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**To:** [PlainsandEastern](#)  
**Subject:** 1222 Deliberative Process  
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This comment relates to the deliberative process used to evaluate the section 1222 application of Clean Line Energy Partners, LLC.

To engage in the deliberative process of evaluating the section 1222 application, the DOE can not accept the assertions of Clean Line Energy Partners without critically examining each assertion. To accept the applicant's assertions as prima facie evidence would display a bias by the DOE toward the applicant. The DOE should provide documentation of all efforts to ascertain the truthfulness of each assertion by the applicant. The deliberative process **MUST** be thorough and transparent.

Further, each landowner affected by the Plains and Eastern transmission project should have the opportunity to rebut each of the applicant's assertions the DOE deems favorable to the acceptance of the 1222 application. Said rebuttal opportunity should be written or oral, depending upon the individual landowner's preference. Oral rebuttals should not have a time constraint and the locations of sites for oral rebuttal opportunities should not necessitate more than an hour of driving time for affected landowners.

The DOE can not accept the applicant's assertions as prima facie evidence because the applicant has displayed a pattern of making distorted and misleading claims. A few examples of distorted and misleading claims follow.

Clean Line a Energy Partners, or CLEP, is a company with less than fifty employees. CLEP **HAS NEVER BUILT, OPERATED, OR MAINTAINED A TRANSMISSION LINE.** Based upon the information on the CLEP website, their employees have little, if any, actual experience building, operating, or maintaining a transmission. In the 1222 application to the DOE, the applicant distorted the experience and qualifications of key employees in regard to building, operating, and maintaining a transmission line.

This company, with little, if any, experience building, operating, or maintaining a transmission line, now proposes to build, operate, and maintain several thousands of miles of transmission lines in five separate projects. Even if CLEP plans to contract the building, operating, and maintaining of thousands of miles of transmission lines, the company lacks the expertise to oversee the contractors.

Given their grandiose plans and their paradoxical lack of expertise to fulfill those plans, it is entirely reasonable to question whether CLEP actually intends to build, operate, and maintain the Plains and Eastern transmission line. It was revealed in hearings before the Illinois Commerce Commission that the U.S. subsidiary of National Grid has the option to buy any CLEP project prior to construction. Therefore, it appears that the most likely intent of CLEP is to obtain right of way easements through eminent domain, and then sell the Plains and Eastern project prior to construction. CLEP has stated that their transmission line projects will not be sold. Without the staff or expertise to build, operate, and maintain a transmission line, this would appear to be a blatant falsehood.

Why does it matter who builds, operates, and maintains the Plains and Eastern transmission line? Why is it relevant to the deliberative process of reviewing the section 1222 application of CLEP? It is relevant because CLEP has made numerous claims and promises in the effort to sell this project to the public and to local, state, and federal officials. Those promises are not legally binding and CLEP is fully aware of that fact. When CLEP sells the transmission project to a third party such as National Grid, that third party will not be legally bound to fulfill those promises.

Knowing their promises are not legally binding, it appears that CLEP has been somewhat disingenuous in their portrayal of the Plains and Eastern project to the public. Examination of two frequently used CLEP promises will illustrate this point. In public presentations, CLEP employees have said the project would create 500 permanent jobs and 5000 temporary jobs.

That assertion was proven to be false by data in the draft EIS. CLEP employees have also frequently claimed that the project would generate tax revenue for schools and local governments. It has now been established that in Arkansas the project could be owned by the Southwestern Power Administration, or SWPA. The SWPA is exempt from state and local taxes, and therefore the project would generate no tax revenue in Arkansas.

The question of ownership of the transmission line by the SWPA adds another layer of obfuscation by CLEP. Will the transmission line be owned by the SWPA? Will the project be sold by CLEP to National Grid, which will then partner with the SWPA? Will the SWPA build, operate, and maintain the transmission line and pay transmission fees to CLEP or National Grid? The fact that the transmission line project has proceeded to this stage of development and the public does not know the answers to these questions illustrates the amount of distortion, secrecy, and misinformation that have plagued this project.

Further proof of the applicant's efforts to mislead the public are the statements made by CLEP about the health risks posed by the transmission line. CLEP has publicly stated that the transmission line would not present any health risks, yet the draft EIS clearly indicates there are possible health risks.

It is reasonable to conclude that if CLEP has been disingenuous with the public, it has also been disingenuous with the DOE. How is it possible to engage in a deliberative process when the veracity of the applicant is questionable? It would be like trying to build a transmission line on quicksand.

I urge the DOE to grant my requests regarding the critical and transparent examination of the applicant's assertions, and the landowner's opportunity to rebut those assertions the DOE deems favorable to the acceptance of the 1222 application. Refusal to acquiesce to these entirely reasonable requests would be additional grounds for litigation.

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