

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>SHELBY COUNTY, et al,</p> <p>Petitioners,</p> <p>v.</p> <p>IOWA UTILITIES COMMISSION f/k/a IOWA UTILITIES BOARD,</p> <p>Respondent.</p>	<p>CASE NO. CVCV067849</p> <p>THE COUNTIES’ STATEMENT OF POSITION RE: CERTIFIED AGENCY RECORD</p>
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Petitioners Shelby County, Wright County, Floyd County, Woodbury County, Dickinson County, Kossuth County, Emmet County, Hardin County, and Franklin County (“the Counties”) submit the following statement of position regarding the certified agency record:

1. Iowa Code § 17A.19(6) requires the agency to “transmit to the reviewing court the original or a certified copy of the *entire record* of any contested case which may be the subject of the petition.” (emphasis added).
2. The record may be shortened only “[b]y stipulation of all parties to the review proceedings...” *Id.*
3. Based on the filings of the parties, it does not appear there is any stipulation as to what documents should be included in a condensed record, thereby necessitating the transmission of the entire record.
4. The Counties would, however, stipulate to the following condensed record:
 - a. Summit’s petition with exhibits;
 - b. All orders issued by the IUC;
 - c. All motions, briefs, responses, and replies filed by any party to this judicial review proceeding;

- d. Letter from the IUC's counsel addressing the motions for reconsideration;
- e. All post-hearing briefs and replies;
- f. The hearing transcript;
- g. All pre-filed testimony;
- h. All hearing exhibits;
- i. All deposition transcripts; and
- j. Any additional items not encompassed by the above which are cited to by a

party in their briefing. These additional items could be added after briefing is completed as a supplement to the record. *See* Iowa Code § 17A.19(6) (“The court may require or permit subsequent corrections or additions to the record.”).

/s/ Jason M. Craig

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Electronically filed and served via EDMS.