

1 **REBUUTAL TESTIMONY OF DONALD M. ROBINSON**
2 **PRESIDENT OF DM ROBINSON, INC.**
3 **DBA/DRY UTILITY SERVICES**
4 **PHOENIX, ARIZONA**

5 **Q. Please state your name and business address.**

6 A. My name is Don Robinson. My business address is 4216 North 44th Street, Phoenix,
7 Arizona 85018.

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

9 A. I am the owner of Dry Utility Services and am employed as the President and a Project
10 Manager. My function is to provide coordination and consulting services for our clients
11 regarding the provision of electric, communications and natural gas service.

12 **Q. Are you a professional engineer?**

13 A. No.

14 **Q. What is your work experience relating to electric transmission lines?**

15 A. I have been working as a private consultant/coordinator since December 1975. Prior to
16 that, I worked for San Diego Gas and Electric where, as a result of my job, I became
17 familiar with the mechanics of utility placement, and the rules and regulations regarding
18 utility placement plus overhead, underground, electric and natural gas design functions.

19 Over the past 30 years as a private consultant I have coordinated the relocation, extension
20 and/or under grounding of overhead 34KV, 69KV, 120KV, 160KV, and 230KV electric

21 transmission lines. Although I do not participate in the actual design preparation for the
22 relocation or under grounding projects I have worked on, I have assisted my clients and,
23 in many cases utility companies, to determine a route that has resulted in an efficient
24 extension, relocation or under grounding design. I would estimate that, over the course
25 of the last thirty years, I have been involved in the relocation, new extensions and/or
26 under grounding of approximately 12 different locations. We have also frequently
27 worked to obtain approvals for improvements and landscaping within existing
28 transmission line corridors.

29 **Q. What is your educational background?**

30 A. I hold a Bachelor of Arts degree in Public Administration from San Diego State
31 University.

32 **Q. What is the purpose of your testimony?**

33 A. I have been retained by the Village of Huntley to assist Dr. Paul Mixon in the preparation
34 of his professional testimony, in which he has proposed and explained a route referred to
35 as the Modified Freeman-Galligan route. I have spent time at the site visually assessing
36 the Modified Freeman-Galligan route. More recently, I was asked to assist Dr. Mixon
37 with a visual assessment in response to the rebuttal testimony from ComEd witness,
38 Donnell Murphy. Ms. Murphy indicated that the Modified Freeman-Galligan route
39 would cause substantial negative impact as a result of vegetation removal from the Kane
40 County Forest Preserve and that the Modified Freeman-Galligan route ran through a

41 portion of a subdivision currently being developed by Neumann Homes, Inc., known as
42 The Conservancy.

43 **Q. Have you recently visited the site to make an assessment regarding the impacts of**
44 **the modified Freeman/Galligan route?**

45 A. Yes. I visited the site on December 18, 2007 and then again on January 9, 2008.

46 **Q. Do you concur with Ms. Murphy's concerns about the potential impact on**
47 **vegetation of a tangent line along the Modified Freeman-Galligan route from**
48 **Galligan Road to Power Road?**

49 A. If you insist on a strict tangent line, you could (as I believe Ms. Murphy has done) place
50 it to maximize the potential negative impact on vegetation in the Forest Preserve. In my
51 experience, however, it is common practice to deviate from a tangent line in order to
52 avoid sensitive areas and mitigate negative impacts. By making a very few minor
53 adjustments to the tangent alignment, the Modified Freeman-Galligan route could avoid a
54 major portion of the negative impact Ms. Murphy identifies.

55 I think its also important to bear in mind that even a 50' right of way does not require a
56 50' swath of complete vegetation clearance. In response to a data request from the
57 Village of Huntley, ComEd provided its vegetation management plan. Not surprisingly,
58 that plan indicated that for a single circuit pole, ComEd allows vegetation starting at the
59 pole to remain (VCM-138-1B Rev2PDF). Therefore, in order to avoid cutting all trees,

60 the poles needs to be set where access can be provided and where vegetation is trimmed
61 to be no taller than 10-feet to 22-feet depending on the span length and location of the
62 vegetation. Other taller trees can co-exist along the edge of the right of way.

63 **Q. Describe your findings regarding the Modified Freeman-Galligan route where it will**
64 **extend west from Galligan Road to Powers Road.**

65 A. The modified route leaves Galligan Road approximately one-half mile north of Freeman
66 Road and parallels the south branch of the Kisuwaukee River extending west. We propose
67 staying south of the tree line (thus preserving that tree line) and extending west to the
68 railroad crossing. West of the railroad, I believe a slight variation from the tangent
69 alignment will eliminate a significant amount of the negative affects noted by
70 Ms. Murphy. Specifically, I found extensive vegetation along a portion of a direct
71 east/west route extending west from the railroad to a point approximately half way to
72 Powers Road. The tree impact can be minimized by slightly shifting the line to the
73 northwest starting on the east side of the railroad right-of-way. Then, a slight turn would
74 allow the line to run generally west. Another slight northwest turn would allow the line
75 to run through an area where tree trimming would be minimized. Another turn southwest
76 through an area of small trees will complete the extension across the forested area. Then
77 a west extension to Powers Road, then south to Freeman Road will cross an area free
78 from tree vegetation. Attached as Huntley Exhibit 5.1 to this testimony is a route
79 drawing that graphically shows this slight variation.

80 **Q. Is this a new route, replacing the Modified Freeman-Galligan route?**

81 A. No. This merely reflects one simple means to implement the general route reflected by
82 the Modified Freeman-Galligan route to avoid the negative impact that Ms. Murphy
83 identified from a strict tangent line. In my experience, it is commonplace for a utility to
84 introduce minor variances when the actual design is engineered to handle the real-world
85 conditions for placing its transmission facilities.

86 **Q. Has Ms. Murphy identified any other impacts of the Modified Freeman-Galligan**
87 **route that you believe are avoidable?**

88 A. Ms. Murphy suggests that a line of trees running down the east side of Powers Road will
89 have to be removed to make way for the Modified Freeman-Galligan route. In fact, just
90 east of that line of trees there is an open corridor. By constructing the line east of the
91 Powers Road trees, Com Ed would eliminate the need to remove vegetation, and it would
92 also allow ComEd to leave the line of trees Ms. Murphy identifies as an additional visual
93 buffer between the transmission line and the six houses on the west side of Powers Road.
94 Following that open corridor on the east side of the treeline, I did not see any vegetation
95 impacts extending south for the half-mile distance along Powers Road to Freeman Road.
96 However, it does appear there will be a need for tree removal extending west on the north
97 side of Freeman Road from the Powers Road intersection.

98 **Q. Can you provide a clearer graphic explanation to illustrate your findings?**

99 A. Yes. I have attached as Huntley Exhibit 5.2 a series of photographs 1 through 12 that I
100 took on the morning of December 18, 2007. Huntley Exhibit 5.1 shows where each
101 photograph was taken. In addition, on each picture, I have had a line superimposed that
102 shows in general where the Modified Freeman-Galligan route could be placed to avoid
103 significant negative impacts.

104 **Q. Please describe what your photographs show.**

105 A. Each photograph is captioned with a general explanation of what it depicts. I can tell you
106 as the photographer and from my independent observations that each picture fairly and
107 accurately depicts the scene indicated in the captions.

108 1. This photograph shows the start of the route (heading from east to west), looking
109 west from Galligan Road along our modified route just south of Kishwaukee
110 River South Branch. You will note that the line runs south of the current line of
111 small trees, which would not need to be removed. Although manhole frames and
112 covers can be seen extending through the snow, there were no indications of any
113 roads or other utilities. On January 9th when I visited the site after the snow had
114 melted, the area appeared to be plowed for agricultural purposes. There were no
115 roads or dry utilities (e.g., electricity and telephone) visible in this area.

- 116 2. Continuing west, this photograph looks west along the Modified Freeman-
117 Galligan route just south of the Kishwaukee River at a tree hedge. This is where
118 Ms. Murphy indicated the Modified Freeman-Galligan route would cross a
119 retention basin, but I saw no indication that such a basin had been built or any
120 signs of improvements other than the raised manhole frames and covers.
- 121 3. I walked to the tree hedge illustrated in picture 2. This picture continues looking
122 generally west toward the railroad right-of-way.
- 123 4. This photograph is taken from the east side of railroad tracks looking
124 west/northwest at a clearing, just north of the major tree cluster. I believe the
125 major tree cluster is one of the features that Ms. Murphy indicated would have to
126 be cleared in order to provide a strict tangent line. As can be seen from my
127 photograph, a slight turn toward the northwest minimizes this problem. I believe
128 that the tree in the center of this picture may need to be removed plus a side trim
129 of the trees left of the general route line may be needed.
- 130 5. Picture 5 was taken at the north edge of the major tree cluster in picture 4
131 continuing to look west. To reduce access problems, the small trees in the
132 left/center of this picture may need to be removed. I would note that there is
133 another single row of trees west of the area illustrated in picture 5 that the line
134 would extend through. Three or four additional trees in this area would need to be
135 removed or significantly topped.

- 136 6. This photograph was taken on the east edge of the Powers Road right-of-way
137 looking back to the east.
- 138 7. Picture 7 was taken at the edge of the slope shown on picture 6. This picture is
139 again looking generally east to illustrate the clearing after passing through the
140 vegetation area illustrated in pictures 4 and 5.
- 141 8. This photograph looks south down the east side of Powers Road, one-half mile
142 north of Freeman road. The line of trees in the right side of the picture are the
143 trees that Ms. Murphy said would need to be cleared. But, as can be seen from
144 this photograph, a transmission line placed where it is indicated here would
145 preserve those trees as a buffer to the road and to the houses on the west side of
146 the road.
- 147 9. Picture 9 was taken at the intersection of Powers Road and Freeman Road looking
148 west. This area was part of the Original Freeman-Galligan route. The cell tower
149 on the south side of the road is shown on the horizon. I believe that several trees
150 on the north side of Freeman Road would need to be removed for the line to be
151 built on the north side of the road.
- 152 10. After passing the initial trees on the north side of Freeman Road looking west,
153 picture 10 illustrates where the line could be transitioned to the south side of the
154 road.

155 11. Picture 11 was taken at the same general spot as picture 10, only now looking
156 east. The Powers Road intersection is at the road ridge in the picture. This
157 picture depicts the area where vegetation clearing across the front of three houses
158 may be required.

159 12. Picture 12 was taken on the south side of Freeman Road near the location where
160 both transmission line routes turn south to cross I-90. This picture most clearly
161 shows the new cell towers that appear to be too close to the Freeman right-of-way
162 to allow the new transmission line to be placed on the south side of the road.

163 **Q. Can you summarize your findings regarding the Freeman/Galligan route through**
164 **this area.**

165 A. As I explained earlier, I found very little vegetation and no completed lots (in the area
166 known as the Conservancy) between Galligan Road and the railroad crossing. By
167 refining the Modified Freeman-Galligan route to extend north around dense vegetation in
168 the Forest Preserve, it appears that some trees will still have to be removed. However,
169 the variation does allow a route that avoids the cluster of trees that would have been
170 impacted by a tangent line between Galligan and Powers Road and significantly reduces
171 the necessity of tree clearing.

172 **Q. How did you match your photographs to the points on your map?**

173 A. A survey crew met me on the morning of December 18th and located the half-mile point
174 on Galligan Road, at Powers Road and where the railroad crosses the route. I walked the

175 first eighth mile west from Galligan Road to take picture 3. I walked the railroad right-
176 of-way from Freeman Road north to the half-mile point with the surveyors to obtain
177 pictures 4 and 5. Pictures 6 and 8 were taken where the surveyor indicated the half-mile
178 point on Powers Road and I walked east to the top of a mound to take picture 7.

179 **Q. You indicated that you did not see finished lots in the area being developed as The**
180 **Conservancy. With snow on the ground, how did you make that determination?**

181 A. I do a substantial amount of work in developments and therefore it is a common part of
182 my practice to coordinate utility placement with ComEd and AT&T. From my
183 experience, I can say that it is the current practice of Commonwealth Edison and AT&T
184 not to install distribution facilities until the roads are completed and housing is under
185 construction. I did observe that sewer and water utilities have been installed through the
186 model area at Freeman Road and along an unimproved road to a pump/lift station. All of
187 these facilities appear to be south of our proposed line route. There are cases where a
188 utility has installed its facilities prior to the completion of improvements, but that would
189 have resulted in pad-mount transformers and pedestals extending above the snow. I did
190 observe raised manhole frames and covers in the area covered by photograph 1 and 2, but
191 there was no visible evidence of any completed lots, nor could I determine that we were
192 crossing the retention basins, which had previously been represented in Commonwealth
193 Edison testimony.

194 When I returned to the area on January 9, the snow had melted, giving me a clearer
195 picture of what infrastructure existed. The multiple manholes that we all have identified
196 still appear to be south of our line alignments. There were no street cuts in yet through
197 this area and the manholes may be a part of a trunk line instead of typical street
198 manholes. The area between Galligan Road and the tree hedge line has been tilled. The
199 surface of this area indicated to me that its current use will be for agricultural purposes.
200 The area depicted in pictures 1 and 2 now appear to be plowed and planned for the near
201 future to be for agricultural uses.

202 **Q. Does this conclude your direct testimony?**

203 A. Yes it does.

Certificate of Service

(Docket No. 07-0310)

A copy of the Rebuttal Testimony of Donald M. Robinson on behalf of The Village of Huntley was served upon the following persons by e-mail this 11th day of January, 2008.

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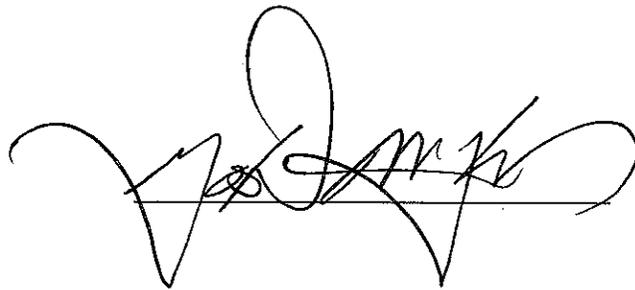
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A handwritten signature in black ink, appearing to read 'W. M. Shay', written over a horizontal line. The signature is stylized and cursive.