

**IOWA DEPARTMENT OF COMMERCE  
UTILITIES DIVISION**

**MINUTES OF THE UTILITIES BOARD**

A decision meeting was held on February 5, 2016, commencing at 9:02 a.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members attending were Chair Geri Huser, Libby Jacobs, and Nick Wagner.

The Board considered: Docket Nos. FCU-2015-0003 Arti, LLC and Pinnacle Engineering, LLC v. MidAmerican Energy Company, FCU-2014-0016 Arti, LLC v. MidAmerican Energy Company, and RPU-2014-0002 MidAmerican Energy Company.

After discussion, Board Member Jacobs moved to direct Board General Counsel to prepare an order denying the complaint of Arti and Pinnacle in Docket No. FCU-2015-0003 and explaining why the Board determined Clause E of MidAmerican's compliance tariffs was implemented in accordance with its decision in MidAmerican's last rate case in Docket No. RPU-2014-0002. Board Member Wagner seconded the motion and the Board unanimously approved it.

In Docket No. FCU-2014-0016 Arti, v. MidAmerican, Board Member Wagner moved that Arti should receive two separate billings rather than the one billing Arti requested while citing its facilities network connections. Board Member Jacobs seconded the motion for an order stating the evidence indicates two separate facilities that should require two separate billings, which the Board unanimously approved. Board Member Jacobs also motioned that the order include rates for Arti electric service based on Arti Cross-Exhibit 1 and that MidAmerican rebill Arti under those generic rates to account for the appropriate phase-in and equalization factors. Board Member Wagner seconded the motion and the Board unanimously approved it.

MidAmerican had asked the Board to clarify the disbursement of its \$2 million per year energy adjustment clause (EAC) obligation to customers ordered in Docket No. RPU-2014-0002. Board Member Wagner said the Board, based on its analysis of costs and benefits during the ratemaking principles case, had determined it was reasonable to reduce risk to customers by requiring MidAmerican to provide a \$2 million credit once 50 Megawatts of its (Wind IX) Project was completed. He said whether the 50 Megawatts had been in operation for a full year was not a factor and when 50 Megawatts of the project was achieved, the automatic credit was to be applied. Board Member Jacobs agreed, saying the Board felt the full \$2 million payment would be made in 2015. She said the 50-Megawatt benchmark should trigger the payment followed by a 12-month cycle afterward. Board Member Wagner moved that the decision order specify that MidAmerican's \$2 million payment be credited to customers in 2015 and be included in MidAmerican's EAC over/under calculation for the next EAC year. Board Member Jacobs seconded the motion and the Board unanimously approved it.

In other business, Chief Operating Officer Cecil Wright provided an update regarding the Board's upcoming deliberations on the Dakota Access oil pipeline in Docket No. HLP-2014-0001.

The meeting adjourned at 10:02 a.m. Recorded by Rob Hillesland.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE  
UTILITIES DIVISION**

**MINUTES OF THE UTILITIES BOARD**

A decision meeting was held on March 10, 2016, commencing at 1:00 p.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members attending were Chair Geri Huser, Libby Jacobs, and Nick Wagner.

The Board considered: Docket No. HLP-2014-0001 Dakota Access, LLC, decision.

Chair Huser discussed the procedural history of the docket, noting that copies of a Board decision order in the docket would be made available in the building lobby after the meeting. Huser called for comments from the other Board members.

Board Member Jacobs stated that the Board members, individually and collectively, spent thoughtful deliberation and weighed the public benefits as well as the private costs and other detriments. She stated the Board carefully considered safety, economic benefits, environmental factors, and landowners' rights as well as the statutory obligations.

Board Member Wagner stated the Board had reviewed all factors and issues subject to the terms and conditions related to the public convenience and necessity and that the permit should be granted only after compliance with the requirements spelled out in the order. Board Member Wagner made a motion to approve the Board decision order in the docket and Board Member Jacobs seconded the motion. Chair Huser, Board Member Jacobs, and Board Member Wagner unanimously approved the decision order.

The meeting adjourned at 1:08 p.m. Recorded by Rob Hillesland.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE  
UTILITIES DIVISION**

**MINUTES OF THE UTILITIES BOARD**

A meeting was held on March 15, 2016, commencing at 9:00 a.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members attending were Chair Geri Huser, Libby Jacobs, and Nick Wagner.

Chair Huser asked if there was any discussion on the consent items, including the previous month's meeting minutes, and being none, Board Member Jacobs motioned, Board Member Wagner seconded, and the Board unanimously approved the February 18, 2016, meeting minutes as well as the public notification of Board administrative actions and Board orders.

Board General Counsel staff Mary Whitman, discussed Docket No. E-22100, ITC Midwest LLC, and answered the Board members' questions on the draft Consideration of Appeal of Proposed Decision and Order in the docket. Board Member Jacobs made a motion to approve the order, Board Member Wagner seconded the motion, and the Board unanimously approved it.

Deputy Executive Secretary Judi Cooper provided the agency monthly financial report. Board Administrative Law Judge Amy Christensen updated the Board on the Iowa 111(d) Stakeholder Process following the United States Supreme Court stay of the Environmental Protection Agency's Clean Power Plan rules regulating carbon dioxide from existing power plants. Board General Counsel David Lynch discussed the written procedures and processes for open records requests to the Board. Chief Operating Officer Cecil Wright presented the timeline for a review of administrative rules. Board staff Kerri Johannsen presented potential changes being investigated for the agency's annual report, including means of making the calendar year docket summary information more consistent, easier to find, and available online after Board orders are issued.

Interstate Power and Light Company President Doug Kopp and Vice President of Regulatory Affairs Joel Schmidt presented information to the Board about electric rate design pertaining to residential customer distributed generation. Consumer Advocate Mark Schuling stated the Office of Consumer Advocate would like there to be collaboration between the parties in the Board's distributed generation notice of inquiry docket (NOI-2014-0001) as well as the possible consideration of a renewable energy pilot project prior to any particular utility rate design proposals being submitted to the Board.

Karl R. Rábago of Rábago Energy and the Environmental Law and Policy Center/Iowa Environmental Council provided a presentation about electric rate design considerations for residential customer distributed generation. He also noted the potential value of a pilot project in evaluating benefits and cost impacts.

Board Member Wagner and Chief Operating Officer Cecil Wright presented Years of Service Awards to Board staffers Jim Langenberg for 25 years, Dana Tate for 10 years, and Jane Whetstone for 15 years.

In public comments, Jeffrey James Shipley of Iowa Wind and Solar in Fairfield, Iowa, stated that Iowa should embrace small renewable electric generation sources of customers as part of the creation of a new and economical energy model.

The meeting adjourned at 11:36 a.m. Recorded by Rob Hillesland.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE  
UTILITIES DIVISION**

**MINUTES OF THE UTILITIES BOARD**

A meeting was held in Docket No. HLP-2014-0001, In re: Dakota Access, LLC, on March 25, 2016, commencing at 1:30 p.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members attending were Chair Geri Huser, Libby Jacobs, and Nick Wagner.

Chair Huser described the three purposes of the meeting: First, to provide interested Iowans with information about the process the Board will follow in the remainder of this docket; second, to notify the parties that Board staff will be providing an overview of the compliance filings and requests for rehearing at a future Board meeting; and third, to allow the Board to move into closed session to deliberate regarding the following:

- a. Granting rehearing solely for purposes of further consideration for the two pending applications for reconsideration,
- b. Dakota Access's March 16, 2016, compliance filing,
- c. Dakota Access's request for confidential treatment of parts of the compliance filing,
- d. A request for consultation filed by the Iowa Tribe of Kansas and Nebraska,
- e. A request for clarification filed on March 18, 2016, by Dakota Access, and
- f. Consideration of whether Dakota Access has violated the terms of the Board's March 10, 2016, order by commencing construction without a permit.

Board Member Jacobs moved to direct General Counsel to set a Board meeting for March 29, 2016, at 1:30 p.m. Board Member Wagner seconded and the motion passed unanimously.

Chair Huser said that a party to the docket, Mr. Keith Puntteney, had filed a motion for an extension of time to March 28, 2016, to file his comments on Dakota Access's March 16, 2016, compliance filing. Board Member Jacobs moved to grant the motion. Board Member Wagner seconded and the motion passed unanimously.

Chair Huser noted that General Counsel has advised the Board that Iowa Code § 21.5(1)(f) permits the Board to go into closed session to discuss the decision to be rendered in a contested case, while Iowa Code § 21.5(1)(c) permits the Board to go into closed session to discuss strategy with counsel in matters where litigation is imminent and where disclosure of the discussion would be likely to prejudice or disadvantage the position of the Board in that litigation. Board Member Wagner moved that the Board go into closed session pursuant to Iowa Code § 21.5(1)(c) and (f). Board Member Jacobs seconded. Chair Huser voted aye, Board Member Jacobs voted aye, and Board Member Wagner voted aye.

The meeting recessed to closed session at 1:45 p.m. to return to open session on March 29, 2016. Recorded by David Lynch.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE  
UTILITIES DIVISION**

**MINUTES OF THE UTILITIES BOARD**

A deliberation meeting was held on March 29, 2016, commencing at 2:02 p.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members attending were Chair Geri Huser, Libby Jacobs, and Nick Wagner.

The Board considered numerous remaining issues related to the Docket No. HLP-2014-0001, Dakota Access, LLC, decision.

Board General Counsel David Lynch discussed the established timelines for applications for rehearing and petitions for judicial review, the Dakota Access March 16, 2016, compliance filing, pending applications for reconsideration and clarification, a request for consultation of the Iowa Tribe of Kansas and Nebraska, a request for confidential treatment filed on March 16, 2016, by Dakota Access, and the official notice of the staff witness report filed on March 25, 2016.

Board Member Wagner made a motion directing General Counsel to prepare an order for the Board's review addressing the items discussed, which Board Member Jacobs seconded, and the Board unanimously approved.

Board Member Wagner motioned to go into closed session for further deliberations, seconded by Board Member Jacobs, and unanimously approved by the Board. Chair Huser announced the Board would return to open session at 9 a.m. on March 31, 2016, and 1:30 p.m. on April 4, 2016.

The meeting adjourned at 3:34 p.m. Recorded by Rob Hillesland.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE  
UTILITIES DIVISION**

**MINUTES OF THE UTILITIES BOARD**

A deliberation meeting was held on March 31, 2016, commencing at 9:00 a.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members participating were Chair Geri Huser, Libby Jacobs, and Nick Wagner (via telephone conference call).

The Board discussed an order to be issued in Docket No. HLP-2014-0001, Dakota Access, LLC. Chair Huser stated that the Board had instructed General Counsel to draft an order addressing remaining issues in the docket and she asked Board General Counsel David Lynch to go through it so the Board could discuss if any changes should be made.

Lynch stated that very few landowners filed applications with the Board for clarification or reconsideration, that the draft order grants rehearing to two landowners only for the purpose of further consideration, and that the 30-day deadline for the Board to rule on these applications had been reached. Board Member Jacobs made a motion that the order language should grant further consideration to the two landowner requests as well as any other such applications that may yet be filed. Board Member Wagner seconded the motion, and the Board unanimously approved it.

Regarding the Iowa Tribe Request for Consultation to the Board, Board Member Jacobs motioned to decline the request because it should apply to the federal government, specifically the U.S. Army Corps of Engineers. Board Member Wagner seconded the motion to decline the request and the Board voted unanimously on the motion.

Board Member Jacobs motioned that the Board grant confidential treatment only for insurance premium and identification information with a 14-day hold should the company seek injunctive relief, but not grant Dakota Access' full request for confidential treatment that was filed on March 16, 2016. Board Member Wagner seconded the motion and the Board unanimously approved it.

Lynch stated Dakota Access filed a motion for clarification of some land parcels with Board ordered route changes. Chair Huser and Board Member Jacobs asked General Counsel to identify parcels where Exhibit H should to be refiled to address remaining issues with landowner properties. Lynch said that modification to the order would be made. Board Member Jacobs then moved to grant the motion for clarification, seconded by Board Member Wagner, and unanimously approved by the Board. Board Member Jacobs also motioned for the Board to require Dakota Access to file additional information on or before April 5, 2016, as to why an additional survey is required on the LaVerne Johnson property or any other property, which Board Member Wagner seconded and the Board unanimously approved.

Board Member Jacobs motioned, Board Member Wagner seconded, and the Board unanimously approved taking official notice of the March 25, 2016, staff witness report. Lynch stated the Board had received a number of public comments, including some comments about the company already staking centerlines and clearing trees and brush and whether that constitutes commencing construction. Lynch stated the order asks the parties in the docket to address construction issues and provide additional direction on those public comments, none of which were from affected property owners. Board Member Jacobs made a motion to take official notice of the public comments, including March 23 and March 26, 2016, emails, which Board Member Wagner seconded and the Board unanimously approved.

Board Member Jacobs made a motion that Dakota Access should file a response by April 4, 2016, as to whether Dakota Access or its agents are responsible for the construction activities alleged in the public comments and, if so, to explain the staking and tree clearing and why it feels it is acceptable. Board Member Wagner seconded the motion and the Board unanimously approved it.

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Board Member Jacobs motioned to return to closed session for further deliberations, seconded by Board Member Wagner, and unanimously approved by the Board.

The meeting adjourned at 9:22 a.m. Recorded by Rob Hillesland.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE  
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**MINUTES OF THE UTILITIES BOARD**

A deliberation meeting was held on April 4, 2016, commencing at 1:30 p.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members attending were Chair Geri Huser, Libby Jacobs, and Nick Wagner.

The Board considered compliance filings and requirements per the Board's March 10, 2016, Final Decision and Order in Docket No. HLP-2014-0001, Dakota Access, LLC.

Board General Counsel David Lynch discussed the various compliance filings and obligations of Dakota Access in response to the Board's decision order, including pre-permit requirements, Modified Agricultural Impact Mitigation Plan, insurance requirements, corporate parental guarantees, timeline notifications, condemnation easements, and the company statement accepting terms and conditions.

Lynch stated that Board staff would prepare a draft Board order addressing the compliance issues by the end of the following week for the Board's review and directive prior to the order being issued. Lynch stated staff could draft the order by April 8, 2016, and Chair Huser stated the Board would then schedule another public meeting for April 15, 2016, to discuss it.

Board Member Wagner motioned to go into closed session for further deliberations, seconded by Board Member Jacobs, and unanimously approved by the Board.

The meeting adjourned at 2:33 p.m. Recorded by Rob Hillesland.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE  
UTILITIES DIVISION**

**MINUTES OF THE UTILITIES BOARD**

A meeting was held on April 8, 2016, commencing at 2:33 p.m. in the Iowa Utilities Board Hearing Room, 1375 East Court Avenue, Des Moines, Iowa. Board Members attending were Chair Geri Huser, Libby Jacobs, and Nick Wagner.

The Board considered Dakota Access, LLC compliance filings and commitments in Docket No. HLP-2014-0001, including whether to approve a compliance order and a pipeline permit. Chair Huser announced that the Board would hold another public meeting in this docket at 1:30 p.m. on April 14, 2016.

Board General Counsel David Lynch discussed sections of an order on the Dakota Access compliance filings as well as three outstanding commitments, which must be completed before a permit is issued. Those commitments include the U.S. Army Corps of Engineers authorization, a storm water pollution prevention plan, and an unanticipated discovery plan. Lynch also discussed the ordering clauses of the order to be voted upon by the Board members.

In action items, Board Member Jacobs made a motion to approve the compliance order, which Board Member Wagner seconded and the Board unanimously approved. Board Member Jacobs also made a motion to approve, Board Member Wagner seconded, and the Board unanimously approved Permit No. N0042.

Board Member Wagner motioned to go into closed session for further deliberations, seconded by Board Member Jacobs, and unanimously approved by the Board.

The meeting adjourned at 2:58 p.m. Recorded by Rob Hillesland.

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Approved at the April 21, 2016, Board meeting.

**UTILITIES BOARD**

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Chair

ATTEST:

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Executive Secretary, Designee