

**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

**RESPONSE OF TARBLE LIMESTONE ENTERPRISES, COLES COUNTY  
LANDOWNERS AND REED INTERESTS TO DUE PROCESS MOTION TO STRIKE  
PROCEEDINGS AS TO THE MT. ZION TO KANSAS SEGMENT**

Tarble Limestone Enterprises (“Tarble”), the Coles County Landowners (“CCL”) and the Reed Interests (“Reed”) submit this response to the Petition to Intervene and Due Process Motion to Strike Proceedings as to the Mt. Zion to Kansas Segment filed by Nancy Wiest, John L. Channon and Bryan C. Channon on July 15, 2013. Tarble, CCL and Reed have no objection to permitting Ms. Wiest and Messrs. Channon and Channon to intervene in this proceeding. With respect to the Due Process Motion, Tarble, CCL and Reed take no position with respect to the merits and facts concerning whether either Ms. Wiest or her co-trustees were afforded due process with respect to this proceeding. Tarble, CCL and Reed do object to the relief sought in the motion on the grounds that it is unduly broad and unfair to the parties who have participated in this proceeding.

The prayer for relief in the Due Process Motion requests that the Administrative Law Judges “strike the proceedings to date in this matter insofar as they pertain to the Mt. Zion to Kansas segment of the project.” Due Process Motion at 3. If the Administrative Law Judges

conclude that Ms. Wiest and Messrs. Channon and Channon were not afforded due process, which is meaningful notice and an opportunity to be heard, at most the proper remedy is to refuse to approve the MCPO-ATXI Stipulated Route that would utilize the movants' property for construction of ATXI's transmission line. Vacating or striking all of the proceedings concerning the Mt. Zion to Kansas segment that do not affect the movants is inappropriate and unnecessary.

If the Administrative Law Judges conclude that the movants were denied due process, then the Proposed Order should be modified to identify ATXI's Alternate Route as the preferred route in the Mt. Zion to Kansas segment, subject to the qualification that the Alternate Route would be approved only from the Kansas substation west to the Macon County line in order to allow the remainder of the route to be selected when the final location of the Mt. Zion substation is established. The ATXI Alternate Route is the shortest and cheapest of the remaining routes, Proposed Order at 86, 97; the costs for the Primary Route used in that cost calculation are understated by at least \$4,356,000, Tarble Ex. 1.0 at 5:96 to 6:10; the ATXI Alternate Route was the route supported by ATXI as the most viable route between Kansas and Mt. Zion prior to ATXI's entry into a route stipulation with the Moultrie County Property Owners, ATXI Ex. 13.0 at 56; and it was one of the two routes in this segment preferred by Staff witness Greg Rockrohr, with the ATXI-MCPO Stipulated Route being the other. ICC Staff Ex. 1.0 at 46-47.<sup>1</sup>

As expressed in their briefs filed in this matter, Tarble, CCL and Reed believe that either the ATXI-MCPO Stipulated Route or ATXI's Alternate Route are equally viable, preferred routes for the Kansas to Mt. Zion segment. If the Commission concludes that it cannot approve

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<sup>1</sup> ATXI does appear to have concluded that the Alternate Route in this segment would affect more residences than the Primary Route. But given ATXI's notorious failure to conduct a review on the ground rather than from Google Earth, or a helicopter, *see* May 14, 2013 Tr. at 436:3-10 (Testimony of J. Murbarger), ATXI's analysis of residence impact analysis is not trustworthy.

the ATXI-MCPO Stipulated Route because the movants whose property is located on that route were denied their due process rights to participate in this proceeding, the selected route from the Kansas substation west to the Macon County line should be ATXI's Alternate Route.

Respectfully submitted,

Dated: July 18, 2013

TARBLE LIMESTONE ENTERPRISES,  
COLES COUNTY LANDOWNERS AND  
REED INTERESTS

/s/ Edward R. Gower

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