

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY)
OF ILLINOIS) DOCKET NO.
) 12-0598
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.)

Springfield, Illinois
Monday, September 30, 2013

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

John D. Albers, Administrative Law Judge
Stephen Yoder, Administrative Law Judge

APPEARANCES:

Edward C. Fitzhenry
Ameren Services Company
1901 Chouteau Avenue
St. Louis, Missouri 63103
(Appearing on behalf of Ameren
Transmission Company)

MIDWEST LITIGATION SERVICES
by: Dorothy J. Hart, RPR, CSR
CSR #084-001390

1 APPEARANCES: (Continued)

2 James V. Olivero
3 Office of General Counsel
4 Illinois Commerce Commission
5 527 East Capitol Avenue
6 Springfield, Illinois 62701
7 (Appearing on behalf of the Staff
8 of the Illinois Commerce Commission.)

9 Joseph H. O'Brien
10 McNamara & Evans
11 P.O. Box 5039
12 931 South Fourth Street
13 Springfield, Illinois 62705-5039
14 (Appearing on behalf of Morgan,
15 Sangamon, Scott County Land
16 Preservation Group)

17 William F. Moran, III
18 Stratton, Giganti, Stone, Moran & Radkey
19 725 South Fourth Street
20 Springfield, Illinois 62703
21 (Appearing on behalf of Rural Clark
22 and Edgar County Concerned Citizens)

23 Kyle C. Barry
24 Husch Blackwell
118 South Fourth Street, Suite 101
Springfield, Illinois 62701
(Appearing on behalf of FutureGen
Industrial Alliance, Inc.)

Kevin N. McDermott
109 South Seventh Street
Springfield, Illinois 62701
(Appearing on behalf of
Andrew and Stacy Robinette)

S. Craig Smith
Asher & Smith
P.O. Box 340
1119 North Main Street
Paris, Illinois 61944
(Appearing via teleconference on
behalf of Edgar County Citizens)

1 APPEARANCES: (Continued)

2 Bradley B. Wilson
3 Gates, Wise & Schlosser P.C.
4 1231 South Eighth Street
5 Springfield, Illinois 62703
(Appearing via teleconference on
behalf of Morgan and Sangamon County
Landowners and Tenant Farmers)

6 Brian R. Kalb
7 Byron Carlson Petri & Kalb LLC
8 411 St. Louis Street
9 Edwardsville, Illinois 62025
(Appearing via teleconference on
behalf of Adams County Property Owners
and Tenant Farmers and the Louise
Jones Partnership)

10 Emily Broach
11 Drinker Biddle & Reath
12 191 North Wacker Drive, Suite 3700
13 Chicago, Illinois 60606
(Appearing via teleconference on
behalf of Gan Properties LLC)

14 Eric Robertson
15 Lueders, Robertson, Konzen
16 1939 Delmar Avenue
17 P.O. Box 735
18 Granite City, Illinois 62040
(Appearing via teleconference on
behalf of the Moultrie County Property
Owners)

19 Edward R. Gower
20 Hinshaw & Culbertson LLP
21 400 South Ninth Street, Suite 200
22 Springfield, Illinois 62701
23 (Appearing via teleconference on
24 behalf of JDL Broadcasting, Stop the
Power Lines Coalition, Tarble
Limestone Enterprises, Coles County
Landowners, Coles and Moultrie County
Property Owners, and Reed Interests)

1 APPEARANCES: (Continued)

2 Richard C. Balough
3 Balough Law Offices, LLC
4 One North LaSalle Street, Suite 1910
5 Chicago, Illinois 60602
6 (Appearing via teleconference on
7 behalf of City of Champaign and
8 Village of Savoy)

9 Donna M. Allen
10 221 Bay Colony Drive
11 Naperville, Illinois 60565
12 (Appearing via teleconference on her
13 own behalf as Intervenor)

14 Christopher J. Townsend
15 Christopher N. Skey
16 Adam T. Margolin
17 Quarles & Brady LLP
18 300 North LaSalle Street, Suite 400
19 Chicago, Illinois 60654
20 (Appearing via teleconference on
21 behalf of The Nature Conservancy)

22 Owen E. MacBride
23 Schiff Hardin LLP
24 233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606
(Appearing via teleconference on
behalf of Grain Belt Express Clean
Line LLC)

Laura A. Harmon
Office of General Counsel
Illinois Agricultural Association
1701 Towanda Avenue
Bloomington, Illinois 61701
(Appearing via teleconference on
behalf of The Illinois Farm Bureau)

Barbara Ragheb
2502 Jordan Drive
Champaign, Illinois 61822
(Appearing via teleconference on
behalf of the Ragheb Family)

24

1 APPEARANCES: (Continued)

2 Ann Raynolds
1237 East 1000 North Road
3 Taylorville, Illinois 62568
(Appearing via teleconference on her
4 own behalf as Intervenor)

5 Brittany K. Toigo
Barber, Segatto, Hoffee, Wilke & Cate
6 831 East Monroe Street
Springfield, Illinois 62701
7 (Appearing via teleconference on
behalf of the Coalition of Property
8 Owners and Interested Parties in
Piatt, Douglas and Moultrie Counties
9 and the Channon Family Trust)

10 Michael T. Cody
10568 Irish Road
11 Loami, Illinois 62661
(Appearing via teleconference on his
12 own behalf as Intervenor)

13

14

15

16

17

18

19

20

21

22

23

24

1		INDEX	
2	WITNESSES	PAGE	
3	(None)		
4			
5			
6	EXHIBITS	IDENTIFIED	ADMITTED
7	(None)		
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Number 12-0598. This docket concerns the Petition for a Certificate of Public Convenience and Necessity for a transmission line project spanning Illinois filed by Ameren Transmission Company of Illinois.

I'll take the appearances for the record now, and we'll start here in Springfield in the hearing room.

So, Mr. Fitzhenry, why don't you lead off?

MR. FITZHENRY: Sure. On behalf of the Petitioner, Ameren Transmission Company of Illinois, my name is Edward Fitzhenry, 1901 Chouteau Avenue, St. Louis, Missouri 63103.

MR. OLIVERO: And then appearing on behalf of the Staff witnesses of the Illinois Commerce Commission, Jim Olivero, Matt Harvey, and Kelly Turner. And my address is 527 East Capitol Avenue, Springfield, Illinois 62701.

MR. O'BRIEN: Joseph O'Brien with the firm of McNamara & Evans, 931 South Fourth Street,

1 Springfield, Illinois. We represent Morgan,
2 Sangamon, and Scott County Land Preservation Group.

3 MR. MORAN: Bill Moran, Attorney at
4 Law, 725 South Fourth Street, Springfield, Illinois
5 62703, on behalf of Rural Clark and Edgar County
6 Concerned Citizens.

7 MR. BARRY: Kyle Barry on behalf of
8 Intervenor FutureGen Industrial Alliance, Inc. I'm
9 with Husch Blackwell LLP, 118 South Fourth Street,
10 Unit 101, Springfield, Illinois 62701.

11 MR. McDERMOTT: Kevin McDermott on
12 behalf of Andrew and Stacy Robinette, 109 South
13 Seventh Street, Springfield 62701.

14 JUDGE ALBERS: And that's --

15 MR. SMITH: Craig Smith -- I'm sorry.
16 Craig Smith on behalf of -- my firm is Asher &
17 Smith, 1119 North Main Street, Paris, Illinois, on
18 behalf of Edgar County Citizens.

19 MR. WILSON: Brad Wilson on behalf of
20 Morgan and Sangamon County Landowners and Tenant
21 Farmers, 1231 South Eighth Street, Springfield,
22 Illinois 62703, law firm is Gates, Wise &
23 Schlosser.

24 MR. KALB: Brian Kalb, spelled K-a-l-b,

1 on behalf of the Adams County Property Owners and
2 Tenant Farmers and the Louise Jones Partnership,
3 411 St. Louis Street, Edwardsville, Illinois 62025.

4 MS. BROACH: Emily Broach, Drinker,
5 Biddle & Reath, 191 North Wacker Drive, Chicago
6 60606, on behalf of Gan Properties LLC.

7 MR. ROBERTSON: Eric Robertson,
8 Lueders, Robertson & Konzen, P.O. Box 735, 1939
9 Delmar, Granite City, Illinois 62040, on behalf of
10 the Moultrie County Property Owners.

11 MR. GOWER: Ed Gower, Hinshaw &
12 Culbertson LLP, 400 South Ninth Street, Suite 200,
13 Springfield, Illinois 62701, appearing on behalf of
14 JDL Broadcasting, Stop The Power Lines Coalition,
15 Tarble Limestone Enterprises, the Coles County
16 Landowners, the Coles and Moultrie County Property
17 Owners, and the Reed Interests.

18 MR. BALOUGH: Richard Balough,
19 appearing on behalf of the City of Champaign and
20 the Village of Savoy. It's Balough Law Offices,
21 LLC, One North LaSalle Street, Suite 1910, Chicago
22 Illinois 60602.

23 MS. ALLEN: Donna Allen, Intervenor,
24 221 Bay Colony Drive, Naperville, Illinois 60565.

1 MR. TOWNSEND: Appearing on behalf of
2 The Nature Conservancy, Christopher J. Townsend,
3 Christopher N. Skey, and Adam T. Margolin, with the
4 law firm of Quarles & Brady, 300 North LaSalle,
5 Suite 4000, Chicago, Illinois 60654.

6 MR. MacBRIDE: Appearing on behalf of
7 Grain Belt Express Clean Line LLC, this is Owen
8 MacBride, M-a-c-B-r-i-d-e. My address is 233 South
9 Wacker Drive, Suite 6600, Chicago, Illinois 60606.

10 MS. HARMON: Appearing on behalf of The
11 Illinois Farm Bureau, Laura Harmon, Office of
12 General Counsel, Illinois Agricultural Association,
13 1701 Towanda Avenue, Bloomington, Illinois 61702.

14 JUDGE ALBERS: Any others?

15 MS. RAGHEB: I'm on the phone. Do I
16 need to check in again? Because I heard some names
17 repeated and I'm wondering if --

18 JUDGE ALBERS: Is this Ms. Ragheb?

19 MS. RAGHEB: Yes.

20 JUDGE ALBERS: Only if you wish to have
21 your appearance recorded today.

22 MS. RAGHEB: Yes, I do. Barbara
23 Ragheb, R-a-g-h-e-b, representing Ragheb Family.

24 JUDGE ALBERS: Any others?

1 MS. RAGHEB: Do I need to give any
2 information, address, phone number, anything like
3 that?

4 JUDGE ALBERS: Go ahead and give us
5 your address, please.

6 MS. RAGHEB: Address is 2502 Jordan
7 Drive, Champaign, Illinois 61822.

8 MS. RAYNOLDS: Ann Raynolds,
9 Intervenor, 1236 East 1000 North Road, Taylorville,
10 Illinois 62568.

11 JUDGE ALBERS: All right. Thank you.
12 Any others?

13 MS. TOIGO: Yes. Brittany Toigo,
14 T-o-i-g-o, with Barber, Segatto, Hoffee, Wilke &
15 Cate, 831 East Monroe, Springfield, Illinois,
16 appearing on behalf of the Coalition of Property
17 Owners and Interested Parties in Piatt, Douglas,
18 and Moultrie Counties, as well as the Channon
19 Family Trust.

20 JUDGE ALBERS: Any others?

21 MR. CODY: Michael T. Cody, 10568 Irish
22 Road, Loami 62661.

23 JUDGE ALBERS: Are you a --

24 MR. CODY: Intervenor.

1 JUDGE ALBERS: All right. Any others?

2 (No response)

3 JUDGE ALBERS: Hearing no response,
4 we'll move on.

5 As far as preliminary matters, I just
6 have two. That's the September 18th Petition to
7 Intervene of the Edgar County Citizens are Entitled
8 to Due Process. Any objection?

9 MR. FITZHENRY: Yes, Your Honor. The
10 Company will be filing a responsive pleading to
11 that petition this morning, as well as a responsive
12 pleading to the Due Process Motion and what
13 purports to be an Application for Rehearing.

14 JUDGE ALBERS: All right. You'll do
15 that today you said?

16 MR. FITZHENRY: Yes. You should have
17 it by noon.

18 JUDGE ALBERS: Okay.

19 MR. FITZHENRY: And it'll be served on
20 the parties as well.

21 MR. MORAN: And, Your Honor, I don't
22 know what type of schedule was set for that because
23 I didn't know if the intervention -- we don't have
24 so much of a dispute with that, but we also would

1 file a response to the Due Process Motion --

2 JUDGE ALBERS: All right. Well, we --

3 MR. MORAN: -- that was filed.

4 JUDGE ALBERS: We hadn't set any kind
5 of schedule for either one of those filings. We
6 have actually placed the September 19th filing
7 before the Commission. Given that it was purported
8 to be an Application for Rehearing, we have placed
9 that before the Commission. And rather than us
10 have -- issue some kind of ruling and that there be
11 an appeal, we took it straight to the Commission.

12 If there are additional filings, we'll
13 try to prepare something to the Commission in
14 supplement to what we already sent. But it's on
15 their October 2nd agenda. So, if you do, we'll try
16 to get it to them as well.

17 And just for the record, all of the
18 applications for rehearing are on the October 2nd
19 agenda, if there's any question about that.

20 Well, we'll see what we get filed
21 today, and we'll issue a ruling for a response at
22 least to the intervention petition as far as a
23 reply schedule for that.

24 The other preliminary matter was the --

1 actually, did anybody have anything further to say
2 about the Edgar County Due Process Petition to
3 Intervene and the filing?

4 (No response)

5 JUDGE ALBERS: All right. Moving on
6 then, the other preliminary matter is the Second
7 Amended Petition to Intervene of Morgan, Sangamon,
8 and Scott Counties Land Preservation Group. Is
9 there any objection to that one?

10 (No response)

11 JUDGE ALBERS: Hearing none, then that
12 one is granted.

13 And perhaps I should have mentioned
14 earlier, but today's hearing is strictly to address
15 the Petition for Rehearing -- Application for
16 Rehearing, rather, of the Robinettes and the
17 Commission's decision to grant that.

18 As far as scheduling to address that,
19 we know the Robinettes filed testimony on --
20 actually, they filed their -- the original filing
21 of their alternate route proposal was on February
22 13th and their testimony was filed on March 29th.
23 But given that that wasn't moved into the record,
24 it's not -- didn't know if the parties wanted to

1 supplement that now that they've had a chance to
2 see the Commission's order and address the actual
3 criteria the Commission used. And then, of course,
4 we would give Ameren a chance to respond to that in
5 a rebuttal filing even if they have already offered
6 something in their previously filed testimony.

7 Mr. Fitzhenry?

8 MR. FITZHENRY: I have a question, Your
9 Honor.

10 JUDGE ALBERS: Go ahead.

11 MR. FITZHENRY: It's possible the
12 Commission will grant additional Applications for
13 Rehearing later this week, and then do you expect
14 that you will enter a ruling on a schedule which
15 would then take into account the Robinettes' filing
16 and any of the other parties who intend to file
17 direct testimony in accordance with the
18 Commission's decision on these Applications for
19 Rehearing in whatever scope the Commission decides
20 should be considered going forward?

21 JUDGE ALBERS: Well, that's a good
22 question. The Robinettes' Petition for Rehearing
23 being granted much earlier than the ones to be
24 considered on Wednesday of this week, it'll have an

1 earlier deadline of February 15th. And assuming
2 the Commission grants a rehearing of at least some
3 of the Petitions for Rehearing on this Wednesday,
4 they'll have a deadline of March 1st.

5 Obviously, the latter ones will
6 probably be much more complicated to deal with. We
7 are hesitant to try to compress all of the
8 Petitions for Rehearing that may be granted into
9 the shorter earlier deadline. So we're pondering,
10 depending on what happens on Wednesday, having some
11 type of First Order on Rehearing just addressing
12 the Robinettes. A lot of it just depends on what
13 the Commission does on Wednesday.

14 MR. FITZHENRY: Understood.

15 JUDGE ALBERS: So I'd like to try to
16 set -- we'd like to try to set a schedule that will
17 address the Robinettes as quickly as we can just to
18 try to keep that one moving and get it out way, if
19 need be. And we'll obviously have another status
20 hearing schedule set for any additional rehearing
21 applications that are granted.

22 Are there any questions about that?

23 MR. FITZHENRY: No.

24 JUDGE ALBERS: Okay.

1 MR. McDERMOTT: Judge, if I might.

2 JUDGE ALBERS: Go ahead.

3 MR. McDERMOTT: Kevin McDermott for the
4 Robinettes. We would like the opportunity to
5 supplement our testimony if that would be
6 allowable.

7 JUDGE ALBERS: Yeah. I think, yeah, we
8 contemplated that. Obviously, as you saw the
9 Commission's order on August 20th, there were
10 several criteria that are considered when looking
11 at one of these type of cases. And we can set a
12 date today for filing testimony addressing those
13 criteria.

14 And anyone else, for that matter, who
15 wants to say something about the Robinettes'
16 proposal -- I didn't know if Staff is going to want
17 to weigh in on that at all.

18 MR. OLIVERO: Yeah, I think we would,
19 Your Honor. So I guess I -- I'm not that
20 up-to-date, I guess, on this docket. Are they --
21 will Robinettes then be filing additional
22 testimony?

23 JUDGE ALBERS: That's what we're
24 talking about, setting a date for them to do that

1 and then giving Ameren a chance to respond.

2 MR. FITZHENRY: Well, they have the
3 burden, I suppose, going forward, and so we would
4 respond at the same time Staff and others would
5 respond, and then they would have the final word.
6 Is that your expectations?

7 JUDGE ALBERS: Well, we were debating
8 how much testimony to include in this. So I'm not
9 sure how much folks want to say about it, given
10 that this is a very small piece of the big piece --
11 big puzzle. So we can go off the record and
12 discuss scheduling, but, yes, we were looking at a
13 filing by the Robinettes, a filing by others and
14 Ameren, and then a filing by the Robinettes if they
15 feel the need to.

16 Do you --

17 JUDGE YODER: Yeah, I think that's
18 reasonable.

19 MR. FITZHENRY: I do have another
20 question.

21 Mr. McDermott, your client's proposing
22 a different route, and would you be -- and would
23 the judges expect from you and others who are
24 proposing routes a landowners' list again as we did

1 before? How do you see that working in this
2 rehearing phase?

3 JUDGE ALBERS: Well, we used the
4 landowner list that the Robinettes had filed on --

5 MR. FITZHENRY: Okay.

6 JUDGE ALBERS: -- in February of 2013.
7 Now, if there are changes to that, please let us
8 know. But we used that list and they got notice of
9 this hearing.

10 Is there anyone on the line concerning
11 the Robinettes' Application for Rehearing?

12 (No response)

13 JUDGE ALBERS: I'll take that as a no.

14 Any other questions as far as
15 scheduling then before we go off the record to do
16 that?

17 (No response)

18 JUDGE ALBERS: Okay. Why don't we go
19 off the record.

20 MR. O'BRIEN: Well --

21 JUDGE ALBERS: Oh, Mr. O'Brien.

22 MR. O'BRIEN: The proposed alternate
23 route may affect some of the people that we
24 represent. As a matter of fact, I think one or two

1 landowners received their first notice as a result
2 of the proposed alternate. So we'd certainly like
3 to reserve a right to file. We don't know right
4 now. It's very difficult to tell from the -- one
5 of our -- one of our intervenors came down to the
6 Commission and tried to get an exact picture of
7 what the alternate proposal is. And, as you know,
8 everything is sort of all electronic now. And I
9 don't even know if I brought the picture, but you
10 can't tell anything. It's just black. That did
11 not come through.

12 JUDGE ALBERS: Okay.

13 MR. O'BRIEN: So I mean there's a
14 possibility that it affects one or two or three of
15 our group.

16 JUDGE ALBERS: Okay.

17 JUDGE YODER: Do you have that list
18 with you?

19 JUDGE ALBERS: I do have that list with
20 me. Would anyone see any value in -- there's only
21 like five or six names on it.

22 MR. O'BRIEN: I'm sorry, what?

23 JUDGE ALBERS: There's only five or six
24 names on the list.

1 MR. O'BRIEN: I think that's right,
2 yeah.

3 JUDGE ALBERS: Okay. Would you like --
4 any value in hearing those names?

5 MR. O'BRIEN: It may be valuable, yeah.
6 Because, like I say, it was a little bit hard to
7 see from the electronic filing exactly where this
8 went because it just came out as a black square.

9 JUDGE ALBERS: I'm trying to -- I can't
10 remember where I got this from now. I mean it's in
11 the record somewhere. But there's only maps and
12 pictures in the record. I can't off the top of my
13 head recall which one it was.

14 For the sake of the transcript, I have
15 a color photograph of an aerial view of the route
16 that the Robinettes are proposing.

17 But, yeah, we had Louise Brown, the
18 Miller Trust, Elizabeth and Stephen Workman, Wayne
19 Edwards, Karen Brown, Maurice and Marjorie Stewart,
20 and Betty Marshall. So are those some of your
21 clients?

22 MR. O'BRIEN: What about the little
23 parcel that's identified as Lucas?

24 JUDGE ALBERS: All I can say is that's

1 not on the list the Robinettes gave us earlier.

2 MR. O'BRIEN: Can I show you what --
3 this is something that Mr. Edwards found. Is that
4 -- is this an accurate depiction of the --

5 JUDGE ALBERS: Why don't we have
6 Mr. Martin here take a look at it.

7 MR. McDERMOTT: I think it is, but let
8 me check.

9 JUDGE ALBERS: Mr. McDermott. I said
10 the wrong name.

11 MR. McDERMOTT: Yes.

12 MR. O'BRIEN: It does not touch the --

13 MR. McDERMOTT: This is off the record.

14 JUDGE ALBERS: Yeah, that's fine.

15 (Discussion off the record.)

16 JUDGE ALBERS: All right. Well, you
17 gentlemen had a chance to confer. Is there an
18 additional name missing from the list?

19 MR. McDERMOTT: I don't think so,
20 Judge. I think the list is complete.

21 JUDGE ALBERS: Okay. Well, how about
22 -- can you double-check and get back to us by
23 tomorrow?

24 MR. McDERMOTT: Yeah.

1 MR. O'BRIEN: I believe Mr. Lucas was
2 notified.

3 JUDGE ALBERS: All right.

4 MR. O'BRIEN: We just wanted to confirm
5 that in fact the route did impact that little piece
6 that goes -- little piece that goes through his
7 property.

8 JUDGE ALBERS: Okay. All right. Thank
9 you.

10 MR. O'BRIEN: Thank you.

11 JUDGE ALBERS: All right. Well, I
12 think we've taken care of that then, so we can go
13 off the record then and look at our calendars.

14 JUDGE YODER: Mr. McDermott, would you
15 be able to check to make sure there's been no
16 change in ownership of those identified parcels --

17 MR. McDERMOTT: Yes, I will.

18 JUDGE YODER: -- between February and
19 today?

20 MR. McDERMOTT: Okay.

21 JUDGE YODER: Just as a safeguard, I
22 guess.

23 MR. McDERMOTT: Yes, will do.

24 JUDGE YODER: Okay. Thank you.

1 JUDGE ALBERS: All right. Off the
2 record then.

3 (Discussion off the record.)

4 JUDGE ALBERS: Back on the record.

5 It appears that the Robinettes can get
6 us their direct on rehearing by October 21st.

7 ATXI, Staff, and anyone else who cares
8 to weigh in will file their direct on rehearing on
9 November 13th.

10 The Robinettes will file rebuttal on
11 rehearing on November 27th.

12 And we'll have an evidentiary hearing
13 at 10 a.m. on December 9th. And if we need briefs,
14 we'll set a date for that following the evidentiary
15 hearing.

16 Is there anything else, any questions
17 about the schedule, any other clarifications on the
18 record? Anything else at all?

19 MR. GOWER: Judge.

20 JUDGE ALBERS: Go ahead.

21 MR. GOWER: This is Ed Gower. I have a
22 quick question about what happened with respect to
23 the Petition to Intervene of folks who claimed they
24 didn't receive due process with respect to the STPL

1 alternate route and the Application for Rehearing.

2 As I understood what you said, the
3 Application for Rehearing has been put before the
4 Commission on October 2nd, but I also understood
5 Mr. Fitzhenry and perhaps Mr. Moran to say that
6 they were going to file objections to the Petition
7 to Intervene in the Due Process Application. How's
8 it going to work if there are objections to the
9 Intervention Petition and yet the Application for
10 Rehearing is put before the Commission?

11 JUDGE ALBERS: Well -- did someone else
12 want to say something there?

13 MS. RAGHEB: No.

14 JUDGE ALBERS: Just to be clear, the
15 Intervention Petition was not ruled upon pending
16 Mr. Fitzhenry's comment that he wants to file an
17 objection to that today. And I don't think anyone
18 else was concerned with the Intervention Petition.

19 I think Mr. Moran and Mr. Fitzhenry
20 both said they had concerns about the second filing
21 of the Edgar County Group and that was their
22 Application for Rehearing and -- what was that -- I
23 can't remember how it was characterized now.

24 MR. FITZHENRY: Motion to Strike.

1 JUDGE ALBERS: Motion to Strike. Thank
2 you. And that was put before the Commission for
3 their Wednesday meeting.

4 If we get any -- once we get the
5 comments on the intervention, we'll take a look at
6 that today. I'm not sure what to say about that
7 since I'm not sure what the objections are going to
8 be. But the Commission, you know, will be apprised
9 of what's going on and we'll leave it in their
10 capable hands.

11 MR. GOWER: All right.

12 MR. MORAN: And from our perspective,
13 I'll probably look at what Ameren files today and I
14 may think that covers everything that we would
15 cover and then I wouldn't comment or I could just
16 let everybody know that we would join in their
17 comments.

18 I would also assume that that Due
19 Process Motion and that Motion to Strike would --
20 if it got granted, would be subject to some type of
21 an evidentiary hearing because they allege
22 evidentiary matters in that motion that I think the
23 record needs to be developed on in our objection.
24 If the Commission decides to go forward on that,

1 there is evidence that we would probably want
2 to present that would rebut some of the
3 representations that have been made.

4 JUDGE ALBERS: Right. I mean I realize
5 what they're --

6 MR. SMITH: Excuse me. This is Craig
7 Smith who filed it. We will be filing supplemental
8 affidavits today, which we didn't have time to file
9 due to out-of-state residents -- or, landowners.
10 Until I see what Ameren's going to file as to an
11 objection, I'm a little bit -- I don't know what my
12 response will be. I will tell you that there are
13 going to be about ten supporting affidavits filed
14 today. And I agree there probably will be
15 evidentiary responses needed.

16 MR. FITZHENRY: And, Your Honor, with
17 Mr. Wilson's representation, the Company might seek
18 leave to file an additional response given -- you
19 know, given what these affidavits purport to be and
20 what they claim to be.

21 JUDGE ALBERS: All right.

22 MR. FITZHENRY: But the threshold
23 question as far as the Company is concerned is the
24 intervention request, and then I think we'll have

1 to follow up from there. If it's granted, it means
2 something different in the record, I suppose.

3 JUDGE ALBERS: Right. I guess I'm
4 hesitant to say too much because I'm not sure what
5 the Commission is going to say or do on Wednesday.
6 But, certainly, if you do have something you want
7 them to consider before they look at it, please get
8 that to us as soon as possible.

9 MR. SMITH: I will do so.

10 MR. GOWER: Just for clarification, is
11 it the Motion to Strike that is before the
12 Commission?

13 COURT REPORTER: I'm sorry. Who's
14 speaking?

15 MR. GOWER: This is Ed Gower. I
16 apologize.

17 JUDGE ALBERS: They have that entire
18 document before them on Wednesday, the Motion to
19 Strike and the Application for Rehearing.

20 MR. GOWER: Okay. Thank you.

21 JUDGE ALBERS: All right. Anything
22 further on that?

23 (No response)

24 JUDGE ALBERS: All right. Hearing

1 nothing, we thank you all and continue this to
2 December 9th at 10 a.m.

3 (The hearing adjourned at
4 10:34 a.m. and was continued to
5 December 9, 2013, at 10:00 a.m.)

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

