



IOWA ASSOCIATION OF MUNICIPAL UTILITIES

NEWSLETTER

MERRY CHRISTMAS! ANTHON MAN PICKS UP UTILITY TAB

It's not uncommon to have a city or municipal utility offer a goodwill promotional gesture to its residents around the Christmas holiday season. But it's not every day a private citizen does the honors.

That's why residents of the City of Anthon, an IAMU member, found themselves receiving an unexpected Christmas surprise – and their city receiving international media attention. Behind it all, with nothing more than giving as their motivation, were Anthon residents Richard and Donna Hamann. The couple gave everyone in the city of more than 650 people a huge gift when they paid everyone's electric bill for the month of December. Everyone. Private homes and businesses alike. The total came to about \$27,000.

"The Lord has been very good to us and our family and the people of the community have been good to us also. We thought this was a way we could return something to the community," Richard Hamann, a retired farmer, was quoted as saying in media outlets ranging from Anthon's Sioux Valley News to the Des Moines Register to National Public Radio. They were contacted by media representatives from around the country, including major television networks. Although they declined to travel out of town for any in-studio interviews, some outlets came to Hamanns home in Anthon, making it a hub of media activity. On Christmas day, Richard Hamann and Anthon Mayor Mike Sauser were featured in a live telephone interview from England.

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OPEN RECORDS: WHAT'S THE PROBLEM? UNCERTAINTY

By Kelly Frazier, IAMU Legal Counsel

IAMU has received numerous requests about whether customer account information is a "public record" under Chapter 22. IAMU has contacted virtually every state agency we can think of to get a concise answer on this question. To date we have not received a detailed analysis of this problem. What is the problem? The problem is that there is a conflict in the laws.

I. CHAPTER 22

Iowa Code §22.2 basically states that a governmental body and legal custodian of records (which includes municipal utility records) should start with the assumption a record is a public record. If you want to keep a record confidential then you are required to find an exception under one of the 47 different exceptions outlined in §22.7. Though some provisions of 22.7 come close, none hit the nail on the head about what part of a customers account information is public. If you refuse to release a record that is a public record you face criminal prosecution under §22.6.

II. CHAPTER 537

A) §537.7103(3) states as follows:
A debt collector shall not disseminate information relating to a debt or debtor as follows:
a. The communication or threat to communicate or imply the fact of a debt to a person other than the debtor or a person who might reasonably be expected to be liable for the debt, except with the written permission of the debtor given after default. For the purposes of this paragraph, the use of language on envelopes

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**Building
Strong Utilities**

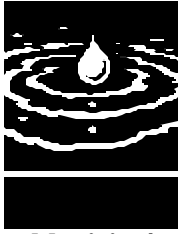
**IAMU Annual Conference
February 16 – 18, 2005**



Sheraton
HOTELS & RESORTS

West Des Moines
(formerly Holiday Inn
University Park)

**Agenda &
Registration Form
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Municipal Stormwater



GOOD NEWS!

Millions of dollars for Iowa projects and programs was included in the \$388 billion spending bill approved by Congress on November 20, 2004.

\$250,000 of this was earmarked for a project to improve urban stormwater quality.

Source: Des Moines Register, November 23, 2004.

EPA CONSTRUCTION SITE INSPECTIONS RESULT IN CITATIONS

The U.S. Environmental Protection Agency (EPA) has delegated authority to the Department of Natural Resources (IDNR) to administer the National Pollutant Discharge Elimination System (NPDES) program in Iowa. However, the EPA maintains concurrent enforcement authority and will perform random site inspections of developments, municipal operations and other construction activities.

The EPA has issued 13 separate construction site NPDES location violations in Iowa in the past two years, several of which were conducted this past April in and around the Des Moines Metro area. Funding for these inspections has been established until 2007; therefore, it is likely that the EPA will be diligent in their efforts to catch violators.

After a site inspection has been performed and violations are found, the EPA sends a detailed inspection report along with an Administrative Compliance Order (ACO) to both the offending entity and the IDNR Storm Water Program Coordinator. The company has thirty (30) days to correct the violations and come into compliance with all of the applicable requirements of the NPDES permit, in addition to submitting a report detailing the corrections made and why the corrections are sufficient.

Each violation carries a financial penalty. Depending on the extent and duration of the violations, the EPA may include an "Expedited Storm Water Settlement Agreement" in an effort to quickly resolve the penalty amount and bring the company into compliance. The terms of the Settlement Agreement involve coming into compliance as stated in the previous paragraph, in addition to signing the agreement and paying the proposed penalty (which is usually lower than would normally be assessed by the EPA). Penalty amounts assessed for some of the violations this past spring ranged from \$500 to \$750,000.

The EPA will then solicit public comments regarding the settlement, which may impact the outcome of the settlement. If public comments do not impact the settlement, the EPA will sign the Expedited Settlement Agreement and file it with the Regional Hearing Clerk. If the Settlement Agreement is not returned within 30 days, the EPA will assume the offer has been rejected and may then proceed with an enforcement action seeking **standard** penalty amounts for each violation.

Standard civil penalties for NPDES violations range from \$32,500 (Class I) up to \$157,500 (Class II) in administrative cases, or up to \$32,500 per day in judicial cases.

If the EPA does not find that the entity has complied or that the violations warrant an Expedited Storm Water Settlement Agreement, they will then take enforcement action. In this case, a Notice of Administrative Order and Notice of Proposed Civil Penalty & Opportunity for Negotiations will be sent to the company. This will include a complaint with a proposed penalty and an opportunity to request a hearing. In one such case, a company was given a proposed fine of \$11,000 per day (up to a maximum of \$137,500) for failure to obtain an NPDES permit prior to construction and consequently discharging pollutants without a permit for 36 months.

Other common violations include:

- Stormwater Pollution Prevention Plan (SWPPP) does not identify all potential sources of pollution.
- SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur AFTER construction operations have been completed.
- Copy of permit and/or NOI not in SWPPP.
- SWPPP not signed/certified.
- Entrance/exit not inspected for off-site tracking.
- No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water.
- SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control.
- Litter, construction debris, and construction chemicals exposed to stormwater are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.).
- SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust.

In order to prevent being fined for NPDES permit violations, it is imperative that managers obtain the applicable permits and have stormwater pollution prevention plans (SWPPP) BEFORE initiating construction. After the project is begun, to stay in compliance by being aware of what is required.

For information on NPDES compliance, go the IDNR website (www.iowadnr.com/water/stormwater/index.html). IAMU's website (www.iamu.org) provides additional information on stormwater management; click on "Stormwater." Look for upcoming compliance workshops in 2005, including the Annual Stormwater Conference to be held April 5-6.



GET A JUMP ON CONSTRUCTION WITH GAS OQ WORKSHOP

New employees, on-call employees, dispatch personnel, or any gas operator who wishes to qualify or re-qualify on covered tasks should sign up for the Operator Qualification Training Workshop, to be held at IAMU's Training & Office Complex in Ankeny January 31 – February 4 (dispatch personnel need only attend class January 31). Your employees can get a jump-start on required training before the spring construction season begins.

The week-long workshop offers written and hands-on evaluations. Just some of qualifications offered are: Indoor and outdoor leak investiga-

tions; CGI, FI, EGD training; barhole testing; line locating; CO testing; mapping; tracer wire; meter sets; atmospheric corrosion; establishing gas services; venting; and controlling accidental gas releases.

Look for the mailed workshop brochure, or register online with the IAMU web site, www.iamu.org (click on "Upcoming Workshops" on the front page). You may also view the workshop brochure on the web site. On the front page, click on "Gas" and then "Calendar of Events" on the next page. For questions, contact Deny or Melody at IAMU, 800/810-4268.

GAS
NEWS

IAMU BENEFITS SURVEY RESULTS RELEASED, ANALYZED

Earlier this year, 87 IAMU members participated in a study of employee benefits. The study, conducted by David P. Lind & Associates and Employee Benefits Services (EBS), identified employee benefit trends in our industry and among our members.

The results of the study were shared with the survey participants. Highlights show that IAMU members offer a variety of benefits to their employees (IAMU members offer more non-insurance benefits, i.e., vacation, paid holidays, sick leave) than other Iowa employers. The reverse is true of insurance-related benefits such as group life plans, health and dental plans and disability income plans, with other employers generally offering more benefits.

While survey respondents offer fewer insurance products, they appear to fund more of their employee health plans than other Iowa employers., with municipal employees paying significantly less of the premiums.

EBS can provide the overall results of the study with members who wish to know how their plans compare to other survey respondents. In addition, EBS has access to an online benchmarking tool and, for a nominal fee, will show you how your benefit plans compare to other Iowa employers within your industry.

Contact EBS (800/778-9878, or online at www.ebsiowa.com) for more information about the study results and how you might benchmark your own benefit plans.

But the unexpected media attention did not dampen the Hamanns' philosophical outlook, or the joy their generosity brought. "The monthly utility bills not paid become delinquent on the 25th of the month," said Richard. "With the 25th being Christmas, this would be a Christmas present for everyone in town." The surprising gift hit all homes and businesses in Anthon December 1 with the utility bills, which had the amount due for electricity deducted. An accompanying note explained the Hamanns' gift, and concluded with "Rich and Donna wish you all a merry Christmas!"

For the generous – and determined — Hamanns, this was actually their second attempt to bestow a gift upon the people of Anthon. Last spring the Hamanns looked into erecting a wind turbine on

their land to help supply electricity to Anthonites, and in turn reduce the residents' electric bills for many years to come. But that plan hit a snag when it was discovered the city's existing contract with the Northern Iowa Power Cooperative (NIPCO) to supply electricity precluded any electricity coming from another source without a penalty. So, the Hamanns set to work coming up with another plan. Enter the idea of paying everyone's electric bill for a month.

Word from Anthon is that the Hamanns aren't done yet. It's been reported they are planning to fund construction of a new library in Anthon this year. IAMU salutes the Hamanns, and the member city of Anthon, which is fortunate to be the home of such generous residents.

**ANTHON
CHRISTMAS GIFT**
Continued from Page 1



Time's Running Out!

Risk Management Coupon Deadline

The deadline for using 2004 IAMU Risk Management Coupons is February 28, 2005.

- Use coupons for:
- r IAMU Annual Conference
 - r Safety Cluster dues
 - r OSHA manuals
 - r IAMU safety-related workshops (acceptance varies by workshop)
 - rand more!

Questions? Call IAMU at 800/810-4268

BIODIESEL EMISSIONS TEST RESULTS RELEASED BY IDNR

In October 2004, the Sumner Municipal Light Plant, in conjunction with IAMU, undertook a landmark test of biodiesel fuel emissions from the plant (see November 2004 IAMU Newsletter). The test was based on burning 10% biodiesel ("B10" fuel) in Sumner's 1999 Cat and 1972 Cooper engines.

Preliminary results of the testing have been released. The tests results were completed by Comprehensive Emissions Services of Des Moines and forwarded to the Iowa Department of Natural Resources (IDNR) in late November. IDNR has accepted the data and completed its review.

The results showed a slight decrease in NOx and a significant decrease in particulates on 10% biodiesel for the 1999 Cat engine, and a slight decrease in particulates and a small increase in NOx for the Cooper engine. IDNR is using these data to estimate emissions factors which can be

used to calculate operating hours or fuel consumption so that utilities can easily modify their permits to burn from 2-10% biodiesel.

The Iowa Association of Municipal Utilities has a grant from the American Public Power Association (APPA) to test biodiesel and to educate utilities about biodiesel. The Iowa Energy Center, West Central Soy (which has donated the soy diesel fuel), Sumner and various Iowa municipal utilities are contributing to the project.

The IDNR is working with IAMU to determine which municipal utilities are already able to use biodiesel, based on their existing permits. IAMU is planning a series of regional biodiesel workshops for the spring. For more information about the workshops, or to join the free biodiesel users' group, contact Anne Kimber at IAMU, 515/289-1999, or by e-mail at akimber@iamu.org. For more information about biodiesel, visit the National Biodiesel Board website, www.biodiesel.org/.



X SAFETY X

SEMINARS WILL HIGHLIGHT IAMU SAFETY GROUP

Jester Insurance Services will present a series of seminars highlighting the IAMU Safety Group Program in late January and early February. The IAMU Safety Group offers many benefits to its members. Over the last 23 years, the program has grown to significant proportions and is one of the largest insurance programs for cities and municipal utilities in the nation.

The agenda for this year's seminar series features an in-depth review of property insurance issues, plus a presentation on public officials loss prevention. Agents, city clerks and business managers are encouraged to attend the seminar nearest them. Each seminar will have registration (with coffee and pastries) beginning at 8:30 a.m., with the program getting underway at 9 a.m. and concluding at noon. The seminar schedule is as follows:

January 26: Ames (Gateway Center Hotel, Highway 30 at Elwood Drive)

January 27: Atlantic (Cass County Community Center, 805 W. 10th St.)

February 1: Manchester (Country Club, 18175 222nd St.)

February 2: Sanborn (Community Center, 225 Main St.)

There is no registration fee for the seminars, but Jester Insurance Services would like a pre-registration form be filled out for each community or utility that will be in attendance. Forms have been distributed to IAMU members. Please fill out the form and return it to Jester Insurance Services (fax to 515/243-6862). If you need a form, call Jester Insurance Services at 515/243-2707.

NEW SAFETY WORKSHOP FOCUSES ON OSHA & AUDITS

Learn to save valuable time and to reduce costly illness and injuries in the workplace with "Safety Management: Focusing on Audits and OSHA Guidelines," an IAMU workshop scheduled for February 15, 2005.

The workshop will address many areas critical to risk management that must be routinely audited and reviewed. Inspection criteria will be reviewed for specific OSHA regulated topics such as hazardous materials, personal protective equipment (PPE), medical and first aid, fire protection, material

handling and storage, machine guarding and many others. Participants will leave the workshop with more than 50 checklists to utilize in their workplaces.

The workshop will be held at the IAMU Training & Office Complex from 9:30 a.m. – 3 p.m. Watch for registration information in the mail, or check the IAMU web site (www.iamu.org) under "Upcoming Workshops." For more information contact Deny or Melody at IAMU, 800/810-4268.



indicating that the communication relates to the collection of a debt is a communication of the debt.

B) §537.5301(4) states that “a person who willfully and knowingly violates the provisions of Section 537.7103 is guilty of a serious misdemeanor.” This creates a scenario where refusing to release is a criminal act if it is a public record, yet releasing information in violation of the privacy rights of §537.7103 is also a criminal act. The fact that these laws conflict and no agency has stepped up to bring clarity to the legal custodians puts our members in a very tight spot. However, the law takes this into account and if you are in doubt there is a very simple procedure that IAMU encourages you to take advantage of. That procedure is outlined below.

How to deal with a request for "Public Records" when you are not sure whether the information falls under the Open Records Rule:

1) Start with the assumption that if you are a municipal utility your records fall under the Open Records Rule:

1. You are a “**governmental body**” as defined in Chapter 22.1(1) of the code and you are the “**legal custodian**” of those records under §22.1(2).

2. The general presumption is that if you are maintaining records in the ordinary course of business, the records will be deemed to be “**public records**” under §22.1(3). The general philosophy behind the law is simple: assume that “every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record” under §22.2. The burden is then on you to find an exception under the “**confidential records**” list in §22.7 that permits you withhold the document.

2) Seek the help of a district court judge if you are not sure.

Because the rules are difficult to interpret, the legislature, under §22.8, has provided a way for “legal custodians” to seek a “**good faith**” delay until they can get a formal opinion.

While you are seeking the “good faith delay” **you need to tell the person asking for the records that you are seeking a delay for the following reasons:**

1. To seek an injunction under this section.
2. To determine whether the lawful custodian is entitled to seek such an injunction or should seek such an injunction.
3. To determine whether the government record

in question is a public record, or confidential record.

4. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed 20 calendar days and ordinarily should not exceed ten business days.

5. Though #5 is not mentioned in the statute, we would advise that you inform the person seeking the records that you are also seeking clarity with regards to **§537.7103**.

If you get to the point where you are not sure whether the documents fall under one of the “confidential record” provisions and do not know what to do, you will need to file two things with the district court: 1) A **petition** with the court asking the judge to review the documents to determine whether they are open records and 2) An **affidavit** must be attached to the petition stating that you feel the records should not be released. In that you must state that you believe two things. The first is that the examination would clearly not be in the public interest. The second is that the examination would substantially and irreparably injure any person or persons. IAMU advises you to call **§537.7103** to the Judge’s attention. If the judge finds “**clear and convincing**” evidence that your concern is genuine a **temporary** injunction may be granted while the judge considers the final question of whether the records should be release.

The Judge must then find that the two points raised in the Affidavit are. If he or she **does agree**, the injunction will become permanent. If the judge **does not agree** with you, he or she will be ordered you to release the records.

The benefit of this procedure is that it relieves the city from two major pitfalls. The first is that you are going to look like the “bad guy” to either the customer whose records you release or the person you are holding records from. The second is the pitfall of criminal or civil liability. On one side it is a simple misdemeanor to refuse to release public records under §22.6. On the other side it is a serious misdemeanor to release in violation of §537.5301(4). There may also be issues of civil liability not addressed here.

If you have any questions or would like assistance in putting together a Petition and Affidavit please contact me. IAMU is currently working on a uniform petition and affidavit that will protect you if you find yourself sandwiched in between these two statutes.

OPEN RECORDS

Continued from Page 1



All information is subject to change



Building Strong Utilities

IAMU Annual Conference
February 16 – 18, 2005



Sheraton
HOTELS & RESORTS

West Des Moines
(formerly Holiday Inn
University Park)
1800 50th St.
(just off 50th & University)
West Des Moines

For hotel room
reservations call
515/223-1800
(Special conference
rate of \$89/night for
queen or king bed room.
Reservation deadline is
January 31.)

Spouse Program



"Rejuvenation" Treatment

Massage, facial,
manicure & more

February 17

All Spouse Program
attendees receive discounted banquet
reservations (see registration form to right)

WEDNESDAY, FEBRUARY 16

10:30 – 11:30 a.m.
Committee meetings begin (various times)

12:30 p.m.
Registration opens

1:30 p.m.
General Session begins
1:30 – 1:45 p.m.
Welcome/President's Report

1:45 – 2:45 p.m.
Joe Nipper, APPA

2:45 – 3:15 p.m.
Break

3:15 – 4:30 p.m.
Legislative Panel

5:30 – 7 p.m.
Welcome Reception

7 p.m.
Associate Member Suites open



THURSDAY, FEBRUARY 17

7 a.m.
Legislative Breakfast Event, State Capitol
(sponsored by Missouri River Energy Services &
IAMU)

9 – 10:15 a.m.
General Session begins
Opening Comments, Attendance Prizes
Janine Moon, consultant

10:15 – 10:45 a.m.
Break

10:45 a.m.
General Session, continued
10:45 – 11:45 a.m.
Benefits & Health Care Trends

11:45 – 1 p.m.
Lunch

1 p.m.
Concurrent Sessions begin
1 – 2 p.m.
Concurrent Session #1
Electric: **Transmission/Wholesale Markets**
Gas: **Regulatory Update**
Water: **Infrastructure Needs & Funding**

(February 17, cont.)
2 – 3 p.m.

Concurrent Session #2
Electric: **Iowa Stored Energy Plant**
Gas: **Managing Gas Supply Market Risks (pt. 1)**
Water: **Rebuilding Infrastructure in Iraq**

3 – 3:30 p.m.
Break

3:30 – 4:30 p.m.
Concurrent Session #3
Electric: **Renewables**
Gas: **Managing Gas Supply Market Risks (pt. 2)**
Water: **Developing A Stormwater Utility**

6 – 7 p.m.
Associate Member Reception

7 – 8:30 p.m.
Banquet

8:30 p.m.
Associate Member Suites open



FRIDAY, FEBRUARY 18

8:15 – 8:30 a.m.
General Session begins,
Opening Comments, Attendance Prizes

8:30 – 9:30 a.m.
Issues Fair, Round 1
9:30 – 10:30 a.m.
Issues Fair, Round 2

Issues Fair topics:
Biodiesel; Solar Arrays; NFPA 70E Regulations;
Soy Oil in Transformers; Pole Attachment Fees;
IAMU Apprenticeship Program; Western Area Power
Administration; Surge Protection for Water Pumps;
ESAT Software; Stormwater Topics; Wellhead
Protection; IAMU Mutual Aid Program; Health/Life
Insurance; Power Line Carrier; VOIP; SCADA/GIS
Resources; Operation Lifesaver

10:30 – 11 a.m.
Break

11 – 11:45 a.m.
Business Meeting

11:45 a.m. – Noon
Door Prize Drawing/Adjournment

Municipal Utility Registration Form

This form is for municipal utilities only. Associate member businesses

please use the associate member registration form sent to you, or accessed via the IAMU web site (www.iamu.org)

Utility Name

Utility Billing Address

(Street)

Phone

(City/State/ZIP)

The following representatives will attend:

(Clearly print name and title of each representative. This information will be used for name tags)

Spouse/Guest Registration (Guest registration is complimentary, but tickets for meals must be purchased separately – see Registration Fees section). Print spouse/guest name(s) as they are to appear on name tag:

Spouse Program



Tuscany Day Spa

_____ @ \$85 = _____

Spouse Name

All Spouse Program attendees receive discounted banquet reservations (see registration form to right)

Registration Fees per Person

Entire Conference

Includes: Admission to all general and concurrent session events and meals.

Payment received **on or before February 10, 2005:**

_____ @ \$165 = _____

Payment received **after February 10 or billed:**

_____ @ \$175 = _____

Thursday, Feb. 17 Meeting Attendance Only

Includes: Admission to all Feb. 17 general and concurrent sessions and luncheon.

_____ @ \$140 = _____

Payment received **after February 10 or billed:**

_____ @ \$150 = _____

Extra Tickets for Spouse/Guests

Thursday Luncheon (for those not participating in the spouse program)

_____ @ \$20 = _____

Thursday Banquet

_____ @ \$35 = _____

If spouse attends Spouse Program,

_____ @ \$25 = _____

Total amount enclosed \$ _____

Please include Spouse Program registration, if applicable (see lower left)

Cancellation Policy

Registration fees will be returned, or credited in full, if notice of cancellation is received at least three (3) working days prior to February 11

50% of the registration fee will be waived if cancellation notice is received less than three (3) working days prior to February 11.

Cancellations should be made with Susan or Kris at IAMU, 800/810-4268.



Building Strong Utilities

**IAMU Annual Conference
February 16 - 18, 2005**



Sheraton
HOTELS & RESORTS
West Des Moines
(formerly Holiday Inn University Park)

**1800 50th St.
West Des Moines
(just off 50th & University)**

For hotel room reservations call 515/223-1800 (Special conference rate of \$89/night for queen or king bed room. Reservation deadline is January 31.)



"DO THE RIGHT THING"

APPA "Washington Report" by Robert Varela, Editor, *Public Power Weekly*

The Federal Energy Regulatory Commission really didn't do much about market-based rates at its Dec. 15 meeting. The orders it approved at the meeting weren't final actions. They had been expected for some time and contained no surprises. Most of the private power companies involved passed the market power test and don't have to do anything in response. None were directed to refund any money. Three of them have to provide some more information. Six of the investor-owned utilities covered by the orders were given the option of challenging the results of the commission's market power tests.

Commissioner Joseph Kelliher pointed out that, in order to fulfill its statutory obligations to protect consumers, the commission had no choice but to enforce its current generation market power screens and to set refund effective dates.

But the commission's modest actions prompted a reporter to ask FERC Chairman Pat Wood if he thought issuance of the orders threatened his chances of being renominated for a second term on the commission. And APPA and the National Rural Electric Cooperative Association issued a joint statement applauding the commission's actions.

Depending on the circumstances, what seem like small steps can be significant. In this instance, the commission was trying to rein in the ability of large generators that possess generation market power to charge market-based rates—in other words, to restrict the ability of a company that effectively controls prices in a market to charge whatever the market will bear. "In taking this action, the commission correctly views public utilities' authority to charge market-based rates as a privilege, not as a right," APPA and NRECA said.

FERC began this effort to get a handle on market-based rates in 2001 when it proposed to replace the toothless "hub-and-spoke" test for market power with the supply margin assessment test. Investor-owned utilities howled so long and loudly—mainly in the halls of Congress—that the commission was forced to back off and never enforced the new test.

The IOUs did not react quite so ferociously—that would have been difficult—when FERC proposed two new market power screens for those seeking to charge market-based rates. However, some IOUs went back to Capitol Hill to complain and to lobby for legislative language designed to block the commission from implementing the new market power tests. Hoping to build on congress-

sional antipathy to FERC's standard market design, the private power companies cast the market power screens as a commission ploy to force them to join regional transmission organizations.

Given all that, the reporter's question about renomination prospects—as uncomfortable a moment as it was—was understandable.

However, given the reality of what the commission did—modest steps to protect consumers—the private power companies complaining to Congress don't have a leg to stand on.

The Edison Electric Institute told the commission "that they strongly supported wholesale competitive markets and also that they believed that it was appropriate that the commission should have a market power test," said Steve Rodgers, director of the Division of Tariffs and Market Development-South, Office of Markets, Tariffs and Rates. EEI also said power suppliers in RTOs should be exempt and that the screens should be used "in other parts of the country and that is the Southeast and the West," Rodgers said at a press briefing after the commission meeting.

The results of the first applications of the screens put the lie to the IOU complaint that no one will be able to pass the tests. Failures were generally limited to the home control areas of large utilities—hardly a shock since they have enjoyed a monopoly in those areas for a century or so.

"If anything has been learned since 2001, it is that faith in competitive markets alone does not make markets competitive," APPA and NRECA said in their joint statement. "Rather, there must be a finding, supported by facts, that a FERC-regulated public utility cannot exercise generation or transmission market power before it is authorized to charge market-based rates. FERC must then carefully monitor these utilities to ensure they do not exercise market power."

"Absent such findings and scrutiny, the American electric consumer is being asked to pay market-based rates solely based on faith in markets," APPA and NRECA said.

"That is not enough."



CALENDAR OF IAMU WORKSHOPS AND EVENTS



All information subject to change.

Unless otherwise noted, all events held at IAMU Training & Office Complex: 1735 NE 70th Ave., Ankeny, IA

January 2005

| | |
|-------------------------|---|
| January 26 | IAMU Safety Group Seminar, Ames |
| January 26-28 | Watt-Hour Metering Workshop (rescheduled) |
| January 27 | IAMU Safety Group Seminar, Atlantic |
| January 27 – 28 | Safety Coordinators Workshop |
| February 1 – 2 | 8th Annual Maintenance Conference (Wastewater), Des Moines Area Comm. College, Ankeny* |
| January 31 – February 4 | Gas OQ Training for Beginners/On-Call Personnel |

February 2005

| | |
|-------------------------|--|
| February 1 | IAMU Safety Group Seminar, Manchester |
| February 2 | IAMU Safety Group Seminar, Sanborn |
| February 2 – 4 | Watt-Hour Metering Workshop |
| February 7 | Sampling Potable Water Supplies, Kirkwood Comm. College, Cedar Rapids* |
| February 8 – 9 | Water Laboratory Analysis, Kirkwood Comm. College, Cedar Rapids* |
| February 8 – 9, 15 – 16 | Basic Training Water Treatment, Iowa Western Comm. College, Atlantic* |
| February 9 – 10 | Iowa Rural Water Association Annual Meeting, Pella* |
| February 17 | System Maintenance, Muscatine Comm. College, Muscatine* |
| February 16 – 18 | IAMU Annual Conference Sheraton West Des Moines (formerly University Park Holiday Inn) |
| February 22 | Water Plant Maintenance & Trouble Shooting, Carroll City Hall, Carroll* |
| February 23 – 25 | Watt-Hour Metering Workshop |
| March 2005 | |
| March 3 | Advanced Water Treatment Workshop |
| March 4 | Advanced Water Distribution Workshop |

* Notification is per terms of Iowa Dept. of Natural Resources grant



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— HELP WANTED —

WATER & GAS ENGINEER: Cedar Falls Utilities has an immediate opening for an experienced person for this position. Individual will be responsible for the planning, preparation and development of engineering design, studies, surveys, cathodic protection and operational programs for city's water and natural gas utilities. Applicants should have a bachelor's degree in civil or mechanical engineering with at least four years of experience in water and/or gas utility engineering. PE license or the ability to obtain within one year is required. Excellent salary and benefits package. CFU is an equal opportunity employer. Send an introductory letter and resume to: Employee & Legal Services Cedar Falls Utilities P.O. Box 769 Cedar Falls, IA 50613

www.cfu.net

1/05

— HELP WANTED —

SAFETY TRAINING & COMPLIANCE COORD.: Responsible for the planning, developing and coordinating of all employee safety and training programs in accordance with federal, state, and local regulations and policies for a consortium of cities and municipal utilities. Develop written programs and policies for their compliance with various safety and environmental regulations. Conduct onsite compliance reviews at consortium members. Requires a Bachelor's degree in safety and environmental field or Bachelor's degree with sufficient experience may be substituted. Formal training in industrial safety, first aid, and accident prevention and/or direct experience with gas, water, electric utility, and telecommunication operations and practices needed. AAEOE. *Applications accepted until position is filled.* Contact:

Human Resources Office
Northwest Iowa Community College
712/324-5061 1/05

CLASSIFIEDS

IAMU Classified Ads are provided on a space-available basis at no charge to IAMU member utilities. At the discretion of IAMU, ad space may be granted to other entities for a fee. Please call IAMU for more information.

Ads will be run for a minimum of one month. Ads placed by IAMU member utilities may be repeated, at the advertiser's request, if space allows.

If an ad carries a specific deadline for response, before placing the ad, please call ahead to check the Newsletter publication schedule.

Mail, fax (515/289-2499) or e-mail (jburnett@iamu.org) ad copy to John Burnett at IAMU.



Midwest Underground Supply, LLC

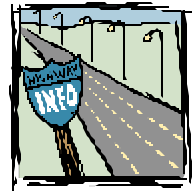




| | |
|---------------------------------------|---------------------|
| r Trenchers | r Air Compressors |
| r Backhoe Loaders | r Compactors |
| r Vibratory Cable Plows | r Excavators |
| r Vacuum Excavators | r Wheel Loaders |
| r Brush Chippers | r Generators |
| r Stump Cutters | r Light Towers |
| r Horizontal Directional Boring Units | r Concrete Products |

SALES SERVICE PARTS RENTALS

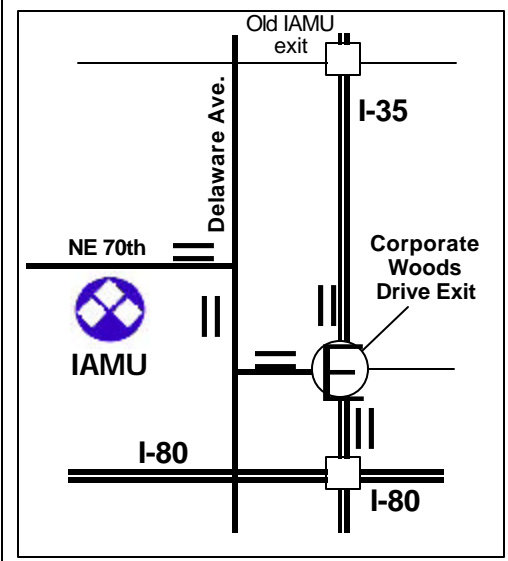
Ph: 515-967-5656 6222 NE 62nd Ave.
Toll Free: 515-877-5656 Bondurant, IA 50035



**NEW I-35 EXIT;
EASIER ACCESS
TO IAMU**

The new Corporate Woods Drive interchange on Interstate 35 is now open. This will provide easier driving access to IAMU.

The Corporate Woods Drive exit is south of Exit 90 (Ankeny Industrial Exit) and just north of the I-35/I-80 interchange (see map below)





— FOR SALE —

GRASS FIRE TRUCK: Traer Fire Dept. offers a 1986 Dodge Power Ram 250, 4WD pickup truck-mounted grass fire truck. 318 V8 engine; 4-speed manual transmission; 7,550 miles; red. 250 gal. slide-in grass fire unit, with 250 GPM Hale pump; 100 ft. of 1-inch booster hose on Hanney reel, with electric rewind; 1 - 11/2 gated outlet; Federal PA 150 siren; Federal light bar (roof mounted); grill mounted alternating red/blue lights; combination flood/spot light, mounted behind cab; auto eject shore line. Sold complete, as is. The Traer Fire Department reserves the right to reject any and all bids. If interested in making offer, or would like to see, call:

Jim Currens, Traer Fire Chief
641/691-0662 1/05

EXHAUST SILENCER: For Bessemer Cooper Engine. 32-inch inlet and 32-inch outlet; stainless steel lining. Unused, very good condition. \$1,500. Call for more information:

Don
Ph: 402/735-7282 1/05

SNOW PLOW TRUCK: The City of Dallas Center will be accepting sealed bids on a 1988 Chevy C-70 snow plow truck. Specs include: 366 cu. in. V-8 engine; 5-speed transmission with a 2-speed rear end; 10-ft. box; 11-ft. Coates plow; V-bottom sander; new clutch and starter; 75,000 miles. For more information, contact Scott, 515/992-3425. *All bids must be received no later than 3 p.m. Thursday, February 3, 2005.* Send bids to:

City of Dallas Center
PO Box 396
Dallas Center, IA 50063 1/05



Seen the IAMU Web Site Lately?

- C Associate Member Info.
- C Iowa Stored Energy Plant
- C Storm Water Information
- C Safety & Training Info.
- C Utility Maps
- C Upcoming Workshops
- C MuniPAC Program Info.
- C Newsletter Archive
-and much more

Here for you at
www.iamu.org



CLASSIFIEDS

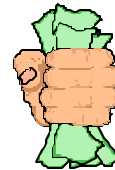
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Mail, fax (515/289-2499) or e-mail (jburnett@iamu.org) ad copy to John Burnett at IAMU.

SAVE ON OSHA POSTERS!



OSHA safety and health posters through some sources can cost as much as \$80 per set!

If you're an IAMU member utility, you can purchase the same required posters for only \$3 per set!

Posters required by the State of Iowa:

- > Safety and Health Protection on the Job
- > Iowa Hourly Minimum Wage
- > Unemployment Insurance (Iowa Workforce Development)

Posters required by the Federal Government:

- > Equal employment opportunity
- > Employee Polygraph Protection Act
- > Family and Medical Leave Act

Other required Forms:

- > OSHA Recordkeeping Forms 300 & 300A

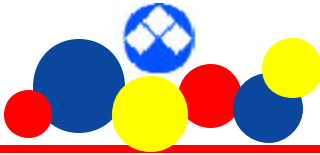
**Call Deny, Rita or Melody at IAMU:
800/810-4268**



Help support IAMU's training programs when you buy safety equipment online from Omark Safety.

Omark Safety, an IAMU associate member, has offered to contribute three per cent of each online sale to support the association's safety programs. To make this happen, all IAMU members need to do is enter the reference code "IAMU" during the checkout process of an online order through Omark. Purchases can be made through the company's web site at www.omarksafety.com or through the IAMU website (www.iamu.org) under "Resources."

Questions? Call Omark Safety at 800/383-7233



Building Strong Utilities

**IAMU Annual Conference
February 16 – 18, 2005**



Sheraton
HOTELS & RESORTS
West Des Moines

(formerly Holiday Inn
University Park)
1800 50th St.,
West Des Moines
(just off 50th & University)

For reservations contact
Emily Freeman at
515/223-1800

The IAMU Newsletter is published monthly to provide information to IAMU members on the safe, efficient and reliable operation of municipal electric, gas, water and telecommunication utilities. Contributions from members and others which advance this purpose are solicited and appreciated. Address changes should be sent to: IAMU, 1735 NE 70th Ave., Ankeny, IA 50021-9353.

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e-mail: jburnett@iamu.org
IAMU web site: www.iamu.org

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is furnished with the understanding that the Association is not engaged in rendering legal or other professional service. If legal advice or other professional or expert assistance is required, the services of a competent professional should be sought.

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**With the
IAMU
Award
Program!**

SMILE!

Nominate an individual or organization for a job well done! A number of awards are available, and can be presented year-round.

Visit the IAMU Web Site to download an information packet: www.iamu.org.
Or call IAMU at 800/810-4268.

Newsletter Delivery Concerns?



* New employees or board/council members?

* Change of address?

* Need your own copy?
Contact John Burnett
Ph: 515/289-1999
Fax: 515/289-2499
e-mail: jburnett@iamu.org

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**IOWA ASSOCIATION OF MUNICIPAL UTILITIES
NEWSLETTER**

1735 NE 70th Avenue Ankeny, IA 50021-9353

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