STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE: INTERSTATE POWER AND LIGHT COMPANY	DOCKET NOS. GCU-07-1 RPU-08-1

ORDER DENYING MOTION TO CONSOLIDATE AND REQUESTING ADDITIONAL INFORMATION

(Issued April 15, 2008)

On April 10, 2008, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a motion to consolidate these generation siting and ratemaking principles proceedings or, in the alternative, take official notice in Docket No. RPU-08-1 of the administrative record in Docket No. GCU-07-1.

Specifically, Consumer Advocate asked that the generation siting proceeding filed by Interstate Power and Light Company (IPL) on July 2, 2007, identified as Docket No. GCU-07-1, be consolidated with a ratemaking principles proceeding filed by IPL on March 31, 2008. Both filings involve a proposed coal-fired generating unit in Marshalltown, Iowa. Consumer Advocate asked for an expedited ruling and shortened response time. Because a Board decision meeting is tentatively scheduled for later this month in Docket No. GCU-07-1, the Board will issue a decision on the motion without providing for responses. As will be discussed below, the Board believes additional information is necessary before ruling on Consumer

Advocate's alternative request to take official notice of the administrative record in Docket No. GCU-07-1.

In support of its request, Consumer Advocate cited Iowa Code § 476A.4(5), which provides that "[a] proceeding for the issuance of a certificate under section 476A.5 may be consolidated with a contested case proceeding for determination of applicable ratemaking principles under section 476.53." Consumer Advocate said that IPL disregarded efficiencies of consolidated siting and ratemaking proceedings by electing to litigate the two cases separately. Consumer Advocate argued that although IPL said the "need" and "reasonableness" showings are only required by section 476.53, IPL interjected these issues into the siting proceeding. Because of this link, Consumer Advocate said there were common questions of fact and law between the two proceedings.

There is no requirement that siting and ratemaking principles proceedings be consolidated. To date, these types of cases have been filed and litigated separately (when both are required). While the Board believes there are instances where consolidation might be appropriate, the hearing in the GCU siting docket was held in January 2008, post-hearing briefs have been filed, and a Board decision will be made soon. Consolidation at this stage would not simplify the proceedings or minimize costs; in fact, the Board believes the opposite would be more likely. Consolidation at this stage in the proceedings would give parties an opportunity to litigate all the GCU

issues a second time, which would not be an efficient use of resources. For all these reasons, the motion to consolidate the proceedings will be denied.

In the alternative, Consumer Advocate asked the Board to take official notice in Docket No. RPU-08-1 of the administrative record in Docket No. GCU-08-1. The Board has often taken official notice of information in prior dockets in its proceedings, but is reluctant to rule on the request until Consumer Advocate specifies exactly what portions of the record should be noticed. The administrative record in Docket No. GCU-08-1 is voluminous (taking up over eight feet of file space) and contains many pages of such things as correspondence, testimony, transmittal letters, orders, and other material not related to the issues cited by Consumer Advocate. If official notice of the entire record were taken, potentially all of the material would have to be filed with the District Court in the event of an appeal of the Board's final decision in Docket No. RPU-08-1. The Board will defer ruling on the request to take official notice until Consumer Advocate submits a more specific list of the portions relevant to the ratemaking principles proceeding and other parties have an opportunity to respond. The Board is willing to take notice of information in Docket No. GCU-07-1 that is relevant to the issues in Docket No. RPU-08-1, but the RPU record should not be burdened with irrelevant information.

IT IS THEREFORE ORDERED:

1. The request to consolidate proceedings filed by the Consumer Advocate Division of the Department of Justice on April 10, 2008, is denied.

2. The Board will defer ruling on the request to take official notice until a more specific list of the portions of the record relevant to the ratemaking principles proceeding is submitted and the other parties to Docket No RPU-08-1 have had an opportunity to respond to the more specific request.

UTILITIES BOARD

/s/ John R. Norris

/s/ Krista K. Tanner

/s/ Darrell Hanson

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 15th day of April, 2008.