

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 8-503)	
of the Public Utilities Act, to Construct,)	Docket No. 12-0598
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.)	

RESPONSE TO
MOTION TO STRIKE THE REBUTTAL TESTIMONY
ON REHEARING OF JULIE MILLER

NOW COMES The Village of Mt. Zion, by its attorneys, Featherstun, Gaumer, Postlewait, Stocks, Flynn & Hubbard, and PDM and the Channon Trust, buy their attorneys, Barber, Segatto, Hoffee, Wilke & Cate, and for their Response To Motion to Strike the Rebuttal Testimony on Rehearing of Julie Miller, states as follows:

PROCEDURAL HISTORY REGARDING MT. ZION SUBSTATION AND THE
ROUTE CONNECTING TO THE MT. ZION SUBSTATION

A. This Honorable Commission in its ruling on August 20, 2013 stated:

Although the Commission agrees that a new Substation in the Mt. Zion area is necessary, exactly where the Substation should be located is less certain. (Page 86, Lines 12-13)

B. Subsequently on October 2, 2013, this Commission entered an Order that stated:

Notice is also given, consistent with the Commission's direction from the bench on October 2, 2013, the Commission Staff shall identify a transmission line route between Pawnee and Mt. Zion (via Kincaid) as soon as possible. A deadline for the submission of a list of potential affective landowners shall be set in the near

future. That Order also required the Village of Mt. Zion to file an updated list of property owners for the proposed route it had previously filed on December 31, 2012.

C. On October 11, 2013, the Commission Staff filed its alternative transmission line route from Pawnee to Mt. Zion through the Kincaid Substation. Page 15 of that filing identified Site 1 and alternatively Site 2 as options for Mt. Zion Substation sitings.

D. As a result of the above filing by the Commission Staff, Mt. Zion filed on October 28, 2013 a Motion to Withdraw its Alternate Route. The Motion clearly expressed its support for the alternate route proposed by the Commission's Staff and in addition thereto Site 1 or Site 2 of the alternative Substation sites proposed by the Commission Staff. The Motion specifically stated that Mt. Zion sought to preserve the right to support the staff of the Illinois Commerce Commission alternate route and alternate substation options filed by the Staff on October 11, 2013.

E. On the 28th day of October, 2013, this Honorable Commission from the bench entered an Order granting the Motion of the Village of Mt. Zion, without objection from Ameren Transmission Company of Illinois who was present when the Commission addressed this issue.

ARGUMENT

1. The Motion filed by Ameren Transmission Company of Illinois to Strike the Rebuttal Testimony of Julie Miller alleges that the testimony should be stricken for the same reasons that this Honorable Commission struck her previous testimony. The Commission struck her previous testimony on the basis that her testimony was beyond the scope of the rehearing.

2. The issue before this Honorable Commission is the location of the Mt. Zion Substation and the route and from that Substation.

3. Subsequently, testimony has been submitted in this matter by Maureen Borkowski and James Dauphinais on December 2, 2013.

4. Borkowski is a Senior Vice President at Ameren Services Company and President and CEO of ATXI. She testified “ATXI can accept either (Substation) options 1 and 2. (Referring to the alternate locations proposed by Staff.) I would note that a route modification to ATXI’s Pana – Mt. Zion and Mt. Zion – Kansas Route would be needed to accommodate their use.” (Page 6, Lines 127-128 and Page 7, Lines 129-130)

5. James Dauphinais on December 2, 2013 testifying on behalf of MCPO state:

ICC Staff’s proposed Option #1 and Option #2 sites may be viable alternatives to ATXI’s proposed Sulphur Spring Road site for the proposed Mt. Zion Substation.

6. Jeffrey Hackman, Senior Director of Transmission Operations and Project Management for Ameren Services Company, on December 2, 2013, testified that he would prefer the Sulphur Springs Road location for the Mt. Zion Substation.

7. Dennis Kramer, Senior Director of Transmission Policy and Planning at Ameren Services Company, on December 2, 2013, testified that he continues to believe that the Sulphur Springs Road location for the Mt. Zion Substation is preferable.

8. Based upon the above, it is clear that the issue that is framed in this matter not only by the parties in this litigation but also by the conflicting testimony introduced by Ameren’s witnesses is clearly the location of the Mt. Zion Substation and the routing to and from the Mt. Zion Substation.

9. Ms. Miller’s testimony specifically states:

Question: Does Mr. Hackman discuss the location of the Mt. Zion Substation? (This is in reference to the Hackman direct testimony filed on November 13, 2013.)

Answer: Yes, Mr. Hackman discusses the location of the Mt. Zion Substation. (See Pages 24-25 of his direct testimony on rehearing)

Question: Are you challenging the need for any of these Substations?

Answer: No, not at this time. In fact, the Commission, in its Order allowing rehearing, suggested there was a need for the Mt. Zion Substation. As a result, we are not addressing the absolute need for any Substation. We are attempting to identify the problems associated with the location of the Mt. Zion Substation.

10. Without reiterating all of Ms. Miller's testimony, which is only 2½ pages, the sum and substance of Ms. Miller is to support the alternative sites and route proposed by the Commission Staff.

11. Ms. Miller's testimony clearly opposes the original Substation location on Sulphur Springs Road immediately outside the Village of Mt. Zion limits. The attempts by the movants to strike the testimony of Julie Miller is a meritless attempt to foreclose the Village of Mt. Zion, the party that is most directly affected by the site proposed by the Ameren Transmission Company of Illinois, from submitting evidence in this matter.

12. In light of the fact that Ms. Miller's testimony clearly states that she acknowledges that based upon the ruling herein, a Substation in the Mt. Zion area will be sited and the fact that the Village of Mt. Zion has supported the alternate site and route proposed by the Commission Staff; Ms. Miller's testimony is germane to the issues herein and therefore is within the scope of the rehearing.

13. Taking into account the procedural history herein; the conflicting direct testimony filed by Petitioners; and the issues that were clearly before this Commission, Ms. Miller's testimony is relevant, germane and within the scope of the issues herein.

WHEREFORE, the Village of Mt. Zion, PDM and the Channon Trust respectfully request that this Honorable Commission deny the Motion to Strike the Testimony of Julie Miller.

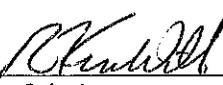
The Village of Mt. Zion,

By: FEATHERSTUN, GAUMER, POSTLEWAIT,
STOCKS, FLYNN & HUBBARD,
Its Attorneys,

By: 
Edward F. Flynn

Edward F. Flynn
ARDC No.: 06192240
Stephen P. Clevenger
ARDC No.: 06308766
FEATHERSTUN, GAUMER, POSTLEWAIT,
STOCKS, FLYNN & HUBBARD
225 N. Water St., Suite 200
P. O. Box 1760
Decatur, Illinois 62525
Telephone: (217) 429-4453
Facsimile: (217) 425-8892

PDM and the Channon Trust,

By: 
one of their attorneys

R. Kurt Wilke – 06190769
Brittany Kink Toigo – 06306334
Barber, Segatto, Hoffee, Wilke & Cate
831 E. Monroe, P.O. Box 79
Springfield, IL 62705-0079
(217) 544-4868
(217) 544-5225 – fax
wilke@barberlaw.com
bk@barberlaw.com

CERTIFICATE OF SERVICE

The undersigned, an attorney licensed to practice in the State of Illinois, hereby certifies that a copy of the foregoing instrument was filed and electronically served upon the individuals identified in the Illinois Commerce Commission's official service list for Docket No. 12-0598 on the 11th day of December, 2013.