

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

<b>AMEREN TRANSMISSION COMPANY OF ILLINOIS</b>	§	
	§	<b>Docket No. 12-0598</b>
<b>Petition for A Certificate of Public Convenience and</b>	§	
<b>Necessity, pursuant to Section 8-406.1 of the Illinois Public</b>	§	
<b>Utilities Act</b>	§	

**THE CITY OF CHAMPAIGN’S AND  
THE VILLAGE OF SAVOY’S INITIAL HEARINGS BRIEF**

**I. INTRODUCTION<sup>1</sup>**

Ameren Transmission Company of Illinois (ATXI), as part of its filing for a 345 kV transmission line across Illinois, requested Illinois Commerce Commission (ICC or Commission) approval of a separate “dog-leg” line in Champaign County. The dog-leg was designated as the Rising to Sidney line in the filing.

The Rising to Sidney line’s western portion runs north to south just west of the City of Champaign (Champaign or City) and the southern portion of the line runs west to east just south of the Village of Savoy (Savoy or Village). Champaign and Savoy intervened in this docket because portions of the proposed Rising to Sidney line are within their extra territorial jurisdictions (ETJs) and construction of the line affects the municipalities’ growth corridors.

As described more fully in this brief, Champaign opposes ATXI’s alternate route for the western leg but does not oppose ATXI’s primary route for the western leg *provided that* the 345 kV line utilizes the same structures as a 138 kV line recently approved for Ameren by the Commission. On the other hand, Savoy opposes the primary route for the southern leg but does not oppose ATXI’s alternate route. Neither Champaign nor Savoy takes a position as to whether the line is necessary or required to provide adequate service for Ameren.

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<sup>1</sup> The subhead numbering of this Initial Brief complies with the common outline approved by the Administrative Law Judges’ order.

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

##### **H. Sidney – Rising**

##### **8. Proximity to Existing and Planned Development**

- a. Champaign does not oppose ATXI's primary route for the western leg of the proposed 345 kV line provided it utilizes the same right of way and poles as the Ameren 138 kV line.**

The western (north-south) leg of the Rising to Sidney dog-leg begins at Ameren's Rising substation and proceeds south until it angles east, crosses Interstate 57 and connects with the southern (east-west) leg. Because part of the western portion of the Rising to Sidney line is located within Champaign's ETJ and its growth corridor, for which the City has a comprehensive development plan, it is vital that this portion of the line be dual circuited with the Ameren 138 kV line approved by the Commission in Docket No. 12-0080. Champaign does not oppose ATXI's primary route for the western leg of the proposed 345 kV line provided ATXI utilizes the same right of way and poles as for its recently approved 138 kV line.

As shown on Attachment 1.01 to Champaign/Savoy Ex. 1.0C and attached to this brief, a portion of the western leg's primary route is within Champaign's ETJ. A municipality's ETJ is the contiguous territory extending one and one-half miles beyond the corporate limits and not included within any other municipality. In the ETJ, the municipality has the power to regulate the density, height, land use, and other zoning powers. Illinois Municipal Code, 65 ILCS 5/11-13-1.

Bruce A. Knight, Planning Director for Champaign, testified that the proposed 345 kV line is in the "prime area for future expansion for the City of Champaign" and "thus, the location of the ATXI transmission line would affect how this area could be used in the future." Champaign/Savoy Ex. 1.0C, Knight Direct at 2/29-31. As Mr. Knight explained, in 2011 Champaign prepared a long-range land planning document, the 2011 Comprehensive Plan,

which incorporates the portion of ATXI's primary route for the 345 kV line. Champaign/Savoy Ex. 1.0C, Knight Direct at 3/47-48. He further testified:

The Future Land Use Map component of the Comprehensive Plan designates part of that area for "New Neighborhood" future development. The "New Neighborhood" designation would allow density mix of residential development and neighborhood commercial services. The City's 2011 Trails Plan also calls for construction of a trail/greenway system adjacent to the Kaskaskia River, immediately west of a part of the area where ATXI proposed to build the transmission line.

*Id.* at 3/48-54.

The primary route proposed by ATXI for the 345 kV line as it travels south from the Rising substation overlaps a portion of the route that was approved by the Commission in Docket No. 12-0080 for an Ameren 138 kV transmission line. By utilizing the same poles and same right of way as Ameren's 138 kV line, the negative impact of the proposed 345 kV line on Champaign's land use plan in this vital growth corridor would be minimized. Champaign encourages the Commission to mitigate the impact that the 345 kV line would have in Champaign's ETJ and on its growth.

In approving the 138 kV line for Ameren (AIC), the Commission specifically found "that AIC should be directed to use dual circuit structures for the three mile segment of its proposed 138 kV transmission line directly south of Bondville Route 10 substation should the planned Sidney to Rising 345 kV transmission line share the same route as the Project approved here." Final Order at 23, *Ameren Illinois Company, Petition for a Certificate of Public Convenience and Necessity*, Docket No. 12-0080, August 15, 2012. The Final Order further authorized Ameren to acquire a 150-foot easement "in the event it is required to build dual circuit towers, to accommodate the possibility of a future 345 kV line." *Id.* at 24. In other words, the Commission in Docket No 12-0080 based its approval in part on the belief that the western portion of the

proposed 345 kV line starting at the Rising substation, as requested in this docket, would utilize dual circuit transmission line structures so that the 138 kV and 345 kV lines would be within one 150-foot wide easement.

In its filing for this docket, ATXI proposed to follow the order in Docket 12-0080. As ATXI witness Rick Trelz testified, “If the Commission approves the Primary Route for this Project [Rising to Sidney], ATXI would share the easements on the double circuit section of the Transmission Line that is common to the Bondville-SW Campus 138 kV line.” ATXI Ex. 5.0, Trelz Direct at 26-27. Dual circuiting means that ATXI and Ameren would use the same structures for the 138 kV and 345 kV transmission lines. Mr. Knight also testified that ATXI informed Champaign that the 345 kV line would be placed on the same poles as the Ameren 138 kV line. “Provided that only 30 feet of additional right of way is needed, and that the lines are combined on the same poles, the net effect is to minimize any additional impacts of the potential for future urban development in this area.” *Id.* at 3/64-4/67.

One of the larger landowners affected by ATXI’s primary route for the western leg agrees with Champaign. Mark Dixon, the director of Real Estate of the Commercial & Industrial divisions of The Atkins Group, supports ATXI’s primary route for the western segment “subject to the recommendations of the ICC in Docket No. 12-0080; that is, ATXI uses the same poles and the same right of way as the proposed Ameren Illinois’ 138 kV line.” Champaign/Savoy Ex. 2.0C, Dixon Direct at 2/29-31. The Atkins Group owns prime Champaign County land for development, lease, and sale. *Id.* at 1/10-11. Of the line segment within Champaign’s ETJ, The Atkins Group owns 13.86 percent of the land in the proposed right of way. Champaign/Savoy Ex. 2.02. As Mr. Dixon understands ATXI’s primary route proposal, to expand the Ameren 138 kV right of way means that ATXI will need to acquire only 18 feet of additional right of way to

make the total right of way width 150 feet. Champaign/Savoy Ex. 2.0C, Dixon Direct at 4/68-74.<sup>2</sup>

**b. Champaign opposes the alternate route for the western leg of the Rising to Sidney line.**

The alternate ATXI western leg of the Rising to Sidney line is unacceptable to Champaign because of the significant restrictions it would place on development in Champaign's vital growth corridor. As a land developer, The Atkins Group is concerned that placing the western leg in any location other than dual circuiting it with Ameren's 138 kV line would "create unnecessary burdens and barriers for development." *Id.* at 4/83-85. In his testimony, Mr. Dixon explained:

As I stated earlier, the property already has underground gas transmission lines, which restrict how the property over the easement could be used in the future. Furthermore, the ICC has approved a 138 kV transmission line that will utilize a wide existing easement span, in effect creating a utility easement corridor across the tracts. To turn around and create a second line parallel to the current utility corridor would further compromise the development opportunities by restricting additional land from being fully utilized. From a planning perspective, it is far better to have one combined wide transmission line corridor than two separate and wide corridors just a short distance apart.

Champaign/Savoy Ex. 2.0C, Dixon Direct at 5/87-94.

The alternate ATXI western leg of the Rising to Sidney line would unacceptably create two transmission corridors. From a development perspective, it would eliminate smaller tracts from being developed because the smaller tracts "would be insufficient in size to justify the investment expense of subdivision development (street and sidewalk extensions, utility extensions, signalization, storm water and detention provisions, etc.)" *Id.* at 5/95-99.

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<sup>2</sup> The apparent discrepancy between the additional amount of right of way needed to create a 150-foot wide easement is the result of Mr. Knight's understanding from Ameren that the 138 kV line required an easement of 120 feet, while Mr. Dixon understood from conversations with Ameren that the 138 kV line required an easement of 132 feet. Despite this slight difference, both Mr. Knight and Mr. Dixon in their testimonies understand from ATXI that for dual circuiting to occur an easement of 150 feet would be necessary.

Expanding the right of way of Ameren's 138 kV line to 150 feet in ATXI's primary route for the western leg of the Rising to Sidney line and dual circuiting the 138 kV and 345 kV lines on the same poles would allow for orderly development in Champaign's growth corridor. The City does not oppose the primary route as long as "it would be located on the same right of way as the 138 kV transmission line from Bondville." Champaign/Savoy Ex. 1.0C, Knight Direct at 3/58. Champaign does oppose, however, the alternate route for the western leg because of the negative impact it would have on the City's planned development in this portion of its ETJ.

**c. Savoy opposes ATXI's primary route for the southern leg of the Rising to Sidney line but does not oppose the alternate route.**

For the southern portion of the Rising to Sidney line, Savoy requests that the Commission approve ATXI's alternate route rather than the primary route, if the line is found to be necessary. ATXI's primary route for the southern leg is within Savoy's ETJ and within Savoy's only growth corridor. Champaign/Savoy Ex. 3.0, Smith Direct at 3/28-29 and 3/32-34. As noted above, the ETJ is the area in which Savoy can control growth. As Savoy trustee William A. Smith testified, "The Village of Savoy is concerned that the primary route of the proposed transmission line as it runs south of the Village will interfere with the Village's ability to grow in an orderly manner." Champaign/Savoy Ex. 3.0, Smith Direct at 2/19-3/21.

To a large extent, the ability of Savoy, which is immediately south of Champaign, to grow is restricted by two factors that are outside its control. The first is that the Village's growth to the east is restricted by the fact that the land is owned or controlled by the University of Illinois. Champaign/Savoy Ex. 3.0, Smith Direct at 3/36-37. The second restriction is the airport, which restricts growth to the southwest. *Id.* at 3/37-38. The proposed primary ATXI route would negatively affect the orderly growth of Savoy to the south, which is its only real option for growth. *Id.* at 3/34.

Because the southern portion of ATXI's alternate route is farther south than the primary route, the alternate route of the line would not affect Savoy's ETJ or its orderly growth. Savoy proposes that, at the point where the western leg jogs east just south of Savoy, ATXI use the alternate route, which then parallels I-57 south before turning east. Champaign/Savoy Ex. 3.0, Smith Direct at 3/41-4/45. By doing so, the line would be south of the airport and outside of Savoy's ETJ. No intervenor has expressed opposition to this segment of the southern leg of ATXI's alternate route. The only concern about the alternate route for the southern leg is further east, and that concern would be solved using the recommendations of intervenor Dr. Magdi Ragheb.

The undisputed testimony is that ATXI's primary route for the southern leg of the Rising to Sidney line is within Savoy's ETJ and would negatively affect Savoy's ability to grow in an orderly manner. Because the alternate route eliminates Savoy's concerns and allows for orderly growth, the Commission should approve ATXI's alternate route for the southern portion of the Rising to Sidney transmission line with the adjustment recommended by Dr. Ragheb.

## **10. Visual Impact**

Champaign opposes ATXI's alternate route for the western leg of the Rising to Sidney line not only because of the physical constraints that it would place on development but also because of the negative visual impact. The alternate route would result in the construction of two transmission lines in close proximity. Existence of two sets of transmission lines would have an adverse aesthetic effect, which influences development decisions. As Mr. Dixon observed,

[I]t is also highly preferred to have one set of tall transmission line poles and wires across the tracts than two sets of tall poles and wires. It will be nearly impossible to screen future development from the proposed 138 kV transmission line. To screen two sets of tall transmission lines would be doubly difficult,

which is especially problematic if residential growth is desired along the west edge of Champaign and Savoy.

Champaign/Savoy Ex. 2.0C, Dixon Direct at 5/99-105. Therefore, Champaign requests that the Commission reject ATXI's alternate route for the western leg of the Rising to Sidney line.

#### **11. Presence of Existing Corridors**

ATXI's primary route for the western portion of the Rising to Sidney line is preferable to the alternate route because it would use an existing utility corridor. As described earlier, ATXI's proposed primary route for the western leg would use the 138 kV route approved for an Ameren line in Docket No. 12-0080. Furthermore, the proposed primary route also shares an existing easement for an underground pipeline, creating a single de facto utility corridor. Champaign/Savoy Ex. 1.0C, Knight Direct at 3/58. By approving the primary route for this western leg and requiring dual circuiting on the same poles as the approved Ameren 138 kV line, the Commission would be providing for a compact utility corridor that would minimize the negative impact on Champaign's growth in its ETJ and planned development corridor. Furthermore, no party to this proceeding opposes ATXI's primary route for the western portion of the Rising to Sidney line given that ATXI has agreed to utilize the same right of way and the same poles as the approved Ameren 138 kV transmission line.

#### **V. CONCLUSION**

Champaign and Sidney request, if the Commission finds the 345 kV line necessary, that the ICC approve (a) ATXI's primary route for the western portion of the Rising to Sidney line using the same structures and right of way as Ameren's 138 kV line and (b) for the southern portion of the Rising to Sidney line ATXI's alternate route, including the proposed changes by intervenor Dr. Ragheb. By so doing, the Commission will preserve the ability of Champaign and

Savoy to allow growth to occur in their respective growth corridors and minimize any adverse impact by the lines in their ETJs.

Respectfully submitted,

*/s/ Richard C. Balough*

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**CERTIFICATE OF SERVICE**

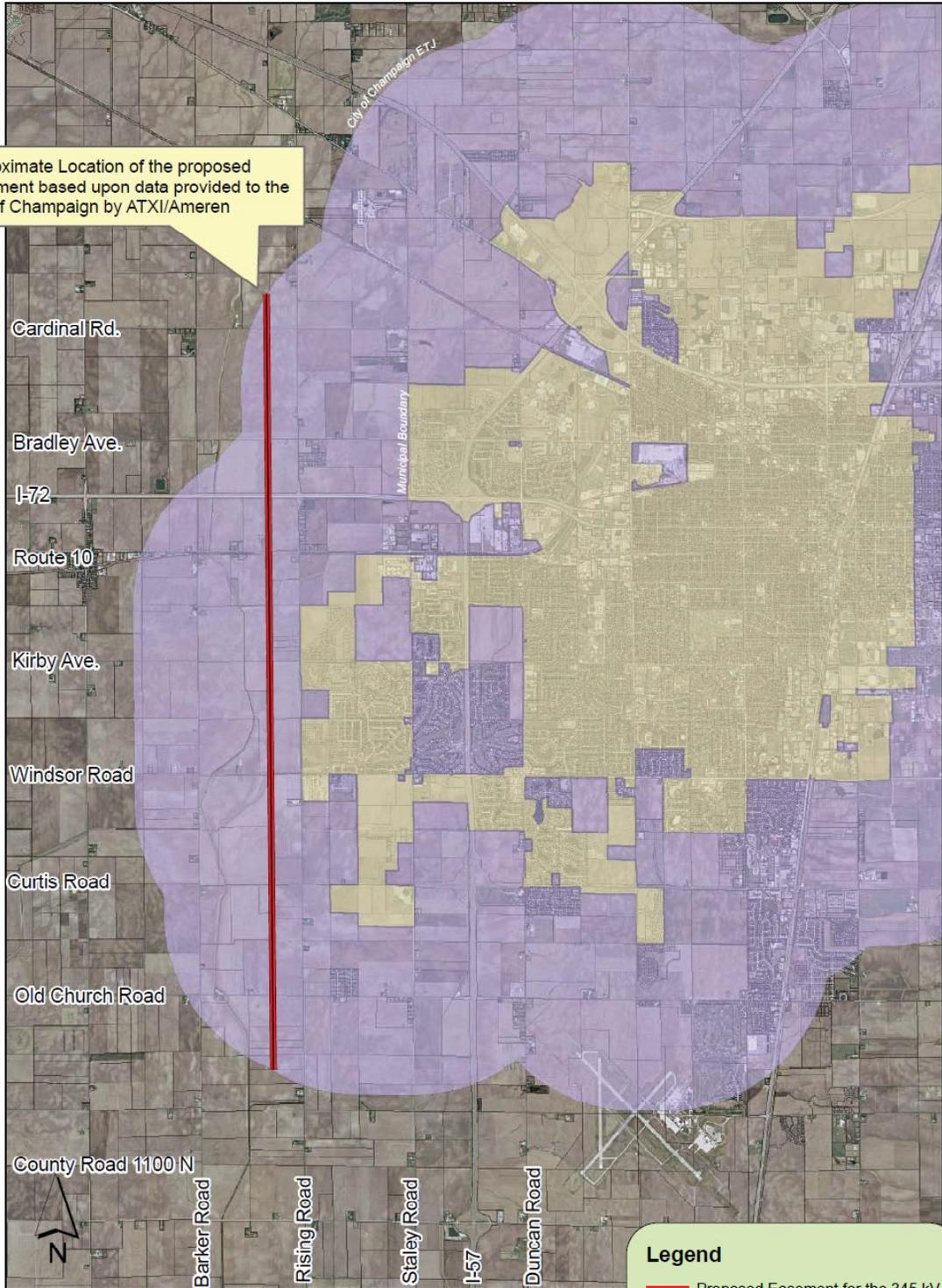
I, Richard C. Balough, do hereby certify that a copy of the foregoing City of Champaign and Village of Savoy's Initial Hearings Brief has been sent via electronic means to the parties listed on the eDocket service list on this 3d day of June, 2013.

*/s/ Richard C. Balough*

# Attachment 1.01



Approximate Location of the proposed Easement based upon data provided to the City of Champaign by ATXI/Ameren



G:\Current Planning\Power Lines\Attachment 1.01

**Legend**

- Proposed Easement for the 345 kV
- Champaign Municipal Boundary
- Champaign ETJ