

## IOWA UTILITIES COMMISSION

IN RE:  NEXTERA ENERGY DUANE ARNOLD, LLC	DOCKET NO. GCU-2025-0013
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### ORDER GRANTING INTERVENTION

On November 7, 2025, NextEra Energy Duane Arnold, LLC (NEDA), filed with the Utilities Commission (Commission) an application for a certificate of public convenience, use and necessity (Application) relating to the recommissioning of the Duane Arnold Energy Center (DAEC), an approximately 612-megawatt nuclear generating facility located in Linn County, Iowa. On December 16, 2025, the Commission issued a procedural schedule that included a December 31, 2025 deadline for the submission of intervention requests.

On December 23, 2025, Central Iowa Power Cooperative (CIPCO) filed a petition to intervene, and on December 31, 2025, Beyond Nuclear filed a petition to intervene. On January 9, 2026, NEDA filed a response to Beyond Nuclear's petition, requesting "that the Commission direct Beyond Nuclear to identify its members that reside in Iowa and the proximity of those members to DAEC." On January 12, 2026, Beyond Nuclear filed a reply to NEDA's response, stating that the identity of an organization's members is not required under the Commission's intervention rule. Notwithstanding its assertion, with its reply, Beyond Nuclear filed an affidavit that included its Iowa membership list.

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On January 14, 2026, NEDA filed an objection to Beyond Nuclear's petition to intervene, which will be discussed in greater detail below.<sup>1</sup>

CIPCO states it is a generation and transmission cooperative supplying power to its 13 rural electric cooperative and association members, which in turn provide retail electric service to residential, commercial, and industrial consumers in a majority of Iowa's counties. CIPCO further states that it is presently a 20 percent owner of DAEC, and as noted in the Application, CIPCO executed an agreement under which NEDA will acquire CIPCO's interest in DAEC. Further, CIPCO asserts it has entered into a power purchase agreement for up to 8.13 percent of the energy and capacity output of the proposed project, which CIPCO intends to use to serve its members. Consequently, CIPCO contends that it has a unique interest in this proceeding that is not represented by any other party. CIPCO states that while it does not anticipate filing direct testimony or exhibits, it does intend to participate at hearing and briefing.

Beyond Nuclear states it is a nonprofit public policy, research, and education organization that advocates for the expansion of renewable energy sources to replace commercial nuclear power generation. Beyond Nuclear asserts its members include Iowans, a few of whom reside within the 10-mile emergency planning zone around the proposed project. Beyond Nuclear states that it intends to resist NEDA's Application as its "members are concerned about the safety and environmental impacts on them and other Iowans" if DAEC is recommissioned. Finally, Beyond Nuclear states that its interest is not represented by other parties and its participation in the proceeding will

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<sup>1</sup> On January 16, 2026, Beyond Nuclear filed a response and two affidavits from Beyond Nuclear members. On January 20, 2026, Beyond Nuclear filed two additional affidavits.

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assist in the development of a sound record through the presentation of relevant evidence and argument.

Iowa Administrative Code 199—7.13(3) provides that “[a]ny person having an interest in the subject matter of a proceeding may be permitted to intervene at the discretion of the commission. . . .” In determining whether to grant intervention, the Commission shall consider factors including, but not limited to, the prospective intervenor’s interest in the subject matter of the proceeding, the effect a final decision in the proceeding may have upon the prospective intervenor’s interest, and the extent to which the prospective intervenor may be expected to assist in the development of a sound record. Applying these factors, the Commission concludes that CIPCO stated sufficient grounds for granting its petition to intervene.

With respect to Beyond Nuclear, in its January 9, 2026 response, NEDA claims a need to learn the identity of Beyond Nuclear’s Iowa members and where they reside before commenting on Beyond Nuclear’s petition to intervene. Beyond whatever rights individual members may have in maintaining their anonymity, see *e.g.*, Joan Steinman, *Privacy of Association: A Burgeoning Privilege in Civil Discovery*, 17 Harvard Civil Rights-Civil Liberties Law Review 355, 355 (1982) (discussing the right of associational privacy), NEDA fails to explain how the identity of Beyond Nuclear’s members makes the sole legal inquiry quoted above more or less likely. As correctly asserted by Beyond Nuclear in its January 12, 2026 reply, subrule 7.13(3) merely provides that “[a]ny person having an interest in the subject matter of a proceeding may be permitted to intervene,” and rule 7.13 contains no requirement that an organization seeking intervention demonstrate Iowa membership.

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Although certainly not compelled to do so by a Commission order or rule, Beyond Nuclear filed an affidavit contemporaneous with the filing of its reply that identified approximately 45 Iowa members and their cities of residence, which were obtained from Beyond Nuclear's membership list. With information concerning the Iowa members in hand, NEDA changed tactics — no longer underpinning its intervention opposition to the proximity of Beyond Nuclear's members to the proposed project — and, instead, forwarded three new contentions, to wit: (1) the membership list contained inaccuracies that call into question the veracity of Beyond Nuclear's assertions, (2) Beyond Nuclear's interest in this proceeding is contrary to state policy, and (3) Beyond Nuclear possesses other avenues to advance its interest.

Addressing NEDA's arguments in reverse order, NEDA asserts that "Beyond Nuclear has numerous other avenues available to it to pursue its policy goals, including state and federal legislation" and, therefore, "its interests are protected by other means." NEDA's argument reads too much into too little. While it is true Beyond Nuclear broadly described its interest as the opposition of nuclear power and the support of renewable energy, the above-captioned contested case sole concern is whether NEDA is entitled to its requested generating certificate under the criteria set forth in Iowa Code § 476A.6. To this question, Beyond Nuclear states it intends to resist NEDA's request due to its members' safety and environment concerns. NEDA clearly articulated an "interest in the subject matter" of this particular proceeding. Finally, if NEDA was correct in its contention that intervention should be denied if a prospective intervenor could obtain relief through legislative changes, who could ever meet the intervention standard? This is especially true given the Commission has no inherent power or common law authority

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but, instead, is limited to only that authority delegated to it by legislation. *Brakke v. Iowa Dep't of Nat. Res.*, 897 N.W.2d 522, 533 (Iowa 2017).

Next, NEDA appears to argue that the Commission should deny Beyond Nuclear's intervention request because the organization's viewpoint — its interest in this proceeding — is “contrary to the state policies” as set forth in the statutes and Executive Order identified by NEDA. In other words, NEDA argues that Beyond Nuclear should be denied the opportunity to participate in the above-captioned proceeding due to Beyond Nuclear's particular views on nuclear energy. Beyond the clear and patently obvious constitutional concerns attendant with such a contention, NEDA provides no authority or even argument to support its contention that an “interest” sufficient to support intervention under rule 7.13 is viewpoint restrictive.

Finally, NEDA contends the membership list provided by Beyond Nuclear contains inaccurate information. NEDA does not, however, provide any evidence to support its assertion that eight of the 45 lines of information provided by Beyond Nuclear are inaccurate. While recognizing that counsel's signature to the response certainly suggests that the assertions therein contained are grounded in fact, see Iowa Code § 619.19(2), statements made in a motion-practice filing are not generally considered evidence and NEDA's response is not self-proving. Regardless, as already expressed above, providing a membership list or demonstrating that members reside in Iowa are not conditions precedent to organizational intervention under rule 7.13. Further, while NEDA “urges the Commission to carefully assess the veracity of any information Beyond Nuclear submits,” the Commission is committed to weighing *all* evidence introduced in a fair and just manner.

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In sum, subrule 7.13(3) provides that “[a]ny person having an interest in the subject matter of a proceeding may be permitted to intervene. . . .” Notwithstanding NEDA’s arguments to the contrary, the Commission finds Beyond Nuclear stated sufficient grounds and will grant its intervention request.

**IT IS THEREFORE ORDERED:**

1. The December 23, 2025 Petition to Intervene filed by Central Iowa Power Cooperative is granted.
2. The December 31, 2025 Petition to Intervene filed by Beyond Nuclear is granted.

**UTILITIES COMMISSION**



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Sarah Martz, Chair



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Joshua Byrnes, Commissioner



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Erik Helland, Commissioner