

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

SUMMIT CARBON SOLUTIONS LLC)	
)	
Petitioner,)	No. CVCV062900
)	
vs.)	
)	SIERRA CLUB’S MOTION FOR
IOWA UTILITIES BOARD,)	SUMMARY JUDGMENT
)	
Respondent,)	
)	
and)	
)	
SIERRA CLUB IOWA CHAPTER and)	
OFFICE OF CONSUMER ADVOCATE,)	
)	
Intervenors.)	

Comes now Sierra Club Iowa Chapter, pursuant to Iowa Rule of Civil Procedure 1.981, and in support of this Motion for Summary Judgment, states to the Court as follows:

1. In this action, Summit Carbon Solutions LLC (Summit) seeks a permanent injunction to prevent disclosure of a list of landowners who may be impacted by construction and operation of a carbon dioxide pipeline. This list was submitted by Summit to the Iowa Utilities Board. Sierra Club made a request for production of the landowner list pursuant to the Iowa Open Records Law, Iowa Code Chapter 22. Summit contends that the list is subject to confidentiality under several provisions in Chapter 22.

2. The Court held a hearing on Summit’s request for a temporary injunction on February 4, 2022, and issued a Ruling granting the temporary injunction on February 11, 2022. The Court rejected all of Summit’s arguments except to the extent that there was a factual issue to be resolved at trial regarding whether the open records exemption on Iowa

Code § 22.7(18) applies to this case, specifically whether the Iowa Utilities Board has a procedure by which the landowner list was required to be submitted to the Board.

3. After the issuance of the temporary injunction, Sierra Club served Interrogatories on the Iowa Utilities Board to resolve the factual question identified by the Court in the temporary injunction ruling. The Interrogatory Answers establish as a matter of fact that the Iowa Utilities Board does have such a procedure.

4. Based on the foregoing, there is no genuine issue of material fact and the Court should enter judgment as a matter of law requiring the Iowa Utilities Board to produce Summit's landowner list pursuant to Chapter 22 of the Iowa Code.

WHEREFORE, Sierra Club requests that the Court enter an Order requiring the Iowa Utilities Board to produce Summit's landowner list pursuant to Chapter 22 of the Iowa Code, and for such other and further relief as the Court deems just and equitable.

/s/ *Wallace L. Taylor*
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