

Litigation Update for 11/19/25 Monthly Meeting

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

- Enterprise is challenging the IUC's order imposing a civil penalty of \$200,000 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 October 7, 2025. The Court issued its ruling on October 29 affirming the district court decision.
- Petition for Further Review was due November 18, 2025, (20 days after ruling) so it does not appear Enterprise is challenging the Court of Appeals' decision.

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 June 25, 2024, which conditionally granted Summit Carbon Solution's petition to build and operate a 688-mile hazardous liquid pipeline through 29 counties in Iowa.
- On September 19, 2025, 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, among others.
- The IUC took no position on Summit's motion. Oral argument was held on October 10 and the matter is now under advisement.
- Also under advisement is the Hirth Petitioners' Motion for Stay, which the IUC opposed.

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, Iowa.
- The district court issued its ruling on September 30, 2025, 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.

- Both Swan Lake and ITC Midwest appealed the district court's decision to the Iowa Supreme Court. Court will now decide whether to keep it or transfer to the Court of Appeals.

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

- Hawkeye Land is challenging the April 17, 2025 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 for Metronet's railroad crossing at this location.
- Answers have been filed by the IUC and Metronet.
- The IUC prepared and filed the agency record on October 23, 2025.
- No briefing schedule has been set yet.