

**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- ) Docket No. 12-0598  
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. )

**GAN PROPERTIES, LLC'S POST-HEARING REPLY BRIEF**

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

**I. INTRODUCTION**

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 Proposed Primary Route between Pana and Mt. Zion because: 1) the evidence in the record for ATXI’s Proposed Primary Route between Pana and Mt. Zion clearly outweighs any evidence offered for ATXI’s Proposed Alternate Route for this segment; and 2) no party presented evidence at the May 13-17 hearing or submitted written argument advocating for the selection of ATXI’s Proposed Alternate Route between Pana and Mt. Zion.

No party has challenged or contradicted Gan Properties’ testimony that ATXI’s Proposed Alternate Route between Pana and Mt. Zion: 1) would destroy the utility of Gan Properties’ farmland and its use and enjoyment of the home on its property and 2) does not comply with ATXI’s route-siting criteria by running directly through the center of Gan Properties’ quarter-

section instead of making use of existing section, property or field lines. Further, it is undisputed that ATXI's Proposed Alternate Route between Pana and Mt. Zion is longer and more costly than the other proposed alternatives.

#### **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 Proposed Primary Route between Pana and Mt. Zion. No party has challenged Gan Properties' testimony that ATXI's Proposed Alternate Route between Pana and Mt. Zion would destroy the use and utility of Gan Properties' farmland, disrupt the farming operations currently run by Matt Burgner, and destroy Gan Properties' use and enjoyment of the home on its property. Further, no party disputes that ATXI's Proposed Alternate Route between Pana and Mt. Zion does not comply with ATXI's siting criteria, which was developed to minimize impact on property owners. Indeed, no party advocates the selection of ATXI's Proposed Alternate Route between Pana and Mt. Zion over the selection of ATXI's Proposed Primary Route between Pana and Mt. Zion or The Assumption Group/Leon Corzine's Alternate Route along Route 51, because it is undisputed that ATXI's Proposed Alternate Route between Pana and Mt. Zion is longer and more costly than the other alternatives.

No party disputes that ATXI's Proposed Alternate Route between Pana and Mt. Zion does not comply with ATXI's siting criteria, instead running directly through the center of Gan Properties' property 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. While ATXI submits that “[t]he Alternate Route also utilizes roads and property lines,” (ATXI Initial Brief at 72), it is undisputed that ATXI’s Alternate Route between Pana and Mt. Zion runs through the center of Gan Properties’ quarter section in the southern half-section of Section 32 of Pickaway Township, Shelby County, instead of along existing property, field, or section lines in Pickaway Township. Gan Properties Exhibit 1.0 at ¶ 4; Gan Properties Exhibit 1.3.

It is also undisputed that ATXI’s Proposed Route between Pana and Mt. Zion is longer and more costly than the other alternatives. *See* ATXI Initial Brief at 69; Initial Brief of Moultrie County Property Owners at 19. Indeed, no party supports the selection of ATXI’s Alternate Route between Pana and Mt. Zion instead of other available alternatives. *See* ATXI’s Initial Brief at 65 (“ATXI’s recommended route for the Pana to Mt. Zion segment is the route designated in ATXI’s application as the Primary Route....MCPO has stipulated to this route” and “Staff and Shelby County Land Owners also support this “Stipulated Route.”); Staff Initial Brief at 28 (“If ATXI constructs a 345 kV line between Pana and Mt. Zion, then, out of the alternatives presented, ATXI’s primary route is preferable.”); Initial Brief of Moultrie County Property Owners at 17 (“MCPO took the position that if the Commission determined that the Mt. Zion Substation was needed in the context of the IRP, then the Commission should favorably consider MCPO Route MCPO-P-MZK (now the Stipulated Route), which uses ATXI’s Primary Route segment from Pana to Mt. Zion”). While ICC Staff discusses Mt. Zion’s Proposed Alternate Route, filed with the Commission on December 31, 2012, and states that “the Village’s submission *appears* to depend on the use of the more costly ATXI alternate route from Pana,” (Staff Initial Brief at 28, emphasis added), Mt. Zion’s Proposed Alternate Route does not make clear which of ATXI’s routes it would make use of or whether it would only use ATXI’s

Alternate Route from where it intersects with ATXI's Primary Route between Pana and Mt. Zion in Mt. Zion Township. Mt. Zion did not file any testimony or give any evidence in support of its Proposed Alternate Route. *See* ATXI Initial Brief at 60 n. 12 ("no party presently supports or otherwise recommends approval of the Village's proposal"). Even ICC Staff, which prefers a "substation site south of the one ATXI proposes," states that "the use of the Village's suggested alternate substation site would likely be more costly than use of ATXI's suggested substation site and primary route." Staff Initial Brief at 28. Thus, no party presented evidence advocating for the selection of ATXI's Proposed Alternate Route between Pana and Mt. Zion over other proposed alternatives.

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 Proposed Primary Route between Pana and Mt. Zion. The evidence in the record in support of ATXI's Primary Route between Pana and Mt. Zion outweighs any evidence in support of ATXI's Alternate Route. ATXI's Alternate Route between Pana and Mt. Zion is longer and more costly than the other proposed routes between Pana and Mt. Zion and would destroy the utility of Gan Properties' farmland and its use and enjoyment of the home on the property.

Dated: June 10, 2013

Respectfully submitted,

GAN PROPERTIES LLC

By:   
One of its attorneys

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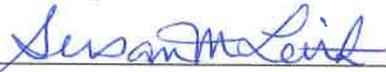
**VERIFICATION**

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  
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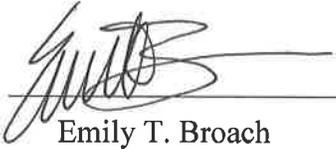


Notary Public



**CERTIFICATE OF SERVICE**

I, Emily T. Broach, Counsel for Gan Properties LLC, hereby certify that on June 10, 2013 I caused a copy of the foregoing **Gan Properties, LLC's Post-Hearing Reply Brief** 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

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# **EXHIBIT 1**

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