

**Docket No:** 12-0598  
**Bench Date:** 01-24-13  
**Deadline:** 06-06-13

**MEMORANDUM**

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**TO:** The Commission

**FROM:** John D. Albers, Administrative Law Judge  
J. Stephen Yoder, Administrative Law Judge

**DATE:** January 16, 2013

**SUBJECT:** 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.

**REGARDING:** Extension of deadline.

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On November 7, 2012, Ameren Transmission Company of Illinois ("ATXI") filed a petition under Section 8-406.1 of the Public Utilities Act ("Act") seeking authorization to construct, operate, and maintain a new 375-mile long 345-kilovolt electric transmission line running generally from the Mississippi River near Quincy, Illinois to the Indiana border, just south of Terre Haute, Indiana. Pursuant to subsection (g) of Section 8-406.1, the Commission must enter an order granting or denying the application within 150 days of the filing of the petition. On November 28, 2012, however, the Commission granted a motion by Commission Staff ("Staff") requesting a 75-day extension of the deadline, as permitted by subsection (g).

As noted in the memorandum concerning Staff's motion, several thousand landowners have property along the various routes proposed by ATXI. Specifically, the notice of the first hearing was mailed to over 4,600 landowners. On January 7, 2013, ATXI filed a "Motion for Leave to File Amended Landowner List and for Order Directing the Clerk to Issue Notice to Certain Affected Landowners." ATXI explained in its motion that it inadvertently neglected to include with its initial filing the names and addresses of roughly 130 additional potentially affected landowners along a segment of the transmission line between Pana and Mt. Zion. To remedy this omission, ATXI suggests modifying the expedited schedule to provide the roughly 130 landowners the same opportunity that other landowners have had to propose alternative routes. ATXI, however, argues that the ultimate deadline can not be changed.

Parties responding to ATXI's motion have made various suggestions. The Colfax-Scott Land Preservation Group and the Morgan, Sangamon, and Scott Counties Land Preservation Group recommend that all parties be brought together to determine a new schedule, which they believe should include ATXI's withdrawal of its request for expedited consideration. The Macon County Property Owners recommend that ATXI's motion be denied and its petition be dismissed. Staff proposes that ATXI voluntarily withdraw that portion of its transmission line where the omitted property owners are found. If ATXI refuses to withdraw the affected segment of its transmission line, Staff recommends that the Commission simply dismiss that portion without prejudice. If the Commission does not follow this recommendation, Staff suggests that the expedited schedule be revised to provide the roughly 130 landowners an opportunity to propose alternative routes, just as other landowners were allowed to do. ATXI is only agreeable to a revised schedule using the same deadline.

To be clear, notice of the January 17, 2013 status hearing has been sent to the landowners identified in ATXI's January 7, 2013 motion. The Administrative Law Judges ("ALJs") scheduled the January 17, 2013 status hearing for the benefit of the nearly 3,000 who own property along the alternative routes proposed by other landowners. Those listed in ATXI's January 7, 2013 motion have been invited to attend as well to learn how they may participate.

The primary concern with the error identified by ATXI is that the additional landowners will not have a reasonable amount of time under the existing schedule/ deadline to propose alternatives. As a result, they will be treated differently under the schedule from landowners who were notified at the outset. To compound matters, if the roughly 130 newly identified landowners propose alternative routes, landowners along those routes will need to be notified as well and informed of their right to support ATXI's original proposal.

Upon considering the arguments of the parties, the ALJs have concluded that the most appropriate way to resolve this situation is to "restart the clock" as of January 7, 2013. As noted, January 7, 2013 is the date that ATXI provided the names and addresses missing from its original filing. ATXI therefore did not complete its filing until that date. This approach also places any burden on the party responsible for the situation. One hundred fifty days from January 7, 2013 is June 6, 2013. The remaining question is whether the Commission is willing to extend the deadline another 75 days as it did when all concerned thought that ATXI had completed its filing on November 7, 2012. If the Commission grants a 75-day extension, the deadline will be August 20, 2013. Rather than wait for Staff to renew its motion for a 75-day extension or for another party to make a similar motion, the ALJs consider it most expedient to bring the issue of an extension to the Commission themselves.

The ALJs would greatly appreciate a decision on whether to extend the deadline from June 6, 2013 to August 20, 2013 as soon as possible. Doing so will allow the ALJs to set a new schedule in this matter fairly observing the rights of all parties. If you have any questions, please do not hesitate to ask.

JDA/JSY