

2013 SEP 19 10:52 AM

CHIEF CLERK'S OFFICE

AMEREN TRANSMISSION COMPANY
OF ILLINOIS,

Petition for a Certificate of Public
Convenience and Necessity, pursuant
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.

No.12-0598

**DUE PROCESS MOTION TO STRIKE PROCEEDINGS
AS TO THE EDGAR COUNTY SEGMENT
AND
APPLICATION FOR REHEARING**

COMES NOW Petitioner, Christopher Patrick, Jack Hoffman, Jill Denise Hoffman, Gary Tresner, Thomas Ogle, Vern See, Phil Wright, Mary Liz Wright, Ronald Martin, Stephen Eitel, Carol Winemiller, James Fluckey, Julie Soliday Fluckey, Priscilla Rhoads, Kyle Mooneyham, James Scott Williamson, Rhonda Lynn Williamson, Brent Becker, Beth Morley, Daniel Smittkamp, and Lisa Smittkamp (hereinafter, the "Edgar County Citizens Are Entitled To Due Process"), by their attorney, S. Craig Smith, and in support of their Petition for Leave to Intervene in the above-captioned cause, state as follows:

1. Petitioners are landowners directly affected by the Order of the Commission entered herein on August 20, 2013, and which portion places the route directly upon Petitioners' property.
2. Petitioners will be substantially affected by said Order 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:

S. Craig Smith
ASHER & SMITH
P.O. Box 340
1119 North Main Street
Paris, Illinois 61944
Telephone 217-465-6444
Fax: 217-463-2486
craig@ashersmithlaw.com

5. Petitioners agree to accept the record as it exists at the time of this intervention.

6. Attached to this Petition is the Affidavit of Christopher Patrick, 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 Edgar County, and tax bills are sent to that address. ATXI clearly was able to locate Petitioners' address for purposes of notification and due process. Petitioners have a large tracts of farmland, and residential property which could not have escaped ATXI's attention.

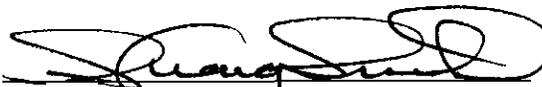
9. Petitioners have a due process right to propose an alternate route, present direct and rebuttal testimony, and fully participate in Commission proceedings prior to the entry of any

order affecting their property. Accordingly, the Commission should strike the proceedings to date in this matter insofar as they pertain to the Edgar County 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 interview 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 Edgar County 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. Petitioners also pray that the Commission grant rehearing herein so that a full and complete record may be developed and that all parties may have their due process rights honored.

Dated this 19th day of September, 2013.

Respectfully submitted,
"Edgar County Citizens Are Entitled To Due Process"
By Asher & Smith, Their Attorneys

By: 
S. Craig Smith, Attorney

COUNSEL FOR PETITIONERS:

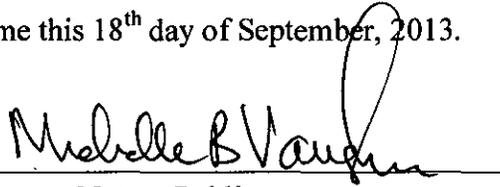
S. Craig Smith (#18791)
Asher & Smith
1119 N. Main Street
P.O. Box 340
Paris, IL 61944
Telephone: 217-465-6444
Fax: 217-463-2486
e-mail: craig@ashersmithlaw.com

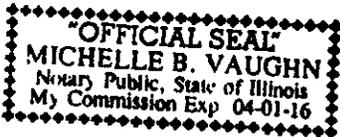
VERIFICATION

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.

 (SEAL)
S. Craig Smith

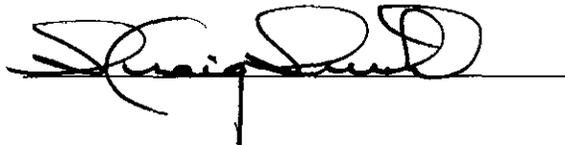
SUBSCRIBED and SWORN TO before
me this 18th day of September, 2013.


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 on the individuals identified in the Illinois Commerce Commission's official services list for Docket NO. 12-0598 on the 17th day of September, 2013.



5. This letter from Ameren was the first notice I ever received of the proposed transmission line project, and of this proceeding, ICC docket 12-0598.

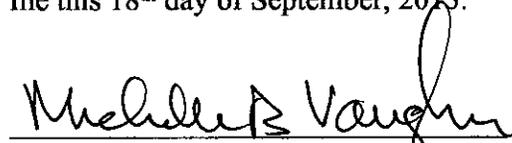
6. Because I was not given any notice of this proceeding, I have not had any opportunity to participate in the case, nor to propose and alternate route, nor to submit testimony, nor to attend any hearing.

7. The order filed in this case on August 20, 2013, recommends the approval of the Edgar County segment route, including that part of the route which crosses directly over Petitioners property, and directly and adversely affects Petitioners interests.

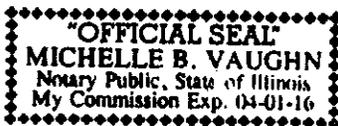


Chris J. Patrick

SUBSCRIBED and SWORN TO before
me this 18th day of September, 2013.



Michelle B. Vaughn
Notary Public





Ameren Services

September 6, 2013

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Chris J. Patrick
PO Box 547
Paris, Illinois 61944

RE: ILLINOIS RIVERS PROJECT
Tax ID No(s): 14-18-27-300-006, 14-18-28-400-007

Dear Property Owner:

Ameren Transmission Company of Illinois ("ATXI") has received authorization from the Illinois Commerce Commission to construct a new 345,000 volt electric transmission line through portions of Illinois. The Commission issued a Certificate of Public Convenience and Necessity in Docket No. 12-0598 on August 20, 2013 which approves selected segments of the route for the line. The Certificate and the Order authorizing ATXI to construct selected segments of the transmission line were granted under Sections 8-406.1 and 8-503 of the Public Utilities Act. This transmission line, which is known as the Illinois Rivers Project, will affect property you own.

The Illinois Rivers Project is part of a group of Multi Value Projects that were approved by the regional electric transmission organization known as the Midcontinent Independent System Operator (MISO) of which ATXI is a member. Multi Value Projects have been identified as providing a number of material benefits to the regional and Illinois electric transmission system. Specifically, the Illinois Rivers Project will facilitate the delivery of renewable energy from wind generation in Illinois and throughout the Midwest. This project will also strengthen the transmission system and improve electric service reliability to homes and businesses in the central Illinois region. Another major benefit of the project will be relief from load congestion, making the system more efficient and thereby reducing costs.

The transmission line will be constructed using single-shaft steel poles and will be built to meet all regulatory and safety requirements. The poles will be placed on concrete foundations, and their height will range from 80 to 140 feet with the typical distance between the poles being approximately 700 feet.

ATXI seeks to negotiate the purchase of an easement or other land rights for the new transmission line across land that you own in Edgar County, Illinois. A Contract Land Staff representative, working as a contractor on ATXI's behalf, will contact you sometime after September 21, 2013 to schedule a meeting to discuss the project in detail and to negotiate a fair and reasonable agreement with you for the easement rights ATXI is seeking. If you would like to contact Contract Land Staff sooner to arrange a mutually agreeable time for an appointment, please call Amanda Sloan at (877) 686-6205 or write to them at 3200 Pleasant Run, Suite C, Springfield, IL 62711.

Enclosed is a "Statement of Information from the Illinois Commerce Commission Concerning Acquisition of Rights of Way by Illinois Utilities" and a project overview map for your information. For more information about the Illinois Rivers project, or for a list of contractors that might be contacting you regarding the easement on your property, please see the Project Website at www.ilriverstransmission.com.

We look forward to meeting with you to discuss the project in detail.

Sincerely,

Rick Trelz, Managing Supervisor, Real Estate
Ameren Transmission Company of Illinois

Enclosures: Illinois Rivers Project map
Statement of Information from the Illinois Commerce Commission
ATXI 9001

1901 Chouteau Avenue
PO Box 66149

St. Louis, MO 63166-6149

Ameren.com

"Exhibit A"