

DIRECT TESTIMONY  
OF  
MARK MAPLE  
ENGINEERING DEPARTMENT  
ENERGY DIVISION  
ILLINOIS COMMERCE COMMISSION

ENBRIDGE PIPELINES (ILLINOIS), L.L.C.

DOCKET NO. 07-0446

JANUARY 7, 2007

1 Q. Please state your name and business address.

2 A. My name is Mark Maple and my business address is Illinois Commerce  
3 Commission, 527 East Capitol Avenue, Springfield, Illinois 62701.

4 Q. By whom are you employed and in what capacity?

5 A. I am employed by the Illinois Commerce Commission ("Commission") as a  
6 Gas Engineer in the Engineering Department of the Energy Division.

7 Q. Please state your educational background.

8 A. I hold a Bachelor of Science degree in Mechanical Engineering and a  
9 minor in Mathematics from Southern Illinois University - Carbondale. I  
10 also received a Master's degree in Business Administration from the  
11 University of Illinois at Springfield. Finally, I am a registered Professional  
12 Engineer Intern in the State of Illinois.

13 Q. What are your duties and responsibilities as a Gas Engineer in the  
14 Engineering Department?

15 A. My primary responsibilities and duties are in the performance of studies

16 and analyses dealing with the day-to-day, and long-term, operations and  
17 planning of the gas utilities serving Illinois. For example, I review  
18 purchased gas adjustment clause reconciliations, rate base additions,  
19 levels of natural gas used for working capital, and utilities' applications for  
20 Certificates of Public Convenience and Necessity. I also perform utility  
21 gas meter test shop audits.

22 Q. What is the purpose of this proceeding?

23 A. Enbridge Pipelines (Illinois), L.L.C. ("Enbridge", "Petitioner" or  
24 "Company") has requested that the Commission grant it a certificate in  
25 good standing ("Certificate") to operate as a common carrier pursuant to  
26 Section 15-401 of the Act. The Petitioner has also requested that the  
27 Commission grant it a Certificate pursuant to Section 8-503 of the Public  
28 Utilities Act ("Act") authorizing and directing the Petitioner to construct and  
29 operate a pipeline, referred to as the "Southern Access Extension"  
30 pipeline. Additionally, the Petitioner requests that the Commission grant it  
31 authority to exercise the power of eminent domain to acquire permanent  
32 easements of 60 feet in width, as well as temporary construction  
33 workspace easements, pursuant to Section 8-509 of the Act.

34 Q. Are you making any recommendations at this time?

35 A. No. I cannot make any recommendations at this time due to the lack of

36 information regarding a new, related pipeline project by Enbridge, as  
37 discussed below.

38 **Description of Pipelines**

39 Q. Please describe the proposed pipeline in question.

40 A. Enbridge is proposing to construct 170 miles of 36-inch pipeline from near  
41 Pontiac, IL to Patoka, IL, referred to as the Southern Access Extension  
42 Project. The pipeline is described in detail in Mr. Burgess' testimony  
43 (Enbridge Ex. 1, pp.3-5) and in the petition at page 7. This pipeline is an  
44 extension of the "Southern Access" pipeline, which was approved in ICC  
45 Docket 06-0470. That pipeline, when constructed, will originate in  
46 Superior, Wisconsin and terminate at a storage facility near Pontiac,  
47 Illinois. The Southern Access Extension pipeline will transport crude  
48 petroleum that has been shipped into Illinois from western Canada.

49 **New Proposed Pipeline from Illinois to Texas**

50 Q, Are there any pipeline projects outside of this docket that might have a  
51 bearing on the approval of the Southern Access Extension pipeline?

52 A. Yes. On December 19, 2007, Enbridge announced that it was planning to  
53 build a pipeline from Patoka, IL to an undetermined destination in Texas,

54 called the "Texas Access" pipeline. This pipeline would be an extension  
55 of the proposed pipeline in the instant docket.

56 Q. What is your understanding of the timetable for the proposed Texas  
57 Access pipeline?

58 A. Enbridge plans to have it operational by 2010 or 2011. Enbridge informed  
59 Staff that if sufficient interest is shown in the project, then Enbridge would  
60 likely file a request for a certificate in good standing for the project with the  
61 Commission later in 2008. Presumably, construction would start after the  
62 final order is issued in that future docket.

63 Q. What products will the Texas Access pipeline carry?

64 A. I believe that it will carry the same type of products that will be transported  
65 on the Southern Access Extension pipeline – namely Canadian  
66 petroleum.

67 Q. How does the proposed Texas Access pipeline affect the instant docket?

68 A. As I discuss in more detail below, in order for Enbridge to receive its  
69 requested certificate in good standing in the instant proceeding, it must  
70 show a public need for the Southern Access Extension pipeline. In  
71 making that showing, Enbridge extolled the benefits of the Southern

72 Access Extension pipeline to Illinois residents by demonstrating how the  
73 regional demand for crude oil would be met with added supplies. Now, it  
74 appears to Staff that some or all of those supplies will eventually continue  
75 on to Texas, possibly having little to no benefit for Illinois customers.

76 I do not have enough information to provide a definitive opinion to the  
77 Commission in this testimony given Enbridge's very recent unveiling of its  
78 Texas Access plan. However, I believe that the Texas Access proposal  
79 calls into question much of Enbridge's justification for the Southern  
80 Access Extension pipeline, and Enbridge must address the issue before  
81 this case can proceed.

82 Q. Did you still analyze the rest of the information available to you in this  
83 docket?

84 A. Yes. The rest of my testimony will focus on the original case, as filed by  
85 Enbridge. I reserve the right to change my opinions once Enbridge  
86 addresses the impact that the Texas Access pipeline has on this docket.

87 Q. Does the potential for oil leaving Illinois via the Texas Access pipeline  
88 cause you to automatically reject a certificate for the Southern Access  
89 Extension pipeline?

90 A. No. In general, the potential for a pipeline's supplies to leave Illinois does

91 not itself cause an automatic rejection of a certificate request. My concern  
92 in the instant proceeding is that the previously filed Company testimony  
93 no longer matches the current situation. The Company must provide new  
94 data and new justification for the Southern Access Extension pipeline  
95 before Staff can decide whether or not to recommend that the  
96 Commission issue a certificate.

97 **Common Carrier Certificate Requirements**

98 Q. What are the Commission's requirements to obtain a certificate in good  
99 standing to operate as a common carrier?

100 A. Section 15-401(b) of the Act states:

101 The Commission, after a hearing, shall grant an application  
102 for a certificate authorizing operations as a common carrier  
103 by pipeline, in whole or in part, to the extent that it finds that  
104 the application was properly filed; a public need for the  
105 service exists; the applicant is fit, willing, and able to provide  
106 the service in compliance with this Act, Commission  
107 regulations, and orders; and the public convenience and  
108 necessity requires issuance of the certificate. (220 ILCS  
109 5/15-401(b).

110 **Properly Filed**

111 Q. Was the Petitioner's application properly filed?

112 A. Yes. On August 16, 2007, the Petitioner filed a petition asking for relief  
113 under the provisions of Sections 8-503, 8-509, and 15-401 of the Act.

114           Additionally, Mr. Burgess presents in his direct testimony (Enbridge Ex. 1)  
115           the Petitioner's rationale and support for its application. Mr. Aller  
116           (Enbridge Ex. 2), Mr. Cicchetti (Enbridge Ex. 3), and Mr. Colwell (Enbridge  
117           Ex. 4.0) also filed testimony in support of the petition.

118    **Public Need**

119           Q.    Did you find that the Petitioner demonstrated a public need for the  
120           pipeline?

121           A.    No, I cannot make that determination at this time, due to reasons set forth  
122           on pages 3-5 above.

123           Q.    Are any shippers interested in using the proposed pipeline?

124           A.    Yes. Enbridge conducted an "open season" for the proposed pipeline,  
125           which amounted to soliciting interest and support for the pipeline from  
126           petroleum producers and shippers. The Company provided a confidential  
127           list of potential shippers who have shown interest in shipping products on  
128           the proposed pipeline (Staff Data Request ENG 1.9).

129           Q.    What products do the refineries produce from crude oil?

130           A.    Refineries transform the crude oil into a number of products, including

131 gasoline, diesel fuel, jet fuel, and asphalt.

132 Q. Is there a demand in the region for more refined oil products?

133 A. Yes. I believe that the successful open season shows that there are  
134 shippers interested in bringing more Canadian petroleum to the region. If  
135 shippers are interested in bringing in supplies, there must be a market  
136 willing to take those increased supplies. There are several refinery  
137 expansion projects underway or being contemplated that would increase  
138 the demand for Canadian crude oil. Getting Canadian petroleum to the  
139 hub in Patoka also means that it can help satisfy demand in other Midwest  
140 states.

141 I believe that recent gas prices exceeding \$3 per gallon demonstrate the  
142 inelastic demand for this commodity and the need to find cheaper and  
143 more reliable supplies. In his direct testimony, Enbridge witness, Mr.  
144 Cicchetti, gave many reasons as to why the pipeline is needed and how it  
145 will benefit the region. While I do not support all of Mr. Cicchetti's  
146 calculations, I do agree with his general findings and recommendations.

147 Q. Do you agree with all of Mr. Cicchetti's findings that Illinois citizens would  
148 see a present value savings of \$406.7 million from the Southern Access  
149 Extension pipeline?

150 A. No. I believe there are some flaws in Mr. Cicchetti's calculations, which  
151 would reduce that number. Additionally, his calculations were based on  
152 the construction of the original Southern Access pipeline project, which  
153 was part of ICC Docket 06-0470. That portion of the pipeline has now  
154 been approved to be constructed and will bring Canadian petroleum into  
155 Illinois. Therefore, the Southern Access Extension pipeline project will  
156 provide far less of an incremental benefit to the Illinois economy.  
157 Additionally, with the recent announcement of the Texas Access pipeline,  
158 it is not clear what direct economic benefits the Southern Access  
159 Extension pipeline will provide to the Illinois economy.

160 Q. Are there any other benefits to Illinois besides economic benefits?

161 A. Yes. The Southern Access Extension pipeline will bring Canadian  
162 petroleum all the way to Patoka, which is a major hub for shippers. This  
163 hub connects a number of pipelines owned by various entities and allows  
164 access to the regional and even national shipping grid. There are also  
165 storage tanks in Patoka that would be accessible. Bringing Canadian  
166 petroleum to this hub would provide our nation with additional crude oil  
167 supplies from a friendly and reliable country.

168 The entire Southern Access pipeline also provides an alternative supply of  
169 petroleum when other sources are not available. Several years ago,

170 hurricanes in the gulf reduced the amount of crude oil that could be  
171 brought up into Illinois. In November of 2007, Enbridge had an explosion  
172 on one of its lines in Minnesota. This incident forced the temporary  
173 closure of four pipelines and caused oil prices to jump by about \$4 per  
174 barrel, according to a Reuters news article. Both incidents underscore the  
175 importance of having our state and our country supplied from multiple  
176 regions and pipelines, so that one source can supply demand when  
177 another one fails.

178 **Fit, Willing, and Able**

179 Q. Is the Petitioner fit, willing, and able to provide these services?

180 A. Yes.

181 Q. What information did the Petitioner provide to support a finding of fit,  
182 willing, and able?

183 A. Enbridge witness Mr. Dale Burgess testified that the Petitioner is fit,  
184 willing, and able to construct and operate the proposed pipelines  
185 (Enbridge Ex. 1, pp 7-8). Mr. Burgess notes that Enbridge has a long  
186 history of constructing and operating pipelines, including pipelines in  
187 Illinois. He also states that Enbridge has demonstrated its willingness to  
188 construct and operate the pipeline by committing to spend over \$2 billion

189 to finance this and other recent projects. Mr. Burgess also points to the  
190 financial strength of the Company, which is included on page 3 of the  
191 Application, to demonstrate that it is able to construct and operate the  
192 pipelines. Staff agrees with Mr. Burgess' assessment that Enbridge is fit,  
193 willing, and able to construct and operate the proposed pipelines.

194 Q. Did Staff look into the financial strength of Enbridge to verify that it is  
195 indeed able to build and operate the pipeline?

196 A. Yes. Janis Freetly is testifying for Staff on that issue (ICC Staff Exhibit  
197 2.0). To my knowledge, Ms. Freetly did not find anything that would  
198 challenge the Company's assertion that it is financially fit to construct and  
199 operate the pipeline.

200 Q. Are there any other government entities that have the authority to  
201 determine the Petitioner's ability to construct and operate the pipeline?

202 A. Yes, before the pipeline is constructed, there are a number of federal,  
203 state, and local permits that the Petitioner must obtain. In response to  
204 Staff data requests ENG 1.6 and 1.26, Enbridge lists several pages of  
205 governmental bodies from which it will be seeking approval for this project.  
206 Further, the project must meet the minimum pipeline safety construction  
207 and maintenance standards contained in 49 CFR 195 and administered

208 by the United States Department of Transportation.

209 **Public Convenience and Necessity**

210 Q. Would the proposed pipeline provide any conveniences to the  
211 Illinois public?

212 A. Yes. As noted earlier, there is a strong demand in Illinois and the  
213 surrounding area for both crude petroleum and the resulting  
214 products such as gasoline. This proposed pipeline would serve the  
215 public by helping to ensure reliable supply and may also help to  
216 mitigate high gasoline prices in the region. Of course, this will  
217 depend on the amount of supplies remaining in the region if the  
218 Texas Access pipeline is constructed.

219 Q. Did you review the proposed pipeline route?

220 A. Yes, on November 6, 2007, Gas Engineering Supervisor, Eric  
221 Lounsberry and I met with Enbridge employees Douglas Aller, Lee  
222 Wren, and Steven Johnson to discuss the route selection for the  
223 proposed pipeline. We viewed dozens of maps showing the aerial  
224 view of the entire proposed route.

225 On November 27, 2007, Mr. Lounsberry and I met with Mr. Aller of

226 Enbridge and Steven McManamon of URS to discuss and view the  
227 alternative routes that the Company studied for this project. Again,  
228 we were able to view maps of the various routes and the impacted  
229 land areas. We were also able to study and discuss the  
230 Company's route analysis report, which provided reasoning for  
231 selecting the proposed route and rejecting the 27 other alternative  
232 routes.

233 Q. Did you see any problems with Enbridge's proposed route?

234 A. No. The chosen route passes mainly through rural, undeveloped  
235 land, which minimizes the impact on major roadways, high density  
236 population areas, and environmentally sensitive areas. Enbridge  
237 has designed and redesigned the route to take landowner concerns  
238 into consideration, as well as recommendations from government  
239 agencies. When it is an option, the pipelines follow along side the  
240 right of way of other existing utility easements. I do not see any  
241 problems in the route that Enbridge has selected.

242 Q. How did Enbridge select the proposed route?

243 A. Enbridge hired URS Corporation ("URS") to study various  
244 alternative routes during the early stages of this project. In URS'

245 July 18, 2006 report (provided to Staff in response to data request  
246 ENG 1.8), it listed 28 different routes that it studied, with many of  
247 them overlapping at various points along the way. URS identified  
248 certain criteria that it deemed important to the project, such as  
249 route length, existence of wetlands, and the availability to collocate  
250 the pipeline in existing utility corridors. In all, URS identified nine  
251 categories and gave them various weights based on their perceived  
252 importance to the project. URS compiled data for the 28 routes  
253 and tabulated scores in each of the nine categories. The nine  
254 scores were then totaled to calculate a final ranking for each of the  
255 28 routes. Enbridge chose the route that had the highest final  
256 ranking.

257 Q. Are there any other routes that would be better for this project?

258 A. I cannot give a definitive positive or negative answer to that  
259 question. Certainly, Enbridge chose the route that garnered the  
260 highest score in the URS analysis. However, I noted that there  
261 were a number of routes which had a final score very close to that  
262 of the selected route. I also noted that the weightings given to  
263 each category were subjective or somewhat arbitrary. While the  
264 Company has a rationale for each weighting, and I do not dispute  
265 these rationale, there is some subjectivity in the assigning of these

266 weightings. Just by changing a few of the category weightings by a  
267 point or two, one could make any one of several of the 28 routes  
268 have the highest score.

269 I also noticed a few shortcomings of the nine categories. For  
270 instance, URS gives a score based on the linear miles of wetlands  
271 that need to be crossed, but it does not take into account the size  
272 of each individual wetland or the complexity of the wetland  
273 crossing. In most categories, linear miles seem to be the key  
274 statistic, while issues such as difficulty of terrain and proximity to  
275 other obstacles is not explicitly considered. The Company stated in  
276 several data request responses that these types of issues were  
277 either considered when forming the 28 alternative routes or they  
278 would be handled during the final route design. However, this  
279 doesn't change the fact that they were not used to tabulate a score  
280 for each route – something that might have tipped the scales to  
281 make another route more attractive.

282 Having said all of that, I accept the Company's analysis as a valid  
283 attempt to identify the best route. Any changes that I would make  
284 to the category criteria or the scoring system would be just as  
285 subjective as the Company's selections. Route selection is more of  
286 an art than an exact science, and it is difficult to reduce it to mere

287 numbers and rankings. While there could be a “better” route, there  
288 appears to be no glaring problems with the chosen route and no  
289 evidence to suggest what a “better” route would look like.

290 Q. Would you be willing to support a different route if the evidence  
291 showed it was better than the Company’s selected route?

292 A. Yes, but there would need to be some concrete evidence as to why  
293 the alternative route is better than the proposed route. It is  
294 understandable that certain people might not want the pipeline to  
295 cross their property. However, the Not-In-My-Back-Yard argument  
296 is not sufficient by itself, since that argument will likely exist for any  
297 alternate route.

298 Q. Do you consider Enbridge’s negotiations with landowners as a  
299 factor when evaluating public convenience?

300 A. Yes. Enbridge is obligated to treat landowners in a fair manner  
301 when attempting to acquire easements. The public would be  
302 inconvenienced if Enbridge failed to communicate adequately or  
303 refused to negotiate in good faith.

304 Q. Is the subject of good faith negotiations a normal concern for Staff in

305 eminent domain proceedings?

306 A. Yes. As reflected in the Statement of Information from the Illinois  
307 Commerce Commission Concerning Acquisition of Rights of Way  
308 by Illinois Utilities, which is included in the Informational Packet  
309 sent to landowners, “[d]uring such hearing(s), the Commission  
310 determines, among other things, whether the utility had made a  
311 reasonable attempt to acquire the necessary land or land rights  
312 through negotiation with the landowner” (83 Ill. Adm. Code 300,  
313 Appendix A). The Commission has traditionally required that the  
314 petitioner demonstrate that it had negotiated in good faith with the  
315 landowners before receiving the authority to exercise eminent  
316 domain (See *Lakehead Pipe Line Company, Limited Partnership*,  
317 96-0145 May 7, 1997 ).

318 Q. In your opinion, has the Petitioner negotiated in good faith with  
319 landowners?

320 A. Yes. Mr. Aller’s testimony goes into great detail explaining the  
321 steps that the Petitioner has taken to contact, educate, elicit  
322 feedback from, and negotiate with landowners along the proposed  
323 routes (Enbridge Ex. 2, pp. 7-14). I believe that the actions the  
324 Petitioner has taken so far and the actions it is committed to taking

325 for the remainder of the project constitute good faith negotiations.

326 Q. Can you elaborate on the reasons you believe that the Petitioner  
327 has demonstrated good faith?

328 A. Yes. According to Enbridge's response and Attachment B to Staff  
329 data request ENG 1.47, Enbridge has made 1708 contacts with the  
330 570 landowners along the proposed route, for an average of three  
331 contacts per person. In addition, the Company has received  
332 permission to survey about 88% of the properties. It has also  
333 made 82 easement or option offers and obtained 5 agreements.  
334 Staff would have reservations about approving this project if a good  
335 portion of the landowners had not been contacted or if the contacts  
336 were limited to phone calls and letters. However, Enbridge is using  
337 qualified land agents to make face to face contacts. These land  
338 agents are able to inform the landowners about the project and  
339 how it will personally affect each person and his or her property.  
340 They are also able to listen to concerns the landowners might have  
341 and incorporate those concerns into the overall design of the  
342 pipeline.

343 Q. Is there anything that might change your opinion that the Petitioner

344 has negotiated in good faith?

345 A. Yes. While I currently believe the Petitioner has negotiated in good  
346 faith with landowners, it is possible I could be made aware of  
347 evidence that demonstrates otherwise. The negotiation process is  
348 still ongoing, and many landowners have not yet accepted  
349 monetary offers or negotiated legal rights. While I have no reason  
350 to believe this will happen, Enbridge could potentially treat  
351 landowners poorly after I file this testimony. There could also be  
352 interveners filing testimony on the same day this is filed, which  
353 allege poor negotiation tactics on the part of Enbridge. Therefore, I  
354 reserve the right to change my opinions and recommendations  
355 based on any new evidence that may be presented in this docket.

356 Q. Is Enbridge required to obtain a certificate from the Commission  
357 before constructing the proposed pipeline?

358 A. No. Common carriers are only required to seek a Commission  
359 certificate when they are engaged in intrastate commerce.  
360 Enbridge is going to use the Southern Access Extension pipeline  
361 for only interstate commerce. This means that Enbridge does not  
362 need to seek a certificate to construct the pipeline.

363 Q. Why is Enbridge seeking a certificate if one is not required?

364 A. Presumably Enbridge's sole purpose for seeking a certificate is to  
365 obtain permission to exercise eminent domain. Any common  
366 carrier seeking to use eminent domain must first hold a  
367 Commission certificate.

368 Q. Do you believe that it is necessary for Enbridge to obtain eminent  
369 domain in order to complete the project?

370 A. No. Enbridge's Lakehead Pipeline was constructed without  
371 eminent domain. Staff is aware of at least two other recent  
372 pipelines constructed in Illinois without a certificate or eminent  
373 domain authority.

374 Q. How can a common carrier obtain all the necessary easements  
375 without eminent domain?

376 A. The company would simply negotiate with landowners and pay  
377 them for the easement. Staff is aware that some landowners would  
378 likely demand unreasonably high payments or maybe refuse to  
379 negotiate with the pipeline company altogether. However, pipeline  
380 routes are not set in stone and can be moved to adjacent

381 properties where easements may be more easily obtained.

382 Q. What other concerns do you have about a common carrier seeking  
383 a certificate for the sole purpose of obtaining eminent domain?

384 A. There is nothing to prevent a company from asking to be  
385 decertified after the pipeline is built. If the company is operating  
386 the pipeline for interstate commerce only, it can petition the  
387 Commission to cancel its certificate. In that scenario, the  
388 Commission is just used as a pawn to obtain eminent domain  
389 authority and then stripped of its authority when it is no longer  
390 convenient for the company to be regulated. I do not believe that  
391 this scenario is a wise use of Staff's time or is very fair to the  
392 negotiation process.

393 Q. Do you have reason to be concerned about Enbridge carrying out  
394 this scenario?

395 A. Yes. On October 5, 2007, Mobil Pipe Line Company and Mustang  
396 Pipe Line LLC filed a joint petition asking for decertification of the  
397 Mustang pipeline (ICC Docket 07-0506). The pipeline operates in  
398 the same region of Illinois and carries the same general products  
399 as is proposed for the Southern Access Extension pipeline. The

400 petition claims that the pipeline no longer engages in intrastate  
401 commerce and therefore does not need to be certified by the  
402 Commission.

403 Q. How does Docket 07-0506 relate to the instant proceeding?

404 A. Enbridge owns 30% of the Mustang pipeline.

405 Q. Do you find it strange that Enbridge would simultaneously be  
406 seeking to certify one pipeline and decertify another pipeline that  
407 both offer basically the same services in the same geographical  
408 area?

409 A. Yes, I do. It reinforces my opinion that Enbridge's sole reason for  
410 the instant proceeding is to obtain eminent domain. It also makes  
411 me believe that once the pipeline in question is constructed,  
412 Enbridge will have no need to be regulated by the Commission and  
413 may seek to terminate its certificate.

414 Q. Should this be grounds for denying Enbridge's request in this case?

415 A. No. I am aware of no rule or law that prohibits obtaining a  
416 certificate for the sole purpose of gaining eminent domain powers.  
417 I am also aware of no rule or law that would prohibit Enbridge from

418 later requesting decertification if it is indeed involved in only  
419 interstate commerce. I am bringing up these issues only for the  
420 sake of presenting the full and complete record to the Commission,  
421 so that they can act on the information as they see fit.

422 Q. Should the Commission grant a certificate authorizing Enbridge to  
423 construct and operate the pipeline in question?

424 A. Not at this time, for the reasons set forth on pages 3-5 above.

425 **Eminent Domain Requirements**

426 Q. What are the Commission requirements to obtain eminent domain  
427 authority?

428 A. To obtain eminent domain, the utility must meet the criteria set  
429 forth in 8-509 of the Act. Section 8-509 states, in part:

430 When necessary for the construction of any  
431 alterations, additions, extensions or improvements  
432 ordered or authorized under Section 8-503 or 12-218  
433 of this Act, any public utility may enter upon, take or  
434 damage private property in the manner provided for  
435 by the law of eminent domain. 220 ILCS 5/8-509.

436 Q. What are the requirements set forth in Section 8-503?  
437

438 A. Section 8-503 states, in part:

439 Whenever the Commission, after a hearing, shall find  
440 that additions, extensions, repairs or improvements  
441 to, or changes in, the existing plant, equipment,  
442 apparatus, facilities or other physical property of any  
443 public utility or of any 2 or more public utilities are  
444 necessary and ought reasonably to be made or that a  
445 new structure or structures is or are necessary and  
446 should be erected, to promote the security or  
447 convenience of its employees or the public, or in any  
448 other way to secure adequate service or facilities, the  
449 Commission shall make and serve an order  
450 authorizing or directing that such additions,  
451 extensions, repairs, improvements or changes be  
452 made, or such structure or structures be erected at  
453 the location... 220 ILCS 5/8-503.

454 Q. Does the Petitioner meet these requirements?

455 A. Not at this time, for the reasons set forth on pages 3-5 above.

456 Q. Does this conclude your prepared direct testimony?

457 A. Yes, it does.