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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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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.)

CHIEF CLERK'S OFFICE

Docket No. 12-0598

REPLY BRIEF OF THE RUHOLLS

The Ruholls, pursuant to Section 200.800 of the Rules of Practice (83 Ill. Adm. Code 200.800) of the Illinois Commerce Commission's ("Commission"), respectfully submits their Reply Brief in the above-captioned matter.

As an initial matter, The Ruholls will respond to only those arguments raised by other parties in their Initial Briefs that, in The Ruholls's view, warrant a specific response. This is not, and should not be construed as, a waiver of any argument previously advanced by The Ruholls. The Ruholls reallege and reincorporate the arguments made in their Initial Brief in this proceeding.

I. REPLY TO ATXI'S INITIAL BRIEF

The Commission must find that ATXI's project will promote public convenience and necessity and that all the following criteria are satisfied: the project is necessary to provide adequate, reliable and efficient service and is the least cost means of satisfying the service needs of the public utility's customers or that the project will promote development of an effectively

competitive electricity market that operates efficiently, is equitable to all customers and is the least cost means of satisfying those objectives. 220 ILCS 5/8-406.1.

We are NOT customers of ATXI's or Ameren's and therefore will not directly benefit from this new power line running through our front yard if the stipulated/ATXI alternate route for Meredosia to Pawnee is selected.

In ATXI's brief, it confirms the shortest line will be the MSCLTF withdrawn route (along the 138kV line) – 57.3 miles and the longest line will be the stipulated/ATXI alternate route – 75.6 miles. The ATXI Primary Route is only 67.7 miles long. *See* ATXI Initial Brief at 47. ATXI also confirms in its brief the MSCLTF withdrawn route will be the **least cost** route to construct - \$107.423 million and the Stipulated/ATXI Alternate Route will be the **most costly** to construct - \$144.205 million. The ATXI Primary Route will only cost \$129.077 million – again significantly less than the Stipulated/ATXI Alternate Route. The Stipulated/ATXI alternate Route will cost \$36.782 million more to construct than the MSCLTF withdrawn route and \$15.128 million more to construct than the Primary Route.

The MSCLTF Withdrawn Route parallels an existing 138 kV line. ATXI indicates in its brief that this poses “reliability, operational and maintenance concerns compared to the Stipulated Route. *See* ATXI's brief at 51. However, Mr. Hackman, ATXI's witness, has testified that paralleling is justified sometimes when balancing Ameren's concerns about paralleling against societal/environmental impacts and approximately 19% of the proposed line is parallels existing transmission lines now and in some instances, dual circuitry is justified. *See* Testimony of Mr. Hackman, at 993-994 and 1023-1024 and Testimony of Donnell Murphy at 930. Ms. Murphy also generally agreed with the proposition “that is some feature has already gone through an area, that it may be easier to follow that feature through instead of cutting your

own brand new path from new cloth.” *See* Transcript of Donnell Murphy, May 16, 2013, at 846. Following this proposition, utilizing the MSCLTF withdrawn route (existing 138kV line) corridor would be reasonable and is also the least costly route. ATXI has testified it is possible to use dual circuiting and parallel corridors along this proposed route. Mr. Hackman testified that this project delivers reliability benefits in addition to the bulk power aspect. *See* Transcript of Mr. Hackman, May 17, 2013, at 976. In addition, Mr. Hackman also testified that the transmission system is interconnected, like a spider web, or like the Interstate highway – ie: you can get to Denver 17 different ways, depending on how far out of your way you want to go. *See* Transcript of Mr. Hackman, May 17, 2013, at 986. In other words, paralleling lines and dual circuitry can and does make sense in many instances because in many instances, the transmission system might only have one transmission supply because it has distribution connections that can back-feed it if the transmission supply goes out. So even though there is a reliability concern (*See* ATXI’s brief at 47), this concern can be mitigated in different ways as identified in Mr. Hackman’s testimony above.

Compact utility corridors should generally minimize environmental and development impacts and should be encouraged rather than crisscrossing the countryside with new transmission line corridors.

The Pearce’s provided the following evidence regarding human health risks associated with EMFs. Using the traditional guidelines of the International Agency for Research on Cancer (IARC) for childhood leukemia, their classifications for EMFs ranged from “human carcinogen” to “probable human carcinogen” to “possible human carcinogen” (IARC’s Groups 1, 2A, 2B. Panels convened by IARC and the National Institute for Environmental Health Sciences classified EMFs as a “possible human carcinogen” for childhood leukemia. *See* Direct

Testimony of Gregory and Theresa Pearce, California EMF Risk Study, Ex. J, at 119. Our 13 year old daughter, Laura, has a genetic disorder called cystinuria (<http://www.cystinuria.com/>) Laura will always have to be on medication to treat this disorder and has been on two medications, thiola and potassium citrate, since the age of 4. There is only one medication at this time to treat the disorder, leaving us unable to try medication with less side effects. Documented side effects (www.thiola.com) of the medication is blood disorders and liver problems. When Laura was first diagnosed, she was put on high doses of thiola to get the disorder controlled. Laura is monitored by having blood drawn and analyzed every 6 months. She is presently on maintenance therapeutic levels but her risks will increase the longer she is on this medication. With this additional exposure from EMF, (See Direct Testimony of Gregory and Theresa Pearce, California EMF Risk Study, Ex. J, at 119) this should increase her risk for leukemia. As Laura's parents, we cannot ignore the potential increase health risk. Our house of 26 years is 90 feet from the center line or fifteen feet from the easement line. Laura, as well as our other children, play basketball and other sport activity in the front yard that would put them under the power lines. We would have no choice but to move our family as well as Steve's business given Laura's medical condition.

ATXI also assert in its brief that its Stipulated Route has garnered the widest community acceptance as evidenced support for the route by FutureGen, the Pearce Family, and the 41 individual members of MSCLTF. See ATXI's brief at 50. We are newcomers to these types of Illinois Commerce Commission proceedings and we would not think it unusual to find most intervenors would be located along the primary routes of any transmission line proposals. The primary route is the first choice of the utility company so those primary route landowners would feel the greatest sense of urgency to intervene and get the route pushed to an alternate route.

II. Reply to MSCLTF's Initial Brief

MSCLTF states in their brief the stipulated/ATXI alternate route “best reduces” the potential for environmental impacts and cites ATXI Ex. 10.0C(2d Rev.) at 33, line 708-712. ATXI’s testimony has been misconstrued. Donnell Murphy for ATXI testified as follows: “The Rebuttal Recommended Route is one of two routes that were identified as a result of ATXI’s comprehensive route siting analysis as cost effective, best reducing the potential for environmental impact, and reflecting input received during the public process.” *See* Ex. 13.0 Rev., Revised Rebuttal Testimony of Donnell Murphy, at 33, lines 708-712. Ms. Murphy’s testimony indicates that the stipulated/ATXI Alternate Route is one of two routes that are cost effective and best for reducing potential for environmental impact. The other route that Ms. Murphy is referencing is the Primary Route – those were the two routes brought forward by ATXI in its original ICC petition. *See* Verified Petition, Pet. Ex. A, (Part 3 of 5).

MSCLTF also cites to Donnell Murphy’s testimony as best summing up the concerns of the MSSCLPG intervenors. *See* MSCLTF’s brief, at 8. Ms. Murphy, in addition to the statement cited to in MSCLTF’s brief, went on to state: ...Additionally, the concerns raised must be balanced with cost considerations.” *See* Ex. 13.0 Rev., Revised Rebuttal Testimony of Donnell Murphy, at 33, lines 708-712. As discussed above, there is \$15,128,000 difference between the stipulated/ATXI Alternate Route vs. the Primary Route.

MSCLTF sets forth in its brief that the only way to “avoid the dual impacts upon affected landowners and avoid interference with the FutureGen Project is to locate the Transmission Line on a route other than the Primary Route. *See* MSCLTF’s Brief at 7. FutureGen has yet to submit a petition to the ICC for review and approval to construct the pipeline. As previously indicated, many of the landowners’ real estate along the stipulated/ATXI Alternate Route are

already impacted with either Panhandle Eastern Pipeline Company LP's natural gas pipeline or natural gas storage area easements. *See* Intervenor MSSCLPG Exhibit 1.0 at 3. In addition to providing insight into the operations, risks and management strategies relevant to geologic CO₂ storage, the physical characteristics of natural gas are quite similar to CO₂. *See* Environmental Assessment of Geologic Storage of CO₂, Heinrich, Herzog, Reiner, Massachusetts Institute for Technology, Presented at the Second National Conference on Carbon Sequestration, Washington, DC, May 5-8, 2003, at 6. The significant difference between natural gas storage versus CO₂ storage is that CO₂ is not flammable. Both types of facilities require monitoring. *Id.* Given the similarities between the CO₂ and natural gas storage with one significant difference – natural gas is highly flammable, and that the Stipulated/ATXI alternate route is also the most costly route, would it not make more sense to avoid any impact to the existing Panhandle Eastern Company's natural gas pipeline and storage?

MSCLTF also contends that only 302 landowners would be impacted on the Stipulated/ATXI Alternate Route. This Route would actually impact 321 landowners, 627 parcels and 1382 acres. ATXI Ex. 5.0, at 16-18 and ATXI Ex. 3.4 (3d Rev). The Primary Route would require 1,244 acres of land and 486 real estate parcels and would only affect 258 landowners. *See* ATXI Ex. 5.0, at 16-18 and ATXI Ex. 3.4 (3d Rev). Rick Trelz, in his testimony on May 14, 2013 confirmed Ex. 5.0 was true and correct. *See* Transcript of Rick Trelz, May 14, 2013, at 443.

When reviewing impacts to property that is developed, ATXI provided the following information:

1. Developed high density: Primary Route - 1.3 acres or 0.0% vs Stipulated/ATXI Alternate Route – 1.3 acres or 0.0%;

2. Developed low intensity: Primary Route -- 143.9 acres or 3.5% vs Stipulated/ATXI Alternate Route -- 167.4 acres or 3.6%
3. Developed medium intensity: Primary Route -- 9.5 acres or 0.2% vs Stipulated/ATXI Alternate Route - 18.2 acres - 0.4% See ATXI Ex. 4.5 at 1.

III. Conclusion

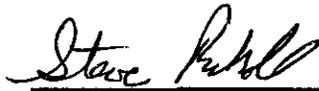
The substantive law is clear. Public utilities, including Ameren, are required to provide adequate, reliable service on a nondiscriminatory basis. 220 ILCS 5/8-101. Moreover, any new facilities utilized must constitute the least cost means of providing the necessary service. 220 ILCS 5/8-406.1. The least cost means of providing the necessary service for the Project's segment between Meredosia and Pawnee is the MSCLTF withdrawn route (138kV route) and therefore, should be the route approved by the Commission.

WHEREFORE, The Ruholls respectfully request the Illinois Commerce Commission approve the MSCLTF withdrawn route.

Dated: June 10, 2013

Respectfully submitted,

Steve and Donna Ruholl



STATE OF ILLINOIS)
)
COUNTY OF MORGAN) SS

VERIFICATION

Steve Ruholl, being first duly sworn, deposes and says he is duly authorized to execute this Reply 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.

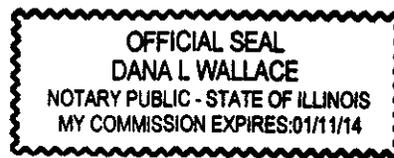


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SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 12 th day of June, 2013.



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**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)
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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

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on this date, June 10, 2013, The Ruholls have submitted for filing the enclosed Reply 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 10, 2013

Respectfully Submitted
The Ruholls



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CERTIFICATE OF SERVICE

I, Steve Ruholl, certify that I did, on the 10th day of June, 2013, file with the Illinois Commerce Commission, a Reply 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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