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BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY OF)
ILLINOIS)
) DOCKET NO.
Petition for a Certificate of) 12-0598
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,)
Piatt, Sangamon, Schuyler, Scott)
and Shelby, Illinois.)

Wednesday, May 15, 2013

Springfield, Illinois

Met, pursuant to notice, at 9:00 a.m.

BEFORE:

JOHN ALBERS & STEPHEN YODER, ALJs

L.A. COURT REPORTERS, LLC, by
Laurel Patkes, Reporter
CSR #084-001340

1 APPEARANCES:

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8 -and-

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15 family.)

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I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RE CROSS
JAMES R. DAUPHINAIS				
By Mr. Robertson	510			
By Mr. Wilke		514		
By Mr. Gower		541		
RUDOLPH REINECKE				
By Mr. Robertson	555			
By Mr. Wilke		558		
DENNIS D. KRAMER				
By Mr. Sturtevant	578			
By Mr. Robertson		581		

	EXHIBITS		
		IDENTIFIED	ADMITTED
1			
2			
3	Allen Exhibit A	499	500
	Pearce Exhibit 1 with Attachments	501	497
4	A through M		
	IBEW Exhibits 1 and 2	503	503
5	TNC Exhibits 1.0, 1.1, 2.0, 2.1	505	506
	thru 2.5, 3.0, 3.1, 4.0, 4.1,		
6	5.0, 6.0 & 7.0		
	PDM Exhibits 1, 2 and 3	507	508
7	MCPO Exhibits 5.0 thru 5.3, 6.0 &	507	509
	6.1		
8	MCPO Exhibits 1.0 thru 1.32 & 3.0	511	554
	MCPO Exhibit 2.0	555	577
9	MCPO Exhibits 2.1 thru 2.7	556	577
	MCPO Exhibit 4.0	557	577
10	PDM Cross Exhibit 1.0	571	575
	ATXI Exhibit 2.0 & accompanying	578	585
11	Exhibits 1.1 thru 2.18		
	ATXI Exhibits 11.0 Revised, 11.1,	579	585
12	11.2 Revised, 11.3 Revised, 11.4		
	& 11.5		
13	STPLC Exhibits 2.0, 2.1 & 2.2	582	582
	MCPO Cross Exhibits 1, 2 & 3	584	584
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1 PROCEEDINGS

2 JUDGE ALBERS: By the authority vested in me by
3 the Illinois Commerce Commission, I now call Docket
4 No. 12-0598. This docket was initiated by Ameren
5 Transmission Company of Illinois and concerns its
6 petition for a certificate of public convenience and
7 necessity pursuant to Section 8-406.1 of the Public
8 Utilities Act.

9 Please remember to send your
10 appearances to the court reporter as has been the
11 practice in this case.

12 Again, if you're on the bridge number
13 this morning, please, no side conversations, and try
14 to remain quiet.

15 Also, if you're on the phone, make
16 sure you identify yourself for the court reporter.
17 If there's any other exhibit lists outstanding,
18 please get those to us.

19 We do have as another preliminary
20 matter the Moultrie County Property Owners motion to
21 take administrative notice. Mr. Robertson indicated
22 in the motion that neither MISO or Ameren had any

1 objection to that motion.

2 Is there any other objections,
3 comments or questions about it at this time?

4 Okay. Hearing none, that motion is
5 granted, and again, I guess we'll see later this
6 morning Ameren's response to the STPL motion
7 regarding supplemental direct.

8 MR. FITZHENRY: That's correct, by 10 o'clock.

9 JUDGE ALBERS: Okay. Before we turn to our
10 list of witnesses scheduled for today, we need to
11 take care of a couple of witnesses for who there is
12 no cross-examination.

13 We have Donna Allen and Greg Pearce on
14 the phone. I think we'll take Ms. Allen first.

15 I think I will go ahead though first
16 and swear in Ms. Allen and Mr. Pearce and anybody
17 who's testifying today.

18 So if you are testifying today, please
19 stand and raise your right hand.

20 (Whereupon the witnesses were
21 sworn by Judge Albers.)

22 JUDGE ALBERS: Thank you everyone.

1 And, Ms. Allen, you joined us in that
2 oath there?

3 MS. ALLEN: I'm sorry. I didn't hear you.

4 JUDGE ALBERS: You also swore to tell the
5 truth?

6 MS. ALLEN: Yes, I did.

7 JUDGE ALBERS: For the record, you do not have
8 an attorney in this matter, Ms. Allen?

9 MS. ALLEN: I do not.

10 JUDGE ALBERS: And previously you submitted
11 direct testimony in this case consisting of nine
12 pages, and it had four attachments, correct?

13 MS. ALLEN: Three of them were stricken.

14 JUDGE ALBERS: Three of them were stricken.

15 All right. You're correct. I apologize.

16 You have two remaining attachments.

17 That's Exhibit 1 and Exhibit 2 to your direct
18 testimony, is that correct?

19 MS. ALLEN: That is correct.

20 JUDGE ALBERS: All right. We will mark the
21 testimony itself as Allen Exhibit A.

22 Do you have any changes you would like

1 to make to Allen Exhibit A or the attached Exhibits 1
2 and 2, any corrections?

3 MS. ALLEN: No, I do not.

4 JUDGE ALBERS: Okay. Is it your intention to
5 have Allen Exhibit A and Exhibits 1 and 2 admitted
6 into the record today then?

7 MS. ALLEN: Yes, it is.

8 JUDGE ALBERS: And is there any objection from
9 anyone for the admission of those exhibits?

10 MR. FITZHENRY: No.

11 JUDGE ALBERS: Hearing no objection, Allen
12 Exhibit A with Attachments 1 and 2 are admitted.

13 (Whereupon Allen Exhibit A was
14 admitted into evidence at this
15 time.)

16 JUDGE ALBERS: Thank you very much, Ms. Allen.
17 That's all there is to it.

18 MS. ALLEN: Thank you. Have a great day.

19 JUDGE ALBERS: You too.

20 I'll be with you in a moment,
21 Mr. Pearce.

22 (Pause)

1 JUDGE ALBERS: All right. Mr. Pearce, you also
2 joined us in that oath?

3 MR. PEARCE: I did.

4 JUDGE ALBERS: And you previously submitted in
5 this proceeding prepared testimony?

6 MR. PEARCE: Yes.

7 JUDGE ALBERS: Which included several exhibits,
8 Exhibits Exhibits A through M? Does that sound
9 correct?

10 MR. PEARCE: Yes, that sounds correct.

11 JUDGE ALBERS: Off the record for a minute.

12 (Whereupon an off-the-record
13 discussion transpired at this
14 time.)

15 JUDGE ALBERS: Back on the record.

16 We will identify your direct testimony
17 as Pearce Exhibit 1 with Attachments A through M.

18 Do you have any corrections or
19 revisions to make to any of the exhibits, testimony
20 or attachments?

21 MR. PEARCE: No, I don't.

22 JUDGE ALBERS: Is it your intention to have the

1 testimony and attachments submitted into the record
2 today?

3 MR. PEARCE: Yes.

4 JUDGE ALBERS: Is there any objection from any
5 of the parties?

6 MR. FITZHENRY: No.

7 JUDGE ALBERS: Hearing no objection, they are
8 admitted.

9 (Whereupon Pearce Exhibit 1 with
10 Attachments A through M were
11 admitted into evidence at this
12 time.)

13 JUDGE ALBERS: Thank you, Mr. Pearce.

14 MR. PEARCE: Thank you very much.

15 MS. SKOLNICK: Your Honor, this is Rochelle
16 Skolnick on behalf of the IBEW.

17 Would this be an appropriate moment to
18 move for admission by affidavit of the testimony of
19 James Bates?

20 JUDGE ALBERS: Sometime this morning would be
21 great, yes.

22 MS. SKOLNICK: Okay.

1 JUDGE ALBERS: So if you want to do that now,
2 that's fine.

3 MS. SKOLNICK: That would be terrific if we can
4 do that now.

5 JUDGE ALBERS: Go ahead.

6 MS. SKOLNICK: So on behalf of International
7 Brotherhood of Electrical Workers Local 51 and 702, I
8 would move for admission of IBEW Exhibit 1 and
9 Exhibit 2.

10 Exhibit 1 is the direct testimony of
11 James Bates filed on e-Docket March 29th, and
12 Exhibit 2 is the affidavit affirming that testimony
13 also filed on e-Docket I believe on May 9th.
14 Actually, it may have been later than that. May 13th
15 it looks like.

16 JUDGE ALBERS: Is there any objection to either
17 of those exhibits?

18 Hearing none, then they are admitted.

19 (Whereupon IBEW Exhibits 1 and 2
20 were admitted into evidence at
21 this time.)

22 MS. SKOLNICK: Thank you very much, Your Honor.

1 JUDGE ALBERS: You're welcome.

2 MR. SKEY: Your Honor, this is Chris Skey on
3 behalf of the Nature Conservancy.

4 Would now be an appropriate time to
5 move for the admission of the Nature Conservancy's
6 written testimony via verification?

7 JUDGE ALBERS: Sure.

8 MR. SKEY: Thank you, Your Honor.

9 JUDGE ALBERS: If you'd hold on for a second.

10 MR. SKEY: Absolutely. Absolutely. Let me
11 know when you're ready, sir.

12 (Pause)

13 JUDGE ALBERS: Go ahead, Mr. Skey.

14 MR. SKEY: Thank you, Your Honor.

15 Yesterday, May 14, 2013, we filed on
16 behalf of the Nature Conservancy three verifications
17 marked TNC Exhibit 5.0 which is the verification of
18 K. Douglas Blodgett, TNC Exhibit 6.0 which is the
19 verification of Jeff Walk, and TNC Exhibit 7.0 which
20 is the verification of Michael Patrick Ward.

21 TNC Exhibit 5.0, Mr. Blodgett's
22 verification, verified the testimony that he

1 submitted in this case, his direct testimony, which
2 was marked TNC Exhibit 1.0 together with TNC
3 Exhibit 1.1 as well as his rebuttal testimony which
4 was marked TNC Exhibit 4.0 together with TNC
5 Exhibit 4.1, and I'll note that TNC Exhibit 1.0 and
6 1.1 were filed on e-Docket and served on all parties
7 on March 29, 2013 and TNC Exhibit 4.0 and 4.1 were
8 filed on e-Docket and served on all parties on
9 April 12, 2013.

10 Moving to the next verification, Your
11 Honors, TNC Exhibit 6.0, that's Mr. Walk's
12 verification, and that verifies his testimony which
13 was his direct testimony which was marked as TNC
14 Exhibit 2.0 together with attachments TNC
15 Exhibits 2.1 through 2.5 all of which were filed on
16 e-Docket and served on all parties on March 29, 2013.

17 Finally, TNC Exhibit 7.0 which is the
18 verification of Mr. Ward verified his direct
19 testimony which was marked as TNC Exhibit 3.0 with
20 attachment TNC Exhibit 3.1, again, both of which were
21 filed on e-Docket and served on all parties on
22 March 29, 2013.

1 Your Honors, we would move for
2 admission of all of those exhibits, so that would be
3 TNC Exhibits 1.0, 1.1, 2.0, 2.1 through 2.5, 3.0 and
4 3.1, 4.0 and 4.1 as well as the verifications which
5 are TNC Exhibits 5, 6 and 7. We would move for
6 admission of those into the evidentiary record in
7 this matter, Your Honor.

8 JUDGE ALBERS: Any objection?

9 Hearing none, they are all admitted.

10 (Whereupon TNC Exhibits 1.0,
11 1.1, 2.0, 2.1 through 2.5, 3.0,
12 3.1, 4.0, 4.1, 5, 6 and 7 were
13 admitted into evidence at this
14 time.)

15 MR. SKEY: Thank you, Your Honor.

16 JUDGE ALBERS: Thank you.

17 Any others with a similar request?

18 MR. WILKE: Your Honor, we'll go ahead and do
19 ours too for the Piatt-Douglas-Moultrie County group.

20 JUDGE ALBERS: Is there anyone else on the
21 phone since we lose the phone in an hour?

22 (No response)

1 JUDGE ALBERS: Go ahead, Mr. Wilke.

2 MR. WILKE: Kurt Wilke for the
3 Piatt-Douglas-Moultrie County Group. We have three
4 exhibits:

5 Exhibit 1.0, the direct testimony and
6 affidavit of Mary D. Burns with attached exhibits...

7 JUDGE ALBERS: One moment.

8 MR. WILKE: Sorry.

9 (Pause)

10 JUDGE ALBERS: All right. Go ahead. I'm
11 sorry.

12 MR. WILKE: So that's Exhibit 1.0 which is the
13 direct testimony and affidavit of Mary D. Burns with
14 attached Exhibits A and B;

15 Exhibit 2.0 which is the direct
16 testimony and affidavit of Howard W. Kamm;

17 And Exhibit 3.0 which is the direct
18 testimony and affidavit of Dave Hrupsa with attached
19 Exhibits A and B.

20 Each of these were served on all the
21 parties and filed on e-Docket on March 28, 2013.

22 We would move the admission of

1 Exhibits 1, 2 and 3 and attached exhibits.

2 (Pause)

3 JUDGE ALBERS: Just for simplicity, we'll just
4 brief that as PDM, for Piatt-Douglas-Moultrie,
5 Exhibits 1, 2 and 3 with attachments.

6 Is there any objection then to PDM
7 Exhibits 1, 2 and 3?

8 Hearing none then, they are admitted.

9 (Whereupon PDM Exhibits 1, 2 and
10 3 were admitted into evidence at
11 this time.)

12 JUDGE ALBERS: Anything further?

13 I guess we're ready for
14 Mr. Dauphinais. Does that sound about right?

15 MR. ROBERTSON: Yes, sir.

16 JUDGE ALBERS: Go ahead.

17 MR. ROBERTSON: Your Honor, this is Eric
18 Robertson for the Moultrie County Property Owners
19 (MCPO).

20 I thought first I'd put the two
21 witnesses we have to go in by affidavit in before.

22 Your Honor, MCPO would move the

1 admission by affidavit of the rebuttal testimony of
2 Robert Fischer filed on e-Docket on April 12, 2013 as
3 MCPO Exhibit 5.0 and Exhibits 5.1 and 5.2 attached.

4 In addition, we would move the
5 admission of MCPO Exhibit 6.0, the rebuttal testimony
6 of Mr. Greg Sanders, and we would move the admission
7 of Mr. Sanders' affidavit in support of Exhibit 6.0
8 as MCPO Exhibit 6.1, and the affidavit of Mr. Robert
9 Fischer in support of his rebuttal testimony
10 Exhibits 5.0 and 5.1 and 5.2, as MCPO Exhibit 5.3.

11 JUDGE ALBERS: Any objection?

12 Hearing none, the identified exhibits
13 are admitted.

14 (Whereupon MCPO Exhibits 5.0
15 through 5.3 and 6.0 and 6.1 were
16 admitted into evidence at this
17 time.)

18 JUDGE YODER: Mr. Robertson, do you know when
19 those affidavits were filed?

20 MR. ROBERTSON: I think they were filed on
21 e-Docket hopefully this morning but I have copies.

22 JUDGE YODER: No. I just wanted a date for the

1 hearing report. I could look it up.

2 MR. ROBERTSON: It would be today.

3 JUDGE YODER: Okay. Thank you.

4 MR. ROBERTSON: Then we would call Mr. James R.
5 Dauphinais, please.

6 I don't know if the witness has been
7 sworn yet, Your Honor.

8 JUDGE ALBERS: You stood up when I swore in the
9 witnesses?

10 MR. DAUPHINAIS: Yes, I did.

11 JAMES R. DAUPHINAIS
12 called as a witness herein, on behalf of MCPO, having
13 been first duly sworn on his oath, was examined and
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. ROBERTSON:

17 Q. Mr. Dauphinais, would you identify yourself
18 for the record, please?

19 A. Yes. I'm James R. Dauphinais
20 (D-a-u-p-h-i-n-a-i-s).

21 Q. By whom are you employed?

22 A. Brubaker & Associates, Inc.

1 Q. And you're appearing on behalf of the
2 Moultrie County Property Owners in this case?

3 A. That is correct.

4 Q. And I show you now what has been previously
5 marked as MCPO Exhibit 1.0, the direct testimony of
6 James R. Dauphinais filed on e-Docket on March 29,
7 2013.

8 Are you familiar with that document?

9 A. Yes, I am.

10 Q. Is the information contained therein true
11 and correct to the best of your information and
12 belief?

13 A. Yes, it is.

14 Q. If you were asked the questions contained
15 therein, would your answers be the same as contained
16 therein?

17 A. Yes.

18 Q. Was it prepared under your supervision and
19 at your direction?

20 A. Yes.

21 Q. All right. I show you also what has been
22 previously marked as MCPO Exhibits 1.1 through and

1 including 1.32.

2 A. Yes.

3 Q. You have those exhibits in front of you?

4 A. Yes, I do.

5 Q. And are the attachments to your direct
6 testimony, Exhibit 1.0?

7 A. Yes.

8 Q. Is the information -- were those exhibits
9 prepared under your supervision and at your
10 direction?

11 A. Yes.

12 Q. Is the information contained therein true
13 and correct to the best of your information and
14 belief?

15 A. Yes.

16 Q. I also show you what has been previously
17 marked as the rebuttal testimony of James R.
18 Dauphinais which has been marked as MCPO Exhibit 3.0
19 filed on e-Docket on April 12, 2013.

20 Do you have that document in front of
21 you?

22 A. Yes.

1 Q. Was that document prepared under your
2 supervision and at your direction?

3 A. Yes.

4 Q. Is the information contained therein true
5 and correct to the best of your information and
6 belief?

7 A. Yes.

8 Q. If I were to ask you the questions
9 contained therein, would your answers be the same as
10 contained therein?

11 A. Yes.

12 MR. ROBERTSON: Your Honor, I'd move the
13 admission of MCPO Exhibit 1.0 with Exhibits 1.1
14 through and including 1.32 attached and the admission
15 of MCPO Exhibit 3.0. Subject to cross-examination, I
16 would move the admission of those documents.

17 JUDGE ALBERS: Thank you.

18 I believe PDM had questions of
19 Mr. Dauphinais?

20 MR. WILKE: I do.

21 JUDGE ALBERS: All right. Go ahead.

22 MR. WILKE: This is Kurt Wilke. I represent

1 Piatt-Douglas-Moultrie County Group.

2 CROSS-EXAMINATION

3 BY MR. WILKE:

4 Q. My questions will focus primarily on the
5 Mount Zion to Kansas segment that you developed,
6 okay?

7 A. All right.

8 Q. And I presume you're aware that around noon
9 on last Friday, ATXI abandoned its recommended
10 rebuttal route. It stipulated with MCPO to recommend
11 your proposed alternate route.

12 MR. FITZHENRY: Your Honor, I'm going to object
13 to that characterization. First of all, counsel has
14 not identified the document upon which that
15 allegation has been made, but I know for a fact that
16 that's an incorrect statement. There was no
17 abandonment of the route.

18 MR. WILKE: Okay. Let me rephrase the
19 question.

20 JUDGE ALBERS: Go ahead.

21 Q. BY MR. WILKE: Are you aware that on last
22 Friday about noon, ATXI and MCPO entered into a

1 stipulation whereby they agreed to recommend your
2 Mount Zion to Kansas route as the preferred route for
3 that segment?

4 A. Yes.

5 Q. Have you seen that stipulation?

6 A. Yes.

7 Q. When I refer to your route in my questions,
8 I'm referring to this Mt. Zion to Kansas segment,
9 okay, that you developed?

10 A. Understood.

11 Q. You testified that you were retained to
12 help Mr. Reinecke expand the geographic diversity of
13 the route options, is that correct?

14 A. I was retained along with Mr. Reinecke to
15 increase the geographic diversity of the route
16 options available.

17 Q. And you came up with a new route well to
18 the north of Ameren's two proposed routes, is that
19 correct?

20 A. That is correct.

21 Q. If this proposed transmission line
22 traverses the entire State of Illinois, why did the

1 fact that Ameren routed the line through Moultrie
2 County occasion the need for more geographical
3 diversity?

4 A. The routes that Ameren looked at, including
5 the potential options that might be available, pretty
6 much filled Moultrie County from just north of Lake
7 Shelbyville up to the northern boundary of Moultrie
8 County, and counsel or its clients acting through
9 counsel asked if additional routes could be looked at
10 that looked beyond Moultrie County because Ameren did
11 not examine that in looking at its potential route
12 options.

13 Q. So when you referred -- when you used the
14 term expand geographical diversity, what you just
15 testified is look for routes beyond Moultrie County?

16 A. Beyond Moultrie County because Ameren, in
17 looking at their potential route options, looked
18 throughout Moultrie County from North Lake
19 Shelbyville up to the northern boundary of Moultrie
20 County, but they did not look north of Moultrie
21 County nor did they look south of Lake Shelbyville.

22 Q. Do you disagree with Donell Murphy's

1 testimony that the land use and geography of southern
2 Piatt County is no different than Moultrie County?

3 A. I wouldn't necessarily agree that it's not
4 different. I think the route, in fact, shows that
5 there are some differences.

6 Q. Would you elaborate on that? In other
7 words, how does the route one mile north of the
8 Moultrie County line increase geographical diversity
9 over Ameren's two routes within Moultrie County?

10 A. What was found once the route was developed
11 is that it impacted fewer residences.

12 Q. But the question was how does a route one
13 mile north of Moultrie County increase geographical
14 diversity over Ameren's two routes within Moultrie
15 County?

16 A. It looked at routes beyond which those
17 which Ameren examined, so it looked at a broader
18 geographic area than Ameren examined.

19 Q. Based on your testimony then, I take it you
20 would not disagree with Mr. Dennis Kramer who is
21 Ameren's manager of transmission planning. He
22 reviewed your proposed routes and then testified in

1 this case that your opinion is primarily driven by a
2 need to find a planning rationale to eliminate any
3 route from traversing Moultrie County.

4 Would you agree with that statement?

5 A. No.

6 Q. Do you have your Exhibit 1.4?

7 A. Yes.

8 Q. All right. You testified that your route,
9 Mt. Zion to Kansas segment, is 69.2 miles, is that
10 correct?

11 A. I'm sorry. Could you restate the question?

12 Q. You testified that your route, Mt. Zion to
13 Kansas, is 69.2 miles, is that correct?

14 A. That was our estimate of the route length,
15 yes.

16 Q. And you testified that you developed a cost
17 estimate for that segment of \$150.6 million, is that
18 correct?

19 A. That is the mean estimate, yes.

20 Q. And since you're familiar with the
21 stipulation that was entered into on last Friday, I
22 take it you're aware that MCPO, your client, has

1 stipulated to support ATXI's Pana to Mt. Zion primary
2 route, is that correct?

3 A. That is what the stipulation states.

4 Q. Okay. If you would turn over to page 2 of
5 that Exhibit 1.4, please.

6 I don't know if Your Honors have that
7 exhibit handy. I have copies if you need to look at
8 this chart.

9 JUDGE ALBERS: Which one was it?

10 MR. WILKE: 1.4, page 2.

11 JUDGE ALBERS: I think we have that.

12 Q. BY MR. WILKE: The two routes that are
13 being recommended pursuant to the stipulation then
14 are the ATXI Pana to Mt. Zion primary route and then
15 your route segment from Mt. Zion to Kansas, correct?

16 A. Yes.

17 Q. And those two routes together total 104.6
18 miles?

19 A. Correct.

20 Q. And that is shown on the fifth line of page
21 2 of Exhibit 1.4?

22 A. Yes.

1 Q. You also show a route distance on that
2 exhibit for ATXI's primary routes from Pana to
3 Mt. Zion and also ATXI's primary route from Mt. Zion
4 to Kansas which together total 103.7 miles, is that
5 correct?

6 A. Would you restate which route you're
7 speaking of? I didn't quite catch the Mt. Zion one.

8 Q. ATXI's two primary routes, both the primary
9 route from Pana to Mt. Zion and the primary route
10 from Mt. Zion to Kansas.

11 A. Yes. That's 103.7 miles.

12 Q. And that's shown on the first line of your
13 exhibit, correct?

14 A. That is correct.

15 Q. Do you recall that the stipulation
16 references both of those distances citing this
17 exhibit, the stipulated route of 104.6 miles and the
18 two ATXI primary routes of 103.7 miles?

19 A. I don't have the stipulation in front of me
20 so I...

21 Q. Let me show it to you.

22 A. It says what it says.

1 MR. WILKE: Do Your Honors need a copy of that?

2 JUDGE ALBERS: No, I have it.

3 MR. WILKE: Sir, can you turn to page 3 of that
4 stipulation?

5 THE WITNESS: I'm there.

6 MR. WILKE: And let me reask my question then.

7 Q. The stipulation references both of those
8 distances, the stipulated route of 104.6 miles and
9 the ATXI two primary routes which total 103.7 miles,
10 correct? Paragraph 16.

11 A. I just need a minute. Something doesn't
12 seem to be in order, or at least in my mind. I may
13 resolve this but I just need to take a minute to look
14 at that.

15 (Pause)

16 A. Yes, I agree the numbers match what's in my
17 exhibit.

18 Q. And the stipulation references your
19 exhibit, does it not?

20 A. Yes, it does.

21 Q. And then the stipulation made by your
22 client and ATXI states, referring to your exhibit,

1 that these are the two shortest route combinations
2 from Pana to Mt. Zion to Kansas, does it not?

3 A. Yes, it does.

4 Q. And that statement is patently false, isn't
5 it?

6 A. It's in disagreement with my MCP
7 Exhibit 1.4.

8 Q. And that's because the ATXI primary route
9 from Pana to Mt. Zion together with the ATXI
10 alternate route from Mt. Zion to Kansas is shorter
11 than both of those routes, isn't it?

12 A. My exhibit shows it at 101.8 miles. I do
13 not know if Ameren has a different position on the
14 length of that line.

15 Q. But that's your position?

16 A. That was the calculation we performed when
17 I prepared my direct testimony. I have no reason to
18 think my calculation is in error.

19 Q. And that makes it the shortest of the three
20 route distances?

21 A. Based on my exhibit, yes.

22 Q. And are you aware that that combination

1 incidentally was, in fact, ATXI's recommended
2 rebuttal route for the Pana to Mt. Zion to Kansas
3 segment?

4 A. Yes, it was.

5 Q. Also, on Exhibit 1.4, page 2, you have some
6 cost estimates, is that correct?

7 A. That is correct.

8 Q. And your mean cost estimate for the
9 stipulated route is \$225 million approximately?

10 A. 224.9 million.

11 Q. And your mean cost estimate for ATXI's two
12 primary routes from Pana to Mt. Zion to Kansas is 223
13 million approximately?

14 A. 222.8 million.

15 Q. So the statement made by your client and
16 ATXI in the stipulation, paragraph 6(a) that the
17 stipulated route is the lowest cost route of the
18 identified options from Pana to Mt. Zion to Kansas,
19 that statement is also false, is it not?

20 A. No, that is not false.

21 Q. What's that?

22 A. It is not false.

1 Q. Well, didn't you just testify that the two
2 primary routes are two million less than the
3 stipulated route?

4 A. This was from my direct testimony which was
5 filed on March 29th. The company in its rebuttal
6 testimony, a Mr. Murbarger presented new baseline
7 cost estimates for all these route estimates for all
8 these route combinations, and his cost estimate is
9 consistent with what's in the stipulation, and I have
10 no reason to dispute the accuracy of the company's
11 estimate. They have better access to information
12 than I do, and, again, I have no reason to dispute
13 it.

14 Q. Well, I think Mr. Murbarger testified what
15 the limitations were of his costing of the alternate
16 routes yesterday, but what you were just asked by
17 your counsel is whether every exhibit that was just
18 offered into evidence was true and correct, and I
19 believe you testified it was.

20 A. It's true and correct based on the
21 information we have available. It doesn't mean it's
22 the best estimate that's available at this time.

1 Q. And you're assuming that Mr. Murbarger's
2 estimate is better than yours based on what?

3 A. The company has better access to
4 information. I've seen nothing in his testimony that
5 leads me to believe that there's anything wrong with
6 his baseline cost estimate.

7 Also, to be clear, his baseline cost
8 estimates are engineering estimates, and these
9 estimates here, these base, low, mean, and high, are
10 probabilistic estimates. It's just the way
11 Mr. Hackman, Ameren's witness Mr. Hackman, presented
12 cost estimates in his direct testimony.

13 What we did in our methodology was
14 attempt to reverse the engineer's into cost estimates
15 based on the length of the lines as well as the
16 number of turning structures and the degree of
17 turning of those turning structures.

18 So our method is inherently going to
19 be less precise than a baseline estimate done on an
20 engineering basis.

21 Q. Mr. Greg Rockrohr is the ICC staff engineer
22 who testified on Monday. He compared ATXI's

1 alternate route from Mt. Zion to Kansas to your route
2 from Mt. Zion to Kansas, and he testified that ATXI's
3 alternate route is A), shorter, B) less expensive,
4 and C) requires fewer dead-end structures than your
5 route.

6 Do you agree or disagree with
7 Mr. Rockrohr's testimony?

8 MR. ROBERTSON: Excuse me. I don't know that
9 the witness was here to hear, in fact, he was not
10 here to hear Mr. Rockrohr, and I'm not sure I have
11 that same recollection of Mr. Rockrohr's testimony,
12 so I object to the question.

13 Mr. Rockrohr's testimony will speak
14 for itself, whatever it is in the record.

15 MR. WILKE: I'll rephrase it and read him
16 Mr. Rockrohr's testimony.

17 JUDGE ALBERS: Go ahead.

18 Q. BY MR. WILKE: Sir, Mr. Rockrohr testified
19 in ICC Staff Exhibit 1.0R, page 46, line 964, as
20 follows: If ATXI constructs the proposed
21 transmission line between the Mt. Zion site that it
22 proposes and the Kansas site, it appears that the

1 ATXI alternate route would result in the lowest cost.
2 Moultrie CPO's preferred route appears to be longer
3 than the ATXI's alternate route. It also appears
4 that Moultrie CPO's preferred route would require
5 more dead-end structures than ATXI's alternate route.

6 So my question is do you agree with
7 Mr. Rockrohr that ATXI's alternate route is A)
8 shorter, B) less expensive, and C) requires fewer
9 dead-end structures than your route?

10 A. I don't necessarily agree, and the reason I
11 don't necessarily agree is there's a couple things
12 going on here.

13 One is that there is some confusion,
14 in my review of Mr. Rockrohr's direct testimony,
15 whether when he wrote that, whether he is speaking to
16 the version of the routes that were filed on
17 December 31st in this proceeding with two-mile
18 corridors or he's talking about the refined routes
19 which were provided in discovery on March 20th of
20 2013 and presented in our testimony, the March 29th,
21 2013.

22 So it's not clear to me which of our

1 routes he's talking about, whether he's talking about
2 the refined route or not. We are presenting the
3 refined route in this proceeding.

4 Second, I don't agree necessarily on
5 the turning structures. I would have to look at the
6 details of what his calculation of the turning
7 structures are versus our calculations of those and
8 whether I agree with those or not.

9 So I went with...

10 Q. How many turning structures does your route
11 from Mt. Zion to Kansas have?

12 A. I would have to look at my workpapers, but
13 again, that would have to be -- I'd have to look at
14 those versus Mr. Rockrohr's and whether we agree with
15 Mr. Rockrohr's count on the number of turning
16 structures.

17 Q. So you can't tell from any exhibit that you
18 have there with you today how many turning structures
19 are on your Mt. Zion to Kansas route?

20 A. I don't believe we included --

21 MR. ROBERTSON: Your Honor, I think I would
22 like to object on the grounds that counsel has not

1 laid a foundation for this.

2 We already know that Mr. Rockrohr
3 filed his direct testimony at the same time we filed
4 our direct testimony. He couldn't possibly have been
5 commenting on the refined route that was the subject
6 of our direct testimony.

7 So they asked this witness questions
8 absent a showing that we're talking about the same
9 routes, and I don't know if he can establish that
10 foundation. I object to this line of questioning.

11 MR. WILKE: I'll respond.

12 The only question I've asked him right
13 now is how many turning structures are located on his
14 route.

15 MR. ROBERTSON: Which route are you talking
16 about?

17 MR. WILKE: Mr. Dauphinais's route.

18 JUDGE ALBERS: You can answer.

19 MR. ROBERTSON: The route you said you were
20 asking him about at the beginning of your
21 cross-examination.

22 MR. WILKE: Well, we've gotten into an issue as

1 to whether or not Mr. Rockrohr's testimony as to the
2 number of turning structures on this route is correct
3 or not, and it seems to me the way to resolve that is
4 to ask Mr. Dauphinais how many turning structures are
5 on the route that he developed.

6 MR. ROBERTSON: But that's not the way to
7 resolve it, Your Honor, because Mr. Rockrohr is
8 obviously talking about a different route than the
9 one that's in Mr. Dauphinais's direct testimony.

10 JUDGE ALBERS: I think right now I'm hearing
11 counsel ask how many turning structures are on
12 Mr. Dauphinais's route, is that correct?

13 MR. WILKE: Yes.

14 JUDGE ALBERS: That question is appropriate.

15 MR. ROBERTSON: Okay.

16 THE WITNESS: I have a copy of a workpaper in
17 front of me, and I'm trying to determine whether that
18 workpaper gives me the total count, and it may very
19 well do so.

20 (Pause)

21 THE WITNESS: I do have estimates for the
22 Moultrie County Mt. Zion to Kansas route as we

1 presented in our direct testimony, and these
2 estimates were the basis of our cost estimates that
3 we utilized by basically extrapolating and
4 interpolating from Ameren's cost estimates presented
5 in the direct testimony by Mr. Hackman.

6 Q. BY MR. WILKE: Okay. And what is that?

7 A. I want to make sure I give all contexts on
8 this. We have a route length from Mt. Zion to Kansas
9 for Moultrie County of 69.2 miles.

10 JUDGE ALBERS: This is from your direct
11 testimony?

12 THE WITNESS: Yes. This was the numbers that
13 underlie the cost estimates presented in exhibits
14 attached to my direct testimony.

15 JUDGE ALBERS: Okay.

16 THE WITNESS: I can give an overall count on
17 the structures and each type of turning structure.
18 There's three or four different types but just to
19 give a complete picture.

20 MR. WILKE: Okay.

21 THE WITNESS: We estimated 429 structures
22 total. 399 of those would be tangent structures.

1 Tangent structures are very shallow angles at best.
2 It's generally straight line towers.

3 Ameren has a class of towers that go
4 from about one degree of turning to 15 degrees of
5 turning. We estimated that one of those types of
6 towers would be necessary for our Mt. Zion to Kansas
7 route.

8 And then for 15 to 90 degree angle
9 structures, the more severe turns, we estimated 29 of
10 those structures would be necessary.

11 There is a rounding error here which I
12 can't account for. I don't have -- I would have to
13 fire up my computer to figure out why there's a
14 rounding error by 1, but generally they total very
15 close.

16 Q. That totals 429 I believe; 399 of the
17 regular 1 to 15 degrees and 29 of the 15 to 90
18 degrees.

19 A. Yes, it does, yeah. I somehow was adding
20 an additional 1 in my mind. You are correct.

21 Q. Okay. Do you know how many turning
22 structures are on the ATXI Mt. Zion to Kansas

1 alternate route?

2 A. I believe I may have that here as well. I
3 just need a moment.

4 (Pause)

5 THE WITNESS: Okay. I'm ready now.

6 MR. FITZHENRY: Which route is that again?

7 MR. WILKE: This is the ATXI Mt. Zion to Kansas
8 alternate route.

9 THE WITNESS: The alternate source for the
10 structure count for the alternate route that ATXI
11 filed in this proceeding from Mt. Zion to Kansas is
12 Ameren's response to MCPO-ATXI 3.08. The total
13 number of structures identified for the alternate
14 route from Mt. Zion to Kansas was 435. 372 of those
15 structures were tangent structures. 11 of those
16 structures were 1 to 15 degree structures. 52 of
17 those structures were 15 to 90 degree turning
18 structures.

19 Q. And that is discovery response 3.08, is
20 that what you said?

21 A. It is the response to data request
22 MCPO-ATXI 3.08. Yes, the Ameren's response.

1 Q. You don't have any independent information
2 with respect to the number of turning structures on
3 the ATXI Mt. Zion to Kansas alternate route other
4 than what Ameren has told you?

5 A. I don't have any independent information.

6 Q. Let me change topics now.

7 You're aware that the Village of
8 Mt. Zion filed an alternate route that proposed
9 locating the mine substation about 2.5 miles further
10 south than ATXI has proposed?

11 MR. FITZHENRY: Your Honor, I'm going to
12 object. My recollection is that they may have
13 identified a route in the context of your rulings and
14 it obligated parties to identify a route, but I don't
15 believe they've ever filed testimony nor have they
16 filed testimony in support of a particular route.

17 So counsel is asking questions about a
18 matter that's not in evidence, and to that I object.

19 JUDGE ALBERS: It's going to be hard for the
20 Commission to adopt a route that no one has supported
21 with any kind of testimony.

22 MR. WILKE: Well, I'm just asking if he

1 considered that when he was evaluating different
2 routes.

3 MR. ROBERTSON: Excuse me, Your Honor. If they
4 didn't present it, one, if they didn't present it in
5 direct testimony, he couldn't have evaluated it, and
6 two, he's already explained what he did. It wasn't
7 his responsibility to look at proposals made by other
8 parties.

9 JUDGE ALBERS: I'll sustain the objection.

10 MR. WILKE: All right. Let me ask the question
11 this way.

12 Q. You did not examine any other route
13 combinations for the Mt. Zion to Kansas segment other
14 than what's shown on your exhibit, page 2 of 1.4?

15 A. That is correct.

16 Q. Would you agree that the Kansas substation
17 based on latitude is 14 miles south of the proposed
18 Mt. Zion substation?

19 A. I haven't made that calculation so I don't
20 know offhand.

21 Q. Do you know how far east the Mt. Zion
22 substation is from the proposed, or, I'm sorry, do

1 you know how far east the Kansas substation is from
2 the proposed Mt. Zion substation?

3 A. I haven't calculated the straight line
4 distance between the two.

5 Q. You would agree with me that the Kansas
6 substation is a number of miles south of the
7 Mt. Zion, proposed Mt. Zion substation, is it not?

8 A. Yes.

9 Q. And would you agree that your proposed
10 route from Mt. Zion to Kansas travels almost four
11 miles to the north of the proposed Mt. Zion
12 substation at its northernmost point?

13 A. I don't know if it's four miles without
14 measuring it out on our maps, but it does go to some
15 extent to the north after moving roughly due east
16 from the Mt. Zion substation site.

17 Q. You testified in this proceeding that the
18 Mt. Zion substation was not needed, and you
19 specifically said that such substation would require
20 a detour to the north from a direct path?

21 Do you recall making that statement in
22 your testimony, Exhibit 1.0?

1 A. Yes, on the basis of the NERC Category C
2 contingencies (NERC stands for North American
3 Electric Reliability Corporation) that Ameren
4 identified in its direct testimony as being of
5 concern.

6 Q. Do you agree that's also what your Mt. Zion
7 to Kansas route is as well, a detour to the north
8 because a direct path from Mt. Zion to Kansas would
9 run straight through Moultrie County?

10 MR. ROBERTSON: May I hear the question back,
11 please?

12 (The reporter read back the last
13 question.)

14 Q. BY MR. WILKE: That's what your Mt. Zion to
15 Kansas route is as well, is it not, a detour to the
16 north because a direct path from Mt. Zion to Kansas
17 would run straight through Moultrie County?

18 MR. FITZHENRY: Well, I'm going to object. It
19 sounds like counsel is making an argument or
20 statement. I don't understand that to be a question.
21 It's compounded. I don't even understand the
22 question frankly.

1 MR. WILKE: I'm simply asking him whether he
2 would apply the same language to his Mt. Zion to
3 Kansas route that he applied to Ameren's position in
4 wanting a route north to serve Mt. Zion which is that
5 it's a detour to the north.

6 JUDGE ALBERS: I'll allow the question.

7 THE WITNESS: If it's just simply asking is
8 there a detour to the north involved, if the Moultrie
9 County Mt. Zion to Kansas route is used, I agree with
10 that.

11 Q. BY MR. WILKE: Do you disagree with Donell
12 Murphy's testimony that your proposed route does not
13 fairly reflect public input?

14 A. No, I do not.

15 Q. MCPO did not hold any public meetings, is
16 that correct?

17 A. Ameren held public meetings. We did not
18 hold public meetings.

19 Q. At these public meetings, the public was
20 presented with ATXI's study area, is that correct?

21 A. ATXI's study area was presented.

22 Q. And your route runs outside of the limits

1 of that ATXI study area, does it not?

2 A. A limited portion of the Moultrie County
3 Mt. Zion to Kansas route runs outside of Ameren's
4 defined study area.

5 Q. How many miles of your route is outside of
6 the ATXI study area?

7 A. I would have to defer to Mr. Reinecke on
8 that.

9 Q. Okay. Mr. Jeffrey Webb is MISO's senior
10 director of expansion planning. He testified your
11 route is an attempt to reengineer a transmission line
12 by litigation rather than by the extensive
13 transparent and collaborative process that lead to
14 ATXI's routes.

15 Do you agree with his testimony?

16 A. I believe his testimony was specifically
17 limited to the Moultrie County Pana to Kansas route.
18 It was not related to the Moultrie County Mt. Zion to
19 Kansas route.

20 Q. So with respect to the Mt. Zion to Kansas
21 portion, you would disagree with Mr. Reinecke?

22 A. He was very clear in his testimony that he

1 was not speaking with regard to routing issues but
2 with regard to the issue of not having a Mt. Zion
3 substation.

4 MR. WILKE: Okay. That's all the questions I
5 have. Thanks.

6 JUDGE ALBERS: Thank you.

7 Off the record for a moment.

8 (Whereupon an off-the-record
9 discussion transpired at this
10 time.)

11 JUDGE ALBERS: Back on the record.

12 We have Shelby County landowners had
13 15 minutes. You want to try to get that in in the
14 next 15 minutes?

15 MR. PROBST: I have no questions for this
16 witness.

17 JUDGE ALBERS: Stop the Power Lines perhaps?

18 MR. GOWER: Only if I can have a mike, Your
19 Honor.

20 JUDGE ALBERS: Yes, you can have a mike. We'll
21 work something out here.

22 MR. GOWER: Mr. Dauphinais, as you know my name

1 is Ed Gower. I represent in Coles County Tarble
2 Limestone interest, the Reed interest, the Coles
3 County landowners, and the Coles and Moultrie County
4 Landowners Group. All of them are located on ATXI's
5 proposed primary route in Coles County.

6 CROSS-EXAMINATION

7 BY MR. GOWER:

8 Q. You had talked about turning structures.

9 Could you just explain what the
10 significance is of turning structures in a
11 transmission line design?

12 A. Turning structures are a more expensive
13 design. They need to be more robust because the
14 mechanical forces on the tower are different than a
15 tangent.

16 Tangent structures and straight line
17 structures, you have forces on both sides of the
18 tower. They're counteracting each other generally.

19 On turning structures, you don't have
20 that to the same degree so it requires a more robust
21 structure. It sometimes requires guy lines that are
22 opposite of the structure depending on the type of

1 structure you utilize for that structure.

2 Q. And as you go up in degree, does the
3 structure also become more expensive? For example,
4 you talked about a 15 to 90 degree structure,
5 category of structure, as opposed to some lesser
6 degree structure.

7 Is the higher degree the angle, the
8 more expensive the structure?

9 A. That's correct. Ameren identified three
10 specific classes I believe, yeah, three specific
11 classes in response to data request on the subject,
12 and provided cost estimates for those, and as the
13 cost estimates are increasing, the degree of angle
14 increased.

15 Q. And are there any performance differences
16 when you're forced to use an angle structure as
17 opposed to a straight line structure in terms of
18 transmission of power?

19 A. In terms of electrical, no.

20 Q. What about maintenance?

21 A. There's some degree of difference, but
22 generally, this could be worked around and dealt

1 with.

2 Q. You indicated that for the lines that you
3 developed, your estimates were probabilistic
4 estimates, correct?

5 A. No. We've reverse engineered Mr. Hackman's
6 probabilistic analysis, so what we basically did is
7 take a look at the numbers he put together, the
8 numbers Mr. Murbarger put together in his direct
9 testimony, as well as Ameren's responses to data
10 requests on the costs or the baseline engineering
11 costs for various types of turning structures.

12 Q. Now, we haven't used today the same numbers
13 for your various routes that were in your direct
14 testimony, correct? That is, you identified one line
15 as MCPO-A-MZK for example, and I think your
16 stipulated route, if I'm not mistaken, is identified
17 in your testimony...I'm referring to MCPO
18 Exhibit 1.1, the various maps that you put together
19 of your nine group alternatives.

20 A. I believe, yes, MCPO Exhibit 1.1 is
21 basically a set of maps that steps through each of
22 the different nine route combinations we examined.

1 Q. Okay. And which of those nine route
2 combinations is the stipulated route?

3 MR. FITZHENRY: Objection, Your Honor.
4 Stipulation is a legal document. It speaks for
5 itself. Mr. Gower is now asking the witness to opine
6 on a legal document, and that's inappropriate.

7 I also recall your prior ruling and
8 your comment yesterday when you admitted the
9 stipulations that at the end of the day, what you
10 expected is that these routes that have been
11 identified by the parties as their stipulated route
12 still need to be proven in the record as being
13 preferred or superior; I don't remember the exact
14 language.

15 So again, the questions along these
16 lines would be inappropriate for this witness and,
17 frankly, any other witness.

18 MR. GOWER: Your Honor, if I might.

19 JUDGE ALBERS: Sure.

20 MR. GOWER: It's a real simple question. I'm
21 just asking him to tie his exhibit to the one that
22 his client is now supporting, and he's read the

1 stipulation.

2 JUDGE ALBERS: I think that's reasonable. I'm
3 going to allow the question.

4 Mr. Dauphinais, can you identify the
5 particular route in the 1.1 exhibit?

6 THE WITNESS: Yes, Your Honor. I just need a
7 moment to make sure I give the right reference.

8 And this is the stipulated route we're
9 discussing, correct?

10 MR. GOWER: Yes, sir. I'm just asking you to
11 identify it in your exhibits.

12 THE WITNESS: Okay. The stipulated route is
13 ATXI's primary Pana to Mt. Zion route segment and
14 Moultrie County's Mt. Zion to Kansas route segment.
15 We use abbreviation of that of MCPO-P-MZK.

16 When I say we, I mean in my direct
17 testimony.

18 That corresponds to, in my exhibit
19 MCPO Exhibit 1.1, that corresponds to the map as
20 shown on page...

21 Q. Is it 5 of 9?

22 A. 5 of 9, yes.

1 Q. Thank you.

2 When you did your cost comparisons of
3 the various routes -- strike that.

4 You've developed several Moultrie
5 County Pana to Kansas proposed routes, did you not?

6 A. I looked at a total of nine route
7 combinations, and many of those used one of three
8 different options between Mt. Zion and Kansas.

9 Q. Well, earlier in your testimony, I'm not
10 trying to be difficult, but earlier in your
11 testimony, you didn't seem to have any problem
12 responding to questions about the Moultrie County
13 Pana to Kansas route.

14 Is there something that is difficult
15 to understand in that description?

16 MR. ROBERTSON: Excuse me. I object. It's
17 argumentative. No need for that.

18 MR. GOWER: I'll withdraw the question.

19 Q. Sir, do several of your Moultrie County
20 Pana to Kansas alternate routes utilize the ATXI
21 proposed primary route between the Mt. Zion and
22 Kansas substation?

1 A. Yes, and let me be clear. Within my nine
2 routes were four routes that Ameren has filed, so I
3 included those in my review.

4 So they're not really my routes. Four
5 of the nine routes are Ameren routes that I included
6 in my evaluation.

7 Q. Okay. And for purposes of your cost
8 comparison of the various routes with respect to
9 those four routes that utilize the ATXI primary route
10 from Mt. Zion to the Kansas substation, did you
11 utilize Mr. Murbarger's baseline estimates for the
12 cost of that portion of the ATXI primary that you
13 included in those alternate routes?

14 A. I used Mr. Hackman's direct testimony base,
15 low, mean, and high estimates that are based on
16 Mr. Murbarger's direct testimony baseline cost
17 estimates.

18 Q. Okay. And you didn't independently, you
19 didn't make any alteration to those baseline
20 estimates, did you, or those -- let me restate the
21 question. It's not accurate.

22 You didn't make any revisions to

1 ATXI's cost estimates when you put your cost
2 estimates for those lines together, is that correct?

3 A. Which ATXI cost estimates?

4 Q. The ATXI cost estimates for that portion,
5 for the primary route between the Mt. Zion and the
6 Kansas substation that you utilized for some portion
7 of your alternate routes.

8 A. I believe these numbers are the numbers
9 that Ameren provided. We did do a cross-check or
10 methodology to make sure that we came close, within
11 ballpark of their numbers, but I believe the numbers
12 I put in here are off Ameren's numbers.

13 Q. And in utilizing Ameren's numbers for that
14 portion of the primary route in the Mt. Zion to
15 Kansas substation segment, you did not take into
16 account any lost revenues from mining operations that
17 Mr. Tarble testified would occur if ATXI constructed
18 its primary route through property containing
19 limestone deposits, correct?

20 A. There are many things like that that were
21 not considered. That's not the level of detail that
22 this estimate was done at.

1 Q. Okay. Now, can you answer -- my question
2 concerned limestone estimates, the limestone
3 estimates that underlie Mr. Tarble's testimony. You
4 couldn't take that into account, could you?

5 MR. ROBERTSON: Excuse me. He's answered your
6 question. He said he has used Ameren's data, and
7 Ameren's data didn't take that into account.

8 Q. BY MR. GOWER: Is that correct, sir,
9 Ameren's data didn't take that into account?

10 JUDGE ALBERS: Wait a minute. There's an
11 objection.

12 MR. ROBERTSON: It's been asked and answered.
13 The witness has answered his question.

14 JUDGE ALBERS: Objection sustained.

15 Q. BY MR. GOWER: You personally, when you
16 provided your testimony, you couldn't have taken
17 Mr. Tarble's estimates into account because you
18 weren't aware of them, is that correct?

19 A. That would be correct.

20 Q. And also, for example, you didn't factor
21 into your cost estimates the 871,000 of lost revenues
22 associated with limestone on property owned outright

1 by the Tarble Limestone interests in Coles County,
2 correct?

3 A. Again, it did not, and none of my estimates
4 went to that level of detail. There are higher level
5 estimates that would go into those levels of detail.

6 Q. All right. And you weren't aware of the
7 testimony provided by Mike and Ron Popham that the
8 primary route in Coles, ATXI's primary route in Coles
9 County would go straight through a bald eagle nesting
10 area, is that correct?

11 MR. ROBERTSON: Excuse me. You're asking the
12 wrong witness this question. I think you ought to
13 direct that kind of cross to Mr. Reinecke because
14 he's the one that testified to that kind of stuff.
15 This witness hasn't testified to any of that.

16 MR. GOWER: This witness took Mr. Reinecke's,
17 if I understand his testimony correctly, and maybe I
18 can ask him just to clarify, but I understand that
19 this witness took Mr. Reinecke's testimony and
20 utilized it to develop his route analysis.

21 MR. ROBERTSON: That's correct.

22 MR. GOWER: So was he aware, when he developed

1 his route analysis, was he aware that the primary
2 route would go through a bald eagle nesting area.

3 THE WITNESS: I don't know if it goes through a
4 bald eagle nesting area. I do know that testimony
5 wasn't filed, if it does say that, it wasn't
6 available when I prepared my direct testimony which
7 these numbers are a part of.

8 Q. And when you did your route analysis, were
9 you aware that Ameren's proposed primary route in
10 Coles County would appear to be located on the dam
11 holding back lake water about 80 miles above the
12 Embarras River?

13 MR. FITZHENRY: Your Honor, I'm going to object
14 to the line of questioning because we could be here
15 all day asking Mr. Dauphinais what's not included in
16 his testimony. I think that's inappropriate, and we
17 don't have all day.

18 So perhaps if counsel was inclined to
19 point to something in Mr. Dauphinais's testimony or
20 exhibits, we might better understand whether or not
21 these questions are material or relevant.

22 MR. GOWER: I'll withdraw the last question and

1 move on, Your Honor.

2 JUDGE ALBERS: All right.

3 Q. BY MR. GOWER: Mr. Dauphinais, your cost
4 estimate for the routes that utilized ATXI's primary
5 route in Coles County also didn't take into account
6 any increased costs associated with taking prime
7 farmland from the Daily farm interest, did it?

8 MR. FITZHENRY: Same objection, and I'll allude
9 back to Mr. Robertson's earlier response to a couple
10 of Mr. Gower's objections about this not being the
11 right witness for that sort of thing.

12 MR. GOWER: Your Honor, I have two more
13 questions.

14 MR. FITZHENRY: Well, I'll object to both
15 questions ahead of time.

16 MR. GOWER: Excuse me. I didn't interrupt you.
17 If I might finish.

18 My questions concerned simply the cost
19 estimates and what got factored in the cost
20 estimates.

21 JUDGE ALBERS: Well, I believe Mr. Robertson
22 has told us what he had available at the time, and I

1 don't believe -- I think your questions are getting
2 redundant essentially.

3 MR. GOWER: All right. I'm finished then.
4 Thank you very much.

5 JUDGE ALBERS: All right. Thank you.

6 At this time, we will break before we
7 hear from Ameren and allow the Commission to use the
8 video connection in Chicago, so we will recess, and
9 we'll return at 11 and see if the Commission is still
10 in session or not. We'll play it by ear.

11 (Recess taken.)

12 JUDGE ALBERS: Go back on the record.

13 We now have questions from ATXI.

14 MR. FITZHENRY: I do not have any questions for
15 Mr. Dauphinais.

16 JUDGE ALBERS: Mr. Robertson, do you have any
17 redirect?

18 MR. ROBERTSON: No, sir.

19 JUDGE ALBERS: Any objection then to the
20 admission of any of Mr. Dauphinais's exhibits?

21 Hearing none, then MCPO Exhibit 1.0,
22 both public and confidential version, 1.1 through

1 1.27, 1.28 through 1.32, and that latter category was
2 both public and confidential versions again, and 3.0
3 are admitted.

4 (Whereupon MCPO Exhibit 1.0
5 (Public and Confidential
6 Versions), 1.1 through 1.27,
7 1.28 through 1.32 (Public and
8 Confidential Versions) and 3.0
9 were admitted into evidence at
10 this time.)

11 JUDGE ALBERS: Thank you, Mr. Dauphinais.

12 (Witness excused.)

13 JUDGE ALBERS: Our next witness is
14 Mr. Reinecke?

15 MR. ROBERTSON: That's correct. MCPO will call
16 Mr. Rudy Reinecke at this time.

17 JUDGE ALBERS: Mr. Reinecke, I believe you were
18 sworn earlier?

19 MR. REINECKE: Yes.

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RUDOLPH REINECKE

called as a witness herein, on behalf of MCPO, having
been first duly sworn on his oath, was examined and
testified as follows:

DIRECT EXAMINATION

BY MR. ROBERTSON:

Q. Mr. Reinecke, would you identify yourself
for the record, please?

A. My name is Rudolph Klaus Reinecke
(K-l-a-u-s R-e-i-n-e-c-k-e).

Q. And by whom are you employed?

A. Integrated Environmental Solutions.

Q. And on whose behalf are you testifying in
this case?

A. Moultrie County Property Association.

Q. Moultrie County Property Owners?

A. Property Owners; MCPO.

Q. And I show you now what has been previously
marked as the direct testimony of MCPO Witness
Rudolph Reinecke marked as MCPO Exhibit 2.0.

Do you have that document in front of
you?

1 A. Yes, I do.

2 Q. Was it prepared under your supervision and
3 at your direction?

4 A. Yes, it was.

5 Q. Is the information contained therein true
6 and correct to the best of your knowledge and belief?

7 A. Yes, it is.

8 Q. And I also show you what has been attached
9 to MCPO Exhibit 2.0 as MCPO Exhibit 2.1 through and
10 including MCPO Exhibit 2.7.

11 Do you have those documents in front
12 of you?

13 A. Yes, I do.

14 Q. Now, let me go back a step.

15 Is it correct that Exhibit 2.1 has
16 been marked as Corrected Exhibit 2.1?

17 A. Yes, it is.

18 Q. And Exhibit 2.2 has been marked as
19 Corrected Exhibit 2.2?

20 A. Yes, it is.

21 Q. All right. I'll show you now what has been
22 previously marked as the rebuttal testimony of MCPO

1 Witness Rudolph Reinecke previously marked as MCPO
2 Exhibit 4.0.

3 Do you have that document in front of
4 you?

5 A. Yes, I do.

6 Q. Is the information contained therein true
7 and correct to the best of your information and
8 belief?

9 A. Yes, it is.

10 Q. And was it prepared under your supervision
11 and direction?

12 A. Yes, it was.

13 Q. Now, just in case, all of your direct
14 testimony and exhibits and your rebuttal testimony
15 were prepared under your supervision and at your
16 direction?

17 A. Yes, they were.

18 MR. ROBERTSON: For the record, the direct
19 testimony and exhibits were admitted into the record
20 on March 29th or, I'm sorry, filed on e-Docket on
21 March 29th with the exception that Corrected
22 Exhibits 2.1 and 2.2 were filed on April 2, 2013, and

1 Mr. Reinecke's rebuttal testimony was filed on
2 April 12, 2013.

3 And with that, I would move the
4 admission of those documents and tender the witness
5 for cross.

6 JUDGE ALBERS: Would you like to go first?

7 MR. WILKE: Sure.

8 Mr. Reinecke, again, my name is Kurt
9 Wilke, and I represent the Coalition of Owners in
10 Piatt, Douglas and Moultrie Counties.

11 My questions again will focus
12 primarily on the Mt. Zion to Kansas segment.

13 CROSS-EXAMINATION

14 BY MR. WILKE:

15 Q. You're aware that there has been a
16 stipulation entered in this case between ATXI and
17 MCPO to adopt or recommend --

18 JUDGE ALBERS: Wait a minute. I don't think
19 the microphone is on.

20 Q. You're aware that a stipulation has been
21 entered into between ATXI and MCPO to adopt or
22 recommend your route from Mt. Zion to Kansas,

1 correct?

2 A. Correct.

3 Q. I'll ask you some of the same questions I
4 asked a previous witness.

5 You twice testified that the purpose
6 for your proposed route was to increase geographical
7 diversity, is that right?

8 A. That is correct.

9 Q. This transmission line traverses the entire
10 State of Illinois, so why is the fact that Ameren's
11 route passes through Moultrie County occasion the
12 need for more geographical diversity?

13 A. The definition that I use for geographic
14 diversity is providing multiple routes through a
15 variety of distant corridors, and Moultrie County, I
16 mean, there's only two filed routes through Moultrie
17 County, and per testimony, Exhibit 4.3 shows that
18 there were multiple routes studied throughout
19 Moultrie County, so that is the reason why we
20 expanded that search.

21 Q. And if a direct line from Mt. Zion
22 substation to Kansas substation runs directly through

1 Moultrie County, why would you want to look further
2 afield than for routes within Moultrie County?

3 A. To expand into other areas to provide
4 additional routes for the Commission to evaluate.

5 Q. And you would agree that your route from
6 Mt. Zion to Kansas runs approximately one mile north
7 of the Moultrie County line across its northern
8 border?

9 A. Approximately, yes.

10 Q. And so if, assuming it's your position that
11 that is, again, to use your term, a more
12 geographically diverse route, the reason it is a more
13 geographically diverse route is because it's outside
14 of Moultrie County as opposed to inside of Moultrie
15 County, is that correct?

16 A. No. In the evaluation, we considered
17 multiple routes. This just happens to be the best
18 one of ours that we filed.

19 Q. Of all the routes you considered, you
20 selected the best ones, is that right?

21 A. Selected the one that had the best routing
22 factors, correct.

1 Q. And those routes were all outside of
2 Moultrie County?

3 A. No.

4 Q. The northern route was outside of Moultrie
5 County?

6 A. There were multiple routes that included
7 inside Moultrie County too, but they did not have
8 favorable routing factors.

9 Q. Looking at the Kansas substation and the
10 proposed Mt. Zion substation, just purely from a
11 latitude perspective, how far south of the proposed
12 Mt. Zion substation is the Kansas substation?

13 A. I don't have that specific number
14 calculated.

15 Q. If I suggested to you it was 14 miles,
16 would you have any reason to disagree with that?

17 MR. ROBERTSON: If you can explain to the
18 witness how he could make that calculation so he can
19 determine whether he would agree or disagree.

20 Q. This is the route that you had designed, is
21 that correct?

22 A. Subject to check, it sounds probable.

1 Q. And would you agree that your proposed
2 route from Mt. Zion to Kansas has segments that are
3 almost four miles north of the latitude of the
4 proposed Mt. Zion substation?

5 A. Again, I did not perform that calculation,
6 but subject to check, it sounds probable.

7 Q. And assuming that's correct, then your
8 route must go north almost four miles and then
9 recover that four miles coming south before it can
10 begin to traverse the distance in terms of latitude
11 from the proposed Mt. Zion substation down to the
12 Kansas substation, is that correct?

13 A. Yes.

14 Q. And is it simply a coincidence that this
15 almost eight mile north and south vertical detour
16 puts your proposed route just outside of the Moultrie
17 County border?

18 A. The route that we've selected was based
19 purely upon routing factors.

20 Q. Your clients are all residents of Moultrie
21 County, is that right?

22 A. I do not know that answer.

1 Q. Can you confirm U.S. Route 36 forms a
2 border between Moultrie County to the south and Piatt
3 County to the north?

4 A. That's correct.

5 Q. Do you have your Corrected Exhibit 2.2
6 there?

7 A. Yes.

8 Q. And that's a series of maps showing the
9 route, is that correct?

10 A. Correct.

11 MR. WILKE: Your Honors, I'm going to go
12 through those maps, and I have copies if you need
13 them.

14 JUDGE ALBERS: I think we have them. We're
15 okay. It's the 2.2 that you're referring to?

16 MR. WILKE: This is Corrected Exhibit 2.2.

17 Q. Is that correct that that's the proposed
18 Mt. Zion to Kansas route?

19 A. Correct.

20 Q. And that's 20 pages?

21 A. Correct.

22 Q. Okay. Thank you.

1 I'd like to have you just kind of walk
2 us through the route leaving the Mt. Zion substation
3 there on page 1.

4 The proposed Mt. Zion substation is
5 shown there on Sulfur Springs Roads, is that correct,
6 on page 1?

7 A. Yes.

8 Q. And the route travels east then from that
9 substation?

10 A. Correct.

11 Q. If you would turn to page 2 of that
12 exhibit.

13 About midway on that page 2, the route
14 turn and starts heading north, is that right?

15 A. Correct.

16 Q. Passing through what appears to be almost
17 three sections or three miles of ground?

18 A. Please restate the question.

19 Q. Going north through three sections or
20 approximately three miles of ground?

21 A. Correct.

22 Q. And then if you turn to page 3, on the

1 left-hand side, the route continues further to the
2 north another almost two sections, is that correct?

3 A. Correct.

4 Q. Now, starting at the point where your
5 proposed route crosses U.S. 36, that's depicted on
6 page 3, is it not?

7 A. Yes, it is.

8 Q. Okay. And then your route travels east
9 following along the same line as Route 36 for
10 approximately one mile to the north, right?

11 A. Correct.

12 Q. As you travel east from that point where
13 your route crosses U.S. 36, how many towns on the
14 U.S. 36 corridor will we come to before we get to
15 Douglas County?

16 A. The towns are not marked.

17 (Pause)

18 A. Roughly four.

19 Q. If we start on page 3 there, can you
20 identify the town of Casner in Macon County as shown
21 on page 3?

22 A. Yes.

1 Q. And that is in Section 31, is that correct?

2 A. Correct.

3 Q. Is that town on the south side or the north
4 side of U.S. 36?

5 A. It mostly straddles 36, but some of it's on
6 the north side, northeast side.

7 Q. If you turn to the next page, page 4, do
8 you know the name of the town that's shown on there
9 on the middle of page 4?

10 A. Not off the top of my head. It's not
11 labeled.

12 Q. If I told you it was LaPlace, would that
13 refresh your recollection?

14 A. Yes.

15 Q. Is that town on the north side or the south
16 side of U.S. 36?

17 A. That's on the north side. The town center
18 is on the north side.

19 JUDGE ALBERS: What was the town's name again?

20 MR. WILKE: What's that?

21 JUDGE ALBERS: The town's name?

22 MR. WILKE: LaPlace (L-a-P-l-a-c-e).

1 JUDGE ALBERS: Thank you.

2 Q. BY MR. WILKE: All right, continuing on
3 page 5, the route continues in a straight line to the
4 east, is that right?

5 A. Correct.

6 Q. Paralleling U.S. Route 36 which is shown at
7 the bottom of the page?

8 A. Correct.

9 Q. Then if you'd turn to page 6, can you
10 identify the town that is shown on page 6?

11 A. I believe it's Atwood but that's subject to
12 check.

13 Q. If I told you that was Hammond, not Atwood,
14 would that refresh your recollection?

15 A. Sure.

16 Q. Hammond is on the north side or the south
17 side of U.S. 36?

18 A. It looks like the majority is on the north
19 side.

20 Q. Again, all these towns we've been talking
21 about, well, other than Casner, but LaPlace and
22 Hammond are towns in Piatt County, is that right?

1 A. Correct.

2 Q. All right. Continuing to the next page,
3 page 7, do you know the name of that town shown on
4 page 7?

5 A. I believe that to be Atwood.

6 Q. If I told you it was Pearson Station, would
7 you disagree with me?

8 A. No. I don't know. It's not labeled.

9 Q. Is that town Pearson Station on the north
10 side or the south side of U.S. 36?

11 A. It appears on the north side.

12 Q. All right. And go to the next page, page
13 8.

14 Do you know the name of that town
15 shown on page 8?

16 A. No, I do not.

17 Q. That one is Atwood actually.

18 And your route...at that point, we're
19 to the Piatt-Douglas County line, is that right?

20 A. Correct.

21 Q. And so at that point, your route begins to
22 head south and then continues east on the south side

1 of U.S. 36 going further east, is that right?

2 A. Correct.

3 Q. So 100 percent of the towns which we've
4 been discussing that are located on or near the U.S.
5 36 corridor from Macon to Douglas Counties are all on
6 the north, primarily on the north side of U.S. 36?

7 A. Correct.

8 Q. And so if you had placed your route one
9 mile south of U.S. 36 in Moultrie County instead of
10 one mile north in Piatt County, the route would have
11 been more distant from the center of all the towns on
12 the Piatt-Moultrie border that we just discussed?

13 A. Yes. It would adversely affect more
14 residences.

15 Q. And, in fact, again, that is what you did
16 once we get into Douglas County. You move the route
17 to the south, approximately one mile south of U.S. 36
18 and continue on east?

19 A. Correct.

20 Q. And if we turn to -- that is shown
21 beginning on page 8 and continuing across page 9 or
22 continued on page 9?

1 A. Correct.

2 Q. Do you know the name of the town shown at
3 the top of page 9?

4 A. No.

5 Q. That is Garrett, Illinois.

6 Is that town on the north side or
7 south side of U.S. 36?

8 A. It's on the north side.

9 Q. Then we continue on page 10 and 11 with the
10 route continuing east along the U.S. 36 corridor, is
11 that correct?

12 A. Correct.

13 Q. And on page 11, we can see part of a town
14 which is also depicted on page 12.

15 Do you know what town that is?

16 A. Tuscola.

17 Q. Although the map does not show the entire
18 town of Tuscola, do you know whether Tuscola is
19 primarily located on the north side or the south side
20 of U.S. Route 36?

21 A. It's primarily on the north side.

22 Q. So is it your testimony that the reason you

1 went on the south side of U.S. 36 to avoid these
2 towns in Douglas County but didn't do the same in
3 Piatt County is because of the existence of
4 structures?

5 A. That and the fact that the previous towns
6 mentioned were much smaller and they didn't stretch
7 out very far, so we didn't have to go so far as if we
8 were to route around the north side of Tuscola, it
9 would be much further than going just, stair stepping
10 to the south.

11 Q. You did study a route running one mile
12 south of Route 36 that ran through northern Moultrie
13 County, didn't you?

14 A. Correct.

15 Q. And you sent an e-mail on December 19th to
16 Mr. Robertson, your client, and told him that this
17 route on the south side of U.S. 36 appeared to be a
18 better route for a number of reasons, did you not?

19 A. Subject to check, yes.

20 Q. I'd like to show you that, and I've marked
21 this document as PDM Cross Exhibit 1.0.

22 Is this an e-mail you sent to

1 Mr. Robertson on December 19th?

2 A. Yes.

3 Q. And in this e-mail, you told Mr. Robertson
4 that you have a route on the south side of U.S. 36
5 which appears to be better for a number of reasons,
6 is that right?

7 A. Yes.

8 Q. And the first reason you stated as to why
9 it would be a better route is because it was shorter,
10 is that right?

11 A. Correct.

12 Q. And the second reason you stated that this
13 route would be better is because it would have less
14 impacts to structures than the northern route, is
15 that correct?

16 A. In context, yes, that is the statement.
17 However, the northern route is not what was filed.

18 Q. And then you asked Mr. Robertson to let you
19 know what he thought about this idea of having the
20 route go through northern Moultrie County instead of
21 southern Piatt County because it would be shorter and
22 have less impact on structures, is that right?

1 A. That's not what it says.

2 Q. Well, let me back up.

3 You asked Mr. Robertson to let you
4 know what he thought about it, right?

5 A. That is correct.

6 Q. And you had just previously stated in the
7 e-mail that the route that you identified in northern
8 Moultrie County was shorter and had less impacts than
9 a route to the north in Piatt County?

10 A. For comparison purpose of those two routes,
11 that is correct.

12 Q. And that was the last you heard of the
13 route going through northern Moultrie County,
14 correct?

15 A. It was kept, as we kept reiterating, our
16 study, to even lessen our impacts.

17 Q. Your e-mail also mentions the Tuscola
18 airport?

19 A. Correct.

20 Q. And you state in the e-mail that the only
21 issue that would have to be worked around is this is
22 near the Tuscola airport. At its closest point, this

1 line is 2,000 feet to the south of this airport.

2 A. Correct.

3 Q. So that's less than half a mile?

4 A. Yes.

5 Q. And you told Mr. Robertson that this is an
6 issue that would have to be worked around?

7 A. That's what it says.

8 Q. And your route that you are presently
9 proposing, the route that MCPO and ATXI have
10 stipulated to, how far south of the Tuscola airport
11 does it run at its closest point?

12 A. At that location, it is the same route, and
13 this e-mail was a generalization. More accurate
14 measurement is about 2,070 feet.

15 Q. So when you told Mr. Robertson that this
16 was an issue that needed to be worked around, nothing
17 got worked around?

18 A. Through reading the regulations, that was
19 adequate distance.

20 Q. How many parcels of land does your easement
21 area for the route from Mt. Zion to Kansas cross?

22 A. I do not know.

1 Q. Who would know that, if not you?

2 MR. ROBERTSON: I'm sorry. Can you speak up a
3 little bit? I don't hear so well anymore. Your
4 voice is very soft.

5 MR. WILKE: I asked him who would know that if
6 not him since he designed the route.

7 THE WITNESS: I don't know that anybody would
8 at this point.

9 Q. How many landowners are affected by the
10 easement area for the Mt. Zion to Kansas route that
11 you're proposing?

12 A. I do not know.

13 MR. WILKE: That's all the questions I have.

14 I would move to admit PDM Cross
15 Exhibit 1.0.

16 JUDGE ALBERS: Any objection?

17 MR. ROBERTSON: As long as counsel is willing
18 to stipulate that this is not referring to the route
19 that was recommended in the witness's direct
20 testimony.

21 MR. WILKE: I'll accept his testimony, what he
22 testified to about it.

1 JUDGE ALBERS: Does that satisfy you,
2 Mr. Robertson?

3 MR. ROBERTSON: Yes.

4 JUDGE ALBERS: All right. Then the cross
5 exhibit is admitted.

6 (Whereupon PDM Cross Exhibit 1.0
7 was admitted into evidence at
8 this time.)

9 JUDGE ALBERS: Shelby County Landowners?

10 MR. GOWER: Is that Mr. Probst?

11 MR. FITZHENRY: Yes, it is.

12 JUDGE ALBERS: It is.

13 MR. GOWER: He had to step out on a conference
14 call. I wondered if he could go later or I could go
15 find him if you'd like.

16 JUDGE ALBERS: If you're willing to go now with
17 STPL, you can.

18 MR. GOWER: No, I'm going to waive cross.

19 JUDGE ALBERS: Oh, okay.

20 MR. GOWER: Let me go get him.

21 JUDGE ALBERS: Thank you.

22 Did you still have questions?

1 MR. FITZHENRY: I do not.

2 MR. GOWER: I went to find him, and he waives
3 cross-examination.

4 JUDGE ALBERS: All right. Did you have
5 redirect?

6 MR. ROBERTSON: Could we have a couple minutes?

7 JUDGE ALBERS: Sure.

8 (Pause)

9 MR. ROBERTSON: We have no redirect, Your
10 Honor.

11 JUDGE ALBERS: Any objection then to the
12 testimony and exhibits of Mr. Reinecke?

13 Hearing none, they are admitted.

14 (Whereupon MCPO Exhibits 2.0
15 through 2.7 and 4.0 were
16 admitted into evidence at this
17 time.)

18 JUDGE ALBERS: Off the record for a minute.

19 (Whereupon an off-the-record
20 discussion transpired at this
21 time.)

22 MR. STURTEVANT: Your Honor, I guess we would

1 call Mr. Kramer at this time.

2 JUDGE YODER: Mr. Kramer, for the record, were
3 you previously sworn?

4 MR. KRAMER: Yes, I was.

5 JUDGE YODER: All right. Thank you.

6 Go ahead.

7 DENNIS D. KRAMER

8 called as a witness herein, on behalf of Petitioner,
9 having been first duly sworn on his oath, was
10 examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. STURTEVANT:

13 Q. Good morning, Mr. Kramer.

14 Can you provide your full name and
15 business address for the record, please?

16 A. Yes. My name is Dennis D. Kramer. That's
17 K-r-a-m-e-r. My business address is 1901 Chouteau
18 Chouteau Avenue, St. Louis, Missouri. I work for
19 Ameren Services.

20 Q. Mr. Kramer, do you have before you what is
21 marked as ATXI Exhibit 2.0, the direct testimony of
22 Dennis D. Kramer, with accompanying ATXI Exhibits 1.1

1 through 2.18?

2 A. Yes, I do.

3 Q. And was this testimony and exhibits
4 prepared by you or under your direction and
5 supervision?

6 A. Yes, it was.

7 Q. And if I were to ask you the questions
8 contained in this direct testimony, would your
9 answers be the same?

10 A. Yes, they would.

11 Q. And is the testimony and exhibits, direct
12 testimony and exhibits true and correct to the best
13 of your knowledge?

14 A. Yes, it is.

15 Q. And then do you also have what has been
16 marked as ATXI Exhibit 11.0 Revised, The Revised
17 Rebuttal Testimony of Dennis D. Kramer, with
18 accompanying exhibits ATXI Exhibits 11.1, 11.2
19 Revised, 11.3 Revised, 11.4 and 11.5?

20 A. Yes, I do.

21 Q. And was this rebuttal testimony and
22 exhibits prepared by you or under your direction and

1 supervision?

2 A. Yes, it was.

3 Q. If I were to ask you the questions
4 contained in your rebuttal testimony today, would
5 your answers be the same?

6 A. Yes, they would.

7 Q. And is the information contained in your
8 rebuttal testimony and exhibits true and correct to
9 the best of your knowledge?

10 A. Yes, it is.

11 MR. STURTEVANT: Your Honor, at this time we
12 would move for the admission of Mr. Kramer's direct
13 and rebuttal testimony.

14 JUDGE YODER: Very well. We'll address the
15 admissibility following cross.

16 Mr. Robertson, do you have a question
17 for the witness?

18 MR. ROBERTSON: Good afternoon, Mr. Kramer. My
19 name is Eric Robertson. I represent the Moultrie
20 County property owners.

21

22

1 CROSS-EXAMINATION

2 BY MR. ROBERTSON:

3 Q. Referring to the staff data request 8.08
4 and your response thereto, do you agree that under
5 the NERC reliability standards, the loss of two
6 transmission circuits pursuant to a NERC Category C3
7 contingency event must be examined regardless of
8 whether those two circuits are in parallel, on
9 separate structures, or 20 miles apart?

10 A. Yes. That is a NERC transmission planning
11 criteria.

12 MR. ROBERTSON: I have nothing further, Your
13 Honor.

14 I intend to move the admission of
15 three data responses that this witness gave in the
16 company's response to MCPO data request 14.01, 15.01
17 and 15.02 I think it is, but in all honesty, I'm
18 having trouble finding the exhibit file in the box
19 here. I had it this morning, and so I can either do
20 it, if we've got a couple minutes for me to look
21 again, I will do it now or I can do it tomorrow when
22 we reassemble if the company doesn't have an

1 objection.

2 MR. STURTEVANT: We have no objection.

3 JUDGE YODER: Why don't we go off the record
4 for a couple of minutes while you look for them.

5 MR. GOWER: Your Honor, before we go off the
6 record, could I move for the admission of Laura
7 Te Grotenhuis's testimony? I now have her affidavit.

8 JUDGE YODER: Go ahead.

9 MR. GOWER: Your Honor, Ed Gower on behalf of,
10 among others, Stop the Power Lines Coalition.

11 I'd like to move the admission of
12 Laura Te Grotenhuis's testimony. Her name is spelled
13 L-a-u-r-a, middle T-e, last name G-r-o-t-e-n-h-u-i-s.
14 Ms. Grotenhuis filed her direct testimony as Stop the
15 Power Lines Coalition Exhibit 2.0 along with
16 Exhibits 2.1 and 2.2 on March 28, 2013.

17 Her affidavit in support of that
18 testimony was filed as Stop the Power Lines Coalition
19 Exhibit 10.0 today via e-Docket, and I'd move the
20 admission of those three documents.

21 JUDGE YODER: Very well.

22 Is there any objection to the

1 admission of Ms. Grotenhuis's direct testimony as
2 supported by her affidavit?

3 Hearing no objection, that will be
4 admitted into evidence in this docket.

5 (Whereupon Stop the Power Lines
6 Coalition Exhibits 2.0, 2.1 and
7 2.2 were admitted into evidence
8 at this time.)

9 MR. GOWER: Thank you, Your Honor.

10 MR. ROBERTSON: Your Honor, we would move the
11 admission of MCPO Cross Exhibit No. 1 which is the
12 company's response, Mr. Kramer's response to MCPO
13 Exhibit 14.01.

14 We would move the admission of MCPO
15 Cross Exhibit 2 which is Mr. Kramer's response to
16 MCPO data request 15.01.

17 And we would move the admission of
18 MCPO or Mr. Kramer's response to MCPO data request 15
19 .02 as MCPO Cross Exhibit 3.

20 So it's MCPO Cross Exhibits 1, 2 and
21 3.

1 (Whereupon MCPO Cross Exhibits
2 1, 2 and 3 were marked for
3 identification as of this date.)

4 JUDGE YODER: Very well. Is there any
5 objection to the admission of MCPO Cross Exhibits 1,
6 2 and 3?

7 MR. STURTEVANT: No, Your Honor.

8 JUDGE YODER: All right. Without objection,
9 those will be admitted into evidence in this docket.

10 (Whereupon MCPO Cross Exhibits
11 1, 2 and 3 were admitted into
12 evidence at this time.)

13 JUDGE YODER: And I assume there's no further
14 cross for Mr. Kramer?

15 If you want to step down. Thank you.

16 (Witness excused.)

17 MR. STURTEVANT: Your Honor, I would again move
18 for the admission of Mr. Kramer's exhibits?

19 JUDGE YODER: Any objection.

20 Hearing none, those will be admitted
21 into evidence.

22

1 (Whereupon ATXI Exhibit 2.0 with
2 accompanying Exhibits 1.1
3 through 2.18, 11.0 Revised,
4 11.1, 11.2 Revised, 11.3
5 Revised, 11.4 & 11.5 were
6 admitted into evidence at this
7 time.)

8 JUDGE YODER: Is there anything further to take
9 care of today?

10 Mr. Gower, I assume you've received
11 Ameren's response to your request to file
12 supplemental testimony?

13 MR. GOWER: I did.

14 JUDGE YODER: When would you be able to file
15 your response?

16 MR. GOWER: Well, I can file it by 10 tomorrow
17 which would be 24 hours, but I'll try to get it done
18 today.

19 JUDGE YODER: Okay. Well, we'll set it for you
20 to file it by 10 a.m. tomorrow, your response. If
21 you can file it earlier, that would be great.

22 MR. GOWER: I will.

1 JUDGE YODER: All right. If there's nothing
2 else then, we will adjourn for today and meet back
3 tomorrow, May 16th, at 9 a.m.

4 (Whereupon the hearing was
5 continued to May 16, 2013 at
6 9:00 a.m.)

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