

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  INTERSTATE POWER AND LIGHT COMPANY	DOCKET NO. RPU-08-1
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**ORDER GRANTING REQUEST FOR EXTENSION AND MOTION TO FILE  
SUPPLEMENTAL TESTIMONY, MODIFYING PROCEDURAL SCHEDULE,  
SHORTENING RESPONSE TIMES, AND REQUIRING ELECTRONIC SERVICE**

(Issued September 24, 2008)

On September 2, 2008, Interstate Power and Light Company (IPL) filed with the Utilities Board (Board) a request for extension of time to respond to the Board's request for additional information issued in this docket on August 26, 2008. IPL requested an extension until September 12, 2008. IPL said it recognized that the request might mean the hearing then scheduled for September 15, 2008, would be rescheduled, but asked that the hearing be held as expeditiously as possible. The Board issued an order on September 3, 2008, granting the extension and continuing the hearing to October 6, 2008. The order also granted intervenors until September 29, 2008, to file any responses to IPL's September 12, 2008, filing.

IPL filed the additional information requested by the Board on September 12, 2008, along with supplemental direct testimony, exhibits, and workpapers and a motion to accept the supplemental filing. On September 15, 2008, Community Energy Solutions, Iowa Environmental Council, Iowa Farmers Union, Iowa Physicians for Social Responsibility, and Iowa Renewable Energy Association (the Coalition),

filed a motion to amend the procedural schedule and continue the hearings. The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a joinder to the Coalition's motion on September 17, 2008.

In its motion, the Coalition pointed out that IPL filed over 600 pages of additional information in response to the Board's order, along with more pages on a compact disc containing electronic files and supplemental direct testimony, exhibits, and workpapers from five IPL witnesses. The Coalition said that, among other things, IPL's filing introduces new cost information for proposed Sutherland Generating Station Unit 4, updates IPL's July 2008 base case scenario, contains a revised cost cap principle, updates demand and energy forecasts, and provides updated Electric Generation Expansion Analysis System (EGEAS) runs. The Coalition said that two weeks (until September 29) to review, conduct discovery, and file responses to over 1,000 pages of new information was not sufficient.

Consumer Advocate agreed that a continuance was required to evaluate the new information. Consumer Advocate suggested a minimum of two additional weeks was needed to review and file responsive testimony to IPL's September 12, 2008, filing.

On September 19, 2008, IPL filed a response to the Coalition and Consumer Advocate. IPL said it "understands the gravity of the matters under consideration in this docket" and is "sensitive to the parties' needs to have adequate time to review IPL's September 12, 2008, filings and be able to prepare their responsive testimony."

(IPL Response, p. 2). IPL suggested a two-week delay so that the Board could issue a final decision on or before January 15, 2009.

The Board's staff initiated a telephone conference call with all of the parties regarding the motion for continuance and other scheduling matters on September 22, 2008. IPL, Consumer Advocate, the Coalition, and the Iowa Consumers Coalition participated. The Board did not participate in the call. All parties acknowledged that the hearing would need to be continued to accommodate IPL's September 12, 2008, filing, although there was disagreement on the length of continuance required. Filing dates for responsive testimony, briefing schedule, and other matters were also discussed.

Because of prior commitments and other hearings, the first date on which sufficient time to conduct this hearing is available is the week of December 1. In its September 3, 2008, order, the Board indicated the first week available after October 6 was January 12, 2009; the Board has rearranged its schedule to make the week of December 1 available, but is unable to reschedule other prior engagements to hold the hearing at an earlier date. In addition, the time needed for Consumer Advocate and intervenors to file responsive testimony to IPL's supplemental direct, with subsequent IPL rebuttal, would make it difficult to have a hearing much earlier than December 1.

While the Board understands IPL's desire to have a final decision in this docket on or before January 15, 2009, IPL's filing of supplemental direct testimony on September 12, 2008, which made significant changes to the cost cap and other

information, makes it highly unlikely the Board will be able to issue a final decision by the desired date. To expedite the process as much as possible, the Board will schedule one simultaneous post-hearing brief, rather than the typical initial and reply briefs. Because of the numerous rounds of prefiled testimony that will be submitted by the time this case goes to hearing, reply briefs are unlikely to present any issue or argument that had not already been made in the initial briefs.

In order to facilitate having the case ready for a December 1 hearing date, the Board will maintain the shortened time to respond to discovery requests contained in its September 3 order (four calendar days instead of seven). In addition, the Board will shorten the time to respond or object to any motions from 14 calendar days to seven calendar days pursuant to 199 IAC 7.12. Also, the Board will require that all testimony and responses or objections to motions not only be filed and served on paper pursuant to the Board's rules, but that electronic copies also be served on counsel for all parties and the Board's staff at [Dan.Fritz@iub.state.ia.us](mailto:Dan.Fritz@iub.state.ia.us).

**IT IS THEREFORE ORDERED:**

1. The "Motion to Amend Procedural Schedule and Continue Hearings" filed on September 15, 2008, by Community Energy Solutions, Iowa Environmental Council, Iowa Farmers Union, Iowa Physicians for Social Responsibility, and Iowa Renewable Energy Association, and joined by the Consumer Advocate Division of the Department of Justice on September 17, 2008, is granted.

2. The procedural schedule established by Board order issued May 2, 2008, is modified as follows:

- a. Consumer Advocate and any intervenors shall file prepared supplemental direct testimony or other information in response to IPL's September 12, 2008, filing, with underlying workpapers and exhibits, on or before October 20, 2008. If a party references a data request in its prepared testimony, the data request shall be filed as an exhibit.
- b. IPL shall file its supplemental rebuttal testimony, with underlying workpapers and exhibits, on or before November 10, 2008.
- c. Any party may file a prehearing brief on or before November 17, 2008.
- d. Parties shall file a joint statement of issues on or before November 17, 2008.
- e. A hearing shall be held beginning on December 1, 2008, at 1:00 p.m., for the purpose of receiving testimony and the cross-examination of all testimony. The hearing shall be held in the Board's hearing room at 350 Maple Street, Des Moines, Iowa, 50319-0069. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.
- f. All parties may file post-hearing briefs on or before December 29, 2008.

3. All other aspects of the procedural schedule issued on May 2, 2008, remain unchanged.

4. The time for response to discovery requests is reduced to four calendar days pursuant to 199 IAC 7.15(2).

5. The time for response or objection to any motions is reduced to seven calendar days pursuant to 199 IAC 7.12.

6. Copies of all testimony (including exhibits and workpapers) and motions (including responses or objections to motions) shall not only be filed and served on paper pursuant to the Board's rules, but copies shall be provided immediately to all counsel and the Board's staff via e-mail. The address for the Board's staff is [Dan.Fritz@iub.state.ia.us](mailto:Dan.Fritz@iub.state.ia.us).

7. The motion to file supplemental direct testimony filed by Interstate Power and Light Company on September 12, 2008, is granted.

**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 24<sup>th</sup> day of September, 2008.