



Illinois
Department of Commerce
& Economic Opportunity

Bruce Rauner, Governor

March 9, 2017

Mrs. Diane Benjamin
27248 E 1100 N. RD.
Ellsworth, IL 61737

Re: Freedom of Information Act Request

Dear Mrs. Benjamin:

The Department of Commerce and Economic Opportunity (the "Department") is in receipt of your Freedom of Information Act, 5 ILCS 140 (the "Act"), request for:

"all the documents associated with any State assistance given to Rivian Automotive to buy the former Mitsubishi Plant in Normal. The citizens have a right to know how much money was given to them."

Enclosed are the documents responsive to your request. The Department is interpreting your request for "all documents associated with any State assistance given to Rivian Automotive" to consist of the formal agreement awarding an Economic Development for a Growing Economy ("EDGE") tax credit and the letter notifying the company that the Department intended to enter into the agreement. Certain information has been redacted pursuant to Sections 7(1)(a), (b), and (g) of the Act. These exemptions authorize the Department to withhold information such as information that is prohibited from disclosure by other laws, private information such as signatures, and trade secrets or confidential commercial or financial information.

It is also important to note, Section 5-90 of the Economic Development for a Growing Economy Tax Credit Act (35 ILCS 10/5-90) provides that "any documentary materials or data made available or received by any member of a Committee or any agent or employee of the Department shall be deemed confidential and shall not be deemed public records to the extent that the material or data consists of trade secrets, commercial or financial information regarding the operations of the business conducted by the Applicant for, or recipient of, any tax credit under [the EDGE statute], or any information regarding the competitive position of a business in a particular field of endeavor." This is reflected in the redactions that were made to the amounts of investment and wages paid for various positions.

Please be advised that the EDGE program is not a grant program but designed to offer a special tax incentive to encourage companies to locate or expand operations in Illinois when there is active consideration of a competing location in another State. If the company meets certain employment and investment criteria, the program can provide tax credits not to exceed the amount of state income taxes withheld from the salaries of employees in the newly created jobs. The non-refundable credits can be used against corporate income taxes to be paid over a period set forth in a tax credit agreement. In other words, the Department has not "given" any money to Rivian Automotive—they are eligible to receive tax credits

www.illinois.gov/dceo

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if they meet their minimum investment and employment targets and maintain specified levels of employment for a certain number of years, as set forth in the attached agreement.

If you have any questions regarding this response or the EDGE program, or if you would like to submit an additional request, you may submit your request to Commerce.FOIA@illinois.gov. You may also contact Jacquelyn Reineke, our Public Information Officer, with any questions at (312) 814-5341.

Section 9(a) of the Act gives a requesting party the right to seek a review of the public body's response. The review is administered through the Attorney General's office by the Public Access Counselor (PAC).

You, the requestor, have 60 calendar days to submit your request for review to the PAC. The request must be submitted in writing, either by electronic mail, by fax, or by the United States Postal Service and sent to:

Public Access Counselor
Office of the Attorney General
500 South Second Street
Springfield, Illinois 62706

Email: publicaccess@atg.state.il.us

Fax: 217-782-1396

Sections 11(a) & (b) of the Act also provide a requesting party, upon denial of a FOIA request by the public body, with the right to file suit for injunctive or declaratory relief in the circuit court for the county where the public body has its principal office.

I hope this is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Stonecipher".

Matthew Stonecipher
Legal Counsel
Department of Commerce and
Economic Opportunity

cc:
Sheila Chernis, CPPB
Freedom of Information Act Officer

Enclosure

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