**Section 302.APPENDIX B Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Easement in Property or any Interest in Property by Illinois Owners or Operators Under the Carbon Dioxide Transportation and Sequestration Act**

A representative of an Owner or Operator of a carbon dioxide pipeline is contacting you to negotiate the purchase of an easement in property or in any interest in property over or through property that you own, or in which you have an interest as an owner. The company proposes to construct, operate and maintain certain facilities on your land, as set forth in the accompanying letter. The company representative contacting you will further explain the proposed project.

The purpose of this Statement is to provide you with general information regarding the Illinois Commerce Commission's ("Commission") regulatory process governing a company's proposed project, including the procedures that companies must follow before they can exercise their limited grant of authority to take and acquire an easement in any property or interest in property for construction, operation or maintenance of a carbon dioxide pipeline in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30]. This Statement covers several questions that landowners commonly pose to Commission staff members about proceedings at the Commission that relate to a company's proposed project when a company seeks to place facilities on or near the landowner's property. This Statement, however, is not a legal opinion concerning your rights under the law or the Commission's rules. It also is not a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Requests for a Certificate of Authority under the

Carbon Dioxide Transportation and Sequestration Act

Before constructing, operating or maintaining a carbon dioxide pipeline, an Owner or Operator must obtain a certificate of authority from the Commission under Section 20 of the Carbon Dioxide Transportation and Sequestration Act [220 ILCS 75/20]. To obtain a certificate, the Owner or Operator files an application with the Commission describing the proposed project. The Commission then initiates a proceeding to consider evidence regarding the application and notifies the potentially affected landowners of the date, time and place of the initial hearing regarding the proposed project. The courts, not the Commission, make the final decision as to whether the company can acquire the easement in property or in any interest in property and, if so, the compensation that the company will pay to the landowner.

Attempts by Owners and Operators to Acquire Property Rights

An Owner or Operator may seek to purchase land or acquire a right for use of the land. Alternatively, an Owner or Operator representative may seek to obtain an option to purchase land or land rights at a future date.  A company representative will provide affected or potentially affected landowners with information regarding the price and other terms that the Owner or Operator intends to offer for the easement in property or any interest in property. The Owner or Operator uses its own forms for this type of transaction. The Commission does not require a company seeking to acquire an easement in property or any interest in property to use any particular form.

The price and other terms for the easement in property or any interest in property is a matter of negotiation between each landowner and an Owner or Operator. The Commission does not participate in the negotiation. The Commission also does not establish or approve the negotiated price and other terms for the acquisition of an easement in property or any interest in property. Negotiation involves discussion and bargaining in an effort to reach a mutual agreement. During the negotiations, and at any time, you may be represented by an attorney. However, you are under no obligation to retain anyone to provide legal counsel. Further, you are under no obligation to negotiate or reach an agreement with the company that is seeking to acquire an easement in property or any interest in property. The Commission does not require the Owner or Operator to obtain an easement by negotiating a fixed amount or percentage of property or any interest in property necessary for the project before it seeks Commission authorization to acquire an easement in property or any interest in property.

The Commission will make its final decision regarding a project's route in certificate proceedings. Once an Owner or Operator obtains a certificate of authority, issues such as the specific route of the project are not typically reconsidered in subsequent proceedings before the Commission or addressed before the courts. You should not delay in taking whatever action that you believe is, or may be, necessary to protect your property interests. If you elect to negotiate with a company, the Commission encourages you or your representative to negotiate vigorously.

If you have any questions about this Statement or Commission rules and procedures, please contact:

Director, Safety & Reliability Division

Illinois Commerce Commission

527 East Capitol Avenue

Springfield, Illinois 62701

Please address specific questions concerning your individual property to the company representative.