

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: INTERSTATE POWER AND LIGHT COMPANY	DOCKET NO. WRU-08-1-150 (GCU-07-1)
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ORDER GRANTING WAIVER

(Issued February 18, 2008)

On January 9, 2008, Interstate Power and Light Company (IPL) filed with the Utilities Board (Board) a request for waiver of 199 IAC 7.4(4)"b." IPL requested that it be allowed to submit the workpapers of witness Brent R. Kitchen in electronic form consisting of two CDs, and also be allowed to serve the same confidential workpapers to the other parties in this docket in the same format. Board rule 7.4(4)"b" normally requires that filings include an original and ten copies when filed with the Board, with paper service upon other parties to the proceeding. No objections to the waiver request were filed.

The confidential workpapers submitted in the electronic service include the input files for each EGEAS module in PDF format for the three scenarios presented in Mr. Kitchen's Exhibit____(BRK-2), Schedules B, C, and D. IPL also includes the corresponding output files.

In support of its request, IPL stated that the information contained in the electronic file is voluminous and electronic service of these confidential workpapers will eliminate the time necessary to print and bind full copies of the printed information, some of which would not be useful outside of its electronic format. IPL

further stated that application of Board rule 7.4(4)"b" requiring an original and ten paper copies, and paper service would be unduly burdensome because of the volume and time constraints involved, and that faster and more efficient service of the confidential workpapers may be accomplished via electronic format. IPL stated that all parties will receive a true and accurate representation of the information provided in the confidential workpapers and the waiver would not prejudice the substantial legal rights of any person. IPL stated that because the content of the information is the same whether it is in paper or electronic form, substantially equal protection of public health safety and welfare will be afforded by means of electronic service as would be by service of hard copies.

Board rule 1.3 states:

In response to a request, or on its own motion, the board may grant a waiver from a rule adopted by the board, in whole or in part, as applied to a specific set of circumstances, if the board finds, based on clear and convincing evidence, that:

1. The application of the rule would pose an undue hardship on the person for whom the waiver is requested;
2. The waiver would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to a petition for waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the rule for which the waiver is requested.

The burden of persuasion rests with the filing party, which in this case is IPL, and the Board believes IPL has met its burden and the standards for a waiver

contained in 199 IAC 1.3 have been satisfied. Therefore, the Board will grant IPL's request for waiver of 199 IAC 7.4(4)"b" in this limited circumstance.

The Board believes that under these circumstances applying rule 7.4(4)"b" would pose undue hardship and be unduly burdensome and because the content does not change whether it is in paper or electronic form, none of the parties' substantial legal rights are affected. Furthermore, Board rule 7.4(4)"b" does not mandate that paper copies be filed; the Board is allowed to deviate from the rule when necessary. Finally, because the content of the information is the same whether it is in paper or electronic form, substantially equal protection of public health, safety, and welfare will be afforded by means of electronic service as would be by service of paper copies.

IT IS THEREFORE ORDERED:

Interstate Power and Light Company is granted a waiver of 199 IAC 7.4(4)"b" for the electronic filing of workpapers of IPL witness Brent R. Kitchen, as requested on January 9, 2008.

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 18th day of February, 2008.