

SUPREME COURT OF ILLINOIS

Concerned Citizens & Property Owners v. Illinois Commerce
Comm'n

2026 IL 131026 (Ill. 2026) · No. Nos. 131026, 131032 · Decided January 23, 2026

SUMMARY

The Illinois Supreme Court upheld the Illinois Commerce Commission’s issuance of a certificate of public convenience and necessity to Grain Belt Express, LLC, for a high-voltage direct-current transmission project. The court held that the Public Utilities Act requires an applicant to demonstrate that it is capable of financing the proposed construction without significant adverse financial consequences, but does not require proof of current financing or funds in escrow before issuance of the certificate. The court concluded that the Commission’s determination was supported by the record and reversed the appellate court’s decision.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice O'Brien; Chief Justice Neville; Justice Theis; Justice Overstreet; Justice Cunningham; Justice Rochford
JURISDICTION	Supreme Court of Illinois
DECIDED	January 23, 2026
DOCKET	Nos. 131026, 131032
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct administrative review of the Illinois Commerce Commission's grant of a certificate of public convenience and necessity, followed by consolidated appeals from the appellate court's reversal of that order.
STANDARD OF REVIEW	The court reviewed the agency's interpretation of an unambiguous statute de novo and reviewed the Commission's factual findings under the substantial-evidence standard. An ICC order may be reversed only when its findings are not supported by substantial evidence based on the entire record; a different permissible conclusion is insufficient unless the opposite conclusion is clearly evident.
PRECEDENTIAL VALUE	Published and precedential Illinois Supreme Court opinion

PARTIES

Illinois Commerce Commission, Grain Belt Express, LLC v. Concerned Citizens & Property Owners, Illinois Agricultural Association, also known as the Illinois Farm Bureau, Concerned People Alliance, Nafsica Zotos, York Township Irrigators

TOPICS

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administrative law

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether section 8-406.1(f)(3) of the Public Utilities Act requires an applicant for a certificate of public convenience and necessity to demonstrate current and present financing or financing in place at the time the certificate issues.
2. Whether the Commission's finding that Grain Belt Express was capable of financing the proposed construction without significant adverse financial consequences for itself or its customers was supported by substantial evidence.
3. Whether the appellate court improperly reweighed the evidence and substituted its judgment for that of the Commission.

HOLDINGS

1. Section 8-406.1(f)(3) does not require an applicant to prove current and present financial capability, secure full financing, or place funds in escrow before the Commission issues a certificate. The phrase "is capable of financing" requires proof of the capacity, power, or ability to finance the proposed construction without significant adverse financial consequences, but contains no temporal requirement that financing already be in place.
2. The Commission's finding that Grain Belt Express was capable of financing the proposed construction without significant adverse financial consequences for itself or its customers was supported by substantial evidence.

KEY QUOTATIONS

"The language does not require GBX to demonstrate it could finance its project at the time of its application as a condition precedent to obtain approval for it from the ICC." (§ 22)

"The interpretation offered by Concerned Citizens fails to construe section 8-406.1(f)(3) according to its plain and unambiguous language, which sets forth one requirement, not a two-step process." (§ 23)

“Proof of GBX’s current and present financial capability was not a condition precedent to the issuance of the CPCN.” (¶ 33)

FACTUAL BACKGROUND

Grain Belt Express, LLC, a special-purpose entity affiliated with Invenenergy, sought a certificate to construct and operate a high-voltage direct-current transmission line from Kansas through Missouri and southern Illinois to Indiana. The project would use project financing, with construction costs recovered through transmission-service contracts rather than Illinois ratepayers, and Grain Belt Express had not yet secured full project financing when it applied. The Commission credited evidence concerning Invenenergy's and its management team's experience, lender relationships, market demand, and prospective customer contracts, and imposed a condition requiring full project financing before construction on Illinois easement property began.

PROCEDURAL HISTORY

The Illinois Commerce Commission granted Grain Belt Express, LLC, a certificate of public convenience and necessity to construct and operate a high-voltage direct-current transmission line. Concerned Citizens sought direct administrative review, and the appellate court reversed, holding that Grain Belt Express had not established its ability to finance the project and that current financing capability was a condition precedent to issuance of the certificate. The Illinois Supreme Court granted Grain Belt Express's and the Commission's petitions for leave to appeal, consolidated the appeals, reversed the appellate court, affirmed the Commission's decision, and remanded to the appellate court to address previously unresolved issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The appellate court's judgment was reversed, the Commission's decision was affirmed, and the matter was remanded to the appellate court so that previously unaddressed statutory and constitutional issues could be considered there first.

CASES CITED

- Illinois Landowners Alliance, NFP v. Illinois Commerce Comm'n, 2017 IL 121302
- People ex rel. Madigan v. Wildermuth, 2017 IL 120763, ¶ 17
- Goodman v. Ward, 241 Ill. 2d 398, 408 (2011)
- Carmichael v. Laborers' & Retirement Board Employees' Annuity & Benefit Fund of Chicago, 2018 IL 122793, ¶ 56
- Mosby v. Ingalls Memorial Hospital, 2023 IL 129081, ¶ 31
- Schultz v. Illinois Farmers Insurance Co., 237 Ill. 2d 391, 408 (2010)
- Cassidy v. China Vitamins, LLC, 2018 IL 122873, ¶ 28
- Chatham Foot Specialists, P.C. v. Health Care Service Corp., 216 Ill. 2d 366, 398 (2005)

- Zahn v. North American Power & Gas, LLC, 2016 IL 120526, ¶ 17
- Rock Island Clean Line LLC, Ill. Comm. Comm'n No. 12-0560, at 150 (Order-Final Nov. 25, 2014)
- Business & Professional People for the Public Interest v. Illinois Commerce Comm'n, 146 Ill. 2d 175, 210 (1991)
- Citizens Utility Board v. Illinois Commerce Comm'n, 166 Ill. 2d 111, 120-21 (1995)
- City of Elgin v. Illinois Commerce Comm'n, 2016 IL App (2d) 150047, ¶ 25
- Continental Mobile Telephone Co. v. Illinois Commerce Comm'n, 269 Ill. App. 3d 161, 171 (1994)
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 413 (2024)
- People v. Lantz, 186 Ill. 2d 243, 262 (1999)

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