

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: THE AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009	DOCKET NO. NOI-2009-0002
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**ORDER ADOPTING AND ISSUING
FINAL REPORT AND CLOSING INQUIRY**

(Issued April 20, 2011)

On June 26, 2009, the U.S. House of Representatives passed national climate change legislation titled the American Clean Energy and Security Act of 2009, H.R. 2454 (the Waxman-Markey bill, or ACES). At the time, it was reasonable to think that the U.S. Senate might also consider and pass some form of climate change legislation. Due to the Waxman-Markey bill's importance and potential impacts on Iowa, the Utilities Board (Board) decided it would be beneficial for Iowa to hold an organized proceeding to gather input and study the Waxman-Markey bill.

The Board was the appropriate agency of state government to hold the proceeding because: 1) it had an already established organized process, the inquiry process, to gather opinions and information from a wide variety of participants; 2) its electronic filing system allowed interested persons to easily file comments and see and reply to others' comments; 3) the Board is used to having an impartial fact-finding role and examining issues involving the public interest and determining what

is reasonable; and 4) ACES would directly impact electric and gas utilities and their customers, which is in the Board's jurisdiction.

Therefore, on July 16, 2009, the Board initiated this inquiry process to gather information from a broad cross-section of Iowa stakeholders on their opinions about how the Waxman-Markey bill could impact Iowa. As can be seen from the Final Report adopted and issued by this order, many state agencies, electric and gas utilities and utility organizations, environmental and public interest organizations, companies and business organizations, individuals, a union, and a wind energy organization participated in the inquiry. They expressed a wide variety of opinions on various subjects included in the Waxman-Markey bill, filed written comments, and participated in a workshop held on September 18, 2009.

Although the Waxman-Markey bill was passed by the U.S. House of Representatives, it was never passed by the U.S. Senate. The Board has continued to follow this and related legislation and is of the opinion it is unlikely that Congress will further consider the Waxman-Markey bill. It is also unlikely that Congress will consider the cap-and-trade method of reducing greenhouse gas (GHG) emissions that was the central part of the Waxman-Markey bill at any time in the near future.

The Board adopts the attached Final Report of this inquiry and it will be posted on the Board's Web site in this docket. The Final Report summarizes the inquiry process that was followed, the written comments and information received, and the oral comments provided at the workshop. It also contains a discussion of the major issues addressed in this inquiry and the Board's conclusions. The Final Report

contains Appendices 1 through 5 at the end of the report, which can be used as tools to navigate the voluminous content of the proceeding. Active links are incorporated throughout the Final Report for ease of navigation.

The Board appreciates the time and effort spent by the participants in this inquiry and thanks everyone for their participation. The Board hopes the attached Final Report will be useful to participants in the inquiry and persons who may be considering the issues that were involved in the Waxman-Markey bill and other energy and climate change legislation that may be introduced in the future.

IT IS THEREFORE ORDERED:

1. The attached Final Report of this inquiry is adopted and will be posted on the Board's Web site.
2. The inquiry identified as Docket No. NOI-2009-0002, In re: The American Clean Energy and Security Act of 2009, is closed as of the date of this order.

UTILITIES BOARD

/s/ Robert B. Berntsen

/s/ Krista K. Tanner

ATTEST:

/s/ Joan Conrad
Executive Secretary

/s/ Darrell Hanson

Dated at Des Moines, Iowa, this 20th day of April 2011.