

## **Litigation Update – October 2025**

### **Enterprise Products Operating v. IUC (Iowa Supreme Court Case No. 24-1648)**

- Enterprise is challenging the IUC's Order imposing a civil penalty of 200K for each of seven pipelines and two storage facilities that had not been properly permitted under Iowa Code § 479B.73 since Enterprise purchased them in 2002.
- Enterprise appealed the Polk County District Court's decision upholding the IUC's decision to the Iowa Supreme Court, who transferred the case to the Iowa Court of Appeals.
- Oral Argument was held at the Court of Appeals on 10/7/25 at 2:30 pm. Case is now submitted.

### **Shelby County et al v. IUC (Polk County Case No. CVCV067849, consolidated)**

- This case involves a multi-party challenge to the IUC's order of 6/25/24 which conditionally granted Summit Carbon Solution's petition to build and operate a 688 mile hazardous liquid pipeline through 29 counties in Iowa.
- On 9/19/25, Summit filed a motion to remand the case back to the IUC to reopen the record to allow additional evidence. Summit is asking the IUC to amend its order to modify the North Dakota/South Dakota route requirement and to change the diameter of certain segments of pipeline.
- The IUC took no position on Summit's motion.
- The Court held oral argument on Summit's motion on 10/10/25 at 9:00 am. The matter is now under advisement. The court indicated it would reset the argument on the original appeal after it rules on the motion.

### **Swan Lake v. IUC (Polk County Case No. CVCV068000)**

- This case arises from Swan Lake Road Farms' appeal of the IUC's granting of ITC Midwest's petition for an electric franchise for approximately 4.8 miles of transmission line in Johnson County, IA.
- The district court issued its ruling on 9/30/25, affirming the IUC's decision to grant the franchise, but also holding that because the Iowa statute [306.46] expanding the scope of a public road easement was not enacted until 2004, and the public road right-of-way in this case predates 2004, the utility's actions constituted a taking for which the landowners are entitled to just compensation.

- ITC Midwest has until 10/30/25 to appeal the district court's decision to the Iowa Supreme Court. It has not done so at this time.

**Hawkeye Land Co. v. IUC and Metronet (Linn County Case No. CVCV108100)**

- Hawkeye Land is challenging the 4/17/25 decision of the Iowa Utilities Commission determining that Metronet's crossing at a certain intersection in Mitchellville, Iowa falls within the scope of Iowa Code § 476.27, and that Hawkeye Land Company is thus entitled to damages in the amount of \$750.00 for Metronet's railroad crossing at this location.
- Answers have been filed by the IUC and Metronet,
- The IUC has prepared the agency record for filing with the district court.
- No briefing schedule has been set yet.