

**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 Act, to Construct, Operate and)
Maintain a New High Voltage Electric Service Line and)
Related Facilities in the Counties of Adams, Brown,)
Cass, Champaign, M/S CLTF, Clark, Coles, Edgar,)
Fulton, Macon, Montgomery, Morgan, Moultrie, Pike,)
Sangamon, Schuyler, Scott and Shelby, Illinois.)

Docket No. 12-0598

GAN PROPERTIES, LLC'S POST-HEARING BRIEF

Gan Properties LLC (“Gan Properties”), by and through its attorneys Drinker Biddle & Reath LLP, hereby submits its post-hearing brief for Illinois Commerce Commission Docket No. 12-0598.

I. INTRODUCTION

On November 7, 2012, Ameren Transmission Company of Illinois (“ATXI”) petitioned the Illinois Commerce Commission for the issuance of a Certificate of Public Convenience and Necessity pursuant to Section 8-406.1 of the Illinois Public Utilities Act, 220 ILCS 5/8-406.1, authorizing it to build a new 345 kV electric transmission line across portions of the State of Illinois. In late January, 2013, Gan Properties LLC received notice that its property located in Pickaway Township, Shelby County, Illinois, was on ATXI’s Proposed Alternate Route for the segment between Pana and Mt. Zion. Gan Properties Exhibit 1.0 at ¶¶ 2-3, 7-8. Gan Properties subsequently intervened and Kenneth L. Skolnik gave Direct Testimony of its behalf. Gan Properties Exhibit 1.0.

Gan Properties submits that there is no support in the record for the Commission to select ATXI’s Proposed Alternate Route between Pana and Mt. Zion. Although ATXI included the

Pana to Mt. Zion Alternate Route in its initial testimony filed November 7, 2012, other than this submission, no party set forth any evidence in support of ATXI's Proposed Alternate Route between Pana and Mt. Zion. ATXI has always supported its Proposed Primary Route between Pana and Mt. Zion. *See* ATXI Exhibit 13.0C (2d Rev.) at 49:1046-47. As shown by Gan Properties' evidence entered into the record on May 16, 2013 as Gan Properties Exhibit 1.0-1.7, ATXI's Proposed Alternate Route between Pana and Mt. Zion does not comply with ATXI's own siting criteria and is not the the least-cost route for that segment.

IV. LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES

F. Pana – Kansas

3. Route Location

b. Pana - Mt. Zion

If the ALJs recommend and the Commission determines that a Certificate of Public Convenience and Necessity should issue and that any route east of Pana is warranted, the Commission should select ATXI's Recommended Rebuttal Route between Pana and Mt. Zion, which corresponds with ATXI's Proposed Primary Route. ATXI Exhibit 13.0C (2d Rev.) at 49:1046-47. AXTI's Recommended Rebuttal Route is the least-cost route proposed between Pana and Mt. Zion and best complies with ATXI's own siting criteria, designed to minimize disruption to landowners.

ATXI's Proposed Alternate Route between Pana and Mt. Zion does not comply with AXTI's siting criteria, instead running directly through property and section lines rather than making use of existing section, property, and field lines. *See* Gan Properties Exhibit 1.0 at ¶ 7; Gan Properties Exhibit 1.4 and 1.6; ATXI Exhibit 4.0 at 10:213-11:224 (discussing "key routing considerations" and stating that the ATXI attempted to parallel section, property, and field lines

“in an attempt to minimize the potential for impact to individual landowners”). ATXI’s Alternative Route between Pana and Mt. Zion fails to comply with the above siting criteria because it runs through the center of Gan Properties’ quarter section in the southern half-section of Section 32 of Pickaway Township, Shelby County. Gan Properties Exhibit 1.0 at ¶ 4; Gan Properties Exhibit 1.3. In so doing, AXTI’s Proposed Alternate Route between Pana and Mt. Zion would destroy the utility of highly productive Illinois farmland, disrupt the farming operations currently run by Matt Burgner, and destroy the use and enjoyment of the home located on Gan Properties’ quarter-section. Gan Properties Exhibit 1.0 at ¶¶ 9-11.

Furthermore, ATXI’s Recommended Rebuttal Route between Pana and Mt. Zion is the least-cost and shortest route between Pana and Mt. Zion. *See* ATXI Exhibit 16.1 (baseline cost estimate for ATXI’s Rebuttal Recommended Route is \$62,869,000.00 while baseline cost estimate for ATXI’s Proposed Alternate Route is \$72,182,000.00, a difference of \$9,313,000.00); ATXI Exhibit 13.0C (2d Rev.) at 50:1079-85 (“ATXI’s Primary Route is shorter than ATXI’s Alternate Route. Furthermore, it is lowest cost, best reduces the potential for environmental impact and best reflects input received during the associated public process. Therefore, ATXI’s Primary Route is the best option for this portion of the Project.”).

If the ALJs recommend and the Commission issues a Certificate of Public Convenience and Necessity to ATXI, and such Certificate includes any route east of Pana, that route should be ATXI’s Recommended Rebuttal Route between Pana and Mt. Zion, as it best complies with ATXI’s siting criteria and is the shortest route and least-cost alternative between Pana and Mt. Zion.

Dated: June 3, 2013

Respectfully submitted,

GAN PROPERTIES LLC

By: 

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VERIFICATION

John A. Simon, being duly sworn, verifies that he is one of the practicing attorneys in the firm of Drinker Biddle & Reath LLP and one of the attorneys for Gan Properties LLC and that he has read the foregoing document, has knowledge of the facts stated therein, and states that the matters set forth therein are true in substance and in fact.



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

Kathleen M. O'Marah
Notary Public



CERTIFICATE OF SERVICE

I, Emily T. Broach, Counsel for Gan Properties LLC, hereby certify that on June 3, 2013 I caused a copy of the foregoing **Gan Properties, LLC's Post-Hearing Brief Regarding the Illinois River Project** to be served by electronic mail on the individuals on the Illinois Commerce Commission's Service List for Docket No. 12-0598, attached hereto as Exhibit One.



Emily T. Broach

EXHIBIT 1

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