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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. )

Case No. 12-0598

BRIEF IN SUPPORT OF ILLINOIS RIVERS PROJECT

NOW COME LARRY DURBIN and GINGER DURBIN (hereinafter referred to collectively as "Shelby County Landowners Group") owners of certain lands within the geographical area which is the subject of this proceeding, and the geographical area immediately surrounding the geographical area which is the subject of this proceeding, by Dove & Dove, Attorneys at Law, by Elizabeth E. Nohren and Dustin L. Probst, two of their attorneys, and for their BRIEF IN SUPPORT OF ILLINOIS RIVERS PROJECT herein say:

I. INTRODUCTION

On November 7, 2012, Ameren Transmission Company of Illinois (hereinafter referred to as "ATXI"), pursuant to Section 8-406.1 of the Illinois Public Utilities Act (the "Act"), 220 ILCS 5/8-406.1, petitioned the Illinois Commerce Commission (the "Commission") for the issuance of a Certificate of Public Convenience and Necessity authorizing ATXI to construct, operate and

maintain a new 345 kV electric transmission line and related facilities, including new or expanded substations, within portions of the State of Illinois.

Thereafter, LARRY DURBIN and GINGER DURBIN, a/k/a the Shelby County Landowners Group, petitioned to intervene in the captioned proceedings on February 8, 2013.

## II. REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Section 8-406.1(f) of the Act requires the Commission to grant the requested Certificate “if the Project will promote the public convenience and necessity” as determined by three criteria: (i) need for the project; (ii) managerial, supervisory and technical capability; and (iii) financial capability. 220 ILCS 5/8-406.1(f). ATXI has met these obligations and presented sufficient evidence to the Commission justifying the issuance of a Certificate of Public Convenience and Necessity.

## III. OVERALL NEED FOR THE PROPOSED FACILITIES

The Shelby County Landowners Group supports ATXI in their efforts to obtain a certificate of public convenience and necessity for all portions of the Illinois Rivers Project. The Shelby County Landowners Group, does however object to the direct route from Pana – Kansas as proposed by the Moultrie County Property Owners (MCPO), thereby bypassing the proposed Mt. Zion substation, a substation which is needed to address reliability issues in the Macon County, Illinois area.

## IV. LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES

### **F. Pana-Kansas**

#### **1. Need for Mt. Zion Substation**

The Shelby County Landowners Group adopts and supports the position of ATXI as set forth in the Corrected Second Revised Rebuttal Testimony of DONELL MURPHY (ATXI Exhibit 13.0(C) 2d Rev.), previously filed herein on May 23, 2013. *See* ATXI Exhibit 13.0(C) 2d Rev. As noted by DONELL MURPHY, the MCPO alternate route from Pana-Kansas is based upon a faulty presumption that the Mt. Zion substation is not needed. *Id.* at 39-40. Based on the examination by the experts at ATXI, the Mt. Zion substation is necessary to mitigate reliability issues in the Decatur, Illinois area, as the proposed alternate direct from Pana-Kansas (bypassing Mt. Zion) will not mitigate the issues. *See* Revised Rebuttal Testimony of DENNIS KRAMER (ATXI Exhibit 11.0 Rev.), pages 7-8.

**2. Location of Mt. Zion Substation**

The Shelby County Landowners Group adopts and supports the ATXI-MCPO stipulated route filed herein on May 10, 2013. for the location of the Mt. Zion Substation.

**3. Route Location**

**a. Pana – Kansas (if Mt. Zion substation deem unnecessary)**

The Shelby County Landowners Group opposes the construction of the alternate Pana-Kansas direct route.

**ii. Difficulty and Cost of Construction.** The direct alternate route from Pana to Kansas, proposed by MCPO, is not the least cost alternative and will cost Ameren customers substantially more money than the route proposed by ATXI-MCPO Stipulated Route. *See* ATXI Exhibit 13.0(C) 2d Rev. at 40. Not only is the Pana – Kansas alternate route proposed by MCPO one of the most costly alternatives (*See* Revised Rebuttal Testimony of DENNIS D. KRAMER, ATXI Exhibit 11.0 (Rev.)), but it also directly impacts the Shelbyville water fields,

as set forth in the Direct Testimony, in Affidavit form, of JOSEPH WOODALL, testifying on behalf of the Shelby County Landowners Group. *See* SCLG Exhibit 3, admitted into evidence on May 14, 2013. Further, this adverse impact has not been properly mitigated by any intervenor herein. *See* ATXI Exhibit 13.0(c) 2d Rev. at 40.

**b. Pana – Mt. Zion**

The Shelby County Landowners Group adopts and supports the ATXI-MCPO stipulated route, filed herein on May 10, 2013, for this portion of the Illinois Rivers Project. *See* JOINT MOTION TO FILE AND ADMIT A STIPULATION BETWEEN AMEREN TRANSMISSION COMPANY OF ILLINOIS AND THE MOULTRIE COUNTY PROPERTY OWNERS. *See also* Stipulation Exhibit 7.

**c. Mt. Zion – Kansas**

The Shelby County Landowners Group adopts and supports the ATXI-MCPO stipulated route, filed herein on May 10, 2013, for this portion of the Illinois Rivers Project. *Id.*

**VII. OTHER**

ATXI has met the requirements for a Certificate of Public Convenience and Necessity in the captioned cause. As such, the Commission should grant AXTI's PETITION. The Shelby County Landowners Group supports the Illinois Rivers Project; and, further believes that ATXI's positions are calculated to benefit the people of the State of Illinois. Further, the routes advocated by ATXI will cause the least amount of impact among all of the routes proposed. Specifically, the Shelby County Landowners Group supports the ATXI-MCPO Stipulated Route from Pana-Kansas (Pana – Mt. Zion – Kansas), as set forth in Stipulated Exhibit 7, as it utilizes a substation in Mt. Zion which will address the reliability concerns in the Decatur, Illinois area.

Furthermore, the Shelby County Landowners Group opposes the selection of the alternate, direct route from Pana – Kansas, as it does not address the reliability issues in the Decatur, Illinois area and will be a substantial financial burden to Ameren customers, a burden which is much greater than the ATXI-MCPO Stipulated Route from Pana – Kansas.

Respectfully submitted,

LARRY DURBIN and GINGER  
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by Dove & Dove, Attorneys at Law,

by:   
one of their attorneys.

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