

**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-) Docket No. 12-0598
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.)

**RCECCC’S RESPONSE IN OPPOSITION TO EDGAR COUNTY
CITIZENS’ PETITION FOR INTERVENTION AND
MOTION TO STRIKE PROCEEDINGS AS TO
EDGAR COUNTY SEGEMENT**

Intervenor, RURAL CLARK AND EDGAR COUNTY CONCERNED CITIZENS (“RCECCC”), by its attorney, William F. Moran, III, respectfully requests that an order be issued denying the Petition for Leave to Intervene and Due Process Motion to Strike Proceedings as to the Edgar County Segment and Application for Rehearing filed in this cause by Petitioner, EDGAR COUNTY CITIZENS ARE ENTITLED TO DUE PROCESS (“Edgar County Citizens”). In support, RCECCC states as follows:

1. On August 20, 2013, the Illinois Commerce Commission (“ICC”) issued its final order in this docket. In relation to the Kansas to Indiana State Line segment of the project, the ICC found that the Alternate Route #2 proposed by the Stop the Power Line Coalition (“STPL”) was the least cost alternative for this segment of the power transmission line proposed by Ameren Transmission Company of Illinois (“ATXI”), and issued the company a Certificate of Public Convenience and Necessity, which would include construction along this route. Order, pp. 100-21, 133-35.

2. On September 18, 2013, Edgar County Citizens filed its Petition for Leave to Intervene in this cause. In its petition, the members of Edgar County Citizens described themselves as, “[Owners] of real estate located in Edgar County, Illinois, directly on or immediately adjacent to the Alternate Route proposed by [ATXI] in its initial Verified Petition filed in this cause.” Petition, ¶ 1. The members then alleged, “Petitioners first received notice of this [ICC] filing by certified mail after September 6, 2013, when they received certified letter (sic) from Ameren advising that the [ICC] had issued a Certificate of Public Convenience and Necessity in Docket No. 12-0598 on August 20, 2013.” Petition, ¶ 2. The members then requested leave to intervene in this proceeding, accepting the record as it presently stands. Petition, ¶ 4, Prayer for Relief.

3. On September 19, 2013, Edgar County Citizens filed its Due Process Motion to Strike Proceedings as to the Edgar County Segment and Application for Rehearing (“Due Process Motion”) in this cause. In this motion, the members of Edgar County Citizens allege that they will be directly affected by the ICC’s decision in this cause. Motion, ¶¶ 1 and 2. The group then alleges,

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.

Motion, ¶ 6. On this basis, the members of Edgar County Citizens request that the ICC strike all of the proceedings concerning this portion of the line in Edgar County, and essentially start anew with the evidentiary process. Motion, Prayer for Relief.

4. On September 30, 2013, ATXI filed its Response in Opposition to Edgar County Citizens’ Petition for Intervention and Motion to Strike Proceedings in this cause. The members

of RCECCC would adopt on this record all of the arguments, both factual and legal, which are contained in ATXI's response. In addition, RCECCC would further challenge the assertion of the members of Edgar County Citizens that they did not receive proper notice of these proceedings, as being inconsistent with the face of this record.

5. STPL Alternate Route #2 was first proposed in an attachment to STPL's Motion for Leave to File an Alternate Route Proposal *Instante*r filed in this cause on January 17, 2013. The attachment was entitled, STPL's Alternate Route Proposals, which described its Alternate Routes #1 and #2 in detail, along with maps of the alternate routes which were drawn on pages of the relevant plat books. More importantly, attached to the Alternate Route Proposals were exhibits which disclosed the names and addresses of all those landowners in Clark and Edgar Counties who would be affected by STPL's alternate routes. The landowners to be affected by STPL Alternate Route #1 were identified on "Exhibit B," while the landowners affected by STEPL Alternate Route #2 were identified on "Exhibit C."

6. On January 25, 2013, the Administrative Law Judges assigned to this docket entered an order granting STPL's Motion for Leave to File an Alternate Route Proposal *Instante*r. As a result, both alternate routes were now under consideration by the ICC as viable alternatives for the location of the power line in the Kansas to Indiana State Line segment.

7. On January 31, 2013, the Chief Clerk of the ICC forwarded notice of this proceeding to all of the landowners identified along STPL's Alternate Routes #1 and #2. In this notice, the Clerk provided,

Other parties to this docket, however, have recently proposed alternative routes. You are receiving this notice because the Commission has been informed that you have an interest in property affected by one or more of the intervenors' alternative routes. As a potentially affected property owner, you may participate in this docket, which may ultimately determine the location of the transmission line that

ATXI wishes to build. Additional information on this docket may be found on the Commission's e-Docket website.

The Clerk then attached a list of all of the "alternate landowners" who were provided with a copy of this notice by her office.

8. Attached to the Due Process Motion filed by the Edgar County Citizens is the Affidavit of one of its members, CHRIS J. PATRICK. On today's date, October 1, 2013, the Edgar County Citizens have filed a Petition to Supplement their Due Process Motion. Attached to this latest pleading are Affidavits from the following individuals,

JAMES SCOTT WILLIAMSON and RHONDA LYNN WILLIAMSON
VERN SEE
MARY ELIZABETH (BETH) MORLEY
BRENT BECKER
JAMES FLUCKEY and JULIE SOLIDAY FLUCKEY
DANIEL SMITTKAMP and LISA SMITTKAMP
STEPHEN EITEL
GARY TESNER
THOMAS OGLE
RONALD MARTIN
PRISCILLA RHOADS
KYLE MOONEYHAM
JACK HOFFMAN and JILL DENISE HOFFMAN

All of these affiants have alleged that they did not receive notice of this proceeding until on or after September 6, 2013, when they received correspondence from an agent of AXTI. In fact, all of these individuals have previously received notice of this proceeding, as demonstrated by the face of this record.

9. With the exception of JAMES FLUCKEY, JULIE SOLIDAY FLUCKEY and PRISCILLA RHOADS, all of the remaining affiants were included in the Chief Clerk's list of "alternate landowners" which was attached to her notice dated January 31, 2013, as detailed in Paragraph 7 above. As a result, all of these individuals received notice of these proceedings and

were given the opportunity to participate almost seven (7) months prior to the ICC issuing its final order in this docket.

10. While not listed on the Chief Clerk's notice on January 31, 2013, JULIE SOLIDAY (now presumably married to JAMES FLUCKEY) and PRISCILLA RHOADS, received notice of these proceedings at an even earlier date, as they were named in Exhibit C attached to ATXI's original petition filed in this cause on November 7, 2012. ATXI Petition Exhibit C, pp. 62 (Priscilla Rhodes shown at the address given on her present Affidavit) and 63 (Julie Soliday shown at the address given on her present Affidavit). Exhibit C identified the individuals that were given notice of AXTI's original primary and alternate routes. As a result, the face of the record clearly demonstrates that these individuals had appropriate notice of these proceedings from the very beginning, and chose not to participate.

11. While the members of RCECCC have not had a significant amount of time to review the evidence presented by the Edgar County Citizens, even this cursory review conclusively demonstrates that their claims are legally deficient.

12. Based upon the current status of this record, there simply is no cognizable reason to allow the Edgar County Citizens leave to intervene, for the reasons put forth by ATXI and in this response. This is especially true because there is absolutely no merit in the arguments of Edgar County Citizens that due process has been denied to the members of their group. The same received notice of these proceedings, and simply chose to ignore the same. Such dilatory tactics should not be rewarded with a "second bite of the apple."

WHEREFORE, Intervenor, RCECCC, would request that the ICC issue an order denying the Petition for Leave to Intervene and Due Process Motion to Strike Proceedings as to the Edgar County Segment and Application for Rehearing filed in this cause by Petitioner, EDGAR

COUNTY CITIZENS ARE ENTITLED TO DUE PROCESS, and for any and all further relief which is just and equitable based upon the circumstances presented.

Respectfully submitted,

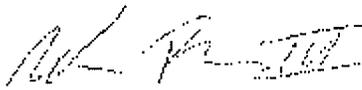
RCECCC, Intervenor

By: /s/William F. Moran, III
Its attorney

STATE OF ILLINOIS)
) SS
COUNTY OF ANGAMON)

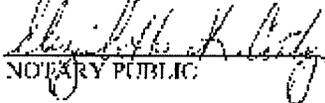
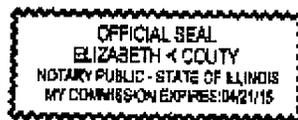
VERIFICATION

William F. Moran, III, being first duly sworn, deposes and states that he is an attorney licensed and in good standing to practice law in the State of Illinois, that he is the attorney for Intervenor, RCECCC, and that he is duly authorized to execute this response on behalf of his client; and further that he has read the above response, has knowledge of the facts stated therein, and states that the matters set forth therein are true in substance and in fact.



William F. Moran, III, Counsel for RCECCC

Subscribed and Sworn to before
me this 1st day of October 2013.


NOTARY PUBLIC

COUNSEL FOR INTERVENOR:

William F. Moran III (#06191183)
STRATTON, GIGANTI, STONE, MORAN & RADKEY
725 South Fourth Street
Springfield, IL 62703
Telephone: 217/528-2183
Facsimile: 217/528-1874
Email: b Moran@stratton-law.com

CERTIFICATE OF SERVICE

I, William F. Moran, III, Counsel for Intervenor, hereby certify that on October 1, 2013, I caused a copy of the foregoing **RCECCC RESPONSE IN OPPOSITION TO EDGAR COUNTY CITIZENS' PETITION FOR INTERVENTION AND MOTION TO STRIKE PROCEEDINGS AS TO EDGARD COUNTY SEGEMENT** to be served by electronic mail to the individuals on the Commission's Service List for Docket No. 12-0598.

/s/ William F. Moran, III
Counsel for Intervenor

COUNSEL FOR INTERVENOR:

William F. Moran III (#06191183)
STRATTON, GIGANTI, STONE, MORAN & RADKEY
725 South Fourth Street
Springfield, IL 62703
Telephone: 217/528-2183
Facsimile: 217/528-1874
Email: bmoran@stratton-law.com