

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>ENVIRONMENTAL LAW AND POLICY CENTER, IOWA ENVIRONMENTAL COUNCIL, AND SIERRA CLUB,</p> <p>Petitioners,</p> <p>v.</p> <p>IOWA UTILITIES BOARD,</p> <p>Respondent.</p>	<p>Case No. CVCV061992</p> <p>RESPONDENT'S ANSWER</p>
--	--

COMES NOW the Iowa Utilities Board (Respondent) and, for its answer to the Petition for Judicial Review filed by the Environmental Law and Policy Center, Iowa Environmental Council, and Sierra Club (Petitioners), states:

1. The allegations in paragraph 1 are admitted to the extent that Environmental Law and Policy Center is a non-profit corporation and has an office in Des Moines. The remaining allegations are denied for lack of knowledge.

2. The allegations in paragraph 2 are admitted to the extent that Iowa Environmental Council is a non-profit corporation and has an office in Des Moines. The remaining allegations are denied for lack of knowledge.

3. The allegations of paragraph 3 are admitted to the extent that Sierra Club is a non-profit corporation. The remaining allegations are denied for lack of knowledge.

4. The allegations contained in paragraph 4 not admitted herein are denied. It is admitted that the "Iowa Utilities Board" is an "agency" as that term is defined in Iowa Code § 17A.2 and located at 1375 E. Court Avenue, Des Moines, Polk County, Iowa.

5. The allegations of paragraph 5 are admitted.

6. The allegations of paragraph 6 are admitted.

7. The allegations of paragraph 7 are admitted.

8. The allegations of paragraph 8 are admitted.

9. The allegations of paragraph 9 are admitted.

10. The allegations of paragraph 10 are admitted.

11. The allegations contained in paragraph 11 not admitted herein are denied.

It is admitted that Iowa Code § 476.6(19)(a)(3) provides that the initial multiyear plan and budget and any subsequent updates shall be considered in a contested case proceeding.

12. The allegations of paragraph 12 are admitted.

13. The allegations of paragraph 13 are admitted.

14. The allegations of paragraph 14 contain legal assertions to which no response is required.

15. The allegations of paragraph 15 are admitted.

16. The allegations of paragraph 16 are admitted; the footnote is not an averment to which a response is required or provided.

17. The allegations of paragraph 17 are admitted to the extent that MidAmerican's 2014 Emissions Plan and Budget (EPB) update included testimony that contained coal plant retirement information; the remaining allegations of paragraph 17 are denied.

18. The allegations of paragraph 18 are admitted.

19. The allegations of paragraph 19 are admitted to the extent that the 2012, 2014, 2016, and 2018 EPB updates included coal-unit retirement information and that Petitioners presented testimony regarding such information; the remaining allegations of paragraph 19 are denied.

20. The allegations of paragraph 20 are denied.

21. The allegations of paragraph 21 are denied.

22. The allegations of paragraph 22 are denied.

23. The allegations of paragraph 23 are denied.

24. The allegations of paragraph 24 are admitted to the extent that Petitioners filed testimony of Witnesses Posner and Guyer in the 2020 EPB update with said testimony speaking for itself; the remaining allegations of paragraph 24 are denied.

25. The allegations of paragraph 25 are admitted to the extent that Witness Posner's testimony in the 2020 EPB update discussed retirement options for MidAmerican; the remaining allegations of paragraph 25 are denied.

26. The allegations of paragraph 26 are admitted to the extent that Witness Posner included the identified citation; the remaining allegations of paragraph 26 are denied.

27. The allegations of paragraph 27 are admitted to the extent that Witness Posner's testimony in the 2020 EPB update discussed retirement options for MidAmerican; the remaining allegations of paragraph 27 are denied.

28. The allegations of paragraph 28 are admitted to the extent that Witness Guyer's testimony in the 2020 EPB update discussed retirement options for MidAmerican; the remaining allegations of paragraph 28 are denied.

29. The allegations of paragraph 29 are admitted to the extent that Witness Bents' testimony in the 2020 EPB update discussed "alternative compliance options;" the remaining allegations of paragraph 29 are denied.

30. The allegations of paragraph 30 are admitted to the extent that MidAmerican's witnesses presented reply testimony in the 2020 EPB update; the remaining allegations of paragraph 30 are denied.

31. The allegations of paragraph 31 are admitted to the extent that Witness Posner presented reply testimony in the 2020 EPB update; the remaining allegations of paragraph 31 are denied.

32. The allegations of paragraph 32 are admitted to the extent that Witness Guyer presented reply testimony in the 2020 EPB update; the remaining allegations of paragraph 32 are denied.

33. The allegations of paragraph 33 are admitted.

34. The allegations of paragraph 34 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 34 are denied.

35. The allegations of paragraph 35 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 35 are denied.

36. The allegations of paragraph 36 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 36 are denied.

37. The allegations of paragraph 37 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 37 are denied.

38. The allegations of paragraph 38 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 38 are denied.

39. The allegations of paragraph 39 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 39 are denied.

40. The allegations of paragraph 40 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 40 are denied.

41. The allegations of paragraph 41 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 41 are denied.

42. The allegations of paragraph 42 are admitted.

43. The allegations of paragraph 43 are admitted.

44. The allegations of paragraph 44 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 44 are denied.

45. The allegations of paragraph 45 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 45 are denied.

46. The allegations of paragraph 46 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 46 are denied.

47. The allegations of paragraph 47 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 47 are denied.

48. The allegations of paragraph 48 are admitted.

49. The allegations of paragraph 49 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 49 are denied.

50. The allegations of paragraph 50 are admitted.

51. The allegations of paragraph 51 are admitted.

52. The allegations of paragraph 52 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 52 are denied.

53. The allegations of paragraph 53 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 53 are denied.

54. The allegations of paragraph 54 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 54 are denied.

55. The allegations of paragraph 55 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 55 are denied.

55 (SIC). The allegations of paragraph 55 are admitted to the extent that the order speaks for itself; the remaining allegations of paragraph 55 are denied.

56. The allegations of paragraph 56 are admitted.

57. The allegations of paragraph 57 are admitted.

58. The allegations of paragraph 58 are denied.

59. The allegations of paragraph 59 and each and every subparagraph thereunder, are denied.

60. The allegations of paragraph 60 are denied.

61. The allegations of paragraph 61 are denied.

62. The allegations of paragraph 62 are denied.

63. The allegations of paragraph 63 are denied.

AFFIRMATIVE DEFENSES

1. Petitioner is requesting relief that is unavailable under Iowa Code Chapter 17A in an action for judicial review of agency action.

WHEREFORE, the Iowa Utilities Board asks the Court to enter an order:

1. Affirming the Respondent's May 13, 2021 "Order Denying Motion for Reconsideration;"

2. Assessing the costs of this action against Petitioners; and
3. Granting such further and additional relief as the Court deems just and appropriate.

Respectfully submitted,

/s/ Jon Tack

Jon Tack (AT0007738)
General Counsel
Iowa Utilities Board
1375 E. Court Avenue
Des Moines, IA 50319
Telephone: (515) 725-7330
E-mail: jon.tack@iub.iowa.gov

/s/ Kim Snitker

Kim Snitker (AT0007336)
Iowa Utilities Board
1375 E. Court Avenue
Des Moines, IA 50319
Telephone: (515) 725-7330
E-mail: kim.snitker@iub.iowa.gov

ATTORNEYS FOR RESPONDENT, IOWA
UTILITIES BOARD

CERTIFICATE OF SERVICE

I, Karen M. Evans, hereby certify that the attached "PETITIONER'S ANSWER" was electronically filed with the Clerk of Court for Polk County using the EDMS system, which will send notification of such filing electronically via EDMS upon all parties of record on this 2nd day of July, 2021.

/s/ Karen M. Evans