

[Copy of Order]

[Entered 6-11-07]

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE COUNTY

STATE OF IOWA, ex rel., IOWA )  
DEPARTMENT OF NATURAL )  
RESOURCES (99AG23542), )

LAW NO. \_\_\_\_\_

[04781 CVCV 94970]

Plaintiff, )

vs. )

**CONSENT ORDER, JUDGMENT  
AND DECREE**

MIDAMERICAN ENERGY COMPANY, )  
an Iowa Corporation, )

Defendant. )

NOW on this [11] day of [June], 2007, the Court is presented with the

plaintiff's petition seeking civil penalties and injunctive relief pursuant to Iowa Code section 455B.146. The Court having read the petition and being otherwise advised by the parties

**FINDS:**

1. The Court has jurisdiction of the parties and the subject matter of this action and the parties consent to entry of this Consent Order, Judgment and Decree.

2. Defendant MidAmerican Energy Company admits, for purposes of settlement and for this action only, the violations alleged in paragraphs forty-two (42) through fifty-two (52) of the Petition at Law. The defendant states that the violations were unintentional.

3. The defendant further states that the violations have been remedied by after-the-fact air quality construction permits and permit changes, and that, when taken in total, the changes reduced the potential emissions.

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. Defendant MidAmerican Energy Company is assessed a civil penalty of Twenty-seven Thousand Five Hundred and no/100 Dollars (\$27,500.00) for the violations alleged in the Petition at Law. The defendant shall pay said penalty within ten (10) days of the entry of this Consent Order, Judgment and Decree. The defendant shall also pay interest pursuant to Iowa Code section 535.3(1) on any unpaid past due balance. Payments of the civil penalty and interest shall be made payable to the State of Iowa and sent to plaintiff's attorney, David Sheridan, at the address below.

2. Defendant MidAmerican Energy Company is permanently enjoined from further violations of Iowa Code section 455B.134(3)(a); 567 Iowa Admin. Code 22.1(1), 22.3(3)“e”, 22.4, and 33.3(2)“b”; and Air Quality Construction Permit Nos. 07-A-385-P, 07-A-386-P, 07-A-387-P, 07-A-388-P, 07-A-389-P, 07-A-390-P, 07-A-391-P, 07-A-392-P, 07-A-393-P, 07-A-394-P, 07-A-395-P, 03-A-425-P2, 03-A-426-P2, 03-A-427-P1, 03-A-428-P1, 03-A-429-P1, 03-A-430-P2, 03-A-431-P2, 03-A-432-P2, 03-A-433-P2, 03-A-434-P2, 03-A-435-P1, 03-A-440-P2, and 03-A-442-P2.

3. This Consent Order, Judgment and Decree represents full and final settlement and resolves MidAmerican’s liability for all violations alleged in the Petition at Law filed in this cause.

4. The Court retains jurisdiction of this matter to insure compliance with the terms of this Order.

5. The costs of this action are taxed to the defendant in the amount of \$ \_\_\_\_\_  
(Clerk to enter).

[G.C. Abel]

JUDGE, Fourth Judicial District of Iowa

Approved as to form:

IOWA DEPARTMENT OF  
NATURAL RESOURCES

MIDAMERICAN ENERGY COMPANY

S/

RICHARD A. LEOPOLD, Director

S/

TODD RABA, President

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