

**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 8-503 of the Public Utilities Act, to
Construct, Operate and Maintain a New
High Voltage Electric Service Line and
Related Facilities in Various Counties in
the State of Illinois** :

Docket No. 12-0598

Rebuttal Testimony of

Rudolph "Rudi" K. Reinecke

On behalf of

Moultrie County Property Owners

April 12, 2013



integrated environmental solutions

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Rebuttal Testimony of Rudolph "Rudi" K. Reinecke

1 Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A My name is Rudolph K. Reinecke. My business address is 2150 South Central
3 Expressway; Suite 110, McKinney, Texas 75070.

4 Q ARE YOU THE SAME RUDOLPH REINECKE WHO PREVIOUSLY FILED
5 TESTIMONY IN THIS CASE?

6 A Yes, I am.

7 Q ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?

8 A I am testifying on behalf of the Moultrie County Property Owners (MCPO).

9 Q WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY IN THIS
10 PROCEEDING?

11 A I will respond to the rebuttal testimonies of Shelby County Landowner Group
12 witnesses Joseph Woodall, Ginger Durban and Larry Durban; and Piatt Douglas
13 and Moultrie Counties (PDML) witness Howard Kamm.

14 **Q DO YOU AGREE WITH MR. WOODALL'S ASSERTIONS THAT THE MCPO**
15 **ALTERNATIVE ROUTE BETWEEN PANA AND KANSAS IS LOCATED**
16 **DIRECTLY OVER THE CITY OF SHELBYVILLE WATER FIELDS?**

17 A The boundaries of the City's property was not ascertained in our route
18 development; however, we have determined that the route is at least 500 feet
19 away from the water wells.

20 **Q IN YOUR OPINION, WILL THE PRESENCE OF THE MCPO PANA TO**
21 **KANSAS ROUTE LOCATED 500 FEET AWAY FROM THESE WATER WELLS**
22 **AFFECT THE CITY'S WATER RESOURCES?**

23 A No. The route was specifically located to avoid structures and minimize impacts
24 to them by distancing the route away from them. With the route being placed
25 over 500 feet away, if the City was required to re-work any of these water wells,
26 a drill derek would still be able to service the well without interference from the
27 transmission line.

28 **Q WHAT DOES MR. WOODALL STATE ABOUT HIS BOTTOMLANDS ON HIS**
29 **PROPERTY?**

30 A Mr. Woodall states that his and other individual property owners' bottomlands
31 flood when the U.S. Army Corps of Engineers open the flood gates on Lake
32 Shelbyville.

33 **Q IS THE PRESENCE OF FLOODPLAINS A ROUTING FACTOR FOR A**
34 **TRANSMISSION LINE?**

35 A Yes, the overall metric of floodplains were in this case from Federal Emergency
36 Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

37 Q **IN YOUR OPINION WILL THE PROPOSED TRANSMISSION HAVE AN**
38 **EFFECT ON THE FEMA FIRM FLOODPLAINS?**

39 A Although I am not a civil engineer in the specialty of hydraulics, there is little
40 likelihood of the FEMA FIRM being altered by this project. Generally the only
41 above grade impacts that could affect the storage of water is the transmission
42 poles themselves and given the small size of these and distant locations, they
43 would unlikely have an effect on an overall floodplain.

44 Q **DO YOU KNOW IF ATXI CONSIDERED THE EFFECTS OF A TRANSMISSION**
45 **LINE ON FLOODPLAINS IN THEIR ROUTING STUDY?**

46 A No. Exhibit 4.0 does not address whether or not the transmission line will have
47 any effects, nor do they specify that they will be submitting any modifications to
48 the FEMA FIRMs as a result of the project.

49 Q **DO YOU AGREE WITH MR. WOODALL'S TESTIMONY STATING THAT**
50 **ATXI'S ROUTES BETWEEN PANA TO MT. ZION AND MT. ZION TO KANSAS**
51 **AVOID THE RECREATIONAL AREAS, WOODLANDS, AND AGRICULTURAL**
52 **FARMLAND WHILE MCPO'S PANA TO KANSAS ROUTE DOES NOT?**

53 A Not entirely. In my testimony I calculated and compared the amount of
54 recreational areas, woodlands, and agricultural farmland between the ATXI
55 routes and the MCPO routes. Mr. Woodall is correct that the MCPO Pana to
56 Kansas Route has greater amounts of woodlands in the 500-foot analysis

57 corridor than the ATXI routes. There are not any parks or recreational areas
58 within either ATXI's routes or the MCPO's Pana to Kansas Route. The ATXI
59 routes have greater than 5,200 acres of cultivated fields, while the MCPO Pana
60 to Kansas only has 3,843 acres of cultivated fields in the 500 foot analysis
61 corridor.

62 **Q DO YOU AGREE WITH MR. LARRY DURBAN AND MS. GINGER DURBAN'S**
63 **TESTIMONY THAT THE PROPOSED MCPO PANA TO KANSAS ROUTE**
64 **WILL BE IN CLOSE PROXIMITY TO (IF NOT ON TOP OF) THEIR NEW**
65 **FEEDLOT?**

66 A No. Based on our measurements, the proposed MCPO Pana to Kansas route is
67 approximately 3,500 feet north of their new feedlot.

68 **Q HOW DOES MR. HOWARD KAMM DESCRIBE THE ARCHEOLOGICAL SITE**
69 **RECORDED IN THE STATE ARCHEOLOGICAL SURVEY AS SITE 11DO78?**

70 A Mr. Kamm describes the site as a "stopover village" that was a significant
71 gathering place with burial mounds and villages. He further states that "Over the
72 years, the site has yielded axe heads, celts, manos, mutates, oval grinding
73 stones, bola weights, and hundreds of arrow points."

74 **Q HOW WAS THIS SITE RECORDED BASED ON YOUR REVIEW OF THE**
75 **ILLINOIS ARCHEOLOGICAL SITE FORM FOR SITE 11DO78 AND MCPO-**
76 **PDML DR 1.1-1.6?**

77 A It appears that the Kamm family had been identifying and collecting artifacts
78 within their cultivated field for years. At some point they had Mr. Mark Jones, a
79 professional photographer employed at TinType Shoppes of Photography to visit
80 and record the site on the site forms. Mr. Jones submitted the forms to the

81 Illinois Archeological Survey requesting information to the age and uses of the
82 site over the years. This request identified on the site form and responses to
83 MCPO-PDML DR 1.5 state that the survey and recordation were not conducted
84 by professional archeologists.

85 **Q IS MR. KAMM'S DESCRIPTION OF THE SITE CONSISTENT TO THAT**
86 **OFFICIALLY RECORDED IN THE ILLINOIS ARCHEOLOGICAL SURVEY?**

87 **A** Yes and no. There is no reference within the Illinois Archeological Site Forms,
88 recorded by Mr. Mark Jones, that this site was a village or that it contained any
89 burial mounds. Mr. Mark Jones recorded the location and collected 10 points
90 and other stone objects and many chert balls and flakes. The remarks section of
91 the site form are consistent with statements in MCPO-PDML DR 1.5; there have
92 been numerous artifacts collected from this site by the land owners over time.

93 **Q HAS A PROFESSIONAL ARCHEOLOGIST VISITED SITE 11DO78?**

94 **A** Yes. In accordance with the Site Form 11DO78, Mr. Dale McElrath and Mr.
95 Norm Meinholz reviewed the site and artifacts the Kamm family had in their
96 possession.

97 **Q WHAT WAS THE PROFESSIONAL ARCHEOLOGIST'S OPINION OF SITE**
98 **11DO78?**

99 **A** Dale McElrath wrote that the site is a multi-component lithic production site with
100 no substantial signs of occupation and the site pertained to Early and Late
101 Archaic, as well as, Late Woodland and Missippian periods.

102 **Q WHERE DOES MR. KAMM OBTAIN HIS INFORMATION FROM TO MAKE HIS**
103 **ASSERTION THAT THE SITE HAS BURIAL MOUNDS WITHIN IT?**

104 **A** The only reference that provides any potential information to Mr. Kamm's claims
105 of a "burial mound" could be from referencing a July 11, 1986 letter from The

106 TinType Shoppes of Photography, provided in MCPO-PDML DR 1.5 and
107 referenced in Exhibit A. In this letter, there are claims that approximately 1/8
108 mile south of the site there have been extensive artifacts found on one mounded
109 area approximately 50 feet in diameter and five to six feet in height. Mr. Jones
110 suggests that this mound could also be a natural hill.

111 **Q DOES MR. KAMM'S TESTIMONY REGARDING THE ARCHEOLOGICAL SITE**
112 **CHANGE YOUR OPINION AS TO WHETHER IT WILL PREVENT MCPO'S MT.**
113 **ZION TO KANSAS ROUTE FROM BEING CONSTRUCTED?**

114 A No. It is likely that the potential eligibility of the site, for listing on the National
115 Register of Historic Places, has been diminished by the fact that a large
116 percentage of the artifacts that have been collected previously were collected
117 without proper recordation. In addition, the extensive past and continued
118 cultivation within the site has likely further reduced the site's overall research
119 potential. However, this information does not negate the fact that ATXI will have
120 to coordinate the construction of its proposed transmission line with the Illinois
121 Historic Preservation Agency in relation to this site along with all other
122 archeological sites along the entire project corridor. It is my understanding that
123 there are currently a total of 54 archeological sites within the proposed easement
124 of the primary and alternate routes for the line as it crosses the state of Illinois.

125 **Q DO YOU AGREE WITH MR. KAMM'S STATEMENT THAT THERE ARE AT**
126 **LEAST TWO AMISH CHURCHES IN CLOSE PROXIMITY TO THE MCPO**
127 **PROPOSED ALTERNATIVE ROUTE?**

128 A No. There are no known "churches" located within the 500-foot analysis corridor.
129 Please note the two "churches" identified by Mr. Kamm are residences and
130 based on their locations provided in MCPO-PDML DR 1.8, Mr. Roger Otto's

131 house is located more than 900 feet and Mr. Derek Otto's house is located more
132 than 650 feet away from the MCPO's proposed alternative route.

133 **Q DOES THIS CONCLUDE YOUR TESTIMONY?**

134 **A Yes.**