

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY	:	
	:	
Application of COMMONWEALTH EDISON	:	Docket No. 07-0310
COMPANY, for a Certificate of Public	:	
Convenience and Necessity, pursuant to Section	:	
8-406 and an order, pursuant to Section 8-503, of	:	
the Illinois Public Utilities Act, authorizing and	:	
directing the Petitioner to construct, operate and	:	
maintain a new 138,000-volt electric transmission	:	
line in Kane and McHenry Counties, Illinois.	:	

Surrebuttal Testimony of
DONELL MURPHY
Regional Practice Manager
Chicago, Illinois
ARCADIS U.S., Inc.

1 Background

2 Q. Please state your name.

3 A. My name is Donell Murphy.

4 Q. Are you the same Donell Murphy that submitted direct and rebuttal testimony in this
5 docket?

6 A. Yes.

7 Q. What is the purpose of your surrebuttal testimony?

8 A. My surrebuttal testimony responds to the direct testimony of Dr. Paul Mixon and Mr.
9 Carl Tomaso, on behalf of the Village of Huntley. I also respond to the testimony of Mr.
10 William Byrne on behalf of the Kreutzer Road Properties.

11 Surrebuttal to Dr. Mixon

12 Q. Have you reviewed Dr. Mixon's rebuttal testimony?

13 A. Yes.

14 Q. On Line 23 of Dr. Mixon's testimony, he claims that you have criticized him for not
15 "recreating the wheel." Is that your criticism of Dr. Mixon's approach?

16 A. I have not suggested that Dr. Mixon "recreate the wheel." Rather, I am pointing out that
17 we utilized a methodical and consistent step by step process to develop route alternatives,
18 and ultimately select a proposed final route. This process is not unique to this project.
19 Most transmission line siting studies involve the comparative evaluation of existing linear
20 features that may accommodate a proposed linear feature, and "sensitive" features
21 occurring alongside them. The strengths and weaknesses of existing linear features, from
22 a routing perspective, provide the basis of comparison. Removing linear features from

23 consideration through a quantitative and qualitative comparative evaluation is exactly the
24 premise of a methodical route selection process. The objective is not to draw a line where
25 one would like to route the line and then develop some rationale to support the alignment.
26 Rather, the objective is to fairly identify all of the possible options and then allow the
27 process, using a consistent methodology, to determine routes to be carried forward. In
28 this case, we included the consensus of the stakeholder working group as part of the route
29 development process. So, while I was not suggesting that Dr. Mixon would literally
30 recreate the entire process, I was encouraging Dr. Mixon to take our entire study into
31 account, rather than a single analysis matrix that he erroneously characterizes as
32 summarizing the entire process. One table does not summarize the selection of ComEd's
33 proposed route.

34 Q. Dr. Mixon says that you overlooked an "obvious solution" by failing to analyze the
35 elements of his Modified Freeman Galligan route. Did you?

36 A. No. I disagree with Dr. Mixon's characterization that a property line that traverses a
37 wooded wetland and forest preserve, and a planned development that has already
38 commenced construction, is an obvious solution. To the contrary, I would characterize
39 those circumstances as ones that would effectively eliminate such a route.

40 Q. Dr. Mixon says that cross-country routes are perfectly acceptable, and in many cases
41 preferred over routes that follow established linear opportunities. Do you agree?

42 A. No. In my opinion cross-country routes are typically less preferred than using existing
43 transportation or utility corridors. An existing feature has already created a certain
44 impact or disturbance on the land and the area. Sharing these corridors tends to minimize
45 the additional impact of the new facility such as a transmission line.

46 Q. Dr. Mixon also readdressed the concept of “weighting.” Was “weighting” of sensitivities
47 utilized as part of the siting study?

48 A. We did not weight the sensitivities. We did not define any sensitivity as a feature that had
49 to be avoided. Sensitivities were prioritized, based on the consensus of the stakeholder
50 working group, as a secondary evaluation parameter to be considered only if two study
51 corridors or route alternatives were otherwise considered comparable.

52 This clarification has two implications. First, Dr. Mixon is correct that the original
53 Freeman-Galligan route was considered by ComEd as a potential route alternative. Just
54 because it was not selected as the final route does not imply or suggest that the route is
55 not constructible. It is the second-best route determined by the siting study. When
56 quantitatively and qualitatively compared to ComEd’s proposed route, the original
57 Freeman-Galligan route was less preferred. The Kreutzer Road route was carried forward
58 as ComEd’s proposed route due to its lesser occurrence of sensitivities having a higher
59 priority than those occurring along Freeman and Galligan Roads, and the lack of defined
60 timing or actuality associated with the various developments along Kreutzer Road. And,
61 Kreutzer Road is planned to be a five-lane road, offering a predominant linear corridor
62 from a due diligence planning perspective. So, ComEd’s original Freeman-Galligan
63 route is not a bad route, it is just not as good as the Kreutzer Road route.

64 Second, through the participation of the stakeholder working group, we conducted
65 an objective siting study. The group’s input is based on consensus input, not a single
66 party’s. However, I find it discouraging that both Dr. Mixon and Mr. Tomaso
67 characterize the process as ignoring their input when that is certainly not the case. In
68 particular, we accommodated Huntley’s demands to avoid Route 47, which they

69 considered the entrance to the Village. We then also accommodated Huntley's demand
70 that we avoid the new Huntley Town Hall, and eventually the entire Kudlach parcel,
71 which would have maximized the use of existing ComEd rights-of-way. It is
72 disingenuous for the Village of Huntley to now claim that the proposed route, only small
73 parts of which are in the Village of Huntley at all, is evidence that ComEd ignored their
74 input altogether.

75 Q. Dr. Mixon provided additional discussion regarding his "analysis methodology." What
76 comment do you have on his analysis?

77 A. Dr. Mixon based his routing conclusions on his interpretation of one table in the study.
78 He purports to compare the "impact," apparently using different corridor widths for
79 different criteria, without explanation of why it would be appropriate to do so. To
80 compare the impacts on farmland, for example, he apparently uses a broad width. This
81 appears to ignore the fact that impacts to farmland would be specific to actual structure
82 locations, even less than the proposed right-of-way, so characterizing "impacts" based on
83 a 1000-foot wide corridor is questionable.

84 Additionally, in my studies I avoid the use of undefined "limits" of study or
85 "impact" as route selection rationale because the lack of consistency often can't be fairly
86 applied throughout an entire study area. Also, a single location along Kreutzer Road
87 can't simultaneously be evaluated as multiple types of land use: farmland, commercial,
88 and a thoroughfare, all at once. Finally, Dr. Mixon identifies quantitative conclusions,
89 just adding up the total number of sensitivities as to which each route is preferred, but
90 then he states in Lines 315 through 317 of his rebuttal testimony that simply "adding up
91 the occurrences" cannot determine transmission line siting decisions. I agree with his

92 statement, and therefore question the usefulness of simply totaling up the winners and
93 losers.

94 Q. Have you reviewed Dr. Mixon's criticism of some of the units of analysis utilized in the
95 siting study with regard to particular criteria?

96 A. Yes. Dr. Mixon offers his opinion of "meaningfulness" as it relates to how the various
97 criteria were quantitatively analyzed. However, Dr. Mixon does not appear to have taken
98 into account our entire study. We evaluated *both* existing structure counts *and* acres of
99 residential use.

100 To the extent that Dr. Mixon criticizes the use of acreage, and not house counts,
101 with respect to future developments, he is asking for data that in many cases did not exist.
102 We were not able to evaluate anything other than acres for planned developments
103 because many of the developments along Kreutzer Road were nothing more than
104 conceptual plans. Regarding the developments that we considered Annexed or Under
105 Construction, using unit count would have counted units in the Neumann Homes
106 development, which would have further favored Kreutzer Road, as the Neumann Homes
107 development is a higher density development.

108 Q. Dr. Mixon also suggests that ComEd provided no definition of "planned" schools. What
109 is your comment on that?

110 A. First, our route selection rationale is current to the completion of the study. We couldn't
111 take into account things that didn't exist yet. Second, we consistently considered
112 "planned" as having been approved and platted by the appropriate municipal body, as
113 opposed to something someone has talked about or considered.

114 Q. As it relates to the timing of the study and recent updates associated with various
115 developments, were these plans considered?

116 A. No, of course not. New plans that have post-dated the study and our identification of the
117 proposed route along Kreutzer Road were not part of our evaluation. Further, we
118 understand that there are many plans or concepts that are presently being discussed
119 throughout the study area. So, while they could not explicitly be taken into account, it
120 points out why ComEd needs to move forward at this time. That is exactly why we are
121 trying to get ahead of the “plans” and by doing so, have selected a route that has the least
122 amount of potential for impact to existing and planned land uses.

123 Q. Dr. Mixon also criticizes your analysis of “open space.” What is your response?

124 A. For our study, and in assembling our GIS database, we relied on land use classifications
125 from the appropriate jurisdictional entities. Dr. Mixon suggests we should have taken
126 into account “buffer” areas within planned or proposed developments as “open space.”
127 We did not add our own subjective characterization, and my opinion is that this protects
128 the validity and neutrality of the study. Furthermore, if one were to begin more
129 subjective classifications, one would likely consider the forest preserve as the largest
130 actual designated “open space” in the study area. Yet Dr. Mixon recommends routing the
131 line across this space. I question an analysis that recommends impacting a forest
132 preserve, as a viable alternative to avoid impacts on future developments along Kreutzer
133 Road, many of which have previously been identified as mixed use developments.

134 Q. Dr. Mixon points out that the original Freeman-Galligan route would cross a nature
135 preserve. Is this correct?

136 A. Yes, it could be. A portion of the Freeman Kame Forest Preserve is designated as nature
137 preserve, extending down to Freeman Road. If the alignment of the line was on the north
138 side of the street, the original Freeman Galligan route would cross the south edge of the
139 nature preserve, along the road. Alternatively, it could avoid the nature preserve by being
140 on the south side of the road. In neither case would it traverse the middle of the preserve.

141 Q. Dr. Mixon compares the lines based on the amount of “New Right-of-Way.” Was that
142 one of ComEd’s siting criteria?

143 A. No, it was not. We calculated this number in some of our tables, but it was not a siting
144 criterion we used.

145 Q. Dr. Mixon also provides some discussion on public interest? Do you feel that Dr.
146 Mixon’s use of the term “public interest” was fairly utilized?

147 A. I really do not. Dr. Mixon is representing the Village of Huntley who has proposed a
148 route further outside of the Village, though they admittedly have a large amount of
149 development presently being constructed, planned, or proposed. I interpret Dr. Mixon’s
150 use of “public” interest as equating to the Village of Huntley’s interests. Dr. Mixon has
151 discounted the interests of existing residents and land uses outside of Huntley.

152 Q. Dr. Mixon says that ComEd has not really stated why it chose the Kreutzer Road route.
153 So it is clear, can you again please provide the rationale for why the Kreutzer Road route
154 was selected as ComEd’s proposed route?

155 A. As I had provided in lines 456 to 463 of my direct testimony:

156 “Specific to environmental considerations, the proposed final route better
157 optimized the use of dominant linear features having compatible associated rights-of-

158 way. It also provided for the placement of the proposed transmission line behind planned
159 developments rather than along a major frontage, and eliminated the potential for impacts
160 to occur to planned developments along Freeman and Galligan Roads that are almost
161 exclusively residential and progressing more rapidly than planned developments in other
162 areas. Finally, it eliminated the potential for impacts to occur to the existing and newly
163 acquired forest preserve lands along Freeman Road.”

164 Q. Dr. Mixon attempts to summarize your objections to Huntley’s proposed modified
165 Freeman-Galligan route. Is his summary accurate?

166 A. No, Dr. Mixon was incorrect in his summation of my objections to the proposed modified
167 Freeman-Galligan route. He first states in lines 101 and 102 of his rebuttal testimony that
168 I object to the route because “it does not follow an opportunity and it crosses the Freeman
169 Kame Forest Preserve”. That is not a complete summary. Later, Dr. Mixon states (in
170 line 294) that ComEd Exhibit 8.1 summarized my objections, which it does not. And
171 finally, he states that Table 1 illustrates ComEd’s own position, which it does not.

172 I do not find the modified Freeman-Galligan route to be an improvement on the
173 original Freeman Galligan route because it does not mitigate or avoid “impacts.” Rather,
174 it only provides a trade-off for one type of impact for another, and actually an increase in
175 impact with regard to the existing wooded wetlands, forest preserve, and planned
176 development under construction.

177 Dr. Mixon addresses five key criteria as they relate to the modified Freeman-
178 Galligan route. The criteria include tree clearing, wetlands, the planned development, the
179 new school, and the nearby landing strip. Since Dr. Mixon has identified a sensitivity to
180 “open space,” I feel that the forest preserve itself should also be a key consideration. The

181 nearby landing strip should not be a key consideration as impacts on landing strips are
182 common to all the routes. Dr. Mixon discounts the presence of and impact to the large
183 planned development simply due to the bankruptcy announcement of Neumann Homes. I
184 disagree with the disregard for a development that has commenced construction.
185 Discussion supporting my position has been provided in previous testimony. With regard
186 to the other criteria, Dr. Mixon and the Village of Huntley have identified a route that is
187 farther away from the new school at the intersection of Freeman and Galligan Roads, but
188 directly traverses a wooded wetland within a forest preserve. In my opinion, Dr. Mixon
189 and the Village of Huntley are suggesting trading impact to the school for impacts to the
190 forest preserve, wooded wetland, and planned development already under construction.
191 Even with the alignment proposed by Mr. Robinson, I conclude that ComEd's proposed
192 route is the superior route alternative.

193 Q. Dr. Mixon says that Table 1 in his rebuttal testimony is a summary of which route is
194 preferred as to the various sensitivities, using ComEd's data. Has Dr. Mixon accurately
195 summarized the data?

196 A. No. As I discussed above, Dr. Mixon appears to have used varying corridor widths to
197 make the comparisons. Below is a summary of how the Kreutzer Road route (ComEd's
198 proposed route) compares to the modified Freeman-Galligan route, using the data from
199 ComEd Ex. 8.1. This summary takes into account the prioritization of the criteria, as
200 developed by the stakeholder working group, and therefore supports the rationale
201 provided in lines 156 through 163 above.

Criteria	Route with lesser occurrences per ComEd Ex. 8.1
High Priority	
Parks/Open Space/Golf Course	Kreutzer Road
Forest Preserve	Kreutzer Road
Sensitive Management Area	Kreutzer Road
Existing Residential	Kreutzer Road
Annexed or Under Construction	Kreutzer Road
Planned Schools	---
Existing Structures	Modified Freeman-Galligan
Medium Priority	
Planned Residential	Modified Freeman-Galligan
Tree Clearing	Kreutzer Road
Prime Farmland	Kreutzer Road
Wetlands	Modified Freeman-Galligan
Identified or Planned Development	Modified Freeman-Galligan
Planned Churches	---
Water Drainage Crossings	Modified Freeman-Galligan
Low Priority	
Floodplains	Kreutzer Road
Planned Commercial	---

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Consistent with the rest of my testimony, this table shows the clear advantage of Kreutzer Road, particularly as to the high priority sensitivities. As I have stated elsewhere, this table is not a complete summary of our analysis. However, since Dr. Mixon has set the table out for what it is worth, I wanted to make sure the Commission has a correct version of it.

209 Q.

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Your table shows that the modified Freeman Galligan route has fewer occurrences of wetlands than does the Kreutzer Road route. Does this mean that the Freeman Galligan route is superior as to this sensitivity?

212 A.

213

Not necessarily. ComEd Ex. 8.1 is based on the NWI wetlands inventory, which often varies from actual field delineations. To reach a firm conclusion on wetlands, we would

214 need a field delineation. Further, the table also does not take into account the type or
215 quality of wetlands, and whether the wetlands could be spanned.

216 Q. Have you reviewed Mr. Tomaso's rebuttal testimony on behalf of the Village of Huntley?

217 A. Yes.

218 Q. Mr. Tomaso characterizes the extent of impacts or effects of the proposed transmission
219 line as being broad, and beyond the right-of-way. Do you agree with this assessment of
220 impacts?

221 A. No. Similar to my response to Mr. Mixon's testimony, I disagree with inconsistently
222 generalizing impacts beyond a defined right-of-way or study corridor. Even with regard
223 to visual impacts, which Mr. Tomaso addresses, I would disagree with his
224 characterization of the extent of impacts. As it relates to the Wing Pointe subdivision, for
225 example, residents with back yards adjacent to Kreutzer Road would see the transmission
226 line if it were constructed in its proposed position on the south side of Kreutzer Road.
227 However, as you move further into the subdivision to the north, existing residences
228 would see the front or rear of the houses south of them. The visibility of the transmission
229 line to these residents would be limited, if visible at all. So, to say that homes hundreds
230 of feet into Wing Pointe would be "impacted" is an exaggeration.

231 Q. Now with regard to the Wind Pointe subdivision, Mr. Tomaso suggests that ComEd is
232 proposing transmission lines in the backyards of residents. Is the alignment proposed to
233 place structures directly in the backyards of any existing residents within the Wing Pointe
234 subdivision?

235 A. No. There may be one property that may require the acquisition of an easement near the
236 southwestern corner of the Wing Pointe subdivision as the proposed alignment traverses
237 from the industrial park to the south side of Kreutzer Road, however, it is my
238 understanding that no structures would be directly located on that property. ComEd's
239 proposed route would be located on the south side of Kreutzer Road, so it would be
240 across the road from the backyards of any of the Wing Pointe homes that back up to
241 Kreutzer Road.

242 Q. Mr. Tomaso also discusses the timing of developments planned along Kreutzer Road. Are
243 there plans that have progressed beyond the Study?

244 A. Yes, I believe there are. However, ComEd's proposal was widely publicized, both by
245 ComEd and the Village itself. I would hope and expect that the Village of Huntley and
246 developers have taken the proposed route into account as they've proceeded with these
247 development proposals. Further, the identification of new proposals or the advancement
248 of previous conceptual plans beyond the submittal of this Application would of course
249 post-date the Study.

250 Q. Mr. Tomaso also discusses the "reworking" of subdivisions. Do you agree with this
251 concept?

252 A. Yes. Developers may want to rework their subdivision layouts in light of a new linear
253 project like the proposed transmission line. That kind of reworking may be likely for
254 developments along the proposed Kreutzer Road route, although as I said above,
255 ComEd's proposed route has been known for some time now. Reworking of planned
256 subdivisions may be needed on the route that Huntley favors as well, the modified
257 Freeman-Galligan route. I should note that we explicitly considered this factor in

258 selecting the Kreutzer Road route. Developments proposed along the Kreutzer Road
259 corridor were identified by the Village of Huntley as being within the five year planning
260 window, west of the railroad, and within or beyond the ten year window east of the
261 railroad. These time frames allow for careful planning and reworking in ways that are
262 much more difficult for nearer-term developments like those along Freeman Road. If the
263 Village of Huntley's plans have changed, that would of course post-date the Study.

264 Q. Finally, Mr. Tomaso says that the St. Mary's church has discussed a possible school
265 along Kreutzer Road. He states that this would be a "compatible and viable use" for the
266 Kreutzer Road corridor. Do you agree with this characterization of a school being a
267 compatible and viable use with a future five-lane road within a mixed use development
268 corridor?

269 A. Given the extent of what Mr. Tomaso envisions along Kreutzer Road, I would not
270 characterize the proposed school as being a compatible use, although it may be a viable
271 use. In my opinion, a transmission line is a more compatible use with a five lane
272 highway than is a school.

273 Q. Mr. Tomaso says that ComEd apparently chose a route that would maximize the use of
274 right-of-way it already owned. Is this true?

275 A. No, it is not. ComEd considered routes that utilized existing rights-of-way, as a
276 responsible utility should. In particular, the Main & Haligus route, summarized on
277 ComEd Exs. 2.1 and 4.2, maximized the use of ComEd rights of way. However, this
278 route drew substantial criticism at our public outreach meetings, particularly from the
279 Village of Huntley. ComEd's proposed route uses some ComEd rights of way, but

280 departs from those rights of way where necessary to minimize the effects on adjacent
281 sensitivities.

282 Q. Does this complete your testimony?

283 A. Yes.