

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY
OF ILLINOIS

Petition for Certificate of Public Convenience
and Necessity, pursuant to Section 8-406 of
the Illinois Public Utilities Act

Docket No. 12-0598

**PETITION TO INTERVENE
AND
DUE PROCESS MOTION TO STRIKE PROCEEDINGS
AS TO THE MT. ZION TO KANSAS SEGMENT**

COME NOW NANCY C. WIEST, JOHN L. CHANNON, and BRYAN C. CHANNON,
Co-Trustees of the Channon Family Trust, and hereby petition this Commission to intervene in this
matter and state as follows:

1. Petitioners are landowners directly affected by the proposed MCPO route from Mt.
Zion to Kansas, a portion of which route has been approved by the Administrative Law Judges in
their proposed Order of July 3, 2013, and which portion places the route directly upon Petitioners'
property.

2. Petitioners will be substantially affected by any decision of the Illinois Commerce
Commission in this cause.

3. In compliance with Section 200.200(a) of the Commission's Rules of Practice,
Petitioners agree to accept service by electronic means as provided in Section 200.1050 of the Rules
of Practice.

4. Service to Petitioners shall be made to:

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Brittany Kink Toigo
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831 E. Monroe Street
Springfield, IL 62701
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5. Petitioners agree to accept the record as it exists at the time of this intervention.

6. Petitioners attach to this Petition the Affidavit of Nancy C. Wiest, Co-Trustee of the Channon Family Trust, which verifies that Petitioners did not receive proper notice of this proceeding as required by law. As a result of the failure to give proper notice to Petitioners of this proceeding, Petitioners have been denied due process and have been denied the right to participate in this proceeding in the manner in which they are entitled.

7. Section 10-25(a) of the Administrative Procedure Act states, “[i]n a contested case, all parties shall be afforded an opportunity for a hearing after reasonable notice.” *People ex rel. Illinois Commerce Commission v. Operator Communication, Inc.*, 281 Ill.App.3d 297, 300 (1st Dist. 1996), quoting 5 ILCS 100/10-25(a). “The statutory requirements of notice and opportunity to be heard are also necessary under principles of procedural due process . . . Administrative proceedings must conform to the requirements of due process of law. . . A decision in a contested case which does not comply with the provisions of the Administrative Procedure Act is void.” *Id.*, at 302-03.

8. Petitioners’ valid address is on file with Douglas County, and tax bills are sent to that address. ATXI clearly was able to locate Petitioners’ address for purposes of its survey letter. MCPO had to know from its mailing list that Petitioners would not receive notice of this proceeding.

Petitioners have a large tract of farmland, which could not have escaped MCPO's attention, particularly since its route designer placed two 90-degree turning structures on Petitioners' farm.

9. Petitioners have a due process right to propose an alternate route, present direct and rebuttal testimony, and fully participate in Commission proceedings prior to the entry of any order affecting their property. Accordingly, the Commission should strike the proceedings to date in this matter insofar as they pertain to the Mt. Zion to Kansas segment of the project, so that Petitioners can be afforded the same rights as other property owners who did receive proper notice of these proceedings. Otherwise, the entire order in this proceeding may be determined void.

WHEREFORE, Petitioners respectfully request leave to intervene and appear in the above-entitled action for the purpose of enforcing their due process rights, and further move to strike the proceedings to date in this matter insofar as they pertain to the Mt. Zion to Kansas segment of the project, so that Petitioners can be afforded the same rights as other property owners who did receive proper notice of these proceedings.

NANCY C. WIEST, JOHN L. CHANNON,
and BRYAN C. CHANNON, Co-Trustees of
the Channon Family Trust, Petitioners

By  _____
One of their Attorneys

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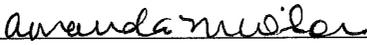
VERIFICATION

Under penalties as provided under 735 ILCS 5/1-109 the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

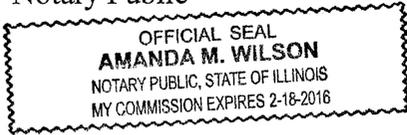


R. Kurt Wilke (SEAL)

SUBSCRIBED and SWORN TO before me this 15th day of July, 2013.



Notary Public



CERTIFICATE OF SERVICE

The undersigned, an attorney licensed to practice in the State of Illinois, hereby certifies that a copy of the foregoing instrument was filed and electronically served upon the individuals identified in the Illinois Commerce Commission's official service list for Docket No. 12-0598 on the 15th day of July, 2013.