**Section 780.20 Precondemnation of Land Right-of-Way Easements**

a) This Section shall govern the actions of every person acting in behalf of a telephone company when it has been unsuccessful in negotiating a land right-of-way easement, and intends to initiate formal action before the Commission or courts.

b) At least 14 days prior to a telephone company filing a Petition for an Order under Section 8-503 of the Public Utilities Act [220 ILCS 5/8-503] or initiating formal action before a court, as may be applicable, the telephone company representative shall send to the landowner a letter by certified mail, return receipt requested, containing the information detailed in subsection (d) together with a copy of Appendix B.

c) The representative shall keep and maintain a record, for one year, of letters sent in compliance with this Section.

d) The letter sent by the representative shall be on that representative's letterhead or on the letterhead of the telephone company and shall set forth:

1) The identity, address and telephone number of the telephone company representative;

2) The identity of the telephone company attempting to acquire the land or land rights;

3) The general purpose of the proposed project;

4) The type of facility to be constructed;

5) The general description of the land or land rights the telephone company seeks to acquire and the type of structures, if any, which the company seeks to build;

6) A statement that the company or its representative continues to seek to negotiate with the landowner to arrive at an agreement for such land or land rights; and

7) An invitation to the landowner to contact the telephone company representative to arrange a mutually agreeable time for an appointment to further discuss the matter.

e) Each telephone company representative shall carry with him/her and show to every landowner contacted an identification card showing the name and address of the contacting person and his/her employer. The contacting person shall leave his/her telephone number with the landowner.

f) At the time of the contact, the telephone company representative shall:

1) Orally state the reason for the contact, i.e., general purpose of the proposed project, type of facilities to be constructed; and

2) Provide written information and data surrounding the proposed project. This shall include, to the extent then known to the telephone company, a statement outlining briefly the purpose of the project, a map or sketches indicating types of facility, approximate location of facilities, compensation and basis for compensation and, if applicable, type of structures, and amount (length and width) of the land right-of-way deemed necessary. This information shall be left with the landowner for review, along with any agreement or contract proposed by the telephone company.

g) If the company and the landowner do not reach agreement within two weeks after the mailing of the original letter, the company may then file a Petition for an Order under Section 8-503 of the Public Utilities Act, or may initiate formal action before a court.

(Source: Amended at 27 Ill. Reg. 10216, effective August 1, 2003)