

BEFORE THE IOWA UTILITIES BOARD
DEPARTMENT OF COMMERCE
STATE OF IOWA

IN RE:		DOCKET NO. GCU-07-01
INTERSTATE POWER AND LIGHT COMPANY	}	PETITION TO INTERVENE

COME NOW Community Energy Solutions, Iowa Environmental Council, Iowa Farmers Union, Iowa Physicians for Social Responsibility, and Iowa Renewable Energy Association (the Coalition) with their petition to intervene in this proceeding pursuant to 199 IAC 7.13 and in support thereof state:

1. On July 2, 2007, Interstate Power and Light Company (IPL) filed an Application for a Generating Facility Certificate with the Iowa Utilities Board (IUB), seeking approval for construction of a 660MW¹ coal-fired boiler at IPL's Sutherland power plant in Marshalltown, Iowa.
2. On August 16, 2007, the Board set forth a procedural schedule in this docket with a deadline for interventions and pre-filed testimony of October 22, 2007. This petition to intervene is therefore timely.
3. This Coalition of energy, environment and public health advocacy organizations has a vital interest in the energy portfolio held by Iowa's investor-owned utilities. The effects of the IUB decision on Coalition members include, but are not limited to: diminution of the value of the state's existing renewable energy generation facilities, damage to the development of new renewable energy generation facilities, displacement of renewable energy from the

¹ Although Applicant's filings in this docket state that the new Sutherland boiler will have a 630 MW capacity, this number is contradicted by previous testimony offered by the Applicant to this Board. See Testimony of John Larsen, IUB Docket No. SPU-07-11, Hearing Transcript at p. 140 (Aug. 1, 2007).

grid, increases in retail electricity rates, damage to air and water quality, increased fuel costs due to inefficient ethanol refining processes, civil rights violations of minority communities targeted by the highly polluting coal industry, damage to Iowa's ecosystem and agricultural economy from the increasing impacts of global warming, violation of state energy policy, and future damage to electricity consumers who will pay the eventual cost of carbon regulation. Coalition members as a group represent thousands of Iowa residents, farmers, renewable energy producers, health care providers, and electricity consumers who will be directly affected by construction of a new dirty coal plant at a time when coal is an increasingly risky and expensive fuel source and better alternatives are readily available.

4. Community Energy Solutions (CES) is a grassroots Iowa non-profit organization representing the interests of over 4,000 Iowa citizens dedicated to promoting energy efficiency and the development of renewable energy in Iowa. IPL's proposal to construct a new dirty coal plant in Marshalltown directly affects Marshalltown residents who are CES members, and all CES members who will be damaged by pollutants emitted from the plant.
5. Iowa Environmental Council actively works in public policy to provide a safe, healthy environment for all Iowans, including the Council's 500 individual members and 77 member and cooperating organizations, which represent a total constituency of more than 80,000 citizens. The Council focuses on public education and coalition building to give Iowans a voice on issues that affect their quality of life and to protect Iowa's natural resources for current and future generations.
6. Iowa Farmers Union (IFU) is a membership organization representing approximately 1,200 Iowa family farmers and ranchers and supporters with a commitment to sustainable agricultural practices and independent family farm agriculture. IFU promotes the

production of clean, agriculturally based renewable energy and cooperative, farmer-owned production facilities that incorporate environmentally responsible energy production.

7. Iowa Physicians for Social Responsibility represents the interests of approximately 1,000 Iowa health professionals and supporters who strive to protect the health of the public from illness and disease, which can be promulgated and/or exacerbated by pollution and global warming. Nationally, Physicians for Social Responsibility has over 30,000 members.
8. Iowa Renewable Energy Association (I-RENEW) is a non-profit organization dedicated to promoting the use of renewable energy and energy conservation in Iowa's homes, farms, and schools. I-RENEW works to achieve its objective by disseminating existing knowledge regarding renewable energy and energy efficiency throughout the state.
9. The interests of the Coalition are unique and are not adequately represented by any other party to this proceeding. Specifically, the Coalition is concerned with the environmental and public health impacts of the proposal and is able to bring unique expertise to bear in its testimony and briefs. Although the Office of the Consumer Advocate (OCA) is charged with representing the public generally in this proceeding, 199 IAC 7.13(4) states, "In determining the extent to which the prospective intervenor's interest will be represented by other parties, the consumer advocate's role of representing the public interest shall not be interpreted as representing every potential interest in a proceeding." Since the Coalition's interests are separate and distinct from the broad interests represented by the OCA, the Coalition requires different representation.
10. Intervention is the only means by which the Coalition's unique interests can be protected. The Department of Natural Resources permitting processes on the proposed coal plant will address only a narrowly defined set of "criteria" pollutants and federal air quality

standards. This Board is empowered to take a broad, policy level approach to Iowa's energy future and is therefore the appropriate venue for the Coalition's testimony.

11. The participation of the Coalition in this proceeding may reasonably be expected to assist in the development of a sound record through presentation of relevant evidence and argument.
12. The Coalition seeks intervention to preserve the right to participate as a full party to this proceeding in compliance with 199 IAC 7.13. By participating in this proceeding as a Coalition, members of the Coalition will avoid duplication of effort.
13. The Coalition intends to submit prepared direct testimony and exhibits, and participate in hearings before the board, including the cross-examination of expert witnesses.
14. Testimony will be presented on behalf of the Coalition on the following issues:
 - a. Construction of the Sutherland boiler is not the most cost-effective way to provide for the demand identified by Applicants over the life cycle of the proposed boiler.
 - b. Construction of the Sutherland boiler will create a major new source of global warming gases, in direct violation of legislative intent to reduce statewide global warming emissions, as expressed at Iowa Code § 455B.851(7).
 - c. The proposed boiler is not compatible with the state's environmental policies, as required by Iowa Code § 476.53.
 - d. Increased reliance on coal will harm Iowa consumers, based on reasonable predictions of future regulation of carbon emissions.
 - e. Iowa ratepayers and renewable energy producers would be better served by a different choice or combination of choices for new electrical generation.
 - f. Applicants have not given sufficient consideration to options that could reduce the

size of the proposed boiler and therefore the attendant harmful impacts.

g. Applicants have not given sufficient consideration to cleaner coal combustion technologies such as Integrated Gasification Combined Cycle, nor to non-coal technologies that could meet the alleged increase in demand.

15. The Coalition will be represented by Carrie L. La Seur and Jana M. Linderman of Plains Justice, 100 1st Street SW, Cedar Rapids, Iowa, 52404, attorneys-at-law admitted to practice in the state of Iowa. Appearances are filed herewith.

WHEREFORE, the Coalition prays for leave to intervene and to be treated as a party to this proceeding.

Respectfully submitted,

PLAINS JUSTICE

By:

CARRIE L. LA SEUR LI0018855

JANA M. LINDERMAN AT0004750

100 1st Street SW
Cedar Rapids, IA 52404
PHONE: (319) 362-2120
E-MAIL: claseur@plainsjustice.org
 jlinderman@plainsjustice.org

ATTORNEYS FOR INTERVENORS

1 CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the foregoing instrument were served upon each of the parties of record to the above entitled cause, or their attorneys of record, by enclosing the same in an envelope addressed to each such party and hand delivered or, with postage fully paid, by depositing said envelope in a United States Post Office depository in Cedar Rapids, Iowa on the ____ day of September, 2007.

By: _____

Copies to:

(1 copy) Paula N. Johnson
Regulatory Attorney
Interstate Power and Light Company
Alliant Tower
200 1st Street SE
PO Box 351
Cedar Rapids, Iowa 52406-0351

(3 copies) John R. Perkins
Consumer Advocate
Iowa Department of Justice
Office of Consumer Advocate
310 Maple Street
Des Moines, Iowa 50319-0063