

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>AMENDMENTS TO INFORMATIONAL MEETING ACCESSIBILITY REQUIREMENTS [199 IAC 10.3(1), 11.4(1), 13.3(1), AND 24.7(2)]</p>	<p>DOCKET NO. RMU-08-1</p>
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ORDER COMMENCING RULE MAKING

(Issued February 11, 2008)

Pursuant to the authority of Iowa Code §§ 17A.4, 476.2, 479.5, and Iowa Code chapter 276A, the Utilities Board (Board) proposes to amend 199 IAC 10.3(1), 11.4(1), 13.3(1), and 24.7(2) to reflect the rescission of Iowa Code § 104A.3 and to update the requirements for information meetings for gas pipelines, electric lines, hazardous liquid pipelines, and electric power generating facilities as described in the "Notice of Intended Action" attached hereto and incorporated herein by reference.

This docket has been identified as Docket No. RMU-08-1.

IT IS THEREFORE ORDERED:

1. A rule making proceeding identified as Docket No. RMU-08-1 is commenced for the purpose of receiving comments on the proposed amendments as described in the notice attached hereto and incorporated 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/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 11th day of February, 2008.

UTILITIES DIVISION[199]

Notice of Intended Action

Pursuant to Iowa Code sections 17A.4, 476.2, and 479.5, and Iowa Code chapter 476A, the Utilities Board (Board) gives notice that on February 11, 2008, the Board issued an order in Docket No. RMU-08-1, In re: Amendments to Informational Meeting Accessibility Requirements [199 IAC 10.3(1), 11.4(1), 13.3(1), and 24.7(2)], "Order Commencing Rule Making." The Board is proposing to amend subrules 10.3(1), 11.4(1), 13.3(1), and 24.7(2), to reflect the rescission of Iowa Code section 104A.3 and to update accessibility requirements for facilities used for informational meetings under Board rules. Current rules refer to Iowa Code section 104A.3 and the Americans With Disabilities Act of 1990 to establish standards recommended for facilities used for information meetings for proposed gas pipelines, electric lines, hazardous liquid pipelines, and electric power generating facilities.

As indicated, Iowa Code section 104A.3 has been rescinded by the Iowa Legislature and more recent ADA guidelines are available. Iowa Code section 104A.3 has been replaced by rules promulgated by the State Building Code Commissioner. The State Building Code Commissioner has adopted rules at 661 IAC 302.2 that include the requirements found in the ADA Accessibility Guidelines, Chapter 4. The Board is proposing to amend the above listed subrules to refer to the ADA Accessibility Guidelines, Chapter 4, as applicable, for those persons required to schedule informational meetings under Board rules. The Guidelines will be used for reference

and will not be mandatory, since many informational meetings are required to be held in more rural locations throughout Iowa where facilities may not be available that meet all of the guidelines. The order commencing the 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 April 1, 2008, 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 of the Board on its own motion after reviewing the statements may determine that an oral presentation should be scheduled.

The amendments are intended to implement Iowa Code sections 17A.4, 476.2, and 479.5 and Iowa Code chapter 476A.

The following amendments are proposed.

ITEM 1. Amend subrule 10.3(1) as follows:

10.3(1) Facilities. Prospective petitioners for a permit shall be responsible for all negotiations and compensation for a suitable facility to be used for each informational meeting, including but not limited to a building or facility which is in substantial compliance with the requirements of the Americans With Disabilities Act Accessibility Guidelines, Chapter 4, where reasonably available. ~~of 1990, parking facilities and~~

~~electronic voice and amplification equipment when over 100 notices are served.
Reasonable effort shall be made to select a building or facility that conforms to the
access requirements of Iowa Code section 104A.3, subsections 2, 3, and 4.~~

ITEM 2. Amend subrule 11.4(1) as follows:

11.4(1) Facilities. Prospective petitioners for franchise shall be responsible for all negotiations and compensation for a suitable facility to be used for each informational meeting, including but not limited to a building or facility which is in substantial compliance with the requirements of the Americans With Disabilities Act Accessibility Guidelines, Chapter 4, where reasonably available. ~~of 1990, parking facilities and
electronic voice and amplification equipment when over 100 notices are served.
Reasonable effort shall be made to select a building or facility that conforms to the
access requirements of Iowa Code section 104A.3, subsections 2, 3, and 4.~~

ITEM 3. Amend subrule 13.3(1) as follows:

13.3(1) Facilities. Prospective petitioners for a permit shall be responsible for all negotiations and compensation for a suitable facility to be used for each informational meeting, including but not limited to a building or facility which is in substantial compliance with the requirements of the Americans With Disabilities Act Accessibility Guidelines, Chapter 4, where reasonably available. ~~of 1990, parking facilities and
electronic voice and amplification equipment when over 100 notices are served.
Reasonable effort shall be made to select a building or facility that conforms to the
access requirements of Iowa Code section 104A.3, subsections 2, 3, and 4.~~

ITEM 4. Amend subrule 24.7(2) as follows:

24.7(2) Facilities. The applicant shall be responsible for all negotiations and compensation for a suitable facility to be used for each informational meeting, including but not limited to a building or facility which is in substantial compliance with the requirements of the Americans With Disabilities Act Accessibility Guidelines, Chapter 4, where reasonably available. ~~of 1990, parking facilities and electronic voice and amplification equipment when over 100 notices are served. Reasonable effort shall be made to select a building or facility that conforms to the access requirements of Iowa Code section 104A.3, subsections 2, 3, and 4.~~

February 11, 2008

/s/ John R. Norris

John R. Norris
Chairman