

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>SUMMIT CARBON SOLUTIONS, LLC,</p> <p>Petitioner,</p> <p>v.</p> <p>IOWA UTILITIES BOARD,</p> <p>Respondent.</p>	<p>Case No. CVCV062900</p> <p><b>RESPONDENT'S ANSWER TO MOTION FOR PERMANENT INJUNCTION</b></p>
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COMES NOW Respondent Iowa Utilities Board (Board), by and through its undersigned counsel, and in Answer to Petitioner's Motion for Permanent Injunction respectfully states:

**PARTIES AND JURISDICTION**

1. The allegations contained in Paragraph 1 are admitted.
2. The allegations contained in Paragraph 2 are admitted.
3. The allegations contained in Paragraph 3 are admitted.
4. The allegations contained in Paragraph 4 are admitted.

**BACKGROUND**

5- 8. The allegations contained in Paragraphs 5 through 8 are denied for lack of knowledge. In further response to Paragraphs 5 through 8, Respondent states that the allegations contained in Paragraphs 5 through 8 related to matters which may require future determinations by the Board based upon the administrative record to be established in the underlying proceeding.

**RESPONSE TO REMAINING PORTIONS OF PETITION**

In response to the allegations and request for permanent injunction set forth in Paragraphs 9 through 40 of the Petition, Respondent states that the Board has issued findings in regard to the confidentiality of the subject information and such determinations are set forth in the Board's

Order Granting in Part and Denying in Part Request for Confidentiality issued on November 23, 2021, in IUB Docket No. HLP-2021-0001 as provided to the Court as an attachment to the Respondent's Response to Motion for Temporary Injunction filed with the Court on December 21, 2021. The matter pending before the Court is not a judicial review of the Board's Order of November 23, 2021, but instead is an independent determination of confidentiality by the Court pursuant to Iowa Code Chapter 22 and specifically Iowa Code § 22.8. As such, the Respondent awaits further determination by the Court.

WHEREFORE Respondent respectfully requests that the Court make such determinations and issue such orders as are consistent with the requirements of Iowa Code § 22.8 and as may be just and equitable.

Respectfully submitted,

/s/ Jon Tack  
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**ALL PARTIES SERVED ELECTRONICALLY**