

Litigation Update – June 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.3 since Enterprise purchased them in 2002.
- Although both the district court and the Court of Appeals found in favor of the IUC, the Iowa Supreme Court issued its ruling on June 5 reversing both the lower courts and holding that all the permit violations were “one related series” and thus the maximum fine that could be imposed was \$200,000.
- The IUC will now take steps to implement that ruling and the case will be concluded.

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

- This is the Summit Pipeline case involving 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.
- There has been no activity at the district court level since it was remanded to the agency at Summit's request on December 19, 2025, nor will there be any activity until the IUC has ruled on the remand issue as to the effect of South Dakota House Bill 1052 on the Commission's order of June 25, 2024.

Swan Lake Road Farms v. IUC (Iowa Supreme Court Case No. 25-1717)

- This case arises from Swan Lake's 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 Iowa Supreme Court has decided to retain, or keep, the case and oral argument is set for September 10 at 1:30 p.m.

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 fixed damages in the amount of \$750 for Metronet's railroad crossing at this location.
- The District Court issued a briefing schedule on March 26, 2026. All briefs have now been filed by all parties and the court has indicated it will decide whether to set the case for oral argument or just rule based on the briefs and the record.