

**Docket No:** 12-0598  
**Bench Date:** 09-18-13  
**Deadline:** 09-25-13

**MEMORANDUM**

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**TO:** The Commission

**FROM:** John D. Albers, Administrative Law Judge  
J. Stephen Yoder, Administrative Law Judge

**DATE:** September 6, 2013

**SUBJECT:** 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.

**RECOMMENDATION:** Grant the September 5, 2013 Application for Rehearing filed by Andrew and Stacy Robinette.

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On August 20, 2013, the Commission entered an Order granting Ameren Transmission Company of Illinois ("ATXI") authority under Section 8-406.1 of the Public Utilities Act ("Act") to construct, operate, and maintain a new 375-mile long 345-kilovolt electric transmission line running generally from the Mississippi River near Quincy, Illinois to the Indiana border, just south of Terre Haute, Indiana. Among the 80 intervenors are Andrew and Stacy Robinette. Mr. and Mrs. Robinette reside at 295 DeLong Road, which is southwest of Waverly in Morgan County, Illinois.

One of ATXI's initially proposed routes between the Meredosia and Pawnee substations runs along DeLong Road past the Robinettes' property. Pursuant to the established schedule, the Robinettes proposed a modification to the route running along their property and submitted written testimony in support of their proposed modification. The Robinettes, however, did not move for admission of their testimony at the evidentiary hearing. Nor did they file an Initial Brief, Reply Brief, or Brief on Exceptions. The August 20, 2013 Order acknowledges the Robinettes' submissions and notes their failure to move their testimony into evidence. The Order also notes that no other evidence supporting adoption of the Robinettes' modification exists in the record. Under the circumstances, the Order properly accorded no weight to the Robinettes' proposed modification. The transmission line route adopted by the Commission passes along the Robinettes' property, without the modification sought by the Robinettes at the outset of this proceeding.

On September 5, 2013, the Robinettes filed an application for rehearing pursuant to 83 Ill. Adm. Code 200.880. The Robinettes assert that no one opposes their modification to reroute the line away from residential property and instead across agricultural property. They also contend that their modification only impacts half a mile of ATXI's proposed route. They acknowledge their failure to move for admission of their testimony but do not attempt to explain the failure. Rather, the Robinettes urge the Commission to grant rehearing so that their testimony can be admitted and their proposed modification can be considered on the merits. The Robinettes have been represented by counsel since their intervention.

Given the lasting impact of a high voltage transmission line and the narrow scope of what the Robinettes seek, the Commission should consider granting their request for rehearing. The deadline for action on the Robinettes' application for rehearing is September 25, 2013. If the Commission grants rehearing, the deadline for an order on rehearing concerning the Robinettes' issue will be February 15, 2014. If other applications for rehearing are filed by the September 19, 2013 deadline for such and subsequently granted, they will have later deadlines. Depending on the scope of subsequently granted applications for rehearing, it may be prudent to enter a "first order on rehearing" addressing the Robinettes' arguments and a "second order on rehearing" addressing other rehearing issues, rather than try to compress the entire rehearing phase of this proceeding into a timeline meeting the deadline for the Robinettes' rehearing. Whether such a process would be necessary will not be known until all applications for rehearing are acted upon.

JDA/JSY