

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE
COMMISSION

2012 JAN 23 P 1: 04

SOUTHERN ILLINOIS POWER)
COOPERATIVE, an Illinois not-for-profit)
Corporation and an electric cooperative,)
for authority to exercise the right of)
eminent domain pursuant to 220 ILCS 30/13)
and 30/13.5 of the Electric Supplier Act)

No. 10-0711

CHIEF CLERK'S OFFICE

REPLY TESTIMONY OF MICHAEL D. LIVESAY
TO THE REVISED DIRECT TESTIMONY OF YASSIR RASHID
FILED IN THIS DOCKET REGARDING THE PETITION OF SOUTHERN ILLINOIS
POWER COOPERATIVE FOR AUTHORITY PURSUANT TO 220 ILCS 30/13 AND 30/13.5
TO EXERCISE THE RIGHT OF EMINENT DOMAIN

1 Q: Please state your name.

2 A: Michael D. Livesay.

3 Q: Are you the same Michael D. Livesay who has presented prepared direct testimony and
4 supplemental prepared direct testimony on behalf of Southern Illinois Power Cooperative
5 in this docket?

6 A: Yes.

7 Q: What is the purpose of your prepared reply testimony in this docket?

8 A: On December 6, 2011, the Illinois Commerce Commission staff filed the revised direct
9 testimony of Yassir Rashid who is employed by the Illinois Commerce Commission
10 (Commission) as an electrical engineer in the Engineering Department of the Energy
11 Division. It is my understanding that Mr. Rashid reviewed the prepared direct testimony
12 and prepared supplemental direct testimony filed by myself and Matthew T. Crain in this
13 docket in support of Southern Illinois Power Cooperative and also reviewed the responses
14 provided by Southern Illinois Power Cooperative to data requests directed by the

OFFICIAL FILE

ILL. C. C. DOCKET NO. 10-0711

SIPL Exhibit No. 5

Witness Michael D. Livesay

D. T. 2-1-12

1 Commission staff to Southern Illinois Power Cooperative with regard to this docket.

2 The purpose of my prepared reply testimony is to respond to some of the direct testimony
3 of Mr. Rashid.

4 Q: Are there any matters which were raised by Mr. Rashid in his direct testimony that you
5 wish to respond to on behalf of Southern Illinois Power Cooperative?

6 A: Yes.

7 A: What matters raised by Mr. Rashid do you find a need to respond to?

8 A: On page 8, line 160 through line 171 and on page 9, line 172 through line 173, Mr.
9 Rashid was asked about the description of the property along the proposed route of the
10 transmission line. In Mr. Rashid's response, he refers to paragraph 9 of the petition filed
11 by Southern Illinois Power Cooperative in this docket and notes in lines 163 through 164
12 that the petition in paragraph 9 refers to approximately 46 parcels of land as being
13 affected by the transmission line but that Exhibit B and Exhibit C attached to the petition
14 indicated there were 56 parcels affected by the route of the transmission line. The
15 reference to 46 parcels of land affected by the transmission line route noted in paragraph
16 9 of the petition is incorrect and should be changed to 56 parcels of land. In addition, at
17 line 168 through 170 of page 8 of Mr. Rashid's direct testimony, he notes that Southern
18 Illinois Power Cooperative indicates in paragraph 9 of the petition that it acquired
19 easements for the transmission line from 37 of the property owners owning 22 of the
20 tracts of land affected by the transmission line but that Exhibits B and C attached to the
21 petition filed by Southern Illinois Power Cooperative indicated that 28 landowners who
22 owned 18 of the tracts of land had signed easements. Exhibits B and C attached to

1 Southern Illinois Power Cooperative's petition correctly indicate 28 landowners owning
2 18 tracts affected by the transmission line had signed easements at the time the petition
3 was filed and paragraph 9 of the petition should be corrected accordingly. However,
4 since filing the petition and at the time of filing my direct testimony, landowners owning
5 30 tracts had signed easements as reflected by the revised Exhibit B attached to my direct
6 testimony and landowners owning 26 of the remaining tracts had not signed easements as
7 reflected on the revised Exhibit C attached to my direct testimony. Further, since filing
8 my direct testimony, landowners owning 31 tracts affected by the transmission line have
9 signed easements as reflected by the second revised Exhibit B attached to my
10 supplemental prepared direct testimony. Landowners owning 25 of the remaining tracts
11 affected by the transmission line right-of-way had not signed easements, all as reflected
12 on the second revised Exhibit C attached to my supplemental prepared direct testimony.

13 Q: Are there any other matters referred to by Mr. Rashid in his direct testimony for which
14 you believe it necessary to reply?

15 A: Yes. On page 9, lines 174 through 192, Mr. Rashid responds to a question regarding
16 contacts by Southern Illinois Power Cooperative with owners of property affected by the
17 transmission line route. At lines 190 through 191, Mr. Rashid refers to Exhibit G
18 attached to my supplemental prepared direct testimony which exhibit provides a record of
19 the meetings between Southern Illinois Power Cooperative representatives and owners of
20 property affected by the transmission line route. Mr. Rashid refers to the fact that
21 Exhibit G shows that Southern Illinois Power Cooperative engaged in negotiations with
22 some landowners but did not send certified letters of appraisal to each landowner. On

1 page 10 at lines 207 through 208, Mr. Rashid responds to a question regarding Southern
2 Illinois Power Cooperative Exhibit G noting that Exhibit G shows that the owners of
3 Parcel No. 45 did not receive a letter of appraisal because Southern Illinois Power
4 Cooperative was engaging in negotiations with the owners' attorney. This testimony by
5 Mr. Rashid incorrectly implies that there are other landowners, besides the owners of
6 Parcel No. 45, who have not received a copy of the appraisal made by Southern Illinois
7 Power Cooperative regarding the easements. However, Exhibit G filed by Southern
8 Illinois Power Cooperative with my supplemental prepared testimony shows that all of
9 the owners who have not signed easements with Southern Illinois Power Cooperative for
10 the transmission line route received a copy of the appraisal made by Southern Illinois
11 Power Cooperative regarding their property upon which the easement is being requested
12 with the only exception to that statement being the owners of Parcel No. 45. However, as
13 of October 1, 2011, the owners of Parcel No. 45 are in receipt of a letter of appraisal.
14 Southern Illinois Power Cooperative filed its Petition in this docket on December 13,
15 2010. At that time, the owner of Parcel No. 25 was John S. Klotz a/k/a John F. Klotz
16 and Georgia Klotz as shown on Exhibit C attached to the Petition. When Mr. and Mrs.
17 Klotz owned the property, Southern Illinois Power Cooperative provided them the
18 appraisal letter and a copy of the appraisal commissioned by Southern Illinois Power
19 Cooperative for the easement across Parcel No. 25. After the Petition was filed in this
20 docket, Parcel No. 25 was acquired by Jim Cislighi and he was the owner when Southern
21 Illinois Power Cooperative filed its direct testimony as shown by Exhibit C attached to
22 the direct testimony of Michael D. Livesay and its supplemental direct testimony by

1 Michael D. Livesay with the second revised Exhibit C and Exhibits F and G attached.
2 Exhibit G shows that negotiations have taken place between Southern Illinois Power
3 Cooperative and Jim Cislaghi regarding the easement in question. Those negotiations
4 have taken place using the appraisal for Parcel No. 25 originally provided to Mr. and Mrs.
5 Klotz. Southern Illinois Power Cooperative provided an appraisal letter and the
6 appraisal commissioned by Southern Illinois Power Cooperative for the easement across
7 Parcel No. 25 to Jim Cislaghi on December 15, 2011.

8 Q: Does this conclude your Prepared Replied Testimony?

9 A: Yes.

10 Respectfully submitted,

11 Michael D. Livesay

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PROOF OF SERVICE

I, JERRY TICE, hereby certify that on the 20th day of January 2012, I e-mailed a copy of the Reply Testimony of Michael D. Livesay to the Revised Direct Testimony of Yassir Rashid Filed in this Docket Regarding the Petition of Southern Illinois Power Cooperative for Authority Pursuant to 220 ILCS 30/13 and 30/13.5 to Exercise the Right of Eminent Domain and attached hereto, addressed to the following persons at the e-mail addresses set opposite their names:

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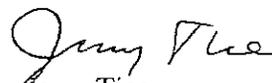
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