

Public Hearing

Once a franchise petition is filed, Iowa law requires that the public hearing be held on the proposed electric transmission line if objections to the franchise petition are on file or if the party filing the franchise petition requests the right of eminent domain. If the line length exceeds one mile, the hearing must be held in the county seat of the county located at the midpoint of the proposed transmission line.

Any person whose interests may be affected by the project may file an objection with the IUB using its Electronic Filing System (EFS), efs.iowa.gov. Persons without Internet access may mail objections addressed to the Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319. A form that may be used for filing an objection is available on the IUB web site at iub.iowa.gov. Persons filing objections should include their full name and mailing address, e-mail address if available, and indicate the IUB docket number in their correspondence. E-mail objections other than filings in EFS cannot be accepted.

The franchise hearing is a formal, evidentiary process governed by Iowa law and IUB rules. It is similar to a trial held by a judge in district court, although there is no jury. A franchise hearing may be conducted by a Board-appointed administrative law judge or by the Board. All testimony must be taken under oath, so witnesses are sworn in prior to testifying. The Office of Consumer Advocate (OCA) is a party that represents the public interest in all IUB hearings. The OCA does not represent any individual customer or member of the public.

Decision Process

After a public hearing, all evidence presented in a case is reviewed. If the case is assigned to an administrative law judge (ALJ), the ALJ hearing the case will issue a proposed decision order. If parties wish to appeal a proposed decision to the Board, they must file a notice of appeal with the IUB within a specified time after the proposed decision is issued, typically 15 days.

The Board has the authority to review a proposed decision even if no one appeals it. If there is no appeal and the Board does not review it, a proposed decision typically becomes the final decision of the Board 16 days after it was issued. If there is an appeal or the Board decides to review a proposed decision, the Board will issue a procedural order that tells the parties how the appeal will be handled. The Board itself would issue a final decision and order in such a case.

When the Board has decided the case, any party to the proceeding may file for rehearing within 20 days. Upon issuance of a final decision on rehearing, any party may appeal to Iowa District Court within 30 days.



Electric Transmission Line Franchise Proceedings



Iowa Utilities Board
515.725.7321
Toll-free: 877.565.4450
Email: customer@iub.iowa.gov
Website: iub.iowa.gov
1375 East Court Avenue, Room 69
Des Moines, Iowa 50319-0069



Iowa Utilities Board

Transmission Line Franchises

Iowa law provides the Iowa Utilities Board (IUB) the authority to grant or deny the franchise requests of parties seeking to construct, maintain, and operate electric transmission lines outside of cities in Iowa. The IUB must consider granting a franchise in each county where a party proposes transmission lines. The IUB does not have siting authority regarding transmission lines that run inside of city limits. A transmission line is defined as an electric line capable of operating at 69,000 volts or more.

Iowa law states that the IUB may grant franchises in whole or in part upon such terms, conditions, and restrictions as are just and proper, and with such modifications as to line location and route as are just and proper.

To obtain a franchise, the applicant must show that the proposed transmission line is necessary to serve a public use. The applicant must also show that the proposed line is reasonably related to an overall plan of transmitting electricity in the public interest and will conform to established construction and safety requirements. Iowa Code chapter 478 and IUB rules at 199 Iowa Administrative Code chapters 11 and 25 govern electric transmission line cases in Iowa. Links to the Iowa Code and the IUB rules are available on the IUB Web site, iub.iowa.gov.

Informational Meetings

The party proposing to petition for a franchise is required to hold a public informational meeting not less than 30 days before a franchise petition can be filed with the IUB. A meeting must be held in each Iowa county through which a proposed line would be constructed. Notice of a public informational meeting must be provided at least 30 days in advance to each landowner with property that may be affected by the project. Affected landowner determinations are based on county real estate assessment records.

Representatives of the party proposing to petition for a franchise and the IUB, will be present at the informational meeting. The purpose of the meeting is to explain to landowners the franchise process, rights of the landowners, the scope of the proposed project, and to provide an opportunity for landowners to ask questions. No formal record is made of informational meetings and no formal public comments are received at these meetings.

The party that proposes a project may not begin contacting landowners to secure easements until an informational meeting has been held in the county. An informational meeting is not required for short transmission lines that would affect less than one mile of private property rights. When a petition for franchise is filed with the IUB, and deemed to be substantially complete, a notice of filing will be published two times in a newspaper of general circulation in each affected county. The deadline for filing objections is 20 days after the second notice-of-filing publication.

Right-of-Way Acquisition

A party must obtain the necessary rights, called easements, from the landowner(s) to locate an electric line on private property. An easement is the legal document for providing such rights. It may be voluntary or it may be obtained through the use of eminent domain. Generally speaking, an easement provides an acquired privilege for use of the property. The landowner retains ownership, and use of the easement area is restricted by conditions set forth in the easement or by law.

Right-of-way negotiations are strictly between landowners and the party seeking the electric franchise. Landowners should carefully read the easement agreement provided to be fully aware of the rights the proposing party seeks from them.

The landowner has the right to negotiate terms of the easement. If a landowner signs a voluntary easement, the landowner has a limited time to cancel the agreement. This is a one-time cancellation right that must be sent by certified mail to the party's principal place of business and be received within seven business days of the date the agreement was signed.

Typically, the party will secure as many voluntary easements as possible before filing a formal franchise petition with the IUB. If the party proposing a project has been unable to secure all voluntary easements, it may petition the IUB for the right of eminent domain.

The IUB has the authority to grant eminent domain to the extent it is necessary for the public use, which the applicant party has the burden to prove.

A county compensation commission in each affected county, not the IUB, determines the matter of just compensation for property rights taken by eminent domain.

