

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS)
)
Petition for a Certificate of Public Convenience and)
Necessity, pursuant to Section 8-406.1 of the Illinois)
Public Utilities Act, and an Order pursuant to Section 8-) Docket No. 12-0598
503 of the Public Utilities Act, to Construct, Operate and)
Maintain a New High Voltage Electric Service Line and)
Related Facilities in the Counties of Adams, Brown,)
Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton,)
Macon, Montgomery, Morgan, Moultrie, Pike,)
Sangamon, Schuyler, Scott and Shelby, Illinois.)

**INITIAL BRIEF OF INTERVENOR RURAL CLARK AND EDGAR COUNTY
CONCERNED CITIZENS**

COUNSEL FOR INTEREVOR:

William F. Moran III (#06191183)
Stratton, Giganti, Stone, Moran & Radkey
725 South Fourth Street
Springfield, IL 62703
Telephone: 217/528-2183
Facsimile: 217/528-1874
Email: bmoran@stratton-law.com

Joseph R. Schroeder
Bennett Schroeder & Wieck
P.O. Box 98
Marshall, IL 62441-0098
Telephone: 217/826-8051
Facsimile: 217/826-5011
Email: jschroeder@bswlawfirm.com

Dated: June 3, 2013

I. INTRODUCTION

Intervenor, RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS (“RCECCC”), is a group of individuals who either reside or own property along the original Alternate Route for the proposed 345 kV power transmission line through Clark and Edgar Counties, the Kansas to Indiana State Line portion of the project, which is the subject of this proceeding brought by Petitioner, AMEREN TRANSMISSION COMPANY OF ILLINOIS (“ATXI”). (RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶ 3.) During the evidentiary hearing in this cause, and in this brief, this route was and will be referred to as the “Rebuttal Recommended Route.” The members of RCECCC object to the adoption by the Commission of the Rebuttal Recommended Route for a number of different reasons, as the same is not the least-cost alternative for this portion of ATXI’s proposed project. Rather, if the Commission does in fact issue a Certificate of Public Convenience and Necessity (“Certificate”) for this segment of the project, the members of RCECCC would suggest that either ATXI’s Primary Route originally suggested through this area, or either of the Alternate Routes suggested by Intervenor, STOP THE POWER LINES (“STPL”), be adopted as the least-cost alternative.¹

The arguments of RCECCC are based upon several core concepts. Namely, the Rebuttal Recommended Route does not take full advantage of existing power transmission line corridors in the area, where parallel right-of-ways and/or dual circuits can be utilized. (RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶ 4(A); and “Notice of Support by RCECCC for the Alternate Routes Proposed by STPL,” e-Docketed on 5/3/13.) Further, the Rebuttal

¹ Attached to this initial brief as an appendix is a true and correct copy of ATXI Exhibit 13.8, Page 1 of 5, which is a map identifying all of the relevant routes proposed for the Kansas to Indiana State Line portion of the project, the existing power line corridors, and the location of all of the intervenor owned properties in this area. The members of RCECCC all reside or own property along the orange horizontal line which runs along the Clark and Edgar County Line between its intersection with ATXI’s Primary Route, which is the Light Blue Line, and Highway 1. (RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶ 3.) This map provides an excellent backdrop for many of the arguments concerning this portion of the project.

Recommended Route traverses “virgin” territory through Clark and Edgar Counties, which will cause adverse effects on the area’s residents, farming operations, homesteads, current business interests, and planned development. ((RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶ 4(B).) The Rebuttal Recommended Route will also cause serious environmental destruction to native hardwood forests which have been entrusted to a RCECCC family since 1833, or for a period of seven (7) generations. (*Id.* at ¶ 4(C).) None of these same problems arise in the same frequency or degree for ATXI’s Primary Route or STPL’s Alternative Routes. In fact, despite receiving notice of these proceedings from the Commission (Notice e-Docketed in this proceeding on 2/15/13), no property owner north of the Clark and Edgar County Line on STPL’s Second Alternative Route intervened in this proceeding (*see*, ATXI Exhibit 13.8, Page 1), so there has been no opposition from the community to that possible route through this area, which follows a pre-existing transmission line corridor for a significant distance.

For all of these reasons, and as more fully argued below, the members of the RCECCC would request that the Commission find that the Rebuttal Recommended Route is not the least-cost alternative for this area, and either deny the requested Certificate for this portion of the project or adopt ATXI’s Primary Route or one of the two alternative routes suggested by STPL.

II. REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

ATXI has filed its application in this proceeding pursuant to Section 8-406.1 of the Act. (220 ILCS 5/8-406.1.) In relation to the requirements for the issuance of a Certificate, the relevant portion of the statute provides,

(f) The Commission shall, after notice and hearing, grant a certificate of public convenience and necessity filed in accordance with the requirements of this Section if, based upon the application filed with the Commission and the evidentiary record, it finds the Project will promote the public convenience and necessity and that all of the following criteria are satisfied:

(1) That the Project is necessary to provide adequate, reliable, and efficient service to the public utility's customers and is the least-cost means of satisfying the service needs of the public utility's customers or that the Project will promote the development of an effectively competitive electricity market that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives.

(2) That the public utility is capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision of the construction.

(3) That the public utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.

(220 ILCS 5/8-406.1(f).)

In this situation, the members of RCECCC do not feel qualified to comment upon ATXI's qualification for a Certificate for the entire length of the project. That being stated, the ALJ's during the course of the evidentiary hearing made it clear that the Commission may consider breaking up the certification process in this case into segments. (*See*, Transcript, Testimony of Jeffery R. Webb, 5/14/13, pp. 325-29.) While ATXI will no doubt object to this procedure (*Id.*), if the Commission does in fact consider certification of each section of the project individually, the members of RCECCC will take the position that the Rebuttal Recommended Route is not the least-cost alternative, for all of the reasons argued below.

RCECCC will also note that the convoluted history of AXTI stipulating its support for the Rebuttal Recommended Route may also raise questions about the sufficiency of the amount of time and study that went into the choice of routes for the Kansas to Indiana State Line portion of the project. In this regard, there can be no argument that Section 8-406.1 of the

Act provides for an expedited schedule for the consideration of applications of the nature filed by ATXI in this cause. (220 ILCS 5/8-406.1(g).) In this case, ATXI filed its initial application on November 7, 2012. On December 31, 2012, STPL was granted leave to intervene in this docket. On January 25, 2013, the ALJ's entered an order granting STPL leave to propose alternate routes through Clark and Edgar Counties, the same area where the members of RCECCC own or rent their properties. In its proposal, STPL indicated opposition to both the Primary and Alternate Routes through this area proposed by AXTI, and instead recommended two (2) alternate routes, both of which initially follow a line due east from the Kansas Substation, along existing power transmission right-of-ways.

On May 1, 2013, less than two (2) weeks prior to the start of the evidentiary hearing, ATXI and STPL filed a stipulation wherein both parties agreed to support the adoption of ATXI's original Alternative Route. This being stated, STPL did not rescind its Alternate Routes from consideration, and has instead engaged in an epic and continuing battle with ATXI concerning the Emergency Watershed Protection Easement which is located on its original Primary Route. These events allowed the members of RCECCC very limited time within which to formulate their arguments on the record about the undesirability of the Rebuttal Recommended Route, and the *bona fides* of the two alternate routes proposed by STPL. These events also demonstrate the fact that both ATXI and STPL dropped support for their routes of first choice, to enter into a compromise which neither had to believe was their "best effort" from the start. This happenstance is further confused by the comments of ATXI's consultant, Ms. Donnell Murphy, who testified at the evidentiary hearing that her company did not make any technical mistakes or errors in judgment when it designated ATXI's Primary Route as the best choice for this section of the project. (Transcript, Testimony of Donnell Murphy, 5/16/13, p.

848.) We also had the testimony of Staff witness Greg Rockrohr that he did not have enough time to review the proposed routes from the ground, or work on all of the possible alternative routes which might have been available. (Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 208, 213-14 and 234.)

In determining whether ATXI has met its burden to demonstrate that the portion of the project which runs through Clark and Edgar Counties is “necessary to provide adequate, reliable, and efficient service to the public utility's customers,” as required by Section 8-406.1(f)(1) of the Act, the Commission has to be concerned about the manner in which the Rebuttal Recommended Route came to the fore on this expedited schedule. In deciding whether a utility has met its burden in a transmission line case, the Commission is allowed to use “common sense” to determine what route best serves the public under the applicable statutes. (*See*, the Commission’s Order on Reopening filed on 6/23/10, in Docket No. 06-0706, at p. 20.) In this instance, common sense and the totality of the record indicate that it may be premature to issue a Certificate to ATXI for the Kansas to Indiana State Line portion of the project.

III. OVERALL NEED FOR THE PROPOSED FACILITIES

ATXI and MISO will no doubt present impassioned arguments on this subject. As with many of the other issues in this case, the members of RCECCC will limit their comments here to matters which affect the Kansas to Indiana State Line portion of the project, where they live and own property. In this regard, AXTI’s consulting witness, Ms. Murphy, clarified during her testimony at the evidentiary hearing that the proposed transmission line terminates at the Indiana border, and while the plan is eventually to carry power into that state, there are presently no proceedings seeking approval of that possibility. (Transcript, Testimony of Donell Murphy, 5/16/13, p. 858.) In his testimony at the evidentiary hearing, Staff witness Mr. Rockrohr testified

that it was his understanding that the purpose of the proposed 345 kV transmission line is to carry wind generated power from the West to destinations to the east of Illinois. (Transcript, Testimony of Greg Rockrohr, 5/13/13, p. 193.)

While there has been some general evidence that the proposed line will be hooked into the “grid” and provide some redundancy for Illinois consumers (Transcript, Testimony of Jeffrey Hackman, 5/17/13, p. 975), there is absolutely no specific evidence on this record which indicates that the residents of Clark and Edgar Counties are in need of a 345 kV transmission line to keep the lights on in their homes, businesses and farms. As such, the question which remains on this record is whether the proposed segment of the line from Kansas to the Indiana State Line is necessary at this time? In response, the members of RCECCC would suggest that the Commission find that there is no present need for these facilities in their area, and deny ATXI’s application in this proceeding for a Certificate for this segment of the proposed project.

IV. LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES

The members of RCECCC will limit their comments to the Kansas to Indiana State Line portion of the proposed project.

G. Kansas-Indiana State Line

The members of RCECC would request that the Commission consider their positions on the following factors which bear upon the least-cost components of the pending proposal for the transmission line through their area.

1. Length of Line

Staff’s Mr. Rockrohr provides a summary of the lengths of the relevant routes in his rebuttal testimony. (ICC Staff Exhibit 1.0R, Line 1070.) AXTI’s Primary Route is listed at 37.0 miles with 18 Dead-End Structures; the Rebuttal Recommended Route is listed at 33.4 miles

with 13 Dead-End Structures; STPL's Alternate Route #1 is listed at 24.7 miles with 2 Dead-End Structures; and STPL's Alternate Route #2 is listed at 33.7 miles with 10 Dead-End Structures. (*Id.*) Counting Dead-End Structures is important, as the same add cost to the project, in addition to its length. (Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 233-34; Testimony of James R. Dauphinais, 5/15/13, pp. 583-84; and Testimony of Donell Murphy, 5/14/13, p. 829.) This is why Mr. Rockrohr determined by using data from ATXI that even though STPL Alternate #2 is slightly longer by three-tenths of a mile, it is the least-cost alternative compared to the Rebuttal Recommended Route by \$1,571,000, as it has less Dead-End Structures. (ATXI Exhibit 16.3R, p. 8; Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 232-33.) This is why Mr. Rockrohr recommended STPL Alternate #2 as the Staff's preferred route in this situation. (Transcript, Testimony of Greg Rockrohr, 5/13/13, p. 239.)

2. Difficulty and Cost of Construction

From the perspective of base cost, Mr. Rockrohr clearly found that STPL Alternate #2 was the least-cost alternative. (Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 232-33.) Mr. Rockrohr further opined that it would be less expensive to build a route which follows or parallels existing right-of-ways, which is a hallmark of both of the STPL Alternate routes. (*Id.* at 238.) Mr. Jerry Murbarger, ATXI's design specialist, testified that overlapping easements could be used in a situation where two lines ran parallel to each other, which could reduce the burden on the subject properties. (ATXI Exhibit 7.0, Lines 139-43; and Transcript, Testimony of Jerry Murbarger, 5/14/13, p.353.) Mr. Jeffrey Hackman, Ameren's Director of Transmission Operations, testified that collocation and even dual circuiting was an "acceptable combination" in this situation. (Transcript, Testimony of Jeffrey Hackman, 5/16/13, p. 992.) Ms. Murphy tried to imply that this route might be adversely affected by the Wabash Gas Storage Project, but

then admitted that she did not have any details, and conceding that the storage project is not yet in existence. (Transcript, Testimony of Donell Murphy, 5/16/13, pp. 858-63.) Therefore, there is no evidence on this record which impeaches Mr. Rockrohr's conclusion that STPL Alternate #2 is the least-cost alternative in this situation.

In addition, STPL Alternate #1 could be even cheaper to build, as it is by far the shortest route from Kansas to the Indiana State Line, by almost nine (9) miles, and has only two (2) Dead-End Structures (the Rebuttal Recommended Route has 13). (Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 233-34.) Further, it is clearly the straightest path east, and Mr. Rockrohr testified that straighter is better, as it is expensive to turn one of these transmission lines. (*Id.* at 195.) The only problem with this route was identified by Ms. Murphy, who testified that the further north the transmission line meets the Indiana border, the more lines or other features are going to be required in that state to move the power east. (Transcript, Testimony of Donell Murphy, 5/16/13, p. 856.) This is interesting, as Ms. Murphy also admitted that the Rebuttal Recommended Route simply ends at the Indiana border, and there are presently no proceedings seeking to build anything in that state. (*Id.* at 858.) Ms. Murphy indicated that states have cooperated with each other on projects she has worked on in the past, and that Indiana is a MISO state. (*Id.* at 856-57.) The members of RCECCC would argue that what or what does not happen in another state is not relevant to this proceeding before the Commission, so STPL Alternate #1 should remain a viable alternative to consider.

Finally, even though ATXI's Primary Route is the longest and probably the most expensive to build, Ms. Murphy said that such considerations are sometimes outweighed by the other routing criteria that she has identified and used, including the different high and moderate "sensitivities" she developed after interacting with stakeholders and the public. (ATXI Exhibit

4.3 (Part 1 of 5), Page 7 of 12; and Transcript, Testimony of Donell Murphy, 5/16/13, p. 824.) In this case, this is why she found that the Primary Route had the least potential for overall impact. (*Id.* at 848.) The superiority of the Primary Route is further shown in a “Route Comparison Summary” that Ms. Murphy’s company prepared. (ATXI Exhibit 4.5.) As such, even though it may be the most expensive option, ATXI’s Primary Route should still be considered a viable alternative for this segment of the project.

3. Difficulty and Cost of Operation and Maintenance

Mr. Rockrohr testified at hearing that there are no maintenance problems on parallel non-overlapping right-of-ways, as are included in ATXI’s Primary Route and both STPL Alternates #1 and #2. (Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 200-01.) In fact, Mr. Rockrohr testified, “There is nothing unsafe or inherently unreliable about having two transmission lines that do not serve the same function or area routed adjacent to each other.” (*Id.* at 236.) Mr. Murbarger testified that the single shaft, self-supported steel poles on concrete foundations that ATXI is going to use on this project are state-of-the-art, and he has never seen one come out of the ground or tip over. (Transcript, Testimony of Jerry Murbarger, 5/14/13, pp. 370-72). Mr. Murbarger further testified that maintenance costs depend on how difficult it is to get to a section of the relevant line, and existing roads are important, as it makes it easier to access the lines. (*Id.* at 387-88.)

In this case, the members of RCECCC are recommending the use of the Primary Route or one of STPL’s Alternate Routes. All of these routes include a component where existing lines are followed for a significant portion of their distance. It stands to reason that if the existing lines were built with an emphasis on ease of maintenance, collocating these new lines now will benefit from the same accessibility.

4. Environmental Impacts

In his testimony admitted on this record, Mr. George Orin, the *de facto* spokesperson for RCECCC, provides, in relation to environmental impacts on members of his group living or owning property on the Rebuttal Recommended Route,

The proposed Alternative Route along the Clark-Edgar County line would also cause serious environmental destruction to native hardwood forests that have been protected by individual families because of their love of the land and their concern for the environment. Interveners, Kent and Janet Stark, and their family own woods close to and identical to Baber Woods, which is protected by the Nature Conservancy as a Nature Preserve. Since 1833 and for seven generations, the Stark family has been steadfast in protecting these woods, and has resisted numerous offers over the years to harvest the forest. The 150 foot wide clear cut path to accommodate the transmission line would destroy nearly 12 acres of native woodland. Likewise, the property of Interveners, Bruce and Tammy Trefz, is close to Rocky Branch Nature Preserve, and the Trefz family has also been protective of their native hardwood forests, including many trees that have been identified as over 125 years old. Serious consideration should be given to the fact that the existing power line routes have already had right-of-ways cleared and ready for use. It does not make sense to damage more woodland when a path already exists.

(RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶ 4(C).)

In her environmental analysis, Ms. Murphy indicated that wooded areas were to be treated with the highest level of sensitivity, along with cemeteries, churches, existing drainage features, prime farmland, residential uses and schools. (ATXI Exhibit 4.3 (Part 1 of 5), Page 8 of 12.) The existing wooded areas on the Rebuttal Recommended Route through the Kansas to Indiana State Line segment of the project should not be disturbed. There is no evidence on this record that similar environmental impacts exist on the other possible routes through this area, even in regard to the floodplain issue on the Primary Route. As a result, this factor should significantly militate against the Commission adopting the Rebuttal Recommended Route as the least-cost alternative in this situation.

5. Impacts on Historical Resources

There is scant evidence on this record which indicate that historical resources are going to be an issue related to any of the relevant routes. In a chart prepared by Ms. Murphy's company, there is an indication that there are two known archeological sites on the Primary Route which total 0.3 of an acre, while there is one known archeological site on the Rebuttal Recommended Route, which totals 0.9 of an acre. (ATXI Exhibit 4.5, Page 2 of 4). There is absolutely no evidence which indicates that there are historical resources on either of STPL's Alternate Routes, so the Commission can consider this factor as favoring the use of those routes.

6. Social and Land Use Impacts

In his testimony admitted on this record, Mr. Orin provides, in relation to social and land use impacts to members of his group on the Rebuttal Recommended Route,

[T]he proposed Alternative Route along the Clark-Edgar County line would be constructed in an area where there is no existing major power transmission line, which will also cause damage to current and future farming operations and quash plans for future developments in this area. The damage to existing farming operations and difficulty of farming around power lines is already well-documented. The farms on the Clark-Edgar County line would certainly be negatively affected. Besides farming, other economic interests of families in our group will also be adversely impacted. Interveners, Steve and Robin Trapp, will close the public business which they run out of their home, as they plan to move if the power line runs through their front yard. Interveners, Ben and Abbie Furlong, have plans to soon purchase the property they currently rent on the proposed Alternate Route in order to build an equestrian center for children, including those with disabilities. If the power line is constructed, the area would not be considered safe for children, bringing an end to the plans. Interveners, Justin and Angie Perry, have plans underway for a grass airstrip which is currently being reviewed by the Illinois Department of Transportation Division of Aeronautics and the FAA. This airstrip will not be completed if the power line is constructed across the flight path. These are just three of many examples of how the new proposed power line would negatively affect economic development on this route.

(RCECCC Exhibit 1.0, Revised Affidavit of George Orin at ¶ 4(B).)

The above-referenced social and land use impacts are significant, and should give the Commission serious concerns about the viability of the Rebuttal Recommended Route. The numerous Intervenors along ATXI's Primary Route and STPL's Alternate #1 have no doubt raised similar concerns related to those routes, which they should detail in their briefs. The only route where no such concerns have been raised is in relation to STPL's Alternate #2. As such, this factor should be favorably viewed in support of STPL's Alternate #2 being adopted by the Commission as the preferred route.

7. Number of Affected Landowners and Other Stakeholder and Proximity to Homes and Other Structures

Ms. Murphy's chart of siting criteria lists "residential use areas" as a "high sensitivity." (ATXI Exhibit 4.3 (Part 1 of 5), Page 7 of 12.) Mr. Rockrohr testified that he favors routes which pass close to the fewest residences. (ICC Staff Exhibit 1.0R, Lines 458-59). In her chart concerning proximity to existing structures, Ms. Murphy found that there were 22 residential structures within 500 feet of the Rebuttal Recommended Route, and 23 residential structures within 500 feet of the Primary Route. (ATXI Exhibit 4.5, Page 4 of 4.) In her rebuttal testimony, Ms. Murphy testifies in relation to STPL's Alternate #2 that the same "would be located nearer to a greater number of existing residences, potentially even requiring the displacement of a least two existing residences." (ATXI Exhibit 13.0R, Lines 1260-61.) This being stated, Ms. Murphy also testified at hearing that she did not make a distinction between occupied and non-occupied residences when she made these calculations. (Transcript, Testimony of Donell Murphy, 5/16/13, p. 785.) As a result, there may be no real difference related to this factor concerning any of the relevant routes.

8. Proximity to Existing and Planned Development

See, Section 6 above.

9. Community Acceptance

The following comment appears in the “Public Comments” section of the Chief Clerk’s e-Docket for this case:

March 22, 2013

To whom it may concern:

The Clark County Farm Bureau®, an organization located in Clark County, Illinois, representing over 1600 members, would like to place the following comments on record in regards to the Ameren Power Line Transmission Project, Case# 12-0598.

The Clark County Farm Bureau® Board of Directors, after careful consideration, voted to oppose the project based on several facts.

1. The project being promoted by Ameren Transmission as being needed to bring renewable energy from Western States wind turbines to Illinois to meet the Renewable Energy Portfolio created by the State of Illinois passing legislation to require a certain percentage of electricity to come from renewable resources. This so called need was artificially created by passing of the legislation. Also, there are many wind turbine farms already built in Illinois with more projects being planned. Purchasing wind energy from other states takes away from the economic development within the State of Illinois.

2. It is also stated they need to improve their current infrastructure. Ameren currently has several lines within the county, of which they have rebuilt one of those lines.

3. Once the project reaches the Kansas, IL substation, any benefit to Illinois consumers of electricity ceases. The further construction from the Kansas substation to Sugar Creek, Indiana no longer benefits any residents of Illinois. To take the line on through Clark County, IL, going through prime farmland and close to residences, is not needed.

4. Ameren Transmission has stated in some of their public meetings that another need was to improve their transmission grid. Ameren had allowed their current grid to fall into disrepair and it has not been until this year they made efforts to rebuild them. Currently we have landowners who are waiting to have their land brought back to condition due to damage brought on from the rebuild of one transmission line in the county.

5. One proposed route is to parallel an existing structure. This will create undo hardships on those who currently farm that land. The uneven spacing of poles with modern farming practices will create hazards as farmer attempt to maneuver around poles, requiring them to take more time, and exposing them to the uncertain effects created by high voltage lines.

It is of our opinion Ameren should not be allowed to construct a new line across Clark County, and if it is determined they do have a need, existing lines and right of ways should be used by reconstructing the existing structures.

Thank you for your consideration.

[12-0598](#) · [Clark County Farm Bureau](#)

A similar negative comment was filed by the Marshall Community Unit School District in Clark County on February 7, 2013.

The members of RCECCC would argue that the Commission can use these comments as evidence of the negative community acceptance of the proposed transmission line in Clark and Edgar Counties. The only possible evidence of community acceptance of any portion of the project is demonstrated by the lack of any individual or group intervening in this proceeding that lives or owns property along the majority of STPL's Alternate #2, despite the fact that all of the registered landowners along the route received notice from the Commission in February 2013. (ATXI Exhibit 13.8, Page 1 of 5; and Notice, e-Docketed on 2/15/13.) In fact, no one has intervened along the unique section of Alternate #2. (*Id.*) While Ms. Murphy could not explain

the reason for this happenstance (Transcript, Testimony of Donell Murphy, 5/16/13, p. 785), the members of RCECCC would suggest that this lack of objection indicates an acceptance of the project, as a preexisting transmission line corridor already runs through the relevant portion of Edgar County. This is completely inapposite to the situation faced by the members of RCECCC, whose area is completely devoid of similar linear features, and is “virgin” territory, which will be ruined by the adoption of the Rebuttal Recommended Route.

10. Visual Impact

The freestanding steel poles ATXI intends to use for this project are state-of-the-art, and the company has even provided a schematic for a dual circuit tower as part of its evidentiary presentation in this proceeding. (Transcript, Testimony of Jerry Murbarger, 5/14/13, pp. 371-72; and ATXI Exhibit 7.2.) Mr. Hackman, Ameren’s Director of Transmission Operations, has indicated that he sees no reliability problems with running the new 345 kV line parallel to the existing 138 kV line coming out due east from the Kansas Substation, which is an element of both STPL’s Alternate #1 and #2, and even agrees that operating dual circuits on single poles in this area is an “acceptable combination.” (Transcript, Testimony of Jeffrey Hackman, 5/17/13, pp. 981-82 and 992.) The members of RCECCC would suggest that running both lines over single poles for approximately one-third of the entire length of the segment would certainly cut the visual impact on the surrounding community.

In contrast, as argued in Section 9, *supra*, running any power transmission poles through the pristine area where the members of RCECCC live and own property would constitute an immediate eyesore. Mr. Rockrohr admitted as much on behalf of the Staff, when he concluded that the farms, businesses and homes located along the Rebuttal Recommended Route would be burdened by the new corridor being cut through their area. (Transcript, Testimony of Greg

Rockrohr, 5/13/13, pp. 234-36.) There simply is no denying that power transmission poles of this nature are not attractive, regardless of the circumstances in which they are placed. As such, the Commission should take whatever action is necessary to limit the damage done. In this case, rejecting the Rebuttal Recommended Route is the most obvious action which can be taken to achieve this goal, while consideration of the other routes would favor the choice of either STPL Alternate #1 or #2.

11. Presence of Existing Corridors

By this point of the brief, it should be obvious that the members of RCECCC have a strong belief in the concept that following existing power line corridors is an exceptional idea. In this situation, there is no question that existing corridors are in place which warrant the Commission's consideration for the Kansas to Indiana Line segment. At the evidentiary hearing in this cause, co-counsel for RCECCC questioned a number of witnesses about this concept, and there was no clear adversity to the consideration of parallel and even dual circuit routes. In fact, Mr. Rockrohr commented that the existing right-of-ways were the least-cost options when they were constructed, so it would make sense to follow them up with a later line. (Transcript, Testimony of Greg Rockrohr, 5/13/13, pp. 195-96.) Mr. Rockrohr also did not see any reliability issues with parallel lines, and could see no technical problems having two lines in close proximity. (*Id.* at 199-200 and 237-38.) Mr. Rockrohr even said dual circuits could be viable, depending on the function of each line. (*Id.* at 269.) Ameren's Mr. Murbarger conceded that 138 kV and 345 kV lines can safely go on the same poles (Transcript, Testimony of Jerry Murbarger, 5/14, 2013, p. 373), which is the situation we would face if the Commission adopts STPL's Alternate #1 or #2.

Ms. Murphy testified that shared corridors should always be considered as an “opportunity” when planning a new transmission line. (Transcript, Testimony of Donell Murphy, 5/16/13, p. 727.) She indicated that the possibility of parallel lines or shared poles is an “advantageous siting opportunity,” which needs to be considered. (*Id.* at 727-28.) Ms. Murphy also admitted that common sense dictates that it is easier to follow an existing path, than blazing a new trail through unburdened territory. (*Id.* at 846.) She admitted that the Primary Route follows an existing 138 kV line, and that the same is a conscientious and reasonable plan. (*Id.* at 847.) Most strikingly, Ms. Murphy disclosed that 19% of the entire Rebuttal Recommended Route is now composed of parallel or dual circuit lines. (*Id.* at 930.)

Most importantly, Mr. Hackman, who seemed to be the highest ranking Ameren official who testified at the evidentiary hearing, confirmed that approximately 70 miles of the project is now in parallel lines. (Transcript, Testimony of Jeffrey Hackman, 5/17/13, p. 973.) As mentioned above, Mr. Hackman confirmed that reliability is not an issue with the parallel lines suggested by the members of RCECCC, because the purposes of the two lines are not the same. (*Id.* at 981-86.) As specifically cited above, Mr. Hackman agreed that dual circuits in this case were an “acceptable combination.” (*Id.* at 992.) Therefore, there can be no question on this record that existing corridors are present and should be utilized in this situation.

V. MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS

RCECCC has no basis with which to question the ability of ATXI to manage and supervise the construction process of the project, but reserves the right to comment on this issue in its reply brief.

VI. FINANCING THE PROPOSED CONSTRUCTION

RCECCC has no basis with which to question the ability of ATXI to finance the proposed project, but reserves the right to comment on this issue in its reply brief.²

CONCLUSION

The members of RCECCC humbly suggest that none of the factors detailed above support the adoption of the Rebuttal Recommended Route by the Commission. After that, the three (3) remaining routes are all viable, with perhaps an edge to STPL Alternate #2, if in fact the Commission decides to issue a Certificate for the Kansas to Indiana State Line segment.

Respectfully submitted,

RCECCC, Intervenor

By: _____/s/William F. Moran, III
One of its attorneys

COUNSEL FOR INTERVENOR:

William F. Moran III (#06191183)
STRATTON, GIGANTI, STONE, MORAN & RADKEY
725 South Fourth Street
Springfield, IL 62703
Telephone: 217/528-2183
Facsimile: 217/528-1874
Email: bmoran@stratton-law.com

Joseph R. Schroeder
Bennett Schroeder & Wieck
P.O. Box 98
Marshall, IL 62441-0098
Telephone: 217/826-8051
Facsimile: 217/826-5011
Email: jschroeder@bswlawfirm.com

² The members of RCECCC would be remiss if they did not mention the juxtaposition of their small group of landowners and residents challenged a corporate entity which has the ability to finance a billion dollar project in house. The same only goes to show that the story of "David and Goliath" is alive and well, and hopefully indicative of what is going to transpire in this situation.

CERTIFICATE OF SERVICE

I, William F. Moran, III, Co-Counsel for Interveners, hereby certify that on June 3, 2013, I caused a copy of the foregoing **INITIAL BRIEF OF INTERVENOR RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS** to be served by electronic mail to the individuals on the Commission's Service List for Docket No. 12-0598.

_____/s/ William F. Moran, III
Co-Counsel for Interveners

APPENDIX

