

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY  
OF ILLINOIS

Petition for Certificate of Public Convenience and Necessity, pursuant to Section 8-406 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.

Docket No. 12-0598

**BRIEF OF PDM**

*(Coalition of Property Owners and Interested Parties in Piatt, Douglas and Moultrie Counties)*

**IV. Least-Cost and the Proposed Transmission Line Routes**

**F. Pana - Kansas**

**3. Route Location**

**c. Mt. Zion - Kansas**

PDM urges the Commission to approve ATXI's Alternate Route for the Mt. Zion to Kansas segment. This is ATXI's Rebuttal Recommended Route.

PDM further urges the Commission to reject MCPO's competing route and the ATXI-MCPO stipulation to support that route.

## Summary

ATXI's Alternate Route was developed through a lengthy and public process. ATXI testified that this was the least-cost route, taking all factors into account. ICC staff also testified this was the best route. A group of Moultrie County landowners (MCPO) proposed an alternate route which detours up and over Moultrie County, a route that is longer and more expensive. As the case caption itself makes clear, no suggestion was ever made to the public that the transmission line would be located in Piatt or Douglas Counties. Less than a week before trial, ATXI represented to the Commission in a brief that MCPO's competing route is "not viable." But one-half business day before trial, in a deal to silence MCPO's objections to the Mt. Zion substation, ATXI agreed to support MCPO's route.

The Commission should reject this stipulation and MCPO's inferior route, as it is neither supported by substantial evidence nor in the public interest.

The Commission should instead approve ATXI's alternate route, which all of ATXI's evidence supports.

### i. Length of the Line

**MCPO's Route Takes an Unnecessary Detour to the North.** The Kansas substation site is located more than 12 miles to the south of the proposed Mt. Zion substation site (R. p.770, 1.2).<sup>1</sup> Yet the MCPO route detours almost 4 miles to the north of the Mt. Zion substation in order to travel up and over the top of Moultrie County. MCPO witness James Dauphinais agreed that

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<sup>1</sup> All references in this brief to the hearing transcript record are noted as "R" followed by the page and line.

the MCPO route takes “a detour to the north” (R. p.580, 1.7-10). This is done for no reason other than to achieve “geographical diversity,” which is MCPO’s euphemism for someplace other than Moultrie County. ATXI’s routing expert Donell Murphy testified that the land use and geography of Piatt and Douglas Counties is no different than Moultrie County (ATXI Ex. 13.0, p.53, 1.1149). She stated that MCPO’s argument that there was a need for geographical diversity has no merit (R. p.767, 1.16-20). Thus, to avoid Moultrie County, the MCPO route travels 4 miles north and then 4 miles back south before it can even begin to traverse the 12-plus mile distance that the Kansas substation lies to the south of the Mt. Zion substation (see R. p.604, 1.7-13).

Dennis Kramer, Ameren’s Manager of Transmission Planning, testified that MCPO’s route was “primarily driven by a need to find a planning rationale to eliminate any route from traversing Moultrie County” (ATXI Ex. 11.0, p.12, 1.266). MCPO witness James Dauphinais testified that his instructions were to look “beyond Moultrie County” (R. p.558, 1.10).

MCPO Corrected Ex. 2.2 is a detailed route map for MCPO’s route. Pages 2 and 3 of that exhibit show how MCPO’s route, just west of Moultrie County’s western border, takes a turn northward for almost 4 miles to get the route up about 1 mile north of Moultrie County’s northern border. Pages 3 to 8 show how MCPO’s route then heads east, remaining just north of Moultrie County’s northern border. At the very eastern edge of Moultrie County, the route then steps back to the south, just nicking the very northeast corner of Moultrie County (page 8). Once MCPO’s route is past Moultrie County, it immediately steps down and runs along the south side of US Rt. 36 (R. p.610, 1.18-22, p.611, 1.1-2). The “rationale” of MCPO’s design, as noted by Mr. Kramer, could not be more obvious.

**ATXI's Route is Shorter than MCPO's Route.** MCPO's route is 69.2 miles, according to MCPO (R. p.560, 1.13-15; p.573, 1.8-9). ATXI's rebuttal recommended route is 3 miles shorter, at 66.4 miles (ATXI Ex. 4.5, p.1). Donell Murphy confirmed in her testimony that ATXI's alternate route is shorter than MCPO's route (R. p.771, 1.9-11).

Mr. Dauphinais calculated the distances for all of the route combinations from Pana to Mt. Zion to Kansas (MCPO Ex. 1.4, p.2). He testified (and his exhibit shows) that the shortest route combination uses the ATXI primary route from Pana to Mt. Zion, and the ATXI alternate route from Mt. Zion to Kansas, for a total of 101.8 miles (R. p.564, 1.6-21). This shortest route combination is ATXI's rebuttal recommended route for these two segments (R. p.565, 1.1-4). The ATXI-MCPO stipulated route combination, on the other hand, is a total of 104.6 miles. The ATXI-MCPO stipulation falsely states that the stipulated route is shorter (see Stipulation Ex. 7, par.6b). Mr. Dauphinais agreed the stipulation is "in disagreement with my MCPO Ex. 1.4" (R. p.564, 1.6-7).

## **ii. Difficulty and Cost of Construction**

**ATXI's Route is Less Expensive than MCPO's Route.** Donell Murphy, ATXI's routing expert, testified that ATXI's routes "for that portion of the project are the only viable routes" (R. p.760, 1.15-16). ATXI's alternate route, the rebuttal recommended route, provides "for the least cost outcomes taking all factors into account" (R. p.762, 1.5-7). Ms. Murphy testified that ATXI "is confident of its assessment of this route" (R. p.774, 1.8-9). MCPO's route has a mean cost estimate of \$150.6 million, according to MCPO (R. p.560, 1.17-19). This is based on Mr. Dauphinais' calculations, which are summarized on MCPO Ex. 1.4,

p.1). That exhibit shows a “base” cost for the MCPO route of \$129.1 million. The ATXI rebuttal recommended route has a base cost estimate of \$128.0 million, according to ATXI’s witness Jerry Murbarger (ATXI Ex. 16.1).<sup>2</sup> ICC Staff witness Greg Rockrohr also testified that “the ATXI alternate route would result in the lowest cost” (ICC Staff Ex. 1.0R, p.46, 1.965-66).

**ATXI’s Route has Fewer Severe Turns than MCPO’s Route.** Ms. Murphy testified that she counted 24 visible turns in ATXI’s rebuttal recommended route (R. p.773, 1.17), and each of these is plainly visible on ATXI Exhibit 13.1, p.7. MCPO’s route has 29 visible turns, and each of these is plainly visible on MCPO Corrected Ex. 2.2. Mr. Dauphinais confirmed the MCPO route has 29 of the “more severe turns” (R. p.574, 1.9). This validates Mr. Rockrohr’s testimony - he stated MCPO’s route “would require more dead-end structures than ATXI’s alternate route” (ICC Staff Ex. 1.0R, p.46, 1.967-68). Mr. Rockrohr testified that these structures, which are used for major turns, cost more than three times as much as straight-line structures (Id., Attachment H, p.2). The Commission should also note that of these 29 severe turns on MCPO’s route, 24 of them are located in the unnecessary northern detour; that is, all north of the Mt. Zion substation.

**ATXI Admits its Route is Better than MCPO’s.** The Stipulation requires ATXI to henceforth “indicate . . . that the Stipulated Route is a viable route” (Stipulation Ex. 7, par. 7).

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<sup>2</sup> Mr. Murbarger estimated a lower cost for MCPO’s route than did MCPO’s witness, but Mr. Murbarger clarified in his testimony that whereas his base cost estimates for ATXI’s routes were based on “actual material cost, labor cost, engineering cost, real estate cost and environmental cost” (R. p.355, 1.22 - p.356, 1.2), his estimates for intervenor routes were just “based on mileage” with “no other analyses” (R. p.368, 1.15-16). Obviously, if Mr. Murbarger evaluated ATXI’s rebuttal recommended route simply “based on mileage,” he would have estimated it at a substantially lower cost than MCPO’s route, because it is almost 3 miles shorter than MCPO’s route.

This of course is flatly contrary to ATXI's own direct testimony and the representations it has previously made to the Commission. ATXI asked for, and got, strong testimony from its routing expert Donell Murphy that MCPO's competing route is "not viable" (ATXI Ex. 13.0C (2d Rev.), p.53, l.1143-50; R. p.769, l.4-6). ATXI filed a brief on May 7 in this proceeding, arguing that more time to evaluate intervenor routes was unnecessary because only three of them were significant, and those three were "not viable" (ATXI brief filed May 7, p.6-7). Now ATXI asks the Commission to adopt one of those routes!

Under Illinois Supreme Court Rule 137, ATXI's filing of its brief on May 7 constituted "a certificate . . . that to the best of [ATXI's] knowledge, information and belief formed after reasonable inquiry it is well grounded in fact." ATXI cannot now assert that MCPO's route is "viable," when it just represented to the Commission that the opposite was true.

Webster's Dictionary confirms what we all know, that "viable" means "capable of working, functioning.. ." *Webster's New Collegiate Dictionary*. "Not viable" means incapable of working or functioning.

ATXI felt no need to clarify the meaning of "viable" when it obtained Ms. Murphy's testimony, nor when it filed its brief on May 7. Only after ATXI made its stipulation with MCPO did ATXI attempt to have Ms. Murphy re-define viable in something less than plain English - viable now means "whether or not they provide any net direction impacts relative to ATXI routes" (R. p.933, l.1-7).

ATXI can obfuscate the meaning of viable, but it can't dispute that its own alternate route is better than MCPO's. All of the direct testimony ATXI submitted at trial supports its alternate route. Donell Murphy's testimony is: "The Rebuttal Recommended Route is the best viable

option for this portion of the Project” (ATXI Ex. 13.0C (2d Rev.) p.56, l.1213). And while the stipulation restrains ATXI from saying so, ATXI has never retracted or changed the evidence it submitted showing that its own alternate route is better than MCPO’s. This Commission should reject the stipulation and MCPO’s route; in doing so, the public will be better served, and ATXI will get the route it actually prefers.

**The ATXI - MCPO Stipulation Does Not Serve the Public Interest.** Stipulation Ex. 7 gives MCPO a route outside of Moultrie County in exchange for dropping its opposition to the Mt. Zion substation. In doing so, it makes one thing clear - the only reason MCPO objected to the Mt. Zion substation was to get the transmission line out of Moultrie County. It is reasonably self-evident that “Moultrie County property owners” would have little interest in whether the residents of Macon County need a substation. What interested MCPO was the fact that elimination of the substation would likely mean a direct route from Pana to Kansas below (outside of) Moultrie County. The stipulation with ATXI serves the same purpose - it gets the line outside of Moultrie County. This stipulation has nothing to do with the merits of the Mt. Zion substation, and it has nothing to do with the merits of MCPO’s route versus ATXI’s route. It simply eliminates MCPO’s opposition to the Mt. Zion substation in exchange for ATXI’s support of MCPO’s route outside Moultrie County. While the stipulation may promote those two private interests, it does not promote the public interest. Routes should be evaluated on their merits - their viability. If the Commission approves the stipulation, we’ll have a route that both ATXI and ICC staff admit is inferior.

ATXI’s entire route structure is based on the thorough work and testimony of its witnesses. ATXI seeks the Commission’s approval of this project based entirely on that

testimony. Therefore, ATXI should not be at liberty to ask the Commission to accept its testimony with regard to all other segments of the line, but disregard its testimony on the Mt. Zion to Kansas segment. On no other segment of the transmission line has ATXI asked the Commission to disregard all of its own routing analysis and reject its entire rebuttal recommended route in favor of another route that it has testified is “not viable.”

Notwithstanding ATXI’s present “stipulated” position, all of ATXI’s substantial evidence supports ATXI’s alternate route - its rebuttal recommended route. The Commission cannot find that MCPO’s route is supported by substantial evidence in the record (220 ILCS 5/10-201(e)(iv)(A)) when all of ATXI’s evidence supports its rebuttal recommended route. See, *People for the Public Interest v. ICC*, 136 Ill.2d 192, 227 (1989), where the Illinois Supreme Court held that the Commission committed reversible error in disregarding the evidence and instead relying on a settlement between some of the parties. ATXI cannot submit all of its evidence in support of one route and then ask the Commission to approve a different route.

### **iii. Difficulty and Cost of Operation and Maintenance**

ATXI witness Jeffrey Hackman is Ameren’s Director of Transmission Operations (ATXI Ex. 12.0, p.1, 1.9-10). He testified at length about “paralleling” existing transmission line rights of way (see ATXI Ex. 12.0, beginning at p.4, 1.68). Mr. Hackman testified that not only does paralleling not necessarily reduce the cost of land acquisition (Id., p.4, 1.75) nor the cost of construction (Id., p.5, 1.98), paralleling also does not reduce operation and maintenance expenses (Id., p.5, 1.106). He testified that with paralleling lines, maintenance of either line may require both lines to be taken out of service due to their proximity (Id.). Mr. Hackman testified that

paralleling is “undesirable from an operations perspective” for this reason, and having two lines down risks the reliability of the system at large (Id., p.6, 1.116). He also noted that adjoining rights of way are susceptible to common-mode failures, such as weather events (Id., 1.117-19; p.7, 1.139-48). For all of these reasons, presumably, ATXI chose not to parallel its primary and alternate routes with existing transmission lines in Douglas and Coles Counties. MCPO, on the other hand, specifically designed its route to “closely parallel an existing AIC 138 kV and then a 345 kV transmission line corridor to reach Kansas substation” (MCPO Ex. 1.0, p.10, 1.183-84). Accordingly, from an operations perspective, ATXI’s rebuttal recommended route is a better route than MCPO’s.

#### **iv. Environmental Impacts**

Donell Murphy testified that MCPO’s route was developed on an analysis of only 6 to 8 routing criteria, whereas ATXI’s route analysis incorporated 32 routing considerations (R. p.763, 1.4-7). In addition, MCPO subjectively ranked their criteria, whereas ATXI did not (R. p.763, 1.14-16). These were just two of five reasons Donell Murphy, ATXI’s routing expert, gave in support of her opinion that the MCPO route is not viable.

PDM witness Howard Kamm testified by affidavit that MCPO’s route will (a) cut through a black walnut grove he planted 25 years ago, (b) cut through a native American site registered with the University of Illinois Archeological Survey that has yielded many artifacts over the years, (c) pass just three miles north of Arthur, Illinois, a well-known Amish community and major tourist destination, and (d) require the clearing of forest areas in the floodplain of the Lake Fork River (PDM Ex. 2).

**v. Impacts on Historical Resources**

As just noted, Mr. Kamm testified that MCPO's route will cut through a native American site registered with the University of Illinois Archeological Survey that has yielded many artifacts over the years, and will also pass just three miles north of Arthur, Illinois, a well-known Amish community and major tourist destination (PDM Ex. 2). These concerns would be eliminated by approval of ATXI's rebuttal recommended route, which ATXI has testified is the best route, "taking all factors into account" (R. p.762, 1.5-7).

**vi. Social and Land Use Impacts**

**MCPO's Route will Interfere with the Tuscola Airport.** Donell Murphy testified that MCPO's route may interfere with aviation activities at the Tuscola airport (R. p.768, 1.5-8). Dave Hrupsa, the owner of the Tuscola airport, testified by affidavit that the Tuscola airport is used by private aircraft owners, crop dusters, and students in the University of Illinois aviation program (PDM Ex. 3 p.1). The airport is listed on FAA sectional charts so pilots who encounter emergencies in flight can land there (Id.). MCPO's route is located just 2070 feet south of the Tuscola airport runway (R. p.616, 1.8-14). Mr. Hrupsa testified that the transmission line so located would be "directly in the path of the airport's standard left-hand approach pattern," shown on Exhibit A to his affidavit (PDM Ex. 3, p.2).

MCPO witness Rudolph Reinecke testified that he sent an email to MCPO's attorney (PDM Cross Exhibit 1.0) stating that the proposed MCPO route ran 2000 feet south of the Tuscola airport runway and this was an "issue that would have to be worked around" (R. p.616,

1.5-7). Yet as Mr. Reinecke confirmed at trial, the route was never moved further away from the runway (R. p.616, 1.8-14).

**MCPO's Route Indiscriminately Cuts Through Prime Farm Parcels.** It is undisputed in the record that MCPO's route cuts through more cultivated crop acres than ATXI's alternate route. ATXI Ex. 4.5, p.1 shows that its alternate route has 3374.3 cultivated crop acres in the 500-foot corridor. MCPO Ex. 2.3, p.1 shows that MCPO's route has 3812.7 cultivated crop acres in the 500-foot corridor. This difference of 438 acres within the the 500-foot corridor equates to a required taking of an additional 132 acres within the 150-foot easement area. Thus, 132 more acres of valuable farmland must be taken simply to keep the line outside of Moultrie County.

ATXI has signed a Mitigation Agreement with the Illinois Department of Agriculture which requires ATXI to minimize the placement of transmission line support poles on cropland (ATXI Ex. 5.2, p.3, par. 1(B)). ATXI cannot meet its obligations under this agreement where the MCPO route it now supports:

- is 3 miles longer than its rebuttal recommended route (see p.3 above);
- cuts across many more acres of cultivated cropland (see preceding paragraph);
- does not follow roads but instead cuts straight across farm parcels (of the 20-page detailed MCPO route map (MCPO Corrected Ex. 2.2), there are examples of this on every single page except page 15);
- uses a large number of dead-end turns placed in the middle of farm parcels (see MCPO Corrected Ex. 2.2, p.1 (1 such example), p. 2 (2 such examples), p.6 (2 such examples, both on the same farm parcel), p.8 (4 such examples), p.10 (2 such examples, both on the same farm parcel), p.13 (1 such example), p.14 (3 such examples), p.19 (1 such example)).

Since ATXI has entered into this agreement with the Department of Agriculture, and placed the agreement in evidence (as the agreement requires it to do), the Commission should require ATXI to follow the agreement.

PDM witness Mary Burns testified by affidavit that MCPO's route "cuts across my farmland . . . with no regard for section lines, property lines, or farming practices as these relate to individual parcels" (PDM Ex. 1, p.2). She testified that the southernmost portions of Piatt County offer some of the region's best farms (Id., p.3). According to ATXI, prime farmland is a "high sensitivity" factor, one of only 6 of their 32 impact factors (ATXI Ex. 4.3, Appendix C, Part 8, p.3). The results of ATXI's public process showed that "agricultural uses" were overwhelmingly the "most sensitive area" in the public's mind (Id., p.5). The public also overwhelmingly prefers that the line be routed along roads (Id., p.6), a preference MCPO simply ignores as it cuts a swath across Piatt and Douglas County farmland.

Ms. Burns also noted that adding the transmission line to her property would make aerial crop dusting almost impossible because of two other existing transmission lines in the immediate vicinity (Id., p.4). Based on MCPO's refined route, the new line would be located parallel to and less than 660 feet from an existing line, and crop dusters would have to fly over one and under the other (Id.).

**vii. Number of Affected Landowners; Proximity to Homes and Structures**

MCPO witness Rudolph Reinecke, who designed MCPO's route, testified that he did not know how many parcels of land his easement area affected (R. p.616, 1.20-22). He testified he didn't think anybody would know that at this point (Id., 1.5-8). He did not know how many

landowners are affected by the easement area for MCPO's route (R. p.617, 1.9-12). Compare that to Donell Murphy's testimony; she testified that ATXI early on identified every individual landowner affected by either of their proposed routes and personally invited them to participate in the public meeting process (R. p.766, 1.10-14).

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

MCPO witness Rudolph Reinecke could not even identify by name the towns on his route map along US Rt. 36 on the Piatt-Moultrie border. When asked if he could name LaPlace, he stated "Not off the top of my head" (R. p.608, 1.10). When asked if he could name Hammond, he stated, "I believe it's Atwood" (R. p.609, 1.11). When asked if he could name Pierson Station, he stated, "I believe that to be Atwood" (R. p.610, 1.5). Then, when shown Atwood on his map and asked if he knew the name of that town, he stated, "No, I do not" (R. p.610, 1.16).

**MCPO's Route Adversely Affects the Towns on US Rt. 36.** Mr. Reinecke testified that MCPO's route runs approximately one mile north of the Moultrie County line for the entire width of Moultrie County (R. p.602, 1.5-9). The route therefore runs parallel to US Route 36, which forms the boundary between Moultrie and Piatt Counties (R. p.605, 1.1-4). MCPO's route runs past all of the following towns on the US Rt. 36, every one of which is located either entirely or predominantly on the north side of US 36: Casner (R. p.607, 1.19-22, p. 608, 1.5-6), La Place (R. p.608, 1.12-18), Hammond (R. p.609, 1.13-19), Pierson Station (R. p.610, 1.6-11), Atwood (R. p.610, 1.14-20), Garrett (R. p.612, 1.2-8), and Tuscola (R. p.612, 1.15-21). Although Mr. Reinecke was unable to identify any of these towns by name other than Tuscola, he did

confirm that 100% of the towns on US Rt. 36 from Macon to Douglas Counties are located primarily on the north side of the road (R. p.611, 1.3-7).

Mr. Reinecke admitted that he studied a route which ran about 1 mile south of US Rt. 36 in Moultrie County (and therefore would have been more distant from the centers of all of these towns), and emailed MCPO's attorney on Dec. 19, 2012, to tell him that this south-side route inside Moultrie County appeared to be a better route (R. p.613, 1.11-19). This email was admitted into evidence as PDM Cross Exhibit 1.0 (R. p.618, 1.4-5). However, MCPO never submitted an alternate route running south of US Rt. 36 in Moultrie County.<sup>3</sup>

The evidence shows that the MCPO's route was not motivated by a concern for existing developments; it was motivated by a desire to keep the line outside of Moultrie County notwithstanding the presence of several towns in southern Piatt County and western Douglas County.

#### **ix. Community Acceptance**

Donell Murphy testified that MCPO's route "does not fairly reflect public input" (R. p.765, 1.6-8). Ms. Murphy noted that ATXI mailed individual notices to landowners affected by its routes inviting them to participate in the public process, whereas MCPO did not engage in any public process (R. p.765, 1.20-22; p. 766, 1.10-13). MCPO witness James Dauphinais confirmed that MCPO did not hold any public meetings (R. p.580, 1.17-18).

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<sup>3</sup> MCPO did file such a route on December 31, the deadline for filing intervenor routes, but quickly withdrew it, claiming it was filed in error. MCPO's "corrected" route was filed January 2. PDM renews its request that the Commission strike MCPO's alternate route as too ill-defined and untimely filed, and incorporates herein its previously filed motion of April 19.

On May 10, ATXI and MCPO filed their stipulation to support MCPO's route. Just three days earlier on May 7, ATXI represented to the Commission that this route was "not viable." In doing so, it urged the Commission not to "set aside the public input and planning process which has been ongoing for a year and a half" (ATXI brief filed May 7, p.3). Yet that is exactly what ATXI now asks the Commission to do for the Mt. Zion to Kansas segment - approve a route for which there was no public meetings or input.

It is evident from the case caption itself that it was never contemplated that the line would be located in Piatt or Douglas Counties. When contacted by the ICC, residents of those counties would have had no reason to make any further inquiry than the caption itself, understanding that this entire proceeding involved 18 Illinois counties, but not Piatt or Douglas. And since ATXI didn't even develop study routes in Piatt or Douglas Counties (see ATXI Ex. 4.6, Part 8), no resident of either county would have received a written invitation to participate in the public process.

Indeed, the public was made aware that a line was being proposed from Mt. Zion to Kansas (which lies more than 12 miles to the south of Mt. Zion), and that the ATXI study area extended southeasterly from Mt. Zion to Kansas directly through Moultrie County, and that ATXI's two proposed routes ran southeasterly from Mt. Zion to Kansas directly through Moultrie County. The Commission cannot have any assurance that the residents of Piatt and Douglas Counties were even aware the Commission would consider a route through their counties. No finding of community acceptance can be made for such a detour route, the only purpose of which is to keep the route outside of Moultrie County.

On no other segment of the transmission line has ATXI cast aside its entire routing proposal in favor of an intervenor's route. ATXI and MCPO now propose, for this entire 60-plus mile segment, that the Commission:

- disregard all of the public process,
- disregard all of ATXI's research, expertise, and testimony,
- disregard ATXI's "rebuttal recommended route,"
- disregard the Commission's own staff testimony and recommendation,

and instead approve a longer and more expensive route. In so doing, ATXI throws not just Piatt and Douglas County residents under the bus, but its own credibility as well. ATXI and MCPO have rather shamelessly trampled the public interest in pursuit of their own private interests. All this so ATXI can avoid having to defend its proposed Mt. Zion substation. A route outside of Moultrie County is now "viable" to ATXI only because of the stipulation; the stipulation exists only because MCPO raised objections to the substation; and the objections to the substation were raised only to get the line outside of Moultrie County.<sup>4</sup> The public interest factors nowhere in this equation. The Commission can and should put a stop to this. It is inconceivable that the stipulation could be deemed acceptable to the central Illinois community.

On February 22, 2013, the Piatt County Board passed a resolution stating its opposition to the MCPO route (this resolution is attached as Exhibit B to PDM Ex. 1). On May 15, 2013, the

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<sup>4</sup> That MCPO would toss aside their substation objections in order to get the line outside of Moultrie County makes the purpose of the objections reasonably self-evident. See also, MISO Ex. 2.0, p.8, l.145-49, where Jeffrey Webb, MISO's Senior Director of Expansion Planning, testified that MCPO "attempts to re-engineer a high voltage transmission line by litigation rather than by means of the extensive, transparent and collaborative process . . . that was used to develop the Illinois Rivers Project."

Douglas County Board also passed a resolution stating its opposition to any route passing through Douglas County (the Commission can take judicial notice of such resolution as it was posted as a public comment on May 18 by Bibby Appleby, a member of that Board).

#### **xi. Presence of Existing Corridors**

ATXI's public process demonstrated that the public has an overwhelming preference for the line to be routed along roads (57%), followed by property and section lines (34%), with only 9% of preference for all other types of linear features (ATXI Ex. 4.3, Appendix C, Part 8, p.6).

MCPO's route simply ignores these preferences as it bisects parcel after parcel of farmland. PDM witness Mary Burns testified that MCPO's route "cuts across my farmland . . . with no regard for section lines, property lines, or farming practices as these relate to individual parcels" (PDM Ex. 1, p.2).

As noted above in section iii, Ameren's Director of Transmission Operations Jeffrey Hackman testified at length that paralleling the route with existing transmission lines "should only be used in very limited circumstances" (ATXI Ex. 12.0, p.10, 1.199-200). ATXI considers such paralleling opportunities, and proposes them as part of its recommended routes where appropriate (Id., p.9, 1.171-75). "But the fact that ATXI has proposed paralleling in appropriate circumstances does not mean that every paralleling opportunity should be used" (Id., 1.175-77).

MCPO's route is inconsistent with these principles, because at the Kansas end of the segment it "closely parallels an existing AIC 138 kV and then a 345 kV transmission line corridor to reach Kansas substation" (MCPO Ex. 1.0, p.10, 1.183-84). MCPO Corrected Ex. 2.2 at pages 16-20 very clearly show how MCPO's route runs immediately adjacent to these other

transmission lines for a distance of some 15 miles, and in three cases (p.16, p.18, p.20) where the route crosses over one or the other of the two lines. In selecting its primary and alternate routes to Kansas, ATXI chose not to parallel these existing lines, except for a very short distance adjacent to the Kansas substation.

MCPO's route design philosophy is completely contrary to ATXI's. In contrast to Mr. Hackman's testimony that paralleling existing transmission lines should only be done in "very limited circumstances" (see above), MCPO witness James Dauphinais testified that the third most important factor in routing was "minimization of length not parallel to existing known transmission lines" (MCPO Ex. 1.0, p.14, 1.282).

### **Conclusion**

All of ATXI's evidence supports its rebuttal recommended route for the Mt. Zion to Kansas segment. None of ATXI's evidence supports MCPO's competing route; indeed, ATXI both testified and represented in a brief to the Commission that MCPO's route is not viable.

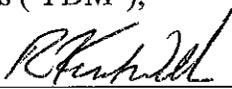
MCPO's route is longer and more expensive because it was designed for one overarching purpose - to go around Moultrie County instead of through Moultrie County. It was developed without any public input. ATXI has cast its support to the MCPO route only to avoid opposition to the Mt. Zion substation, opposition that was interposed by MCPO for that same overarching purpose. ATXI's stipulation with MCPO neither strengthens nor lessens the need for the Mt. Zion substation; it resolves nothing in that regard. Likewise, the stipulation to support MCPO's longer and more expensive route defeats rather than promotes the public interest.

It is incomprehensible that a party can submit all of its evidence in support of one route but then ask the Commission to approve a different route.

The Commission should approve ATXI's rebuttal recommended route for the Mt. Zion to Kansas segment, and reject the MCPO route and stipulation.

Respectfully submitted,

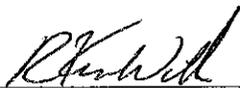
Coalition of Property Owners and Interested Parties in Piatt, Douglas, and Moultrie Counties ("PDM"),

By  \_\_\_\_\_  
One of Its Attorneys

R. Kurt Wilke - 06190769  
Brittany Kink Toigo - 06306334  
Barber, Segatto, Hoffee, Wilke & Cate  
831 E. Monroe, P.O. Box 79  
Springfield, IL 62705-0079  
(217) 544-4868  
(217) 544-5225 - fax  
wilke@barberlaw.com  
bk@barberlaw.com  
218638

#### CERTIFICATE OF SERVICE

The undersigned, an attorney licensed to practice in the State of Illinois, hereby certifies that a copy of the foregoing instrument was filed and electronically served upon the individuals identified in the Illinois Commerce Commission's official service list for Docket No. 12-0598 on the 3<sup>rd</sup> day of June, 2013.

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