MCPO Exhibit 5.0

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 the Counties of Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton, Macon, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott and Shelby, Illinois**	**Docket No. 12-0598**

Rebuttal Testimony of

Robert G. Fischer

On behalf of

Moultrie County Property Owners ("MCPO")

April 12, 2013

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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RebuttalTestimony of Robert G. Fischer

Q PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A My name is Robert G. Fischer. I reside at 612 Sun Lake Drive, St. Charles, Missouri.

Q WHAT IS YOUR CURRENT OCCUPATION?

A I am a First Officer for Corporate Aircraft Management, Inc. I fly under Federal Aviation Regulations ("FAR") Part 135 Charter Certificate in a BeechJet 400A and 400XP.

Q WHAT IS YOUR EDUCATIONAL BACKGROUND AND EXPERIENCE?

A I am an Airline Transport Pilot with endorsements for High Performance and Complex aircraft. I have a type rating for the BeechJet BE400/MU300 as well as over 2500 hours of experience in light, unpressurized aircraft. I am also a Certified Flight Instructor and a former Instructor Pilot for a Hawaii based FAR Part 135 Airline. My

professional flight experience, aviation instruction experience, and credentials are attached as Exhibit 5 .1.

Q ON WHOSE BEHALF ARE YOU APPEARING IN THIS PROCEEDING?

A The Moultrie County Property Owners ("MCPO").

Q WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to respond to the direct testimony of Piatt, Douglas, and Moultrie County Property Owners witness David Hrupsa. I was asked to analyze Mr. Hrupsa's testimony. The primary complaint made by Mr. Hrupsa is that MCPO's alternate route from Mt. Zion to Kansas for ATXI's proposed 345 kV transmission line would interfere with airport operations at Tuscola Airport. (International Civil Aviation Organization Identifier K96).

Q PLEASE SUMMARIZE YOUR TESTIMONY.

A Mr. Hrupsa states in his testimony that MCPO's proposed line running one-fourth (1/4) mile south of the airport would make an approach to the airport "almost impossible". I understand that the proposed transmission line would have steel pole towers with a height not exceeding 140 feet. It is my opinion that any operations by an airplane one-fourth (1/4) mile South of the Tuscola Airport at or below 200 feet above ground level ("AGL") would be reckless and unsafe regardless of the presence of the proposed transmission line. As long as the aircraft using the airport comply with the rules and standards governing flight operations in and around an airport, the location of ATXI's proposed Transmission line on MCPO's proposed route will not be a problem.

Q PLEASE EXPLAIN THE BASICS OF AIRPORT AND AIRCRAFT OPERATIONS THAT ARE RELEVANT TO THIS PROCEEDING.

A Aviation is highly regulated. Pilots must complete rigorous training requirements and familiarize themselves with both the aircraft they fly, and all of the Federal Aviation Regulations ("FARs") related to operating an aircraft. The FAR is the backbone of aviation operations in the United States. This includes things like weather planning, pilot's vision, training minimums, airspace minimums, airport operations, aircraft operations, visual standards, and altitude standards. The FARs are mandatory requirements that all pilots must follow. In this instance, the FARs show that Mr. Hrupsa's statements about transmission towers making a safe approach "almost impossible" are incorrect.

Q WHY ARE MR. HRUPSA'S STATEMENTS INCORRECT?

A First, Mr. Hrupsa states that the traffic pattern is required to be left hand traffic south of the airport because of the presence of towers to the north. While this may be true of landings on Runway 27, the opposite would be true for landings on Runway 9, where the crosswind, downwind, and base segments of an approach would necessarily be to the north of the airport. FAR 91.126(b)(1)[1] states that left traffic shall be used unless the airport has a segmented circle to depict traffic flow. (See also, Advisory Circular 150/5340-5C).[2] A review of the Airport Facilities Directory

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[1] http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgFAR.nsf/0/bc3edee9f4eaa28c86256eeb00519374!OpenDocument

[2] http://www.faa.gov/documentlibrary/media/advisory_circular/150-5340-5C /150 5340 5c.pdf

("AFD"), an FAA publication that is published and updated every 56 days, reveals that Traffic Pattern Altitude ("TPA") for this airport is 1465 feet above Mean Seal Level ("MSL") or 800' Above Ground Level ("AGL"). (See AFD March 7, 2013-May 2, 2013 edition at page 76).[3]

Second, there are no published approaches to the airport. This airport is certified for Visual Flight Rules ("VFR") only. This airport is Class G airspace from the ground to 1200 feet AGL. Therefore, the VFR weather minimums for this airport are 1 statute mile visibility and remain clear of clouds during the daytime, and 3 statute miles remaining 500 feet below, 1,000 feet above, and/or 2,000 feet horizontal separation from clouds at night (FAR 91.155).[4] When operating in the traffic pattern only (within one-half (1/2) mile of the runway), an aircraft may operate if the visibility is not less than one mile and the aircraft may safely remain clear of clouds. (91.155(b)(2). Since the visibility requirement is never less than 1 mile, pilots would be able to maintain visual separation from the transmission poles at all times. Mr. Hrupsa's complaint also states that these poles would present particular problems to night time operations. However, as stated above the visibility requirement for night time operations is 3 miles (FAR 91.155). Since the minimum visibility at night is three times that of daytime operations, visibility at night will not be an issue. Further, Ameren may be required to put lights on the proposed transmission line's towers located near the airport, making them even more readily identifiable. (See AC

[3] http://aeronav.faa.gov/pdfs/ec_76_07MAR2013.pdf

[4] http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgFAR.nsf/0/074608a2fa18b48a86256eeb006704ef!OpenDocument

70/7460-1K).[5] Lights are a typical solution to making sure such structures are visible at night.

Third, no leg of the traffic pattern should come anywhere near the alternate route. Airman's Information Manual ("AIM")[6] 4-3-2 and 4-3-3 state that traffic patterns "generally extend from 600 feet to as high as 1,500 feet above the ground." (AIM Page 212). Here, the TPA is 800' AGL. Standard entry to a traffic pattern is a 45 degree turn into the downwind leg of the traffic pattern. (See AIM Figure 4-3-3; AIM Page 214). Subsection (5) states "If remaining in the traffic pattern, commence turn to crosswind leg [which, if landing on runway 27 would be toward the power lines] . . . within 300 feet of pattern altitude." Therefore, aircraft remaining in the traffic pattern would be at least 500' AGL before turning toward the transmission lines, which is a safe altitude for identifying and maintaining visual separation from an object or obstacle such as a relatively short, 140 foot tall power pole. Further, subsection (6) states "If departing the traffic pattern, continue straight out, or exit with a 45 degree turn [left in this case] . . . *after reaching pattern altitude.*" (AIM 4-3-3(6); AIM Page 213) (emphasis added). Here again, the aircraft would be 800' AGL, or at least 600' above the highest transmission line, assuming the aircraft did not climb beyond pattern altitude after departing the pattern.

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[5] http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/b993dcdfc37fcdc486257251005c4e21/$FILE/AC70_7460_1K.pdf

[6] http://www.faa.gov/air_traffic/publications/ATpubs/AIM/aim.pdf

Finally, according to FAR 91.103,[7] "Each pilot in command shall, before beginning a flight, become familiar with all available information concerning that flight." This would include obstructions such as those published in a VFR Sectional Chart. The Sectional Chart would publish any obstructions in the area that could present problems, such as towers. Sectional charts are updated at six-month intervals to ensure topographic, navigational, communications and obstacle information remains current.. Here, the Sectional shows towers north of the airport that are up to 322' AGL. Even with those towers in place, standard, left hand traffic is utilized. (See St Louis VFR Sectional Chart, Ex. 5.2). Since those towers are up to 322 feet AGL, it stands to reason that if anything, those towers would be a far greater problem than 140 foot tall transmission line towers.

Q PLEASE SUMMARIZE YOUR CONCLUSION.

A These towers for ATXI's proposed 345 kV transmission line in this proceeding, if constructed on the MCPO's proposed alternate route from Mt. Zion to Kansas, would not pose any danger to pilots who comply with the mandatory Federal Aviation Regulations. Additionally, the placement of these transmission towers would not pose a problem with airport operations

Q DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

A Yes.

[7] http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=9d90759967649c52ecdefa3a9153b4ca&rgn=div8&view=text&node=14:2.0.1.3.10.2.4.2&idno=14