



Upcoming Events

- October 25, 2011 IAMU Regional Meeting, Ankeny Register/more information: Here
October 26, 2011 IAMU Regional Meeting, Muscatine Register/more information: Here
October 31, 2011 IAMU Regional Meeting, Greenfield Register/more information: Here
November 1, 2011 IAMU Regional Meeting, Denison Register/more information: Here
November 2, 2011 IAMU Regional Meeting, Spencer Register/more information: Here
November 3, 2011 IAMU Regional Meeting, Independence Register/more information: Here
November 15 - 17, 2011 Water and Wastewater Operator's Training Workshop, Holiday Inn Northwest, Des Moines Register/more information: Here

IAMU takes part in letter addressed to Pres. Obama



IAMU has joined 16 other state and regional public power agencies in a joint letter to President Obama expressing concern over the impact of a number of pending Environmental Protection Agency (EPA) rules on electric reliability, resource adequacy, and cost to consumers.



The letter calls for an assessment of the impact of these various rulemakings taken together. A copy of the letter can be seen at this link.

Index/back issues available on the IAMU web site. Click here.

IUB issues order in key railroad right of way docket

On September 30, the Iowa Utilities Board (IUB) issued a final order in the Hawkeye Land vs. ITC Midwest Docket No. FCU-2009. On August 7, 2009 Hawkeye filed a formal complaint against ITC for failure to adequately pay for three electric transmission line crossings along the railroad rights of way (RR ROW) in Franklin County.



IAMU, along with several other parties, filed to intervene in the case. On October 14, 2010, the Administrative Law Judge (ALJ) issued an order denying the relief requested by Hawkeye. The ALJ opinion found that the standard crossing fee of \$750 was the 'just and fair compensation' for each of the three crossings. Hawkeye appealed the ALJ's decision, alleging that Iowa Code section 476.27 does not apply because they are not the owner or operator of a railroad; that they are not a land management company and that if it does apply, the fair and just compensation for the RR ROW crossings should be \$30,000 for each crossing, plus attorney fees.



The IUB affirmed the decision of the ALJ, finding that it does have subject matter jurisdiction to decide this case - that in fact, legislative intent was broad and meant to include ALL railroad right of way crossings. The 'pay-and-go' approach - that is provided for in section 476.27 where a fee is submitted for a crossing with standard specifications and utility can begin construction immediately - is in the public interest because it allows utilities to move forward without delay. The IUB also found that Hawkeye Land is a 'railroad corporation' as a 'successor in interest'



Finally, the IUB analyzed whether special circumstances existed that would require compensation in excess of the statutory fee of \$750. The IUB affirmed the ALJ's findings that the crossings were 'standard' with no 'unusual characteristics.' Special circumstances exist if there is a significant and imminent likelihood of danger to public health or safety, a serious threat to the safe operation of the railroad, a serious threat to current use of the railroad right of way or if the crossing necessitates additional terms and conditions.

The bottom line for utilities is that Hawkeye Land can charge only \$750 per STANDARD railroad right of way crossing. It is not known whether Hawkeye Land will appeal the IUB's ruling.

State urges cities, counties to form watershed groups



The Iowa Department of Natural Resources and the Iowa Economic Development Authority are seeking cities and counties interested in collaborating to reduce flood risks and improve water quality within a watershed.

Interested cities or counties can apply to the DNR to form a Watershed Management Authority. Only counties declared federal disaster areas during the 2008 floods, and cities within those 85 counties, are eligible. A Watershed Management Authority is an agreement between political subdivisions (cities, counties, and soil and water conservation districts) to foster cooperation and ultimately to improve conditions in the watershed.



Funding is available for up to six applicants for \$30,000 each in seed money to form Watershed Management Authorities. Award recipients are expected to have six months to invite all political subdivisions in the watershed to participate, establish a board of directors, and enter into a formal agreement with all interested parties.

The full request for proposal is available here. Proposals are due by 4 p.m. Oct. 21. Send proposal by email to Jeff.Berckes@dnr.iowa.gov.



The Fall 2011 issue of IAMU's Connections e-zine is now available. Connect with it on the IAMU web site here.