

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MIDAMERICAN ENERGY COMPANY	DOCKET NO. RPU-2009-0003
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**ORDER ESTABLISHING PROCEDURAL SCHEDULE, SHORTENING
RESPONSE TIMES, REQUIRING ADDITIONAL INFORMATION,
AND GRANTING INTERVENTION**

(Issued April 22, 2009)

On March 25, 2009, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) a request for advance ratemaking principles that would apply to up to 1001 MW of wind generation to be built between 2009 and 2012. MidAmerican calls the project the Wind VII Iowa Project. Included with the filing was a stipulation and settlement agreement between MidAmerican and the Consumer Advocate Division of the Department of Justice (Consumer Advocate) and a joint motion for approval of the settlement agreement.

MidAmerican asked for expedited review, specifically seeking a final order no later than May 29, 2009. MidAmerican said that approval "by that date enables MidAmerican to proceed with development of the Wind VII Iowa Project sites in a manner that ensures MidAmerican can take full advantage of economical opportunities to pursue wind generation as they arise during the remaining term of the current Production Tax Credit." (MidAmerican request for approval, p. 11).

On April 9, 2009, the Board issued an "Order Docketing Case, Setting Intervention Deadline, and Granting Intervention." In the order, the Board indicated that it might have questions in at least two areas, the agreed upon return on equity and MidAmerican's resource planning.

Interstate Power and Light Company (IPL) and NextEra Energy Resources, LLC (NextEra), are the only parties that intervened by the April 17, 2009, deadline. IPL's intervention was granted in the Board's April 9, 2009, order. NextEra filed its petition to intervene on April 17, 2009.

In support of its petition to intervene, NextEra said it is a wholesale developer, owner, and operator of various generation sources, including wind resources. NextEra said it would provide testimony on, among other things, whether MidAmerican considered other feasible sources of supply, including proposals that will be offered by NextEra.

The Board will grant the petition to intervene. NextEra has demonstrated an interest in these proceedings that should be represented.

In order to complete its review of MidAmerican's filing and the settlement agreement, the Board will schedule a hearing. MidAmerican should provide witnesses at the hearing that can answer questions regarding return on equity, resource planning, and reliability. In addition, MidAmerican will be required to file prefiled testimony that addresses at least these issues:

1. What impact the addition of up to 1,001 MW of windpower will have on system reliability, not only for MidAmerican's service territory but also

for the region, including a detailed description of transmission upgrades that might be required.

2. The results of MidAmerican's resource planning process are to be discussed in detail. In particular, MidAmerican is to address what resources its resource-planning model selects (and when it selects them) to address projected capacity shortfalls.

3. MidAmerican is to provide justification for the return on equity provided for in the settlement.

Consumer Advocate is a signatory to the settlement agreement. Consumer Advocate is also to provide a witness for hearing to address return on equity questions and will be required to provide prefiled testimony on issue three. Consumer Advocate, if it chooses, may address the other two issues as well. NextEra and IPL will have the opportunity to submit prefiled testimony on any of the three issues outlined above, but they are not required to do so. NextEra and IPL will be required to address any other issues they wish to raise at hearing in their prefiled testimony.

In an attempt to accommodate the expedited schedule requested by MidAmerican, the time for responding to data requests will be shortened from seven days to three business days. 199 IAC 7.15(2). There will also be only one round of simultaneously-filed direct testimony. If any party believes that this schedule is inadequate, a motion for continuance to amend the procedural schedule should be

filed immediately. Responses to any motion for continuance will be required to be filed two days after any motion is filed.

IT IS THEREFORE ORDERED:

1. The following procedural schedule is established:
 - a. MidAmerican, Consumer Advocate, IPL, and NextEra shall file prepared direct testimony, with underlying workpapers and exhibits, on or before May 6, 2009. MidAmerican shall address all three issues specified in the body of this order, as well as any other issues it wishes to address. Consumer Advocate shall address issue three and may address others. IPL and NextEra, at their option, may file testimony on one or more of the three issues and shall file testimony on any other issues that they will raise at hearing. If a party refers to a data request or response in its prepared testimony, the data request or response shall be filed as an exhibit.
 - b. Any party that chooses to file a prehearing brief may do so on or before May 11, 2009.
 - c. A hearing shall be held beginning at 10 a.m. on Monday, May 18, 2009, for the purpose of receiving testimony and the cross-examination of all testimony. The hearing shall be held in the Board's hearing room at 350 Maple Street, Des Moines, Iowa 50319-0069. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board

at (515) 281-5256 at least five days in advance of the scheduled date to request that appropriate arrangements be made.

2. In the absence of objection, all underlying workpapers shall become a part of the evidentiary record of these proceedings at the time the related testimony and exhibits are entered into the record.

3. In the absence of objection, all data requests and responses referred to in oral testimony or on cross-examination that have not been previously filed shall become a part of the evidentiary record of these proceedings. The party making reference to the data request shall file the data request and response with the Board at the earliest possible time.

4. In the absence of objection, when the Board has called for further evidence on any issue and the evidence is filed after the close of the hearing, the evidentiary record will be reopened and the evidence will become part of the record two days after the evidence is filed with the Board. All evidence filed pursuant to this paragraph shall be filed no later than three days after the close of the hearing in this proceeding.

5. Pursuant to 199 IAC 7.15(2), the time to respond to data requests is shortened from seven days to three business days.

7. Responses to any motion for continuance shall be filed within two days after the motion for continuance is filed.

8. The petition to intervene filed by NextEra Energy Resources, LLC, on April 17, 2009, is granted.

UTILITIES BOARD

/s/ Krista K. Tanner

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 22nd day of April, 2009.