

There was evidence submitted in this docket that the hum of the transmission lines will create undue stress on cattle, thereby decreasing their daily weight gain, which will lead to lower profits and higher costs of feed inputs. See Direct Testimony of Ginger Durbin, Ins. 40-48. Moreover, transmission lines produce “stray voltage,” which causes a low level electrical shock to animals in confined areas. *Id.* at 54-57. Stray voltage from transmission lines may reduce water and feed intake, thereby reducing daily weight gain, and thereby negatively affecting the dairy barn’s operations. *Id.* at 56-58.

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

ATXI argues that ACPO’s Alternative #1 Route is an undesirable choice for the Transmission Line because it would require the displacement of at least six (6) assumed<sup>3</sup> residences, six (6) more than ATXI’s Recommended Rebuttal Route. Cross Examination of Donell Murphy, p. 749. However, Ms. Murphy also testified to the fact that the proposed route is a guideline and that ATXI engineers will have the ability to finalize the placement of the route so that it can potentially avoid displacement. *Id.* at 750. More importantly, since it is very possible to avoid the displacement of the assumed occupied residence utilizing ACPO’s Alternative #1. Therefore, ATXI’s aversion to ACPO’s Alternative #1 Route remains unexplained. See Table 3.

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<sup>3</sup> ATXI assumed that all structures resembling residences were occupied. However, ATXI did not confirm these assumptions. Cross Examination of Donell Murphy, May 16, 2013, p. 753.

TABLE 3

	<b>ATXI's Primary Route</b>	<b>ATXI's Alternate Route</b>	<b>Hybrid/Rebu ttal Rec. Route</b>	<b>ACPO's Alternative 1</b>
<b>Assumed Occupied Structures within 0-75 Feet<sup>4</sup></b>	0	Not Calculated	Not Calculated	6
<b>Assumed Occupied Structures within 75-150 Feet</b>	6	Not Calculated	Not Calculated	3

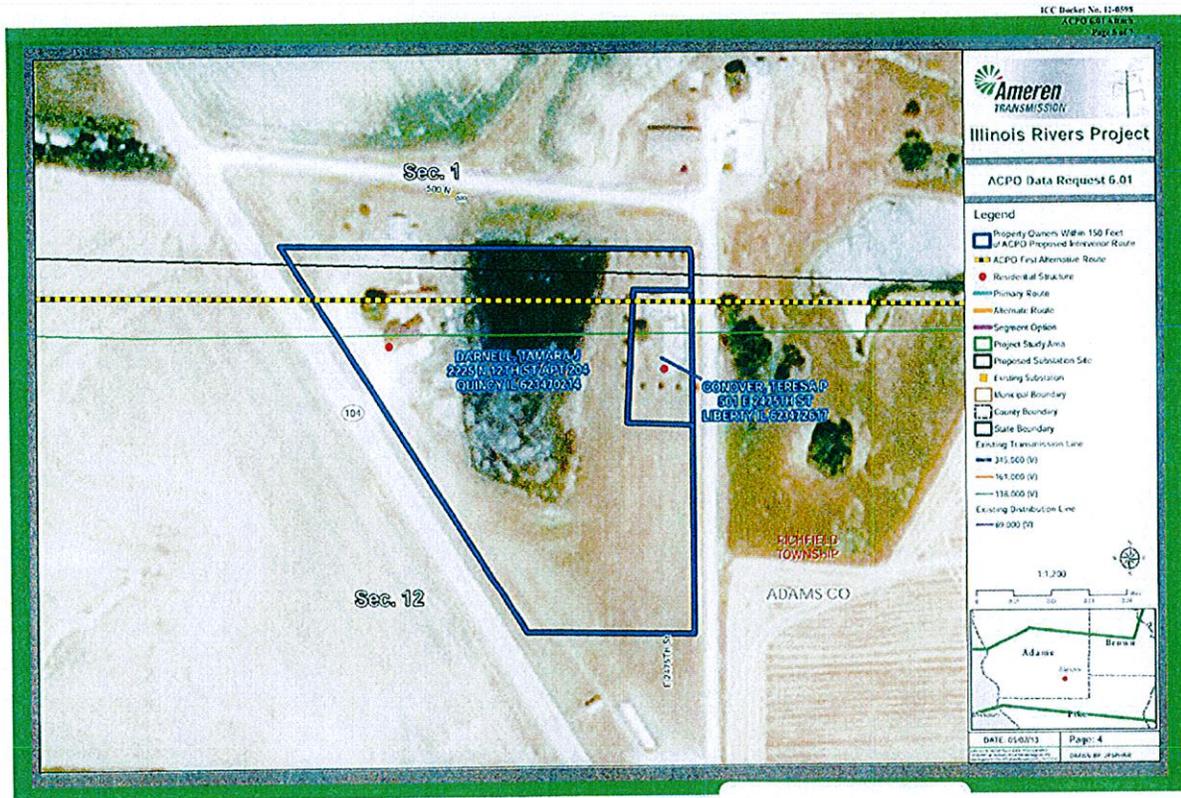
Ms. Murphy's testimony regarding the impact on existing structures lacks credibility for several reasons. First, Ms. Murphy testified that the ACPO Alternate Route No. 1 will place an additional eight residences within 150-feet of the centerline, two of which will be within 75-feet of the centerline. See Exhibit 13.0 (Rev), p. 16, lns. 329-407.

On cross-examination, however, Ms. Murphy admitted that she did not confirm that the dwellings that she referred to as being displaced were occupied. See Murphy Cross-Examination, p. 753, lns 9-15.

Moreover, Ms. Murphy could not state with any accuracy where the existing 138kV transmission line or the ACPO proposed transmission line are indeed located. For example, Ms. Murphy stated that the alleged residence shown on ACPO Cross-Exhibit 9 would be displaced.

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<sup>4</sup> Response to ACPO Data Request 6.06, Attachment 1, Prepared by Donell Murphy.



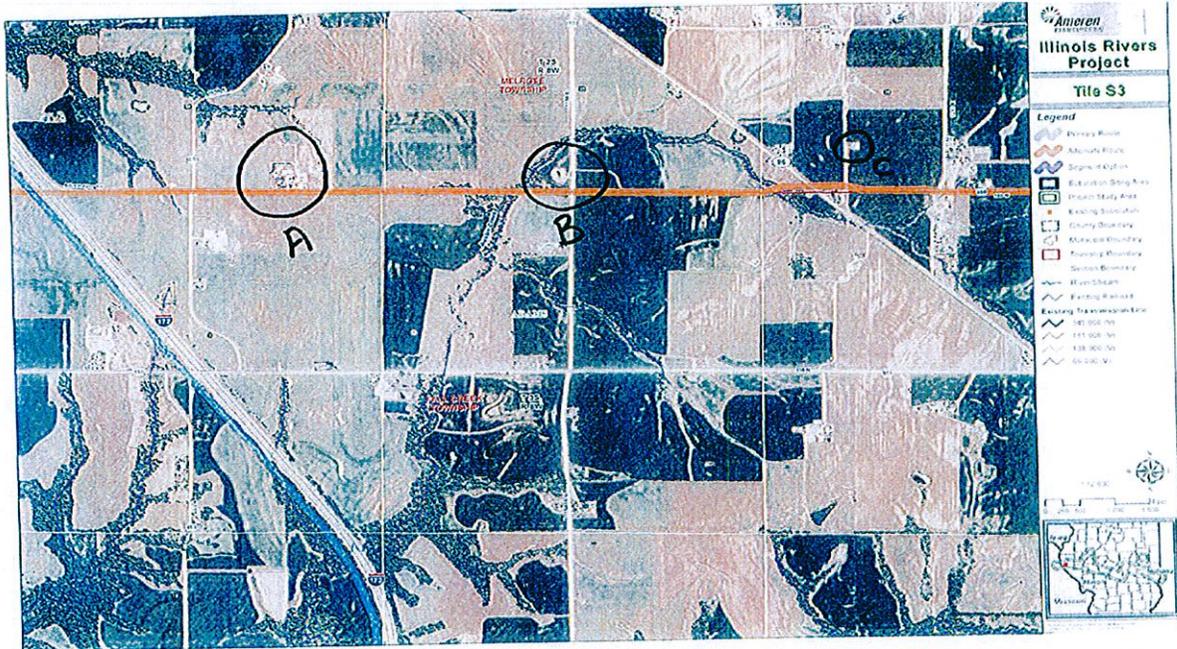
ACPO Murphy Cross Exhibit 9

The green line shown in ACPO Cross-Exhibit 9 represents the existing 138kV line. The existing 138kV line is shown going over the alleged house. Ms. Murphy testified that she could “not attest to the accuracy of where that existing line actually occurs.” Murphy Cross-Examination, p. 751, lns 15-18. The same is true with the alleged residence impacted in Murphy Cross-Examination 8. Ms. Murphy stated, “And looking at the particular map, it appears that that green line goes right over the top of homes, but there very well...that line is likely not in that exact location. I couldn’t tell you for sure.” Cross-Examination of Murphy, p. 752, lns. 8-12. If Ms. Murphy cannot attest to, or “be sure” about, the accuracy of where the existing 138kV line occurs, then it follows that she cannot testify where the ACPO Alternate Route 1 occurs in relation to existing structures since the two lines are proposed to run parallel to each other.

Indeed, when asked whether her maps may not accurately depict where the ACPO Alternate Route #1 was located, she stated, “[w]ell right, right, because the route has not been approved or assigned.” *Id.*, lns. 16-19.

Based on ATXI’s position regarding its advocacy of its routes, we know two things. First, if a route it proposes is too close to an Interveners’ property, then ATXI will take the position that the route is not finalized and changes may be made to accommodate the property owner. See Cross Examination of Murbarger, pg. 349, lns 2-9 (“We are flexible in our line location. So we can work—work a little better on that.”). Second, If ATXI is dissatisfied with an Interveners’ proposed route, ATXI will take the position that the proposed route will have a negative impact on existing structures, as Ms. Murphy did with ACPO Alternative Route #1. Mr. Murbarger testified that he did not know how close the transmission lines were to the dairy barn (p. 350, ln.3) and Ms. Murphy testified that she did not know how close the ACPO Alternate Route #1 was to existing structures. Given the foregoing, the Commission should not give any credibility to ATXI’s analysis of any transmission lines to any structures. ATXI simply does not know.

While ATXI cannot attest with any accuracy where the ACPO Alternate Route 1 will run in relation to existing structures, ACPO can attest with accuracy how close ATXI’s proposed Hybrid Route will run near the dairy barn and the Thomure residence. The below map was entered into evidence as Murphy Cross Exhibit 1.



ACPO Murphy Cross Exhibit 2

The Greg Edwards' dairy barn is reflected in the circle with the letter A and the Thomure residence is reflected in the circle with the letter B. The proposed Hybrid Route is 50 to 60 feet to the calf building and farm office. Greg Edwards testified that the lines will be literally on top of several existing structures on the property. *Id.* The proposed Hybrid Route will be approximately 230 feet from the Thomure's house. Direct Testimony of Katherine Thomure, Ex. 13.0, pg 2, lns. 34-40.

8. *Proximity to Existing and Planned Development.*

No comparison was made between the proximity to existing and planned developments of ATXI's Rebuttal Recommend Route and the ACPO's Alternative #1 Route. There is no reason to believe either would be preferable.

9. *Community Acceptance.*

Community acceptance is another factor used in the least-cost means analysis. In evaluating options for the Project's proposed routes, ATXI sought the opinions of community stakeholders and property owners in public meetings when considering the potential

Transmission Line. Cross Examination of Donell Murphy, May 16, 2013, p. 732. In these meetings, ATXI asked attendees to identify which factors, identified as “sensitivities,” were most concerning to them. ATXI Exhibit 4.3, p. 6. Of thirty-two (32) total sensitivities, stakeholders and property owners identified six (6) as high sensitivities (cemeteries, churches, existing drainage features, *prime farmland*, residential use area, and schools), twelve (12) as moderate sensitivities, and fourteen (14) as low sensitivities. *Id.* at 7. Furthermore, Donell Murphy testified that the public in potentially impacted communities would prefer the Transmission Line run along existing roadway and away from agricultural use areas. Cross Examination of Donell Murphy, p. 739. Given these aforementioned facts and that ACPO’s Alternative Route #1 avoids the acquisition of previously undisturbed farmland, utilization of ACPO’s Alternative Route #1 is preferable to that of ATXI’s Recommended Rebuttal Route.

10. *Visual Impact.*

The visual impact the Transmission Line will have on the communities through which it run is yet additional factor used in determining the least-cost means option for the Project. ATXI’s Rebuttal Recommend Route proposes to acquire and run through prime farmland, which will undoubtedly negatively impact the visual landscape of the properties. However, the majority of ACPO’s Alternative #1 Route runs along the existing 138 kV Line, which would dramatically decrease, if not virtually eliminate, the esthetic impact of the Transmission Line, since the proposed corridor has already been cleared and contains 138 kV Line. As such, ACPO’s Alternative #1 Route is clearly preferable when considering the Project’s visual impact, as ACPO’s route will merely require a widening of an existing rights of way and ATXI’s Recommended Rebuttal Route will require the acquisition of property presently used primarily, if not solely, for agricultural purposes.

11. *Presence of Existing Corridors.*

Another factor used in determining the least-cost means option with regard to existing corridors. ACPO's Alternative #1 Route runs along the already existing 138 kV Line, which will require only a widening of existing rights of way already owned by Ameren. *See* Exhibit 1, *supra*. However, ATXI's Rebuttal Recommend Route runs along section and property lines not currently used for non-agricultural purposes, which will require the acquisition of prime farmland.

In her cross examination, Donell Murphy explained that when considering routing options, it is advantageous to utilize "opportunities" that would allow like features to be placed by like features. May 16, 2013, p. 727-9. Ms. Murphy described that, as linear features, transmission lines are "more compatible for parallel co-location" near linear corridors, such as property, section and field lines or existing transmission line rights of way. *Id.* at 729. Further, Ms. Murphy indicated that the more similar the feature, the better the opportunity for placement, i.e. a transmission line is more like another transmission line than a property line, as such placement would be better suited parallel to the other transmission line. *Id.* at 731. Given that ACPO's Alternative #1 Route runs parallel to the existing 138 kV Line and that ATXI's Recommended Rebuttal Route runs along property and section lines, ACPO's route will be preferable to ATXI's using Ms. Murphy's analysis.

Moreover, the utilization of the existing corridor will not present any reliability issues. Mr. Rockrohr opined that he did not have electric reliability concerns "arising from the location of two transmission lines on parallel non-overlapping rights-of-way." Cross-Examination of Greg Rockrohr, p. 200, lns. 2-8. Two transmission lines on non-overlapping rights-of-way have the same amount of space or more between them as either line would have between any object.

V. MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS

ACPO have no reservations regarding ATXI's ability to adequately manage and supervise the construction process for the Project.

VI. FINANCING THE PROPOSED CONSTRUCTION

ACPO have no reservations regarding ATXI's ability to satisfactorily finance the Project.

VII. OTHER

ACPO have no other objections to ATXI's Recommended Rebuttal Route between Quincy and Meredosia other than the arguments heretofore outlined in this brief.

VIII. CONCLUSION

As the petitioner, ATXI has the burden of proof in establishing that its route meets the least-cost means standard. Despite ATXI's continued support for the use of route that involves the acquisition of prime farmland, it has not met its burden of proof to establish that its route meets the least-cost means standard. When evaluating the routes using the eleven (11) factors used by the Commission and Illinois courts, ATXI's Recommended Rebuttal Route is not preferred under any of the factors, as Table 4 illustrates.

TABLE 4

<u>Least-Cost Means Factor</u>	<u>Preferred Route</u>
1. Length of the Line	ACPO's Alternative Route 1
2. Difficulty and Cost of Construction	ACPO's Alternative Route 1
3. Difficulty and Cost of Operation and Maintenance	Neither
4. Environmental Impacts	Neither
5. Impacts on Historical Resources	Neither
6. Social and Land Use Impacts	ACPO's Alternative Route 1
7. Number of Affected Landowners and Other Stakeholders and Proximity to Homes and Other Structures	Neither
8. Proximity to Existing and Planned Development	Neither
9. Community Acceptance	ACPO's Alternative Route 1
10. Visual Impact	ACPO's Alternative Route 1
11. Presence of Existing Corridors	ACPO's Alternative Route 1

As stated above, the ACPO object to ATXI's Petition for the line segment running from Quincy to Meredosia, Illinois. If the Commission must grant the Petition, ACPO respectfully request the Commission adopt ACPO's Alternative #1 Route, the utilization of which will maximize the potential use of already existing transmission rights of way and avoid inconvenience to property owners whose land would be unnecessary sacrificed.



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