

**IN THE SUPREME COURT OF IOWA**

**No. 17-0423**

**Polk County No. CVCV051987  
Polk County No. CVCV051990  
Polk County No. CVCV051997  
Polk County No. CVCV051999**

**ORDER**

**KEITH PUNTENNEY, LAVERNE JOHNSON,  
RICHARD R. LAMB, trustee of the RICHARD R. LAMB  
REVOCABLE TRUST, MARIAN D. JOHNSON by her  
Agent VERDELL JOHNSON, NORTHWEST IOWA  
LANDOWNERS ASSOCIATION, IOWA  
FARMLAND OWNERS ASSOCIATION, INC.,  
and the SIERRA CLUB IOWA CHAPTER,  
Petitioners-Appellants,**

**and**

**HICKENBOTTOM EXPERIMENTAL FARMS, INC.,  
PRENDERGAST ENTERPRISES, INC,  
Petitioners,**

**vs.**

**IOWA UTILITIES BOARD,  
A DIVISION OF THE DEPARTMENT OF  
COMMERCE, STATE OF IOWA,  
Respondent-Appellee,**

**and**

**OFFICE OF CONSUMER ADVOCATE  
Intervenor-Appellee,**

**and**

**DAKOTA ACCESS, LLC,  
Indispensable Party-Appellee.**

This matter comes before the court upon a motion to dismiss filed by Dakota Access, LLC (“Dakota Access”). The appellants have filed resistances. The Office of Consumer Advocate, an intervenor, has also filed a resistance. Dakota Access has filed a reply to the resistances.

Dakota Access contends this appeal should be dismissed because the appellant, Sierra Club Iowa Chapter, has failed to establish proper standing in this matter and the remaining appellants’ claims are moot. Upon consideration, the motion to dismiss is denied. Dakota Access may raise the issues regarding standing and mootness in its appellate brief.

A notice of withdrawal of counsel was also filed by attorney Richard W. Lozier, Jr. requesting permission to withdraw as counsel for the MAIN Coalition, an intervenor in this matter. The notice indicates two other attorneys have appeared as counsel for the MAIN Coalition. Upon consideration, attorney Lozier, Jr.’s request to withdraw is granted.

Lastly, the court notes the court reporter’s certificate of filing a transcript was filed on May 2, 2017. As no other transcripts have been ordered, the clerk shall issue a briefing deadline.

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IOWA APPELLATE COURTS

State of Iowa Courts

**Case Number**  
17-0423

**Case Title**  
Puntenney v. Iowa Utilities Board

So Ordered

A handwritten signature in black ink, appearing to read "David S. Wiggins", is written over a horizontal line.

David S. Wiggins  
Justice

Electronically signed on 2017-05-16 08:25:16