



Litigation Update – February 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, 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, 2025, affirming the district court decision.
- Enterprise filed a petition for further review on November 18, 2025. The Iowa Supreme Court granted further review on February 5, 2026. No argument date has been set yet but, if granted, it is likely to be in mid-April.

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 other conditions.
- The IUC took no position on Summit'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'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 resisted on January 2, 2026.

- The district court denied the petitioners' motions for reconsideration on January 16, 2026, and clarified that the main unforeseen event, which entitled Summit to the remand, was South Dakota's passage of the bill blocking the use of eminent domain for carbon capture pipelines.
- On February 13, 2026, petitioners Hirth et al filed a Notice of Interlocutory Appeal asking the Iowa Supreme Court to revisit the issue of the remand. This is not an automatic right and parties can file a resistance. The legal standard for the granting of an interlocutory appeal is whether the "ruling or order involves substantial rights and will materially affect the final decision and that a determination of its correctness before trial on the merits will better serve the interests of justice." Iowa Rule of Appellate Procedure 6.104(2).
- After the resistance or resistances are filed, the Iowa Supreme Court will decide whether to consider the appeal or not.

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. The Petitioner's Briefs was filed on January 13, 2026. The IUC's Brief and the cross-appellant ITC's brief were filed on February 12, 2026. The petitioner Swan Lake now has the opportunity to file a reply brief if it chooses.
- The Iowa Supreme Court will now decide whether to keep the case or transfer it to the Court of Appeals and whether to grant oral argument.

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.
- Hawkeye Land filed an amended petition on January 21, 2026.
- The IUC and Metronet will now file answers to the amended petition and the IUC will ask for a briefing schedule.