

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>LINDA K. JUCKETTE,</p> <p>Petitioner,</p> <p>v.</p> <p>IOWA UTILITIES BOARD,</p> <p>Respondent.</p>	<p>CASE NO. CVCV061580</p> <p>MOTION FOR PERMISSION TO SUBMIT BRIEF AS AMICUS CURIAE</p>
--	--

COMES NOW, ITC Midwest LLC (“ITC”), and for its Motion for Permission to Submit Brief of Amicus Curiae, states as follows:

1. ITC is an electric transmission company that provides wholesale electric transmission service to investor-owned utilities, electrical cooperatives, and municipal utilities in Iowa, Minnesota, and Illinois. ITC owns and operates more than 6,600 miles of electric transmission lines and more than 200 electric substations serving more than 700 communities in Iowa, Minnesota, Illinois, and Missouri.

2. ITC is a Michigan limited liability company authorized to conduct business in Iowa, with its principal place of business located at 123 5th Street SE, Cedar Rapids, Iowa, 52401.

3. This Court has previously explained:

Courts generally have broad discretion regarding *amicus* participation. No prerequisites to the granting of *amicus curiae* status exist, but before granting such status, the court will determine if the proffered information is timely, useful, or otherwise necessary to the administration of justice. While consent will be given when the filing is justified by the circumstances, leave to file will be denied where there is no indication that the parties to the lawsuit will not adequately present all relevant legal arguments.

Rants v. Vilsack, Polk County Case No. CV4838, *Ruling on Motion to Participate as Amicus Curiae and Plaintiffs’ Motions to Strike*, at 2 (Polk County, Iowa Oct. 17, 2003).

4. In this case, on June 3, 2021, the Court denied intervenor status to two organizations,

the Iowa Utility Association and Iowa Association of Electric Cooperatives, but instead granted status as amicus curiae, finding those requests reasonable.

5. While the associations provide a broad view of industry concerns, ITC's interest in the central issues in this case is more direct. ITC waited to see what issues remained actively litigated in light of the motion for stay and remand. Now that Petitioner has filed her brief, however, it is evident that ITC's interests are significantly implicated. Ms. Juckette's position on public use is contrary to long and extensive precedent at the Iowa Utilities Board and in courts, precedent that has been and will be relied on by ITC to develop necessary, reliable electric delivery in Iowa. Similarly, like many utilities in Iowa (cable, telephone, gas, and electric), ITC has reasonably relied on Iowa Code Section 306.46 to locate and operate facilities within the road right-of-way. Those facilities are vital infrastructure for the electric system in Iowa.

6. Given its experience, and the significant and direct impacts of the issues on ITC's operations, ITC provides unique perspective and knowledge to the issues before the Court in this case, and respectfully requests the Court grant it permission to file a brief of amicus curiae in this matter to aid the Court in considering the issue before it. Granting ITC amicus status will not delay the proceedings; ITC will file its brief on the date currently set for Respondent to file its brief.

Respectfully submitted,

Dated: July 23, 2021

By: /s/ Bret A. Dublinske

Bret A. Dublinske (AT0002232)
Brant M. Leonard (AT0010157)
FREDRIKSON & BYRON, P.A.
111 East Grand Avenue, Suite 301
Des Moines, Iowa 50309
Telephone: 515.242.8900
Email: bdublinske@fredlaw.com
bleonard@fredlaw.com

ATTORNEYS FOR ITC MIDWEST

CERTIFICATE OF SERVICE

The undersigned certifies the foregoing document was electronically filed with the Clerk of Court using the Electronic Document Management System (EDMS) on July 23, 2021, which will send a notice of electronic filing to all registered parties.

/s/ Sarah McCray _____