

ILLINOIS COMMERCE COMMISSION

DOCKET NUMBER 12-0598

DIRECT TESTIMONY

OF

Intervener, Edward George Behrensmeyer

Q: Please state your name?

A: Edward George Behrensmeyer

Q: Please state your current residence?

A: 261 East 1570th Street, Payson, IL 62360

Q: Please identify by street address and parcel number any real property in which you claim an interest that will be affected by the proposed electric transmission line and related facilities that are subject of Ameren Transmission Company of Illinois' ("ATXI) Petition currently before the Illinois Commerce Commission?

A: 261 E. 1570, Payson, IL 62360.

PIN: 18-0-0216-000-00, a true, accurate, and correct map of this parcel is attached hereto as Exhibit 1.

PIN: 18-0-0231-000-00, a true, accurate, and correct map of this parcel is attached hereto as Exhibit 2.

PIN: 18-0-0232-000-00, a true, accurate, and correct map of this parcel is attached hereto as Exhibit 3.

PIN: 18-0-0228-000-00, a true, accurate, and correct map of this parcel is attached hereto as Exhibit 4.

We refer to the woods shown on Exhibit 3 as the Maple woods because that is where the maple trees are located on the farm.

Hereinafter collectively referred to as the "Property"

Q: Please identify the nature of your interest in the Property?

A: I, Ned Behrensmeyer, own two-thirds of the Property and my brother and sister each have a one-sixth division. My sister is Dr. Anna Behrensmeyer and her address is 309 N. Edison, Arlington, VA 22203. My brother is Charles Behrensmeyer and his address is 1755 Harding Road, Paonia, CO 81428. I am currently in the middle of a divorce and my wife is claiming a 25% marital interest in the Property.

Q: How is the property currently used?

A: It's primarily used for the growing of corn and soy beans. It is also a wildlife habitat, as well as being used for hunting that takes place each year. Between the years of 1988 through 2011 I have used the maple woods to produce maple syrup for sale. I intend to use the maple woods to produce maple syrup for sale in the future as well. I am not doing it this year because of too many other issues, but I have produced considerable amounts of maple syrup in the past. For example, in 1993 I tapped 156 trees, a 100 of which were located on the Property and made 80 gallons of syrup, which grossed approximately \$3,200.00.

Additionally, there is pasture for livestock, as well as a natural spring. Approximately where the house is located is one of the largest springs in Adams County. It is an ideal location for any kind of live stock and in the past it was the center of cattle operation and hog operation. Right now we do not have cattle or hogs anymore but I do raise dairy goats.

The farming of the property is done by Steve, Brent, and Earl Mast (hereinafter the "Masts") and they have done it since 1983. There is pasture ground for the horses, there is

pasture that is bailed and the bails are sold. Additionally, we established a new pasture this last year and then Pidgin Creek, which is one large county drainages that runs across the county and then forms the boarder on the East side of the 196 acres and it's a beautiful area.

Q: Are there any building(s) and/or structure(s) on the property?

A: There is a pole barn, an old milking barn with stalls now used for housing horses and goats, and which I also use for milking goats. Additionally, there is a springhouse which covers and encloses the primary spring outlet on the Property, and contains an insulated garage which converts into the maple sugaring house when I set the evaporator up in it to make syrup. There is also an old long machine shed where my shop is set up, a newer metal shed for large equipment storage, three grain bins, my residence and a two car garage.

Q: Are you concerned about any negative impact on the animals?

A: Yes, I have a dozen goats, three horses and donkey, and would be concerned about their potential safety. Additionally, I am concerned about the impact to the wildlife on the property.

Q: Is there any revenue that is earned from the property, if so what is the revenue?

A: In 2011 there was a profit of \$39,291.13 to my family. That was split according to each siblings' interest in the property between me, my sister, and my brother. Additionally, we allow individuals to hunt on the property yearly. There is an average of about six to seven hunters a year. Each pays \$5000.00 to hunt on the property.

Q: What is the quality of the soil on the property?

A: Above average to excellent in portions of the property.

Q: Is the property encumbered by any existing utility easement(s)?

A: No.

Q: Do you oppose the primary route proposed by ATXI?

A: Yes.

Q: Do you oppose the entire length of the primary route?

A: Yes.

Q: What is the basis of your opposition to the primary route?

A: One major issue is that on Exhibit 1, the ATXI primary route will require the removal of the entire osage orange hedgerow; something my family has been refusing to do for the last forty years. That hedgerow, which provides the only real boundary with the neighbor, provides valuable wind and water soil erosion protection in addition to a wildlife habitat. The primary route that is proposed also goes directly through the last quadrant of the maple woods as shown on Exhibit 3, and will likely require removal of several very nice mature trees as it comes down the bluff.

Additionally, I am opposed to the primary route because I am concerned that ATXI will determine they need to move the line when they discover the actual terrain of the property. Specifically, when the primary route exits the maple woods it comes to the east end of the property. At the east end there is a bluff face to a steep slope which merges into the stream channel for several hundred feet if not yards. The bluff face continues to the south where in places there is hardly 150 feet between my fence line and the bluff face. In between my fence and the bluff face is a stream channel and riparian zone of the creek.

This stream channel is capable of tremendous floods. That is only the beginning of ATXI's problem as they get in and approach Pigeon Creek. The proposed primary route continues across a deep gully that is made by the spring that comes off of my property, and enters into an oxbow depression. The oxbow depression can be a marsh. I've seen beavers build dams to back up that spring water back into the oxbow and turn it into a complete lake. It's a wild life paradise back in there, and is a flood plain.

With this in mind the idea that they are going to take 75 feet on one side and 75 feet on the other side means 75 feet on the south is going to be directly in the stream bed. If, during construction, ATXI decides to move the line as a result of what I have stated, and take 150 feet on my side of the fence then that will take a larger portion of my maple woods.

Additionally, it would then come straight across my pasture right over my pole barn and so close to my house that it will totally destroy the livability of the home, along with the

property value.

Additionally, based on my experience construction of this type uses heavy equipment that will compact the soil and the ability to use the property for crop production will be affected. Ultimately this will lead to less yield and affect the best use of the property.

Finally, my understanding is that ATXI will be placing a tower on my far west corner. As such, the line will run diagonal over the back corner of the property, and will then intersect the back line and heads east. Additionally, as I understand it, ATXI will start clearing out trees and performing construction on ground at the back portion of the property which is terraced. Those terraces are fairly slopping ground and are quit delicate and the Masts do a good job maintaining those terraces. Any kind of heavy equipment used in the construction of the primary route is just going to damage those terraces, and destroy some of the best if not the best soil used for farming the property.

Q: What is the proximity of the building(s) and/or structure(s) on the property to the primary route proposed by ATXI?

A: The primary route proposed will be located in approximately 100 feet of the pole barn on the Property. Additionally, it is about 300-400 feet from the remaining buildings and structures on the farm, including the home. If ATXI moves the line to my side of the Property for the reasons I have stated in this testimony, but still within ATXI's proposed easement, then the line will run directly over my pole barn, barn lot, within 200-300 feet of the residence, and within 100-200 feet of the Springhouse.

Q: Are you aware of the number of property owners that will be affected the proposed primary route, and if so what is the affect?

A: I know there are numerous property owners that are involved in objecting to these routes proposed by ATXI, but I do not know the affect to each one of them.

Q: Are you in favor of ATXI utilizing existing right of ways for the ATXI transmission line?

A: Yes.

Q: Please identify any other party or individual who may have an interest in the property, and explain the nature of such interest?

A: My brother and sister have an interest as I previously stated. Additionally, the Masts have an interest as they farm the land.

Q: If there is an individual or party who has interest in the property, does that party or individual oppose the primary route proposed by ATXI?

A: To the best of my knowledge my brother and sister oppose the primary route.

Q: Does the individual or party oppose the entire length of the primary route?

A: Yes.

Q: What is the basis for the individual's or party's opposition to the primary route?

A: To the best of my knowledge my brother and sister oppose the primary route for the same reasons I do. The Masts are an intervenor in this matter, and therefore I will defer to their testimony as it relates to their objections the primary route.

Q: Does this conclude your testimony?

A: Yes.

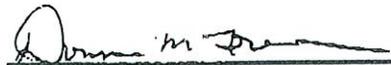


EDWARD G. BEHRENSMEYER

STATE OF ILLINOIS)
) SS
COUNTY OF ADAMS)

Signed and Sworn to before me, a Notary in the County and State aforesaid by Edward G. Behrensmeyer on this 20th day of March, 2013




NOTARY PUBLIC