

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>LINDA K. JUCKETTE, Petitioner, v. IOWA UTILITIES BOARD, Respondent.</p>	<p>Case No. CVCV061580 MOTION FOR MODIFICATION OF THE BRIEFING SCHEDULE</p>
--	---

In support of its Motion for Modification of the Briefing Schedule, Intervenor MidAmerican Energy Company (“MidAmerican”), through its representative, states the following:

1. On June 16, 2021, MidAmerican filed a Motion for Stay and Limited Remand (“Motion”), and asked this court to stay this proceeding and remand the issue to the Iowa Utilities Board (“Board”) for a determination on MidAmerican’s request for eminent domain authority.
2. On June 21, 2021, the court issued an Order Setting Hearing regarding MidAmerican’s Motion. The hearing is set for July 16, 2021.
3. In the April 12, 2021 Order Establishing Schedule for Conduct of Proceedings Pursuant to I.R.Civ.P. 1.1603(2), the court set July 16, 2021 as the deadline for Petitioner Linda Juckette’s (“Petitioner”) brief.
4. MidAmerican requests a modification of the briefing schedule because Petitioner’s brief is due the same day as the hearing on MidAmerican’s Motion.
5. Modifying the briefing schedule would allow the court time to address MidAmerican’s Motion before the parties are required to submit briefs. If the court

grants MidAmerican's Motion, the case before the court would change significantly and would require the submission of completely new briefs.

6. Judicial economy would be served by extending the briefing schedule because, upon limited remand, any decision by the Board could later be joined with the stayed portion of this matter. This would ensure that the court receives only one round of briefs, instead of multiple rounds of briefings that likely would not be responsive to the questions before the court after remand.
7. As stated in MidAmerican's Motion, a remand to address the request for eminent domain authority has the potential to narrow, if not fully resolve, the issues on appeal to this court. In particular, the Motion would address the constitutional questions posed by Petitioner's appeal.
8. If the court denies MidAmerican's Motion, MidAmerican would like to retain the August 27, 2021 hearing date. In order to preserve that hearing date, MidAmerican requests a modification of the procedural schedule to permit Petitioner to file her brief by July 30, 2021. The other briefing deadlines would remain unchanged, with response briefs from the Board, intervenors MidAmerican and the Office of Consumer Advocate, and amici curiae Iowa Utilities Association and the Iowa Association of Electric Cooperatives due by August 13, 2021, and Petitioner's reply brief due by August 20, 2021.

MidAmerican Energy Company respectfully requests that the court grant this Motion for Modification of Briefing Schedule to permit the Iowa Utilities Board to address MidAmerican's pending request for eminent domain authority.

By /s/ Andrew L. Magner
Andrew L. Magner, AT0012739
666 Grand Avenue, Suite 500
Des Moines, Iowa 50309
Telephone: (515) 281-2376
Email: andrew.magner@midamerican.com

ATTORNEY FOR MIDAMERICAN
ENERGY COMPANY