

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY OF
ILLINOIS

Petition for Certificate of Public Convenience
and Necessity, pursuant to Section 8-406 of the
Illinois Public Utilities Act

Docket No. 12-0598

MOTION TO STRIKE MCPO's ALTERNATE ROUTES

NOW COMES the COALITION OF PROPERTY OWNERS AND INTERESTED PARTIES IN PIATT, DOUGLAS, AND MOULTRIE COUNTIES ("PDMO"), by and through their attorneys, Barber, Segatto, Hoffee, Wilke & Cate, and files this motion to strike pursuant to 83 Ill. Adm. Code Sec. 200.190.

A. The Routes MCPO filed on December 31 Should be Stricken as too Ill-Defined.

The case management plan in this proceeding required all parties to file proposed alternate routes by December 31, 2012. The Moultrie County Property Owners ("MCPO") did so, filing two proposed alternate routes, one from Mt. Zion to Kansas (labeled "MCPO's Potential Route No. 1"), and the other from Pana to Kansas, bypassing Mt. Zion ("MCPO's Potential Route No. 2").

The two alternate routes submitted by MCPO, however, were 2-mile wide swaths some 70 miles in length. In its December 31 alternate route filing, MCPO states: "The potential routes are based on corridors approximately 2 miles wide (in most cases 1 mile on either side of the centerline of the route)." MCPO states that this would allow "further refinement and modification" of the actual 150-foot wide route "within the corridors, following the completion of MCPO's review and analysis of the potential routes."

No other alternate route proponent in this case has drawn routes with such a broad brush, leaving the specific location of the 150-foot route entirely in doubt. 70 separate 150-foot routes could be drawn side by side within MCPO's broad corridors. There seems little reason to have a filing deadline for alternate routes if landowners and interested parties cannot be informed of specific route locations until the direct testimony is filed months later. Individual landowners cannot know if MCPO's routes will pass directly over their land, or be located two miles distant.

If a two-mile swath is acceptable, why not a twenty-mile swath? Why not "anywhere other than Moultrie County" as an alternate route? Alternate route proponents should have to submit routes with the same degree of specificity as ATXI's primary and alternate routes, so landowners and interested parties can be certain, by the filing deadline, how their interests may be affected by the competing proposals.

Movants therefore request that the Commission find that MCPO failed to file sufficiently specific alternate routes by the December 31 deadline, and enter an order striking MCPO's proposed alternate routes.

B. The New Route MCPO filed on January 2 Should be Stricken as not Timely Filed.

On January 2, MCPO filed a document labeled "Errata," which purported to correct its December 31 alternate route filing. The January 2 Errata contains only one sentence:

In paragraph 2 of the pleading entitled "Moultrie County Property Owners Potential Alternative Routes" in the second line, the reference to "Potential Route No. 2" should be changed to read "Potential Route No. 1."

No mention is made in the Errata about a new or different route being filed from the one MCPO filed on December 31. However, attached to the Errata is a "Corrected Exhibit A," being a series

of maps for MCPO's Mt. Zion to Kansas route. Those maps display a significantly different route than the maps attached to MCPO's December 31 filing.

The route maps filed by MCPO on December 31 proposed a Mt. Zion to Kansas route the centerline of which travels through six sections of land in northeastern Moultrie County, for approximately six miles. This segment runs parallel to and about one-half mile south of U.S. Rt. 36, which is the border between Moultrie and Piatt Counties.

The route maps filed by MCPO on January 2 moved this six-mile segment almost entirely into Piatt County to the north. The new segment centerline runs parallel to and about one and one-quarter miles north of U.S. Rt. 36. Accordingly, MCPO on January 2 attempted to move a six-mile segment of its proposed route one and three-quarters miles to the north. This not only significantly changed the location of the proposed route, but affected landowners who were unaffected by the route filed on December 31.

Even if the two-mile wide corridors filed by MCPO on December 31 are accepted as properly submitted alternate routes, MCPO should not be allowed to significantly change its proposed route after the filing deadline. Whether the route change was filed two days later or two weeks later, it was filed after the deadline. All parties were held to the same case management deadlines. Indeed, the Stop the Power Lines Coalition moved on December 26 to amend the case management plan and allow parties to file alternate route proposals after the December 31 deadline. On December 31, the ALJ denied that motion. MCPO should not be allowed to do what other parties were not allowed to do, simply by labeling its new route as an "Errata" and claiming it filed the wrong route on December 31.

This was not a case of the route map having been incorrectly drawn. Both the map overview page and the detail map pages attached to MCPO's December 31 filing show the above referenced segment in Moultrie County. MCPO has produced in discovery a drawing they prepared which shows both of these segments (the one filed on December 31, and the one filed on January 2) on the same map, indicating that MCPO was evaluating which of the two to use (see Exhibit A attached hereto, which was submitted by MCPO in response to ATXI data request 2.04 as Exhibit 22 Attachment 1). This drawing refers to the alternative segment to the north in Piatt County as the "Mt. Zion to Kansas *Moultrie Reroute*."

Although it is perhaps obvious, it should not make any difference why MCPO sought to "reroute" its proposed line out of Moultrie County and into Piatt County. The fact is, the "reroute" of this segment was not filed by the December 31 deadline, and therefore should not be considered by the Commission as a properly submitted alternate route.

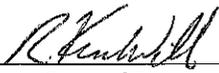
At least four miles of the new segment filed on January 2 lie outside even the broad two-mile swath of the December 31 route. Therefore, the new January 2 segment cannot be considered as a "further refinement and modification" of MCPO's Mt. Zion to Kansas route (even assuming the Commission would allow MCPO to place its route anywhere within that two-mile corridor).

Movants therefore request that the Commission find that MCPO failed to timely file its "Mt. Zion to Kansas Moultrie Reroute" segment filed January 2, and enter an order striking such segment.

WHEREFORE, PDMO requests that the Commission enter an order striking MCPO's alternate routes.

Respectfully submitted,

Coalition of Property Owners and Interested Parties in Piatt, Douglas, and Moultrie Counties

By 
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CERTIFICATE OF SERVICE

The undersigned, an attorney licensed to practice in the State of Illinois, hereby certifies that a copy of the foregoing instrument was filed and electronically served upon the individuals identified in the Illinois Commerce Commission's official service list for Docket No. 12-0598 on the 19th day of April, 2013.

