, 2006, Perry and Dana Comito, 14069 NW 102nd Avenue, Granger, IA, filed an objection to the placing of a power line. They do not want their property value to decrease, nor to experience any radio and satellite interference. They suggest the line be routed along Iowa Highway 141. This objection was later withdrawn.

On June 22, 2006, Albert D. Kurtz, who resides at 14121 NW 102nd Avenue, Granger, IA, filed an objection to the location of this transmission line that would decrease his property value. He suggests the proposed line continues to be on Iowa Highway 141. This objection was later withdrawn.

On July 10, 2006, Denny Drake and Marsha Ternus, who reside at 9004 NW 121st Street, Grimes, IA, and whom were later represented by Attorney Philip Stoffregen, filed an objection strongly opposed to the location of planned transmission line in the residential neighborhood that would lower the property values, and ruin the beautiful view looking east toward the sunrise from their property. They ask that the power line to be approved only if it were placed on Iowa Highway 141's current public right-of-way.

On July 17, 2006, Cathy Beck-Cross, who resides at 11458 NW Timberridge Ln., Grimes, IA, filed an objection opposed to the power line that would only be an eye-sore to Timberbrooke Subdivision residents, and devalue the properties. She suggests the line to be on the opposite side of Iowa Highway 141 which is primarily non-residential areas. The objection was later withdrawn.

b. Staff review of objections

In Dallas County, at the time of the informational meeting, MEC showed possible alternate 161 kV line routes from Dallas/Polk County line north to the proposed Bittersweet Substation. (See Exhibit G.) All were along roads, but not specify which side of the roads. Some objections express concern over the line being located on the same side of roads as and/or close to homes. However, much of the route as now proposed is on the opposite side of roads from homes. The line route now appears to have satisfied most of the objectors.

There are still three outstanding objections. Two of the objections, by Larry Harney and Tim Harney, appear related. It appears both live east of Wendover Avenue in the East Half of Section 35, T81N, R26W. The 145-acre development property referred to in the Tim Harney objection appears to be in the SE ¼ of that section. The transmission line would be on the west side of road and approximately 82 feet across the road from their properties. Apparently the location across the road has not addressed their concerns to their satisfaction. The old railroad route they both refer to, as shown on a map attached to the Larry Harney objection, is not shown on the Iowa Department of Transportation map of Dallas County, and is apparently abandoned. The Board has held that abandoned railroads are not routes compliant with Iowa Code section 478.18.⁵

⁵ Franchise for 11.70 miles of Electric Transmission Line in Lee County, Iowa. IES Utilities, Inc., Docket No. E-21324, "ORDER AFFIRMING PROPOSED DECISION AND ORDER," issued March 1, 2000.

The other remaining objection (Woodruff) is difficult to evaluate because of discrepancies in the property location given. One of the routes proposed at the time of the informational meeting followed Bittersweet Road, but the route selected does not. The 15680 Bittersweet Road address would apparently be at least half a mile from the currently proposed route. However, this address is in Section 22, not Section 21, and is in Des Moines Township. The stated location in Section 21, Dallas Township, is 18 miles west. Between the location discrepancy and lack of specifics in the objection, staff cannot determine if the current route addresses his concerns.

In Polk County, many of the objectors are located along NW 121st Street, which was one of the alternate routes presented at the informational meeting. The objections appear to focus on the line being routed through a residential area, close to homes, and would devalue the properties. However, much of the route as now proposed in the petition before the Board is either on the opposite side of roads from them, or approximately half mile east from the area (on Iowa Highway 141).

The line route selected appears to have satisfied most of the Polk County objectors, except for the Parks, and Denny Drake & Marsha Ternus. Both live on NW 121st Street south of NW Towner Drive, in an area where the route selected would be about half a mile east and on the opposite side of Iowa Highway 141. There has been no further contact from these individuals to indicate if the currently proposed route has answered or allayed their concerns. In the Drake/Ternus objection, Iowa Highway 141 was their recommended route.

In summary, it appears many of the objections concerned alternate routes not selected by MidAmerican, or which MidAmerican was otherwise able to satisfy. In particular, routing along Iowa Highway 141, which MidAmerican now proposes for much of the line's length, was the alternative favored by many objectors. However, the objections filed by Larry R. Harney, Kent Woodruff, and Tim Harney in Dallas County (E-21820); and Bradley and Lori Parks, and Denny Drake and Marsha Ternus, in Polk County (E-21821), remain open.

In addition, three objections were conditionally withdrawn: Kenneth R. Wiley, Barret C. Mack, and Jon and Janine Seibert, all in Polk County. Their withdrawals were apparently contingent upon the line route selected by MidAmerican not being near their properties, and in their withdrawal letters they state they want to be informed if there is any route change that might affect them. *It is unclear to Staff if an objection can be considered fully withdrawn if the withdrawal is conditional. Therefore Staff suggests they remain on the service list for future filings in these dockets.*

MEC should address all issues of the active objections (included the ones conditionally withdrawn) in its prefiled testimony or at hearing. It should include the evaluation of alternative routes suggested by the objectors.

This report previously stated that MEC should explain its routing criteria and decision process in prefiled testimony or at hearing. MEC should include in this discussion why the final route was selected.

VII. Conclusion

Board staff finds the petitions in these dockets to be sufficiently in order to be set for hearing.

IOWA CODE section 478.6 states that a public hearing must be held if an objection is filed or eminent domain is requested. As objections are on file, a public hearing is required.

The two dockets are interrelated parts of a larger project. It is recommended these dockets be consolidated for hearing.

IOWA CODE § 478.6 states that when a hearing is required, if the proposed line is more than a mile long the hearing must be held in the county seat of the county at the midpoint of the proposed line. The line exceeds a mile in length, and the midpoint of the project is in Dallas County, therefore the hearing must be held in Adel.

In these dockets, particular consideration will be needed of the project implications if the discussions among utilities were not successful, and if so whether the MEC proposed project is still acceptable under the “reasonable relationship to an overall system” test of Iowa Code § 478.4.

This report identifies, in *italic print*, a number of areas that Staff recommends MEC be instructed to address in prefiled testimony or at hearing to improve the record on which a decision will be based.

Also noted in *italic print* are several instances where the withdrawal of an objection was conditional upon the objector being informed of any route change that might effect their decision on withdrawal. To insure these persons’ interests are met Staff recommends they remain on the service list for these dockets.