

STATE OF IOWA
IOWA UTILITIES BOARD

IN RE: NAVIGATOR HEARTLAND GREENWAY LLC	DOCKET NO. HLP-2021-0003
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**WITHDRAWAL OF MOTION FOR PROCEDURAL SCHEDULE, REQUEST TO
CANCEL SCHEDULING CONFERENCE, AND REQUEST TO HOLD IN ABEYANCE**

COMES NOW Navigator Heartland Greenway LLC (NHG) and withdraws its motion for procedural schedule, requests that the Iowa Utilities Board (Board) cancel the scheduling conference set for October 9, 2023, and requests that the Board hold in abeyance any further activity on NHG's petition or pending motions until NHG files an update with the Board. In support of its filing, NHG states as follows:

1. NHG filed its petition and exhibits on October 25, 2022. On July 17, 2023, after completing revisions to its exhibits in response to Board staff's review, NHG filed a Motion for Procedural Schedule that included a schedule that would culminate in an evidentiary hearing beginning on June 27, 2024.

2. Over opposition from several parties, the Board set a scheduling conference for October 9, 2023. *See* Order Setting Scheduling Conference, August 8, 2023.

3. NHG is currently reviewing its Iowa route and technical specifications in light of decisions from regulatory authorities in neighboring states and individual landowner requests, which may lead to revisions in the route and technical specifications as currently proposed.

4. In addition, NHG's project requires regulatory approval from both the Board and the Illinois Commerce Commission (ICC). The ICC is required to issue an order on NHG's

application no later than February 29, 2024.

5. Given the review of its route and technical specifications as well as the regulatory uncertainty due to the pending decision from the ICC, NHG has elected to seek the requested relief in order to preserve the resources of the Board, the Office of Consumer Advocate, NHG, landowners, and interested stakeholders. NHG does not believe it is an efficient use of any party's resources to continue with discovery, motion practice, the filing of revised petition exhibits and Exhibit H documents, and the finalization of a procedural schedule until after NHG has completed its review of its Iowa route and technical specifications and until after the ICC has issued its decision on NHG's Illinois application.

6. NHG will update the Board after it has reviewed the ICC decision and anticipates filing an update on or before March 29, 2024. In that update, NHG will set forth its plan for its Iowa application including (as applicable) updating its application and exhibits, responding to currently pending motions, filing any necessary Exhibit H documents, and proposing a procedural schedule.

WHEREFORE, Navigator Heartland Greenway LLC respectfully requests that the Board grant Navigator's withdrawal of its Motion for Procedural Schedule, cancel the scheduling conference set for October 9, 2023, and hold in abeyance any further activity on NHG's petition or pending motions until NHG files a further update with the Board.

September 29, 2023

Respectfully submitted,

/s/ Samantha C. Norris

Samantha C. Norris

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ATTORNEYS FOR NAVIGATOR
HEARTLAND GREENWAY LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of September, 2023, the foregoing document was electronically filed with the Iowa Utilities Board using the EFS system which will send notifications of such filing (electronically) to the appropriate persons.

/s/ Samantha C. Norris

Samantha C. Norris