US Department of Energy
Office of Electricity Delivery and Energy Reliability (OE-20), 1222 Program
1000 Independence Avenue SW
Washington, DC 20585

Dear Department of Energy,

As we near the end of the public comment period provided by DOE, I would like to share with you the following thoughts, concerns, and finally a request for more visible action on behalf of property owners who will lose considerable value should the Clean Line project be approved. My home is along the border of Clean Line's proposed line, so I would receive absolutely no compensation, just property depreciation.

The only elected officials I know of that have taken a public stand by submitting comments to DOE as it considers approval of eminent domain authority for Plains & Eastern Clean Line are from Oklahoma (Governor Fallon) and Tennessee (Sen Alexander). Many Arkansans are having a difficult time as we try to understand why we don't see a more visible stance taken by our elected officials. We have concerns about the Approval Act as it has not yet been debated and put to a vote. In the silence, we recognize that it is possible that much is being done behind closed doors to protect the rights of property owners who stand to suffer "*manifest injustice*" in the wake of this gargantuan project. Nevertheless, the relative silence is deafening.

Reflecting on the unprecedented level of uncompensated financial harm that will be borne by property owners caught in the wake of this project, we are beginning to realize that our Constitutional rights under Article V of the U.S. Constitution are being violated. The Supreme Court has ruled that "*just compensation*" for property taken is not necessarily limited by the value of the property at the time of taking (United States v. Commodities Trading Corp., 339 U.S. 121, 123 (1950)). In the same ruling, Justice Black writes "...*when market value has been too difficult to find, or when its application would result in manifest injustice to owner...*" then a standard that deviates from normal must be applied in order to ensure just outcomes for both parties. Justice Scalia writes (Michigan et al. v. Environmental Protection Agency et al., 576 U.S. 14-46, 14-47, 14-49 (2015) "...*any disadvantage* [i.e. corona noise or visual pollution] *could be termed a cost.*"

These rulings taken together, and in consideration of the facts that there will be egregious measurable financial damage due to corona noise and visual pollution emanating from the Plains & Eastern Clean Line project as currently considered, and that the damaging effects reach out in an unprecedented manner for 1,000 feet, 2,000 feet, or more beyond the

right-of-way or easement, then there will be "*manifest injustice*" borne by property owners far from the physical location of the transmission line.

What then are the challenges for DOE as it considers the Plains & Eastern Clean Line application? Justice Scalia's speaks to the challenges in last month's ruling against the EPA, "*Agency action is unlawful if it does not rest "on a consideration of the relevant factors.*"". This means that DOE must recognize that, "*...any disadvantage* [borne by property owners, direct and adjacent] *could be termed a cost.*" For DOE to meet the challenges it must take actions that clearly consider relevant factors such as the impact (costly disadvantage) of far-reaching corona noise that may make homes and other property virtually impossible to sell, and consider the costly disadvantage borne by adjacent property owners who are currently ignored for compensation. For DOE to do otherwise would perpetuate "*manifest injustice*" whereby a privileged class (Plains & Eastern Clean Line) arbitrarily seizes property and gains advantage by violating the property of a disenfranchised class (property owners).

Sincerely,

Diane Ragsdale

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