



Litigation Update – July 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.
- The appellate portion of this case is now concluded after 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 can be imposed was \$200,000.
- If the district court does not issue an order reflecting the Supreme Court's Decision, the IUC will issue an order imposing the modified fine of \$200,000.

***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.
- The case was remanded from the district court back to the IUC after Summit filed a Petition to Amend the IUC's order of June 25, 2024, and requested the remand.
- The IUC issued an order on June 30, 2026, noting that the District Court's remand had been narrowed considerably from the original remand of December 19, 2025, to the subsequent one on January 16, essentially limiting the issue just to the impact of SD House Bill 1052 on the IUC's original order.
- The IUC went on to hold that "Ordering Clause 5 of the Utilities Commission's June 25, 2024 Final Decision and Order shall be amended to state: 'Summit Carbon Solutions, LLC, shall not commence construction on any segment of pipe in Iowa until it has obtained agency-level or substantially similar approval for a route and sequestration site.'"

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 predated 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 1:30 p.m. September 10.

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, including intervenors, 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 agency record.