

IN THE SUPREME COURT OF IOWA

<p>LINDA K. JUCKETTE,</p> <p style="text-align: center;">Petitioner – Appellant,</p> <p>v.</p> <p>IOWA UTILITIES BOARD,</p> <p style="text-align: center;">Respondent – Appellee</p> <p>And</p> <p>MIDAMERICAN ENERGY COMPANY and OFFICE OF CONSUMER ADVOCATE,</p> <p style="text-align: center;">Intervenors – Appellees.</p>	<p>Supreme Court No. 21-1788</p> <p>Polk County District Court Case No. CVCV061580</p> <p>Motion of the Iowa Farm Bureau Federation for Leave to File an Amicus Curiae Brief in Support of Appellant Linda K. Juckette.</p>
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Pursuant to Rule 6.906 of the Iowa Rules of Appellate Procedure, the Iowa Farm Bureau Federation (“Farm Bureau”) prays for leave of the Supreme Court of Iowa to file an *amicus curiae* brief in support of the Appellant, Linda K. Juckette.

Farm Bureau is an independent, non-governmental, voluntary organization of farm families. With over 150,000 member families, Farm Bureau is dedicated to helping farm families prosper and improve their quality of life. Farm Bureau’s membership includes farmers, who by necessity of their occupation own and/or lease agricultural land in rural

areas. Their land is traversed by secondary roads which generally form a one-mile grid square across Iowa. In almost all instances, the rights-of-way for these secondary roads were acquired through a general road easement, and along these road easements are utility easements acquired in the 1930s and 1940s during the electrification of rural Iowa. Farm Bureau, and its one hundred county Farm Bureaus, directly supported these efforts by unifying and coordinating the work for the engineering and construction necessary to distribute electricity throughout rural areas and by helping to secure easements for this distribution infrastructure. D.B. Groves and K. Thatcher, *The First Fifty: History of Farm Bureau in Iowa* (1968), pp. 171-173. Farm Bureau has a history of supporting electrification when the companies acquire the appropriate easements.

This case will determine whether “public utilities,” as defined in Iowa Code § 306.46, will place their infrastructure in the general road right-of-way without obtaining a separate easement, or whether they must seek permission from the affected landowners or seek the use of eminent domain approval from the Iowa Utilities Board and be compensated for the easement. Farm Bureau members, as the servient landowners, pay property taxes to the middle of the secondary road and own the land where utility facilities, such as those in the instant case, are to be constructed and

operated. In seeking to protect their property interests, Farm Bureau's elected voting delegates have adopted policy positions that support "due process and reasonable compensation for the amount the owner's right has been diminished." In furtherance of its members' interests, Farm Bureau seeks to provide a unique perspective and information that will assist the court in assessing the ramifications of a decision in this case.

Farm Bureau respectfully requests that pursuant to Iowa Rule of Appellate Procedure 6.906, permission be granted to file the *amicus curiae* brief which accompanies this Application. The attached brief has been served on all parties.

Dated February 15, 2022

Respectfully submitted,

/s/ Christina L. Gruenhagen

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2022, I electronically filed the foregoing document with the Clerk of the Iowa Supreme Court by using the Iowa Judicial Branch electronic filing system, which will send notice of electronic filing to all parties and attorneys of record.

/s/ Christina L Gruenhagen
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