**Section 780.APPENDIX B Statement of information from the Illinois Commerce Commission concerning acquisition of right-of-way by Illinois telephone companies**

The purpose of this Statement is to provide you with the general information concerning the procedures involved. This Statement covers several questions commonly asked of the Illinois Commerce Commission staff by landowners.

This Statement is not a legal opinion concerning your rights under the law or the rules of the Commission, nor is it a detailed analysis of the procedures involved. If you have any questions concerning your legal rights, you may wish to consult an attorney.

Telephone companies and telecommunications carriers are granted the right of eminent domain or condemnation by Illinois law.1 Eminent domain is simply the power of the State, or those delegated by the State, to take private property for public use upon payment of just compensation as determined by the courts.

Prior to attempting to acquire a right-of-way easement by applying to the courts to exercise the right of eminent domain or condemnation, a telephone company or telecommunications carrier shall attempt to secure the right-of-way easement through negotiations with the landowner.2

Negotiation means discussion and bargaining between the landowner and the telephone company or telecommunications carrier in an effort to arrive at an equitable agreement concerning the land or land rights and the price to be paid for such land or land rights. It does not mean that an agreement must be reached or that either the landowner or the telephone company or telecommunications carrier must agree with the other.

The price to be paid to the landowner by the telephone company or telecommunications carrier for the land or land rights is a matter of negotiation between the landowner and the telephone company or telecommunications carrier. The Commission does not participate in the negotiations, nor does it establish or approve the price. Specific information on the price to be offered for the land or land rights will be provided by the telephone company or telecommunications carrier representative.

The telephone company or telecommunications carrier representative may be negotiating with you for the acquisition of an easement for the use of the land or for the purchase of the land. In either case, the telephone company or telecommunications carrier will have its own form of easement or deed, as the Commission has no standard forms which the utility is required to use.

There is no certainty that the telephone company or telecommunications carrier will be allowed to acquire land or land rights through the use of eminent domain. However, you should not delay in contacting the telephone company or telecommunications carrier's representative to attempt to negotiate fair compensation for the land or land rights which the utility seeks.

If you have any questions about this Statement or the rules and procedures of the Illinois Commerce Commission, please contact the Chief Telephone Engineer, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield IL 62701 . Any specific questions concerning your individual property should be addressed to the telephone company or telecommunications carrier representative.

1 220 ILCS 65

2 735 ILCS 5/Art. VII

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