

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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|--------------------------------------|---|------------------------------|
| Tom Robinson, Laura Robinson, Martin | ( |                              |
| Robinson, and Paula Robinson,        | ( |                              |
| Plaintiffs                           | ( | Case No. CVCV062986          |
|                                      | ( |                              |
| v.                                   | ( | <b>APPEARANCE AND MOTION</b> |
|                                      | ( | <b>TO INTERVENE</b>          |
| Iowa Utilities Board,                | ( |                              |
| Respondent                           | ( |                              |
|                                      | ( |                              |

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On behalf of Coggon Solar LLC (Coggon Solar), David J. Lynch enters his appearance in this matter for purposes of intervening and participating in this judicial review proceeding pursuant to Iowa Code § 17A.19(2) (2021). Coggon Solar was a party of record to the contested case proceeding that is the subject matter of this judicial review proceeding. Coggon Solar intends to join with the Iowa Utilities Board (Board) in this judicial review proceeding pursuant to Iowa Rule of Civil Procedure 1.1603(1).

Initially, Coggon Solar notes that it satisfies the statutory criteria for party status, as Iowa Code § 476A.11(3) provides that “[o]nly parties to the proceeding before the board may seek judicial review of the final order of the board.” Coggon Solar was a party to Board Docket No. GCU-2021-0001.

Further, the proceeding relates to the Board’s order of October 22, 2021, granting Coggon Solar authority to construct and operate a solar-powered generating facility upon receipt of other necessary permits. The disposition of this action could, as a practical matter, impair or impede Coggon Solar’s ability to protect and enjoy that authorization from the Board. Coggon is

the one and only recipient of the authorization and therefore has a unique interest in this matter, not adequately represented by the existing parties. Accordingly, Coggon Solar seeks approval to intervene pursuant to Iowa Rule of Civil Procedure 1.407(1)(b).

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

COGGON SOLAR LLC

By: /s/ David J. Lynch

David J. Lynch AT0004807  
Suite 2000  
666 Grand Ave.  
Des Moines, Iowa 50309  
Telephone: 515-242-2417  
Email: [david.lynch@brownwinick.com](mailto:david.lynch@brownwinick.com)

ATTORNEY FOR COGGON SOLAR LLC

**CERTIFICATE OF SERVICE**

I certify that on February 3, 2022, I electronically filed the foregoing with the Clerk of Court using the Electronic Document Management System (EDMS). Notice of Electronic Filing (NEF) will be sent by operation of the Court's Electronic Document Management System to all counsel of record registered with EDMS.

/s/ Samantha K. Heibel

Samantha K. Heibel, Legal Assistant