

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

SUMMIT CARBON SOLUTIONS LLC, )  
)  
Petitioner, ) No. CVCV 062900  
)  
vs. )  
) MOTION TO INTERVENE  
IOWA UTILITIES BOARD, A DIVISION )  
OF THE DEPARTMENT OF )  
COMMERCE, STATE OF IOWA, )  
)  
Respondent. )

Comes now Sierra Club Iowa Chapter, pursuant to Iowa Rule of Civil Procedure 1.407, and in support of this Motion to Intervene, states to the Court as follows:

1. This case challenges a decision by the Iowa Utilities Board (IUB) regarding public records governed by the Iowa Open Records Law, Iowa Code Chapter 22. The open records request was submitted by Sierra Club, so Sierra Club is definitely an interested party whose interests will be affected by the outcome of this case.

2. Summit Carbon Solutions (Summit) did not notify Sierra Club of this lawsuit as required by Iowa Code § 22.8(1), but the IUB did notify Sierra Club's attorney on December 20, 2021. The hearing on the motion for temporary injunction is scheduled for January 27, 2022. Sierra Club, therefore, asserts that this motion is timely.

3. Sierra Club requested production of the list of landowner names and addresses that Summit submitted to the IUB. On November 23, 2021, the IUB ordered that some of the landowner information be produced, but that other information would be confidential. Sierra Club therefore has an interest in the Court's determination as to whether any or all of the information sought in Sierra Club's open records request should be provided pursuant to Chapter 22.

4. Because the IUB did not completely grant Sierra Club's open records request and because the IUB's interests are adverse to Sierra Club's, the IUB, as the only other original party in this case, will not adequately represent Sierra Club's interests against Summit's allegations. It also seems clear from the IUB's Response to Motion for Temporary Injunction filed herein that the IUB is taking no position in this case and thus allow Summit's arguments to go unchallenged. The Office of Consumer Advocate has filed a Petition to Intervene, but its interest is to represent the public at large, not Sierra Club's interest.

5. Sierra Club's position in this litigation has questions of law and fact in common with the issues in this litigation.

6. Based on the foregoing, Sierra Club should be allowed to intervene in this action as of right or by permissive intervention. Sierra Club's Response to Summit's Petition for Temporary and Permanent Injunctive Relief and Motion for Temporary Injunction is attached.

WHEREFORE, Sierra Club requests that the Court grant this motion to intervene.

/s/ *Wallace L. Taylor*  
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