

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>ENVIRONMENTAL LAW AND POLICY CENTER, IOWA ENVIRONMENTAL COUNCIL, & SIERRA CLUB,</p> <p>Petitioners,</p> <p>v.</p> <p>IOWA UTILITIES BOARD, STATE OF IOWA,</p> <p>Respondent.</p>	<p>CASE NO. CVCV061992</p> <p>MOTION TO INVERVENE</p>
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This judicial review proceeding appeals a final action by the Iowa Utilities Board (“Board”) ruling on MidAmerican Energy Company’s (“MidAmerican”) emissions plan and budget (“EPB”) pursuant to Iowa Code §476.6(19) (2021). While the Board approved MidAmerican’s 2020 EPB, the Board denied a joint settlement proposed by MidAmerican and the Office of Consumer Advocate. While this appeal nominally pertains to agency action by the Board, it is clear that MidAmerican is and will be the party ultimately impacted by the outcome; MidAmerican is mentioned in virtually every paragraph pleading facts in the Petition.

Accordingly, MidAmerican moves to intervene and participate in this proceeding pursuant to Iowa Code § 17A.19(2) (2021), and Iowa Rules of Civil Procedure 1.1603(1) and 1.407(1). MidAmerican was a party of record in the contested case proceeding for this matter before the Iowa Utilities Board. MidAmerican expresses its intent to join with the Iowa Utilities Board in this judicial review proceeding pursuant to Iowa Rule of Civil Procedure 1.1603(1). Further, MidAmerican has “an interest relating to the . . . transaction which is the subject of the

action and [MidAmerican] is so situated that the disposition of the action may as a practical matter impair or impede [MidAmerican's] ability to protect that interest. . . ." IRCP 1.407(1)(b).

MidAmerican's interest is not adequately represented by any existing party to the case. *See* IRCP 1.407(1)(b). While the Board can adequately represent the decision it made, its interests in the outcome and knowledge of the underlying facts are not the same as MidAmerican's. Moreover, MidAmerican's substantive position in this case is slightly different from any other party. *See* ICRP 1.1603(1). MidAmerican agrees with the Board that it filed a fully-compliant 2020 EPB. Nonetheless, MidAmerican believes the proposed joint settlement should have been approved, and will argue that the Board rejected an additional and important basis for upholding the EPB: that Petitioners are estopped from advancing certain positions they argued below as those positions are contrary to stipulations Petitioners made in a prior settlement of MidAmerican's 2014 EPB.

MidAmerican respectfully requests that the Court grant this Motion to Intervene and allow MidAmerican to participate as a party in the proceedings.

Filed this 25th day of June, 2021.

By: /s/ Bret A. Dublinske

Bret A. Dublinske, AT0002232

FREDRIKSON & BYRON, P.A.

111 East Grand Avenue, Suite 301

Des Moines, IA 50309

Telephone: 515.242.8900

Facsimile: 515.242.8950

Email: bdublinske@fredlaw.com

ATTORNEYS FOR MIDAMERICAN
ENERGY COMPANY

CERTIFICATE OF SERVICE

The undersigned certifies that on the 25th day of June, 2021, the foregoing document was electronically filed with the Clerk of Court using the EDMS system which will send a notice of electronic filing to all counsel of record registered with the EDMS system.

/s/ Sarah McCray
Sarah McCray