

Litigation Update – October 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 6/6/26, 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.
- Enterprise indicates it paid the civil penalty on 7/23/26. Order was filed with the District Court on 10/7 asking that the funds be redirected from the Clerk of Court to the IUC for disbursement pursuant to Iowa Code section 476.51.

***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 6/25/24 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 6/25/24, and requested the remand.
- The IUC issued an Order on 6/30/26, noting that the District Court's remand had been narrowed considerably from the original remand of 12/19/25 to the subsequent one on 1/16/26, 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." The IUC also declined to issue a stay of the agency proceedings while the appeal is pending.

- The Counties filed a motion for stay on 7/7/26, later joined by petitioners Jorde Landowners and Sierra Club, asking the District Court to stop all proceedings at the agency level on Summit's amendments until the appeal is concluded. Both Summit and the IUC filed resistances to the stay.
- On 7/20/26, Farm Bureau filed an appeal of IUC's denial of the stay, joined by the Hirth petitioners on 7/30/26. The IUC and Summit filed their responses on 8/17/26.
- All responses and replies were filed by the end of August but no date for hearing has been set for either of these motions in district court.

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 9/30/25 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.
- Oral argument was held on 9/10/26. There is no decision at this time.

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

- Hawkeye Land is challenging the 4/17/25 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 3/26/26. 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.

- The District Court issued a decision on 8/24/26 in favor of the IUC and Metronet, finding that both the \$750 in damages for the crossing and the IUC's order that the 2 parties split the costs was appropriate.
- Hawkeye Land filed a Motion for Reconsideration in the District Court on 9/8/26, which remains pending.

Cerro Gordo County v. IUC (Polk County Case No. CVCV071416)

- Cerro Gordo County filed a petition in Polk County District Court on 7/13/26, challenging the IUC's Order of 4/27/26 issuing a generating certificate to River City Energy for a 500 megawatt solar generating facility and its associated structures and components in Cerro Gordo County after finding that the proposed project satisfied the criteria of Iowa Code section 476A.6.
- Both River City and the Office of Consumer Advocate filed motions to intervene in the district court appeal which were granted by the court on 8/11/26, and the IUC and River City have filed timely answers to the petition.
- Additional parties have been granted intervention by the District Court: the Environmental Law and Policy Center (ELPC); the Iowa Environmental Council (IEC); and Friends Organized for River City Energy (FORCE).
- A status hearing was held on 9/24/26, which established new briefing deadlines and set the hearing on the merits for 1/29/27.
- The IUC filed the certified administrative record on 10/1/26.

Kelly Goodwin-Ackerman v. IUC (Benton County Case No. CVCV011330)

- Ms. Goodwin-Ackerman is a resident of Atkins, Iowa who filed a petition for judicial review in Benton County District Court on 8/19/26 challenging the IUC's action in docket no. GCU-2026-0002 (Morgan Valley Energy Center) regarding her request to intervene in the docket on 7/9/26.
- The IUC filed a Motion to Dismiss on 9/14/26, which was granted by the court on 9/29/26 on the grounds that the matter is both moot and "not ripe" in that there has been no final agency action in the case.

Beyond Nuclear v. IUC and NextEra Energy Duane Arnold LLC (Polk County CVCV071640)

- Beyond Nuclear (a “non-profit public policy and education organization”) is challenging the IUC’s final order in Docket GCU-2025-0013 granting NextEra Energy Duane Arnold LLC a certificate of public convenience, use, and necessity authorizing the restart of the Duane Arnold facility in Linn County.
- Petition for judicial review was filed on 8/19/26.
- The Office of Consumer Advocate and Central Iowa Power Cooperative (CIPCO) have been granted intervention in the case.
- The IUC filed its Answer and Notice of Appearance on 9/24/26 and the IUC is currently in the process of preparing the administrative record.