

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>IOWA ASSOCIATION OF MUNICIPAL UTILITIES,</p> <p>Petitioner,</p> <p>v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,</p> <p>Respondent.</p>	<p>Case No. CVCV062999</p> <p>PETITION TO INTERVENE</p>
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Pursuant to Iowa Code § 17A.19(2) and Iowa Rule of Civil Procedure 1.407, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, petitions to intervene in this matter and in support of its petition states as follows:

1. The OCA is tasked with appearing “for all consumers generally and the public generally in all actions instituted in any state or federal court which involve the validity of a rule, regulation or order of the utilities board.” Iowa Code § 475A.2(2) (2021).
2. The OCA acts “as attorney for and represent[s] all consumers generally and the public generally in proceedings before federal and state agencies and related judicial review proceedings and appeals, at the discretion of the consumer advocate.” Iowa Code § 475A.2(5).
3. Petitioner Iowa Association of Municipal Utilities (“IAMU”) was a party to and provided comments in rulemaking proceedings before the Iowa Utilities Board (“Board”) in Docket No. RMU-2020-0027, *Regulation of Electric Cooperatives and Municipal Electric Utilities*, and in certain antecedent rulemaking proceedings, in which the Board considered and

resolved numerous contested issues regarding the Board's jurisdiction over municipal (and cooperative) electric utilities.

4. On January 7, 2022, the IAMU filed a Petition for Judicial Review challenging two of the rules adopted by the Board in its Order Adopting Amendments dated August 3, 2021, the first requiring municipal (and cooperative) electric utilities to give customers written notice thirty days in advance of a rate increase and the second disallowing the assessment of interest or late payment charges by municipal (or cooperative) electric utilities where a customer is making payments consistent with a payment agreement designed to permit the customer to maintain essential electric service while paying an arrearage.

5. The OCA was also a party to and also provided comments in the referenced rulemaking proceedings, including comments supporting the rules that are the subject matter of the IAMU challenge.

6. Iowa Rule of Civil Procedure 1.407(1) provides for intervention as a matter of right when: (1) "a statute confers an unconditional right to intervene;" or (2) the applicant has an interest in the subject of the action and the disposition of the action might impair the applicant's ability to protect that interest, unless the interest is adequately represented by the existing parties.

7. OCA believes that it has an unconditional right to intervene in this proceeding. Pursuant to Iowa Code section 475A.2(4), OCA is to "[a]pppear for all consumers generally and the public generally in all actions instituted in any state or federal court which involve the validity of a rule, regulation, or order of the utilities board." This proceeding relates directly to the validity of the challenged rules.

8. In addition, the OCA is a party interested in the subject of this action on behalf of consumers and the public generally.

9. The OCA's interest in representing all consumers and the public generally is not adequately represented by the existing parties. The OCA is the only party that could adequately represent this interest.

10. No party to this action will be prejudiced by the intervention of the OCA.

WHEREFORE, the OCA respectfully requests that the Court grant this Petition to Intervene, and for such other and further relief as the Court deems just and appropriate.

Respectfully submitted,

/s/ Jennifer C. Easler

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OFFICE OF CONSUMER ADVOCATE

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2022, the foregoing document was filed with the Clerk of Court using the EDMS system which will send electronic notice of the filing to the parties of record. I further certify the foregoing document was sent to the Iowa Utilities Board's general counsel through electronic mail.

/s/ Craig F. Graziano

Craig F. Graziano