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BEFORE THE

ILLINOIS COMMERCE COMMISSION

Ameren Transmission Company of)
Illinois REHEARING)
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.

DOCKET NO.
12-0598

Springfield, Illinois

October 28, 2013

Met, pursuant to notice at 10:00 A.M.

BEFORE:

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

MIDWEST LITIGATION SERVICES, by
Angela C. Turner
CSR #084-004122

1 APPEARANCES:

2 Mark Whitt
3 Rebecca Segal
4 Whitt Sturtevant LLP
5 180 N. LaSalle St., Suite 2001
6 Chicago, Illinois 60601
7 (Appearing on behalf of Ameren Transmission
8 Company of Illinois.)

9 Joseph O'Brien
10 McNamara & Evans
11 PO Box 5039
12 931 S. Fourth St.
13 Springfield, Illinois 62705
14 (Appearing on behalf of Preserve Our
15 Farmland of Scott, Morgan and Sangamon
16 Counties.)

17 James Olivero
18 Office of General Counsel
19 Illinois Commerce Commission
20 527 E. Capitol Ave.
21 Springfield, Illinois 62701
22 (Appearing on behalf of Staff of the
23 Illinois Commerce Commission.)

24 Matthew Harvey
25 Kelly Turner
26 Office of General Counsel
27 Illinois Commerce Commission
28 160 N. LaSalle St., Suite C-800
29 Chicago, Illinois 60601
30 (Appearing on behalf of Staff of the
31 Illinois Commerce Commission via phone.)

32 Kurt Wilke
33 Barber Segatto Hoffee Wilke & Cate
34 831 E. Monroe St.
35 Springfield, Illinois 62701
36 (Appearing on behalf of the PDM Group.)

37 Kyle Barry
38 Husch Blackwell LLP
39 118 S. Fourth St., Unit 101
40 Springfield, Illinois 62701
41 (Appearing on behalf of FutureGen Industrial

1 APPEARANCES (CONT'D):

2 Bradley Wilson
3 Gates Wise & Schlosser PC
4 1231 S. Eighth St.
5 Springfield, Illinois 62703
6 (Appearing on behalf of Morgan and Sangamon
7 County Landowners Tenant Farming Group.)

8 Kathleen Merner
9 Macon County Conservation District
10 3939 Nearing Ln.
11 Decatur, Illinois 62521
12 (Appearing on behalf of Macon County
13 Conservation District.)

14 Susan Gretz
15 The Nature Conservancy
16 1101 W. River Pkwy, Suite 200
17 Minneapolis, Minnesota 55415
18 (Appearing on behalf of The Nature
19 Conservancy via phone.)

20 Eric Robertson
21 Lueders Robertson Konzen
22 1939 Delmar Ave.
23 PO Box 735
24 Granite City, Illinois 62040
25 (Appearing on behalf of Moultrie County
26 Property Owners via phone.)

27 Edward Gower
28 Hinshaw & Culbertson LLP
29 400 S. Ninth St., Suite 200
30 Springfield, Illinois 62701
31 (Appearing on behalf of Coles County
32 Landowners Group, Tarble Limestone
33 Enterprises and Reed Interests.)

34 Emily Broach
35 Drinker Biddle & Reath
36 191 N. Wacker Dr., Suite 3700
37 Chicago, Illinois 60606
38 (Appearing on behalf Gan Properties LLC via
39 phone.)

40

1 APPEARANCES (CONT'D):

2 Owen MacBride
3 Schiff Hardin LLP
4 233 South Wacker Drive, Suite 6600
5 Chicago, Illinois 60606
6 (Appearing on behalf of Grain Belt Express
7 Clean Line LLC via phone.)

8 Sean Brady
9 Regional Policy Manager
10 PO Box 4072
11 Wheaton, Illinois 60189
12 (Appearing on behalf of Wind on the Wires
13 via phone.)

14 Laura Harmon
15 Office of General Counsel
16 Illinois Agricultural Association
17 1701 Towanda Ave.
18 Bloomington, Illinois 61701
19 (Appearing on behalf of the Illinois
20 Agricultural Association.)

21 William Moran III
22 Stratton Giganti Stone Moran & Radkey
23 725 S. Fourth St.
24 Springfield, Illinois 62703
25 (Appearing on behalf of Rural Clark and
26 Edgar County Concerned Citizens.)

27 Kevin McDermott
28 109 S. Seventh St.
29 Springfield, Illinois 62701
30 (Appearing on behalf of Andrew and Stacy
31 Robinette.)

32 Kimberly Bojko
33 Carpenter Lipps & Leland LLP
34 280 Plaza
35 280 N. High St., Suite 1300
36 Columbus, Ohio 43215
37 (Appearing on behalf of Midcontinent
38 Independent System Operator via phone.)

39

1 APPEARANCES (CONT'D):

2 Michael Cody
3 10568 Irish Rd.
4 Loami, Illinois 62661
(Appearing on behalf of himself via phone.)

5 Justin Ramey
6 1236 E. 1000 North Rd.
7 Taylorville, Illinois 62568
(Appearing on behalf of himself via phone.)

8 Phyllis Webster
9 Urbana, Illinois
(Appearing on behalf of herself via phone.)

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1		I N D E X	
2	WITNESS		PAGE
3	(None.)		
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10		EXHIBITS	
11	(None.)		
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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 Ameren Transmission Company of Illinois post-transmission line from Mississippi River to Indiana State Line near Terre Haute.

For those who have petitioned to intervene, please enter your appearance.

MR. WHITT: Thank you, your Honor. On behalf of the Petitioner Ameren Transmission Company of Illinois, Mark Whitt and Rebecca Segal from the law firm of Whitt Sturtevant, 180 North LaSalle Street, Suite 2001, Chicago, Illinois, 60601.

MR. O'BRIEN: Joe O'Brien of the law firm of McNamara and Evans representing the intervenors Preserve Our Farmland of Scott, Morgan, and Sangamon Counties.

MR. OLIVERO: Appearing on behalf of the Staff witnesses of the Illinois Commerce Commission, Matt Harvey and Kelly Turner. Their business address is 160 North LaSalle Street, Suite C-800, Chicago, Illinois, 60601. And myself, James Olivero, 527 East Capitol Avenue, Springfield, Illinois, 62701.

1 JUDGE ALBERS: And I think there are a few
2 others?

3 MR. WILKE: Kurt Wilke on behalf of the PDM
4 Group, Barber Segatto Hoffee Wilke and Cate, 831 East
5 Monroe Street.

6 MR. BARRY: Kyle Barry on behalf of the
7 FutureGen Industrial Alliance, Inc., Husch Blackwell
8 LLP, 118 South Fourth Street, Unit 101, Springfield,
9 Illinois, 62701.

10 MR. WILSON: Brad Wilson on behalf of Morgan
11 and Sangamon County Landowners Tenant Farming Group,
12 Gates Wise and Schlosser, 1231 South Eighth Street,
13 Springfield, Illinois, 62703, your Honor.

14 MS. MERNER: Kathleen Merner on behalf of
15 Macon County Conservation District, 3939 Nearing
16 Lane, Decatur, Illinois.

17 MS. GRETZ: Susan Gretz on behalf of The
18 Nature Conservancy, 1101 West River Parkway,
19 Minneapolis, Minnesota, 55415.

20 MR. ROBERTSON: Eric Robertson, Lueders
21 Robertson Konzen on behalf of the Moultrie County
22 Property Owners.

23 MR. GOWER: Ed Gower appearing on behalf of
24 the Coles County Landowners Group, Tarble Limestone

1 Enterprises and the Reed Interests. I am with
2 Hinshaw and Culbertson LLP, 400 South Ninth Street,
3 Suite 200, Springfield, Illinois, 62701.

4 MS. BROACH: Emily Broach on behalf of Gan
5 Properties LLC, Drinker Biddle and Reath, 191 North
6 Wacker Drive, Suite 3700, Chicago, Illinois, 60606.

7 MR. MACBRIDE: Appearing on behalf of Grain
8 Belt Clean Line -- Grain Belt Express Clean Line,
9 LLC, this is Owen MacBride, Schiff Hardin, LLP.
10 Address is 233 South Wacker Drive, Suite 6600,
11 Chicago, Illinois, 60606.

12 MR. BRADY: Appearing on behalf of Wind on
13 the Wires, Sean R. Brady. Address is P.O. Box 4072,
14 Wheaton, Illinois, 60189. Phone number is
15 (312) 867-0609.

16 JUDGE ALBERS: Ms. Harmon, please, go ahead.

17 MS. HARMON: Laura Harmon on behalf of the
18 Illinois Agricultural Association, 1701 Towanda
19 Avenue, Bloomington, Illinois.

20 MR. MORAN: Bill Moran on behalf of the
21 Rural Clark and Edgar County Concerned Citizens. I'm
22 with Stratton Giganti Stone Moran and Radkey, 725
23 South Fourth Street, Springfield, Illinois, 62702.

24 MR. McDERMOTT: Kevin McDermott for Andrew

1 and Stacy Robinette, 109 South Seventh Street,
2 Springfield, 62701.

3 JUDGE ALBERS: Anyone else in Room A here in
4 Springfield?

5 (No response.)

6 JUDGE ALBERS: Anyone else on the phone
7 who's already petitioned to intervene?

8 MR. CODY: Michael T. Cody, 10568 Irish
9 Road, Loami, Illinois, 62661.

10 MR. RAMEY: Justin Ramey, 1236 East 1000
11 North, Taylorville, Illinois, 62568.

12 JUDGE ALBERS: Anybody who plans to petition
13 to intervene here today?

14 MS. WEBSTER: Yes, I plan to petition to
15 intervene. My name is Phyllis Webster, a landowner
16 from Urbana, Illinois.

17 JUDGE ALBERS: Okay. Anyone else?

18 (No response.)

19 JUDGE ALBERS: Moving along then. The
20 purpose of this status hearing is to set a schedule
21 addressing the applications for rehearing the
22 Commission granted on October 2nd. And those were
23 the completions -- I'm sorry -- applications for
24 rehearing filed by ATXI, Midcontinent Independent

1 System Operator, Morgan, Sangamon and Scott County
2 Land Preservation Group, and the Coalition of
3 Property Owners and Interested Parties in Piatt,
4 Douglas and Moultrie Counties and Channon Family
5 Trust.

6 The four segments affected run between
7 Meredosia and Pawnee, Pawnee and Pana, Pana and Mt.
8 Zion, and Mt. Zion and Kansas. One caveat, however,
9 is that the Commission is asked a possibility of a
10 segment directly between Pawnee and Mt. Zion to be
11 considered.

12 As we also mentioned -- also mentioned
13 earlier by the Commission at an October 2nd bench, it
14 also asked ATXI to address whether a direct segment
15 between Pawnee and Mt. Zion via Kincaid is
16 appropriate. And in conjunction therewith why
17 necessary upgrades in the Pana area must be
18 undertaken as part of the Illinois Rivers Project
19 rather than separately by AIC. We would also like
20 Staff to consider those questions as well. Anyone
21 else who wants to is welcome to do so as well.

22 The only other preliminary matter that we're
23 aware of is the Mt. Zion Motion to Withdraw an
24 Intervenor Alternative Route without Prejudice filed

1 on October 24th.

2 Any objection to that motion?

3 (No response.)

4 JUDGE ALBERS: Hearing none. It is granted.

5 Does anyone have any preliminary matters
6 they'd like to raise before turning to scheduling?

7 (No response.)

8 JUDGE ALBERS: Okay. Well, I anticipate
9 then that the parties would have Direct Testimony
10 then from all four hearing applicants, Responsive
11 Testimony from the others, and then Rebuttal from all
12 four rehearing applicants with an Evidentiary Hearing
13 and Initial Briefs, Reply Briefs, Proposed Order and
14 Briefs on Exceptions.

15 The last scheduled meeting before the
16 Commission deadline is February 20th. And deadline
17 being March 1st.

18 Does anybody have any scheduling proposals
19 they would like to raise at this time?

20 All right.

21 MR. WILKE: And I should also show my
22 appearance for Channon Family Trust. There are
23 parties who did not receive notice from the prior
24 procedure, who would like an opportunity to file an

1 alternate route.

2 JUDGE ALBERS: Different from anything
3 previously submitted?

4 MR. WILKE: Yes.

5 JUDGE ALBERS: Is that what you're saying?

6 MR. WILKE: Yes.

7 JUDGE ALBERS: Which segment were you
8 referring to?

9 MR. WILKE: Mt. Zion and Kansas.

10 JUDGE ALBERS: And you're saying there are
11 parties not previously notified?

12 MR. WILKE: The Channons. And their
13 petition for rehearing was granted.

14 MS. TURNER: Your Honor, we couldn't hear
15 the segment of the route on the phone.

16 JUDGE ALBERS: If you can repeat that?

17 MR. WILKE: This is Kurt Wilke again. And I
18 also represent the Channon Family Trust. They filed
19 a petition for rehearing. That petition was granted.
20 And they requested a right to file an alternate route
21 on their own. On the Mt. Zion to Kansas segment.

22 And if I may just add, the proposed schedule
23 submitted by ATXI didn't include an opportunity for
24 intervener routes to be identified.

1 JUDGE ALBERS: Let me check something here
2 for a minute.

3 Mr. Wilke, you might want to come back up
4 here again. In the application for rehearing, was
5 there any discussion in there of the Channon family
6 wanting alternative routes?

7 MR. WILKE: Well, that was raised in their
8 Petition to Intervene. And that's seems to be the
9 essential aspect of due process if you have a party
10 who is not given any opportunity to have notice or be
11 aware of the proceeding that came in after the Order
12 was entered. They should have the same right as
13 every other party.

14 JUDGE ALBERS: Notice has been an issue in
15 the case now. You know, newspaper publications by
16 the Company, as well as the public forum that were
17 advertised in local news outlets. So I guess it's a
18 question of exactly what kind of notice they needed
19 to have.

20 MR. WILKE: Again, their -- our position is
21 their Petition for Rehearing was granted, so they
22 have the same rights as any other party.

23 JUDGE ALBERS: At the time the case -- as
24 the case existed at the time they intervened. And

1 we're concerned about how much we can fit in in
2 150 days.

3 And Mr. Whitt, you raised your hand a minute
4 ago.

5 MR. WHITT: Well, I'm just looking, your
6 Honor, at the Petition for Rehearing, I believe the
7 position was one of the grounds claimed for error and
8 for seeking rehearing was alleged that the Commission
9 failed to properly weigh the evidence, which
10 substantially favors ATXI's route over MCPO's.

11 So I think their position in rehearing was
12 they didn't like the Commission's approved route.
13 What they wanted instead was one of the ATXI routes.
14 Not some new -- entirely new route, which I think
15 sounds like what is being proposed today.

16 MR. WILKE: I can just tell you, your Honor,
17 what we would like to propose is a combination of
18 ATXI's primary and alternate routes. Not require any
19 new notice to any parties. But we did raise in our
20 petition all of the due process issues and the right
21 to file an alternate route just like any other
22 intervener. And it's part of that due process right.

23 JUDGE ALBERS: All right. Well, I think
24 because what you're saying here, Mr. Wilke, if I

1 understand, there would be no need for additional
2 landowners to be notified. And when the hearing was
3 sent, the notice of this status hearing was sent to
4 all of the parties -- I am sorry -- all the
5 landowners along the previously identified routes by
6 ATXI received notice of this. So I think we're safe
7 in that respect.

8 So to the extent you would like to introduce
9 in your direct testimony discussion of existing
10 previously modified routes, we're comfortable with
11 that.

12 I guess if there is no other specific
13 scheduling suggestion --

14 MR. O'BRIEN: Judge, can I ask a question,
15 please?

16 JUDGE ALBERS: Go ahead.

17 MR. O'BRIEN: Just a matter of there has
18 been a schedule set in the Robinette Petition for
19 Rehearing. Part of their suggested change to their
20 route affects some of our clients.

21 Has there been any thought given to
22 consolidating? Are we going to keep the Robinette
23 running separately from this totally?

24 JUDGE ALBERS: If we consolidate them, we

1 lose two weeks on the schedule.

2 MR. O'BRIEN: I understand that. We were
3 wondering about that, because it's going to require
4 some --

5 JUDGE ALBERS: It's not ideal.

6 MR. O'BRIEN: Right. Some of our witnesses
7 are going to have to come in twice. How that one
8 goes affects a little bit how this one goes.

9 JUDGE ALBERS: I agree. I am leery of
10 shaving two weeks off -- I think Judge Yoder, you
11 agree --

12 JUDGE YODER: Yes.

13 JUDGE ALBERS: -- shaving two weeks off this
14 scheduled hearing the thoughts of which the hearing
15 compared to what the Robinettes are considering is --

16 MR. O'BRIEN: It was just a question.

17 JUDGE ALBERS: That's fine. We'll go off
18 record and look at our calendars.

19 (Discussion off the record.)

20 JUDGE ALBERS: After discussing various
21 scheduling possibilities, we come up with the
22 following: We would have Direct Testimony from four
23 rehearing applicants and Staff regarding its route
24 between Pawnee and Mt. Zion submitted on

1 November 13th. We would have a Status Hearing
2 thereafter on November 19th at 10:00 a.m. Rebuttal
3 Testimony from all parties would be due on
4 December 2nd. And Surrebuttal Testimony from all
5 parties would be due on December 10th. Have an
6 Evidentiary Hearing on December 17th, 18th, 19th. On
7 the first day, it would start at 10:00. Probably
8 earlier the latter days. Initial Briefs would be due
9 on December 30th. Reply Briefs January 7th. And
10 we'd hope to get a Proposed Order out on
11 January 17th. Briefs on Exception is due on
12 January 29th, assuming we get it out on the 17th.

13 MR. O'BRIEN: Would you repeat the last
14 Proposed Order in January?

15 JUDGE ALBERS: The 17th.

16 MR. O'BRIEN: The 17th, okay.

17 And then there was another date after that.
18 I just didn't hear it.

19 JUDGE ALBERS: Briefs on Exception. If we
20 get it out on the 17th, Briefs on Exceptions due
21 January 29th.

22 MR. O'BRIEN: Twenty-ninth, okay.

23 JUDGE ALBERS: Any other questions?
24 Comments?

1 MR. ROBERTSON: Your Honor, this is Eric
2 Robertson. Did you say the Hearing Cross Examination
3 will start on the 17th?

4 JUDGE ALBERS: Yes.

5 MR. ROBERTSON: Okay. Thank you.

6 MS. BOJKO: Your Honor, this is Kim Bojko.
7 May I make an appearance at this time?

8 JUDGE ALBERS: Yes, please. Go ahead.

9 MS. BOJKO: Thank you, your Honor.

10 This is Kim Bojko with Carpenter Lipps and
11 Leland on behalf of Midcontinent Independent System
12 Operator.

13 JUDGE ALBERS: Thank you.

14 MR. ROBERTSON: This is Eric Robertson
15 again, your Honor. And this is more of a mechanical
16 question. But we have had the recent experience in
17 some of the expedited cases about the availability of
18 the transcript. And I have not been directly
19 involved in any of those discussions, but it's my
20 understanding that there has been at least one or two
21 cases where the new reporting company has indicated
22 that they can't get the transcript to anybody any
23 quicker than 14 days.

24 And I don't know if we can -- if that can be

1 addressed. We have got some time to address it. I
2 don't know if that's a hard-and-fast rule. And this
3 is all secondhand to me. But if we finish on the
4 20th, in theory, the transcript wouldn't be ready
5 until January the 3rd.

6 JUDGE ALBERS: That's the first we heard of
7 this problem. We can look --

8 MS. TURNER: This is Kelly Turner in
9 Chicago. We did run into an issue in the -- on the
10 formula rate and rate design docket. It was able to
11 be resolved when the Company ordered an expedited
12 transcript. And I believe that that was something
13 that was worked out in conjunction with the Company
14 and the Clerk's office and the reporter together.

15 I am not sure if ATXI would be willing to
16 make the same request in this docket. But it is my
17 understanding that when it was ordered on an
18 expedited basis for the Company, the reporting
19 service also provided it to the Clerk's office on the
20 same day and it was made available on e-Docket on the
21 same day.

22 MR. GOWER: This is Ed Gower. It still took
23 a week to ten days is my recollection. If you're
24 talking about a week from the 20th, you're talking

1 about the 27th. That's assuming -- that has
2 Christmas and Christmas Eve in between.

3 MR. ROBERTSON: I'm assuming that it's
4 something that could be worked out with the reporting
5 company and the Clerk and the Company and that we
6 could get this in a timely fashion. But I just raise
7 it so it doesn't come up maybe at a point in time
8 when we don't have the time to get it resolved.

9 JUDGE ALBERS: We will mention to the
10 Clerk's office.

11 JUDGE YODER: I would guess, certainly, in
12 the intervening seven weeks probably approach -- the
13 Springfield court reporters, I am sure, are above the
14 Chicago court reporters.

15 MR. WHITT: ATXI, we have an interest in
16 getting the transcript as quickly as possible.
17 Whatever we can do. If that benefits all parties.

18 JUDGE YODER: Something to address before
19 the hearing rather than right after.

20 MR. WHITT: We hereby order the transcript.

21 JUDGE ALBERS: All right. Thank you.

22 I guess just remind everyone when they bring
23 their testimony for rehearing to consider what the
24 Commission said on the August 20th Order and use the

1 criteria set forth in there to present your positions
2 this time around.

3 Anything else for today?

4 (No response.)

5 JUDGE ALBERS: Hearing nothing, thank you
6 all. And we'll continue this to November 19th at
7 10:00 a.m.

8 (Whereupon, this matter was
9 continued to November 19, 2013 at
10 10:00 A.M.)

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CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the hearing aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Angela C. Turner
IL CSR #084-004122