

Objection to the R.I.C.L.'s
Motion to Establish Procedural Schedule

- A. Rock Island Clean Lines
(Name of company or utility)
- B. Tuesday, Nov. 19, 2013 at 9:00 a.m. Franklin Co. Fairgrounds, Hampton, Iowa
(Date and Location, if known, of Informational Meeting)
- E-22129
(Docket Number, if known, of the proceeding)

C. **Objection to RICL's Motion to Establish Procedural Schedule (in addition to our previously filed objection to RICL's franchise request).**

After many months of inactivity, we were saddened to see Rock Island Clean Line, LLC, file a third motion to bifurcate on December 1, 2015 called "Motion to Establish Procedural Schedule" (formerly submitted October 13, 2013 as "Motion to Bifurcate" and December 8, 2014 as "Motion to Consider Eminent Domain in a Separate Hearing"). We are affected landowners referenced in RICL's Motion to Establish Procedural Schedule and we STRONGLY object to this motion.

We are currently in eminent domain proceedings for another transmission line which lies parallel ONE MILE to the east of the proposed RICL transmission line (which is also proposed to go through our property). For emphasis, let me repeat that. We have been in eminent domain proceedings for nearly two years for a transmission line that lies parallel ONE MILE to the east of the proposed RICL transmission line (Docket Nos. E-22152 and E-22097). [*This alone should disprove RICL's contention that their franchise meets "public need"*] The current eminent domain process we are in has been taxing on our family both emotionally and financially. The two-day hearing was held last February, 2015 in Hampton, Iowa. We were not able to secure legal counsel (many lawyers indicated it is useless to present a case in an IUB hearing as they are simply procedural) so we represented ourselves. The months we had spent preparing were no match for what we were up against with two multimillion dollar private companies. Needless to say, their franchise requests were granted as well as eminent domain over our property. The county condemnation hearing will be held this January, 2016, nearly a year after the hearing. We took time away from our children in preparation for the hearing as well as time off work to attend the hearing.

We summarize our previous experience to emphasize our strong and valid objection to RICL's current motion to "Establish Procedural Schedule" (bifurcate). Perhaps more than most landowners involved in this franchise process, we know first hand how draining the process can be. RICL's proposal to separate these proceedings, necessitating multiple hearings, is almost incomprehensible to us as affected landowners.

The following outlines our multitude of objections to RICL's "Motion to Establish Procedural Schedule":

- *We expect the IUB to protect our due process rights in these proceedings.*
 - Separating these proceedings will cause UNDUE burden on us as landowners. In order to fully meet our due process rights in a bifurcated process, we will have to litigate, at the very least, in TWO separate hearings the franchise route and then our own parcel-specific eminent domain (when one is normally adequate). Again, it is incomprehensible that the IUB would risk the due process rights Iowa landowners by approving RICL's current motion.
- *As with the argument above, RICL argues bifurcation would be a convenience for all parties.*
 - As an affected landowner, I can attest that a bifurcated process would NOT be a greater convenience for the Iowa landowners involved in these docket proceedings. A myriad inconveniences arise at the prospect of having to attend two hearings (time off from work, travel expenses, legal expenses, etc.) Of great concern is the lack of communication from RICL as notice of this current motion was not made to all parties in the docket. RICL has already evidenced a lack of communication. In their "Motion to Establish Procedural Schedule" on page 7, RICL references how "clear" they will be in communicating about the two hearings, the two processes, and what will occur in each. This need would be eliminated if all proceedings are held in one hearing. If the hearing proceedings are separated, RICL can not guarantee they will communicate clearly with ALL affected landowners throughout a bifurcated process.
- *RICL speculates landowners are waiting for a decision on the overall granting of a franchise before signing a voluntary easement (pp. 12-13).*
 - While RICL cited one example of this (Iowa State University, pp. 13-14), we can attest to being one example AGAINST this. We are not waiting for

franchise to be granted before being willing to negotiate a voluntary easement. We will never sign a voluntary easement. RICL's example was for an unrelated project (Dakota Access), our example is for THIS process, so our example is not speculative.

- *RICL speculates separating the process will allow more time to acquire voluntary easements (pp. 15-16).*
 - We will never sign a voluntary easement. We have not signed one up to this point. Separating these proceedings to allow RICL more time to negotiate voluntary easements will not result in more voluntary easements being signed.

For the reasons outlined above, we respectfully request the IUB deny RICL's request to "Establish Procedural Schedule" and enter a schedule to retain RICL's franchise petitions in a single proceeding.

- E. Ryan S. Koenen Ryan S. Koenen
(Name -- typed or printed) (Signature)
- 1026 190th Street Friday, November 15, 2013
(Mailing address) (Date)
- Hampton, IA 50441 (641)579-6220
(City & Zip Code) (Phone)
- F. rjkoenen@frontiernet.net
(Email address)
- G. Section 3, Township 92 North, Range 21 West of the 5th P.M., Franklin County, Iowa
(Description of affected property, including Section, Township, Range and County)
- H. Landowner – Homeowner – Lessee-tenant – Holder of mineral rights
(Statement of your property interest: such as owner, contract purchaser, mortgagor, lessee-tenant, holder of mineral rights, etc.)
- I. Are you the party in possession? X Yes No