

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.ⁱ

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."ⁱⁱ

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 CECN. 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

Signature Form

Date	Signature	Town/Community	County
8/28	Jim Lee	OZARK	Franklin
8-28	Jim Lee	Ozark	Franklin
8/28	MARK McGee	OZARK	Franklin
08-28-14	Phyllis M. Dall	Ozark	Franklin Co.
8-28-14	Frankie Loretta Host	Mulberry	Crawford Co.
8-28-14	Lanni Spello	Mulberry	Franklin Co.
8/28/2014	Jim Lee	Mulberry	Franklin
8-28-14	FRANK THEISING	OZARK, AR	FRANKLIN
8-29-14	DEBORAH THEISING	OZARK, AR	FRANKLIN
8-29-14	Charles Fite	Van Buren AR	Crawford
8-29-14	Andrew J. Chensworth	Van Buren, AR	Crawford
8-29-14	Carole Harmon	Mulberry AR	Franklin
8-29-14	Alice Newman	Mulberry AR	Franklin
8-28-14	Becky Riddle	Mulberry AR	Franklin
8-28-14	Mary J. Leavell	Dover, AR	Pope
8-28-14	Jim A. Hogan	Ozark, AR	Franklin
8-28-14	Hayley Hogan	Ozark, AR	Franklin
8-28-14	Jim A. Hogan	Ozark AR	Franklin
8-28-14	Julie Potter	VAN BUREN	CRAWFORD
8-28-14	Terri Cooper	Mulberry, AR	Crawford
8-28-14	Carl Smith	Ozark, AR	Franklin
8-28-14	Charles L. Smith	VAN BUREN	
8-28-14	Joe Harry	ALMA AR	Crawford

Concerned Arkansas Landowners Letter to the TRA

Signature Form

Date	Signature	Town/Community	County
09/09/14	Davis Nolen	Dover	Pope
9-9-14	Elizabeth Orben	Dover	Pope
9/9/14	Ryan M. Proctor	Russellville	Pope
9/9/14	Brandi Boley	Dover	Pope
9-9-14	Mc Brown	Dover	Pope
9-9-14	Ken Brownell	Dover	Pope
9-10-14	JAMES FORD	London	Pope
9-10-14	John Turner	Russellville	Pope
9-10-14	Paula Linton	Dover	Pope
9-10-14	Timmy Wiley	Dover	Pope
9-10-14	Delinda Laine	Dover	Pope
09/10/14	Joe A. [Signature]	Dover	Pope
9/10/14	Erin Haley	Ozark	Franklin
9-10-14	Will S. Ellis	Dover	Pope
9-10-14	Marc Parker	Dover	Pope
9-10-14	John [Signature]	Russellville	Pope
9/10/14	Lara [Signature]	Dover	Pope
9/10/14	Alene Bynum	Russellville	Pope
9/10/14	James Robinson	Lamar	Johnson
9/10/14	Paul Belanger	Lamar	Johnson
9/10/14	Robert L. Lohan	Atkins	Pope
9/10/14	James [Signature]	Russellville	Pope
9/10/14	Robert J. [Signature]	Russellville	Pope

Date	Signature	Town/Community	County
9/11/14	Robert Dale	Dover	Pope
9/11/14	Bridget Turner	Russellville	Pope
9/11/14	Shonda Freeman	Russellville	Pope
9/11/14	AL	Russellville	Pope
9/11/14	BGMunkin	Russellville	Pope
9-11-14	mae davis	Solgo hachin	CONWAY
9/11/14	Lynnda D. Davis	Russellville	Pope
9/11/14	Vicky Edwards	Russellville	Pope
9/11/14	Chris Freeman	Russellville	Pope
9/11/14	Shany Shackelford	Russellville	Pope
9/11/14	Jeff Ashby	Russellville	Pope
9/11/14	Linda Solomon	Dover	Pope
9/11/14	Donna H. H.	Russellville	Pope
9/11/14	Cynthia Sisemore	Russellville	Pope
9-11-14	Karen Horton Thomas	Russellville	Pope
9-11-14	Rita	Russellville	Pope
9-11-14	Katie Van Es	Russellville	Pope
9-11-14	Brynn	Russellville	Pope
9-11-14	Laverne Beckwith	Hector	Pope
9-11-14	Debbie	Hector	Pope
9-11-14	Larry Lamon	Russellville	Pope
9-11-14	Bonnie Cuthbert	Russellville	Pope
9/11/14	Liz Anderson	Hector	Pope

Signature Form

Date	Signature	Town/Community	County
8/28/14	Lynia Chapman	Ozark	Franklin
8/28/14	Lynia Chapman	Ozark	Franklin
8/28/14	Keegan Olsen	Black	Franklin
8-28-14	Thomas L. Smith	DOVER	POPE
8-28-14	Larry Prater	Cedarville	Crawford
8-28-14	Jane Harry	Alma	Crawford
8-28-14	Stephan O'Meara	Mayor-Cedarville	Crawford
8/28/14	Greg M. [unclear]	COOPER/Russellville Franklin, Pope →	
8-28-14	Toby Logan	Ozark, AR 72949	Franklin
8-28-14	Paul Brown	Ozark Ar	Franklin
8-28-14	Ricky Brown	Ozark Ar	Franklin
8-11-14	Teresa Matthews	Hector, AR	Pope
9/11/14	Don [unclear]	Atkins	Pope
9/11/14	Timothy Cray	DOVER	POPE
9-12-14	Meghan Cunningham	Russellville	Pope
9/12/14	TANNER SNOW	RUSSELLVILLE	POPE
9-12-14	Megan Snow	Russellville	Pope
9-12-14	Bob Mapp	Atkins	Pope
9-12-14	Michelle Jarr	Russellville	Pope
9-12-14	Vicki Johnson	Roul	Pope
9-12-14	Mary Sears	Pottsville	Pope
9-12-14	Bob Leblanc	Russellville	Pope
9-12-14	Karen Buchanan	DOVER	Pope

Signature Form

Date	Signature	Town/Community	County
9/12/2014	Kenneth W. Buchanan	Dover	Pope, Ark.
9-12-14	Pharm C. Benjamin	Dandridge	Yell, AR
9-12-14	Tom Rye	Russellville	Pope, AR
9-12-14	Bird B.	Dover	Pope, Ark
9-12-14	Kathryn Lewis Davis	Russellville	Pope
9-12-14	Tammy McKellar	Russellville	Pope
9-12-14	John McDaniel	Russellville	Pope
9/12/14	Casey Taylor	Russellville	Pope
9/12/14	← [Signature]	Russellville	Pope
9/12/14	[Signature]	Dover	Pope
9/12/14	Pat Stacks	Russellville	Pope
9/13/14	Mark Milligan	Dover	Pope
9/13/14	Cheryl L.	Dover	Pope
9/13/14	Tony Waldo	Dover	Pope
9/13/14	Angela Waldo	Dover	Pope
9/13/14	Cindy Lewis	Dover	Pope
9/13/14	Lynn Ann White	Dover	Pope
9/13/14	Beverly Miller	Russellville	Pope
9/13/14	Wendy Miller	Russellville	Pope
9/13/14	Dolly Miller	Russellville, Ark.	Pope
9/13/14	Jane Felt	Russellville, AR	Pope
9/13/14	Stan Daniel	Searcy, AR	White
9/13/14	McKenna Daniel	Searcy, AR	White

Signature Form

Date	Signature	Town/Community	County
9/13/14	Jason Nicks	Russellville	Pope
9-13-14	Christopher Groh	Appleton	Pope
9-13-14	Kay Kenzo	Dover	Pope
9-13-14	Dianne Kenzo	Dover	Pope
9-13-14	Judy Baughman	Dover	Pope
9-13-14	Thom W Ballard	Russellville	Pope
9-13-14	Beverly Ballard	Russellville	Pope
9-13-14	Janice McCandoy	Dardanelle	Yell
9-13-14	John E. [unclear]	Russellville	Pope
9-13-14	Dea [unclear]	Russellville	Pope
9-13-14	David A. Fick	Russellville/Hector	Pope
9-13-14	Homer McQuinn	Dover	Pope
9-13-14	Beau Dab	Russellville	Pope
9-13-14	J. Mayo	Russellville	Pope
9/13/14	Mamma Mizzel	Atkins	Pope
9/13/14	[unclear]	Russellville	Pope
9/13/14	Michael [unclear]	Dover	Pope
9-13-14	[unclear]	Russellville	Pope
9-13-14	[unclear]	Pittville	Pope
9-13-14	Matthias B. Hansen	London	Pope
9-13-14	Stella A. Hansen	London	Pope
9-13-14	Alan [unclear]	Gumlog	Pope
9/13/14	Jeff [unclear]	Dover	Pope




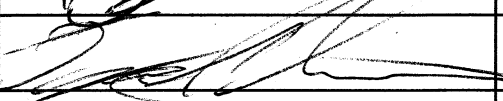
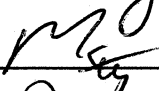
Signature Form

Date	Signature	Town/Community	County
9/13/14	Ron K. O'Leary	Russellville	Pope
9/13/14	Johnny Boyd	Dover	Pope
9/13/14	Joan Leete	Dover	Pope
9/13/14	Donna D. Dwyer	Dover	Pope
9/13/14	Donna Dwyer	London	Pope
9/13/14	Faye Anderson	London	Pope
9/13/14	Ch. [unclear]	Pottsville	Pope
9/13/14	Richard Fisher	Russellville	Pope
9/13/14	Lisa Fisher	Russellville	Pope
9/13/14	Kurt Fugle	Pottsville	Pope
9-13-14	Edward York	Dover	Pope
9-13-14	[unclear]	Dover	Pope
9-13-14	Donna [unclear]	Dover	Pope
9-13-14	Sharon Seal	Hector	Pope
9-13-14	Jacqueline [unclear]	Dover	Pope
9-13-14	Paul [unclear]	Russellville	Pope
9/13/14	Ellen [unclear]	Russellville	Pope
9-13-14	Heborah Taylor	Dover	Pope
9-13-14	Randall Taylor	Dover	Pope
9-13-14	Kerry D. [unclear]	Hector	Pope
9-13-14	Leah Martin	Russellville/Buttermilk	Pope
9-13-14	Melissa White	Dover	Pope
9-13-14	Melissa Bachus	Lutherville	Johnson

Signature Form

Date	Signature	Town/Community	County
8-28-14	Janice Parrish	Ozark AR	Franklin
8-28-14	John Parrish	Ozark	Franklin
8-28-14	Charles A. Brown	Ozark	Franklin
8-28-14	Johnny D. Held	^{CRAWFORD} MULBERRY CO	Crawford
8-28-14	Susan Closs	Ozark	Franklin
8-29-14	E. Clayton Tompkins Jr.	Ozark	Franklin
8-29-14	Barbara Tompkins	Ozark	Franklin
8-29-14	Leo F. Knoernschild	Lamar, AR	Pope
8-29-14	Brenda Alamy	Ozark, AR	Ch.
9-17-14	Truett Savell Jr.	Dover AR	Pope
9-17-14	Robbie Quymier	DOVER, AR	Pope
9-17-14	Stephen Fugmore	DOVER, AR	POPE
9-18-14	Pauline Smith	Dover, Ar.	Pope
9-21-14	Annette Walker	Dover Ar	Pope
9-22-14	THOMAS L. SMITH	DOVER, A.R.	POPE
9/22/14	Wayne Smith	Dover, Ar.	POPE
9/22/14	Victoria Smith	Dover, Ar.	Pope
9-24-14	Michelle Hinkle	Dover AR	Pope
9-24-14	Sydney Hinkle	Dover, AR	Pope
9-25-14	Thad Hinkle	Dover AR	Pope
9-25-14	Ceelia Hinkle	Dover Ar	Pope
9-25-14	Patricia Hammon	Van Buren	Crawford
9/25/2014	Stewart Stelzer	Clarksville	Johnson

Signature Form

Date	Signature	Town/Community	County
9-25-14		Hurst	Johnson
9-25-14	Metta Holman	Hurst	Johnson
9/25/14		Hurst	Johnson
9/25/14		Claborn	Shaw
9-25-14		Hogansville	Johnson
9-25-14	Joyce Carson	Woodland	Johnson
9-25-14	John Lott	Clarksville	Johnson
9-25-14	Travis Hill	Clarksville	Johnson
9-25-14	Rita Yancey	Hogansville	Johnson
9-25-14	Tracy Yancey	Hogansville	Johnson
9-25-14		Clarksville/Kennett	Johnson
9-25-14	Joe Dalma	Osage, AR	Franklin
9-25-14	Linda Halmer	Osage	Franklin
9-25-14	Patricia Harmon	Van Buren	Crawford
9/25/14	James Harmon	Van Buren	Crawford
9/25/14	Doug Morgan	Hartman	Johnson
9/25/14	Michelle Morgan	Hartman	Johnson
9/25/14	Leisa Mathews	Hector	Pope
9/25/14	Rebecca Davis	Hector	Pope
9-25-14	Lonnie Wilson	Hartman	Johnson
9/25/14	CAROL McELROY	RSU, AR	Pope
9-25-14	TOM Smith	DOVER	POPE duplicate
9-25-14	Mary J. Savell	Dover	Pope

Signature Form

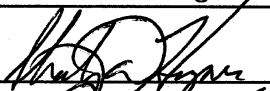
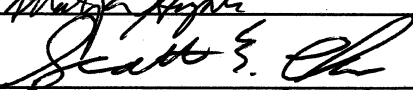
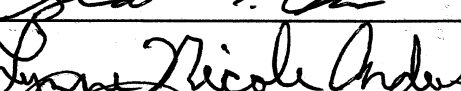

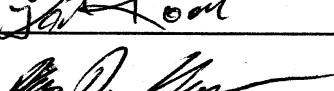

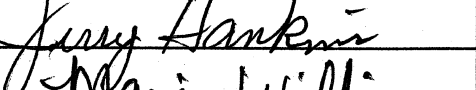
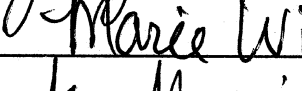
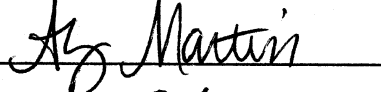
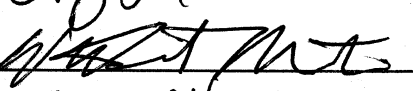
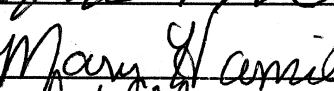
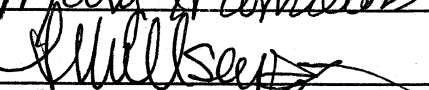
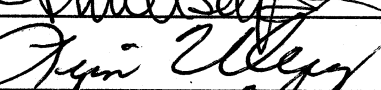
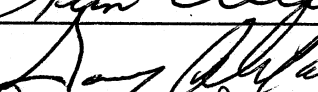

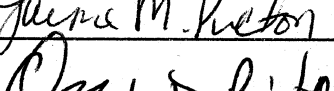
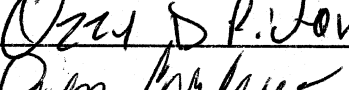

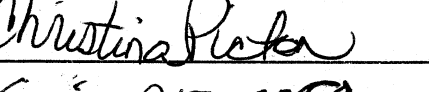
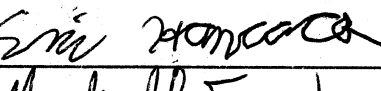
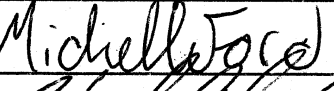
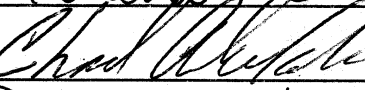
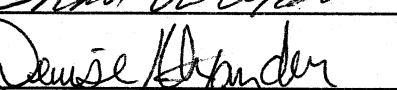
Date	Signature	Town/Community	County
9/25/2014	Stuart Stelzer	clarksville	Johnson
9/25/14	Patsy Knight	Hart	Johnson
9/25/14	Jessica Knight	Hart	Johnson
9/25/14	Camille	Clarksville	Johnson
9/25	Roger A. May	Lamar	Johnson
9/25	Alta	Clarksburg	
9/25	Kelly D. Davis	Hector, AR.	POPE
9/25	Sam Stuck	Knoxville AR	Johnson
9/27	JP	Lamar/Dover	Johnson/Pope
9-27	Jim J. Womack	Dover	Pope
9-27	Shirley Henderson	Dover	Pope
9-27	Rainie Caldwell	Dover	Pope
9-27	Tiffany Williams	Rsvl	Pope
9-27	Brian Faulkner	Rsvl	Pope
9-27	Dick S. Corbi	Dover	Pope
9-27	Helen Molden	Rsvl	Pope
9-27	Deanna Nichols	Rsvl	Pope
9-27	Erin Allen	Dover	Pope
9-27	Veronica Rothman	Dover	Pope
9/27	Patsy Hayden	Dover	Pope
9/27	Joseph Cline	Ozark	Franklin
9/27	Linda Pipes	Ozark	Franklin
9/27	Jamea Pauls	Rsvl	Pope

Signature Form

Date	Signature	Town/Community	County
9-27-14	Judy Jones	Russellville Ar.	Pope
9-27-14	NORMA H. BOZE	Dover, AR	Pope
9-27-14	Diane Morris	Dover AR	Pope
9-27-14	BOB MORRIS	"	"
9-27-14	Yvonne Jones	"	"
9-27-14	Melinda Shuffel	Dover, AR	Pope
9-27-14	Aaron Davis	Hopewell	Johnson
9-27-14	Hiley Carpenter	Clarksville, AR	Johnson
9-27-14	Sueann Casto	Atkins	Pope
9-27-14	Matt Sey	Russellville	Pope
9-27-14	Ray Boyd	Dover	Pope
9-27-14	Shirley Walters	Dover	Pope
9-27-14	James W Walters	Dover	Pope
9-27-14	Maryella Campbell	Dover	Pope
9-27-14	Jim D. D.	London	Pope
9/27/14	Greg Milligan	Dover AR	Pope
9/27/14	Alisha Williams	Dover AR	Pope
9/27/14	Robert Williams	Dover, AR	Pope
9/27/14	Kerrie Jolley	Dover, AR.	Pope
9/27/14	Richard McCann	Russellville AR	Pope
9/27/14	Megan Musgrove	Dover, AR	Pope
9/27/14	Channing R. Smith	Dover, AR	Pope
9/27/14	Kelley Hooper	Russellville AR	Pope

Concerned Arkansas Landowners Letter to the TRA

Signature Form

Date	Signature	Town/Community	County
9/27/14		RUSSELLVILLE	POPE
9-27-14		Dover	Pope
9-27-14		Russellville	POPE
9-27-14		Dover	Pope
9-27-14		Dover	Pope
9-27-14		Dover	Pope
9-27-14		DOVER	POPE
9-27-14		Dover	Pope
9-27-14		Dover	Pope
9-27-14		Russellville	Pope
9/27/14		Dover	Pope
9/29/14		Dover	Pope
10/1/14		Dover	Pope
10/1/14		Dover	Pope
10/1/14		Dover	Pope
10/1/14		Dover	Pope
10/1/14		Dover	Pope
10/2/14		Dover	POPE
10/2/14		DOVER	Pope
10/2/14		Dover	POPE
10/2/14		Dover	Pope
10/3/14		Dover	Pope
10/3/14		Dover	Pope