

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>IOWA ASSOCIATION OF MUNICIPAL UTILITIES,</p> <p style="text-align: center;">Petitioner,</p> <p>vs.</p> <p>IOWA UTILITIES BOARD,</p> <p style="text-align: center;">Respondent,</p> <p>and</p> <p>OFFICE OF THE CONSUMER ADVOCATE, and IOWA ASSOCIATION OF ELECTRIC COOPERATIVES</p> <p style="text-align: center;">Intervenors.</p>	<p>CASE NO. CVCV062999</p> <p>RESPONDENT’S MOTION FOR LEAVE TO FILE AMENDED ANSWER</p> <p style="text-align: center;"><i>(UNRESISTED)</i></p>
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COMES NOW Respondent Iowa Utilities Board (IUB), by and through its undersigned counsel, pursuant to Iowa Rule of Civil Procedure 1.402(4), and for its Motion for Leave to File Amended Answer, respectfully states as follows:

1. On January 7, 2022, the Iowa Association of Municipal Utilities (IAMU) filed a Petition for Judicial Review.
2. On January 28, 2022, IUB filed an Answer and Affirmative Defenses. For its affirmative defenses, IUB asserted IAMU lacked standing and had not been aggrieved or adversely affected by the agency action so as to obtain judicial review under Iowa Code section 17A.19(1).
3. On February 21, 2022, the Iowa Association of Electric Cooperatives (IAEC) filed an Appearance and Application for Leave of Court to Intervene. In support of its application, IAEC cited to Iowa adjudicatory law for the proposition that an association possesses standing to

challenge agency action on behalf of its members.

4. Based on the undersigned's research and review of the authorities cited by both IAMU and IAEC, IUB requests leave to file an amended answer that withdraws its affirmative defenses and amends portions of its Answer that references standing.

5. The undersigned shared the Amended Answer with all counsel and no party objects to this motion and IUB amending its Answer.

6. Attached to this motion, IUB is including a copy of its Amended Answer with tracking to show the changes (*i.e.*, deleted text identified by strike-through and added text identified by underline).

7. If the Court grants the above-captioned motion, IUB will e-file a clean version of its Amended Answer as a pleading.

WHEREFORE, Respondent Iowa Utilities Board respectfully request the Court grant its Motion for Leave to File Amended Answer, thereby permitting the Iowa Utilities Board to e-file its Amended Answer as a pleading.

Respectfully submitted,

/s/ Jon Tack

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**ATTORNEYS FOR RESPONDENT IOWA
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**ALL PARTIES SERVED ELECTRONICALLY
THROUGH COURT'S ELECTRONIC FILING SYSTEM**