

**IOWA DEPARTMENT OF COMMERCE
UTILITIES DIVISION**

MINUTES OF THE UTILITIES BOARD

A meeting was held on May 17, 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, Board Member Libby Jacobs, and Board Member Nick Wagner.

Chair Huser asked if there was any discussion on the consent items and being none, the Board's April 21, 2016, meeting minutes, Notification of Administrative Actions, and Notification of Board Orders were adopted by unanimous consent.

Board General Counsel staff Jennifer Johnson updated the Board on the status of Docket No. RMU-2015-0002, Amendments to Telecommunications Service Regulations [199 Iowa Administrative Code 22]. Board Member Jacobs motioned for the Board to approve the order commencing a rule making in the docket with an extended deadline of July 1, 2016, for written comments and Board Member Wagner seconded the motion, which the Board unanimously approved. The Board members noted the Board intends to maintain its regulatory authority of Voice over Internet Protocol (VoIP) service.

Board General Counsel staff Ben Flickinger discussed the Board order to be issued in Docket No. RPU-2015-0003: MidAmerican Energy Company, regarding the utility's application to implement a capital infrastructure investment rate (tracker) mechanism. Board Member Jacobs motioned for the Board to approve the order, Board Member Wagner seconded, and the Board unanimously approved the motion. The Board members noted MidAmerican would be required to file information by May 23, 2016, as to why it had begun charging customers for the tracker prior to Board approval.

Flickinger and Chief Operating Officer Cecil Wright discussed Docket No. SPU-2015-0039 (TF-2015-0352), regarding farm tap natural gas service and notice of public comment meetings for farm tap customers of Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy. Board Member Jacobs motioned for the Board to approve an order, Board Member Wagner seconded, and the Board unanimously approved the motion.

Deputy Executive Secretary Judi Cooper provided the agency monthly financial report, Wright presented information on the active review of Board rules, and Board staff Kerri Johannsen discussed plans to include various Board-related information on an open data Website of the State of Iowa.

Board General Counsel David Lynch provided an update on Docket No. HLP-2014-0001, Dakota Access, LLC. He stated that on May 5, 2016, Dakota Access filed a request with the Board to begin construction in Iowa outside of the Board required pre-notification zones. Lynch noted the Board has typically approved construction only upon all other approvals being acquired. Lynch said the Board, in a previous order, limited the company to using hand tools to remove trees and bushes in the affected areas requiring approval of the Army Corps of Engineers and heavy equipment had since become necessary to complete the clearing of those areas. Lynch recommended Board staff schedule a conference call with the parties and discuss with them how to make the appropriate filings for the Board's consideration regarding the matter. Board Member Jacobs asked Board staff to arrange the call and to report back to the Board in writing and Consumer Advocate Mark Schuling stated that the Office of Consumer Advocate concurred. Lynch noted that two petitions for judicial review of the Board's decision in this docket (related to eminent domain) had been dismissed to be refiled with changes, but had not yet been refiled.

Regi Goodale, Iowa Association of Electric Cooperatives Director of Regulatory Affairs, made an electric rate design presentation related to distributed generation in Iowa. Consumer Advocate Mark Schuling stated it was the fourth monthly meeting where the Board had heard presentations on renewable distributed generation and that additional information and discussion was needed because of minimal penetration in Iowa.

Chair Huser announced that the Board's next monthly meeting would be held on June 21, 2016. The meeting adjourned at 10:55 a.m. Recorded by Rob Hillesland.

Approved at the June 21, 2016, Board meeting.

UTILITIES BOARD

Chair

ATTEST:

Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE
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MINUTES OF THE UTILITIES BOARD

A deliberation meeting was held on June 1, 2016, commencing at 10:00 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.

The Board discussed the Dakota Access, LLC, Request for Permission to Begin Construction Outside Pre-Construction Notification (PCN) Areas filed on May 5, 2016, in Docket No. HLP-2014-0001.

Board General Counsel David Lynch discussed the procedural history, filings, and litigation in this docket. Lynch and Chief Operating Officer Cecil Wright presented maps showing land parcels, including the PCN, voluntary easement, and eminent domain areas of the pipeline route, noting it is believed there are 65 PCN areas and 168 eminent domain parcels.

Lynch noted that Dakota Access had not yet filed redacted copies of insurance policies for the purpose of maintaining certain information confidential. Board Member Jacobs made a motion directing Dakota Access to file redacted copies of the insurance policies and Board Records and Information Center staff to upload them to the public documents record. Board Member Wagner seconded and the Board unanimously approved the motion.

Board Members Wagner and Jacobs recommended construction should be allowed to begin on parcels where the required permits, approvals, or voluntary easements have been obtained, consistent with the Board's March 10, 2016, decision. Chair Huser stated concerns with the Board retaining jurisdiction over the matter and whether it would be changing its March 10, 2016, decision order or impacting litigation in any way. Board Member Wagner stated he did not view it as a change to the decision order because the Army Corps of Engineers and Department of Natural Resources followed through with their reviews with the PCN authorizations being imminent and substantially completed, recommending a new order be drafted in such a manner that no part of the March 10, 2016, decision order would be altered or revisited. Board Member Jacobs agreed and stated it was a significant supporting fact that the Army Corps of Engineers stated that by June 16, 2016, all but three PCN approvals would be completed. She noted it is really not different than commenced construction having to be halted on one or more land parcels, which would not require stopping construction in the other areas. Board Member Wagner made a motion directing Board General Counsel to draft a proposed order for the Board's consideration based on what was outlined and discussed by the Board, which Board Member Jacobs seconded and the Board unanimously approved.

Board Member Wagner made a motion to go into closed session, seconded by Board Member Jacobs, and unanimously approved by the Board.

The meeting adjourned at 10:55 a.m. Recorded by Rob Hillesland.

Approved at the June 21, 2016, Board meeting.

UTILITIES BOARD

Chair

ATTEST:

Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE
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MINUTES OF THE UTILITIES BOARD

A meeting was held on June 6, 2016, commencing at 12:00 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 discussed whether to approve a proposed order it directed Board staff to draft in its June 1, 2016, public meeting, related to a request by Dakota Access, LLC, to begin construction outside pre-construction notification areas and consistent with the Board's earlier decision order in Docket No. HLP-2014-0001.

Board General Counsel David Lynch stated the order drafted would discuss Board jurisdiction, the purpose and intent of the required filing requirements and approvals, centered on environmental issues raised, and on the condition of having Dakota Access file authorizations and permits and having a single location where the public and the Board can find them.

Board Member Wagner stated he had reviewed the order drafted by staff, which would grant the Dakota Access request, and made a motion for the Board to approve it. Board Member Jacobs seconded the motion to approve the order and Chair Huser voted against approving the order as drafted, stating she would provide her dissent to Board General Counsel for inclusion in the order.

Board Member Jacobs asked if changes could still be made to the order before issuance. Board General Counsel David Lynch responded that changes could be made, if necessary, and Board Member Wagner stated it is not the final decision of the Board until the written order is signed, which he stated was anticipated to be on the following day.

Board Member Wagner moved to go into closed session for further deliberations on litigation in this docket, seconded by Board Member Jacobs, and unanimously approved by the Board. Chair Huser noted that the closed session was not for any further deliberations on the forthcoming Board order.

The meeting adjourned at 12:06 p.m. Recorded by Rob Hillesland.

Approved at the June 21, 2016, Board meeting.

UTILITIES BOARD

Chair

ATTEST:

Executive Secretary, Designee