

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>MIDAMERICAN ENERGY COMPANY, Petitioners, v. IOWA UTILITIES BOARD, Respondent.</p>	<p>Case No. CVCV063014 ANSWER OF IOWA UTILITIES BOARD</p>
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COMES NOW the Respondent Iowa Utilities Board (IUB) and, for its answer to the Petition for Interlocutory Judicial Review filed by MidAmerican Energy Company (MidAmerican), states:

The introductory remarks prior to numbered paragraphs are admitted to the extent that the citation speaks for itself; the remaining allegations are denied for lack of knowledge.

1. The allegations in paragraph 1 are admitted to the extent that MidAmerican is an Iowa corporation and has an office in Des Moines. The remaining paragraph allegations are denied for lack of knowledge.

2. The allegations contained in paragraph 2 not admitted herein are denied. It is admitted that the "Iowa Utilities Board" is an "agency" as that term is defined in Iowa Code § 17A.2(1) and located at 1375 E. Court Avenue, Des Moines, Polk County, Iowa.

3. The allegations of paragraph 3 are admitted.

4. The allegations of paragraph 4 are denied for lack of knowledge.

5. The allegations of paragraph 5 are denied for lack of knowledge.

6. The allegations of paragraph 6 are admitted to the extent that the IUB approved MidAmerican's emissions plan and budget in Docket No. EPB-2020-0156. The remaining paragraph allegations are denied.

7. The allegations of paragraph 7 are admitted to the extent that the paragraph correctly identifies that the IUB opened a docket and the quote contained within said paragraph is accurate. The remaining paragraph allegations are denied.

8. The allegations of paragraph 8 are admitted to the extent that the paragraph correctly identifies the IUB 's quote. The remaining paragraph allegations are denied.

9. The allegations of paragraph 9 are denied for lack of knowledge.

10. The allegations of paragraph 10 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 10 are denied. The footnotes are not averments to which a response is required or provided.

11. The allegations of paragraph 11 are admitted to the extent that MidAmerican requested the IUB designate an ALJ to conduct the *in camera* review to determine whether the documents were privileged. The remaining paragraph allegations are denied.

12. The allegations of paragraph 12 are admitted to the extent that the filing was made and the filing speaks for itself; the remaining allegations of paragraph 12 are denied. The footnote is not an averment to which a response is required or provided.

13. The allegations of paragraph 13 are denied.

14. The allegations of paragraph 14 are admitted to the extent that the code section reference contained within said paragraph accurately reflects the provision. The remaining paragraph allegations are denied.

15. The allegations of paragraph 15 are admitted.
16. The allegations of paragraph 16 are denied.
17. The allegations of paragraph 17 are denied.
18. The allegations of paragraph 18 are denied.

AFFIRMATIVE DEFENSES

1. For purposes of preserving Respondent's position for appeal, Respondent affirmatively states that the Petitioner's requested relief is unavailable under Iowa Code Chapter 17A in an action for an interlocutory judicial review of agency action.

2. For purposes of preserving Respondent's position for appeal, Respondent affirmatively states that the Petitioner impermissibly seeks to combine original acts or claims in this judicial review proceeding. *Black v. University of Iowa*, 362 N.W.2d 459 (Iowa 1985).

WHEREFORE, the Iowa Utilities Board asks the Court to enter an order:

1. Affirming the Respondent's December 16, 2021 "Order Addressing Presiding Officer's Recommendations Regarding Issue of Privilege;"
2. In the alternative, determining the appropriate approach to resolve the Petitioner's privilege claim;
3. Assessing the costs of this action against Petitioners; and
4. Granting such further and additional relief as the Court deems just and appropriate.

Respectfully submitted,

/s/ Jon Tack

Jon Tack (AT0007738)
Iowa Utilities Board
1375 E. Court Avenue
Des Moines, IA 50319
Telephone: (515) 725-7330
E-mail: jon.tack@iub.iowa.gov

/s/ Kim Snitker

Kim Snitker (AT0007336)
Iowa Utilities Board
1375 E. Court Avenue
Des Moines, IA 50319
Telephone: (515) 725-0552
E-mail: kim.snitker@iub.iowa.gov

ATTORNEYS FOR RESPONDENT, IOWA
UTILITIES BOARD

ALL PARTIES SERVED ELECTRONICALLY