

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

LS POWER MIDCONTINENT, LLC and
SOUTHWEST TRANSMISSION, LLC,

Plaintiffs,

v.

THE STATE OF IOWA, IOWA UTILITIES
BOARD, GERI D. HUSER, GLEN
DICKINSON and LESLIE HICKEY,

Defendants.

Case No. CVCV060840

**INTERVENOR MIDAMERICAN
ENERGY COMPANY'S PROPOSED
ANSWER**

COMES NOW Intervenor, MidAmerican Energy Company, who for its answer to the petition, states as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Admit.
6. Admit.
7. Admit the terms of Article III Section 29 of the Iowa Constitution speak for themselves and deny the remainder of the allegations of paragraph 7.
8. Admit the terms of Article III Section 29 of the Iowa Constitution speak for themselves and deny the remainder of the allegations of paragraph 8.
9. Admit the terms of Article I Section 6 of the Iowa Constitution speak for themselves and deny the remainder of the allegations of paragraph 9.

10. Admit the terms of the letter from the Governor and the attached legislation speak for themselves and deny the remainder of the allegations of paragraph 10.

11. Admit.

12. Admit the terms of House File 2643 speak for themselves.

13. Admit the terms of H.F. 2643 speak for themselves.

14. Admit the terms of the legislative history of House Study Bill 540, the House Journal and Joint Rules of House Study Bill 540 speak for themselves and otherwise deny of the allegations of paragraph 14.

15. Admit that the legislative history Senate File 2311 from the 87th General Assembly speaks for itself.

16. Admit.

17. Admit and affirmatively state that the full Senate Appropriations Committee met and considered the bill starting at 5:00 am on June 14, 2020.

18. Admit the title of H.F. 2643 was not amended on June 14, 2020 and deny the remainder of the allegations of paragraph 18.

19. Admit H.F. 2643 passed the Senate and then the House on June 14, 2020 and deny the remainder of the allegations of paragraph 19.

20. Deny and affirmatively state that House Study Bill 540, which contained the provisions which became Iowa Code §478.16, was introduced on January 23, 2020 and LS Power's three lobbyists (Jim Carney, Doug Struyk and Jennifer Dorman) registered against that bill on January 27, 2020. The Lobbyist Declaration record reflects that 69 lobbyist entries were made on HSB 540, including those for it, against it and undecided. Further, LS Power's three lobbyists (Jim Carney, Doug Struyk and Jennifer Dorman) registered opposition to H.F. 2643 at

7:49 am on June 14, 2020. The Lobbyist Declaration record reflects that 50 lobbyist entries were made on H.F. 2643, including those for it, against it and undecided. (See MEC Ex. A and B attached hereto).

21. Admit the quoted terms speak for themselves and affirmatively state such quote only contains a portion of Iowa Code §478.16.

22. Admit the terms of Iowa Code §478.16 speak for themselves and deny the remainder of the allegations of paragraph 22.

23. Admit the terms of Iowa Code §478.16 speak for themselves and deny the remainder of the allegations of paragraph 23.

24. Admit the quoted terms speak for themselves and affirmatively state such quote only contains a portion of Iowa Code §478.16.

25. Admit the terms of Iowa Code §478.16 speak for themselves and deny the remainder of the allegations of paragraph 25.

26. Deny.

27. Deny the allegation of paragraph 27 for lack of information upon which to form a belief.

28. Admit the first sentence of paragraph 28 and deny the remainder of the allegations of paragraph 28 for lack of information upon which to form a belief.

29. Object to the allegations of paragraph 29 as vague and, accordingly, deny the same.

30. Object to the allegations of paragraph 29 as vague and, accordingly, deny the same.

31. Object to the allegations of paragraph 29 as vague and speculative and, accordingly, deny the same.

32. Object to the allegations of paragraph 29 as vague and, accordingly, deny the same.

33. Deny for lack of information on which to form a belief.

34. Deny the allegations of paragraph 34 for lack of information.

35. Deny.

COUNT I-VIOLATION OF THE SINGLE-SUBJECT CLAUSE OF THE IOWA CONSTITUTION, ARTICLE III, SECTION 29

36. Deny.

37. Admit the terms of Article III, Section 29 of the Iowa Constitution speak for themselves and deny the remainder of the allegations of paragraph 37.

38. Deny.

39. Deny and affirmatively states that “logrolling” did not occur, in part, because the 88th General Assembly consisted of Republican majorities that controlled both the Iowa Senate (32 senators) and Iowa House (53 representatives).

40. Deny.

41. Deny.

WHEREFORE, Intervenor, MidAmerican Energy Company, requests that the court dismiss the petition at Plaintiffs’ cost and award other appropriate relief.

COUNT II-VIOLATION OF THE TITLE CLAUSE OF THE IOWA CONSTITUTION, ARTICLE III, SECTION 29

42. Admit the terms of Article III, Section 29 of the Iowa Constitution speak for themselves and deny the remainder of the allegations of paragraph 42.

43. Deny and affirmatively states the provisions of Division XXXIII addressed Electric Transmission Lines which were reasonably connected with the title that included “Providing for “Regulatory Responsibilities, Providing for Other Properly Related Matters,” were not utterly incongruous thereto, complied with Iowa Code §3.1(2) which provides that “[t]he title to a bill shall contain a brief statement of the purpose of the bill, however all detail matters properly connected with the subject so expressed may be omitted from the title.” and, accordingly, satisfied the requirements of Article III Section 29 of the Iowa Constitution.

44. Deny and affirmatively state that House Study Bill 540, which contained the provision which became Iowa Code §478.16, was introduced on January 23, 2020 and LS Power’s three lobbyists (Jim Carney, Doug Struyk and Jennifer Dorman) registered against that bill on January 27, 2020. The Lobbyist Declaration record reflects that 69 lobbyist entries were made on HSB 540, including those for it, against it and undecided. Further, LS Power’s three lobbyists (Jim Carney, Doug Struyk and Jennifer Dorman) registered opposition to H.F. 2643 at 7:49 am on June 14, 2020. The Lobbyist Declaration record reflects that 50 lobbyist entries were made on H.F. 2643, including those for it, against it and undecided. (See MEC Ex. A and B attached hereto).

45. Deny.

WHEREFORE, Intervenor, MidAmerican Energy Company, requests that the court dismiss the petition at Plaintiffs’ cost and award other appropriate relief.

COUNT III-VIOLATION OF THE EQUAL PROTECTIONS AND PRIVILEGES AND IMMUNITIES CLAUSES OF THE IOWA CONSTITUTION, ARTICLE I, SECTION 6

46. Admit the terms of Article I, Section 6 of the Iowa Constitution speak for themselves and deny the remainder of the allegations of paragraph 46.

47. Admit the terms of Article I, Section 6 of the Iowa Constitution speak for themselves and deny the remainder of the allegations of paragraph 47.

48. Admit the terms of Iowa Code §478.16 speak for themselves any deny the remainder of the allegations of paragraph 48.

49. Deny.

50. Deny.

51. Deny.

52. Deny.

53. Deny.

WHEREFORE, Intervenor, MidAmerican Energy Company, requests that the court dismiss the petition at Plaintiffs' cost and award other appropriate relief.

AFFIRMATIVE DEFENSES

1. Plaintiff lacks standing to pursue the claims made.
2. Plaintiff's claims are not ripe.
3. Plaintiff fails to state a claim upon which relief can be granted.

WHEREFORE, Intervenor, MidAmerican Energy Company, requests that the court dismiss the petition at Plaintiffs' cost and award other appropriate relief.

/s/Stanley J. Thompson
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PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on November 17, 2020 by:

- FAX
 Hand Delivered Email
 Federal Express X Other: ECF Filing

Signature: /s/ Stanley J. Thompson