

To: Iowa Utilities Board  
Geri D. Huser, Chair  
Elizabeth (Libby) S. Jacobs, Board Member  
Nick Wagner, Board Member  
Those opposed to RICL

From: Zach Zentner, Village of Lakewood, IL

Re: Objection to Rock Island Clean Line request for bifurcation  
Docket # E-22126

Date: 12/7/2015

To the appointed members of the Iowa Utilities Board, and to those opposing RICL:

For any that are unaware, the Iowa Utilities Board is comprised of three highly educated, politically accomplished, and allegedly intelligent appointees of Governor Terry Branstad. Unfortunately, their credentials and university degrees in engineering, political science, and social work are not sufficient to combat the unconstitutional Rock Island Clean Line project (RICL). This letter is intended to educate and assist the board (and other interested parties) in their most recent deliberation regarding RICL, and to frame their responsibility in simple terms that even bureaucrats can understand.

Bifurcation enables a judge to divide legal proceedings into two parts so as to render judgment on one aspect without evaluating the whole. For example, a civil case may separate damage and liability, a criminal case may separate guilt and sentencing, and a divorce case may separate the couple prior to the division of assets. The common thread is that either, a) both parties are aware of their circumstances and are proceeding at will, or b) due process of law and the rights of one or both parties would otherwise be hindered by negotiating the entire proceeding at once. Regardless, adherence to the rule of law and the rights of each party are paramount.

The difference between a typical use of bifurcation and this third attempt of RICL is the due process of opposing property owners. They (property owners) are, a) not entering into these proceedings willingly, b) not granted a voice at the negotiating table should bifurcation be granted, and c) would be denied Constitutional protections of property rights per Iowa Constitution Article 1, Sections 8, 9, and 18; lest you have forgotten the US Constitution Amendments 4, and 5.

It is appalling and typical that we are again writing, fighting, and spending hard-earned dollars to defend property owners from the collusion of corporatists and government. Although you (the IUB) may be appointed and somewhat insulated from this process, you and your Governor will pay a political and reputational price for any negligence suffered upon the multi-generational property owners of Iowa. Any political pressure that you are experiencing is insignificant in comparison to the fear, betrayal, and anger that these property and business owners are experiencing. Their livelihoods are being impacted

in life-changing ways, whereas you have no risk other than what will be the loss of your appointed position, and the reputation of ill repute that follows a coward into the dark alley of history.

If you consider the third RICL request for bifurcation or any other motion to proceed with the theft and pillaging of your fellow citizens, be prepared to explain the difference between this request and their prior requests on the merits of Constitutional property rights, business ethics, and basic moral principles. The property and business owners of Iowa are not interested in the desperate legal and political posturing of a large corporation that stands to lose capital because they bet on a complicit and corrupt bureaucracy to do their bidding.

In the event that your mission has faded into recent memory, you were appointed to regulate utilities to ensure that ***reasonably priced, reliable, environmentally responsible, and safe utility services are available to all Iowans.*** (Check your website)

- RICL does not positively impact energy prices for Iowans
- RICL is not environmentally responsible (please explain how “purchasing” property against the will of the property owner, destroying said property, and impacting the surrounding property is environmentally responsible)
- RICL safety is negligible – (shall we hold you, the appointees, responsible for the unknown impact in the courtroom of public opinion?)
- RICL does not serve the energy needs of Iowans, but those outside of Iowa

In summary, you are required to stand your ground on behalf of the citizenry that **you work for, that pays your salary, and that allows your appointed position to exist.** You were appointed to uphold the law *as it was written*, not ‘interpreted’. The wisdom of your decision will be recognized by your neighbors, and God, who inspired our laws to protect the **life, liberty, and property** of ALL people.

Your mission is to choose wisely.

Zach Zentner

Village of Lakewood, IL