

ILLINOIS COMMERCE COMMISSION

DOCKET No. 12-0598

DIRECT TESTIMONY ON (ROBINETTE) REHEARING

OF

DONELL MURPHY

Submitted On Behalf

Of

AMEREN TRANSMISSION COMPANY OF ILLINOIS

November 13, 2013

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7 **I. INTRODUCTION, PURPOSE AND SCOPE**

8 **Q. Please state your name, business address and present position.**

9 A. My name is Donell Murphy. I am a Partner with Environmental Resources Management,
10 located at 1701 Golf Road, Suite 1-700, Rolling Meadows, Illinois 60008.

11 **Q. Are you the same Donell Murphy who provided direct and rebuttal testimony in the**
12 **initial phase of this proceeding?**

13 A. Yes, I am.

14 **Q. What is the purpose of your testimony?**

15 A. My testimony responds to the direct testimony on rehearing of Mr. Andrew Robinette,
16 who proposes to move a portion of the Meredosia to Pawnee segment of the Transmission Line
17 from his property to his neighbors' properties. My testimony concludes that this change would
18 not have any meaningful impact to the Project, at least from a routing perspective. But given
19 that ATXI does not know the views or evidence of the neighbors who would be impacted by The
20 Robinette Family's proposed change, ATXI is not willing to agree to the Robinette's proposal at
21 this time.

22 **II. RESPONSE TO MR. ROBINETTE**

23 **Q. Did parties in the initial proceeding agree to a route for the Meredosia to Pawnee**
24 **segment?**

25 A. Yes. The Commission approved a route that was the subject of a stipulation among
26 ATXI, Morgan and Sangamon Counties Landowners and Tenant Farmers (MSCLTF) and
27 FutureGen Industrial Alliance, Inc. (FutureGen) - the Stipulated Route. ATXI identified this
28 same route at the start of this case as its Alternate Route for this segment, and continues to
29 support this Stipulated Route.

30 **Q. Has Mr. Robinette asked the Commission to reconsider its approval of the agreed**
31 **route?**

32 A. Yes. The Robinette Family is seeking a modification at the area where the Stipulated
33 Route turns east near the intersection of DeLong Road and Nortonville Road (southwest of
34 Waverly) to move the route away from their property so that it diagonally crosses the property of
35 others.

36 **Q. Have you prepared a visual showing which route options are being advocated on**
37 **rehearing for the Robinette portion of the Meredosia to Pawnee segment?**

38 A. Yes. Figure 1 below shows two alternatives that are now before the Commission with
39 respect to the Robinette rehearing: (1) the Stipulated Route approved in the Order (orange line);
40 and (2) the route modification proposed by the Robinettes (yellow and black dashed line).

41



42 **Q. What would be involved in making the Robinette modification to the approved**
43 **route?**

44 A. Instead of following existing road right-of-way, the Robinette modification cuts
45 diagonally through neighboring farm fields. Their modification does not follow section lines or
46 other natural linear features as the approved, stipulated route does. The Robinette modification
47 would simply move the line off their property and onto property owned by others, without any
48 net reduction in the potential for environmental impact. As discussed above, at this time ATXI
49 does know what concerns the neighbors may have with the modification.

50 **Q. Is Mr. Robinette correct that there are fewer residences within 200 feet of the**
51 **Robinette alternate route than the Commission-approved Stipulated Route?**

52 A. Yes. Moving the line so that it bisects neighboring property instead of paralleling the
53 existing roads will reduce the number of residences within 200 feet of the line by one. On Figure
54 1 above, assumed residential structures are represented by red dots. The Robinette alternate
55 route would move the Transmission Line further away from the assumed residence along Delong
56 Road.

57 **Q. In the initial proceeding, did ATXI address the Robinette’s concerns regarding**
58 **diminution in property value?**

59 A. Yes. ATXI witness Mr. Rick D. Trelz testified at length about ATXI’s plans to
60 compensate all affected landowners for the impact of the Transmission Line, so that after the line
61 is constructed, there is no impact upon property resulting in diminution of value beyond that
62 reflected in the compensation paid by ATXI. (ATXI Ex. 15.0, pp. 13-14.) Mr. Trelz also
63 testified at hearing “ATXI is committed to working with all landowners to fairly compensate
64 them.” (Tr. 412:1-2.)

65 **Q. Did the Commission also address landowner compensation concerns in its August**
66 **20, 2013 Order?**

67 A. Yes. The Commission found that landowner concerns regarding compensation for
68 alleged diminution in property values are the “type of general concern [that] would exist
69 regardless of the route selected.” (Order at 83.) As such, the Commission declined to accept
70 landowner objections that are general in nature and would exist anywhere throughout the Project.

71 **Q. Will the Robinette modification affect other active parties in this case?**

72 A. Possibly. Counsel for the MSSCLPG indicated at the September 30, 2013 status hearing
73 that the Robinette modification may affect some of the landowners he represents. (Sept. 30,
74 2013 Tr. 19-23.) And he reserved the right to file testimony in response to the Robinette’s
75 proposal. The deadline for that testimony, should his clients chose to file, is today. So any
76 concerns those landowners may have with the proposed modification is unknown at this time.

77 **Q. Do you have a recommendation for the Commission?**

78 A. Yes. I recommend that the Commission approve the ATXI/MSCLTF/FutureGen
79 Stipulated Route as it did in the Order, without the Robinette modification. From a routing
80 perspective, the Robinette modification would not have any meaningful impact to the Project.
81 But given that ATXI does not know the evidence and the views of the neighbors—current parties
82 or not—who would be impacted by the Robinettes' proposed change, ATXI is unable to agree to
83 the Robinettes' proposal at this time.

84 **III. CONCLUSION**

85 **Q. Does this conclude your direct testimony on (Robinette) rehearing?**

86 A. Yes, it does.