

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Ameren Transmission Company of Illinois)	
)	
Petition for a Certificate of Public Convenience)	No. 12-0598
and Necessity, pursuant to Section 8-406.1 of the)	
Illinois Public Utilities Act, and an Order pursuant)	
To Section 8-503of 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.)	

**RESPONSE TO MOTION FOR LEAVE TO FILE AMENDED LANDOWNER LIST
AND FOR ORDER DIRECTING THE CLERK TO ISSUE NOTICE TO CERTAIN
AFFECTED LANDOWNERS**

COMES NOW William M. Fiesler, individually and as the executor of the estate of Jennie E. Fiesler, Gas & Electric Service Co., Inc., Beverly C. McDonald, Be Mac Farms, Inc., Paula Cooley, Patricia C. McDonald, Steven A. McDonald, David A. McDonald, Juanita M. Rutherford, individually and as the executor of the estate of Glenn C. Rutherford, Dwight Ridgley, L.Sue Ridgley, William White, Roger White, LaVerne White, Alan White, Dale Karl, Larry Karl, Gladys Curry, Victoria Hood, Holly Hood Villaire, Donna Hood Pointer, Jacqueline Calamello, David Sheets, Ron Evans, Marge Evans, Steve Weber, Mountain View Ranch, L.L.C., Karen Monfre (hereinafter referred to as the Macon County Property Owners), by their attorneys, Bolen, Robinson & Ellis, LLP, and for their Response to Motion for Leave to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners, state as follows:

1. Generally, leave to amend pleadings should be granted if it "furthers the ends of justice."

Kolacki v. Verink, 893 N.E.2d 717, 724 (3rd Dist., 2008).

2. "In determining whether to allow a party to amend a pleading, a trial court should consider the following factors: whether the amendment would cure a defect in the pleadings; whether the other party would be prejudiced or surprised by the proposed amendment; whether the proposed amendment is timely; and whether there were previous opportunities to amend the pleadings." *Kolacki*, 893 N.E.2d at 724.

3. In this case, allowing ATXI to amend its pleadings would not further the ends of justice. ATXI's choice to pursue this project under an expedited statute necessarily limited, and in this instance foreclosed, the opportunity for amendment because many, many parties are going to be prejudiced by the amendment no matter when it is brought.

WHEREFORE the Macon County Property Owners pray that the Motion for Leave to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners be denied, and that ATXI's Petition be dismissed.

DATED this 11th day of January, 2013

By: /s Christopher M. Ellis
Christopher M. Ellis
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PROOF OF SERVICE

I, Christopher M. Ellis, being an attorney admitted to practice in the State of Illinois, and one of the attorneys for Jennie E. Fiesler, Gas & Electric Service Co., Inc., Beverly C. McDonald, Be Mac Farms, Inc., Paula Cooley, Patricia C. McDonald, Steven A. McDonald, David A. McDonald, Juanita M. Rutherford, individually and as the executor of the estate of Glenn C. Rutherford, Dwight Ridgley, William White, Roger White, LaVerne White, Alan White, Dale Karl, Larry Karl, Gladys Curry, Victoria Hood, Holly Hood Villaire, Donna Hood Pointer, Jacqueline Calamello, David Sheets, Ron Evans, Marge Evans, Steve Weber, Mountain View Ranch, L.L.C., Karen Monfre (hereinafter referred to as the Macon County Property Owners), herewith certify that I did on the 11th day of January, 2013, electronically file with the Illinois Commerce Commission, a Response to Motion for Leave to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners on behalf the Macon County Property Owners, and electronically served same upon the persons identified on the Commission's official service list.

/s Christopher M. Ellis
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