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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS POWER COMPANY d/b/a)
AmerenIP and AMEREN ILLINOIS) DOCKET NO.
TRANSMISSION COMPANY) 06-0706
)
)
Petition for a Certificate of)
Public Convenience and Necessity,)
pursuant to Section 8-406 of the)
Illinois Public Utilities Act, to)
construct, operate and maintain)
new 138,000 volt electric lines in)
LaSalle County, Illinois.)

Wednesday, January 23, 2008

Springfield, Illinois

Met, pursuant to notice, at 9:30 a.m.

BEFORE:

MR. JOHN ALBERS, Administrative Law Judge

APPEARANCES:

MR. ALBERT D. STURTEVANT
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(Appearing on behalf of
Petitioners via teleconference)

SULLIVAN REPORTING CO., by
Carla J. Boehl, Reporter
CSR #084-002710

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(Appearing on behalf of City of
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INDEX

WITNESSES

DIRECT

CROSS

None.

EXHIBITS

IDENTIFIED

ADMITTED

Stipulation Exhibit 1	E-Docket	1297
AmerenIP 5.0	E-Docket	1300
AmerenIP 9.0 Revised	REMOVED	1302
AmerenIP 9.0 Second Revised	E-Docket	1302
AmerenIP 10.0	REMOVED	1303
AmerenIP 10.0 Revised	E-Docket	1303
AmerenIP 11.0 Second Revised	E-Docket	1300
AmerenIP 16.0	REMOVED	1302
AmerenIP 16.0 Revised	E-Docket	1302
AmerenIP 17.0	REMOVED	1303
AmerenIP 17.0 Revised	E-Docket	1303
AmerenIP 18.0 Third Revised	E-Docket	1300

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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 06-0706. This docket concerns the petition of Illinois Power Company and Ameren Illinois Transmission Company. The Petitioners seek authority to construct, operate and maintain two 138 kV electric lines in LaSalle County, Illinois.

And also now for the appearances.

MS. VON QUALEN: Jan Von Qualen and Jim Olivero on behalf of the Staff witnesses of the Illinois Commerce Commission.

MR. MADIAR: Eric Madiar on behalf of the Illinois 71 Resistors.

MR. ZUKOWSKI: Walt Zukowski on behalf of the LaSalle-Peru Township High School.

MR. MCPHEDRAN: Jim McPhedran on behalf of the City of LaSalle.

MR. MURPHY: On behalf of PROTED 80 and SOLVE, Joseph D. Murphy.

MR. SHAY: William M. Shay appearing on behalf of SHOCK.

1 MR. LEIGH: Keith Leigh appearing on behalf of
2 the City of Ottawa.

3 MR. KLEIN: Herb Klein appearing on behalf of
4 the Village of North Utica.

5 MR. STURTEVANT: Al Sturtevant appearing on
6 behalf of the Ameren companies.

7 MR. JASIEK: Frank Jasiek, monitoring.

8 JUDGE ALBERS: Thank you. Let the record
9 reflect that there are -- well, any others wishing to
10 enter an appearance? Let the reflect no response. I
11 am not aware of any preliminary matters. So I will
12 turn to my list.

13 First regarding Ameren's January 2
14 Motion for Leave to File a Stipulation. Since we
15 last met I received Staff's letter indicating that
16 Staff had had no objection to the stipulation, nor
17 have I received an objection from any other party. I
18 also received copies of five letters dated January 8
19 that Ameren sent to various government agencies
20 informing them of the change in the preferred route
21 and the stipulation.

22 I am not aware of the Commission

1 having received any response from those agencies.

2 Has Ameren received a response from any?

3 MR. STURTEVANT: Your Honor, I believe the only
4 response that we have received is in the nature of a
5 phone call from the IDNR, and I guess the general
6 outline of their position is the same as it was in
7 the letters that are part of the case; and that, you
8 know, they continue to be concerned about the issues
9 of forest fragmentation.

10 JUDGE ALBERS: Anything else from anyone
11 further?

12 MR. STURTEVANT: That's the only one that I am
13 aware of that the Company has received.

14 JUDGE ALBERS: Well, I assume no one else has
15 heard anything? Okay. Given what the record already
16 contains, I am hesitant to accept the stipulation.
17 However, I will do so with the requirement that
18 Ameren notify me immediately if they do receive any
19 type of objection to the change in the route.

20 So with that, is there any objection
21 to the Stipulation Exhibit 1? Hearing none, then
22 Stipulation Exhibit 1 is admitted.

1 (Whereupon Stipulation Exhibit 1
2 was admitted into evidence.)

3 MR. STURTEVANT: And, Your Honor, this is Bert
4 Sturtevant. With regard to your request for
5 notification, I assume that would mean if we hear
6 anything in addition to the phone call I just
7 mentioned by IDNR?

8 JUDGE ALBERS: Yes. I don't think there is
9 anything else regarding the January 2 motion, unless
10 someone else wants to add something. No?

11 Then turning to Ameren's November 28
12 Motion for Leave to File Revised Testimony. I think
13 we have addressed all the objections to that motion,
14 and all that's left is to hear any offers for
15 admission of that testimony. So unless someone does
16 have further objection, I am going to turn things
17 over to Mr. Sturtevant.

18 MR. STURTEVANT: Yeah, Your Honor, we are
19 prepared to move the various provisions of
20 Mr. Cruse's testimony into evidence, and I guess also
21 there is revised testimony of Mr. Murbarger,
22 Mr. Emmons. Would you prefer me to go witness by

1 witness or just go through all of it at once?

2 JUDGE ALBERS: Go ahead and go through all of
3 it. Go ahead and go through Mr. Cruse first,
4 actually.

5 MR. STURTEVANT: Okay. Your Honor, the company
6 would move into evidence the following testimony of
7 Mr. Roger Cruse from Mr. Cruse's direct testimony
8 which has been marked as AmerenIP Exhibit 5.0 with
9 accompanying exhibits AmerenIP Exhibits 5.1 to 5.9;
10 the rebuttal testimony of Roger Cruse which has been
11 marked as AmerenIP Exhibit 11.0 Second Revised with
12 accompanying exhibits AmerenIP Exhibits 11.01 to
13 11.11; and lastly surrebuttal testimony of Roger
14 Cruse which has been marked as AmerenIP Exhibit 18.0
15 Third Revised with accompanying exhibit AmerenIP
16 Exhibit 18.1. Move for admission of those into the
17 record at this time.

18 JUDGE ALBERS: With regard to the attachments
19 to Mr. Cruse's rebuttal and surrebuttal, there has
20 been no changes from what's on e-Docket?

21 MR. STURTEVANT: That's correct, Your Honor. I
22 believe with regard to the attachments to his

1 rebuttal testimony, those are as filed on June --
2 July 20, excuse me, 2007, and the rebuttal are as
3 filed on September 17, 2007.

4 JUDGE ALBERS: And did anyone want to finish
5 their cross examination of Mr. Cruse?

6 MR. MURPHY: This is Joe Murphy. No. But I
7 guess I want to make sure that we are clear that the
8 rebuttal and surrebuttal testimony that
9 Mr. Sturtevant referred to were in the forms filed on
10 January 11, 2008, even though the exhibits bear their
11 original filing dates?

12 JUDGE ALBERS: That's my understanding, that
13 you are moving to admit the exhibits that were
14 offered -- that were filed on January 8, is that
15 right, Mr. Sturtevant?

16 MR. STURTEVANT: That's correct, Your Honor,
17 that were actually, I believe, filed January 11.

18 JUDGE ALBERS: Okay.

19 MR. STURTEVANT: That is pursuant to your order
20 the second revised of Mr. Cruse and the third revised
21 of his surrebuttal.

22 JUDGE ALBERS: Thank you. Any other -- any

1 objections, questions or concerns? Hearing none,
2 then AmerenIP Exhibit 5, Attachments 5.1 through 5.9,
3 are admitted, as well as AmerenIP Exhibit 11.0 Second
4 Revised with Attachments 11.1 through 11.11, and
5 AmerenIP Exhibit 18.0 Third Revised with Attachment
6 18.1 are admitted.

7 (Whereupon AmerenIP Exhibits
8 5.0, 11.0 Second Revised and
9 18.0 Third Revised were admitted
10 into evidence.)

11 JUDGE ALBERS: That takes care of Mr. Cruse
12 finally. Turning to Mr. Emmons.

13 MR. STURTEVANT: All right. Your Honor, I have
14 what has been marked as AmerenIP Exhibit 9.0 Second
15 Revised, the rebuttal testimony of Douglas Emmons as
16 filed on November 28, 2007, and also the surrebuttal
17 testimony of Douglas Emmons marked as AmerenIP
18 Exhibit 15.0 Revised also filed November 28, 2007.
19 We would move for entry of those into the record in
20 this docket as well.

21 JUDGE ALBERS: And that was Second Revised for
22 his rebuttal?

1 MR. STURTEVANT: That's correct.

2 JUDGE ALBERS: Okay. And with regard to
3 Mr. Emmons' testimony, we will have to actually
4 un-admit the previously admitted rebuttal and
5 surrebuttal. So does anyone have any objection to
6 un-admitting Mr. Emmons' previous rebuttal and
7 surrebuttal, and admitting Exhibit 9.0 Second Revised
8 and 16.0 Revised?

9 UNIDENTIFIED SPEAKER: Is that 15 or 16?

10 JUDGE ALBERS: Sixteen, 16.

11 MR. STURTEVANT: Your Honor, this is Bert
12 Sturtevant. We don't have any objection to doing
13 that.

14 JUDGE ALBERS: Any others? Hearing none, again
15 this does not affect any attachments, is that
16 correct?

17 MR. STURTEVANT: That is correct, Your Honor.

18 JUDGE ALBERS: Hearing none, then the
19 previously admitted versions of Mr. Emmons' rebuttal
20 and surrebuttal testimony, surrebuttal which would be
21 AmerenIP Exhibit 9.0 Revised, and AmerenIP Exhibit
22 16.0 are no longer considered part of the record; and

1 in its place AmerenIP Exhibit 9.0 Second Revised and
2 AmerenIP Exhibit 16.0 Revised are admitted.

3 (Whereupon AmerenIP Exhibit 9.0
4 Revised and AmerenIP Exhibit
5 16.0 were removed from the
6 evidentiary record; and AmerenIP
7 Exhibit 9.0 Second Revised and
8 AmerenIP Exhibit 16.0 Revised
9 were admitted into evidence.)

10 JUDGE ALBERS: Okay. Why don't we move on to
11 Mr. Murbarger?

12 MR. STURTEVANT: Lastly, Your Honor, I have
13 what's been marked as AmerenIP Exhibit 10.0 Revised,
14 rebuttal testimony of Jerry Murbarger, Jerry A.
15 Murbarger, as filed on November 28, 2007; and what
16 has been marked as AmerenIP Exhibit 17.0 Revised, the
17 surrebuttal testimony of Jerry A. Murbarger, also
18 filed on November 28, 2007. And Ameren would move
19 for the admission of those into the record as well,
20 using a similar approach whereby his previously
21 admitted rebuttal and surrebuttal testimony would be
22 un-admitted and replaced with these. And the

1 exhibits, because the exhibits are not affected, the
2 attachments to these rebuttal and surrebuttal
3 testimony are not affected.

4 JUDGE ALBERS: All right. Any objection then
5 to the withdrawal of AmerenIP Exhibit 10.0, AmerenIP
6 Exhibit 17.0, and the admission of AmerenIP Exhibit
7 10.0 Revised and AmerenIP Exhibit 17.0 Revised?
8 Hearing no objection, then 10.0 Revised and 17.0
9 Revised are admitted. The previously submitted
10 versions are no longer part of the record.

11 (Whereupon AmerenIP Exhibit 10.0
12 and AmerenIP Exhibit 17.0 were
13 removed from the evidentiary
14 record; and AmerenIP Exhibit
15 10.0 Revised and AmerenIP
16 Exhibit 17.0 Revised were
17 admitted into evidence.)

18 JUDGE ALBERS: Anything further regarding the
19 Ameren November 28 Motion for Leave to File Revised
20 Testimony? Hearing nothing, I don't have anything
21 else for today except for hopefully setting briefing
22 dates.

1 Does anyone else have any other
2 questions?

3 MR. STURTEVANT: Your Honor, this is Bert
4 Sturtevant. I guess having resolved Mr. Cruse's
5 testimony, would it be appropriate to close the
6 record at this point?

7 JUDGE ALBERS: Well, after we set the -- when
8 we finished the hearing, I was going to mark it heard
9 and taken.

10 MR. STURTEVANT: That's fine. I wasn't sure.

11 JUDGE ALBERS: Yeah. But no other matters?

12 MR. MADIAR: Your Honor, if we are going to --
13 Your Honor, this is Eric Madiar. If we were going to
14 be setting a briefing schedule, one thought I just
15 wanted to introduce was, since the issues with
16 respect to the Ottawa-Wedron line have been largely
17 resolved with the stipulation, if you would be
18 inclined to entertain a joint proposed order from the
19 parties that had concerns with that route, in lieu of
20 having briefs for that particular route. I don't
21 know if this is something that Staff would have
22 problems with, but at this point doing briefs with

1 respect to the Ottawa-Wedron line, we didn't see the
2 point of needing to do that.

3 JUDGE ALBERS: Well, why don't I -- how about
4 this? We will set dates for briefs and reply briefs,
5 and those that want to file any type of draft order
6 can do so on their planned brief date. And those
7 that don't feel they need to file any kind of brief
8 can simply not, so.

9 Okay. Do we have any suggestions or
10 should we just go off the record and look at our
11 calendars? All right, off the record then.

12 (Whereupon there was then had an
13 off-the-record discussion.)

14 JUDGE ALBERS: We have looked at our calendars
15 and it appears that everyone is amenable to a
16 February 29 due date for simultaneous initial briefs
17 and a March 21 due date for simultaneous reply briefs
18 and any draft orders anyone wants to submit. So is
19 there anything further for the record? Hearing none,
20 we will mark the record heard and taken.

21 HEARD AND TAKEN

22