

BLOCK Plains & Eastern Clean Line

Pope, Johnson, Newton & Conway Co.

https://www.facebook.com/groups/blockcleanlinepope/blockcleanlinepope@gmail.com

October 5, 2014

14-00036

Dear Directors:

Attached please find a letter signed by two-hundred and seventy-six Arkansans asking you not to grant public utility status or the right of eminent domain to Plains and Eastern Clean Line, LLC. It also addresses certain aspects of their August 2014 data request response.

We gathered these signatures at several public events over the course of the last month. We will send you additional signatures as we collect them.

Thank you for your time and consideration.

Sincerely,

Block Plains & Eastern Clean Line: Pope, Johnson, Newton & Conway Co.

August 28, 2014

Honorable James Allison, Chairman Honorable Herbert Hilliard, Vice Chairman Honorable Kenneth Hill Honorable David Jones Honorable Robin Bennett

Tennessee Regulatory Authority 502 Deaderick St., 4th Floor Nashville, TN 37243

IN RE: PETITION OF PLAINS AND EASTERN CLEAN LINE LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY APPROVING A PLAN TO CONSTRUCT A TRANSMISSION LINE AND TO OPERATE AS AN ELECTRIC TRANSMISSION PUBLIC UTILITY

Dear Directors.

We are writing you as concerned Arkansans opposed to the Plains and Eastern Clean Line project. The signatures at the end of this letter are from those of us living within the proposed corridor as well as others with objections to it. As you may know, the Plains and Eastern HVDC line would traverse twelve Arkansas counties, affecting hundreds of landowners along the way. Many landowners within the corridor are still unaware that the project is being planned. Many others have only recently become aware of the potential impact to their property, even after over four years of planning by Clean Line. It is our opinion that Clean Line has been very effective in lobbying various agencies regarding their project, but woefully lacking in terms of outreach to affected landowners. It is deeply important to us that the people of Tennessee understand the impact and hardship this project would place on so many people in the event it is approved, especially if eminent domain is granted.

We'd like to address and expand on a couple of the responses Clean Line submitted to you within the data response dated August 7, 2014.

Firstly, while it is true that Clean Line Energy Partners was issued "public utility" status in Oklahoma on October 28, 2011, they were not given typical utility status. Instead, new regulations were proposed to ensure the project is well regulated. Additionally, the Commission explicitly excluded the use of eminent domain. A quote from Oklahoma Corporation Commission Chair Dana Murphy:

"It's important to note what the Commission's decision did not do," Murphy added. "It did not provide Clean Line with authority to exercise the power of eminent domain over any parcel of land. The power to decide whether Clean Line may take any real property after proper payment is in the hands of the district courts."

It would appear as though Plains and Eastern Clean Line Oklahoma LLC does not, in fact, have the requisite authority as a traditional utility to "construct and operate the project in Oklahoma" over landowners who are opposed to this project.

Secondly, in the above referenced data response, Clean Line responded:

"Plains and Eastern is not pursuing a CCN from the Arkansas Public Service Commission. Instead, to obtain the requisite authority in Arkansas, Plains and Eastern has proposed, under Section 1222 of the Energy Policy Act of 2005 ("Section 1222") that the United States Department of Energy ("DOE") and Southwestern Power Administration ("Southwestern") participate in the Project."

While it is true that Clean Line Energy Partners is not *currently* seeking a CCN in Arkansas, they filed a petition to become a public utility in Arkansas on May 13, 2010. ⁱⁱⁱ They were subsequently denied that status in Arkansas on January 11, 2011. ^{iv} In addition, on October 19, 2010, Senior Assistant Attorney General M. Shawn McMurray testified to the ARPSC:

"What is your recommendation in this docket?

I recommend that the Commission defer consideration of Clean Line's requested CCN until Clean Line applies for a CECPN. At that point, all issues, including the matter of public interest, can be resolved in one proceeding. Alternatively, if the Commission decides to grant a CCN, it should narrowly tailor any declarations of statutory inapplicability to limited, definite facilities and operational plans, find Ark. Code Ann. 23-4-102 applicable to Clean Line's business, and include a statement explicitly denying Clean Line a present right of eminent domain."

In summary, the authority that Clean Line is seeking in this proceeding has the potential to adversely impact hundreds of landowners within its 700 mile path. We feel as though the facts presented in this case should be clear, as it has the potential to set the dangerous precedent of granting the power of eminent domain against landowners for private gain. This could possibly open the door for further abuse. The stated goal of this project is to deliver energy to the Tennessee Valley Authority. To our knowledge, there have been no utilities, the TVA and Entergy Arkansas included, that have signed contracts to purchase electricity from Clean Line as of the date of this letter. Additionally, the generators to supply this project with electricity have yet to be built. This, coupled with the speculative nature of the project, has led us to conclude that Clean Line has not, in our opinion, demonstrated a current and urgent public need for the construction of this transmission line, much less one that justifies the hardship it will cause. As such, we respectfully urge the Directors deny Clean Line's petition for certificate of convenience and necessity. While your ultimate authority lies within the interests of the citizens of Tennessee, the potential impact upon landowners across Oklahoma and Arkansas cannot be overstated.

We thank the Directors for their thoughtful consideration.

Signed.

276 (and counting) Concerned Arkansas Landowners

References:

- i. "The Oklahoma Corporation Commission previously designated Plains and Eastern's affiliate Plains and Eastern Clean Line Oklahoma LLC, a public utility in Oklahoma, providing the requisite authority to construct and operate the project in Oklahoma", Responses of Plains and Eastern Clean Line LLC to July 24, 2014 Staff Data Requests: (August 7, 2014): [http://www.tn.gov/tra/orders/2014/1400036s.pdf]: Page 19, para. 3 under "Response"
- ii. Skinner, Matt: (October 28, 2011): Un(land)locking Oklahoma Energy: [http://www.occeweb.com/news/2011/10-28-11CLEAN%20LINE.pdf]: Page 1, last para.
- iii. In the Matter of the Application of Plains and Eastern Clean Line LLC for a Certificate of Public Convenience and Necessity to Operate as a Public Utility in the State of Arkansas: [http://www.apscservices.info/pdf/10/10-041-u_1_1.pdf]
- iv. In the Matter of the Application of Plains and Eastern Clean Line LLC for a Certificate of Public Convenience and Necessity to Operate as a Public Utility in the State of Arkansas: [http://www.apscservices.info/pdf/10/10-041-u_41_1.pdf]: Page 11, para. 2
- v. Testimony of M. Shawn McMurray On Behalf of the Arkansas Attorney General: ARKANSAS PUBLIC SERVICE COMMISSION DOCKET NO, 10-0414: [http://www.apscservices.info/pdf/10/10-041-u_39_3.pdf]: Page 64, lines 3-10

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Linka Halmer		Frenklen
Patricia Harmon.	Van Buren.	Crawford.
James Harmon	Van Bulun	Chaw Fold
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Leusa Matheus	Hectn.	Pope
Believa Don	Hora	DORE
Lonnie Wless	Hartman	Johnson
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9-27	Paine Coldwell	DoveR	Pope
9-27	Tuppy Williams	RSVI	Pape
9.27	Brize tacker	Psyl	Pape
9-27	Dent & Coshi	Dover	Pope
9-27	Helen molden	RSVI	pope
9-27	Deanna Nichal	Rsul	pope
9-27	Gradan alles	PortR	Port
9-27	Verenica Rothman	Dover	Lope
9/27	Pater Haydun	Dave	Pope
9/17	Joseph Cline	Ozark	Franklin
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9/27	James Pauls	RSU	Pope

Date	Signature	Town/Community	County
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9-27-14	Diane Morris	Dove AR	Popl
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9-29-14	Sugan Capt	Otkins	pope
9-27-14	Mitsey	Russellville	Pope
9-27-14	By Ringo	Dover	Pole
9-27-14	Shuley Walters	Dover	Pope
9-27-14	James W Watter	Dover	Pope
9-27-14	MaryEllefamphy	Dover	Pape
16.3	8 months		Pope
9/27/14	Greet Millson	Dover AR	Pope
9/21/14	alisha Williams	Dover AR	Popl.
9/27/14	Robert Williams	Dover AR	Pope
9/27/14	Leevi Iver	Dover AR.	Jope
9/27/14	Cychoc M. Com	Russellv, 11e Pl	POFE
9/27/19	Megan Musgrove	Dover, AR	Pope
	Clamic Sud	Dover, AR	Popl
9/21/14	Keery Aboper	RSULAR	Pope

Date	Signature	Town/Community	County
9/27/14	May Sugar	RUSSECLACLE	P07E
9-27-14	Scatt & Oh	Dover	Pore
9-27-14	Lynn Nicole anders	Russellinle	POPE
9-27-14	Jak on	Dover	Vope
9-27-14	Mrs O. Mon	Dover	Pope
9-27-14	Very Hankin	Dover	Pope
9-27-14	Marie Williams	DOVER	POPE
9-27-14	As Martin	Dover	Pope
9-21-14	Wast Mits	Dover	Pope
9-27-14	Mary & amidon	Levoller 16	Pope
9/27/14	Mulber	Pover	tope
9/29/14	Tyin Ellegy 1	Doven	Pope
10/1/14	Day Chalale	Dour	Pope
10/1/14	Jaine M. histon	Dover	Pope
10/1/14	Cry Sp. Jon	Dover	Pope
10/1/14	Pam Corlew	Dour	fore
10/1/14	Christing Pictor	Dover	Pope
10/2/14	Sin Honcaco	Dover	Pope
10/2/14	Michellogoo	Dover	Popl
10/2/14	Chad alefaler	Dover	POPE
10/2/14 *	Deuse Klynder	DoveR	Papel
10/3/14	Sur Olim	Q.	Com
10314	Kiday Chun	Dova	Porce