



Litigation Update - January 2026

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, which 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, 2025, affirming the district court decision.
- Enterprise filed a petition for further review on November 18, 2025. The IUC filed its resistance on December 1, 2025. The matter remains pending.

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 Solutions' petition to build and operate a 688-mile hazardous liquid pipeline through 29 counties in Iowa.
- On September 19, 2025, Summit Carbon filed a motion to remand the case back to the IUC to reopen the record to allow additional evidence. Summit Carbon 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 Carbon's motion. Oral argument was held on October 10, 2025, and the court granted to remand on December 19, 2025, sending the case back to the agency for further proceedings on Summit Carbon's petition to amend the original order. The Hirth petitioners' motion for stay was also denied at this time.
- Between December 23, 2025, and January 2, 2026, all petitioners filed Motions for Reconsideration, which Summit Carbon resisted on January 2. Summit Carbon also asked for an expedited ruling, which most of the petitioners opposed. All these motions remain pending.



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 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. The Petitioner's Brief was filed on January 13, 2026. The IUC's and cross-appellant ITC Midwest's briefs are due February 12, 2026.
- After all briefs are filed, the Court will now decide whether to keep the case or transfer it 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 IUC 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.
- Hawkeye Land filed a Motion to Amend its original petition on January 5, 2026, to assert additional claims for relief. Metronet "did not object but did not consent," and the IUC objected as amendments must usually be filed early on before any party files their answer.
- No briefing schedule yet.