

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>RESPONSE TO MOTION FOR TEMPORARY INJUNCTION</b></p>
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COMES NOW Respondent Iowa Utilities Board (Board), by and through its undersigned counsel, and in response to Petitioner’s Motion for Temporary/Preliminary Injunction respectfully states:

1. On November 23, 2021, the Board issued an “Order Granting in Part and Denying in Part Request for Confidential Treatment, with Dissenting Opinion.” A copy of the Board’s Order is being filed with this Response.

2. In that Order, the Board found portions of the mailing lists used by Summit Carbon Solutions, LLC (Summit), to provide legal notice to individuals within the proposed route corridor to be confidential pursuant to Iowa Code Chapter 22 and indicated that such confidential portions shall be withheld from public inspection consistent with Iowa Code § 22.7.

3. Pursuant to 199 Iowa Administrative Code (IAC) 1.9(8)”b”(3), following a request for the examination of records determined to be confidential pursuant to Board rules and Iowa Code Chapter 22, the Board will provide notice to the parties and will withhold the confidential records for 14 days to allow the party who submitted the material to seek injunctive relief. If injunctive relief is not requested within the 14-day period, the Board will produce the records for inspection.

4. In the above-captioned case, Summit has requested injunctive relief.

5. Consistent with 199 IAC 1.9(8), the Board will withhold the records that are the subject of the requested injunction until such time as a determination is made by the Court as to the confidentiality of such records.

6. As Board rules provide for the temporary withholding of confidential records while an injunction is sought by a party, the Board does not resist the granting of a temporary injunction to allow for the litigation of the issues raised herein.

**WHEREFORE** Respondent Iowa Utilities Board requests this Court grant such relief as may be just and equitable under the circumstances.

Respectfully submitted,

*/s/ Jon Tack*  
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JON TACK (AT0007738)  
Iowa Utilities Board  
1375 East Court Avenue  
Des Moines, IA 50319-0069  
Telephone: 515-725-0552  
Fax: 515-725-7398  
E-mail: [jon.tack@iub.iowa.gov](mailto:jon.tack@iub.iowa.gov)

**ALL PARTIES SERVED ELECTRONICALLY**