AmerenIP Exhibit 18.0 (3rd Revised)

ILLINOIS COMMERCE COMMISSION

DOCKET NO. 06-0706

SURREBUTTAL TESTIMONY

OF

ROGER CRUSE

SUBMITTED ON BEHALF

OF

ILLINOIS POWER COMPANY d/b/a AmerenIP
and
AMEREN ILLINOIS TRANSMISSION COMPANY

September 17, 2007

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I. WITNESS IDENTIFICATION

Q1. Please state your name and business address.

A. My name is Roger Cruse. My business address is 370 South Main Street in Decatur, Illinois, 62523-1479.

Q2. Are you the same Roger Cruse who provided Direct and Rebuttal Testimony in this proceeding?

A. Yes.

Q3. What is the purpose of your surrebuttal testimony?

A. The purpose of my surrebuttal testimony is to respond the concerns raised by interveners in their rebuttal testimonies regarding environmental and cultural issues that allegedly may impact the construction of AmerenIP's North LaSalle/Wedron/Ottawa proposed 138 kV transmission line.

II. RESPONSE TO IL 71 RESISTORS

Q4. Dr. Paul Mixon contends there is little difference between the IL 71 Resistors' route and the Ameren route from the perspective of impacts on bat habitat, wetlands, and forest fragmentation. Please comment on his position.

A. I disagree with Dr. Mixon's conclusions in regard to impacts on potential Indiana bat habitat, wetlands, and forest fragmentation. It is clear the IL 71 Resistors' route will require considerably more forest clearing along the Fox River leading to increased forest fragmentation, including more forest clearing within areas that are potentially suitable Indiana bat habitat. Further, the IL 71 Resistors' route has the potential to impact more

acreage of wetlands within their proposed right-of-way. I provide detailed explanations for these opinions in my responses –below.

Q5. Dr. Mixon states on page 27 of his Rebuttal Testimony you believe there will be greater potential impact on Indiana bat habitat because there are more trees near the IL 71 Resistors' route than there are near Ameren's proposed Green Route, because of your assumption that the presence of trees equates with the presence of suitable Indiana bat habitat. Do you agree?

A. No, I do not agree. As Dr. Mixon pointed out, the use of photographic interpretation can be used to identify the first two parameters of the habitat requirements. While NRC did not complete field habitat assessments within potential habitat areas of the IL 71 Resistors' route, such field assessments would most likely provide the same results as the aerial assessments, especially along the riparian forest of the Fox River where most of the potential habitat has been identified.

Q6. Dr. Mixon states on page 28 of his Rebuttal Testimony that AmerenIP Exhibit 11.10 indicates in the vicinity of the Ottawa-Wedron area, no 'potentially suitable' Indiana bat habitat has been identified along either the proposed Green Route or the IL 71 Resistors' route. Is this correct?

A. Yes, this is correct. AmerenIP Exhibit 11.10 is the IL GAP Analysis for the Indiana Bat. The IL GAP Analysis predicts potential Indiana bat habitat based on a computer generated model. While the IL GAP Analysis is a useful tool for identifying potential Indiana bat habitat, it is not the only method. The presence and/or absence of predicted Indiana bat habitat may be determined using other acceptable methodologies, and Ameren has made such determinations using aerial and field assessments.

Q7. Dr. Mixon also asserts Ms. Tweddale of INHS stated through e-mail that the only known location for the Indiana bat in LaSalle County is the Blackball Mine. Are you aware of this situation?

A. I am aware of the fact there is limited documentation or known records of Indiana bats within LaSalle County, and the only known records relate to the Blackball Mine. This was also identified within the Biological Assessment completed by NRC and was one of many considerations in reaching the conclusion that Ameren's primary route is not likely to affect the Indiana bat. Furthermore, the USFWS takes the position that all of Illinois is considered within the range of the Indiana bat and where suitable habitat is identified, Indiana bats are assumed to be present. This is an issue Ameren has been required to address based on consultation with USFWS. The Indiana bat is a federally endangered species and the USFWS is the lead agency in determining whether or not adverse impacts on the Indiana bat will result from this project.

Q8. Dr. Mixon implies that there should be no concern about Indiana bats because their known locations are primarily the Blackball Mine and Starved Rock Park. Is it your position that concern should only be limited to areas with actual Indiana bats?

A. No. Ameren's review of the primary and alternate routes focused on identifying *potentially suitable* Indiana bat habitat. As I discussed above, Ameren has been required to address the issue of impacts on suitable Indiana bat habitat based on consultation with USFWS under the requirements of Section 7 of the Endangered Species Act. The USFWS is the lead agency in determining whether or not the project is likely to affect the Indiana bat. The Blackball Mine and Starved Rock State Park are close to the project area, and all of LaSalle County is within the known range of the Indiana bat. For this

reason the USFWS determined the project "may affect" the Indiana bat and requested that Ameren conduct a Biological Assessment. Known documented records within the project area indicating the presence of the bat are only one of many factors that were used by Ameren in reaching the conclusions in the Biological Assessment. Therefore, it is not reasonable for Dr. Mixon to base his conclusion solely on the lack of documented records.

Q9. Dr. Mixon states on page 31 of his Rebuttal Testimony that while an 'aerial photographic review' may allow for a determination regarding two U.S. Fish and Wildlife's bat habitat characteristics, the only way to determine if the final two characteristics exist would be to visit the project area, examine the tree species, and the presence and percentage of peeling or loose bark on potential roost trees. How do you respond?

A. I agree with Dr. Mixon that the site would require a field inspection to determine these characteristics. While potentially suitable Indiana bat habitat was identified with aerial photographic interpretation, consideration of the forest composition was also incorporated into the determination.

Q10. Please comment on Dr. Mixon's assertions (pp. 31-32) that NRC did not undertake any field assessments for Indiana bat habitat nor prepare a Biological Assessment regarding the IL 71 Resistors' route or any other alternative route for the Ottawa-Wedron line.

A. Ameren has not undertaken complete field assessments for Indiana bat habitat or prepared a Biological Assessment regarding the IL 71 Resistors' route or any other alternative route for the entire project. However, Ameren has completed a comparable

assessment between the two routes utilizing acceptable methodologies. It is important to note, as explained above, that the methods we used to compare the two routes were appropriate. A Biological Assessment was completed for Ameren's primary route to solely to determine whether or not the project would adversely impact a federally listed species

Q11. Dr. Mixon concludes (page 29) that Ameren used a superficial 'aerial photographic review' to presume the presence of potentially suitable Indiana bat habitat along the IL 71 Resistors' route, but an entirely different and more searching analysis to determine less Indiana bat habitat impacts along the Green Route. He concludes that by using two different standards Ameren has overstated the impact of the IL 71 Resistors' route. Do you agree?

A. No, I do not agree that Ameren has overstated the potential impact of the IL 71 Resistor's route. Ameren did not use a superficial process to identify potentially suitable Indiana bat habitat. Additionally, while a field assessment of habitat was completed within Ameren's primary route, I do not consider the processes entirely different. Initial determinations of potential Indiana bat habitat within Ameren's primary route were completed using the same methodology (i.e. aerial photographic interpretation and general knowledge of project area) as completed with the IL 71 Resistors' route. Thus, it is reasonable to expect that a field survey of the IL 71 Resistors' route would provide similar results to the aerial assessment.

Q12. Dr. Mixon states on page 33 of his Rebuttal Testimony that "in my opinion there would be no substantive difference between the IL 71 Resistors' route and Green Route from the perspective of impacts on Indiana bats." Is this correct?

A. No, I disagree with Dr. Mixon. Ameren has provided clear evidence that the IL 71 Resistors' route will require more woodland clearing through potentially suitable Indiana bat habitat. Therefore, there is a substantial difference between these two routes from the perspective of potential impacts on Indiana bat habitat.

Q13. Dr. Mixon also indicated you have "overstated" the impact of the IL 71 Resistors' route in regards to potential Indiana bat habitat clearing because the acreage of potentially suitable habitat within the IL 71 Resistors' route was based on clearing a 100-foot right-of-way "when in fact, the total width will be 50 feet along this section of the route." Dr. Mixon further claims "by using the proper right-of-way width, the potential acreage impact for the IL 71 Resistors' route should be adjusted downwards to at most 20 acres, and possibly much lower." Is this a correct analogy?

A. Dr. Mixon is correct that the acreage of potential Indiana bat habitat within the IL 71 Resistors' proposed route was derived from a 100-foot wide right-of-way. While the actual right-of-way may not require 100 feet of clearing along the entire route, the potential impacts may be slightly conservative but are not overstated. In comparison, the acreage of suitable Indiana bat habitat within Ameren's primary route was also calculated based on a 100-foot right-of-way when the right-of-way may be much less along a significant portion of the route. However, in order to address Dr. Mixon's concern, the acreage of potentially suitable habitat within the IL 71 Resistors' route and Ameren's primary route was recalculated based on a 50-foot right-of-way where the routes parallel an existing railroad or roadway corridor. A 100-foot right-of-way was maintained where the routes do not parallel an existing corridor. My position remains the same in that the

IL 71 Resistors' route has the potential to impact more Indiana bat habitat and that the acreages identified in my rebuttal testimony were not overstated.

Q14. Dr. Mixon (p. 34) also expresses concern that Ameren did not undertake a field delineation of wetlands for the IL 71 Resistors' route. Can you comment on his concern?

A. Ameren did not complete field wetland delineations within the IL 71 Resistors' route. However, under my direction NRC identified wetlands based on review of aerial photographs utilizing stereo pairs, topographic maps, National Wetland Inventory maps, and general knowledge of project area based on visual inspections from public right-of-ways where possible. Low lying areas possessing wetland signatures such as evidence of ponding, flooding, impacts of prolonged saturation (e.g. crop damage), or drainage patterns were identified as wetland on aerial photographs. The same method was applied to Ameren's primary route prior to completion of field wetland delineations. I have no reason to believe the methods used to compare wetland acreage between routes raise a valid concern. I would expect a field delineation of wetlands on the IL 71 Resistors' route would produce similar findings as the aerial assessment, as was the case with Ameren's primary route.

Q15. Dr. Mixon also states the acreage of wetlands within the IL 71 Resistors' route is flawed because "Mr. Cruse assumes that the right-of-way for the IL 71 Resistors route is 100 feet wide when it will in fact have a 50 foot right-of-way….When the proper right-of-way is taken into account the IL 71 Resistors route may impact at most only 2.4 acres of wetland (and possibly even less), not 4.8 acres as claimed by Mr. Cruse." How do you respond?

A. The analysis was not flawed. Wetland acreages for both Ameren's primary route and IL 71 Resistors' route were both based on 100-foot right-of-ways, when in fact both routes could have narrower right-of-ways. However, in order to address Dr. Mixon's concern, the total wetland acreages were recalculated based on a 50-foot right-of-way for both routes in areas where the route is adjacent to an existing railroad or roadway corridor. A 100-foot right-of-way was maintained in areas that do not parallel an existing corridor. My position therefore remains the same, that the IL 71 Resistors' route has the potential to impact more wetlands than Ameren's primary route.

Q16. Dr. Mixon states on page 34 of his Rebuttal Testimony that "proposed Green Route would cross 14 waterways and pass over 4 wetlands, while the Alternate #2 route (which is very similar to the IL 71 Resistors' route) would cross only 8 waterways and 1 wetland. As a result, … it is my opinion the IL 71 Resistors' route also has the potential to impact less wetlands than Ameren's proposed route." Do you agree?

A. Dr. Mixon is responding to workpapers that were an early analysis of Ameren's primary and alternative routes. A more detailed refinement of wetland boundaries and a more detailed analysis of wetland acreage utilizing GIS technology have been completed since this initial environmental summary. Therefore, I disagree with Dr. Mixon's conclusion.

Q17. Dr. Mixon states on pages 35-36 of his Rebuttal Testimony "With reference to the Ottawa-Wedron Alternative route #2 (the Red route, which is very similar to the IL 71 Resistors' route), Emmons Workpapers #13 states that: 'No state natural areas, known or endangered species, or cultural or historic resources are located within the proposed route.' He therefore believes the entire area is already 'highly

disturbed,' including its habitat and waterways from agricultural, industrial, commercial and other uses." How do you respond?

A. I agree from a landscape perspective the project area as a whole can be considered "disturbed", insofar as it includes impacts on its habitats and waterways from agricultural, industrial, commercial and other uses. However, Dr. Mixon has taken this statement out of context since it is in reference to the entire project area. Dr. Mixon overlooked the summary statement in this workpaper that addressed Alternate route #2 (i.e. IL 71 Resistors' route). This is the same area that Ameren has identified as susceptible to forest fragmentation within potentially suitable Indiana bat habitat along the IL 71 Resistors' route.

Q18. Please comment on Dr. Mixon's testimony (p. 35) regarding the letters from the IDNR.

A. The letters from IDNR speak for themselves. Dr. Mixon's summary of the letters was an apparent attempt to disqualify the significance of their content. Dr. Mixon states the only position taken by IDNR in its letter is "the IL 71 Resist alternative appears likely that it would further fragment a significant portion of the western shore line of the Fox River." Dr Mixon further states "it [the IDNR letter] goes on to state that it objects to any alternative alignment likely to increase fragmentation of remaining wooded areas in the vicinity or encroach upon designated public resources and areas." Dr. Mixon indicates that this portion of the letter is directed toward PROTED 80's route. However, if Dr. Mixon would have completed the previously quoted sentence within the letter it states that "this includes …the Fox River Illinois Natural Area and its riparian corridor." The IL 71 Resistors' route is located within the riparian corridor of the Fox River Illinois

Natural Area for a considerable distance, and so the letter clearly expresses opposition to the IL 71 Resistors' route's impact on wooded areas.

Q19. Dr. Mixon quotes from a portion of the minutes taken at a meeting with Ameren, IDNR, and USFWS regarding a statement made by Mr. Joe Kath (IDNR) in which he "was more concerned with the impacts that may result from further fragmentation of the [Little Vermilion River] and was not in favor of the current primary route because of this impact." Is this the primary route that Ameren is proposing now?

A. No, this is not the primary route Ameren is currently proposing. This particular concern raised by Mr. Kath was in reference to a route segment Ameren was evaluating that crossed the Little Vermilion River south of I-80 through a heavily wooded area, which is illustrated in Ameren Exhibit 9.6 as a dashed green line labeled 3020. Ameren has satisfactorily addressed this IDNR concern with its current routing.

Q20. Dr. Mixon also quotes another statement made by Mr. Kath as reported in the same meeting minutes. Mr. Kath "stated with certainty that this project [i.e., the entire LaSalle-Ottawa-Wedron project] regardless of which of the alternative routes is chosen there will not be any impacts on Indiana bat or their habitat." Did Dr. Mixon interpret this statement correctly, particularly in regards to Dr. Mixon's own insertion into the statement "i.e., the entire LaSalle-Ottawa-Wedron project"?

A. No, Dr. Mixon misinterpreted Mr. Kath's statement and made an insertion into this statement that misrepresents what the discussion was referencing. The primary focus of this meeting was to develop a route from the North LaSalle area to the I-80/I-39 interchange (the west portion of the North LaSalle-Wedron route) that would avoid and

minimize environmental impacts. At that time, Ameren was evaluating several potential route segments to achieve this connection. These route segments are identified on Ameren Exhibit 9.6. Due to the initial concerns raised by USFWS in regards to the existence of a known hibernaculum at Blackball Mine south of I-80, and IDNR concerns in regards to Mitchell's Grove Nature Preserve north of I-80, Ameren requested a joint meeting between these agencies to discuss the various route segments and environmental implications. When Mr. Kath made reference to the various alternate routes he was referring to the various alternate route segments identified on Ameren Exhibit 9.6 for the North LaSalle to I-80/I-39 portion of the project. The Ottawa-Wedron routes were not a topic of this meeting. Ameren developed the segment of its current primary route from North LaSalle to the I-80/I-39 interchange which alleviated the IDNR concerns regarding forest fragmentation and proximity to nature preserves. In addition, this route segment avoided high quality, suitable Indiana bat habitat that was identified in areas adjacent to the Little Vermilion River which also alleviated the initial concerns the USFWS expressed in regards to proximity to the Blackball Mine.

III. RESPONSE TO PROTED 80

Q21. What is your general response to Mr. Dee Bennett's testimony regarding the environmental impacts of PROTED 80's and Ameren's routes?

A. My position remains the same that, based on environmental impacts, Ameren's proposed primary route is superior. Mr. Bennett has offered no meaningful evidence to support his position.

Q22. Mr. Bennett states on page 21 of his Rebuttal Testimony that PROTED 80's proposed new routing for its Alt 1 route "would not only take the route out of the

technical jurisdiction of the Maze Woods Nature Preserve, it would also minimize any interference or fragmentation of the Indiana bat habitat or other habitat that relies on contiguous forest." Do you agree?

A. I agree that by taking the route out of the Maze Woods Land and Water Reserve, fragmentation of potential Indiana bat habitat and impacts on the Reserve would be reduced. However, even taking the route out of Maze Woods would not make it preferable to Ameren's primary route in terms of environmental impacts, specifically in regards to wetlands impact further east where the line would cross Buck Creek.

Q23. Please comment on Mr. Bennett's testimony (p. 20) regarding the Biological Assessment's findings.

A. I agree with Mr. Bennett's summary of the findings reached within the Biological Assessment for Ameren's primary route. However, the Biological Assessment was completed in order to determine whether or not the project will have an adverse affect on federally listed species per the requirements of Section 7 of the Endangered Species Act. While I agree similar conclusions could theoretically be reached if a Biological Assessment were completed for the PROTED 80 Alt 1, these conclusions—should they be reached—would not cover all potential environmental impacts. This is because the Biological Assessment has a limited application assessing the effects on federally protected species and, therefore, does not support the conclusion that the routes are equal when considering all environmental impacts. Instead, Ameren would expect the Commission to consider the record as a whole when weighing the merits and demerits of any route, including in total the environmental issues or impacts.

Q24. Mr. Bennett states on page 23 of his Rebuttal Testimony that "A field survey for PROTED 80 Alt 1 would likely reduce the actual wetland acreage to something very similar to Ameren's primary route." Do you agree?

A. I disagree with Mr. Bennett's assumption that wetland acreage identified by aerial photographic interpretation would be reduced from 15 acres to an acreage similar to Ameren's primary route (2.8 acres) based on field verified wetland delineations. Mr. Bennett attributes this assumption based on the claim that the acreage of wetlands with Ameren's primary route identified by aerial photographic interpretation was reduced substantially following a field evaluation. This is simply not true. While the wetland boundaries were further refined based on the field evaluations, the acreage of wetland within the right-of-way was not substantially reduced. Mr. Bennett makes the assumption that wetland acreage was substantially reduced following field surveys based on my response to PROTED 80 Data Request 5-17 (c) which is referenced and included in his rebuttal testimony as PROTED 80 Schedule 2.11. This exhibit is a summary table that lists each wetland and the characteristics of each wetland identified along Ameren's primary route from North LaSalle to Wedron as a result of field evaluations, aerial interpretation, and assessments from public right-of-ways. Mr. Bennett apparently did not understand the content of the summary table as it does not provide any reference to wetlands identified from aerial photographic interpretation that were discounted based on field surveys. My opinion remains the same that PROTED 80 Alt 1 has the potential to impact more wetlands than Ameren's primary route. However, I would acknowledge that along the Proted 80 Alt 1 route (and Ameren's primary route for that matter), the amount of wetlands actually impacted by the construction of a transmission line (as opposed to

potentially impacted) could be reduced or eliminated by line design, pole placement, or other mitigation measures.

Q25. Mr. Bennett states on page 23 of his Rebuttal Testimony that responses obtained by Ameren from IDNR and INPC were based on its misrouting of PROTED 80 Alt 1 through the northern edge of the Maze Wood Nature Preserve and, therefore, the responses are something of a red herring. How do you respond?

A. Mr. Bennett concedes in his rebuttal testimony that "I was not detailed enough in my route descriptions and that the maps and photographs provided by PROTED 80 did not provide enough detail about where along certain property lines the route would or could run." If PROTED 80 Alt 1 is not routed through Maze Woods, the concerns of the IDNR and INPC regarding that segment of the route would not apply.

Q26. Mr. Bennett states on page 25 of his Rebuttal Testimony that "I think the preservation of Indiana bat habitat favors PROTED 80 Alt 1." Do you agree?

A. If the PROTED 80 Alt 1 route is in fact located north of Maze Woods, I would conclude that both routes are equal in this regard.

Q27. Mr. Bennett states on page 26 of his Rebuttal Testimony "Based on these comments it appears that all of the attention being given to Indiana bat habitat in these proceedings may be another red herring, since, as Ameren has been aware for some time, it appears that there are very few Indiana bats in La Salle County and they are limited to the winter months around the Blackball Mine area." How do you respond?

A. As I discussed above, Mr. Bennett apparently does not understand the significance of Indiana bats and their associated habitat in Illinois. The USFWS, through consultation with Ameren, made the determination that this project "may affect" the Indiana bat based on the presence of potentially suitable habitat and the project location within the habitat range of the Indiana bat. Because of these potential impacts, the USFWS subsequently requested completion of a Biological Assessment. While consideration was given to the lack of known records of Indiana bats in the project area, this was only one factor considered when reaching the final conclusions**.**

Q28. Mr. Bennett states on page 22 of his rebuttal testimony in reference to Buck Creek "the existence of a distribution line demonstrates that the construction and maintenance of a power line through this area can be accomplished to a level acceptable to the Corps of Engineers with minimal effect on the environment." Do you have a response to this?

A. As I explained in my rebuttal testimony, Buck Creek is identified as an Illinois Natural Area Inventory Site ("INAIS"). Although there is an existing distribution line, the potential impacts on this waterway and large wetland complex are significantly greater than any potential wetland impact along Ameren's primary route. The removal of existing distribution poles and installation of steel transmission poles on foundations requires the use of large, heavy equipment through the wetland, a considerable amount of concrete, and multiple stream crossings over the meanders of the waterway. As part of the US Army Corp of Engineers wetland permitting process, the applicant must first demonstrate that impacts on wetlands have been avoided to the most practical extent possible, which Ameren's proposed primary route clearly accomplishes. Additionally,

since this is an INAIS, by definition there may be habitat for threatened and endangered species which could trigger additional regulatory constraints if such species are in fact present. Based on the potential for impacts on this Illinois Natural Area Inventory Site, in addition to the greater extent of wetland habitat present within the PROTED 80 Alt 1 route, I conclude that Ameren's route is superior in regards to avoidance of wetland habitat. However, I believe that Ameren could, if necessary, obtain a permit from the US Army Corp of Engineers to construct a transmission line through the Buck's Creek area (and other wetland areas along the Proted 80 Alt 1 route).

IV. RESPONSE TO SOLVE

Q29. Dr. Franklin Jasiek states on page 5 of his Rebuttal Testimony that "PROTED 80's routes in general and its Alt 1 in particular, will impose the least impact, especially from an environmental point of view." Do you agree?

A. I disagree with Dr. Jasiek's opinion. From an environmental point of view Ameren's proposed primary route is superior, especially in regards to wetland habitat impact. Since neither route directly impacts Illinois Nature Preserve Commission designated lands and both have similar impacts on potentially suitable Indiana bat habitat.

Q30. Dr. Jasiek also asserts that Ameren overstates the likely existence of Indiana bat populations in general, while ignoring the greater likelihood of those populations on its primary route due to the greater proximity of its primary route to the Blackball Caves. Do you agree?

A. No, I disagree. Ameren did not overstate the likely existence of Indiana bat populations. Ameren's discussion has revolved around impacts on suitable Indiana bat habitat as it

pertains to the USFWS concerns regarding Section 7 of the Endangered Species Act. While proximity to Blackball Mine is a concern as it relates to fall swarming activity, based on consultation with USFWS and IDNR, it was determined that swarming activities occur only at the entrance to the mine. Ameren's proposed primary route is not within the range of such swarming activities.

Q31. In particular, Dr. Jasiek states on pages 15-16 of his Rebuttal Testimony that "According to the Biological Assessment of NRC, on July 27, 2006 Ms. Lindh (USFWS Rock Island Field Office), 'She indicated that the USFWS had determined that there is a 5-mile buffer around Blackball Mine and that the presence of the buffer would have serious implications on all of the proposed southern routes that impact suitable habitat.'" How do you respond?

A. Ms. Lundh did indicate there is a five-mile buffer around Blackball Mine and expressed concern regarding routes impacting fall swarming habitat within this buffer. However, based on further consultation with USFWS and IDNR, as also described in the Biological Assessment, the consensus of these agencies was that this was an overly conservative buffer since the intention of the buffer is to protect the fall swarming habitat and swarming activities of the bats. Documentation of the fall swarming activities has demonstrated the Indiana bats swarm only at the entrance to the mine during this period, not within the full five miles. Since there are no proposed routes within the vicinity of the swarming area of the bats, this is not an issue. Indeed, Dr. Jasiek admits to this similarity in his rebuttal testimony (page 22 lines 435-438) by summarizing his discussion with Todd Bittner (IDNR) when he states, "bats may move 100 miles from the

winter hibernaculum at the Blackball Mines, which could impact any or all of the suggested routes…"

Q32. Dr. Jasiek states on page 16 of his Rebuttal Testimony "it is still obvious that PROTED 80's Alt 1 is the best available route to avoid the Indiana bat." Is this correct?

A. Assuming the PROTED 80 Alt 1 avoids Maze Woods Land & Water Reserve, the two routes are essentially equal in regards to avoidance of the Indiana bat, since both routes contain similar amounts of potentially suitable habitat. Of course, there are other environmental factors that favor the Ameren primary route.

Q33. Dr. Jasiek asserts the real concern with the Electric Utilities Co. and M&H Zinc superfund sites is runoff and sediment exiting from the sites, which may be disturbed by construction. Do you agree with his concern?

A. No. As I discuss in my rebuttal testimony, Ameren has discussed the location of the primary route with respect to the M&H Zinc Co. Superfund site with the IEPA and USEPA. Neither agency takes the position the construction will impact the remediation process or pose a public health concern. In accordance with USEPA recommendations, Ameren will practice due diligence in the project area closest to this Superfund site in the same manner that is practiced in other potentially contaminated areas encountered by Ameren. These agencies do not believe that construction of the primary route will impact the ongoing remediation of these sites or pose a public health concern. Ameren will continue coordination with both the IEPA and USEPA regarding both these Superfund sites.

Q34. Please describe what is meant by "practicing due diligence" with regard to these sites.

A. In its discussions with the IEPA and USEPA regarding the two sites, Ameren committed to practicing due diligence in its construction methods by conducting analytical testing in the vicinity of these two sites. This testing will characterize the soils to determine whether the need exists for conducting remediation of any contamination, and it will ascertain if any protective measures related to employee safety need to be taken. In addition, Ameren will be taking steps to minimize construction stormwater runoff from entering any stream or body of water in accordance with approved Illinois EPA standards. This will be accomplished by preparing a Stormwater Pollution Prevention Plan that describes specific engineering practices for minimizing erosion. Some of these erosion controls consist of installing physical barriers to capture soil runoff, inspecting the construction area on a weekly basis and after a storm event of ½ inch or more to ensure adequate steps are being taken to reduce sediment runoff, and reseeding any disturbed area after construction has been completed.

Q35. Dr. Jasiek also recommends that Ameren be ordered to do an environmental impact study of the area near these Superfund sites. Is this necessary?

A. No. As stated above, Ameren has consulted with USEPA and IEPA about these sites and neither agency has expressed a concern. Ameren will continue to work with both the IEPA and USEPA regarding these sites to avoid disturbance of any identified contamination that may have resulted from the operation of either of these companies.

Q36. In his testimony about the potential for Ameren's primary route disturbing known contamination from either of the Superfund sites near LaSalle, Dr. Jasiek makes

reference to "the unnamed stream which passes through the proposed route, is the source of some of the problems which affect the river, causing it to be on the 303D list." How do you respond?

A. While Ameren does not dispute this point, it becomes a moot issue because the construction of the proposed route will occur on a bluff area above this stream where an abandoned railroad right-of-way exists.

Q37. With regard to Dr. Jasiek's testimony on page 23, has Ameren acknowledged the community's concern over EMFs?

A. The implication from Dr. Jasiek's testimony is that Ameren placated one community's concern about EMF by imposing that concern on another when it changed the routing of its primary line. However, Ameren's decision to move to its current primary route is not an "acknowledgement" of concern over EMFs. There were many factors taken into consideration in reaching the decision that a different route would be more satisfactory. Some of the factors that were evaluated include environmental concerns, verbal and written recommendations from Ameren customers attending the four, open workshops, engineering aspects of the construction, historic property ownership and farmland impacts—to name a few. As indicated in earlier rebuttal testimony "Ameren avoids, wherever possible, occupied structures along the proposed routing of its transmission lines." One of the factors that influenced the decision to change the LaSalle to Wedron primary route was the determination that the number of occupied structures within 200 feet of the centerline would be reduced from 44 to 15 (refer to AmerenIP Exhibit 3.3). Additionally, this change would eliminate the presence of all three of the elementary schools located along the original primary route.

V. RESPONSE TO LASALLE-PERU SCHOOL DISTRICT

Q38. The witnesses for the LaSalle-Peru School District assert there is a concern about EMFs from Ameren's transmission lines. Are these concerns justified?

A. No. As I state in my rebuttal testimony, based on scientific research that has been conducted for over 30 years, there is no sufficient, reliable evidence to conclude that long-term exposures to electric and magnetic fields at levels found in communities or occupational environments are adverse to human health or cause any disease. The general consensus of the scientific community is that the evidence for any harmful effect related to EMFs is inconclusive.

Q39. Dr. Craig Carter states on page 5 of his Rebuttal Testimony that "The District believes, in light of the conclusions made by the World Health Organization in its fact sheet (Dist. No. 120 Exhibit 2.4), that the electromagnetic field (EMF) emissions likely to radiate from a new transmission line, might increase the potential for adverse health conditions among students, visitors, and staff on the District's property." Does the World Health Organization fact sheet he references support his conclusion?

A. No. In fact, what the WHO fact sheet supports are the opinions I expressed in my rebuttal testimony (AmerenIP Exhibit 11.0). For example, in the section titled, "Potential Long-term Effects," the WHO commented that the International Agency for Research on Cancer (IARC) classified EMF magnetic fields as "Possibly Carcinogenic to Humans" based on pooled analyses of epidemiological studies showing an association with childhood leukemia. However, the fact sheet concludes: "given the weakness of the evidence for a link between exposure to ELF magnetic fields and childhood leukemia, the

benefits of exposure reduction on health are unclear." This association, moreover, as pointed out in my rebuttal testimony, does not relate to a causal effect and only means that the result tends to occur in the presence of, or in conjunction with, some factor. Further, as the WHO fact sheet goes on to state, this classification is based on *limited evidence of carcinogenicity in humans and less than sufficient evidence for carcinogenicity in experimental animals*. Thus, it becomes clear that "limited evidence" in determining a cause-and-effect relationship lacks sound support from other scientific disciplines (i.e. physics, chemistry and biology) to reach a definitive conclusion. As a supplement to this point the WHO also indicates that "…there are no accepted biophysical mechanisms that would suggest that low-level exposures are involved in cancer development. Thus, if there were any effects from exposures to these low-level fields, it would have to be through a biological mechanism that is as yet unknown. Additionally, animal studies have been largely negative. Thus, on balance, the evidence related to childhood leukemia is not strong enough to be considered causal." Not only has limited scientific evidence been found to link any adverse health effect to EMF magnetic fields, but as the WHO further states, "…if ELF fields actually do increase the risk of the disease, when considered in a global context, the impact on public health of ELF EMF exposure would be limited." As a result, the WHO fact sheet does not support Dr. Carter's position.

Q40. Does this conclude your Surrebuttal Testimony?

A. Yes.