ORDER

By the Commission:

The Farmland Preservation Act ("Act") [505 ILCS 75] requires the Illinois Commerce Commission ("Commission") to have a policy statement concerning farmland preservation and a working agreement with the Illinois Department of Agriculture ("Department"). The statement and agreement comprise 8 Ill. Adm. Code 700.Appendix J. This document was last amended in 1987.

The Department has primary responsibility under the Act to formulate rules to implement the Act. The Commission authorized the 1987 amendment in a series of Resolutions (see 87-R2) that authorized the Department to initiate the necessary rulemaking to adopt the amendment. It is appropriate to amend Appendix J to update statutory citations, to recognize changes in technology that have occurred since 1987 and to delete obsolete historical data. The Appendix to this Order contains draft changes to Appendix J for use by the Department in its rulemaking. As in 1987, the Commission will review and approve the final version prior to adoption.

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

(1) the Commission has jurisdiction over the subject matter herein;

(2) the Commission should take administrative notice of the Farmland Preservation Act and its own records in Docket 87-R2;

(3) the recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;

(3) the draft amendment to the policy statement and working agreement at 8 Ill.
Adm. Code 700. Appendix J, as reflected in the attached Appendix, should be submitted to the Department of Agriculture as required by the Farmland Preservation Act.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the draft amendment to the policy statement and working agreement at 8 Ill. Adm. Code 700. Appendix J, as reflected in the attached Appendix, be submitted to the Department of Agriculture as required by the Farmland Preservation Act.

IT IS FURTHER ORDERED that the Commission take administrative notice of the Farmland Preservation Act and its own records in Docket 87-R2.

IT IS FURTHER ORDERED that this Order is not final; it is not subject to the Administrative Review Law.

By Order of the Commission this 29th day of November, 2006.

(SIGNED) CHARLES E. BOX

Chairman