

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois :  
 :  
 :  
Petition for a Certificate of Public Convenience and : Docket No. 12-0598  
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. :

---

**STAFF’S REPLY REGARDING MOTION FOR LEAVE TO FILE  
AMENDED LANDOWNER LIST AND FOR ORDER DIRECTING  
THE CLERK TO ISSUE NOTICE TO CERTAIN AFFECTED LANDOWNERS**

---

The Staff of the Illinois Commerce Commission (“Staff”), by and through its undersigned counsel, and in support of Staff’s Response to the Motion for Leave to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners (“Motion”) filed by Ameren Transmission Company of Illinois (“ATXI” or “the Company”), respectfully requests the motion be denied. In support thereof, Staff states as follows:

I. Introduction

On January 7, 2013, two months after filing its original petition, ATXI filed a Motion for Leave to File Amended Landowner List, detailing its “inadvertent and regrettable” error in failing to serve notice of the Petition upon approximately 130 landowners. The Administrative Law Judges (ALJs) granted leave to the parties to file

responses by January 11, 2013, at 5:00 p.m., and replies by January 15 at 12:00 p.m. The Colfax-Scott Land Preservation Group and Morgan, Sangamon, and Scott Counties Land Preservation Group (the “Land Preservation Groups”) filed their response on January 9. Staff and Macon County Property Owners (“MCPO”) filed timely responses on January 11. On January 14, Stop the Power Lines Coalition (“SPLC”) filed its Response, along with a Notice of Filing affirming that its Response was timely served on January 11.

Each party that filed a response, including Staff, recommend that ATXI’s motion be denied. However, the parties all request different relief, under various grounds. Staff will not restate its position in response here; rather, it will reply only to the additional responses filed.

## II. Reply to the Land Preservation Groups

The Response filed by the Land Preservation Groups highlights the complexity of this matter, and request that the Petition not proceed on an expedited basis. Rather, the Land Preservation Groups request that the ALJs “direct [all parties] to be prepared and authorized to discuss, negotiate, and settle the issues as to time limits herein, including but not limited to ATXI and/or its attorneys being prepared to present the official position of ATXI as to modifying its Petition herein to eliminate the request for an expedited order.” Response of Colfax-Scott Land Preservation Group and Morgan, Sangamon, and Scott Counties Land Preservation Group, ¶ 11.

While the Land Preservation Groups are correct in asserting that the proceeding is a complex one, the Public Utilities Act (the “Act” or “PUA”) does not authorize the ALJs to direct the parties to “settle” the matter of time limits when a Petition is filed for a

Certificate of Convenience and Public Necessity (CPCN) under Section 8-406.1. See, *generally*, 220 ILCS 5/8-406.1. Under this Section, the Commission is required to take action within 150 days, and that timeline may only be extended by an additional 75 days. 220 ILCS 5/8-406.1(g). The Commission, on November 28, 2012, entered an order extending the deadline as allowed under subsection (g). No further extension of time is authorized by statute, and certainly the ALJs are not authorized to direct the parties to “settle” to extend the deadline. Indeed, in making their request, the Land Preservation Groups did not rely upon any authority that would provide for such relief. While Staff would support a voluntary withdrawal of the expedited request of ATXI, neither the ALJs nor the Commission itself has the authority to require or direct the Company to do so.

### III. Reply to Macon County Property Owners

The Response filed by MCPO is brief, and rests upon the theory that the interests of justice would not be served by granting the Motion. As relief, MCPO requests that the Petition be denied. Staff notes that the interests of justice with respect to the Company are likewise not served by dismissal of the Petition in its entirety. The rights of the affected landowners should be preserved, and as such, Staff requests relief as stated in its Response.

### IV. Reply to Stop the Power Lines Coalition

The Response filed by SPLC joins the request of the Land Preservation Groups for the ALJs to require the parties to “settle” the matter of the timeline. As noted above, the General Assembly has not provided for such relief under Section 8-406.1.

SPLC further argues that “the entire Petition must be dismissed,” rather than the Pana – Mt. Zion portion as requested by Staff. Response of Stop the Power Lines Coalition at 2. In support thereof, SPLC states that “there is no evidence in this record that [the] transmission line ending at Pana and picking up again at Mt. Zion would be viable.” Id. Any finding regarding the viability, or lack thereof, of the Project or any section of it would be premature. Rather, in order to protect the due process rights of the affected landowners, Staff requests that ATXI withdraw or that the ALJs dismiss this portion of the line. Staff anticipates that following such withdrawal or dismissal, ATXI would re-file and appropriately notify the affected landowners, preserving the due process rights of those affected by ATXI’s failure to notify them within this proceeding.

#### V. Recommendation

In the fast-paced process required by Section 8-406.1, there is no opportunity available by law to extend the process to accommodate the landowners that were not provided proper statutory notice. Accordingly, Staff respectfully stands upon its recommendations filed in Response to ATXI’s Motion on January 11; namely, that ATXI voluntarily withdraw its Petition solely with respect to the Pana – Mt. Zion segment of the Project, or, in the event that ATXI chooses not to withdraw the Pana – Mt. Zion segment, ATXI’s Motion be denied and the Commission enter an order dismissing solely the Pana-Mt. Zion segment of the Project, without prejudice, and with leave for ATXI to re-file this portion of the line in accordance with the requirements of Section 8-406.1 or 8-406, as it elects. Finally, should the Pana – Mt. Zion segment of the Project remain in the instant Petition, Staff recommends that the Case Management Plan be revised with input from the affected landowners, granting adequate time to propose

alternative routes, congruent to the time granted to landowners who received notice upon filing of the Petition.

WHEREFORE Staff of the Illinois Commerce Commission respectfully requests that the Administrative Law Judges deny the Motion for Leave to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners filed by Ameren Transmission Company of Illinois and for further relief as described above.

Respectfully submitted,

---

Matthew L. Harvey  
Kelly A. Armstrong

Illinois Commerce Commission  
Office of General Counsel  
160 North LaSalle Street, C-800  
Chicago, IL 60601  
(312) 793-2877  
mharvey@icc.illinois.gov  
karmstrong@icc.illinois.gov

January 15, 2012

*Counsel for Staff of the Illinois  
Commerce Commission*