ELECTRONICALLY FILED SEP 16, 2024 CLERK OF SUPREME COURT

IN THE SUPREME COURT OF IOWA

No. 24–0641

LS POWER MIDCONTINENT, LLC and
SOUTHWEST TRANSMISSION, LLC,

Appellees,

vs.

STATE OF IOWA; IOWA UTILITIES COMMISSION; and
ERIK M. HELLAND,

Appellants,

MIDAMERICAN ENERGY COMPANY and
ITC MIDWEST, LLC,

Intervenors–Appellants.

Appeal from the Iowa District Court
Polk County Case No. CVCV060840
Honorable Coleman McAllister, District Judge

STATE APPELLANTS' REPLY BRIEF

BRENNA BIRD
Attorney General of Iowa

DAVID M. RANSCHT
Assistant Attorney General
Agency Counsel Division
1305 E. Walnut St., 2nd Floor
Des Moines, Iowa 50319
(515) 281-7175
david.ranscht@ag.iowa.gov

TABLE OF CONTENTS

TABLE OF AUTHORITIES 4

ISSUES PRESENTED 6

INTRODUCTION 7

ARGUMENT 9

I. The claimed injury supporting LS Power's lawsuit was conceptual and not specific to the Iowa LRTPs; the remedy redressing that injury should not be specific to the Iowa LRTPs either. 9

A. LS Power may have lost the Iowa LRTPs battle, but a prospective-only injunction is still a meaningful remedy because it means LS Power won the ROFR war. 10

B. The concept of "equity" isn't synonymous with "injunction," and the cases on which LS Power relies don't go quite as far as LS Power suggests. 12

II. This lawsuit addresses LS Power's qualitative opportunity to compete; objections about competing for specific projects must flow through Iowa Code chapter 17A. 21

A. Rules promulgated under a statute later held unconstituitional are practically inert, but still must be challenged—if at all—through judicial review. 22

B. LS Power misrepresents the State's previous arguments. 24

CONCLUSION 27

CERTIFICATE OF COST 28

CERTIFICATE OF COMPLIANCE 28

CERTIFICATE OF FILING AND SERVICE................................ 28

TABLE OF AUTHORITIES

Cases

Akin v. Mo. Gaming Comm'n, 956 S.W.2d 261 (Mo. 1997) 15

Des Moines Area Reg'l Transit Auth. v. Young,
867 N.W.2d 839 (Iowa 2015) 13

Des Moines Nat'l Bank v. Fairweather,
181 N.W. 459 (Iowa 1921) 19

Hurley v. Gast, ___ F. Supp. 3d ___,
2024 WL 124682 (S.D. Iowa Jan. 11, 2024) 6, 16

Kragnes v. City of Des Moines, 810 N.W.2d 492 (Iowa 2012) 13

Love v. Atchison, Topeka & Santa Fe Ry. Co.,
185 F. 321 (8th Cir. 1911) 13

LS Power Midcontinent, LLC v. State,
988 N.W.2d 316 (Iowa 2023) 7, 11, 26

Marbury v. Madison, 5 U.S. 137 (1803) 9

MISO Transmission Owners v. FERC,
819 F.3d 329 (7th Cir. 2016) 15

Noem v. Haaland, 41 F.4th 1013 (8th Cir. 2022) 10

Ohlensen v. Univ. of Iowa,
509 F. Supp. 3d 1085 (S.D. Iowa 2020) 13

Raak Law v. Gast, 686 F. Supp. 3d 774 (S.D. Iowa 2023) 16

Richards v. Iowa State Commerce Comm'n,
270 N.W.2d 616 (Iowa 1978) 6, 25

Rivera v. Woodward Res. Ctr., 865 N.W.2d 887 (Iowa 2015) 7

Security Savings Bank v. Connell,
200 N.W. 8 (Iowa 1924) 6, 18, 19, 21

Trout v. State, 231 S.W.3d 140 (Mo. 2007).............................. 14, 15

UE Local 893/IUP v. State, 928 N.W.2d 51 (Iowa 2019) 15

Statutes

Iowa Code § 17A.19... 6

Iowa Code § 17A.19(10)(*a*).. 23

Iowa Code § 478.16 ....12, 22, 23, 24

Iowa Code chapter 17A...21, 23, 25, 27

Other Authorities

Iowa Const. art. III, section 29..6, 8, 18, 19

ISSUES PRESENTED

I. Can a district court grant injunctive relief to remedy past injury in a lawsuit brought under article III, section 29 of the Iowa Constitution?

Important Authorities

Hurley v. Gast, ___ F. Supp. 3d ___,
2024 WL 124682 (S.D. Iowa Jan. 11, 2024)
Sec. Sav. Bank v. Connell, 200 N.W. 8 (Iowa 1924)

II. Can a district court enjoin agency action in a lawsuit brought under article III, section 29 of the Iowa Constitution, even though judicial review under the Iowa Administrative Procedure Act is the exclusive method by which to challenge agency action?

Important Authorities
Iowa Code § 17A.19
Richards v. Iowa State Commerce Comm'n,
270 N.W.2d 616, 621 (Iowa 1978)

INTRODUCTION

"In the law, . . . distinctions and nuances matter." *Rivera v. Woodward Res. Ctr.*, 865 N.W.2d 887, 897 (Iowa 2015). The gap in the parties' positions in this appeal is a matter of distinction and nuance—but the nuance makes all the difference.

The previous appeal was primarily about LS Power's standing to sue. Standing must exist when the lawsuit begins. *See LS Power Midcontinent, LLC v. State*, 988 N.W.2d 316, 329 (Iowa 2023). At the time LS Power sued, MISO had not approved the Iowa LRTPs[1]—which are now the focus in the dispute about the scope of relief. *See id.* at 328 (noting LS Power sued in October 2020 and MISO approved the Iowa LRTPs in July 2022). LS Power raised the Iowa LRTPs in the previous appeal not as new injuries, but as subsequent proof that its conceptual competitive injury was imminent all along. (7/21/22 LS Power Reply in Case No. 21–0696,

---

[1] The phrase "Iowa LRTPs" refers to five specific long-range transmission projects MISO approved in July 2022: Nos. 7, 8, 9, 12, and 13 in Tranche 1 of the group of projects. (12/4/23 MSJ Order [D0136], at 6.)

¶¶ 13–14.) Even so, the Court did not grant an injunction in July 2022.

When the Court found in March 2023 that LS Power had standing at the beginning of its lawsuit (and enjoined the law at that time), it concluded LS Power did "not have to identify a specific project . . . already lost." *Id.* at 330. Rather, the injury supporting standing was a qualitative, conceptual deprivation of the overall right to compete, which occurred "upon the ROFR's enactment." *Id.*

Because the injury supporting LS Power's standing was conceptual and not tied to any one transmission project, an appropriate remedy rectifies the conceptual injury and likewise is not tied to any one transmission project. The district court erred by going further.

In this second appeal, LS Power either forgets or obscures what its claimed injury was throughout this litigation; relies on distinguishable cases (including one under article III, section 29 that supports the State Appellants here); and fundamentally misunderstands the mechanics of administrative law. On that administrative law front, the distinction between a general right to

compete and the right to compete for specific projects is where the difference lies.

The Court should modify the district court's injunction to be prospective-only.

ARGUMENT

I. The claimed injury supporting LS Power's lawsuit was conceptual and not specific to the Iowa LRTPs; the remedy redressing that injury should not be specific to the Iowa LRTPs either.

LS Power invokes *Marbury v. Madison*, 5 U.S. 137 (1803) to contend the thrust of Appellants' argument is that a constitutional violation must go unremedied. That isn't the State Appellants' argument. Rather, it's that the remedy should fit and redress the harm alleged without going further. LS Power prevailed on its claim that the passage of the statute injured it without regard to any one project. LS Power is thus entitled to *a* remedy that redresses its status-based injury—just not *this* remedy that goes further.

LS Power told the Court in July 2022 that it had "one shot" to compete for the Iowa LRTPs and that without an injunction issued in July 2022, it would "be barred from competing" for the Iowa

LRTPs forever. (7/21/22 LS Power Reply in Case No. 21–0696, ¶¶ 7, 10.) An injunction did not issue until March 2023. "[N]othing [the Court] can say today can turn the clock back . . . ." *Noem v. Haaland*, 41 F.4th 1013, 1016 (8th Cir. 2022) (finding a controversy over Fourth of July fireworks shows at Mount Rushmore was moot because it would be ineffectual to order relief over "a decision to deny a permit for an event more than a year in the past").

LS Power eventually won. It is entitled to relief. But it is not entitled to *every facet* of relief it might want; it is not entitled to relief that predates the Court's temporary injunction issued in March 2023; and it is not entitled to the scope of relief the district court ordered.

A. LS Power may have lost the Iowa LRTPs battle, but a prospective-only injunction is still a meaningful remedy because it means LS Power won the ROFR war.

LS Power's assertion that the Court held its injury was the opportunity to bid specifically on the Iowa LRTPs (LS Power Br. at 36) is incorrect. The injury the Court found was a loss of opportunity to bid, *in general*, when bidding was otherwise

appropriate under MISO's or SPP's tariff. In the Court's words, LS Power was "harmed by the loss of opportunity to compete for new projects." *LS Power*, 988 N.W.2d at 339. The word "new" is important.

By the time LS Power obtained an injunction in March 2023, the Iowa LRTPs were not "new" projects. MISO approved them in July 2022 after five Iowa judges, including a supreme court justice entertaining a motion, had specifically declined to enjoin the statute before then. An injunction prevents harm, but does not undo harm that has already occurred. And by March 2023, as unsatisfying as LS Power finds this answer, the harm *specific to the Iowa LRTPs* had occurred.

But that didn't mark the end of the case, because LS Power's injury was not specifically the Iowa LRTPs. It involved the statutory placement of LS Power into a non-incumbent status. *See LS Power*, 988 N.W.2d at 330 (quoting caselaw establishing that an injury can be an imposition of a barrier, not inability to obtain a specific benefit). A prospective-only injunction eliminates that status and thus redresses LS Power's qualitative injury.

Recognizing that the Iowa LRTPs were assigned before any injunction issued does not mean injunctions are ineffectual or that Iowa courts would be countenancing procedural constitutional violations. The problem here—and the difference in the parties' arguments—is about the temporal scope of relief, not about whether a permanent injunction is appropriate at all.

With section 478.16's enforcement prospectively enjoined, LS Power can compete for *all future* projects that are subject to bidding under applicable MISO and SPP tariffs. Its ability to compete is protected. A prospective-only injunction remedies the identified harm (qualitative deprivation of the ability to compete) by preventing future enforcement of the ROFR statute. Nothing more is required for relief to be both effectual and constitutionally meaningful.

B. The concept of "equity" isn't synonymous with "injunction," and the cases on which LS Power relies don't go quite as far as LS Power suggests.

Seeking to collect supporting caselaw, LS Power contends that "[e]quity routinely" grants relief properly characterized as retroactive. (LS Power Br. at 34.) But although injunctions are

equitable, not all equity is an injunction. *See Des Moines Area Reg'l Transit Auth. v. Young*, 867 N.W.2d 839, 848 (Iowa 2015) (Hecht, J., dissenting) ("Every square is a rectangle, but not every rectangle is a square."). The cases LS Power collects do not support the result here unless they are stretched beyond a persuasive-value breaking point.

For example, ordering tax refunds and setting aside fraudulent conveyances (LS Power Br. at 34) are facets of relief that involve money damages. There's no problem with awarding money damages with retroactive effect, because money damages are measurable. But LS Power recognizes that money damages aren't on the table in this case. (7/18/22 LS Power Motion in Case No. 21–0696, ¶ 24.) So cases involving money—like *Kragnes v. City of Des Moines*, 810 N.W.2d 492 (Iowa 2012) and *Love v. Atchison, Topeka & Santa Fe Ry. Co.*, 185 F. 321 (8th Cir. 1911)—are inapt comparators here.

Likewise, the swimming team in *Ohlensen v. Univ. of Iowa*, 509 F. Supp. 3d 1085, 1104 (S.D. Iowa 2020) had merely been *announced* for elimination. The elimination had not yet happened;

the decision was announced August 21, 2020, to be effective "for the 2021–2022 academic year," and the injunction issued in December 2020. *Id.* at 1088. So the injunction did not "recreate" a "dissolved" team (LS Power Br. at 34), but merely prevented—prospectively, as injunctions are supposed to—the elimination from occurring as planned. That's not the same here, where MISO approved the Iowa LRTPs in July 2022 and an injunction did not issue until March 2023.

LS Power's reliance on authority from outside Iowa is also misplaced. For example, in *Trout v. State*, the Missouri Supreme Court stated a general rule that acknowledges possible retroactive application of constitutional decisions because doing otherwise "involves judicial enforcement of a statute after the statute has been found to violate the Constitution and to be void and without effect." *Trout v. State*, 231 S.W.3d 140, 148 (Mo. 2007) (per curiam) (supplemental opinion). But the Missouri Supreme Court also recognized that a constitutional decision would not be retroactive if someone reasonably relied on the previous circumstances under Missouri law. *Id.*

Here, five Iowa judges across three rulings had denied an injunction of the ROFR by the time MISO approved the Iowa LRTPs in July 2022. It must be reasonable for litigants to rely on judicial orders of that nature. The systemic consequences LS Power invites here—essentially telling litigants that they should never trust a court ruling in their favor, even on appeal—would be catastrophic. *Trout* does not justify the injunction the district court issued in this case. Nor do the other cases LS Power relies on for the proposition that litigants acted "at their own risk"—*Akin v. Mo. Gaming Comm'n*, 956 S.W.2d 261, 265 (Mo. 1997) does not involve an injunction of any kind; and *MISO Transmission Owners v. FERC*, 819 F.3d 329, 335 (7th Cir. 2016) calls a transmission operator a "big boy" with respect to a bailout, not an injunction.[2]

[2] Although it doesn't involve an injunction either, a 2019 case illustrates that it isn't unheard of for a litigant to obtain some benefit by acting in accordance with the law in force at the time, before a definitive change in circumstances occurs. *See UE Local 893/IUP v. State*, 928 N.W.2d 51, 56–57 (Iowa 2019) (concluding a union formed an enforceable collective bargaining agreement by accepting an outstanding proposal on February 10, even though a bill significantly amending public employee bargaining had been introduced in the legislature and would be signed into immediate effect a week later).

Two other cases solidify that the proper scope of an injunction against enforcement of an Iowa statute does not include unwinding events that occurred under the law before it was deemed unconstitutional.

First is the recent federal decision in *Hurley v. Gast*, ___ F. Supp. 3d ___, ___, 2024 WL 124682, at *10 (S.D. Iowa Jan. 11, 2024). Two plaintiffs filed the lawsuit in 2022 challenging a statute that "prohibited [them] from running to serve" on the state judicial nominating commission "in 2023 because the districts in which they reside were required to elect individuals of the sex opposite theirs." *Raak Law v. Gast*, 686 F. Supp. 3d 774, 779 (S.D. Iowa 2023). "Plaintiffs unsuccessfully sought a preliminary injunction" before the 2023 elections for state judicial nominating commissioners, "which meant the election occurred without their participation." *Id.*

After the election, the case proceeded with a third, different plaintiff who wanted to seek election in 2025 rather than 2023, and the parties cross-moved for summary judgment. *See Hurley*, 2024 WL 124682, at *2–3. Despite earlier denying a temporary injunction before the 2023 elections, the federal district court (in

early 2024) granted summary judgment to the plaintiff and prospectively enjoined the challenged statute, finding it violated the federal Equal Protection Clause. *Id.* at *10. The court's ruling allowed the plaintiff and all others to seek election to the state judicial nominating commission in 2025 without regard to the statutory gender balance requirements that existed before. *See id.*

But importantly, the injunction did not unwind the 2023 commissioner elections. It did not force a new election even though the plaintiffs had challenged the law before then, and ultimately succeeded in their challenge (although not until after the election). The injunction did not force a new 2023 election even though the court had initially denied a temporary injunction and then later determined an injunction was appropriate. Instead, the injunction the court entered prohibited enforcement of the challenged statute "immediately" and prospectively. *Id.* That is the proper way to treat statutes a court finds unconstitutional when activity has occurred under those statutes—even while a challenge to them was pending. And applying that logic here, the injunction operated

immediately from March 2023, when this Court granted it—without affecting activity before then.

The second case illustrating that the district court's scope of relief here is overbroad is a case LS Power relies on: *Security Savings Bank v. Connell*, 200 N.W. 8 (Iowa 1924). LS Power relies on language in that opinion that holds a statute declared unconstitutional ceases to be, "as effectually as if it had never been passed," and confers no rights nor affords any protection. *See id.* at 10. Beyond that cherrypicked quote, though, *Security Savings Bank* supports the State Appellants here—and under article III, section 29 to boot.

A law passed in 1919 allowed a tax deduction from the assessed value of bank stock for "the assessment made in the year 1919." *Id.* at 9. The Security Savings Bank immediately availed itself of the tax deduction and, in an appeal from the board of review decision that denied the deduction, obtained a district court ruling finding that the bank was indeed entitled to the deduction. *See id.* But in 1921, the Court held the tax deduction statute "to have been adopted in violation of constitutional provisions," specifically article

III, section 29. *Id.*; *see Des Moines Nat'l Bank v. Fairweather*, 181 N.W. 459, 461–62 (Iowa 1921). The district court judgment the Bank had obtained was "rendered after the statute . . . went into effect according to its terms, and prior to its being declared unconstitutional." *Security Sav. Bank*, 200 N.W. at 9.

The Bank then claimed that the district court judgment—which predated the finding of unconstitutionality—was res judicata for future tax years, thereby entitling the Bank to continue claiming the tax deduction indefinitely. *See id.* at 10–11 ("Appellant's contention . . . amounts to this: A judgment that certain specific property, or property of a certain class, is exempt from taxation in one year because such exemption is created by a statute, although the statute be subsequently adjudged to be unconstitutional, is, nevertheless, binding as an adjudication of the question of exemption, upon the taxing power of the state in subsequent years . . . ."). The Court rejected that claim, held the unconstitutional statute did not give the district court ruling res judicata effect, and found that the Bank was not entitled to the deduction moving forward. *See id.* at 11.

But crucially, the Court *didn't* require the Bank to amend its return for the year of tax deduction it had successfully obtained. The Bank obtained a deduction before the law was held unconstitutional, and it did not have to file an amended tax return after that ruling. It just couldn't *continue* relying on the now-unconstitutional tax deduction in future years. The Court found it unnecessary "to hold that the former decrees are void for all purposes." *Id.* If it were "conceded that [the district court decisions authorizing the deduction] are final as to the right to have the deduction made *in the years there involved*," that did not necessarily mean those decisions had res judicata effect "in subsequent years." *Id.* (emphasis added).

Applying that logic here, the initial tax deduction and judicial confirmation by the district court is analogous to the assignment of the Iowa LRTPs. Both events occurred before any court held the statute on which they were based (the tax deduction statute a century ago; the ROFR today) unconstitutional. The Bank appropriately received one deduction but couldn't assert any more once the statute was held unconstitutional. The taxing

authorities—who consistently resisted the deduction—lost the battle in one tax year but won the war by invalidating the deduction in all future years.

Similarly, the proper scope of the injunction here is that assignments made before the Court issued any injunction move forward, while any future projects do not use a ROFR for assignment under an applicable tariff. In mirror terms to *Security Savings Bank*, LS Power lost the Iowa LRTP battle, but it won the ROFR war. And prospective-only relief appropriately addresses the qualitative harm LS Power sued to protect.

II. This lawsuit addresses LS Power's qualitative opportunity to compete; objections about competing for specific projects must flow through Iowa Code chapter 17A.

LS Power attempts to quote the State Appellants' previous arguments to manufacture inconsistent statements about the availability of various remedies. But there is no inconsistency. Every challenge has its proper method and venue. The things LS Power wants this injunction to accomplish aren't proper, and agency proceedings remains available to do the things this

injunction can't. Again, the difference lies in identifying the actual harm underlying the lawsuit, which was qualitative and not project-specific.

A. Rules promulgated under a statute later held unconstituitional are practically inert, but still must be challenged—if at all—through judicial review.

LS Power finds it beyond the pale that an implementing regulation based on a statute held unconstitutional could technically remain on the books while inflicting "continuing harm." (LS Power Br. at 27.) But the rules the Iowa Utilities Commission enacted to implement section 478.16 aren't inflicting any harm. They aren't being applied to anyone. They're unenforceable, but they're not being enforced. And if they are applied or do cause harm, any party suffering that harm (a person aggrieved or adversely affected) can challenge them at that time in the proper way (either a petition for rulemaking or a petition for judicial review of the rules). LS Power's indignation about the theoretical existence of these rules misses the mark because it doesn't account for practical reality.

It may be true that the administrative rules implementing section 478.16 are "based upon a provision of law that is unconstitutional." Iowa Code § 17A.19(10)(*a*). Thus, if a person challenged them under chapter 17A, a court could likely grant relief from them. *See id.* (authorizing courts to grant relief if it determines the agency action is based upon a provision of law that is unconstitutional). But this case isn't a challenge under chapter 17A, and so the administrative rules are not properly a subject of the injunction.

It's not that the rules "somehow survive death of the unconstitutional statute." (LS Power Br. at 27.) It's that the rules aren't being applied to anyone—and are unlikely to be. Agencies usually know when a law has been held unconstitutional, and in practical effect wouldn't even attempt to enforce rules based on that now-held-unconstitutional law. Here, there is no evidence in this record that the Iowa Utilities Commission attempted or is attempting to enforce the rules implementing section 478.16. And for good reason; the Commission is aware of, and has dutifully followed, the injunction against enforcement of section 478.16. If

the Commission ever attempted to enforce the applicable rules, there are avenues to challenge that attempt very swiftly. But this lawsuit simply isn't the proper place or mechanism. Reserving a challenge to the rules for an administrative proceeding would usually avoid wasted time and effort spent briefing the issue when the agency would likely not attempt to enforce the rule anyway.

B. LS Power misrepresents the State's previous arguments.

LS Power quotes a portion of the previous appellate oral argument to assert that the State conceded an injunction against a past, completed action was appropriate. (LS Power Br. at 31.) But the State's argument is a correct statement of administrative law and illustrates why this lawsuit isn't the proper vehicle for the result LS Power seeks.

LS Power emphasizes the State's words that the Iowa Supreme Court can tell the Commission to "start again" if it "did not comply with the law." But the parts of the quotation that LS Power didn't emphasize are even more important. The State said that result could follow from "the franchise proceedings, *or judicial*

review thereof." Those must take place outside of this lawsuit because they are the exclusive remedy under section 17A.19. This lawsuit addresses LS Power's qualitative and overall opportunity to compete. The specific projects LS Power wants to compete for must flow through chapter 17A, because they involve the agency action of granting or denying a franchise.

The State has consistently acknowledged that *judicial review* of franchise proceedings could result in a proposed line or project going back to the drawing board. (LS Power Br. at 32.) Again, the phrase "judicial review" is crucial. *See Richards v. Iowa State Commerce Comm'n*, 270 N.W.2d 616, 621 (Iowa 1978) (concluding judicial review of a final agency action in a franchise proceeding would provide an adequate remedy). The State does not contend it has no power or role in the project approval process, or that Iowa courts are similarly powerless—just that this injunction, in this lawsuit (rather than through chapter 17A), with these features ("returning" to a status quo and thus attempting to remedy past harm), cannot do so.

LS Power also sets up a strawman by characterizing Appellants' position as "if a preliminary injunction is denied, then a permanent injunction never can be granted because the harm became irreparable." (LS Power Br. at 32 n.5.) This formulation ignores what LS Power's harm was: the qualitative, general opportunity to compete. *LS Power*, 988 N.W.2d at 330. The harm supporting LS Power's standing was not tied to a specific project, much less *these* specific projects. *See id.*

A permanent injunction prohibiting the ROFR from applying to MISO's consideration of the specific Iowa LRTPs could not be granted, because those projects had already been assigned (in July 2022) before any preliminary injunction issued (in March 2023). But that is because of timing, not because of some argument that a preliminary injunction is the final determination. By contrast, a permanent injunction redressing the harm LS Power asserted and that the Court identified (which was qualitative and status-based) *could* be granted (and was) despite the earlier denial of a preliminary injunction at a specific moment. But the district court's

injunction attempted to protect both the past and future harms. It could only address the future.

CONCLUSION

A prospective-only injunction both recognizes and meaningfully redresses the asserted injury underlying the entire lawsuit while maintaining the important divisions between normal civil litigation and judicial review of agency action under Iowa Code chapter 17A. The Court should remove the improper relief from the district court's ruling and maintain only the prospective portions of the district court order.

Respectfully submitted,

BRENNA BIRD
Attorney General of Iowa

/s/ *David M. Ranscht*
DAVID M. RANSCHT
Assistant Attorney General
Agency Counsel Division
1305 E. Walnut St., 2nd Floor
Des Moines, Iowa 50319
(515) 281-7175
david.ranscht@ag.iowa.gov

CERTIFICATE OF COST

No costs were incurred to print or duplicate paper copies of this brief because the brief is only being filed electronically.

/s/ *David M. Ranscht*
Assistant Attorney General

CERTIFICATE OF COMPLIANCE

This brief complies with the typeface requirements and type-volume limitation of Iowa R. App. P. 6.903(1)(d) and 6.903(1)(g)(1) because this brief has been prepared in a proportionally spaced typeface using Century Schoolbook in size 14 and contains 3,935 words at most, excluding the parts of the brief exempted by Iowa R. App. P. 6.903(1)(g)(1).

/s/ *David M. Ranscht*
Assistant Attorney General

CERTIFICATE OF FILING AND SERVICE

I, David M. Ranscht, hereby certify that on the 16th day of September, 2024, I, or a person acting on my behalf, filed this brief and served it on counsel of record to this appeal via EDMS.

/s/ *David M. Ranscht*
Assistant Attorney General