

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

LINDA K. JUCKETTE,

Petitioner,

v.

IOWA UTILITIES BOARD,

Respondent.

Case No. CVCV061580

**IOWA UTILITY ASSOCIATION'S
MOTION TO INTERVENE AND
APPEAR**

COMES NOW the Iowa Utility Association (IUA”), pursuant to Iowa Rules of Civil Procedure 1.407, 1.1603 and Iowa Code §17A.19(2), and for its Motion to Intervene and Appear states:

1. IUA is an association comprised of five members who are investor-owned providers of electric, natural gas and transmission utilities for Iowa consumers.
2. Members of IUA serve approximately 72% of the electric customers in Iowa consumers.
3. This matter involves a petition for judicial review of an Order by the Iowa Utilities Board (“Board”) granting an electric transmission line franchise in Madison County.
4. The issuance of transmission line franchise is governed by Iowa Code Chapter 478 and 199IAC Chapter 11.
5. Before granting a franchise, the Board must make a finding that the proposed line is necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest.
6. Petitioner contends the Board’s Order contained errors, including claims that the Board did not apply constitutional limits to the authority provided in Iowa Code §306.46 which amounted to an unconstitutional taking of private property.

7. The members of IUA regularly place utility facilities within public road right-of-ways in the same manner the Board approved in its Order.

8. IUA members rely on the authority set forth in Iowa Code §306.46 when placing facilities within public right-of-ways and, accordingly, the IUA and its members have an interest in this proceeding and the application of Iowa Code §306.46.

9. Clearly that interest may be affected by this proceeding which demonstrates that IUA and its members satisfy the first requirement for intervention under Rule 1.407(1)(b).

10. As to the second requirement for intervention under Rule 1.407(1)(b), IUA and its members' interest may not be adequately represented by existing parties.

11. In particular, the Board does not own or operate electric utility facilities that have been placed in public right-of-ways pursuant to Iowa Code §306.46.

12. In contrast, IUA and its members have an interest in the preservation of their right to maintain facilities within the public road right-of-way.

13. IUA's intervention will be in support of the Board's decision.

14. Allowing Intervention will not unduly delay this proceeding nor prejudice any party. The court has set a briefing schedule which IUA can comply with.

15. For these reasons, IUA and its members meet the requirements for intervention under Rule 1.407.

WHEREFORE, the Iowa Utility Association requests that the Court grant its Motion to Intervene and Appear in this proceeding. Alternatively, the Association requests authority to submit an amicus brief to assist the Court in addressing the issues raised in this petition for judicial review.

/s/Stanley J. Thompson
Stanley J. Thompson (AT0007811)
DENTONS DAVIS BROWN PC
215 10th Street, Suite 1300
Des Moines, Iowa 50309
Telephone: (515) 288-2500
Facsimile: (515) 243-0654
Email: stan.thompson@dentons.com

ATTORNEYS FOR INTERVENOR IOWA
UTILITY ASSOCIATION

Original E-filed.

COPIES TO:

Jon Tack
Matthew Oetker
Iowa Utilities Board
1375 E. Court Avenue
Des Moines, IA 50309
Email: jon.tack@iub.iowa.gov
Matt.oetker@iub.iowa.gov

ATTORNEYS FOR RESPONDENT,
IOWA UTILITIES BOARD

John Lande
William Reasoner
Dickinson, Mackaman, Tyler & Hagen, P.C.
699 Walnut St., Ste. 1600
Des Moines, IA 50309
Email: jlande@dickinsonlaw.com
wreasoner@dickinsonlaw.com

ATTORNEYS FOR PETITIONER,
LINDA K. JUCKETTE

Jennifer C. Easler
Jeffrey J. Cook
Office of Consumer Advocate
1375 East Court Avenue
Des Moines, IA 50309
Email: Jennifer.easler@oca.iowa.gov
Jeffrey.cook@oca.iowa.gov

Andrew L. Magner
MidAmerican Energy Company
666 Grand Avenue, Suite 500
Des Moines, IA 50309
Email: Andrew.magner@midamerican.com

Dennis L. Puckett
Amanda A. James
SULLIVAN & WARD, P.C.
6601 Westown Parkway, Suite 200
West Des Moines, IA 50266
Email: dpuckett@sullivan-ward.com
ajames@sullivan-ward.com

ATTORNEYS FOR IOWA ASSOCIATION
OF ELECTRIC COOPERATIVES

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 May 10, 2021 by:

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

Signature: /s/ Stanley J. Thompson