

From: [Jordan Wimpy](#)
To: [Plainsandeastern](#)
Subject: re: Supplemental Comments re: Application for Proposed Project for Clean Line Plains & Eastern Transmission Line
Date: Monday, July 13, 2015 7:01:29 PM
Attachments: [image001.png](#)
[Downwind, LLC Supplemental Comments to CL 1222 Application.pdf](#)

To Whom it Concerns:

Attached please find Downwind, LLC's supplemental comments submitted in response to the *Application for Proposed Project for Clean Line Plains & Eastern Transmission Line*. Should you have any questions, please do not hesitate to contact me directly.

Regards,
Jordan

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DOWNWIND, LLC'S SUPPLEMENTAL COMMENTS CONCERNING THE U.S. DEPARTMENT OF ENERGY'S REVIEW OF THE APPLICATION FOR PROPOSED PROJECT FOR CLEAN LINE PLAINS & EASTERN TRANSMISSION LINE

Downwind, LLC is a multi-member association of concerned citizens duly organized and operated under the laws of the State of Arkansas. Formed in 2015, Downwind, LLC seeks to protect working agricultural operations and private property rights by uniting disparate interests and coordinating the effort to avoid and/or mitigate impacts from the proposed Plains & Eastern Clean Line Transmission Line Project. Downwind, LLC represents members from Jackson, Poinsett, Cross and Mississippi Counties, Arkansas, and includes many landowners and agricultural operators within or adjacent to the Applicant Proposed Route. For these reasons, Downwind, LLC holds a strong interest in the U.S. Department of Energy's review, analysis and determination regarding the Clean Line Energy Partners, LLC Section 1222 Application.

Downwind, LLC timely submitted written comments to the Department of Energy on June 11th, 2015. In light of additional review, the following comments are provided to supplement Downwind, LLC's original submission.

Supplemental Comments

I. Clean Line's Application Fails to Explain the Economic Impact to State and Local Governments Due to the Revised Proposal for Southwestern Power Administration to Own All Facilities in the State of Arkansas

Clean Line's revised 1222 Application includes a "Proposed Participation Agreement Term Sheet for the Plains & Eastern Clean Line."¹ The term sheet explicitly proposes that "Southwestern [Power Administration] will own all Facilities in Arkansas."² As an initial matter, neither the Department of Energy nor Clean Line have provided any explanation for why ownership of the facilities would, or should, be different in Oklahoma, Tennessee and Arkansas. This disparate treatment should be explained to the impacted public. Equally important, the Department of Energy and Clean Line should properly analyze and document for the public's review those impacts that federal ownership may have on state and local tax projections, as the same are discussed in the:

- Clean Line Application; and
- *Draft Environmental Impact Statement for the Plains & Eastern Clean Line Transmission Line Project* (DOE/EIS-0486) ("DEIS") at Chapter 3.

¹ Clean Line Application, Appendix 4-A.

² *Id.* at 6.

Local tax revenues are cited as a key benefit to the State of Arkansas according to Clean Line's application, supporting materials and various news releases.³ Any potential loss or reduction of that benefit because of federal ownership will/may undermine key aspects of the Section 1222 application, review and analysis.

II. Downwind, LLC Comments in Support of Public Efforts to Formalize the Process for Section 1222 Application and Review

Downwind, LLC comments in support of the efforts by *BLOCK Plains & Eastern Clean Line: Arkansas and Oklahoma* to redress procedural irregularities and promote due process.⁴ That organization filed multiple documents, including but not limited to a Petition for Public Hearings, Petition for Contested Case and Petition for Rulemaking, all seeking to address various procedural shortfalls and inadequacies in the Section 1222 process (generally) and the Clean Line application and review (specifically).⁵

Downwind, LLC writes in support of these efforts and notes that rigorous public review and participation is necessary when, as here, the federal government is embarking on a project of this size under a program never utilized. The necessity is even more acute when the proposed role of the federal government may include taking real property from private landowners for the benefit of private companies.

Conclusion: Downwind, LLC again appreciates the opportunity to comment on the Clean Line application and supporting materials, and thanks DOE for its thoughtful consideration of the foregoing comments and concerns. For the reasons outlined above and in prior submissions to the DEIS and Clean Line Application, Downwind, LLC remains opposed to the proposed Project. Accordingly, Downwind, LLC again requests that DOE elect not to participate under Section 1222.

³ See e.g., Press Release, Plains & Eastern Clean Line to Contribute Millions in Revenues to Arkansas Schools and Communities (Mar. 23, 2015) available at http://www.plainsandeasterncleanline.com/sites/plains_eastern/media/docs/AR_Statewide_R_Revenu_Press_Release_FINAL_3_21_15.pdf.

⁴ See generally, Letter and Related Filings submitted by BLOCK Plains & Eastern: Arkansas and Oklahoma (Jun. 8, 2015).

⁵ *Id.*