

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
IOWA UTILITIES BOARD

**FILED WITH  
Executive Secretary**

**June 20, 2016**

**IOWA UTILITIES BOARD**

IN RE: )  
 ) Docket No. FCU-2016-0008  
DAKOTA ACCESS, LLC )

**DAKOTA ACCESS' SUPPLEMENTAL RESPONSE TO  
COMPLAINT OF GARY VERPLOEGH**

Dakota Access, LLC ("Dakota Access") hereby submits its Supplemental Response to the Complaint of Gary Verploegh in the above-captioned matter.

**INTRODUCTION**

On May 2, 2016, the Board docketed an e-mail sent by Gary Verploegh ("Verploegh") as a complaint under the above-referenced docket number. Verploegh's Complaint stated,

I have still not signed with the Dakota Access due to the wording in paragraph #5 See attached Easement this copy was giving to me last spring and included loss of future income due and issue with the pipeline including installation and future issues. The contract they are currently giving me to sign 0517 does not include future CRP contracts. My attorney strongly wants this back in to protect my interest. I am currently dealing with my 5 rep. from Dakota Access Rick Phillips cell 660/973/6652. This issue is keeping me from signing with them. MY attorney has had other clients with CRP have this in their contracts. I would like to know why Dakota Access is refusing to put it back in mine.

Verploegh Complaint E-mail, at 1.

**SUPPLEMENTAL RESPONSE**

Verploegh's Complaint related to certain language regarding conservation reserve program ("CRP") payments, and sought to require Dakota Access to insert a provision relating to CRP payments in a voluntary easement to be offered to Verploegh. Dakota Access hereby notifies the Board that on June 8, 2016, Verploegh executed a voluntary easement agreement with Dakota Access. Therefore, Verploegh'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 Verploegh’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