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Landowners Under No Obligation to Sign Agreements  
Rock Island Clean Line Order Does Not Include Eminent Domain Authority

Thousands of Illinois landowners, including grassroots organization BlockRICL, are claiming victory that last week's Illinois Commerce Commission (ICC) Order recognized their concerns over granting eminent domain authority to the Rock Island Clean Line (RICL) transmission project. The Commission denied Clean Line's request that it find the project necessary under Section 8-503 of the Public Utilities Act. That finding would be necessary before the company could obtain relief under another section authorizing the company to enter upon, take or damage private property provided by the law of eminent domain. The denial means that RICL must continue to negotiate with landowners under strictly voluntary terms. Landowners are free to refuse RICL's offers and are advised to seek the assistance of their own attorney before signing any agreements.

However, the Commission's granting of a Certificate of Public Convenience and Necessity (CPCN) under Section 8-406 of the act and approval of a route enables RICL to gain access to private property to conduct surveys and related activities after giving notice to the property owner. BlockRICL members are extremely concerned about damages, interference with farming activities, and liability issues that could occur on properties during surveying activities.

"We are concerned that the order does grant RICL the right to survey. There are unanswered questions we have about the damage they could do accessing their proposed route in the middle of fields, and their ability to pay for the damages that are incurred in the surveying," said Mary Mauch, co-founder of BlockRICL.

The groups, including the Illinois Landowners Alliance (ILA) representing more than half of the Illinois landowners on the proposed route, are working on devising important landowner protections and will soon be holding meetings to inform landowners about possible next steps. In the meantime Mauch advises landowners to steer clear of RICL agents, document any interactions, and contact BlockRICL with questions.

Grassroots leader Susan Sack of Mendota warned her neighbors, "Beware of land agents. They may try to tell landowners this project is now 'a done deal,' when nothing could be further from the truth. We are thrilled that the ICC did not put RICL on the path to eminent domain."

The conditional CPCN issued by the ICC included hefty provisions that include requiring RICL to return to the ICC to prove it has the full amount of funds necessary to complete the project before beginning construction. The Commission also stipulated that if RICL was to change its "merchant" business plan and seek to have the cost of its project allocated to Illinois ratepayers, the certificate would no longer be valid.

"While the ICC order is not the slam dunk denial we had hoped for, we're pleased that the commission denied RICL's premature attempt to start down the path of eminent domain for an independent, speculative project. If or when RICL tries again, we'll oppose any new petition vigorously. We must all continue to work together," said Curt Jacobs of the Illinois Landowners Alliance.

The project still needs approval from the Iowa Utilities Board (IUB), where RICL has only recently filed its application for a franchise.

The Preservation of Rural Iowa Alliance (PRIA), a group representing thousands of landowners in the state, is concerned with the harm the project will cause. The group has hired attorneys and witnesses and will continue fighting the project, and more than 1,200 objections from landowners have been filed with the IUB.

Carolyn Sheridan, The Preservation of Rural Iowa Alliance (PRIA) board president stated; "This is a large group of people with a common goal which is evidenced in unprecedented number of formal objections filed with the Iowa Utilities Board and the less than 15% voluntary easements obtained out of the total 1540 parcels across the 16 impacted counties in Iowa."

Sheridan says; "PRIA is concerned with the potential devastating impacts to landowners and communities in both states and is committed to using the resources necessary to protect private property rights of landowners."