

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

SHELBY COUNTY, ET AL., Petitioners, vs. IOWA UTILITIES COMMISSION, Respondent.	CASE No.: CVCV067849 ORDER ON SIERRA CLUB IOWA CHAPTER'S MOTION TO PRESENT EVIDENCE IN ADDITION TO THAT FOUND IN THE RECORD
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Before the Court is Sierra Club Iowa Chapter's ("Sierra Club") Motion to Present Evidence in Addition to That Found in the Record, filed May 6, 2025. The Iowa Utilities Commission ("IUC") filed its Resistance on May 16, 2025, and Sierra Club filed its Reply on May 19, 2025. After considering the arguments of the parties, the Court rules as follows:

I. LEGAL STANDARD

Iowa Code section 17A.19(7) governs the presentation of additional evidence in judicial review proceedings. It provides in relevant part that "[i]f it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court." Iowa Code section 17A.19(7) (2024). The statute provides that a court may order additional

evidence to be taken before the agency only if it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency. Both requirements must be satisfied.

Pursuant to the statute, an application to present evidence in addition to that in the agency record must demonstrate both materiality and good reasons for failure to present evidence earlier. *Cedar Valley Leasing, Inc. v. Iowa Dep't. of Rev.*, 274 N.W.2d 357, 362 (Iowa 1979). Even where a party meets the good cause standard for receipt of additional evidence, the proper remedy is a remand to the agency for its taking, not direct submission to the reviewing court. *Interstate Power Co. v. Iowa State Commerce Comm'n*, 463 N.W.2d 699, 701 (Iowa 1990).

Furthermore, the Iowa Supreme Court has consistently held that district court review of contested case proceedings is limited to the agency record. Courts are not authorized to consider evidence that parties failed to present before the agency in a contested case proceeding. *McMahon v. Iowa Dep't. of Transp.*, 522 N.W.2d 51 (Iowa 1994); *Christiansen v. Iowa Bd. of Educ. Examiners*, 831 N.W.2d 179 (Iowa 2013).

II. ANALYSIS

This matter involves judicial review of a contested agency action concerning the Summit pipeline project. The administrative record in this case approaches 100,000 pages and was provided to the Court and parties on January 13, 2025, following extensive discussion and a hearing on December 12, 2024, in which Sierra Club participated and concurred with the decision to include the entire record.

As a result, the Court believes that Sierra Club's Motion suffers from a procedural defect regarding timeliness. Sierra Club filed this Motion just twenty-two days before the first briefing deadline, more than four months after the administrative record was finalized. During the extensive record preparation process, including the December 12, 2024 hearing, Sierra Club actively participated and concurred with the Court's decision to include the entire record. At no point during these proceedings did Sierra Club mention or advocate for the inclusion of any additional evidence. The Court finds this delay unreasonable and prejudicial to the orderly administration of this case.

Likewise, the Court concludes that Sierra Club has failed to satisfy either prong of the Iowa Code section 17A.19(7) standard. First, Sierra Club has provided no explanation for its failure to present the proposed evidence during the underlying administrative proceeding. The evidence Sierra Club seeks to introduce

consists of affidavits regarding alleged differential treatment during Commission hearings and statements made by Commission officials. Sierra Club offers no reason why this evidence could not have been presented to the Commission during the contested case proceeding.

Second, Sierra Club has not demonstrated that the proposed additional evidence is material to the issues properly before this Court on judicial review. The Court's review function is to determine whether the Commission's decision was supported by substantial evidence in the record and whether proper procedures were followed. The allegations concerning security measures and post-decision statements by Commission officials do not bear on the substantive adequacy of the evidence supporting the Commission's decision.

The Iowa Supreme Court's decision in *Fisher v. Iowa Bd. of Optometry Examiners*, 478 N.W.2d 609, 612 (Iowa 1991), directly controls this matter. In *Fisher*, the Court held that the petitioner was not entitled to expand the record in support of his due process claim where there was no showing that additional evidence was material to issues before the agency or that there was good reason for failure to present it in the contested case proceeding. The Court finds the circumstances in *Fisher* analogous to those presented here, where Sierra Club seeks to expand the record to support due process arguments but has demonstrated neither materiality nor good cause for its earlier failure to present this evidence.

III. CONCLUSION

Sierra Club has failed to meet its burden under Iowa Code section 17A.19(7) to demonstrate both materiality and good reasons for its failure to present the proposed evidence during the administrative proceeding. The Motion represents an untimely attempt to supplement the record with evidence that should have been presented to the Commission during the contested case proceeding. Permitting such supplementation would undermine the integrity of the administrative process and the statutory framework governing judicial review of agency decisions.

IV. ORDER

IT IS HEREBY ORDERED that Sierra Club Iowa Chapter's Motion to Present Evidence in Addition to That Found in the Record is DENIED.

IT IS SO ORDERED.



State of Iowa Courts

Case Number
CVCV067849

Case Title
SHELBY COUNTY ET AL VS IOWA UTILITIES
COMMISSION
OTHER ORDER

Type:

So Ordered

A handwritten signature in black ink, appearing to be "S. Beattie", written over a horizontal line.

Scott J. Beattie, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2025-06-04 13:47:19