

**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 consider the appropriate scope of its regulatory authority over non-nomadic 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 July 19, 2016, Board meeting.

UTILITIES BOARD

Chair

ATTEST:

Executive Secretary, Designee

**IOWA DEPARTMENT OF COMMERCE
UTILITIES DIVISION**

MINUTES OF THE UTILITIES BOARD

A meeting was held on June 21, 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 May 17, 2016, meeting minutes, Notification of Administrative Actions, and Notification of Board Orders were adopted by unanimous consent.

Board General Counsel staff Ben Flickinger updated the Board on the permit application of Interstate Power and Light Company for a natural gas pipeline serving Clinton, Iowa, in Docket No. P-0893. After discussion about whether the final pipeline route should be allowed to cross a particular private property, the Board members agreed to wait until after reviewing further analysis in a forthcoming memo from Board staff before making a decision.

Chief Operating Officer Cecil Wright discussed, and the Board approved, the upcoming order scheduling and providing public notice of six public comment meetings pertaining to farm tap natural gas service, Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, in Docket No. SPU-2015-0039 (TF-2015-0352).

Flickinger and Wright discussed with the Board the process for addressing three formal complaints about the Dakota Access, LLC, crude oil pipeline in Docket Nos. FCU-2016-0006, FCU-2016-0008, and FCU-2016-0009.

Flickinger discussed an order drafted, stating MidAmerican Energy Company had filed additional information about collecting approximately \$36,950 from customers prior to Board approval of the capital infrastructure investment rate (tracker) mechanism it requested in Docket No. RPU-2015-0003. Flickinger stated the order would require MidAmerican to apply the \$36,950 amount it collected prematurely to its energy adjustment clause annual reconciliation filing with the Board. Board Member Jacobs made a motion for the Board to approve the order, Board Member Wagner seconded, and the Board unanimously approved the motion.

Flickinger also discussed a requested change of service territory by Raccoon Valley Electric Cooperative and Interstate Power and Light Company (Alliant/IPL) in Docket No. SPU-2016-0002, which the Board did not act upon at the meeting while awaiting a response to an Office of Consumer Advocate objection to a confidentiality request for maps filed on June 3, 2016.

General Counsel Staff Bob Bird discussed an application for confidential treatment of Interstate Power and Light Company in Docket No. WRU-2016-0010-0150, in which Alliant/IPL seeks to continue to flow through revenues to customers from low load factor auction revenue rights, using its energy adjustment clause. Board Member Jacobs made a motion for the Board to approve an order granting Alliant/IPL's request for confidential treatment, Board Member Wagner seconded, and the Board unanimously approved the motion.

Board staff Cameron Wright discussed an order drafted to address an Alliant/IPL request for confidentiality in Docket No. M-0150. Board Member Jacobs moved for the Board to approve the order granting Alliant/IPL's request for confidential treatment, Board Member Wagner seconded, and the Board unanimously approved the motion.

Board staff Joni Nicoll presented the fiscal year 2017 total budget of \$1,266,000 for dual party relay (\$675,000) and equipment distribution program (\$591,000) services in Iowa. Board Member Jacobs made a motion for the Board to approve the budget, 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 Telecommunications Section Manager Suzanne Smith discussed an amendment to the Board's contract for the Iowa telephone exchange boundary mapping project with map changes requiring \$1,800 additional funding to the original \$22,500 amount from the Universal Service Fund.

Board General Counsel David Lynch updated the Board on the process for preparing and storing Board meeting minutes and audio recordings of closed sessions as well as Docket No. HLP-2014-0001, Dakota Access, LLC. Lynch stated a First Quarter 2016 construction update was due from Dakota Access on July 1, 2016, and briefly discussed the five court appeals of the Board's decision order in the hazardous liquid pipeline docket, noting that Board General Counsel had filed answers and a motion to consolidate the five appeals into a single action.

Lynch also provided an update on the Rock Island Clean Line transmission line Docket Nos. E-22123 through E-22138. Board Member Jacobs made a motion directing staff to prepare an order establishing an intervention deadline and setting a scheduling conference to establish a procedural schedule going forward in the dockets, Board Member Wagner seconded, and the Board unanimously approved the motion.

In addition, Lynch discussed how the Board is handling Freedom of Information Act requests, subject to the Iowa Open Records Act, noting two such requests that had recently been filed with the Board.

Following a short recess, CenturyLink State of Iowa Regulatory Affairs Director Wayne Johnson and Vice President Tim White presented CenturyLink's Annual Broadband Deployment update to the Board.

Chair Huser announced that the Board's next monthly meeting would be held on July 19, 2016. The meeting adjourned at 11:13 a.m. Recorded by Rob Hillesland.

Approved at the July 19, 2016, Board meeting.

UTILITIES BOARD

Chair

ATTEST:

Executive Secretary, Designee