

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. EEP-2022-0156
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**ORDER ESTABLISHING PROCEDURAL SCHEDULE AND GRANTING  
INTERVENTION**

**PROCEDURAL BACKGROUND**

On February 1, 2023, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) an application for approval of its proposed energy efficiency plan (EEP) for the five-year period of 2024-2028. On February 20, 2023, MidAmerican filed a revision to Application Exhibit 6.

On March 3, 2023, the Board issued an order docketing MidAmerican's proposed EEP as a contested case proceeding. In the order, the Board set an intervention deadline. The Board attached a tentative procedural schedule to the order and set a date for comments to the proposed schedule by parties and any person who timely sought intervention.

From March 13 through 23, 2023, petitions to intervene were filed by the Environmental Law & Policy Center (ELPC) and the Iowa Environmental Council (IEC); the Clean Energy Districts of Iowa (CEDI); the Iowa Business Energy Coalition (IBEC); and Google LLC (Google). On March 23, 2023, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed a response, indicating it does not have an objection to the proposed procedural schedule.

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## **PROCEDURAL SCHEDULE AND MARKING OF TESTIMONY AND EXHIBITS**

A comprehensive procedural schedule is set for this docket and attached to this order as Attachment A. Parties to the docket may file prefiled testimony and exhibits as described in 199 Iowa Administrative Code (IAC) 7.10. Testimony should be in question-answer format, with numbered lines, if possible. All testimony and exhibits shall be marked as set in the following naming convention:

- Testimony shall be designated using the filing party's name, last name of the witness, and then the type of testimony: "Direct," "Rebuttal," "Reply," or "Supplemental." Example: "[Filing Party Name] Smith Direct Testimony." The testimony shall be marked and offered into evidence at the hearing.
- Testimony shall be labeled on each page using the filing party's name, last name of the witness, then the type of testimony, and page X of X in the upper right corner of the page. Example: "[Filing Party Name] Smith Direct Testimony Page X of X."
- Any evidence supported by a witness shall be marked with the witness' last name and then the Exhibit, the type of exhibit, and the exhibit number. Exhibits shall be filed separately from the testimony. Examples: "[Filing Party Name] Smith Direct Exhibit 1" or "[Filing Party Name] Smith Direct Exhibits 1, 2, 3." Parties may combine exhibits into a single filing subject to a limit of five megabytes and fewer than 20 separate documents per filing.
- Information in an exhibit may be formatted and identified based upon the filing party's internal policies and shall be identified with the exhibit number at the upper right of each page of the exhibit.
- Hearing exhibits shall be marked with the filing party's name and the exhibit number. Example: "[Filing Party Name] Smith Direct Exhibit 1, Workpapers." Workpapers do not need to be provided to the court reporter unless the workpapers are made an exhibit at the hearing.
- Testimony and supporting documents should be titled following the described naming convention when entering the document titles in the Board's electronic filing system (EFS). Documents that do not comply with this naming convention will not be accepted for filing.
- Exhibits not previously filed in EFS prior to hearing shall be filed in EFS within three days of the conclusion of the hearing.

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### **PETITIONS TO INTERVENE**

On March 13, 2023, ELPC and IEC (collectively, Environmental Intervenors) filed a joint petition to intervene. ELPC states it is a nonprofit corporation with members residing in Iowa and an office in Des Moines, Iowa; promotes renewable energy and energy efficiency; and advocates for policies and practices facilitating the use, development, and implementation of renewable energy and energy efficiency. IEC states its mission is to create a safe and healthy environment and sustainable future for Iowa, and that the nonprofit represents a broad coalition of Iowans. IEC states its work focuses on clean water, clean air, conservation, and clean energy. The Environmental Intervenors claim a unique interest in protecting the environment and holding down electricity costs for consumers by promoting the future use of energy efficiency as a viable alternative to new or existing generation and state that this interest will not be protected by other parties. The Environmental Intervenors intend to monitor this proceeding, although they may conduct discovery, submit testimony, and participate at hearing, and they will be represented by attorneys licensed to practice law in Iowa.

On March 21, 2023, CEDI filed a petition to intervene. CEDI states it is a nonprofit corporation and association of clean energy districts<sup>1</sup> in Iowa that provides local leadership to energy customers and communities, such as providing technical assistance on energy efficiency, building electrification, solar site assessments, distributed generation, and electric transportation. CEDI further states that it has participated in stakeholder meetings regarding MidAmerican's proposed EEP. CEDI anticipates participating in the proceeding, including through the filing of testimony.

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<sup>1</sup> CEDI states that there are 10 incorporated energy districts in Iowa, located in Allamakee, Clayton, Delaware, Dubuque, Howard, Jackson, Johnson, Linn, Polk, and Winneshiek counties.

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On March 23, 2023, Google filed a petition to intervene stating it is a major electric service customer of MidAmerican. Google states that as a MidAmerican customer, it has interests in MidAmerican's EEP and expects to be affected by the outcome of this proceeding. Google claims a unique interest from those of the current parties, including OCA, and has no means of adequately protecting those interests other than by intervention. Google will be represented by a resident attorney licensed in Iowa. Google expects to participate in this proceeding and states that its participation can be expected to assist in the presentation of relevant evidence and argument.

In its March 23, 2023 petition to intervene, IBEC states it is an association of some of Iowa's largest and most energy-intensive employers, employing more than 21,000 Iowans and consuming more than 3.5 billion kilowatt-hours of electricity per year. IBEC asserts manufacturing is an important component of Iowa's economy, accounting for approximately 17.36% of gross state product. IBEC reasons that because of manufacturing's role in Iowa's economy, the needs of customers, including the manufacturers that are IBEC members, are likewise important to this state. IBEC asserts that its interests in this proceeding are not likely to be represented by any other party, that it anticipates monitoring the proceeding and if the need arises participating in this proceeding, and that it will be represented by attorneys who are licensed to practice law in the state of Iowa.

IAC 199—7.13(3) provides that “[a]ny person having an interest in the subject matter of a proceeding may be permitted to intervene at the discretion of the board . . .” In determining whether to grant intervention, the Board shall consider factors including, but not limited to, the prospective intervenor's interest in the subject matter of the proceeding, the effect a final decision in the proceeding may have upon the prospective

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intervenor's interest, and the extent to which the prospective intervenor may be expected to assist in the development of a sound record. *Id.*

The Environmental Intervenors, CEDI, Google, and IBEC have each asserted, among other things, that they have an interest in the outcome of these proceedings, and that they intend to participate in this proceeding. Applying the 199 IAC 7.13(3) factors, the Board finds the Environmental Intervenors, CEDI, Google, and IBEC have stated sufficient grounds for granting their petitions to intervene.

Finally, pursuant to rule 7.4(8)(a), a party to a proceeding before the Board may appear and be heard through an attorney licensed by the state of Iowa. The term "party" encompasses intervenors. *Id.* at r. 199—7.2. The Board's rule regarding representation further provides:

A corporation or association may appear and present evidence by an officer or employee. However, only licensed attorneys shall represent a party before the board or a presiding officer in any matter involving the exercise of legal skill or knowledge, except with the consent of the board or presiding officer. All persons appearing in proceedings before the board or a presiding officer shall conform to the standard of ethical conduct required of attorneys before the courts of Iowa.

*Id.* at r. 199—7.4(8)(b).

While the motions to intervene filed by the Environmental Intervenors, Google, and IBEC establish that each is represented by counsel, CEDI's motion to intervene was submitted by its executive director, who does not appear to be an attorney. Therefore, rule 7.4(8)(b) is quoted above for the benefit of CEDI, and in the event the executive director wishes to participate in this docket beyond the presentation of evidence, the executive director may request Board consent to represent CEDI.

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## ORDERING CLAUSES

### IT IS THEREFORE ORDERED:

1. A public hearing for the presentation of evidence and the cross-examination of witnesses shall commence at 9 a.m. Thursday, August 24, 2023, in the Utilities Board's Hearing Room, located at 1375 E. Court Ave., Des Moines, Iowa. Persons with disabilities who will require assistive service or devices to observe or participate in the hearing may contact the Utilities Board Customer Service staff at (515) 725-7300 at least five business days in advance of the hearing to request arrangements.
2. A comprehensive procedural schedule for this docket is attached to this order and identified as Attachment A, and incorporated in this order by reference.
3. The March 13, 2023 petition to intervene filed by the Environmental Law & Policy Center and the Iowa Environmental Council, is granted.
4. The March 21, 2023 petition to intervene filed by the Clean Energy Districts of Iowa is granted.
5. The March 23, 2023 petition to intervene filed by Google LLC is granted.
6. The March 23, 2023 petition to intervene filed by the Iowa Business Energy Coalition is granted.

### UTILITIES BOARD

**Geri Huser** Date: 2023.04.20  
14:51:28 -05'00'

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**Richard Lozier** Date: 2023.04.20  
15:08:44 -05'00'

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ATTEST:

**Keetah Horras** 2023.04.20  
16:36:57 -05'00'

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**Joshua Byrnes** Date: 2023.04.20  
14:57:05 -05'00'

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Dated at Des Moines, Iowa, this 20th day of April, 2023.

<b>EEP-2022-0156 Procedural Schedule</b>	
<b>Procedural Activity</b>	<b>Dates</b>
Order Docketing Application	3/3/2023
Intervention Deadline	3/23/2023
<b>Testimony/Prehearing</b>	
OCA & Intervenor Direct Testimony Due	6/14/2023
OCA & Intervenor Rebuttal to Each Other Due	6/28/2023
MidAmerican Reply Testimony Due	7/19/2023
OCA & Intervenor Surrebuttal Testimony Due	8/2/2023
Joint Statement of the Issues Due	8/9/2023
Prehearing Briefs (optional) Due	8/9/2023
Settlement Deadline	8/16/2023
<b>Hearing/Post-Hearing</b>	
Hearing	8/24/23
Post-Hearing Briefs	Determined at Hearing