

**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- ) Docket No. 12-0598  
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. )

**SUPPLEMENTAL DIRECT TESTIMONY OF PERRY D. BAIRD ON BEHALF OF STOP THE  
POWER LINES COALITION**

**Supplemental Direct Testimony Of**

**Perry D. Baird**

**On Behalf Of**

**Stop The Power Lines Coalition**

1

2 **Q: Please state your name for the record.**

3 A: My name is Perry D. Baird.

4 **Q: Are you the same Perry D. Baird who submitted direct testimony in this case on**

5 **behalf of Stop the Power Lines Coalition on March 29, 2013 as Stop the Power Lines**

6 **Coalition Exhibit 1.0?**

7 A: Yes, I am.

8 **Q: What is the purpose for your testimony today?**

9 A: I am describing the research that I performed after reading the testimony of ATXI witness

10 Donnell Murphy concerning the so-called Modified Route that is a revision to the Primary Route

11 in Clark County to avoid a federal floodplain easement that the Primary Route originally was

12 designed to cross. I also describe the research that I performed after I reviewed the testimony of

13 ATXI witness Jeffrey V. Hackman in which Mr. Hackman testified that it would be possible to

14 construct ATXI's proposed 345 kV transmission line so that no structures would be placed

15 within the floodplain easement area, and the line would be designed so that the lowest point of

16 sag is 100 feet or higher, which Mr. Hackman testified would be taller than any tree.

17 **Q: Why are you submitting your testimony in the form of supplemental direct**

18 **testimony?**

19 A: As I indicated in my original direct testimony, I first became aware that ATXI was  
20 considering using a modified route, instead of the Primary Route originally identified in its  
21 petition, on March 29, 2013 when I reviewed ATXI's response to Stop the Power Lines  
22 Coalition data requests. Those were data request responses ATXI apparently filed on its extranet  
23 site sometime late in the evening on March 28, 2013. I was surprised because ATXI has known  
24 about the federal floodplain easement obstacles since before it filed its petition on November 7,  
25 2012. If ATXI intended to either alter its Primary Route to avoid the federal floodplain easement  
26 area or significantly alter its design standards to traverse the federal floodplain easement area, I  
27 would have expected to see that route or that plan in ATXI's original direct testimony so that  
28 Staff and Intervenors could properly analyze the issues and respond. Instead, ATXI first  
29 proposed its altered route and modified design approach in its rebuttal testimony. Under the  
30 circumstances, my supplemental direct testimony simply responds to what should have been in  
31 ATXI's original direct testimony.

32 **Q: What research did you do after you reviewed the ATXI rebuttal testimony of Ms.**  
33 **Murphy and Mr. Hackman?**

34 A: I did several things. First, I went to the Clark County Supervisor of Assessments' Office  
35 to verify the identification of the landowners that are potentially affected by ATXI's Modified  
36 Route.

37 **Q: What did your research reveal?**

38 A: As I testified in my original direct testimony based on my prior research, ATXI failed to  
39 give proper notice to the United States Government who owns the federal floodplain easement in  
40 question. Ms. Murphy candidly admits in her testimony that ATXI failed to give notice to the  
41 United States Government. In light of Mr. Hackman's testimony, it appears that ATXI still

42 contends that it has the right to use the federal floodplain easement property in a particular way.

43 As the United States Government is an affected landowner, it was entitled to formal notice which  
44 was not given.

45 **Q: Are there any additional facts which your research revealed concerning ATXI's**  
46 **notice or lack thereof to all potentially affected landowners who own land on the proposed**  
47 **modified Primary Route in Clark County?**

48 A: Yes. After substantial delay, ATXI finally submitted a supplemental response to Stop the  
49 Power Lines Coalition data request 5.01 in which the Coalition asked ATXI to identify all  
50 landowners whose land will be affected by the proposed Modified Route to avoid the federal  
51 floodplain easement obstacle. A copy of ATXI's supplemental response to STPL data request  
52 5.01 is attached to my testimony as STPL Exhibit 8.1. One of the five property owners whom  
53 ATXI identified in its response to STPL data request 5.01 who would be affected by ATXI's  
54 proposed Modified Route was Thomas Hutchings. However, when I checked the land records of  
55 the Recorder of Clark County, Illinois, I discovered that Thomas Hutchings only owns an  
56 undivided 1/10 interest in the property in question. The following individuals own a total of 9/10  
57 undivided interests in that property, which has been assigned property tax identification number  
58 13-09-26-00-300-009:

59 1) Deborah L. Hutchings owns a 1/10 undivided interest in the property.

60 2) Richard A. Malone and Virginia K. Malone own a 1/5 undivided interest in the  
61 property.

62 3) David L. Fiscus and Shirley J. Fiscus own a 1/5 undivided interest in the property.

63 4) Ferron E. Switzer owns a 1/5 undivided interest in the property.

64 5) Edwin J. Lewis owns a 1/5 undivided interest in the property.

65 Attached to my testimony as STPL Exhibit 8.2 is a copy of the warranty deed reflecting the  
66 ownership of the parcel by the individuals identified above that has been certified by the Clark  
67 County Clerk and Recorder. Attached as STPL Exhibit 8.3 is a notated aerial map that I  
68 obtained from the Clark County Supervisor of Assessments' office. Because the property tax  
69 identification number is not reflected on the property in question, I have hand written that  
70 number on the property so that it can be easily identified. I then checked Exhibit C to ATXI's  
71 Petition, and confirmed that Mr. Hutchings was listed as an affected landowner, but none of the  
72 other persons holding an 90 percent interest in the property were identified.

73 **Q: What other research did you conduct?**

74 A: I personally visited the floodplain easement property area to try and determine whether in  
75 fact it would be feasible to span that easement area by constructing higher structures on either  
76 side of the area. I observed that the area was very hilly, and I didn't believe that pictures could  
77 adequately depict the topography of the location. I therefore contacted the Natural Resource  
78 Conservation Service of the United States Department of Agriculture at its Martinsville, Illinois  
79 office and requested topographical maps of the floodplain area with elevation/contour lines, both  
80 interior to the floodplain easement area and exterior to the floodplain easement area. A copy of  
81 those maps is attached as STPL Exhibit 8.4. The topographical maps confirmed what I had  
82 concluded after my visual inspection of the property, which is that the heights in the area vary  
83 dramatically. According to the topographical maps the height difference in various areas of the  
84 floodplain easement area is as much as 91 feet.

85 **Q: What other research did you conduct?**

86 A: I requested copies of any documents from the NRCS that would reflect the NRCS' plans  
87 for use of the floodplain easement property.

88 Q: **What documents did you obtain?**

89 A: I obtained a certification of floodplain easement vegetative practices. A copy of that  
90 certification is attached to my testimony as STPL Exhibit 8.5.

91 Q: **And what did you conclude from your review of the NRCS' certification of**  
92 **floodplain easement vegetative practices?**

93 A: The USDA already has planted 435 tree seedlings per acre, which I believe will  
94 eventually become a substantial natural forest.

95 I did some research on a variety of websites to determine the full grown height of some  
96 of the trees that the USDA had planted in the floodplain easement area. The websites on which I  
97 conducted my research included the USDA forest service site, which can be found at  
98 <http://www.na.fs.fed.us>; the Wikipedia site which can be found at <http://en.wikipedia.org/wiki>;  
99 and the Arbor Day site which can be found at  
100 <http://www.arborday.org/trees/treeGUIDE/browseTrees.cfm>. Most of the trees planted by the  
101 USDA in the floodplain easement area were projected to reach heights of 60 to 80 feet.  
102 However, the USDA Forest Service site reported that the Pin Oak can reach 120 feet; and the  
103 Swamp Chestnut Oak can grow up to 100 feet. The Wikipedia site reported that Northern Pecan  
104 trees range in height from 66 to 130 feet; and the Cherry Bark Oak normally grows in range from  
105 100 to 130 feet.

106 If ATXI were to construct its transmission line over this "national" forest, it is impossible  
107 for me to believe that the line can be constructed without crossing or encroaching upon the  
108 federal floodplain easement area. It is equally impossible for me to believe that at no point in the  
109 future will the ATXI line fall into the USDA forest or that trees from the "national" forest will  
110 not grow to touch or disrupt the ATXI line. Furthermore, without the prior consent of the federal

111 government, ATXI could not cross the federal floodplain easement area to make required any  
112 maintenance or necessary repairs.

113 **Q: Does this conclude your supplemental direct testimony?**

114 **A:** Yes, it does.