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Subject: FW: ICC Case 12-0598/Opposition to proposed reroute through Douglas and Piatt Counties

From: Erik Hammerstrom [mailto:erik.hammerstrom@gmail.com]
Sent: Tuesday, August 13, 2013 12:42 PM
To: Maye, Sherina
Subject: RE: ICC Case 12-0598/Opposition to proposed reroute through Douglas and Piatt Counties

August 8, 2013

Ms. Sherina E. Maye
Commissioner
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

RE: ICC Case 12-0598/Opposition to proposed reroute through Douglas and Piatt Counties

Dear Commissioner Maye,

Congratulations on your appointment to the Commission, and thank you for your past work on behalf of Illinois students and families.

I am writing to urge the ICC to reject the proposed transmission line reroute through Douglas and Piatt Counties, which was submitted by a group of **six** Moultrie County property owners (MCPO), and instead grant approval of either one of Ameren's two shorter, carefully studied, widely publicized, and properly vetted routes that travel through Moultrie County, which has been listed as an impacted county in this project since day one and is located directly between currently proposed substations in Mt. Zion and Kansas, Illinois.

As the Commission is aware, Ameren Transmission Company spent ***years*** studying and researching possible routing sites for its Illinois Rivers Project, and based upon Ameren's findings, Douglas and Piatt Counties were **not selected and not included** as sites for the potential routes that were published by Ameren and shared during dozens of public meetings held across the state in 2012.

In addition, Douglas and Piatt Counties were **not included** in Ameren's formal petition to the ICC, which was submitted in the fall of 2012 along with hundreds of pages of documentation and evidentiary support, and the **only** direct mail notification Douglas and Piatt property owners have received in relation to this project was dated January 7, 2013, and it listed 18 impacted counties across the state (including Moultrie), but **Douglas and Piatt Counties were not mentioned anywhere in the letter**. Because Douglas and Piatt Counties were not listed as impacted counties in this letter, many people took this letter as confirmation that our counties would not be included in the project.

Others, who went to the ICC site for more information, found that Douglas and Piatt were (again) **not listed** as impacted counties on the main page of the ICC website describing the nature of this case (http://www.icc.illinois.gov/docket/casedetails.aspx?no=12-0598), and they are still **not listed** today. Douglas and Piatt Counties are also **not listed** as impacted counties on Ameren's Illinois Rivers Project website (http://www.ilriverstransmission.com/maps) to this day.

Moultrie County, on the other hand, **has been listed** as a site for this project on nearly every piece of available information since day one (**literally hundreds of documents**) and that includes clearly being identified as an impacted county on the current ICC and Ameren IRP websites. Moultrie County also figured prominently in the widely publicized potential routes that Ameren shared during dozens of public meetings held throughout the state in 2012, and Moultrie County residents affected by those potential routes were invited to attend public forums and allowed to provide feedback and input over multiple months. Those individuals also received clear notification if their property was located along either of Ameren's carefully selected primary or alternate routes that were submitted as a part of Ameren's petition to the ICC last fall.

In stark contrast, the treatment of and the notification provided to Douglas and Piatt property owners in this case pales by comparison. Douglas and Piatt County property owners have **never received direct mail notification** specifically stating that Douglas and Piatt Counties were being considered as a potential route. Douglas and Piatt property owners have **never been formally invited to participate in ANY public meetings or public forums** related to the MCPO route or any of Ameren's potential routes, and those Piatt and Douglas residents who happened to hear about and attend area meetings were told they did not need to be there because the project would **not** travel through their counties. Again, unlike Moultrie County, which is listed virtually everywhere as an impacted county in this project, **Douglas and Piatt are still not listed as impacted counties** on Ameren's Illinois Rivers Project site, the main page of the ICC e-Docket describing the nature of this project, or in Ameren's formal petition to the ICC.

As an attorney, I know you are well aware of all of the legally required and publicly expected means of providing full due process notification (publication, meetings, direct mail, and website), and in this case, it is very apparent that Piatt and Douglas property owners **were NOT provided with clear and specific notification that their properties were located on a proposed route**. Looking back at the lack of notification, any reasonable person reviewing this case would find that clear due process notification regarding the Moultrie County property owners proposed reroute through Douglas and Piatt Counties has either been nonexistent or does not meet the reasonably sufficient level required by Illinois case law, let alone the even higher due process requirements and property right guarantees established by the U.S. Constitution.

Upon further review, a wide variety of additional issues should also lead the Commissioners (or other courts) to find the MCPO route unacceptable, including all of the following, which are discussed in more detail on our website (www.DefendPiattandDouglas.com):

A large portion of the MCPO reroute through Piatt and Douglas Counties was submitted on January 2--two days ***AFTER*** the December 31 ICC deadline.

The MCPO route consisted of an ill-defined, two-mile wide, and nearly 70-mile long swath that was not even close to resembling the other clearly defined, 150-foot wide routes submitted by Ameren and other petitioners. Despite the fact that property owners looking at the two-mile wide MCPO route would have no way of knowing whether their property was two miles away from the proposed

transmission line or whether the transmission line would run directly over their property, this two-mile wide, 70-mile long MCPO swath was allowed to stand as a legitimate route for months after the ICC filing deadline.

In addition, the MCPO route travels miles off course to the north, avoiding all but a small corner of Moultrie County and throws this massive transmission line on the backs of unsuspecting families, property owners, and members of the Amish Community in Douglas and Piatt Counties--two counties that were **not even included** in Ameren's petition. The MCPO route also includes 24 very expensive and unnecessary 90 degree turns that would all occur **NORTH** of Ameren's currently proposed substation in Mt. Zion, despite the fact that the proposed transmission line is supposed to run **southeast** from Mt. Zion to Kansas.

The MCPO route would also impact more TOTAL cropland and would makes **SIX** 90 degree turns in just over two miles while crossing from Piatt County into the Amish Community of Douglas County, which would be devastating to the beautiful, rural site lines of the area. The proposed MCPO transmission line route would also run across multiple Amish districts, right next to the Tuscola airport, and right through a registered Native American archaeological site.

MCPO does purport that its route would come closer to fewer residences, but the MCPO route designers achieved this by ignoring property lines, section lines, and existing easements (which Ameren's routes attempt to follow), and instead the MCPO route cuts right through the middle of field after field and parcel after parcel of cropland for 27 miles, all of which would needlessly destroy additional acres of some of the world's best farm ground, more negatively impact family property values, and more dramatically disrupt family farming operations.

The proposed MCPO route would also run across the Kaskaskia, Embarras, and Lake Fork Rivers, numerous creeks, and other important watershed areas, all of which could be irreparably damaged due to sediment run off, erosion, and the deforestation required during the construction process.

Finally, and of most importance, the ICC's administrative law judges went against their own staff's recommendation and recommended that the MCPO route be approved without knowing where it would begin...as the location of the Mt. Zion substation had yet to be determined. To add to that clear defiance of logic, all current recommendations (including that of the ICC's own staff) would place the Mt. Zion substation miles further south, which would make the proposed and already off course route through Piatt and Douglas Counties (which is already the longest route) miles longer, millions more expensive, and even further off course--while at the same time making Ameren's original routes (that have been properly vetted and widely publicized for over a year) even shorter, more direct, and millions less expensive than they already are. Moving the Mt. Zion substation further south would also have the added benefit of making the route segment from Pana to the newly located Mt. Zion substation even shorter; all of which would result in less impacted property and an additional savings of millions of dollars in project costs that would translate into lower rates for all Illinois ratepayers.

With all of the areas of concern noted above (including a lack of due process, an inability to accurately compare the competing routes due to the absence of a location for the Mt. Zion substation, and the presence of a last-minute May 10th deal between Ameren and MCPO that severely undermined public trust in the process and did not represent fair and equitable treatment of all parties involved), why would the Illinois Commerce Commission even consider approving the Moultrie County property owner proposed reroute through Douglas and Piatt Counties?

It is also important to note that at this time there are currently 243 posts on the ICC's "Public Comment" site for this case (http://www.icc.illinois.gov/docket/PublicComments.aspx?no=12-0598),

and **well over 100 posts (or nearly 50% of the total comments) are from people opposing the Moultrie property owner proposed route through Douglas and Piatt Counties**, and again, this site is for the entire 330-mile project and people in Douglas and Piatt did not receive proper notification. In contrast, **only eleven (11) posts** voice opposition to Ameren's **TWO** proposed route segments through Moultrie County, which have been widely publicized for over a year, and five of those 11 posts are from the same two people.

Based on all of these irregularities, this story has already been featured in seven different area newspapers, on multiple radio programs, and in four different television news reports in the Central Illinois area over the last few weeks, and unfortunately, this story is probably very close to gaining a larger audience.

With those thoughts in mind, I strongly urge the Commissioners to recognize the deep and irreconcilable flaws in this process and the Moultrie property owner attempted reroute through Douglas and Piatt Counties, and not only spare the people of Illinois any further litigation and/or expense but also help Ameren avoid any further delays by simply granting the original petition for either one of Ameren's **two** originally selected, carefully studied, and properly vetted routes through Moultrie County.

With kind regards and sincere appreciation for your time and consideration,

Erik D. Hammerstrom
Douglas County property owner and parent