

HSB 620

COMMERCE AND REGULATION

Metcalf Ch.  
Jenkins  
D. Taylor

Succeeded By  
SENATE/HOUSE FILE 71( ) 234  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/UTILITIES  
DIVISION BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to electric transmission lines.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 478.13, Code 2001, is amended to read  
2 as follows:

3 478.13 EXTENSION OF FRANCHISE -- PUBLIC NOTICE.

4 1. Any person, firm, or corporation owning a franchise  
5 granted under this chapter or previously existing law,  
6 ~~desiring to acquire extensions of such franchise,~~ may petition  
7 the utilities board ~~in the manner provided for the granting of~~  
8 ~~a franchise and the proceeding shall be conducted in the same~~  
9 ~~manner as an original application, including the assessing of~~  
10 ~~costs provided by section 478.4~~ for an extension of the  
11 franchise. The board shall adopt rules governing extension  
12 applications and proceedings. Assessment of costs shall be as  
13 provided in section 478.4.

14 2. If the extension of franchise is sought for all lines  
15 in a given county or counties, the published notice need not  
16 contain a general description of the lands and highways  
17 traversed by the lines, but in lieu of containing such  
18 description the petitioner may offer to provide to any  
19 interested party, free of charge and within ten working days,  
20 a current, accurate map showing the location of the lines for  
21 which the franchise extension is sought. The public notice  
22 shall advise the citizens of the county or counties affected  
23 of the availability of such map. If this alternate procedure  
24 is not followed the publication of the description of the  
25 lands and highways traversed by the lines shall be done in the  
26 manner as in an original application for franchise.

27 3. ~~In any event an~~ An extension under this section shall  
28 be granted only for a valid, existing franchise, and the  
29 lands, roads, or streams covered by the franchise over,  
30 through, or upon which electric transmission lines have in  
31 fact been erected or constructed and are in use or operation  
32 at the time of the application for the extension of the  
33 franchise. ~~Such petition~~

34 4. The application for the extension of the franchise  
35 shall be accompanied by the written consent of the applicant

1 that the provisions of all laws relating to public utilities,  
2 franchises, and transmission lines, or to the regulation,  
3 supervision, or control thereof which are then in force or  
4 which may be thereafter enacted, shall apply to its existing  
5 line or lines, franchises, and rights ~~with-the-same-force-and~~  
6 effect as if such the franchise had been granted ~~or-such, the~~  
7 lines had been constructed, or rights had been obtained under  
8 the provisions of this chapter.

9 5. An extension of a franchise is not required for an  
10 electric transmission line which that has been permanently  
11 retired from operation at thirty-four and one-half kilovolts  
12 or more but which that remains in service at a lower voltage.  
13 The board shall be notified of changes in operating status.

14 Sec. 2. Section 478.18, Code 2001, is amended to read as  
15 follows:

16 478.18 SUPERVISION OF CONSTRUCTION -- LOCATION.

17 1. The utilities board shall have power of supervision  
18 over the construction of said a transmission line and over its  
19 future operation and maintenance. Said

20 2. A transmission line shall be constructed near and  
21 parallel to roads, to the ~~right-of-way~~ right-of-way of the  
22 railways of the state, or along the division lines of the  
23 lands, according to the government survey thereof, wherever  
24 the same is practicable and reasonable, and so as not to  
25 interfere with the use by the public of the highways or  
26 streams of the state, nor unnecessarily interfere with the use  
27 of any lands by the occupant thereof.

28 Sec. 3. Section 478.21, Code 2001, is amended to read as  
29 follows:

30 478.21 NONUSER.

31 1. If the improvement for which a franchise is granted is  
32 not constructed in whole or in part within two years from the  
33 date the franchise is granted, or within two years after final  
34 unappealable disposition of judicial review of a franchise  
35 order or of condemnation proceedings, the franchise shall be

1 forfeited and the utilities board which granted the franchise  
2 shall revoke the franchise and make a record of the  
3 revocation, unless the person holding the franchise petitions  
4 the board for an extension of time.

5 2. Upon a showing of sufficient justification for the  
6 delay of construction, the board may grant an-extension one or  
7 more extensions of time for ~~not-more-than-an-additional~~  
8 periods up to two years for each extension. ~~An-extension-of~~  
9 ~~time-shall-only-be-allowed-for-franchises-granted-on-or-after~~  
10 ~~July-17-1994.~~

11 EXPLANATION

12 This bill amends provisions of Code chapter 478, relating  
13 to electric transmission lines.

14 Code section 478.13 is amended to provide for adoption of  
15 rules by the utilities board related to extension of utilities  
16 franchises. The bill also divides current Code language into  
17 subsections, and modernizes certain language used in the Code  
18 section.

19 Code section 478.18 is amended to include roadways as one  
20 of the preferred routes for electric lines. The current Code  
21 also provides that division lines of land and railroad rights-  
22 of-way are other preferred routes for electric lines. The  
23 bill also divides current Code language into subsections, and  
24 modernizes certain language used in the Code section.

25 The bill amends Code section 478.21 to provide that the  
26 franchise for an electric transmission line may only be  
27 considered forfeited two years after final unappealable  
28 disposition of any judicial review of a franchise order or of  
29 any condemnation proceedings. Code section 478.21 is also  
30 amended to allow multiple extensions to be granted during the  
31 construction of a franchised electric line if the franchisee  
32 can justify the extension. The bill also divides current Code  
33 language into subsections.

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620

# STATE OF IOWA

THOMAS J. VILSACK  
GOVERNOR  
SALLY J. PEDERSON  
LT. GOVERNOR

IOWA UTILITIES BOARD  
IOWA DEPARTMENT OF COMMERCE

**Memo to:** Iowa General Assembly  
**From:** Iowa Utilities Board  
**Date:** January 28, 2002  
**Subject:** Changes to Iowa Code ch. 478 – Electric Transmission Lines

The Iowa Utilities Board is proposing three changes to Iowa Code ch. 478 – Electric Transmission Lines:

**1. Amend Iowa Code to give the Board discretion to establish the necessary filing requirements for petitions for extension of electric franchises.**

*Analysis:* The law does not allow permanent authorization for electric franchises, but requires they be renewed at intervals not to exceed 25 years. Extension requests must re-establish that the line continues to be necessary to serve a public use, and must incorporate all amendments to the franchise, line decommissionings, rebuilds, and other changes into a current, updated franchise. Although routing is a major consideration in a new franchise proceeding, it is not ordinarily revisited in an extension proceeding. Iowa Code § 478.13, however, directs that when a petition for extension of franchise is filed, "... the proceeding shall be conducted in the same manner as an original application..."

This process of renewal is very time consuming for both staff and the utility, with limited benefits. Board discretion to establish the necessary filing requirements for extensions would streamline the renewal process with no apparent downside to the public interest.

**2. Amend Iowa Code to include roadways, along with land division lines and railroads, in routing considerations for electric lines.**

*Analysis:* Iowa Code § 478.18 recognizes only division lines of land and railroad rights-of-way as preferred routes for electric lines. The majority of Iowa roads are on division lines of land; however, newer highways, as well as many roads in rougher areas of northeast Iowa and the loess hills of far western Iowa, frequently have little correlation with division lines of land. In addition, land division lines that are not property lines do not tend to be fence lines, thereby making routing across open fields undesirable from a property owner's perspective. When incorporating guying and utility access requirements, land division lines that are not property lines are generally not feasible routes. Roadways are established corridors and construction along roads confers much the same benefits as routes along railroad right-of-way and land division lines.

Iowa General Assembly  
Page 2  
January 14, 2002

**3. Amend Iowa Code to allow the time to construct a franchised electric line to be extended by the Board as many times as can be justified by the franchise holder.**

*Analysis:* Iowa Code § 478.21 directs if construction of a franchised electric line is not initiated within two years, the franchise is "forfeited" and the Board "shall revoke the franchise." Further, the Board may grant an extension of time for not more than two additional years. It appears from the language that only one extension can be granted.

If the Board's issuance of a franchise is appealed to the courts, legal proceedings can easily consume two years. Condemnation proceedings may also become court cases. It appears only one extension of time is permitted, allowing a maximum of four years to initiate construction. Appeals and other legitimate reasons may cause construction to be delayed for more than the four years currently allowed. After four years the franchise is forfeited and the entire process would have to start over again.

The amendment would not start the clock until court processes are completed. It also would allow more than one two-year extension upon a sufficient showing.

5-2/20/02 Commerce

REPRINTED

FEB 14 2002  
Place On Calendar

HOUSE FILE 2341  
BY COMMITTEE ON COMMERCE  
AND REGULATION

(SUCCESSOR TO HSB 620)

Passed House, <sup>(p.410)</sup> Date 2/19/02 Passed Senate, <sup>(p.761)</sup> Date 3-21-02  
Vote: Ayes 94 Nays 0 Vote: Ayes 47 Nays 0  
Approved April 9, 2002

A BILL FOR

1 An Act relating to electric transmission lines.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 2341

H-8057

1 Amend House File 2341 as follows:  
2 1. Page 1, line 12, by striking the word "so" and  
3 inserting the following: "with the intent".

By METCALF of Polk

H-8057 FILED FEBRUARY 18, 2002

*Adopted*  
*2/19/02 (p.410)*

HF 2341

1 Section 1. Section 478.13, Code 2001, is amended to read  
2 as follows:

3 478.13 EXTENSION OF FRANCHISE -- PUBLIC NOTICE.

4 1. Any person, firm, or corporation owning a franchise  
5 granted under this chapter or previously existing law,  
6 ~~desiring-to-acquire-extensions-of-such-franchise,~~ may petition  
7 the utilities board ~~in-the-manner-provided-for-the-granting-of~~  
8 ~~a-franchise-and-the-proceeding-shall-be-conducted-in-the-same~~  
9 ~~manner-as-an-original-application,-including-the-assessing-of~~  
10 ~~costs-provided-by-section-478.4~~ for an extension of the  
11 franchise. The board shall adopt rules governing extension  
12 applications and proceedings so that the extension  
13 applications and proceedings are less extensive than original  
14 applications and proceedings. Assessment of costs shall be as  
15 provided in section 478.4.

16 2. If the extension of franchise is sought for all lines  
17 in a given county or counties, the published notice need not  
18 contain a general description of the lands and highways  
19 traversed by the lines, but in lieu of containing such  
20 description the petitioner may offer to provide to any  
21 interested party, free of charge and within ten working days,  
22 a current, accurate map showing the location of the lines for  
23 which the franchise extension is sought. The public notice  
24 shall advise the citizens of the county or counties affected  
25 of the availability of such map. If this alternate procedure  
26 is not followed the publication of the description of the  
27 lands and highways traversed by the lines shall be done in the  
28 manner as in an original application for franchise.

29 3. ~~In-any-event-an~~ An extension under this section shall  
30 be granted only for a valid, existing franchise, and the  
31 lands, roads, or streams covered by the franchise over,  
32 through, or upon which electric transmission lines have in  
33 fact been erected or constructed and are in use or operation  
34 at the time of the application for the extension of the  
35 franchise. ~~Such-petition~~

1 4. The application for the extension of the franchise  
2 shall be accompanied by the written consent of the applicant  
3 that the provisions of all laws relating to public utilities,  
4 franchises, and transmission lines, or to the regulation,  
5 supervision, or control thereof which are then in force or  
6 which may be thereafter enacted, shall apply to its existing  
7 line or lines, franchises, and rights ~~with-the-same-force-and~~  
8 ~~effect~~ as if ~~such~~ the franchise had been granted ~~or-such,~~ the  
9 lines had been constructed, or rights had been obtained under  
10 the provisions of this chapter.

11 5. An extension of a franchise is not required for an  
12 electric transmission line ~~which~~ that has been permanently  
13 retired from operation at thirty-four and one-half kilovolts  
14 or more but ~~which~~ that remains in service at a lower voltage.  
15 The board shall be notified of changes in operating status.

16 Sec. 2. Section 478.18, Code 2001, is amended to read as  
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19 1. The utilities board shall have power of supervision  
20 over the construction of ~~said~~ a transmission line and over its  
21 future operation and maintenance. ~~Said~~

22 2. A transmission line shall be constructed near and  
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24 railways of the state, or along the division lines of the  
25 lands, according to the government survey thereof, wherever  
26 the same is practicable and reasonable, and so as not to  
27 interfere with the use by the public of the highways or  
28 streams of the state, nor unnecessarily interfere with the use  
29 of any lands by the occupant thereof.

30 Sec. 3. Section 478.21, Code 2001, is amended to read as  
31 follows:

32 478.21 NONUSER.

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34 not constructed in whole or in part within two years from the  
35 date the franchise is granted, or within two years after final

1 unappealable disposition of judicial review of a franchise  
2 order or of condemnation proceedings, the franchise shall be  
3 forfeited and the utilities board which granted the franchise  
4 shall revoke the franchise and make a record of the  
5 revocation, unless the person holding the franchise petitions  
6 the board for an extension of time.

7 2. Upon a showing of sufficient justification for the  
8 delay of construction, the board may grant an-extension one or  
9 more extensions of time for ~~not-more-than-an-additional~~  
10 periods up to two years for each extension. ~~An-extension-of~~  
11 ~~time-shall-only-be-allowed-for-franchises-granted-on-or-after~~  
12 ~~July-17-1994-~~

13 EXPLANATION

14 This bill amends provisions of Code chapter 478, relating  
15 to electric transmission lines.

16 Code section 478.13 is amended to provide for adoption of  
17 rules by the utilities board related to extension of utilities  
18 franchises. The bill also divides current Code language into  
19 subsections, and modernizes certain language used in the Code  
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31 any condemnation proceedings. Code section 478.21 is also  
32 amended to allow multiple extensions to be granted during the  
33 construction of a franchised electric line if the franchisee  
34 can justify the extension. The bill also divides current Code  
35 language into subsections.

S-2/20/02 Commerce  
S- 3/13/02 Do Pass  
W-55160

HOUSE FILE 2341  
BY COMMITTEE ON COMMERCE  
AND REGULATION

(SUCCESSOR TO HSB 620)

(As Amended and Passed by the House February 19, 2002)

Passed House, Date \_\_\_\_\_ Passed Senate, <sup>(P.761)</sup> Date 3-21-02  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes 42 Nays 0  
Approved April 9, 2002

**A BILL FOR**

1 An Act relating to electric transmission lines.

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House Amendments \_\_\_\_\_

1 Section 1. Section 478.13, Code 2001, is amended to read  
2 as follows:

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7 the utilities board ~~in-the-manner-provided-for-the-granting-of~~  
8 ~~a-franchise-and-the-proceeding-shall-be-conducted-in-the-same~~  
9 ~~manner-as-an-original-application,-including-the-assessing-of~~  
10 ~~costs-provided-by-section-478.4~~ for an extension of the  
11 franchise. The board shall adopt rules governing extension  
12 applications and proceedings with the intent that the  
13 extension applications and proceedings are less extensive than  
14 original applications and proceedings. Assessment of costs  
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16 2. If the extension of franchise is sought for all lines  
17 in a given county or counties, the published notice need not  
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21 interested party, free of charge and within ten working days,  
22 a current, accurate map showing the location of the lines for  
23 which the franchise extension is sought. The public notice  
24 shall advise the citizens of the county or counties affected  
25 of the availability of such map. If this alternate procedure  
26 is not followed the publication of the description of the  
27 lands and highways traversed by the lines shall be done in the  
28 manner as in an original application for franchise.

29 3. ~~In-any-event-an~~ An extension under this section shall  
30 be granted only for a valid, existing franchise, and the  
31 lands, roads, or streams covered by the franchise over,  
32 through, or upon which electric transmission lines have in  
33 fact been erected or constructed and are in use or operation  
34 at the time of the application for the extension of the  
35 franchise. ~~Such-petition~~

1     4. The application for the extension of the franchise  
2 shall be accompanied by the written consent of the applicant  
3 that the provisions of all laws relating to public utilities,  
4 franchises, and transmission lines, or to the regulation,  
5 supervision, or control thereof which are then in force or  
6 which may be thereafter enacted, shall apply to its existing  
7 line or lines, franchises, and rights ~~with-the-same-force-and~~  
8 ~~effect~~ as if ~~such~~ the franchise had been granted ~~or-such,~~ the  
9 lines had been constructed, or rights had been obtained under  
10 the provisions of this chapter.

11     5. An extension of a franchise is not required for an  
12 electric transmission line ~~which~~ that has been permanently  
13 retired from operation at thirty-four and one-half kilovolts  
14 or more but ~~which~~ that remains in service at a lower voltage.  
15 The board shall be notified of changes in operating status.

16     Sec. 2. Section 478.18, Code 2001, is amended to read as  
17 follows:

18     478.18 SUPERVISION OF CONSTRUCTION -- LOCATION.

19     1. The utilities board shall have power of supervision  
20 over the construction of ~~said~~ a transmission line and over its  
21 future operation and maintenance. ~~Said~~

22     2. A transmission line shall be constructed near and  
23 parallel to roads, to the ~~right-of-way~~ right-of-way of the  
24 railways of the state, or along the division lines of the  
25 lands, according to the government survey ~~thereof,~~ wherever  
26 the same is practicable and reasonable, and so as not to  
27 interfere with the use by the public of the highways or  
28 streams of the state, nor unnecessarily interfere with the use  
29 of any lands by the occupant ~~thereof.~~

30     Sec. 3. Section 478.21, Code 2001, is amended to read as  
31 follows:

32     478.21 NONUSER.

33     1. If the improvement for which a franchise is granted is  
34 not constructed in whole or in part within two years from the  
35 date the franchise is granted, or within two years after final

1 unappealable disposition of judicial review of a franchise  
2 order or of condemnation proceedings, the franchise shall be  
3 forfeited and the utilities board which granted the franchise  
4 shall revoke the franchise and make a record of the  
5 revocation, unless the person holding the franchise petitions  
6 the board for an extension of time.

7 2. Upon a showing of sufficient justification for the  
8 delay of construction, the board may grant an-extension one or  
9 more extensions of time for ~~not-more-than-an-additional~~  
10 periods up to two years for each extension. ~~An-extension-of~~  
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12 ~~July-17-1994.~~

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## HOUSE FILE 2341

S-5160

1 Amend House File 2341, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 478.1, Code 2001, is amended  
6 to read as follows:

7 478.1 FRANCHISE.

8 1. A person shall not construct, erect, maintain,  
9 or operate a transmission line, wire, or cable ~~which~~  
10 ~~that is capable of operating at an electric voltage of~~  
11 ~~thirty-four and one-half sixty-nine kilovolts or more~~  
12 along, over, or across any public highway or grounds  
13 outside of cities for the transmission, distribution,  
14 or sale of electric current, without first procuring  
15 from the utilities board within the utilities division  
16 of the department of commerce a franchise granting  
17 authority as provided in this chapter. ~~However, a~~

18 2. A franchise shall not be required for electric  
19 lines constructed entirely within the boundaries of  
20 property owned by a person primarily engaged in the  
21 transmission or distribution of electric power or  
22 entirely within the boundaries of property owned by  
23 the end user of the electric power.

24 3. If the transmission line, wire, or cable is  
25 capable of operating only at an electric voltage of  
26 less than ~~thirty-four and one-half sixty-nine~~  
27 kilovolts, no franchise is required. However, the  
28 utilities board shall retain jurisdiction over all  
29 such lines, wires, or cables.

30 4. A person who seeks to construct, erect,  
31 maintain, or operate a transmission line, wire, or  
32 cable ~~which~~ ~~that~~ will operate at an electric voltage  
33 of less than ~~thirty-four and one-half sixty-nine~~  
34 kilovolts outside of cities and ~~which~~ ~~that~~ cannot  
35 secure the necessary voluntary easements to do so may  
36 petition the board pursuant to section 478.3,  
37 subsection 1, for a franchise granting authority for  
38 such construction, erection, maintenance, or  
39 operation, and for the use of the right of eminent  
40 domain."

41 2. Page 2, by striking line 13, and inserting the  
42 following: "retired from operation at ~~thirty-four and~~  
43 ~~one-half sixty-nine kilovolts~~".

44 3. Page 2, by inserting after line 15 the  
45 following:

46 "Sec. \_\_\_\_ . Section 478.2, Code 2001, is amended to  
47 read as follows:

48 478.2 PETITION FOR FRANCHISE -- INFORMATIONAL

49 MEETINGS HELD.

50 1. Any person, ~~corporation, or company~~ authorized

S-5160

**S-5160**

Page 2

1 to transact business in the state including cities may  
2 file a verified petition asking for a franchise to  
3 erect, maintain, and operate a line or lines for the  
4 transmission, distribution, use, and sale of electric  
5 current outside cities and for such purpose to erect,  
6 use, and maintain poles, wires, guy wires, towers,  
7 cables, conduits, and other fixtures and appliances  
8 necessary for conducting electric current for light,  
9 heat, or power over, along, and across any public  
10 lands, highways, streams, or the lands of any person,  
11 company, or corporation, and to acquire necessary  
12 interests in real estate for such purposes.

13 2. As conditions precedent to the filing of a  
14 petition with the utilities board requesting a  
15 franchise for a new transmission line, and not less  
16 than thirty days prior to the filing of such petition,  
17 the person, ~~company, or corporation~~ shall hold  
18 informational meetings in each county in which real  
19 property or rights ~~therein~~ will be affected.

20 a. A member of the board, the counsel of the  
21 board, or a hearing examiner designated by the board  
22 shall serve as the presiding officer at each meeting,  
23 shall present an agenda for such meeting which shall  
24 include a summary of the legal rights of the affected  
25 landowners, and shall distribute and review the  
26 statement of individual rights required under section  
27 6B.2A, subsection 1. A formal record of the meeting  
28 shall not be required.

29 b. The meeting shall be held at a location  
30 reasonably accessible to all persons, ~~companies, or~~  
31 ~~corporations which~~ that may be affected by the  
32 granting of the franchise.

33 3. The person, ~~company, or corporation~~ seeking the  
34 franchise for a new transmission line shall give  
35 notice of the informational meeting to each person,  
36 company, or corporation determined to be the landowner  
37 affected by the proposed project and any person,  
38 company, or corporation in possession of or residing  
39 on the property.

40 a. For the purposes of this section, ~~"landowner"~~  
41 unless the context otherwise requires:

42 (1) "Landowner" means a person, ~~company, or~~  
43 ~~corporation~~ listed on the tax assessment rolls as  
44 responsible for the payment of real estate taxes  
45 imposed on the property and "transmission."

46 (2) "Transmission line" means any line capable of  
47 operating at ~~thirty-four and one-half~~ sixty-nine  
48 kilovolts or more and extending a distance of not less  
49 than one mile across privately owned real estate.

50 b. The notice shall ~~set forth~~ contain the

**S-5160**

S-5160

Page 3

1 following:  
2 (1) The name of the applicant; ~~state the.~~  
3 (2) The applicant's principal place of business;  
4 ~~state the.~~  
5 (3) A general description and purpose of the  
6 proposed project; ~~state the.~~  
7 (4) The general nature of the right-of-way  
8 desired; ~~state the.~~  
9 (5) The possibility that the right-of-way may be  
10 acquired by condemnation if approved by the utilities  
11 board; ~~provide a.~~  
12 (6) A map showing the route of the proposed  
13 project; ~~provide a.~~  
14 (7) A description of the process used by the  
15 utilities board in making a decision on whether to  
16 approve a franchise or grant the right to take  
17 property by eminent domain; ~~advise.~~  
18 (8) A statement that the landowner has the right  
19 to be present at such meetings and to file objections  
20 with the utilities board; ~~designate the.~~  
21 (9) The place and time of the meeting;  
22 c. The notice shall be served not less than thirty  
23 days prior to the time set for the meeting by  
24 certified mail with return receipt requested; and  
25 shall be published once in a newspaper of general  
26 circulation in the county at least one week and not  
27 more than three weeks before the time of the meeting  
28 and such publication shall be considered notice to  
29 landowners whose residence is not known.  
30 4. ~~No A person, company, or corporation~~ seeking  
31 rights under this chapter shall not negotiate or  
32 purchase any easements or other interests in land in  
33 any county known to be affected by the proposed  
34 project prior to the informational meeting.  
35 Sec. \_\_\_\_. Section 478.3, subsection 2, unnumbered  
36 paragraph 1, Code Supplement 2001, is amended to read  
37 as follows:  
38 Petitions for transmission lines capable of  
39 operating at ~~thirty-four and one-half~~ sixty-nine  
40 kilovolts or more and extending a distance of not less  
41 than one mile across privately owned real estate shall  
42 also set forth an allegation that the proposed  
43 construction represents a reasonable relationship to  
44 an overall plan of transmitting electricity in the  
45 public interest and substantiation of such  
46 allegations, including but not limited to, a showing  
47 of the following:"  
48 4. Page 3, by inserting after line 12 the  
49 following:  
50 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed

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1 of immediate importance, takes effect upon enactment."

2 5. Title page, line 1, by inserting after the

3 word "lines" the following: "and providing an

4 effective date".

5 6. By renumbering, redesignating, and correcting

6 internal references as necessary.

**By** COMMITTEE ON COMMERCE

JOHN W. JENSEN, Chairperson

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*w/d*

*3/21/02*

*( p. 759 )*

~~desiring to acquire extensions of such franchise,~~ may petition the utilities board ~~in the manner provided for the granting of a franchise and the proceeding shall be conducted in the same manner as an original application, including the assessing of costs provided by section 478.4~~ for an extension of the franchise. The board shall adopt rules governing extension applications and proceedings with the intent that the extension applications and proceedings are less extensive than original applications and proceedings. Assessment of costs shall be as provided in section 478.4.

HOUSE FILE 2341

AN ACT  
RELATING TO ELECTRIC TRANSMISSION LINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 478.13, Code 2001, is amended to read as follows:

478.13 EXTENSION OF FRANCHISE -- PUBLIC NOTICE.

1. Any person, firm, or corporation owning a franchise granted under this chapter or previously existing law

2. If the extension of franchise is sought for all lines in a given county or counties, the published notice need not contain a general description of the lands and highways traversed by the lines, but in lieu of containing such description the petitioner may offer to provide to any interested party, free of charge and within ten working days, a current, accurate map showing the location of the lines for which the franchise extension is sought. The public notice shall advise the citizens of the county or counties affected of the availability of such map. If this alternate procedure is not followed the publication of the description of the lands and highways traversed by the lines shall be done in the manner as in an original application for franchise.

3. ~~In any event an~~ An extension under this section shall be granted only for a valid, existing franchise, and the lands, roads, or streams covered by the franchise over, through, or upon which electric transmission lines have in fact been erected or constructed and are in use or operation at the time of the application for the extension of the franchise. Such petition

4. The application for the extension of the franchise shall be accompanied by the written consent of the applicant that the provisions of all laws relating to public utilities, franchises, and transmission lines, or to the regulation, supervision, or control thereof which are then in force or

which may be thereafter enacted, shall apply to its existing line or lines, franchises, and rights ~~with the same force and effect as if such the franchise had been granted or such, the lines had been constructed,~~ or rights had been obtained under the provisions of this chapter.

5. An extension of a franchise is not required for an electric transmission line which ~~that~~ has been permanently retired from operation at thirty-four and one-half kilovolts or more but which ~~that~~ remains in service at a lower voltage. The board shall be notified of changes in operating status.

Sec. 2. Section 478.18, Code 2001, is amended to read as follows:

478.18 SUPERVISION OF CONSTRUCTION -- LOCATION.

1. The utilities board shall have power of supervision over the construction of ~~said a~~ transmission line and over its future operation and maintenance. ~~Said~~

2. A transmission line shall be constructed near and parallel to roads, to the ~~right-of-way~~ right-of-way of the railways of the state, or along the division lines of the lands, according to the government survey thereof, wherever the same is practicable and reasonable, and so as not to interfere with the use by the public of the highways or streams of the state, nor unnecessarily interfere with the use of any lands by the occupant thereof.

Sec. 3. Section 478.21, Code 2001, is amended to read as follows:

478.21 NONUSER.

1. If the improvement for which a franchise is granted is not constructed in whole or in part within two years from the date the franchise is granted, or within two years after final unappealable disposition of judicial review of a franchise order or of condemnation proceedings, the franchise shall be forfeited and the utilities board which granted the franchise shall revoke the franchise and make a record of the revocation, unless the person holding the franchise petitions the board for an extension of time.

2. Upon a showing of sufficient justification for the delay of construction, the board may grant an extension one or more extensions of time for not more than an additional periods up to two years for each extension. ~~An extension of time shall only be allowed for franchises granted on or after July 17, 1994.~~

\_\_\_\_\_  
BRENT SIEGRIST  
Speaker of the House

\_\_\_\_\_  
MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2341, Seventy-ninth General Assembly.

\_\_\_\_\_  
MARGARET THOMSON  
Chief Clerk of the House

Approved 4/9, 2002

\_\_\_\_\_  
THOMAS J. VILSACK  
Governor