

FREQUENTLY ASKED QUESTIONS

RMU-2020-0028 – Chapter 28 rules New Renewable Energy and Storage Facilities Generating Certificate June 25, 2020

On May 22, 2020, the IUB issued an [Order Opening Docket and Requesting Stakeholder Comment on Proposed Rule \(Docket Nos. RMU-2020-0028 and RMU-2019-0024\)](#), which contains the proposed new chapter 28 rules for location and construction of renewable electric power generating facilities and storage facilities and seeks comment on these rules. This informal rule-making phase will be the first of several opportunities for stakeholders to provide input on the new proposed rules. The existing Rules for Location and Construction of Electric Power Generating Facilities are found in chapter 24.

The chapter 28 rules suggest a more streamlined application process for renewable energy and storage facilities that have a total operating capacity of 25 MW or more.

Under current IUB practice, a certificate under Iowa Code chapter 476A is not required for wind farms constructed with wind turbines of total capacity of less than 25 MW attached to a gathering line. The IUB is proposing in chapter 28 that all renewable energy and storage facilities that have a total operating capacity of 25 MW or more file for a certificate of public convenience, use and necessity.

The following FAQs have been prepared to explain the process in this rule making:

Q1 – What do these rules do?

A1 – Docket RMU-2020-0028 proposes new rules regarding the location and construction of renewable electric power generating facilities and storage facilities.

Chapter 28 reflects a general chronology of the generating certificate process more tailored to siting renewable energy facilities than existing chapter 24 rules. The proposed rules suggest a streamlined application process for renewable energy and storage generating facilities and are designed to require all generating facilities and storage facilities that have a total operating capacity of 25 MW or more to file for a certificate of public convenience, use and necessity with the IUB.

Q2 – Why is the IUB creating these rules?

A 2 – The IUB is proposing the new rules to establish filing requirements and procedures for renewable energy generating facilities to obtain a certificate pursuant to Iowa Code 476A.

Q3 – What is the process for these proposed rules?

A3 – During the informal phase, comments may be filed by stakeholders or interested persons. The IUB will review the comments and determine whether to open a formal rule-making procedure. If the IUB decides to open a formal rule-making procedure, the IUB will issue an order and follow the process under [Iowa Code § 17A.4](#).

Q4 – When are comments due?

A4 – Any interested person or entity may file comments on proposed chapter 28 rules in Docket No. [RMU-2020-0028](#). Per the IUB’s May 22, 2020 order, initial comments were due June 22, 2020, and reply comments to those initial comments are due by July 6, 2020.

- Comments may be filed in the IUB’s electronic filing system, [efs.iowa.gov](#); by using the IUB [online comment form](#); by email to customer@iub.iowa.gov; or by letter addressed to the IUB, 1375 E. Court Ave., Des Moines, IA 50319.
- For assistance with filing electronically, contact our EFS Help Desk staff at (515) 725-7337 or email efshelpdesk@iub.iowa.gov.
- IUB business and support hours are 8 a.m. to 4:30 p.m. Monday through Friday.

Q5 – What happens to my comments once they are filed?

A5 – All comments received are uploaded to the IUB’s Electronic Filing System in docket RMU-2020-0028. Due to the volume of comments being received, the IUB is batching comments to add to the docket. All comments submitted are subject to [Iowa’s Open Records Act](#). By submitting a comment, your email is added to the service list for this proceeding. Anyone listed on a service list for RMU-2020-0028 will receive an email notice anytime a filing is made in that docket.

Q6 – What renewable energy facilities will these rules apply to?

A6 – Chapter 28 rules will apply to all alternate energy facilities under Iowa Code [476.42\(1\)\(a\)](#), which includes solar and wind turbines. It also will apply to storage facilities.

Q7 – Who received notice of this order?

A7 – The IUB sent notice to various industry stakeholders and associations for this rule making. In addition, the IUB noticed all 99 counties, via county attorneys, to afford the counties an opportunity to participate in the rule-making process.

Individuals did not need to receive notice to participate in the rule making. The IUB’s order is publicly available and anyone may file comments in the docket.

Q8 – Do these rules change the IUB’s powers to grant eminent domain?

A8 – No. The IUB currently has authority to grant eminent domain under Iowa Code section 476A.7(1)(b). The rules do not change those powers. To date the Board has never granted and no wind farm developer has ever requested the power of eminent domain.