

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
IOWA UTILITIES BOARD

IN RE: )  
 ) Docket No. FCU-2016-0006  
DAKOTA ACCESS, LLC )

**DAKOTA ACCESS' SUPPLEMENTAL RESPONSE TO  
COMPLAINT OF ERIN RILEY**

Dakota Access, LLC (“Dakota Access”) hereby submits its Supplemental Response to the Complaint of Erin Riley (“Riley”) in the above-captioned matter.

**INTRODUCTION**

On April 28, 2016, the Board issued its Order Denying Applications for Rehearing or Reconsideration, Opening Complaint Docket and Establishing General Complaint Procedures in Docket No. HLP-2014-0001. In that Order, the Board chose to treat a Motion for Rehearing filed by Riley on March 31, 2016, and a “Statement of Position, Comments” filed by Riley on April 11, 2016 as a “complaint,” and opened the present FCU docket. (April 28, 2016 Order at 11).<sup>1</sup>

**SUPPLEMENTAL RESPONSE**

The issues in Riley’s Complaint related to certain provisions she sought to have included in a voluntary easement with Dakota Access (provisions relating to indemnity, the Agricultural Impact Mitigation Plan (“AIMP”), and other provisions). Riley’s Complaint sought to have the Board require Dakota Access to put certain of those provisions in a voluntary easement to be

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<sup>1</sup> Riley also filed a “Response to Dakota Access’s Resistance to Erin Riley’s Request for Rehearing or Reconsideration” on April 22, 2016. It is unclear whether that document is also being treated as part of Riley’s complaint in this docket, but Dakota Access notes that the substance of that filing is substantially similar to the substance of Riley’s prior filings.

offered to her. Dakota Access hereby notifies the Board that on May 16, 2016, Riley executed a voluntary easement agreement with Dakota Access. Therefore, Riley's Complaint should be dismissed, because it is now moot. *See, e.g., Elview Const. Co., Inc. v. N. Scott Community Sch. Dist.*, 373 N.W.2d 138, 142 (Iowa 1985) (noting that, "An issue is moot when a judgment, if rendered, would have no practical legal effect upon the existing controversy.").

WHEREFORE, Dakota Access, LLC respectfully requests that the Board enter an Order dismissing Riley's Complaint.

Respectfully submitted this 20th day of June, 2016.

By: /s/ Bret A. Dublinske

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ATTORNEYS FOR DAKOTA ACCESS, LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 20th day of June, 2016, he had the foregoing document electronically filed with the Iowa Utilities Board using the EFS system which will send notification of such filing (electronically) to the appropriate persons.

/s/ Bret A. Dublinske

Bret A. Dublinske