

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ITC MIDWEST, LLC	DOCKET NO. E-21057
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**ORDER GRANTING THIRD AMENDMENT OF FRANCHISE**

(Issued November 18, 2008)

On May 23, 2008, ITC Midwest, LLC (ITC Midwest), filed a petition, identified as Docket No. E-21057, with the Iowa Utilities Board (Board) for authority to amend its previously granted Franchise No. 16996. ITC Midwest specifically requested the Board allow it to relocate .92 miles of 121 kV line and increase the authorized maximum operating voltage of approximately 3.65 miles of existing electric transmission line in Johnson County, Iowa, from 36,230 to 72,500 volts pursuant to Iowa Code chapter 478 (2007). ITC Midwest states that all easements required for the line have been obtained.

ITC Midwest has met the requirements of Iowa Code chapter 478 (2007) and 199 IAC 11 and an amendment to franchise should be issued to ITC Midwest for the transmission line described in the petition.

**FINDINGS OF FACT**

1. No objections to the petition have been filed as provided for by Iowa Code chapter 478 (2007).

2. Notice of the petition was published as required by Iowa Code chapter 478 (2007).

3. ITC Midwest has filed an agreement to pay all costs and expenses of this franchise proceeding pursuant to Iowa Code § 478.4 (2007).

4. The transmission line is necessary to serve a public use. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (2007).

5. The transmission line represents a reasonable relationship to an overall plan of transmitting electric energy in the public interest. This conclusion is based on information provided pursuant to Iowa Code chapter 478 (2007).

6. The transmission line will meet or exceed the minimum engineering requirements of the rules of the Board and will conform to the requirements of Iowa Code chapter 478 (2007).

7. ITC Midwest has not requested it be vested with the right of eminent domain.

8. The transmission line is near and parallel to roads, to railroad rights of way or along division lines of land, wherever practicable and reasonable, and so as not to unnecessarily interfere with the use of land by the occupants consistent with Iowa Code § 478.18 (2007).

### **CONCLUSIONS OF LAW**

1. The Utilities Board has jurisdiction of the parties and subject matter pursuant to Iowa Code chapter 478 (2007).

2. The Utilities Board has authority pursuant to Iowa Code chapter 478 (2007) to grant an amendment to franchises for the construction, erection, maintenance, and operation of certain electric transmission lines outside cities in the state for the transmission, distribution, or sale of electric current within the state. Iowa Code § 478.1 (2007).

**IT IS THEREFORE ORDERED:**

1. The petition is granted and an amendment to franchise will be issued to ITC Midwest, LLC, to construct, erect, operate, and maintain an electric transmission line as specifically described in the amendment to franchise attached to this order and incorporated by this reference.

2. The Utilities Board retains jurisdiction of the subject matter in this docket pursuant to Iowa Code chapter 478 (2007), and may at any time during the period of the franchise make such further orders as may be necessary.

**UTILITIES BOARD**

/s/ John R. Norris

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of November, 2008.

### **THIRD AMENDMENT OF FRANCHISE**

On May 23, 2008, ITC Midwest, LLC (ITC Midwest), filed a petition, identified as Docket No. E-21057, with the Utilities Board (Board) for authority to amend its previously granted Franchise No. E-16996. ITC Midwest specifically requested the Board allow it to relocate .92 miles of 121kV line and increase the maximum operating voltage of approximately 3.65 miles of existing electric transmission line in Johnson County, Iowa, from 36,230 to 72,500 volts, pursuant to Iowa Code chapter 478 (2007). Upon due notice and consideration in accordance with Iowa Code chapter 478 (2007), the Board found the petition should be granted and the franchise amended in the Order Granting Third Amendment of Franchise issued simultaneously in this docket. ITC Midwest must comply with the requirements stated in the Order Granting Third Amendment of Franchise and incorporated by reference in this franchise.

Pursuant to the order of the Board and Iowa Code chapter 478 (2007), the amendment of franchise is granted, along with permission and authority to erect, maintain, and operate a transmission line on routing as specifically described for the transmission, distribution, use, and sale of electric current outside of cities and towns, and for such purpose to erect, use, and maintain poles, wires, guy wires, towers, cables, conduits, and other fixtures, and appliances necessary for conducting electric current for light, heat, and power, over, along, and across any public lands, highways, streams, or the lands of any person, company, or corporation, and to acquire necessary interest in real estate for such purposes, on and along the route particularly described in Exhibit A, attached to and incorporated by reference in this order.

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Franchise No. 16996, to construct, operate and maintain 24.80 miles of 169,000 volt, 17 miles of 121,000 volt, 10.75 miles of 72,500 volt and 59.15 miles of transmission line at a maximum voltage of 36,230 volts on the route particularly described in Exhibit A, was granted by the Board or predecessor, to Iowa Electric Light and Power Company, on March 26, 1993, identified as Docket No. E-21057.

The amendment of franchise is granted from the date of issuance unless sooner revoked or modified, to the date of termination of the franchise. The amendment shall be subject to and governed by all provisions, conditions, and requirements of Iowa Code chapter 478 (2007) and by all provisions, conditions, and requirements of the Board, as may be applicable.

It is provided and understood the amendment of franchise is granted subject to the provisions of Iowa Code § 318.9 (2007).

It is further provided and is a condition of the amendment that the Board retains jurisdiction and may during the period of the franchise make such further orders and regulations as may be necessary.

**UTILITIES BOARD**

/s/ John R. Norris  
Chairman

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of November, 2008.