

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ITC MIDWEST LLC	DOCKET NO. E-21924
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ORDER GRANTING EXTENSION OF FRANCHISE

(Issued December 8, 2008)

On April 11, 2008, ITC Midwest LLC (ITC) filed a petition, identified as Docket No. E-21924, with the Utilities Board (Board) for a franchise to erect, maintain, and operate approximately .41 miles of 72,500 volt maximum voltage electric transmission line in Clayton County, Iowa, pursuant to Iowa Code chapter 478 (2007).

In its petition, ITC states that it does not request authority to construct any new transmission lines, but only to extend Franchise No. 16469 for transmission lines that have been previously constructed and are presently being operated and maintained. Franchise No. 16469 was granted on April 13, 1983, in Docket No. E-20450. ITC further states that all easements required for the line have been obtained.

ITC has met the requirements of Iowa Code chapter 478 (2007) and 199 IAC 11 and a franchise should be issued to ITC 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 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 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 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 a franchise will be issued to ITC Midwest LLC to construct, erect, operate, and maintain an electric transmission line as specifically described in the franchise, identified as Franchise No. 17851, 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

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 8th day of December, 2008.