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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

STATUS HEARING  
Springfield, Illinois  
November 19, 2013

HELD BEFORE:

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

1		INDEX	
2	WITNESS		PAGE
3	(None.)		
4			
5			
6		EXHIBITS	
7	(None.)		
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1 APPEARANCES:

2

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4 Ms. Rebecca Segal  
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8 (Appearing on behalf of Ameren Transmission  
9 Company of Illinois.)  
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11 Mr. Bradley Wilson  
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14 Springfield, IL 62703  
15 (Appearing on behalf of Morgan and Sangamon  
16 County Landowners Tenant Farming Group.)  
17

18 Mr. Kyle Barry  
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38 and The Channon Trust.)  
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40 Mr. Joseph O'Brien  
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of Scott, Morgan and Sangamon Counties.)  
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21 Agricultural Association via phone.)

22 Mr. Sean Brady  
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21  
22 The Court Reporter:

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P R O C E E D I N G S

(On the record at 10:00 a.m.)

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket number 12-0598. This docket was initiated by Ameren Transmission Company of Illinois and concerns its Petition for Certificate for Public Convenience and Necessity pursuant to Section 8-406.1 of the Public Utilities Act.

We are during, at the rehearing phase of this proceeding. May I have the appearances for the record, please?

MR. MARK WHITT: On behalf of Ameren Transmission Company of Illinois, Mark Whitt and Rebecca Segal, from the law firm of Whitt Sturtevant, LLP.

MR. BRADLEY WILSON: On behalf of the Morgan and Sangamon County Landowners and Tenant Farmers, and also James Orlandini, Brad Wilson, Gates, Wise & Schlosser, 1238 South 8th Street, Springfield, Illinois, 62703.

MR. KYLE BARRY: Kyle Barry for the FutureGen Industrial Alliance, Inc., I am with Husch Blackwell, LLP, 118 South 4th Street, Unit 101,

1 Springfield, Illinois, 62701.

2 MR. EDWARD GOWER: I'm Ed Gower, Hinshaw  
3 and Culbertson, 400 South Ninth Street, Suite 200,  
4 Springfield, Illinois, 62701, I represent in this  
5 proceeding Tarble Limestone Enterprises, Cole County  
6 Landowners, and the Reed Interests, R-E-E-D  
7 Interests.

8 MR. KURT WILKE: Kurt Wilke, Barber,  
9 Segatto, Hoffee, Wilke & Cate, 831 East Monroe,  
10 representing PDM Group and Channon Trust.

11 MR. JOSEPH O'BRIEN: Joseph O'Brien,  
12 McNamara and Evans, 931 South 4th, Springfield,  
13 Illinois, representing Landowners of Scott, Morgan  
14 and Sangamon Counties.

15 MR. JAMES OLIVERO: And appearing on  
16 behalf of the Staff witnesses of the Illinois  
17 Commerce Commission, Matt Harvey, Kelly Turner and  
18 Jim Olivero. And I believe our addresses have  
19 already been provided.

20 JUDGE ALBERS: Any others in Springfield  
21 who wish to enter their appearance? I don't believe  
22 so. Anyone on the phone then?

23 MR. ERIC ROBERTSON: Eric Robertson,  
24 Lueders, Robertson and Konzen, PO Box 735, 1939

1 Delmar, Granite City, Illinois, 62040, on behalf of  
2 the Moultrie County Property Owners.

3 MR. DUSTIN PROBST: Dustin Probst of  
4 Dove and Dove, Attorneys-at-Law, 647 -- or excuse  
5 me, 151 South Morgan, Shelbyville, Illinois, 62565,  
6 appearing on behalf of the Shelby County Landowner  
7 Group.

8 MS. EMILY HONORS: Emily Honors on  
9 behalf of the Midcontinent Independent System  
10 Operator, Kimberly W. Boyco, with Carpenter, Lipps  
11 and Leland, 280 North High Street, Columbus, Ohio,  
12 43215.

13 MS. EMILY BROACH: On behalf of Gan  
14 Properties, Emily Broach, from Drinker, Biddle &  
15 Reath, 191 North Wacker Drive, Chicago, Illinois.  
16 60606.

17 MS. SUSAN GRETZ: Susan Gretz from The  
18 Nature Conservancy, 1101 West River Parkway in  
19 Minneapolis.

20 JUDGE ALBERS: We didn't get your name.

21 MS. SUSAN GRETZ: Susan Gretz,  
22 G-R-E-T-Z, inhouse counsel for The Nature  
23 Conservancy.

24 JUDGE ALBERS: Thank you.

1 MS. LAURA HARMON: Laura Harmon for the  
2 Illinois Farm Bureau, 1701 Towanda Avenue,  
3 Bloomington, Illinois.

4 MR. SEAN BRADY: Appearing on behalf of  
5 Wind on the Waters, Sean R. Brady, PO Box 4072,  
6 Wheaton, Illinois, 60189.

7 JUDGE ALBERS: Any others?

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

10 JUDGE ALBERS: Any others wishing to  
11 enter an appearance at this time?

12 (No response.)

13 JUDGE ALBERS: Let the record show no  
14 response. As far as preliminary matters, we had a  
15 few. We have the November 1st Petition To Intervene  
16 of James Orlandini; the November 7th Petition To  
17 Intervene of the Macon County Conservation District,  
18 November 12th Third Amended Petition To Intervene of  
19 Morgan, Sangamon and Scott Counties Land  
20 Preservation Group, and excuse me, the November 18th  
21 First Amended Petition To Intervene of the Coalition  
22 of Property Owners and Interested Parties in Piatt,  
23 Douglas and Moultrie Counties. Is there any  
24 objection to any of those?

1 (No response.)

2 JUDGE ALBERS: Hearing none, they're all  
3 granted.

4 The next preliminary matter concerns  
5 yesterday's filing by Tarble Limestone Enterprises,  
6 Coles County Land Owners, and the Reed Interests  
7 motion clarification. Anybody care to comment on  
8 that at this time?

9 MR. BRADLEY WILSON: I do have a  
10 question.

11 JUDGE ALBERS: Okay. Why don't you get  
12 close to the microphone.

13 MR. BRADLEY WILSON: If -- I'm sorry,  
14 Brad Wilson for James Orlandini and also the Morgan,  
15 Sangamon County Land Owners and Tenant Farmers. If  
16 the motion for clarification is granted, would that  
17 also have a global application with my clients, the  
18 Morgan and Sangamon County Land Owners and Tenant  
19 Farmers are in the same situation as Mr. Gower's,  
20 they objected to a primary route. That route was  
21 not approved by the Commission, and no other  
22 entities are now at this stage proposing the primary  
23 route be used. So there, they would like to sort of  
24 scale back their involvement in this proceeding for

1 financial reasons and other considerations. So we'd  
2 just like to know if the motion is granted, would it  
3 have universal application.

4 JUDGE ALBERS: Well, good question.  
5 Does anyone care to respond to the motion, itself?

6 MR. MARK WHITT: Well, if I may, Your  
7 Honor, maybe I need clarification on the motion for  
8 clarification. And there's a statement in here a  
9 couple of places that ask for more clarifying, that  
10 the only potential transmission line route that may  
11 be addressed in rebuttal or surrebuttal or the  
12 evidentiary hearing in this case are either routes  
13 approved in the August 20 -- 20th, 2013, final order  
14 routes identified in the applications for rehearing  
15 and relate to direct testimony, or routes identified  
16 by ICC Staff in response to directed and final  
17 order.

18 I guess what I'm caught up on is the  
19 notion that routes approved in the final order would  
20 is also be subject to rehearing. For example, we  
21 had -- well, there's I guess four routes that were  
22 approved, no applications for rehearing were sought,  
23 and I don't think that those were the routes that  
24 anybody is concerned with. There are four other

1 routes I guess that are at issue, and my  
2 understanding is that essentially any route that a  
3 party has previously filed a testimony on where land  
4 owners have received notice, whatever was put into  
5 play in the initial proceeding would be in play  
6 again here potentially. But no brand new routes, if  
7 you will.

8 MR. EDWARD GOWER: Your Honors, if I  
9 might respond.

10 JUDGE ALBERS: Sure.

11 MR. EDWARD GOWER: My name is Ed Gower.  
12 In response to Mr. Whitt's inquiry, my intent was  
13 only to address those routes that, that were the  
14 subject of contention in the rehearing process. So  
15 to the extent, for example, that routes were  
16 approved in the Kansas to the Indiana line  
17 substation, those routes would not be subject to  
18 this rehearing process.

19 Conversely, the ATXI MPCO stipulated  
20 group that was approved from one of the Macon County  
21 Line east to the Kansas substation is a bone of  
22 contention and the subject of a rehearing  
23 application by PDM and Channon Trust, and that line  
24 would be a fair subject of rehearing process. I

1 wasn't trying -- for those that are, for which a  
2 decision was made for those segments of the route on  
3 which a decision was made and that are not the  
4 subject of any pending rehearing application, those  
5 would not be fair game in any of the testimony going  
6 forward, because they're not the subject of the  
7 rehearing application, and therefore, can't be the  
8 subject of any rebuttal or surrebuttal testimony or  
9 evidentiary, their evidentiary proceeding.

10 MR. MARK WHITT: Thank you, Counsel, for  
11 that clarification. And with that clarification, at  
12 least on ATSI's part, we would not have an objection  
13 to the motion.

14 JUDGE ALBERS: Well, I think if there's  
15 no one else, we wish to informally --

16 MR. JAMES OLIVERO: Oh, your Honor,  
17 actually I did. And I'm not totally up to speed on  
18 all the different routes or that, but again, just  
19 for purposes of clarification, does that mean that  
20 there couldn't be some hybrid of the routes with the  
21 applicable land owners that could be instituted  
22 rather than just, you know, four routes plus the  
23 staff's route?

24 JUDGE ALBERS: Well, I think that gets

1 into what Judge Yoder and I have been thinking about  
2 this issue, so...

3 MR. JAMES OLIVERO: Oh, okay.

4 JUDGE ALBERS: Did anyone else want to  
5 actually formally respond to the motion, or are you  
6 comfortable with what's been said?

7 MR. ERIC ROBERTSON: Your Honor, this is  
8 Eric Robertson for the Moultrie County Property  
9 Owners, and I apologize to you and the parties; as  
10 you know, there are several other things that have  
11 been going on this week in a number of other cases  
12 in front of the Commission, so I haven't really had  
13 a great deal of time to think about the motion. The  
14 only thing I would ask is that you would give us  
15 maybe another, before you make a ruling, you would  
16 give us another 24 hours or so that we can think  
17 about what the implications of the motion are as it  
18 relates to a particular segment of the route.

19 I would feel somewhat more comfortable  
20 if we were in a position where rebuttal testimony  
21 had been filed so we can see where everybody was on  
22 these issues before you ruled on the motion, but if  
23 you feel like you want to rule on the motion, the  
24 only thing I would request is that we be given a

1 short day or two to further consider. I may not  
2 have an objection to the motion, quite frankly, but  
3 I just haven't had time to think about what its  
4 implications are.

5 MR. EDWARD GOWER: Your Honor, if I  
6 might be heard with respect to timing.

7 JUDGE ALBERS: Go ahead.

8 MR. EDWARD GOWER: Okay. Again, Ed  
9 Gower. I don't have a problem with Mr. Robertson's  
10 request for additional time to review the motion and  
11 respond in 24 hours or something along those lines,  
12 fairly quickly. I would vehemently object to not  
13 considering the motion until after rebuttal  
14 testimony was filed, because my client's going to  
15 have to file rebuttal testimony and go through the  
16 time and expense of doing that and reading everybody  
17 else's rebuttal testimony, and it is, after all  
18 rebuttal. And rebuttal, by its very nature, is a  
19 response to the issues that have been brought in the  
20 rehearing process, and not a whole scale reopening  
21 of routes, and we've struggled through the past nine  
22 months with people bringing in additional routes at  
23 the last minute, no notice, inadequate notice being  
24 given to land owners and so on. We've got the

1 rehearing applications now before us, we know  
2 exactly what's in play, let's move forward on what's  
3 before us and conclude this proceeding.

4 JUDGE ALBERS: All right, well, I think,  
5 you know, we agree we need to rule on this quickly,  
6 but we'll go ahead and give everybody who wants to  
7 until 5:00 tomorrow to respond to the motion, and  
8 then we'll get a ruling out on Thursday.

9 MR. EDWARD GOWER: That's wonderful;  
10 thank you very much.

11 MR. BRADLEY WILSON: Your Honor, Brad  
12 Wilson again for Morgan and Sangamon County Land  
13 Owners and Tenant Farmers. Just to, I guess a  
14 preemptive request for clarification if Mr. Gower's  
15 motion is granted. Again, I represent the land  
16 owners in the, along the Meredosia to Pawnee segment  
17 who originally intervened because they opposed to  
18 the use of the primary route. That route was not  
19 approved in the Judge's -- or on the Commission's  
20 August order, and on rehearing, nobody is advocating  
21 for the prime use of the primary route. Does that  
22 mean if the order submitted by Mr. Gower's clients  
23 is granted, that my clients do not have to submit  
24 testimony or -- well, not clients submit testimony,

1 but I guess the primary route is no longer in play.

2 JUDGE ALBERS: I think we can -- I think  
3 that basically you're making, you know, a request at  
4 this point, for practical purposes you're making a  
5 request that it does apply to your clients, or the  
6 route you're concerned with, right?

7 MR. BRADLEY WILSON: Yes.

8 JUDGE ALBERS: Yeah. So I mean we can  
9 take that into account and we'll reflect that in the  
10 ruling.

11 MR. BRADLEY WILSON: Okay; appreciate  
12 it, thank you, Your Honor.

13 JUDGE ALBERS: Okay, moving on to our  
14 next preliminary matter we've got with regard to  
15 Mr. Long's testimony, either correction to that, but  
16 before we get to the evidentiary hearing, just  
17 please submit the, on E-Docket a corrected version  
18 just for the record, since the correction wasn't  
19 made in the actual testimony, it was made in your --

20 MR. KURT WILKE: Okay.

21 JUDGE ALBERS: -- small filing, and  
22 we'll just refer to that as the official version and  
23 let you move for admission.

24 MR. KURT WILKE: Okay.

1                   JUDGE ALBERS:  And then, last but not  
2  least, when you do send the testimony, when you've  
3  already done so or will be doing so soon, just  
4  please remember to send the ALJ the Word version.

5                   Did anybody have any other preliminary  
6  matters?

7                   MR. MARK WHITT:  Yes, Your Honor, again  
8  Mark Whitt on behalf of ATXI.  We do anticipate  
9  filing some Motions To Strike in response to some of  
10 the direct testimony.  Recognizing we are on a short  
11 schedule, but ideally if we could get rulings on the  
12 motions before rebuttal testimony is due, that would  
13 be ideal.  And I recognize the motions aren't  
14 presently before the Bench, but in order to  
15 accommodate some schedule where we can attempt to  
16 get orders before rebuttal, we would propose that  
17 parties having a desire to file any Motions To  
18 Strike would do so by a date certain, and that  
19 responses to those motions be due by some other date  
20 certain.  And for purposes of starting discussion,  
21 we would propose that the motions be due on Friday,  
22 November 22nd, and the responses on Wednesday,  
23 November 27th.  I know that that's brushing up  
24 against holidays, but I think there's certainly some

1 flexibility there.

2 JUDGE ALBERS: Just as a practical  
3 matter, I would note that any, from my notes  
4 rebuttal testimony is due on December 2nd, so if  
5 anybody is going to --

6 MR. MARK WHITT: Okay.

7 JUDGE ALBERS: -- I mean do what you can  
8 file, but if a motion was denied, there wouldn't be  
9 much time to get a ruling out and have it reflected  
10 in the next business day, so...

11 MR. MARK WHITT: Right. We can move  
12 this up to, you know, this Thursday and next  
13 Tuesday.

14 JUDGE ALBERS: Okay. I think that would  
15 probably work better.

16 MR. MARK WHITT: Okay.

17 MR. KURT WILKE: What were the two  
18 dates?

19 MR. MARK WHITT: Thursday, and I guess  
20 that's the 21st. And responses would be due on, on  
21 the 26th, which is next Tuesday.

22 JUDGE ALBERS: So your assuming that  
23 whoever filed a motion wouldn't file a reply in that  
24 basically two --

1 MR. MARK WHITT: I don't think that  
2 there's, frankly, time to do so.

3 JUDGE ALBERS: Yeah, I just wanted to  
4 confirm that. Anybody have any other comments or  
5 thoughts on that?

6 MR. JOSEPH O'BRIEN: I didn't hear the  
7 second. Did you say the 26th?

8 MR. MARK WHITT: 26th, next Tuesday.

9 MR. JOSEPH O'BRIEN: The 26th is a  
10 Tuesday.

11 JUDGE ALBERS: Okay. Okay, well, I  
12 guess that will be the plan then for any Motions To  
13 Strike on the direct testimony of the hearing. Any  
14 other preliminary matters?

15 MR. EDWARD GOWER: Judge, just, did you  
16 say that you'd rule on the Motion For Clarification  
17 on Thursday?

18 JUDGE ALBERS: Correct.

19 MR. EDWARD GOWER: Okay.

20 JUDGE ALBERS: Off the record for a  
21 minute.

22 (Discussion off the record.)

23 JUDGE ALBERS: Back on the record. Is  
24 there anything else then for today?

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(No response.)

JUDGE ALBERS: No? All right. Then if not, the next hearing scheduled in this is for the Robinettes, and so we'll continue this with the Robinettes evidentiary hearing at 10:00 on December 9th. Off the record.

(Off the record at 10:21 a.m.)

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CERTIFICATE OF REPORTER

I, Pamela K. Needham, 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.

-----

Pamela K. Needham, CSR, CCR  
Illinois CSR No. 084-002247  
Missouri CCR No. 505