

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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| AMEREN TRANSMISSION COMPANY OF ILLINOIS |) | |
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| Petition for 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 Number 12-0598 |

INTERVENORS MAGDI, BARBARA, AND ADAM RAGHEB'S RESPONSE TO STAFF MOTION TO REVISE CASE MANAGEMENT PLAN and;
REPLY TO AMEREN TRANSMISSION COMPANY OF ILLINOIS' RESPONSE TO STAFF MOTION TO REVISE CASE MANAGEMENT PLAN

NOW COME Intervenors, Magdi, Barbara, and Adam Ragheb (“Intervenors”) in Response to the Motion to Revise the Case Management Plan, filed by Staff of the Illinois Commerce Commission (“Staff”) and in Reply to the Response of Ameren Transmission Company of Illinois (“ATXI”) to the Staff Motion to Revise the Case Management Plan, and state as follows:

1. The Staff Motion to Revise the Case Management Plan should be approved.
2. The “compromise proposal” of ATXI should be denied.
3. ATXI itself filed its petition under statutory provisions providing for expedited procedures in order to unfairly burden landowners and to beat competing and likely better proposed projects to market. The aforementioned expedited procedure deprives the landowners of the opportunity to adequately prepare any defense when the current project has been in planning for at least eight years (ATXI Exhibit 1.0, Page 6 of 13, Line 115 and ATXI Exhibit 2.0, Page 16 of 29, Line 339). ATXI should not complain about a Staff effort to reduce any amount of time available to ATXI.
4. Staff’s proposed revisions to the schedule are not “unfair and unduly prejudicial to ATXI.” Staff proposes removing one week from the time for Staff and Intervenors to prepare their testimony, be it through their witnesses or the parties themselves, and one week from ATXI’s time to prepare its rebuttal testimony. Just to be clear, this is **one week** from Staff and Intervenors and **one week** from ATXI. This is fair and unprejudiced, as the actual times lost by both sides are equal.
5. ATXI has 9 (nine) persons from the law firm of Whitt Sturtevant LLP listed on the service list for this docket. The firm boasts an admittedly impressive record of experience in regulatory matters (<http://whitt-sturtevant.com/experience.php>), while the landowners are typically represented by a single attorney or are representing themselves. Many intervenors are not themselves experienced in proceedings before the Illinois Commerce Commission and may be represented by counsel who are also not experienced in such proceedings. If anything is unfair, it is only that this case is proceeding under expedited procedures.
6. When making rulings where a party or parties must bear a necessary burden, the fair thing to do is to place that burden on the party most able to carry it, as they are best prepared to handle said burden if it exists. The landowners and their counsel are already carrying the heavy burden of expedited proceedings, learning about transmission line projects in general, and familiarizing themselves with the proceeding’s procedures; ATXI and its 9 (nine) representatives from a law firm specializing in regulatory matters should be relieved to not have had Staff propose that ATXI carry the entire two weeks’ worth of this necessary scheduling burden.
7. While we will not formally propose any modification to Staff’s proposed schedule, **we do wish to float the idea of placing this necessary two weeks’ worth of burden ENTIRELY on ATXI**, i.e. allow ATXI 2 weeks for preparation of their rebuttal testimony. ATXI has already submitted at least 20 (twenty) data requests, all of which request landowners or their counsel to “Produce all Documents in Your possession referring to, reflecting or relating to the Project.” ATXI will have a thorough and complete knowledge of many landowners’ cases within 2 weeks, and will be able to prepare counterarguments immediately thereafter. ATXI through its “compromise proposal” has clearly demonstrated they have ample time to, in the words of Deborah

D. Rooney and her counsel, "complain" at a time when preparations in response to landowners' cases is presumably already in progress.

WHEREFORE, Intervenor, Magdi, Barbara, and Adam Ragheb respectfully request that the Illinois Commerce Commission approve Staff's Motion to Revise the Case Management Plan, deny ATXI's "compromise proposal," and be aware that landowners and their counsel (if any) are already carrying the heavy burden of expedited procedures as requested by ATXI, which has 9 persons on the service list from a firm specializing in regulatory matters such as this one and would thus be the most capable of carrying any further scheduling burdens.

Respectfully submitted,

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DATED this 3rd day of February, 2013

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PROOF OF SERVICE

STATE OF ILLINOIS :
: SS
COUNTY OF CHAMPAIGN :

We, being property owners on the secondary route of Ameren's Illinois Rivers Transmission Project, herewith certify that we, on this 3rd day of February, 2013, caused to be served copies of the foregoing Response to Staff Motion to Revise Case Management Plan and Reply to the Response of Ameren Transmission Company of Illinois' to Staff Motion to Revise Case Management Plan via electronic delivery of email to the Parties of Record named on the Illinois Commerce Commission service list for ICC Docket 12-0598.

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