

Plainsand eastern

From: Luis Contreras <doccontreras@gmail.com>
Sent: Monday, July 13, 2015 3:52 PM
To: Plainsand eastern
Subject: P&E Part 2 Section 1222: P&E Easement Acquisition Questionable Tactics
Attachments: P&E Easement Acquisition Tactics.pdf

July 13, 2015

P&E Ethical Issues regarding Easement Acquisition

Dear Secretary Moniz,

There are only two ways to get easements. One is taking land by force with eminent domain. The other is *creating the illusion* of having eminent domain and pretending the project is a done deal; this is a form of intimidation using expert land agents.

Creating the illusion of having the power to take private land

Using the 2009 TVA-P&E Memorandum of Understanding and countless media stories, P&E has used every opportunity to suggest TVA will buy 3,500 MW and DOE will approve the project under Section 1222, to use eminent domain (ED). The story is confusing. Arkansas is the only state within DOE reach, but ED is mentioned frequently as "the last resource."

Illusions, unfortunately work with some landowners

The P&E Application Part 2 makes an incredible disclosure: P&E has *20 miles of voluntary easements for the line*, the result of years of one-on-one meetings with landowners: "In 2012 and 2013, Clean Line held a series of open house meetings across the Project area in Oklahoma, Arkansas and Tennessee. ... Clean Line provided notice of these meetings through a combination of press releases, notices in local newspapers, Project website updates, social media notices, radio spots, and e-mail. ... Over 1,000 stakeholders attended those open house meetings. From May to August 2014, Clean Line held 30 additional public open house meetings in Oklahoma and Arkansas to receive additional feedback from landowners, to answer questions and to provide more information about the Project. Clean Line representatives met with over 500 stakeholders at these meetings, answering questions regarding routing, the NEPA environmental review process, compensation and other topics."

The other side of the coin

What P&E is *not saying* is: with all the media and "one-on-one" open house meetings, using the implicit threat of **"using eminent domain as a last resource,"** P&E land agents have taken private property from terrified landowners making *"an offer you can't refuse."*

The messy Clean Line issue

Here is a recent Arkansas example of how the threat of eminent domain is used, and the promises P&E makes, knowing DOE would own the middle leg of the transmission line, Arkansas Times, June 18, 2015.

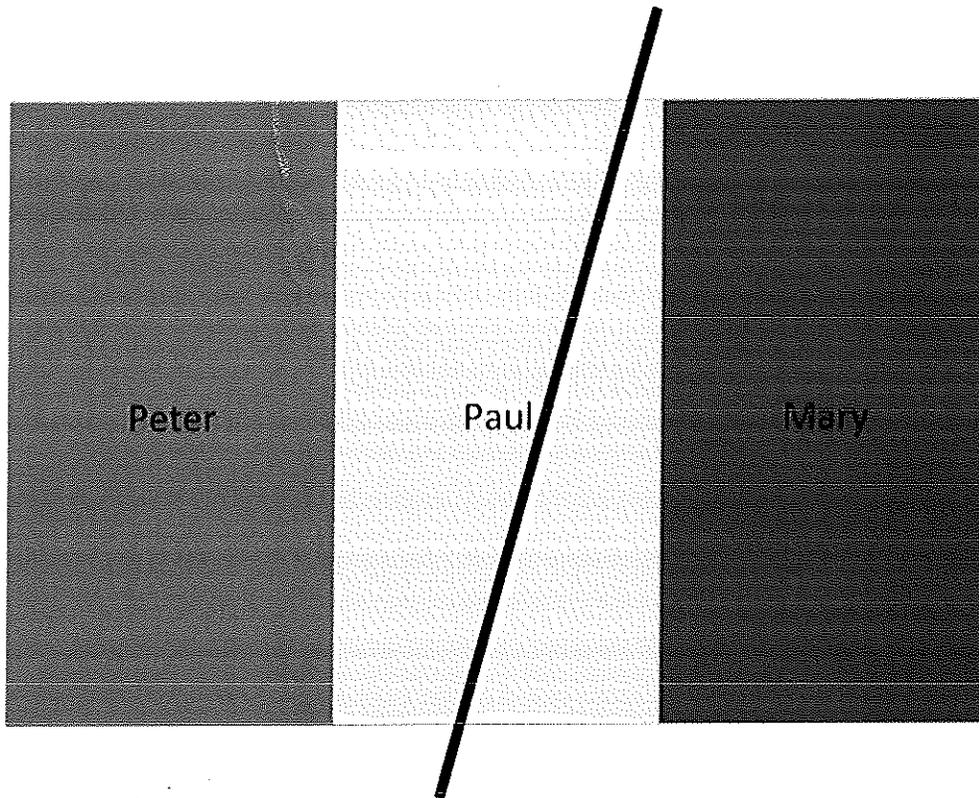
<http://www.arktimes.com/arkansas/the-messy-clean-line-issue/Content?oid=3908284>

"The Sierra Club chapter in Arkansas is fully supportive of the Clean Line. "It is going to undoubtedly lead to retirement of older and dirtier coal plans," said Glen Hooks, chapter director. The project will create jobs – Hardy said it will employ *hundreds* in construction – and Hooks takes the company at its word that it will contribute \$5 million a year to affected counties."

"Despite that, Clean Line has promised its 12 host counties that it will pay \$5 million yearly in ad valorem taxes. Christopher Hardy, a spokesman for Clean Line, said the company is committed to paying the \$5 million as long as the projection is in operation.

"There is still the issue of the use of eminent domain. Clean Line must negotiate with owners of 1,000 parcels in Arkansas. "I get what these landowners are talking about," said Hooks, who worked with Millsaps on the oil pipeline issue. "I get they have valid complaints, and we have really pushed Clean Line to listen to them as much as possible, and use eminent domain as a last resort."

Yes, this is a messy line. Will the final name be P&E-DOE-Sierra line? Hooks does not get it. The picture below shows three 100-acre farms, one traversed by a 200-foot wide easement.



Hooks would say, "Paul got the short end of the stick." Hooks does not get it, Peter and Mary are stuck with a line clearly visible from their farms. If they try to sell they would get at most 70 percent of the original value. 3,000 families (not parcels) are threatened unfairly and have been under the gun for years. Using FUD (fear, uncertainty and doubt) is how P&E acquired 20 miles of "voluntary" easements.

Buying Public Opinion

Hiring lobbyists may be legal, but is an abuse of power when used to take private property.

Why would DOE choose to participate in a project based on *questionable business practices*?

Respectfully,

Dr. Luis Contreras

References

Buying public opinion

If you have enough money, say \$80 Million, and a team of bright, friendly, eloquent, and ethic-free people, you can spread your money paying the media, gifts to schools for HVDC research, courting environmental groups, and anything else you can think of. It is your money, you are free to give it to anyone you like. Most people will take your money. To clear their conscience, they will gladly say Clean Line Energy is low-cost and clean - the best way to eliminate coal and create thousands of jobs.

Everyone knows about lobbyist activities, the second oldest occupation, and easier to find. If you have enough cash, you can get the best of the best, registered with the Arkansas Secretary of State.



Arkansas Secretary of State Registered Lobbyist Report

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1/9/2015

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Registration Filing or Amendment Date: 1/12/2015

Year: 2015

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Julle Chapman	Arkansas Game and Fish Foundation
	Arkansas Pharmacists Association
	Arkansas State Dental Association
	Association of American Publishers
	Beaver Water District
	Calpine Corporation
	CHSPSC, LLC
	Clean Line Energy Partners, LLC
	Downstream Development Authority
	Kroger Corporation
	LKQ Corporation/Keystone
	Microsoft Corporation
	Public Information Advocates, LLC
	Schnelder Electric
	Verizon Arena

<http://www.sos.arkansas.gov/elections/Documents/2015%20Lobbyist%20Report.pdf>

P&E - DOE Advanced Funding and Development Agreement

September 2012

http://www.plainsandeasterncleanline.com/sites/plains_eastern/media/AFDA_September_2012_2.pdf

P&E - TVA Memo of Understanding

October 4, 2011

http://www.plainsandeasterncleanline.com/sites/plains_eastern/media/docs/TVA_MOU-Amdt1.pdf