

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>INDEPENDENCE LIGHT & POWER, TELECOMMUNICATIONS,</p> <p style="text-align:center">Petitioner,</p> <p style="text-align:center">vs.</p> <p>EAST-CENTRAL IOWA RURAL ELECTRIC COOPERATIVE,</p> <p style="text-align:center">Respondent.</p>	<p>DOCKET NO. SPU-08-10</p>
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**ORDER DOCKETING PETITION AND
ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued November 4, 2008)

On October 14, 2008, Independence Light & Power, Telecommunications (ILPT), filed with the Utilities Board (Board) a petition to modify the electric service territory boundary between ILPT and East-Central Iowa Rural Electric Cooperative (East-Central). ILPT alleges, among other things, that it can provide more adequate, reliable, and efficient service to a portion of East-Central's service territory, and that Iowa Code § 476.25(1) allows the Board to modify exclusive electric service territory boundaries at the request of a utility if the Board finds it is in the public interest to do so.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed an appearance on October 20, 2008. On October 31, 2008, East-Central filed an answer and affirmative defenses. East-Central asked that its current exclusive service territory be maintained and affirmatively stated that it provides adequate, reliable, and efficient service to its customers in the disputed territory. East-Central stated that it did not believe the circumstances alleged by ILPT warranted boundary modification, but noted that in the event the Board ordered a modification Iowa Code chapter 476 mandates that the Board require ILPT to purchase East-Central's facilities in the disputed area and that the cost of the acquisition must be considered when evaluating the public interest.

The Board will docket this matter as a formal contested case proceeding, identified as Docket No. SPU-08-10. The docket will be assigned to the Board's administrative law judge (ALJ) for further proceedings, including the establishment of a procedural schedule, ruling on any motions, and conducting a hearing. The Board will also direct the ALJ to conduct a prehearing conference to discuss a procedural schedule with the parties.

IT IS THEREFORE ORDERED:

1. The petition for change in exclusive electric service territory boundaries filed by Independence Light & Power, Telecommunications, on October 14, 2008, is docketed as a formal contested case proceeding, identified as Docket No. SPU-08-10.

2. Pursuant to Iowa code § 17A.11(1)"b" and 199 IAC 7.3, this matter is assigned to the Board's Administrative Law Judge, Amy Christensen, for such further proceedings as may be appropriate.

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 4th day of November, 2008.