

**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, M/S CLTF, Clark, Coles, Edgar,)
Fulton, Macon, Montgomery, Morgan, Moultrie, Pike,)
Sangamon, Schuyler, Scott and Shelby, Illinois.)

Docket No. 12-0598

**GAN PROPERTIES, LLC'S RESPONSE IN OPPOSITION
TO ATXI'S MOTION TO STRIKE ITS ALTERNATE ROUTE PROPOSAL
AND MOTION TO ACCEPT GAN PROPERTIES' PROPOSED
ALTERNATE ROUTE AS A JUSTIFIED LATE FILING AND ALLOW GAN
PROPERTIES TO ADOPT ADDITIONAL ALTERNATIVE ROUTES PROPOSED BY
MOULTRIE COUNTY, MACON COUNTY, AND LEON CORZINE**

Pursuant to Rule 200.190 of the Illinois Commerce Commission's ("Commission") Rules of Practice and Procedure, 83 Ill. Adm. Code § 200.190, Gan Properties, LLC ("Gan Properties") hereby responds to Ameren Transmission Company of Illinois' ("ATXI") Motion to Strike Gan Properties' Alternative Route set forth in the Direct Testimony of Kenneth L. Skolnik, filed with the Commission on March 29, 2013 ("Skolnik Testimony"). Instead of striking Gan Properties' Proposed Alternate to the Alternate Route, Gan Properties respectfully requests that the Commission accept the Direct Testimony of Kenneth L. Skolnik, including specifically the Proposed Alternate to the Alternate Route, as a justified late filing of its Alternate Route, as: 1) Gan Properties' failure to comply with the Revised Case Management Order was due to a failure on the part of ATXI to provide it with sufficient notice; 2) Gan Properties' Proposed Alternate to the Alternate Route better complies with the standards set forth by ATXI in developing its Primary and Alternate Routes and would be less disruptive than ATXI's Proposed Alternate

Route; and 3) Gan Properties properly identified which landowners would be potentially affected by its Proposed Route in Exhibit G to the Skolnik Testimony. In addition, Gan Properties requests leave to adopt, as additional alternatives to Gan Properties' Proposed Alternate Route in further support of Gan Properties' Objections to ATXI's Proposed Alternate Route between Pana and Mt. Zion, the Moultrie County Property Owners' Alternative Route No. 2, the Corzine Alternate Route, and the Macon County Property Owners' Alternative Route. In support thereof, Gan Properties further states as follows:

1. ATXI's failure to adequately serve notice upon a large number of property owners along the Pana to Mt. Zion section of its Proposed Alternate Route resulted in Gan Properties not receiving notice of ATXI's Petition until late January, 2013, as indicated in Skolnik Testimony Exhibit E.

2. The Notice received by Gan Properties does not clearly state that the Project would impact Gan Properties or how the Project would impact Gan Properties, and certainly does not indicate that the Proposed Alternate Route would destroy property owned by Gan Properties.

3. Gan Properties filed its petition to intervene on March 13, 2013. On March 29, 2013, Gan Properties filed Mr. Skolnik's Direct Testimony, despite having only a limited amount of time following its Petition to Intervene to conduct an investigation into ATXI's Petition, route proposals, and the filings on the Docket, and also respond to ATXI's data requests.

4. During its investigation, Gan Properties reviewed the testimony filed on ATXI's behalf, which sets forth the criteria by which ATXI designed its Proposed Primary and Alternate Routes. As set forth in the Direct Testimony of Donnell Murphy, attached as Exhibit 4.0 to ATXI's Verified Petition ("Murphy Testimony"), the siting criteria relied upon to develop

ATXI's Proposed Primary and Alternate Routes included identifying advantageous siting locations, which Mr. Murphy described as "characterized by corridors with the potential for sharing right-of-way or running alongside existing facilities, infrastructure or landscape features . . . including existing rights-of-way, section lines, property lines and field lines." Donnell Testimony 6:114-17.

5. The section of ATXI's Proposed Alternate Route between Pana and Mt. Zion running through Section 32 of Pickaway Township does not comply with the siting criteria outlined above. Instead, that portion of ATXI's Proposed Alternate Route runs directly through Gan Properties' land, instead of utilizing nearby roads, section lines, property lines, or field lines.

6. To better comply with the siting criteria advanced by ATXI itself, Gan Properties outlined a route that makes use of existing section, property, and field lines and runs along an existing road that already has power lines installed. Skolnik Testimony Exhibits F-1, F-2, and F-3. In addition, Gan Properties identified the landowners whose property may be affected in Skolnik Testimony Exhibit G, even though we do not anticipate that Gan Properties' Proposed Alternate to the Alternate Route will be as disruptive as ATXI's Proposed Alternate Route.

7. In addition, Gan Properties requests leave to adopt, as additional alternatives to Gan Properties' Proposed Alternate Route in further support of Gan Properties' Objections to ATXI's Proposed Alternate Route between Pana and Mt. Zion, the Moultrie County Property Owners' Alternative Route No. 2, the Corzine Alternate Route, and the Macon County Property Owners' Alternative Route.

WHEREFORE, Gan Properties respectfully requests that the Commission:

- a. Deny ATXI's Motion to Strike Gan Properties' Proposed Alternate Route;

- b. Accept Gan Properties' Proposed Alternate Route to ATXI's Proposed Alternate Route identified in the Direct Testimony of Kenneth L. Skolnik filed on March 29, 2013 as a justified late filing of such alternate route; and
- c. Allow Gan Properties to adopt, as additional alternatives to Gan Properties' Proposed Alternate Route in further support of Gan Properties' Objections to ATXI's Proposed Alternate Route between Pana and Mt. Zion, the Moultrie County Property Owners' Alternative Route No. 2, the Corzine Alternative Route, and the Macon County Property Owners' Alternative Route.

Dated: April 18, 2013

Respectfully submitted,

GAN PROPERTIES LLC

By: 
One of its attorneys

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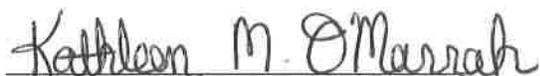
VERIFICATION

John A. Simon, being duly sworn, verifies that he a practicing attorney in the firm of Drinker Biddle & Reath LLP and one of the attorneys for Gan Properties LLC; that he has read the foregoing document, has knowledge of the facts stated herein, and states that the matters set forth therein are true in substance and in fact.

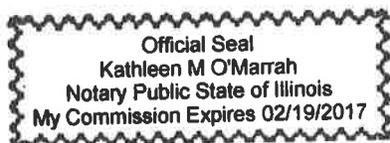


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Subscribed and sworn to before me
this 18th day of April, 2013.



Notary Public



CERTIFICATE OF SERVICE

I, Emily T. Broach, Counsel for Gan Properties LLC, hereby certify that on April 18, 2013 I caused a copy of the foregoing **Gan Properties, LLC's Response in Opposition to ATXI's Motion to Strike and Motion to Accept Gan Properties' Proposed Alternate Route as a Justified Late Filing and Allow Gan Properties to Adopt Alternative Routes Proposed by Moultrie County, Macon County, and Leon Corzine** to be served by electronic mail on the individuals on the Illinois Commerce Commission's Service List for Docket No. 12-0598, attached hereto as Exhibit One.

A handwritten signature in black ink, appearing to read 'Emily T. Broach', is written over a horizontal line.

Emily T. Broach

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EXHIBIT 1

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