

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>
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ORDER GRANTING MOTION TO COMPEL AND DELAYING IMPLEMENTATION

(Issued January 30, 2008)

On December 27, 2007, Midwest Renewable Energy Projects II, LLC (MREP) filed a "Motion to Compel Discovery," in which it asked the Utilities Board (Board) to order Interstate Power and Light Company (IPL) to produce documents MREP requested in Data Request No. 31. On January 7, 2008, IPL filed a "Response to Motion to Compel Discovery," in which it objected to the data request on a number of grounds. On January 24, 2008, the undersigned administrative law judge issued an "Order Regarding Motions and Setting Procedural Schedule and Hearing Date." The undersigned granted MREP's motion to compel but delayed the date for compliance until February 29, 2008, to allow the parties an opportunity to negotiate a settlement. If the parties are unable to settle the case by February 29, 2008, the order requires IPL to provide the requested information on that date.

On January 18, 2008, MREP filed a "Supplement to Motion to Compel Discovery." In its supplement, MREP states that it served IPL with Data Request No. 33 on December 31, 2007, "asking IPL to provide information about IPL's proposed cost cap for the included-in-rates actual costs of the IPL wind project omitted from 'Ratemaking Principle No. 4' on page 3 of the settlement agreement between IPL and the Office of Consumer Advocate filed with the Iowa Utilities Board in Docket No. RPU-07-5 on November 15, 2007." MREP states that IPL objected to the discovery request and refused to provide the requested information for essentially the same reasons it gave for objecting to Data Request No. 31. MREP argues that these reasons are not valid. MREP asks the Board to order IPL to provide the information requested in Data Request No. 33.

On January 25, 2008, IPL filed a "Response to Supplement to Motion to Compel Discovery." IPL states that, in Data Request No. 33, MREP has requested confidential information related to IPL's ratemaking principles filing for its IPL Wind Project described in Docket No. RPU-07-5. IPL states that it objected informally to Data Request No. 33 on the same grounds as it objected to Data Request No. 31. IPL states that its objections and desired outcomes are the same with respect to the two data requests. Therefore, IPL incorporated by reference the arguments and prayers it made with respect to Data Request No. 31 into its response regarding Data Request No. 33. IPL asks the Board to deny MREP's motion to compel, or in the alternative, to delay the release of the requested information until the parties have

had a reasonable opportunity to meet and attempt to settle the matter. IPL states it should be able to meet in mid-to-late February.

The considerations with respect to whether the motion to compel regarding Data Request No. 33 should be granted are the same as those considered and decided with respect to Data Request No. 31. The analysis contained in the "Order Regarding Motions and Setting Procedural Schedule and Hearing Date" issued January 24, 2008, is incorporated by reference into this order. For the same reasons given with respect to Data Request No. 31, MREP's motion to compel regarding Data Request No. 33 should be granted. Similarly, IPL's request for delay in turning over the requested information should be granted for the same period of time.

IT IS THEREFORE ORDERED:

The "Supplement to Motion to Compel Discovery" filed by Midwest Renewable Energy Projects II, LLC, on January 18, 2008, is hereby granted, although the date for compliance is delayed to provide the parties with an opportunity to negotiate a settlement. If the parties have not reached settlement by February 29, 2008, IPL must provide the requested information to MREP on that date.

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 30th day of January, 2008.