

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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TOM ROBINSON, ET EL.

Plaintiffs,

v.

IOWA UTILITIES BOARD,

Respondent.

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DUANE ARNOLD SOLAR, LLC and DUANE  
ARNOLD SOLAR II, LLC,

Intervenors.

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CASE NO. CVCV062986

**MOTION TO INTERVENE**

COME NOW Applicants for Intervention, Duane Arnold Solar, LLC and Duane Arnold Solar II, LLC (“Intervenors”), by and through counsel, and hereby submit the following Motion to Intervene:

1. Pursuant to Iowa R. Civ. P. 1.407(3), “[a] person desiring to intervene shall serve a motion to intervene upon the parties. The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought.”

2. In accordance with Iowa R. Civ. P. 1.407(3), contemporaneously herewith Intervenors filed a Petition to Intervene. Therein, Intervenors seek leave from the Court to intervene in this judicial review action in accordance with Iowa R. Civ. P. 1.407. Intervenors incorporate by reference and assert and allege all facts and allegations set forth in the Petition to Intervene.

3. Intervention is expressly allowed under Iowa R. Civ. P. 1.407, as a right, or, in the alternative, as permissive intervention. Intervenors satisfy Iowa R. Civ. P. 1.407(1)(b)’s

requirements to intervene as a right, because Intervenors are currently undergoing the same administrative review process before the IUB that is the subject of the instant judicial review of the IUB's order issued in Docket No. GCU-2021-0001. Specifically, Intervenors are the current applicants seeking a certificate of public convenience and necessity ("CPCN") before the Iowa Utilities Board for two solar projects in Docket Nos. GCU-2021-0002 and GCU-2021-0003. In the instant case, Plaintiffs challenge the IUB's ruling in Docket No. GCU-2021-0001 in which it granted Coggon Solar, LLC's request to waive a hearing and full procedural schedule. Intervenors have also requested the same waivers in their IUB proceedings. Additionally, Plaintiffs challenge the IUB's application of statutory and administrative criteria in Docket No. GCU-2021-0001, which directly impacts the application of such criteria to Intervenors' proposed solar project dockets. Importantly, this Court's review of IUB's rulings in the Coggon Solar proceeding will directly impact the rights of Intervenors and their proposed solar projects before the IUB. Therefore, Intervenors are situated in Docket Nos. GCU-2021-0002 and GCU-2021-0003 so that the disposition of the instant action brought by Plaintiffs will directly impact, including the potential to impair or impede, Intervenors' interests in the development and construction of their solar projects.

4. Intervention is otherwise governed by Iowa Rule of Civil Procedure 1.407(2)(b), which allows for permissive intervention when the case involves common questions of law. As explained, Intervenors have common questions of law in their IUB dockets as is being challenged by Plaintiffs – whether the IUB erred in granting the waivers for a hearing and full procedural schedule, and whether the IUB erred in the application of statutory and administrative criteria.

5. The procedural requirements of Iowa R. Civ. P. 1.407(3) have been satisfied.

6. Intervenor has conferred with both the Iowa Utilities Board and Coggon Solar, LLC, who do not object to their intervention.

WHEREFORE, Intervenor prays the Court grant this Motion to Intervene and allow them to intervene in this judicial review action.

Respectfully submitted,

*/s/ Samantha C. Norris*

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ATTORNEYS FOR INTERVENORS  
DUANE ARNOLD SOLAR, LLC  
AND DUANE ARNOLD SOLAR II, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 14, 2022, I electronically filed the foregoing with the Clerk of Court by using the Electronic Document Management System, a copy of which will be electronically served upon all counsel of record registered with EDMS via Notice of Electronic Filing or Presentation.

*/s/ Samantha K. Heibel*

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