

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, Christian, Clark, Coles,)
Edgar, Fulton, Macon, Montgomery, Morgan,)
Moultrie, Pike, Sangamon, Schuyler, Scott and)
Shelby, Illinois.)

Docket No. 12-0598

CHIEF CLERK'S OFFICE

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ILLINOIS COMMERCE
COMMISSION

BRIEF OF THE RUHOLLS

Intervenor Steve Ruholl and Donna Ruholl (hereinafter referred to collectively as "The Ruholls"), pursuant to Section 200.800 of the Rules of Practice of the Illinois Commerce Commission ("Commission"), 83 Ill. Admin. Code 200.800, hereby submits their Initial Brief in the above-referenced proceeding.

I. INTRODUCTION

On November 7, 2012, Ameren Transmission Company of Illinois (hereinafter referred to as "ATXI"), pursuant to Section 8-406.1 of the Illinois Public Utilities Act (the "Act"), 220 ILCS 5/8-406.1, petitioned the Illinois Commerce Commission (the "Commission") for the issuance of a Certificate of Public Convenience and Necessity authorizing ATXI to construct, operate and maintain a new 345 kV electric transmission line and related facilities, including new or expanded substations, within portions of the State of Illinois.

The Ruholls own real property located along ATXI's proposed Alternate Route – Meredosia to Pawnee. They have a residence and a business located upon this real property. Because ATXI's petition might impact their residence and business, The Ruholls were interested

in the subject matter of this proceeding and therefore, participated in this proceeding as an intervenor.

II. REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY

Section 8-406.1(f) of the Act requires the Commission to grant the requested Certificate "if the Project will promote the public convenience and necessity" as determined by three criteria: (i) need for the project and least-cost means of satisfying those objectives; (ii) managerial, supervisory and technical capability; and (iii) financial capability. 220 ILCS 5/8-406.1 (f).

III. OVERALL NEED FOR THE PROPOSED FACILITIES

IV. LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES

D. Meredosia-Pawnee

The Ruholls adopt and support the position of Morgan, Sangamon, and Scott Counties Land Preservation Group (MSSCLPG) as set forth in the Testimony of Paul Bergschneider (MSSCLPG, Exhibit 1.0), previously filed herein on March 29, 2013. *See* MSSCLPG Exhibit 1.0. As noted by Paul Bergschneider, ICC staff also support constructing this segment parallel to the existing 138kV line as it would result in the shortest and lowest cost route. *See* Revised Direct Testimony of Greg Rockrohr, ICC Exhibit 1.0R, at 36.

1. Length of the Line: The Primary Route is approximately 68.9 miles and affects 258 landowners. It would require 1,244 acres of land and 486 real estate parcels. See ATXI Ex. 5.0, at 16-18 and ATXI Ex. 3.4 (3d Rev). The Alternate Route has a much greater impact as far as number of acres, landowners and real estate parcels impacted. The Alternate Route is approximately 75.6 miles and would require 1382 acres and 627 parcels. The Alternate Route affects 321 landowners. ATXI Ex. 5.0, at 16-18 and ATXI Ex. 3.4 (3d Rev). A “second alternative,” i.e., a route following the existing 138kV line from Meredosia to Pawnee, Illinois, as proposed by the Morgan and Sangamon County Landowners and Tenant Farmers (MSCLTF) in their Supplemental Identification of Alternate Route, filed on January 3, 2013, is approximately 57.3 miles. According to ICC staff, the Primary Route would have approximately 28 dead end structures, the Alternate Route would have 24 dead end structures, and the MSCLTF Second Alternative would have 14 dead end structures. See ICC Ex. 1.0R at 37.
2. Difficulty and Cost of Construction:

The Ruholls adopt and support the position of MORGAN, SANGAMON, AND SCOTT COUNTIES LAND PRESERVATION GROUP as set forth in their Cross Exhibit 2 as to the costs associated with the Primary Route, Alternate Route and MSCLTF Second Alternative. The Primary Route’s cost is \$129,077,000. The Alternate Route costs \$144,205,000. The MSCLTF Alt Route (existing 138kV line) costs \$107,423,000. The Alternate Route costs \$15,128,000 more than the Primary Route and \$36,782,000 more than the MSCLTF Second Alternative Route. The ATXI-FutureGen and ATXI-MSCLTF Stipulated Route – Meredosia to Pawnee route - is most expensive route at a cost of \$144,205,000 and will cost Ameren customers substantially more money than the second

alternative and the Primary Route. *See* MSSCLPG's Cross Exhibit 2 filed on May 16, 2013.

According to ATXI, between the Meredosia and Pawnee substations, there are more than twice the number of homes within 150-feet along the Alternate Route. Marginally less tree removal is anticipated along the Primary Route and the Primary Route is seven miles shorter than Alternate Route. Therefore, the Primary Route has a lower associated cost. ATXI's Ex. 4.3, at 17.

Furthermore, if ATXI's transmission line for this project parallels other transmission lines, ATXI testified that it will seek to acquire an overlapping easement so as to reduce the total easement width impacting the property -- ie: if ATXI has easements wider than 100 feet then ATXI will have overlapping easements and if less than 100 feet, then no. *See* Transcript filed on May 14, 2013, Jerry Murbarger, at 395-396. Furthermore, Mr. Murbarger testified that if it was possible to do an overlapping easement it would reduce the total easement width impacting a given property. *See* Transcript filed on May 14, 2013, Jerry Murbarger, at 396-397. It is also possible to have dual circuit tower structures and run a 138 kV line with a 345 kV line on the same pole. In fact, ATXI is proposing to design sections of IRP for joint utilization utilizing dual circuit structures. *See* ATXI Ex. 7.0 at 8 and Transcript filed on May 14, 2013, Jerry Murbarger, at 415-416. The new 346kV electric transmission line could co-exist with the existing 138kV line on the MSCLTF Alt Route and therefore, remains a viable route for the Meredosia to Pawnee segment.

The MSCLTF Alt Route (existing 138kV line) would also work to the satisfaction of FutureGen, another Intervenor in this case. FutureGen's witness, Mr. Humphreys was asked the following question: Do you agree that approval of the route identified as the "second

alternative” (currently utilized by the existing 138kV line from Meredosia to Pawnee, Illinois) at Paragraph 2 of the Morgan and Sangamon County Landowners and Tenant Farmers Supplemental Identification of Alternate Route, filed herein on January 3, 2013 would resolve any concerns FutureGen has with the location of the transmission line associated with the Illinois Rivers Project in substantially the same fashion as would ATXI’s proposed Alternate Route (including the portion referred to by ATXI as “Stipulated Route – Meredosia to Pawnee” and “Meredosia to Pawnee Rebuttal Alternate Route”)? Mr. Humphreys answered “Based on a preliminary analysis the “second alternative,” i.e., a route following the existing 138kV line from Meredosia to Pawnee, Illinois, as proposed by the Morgan and Sangamon County Landowners and Tenant Farmers in their Supplemental Identification of Alternate Route, filed on January 3, 2013, would substantially resolve the FutureGen Alliance’s concerns presented by the Primary Route proposed by ATXI in its application, i.e., that proposed route for the Illinois Rivers Project that would run along Beilschmidt Road in eastern Morgan County.” *See* MSSCLPG Cross Exhibit 1.

Constructing the Meredosia to Pawnee segment parallel to the existing 138 kV line would result in shortest and lowest cost route according to the testimony of the ICC staff. *See* Revised Direct Testimony of Greg Rockrohr, ICC Exhibit 1.0R, at 36. The Second Alternative (existing 138 kV line) results in the least construction and ongoing costs and also impacts the least number of properties aligned with the crossing. If the ICC should reject the Second Alternate (existing 138 kV line), the Primary Route should be the selected route. In ATXI’s petition, the proposed Primary Routes represented the best combination of engineering feasibility, cost, efficiency and mitigation of impacts on surrounding areas. *See* ATXI’s Petition, at 5.

FutureGen Alliance raised two objections to the Primary Route: 1) interference with FutureGen Alliance's construction schedule and 2) electromagnetic field (EMF) effects on the FutureGen Alliance's subsurface monitoring technologies. *See* Direct Testimony of Kenneth K. Humphreys, March 29, 2013, at 2. Both those objections were addressed by ATXI. First, ATXI testified that it is "always necessary to coordinate with property owners, road commissioners and other ongoing construction processes during the construction of transmission line projects. *See* ATXI's Ex. 12.0, Revised Rebuttal Testimony of Jeffrey V. Hackman, at 31. Secondly, ATXI testified that magnetic field strength at the edge of the right of way for the structures ATXI will use, at 484 usage levels that are routinely expected for the line when it is in service, are less than 18mg (milligauss) whereas at a distance of one foot, a blender at high speed typically generates a magnetic field of 20 mg and some microwave ovens on the highest setting generate magnetic fields of 200mg. Therefore the magnetic field strength should not impact FutureGen Alliances subsurface monitoring technologies. *See* ATXI's Ex. 12.0, Revised Rebuttal Testimony of Jeffrey V. Hackman, at 24-25.

3. Difficulty and Cost of Operation and Maintenance: ATXI's estimated average price for each tangent structure, which would be used to support transmission lines with angles of 1 degree or less, is \$33,000 and for those with angles of 1 to 15 degrees, a "running angle" is \$74,250, more than double that of a tangent structure. ATXI's estimated average cost for a dead-end structure, required for angles above 15 degrees, is \$107,250 – more than three times that of a tangent structure. *See* ICC Staff Ex. 1.0R at 20-21. Accordingly, The Ruholls would adopt and support the position of the ICC staff that the Alternate Route is more costly. *See* ICC Staff Ex. 1.0R at 36

4. Environmental Impacts: For each portion of the Project, the primary route has a lesser overall potential for impact. *See* ATXI Ex. 4.0 at 38-39. The ATXI environmental consultant testified that the public, when ATXI conducted its surveys/meetings, wanted AXTI to stay away from agricultural use areas and existing residences – those were the two most sensitive issues to those who provided feedback to ATXI. *See* Transcript, Filed May 16, 2013, Donnell Murphy, at 735-739 and ATXI's Ex. 4.3 at 7-9. Between the Meredosia and Pawnee substations, more than twice the number of homes are located within 150-feet along the Alternate Route in comparison to the Primary Route. Marginally less tree removal is anticipated along the Primary Route and the Primary Route is seven miles shorter than Alternate Route. Therefore, the Primary Route has a lower associated cost. ATXI's Ex. 4.3, at 17.

Recorded occurrences of the State threatened Illinois Chorus Frog exist on the Primary Route, the Alternate Route and the Segment Option 1 of the Meredosia to Pawnee Route. *See* ATXI Ex 4.0 at 28.

The Primary Route contains only 1 known archaeological site; whereas, the Alternate Route contains 3 known archaeological sites and Segment Option 1 contains 5 known archaeological sites. *See* ATXI Ex. 4.0 at 37. Pottery shards and a Hopewell Indian burial mound have been found directly in the path of the proposed Alternate Route. *See* Morgan, Sangamon, and Scott Counties Land Preservation Group, Ex. 1.0 at 3.

6. Social and Land Use Impacts: The Alternate Route affects one cemetery, versus none on the Primary Route. The Alternate Route affects two schools, versus none on the Primary

Route. The Alternate Route affects five archaeological sites, versus two on the Primary Route. The Alternate Route would affect 208 more acres of prime farmland and 323.1 more total cropland acres when compared to the Primary Route. The Alternate Route would affect fifty-four more streams and ten more lakes than the Primary Route. The Alternate Route would affect thirty-nine houses versus thirty-one on the Primary Route. The houses on the Alternate Route are closer on average to the proposed easement lines than those on the Primary Route. The Alternate Route would also impact a coal mine whereas the Primary Route impacts none. *See* ATXI Ex. 4.5, at 1-4 and Intervenor MSSCLPG Ex. 1. at 7-8. Many of the parcels of real estate affected by the proposed Alternate Route already contain easements from the Panhandle Eastern Pipeline Company, LP. The Panhandle Eastern Pipeline Company, LP has both a natural gas pipeline and a 12,000 acre natural gas storage area that would be directly affected by the proposed Alternate Route. *See* Intervenor MSSCLPG Exhibit 1.0, at 3.

7. Number of Affected Landowners and other Stakeholders and Proximity to Homes and other Structures: The Primary Route is approximately 68.9 miles and affects 258 landowners. It would require 1,244 acres of land and 486 real estate parcels. *See* ATXI Ex. 5.0, at 16-18 and ATXI Ex. 3.4 (3d Rev). The Alternate Route has a much greater impact as far as number of acres, landowners and real estate parcels impacted. The Alternate Route is approximately 75.6 miles and would require 1382 acres. It would require 627 parcels and affects 321 landowners. ATXI Ex. 5.0, at 16-18 and ATXI Ex. 3.4 (3d Rev). A “second alternative,” i.e., a route following the existing 138kV line from Meredosia to Pawnee, Illinois, as proposed by the Morgan and Sangamon County Landowners and Tenant Farmers (MSCLTF) in their Supplemental Identification of

Alternate Route, filed on January 3, 2013, is approximately 57.3 miles. *See* ICC Ex. 1.0R at 37. According to ICC staff, the Primary Route would have approximately 28 dead end structures, the Alternate Route would have 24 dead end structures, and the MSCLTF Second Alternative would have 14 dead end structures. *See* ICC Ex. 1.0R at 37.

9. Community Acceptance: To determine the routing preferences, stakeholders and community members were given several options with regards to routing the proposed line and those included: 1) routing along roads, 2) routing along property lines/section lines, and 3) other preferences. Paralleling existing roadways was identified as being more favorable or preferred over paralleling existing property lines or section lines. However, the parties recognized the inherent conflict associated with paralleling existing roadways while also minimizing the potential for impact to existing residences since homes are more typically located along roads in rural areas. *See* ATXI Ex. 4.3, Appendix C, Part 8 of 9, at 5-6 and ATXI Ex. 4.0, at 18-20. These practices involve the evaluation of the potential to parallel existing rights-of-way and other linear features, such as property or field lines, while also reducing the potential for impacts to land uses or other environmental features that occur along these linear corridors. ATXI Ex. 4.0, at 18-20. It is unclear from the record whether the communities, stakeholders and landowners were given an option to consider existing utility corridors as well. Nonetheless, existing utility corridors are clearly linear and given the preferences of the public to utilize linear corridors with the least financial impact, the Second Alternate (existing 138kV line) Route would appear to be supported by the general public and those affected.
11. Presence of Existing Corridors: The existing 138kV line Alternate Route identified by the Morgan, Sangamon, and Scott Counties Land Preservation Group that would cost

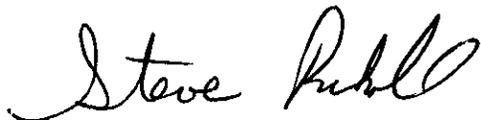
\$107,423,000 is an existing viable corridor. *See* MSSCLPG's Cross Exhibit 2 filed on May 16, 2013.

VII. OTHER

The Ruholls do agree that the Project would provide additional connectivity across the grid, reducing congestion and enabling access to a broader array of resources by loads in Illinois and elsewhere. However, ATXI should minimize its footprint in Illinois by utilizing existing corridors and double circuitry. In return, the Illinois landowners, including The Ruholls, would be impacted less.

The Ruholls do not support the ATXI-FutureGen and ATXI-MSCLTF Stipulated Route – Meredosia to Pawnee as set forth in Stipulated Exhibit 2, as it is the most costly route and impacts the greatest number of landowners and real estate parcels.

WHEREFORE, for the foregoing reasons, The Ruholls pray the Commission find that the Second Alternate (existing 138kV line) Route for the Meredosia to Pawnee segment identified by the Morgan, Sangamon, and Scott Counties Land Preservation Group is reasonable and should be approved, and to grant Petitioner a Certificate of Public Convenience and Necessity under Section 8-406.1 of the Act for the Transmission Project utilizing the Second Alternate (existing 138kV line) Route.



STATE OF ILLINOIS)
)
COUNTY OF MORGAN)

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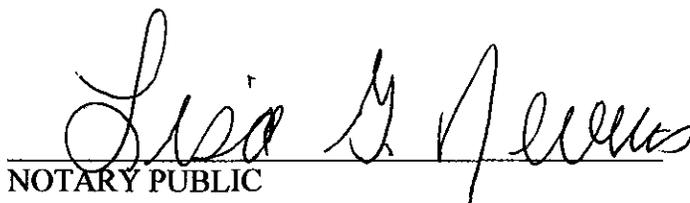
VERIFICATION

Steve Ruholl, being first duly sworn, deposes and says he is duly authorized to execute this Brief; that he has read the above 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, a Notary Public, on this 2nd day of June, 2013.



NOTARY PUBLIC

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY OF
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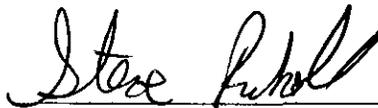
NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on this date, June 3 2013, The Ruholls have submitted for filing the enclosed Brief of The Ruholls in the above-captioned matter to the Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois, 62701. Copies have been served via electronic mail.

Dated: June 3, 2013

Respectfully Submitted
The Ruholls



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CERTIFICATE OF SERVICE

I, Steve Ruholl, certify that I did, on the 3rd day of June, 2013, file with the Illinois Commerce Commission, a Brief of The Ruholls and electronically served the same upon the persons identified on the Commission's Official Service List or by regular mail.



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