

**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-) Docket No. 12-0598
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.)

**AMEREN TRANSMISSION COMPANY OF ILLINOIS’
RESPONSE IN OPPOSITION TO STOP THE POWER LINES COALITION’S
PETITION FOR INTERLOCUTORY REVIEW**

Ameren Transmission Company of Illinois (ATXI) hereby opposes Stop the Power Lines Coalition’s (Coalition) Petition for Interlocutory Review filed January 22, 2012. The Coalition seeks reversal of the December 31, 2012 ruling of the Administrative Law Judges (ALJs) denying the Coalition’s request to eliminate or extend the December 31 deadline to propose alternate routes in this case. (See ALJs’ Ruling (Dec. 31, 2012).) The Coalition, as intervener, is bound by the established schedule at the time of their intervention. For this and the reasons enumerated below, the Coalition’s Petition should be denied.

1. The Coalition filed a petition to intervene on December 21, 2012, one week after entry of the December 14, 2012 Case Management Order (CMO) of which it now complains. That petition was granted on December 31, 2012. The Coalition must, upon intervention, be bound by the ALJs’ ruling entering the CMO and setting the case schedule. Rule 200.200 of the Commission’s Rules of Practice and Procedure provides:

Except for good cause shown, an intervenor *shall accept the status of the record as the same exists at the time of the beginning of that person's intervention.* Subject to Section 200.850, any intervenor shall be allowed to comment in briefs and oral arguments on any

matter addressed in the proceeding, whether before or after his intervention; and *such intervenor shall be bound by rulings and orders theretofore entered.*

83 Ill. Adm. Code § 200.200(e) (emphasis added). Indeed, the Coalition recognizes as much. In its December 21, 2012 petition to intervene, it represented to the Commission, the “Stop the Power Lines Coalition agrees to accept the status of the record as it exists at the time of the filing of this Petition” (Coalition Pet. to Intervene ¶ 2 (filed Dec. 21, 2012).) Thus, the Coalition previously agreed *not* do to what its Petition now requests— try and alter the record as it existed as of December 21, 2012.

2. The Coalition complains that the ALJs and the Commission lack the authority to enter the CMO. But this is clearly not the case. The ALJs have broad authority over the proceeding. See 83 Ill. Adm. Code §§ 200.300, 200.310, 200.370, 200.500. Among other authority, the ALJs may require prehearing submissions (83 Ill. Adm. Code §200.310) and establish “procedures to facilitate the prompt and efficient resolution of the proceeding.” 83 Ill. Adm. Code §200.300(a)(3). Likewise, Section 8-406.1 of the Public Utilities Act requires the administrative law judge to set a schedule for discovery that shall take into consideration the expedited nature of the proceeding. 220 ILCS 5/8-406.1(b).

3. Ultimately, the Coalition’s goal is to be able to late file certain proposed alternate routes. (Coalition Pet., ¶ 7.) But the Coalition has not demonstrated good cause for a change in the currently established schedule. Although the Coalition complains of the difficulty of identifying alternate routes and landowners, their concerns are belied by the fact that the Coalition did in fact file a “Designation” of an alternate route on December 31, 2012. Numerous other parties identified alternate routes and the affected landowners on or before the December 31, 2012 deadline. This indicates that there is no need to alter the December 31, 2012 date.

4. In the end the Coalition has not demonstrated good cause to amend the schedule, can not properly question the Commission's authority to set a schedule, and complains about a deadline that many other parties met. Given an established schedule, interveners must not be permitted to simply make filings as they see fit outside of the schedule, and to do so weeks after the applicable ruling is in place. To allow otherwise breeds confusion and complication in an already complex docket.

For all the reasons above, Ameren Transmission Company of Illinois respectfully submits that the Intervenor Stop the Power Lines Coalition's Petition for Interlocutory Review be denied.

Dated: January 23, 2013

Respectfully submitted,

Ameren Transmission Company of Illinois

/s/ Albert D. Sturtevant

One of their Attorneys

Edward C. Fitzhenry
Matthew R. Tomc
Eric E. Dearmont
AMEREN SERVICES COMPANY
One Ameren Plaza
1901 Chouteau Avenue
St. Louis, Missouri 63166
(314) 554-3533
(314) 554-4014 (fax)
efitzhenry@ameren.com
mtomc@ameren.com
edearmont@ameren.com

Mark A. Whitt
Shannon K. Rust
WHITT STURTEVANT LLP
88 East Broad Street, Suite 1590
Columbus, Ohio 43215
(614) 224-3911
whitt@whitt-sturtevant.com
rust@whitt-sturtevant.com

Albert D. Sturtevant
Anne M. Zehr
Rebecca L. Segal
Hanna M. Conger
WHITT STURTEVANT LLP
180 N. LaSalle Street, Suite 2001
Chicago, Illinois 60601
(312) 251-3017
sturtevant@whitt-sturtevant.com
zehr@whitt-sturtevant.com
segal@whitt-sturtevant.com
conger@whitt-sturtevant.com

Christopher W. Flynn
Attorney at Law
180 N. LaSalle Street, Suite 2001
Chicago, Illinois 60601
cwflynnlaw@gmail.com

CERTIFICATE OF SERVICE

I, Albert D. Sturtevant, an attorney, certify that on January 23, 2013, I caused a copy of the foregoing *Ameren Transmission Company of Illinois' Response to Stop the Power Lines Coalition's Petition for Interlocutory Review* to be served by electronic mail to the individuals on the Commission's Service List for Docket 12-0598.

/s/ Albert D. Sturtevant

Attorney for Ameren Transmission
Company of Illinois