

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS )

Petition for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act, to Construct, Operate and Maintain a New High Voltage Electric Service Line and Related Facilities in the Counties of Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton, Macon, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott and Shelby, Illinois. )

Docket No. 12-0598

**MOTION TO AMEND CASE MANAGEMENT  
PLAN TO EITHER ELIMINATE THE  
DECEMBER 31, 2012 FILING REQUIREMENT  
OR TO EXTEND THE TIME FOR SAME**

Adams County Property Owners and Tenant Farmers (hereinafter referred to as “Adams County Owners”), by its attorneys, Byron Carlson Petri and Kalb LLC, moves to amend the Case Management Plan (the “CMP”) to either eliminate the December 31, 2012 filing requirement for submitting alternative line routing or to extend the time for such filing until January 31, 2013. In support of its motion, the Adams County Owners submit the Affidavit of Micah S. Summers, attached as Exhibit 1. In further support of the motion, the Adams County Owners state:

1. The schedule set forth in Section IV of the CMP issued by the Administrative Law Judges on December 14, 2012 requires Staff and Intervenors to make a filing by December 31, 2012 that identifies the alternative routes they propose for Ameren’s 345 kV transmission line proposal (the “Proposed 345 kV Transmission Line”) that is the subject of this proceeding, as well as provide the names and addresses of affected landowners if such landowners are not already affected by ATXI’s primary or alternative route.

2. Adams County Owners adopts and joins the arguments set forth in Stop the Power Lines Coalition's Motion to Amend Case Management Plan to Either Eliminate the December 31, 2012 Filing Requirement or To Extend the Time for Same, which in summary states:

- a. Petitioner, Ameren Transmission Company of Illinois ("ATXI") admitted that its parent company and its multiple affiliates have been planning this project for 8 years. *Direct Testimony of M. Borkowski, ATXI Ex. 1.0 at 6:115-117.*
- b. Ameren chose to file this case under the expedited procedures of Section 8-406.1 of the Act, 220 ILCS 5/8-406.1, and that the rights of Staff and Intervenor to give ATXI's proposed routes full and thoughtful examination ought not be forfeited because Ameren chose to pursue expedited approval rather filing under the normal procedures of Section 8-406 of the Act.
- c. It is ATXI's burden to persuade the Commission that based upon the application and the evidentiary record "the Project will promote the public convenience and necessity." 220 ILCS 5/8-406.1(f).
- d. Requiring Staff and Intervenor to plan the route for the Proposed 345 kV Transmission Line and identify all affected landowners if they do not like the two routes proposed by ATXI, or be barred from proposing an alternative route, simply is not supported by the statutory structure or language.
- e. That if the Administrative Law Judge does believe that the Staff and Intervenor should be required to plan and identify landowners and alternate routes than requiring completion of that analysis less than two months after the Petition was filed is not practical. Especially considering the notice of the requirement is contained in an order issued in the afternoon of December 14, leaving only 17 days, including the intervening holidays, to identify the proposed alternative route and all the affected landowners. Moreover, that it took ATXI nearly 8 years to plan the project with multiple resources that Staff and Intervenor do not possess. To the extent any such requirement is imposed, the Staff and Intervenor should be required to fulfill the requirement when they file this direct testimony on February 11, 2013.

3. The December 31, 2012 filing deadline is impractical, if not impossible, as it specifically relates to the Adams County Owners. As stated above, the ALJ entered the CMP on December 14, 2012, which required alternative routes to be identified by December 31, 2012.

4. Since the Adams County Property Owners were granted leave to intervene, the Adams County Owners have been attempting to retain an expert in this matter, and have found it

to be difficult considering the time of the year, the nature of the work, and parties to the dispute.  
*See Affidavit of Micah Summers attached hereto as Exhibit A.*

5. In fact, several potential experts have rejected the Adams County Owners based on conflicts, and/or the inability to accomplish the necessary tasks in such a short period of time. *See Summers Affidavit.* Furthermore, counsel for Adams County Owners has been advised by potential experts they have spoken with that in order to provide an alternate route for the Proposed 345 kV Transmission Line, and identify all affected landowners, voluminous amounts of data will need to be collected and analyzed, some of which is the subject of pending data requests.

6. Moreover, Adams County Owners issued data requests on ATXI and the responses are due December 28<sup>th</sup>. The data requests were aimed, in part, at determining feasible, alternative routes to the two routes proposed by ATXI. Assuming ATXI provides responses to Adams County Owners' data requests on December 28<sup>th</sup>, it is impractical to take such information and provide a meaningful alternative route and identify all landowners impacted by such an alternative route by December 31<sup>st</sup>.

7. During the status conference on December 3<sup>rd</sup>, the ALJ discussed setting the date for submitting alternative routes approximately two weeks before the direct testimony deadline. Specifically, Judge Albers suggested that "if we set staff and intervenor testimony due at the end of a month, perhaps a few weeks before that, anybody with an alternative route could identify that route ahead of time, give us the list of affected landowners." (Trns. pg. 60, lns. 15-19). Judge Albers acknowledged "we realize this may be a difficult burden [obtaining information regarding affected landowners] for some folks, but simply telling us that we don't want it in our back yard doesn't help us because it doesn't give us an alternative to consider." (Trns. pg. 62, lns11-14). To

accommodate the difficult burden of proposing an alternative route through Adams County as well as identify all of the potential landowners affected by the alternative route cannot be accomplished by December 31<sup>st</sup>. The Adams County Owners request the ALJ extend the deadline, consistent with his comments at the status conference, to a date a few weeks before the direct testimony deadline.

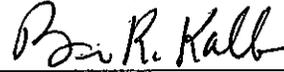
8. The statutory scheme utilized by ATXI clearly does not allow for a meaningful proceeding on ATXI's Petition. Any procedure that allows a utility to plan for eight years on a transmission line project with the size and scale as the one contemplated in the Petition, but only allows intervenors a few months to respond is fundamentally flawed. But as Stop the Power Lines Coalition stated, the statute authorizing expedited proceedings does not provide the procedural limitations set forth in the CMP, and the procedural limitations have substantive consequences. Indeed, the CMP effectively shifts the burden of proposing a reasonable route to the intervenors.

9. The Adams County Owners have no objection to the ALJ entering an order extending the deadline to submit an alternative line route on February 11, 2013, as requested by Stop the Power Lines Coalition.

WHEREFORE, Adams County Property Owners and Tenant Farmers request that an amended case management plan be issued that eliminates the December 31, 2012 filing date for Staff and Intervenors to identify alternative routes and affected landowners. In the alternative, the Adams County Owners request that an amended case management plan order be issued that requires Staff and Intervenors to identify alternative routes and affected Landowners by January 31, 2013.

DATED this 28th day of December, 2012.

Respectfully submitted,



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PROOF OF SERVICE

STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF MADISON    )

I, Brian R. Kalb, BEING AN ATTORNEY ADMITTED TO PRACTICE IN THE State of Illinois and one of the attorneys representing ADAMS COUNTY PROPERTY OWNERS AND TENANT FARMERS, hereinwith certify that I did on the 28<sup>th</sup> day of December, 2012, electronically file with the Illinois Commerce Commission, a Motion to Amend Case Management Plan to Either Eliminate the December 31, 2012 Filing Requirement or to Extend the Time for Same on behalf of LARRY AND TERRI GROCE, BRENT AND JACQUELINE MAST, STEVE MAST, KEITH C. FLESNER, JOHN AND BETTY PETERS, EDWARD G. BEHRENSMEYER, DAVID AND EMILY LEWIS, GREGORY L. AND JEANETTE EDWARDS, ARSENIUS AND ELEANOR FLESNER, MARVIN AND DENISE MILLER, MELVIN LOOS, AND FRED AND CONNIE LOOS, LOOS FARM SUPPLY, INC., ALEXANDER HOUSE, RICHFIELD FARMS, INC., CENTER SCHOOL FARMS, and STUART KAISER (hereinafter referred to as the "ADAMS COUNTY PROPERTY OWNERS AND TENANT FARMERS"), and electronically served the same upon the persons identified on the Commission's official service list.



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