

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
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 THE KORSMEYER FAMILY FARM TRUST**

**I. INTRODUCTION**

NOW COMES the Korsmeyer Family Farm Trust (hereinafter referred to as “Korsmeyer”), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O’Brien of McNamara & Evans, and for its Initial Brief, states as follows:

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

This matter comes on now for briefing on the Petition of Ameren Transmission Company of Illinois (hereinafter referred to as “ATXI”) 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. ATXI elected to file its Petition pursuant to 220 ILCS 5/8-406.1, expedited procedure, which provides in relevant part as follows: “The Commission shall issue its decision with findings of fact and conclusions of law granting or denying the application no later than 150 days

after the application is filed.” Based up the foregoing, this matter is bound by certain time constraints. 220 ILCS 5/8-406.1(f) directs that the Commission grant the requested certificate of public convenience and necessity if the following criteria are met:

“(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.”

### III. OVERALL NEED FOR THE PROPOSED FACILITIES

Korsmeyer has no position as to the overall need for the proposed project.

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

#### C. Meredosia - Ipava

##### 1. Length of the Line

The ATXI proposed Primary Route would run 49.8 miles; the ATXI proposed Alternate Route would run 47.9 miles; The Nature Conservancy (hereinafter referred to as “TNC) Alternate 1 Route (the route most preferred by Korsmeyer) would run 42.1 miles; and the TNC Alternate 2 Route would run 43.8 miles (ICC Staff Exhibit 1.0R, 33:712-713)

##### 2. Difficulty and Cost of Construction

The ATXI proposed Primary Route has estimated construction costs of \$101,516,000.00. The ATXI proposed Alternate Route has estimated costs of \$104,875,000.00. TNC Alternate Route 1 has estimated costs of \$107,516,000.00. ATXI’s Rebuttal Recommended Route, which is a hybrid route including a route stipulated to by ATXI and TNC has **estimated costs of \$113,276,000.00.** (ATXI

Exhibit 16.3) The ATXI Rebuttal Recommended Route is far and away the costliest option now before the Commission, some \$5.7 million costlier than the TNC Alternate Route 1.

3. Difficulty and Cost of Operation and Maintenance

TNC Alternate Route 1 is the shortest of the routing options now before the Commission, and is the only routing option to make significant use of an existing corridor, one provided by the existing 138 kV line. For these reasons, it would stand to reason that TNC Alternate Route 1 would provide the most ease of access for operation and maintenance.

4. Environmental Impacts

TNC has raised concerns as to negative environmental impacts of various routing options. Such concerns would be eliminated by Commission approval of TNC Alternate Route 1, a route presented to this Commission by TNC.

5. Impacts on Historical Resources

Korsmeyer takes no stand as to the varied impact on historical resources presented by the various routing options now before the Commission.

6. Social and Land Use Impacts

Korsmeyer has made clear, in its Direct and Rebuttal Testimony filed herein, the negative impact to land use construction of a 345 kV line across the land which is the interest of Korsmeyer would present. (Intervenor Korsmeyer Exhibits 1.0 and 2.0)

7. Number of Affected Landowners and other Stakeholders and Proximity to Homes and other Structures

ATXI Petition Exhibit C included a list of potentially affected landowners for each route segment for both the proposed Primary and Alternate Routes. The list of affected landowners along the proposed Primary Route for the segment from Meredosia to Ipava included 222 names. The list of affected landowners along the proposed Alternate Route for the segment from Meredosia to Ipava included 192 names. TNC, in identifying its Alternate Route 1 herein, filed a list of affected landowners which included only 76 names. (The Nature Conservancy's Corrected Identification of

an Alternate Route, Exhibit A)

8. Proximity to Existing and Planned Development

Korsmeyer has made clear the misgivings it has with the construction of any 345 kV line along and upon the rich agricultural land which is the interest herein of Korsmeyer. (Intervenor Korsemeyer Exhibits 1.0 and 2.0)

9. Community Acceptance

If approval were given to either the ATXI proposed Alternate Route or the ATXI Rebuttal Recommended Route, such approval would stand in the face of the sentiments of Korsmeyer.

10. Visual Impact

Adding the new line to the existing 138 kV line (as is proposed by TNC Alternate Route 1) along the same path, the same right-of-way, and in a parallel fashion will have the least impact to the aesthetics of the affected area. New construction for a new line along a new route where no existing corridor exists will, by its very nature, change the landscape of the affected area.

11. Presence of Existing Corridors

TNC Alternate Route 1 makes almost exclusive use of the existing corridor provided by the existing 138 kV line right-of-way. No other routing option now before the Commission makes use in any significant manner of an existing corridor.

V. MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS

Korsmeyer has no particular position at this time as to management and supervision of the construction process for the proposed project.

VI. FINANCING THE PROPOSED CONSTRUCTION

Korsmeyer has no particular position at this time as to financing the construction for the proposed

project.

## VII. OTHER

Korsmeyer would submit, based on the foregoing and the sum total of the evidence presented herein to date, that the clear best choice of the routing options presented to the Commission for consideration for the segment of the Project from Meredosia to Ipava is the TNC Alternate Route 1. TNC Alternate Route 1 presents the shortest of the routing options, would cost \$5.7 million less to construct than the ATXI Rebuttal Recommended Route (ATXI Exhibit 16.3) , and is the only routing option that does not impede in any way upon any of the properties which are of interest to the intervening parties herein along this segment of the Project (Korsmeyer, TNC, and Wiese Farms). TNC has in fact entered into a stipulation for a route segment which is included within the hybrid routing option presented by ATXI as its Rebuttal Recommended Route, but TNC Alternate Route 1 was a routing option presented by TNC as its preferred option and is a routing option which eliminates the environmental concerns raised by TNC. For the foregoing reasons alone, it would seem counterintuitive to select any routing option other than TNC Alternate Route 1, but perhaps the most compelling evidence in favor of TNC Alternate Route 1 is the testimony presented herein by Commission Staff Witness Greg Rockrohr. Mr. Rockrohr has no vested interest nor any possible conflict of interest and truly stands as the only disinterested or objective witness whose testimony is now before the Commission. Mr. Rockrohr, after examination, analysis, and visit to the various route proposals, and testifying from his expertise as Senior Electrical Engineer within the Energy Engineering Program of the Safety and Reliability Division of the Illinois Commerce Commission, summarized his findings as follows: “Based upon the information that I reviewed, it appears that

TNC's Alternate 1 would be the best route choice for this segment. TNC's route recommendation does not cross either of the natural areas that TNC identified. In addition, my review indicates that TNC's Alternate 1 would be considerably shorter than either route that ATXI proposes. Since I am unaware of circumstances that would prevent ATXI from constructing TNC's Alternate 1, that route appears to me to be the best choice for the Meredosia to Ipava segment." (ICC Staff Exhibit 1.0R, 33:714-34:720)

**Respectfully Submitted,**  
**Korsmeyer Family Farm Trust,**  
By and through its attorneys,



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**VERIFICATION**

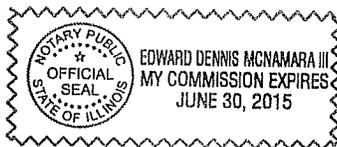
STATE OF ILLINOIS        }  
  }SS  
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Initial Brief; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

  
\_\_\_\_\_  
Edward D. McNamara, Jr.

Subscribed and Sworn to before me  
this 3rd day of June, 2013.

  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF SERVICE**

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Initial Brief on the individuals shown on the attached Service List, via electronic mail, on June 3, 2013.

  
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Edward D. McNamara, Jr.

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