

IN THE IOWA SUPREME COURT

<p><b>LINDA K. JUCKETTE,</b></p> <p><b>Petitioner - Appellant,</b></p> <p>v.</p> <p><b>IOWA UTILITIES BOARD,</b></p> <p><b>Respondent – Appellee,</b></p> <p>and</p> <p><b>OFFICE OF CONSUMER ADVOCATE AND MIDAMERICAN ENERGY COMPANY,</b></p> <p><b>Intervenor – Appellees.</b></p>	<p><b>CASE NO. 21-1788</b></p> <p><b>MOTION FOR PERMISSION TO SUBMIT BRIEF OF AMICUS CURIAE</b></p>
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COMES NOW, ITC Midwest LLC (“ITC Midwest”), and for its Motion for Permission to Submit Brief of Amicus Curiae, states as follows:

1. ITC Midwest is an electric transmission company that provides wholesale electric service to investor-owned utilities, electrical cooperatives, and municipal utilities in Iowa, Minnesota, and Illinois. ITC Midwest owns and operates more than 6,600 miles of electric transmission lines and more than 200 electric substations serving more than 700 communities in Iowa, Minnesota, Illinois, and Missouri

2. ITC Midwest is an Iowa limited liability company with its

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MAR 10, 2022  
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principal place of business located at 123 5<sup>th</sup> Street SE, Cedar Rapids, Iowa, 52401.

3. ITC Midwest's interest in the central issues in this case is unique and direct. ITC Midwest's interest are significantly impacted by the positions taken by Appellant. Appellant's position on the public use issues in this case is contrary to long and extensive precedent at the Iowa Utilities Board and in courts, precedent that has been and will be relied on by ITC Midwest to develop necessary, reliable electric delivery in Iowa. Appellant's position regarding the import of Iowa Code Section 306.46 also significantly implicates ITC Midwest's interests because, like many utilities in Iowa (cable, telephone, gas, and electric), ITC Midwest has reasonably relied on Iowa Code Section 306.46 to locate and operate facilities within the road right-of-way. Those facilities are vital infrastructure for the electric system in Iowa.

4. Given its experience, and the significant and direct impacts of the issues on ITC Midwest's operations, ITC provides unique perspective and knowledge to the issues before the Court in this case, and respectfully requests the Court grant it permission to file a brief of amicus curiae in this matter to aid the Court in considering the issue before it.

5. ITC Midwest has conditionally filed its Brief of Amicus Curiae simultaneously herewith, as permitted by Iowa Rule of Appellate Procedure

6.906(1).

WHEREFORE, ITC Midwest respectfully requests the Court grant its Motion for Permission to submit Brief of Amicus Curiae.

Respectfully submitted,

Dated: March 10, 2022

By: /s/ Bret A. Dublinske

Bret A. Dublinske (AT0002232)

Brant M. Leonard (AT0010157)

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ATTORNEYS FOR ITC MIDWEST  
LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 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.

By: */s/ Bret A. Dublinske*

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