

United States Senate

October 27, 2015

The Honorable Ernest Moniz
Secretary
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Moniz,

I am writing to bring your attention to an alarming issue regarding the Department of Energy's (DOE) potential Section 1222 approval of the Plains and Eastern Clean Line Transmission Project (Project).

In 2011, Arkansas's Public Utilities Commission denied Clean Line, a private company, public utility status. In response, Clean Line applied to DOE for eminent domain authority over Arkansas through Section 1222 of the Energy Policy Act of 2005. This authority has never been granted to a private company.

It is well known that Clean Line is paying the application costs of this approval process.

However, it was recently brought to my attention by DOE and Clean Line employees that **Clean Line is also paying the salaries of the DOE employees handling Clean Line's application for eminent domain authority.**

Clean Line representatives stated that they receive monthly invoices from DOE listing the names, roles, and hours of DOE personnel working on their application. **Representatives from Clean Line estimated they are paying between \$10,000 and \$1,000,000 a month to DOE for costs associated with Clean Line's application.**

Section 1222 approval allows a private company to force citizens to sell land they do not wish to sell. Regardless of the merits of the application, a process with consequences this serious should be conducted with integrity, transparency, and free from blatant conflicts of interest.

Instead, employees funded by Clean Line are evaluating Clean Line's application.

Further, Clean Line and DOE employees stated that **there have been no trainings, policies, or procedures in avoiding conflicts of interest** for the DOE evaluators of Clean Line's application, despite the fact that these evaluators are being paid by the company they are evaluating.

Please respond to the following questions to address Clean Line payments for DOE employees evaluating Clean Line's application:

Money paid from Clean Line to DOE employees evaluating Clean Line's application:

1. What is the total amount of money that Clean Line has paid DOE for the personnel costs of the DOE employees evaluating Clean Line's Section 1222 application?
2. How many DOE employees have been paid by Clean Line?
3. What are the names and roles of the DOE employees who have been paid by Clean Line as part of the Section 1222 application process?
4. Has Clean Line included payments for bonuses as part of the monthly invoices for DOE employees evaluating Clean Line's application?
5. Has Clean Line included payments for benefits, vacation, or any non-salary costs as part of their monthly invoices for DOE employees evaluating Clean Line's application?
6. Have there been any negotiations between DOE and Clean Line regarding the amount of money that DOE employees evaluating Clean Line's application should be paid by Clean Line?
7. Have any of the DOE employees being paid by Clean Line for evaluating Clean Line's application received raises or pay increases while evaluating Clean Line's application? If so, did Clean Line approve or have any input into these raises?

Other potential conflicts of interest

8. Are any of the DOE employees being paid by Clean Line to evaluate Clean Line's application former Clean Line employees?
9. Besides having their salaries paid by Clean Line, do any of the DOE employees being paid by Clean Line to evaluate Clean Line's application have investments or an additional financial stake in Clean Line?
10. Do any of the DOE employees being paid by Clean Line to evaluate Clean Line's application have investments or financial stakes in Clean Line's investor ZBI Ventures?
11. Do any of the DOE employees being paid by Clean Line to evaluate Clean Line's application have investments or financial stakes in Clean Line's investor National Grid?
12. Do any of the DOE employees being paid by Clean Line to evaluate Clean Line's application have investments or financial stakes in Clean Line's investor Bluescape Resources?

Sincerely,



Tom Cotton,
U.S. Senator