

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS	§	
	§	Docket No. 12-0598
Petition for A Certificate of Public Convenience and	§	
Necessity, pursuant to Section 8-406.1 of the Illinois Public	§	
Utilities Act	§	

**CITY OF CHAMPAIGN AND
VILLAGE OF SAVOY
REPLY HEARING BRIEF**

The City of Champaign and the Village of Savoy (Savoy or Village) file this reply to issues raised by Ameren Transmission Company of Illinois (ATXI) regarding only the southern (east-west) segment of the Rising to Sidney 345 kV transmission line.

No party to this proceeding objects to ATXI's primary route for the western (north-south) segment of the line; that is, the portion that starts at the Rising substation and proceeds south until it makes an angle east to intersect with I-57.

The dispute begins at I-57. ATXI's primary route would cross I-57 and head directly east to the proposed Sidney substation. ATXI's alternate route would follow I-57 south before turning east at a point south of the Village of Tolono. As noted in its Initial Brief, Savoy opposes the ATXI primary route for the southern (east-west) leg because it is within Savoy's extra territorial jurisdiction (ETJ) and would adversely affect the Village by dissecting Savoy's only viable growth corridor. This portion of the alternate route is not the point of concern of the Colfax-Scott Land Preservation Group, whose members own land on the western leg of the alternate route, not this southern leg.

Savoy does not oppose the alternate route either as initially proposed by ATXI or as modified by the Ragheb Family's recommendation. The Ragheb Family's proposed modification, which affects the southern leg of the alternate route east of Savoy, would avoid

adversely affecting the Ragheb property.¹ The only party contesting the southern leg of the Rising to Sidney alternate route (other than the portion that the Ragheb Family recommends modifying) is ATXI, the entity which proposed the alternate route in the first place.

In its initial brief, ATXI argues without support that, even though the primary route runs through Savoy's ETJ and would adversely affect the Village's 2008 Comprehensive Plan, "the Village's concerns do not support modification of the Primary Route." ATXI Brief at 88. ATXI provides no study or facts to support its argument. ATXI further erroneously argues that in Docket No. 12-0080 Savoy supported what ATXI has proposed as the primary route in this docket. In Docket No. 12-0080, Ameren sought certification for a 138 kV line that went through Savoy. The Village requested "that the Commission deny the petition filed by Ameren." Final Order, Docket No. 12-0080 at 20. Interestingly, the southern leg of ATXI's proposed primary route in this docket was Ameren's proposed alternate route in Docket No. 12-0080. The Illinois Commerce Commission rejected that route in Docket No. 12-0080, and Savoy still opposes that route here.

In Docket 12-0080, the ICC Staff argued that the 138 kV line should be double-circuited with the planned 345 kV line from Rising to Sidney and that "cost savings may be realized by considering the two projects together." *Id.* at 23. Ameren and ATXI decided not to coordinate the two projects but rather elected to proceed separately, preventing the parties from proposing and the Commission from considering true least cost alternatives which would have utilized double circuiting of the southern leg of the Rising to Sidney line. Instead, ATXI proposes to

¹ The Ragheb Family Initial Brief misunderstands the position of the City of Champaign and the Village of Savoy in this proceeding. As noted in their Initial Brief and this Reply, Champaign and Savoy do not oppose the primary route for the western leg of the line. As to the southern leg, Savoy opposes the primary route.

build a second transmission line mere miles from the 138 kV line approved (albeit not yet constructed) in Docket No. 12-0080.

This approach by ATXI/Ameren verifies the Commission's concern in Docket No. 12-0080 "that AIC failed to provide complete information about the planned Sidney to Rising 345 kV transmission line to the area landowners and stakeholders." *Id.* Had Ameren and ATXI been forthcoming in Docket No. 12-0080, the southern legs of the approved 138 kV line and the requested 345 kV line, which negatively impact Savoy's ETJ, could have been double circuited using one right of way. Instead, ATXI now proposes to run two high voltage transmission lines through Savoy's only available growth corridor. In the Final Order in Docket No. 12-0080, there was no mention that Ameren had acquired in the 1970s the right of way for the alternate route in that case (the primary route in this case), so ATXI is disingenuous in its Brief when it argues that Savoy should have accounted for the 1970 easements in its 2008 Comprehensive Plan. Ameren did not discuss with the Commission the fact that it had easements for the alternate route which Ameren proposed, and then opposed, in Docket No. 12-0080.

ATXI now contradicts Ameren's position in Docket No. 12-0080 that the issues the Commission should consider in rejecting the alternate route in that case (ATXI's proposed primary route here) "included the University of Illinois-Willard Airport, existing residential use areas, and future developments – both proposed and approved as planned." *Id.* at 11. The Commission agreed with these considerations and rejected the alternate route. Therefore, the southern leg of that same route, which ATXI designates as its primary route in this docket, should again be rejected.

Because the southern leg of ATXI's proposed primary route "will interfere with the Village's ability to grow in an orderly manner," Smith Direct, Champaign/Savoy Ex. 3.0 at 2-3,

the Commission should reject that leg of the primary route and, if any route is selected, use the alternate route for this southern leg of the Rising to Sidney line, preferably with the modifications proposed by the Ragheb Family.

Respectfully submitted,

____/Richard C. Balough/____

Richard C. Balough

Richard C. Balough
Cheryl Dancey Balough
BALOUGH LAW OFFICES, LLC
1 N. LaSalle St. Ste. 1910
Chicago IL 60602-3927
312.499.0000
rbalough@balough.com
cbalough@balough.com

Attorneys for the City of Champaign and
Village of Savoy

CERTIFICATE OF SERVICE

I, Richard C. Balough, do hereby certify that a copy of the foregoing City of Champaign and Village of Savoy's Reply Brief has been sent via electronic means to the parties listed on the eDocket service list on this 10th day of June, 2013.

/s/ Richard C. Balough