

**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

**STOP THE POWER LINES COALITION’S MOTION
FOR ADMINISTRATIVE LAW JUDGES
TO TAKE ADMINISTRATIVE NOTICE OF
CERTAIN GOVERNMENTAL DOCUMENTS**

Comes now STOP THE POWER LINES COALITION (“Coalition”), by and through its attorneys, Hinshaw & Culbertson LLP, and pursuant to Rule 200.640 of the Commission’s Rules of Practice, 83 Ill. Admin. Code 200.640, moves for the Administrative Law Judges to take administrative notice of certain governmental documents hereinafter described, and in support thereof states as follows:

1. Rule 200.640(a) provides in pertinent part that “[c]onsistent with Section 200.610, the Commission or Hearing Examiner may take administrative notice of the following:

* * *

7) All other matters of which the Circuit Courts of this State may take judicial notice.”

2. Under Rule 200.610(b) of the Commission’s Rules of Practice, 83 Ill. Admin. Code 200.610(b), “[i]n contested cases, . . ., the rules of evidence and privilege applied in civil cases in the Circuit Courts of the State of Illinois shall be followed. However, evidence not

admissible under such rules may be admitted if it is of a type commonly relied on by reasonable prudent persons in the conduct of their affairs.”

3. Rule 201 of the Illinois Rules of Evidence provides that a court shall take judicial notice of adjudicative facts, if requested by a party and supplied with the necessary information.

4. Under Rule 201 of the Illinois Rules of Evidence, “a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” See also Cleary & Graham’s Handbook on Illinois Evidence Sections 202.1 and 202.2 (8th ed. 2004).

5. The Coalition requests that the Administrative Law Judges take administrative notice of the following governmental documents:

(A) Copy of the Warranty Deed from Marietta Martin to Thomas A. Hutchings and Deborah L. Hutchings, et al., dated July 27, 2011, certified by the County Clerk and Recorder of Clark County, Illinois; which copy is attached hereto and incorporated herein by this reference and marked as “STPL Exhibit 11.0”;

(B) An aerial map reflecting parts of Sections 26 & 27 of Wabash Township, Clark County, Illinois, with specific outlined parcels and with notated parcel identification numbers, prepared and generated by the Office of Supervisor of Assessments of Clark County, Illinois; which map is attached hereto and incorporated herein by this reference and marked as “STPL Exhibit 12.0”;

(C) Topographical maps of the Robinson federal floodplain easement area, with elevation/contour lines, both interior to and exterior to the floodplain easement area, which were drawn and prepared by the Natural Resources

Conservation Service, United States Department of Agriculture, and which were obtained from the Martinsville, Clark County, Illinois office of the Natural Resources Conservation Service, United States Department of Agriculture; which maps are attached hereto and incorporated herein by this reference and marked as “STPL Exhibit 13.0”; and

(D) A certification report of vegetative practices on the Robinson federal floodplain easement, which was prepared for the Martinsville, Clark County, Illinois office of the Natural Resources Conservation Service, United States Department of Agriculture, and which was obtained from said Martinsville, Clark County, Illinois office; which copy of said report is attached hereto and incorporated herein by this reference and marked as “STPL Exhibit 14.0.”

(E) Circular No. 7, Part 514, of the Conservation Programs Manual (9/6/07) produced by Natural Resources Conservation Service, as part of the United States Department of Agriculture, reflecting its Infrastructure Policy on Easements. The Circular is a public record available on the United States Department of Agriculture website at two locations: ftp://ftp-fc.sc.egov.usda.gov/SD/win/Intranet/Circular%207_Infrastructure%20Policy.pdf and ftp://ftp-fc.sc.egov.usda.gov/SD/win/Intranet/National_Circulars/Circular_7_Part%20514.pdf. A copy is attached hereto and incorporated herein by this reference and marked as STPL “Exhibit 15.0”;

(F) The property tax record for the Clark County land assigned tax identification number 13-09-26-00-300-009. This document is a public record,

and was obtained from the Office of the Supervisor of Assessments of Clark County, Illinois. A copy of the document is attached hereto and incorporated herein and marked as “STPL Exhibit 16.0”.

(G) The property tax record for the Clark County land assigned tax identification number 13-09-22-00-400-001. This document is a public record, and was obtained from the Office of the Supervisor of Assessments of Clark County, Illinois. A copy of the document is attached hereto and incorporated herein and marked as “STPL Exhibit 17.0”.

Dated: May 17, 2013

STOP THE POWER LINES COALITION

/s/ Edward R. Gower
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One of Its Attorneys

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