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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

December 17, 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

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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 was initiated by Ameren Transmission Company of Illinois and concerns the Petition for Certificate of Public Convenience and Necessity for its Illinois Rivers Project.

May I have the -- well, with regard to appearances, as we indicated in our December 9th ruling, please fill out and submit your appearance form to the court reporter for each day you would like your appearance recorded.

As far as preliminary matters, got a couple of our own. There's the December 9th motion of ATXI to strike the rebuttal testimony on a rehearing of Dan Long and Julie Miller Instantor. In light of the December 16th motion concerning the stipulation between Mt. Zion and ATXI, is that Motion to Strike still desirable on your part?

MR. FITZHENRY: We would like you to hold your ruling in advance. We want to talk to Mt. Zion a little bit further about that particular issue.

JUDGE ALBERS: Okay.

MR. FITZHENRY: Thank you.

1 JUDGE ALBERS: That's fine.

2 Do we need to hold off on that motion
3 regarding joint stipulation as well?

4 MR. FITZHENRY: No. You can grant that
5 motion right away.

6 JUDGE ALBERS: In light of that, any
7 objection to that one?

8 (No response.)

9 JUDGE ALBERS: All right. Hearing no
10 objection, then the December 16th Joint Motion to
11 file and admit a stipulation between ATXI and the
12 Village of Mt. Zion is granted.

13 And we also have the December 11th motion to
14 file testimony of Kathleen Merner Instanter. Is
15 there any objection to that?

16 (No objection.)

17 JUDGE ALBERS: Hearing none, that also is
18 granted.

19 And do we have any preliminary matters?

20 JUDGE ALBERS: Ms. Broach, on behalf --

21 MS. BROACH: Yes, your Honor. Yes, go
22 ahead.

23 JUDGE ALBERS: If you have any other --

24 MS. BROACH: Yes. My name is Emily Broach.

1 I represent Gan Properties LLC, which has property in
2 Shelby County that would be affected by ATXI's
3 proposed alternate route, which I don't believe any
4 party is advocating on rehearing.

5 Just to protect the record, Gan Properties
6 would like to resubmit Gan Properties Exhibit 1.0
7 through 1.7, which were filed on e-Docket on May 10,
8 2013 on rehearing.

9 JUDGE ALBERS: That was the testimony of
10 Mr. Skolnik, if I recall correctly?

11 MS. BROACH: Yes.

12 JUDGE ALBERS: And there's no changes from
13 what he previously testified to?

14 MS. BROACH: No.

15 JUDGE ALBERS: All right. Thank you.

16 MS. BROACH: Thank you.

17 JUDGE ALBERS: I will note for the record
18 that was previously admitted.

19 Any other preliminary matters?

20 MR. SHAY: Good morning, your Honor. Bill
21 Shay for the Spragues. We filed a Petition to
22 Intervene. On 11/25 -- November 25th, there have
23 been no objections or filings in opposition to it, so
24 I didn't know if this was the appropriate time to ask

1 your Honors' ruling on that.

2 JUDGE ALBERS: I think we granted that on
3 December 9th.

4 MR. SHAY: Sorry, my mistake. Thank you.

5 JUDGE ALBERS: Any other preliminary
6 matters?

7 (No response.)

8 JUDGE ALBERS: Turn to our witnesses then.
9 I think we have got slated the four Ameren witnesses
10 today. We'll just take them in order as they're on
11 the list. I'll go ahead and swear them all in right
12 now.

13 Please stand and raise your right hand.

14 (Ameren witnesses weresworn by Judge
15 Albers.)

16 JUDGE ALBERS: Would you like to call your
17 first witness?

18 MR. STURTEVANT: Yes. Good morning, your
19 Honor. Albert Sturtevant on behalf of ATXI.

20 ATXI would like to call Mr. Dennis Kramer.

21 * * * * *

22 DENNIS KRAMER,

23 having been first duly sworn, was examined and
24 testified as follows:

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DIRECT EXAMINATION

QUESTIONS BY MR. STURTEVANT:

Q. Good morning, Mr. Kramer.

A. Good morning.

Q. Can you state your full name and business address for the record, please?

A. I have to get my business address. I never mail something to myself.

My name is Dennis Kramer and I am employed by Ameren Services at 1901 Chouteau Avenue, St. Louis, Missouri, 63166.

Q. And what is your position with Ameren Services?

A. I am the Senior Director of Transmission Policy and Planning.

Q. Mr. Kramer, I have what is marked as ATXI Exhibit 1.0 (RH) Revised with accompanying exhibits ATXI Exhibit 1.1 through 1.9 (RH) labeled the Revised Direct Testimony on Rehearing of Dennis Kramer.

Mr. Kramer, did you prepare or direct the preparation of this direct testimony and exhibits?

A. Yes, I did.

Q. And if you were to be asked the questions contained in the direct testimony and exhibits today,

1 would your answers be the same?

2 A. Yes, they would.

3 Q. Is the information contained in your direct
4 testimony on rehearing and accompanying exhibits true
5 and correct to the best of your knowledge and belief?

6 A. Yes, it is.

7 Q. And Mr. Kramer, I also have what is marked
8 as ATXI Exhibit 4.0 (RH) Revised the Revised Rebuttal
9 Testimony on Rehearing of Dennis D. Kramer,
10 supporting exhibits ATXI Exhibits 4.1 through 4.4
11 (RH).

12 Did you prepare or direct the preparation of
13 this revised rebuttal testimony and exhibits?

14 A. Yes, I did.

15 Q. If you were asked the questions contained in
16 your rebuttal testimony today, would your answers be
17 the same?

18 A. Yes, they would.

19 Q. Is the information contained in your revised
20 rebuttal testimony and supporting exhibits true and
21 correct to the best of your knowledge and belief?

22 A. Yes, it is.

23 Q. And finally, Mr. Kramer, I have what is
24 marked as ATXI Exhibit 8.0 (RH), the Surrebuttal

1 Testimony on Rehearing of Dennis D. Kramer with
2 accompanying Exhibits 8.1 through 8.5 (RH).

3 Did you prepare or direct the preparation of
4 this surrebuttal testimony on rehearing and exhibits?

5 A. Yes, I did.

6 Q. And if you were to be asked questions
7 contained in your surrebuttal testimony on rehearing
8 today, would your answers be the same?

9 A. Yes, they would.

10 Q. Is the information contained in your
11 surrebuttal testimony on rehearing supporting
12 exhibits true and correct to the best of your
13 knowledge and belief?

14 A. Yes, it is.

15 MR. STURTEVANT: Your Honor, at this time,
16 we would move for the admission of ATXI Exhibit 1.0,
17 1.1, through 1.9; 4.0, 4.1 through 4.4; 8.0 and 8.1
18 through 8.5. And tender Mr. Kramer for cross
19 examination.

20 MR. ALBERS: Thank you. We will rule on
21 admissibility following the cross examination.

22 I have Staff and MCPO reserved time.

23 CROSS EXAMINATION

24 QUESTIONS BY MR. OLIVERO:

1 Q. Good morning, Mr. Kramer. My name is Jim
2 Olivero and I represent the Staff witnesses of the
3 Illinois Commerce Commission.

4 Before I get started with cross, I just
5 wanted to enter into evidence what I have identified
6 as ICC Cross Exhibit Number 1, which was agreed to
7 with ATXI and consists of the data request responses
8 of ENG 2.14 (R), ENG 12.04, ENG 13.03 and ENG 13.07.
9 And those are part of, like I said, ICC Staff Cross
10 Exhibit 1.

11 I was also going to move for admission of
12 what I have identified as ICC Staff Cross Exhibit
13 Number 2, which is the data request response and
14 attachments to ENG 13.08 that we had discussed with
15 the ATXI yesterday.

16 MR. ALBERS: 13.08?

17 MR. OLIVERO: Yes.

18 MR. STURTEVANT: Your Honor, I would just
19 note with respect to those that ENG 2.14 (R) and
20 12.04 are actually sponsored by Mr. Hackman, although
21 the Company does not have any objection to their
22 admission.

23 Q. (Mr. Olivero) Mr. Kramer, I would like to
24 direct you to your rebuttal testimony. And

1 specifically, ATXI Exhibit 4.4 (RH).

2 A. That would be the revised rebuttal
3 testimony?

4 Q. Yes.

5 A. Okay. Thank you.

6 Q. But as I understand it, those exhibits were
7 not revised, correct?

8 A. Yes.

9 Q. I just want to walk you through actually and
10 have you maybe explain some of the designations on
11 that exhibit if you wouldn't mind. I'd like to start
12 at the top of the page on what's entitled Modeled
13 Conditions.

14 Is that an entry used to provide a
15 description of what the power flow results represent?

16 A. It's a description of the system
17 configuration that's being analyzed. In other words,
18 it says Pana and the dash means to Staff's Moweaqua
19 345 kV line in service. It's the existing 138 kV
20 line to the Decatur area and a new 138 line from
21 Moweaqua to North substation to PPG. PPG is the
22 substation in the Decatur area.

23 Q. Thank you.

24 Now, next you have identified what is called

1 or identified as contingency. Would you please
2 explain how that entry relates to the dotted lines in
3 the upper right-hand corner of the diagram on that
4 page?

5 A. The dotted lines in the upper right-hand
6 corner are indicating that the two Oreana 345/138 kV
7 transformers are removed from service. That is the
8 system condition that we're simulating in the model.

9 Q. There is a dashed line running across the
10 bottom of that same diagram on ATXI 4.4 (RH). What
11 does that dashed line indicate?

12 A. That would mean that the 345 kV line from
13 Kansas is not in service. And the MVP, in the
14 Illinois Rivers Project, we have a planned line from
15 Kansas to Mt. Zion. That line is the line going to
16 the right on the dotted line. The other line would
17 be a line coming from what could be considered
18 Kincaid, because we're trying to show what could be.
19 The blue line going to the south is the Pana line.

20 Q. Okay. You may have started answering, I
21 guess, my next question. When you say "the blue
22 line", and again, I am not sure if on my copy of
23 this, there is one that sort of looks like a lighter
24 blue and there's either a darker blue or a purple

1 line. Do you see those that are running to the
2 bottom of that diagram?

3 A. The line at the bottom of the diagram that's
4 a blue cover would be a 345 kV line. And that would
5 be the line from Pana to Staff's Moweaqua.

6 Q. And then that purple line? And maybe --

7 A. I am struggling --

8 MR. STURTEVANT: I don't believe our
9 versions of the maps have purple on them. So maybe
10 we're operating off a different publisher.

11 MR. OLIVERO: Maybe.

12 Q. (By Mr. Olivero) Let me just say, the one
13 to the left running off the page, what would that
14 represent?

15 A. Are you referring to the dotted line?

16 Q. No. I am sorry. The solid line running.

17 MR. STURTEVANT: Are you talking about the
18 one on the far lower left of the diagram?

19 MR. OLIVERO: In the lower left-hand corner
20 of the diagram, correct.

21 THE WITNESS: I'm struggling with reading
22 the copy and --

23 MR. OLIVERO: May I approach the witness for
24 a second?

1 MR. ALBERS: Sure.

2 THE WITNESS: There's the two lines in the
3 bottom, one straight down and one angles off.

4 MR. OLIVERO: Correct. That's what I am
5 trying to --

6 Q. (By Mr. Olivero) Just for the record, Mr.
7 Kramer, those on the ATXI Exhibit 4.4 (RH), the solid
8 line running down the bottom lower left-hand corner,
9 could you identify what that represents?

10 A. That is a 138 kV line that's coming from the
11 south. System to map any additional information.

12 Q. And likewise, there is a different colored
13 one to the right of that that's sort of at an angle.
14 What does that represent?

15 A. That represents 345 kV line coming from
16 Pana.

17 Q. All right. Now, still on that same exhibit.
18 Under the diagram, there's an identification of the
19 software and the date the particular power flow model
20 was run. Is that correct?

21 A. It states 2021 summer peak case, final buses
22 with voltage less than 0.9600.

23 Q. I guess maybe -- I am referencing the very
24 first line, that PTI interactive power system

1 simulator.

2 A. Correct. That is the PTI interactive power
3 system simulator, PSS. That is the software that was
4 used to form an analysis.

5 Q. And it was run on that November 26, 2013
6 date?

7 A. Correct.

8 Q. What does the next line mean, 2010 series
9 ERAG/MMWG base case library?

10 A. There's a series of models that's produced
11 by the eastern interconnect. And that is what the
12 ERAG refers to. MMWG is a base case system
13 conditions. It's a configuration. It's mathematical
14 representation of the electric configuration of the
15 transmission system on the eastern interconnect. And
16 they're given a series, depending on what year
17 they're produced, what year they're using for input.
18 This is using input of 2010 series.

19 Q. And the next entry states 2021 summer peak
20 case. Would you please describe what that entry
21 means?

22 A. The 2021 summer peak case refers back to the
23 original testimony. That was our date that the MVPs
24 would all be in service. So that's what the end date

1 would be for evaluating the system.

2 Q. Thank you.

3 The next entry is final buses with voltage
4 less than 0.9600. Is it correct that the list that
5 follows that contains those 138 kV bus locations in
6 the Decatur area with voltages below 96 percent under
7 the specified contingency condition?

8 A. Yes, they do.

9 Q. And just to be clear, these are not voltages
10 that would exist under normal conditions, correct?

11 A. Correct. These are called percentage of
12 normal post-recovery. Let's say the Oreana
13 transformers, which is a contingency, both fail. The
14 system would then be covered to a certain voltage
15 level with a Pana - Staff's Moweaqua 345 kV site,
16 this is the voltage that would result after the
17 system has adjusted to losing both Oreana
18 transformers with this 345 line connecting from Pana
19 to Staff's Moweaqua site.

20 Q. And these are probably not voltages that
21 would exist under different contingency conditions,
22 correct?

23 A. There are many different types of
24 contingencies that can be looked at that could result

1 in voltages similar to this.

2 Q. Right. But this one is unique to the
3 contingency that was in this model, correct?

4 A. Well, the voltages represent -- they contain
5 post-contingency voltages for this particular event,
6 which is loss of both Oreana transformers. If there
7 were another set of contingencies, there would be a
8 different set of voltages. We believe the Staff's --
9 we believe that the Oreana 345 and 138 kV contingency
10 is a representative example.

11 MR. OLIVERO: May I approach the witness,
12 your Honor?

13 MR. ALBERS: Yes.

14 Q. (By Mr. Olivero) I am going to give you a
15 copy of Cross Exhibit 2 that we had entered with our
16 colors on it.

17 A. Our printers aren't very good.

18 Q. Well, ours aren't either. Running out of
19 ink.

20 I just had a couple of questions to ask you
21 in relationship to, specifically, on ICC Staff Cross
22 Exhibit 2, which was the response of ENG 13.08,
23 Attachment Number 6, in particular.

24 Are you there?

1 A. Yes. That would be modeled conditions:
2 Kansas - Moweaqua Tap Substation - Kincaid 345 kV in
3 service?

4 Q. Correct.

5 Do you each of the entries on Attachment 6
6 to ATXI's response to ENG 13.08 mean the same thing
7 as the entries on ATXI Exhibit 4.4 (RH) that we just
8 went over?

9 A. No, they do not.

10 Q. So when -- I guess I am just asking in terms
11 of when you were describing like a modeled condition,
12 a contingency, what the software was and that, those
13 are different?

14 A. Okay. I am sorry. I was reading -- I was
15 on the wrong page. It is they both are Kansas -
16 Moweaqua Tap Substation - Kincaid 345 kV in service.

17 I am sorry. You are correct. They are the
18 same.

19 Q. Is it correct to state that the same
20 contingency condition is represented by each diagram,
21 but Attachment 6 to ATXI's response to Staff DR 13.08
22 illustrate voltages with 345 kV connections to both
23 Kincaid and Kansas; whereas, ATXI Exhibit 4.4 (RH)
24 illustrates voltages with a 345 kV connection to

1 Pana?

2 A. I'm reviewing the documents. ENG 13.08,
3 Attachment 6, compared to the -- I am sorry. Could
4 you --

5 Q. You want me to repeat the question?

6 A. Yes, if you would.

7 Q. Is it correct to state that the same
8 contingency condition is represented by each diagram;
9 and that being ENG 13.08, Attachment 6 and ATXI
10 Exhibit 4.4 (RH), but Attachment 6 illustrates --

11 A. Do you want me to get to the other exhibit,
12 the Exhibit 4.4?

13 Q. Okay. Yes, if you need to get to that.
14 Sure.

15 A. Okay. Thank you. I apologize. I'm now at
16 ATXI 4.4 (RH). Thank you.

17 Q. And so going back to the question. Is it
18 correct to state that the same contingency condition
19 is represented by each diagram? And again, that
20 Attachment 6 to ENG 13.08 and ATXI Exhibit 4.4 (RH).
21 But Attachment 6 illustrates voltages with 345 kV
22 connections to both Kincaid and Kansas; whereas, ATXI
23 Exhibit 4.4 (RH) illustrates voltages with a 345 kV
24 connection to Pana?

1 A. That is correct.

2 Q. Thank you.

3 Now, if the actual electric load in the
4 Decatur area differs during the 2016 through 2018
5 time period from the assumption used in the power
6 flow models we just discussed, would you expect the
7 voltages at the various 138 kV buses to also be
8 different than what is shown on ATXI Exhibit 4.4 (RH)
9 and Attachment 6 to ATXI's response to Staff's data
10 request ENG 13.08?

11 MR. STURTEVANT: Your Honor, I would object
12 as to what is meant by "different loads" as being
13 vague.

14 Q. (By Mr. Olivero) Are the loads greater or
15 less than what they had been?

16 MR. STURTEVANT: Well, I guess that was my
17 question. I think it might make a difference.
18 That's what I was wondering, what was meant by
19 "different".

20 MR. OLIVERO: Well, different than what is
21 shown, I guess, on each of the exhibits, as opposed
22 to what would be during the period 2016 through 2018.

23 MR. STURTEVANT: I mean, by different up,
24 different down, different by 1,000 megawatts,

1 different by half a million, what?

2 JUDGE ALBERS: I think maybe Mr. Sturtevant
3 is a looking for a particular example.

4 MR. OLIVERO: I am just asking, would they
5 be greater based on that or would they be less? I am
6 not exactly sure, I guess, what he --

7 JUDGE ALBERS: Maybe try to better define
8 the question, see if that addresses Mr. Sturtevant's
9 concerns.

10 MR. OLIVERO: Okay.

11 Q. (By Mr. Olivero) Mr. Kramer, if the actual
12 electric load in the Decatur area was 50 megawatts
13 less than what was assumed in those power flow
14 models, how would that, I guess, be -- how would
15 those affect the voltages in the model?

16 A. First, I want to make clear that the
17 analyses shown in ENG 13.08, Attachment 6 and ATXI
18 Exhibit 4.4 were created using the exact same load.
19 There was no difference between them.

20 Q. Right.

21 A. Which means that they were used on
22 consistent basis.

23 Are you now inquiring if we reduced that
24 base load by 50 megawatts, what would be the impact?

1 Q. Right. On both of those.

2 A. We would have to run the analysis to
3 determine the specifics, because power flow would
4 change depending on where the load that you reduced
5 was located. Generally, a general load reduction may
6 result in a higher recovery post-contingency
7 voltages; but you cannot identify which bus until you
8 identify which load's being served by which bus.

9 Interestingly, these -- you mention 50
10 megawatts in that the models that we used did not
11 include the Decatur load, which is an addition of
12 approximately 50 to 55 megawatts, which is the Archer
13 Daniels Midland load we just contracted for, which
14 would occur by 2016. So actually, it won't be 50
15 megawatts less; it will actually be 50 megawatts or
16 more in addition to these models would be the actual
17 expected load.

18 Q. And how would you expect those extra 50
19 megawatts to affect the voltage?

20 A. Based upon where we expect these loads to be
21 added, which would be near the ADM substations, we
22 would expect that these would drop off more severely
23 less voltage recovery post-contingency with the
24 additional loads of ADM substations.

1 Q. If the new 138 kV lines connecting the
2 Decatur area to the substation site that Staff
3 identified near Moweaqua have less impedance than the
4 assumptions used in the power flow models that we
5 just discussed, would you expect the voltages at the
6 various 138 kV buses to be higher?

7 A. If the impedance was reduced for any of the
8 substation sites, 138 to Decatur, the voltage
9 recovery would be higher. For consistency, we made
10 sure we used all the new 138 kV lines for any of the
11 substation size to be analyzed to connect to Decatur.
12 We use the same impedance and resistivity of that
13 line so it was consistent.

14 Q. And was the impedance that you utilized in
15 the studies based -- all right. Hang on. Strike
16 that. I am sorry.

17 Was the impedance in the studies based on a
18 specific conductor size?

19 A. Are you referring to 138 kV connectors
20 between Moweaqua or any substation site to Decatur?

21 Q. Yes.

22 A. They were the same conductor size and these
23 were all the studies that we performed on 138 kV
24 lines.

1 Q. And what size conductors would all of those
2 have been?

3 A. I would have to look it up. I just know the
4 impedance. I would have to check, find out what type
5 of conductor. I think they actually included that in
6 a data request. I don't know if it was entered into
7 the record.

8 Q. But you don't remember offhand?

9 A. I would have to look it up. Using my
10 memory, if I can remember something to the fourth
11 decimal place.

12 MR. OLIVERO: We have no further questions,
13 your Honor.

14 Thank you, Mr. Kramer.

15 JUDGE ALBERS: Mr. Robertson?

16 MR. ROBERTSON: No cross.

17 JUDGE ALBERS: I have just a couple of
18 clarifying questions.

19 If the Commission decided that a
20 transmission line through Kincaid was the best way to
21 link Pawnee and Mt. Zion, is it your understanding
22 that the costs associated with any Kincaid substation
23 modifications would be spread throughout MISO?

24 THE WITNESS: That would be a decision that

1 MISO would have to make, because it is part of their
2 criteria. They would have to study to determine does
3 the segment running from Pawnee to Kincaid to Mt.
4 Zion meet their requirements for an MVP.

5 I would point out that we have identified
6 items that would be of a concern, I would expect, to
7 MISO in their analysis, including the fact that in
8 MISO -- Jeff Webb's testimony, he mentions Coffeen, I
9 believe he calls it instability. In my testimony, we
10 have explained that a Kincaid to Mt. Zion line does
11 not improve the Coffeen stability while Pawnee to
12 Pana, Mt. Zion line does by ten percent.

13 The other concern would be the -- one of the
14 primary concerns and needs of the Mt. Zion substation
15 is to address the load in 2016, which leads to these
16 contingencies we just discussed for the failure of
17 the Oreana transformers. The lack or inability of
18 Kincaid to Mt. Zion substation 345 line to be in
19 service in 2016 would cause this still to have a
20 problem until 2018, which is when it would be in
21 service. So we still have to do something. So it's
22 an efficiency there in regards to comparison to the
23 Pawnee - Pana line.

24 It also does not supply additional 345 lines

1 to the Pana substation. One of the goals of the
2 MVPs, or the Illinois Rivers Project in specific, was
3 to distribute renewable energy and lower cost energy
4 to reduce congestion to the customers in Illinois.
5 The connection through Pana would allow that the two
6 additional 345 lines, the one from Pawnee, the one
7 from Mt. Zion would allow access for the expired 138
8 kV lines from Pana, emanate from it. Good dropping
9 off point for another answer for lower cost energy to
10 the Illinois customers.

11 Those are just a few of the things that
12 enter into the consideration of would a Kincaid to
13 Mt. Zion line and substation be functionally
14 equivalent to a Pawnee into Pana into Mt. Zion. I
15 think in my testimony, I explained that ATXI's
16 position is it isn't the same.

17 JUDGE ALBERS: Okay. Under the same routing
18 scenario, the cost of moving AIC's Pana substation,
19 due to the subsidence issue, if I understand that
20 correctly, would only be recovered from AIC
21 customers. Do you agree with that?

22 THE WITNESS: If you're referring to if a
23 345 kV line was built from Kincaid to the Mt. Zion
24 substation and there was no additional or new 345

1 connections made to the Pana substation, then any
2 work that was done within the Pana substation, such
3 as relocating and rebuilding, would not be subject to
4 the MVP cost sharing and that would be borne by the
5 Ameren Illinois customers as a liability function.

6 JUDGE ALBERS: Right.

7 If the existing Pana substation failed due
8 to subsidence problems, would that affect the
9 transmission assets in the area?

10 THE WITNESS: If the Pana -- let me make
11 sure I understand.

12 Referring to the Pana substation
13 experiencing mine subsidence, which would -- and I'm
14 now making assumptions here -- in most cases, the
15 heaviest pieces of equipment would be the ones more
16 likely to fall. And that would be the transformers,
17 which just happen to be the most expensive items in
18 the substation. So yes, that would be a major
19 failure of equipment and facilities and could have a
20 long-lasting impact depending on what else fell when
21 it would fall.

22 JUDGE ALBERS: That would affect the
23 transmission assets in that area?

24 THE WITNESS: Correct. Definitely affect

1 the overall system reliability. It would definitely
2 affect -- I would also expect it to impact the
3 ability for accessing energy. In other words, lower
4 cost energy. It may cause overloads on certain lines
5 that are still remaining in service.

6 JUDGE ALBERS: I image that would be a
7 significant concern for MISO as well?

8 THE WITNESS: It would be. But that would
9 be something that AIC, Ameren Services would handle
10 as a reliability project, which are not cost-shared,
11 because it's to serve and maintain service to local
12 load.

13 JUDGE ALBERS: Okay. All right. That's all
14 I had. Thank you.

15 Any redirect?

16 MR. STURTEVANT: Can we have a minute with
17 our witness, your Honor?

18 JUDGE ALBERS: Yes.

19 (Short recess taken.)

20 MR. STURTEVANT: We have no further
21 questions, your Honor. No redirect.

22 JUDGE ALBERS: Thank you. As far as Staff's
23 Cross Exhibit, do you move for admission of those,
24 Mr. Olivero?

1 MR. OLIVERO: Yeah. I thought I did.
2 JUDGE ALBERS: I couldn't remember.
3 Any objection to Staff Cross Exhibit 1 and
4 2?
5 MR. STURTEVANT: No objection, your Honor.
6 JUDGE ALBERS: Then they're both admitted.
7 (Staff Cross Exhibit 1 and 2 were
8 admitted into evidence at this time.)
9 JUDGE ALBERS: And any objection then to the
10 testimony of Mr. Kramer?
11 (No response.)
12 JUDGE ALBERS: Hearing none, ATXI Exhibit
13 1.0 (RH) Revised, 1.1 (RH) through 1.9 (RH), 4.0 (RH)
14 Revised, 4.1 (RH) through 4.4 (RH), and 8.0 (RH)
15 through 8.5 (RH) are all admitted.
16 (ATXI Exhibit 1.0 (RH) Revised, 1.1 (RH)
17 through 1.9 (RH), 4.0 (RH) Revised, 4.1
18 (RH) through 4.4 (RH), and 8.0 (RH)
19 through 8.5 (RH) were admitted into
20 evidence at this time.)
21 JUDGE ALBERS: Thank you, Mr. Kramer.
22 THE WITNESS: Thank you.
23 JUDGE ALBERS: The next witness is
24 Ms. Murphy.

1 JUDGE YODER: Ms. Murphy, for the record,
2 were you previously sworn? Do you have the
3 microphone on?

4 THE WITNESS: Yes, I was.

5 * * * * *

6 DONELL MURPHY,
7 having been first duly sworn, was examined and
8 testified as follows:

9 DIRECT EXAMINATION

10 QUESTIONS BY MR. WHITT:

11 Q. Good morning, Ms. Murphy.

12 Could you please introduce yourself to the
13 Commission by giving us your full name, title and
14 business address?

15 A. My name is Donell Murphy. I'm a partner
16 with Environmental Resources Management. And my
17 business address is 1701 Golf Road, Suite 1-700,
18 Rolling Meadows, Illinois 60008.

19 Q. Ms. Murphy did you prepare Direct Testimony
20 on Rehearing on behalf of Ameren Transmission Company
21 of Illinois?

22 A. Yes, I did.

23 Q. And do you have in front of you a document
24 marked ATXI Exhibit 3.0 (RH) with an attached

1 Exhibit 3.1 (RH)?

2 A. Yes, I do.

3 Q. Is that document and exhibit your direct
4 testimony on rehearing?

5 A. Yes, it is.

6 Q. If I were to ask the same questions that
7 appear in ATXI Exhibit 3.0 (RH) today, would your
8 answers be the same?

9 A. Yes, they would.

10 Q. Did you also prepare rebuttal testimony in
11 this proceeding?

12 A. Yes, I did.

13 Q. Is ATXI Exhibit 6.0 (RH) a copy of your
14 rebuttal testimony?

15 A. Yes, it is.

16 Q. If I were to ask you the questions in ATXI
17 Exhibit 6.0 (RH) today, would your answers be the
18 same?

19 A. Yes, they would.

20 MR. WHITT: Thank you.

21 At this point, the Company would move for
22 admission of the previously identified exhibits
23 subject to cross examination.

24 JUDGE YODER: Very well. We'll address the

1 admissibility of the testimony following cross.

2 I believe MSSCLPG has the first reserved
3 cross.

4 MR. McNAMARA: Yes, Judge. I am not going
5 to have anything for Ms. Murphy, assuming that no one
6 else brings out anything that would affect my
7 judgment.

8 JUDGE YODER: Do you want to reserve your
9 cross?

10 MR. McNAMARA: I would.

11 JUDGE YODER: Farm Bureau, ILFB.

12 MS. HARMON: Good morning, your Honor. I
13 have no questions at this time.

14 JUDGE YODER: Next is the Sprague
15 intervenors. Any cross for Ms. Murphy?

16 MR. SHAY: Yes. Thank you, your Honor.

17 CROSS EXAMINATION

18 QUESTIONS BY MR. SHAY:

19 Q. Ms. Murphy, good morning. My name is Bill
20 Shay and I am an attorney for Eric and Julia Sprague,
21 interveners on the hearing and proceeding.

22 Would you agree that you have included in
23 your so-called high sensitivities category
24 residences, cemeteries and wooded areas?

1 MR. WHITT: I'll object, your Honor. It's
2 beyond the scope of the witness's direct or rebuttal
3 testimony on rehearing.

4 JUDGE YODER: Could you identify a spot in
5 the testimony where she indicates that?

6 MR. SHAY: Well, your Honor, I don't think
7 it's beyond the scope, because she has restated and
8 reiterated her support for -- and I should qualify
9 what I am talking about. Just the segments of the
10 line from Pana to Mt. Zion running along -- largely
11 along the existing 138 kV line. And she has restated
12 her support for that. So I have some questions that
13 I will tie it, make sure it's relevant. But they
14 relate specifically to that portion of the line.

15 JUDGE YODER: Anything further?

16 MR. WHITT: Nothing further.

17 JUDGE YODER: I guess I will sustain the
18 objection to that form of the question. But continue
19 on with your cross.

20 MR. SHAY: Okay. Maybe we can come back to
21 that. Thank you.

22 Q. (By Mr. Shay) Ms. Murphy, I should have
23 qualified before I asked you any questions, qualified
24 that my questions do pertain solely to that segment

1 that I just mentioned, the Pana to Mt. Zion segment.

2 Do you understand what that is?

3 A. Yes, I do.

4 Q. Maybe you can clarify this for me. Is that
5 both the primary route for that segment and the one
6 that has been alternatively called I think in your
7 testimony, the ATXI/MCPO route?

8 A. No. That is not correct.

9 Q. Are those different?

10 A. Yes. I believe that they are separate.

11 Q. Okay. And is the one that you are proposing
12 here today, the so-called ATXI/MCPO route that was in
13 your rebuttal testimony?

14 A. Can you point me to where you're reading my
15 rebuttal testimony?

16 Q. I think that's in Exhibit 3.0, pages 13
17 through 16.

18 A. Yes, I correct my previous response. As is
19 characterized here, the stipulated route does include
20 the portion of ATXI primary route between Pana and
21 Mt. Zion.

22 Q. Okay. Thank you.

23 Do you have in front of you ATXI
24 Exhibit 4.2, Part 61 of 100? And I'll tell you it

1 was provided to me in response to a data request,
2 recent data request.

3 A. No, I do not.

4 MR. SHAY: Your Honor, may I approach the
5 witness?

6 JUDGE YODER: Yes.

7 MR. SHAY: Let the record show I am handing
8 the witness ATXI's response to Sprague Data Request
9 1.01 with the reference portion of the map.

10 JUDGE YODER: Mr. Sprague, will you be
11 asking that this be marked as a cross exhibit -- will
12 you being asking this to be marked as a cross
13 exhibit?

14 MR. SHAY: I may. I am not sure.

15 Q. (By Mr. Shay) If I could just ask to look
16 at that?

17 A. Okay.

18 Q. Is that -- does the map that was supplied
19 with your response to that data request, does that
20 accurately portray or depict a portion of the Pana to
21 Mt. Zion route segment that you are still advocating
22 for?

23 A. Yes, that is correct.

24 Q. And does that include in page one of the

1 attachment this so-called hitch that Mr. Sprague is
2 referring to in his rebuttal testimony?

3 A. Yes, it does.

4 MR. SHAY: Yes, your Honor, I would like to
5 have this marked as -- I guess we can call it Sprague
6 Cross Exhibit 1.

7 JUDGE YODER: Mr. Shay, can I interrupt you
8 for one minute?

9 Just real quick, Ms. Murphy, with regard to
10 that hitch in that route he just showed you, what was
11 the reason for that little bump out there, if you
12 recall?

13 THE WITNESS: There is a home located on
14 either side of the existing 138 line, and they're
15 relatively close. So adding the new proposed 345
16 line on either side would require crossing that 138
17 line and displacement of those homes.

18 JUDGE YODER: Okay. Thanks.

19 MR. SHAY: Thank you, your Honor.

20 Q. (By Ms. Shay) Ms. Murphy, do you know
21 anything about that existing 138 kV line that was on
22 that map and that is going to be paralleled by the
23 new line along the segment we just talked about?

24 A. Are you asking me if I know that it's

1 located there? I am not sure what your question is.

2 Q. Do you know -- I mean, are you aware of the
3 line, obviously, right?

4 A. Yes.

5 Q. And is that an Ameren or ATXI line?

6 A. I believe ATXI line.

7 Q. Do you know anything else more about it?
8 Its history? Or should I wait and ask maybe Mr.
9 Hackman?

10 A. I don't know anything further about that
11 line.

12 Q. Okay. That's fine.

13 Again, talking about this specific route
14 segment, who developed that segment for ATXI? Did
15 you develop that?

16 A. In conjunction with ATXI.

17 Q. And who at ATXI?

18 A. The overall routing team comprised of
19 various representatives of Ameren, as well as myself
20 and my team.

21 Q. There have been some varying testimony about
22 the pros and cons of paralleling an existing
23 transmission line in this case, is that correct?

24 A. That's my understanding.

1 Q. Why did ATXI decide to parallel the 138 kV
2 line for this segment for much of its distance?

3 A. From a routing approach, we looked at
4 various types of linear features. In this particular
5 portion of the project, for lack of identifying other
6 viable options, we identified existing 138 corridor
7 as a viable routing option.

8 Q. Would you say that was a so-called
9 opportunity for routing purposes?

10 A. Existing transmission line is one of the
11 multiple types of opportunities.

12 Q. Do you believe there was a cost-savings to
13 ATXI using that line routing the new line using that
14 138 kV pathway? Would that result in a cost-saving
15 to ATXI versus other alternatives that were
16 considered?

17 A. Well, I can't necessarily address cost. I
18 can say it doesn't function in length. It may be
19 lesser cost.

20 Q. Do you know specifically how the new line
21 would be configured relative to the existing line?

22 A. No, I do not.

23 Q. You don't know whether it would be built to
24 the east or west of it?

1 A. No, I do not.

2 Q. Do you know how much right-of-way would be
3 necessary for the new line?

4 A. ATXI is proposing 150-foot line
5 right-of-way.

6 Q. Do you know if that would overlap at all the
7 right-of-way for the 138 kV line?

8 A. My understanding is that it would not.

9 Q. That it would not. Would it abut it?

10 A. My understanding is that it would, yes.

11 Q. You don't know how close the new line would
12 be built to the existing 138 line?

13 A. I am not an engineer. I can't address based
14 in proximity to the two lines.

15 Q. Okay. How does paralleling this 138 kV line
16 square with other ATXI testimony in this case,
17 specifically Mr. Hackman's rebuttal filed on
18 April 26th, way back on April 26th, rebuttal in the
19 original case as Exhibit 12.0, and his rebuttal on
20 rehearing, Exhibit 5.0?

21 MR. WHITT: I'll object, your Honor. The
22 question expressly asked the witness to opine on the
23 veracity of a different witness's testimony.

24 MR. SHAY: Well, I am not, your Honor.

1 She said that the 138 line is a linear
2 future. And it's an opportunity which certainly
3 suggests its an advantage for routing the new line.
4 And yet, Mr. Hackman testified that there are
5 disadvantages, and he was critical of paralleling
6 existing transmission lines.

7 I am just trying to understand how those two
8 seemingly consistent approaches or statements are
9 squared or reconciled.

10 MR. WHITT: Well, your Honor, he can ask
11 Ms. Murphy her opinion about paralleling and ask
12 Mr. Hackman his opinion, and whatever argument they
13 would like to make at briefs, certainly, they can
14 make.

15 JUDGE YODER: The objection is sustained.

16 Q. (By Mr. Shay) Ms. Murphy, how closely did
17 you study this so-called hitch, small hitch portion
18 of this line segment before including it in your
19 routing study as a recommended route?

20 A. Can you help me understand what you mean by
21 how closely?

22 Q. Well, did you do a desktop review?

23 A. Yes, combined with a field review.

24 Q. You did a field review?

1 A. Via helicopter.

2 Q. So you flew over this hitched area and
3 viewed it from a helicopter?

4 A. We flew the entire Illinois Rivers Project.

5 Q. Are there any particular opportunities or
6 sensitivities in that hitch area that you know of
7 that you can remember?

8 A. Can you help me understand what your
9 question is?

10 Q. Well, you're making your list of
11 opportunities and sensitivities from your routing
12 study, just asking -- let me try it a different way.

13 Why did you use this particular alternative
14 for this hitch? What caused you to recommend routing
15 the line in that fashion? And coming off of the --
16 you said earlier you wanted to avoid the -- at least
17 one, maybe more, existing residences by continuing
18 using the 138 kV line pathway. So in order to avoid
19 it, you would have to incorporate this hitch. I am
20 just wondering how it is that you developed this
21 specific route for that hitch. You must have
22 considered certain factors, right?

23 A. We looked at other linear features within
24 proximity to the 138 line. Those being roads,

1 properties lines, section lines. And the route that
2 we identified is what we felt was the best option
3 deviating away from 138 to avoid displacing one or
4 two residences of crossing 138 line.

5 Q. What other residences or buildings are in
6 proximity to the hitch portion of the line?

7 A. While there are other homes within
8 proximity, they are not so close that they would be
9 at risk of being displaced.

10 Q. Yet those are sensitivities, are they not,
11 that all of the things being equal, you would tend to
12 avoid?

13 A. Recognizing a sensitivity was defined as not
14 necessitating avoidance. We did look to minimize
15 impact. And our approach to routing was to avoid
16 displacing existing occupied residences as a first
17 priority.

18 Q. Wasn't it also to avoid running the line
19 close to them within a certain number of feet, wasn't
20 that in your direct testimony?

21 A. We didn't identify any specific distance of
22 being close to or away from. Again, we just tried to
23 avoid displacing an existing residence. No residence
24 can be located within the proposed right-of-way.

1 Q. Okay. So are you saying that unless a house
2 would be completely displaced -- that is have to be
3 demolished -- that an existence of a residence along
4 the path of the line was of no consequence?

5 A. Sure, it was taken into account. But I
6 think looking at the routes proposed across the
7 entire project, while we are within proximity to
8 existing homes, we actually looked at the other
9 routes proposed by ATXI to the number of homes that
10 was in proximity to the routes before we carried
11 forward.

12 Q. Did you consider residences that were in
13 proximity to the hitch portion of this line?

14 A. We first considered the potential for
15 displacement of the two existing homes over proximity
16 to other residences.

17 Q. I am not asking you that. I am asking just
18 did you consider -- were you aware of residences in
19 proximity to the hitch portion of the line?

20 A. Yes, we were.

21 Q. And so you considered those, you're just
22 saying in comparison to displacing a home on the
23 alternative route, you considered that the
24 displacement was more important to avoid?

1 A. Using your terms, displacement being the
2 potential to demolish a home. Yes, that's exactly
3 our approach.

4 Q. Cemeteries, were you aware of the existence
5 of a cemetery within proximity of the hitch portion
6 of the line?

7 MR. WHITT: I'll --

8 THE WITNESS: Yes, I am.

9 MR. WHITT: Go ahead. I would have objected
10 had she not answered.

11 Q. (By Mr. Shay) Was that a yes?

12 A. I believe your question is was I aware of a
13 cemetery? Yes, I am aware of a cemetery.

14 Q. How about the existing, I believe, electric
15 distribution line that's owned by Shelby Electric
16 Co-op?

17 A. Yes, I am aware of that existing line.

18 Q. Was that listed in your routing study
19 anywhere?

20 A. In what? I mean, no, that specific item was
21 not listed; no, it wasn't.

22 Q. I mean, you did list other existence of
23 other utilities, including other electric lines, did
24 you not, in your study?

1 A. Can you help me understand? I am not sure I
2 understand what you're asking.

3 Q. Did the routing study team which you were a
4 member make a list of, among other things, of
5 existing utilities that would be either across, by or
6 parallel by the new line?

7 A. Yes, I did. But we don't know where all
8 those facilities are located in all instances.

9 Q. Okay. Was the Shelby Electric Co-op line I
10 just mentioned, was that listed in your study?

11 A. Again, not specifically, no.

12 Q. Were you aware of it at the time that you
13 recommended this hitch?

14 A. Yes, we were aware of it. But again, the
15 linear features that we were focusing on, we
16 identified that as an opportunity. Property lines,
17 section lines and roads.

18 Q. Where would the new line be constructed in
19 relation to the existing Shelby Electric Co-op line,
20 do you know?

21 A. I do not know. I am not an engineer. I
22 couldn't address that.

23 Q. Well, again, for example, if it was to the
24 -- located to the west, that Shelby Electric line,

1 would that necessitate the clear cutting of a
2 significant number of acres of timber?

3 A. It depends on how far west. I mean --

4 Q. So you don't know, is that what you're
5 saying?

6 A. No. I am saying I don't understand your
7 question. If you're asking me how can the proposed
8 345 line be located relative to that existing Co-op
9 line, I can't address that question. So I am not
10 sure I understand your question otherwise.

11 Q. Okay. So assuming that your engineering
12 team would have to maintain a certain minimal
13 clearance between the existing Shelby Co-op line and
14 the new line, then wouldn't it be relevant for you to
15 consider what pathway that new line would take and
16 what might be in its way, including timber that might
17 have to be cleared?

18 A. That is correct. And the extent of tree
19 removal would depend on where the two lines are
20 located relative to one another.

21 Q. So you haven't really considered the timber
22 removal as a factor in deciding to use this hitch
23 portion of the line?

24 MR. WHITT: I'll object. It assumes facts,

1 in particular, that any timber would need to be
2 removed. That's not been established.

3 MR. SHAY: Your Honor, I would be happy to
4 establish that.

5 JUDGE YODER: I'm going to sustain the
6 objection awaiting your further --

7 MR. SHAY: I'll withdraw the question and
8 lay a foundation.

9 Q. (By Mr. Shay) Ms. Murphy, do you recall a
10 data request response -- a recent data request
11 response in which you stated that approximately
12 6.5 acres of timber would have to be cleared for this
13 hitch line to be utilized?

14 A. Yes, I do.

15 Q. Is that still the case? Would you confirm
16 that as you sit here today?

17 A. Yes, based on the representative
18 right-of-way that coincides with the route as it's
19 proposed.

20 Q. Was that 6.5 acres of timber identified in
21 your original routing study given that timber is a
22 sensitivity?

23 MR. WHITT: Your Honor, I'll object again.

24 First, I am not sure what routing study

1 we're talking about. But to the extent its a study
2 that exists in the underlying proceeding, then that
3 study is already of record. And it's, I believe,
4 unfair to ask the witness detailed questions of that
5 voluminous study without making it available. But
6 the study will reflect what it contains and what it
7 doesn't.

8 MR. SHAY: It's her study. It's her team
9 study. And it's voluminous. And just asking her if
10 she knows if that acreage of timber was included in
11 it and considered. I think that's a proper question.

12 JUDGE YODER: I'll overrule the objection.
13 If she can answer that question, she can answer.

14 THE WITNESS: I think the thing to keep in
15 mind is when we looked at these routes, we looked at
16 them from substation to substation. So was it
17 inherently included in the study? Yes, it was. But
18 was the 6.5 acres specifically called out and was the
19 hitch an isolated area? No, it was not. It was
20 considered as part of the larger payment to Mt. Zion
21 portion of the project.

22 Q. (By Mr. Shay) Going back to your statement
23 about the house that would have to be displaced if
24 the hitch and line segment wasn't utilized. You said

1 the route would continue along the 138 kV line.

2 Understand?

3 A. There is a home on either side of the 138
4 line.

5 Q. Yeah. Does one of those belong to Lilly
6 Adams, do you know?

7 A. I do not know who owns those homes.

8 Q. Are you saying that there definitely would
9 have to be a demolition of one or two houses in order
10 for the hitch to be eliminated and a line to continue
11 along the pathway of the 138 kV line?

12 A. Both of those homes are within approximately
13 60 to 70 feet from the existing 138 line. So we're
14 proposing a new 150-foot right-of-way. If that were
15 to occur on either side of an existing 138 line,
16 those homes would be in direct conflict with the
17 proposed route, depending on which side they were
18 located.

19 Q. Do you have any idea what the cost of
20 displacement of those homes would be? Did you look
21 at that?

22 A. No. That's not within the scope of --

23 Q. Do you know how it is that one or both of
24 those homes are in the existing right-of-way for 138

1 kV line?

2 A. I can't respond to that.

3 MR. SHAY: Okay. I am about finished, your
4 Honor.

5 Q. (By Mr. Shay) Ms. Murphy, did you review
6 Mr. Sprague's testimony and exhibits?

7 A. From a cursory perspective, yes.

8 Q. Okay. Did you review his proposed
9 Alternatives 2 and 3, they were called, included as
10 exhibits to his testimony?

11 A. Yes, I am aware of those locations.

12 Q. Did you have any particular reaction or
13 response to those at the time when you reviewed
14 those?

15 A. Can you help me understand what you're
16 asking? My reaction to those route options?

17 Q. What did you think of those as possible
18 alternatives to the hitch?

19 A. I think that the hitch was identified to
20 avoid the potential for displacement of existing
21 homes. I think of the -- so continuing along the
22 existing 138 line would be the least viable option.
23 I think the other two that were identified, one being
24 a shorter workaroud that kind of boxed in a smaller

1 parcel I think would be less viable than yet the
2 third option was identified that would split a
3 parcel.

4 Q. Why would it be less viable?

5 A. The boxing around the smaller parcel?

6 Q. Yes. I am sorry. And when we talk about
7 boxing around the smaller parcel, I guess in a sense,
8 both 2 and 3 -- Alternatives 2 and 3 do that. Are
9 you referring to one or the other or both of them?

10 A. Do you have the exhibit that has those
11 routes?

12 MR. SHAY: May I approach?

13 JUDGE YODER: Yes.

14 Q. (By Mr. Shay) Just to refresh you.

15 Let the record show I am showing the witness
16 Sprague Exhibit 1.3 and Sprague Exhibit 1.4. First
17 one being this we'll call Alternative 2 and the
18 second being Alternative 3.

19 A. So my prior comment about the smaller kind
20 of boxing in, that was in reference to Sprague
21 Alternative 3. And again, my prior comment is
22 Sprague Alternative 2 would appear to be more viable
23 than Sprague Alternative 3.

24 Q. Any particular reason?

1 A. I think given the proximity of Sprague
2 Alternative 3 to that existing residence that you
3 would have 345 kV pulls on three sides within fairly
4 close proximity to that one residence.

5 MR. SHAY: Fair enough. Thank you.

6 Those are all the questions I have at this
7 time, your Honor.

8 Thank you, Ms. Murphy.

9 JUDGE YODER: Mr. Robertson, do you have any
10 cross for MCPO?

11 JUDGE ALBERS: Before you get started, I
12 just wanted to follow up on something Mr. Shay asked
13 you, Ms. Murphy.

14 With regard to that hitch that Mr. Shay was
15 concerned about, did you or to your knowledge anyone
16 on your team consider a dual circuit set of poles
17 just on that segment there to kind of avoid having to
18 take out any houses if you kept going straight
19 through?

20 THE WITNESS: No, we did not.

21 JUDGE ALBERS: Okay. Any particular reason
22 you didn't or just didn't occur to you?

23 THE WITNESS: We didn't consider co-locating
24 new -- the 345 line with any system transmission

1 structures for any portion.

2 JUDGE ALBERS: Okay.

3 MR. SHAY: If I may, I would like to move
4 for admission of the Sprague Cross Exhibit 1. I
5 would be happy to file it on e-Docket if it's
6 admitted.

7 JUDGE YODER: That's not necessary. Anyone
8 objection to admission of Sprague Cross Exhibit 1?

9 MR. WHITT: No objection.

10 JUDGE YODER: It will be admitted.

11 (Sprague Cross Exhibit 1 was admitted into
12 evidence at this time.)

13 JUDGE YODER: Mr. Robertson?

14 MR. ROBERTSON: Just one or two quick
15 questions, Ms. Murphy.

16 CROSS EXAMINATION

17 QUESTIONS BY MR. ROBERTSON:

18 Q. Subsequent to the entry of the final order
19 in this case, did you fly over or inspect any of the
20 routes that had been approved by the Commission?

21 A. Yes, I did.

22 Q. And was the -- I'll call it the northern
23 route -- was the route from Mt. Zion to Kansas one of
24 the routes that you flew over and inspected?

1 A. Assuming the northern route you mean the
2 approved ATXI, yes.

3 MR. ROBERTSON: That's all I have.

4 JUDGE YODER: Thank you.

5 You want a minute?

6 MR. WHITT: Can we have just a minute?

7 (Short recess taken.)

8 JUDGE YODER: Back on the record.

9 Mr. Whitt, Judge Albers and I had one,
10 hopefully noncontroversial question about that hitch
11 section we were talking about.

12 Is it correct that that gap in that line is
13 a half a mile? It looks to be from looking at the
14 scale over here, but I just wanted to --

15 THE WITNESS: Which exhibit?

16 JUDGE YODER: This will be on -- if you had
17 the cross exhibit on Sprague Cross Exhibit 1. The
18 first page of the map.

19 THE WITNESS: Somehow I didn't end up with
20 that.

21 (Document tendered.)

22 THE WITNESS: Yes, that's correct. That's
23 about half a mile.

24 JUDGE YODER: So the hitch part would go, I

1 assume that's west a quarter of a mile and back north
2 half a mile and back east a quarter of a mile?

3 THE WITNESS: That's correct.

4 JUDGE YODER: Okay. Thank you.

5 MR. WHITT: May I proceed, your Honor?

6 JUDGE YODER: Yes.

7 MR. WHITT: We do have brief redirect. I
8 previously handed out a document that will be
9 identified by the witness in a moment for
10 identification purposes. I think we can call it ATXI
11 Exhibit 3.2. Will it fit in with our numbering?

12 JUDGE YODER: 3.2 (RH)?

13 MR. WHITT: Yes, 3.2 RH.

14 Q. (By Mr. Whitt) Ms. Murphy, do you have a
15 copy of Exhibit ATXI 3.2 (RH) in front of you?

16 A. Yes, I do.

17 Q. And there are four pictures on the exhibit,
18 is that correct?

19 A. Yes, there are.

20 Q. I was wondering if you could help us
21 identify each of the pictures. And let's start with
22 the box on the bottom left. What does the bottom
23 left box on Exhibit 3.2 (RH) show?

24 A. The photo on the bottom left is a picture of

1 the existing residence on the west side of the
2 existing 138 kV line.

3 Q. Is that the residence in the hitch that you
4 testified about the previously?

5 A. That's correct, yes.

6 Q. And what does the box at the top left page
7 of Exhibit 3.2 (RH) show?

8 A. The top left photo is an aerial view of this
9 area where these two residences occur on either side
10 of the existing 138 line.

11 Q. And so we're clear, Residence 1 on the top
12 left corner is just an aerial view of the same house
13 depicted on the bottom right of the exhibit, is that
14 correct -- I'm sorry. Bottom left.

15 A. Bottom left, yes.

16 MR. SHAY: I'm sorry. Could you restate
17 that or have the court reporter read back the
18 question?

19 (The requested portion of the record was
20 read by the Court Reporter.)

21 THE WITNESS: Yes, that's correct.

22 Q. (By Mr. Whitt) So the record is clear, both
23 of photographs on the left-hand side of Exhibit 3.2
24 (RH) show that same house, Residence 1, from

1 different angles?

2 MR. SHAY: I'm going to object to the
3 question.

4 MR. WHITT: It is leading. I am just trying
5 to clarify the record.

6 MR. SHAY: Well, I'd like the witness to
7 clarify the record on factual matter.

8 JUDGE YODER: I'm going to sustain.

9 Q. (By Mr. Whitt) Would you like to clarify
10 the record, Ms. Murphy?

11 A. The photo in the upper left shows where
12 Residence 1 is labeled. And from the street view of
13 that same residence, it is the photo at the lower
14 left. So, yes, those are photographs of the same,
15 from different angles.

16 Q. What does the photograph on the top
17 right-hand side of the Exhibit 3.2 (RH) show?

18 A. That is a photo of the existing residence on
19 the east side of the existing 138 line.

20 Q. And what does the photograph on the bottom
21 right of Exhibit 3.2 (RH) show?

22 A. That is another photo of that same residence
23 on the east side of the existing 138 line.

24 Q. And are Residences 1 and 2 that we just

1 discussed in Exhibit 3.2 (RH), are those the
2 residences you said that ATXI was seeking to avoid
3 when it designed the hitch into the line?

4 A. That's correct, yes.

5 MR. WHITT: That's all the questions I have.

6 MR. SHAY: Counsel, are you offering --

7 MR. WHITT: And I would move for the
8 admission not only of the previously marked and
9 identified exhibits, but also Exhibit 3.2 (RH).

10 JUDGE YODER: Will you be filing 3.2 (RH) on
11 e-Docket?

12 MR. WHITT: If that's the Bench's
13 preference, we can do it on e-Docket or --

14 MR. FITZHENRY: We will.

15 JUDGE YODER: That way everybody will have
16 access to it.

17 MR. WHITT: Very well.

18 MR. SHAY: Your Honor, I'm going to object
19 to its admission. I don't think a foundation has
20 been raised under the rules of evidence. We don't
21 know anything about who took these. We can't verify
22 that they actually depict what they purport to
23 depict. We don't know when they were taken. They
24 certainly lack in foundation.

1 MR. WHITT: Well, the witness has testified
2 that she's been to the area, she's flown over it.
3 She's done her desktop review. I am happy to ask
4 additional foundational questions if there's any
5 concern that foundation hasn't been established.

6 JUDGE YODER: For the record, why don't you
7 lay additional foundation.

8 MR. WHITT: Certainly.

9 Q. (By Mr. Whitt) Ms. Murphy, where did the
10 photographs that we have discussed in Exhibit 3.2
11 (RH) come from, if you know?

12 A. All of these can be readily obtained via
13 Google Maps or Bing Maps, which are publically
14 available on the internet.

15 Q. Is that where you obtained them?

16 A. That is correct, yes.

17 Q. And have you been to the areas depicted in
18 these photographs?

19 A. Again, I flew over them in a helicopter; but
20 no, I have not specifically visited either of these
21 residences.

22 Q. Other than fly over them in a helicopter?

23 A. That's correct.

24 Q. Is there any question in your mind about

1 whether these photographs are anything other than
2 what they purport to be?

3 A. No.

4 JUDGE YODER: Any objection to the admission
5 of Ameren Exhibits 3.0 with 3.1 (RH) and 3.2 (RH) or
6 Ameren Exhibit 6.0 (RH)?

7 MR. SHAY: I don't have any further
8 objections, your Honor.

9 JUDGE YODER: Thank you.

10 MR. SHAY: I do have a little bit of
11 additional cross though, would you mind?

12 JUDGE YODER: Go ahead.

13 RECROSS EXAMINATION

14 QUESTIONS BY MR. SHAY:

15 Q. Ms. Murphy concerning these four
16 photographs, you said that these came off of Google
17 Maps. You didn't take them, correct?

18 A. That's correct, yes.

19 Q. Do you have any similar Google Map
20 depictions of any portion of the hitch route,
21 including residences that are located along it and
22 the existing cemeteries and existing Shelby Electric
23 line?

24 A. In my possession on the stand here, no.

1 Q. Well, did you ever create any similar to
2 these?

3 A. The detailed route maps were provided as
4 attached exhibit to my direct testimony in the
5 original hearing.

6 Q. But you didn't view and download any similar
7 Google Map depictions of any of those other items
8 that I mentioned along the hitch route?

9 A. No, I did not.

10 MR. SHAY: That's all, your Honor. Thank
11 you.

12 JUDGE YODER: Any objection to the admission
13 of Ameren Exhibit 3.0, 3.2 -- 3.1 and 3.2 or 6.0?

14 (No response.)

15 JUDGE YODER: Hearing no objection, those
16 will be admitted into evidence at this time.

17 (ATXI Exhibits 3.0, 3.1, 3.2 and 6.0 were
18 admitted into evidence at this time.)

19 MR. WHITT: At this time, your Honor, if I
20 may, only because the witness is still on the stand.
21 But there was some questions from the Bench directed
22 to the witness on technical issues about, I believe,
23 double circuitry. And we would simply volunteer that
24 Mr. Hackman may have knowledge pertinent to that and

1 would encourage you to ask him. Thank you.

2 JUDGE YODER: Thank you.

3 Ms. Murphy, you may step down.

4 MR. FITZHENRY: Can we take a five-minute
5 break?

6 JUDGE YODER: Off the record.

7 (Discussion off the record.)

8 JUDGE YODER: Back on the record.

9 Why don't we just take a break for lunch
10 right now?

11 MR. FITZHENRY: That's fine.

12 JUDGE YODER: Be back right around 12:35 and
13 we'll knock out the last two witnesses. Thank you.

14 (Lunch recess taken.)

15 JUDGE ALBERS: Let's go back on the record.
16 We'll go ahead and we'll resume with the next
17 witness, Mr. Jeffrey Hackman.

18 MS. ZEHR: Thank you, your Honor. ATXI
19 would call Mr. Hackman.

20 JUDGE ALBERS: Mr. Hackman, you were
21 previously sworn, correct.

22 THE WITNESS: Yes, sir, I was.

23 JUDGE ALBERS: Thank you.

24 MS. ZEHR: Miss Court Reporter, my name is

1 Anne Zehr, for benefit of the record. And I will
2 apologize upfront if my cold somehow impedes your
3 work today.

4 * * * * *

5 JEFFREY HACKMAN,
6 having been first duly sworn, was examined and
7 testified as follows:

8 DIRECT EXAMINATION

9 QUESTIONS BY MS. ZEHR:

10 Q. Good morning, Mr. Hackman.

11 A. Good morning.

12 Q. Would you please reintroduced yourself to
13 the Commission by stating your full name, business
14 title and business address?

15 A. Sure. I'm Jeffery Vernon Hackman. My title
16 is Senior Director of Transmission Operations and
17 Project Management. And my address is 1901 Chouteau
18 Avenue, St. Louis, Missouri, 63103.

19 Q. Mr. Hackman, do you have in front of you
20 what has been marked as ATXI Exhibit 2.0 (RH) titled
21 the Direct Testimony on Rehearing of Jeffrey V.
22 Hackman and dated November 13, 2013?

23 A. Yes, ma'am, I do.

24 Q. And are ATXI Exhibits 2.1 (RH) through and

1 including 2.10 (RH) part of your direct testimony?

2 A. Yes, ma'am.

3 Q. And do ATXI Exhibits 2.0 through and
4 including 2.10 (RH) constitute your direct testimony
5 on rehearing?

6 A. Yes, ma'am, they do.

7 Q. Do you have any corrections to make to any
8 of the information contained in your direct testimony
9 or exhibits?

10 A. No, ma'am.

11 Q. And if I asked you the same questions today
12 that appear in ATXI Exhibit 2.0 (RH), would your
13 answers be the same?

14 A. Yes, ma'am.

15 Q. And are those answers true and accurate to
16 the best of your knowledge, information and belief?

17 A. Yes, ma'am.

18 Q. Mr. Hackman, you also have in front of you
19 what has been marked as ATXI Exhibit 5.0 (RH) titled
20 the Rebuttal Testimony on Rehearing of Jeffrey V.
21 Hackman and dated December 2, 2013.

22 MR. OLIVER: Your Honor, can I just
23 interrupt for a second.

24 Is your microphone on, Mr. Hackman? The

1 light should be on.

2 THE WITNESS: Okay. Perfect. Sorry.

3 MS. ZEHR: Thank you, Counsel.

4 Q. (By Ms. Zehr) I am not sure where I left
5 off. I'll start over.

6 Do you have in front of you, sir, what has
7 been marked as ATXI Exhibit 5.0 (RH) titled the
8 Rebuttal Testimony on Rehearing of Jeffrey V. Hackman
9 and dated December 2, 2013?

10 A. Yes, ma'am.

11 Q. And is that your rebuttal testimony on
12 rehearing?

13 A. Yes, it is.

14 Q. And does your rebuttal testimony on
15 rehearing also include ATXI Exhibits 5.1 Revised --
16 excuse me -- 5.1 (RH) Revised through and including
17 5.3 (RH)?

18 A. Yes, ma'am, that's correct.

19 Q. Do you have any corrections to make to any
20 of your rebuttal testimony or exhibits on rehearing?

21 A. No, ma'am.

22 Q. And if I asked you today the same questions
23 that appear in your rebuttal testimony on rehearing,
24 would your answers be the same?

1 A. Yes, they would.

2 Q. And are those answers true and accurate to
3 the best of your knowledge, information and belief?

4 A. Yes, they are.

5 Q. Mr. Hackman, do you have in front of you
6 what has been marked as ATXI Exhibit 9.0 (RH) titled
7 the Surrebuttal Testimony on Rehearing of Jeffrey V.
8 Hackman and dated December 10, 2013?

9 A. Yes, ma'am, I do.

10 Q. And is this, sir, your surrebuttal testimony
11 on rehearing?

12 A. Yes, it is.

13 Q. Do you have any corrections to make to that
14 surrebuttal testimony?

15 A. I do not.

16 Q. If I asked you the same questions today that
17 appear in that surrebuttal testimony, would the
18 answers be the same?

19 A. They would be.

20 Q. Are those answers true and correct to the
21 best your knowledge, information and belief?

22 A. Yes, they are.

23 MS. ZEHR: Thank you.

24 And with that, your Honors, I would move for

1 the admission of ATXI Exhibits 2.0 (RH) through and
2 including 2.10 (RH), ATXI Exhibit 5.0 (RH), ATXI
3 Exhibit 5.1 (RH) Revised, ATXI Exhibits 5.1 and 5.3
4 (RH) and ATXI Exhibit 9.0 (RH). And tender the
5 witness for cross.

6 JUDGE ALBERS: Thank you. We'll address the
7 admissibility following cross examination.

8 I think MSSCLPG is the first entitled to
9 cross.

10 MR. McNAMARA: Judge, I am not going to have
11 anything unless something comes up on cross
12 examination by one of the others witnesses.

13 JUDGE ALBERS: All right. And Mr. Shay, do
14 you have any questions on behalf of the Spragues?

15 MR. SHAY: Yes, just a few, your Honor.
16 Thank you.

17 CROSS EXAMINATION

18 QUESTIONS BY MR. SHAY:

19 Q. Mr. Hackman, good afternoon.

20 A. Good afternoon, sir.

21 Q. Bill Shay representing the Spragues in this
22 proceeding. Again, as with Ms. Murphy, I am going to
23 confine most, if not all, my questions to the portion
24 of the line that runs from Pana to Mt. Zion. And

1 particularly, the so-called hitch area that -- were
2 you here?

3 A. Yes, sir, I was. Now infamous hitch.

4 Q. I asked Ms. Murphy a few questions that I
5 think she was deferring to you, so I'll see if I can
6 get back to those.

7 Regarding the existing 138 kV line, are you
8 familiar with that?

9 A. Yes, sir.

10 Q. Could you just describe that line, general,
11 where it runs from and to?

12 A. It runs from the Pana substation into the
13 Decatur area.

14 Q. What is its purpose?

15 A. It's a transmission line, so it carries
16 transmission flows which serve local reliability
17 benefits, as well as provide some transaction support
18 for energy transfers.

19 Q. About when was that built?

20 A. I don't know that, sir.

21 Q. Mr. Hackman, are you part of the routing
22 team that Ms. Murphy mentioned?

23 A. Yes.

24 Q. So you were involved in the primary route

1 that Ameren proposed or ATXI proposed for this
2 segment?

3 A. Yes.

4 Q. And you have testified, have you not, with
5 certain criticisms or negative consequences of
6 paralleling transmission lines?

7 A. My testimony is pointed out that reliability
8 concerns that I have when lines are paralleled, if
9 that's what you're asking.

10 Q. Right. But nevertheless, ATXI is proposing
11 to parallel the 138 line for a fair distance for this
12 new line, correct?

13 A. Yes, sir.

14 Q. What is the -- why are the concerns that
15 you've expressed elsewhere overcome in this instance
16 by going ahead and proposing such paralleling?

17 A. Because of the reliability of the end points
18 of that line are more robust than in other places of
19 the system where we entertained paralleling.

20 Q. Okay. Ms. Murphy didn't know where the new
21 line would be placed relative to the existing 138
22 line. Do you know?

23 A. We won't know that until we meet with the
24 landowners to find out if they have got particular

1 sensitivities or aware of where the poles should go
2 in this corner or that corner, and additional soil
3 boring information and survey information would
4 dictate that. That's a final design issue.

5 Q. Do you know on which side of the 138 kV line
6 the new line would be located, east or west?

7 A. No.

8 Q. Could be --

9 A. Could be either side.

10 Q. Could you describe the two rights-of-way and
11 how they might be related to each other? I think you
12 may have testified earlier about different ways to do
13 that adjacent the butting. And I can't remember the
14 terms, if you remember what I mean? Do you know
15 what's explained here?

16 MS. ZEHR: Your Honor, I'll raise an
17 objection to this question. It was compound. I
18 believe there were a number of questions in there.
19 But perhaps I might clarify.

20 Counsel, are you talking about the
21 right-of-way for the 138 kV and the right-of-way for
22 the new 345 kV transmission line?

23 MR. SHAY: I am.

24 I can ask -- if the witness didn't

1 understand it, I can break it down and ask it again.

2 MS. ZEHR: I suppose I'd continue my
3 objection regarding the compound nature of the
4 question. If counsel can break it down.

5 JUDGE ALBERS: Yes, please do, Mr. Shay.

6 Q. (By Mr. Shay) Mr. Hackman, I was trying to
7 ask you about the placement of the two rights-of-way
8 for the 138 line and the new 345 line and how they
9 might be located relative to each other, for example,
10 overlapping versus abutting, that type of thing.

11 Do you understand that?

12 A. I understand the different ways you can have
13 corridors lined up, but I'm not sure what you're
14 asking me.

15 Q. Of the different ways corridors can be lined
16 up, does ATXI know which one will be used for this
17 segment of the line we're talking about?

18 A. Without a Commission Order, no, I don't.

19 Q. Okay. Just for planning purposes?

20 A. Yeah, they would be no -- they would be no
21 closer than abutting right-of-ways. We would shoot
22 for offset right-of-ways to minimize one structure
23 falling on the other structure. But that has to be
24 determined. And again, it depends on what the Order

1 says and what the -- each area is. As we go through
2 the place where there would be right-of-ways that
3 would be in some form or fashion parallel, we have to
4 look at that.

5 Q. Okay. You said, I believe, that would be --
6 it would be no closer than abutting. So does that
7 mean that rights-of-ways would not be overlapping
8 unless the Commission orders otherwise?

9 A. That's correct.

10 Q. Thank you.

11 So is it the case that it's likely that ATXI
12 is going to need new rights-of-way private easements,
13 or otherwise, for the new line in the segment we're
14 talking about?

15 A. Yes.

16 Q. Do you have an estimate, in general, about
17 what the cost of this new transmission line will be
18 on a per mile basis, on average?

19 A. That's a really broad question. I think
20 Exhibit 4.2 in my original case testimony had the
21 list of the things. In general numbers, if that's
22 what you're asking, it's around \$2 million a mile up
23 to \$2.4, depending upon the lot of different factors.
24 And I am not certain I know those answers exactly,

1 but that's about the ball park.

2 Q. Plus or minus, depending?

3 A. Uh-huh.

4 Q. And that's for -- does that include turns,
5 corners and so forth or is that more of a linear
6 cost?

7 A. That's an average cost of the routes that we
8 have got. So if you look at our alternate routes and
9 our primary routes, they all had some bends. We
10 price those number of bends, so that's an average
11 with bends or angles in it.

12 Q. For this segment of the line, what types of
13 structures would ATXI plan to use? Structures being
14 supports for the conductors.

15 MS. ZEHR: Your Honor, I will just object.
16 When you say "for this portion of the line," Counsel,
17 do you mean the hitch we're talking about or the
18 entire portion from Pana to Mt. Zion? Perhaps you
19 could clarify for the witness.

20 MR. SHAY: Fair question. Thank you.

21 Q. (By Mr. Shay) Yes. I am talking more
22 broadly for the -- generally, for the Pana to Mt.
23 Zion segment.

24 A. They would be steel single shaft

1 self-supporting structures.

2 Q. Monopoles?

3 A. That's another way to say it, sure.

4 Q. For the entire length, including corner
5 poles?

6 A. Yeah, that's what's presumed. I mean, there
7 might be an engineering reason why we might have to
8 go to two poles in some particular location. But
9 generally, yes.

10 Q. Getting back more specifically to this hitch
11 area. I think you mentioned you understand what that
12 is.

13 A. Yes, sir.

14 Q. How many turns will that hitch create in
15 comparison to the alternative of running the line
16 entirely along the 138 kV pathway, if you know, what
17 I mean?

18 THE WITNESS: Go ahead.

19 MS. ZEHR: I'll object to the vagueness of
20 the question. If you understand, Mr. Hackman, you
21 can answer.

22 THE WITNESS: I think what counsel is asking
23 is how many angles are in the hitch versus going
24 straight. And therefore, if I understand, it's no

1 different than going around with this page of paper
2 in front of me. You have a left turn and then a
3 right turn and a right turn and then a left turn. So
4 that would be four, if that's what you're asking.

5 Q. Yes. So four is the answer?

6 A. Four is the answer.

7 Q. For those poles at each turn, four turns,
8 could you describe those poles in comparison to poles
9 used in a linear portion of the line that doesn't
10 have turns?

11 A. They would look the same. Not sure what
12 else you're asking. What, specifically, are you
13 asking?

14 Q. They wouldn't be more robust, larger
15 diameter, so forth? More expensive?

16 A. They could be or could not be. Depends on
17 what the poles are before and after them. In
18 general, I suspect that the first poles out of line,
19 if you will -- again, I know these are not technical,
20 so I am sorry. I am not trying to confuse you. But
21 the first left-hand turn and the last left-hand turn
22 to return to the original path, those would probably
23 be bigger in diameter. But they wouldn't have to be,
24 because it's possible that the poles preceding,

1 depending on span length, would already take up the
2 tension and these would not be significantly
3 different than angles because there was no tension.
4 The size of the pole in diameter is the function of
5 the mechanical load that's on the structure.

6 Q. Fine. I understand. Thank you.

7 So you don't know in this case whether those
8 so-called four corner poles would be the same as or
9 larger and more expensive than the other poles along
10 the linear portion?

11 A. I don't know for certain. The two -- like I
12 said, the two at the where they break would be more
13 likely to be. But there is no way to know that
14 without the final detailed engineering.

15 Q. Is it fair to say that having these four
16 turns in the hitch area would add to the cost
17 compared -- forgetting the added distance for a
18 moment. Just the fact of having these turns would
19 add to the cost of the line compared to having it
20 continue on a linear basis?

21 A. Yes.

22 Q. Any idea of magnitude, ball park estimate in
23 this case of the added cost because of the turns?
24 For example, \$500,000, \$1 million, \$5 million?

1 A. It won't be that big. I can -- let me think
2 about it for just a second. We think it's about half
3 a mile we agreed in Ms. Murphy's testimony.

4 Again, this is no engineering, no soil. But
5 \$100,000 to \$150,000 I would say is a reasonable
6 engineering guess.

7 Q. For all four?

8 A. For the difference between the two. Again,
9 you know, this is an engineering guess from a piece
10 of paper.

11 Q. And then as far as the added distance, do
12 you recall during Ms. Murphy's testimony that it was
13 estimated that there would be approximately half a
14 mile in that gap north/south on each of the two sides
15 of the so-called hitch and that there would be a
16 quarter-mile going from east to west for those other
17 north and south sides of that hitch? Again, if
18 that's confusing --

19 A. I am not sure what the question was, but I
20 think if I was describing the hitch, I think it goes
21 -- again, using my simple left and right -- I think
22 the first left is a quarter-mile, and then travels up
23 the path half a mile and cuts back to the original
24 location for another quarter-mile.

1 Q. Correct.

2 A. Is that what you're saying? And that's what
3 I think what we kind of all agreed amongst ourselves.

4 Q. Yes.

5 Is that right?

6 A. I believe that's correct, yes.

7 Q. So would you agree then on a net basis,
8 having this hitch would add approximately half a mile
9 to the length of the line if you add up the two
10 quarter-mile sections?

11 A. Yes, uh-huh.

12 Q. And at a \$2 million per mile average cost,
13 that would be, again, just order of magnitude, around
14 \$1 million or -- yeah, \$1 million more for the added
15 distance?

16 A. Exactly.

17 Q. Did you understand the exhibit that ATXI
18 entered into the record during Ms. Murphy's redirect?

19 MS. ZEHR: Objection.

20 Q. (By Mr. Shore) Have you seen that?

21 MS. ZEHR: I withdraw the objection. I
22 believe counsel's question resolves my concern.

23 THE WITNESS: I have not seen -- I am not --
24 let me ask. I don't know what you're asking.

1 MR. SHORE: Okay. If I may approach.

2 JUDGE ALBERS: Yes.

3 Q. (By Mr. Shore) Do you know when either of
4 those two residences were built in relation to when
5 the line was placed there?

6 A. I don't know for certain.

7 Q. Do you know how it is that those residences
8 were allowed to be located there and allowed to
9 remain there within the existing right-of-way?

10 A. I don't know that they are in existing
11 right-of-way.

12 Q. Do you know what the right-of-way is for
13 that 138 line? Isn't it 200 feet?

14 A. No. I don't think it would be 200 feet. In
15 general, we don't have -- to my knowledge, we don't
16 have any 138 --

17 Q. Would it be 150 feet?

18 A. I would very much doubt that as well.

19 Q. Might be less?

20 A. Most of all the 138s are 100-foot width or
21 less.

22 Q. So 50 on either side?

23 A. This legacy company might be 87 to 37 feet.

24 Q. Okay. Fair enough. Thank you.

1 Were you familiar with any of these
2 features, sensitivities and so forth that I was
3 asking Ms. Murphy about along that hitch portion of
4 the line? Are you familiar with those? The houses,
5 the cemeteries, the existing Shelby line?

6 MS. ZEHR: Objection, your Honor. Compound
7 question.

8 Could you please break it down for the
9 witness, Counsel?

10 JUDGE ALBERS: If you can.

11 Q. (By Mr. Shore) Mr. Hackman, do you recall
12 the questions of Ms. Murphy about the houses that
13 exist along that hitch route?

14 A. I am aware of the houses, the detour, the
15 hitch around, is that -- yes.

16 Q. And are you aware of the cemetery?

17 A. I am aware of the cemetery on the Sprague
18 property that's west of the hitch, if that's the one
19 you're asking about.

20 Q. Yes. Okay.

21 And the existing Shelby Electric Co-op line?

22 A. I am aware of its existence. I don't know
23 its exact location from memory.

24 Q. You don't know where it is relative to the

1 north/south road?

2 A. I can't remember if it's on the east or west
3 side. I think it runs on the west side and north and
4 south, but I don't know that.

5 Q. Do you know where the new line, if it's
6 allowed to be proceed to be built on the hitch as
7 ATXI has proposed, whether the new line would have to
8 be placed to the west of that existing Shelby Co-op
9 line or not?

10 A. I don't know that. We could potentially
11 under build the Shelby line on our structure as we do
12 that in some cases, could go on the east side of the
13 road, could go to the west. We cut those details
14 when we get the detailed design.

15 Q. Are you saying that ATXI would request that
16 much flexibility from this Commission in its order to
17 allow you those alternatives?

18 A. My previous testimony has said that we
19 routinely move the poles some distance off of the
20 straight line to try to accommodate, you know,
21 landowners' requests and other sensitivities that
22 weren't discovered that result in a better solution
23 for everyone that could potentially ask questions
24 about that before.

1 Q. Did you state -- did I hear you correctly
2 that one possibility for this portion of the line,
3 the hitch -- the north/south portion on the west side
4 of the hitch, would be to co-locate the Shelby Co-op
5 line and new line on new structures, if that's
6 possible?

7 A. That's possible.

8 Q. That's a revelation. Thank you.

9 Are there any potential National Electric
10 Safety Codes restrictions or requirements that would
11 affect that or would that be up to ATXI in its
12 engineering judgment to build it the way you just
13 described?

14 MS. ZEHR: Objection, your Honor, again, to
15 the compound nature of the question. And also, I am
16 not 100 percent clear when you say that any NESC
17 standards related to build it what exactly you're
18 referring to, Counsel. If you could clarify?

19 MR. SHAY: It would be the -- let me restate
20 it.

21 Q. (By Mr. Shay) Are there any National
22 Electric Safety Code related requirements pertaining
23 to the possible co-location of the existing Shelby
24 Co-op line and the new 345 kV line on common

1 structures?

2 A. The National Electric Safety Code has
3 sections that govern the location of electrical
4 facilities to all other structures, including other
5 electrical circuits. So there is a section in the
6 National Electric Safety Code that would govern the
7 required separation or clearances between our wires
8 and any other wires co-located.

9 Q. But such co-locations, including
10 co-locations by different utilities on the same
11 structures would not be prohibited by the NESC?

12 A. No.

13 Q. Has Ameren or ATXI done that in the past, to
14 your knowledge, had such co-locations with either
15 another co-op or some other utility?

16 A. Yes.

17 Q. If the affected landowners, including the
18 Spragues, along that portion of the hitch, and if the
19 Commission grants ATXI the authority to use this
20 route, including the hitch, if those landowners
21 together requested ATXI to proceed as you described
22 with the co-location of those facilities, how would
23 the Company react to that request, if you know? If
24 it's too speculative, you can say.

1 A. I don't know with what regard you mean I
2 would react. We would react. The Company would
3 react.

4 Q. Would you say, yes, you would do that?

5 A. Again, we would have to get -- depending on
6 what the rights are, what the Shelby -- the
7 electrical co-op rights are, we would have to find
8 out if their rights would allow us to be there.
9 Shelby would have to agree to it. There is no reason
10 we wouldn't agree with it if we could work out the
11 details.

12 Q. Fair enough. Thank you. I am almost
13 finished.

14 Mr. Hackman, have you visually inspected the
15 hitch area of this segment of the line?

16 A. No, sir.

17 Q. Mr. Hackman, did you review Mr. Sprague's
18 testimony, including his exhibits?

19 A. Yes, I read them.

20 Q. And I asked Ms. Murphy about her reaction
21 thoughts, etc., about Alternatives 2 and 3. Do you
22 remember those questions?

23 A. I remember the questions.

24 Q. If I may ask you similar questions. What

1 was your reaction when you read his testimony that
2 proposed Alternatives 2 and 3 as possible alternative
3 routes with that hitch area?

4 A. I don't remember which one is 2 or 3.

5 Q. Two is the longer one.

6 A. Okay. So when I saw 2, it was concerning,
7 because we were going to divide that one parcel south
8 of the area, we were actually trying to get around.
9 We moved the hitch over to try to run along the
10 cultivated boundaries so as to impact properties the
11 least amount.

12 And Mr. Sprague was advocating cutting right
13 through the middle of one those properties. So
14 there's nothing fundamentally wrong with it, except
15 it's basically not doing what we were trying to do,
16 which was impede the least number of people.

17 The other one, the shorter route, that just
18 wasn't -- that was a really bad idea. That's what I
19 thought -- you asked what I thought when I saw that,
20 that's a bad idea.

21 Q. Because of the proximity?

22 A. The proximity to the other things, the
23 number of really tight structures gives us very less
24 flexibility where to put poles to try to accommodate

1 people's driveways or bins or whether they've got
2 gates. The smaller those areas are, you have to work
3 around the more problems you have working around
4 them. That just seemed like an nonstarter.

5 Q. It sounds like you and Ms. Murphy are in
6 agreement at least that Alternative 2 is better than
7 Alternative 3.

8 A. That's a fair assessment.

9 MR. SHAY: I don't have any further
10 questions, your Honor.

11 JUDGE ALBERS: Mr. Robertson.

12 MR. ROBERTSON: No questions.

13 JUDGE YODER: Just one to clarify. Excuse
14 me, Mr. Hackman.

15 You indicated that one of the reasons, I
16 believe, ATXI was considering or recommending
17 paralleling existing transmission line for this
18 segment was that there between the Pana and Mt. Zion
19 substations, it was more robust, is that correct?

20 A. That's correct.

21 Q. Would you define for the record what you
22 mean when you say robust?

23 A. This system -- when contingency, as
24 Mr. Kramer described, when they occur, the system is

1 in better shape when they occur in this area because
2 of the sources that are nearby. And so for the
3 plausible scenarios and the implausible scenarios
4 that I see in the control room, this is an area of
5 less concern than other areas in the route where we
6 experience more angst.

7 JUDGE ALBERS: Also, to follow up on the
8 question I had for Ms. Murphy earlier. You were
9 present for that?

10 THE WITNESS: Yes, sir, I was.

11 JUDGE ALBERS: So with regard to that hitch
12 area, was there a particular reason why a dual
13 circuit for the 138 and 345 just for that half-mile
14 stretch there would be ill-advised?

15 THE WITNESS: Two reasons that come to mind.
16 First one is the existing residences are very close.
17 And 345 kV is more desirable to keep greater
18 separation. My testimony, you know, you have seen
19 that and I won't go into detail. But the most
20 important compelling reason to build that, we have to
21 take that existing line out of service for the entire
22 duration of the construction project for that area
23 there. So you might be out a month or more without
24 that line in service. So the rest of the system is

1 operating in that N minus one, that's the word you
2 have seen in testimony. This minus one state
3 already. Then the next thing happens, we're in the
4 minus two stage, which is where things get really
5 dicy. So that's very ill-advised from the operating
6 perspective and the reliability perspective.

7 JUDGE ALBERS: If during that month of
8 construction you had a storm that went through there?

9 THE WITNESS: Yes. The month, if you assume
10 -- again, it depends on when it's scheduled and if
11 the weather prohibits. If we were planning on doing
12 it and we get a freak December snow storm and then
13 we're not able to get back to it until two months.
14 And now you're in the middle of winter. Produces an
15 awful lot of reliability concerns for the
16 constructability.

17 JUDGE ALBERS: All right. Thank you.

18 I don't think anybody else had questions, so
19 do you have any redirect?

20 MS. ZEHR: May we have a moment, your Honor?

21 (Short recess taken.)

22 JUDGE ALBERS: Back on the record.

23 MS. ZEHR: Thank you, your Honor. Just a
24 small bit of redirect.

1 REDIRECT EXAMINATION

2 QUESTIONS BY MS. ZEHR:

3 Q. Mr. Hackman, in response to a question from
4 counsel for Mr. Sprague, you indicated that ATXI
5 would be willing to evaluate co-locating the 345 kV
6 line as part of the project with the Shelbyville line
7 near the hitch you were discussing. And your
8 response indicated that depended on certain details
9 the company would be willing to proceed with that
10 co-location.

11 Can you elaborate as to the details you
12 referenced?

13 A. Sure. I mentioned before, we have to
14 identify what Shelby right-of-way might be for its
15 existing line. And because we, obviously, want to
16 get a sufficient corridor, 150-foot corridor for our
17 345 kV line. So that would be one of the things we
18 have to figure out.

19 As I mentioned, we have to find out what the
20 -- if Shelby would be agreeable to it, and to the
21 extent they were, we would have to design the poles
22 so that they meet National Electric Safety Codes. So
23 the poles might be slightly taller or maybe up to
24 five foot or ten feet tall to accommodate that

1 separation. But again, that depends on the soil
2 characteristics and elevation and other things. But
3 taller poles are a possibility to accommodate that.

4 MS. ZEHR: Thank you, Mr. Hackman. No
5 further direct.

6 JUDGE ALBERS: Recross?

7 MR. SHAY: I have none.

8 JUDGE ALBERS: Thank you.

9 Any objection then to ATXI Exhibits 2.0 (RH)
10 through 2.10 (RH), 5.0 (RH), 5.1 (RH) Revised, 5.2
11 (RH), 5.3 (RH) or 9.0 (RH)?

12 (No response.)

13 JUDGE ALBERS: Hearing no objection, they
14 are all admitted.

15 (ATXI Exhibits 2.0 (RH) through 2.10
16 (RH), 5.0 (RH), 5.1 (RH) Revised, 5.2
17 (RH), 5.3 (RH) and 9.0 (RH) were
18 admitted into evidence at this time.)

19 JUDGE ALBERS: Thank you, Mr. Hackman.

20 Our last witness for today to take --

21 MR. FITZHENRY: Your Honor, the Company
22 calls Ms. Maureen Borkowksi.

23 MR. ROBERTSON: I thought I would raise this
24 issue now. I noticed when I was coming up here this

1 morning on the witness schedule that I had saved five
2 or ten minutes for each Company witness. And for
3 whatever reason, the Company didn't reflect my
4 request for this witness. And I think it may be
5 because I didn't ask them when I put the list down.

6 But would it be a problem if I save five or
7 ten minutes at this time for this witness? Would
8 that cause anybody any problems?

9 MR. FITZHENRY: No objection from the
10 Company standpoint.

11 JUDGE ALBERS: If the court reporter is off
12 by the time she needs to be.

13 JUDGE YODER: Ms. Borkowski, were you
14 previously sworn for the record?

15 THE WITNESS: Yes, I was.

16 JUDGE YODER: Thank you.

17 * * * * *

18 MAUREEN BORKOWSKI,
19 having been first duly sworn, was examined and
20 testified as follows:

21 DIRECT EXAMINATION

22 QUESTIONS BY MR. FITZHENRY:

23 Q. Good afternoon.

24 A. Good afternoon.

1 Q. Please state your full name and business
2 address for the record.

3 A. Maureen A. Borkowski, 1901 Chouteau, St.
4 Louis, Missouri, 63103.

5 Q. On whose behalf are you testifying in this
6 proceeding?

7 A. Ameren Transmission Company of Illinois.

8 Q. What is your job title?

9 A. I am the Senior Vice President of
10 Transmission for American Services Company and the
11 President and CEO of Ameren Transmission Company of
12 Illinois.

13 Q. Ms. Borkowski, have you caused to be
14 prepared for submission in the record in this
15 proceeding certain testimonies?

16 A. Yes, I have.

17 Q. I am going to show you what has been
18 previously marked for identification as Rebuttal
19 Testimony of Rehearing of Maureen A. Borkowski. And
20 it's been identified as ATXI Exhibit 7.0 (RH), and
21 ask if that is the rebuttal testimony that you
22 prepared for submission into the record.

23 A. It is.

24 Q. And does this testimony consist of 11 pages

1 of questions and answers?

2 A. It does.

3 Q. Do you have any corrections or modifications
4 to this testimony?

5 A. No.

6 Q. If I were to ask you the questions that are
7 set forth in ATXI Exhibit 7.0 (RH), would you give
8 the same answers today?

9 A. Yes.

10 Q. And now, I would like to turn your attention
11 to what has been titled Surrebuttal Testimony on
12 Rehearing of Maureen A. Borkowski and also identified
13 as ATXI Exhibit 10.0 (RH) and ask if that is the
14 surrebuttal testimony you intend to offer into this
15 docket.

16 A. It is.

17 Q. Does that testimony consist of 12 pages of
18 questions and answers?

19 A. It does.

20 Q. If I were to ask you the questions as set
21 forth in this testimony, would you give the same
22 answers this afternoon?

23 A. Yes, I would.

24 Q. Do you have any corrections or modifications

1 to your surrebuttal testimony?

2 A. No.

3 MR. FITZHENRY: Thank you.

4 Your Honor, at this point in time, we would
5 move for the admission of ATXI Exhibit 7.0 (RH) and
6 ATXI Exhibit 10.0 (RH), and tender Ms. Borkowski for
7 examination.

8 JUDGE YODER: Very well. We'll address the
9 admissibility of her testimony following any cross
10 examination.

11 Mr. Wilke, you have cross.

12 MR. WILKE: Thank you.

13 CROSS EXAMINATION

14 QUESTIONS BY MR. WILKE:

15 Q. Ms. Borkowski, I represent PDM Group and
16 Channon Trust.

17 When you say you're the president and CEO of
18 ATXI, does that make you the senior most officer of
19 the company?

20 A. Of ATXI, yes, that's correct.

21 Q. And in your testimony, I believe your
22 rebuttal testimony, you testified that your -- by
23 "your" I mean ATXI's preferred substation site was
24 the one on Sulfur Springs Road, is that correct?

1 A. I am not familiar with the street that it's
2 on, but the -- you were talking about the Mt. Zion
3 substation?

4 Q. Yes.

5 A. The location that we offered in our
6 testimony as our preferred location, that's correct.

7 Q. I think in your -- I believe I have your
8 exhibit here. In your Exhibit 7.0 on page six, you
9 state that ATXI prefers that location because of the
10 reasons offered by Mr. Kramer and Mr. Hackman, who
11 are also ATXI witnesses, correct?

12 A. Correct.

13 Q. The stipulation that was approved that you
14 made with Mt. Zion, in that stipulation you agreed to
15 recommend instead Staff's Option 2 substation site,
16 is that right?

17 A. The stipulation does say that that's an
18 acceptable option for us, yes.

19 Q. That's your recommendation to the Commission
20 pursuant to the stipulation, correct?

21 A. That is correct. At this point in time, as
22 I stated in my testimony, I think Exhibit 7 on page
23 six, that while the Mt. Zion location that we
24 offered, the one that we originally proposed, is

1 still our preferred location, due to the balance of
2 interest of the various considerations before this
3 Commission that we would consider Option 2 to be an
4 acceptable option, even though it doesn't give the
5 same level of reliability benefits to the Decatur
6 area as our preferred option, it does, as Mr. Kramer
7 testified, provide an acceptable level of
8 reliability.

9 Q. And also in the stipulation, Mt. Zion has
10 agreed not to object to the approval of the MCPO
11 route?

12 A. Correct.

13 Q. And that MCPO route, can you confirm, runs
14 within approximately one-half mile of the Village of
15 Mt. Zion --

16 A. I am sorry. Could you repeat the question?

17 Q. Can you confirm that the MCPO route runs
18 within one-half mile of the Village of Mt. Zion --

19 A. I don't know whether that's correct.

20 Q. In your rebuttal testimony, do you have that
21 in front of you?

22 A. I do.

23 Q. Would you turn to page nine, Exhibit 7, page
24 nine?

1 A. I have it.

2 Q. And would you read the sentence that starts
3 on line 186 there of the 15 parties?

4 A. What line number?

5 Q. Line 186.

6 A. I thought you referred me to page nine of
7 Exhibit 7.

8 Q. Yes.

9 A. And I don't have of the -- oh, of the 15
10 parties. Of the 15 parties who own property along
11 any of the routes proposed from Mt. Zion to Kansas,
12 only PDM and Channon Trust oppose the stipulated
13 route from Mt. Zion to Kansas.

14 Q. And did you conclude that Paula -- have you
15 read Paula Cooley's testimony that's been submitted?

16 A. I have not.

17 Q. So you wouldn't know if she's opposed to the
18 MCPO?

19 A. I do not firsthand, no.

20 Q. How many affected landowners parties oppose
21 the Channon hybrid Route?

22 A. I am not aware of any, other than MCPO, I
23 assume. But I don't have exact count.

24 Q. When you talk about what parties support or

1 oppose in this case, don't you think it is important
2 for the Commission to distinguish between, on the one
3 hand, testimony that is in support or opposition and
4 the other hand stipulations to support or oppose
5 something?

6 A. I don't understand the question.

7 Q. In other words, if you say so many parties
8 oppose a position in this case, don't you think it's
9 important for the Commission to know whether those
10 parties oppose it by way of stipulation or oppose in
11 actual testimony they filed?

12 A. I think that would be relevant for the
13 Commission.

14 Q. It would, okay.

15 And if you turn to, let's see, on page nine
16 there, you note on line 176 that the stipulated route
17 that you have within MCPO came about as a compromise,
18 correct?

19 A. Yes.

20 Q. But then a couple of lines down, you state
21 the question, however, is what route best represents
22 the better balance of the 12 criteria that the
23 Commission reviews in evaluating transmission line
24 routes?

1 A. Yes.

2 Q. So you would agree that the Commission's job
3 is to weigh the evidence that is submitted by way of
4 testimony in this case as opposed to putting up the
5 particular routes or voting amongst the parties?

6 MR. FITZHENRY: Could I have the question
7 read back? I didn't follow it entirely.

8 (The requested portion of the record was
9 read by the Court Reporter.)

10 MR. FITZHENRY: Your Honor, I'm going to
11 object to the question. I think that earlier
12 question is also argumentative. And plus, it's
13 compound. So I would object on those two bases.

14 MR. WILKE: Trying to have her confirm that
15 the distinction between positions that are based on
16 evidence the positions that are based on party
17 stipulations.

18 MR. FITZHENRY: Parties what? I didn't hear
19 you.

20 MR. WILKE: Party stipulations.

21 MR. FITZHENRY: Previously in your question
22 you said both and I didn't understand that context.

23 MR. WILKE: I can rephrase. I'll rephrase.

24 JUDGE YODER: Question will be rephrased.

1 Q. (By Mr. Wilke) You would agree that the
2 Commission's job in this case is to weigh the
3 evidence as presented by the testimony of the parties
4 as opposed to the routes that particular parties have
5 stipulated to?

6 MR. FITZHENRY: Your Honor, again, I am
7 going to object, because I think it misstates the
8 record in testimony. The stipulations are, in fact,
9 evidence. They've been introduced as evidence, as
10 you know, from the case-in-chief pursuant to your
11 approval, as was the Mt. Zion stipulation. That's
12 part of the evidentiary record.

13 MR. WILKE: The point is that these
14 stipulations are not necessarily consistent with the
15 evidence that ATXI presented. For example, the
16 evidence she just testified to is that ATXI prefers
17 the Sulfur Spring Substation site, but yet the
18 stipulation states ATXI prefers Staff's substation
19 site. The same is true with the MCPO stipulation.
20 Evidence of ATXI is that it prefers its recommended
21 rebuttal route, ATXI routing, but stipulation states
22 that ATXI preference is MCPO.

23 MR. FITZHENRY: The stipulations speak for
24 themselves. They're legal documents and part of the

1 record. I think counsel can spin it any way he wants
2 in his brief. I don't know that the way he's posing
3 the questions now are appropriate questions. And
4 certainly, don't seem to relate to Ms. Borkowski's
5 testimony.

6 JUDGE YODER: Objection is sustained.
7 Commission is aware of what it should consider in
8 deciding these cases. And await the evidence when
9 the time comes. But I don't believe this is an
10 appropriate line of questioning for this witness.

11 Q. (By Mr. Wilke) Just to confirm, you did
12 stipulate with MCPO to their route on the Mt. Zion to
13 Kansas segment?

14 A. Yes, we did. And again, I think the issue
15 here, both with regard to the stipulations and the
16 Company's primary case is we did the best job we
17 could to make sure that the routes we proposed and
18 the substation locations we proposed met all the
19 reliability requirements and achieved the benefits
20 that the project is intended to benefit first and
21 foremost. At the lowest cost and taking into account
22 the 12 criteria the Commission had as best we could.

23 As we got into the case, and more
24 stakeholders provide input, we basically tried to

1 have some flexibility around what we believe were our
2 preferred options versus what were the options that
3 could still achieve the reliability benefits and the
4 other benefits that the project would provide, but
5 potentially accommodate some of the interests of the
6 other parties in a way that we could live with.

7 I think that's what you're seeing reflected
8 in the stipulation. In the case of Mt. Zion Option
9 2, it's not what we felt was our preferred option,
10 but it does provide reliability benefits to Decatur
11 that are acceptable, so we were willing to stipulate
12 to that.

13 Similarly, with regard to the MCPO location,
14 while it was not our preferred alternative, it did
15 achieve the benefits that we believed needed to be
16 achieved and did resolve interest of a number of the
17 parties in the case.

18 Q. So I guess that's the question I am trying
19 to get to is you appreciate the fact your routing
20 expert Donell Murphy testified that your routing was
21 the least-cost route from Mt. Zion to Kansas?

22 A. I believe that she testified that it was our
23 preferred route, taking into account a wide variety
24 of factors. Certainly, cost is one of those. But

1 she did certainly in the routing consideration
2 consider environmental, property owner impacts and
3 other impacts.

4 Q. And her opinion, her testimony in this case
5 was that MCPO's route was not viable, correct?

6 MR. ROBERTSON: I objection, your Honor.
7 Whatever testimony that witness, Ms. Murphy, offered
8 is already in the record and speaks for itself. And
9 I don't think it's appropriate for counsel to
10 characterize it, because I don't know if it's
11 accurate. If it's in there, he can quote it in his
12 brief. This witness shouldn't be asked about what
13 other people testified to.

14 MR. WILKE: Again, this is the president of
15 ATXI. What I am trying to show is that the evidence
16 that ATXI has submitted in this case has never been
17 altered. It has always been their routing is the
18 best routing. Donell Murphy never changed her
19 testimony and no ATXI witness. This is the question
20 I would like to put to Ms. Borkowksi. No ATXI
21 witness has testified to the contrary.

22 MR. ROBERTSON: That's not true either.
23 Mr. Hackman testified exactly to the contrary when he
24 was crossed about this in the original case. I think

1 all that stands for itself. We're going to get into
2 a big debate about who said what. If he can't
3 identify specifically in the testimony, then it seems
4 to me that we're going far field here on rehearing
5 and raising issues that were raised and discussed and
6 debated in the original case.

7 MR. WILKE: I can point to specific
8 testimony.

9 MR. FITZHENRY: I was going to follow up,
10 not necessarily with Mr. Robertson's objection, but
11 because of Mr. Wilke's response that he is misstating
12 or misunderstanding Ms. Borkowski's testimony. She
13 testifies at lines 183 to 184 the stipulated route
14 also impacts the fewest residences as compared to
15 PDM's hybrid of ATXI's primary and alternate route.
16 Certainly that was a consideration that the Company
17 undertook in deciding to support the stipulated
18 route.

19 When he suggests something to the contrary,
20 I take issue with that mischaracterization.

21 JUDGE YODER: Objection is sustained. You
22 may continue on with your questioning.

23 Q. (By Mr. Wilke) Do you recall Mr. Hackman's
24 testimony that sometimes in the course of a

1 proceeding, intervenors raise environmental, societal
2 and land use concerns that warrant a rebalancing of
3 all the factors?

4 A. Yes.

5 Q. Is that what you're saying occurred here
6 with respect to your stipulation of MCPO?

7 A. Yes, I believe that given the information
8 provided by those parties that ATXI reevaluated what
9 routes it would consider acceptable. And some of
10 that did -- was based on the issues that you just
11 stated, as well as the existence of affected
12 residences and property owners.

13 Q. And if that's true, why didn't you have your
14 routing expert, Donell Murphy, explain on rehearing
15 how those factors should be rebalanced to support
16 that position?

17 MR. FITZHENRY: I am going to object. It's
18 argumentative, your Honor. It's not a proper
19 question.

20 MR. ROBERTSON: Also, the stipulation was
21 admitted into evidence in the prior proceeding and it
22 is not -- the stipulation is not the subject of any
23 rehearing that I am aware of. The Commission's
24 accepted the stipulation in the evidentiary record

1 and the validity of it. And I don't know that that's
2 at issue on rehearing. What is at issue at rehearing
3 is the merits of the routes that are on the table.

4 MR. WILKE: And Ms. Murphy, in her rebuttal
5 testimony, she prepares a chart evaluating all 12 of
6 the factors for the Meredosia to Pawnee route, she
7 does one for the Pana to Mt. Zion route. And on the
8 Mt. Zion to Kansas route, she's utterly silent.

9 MR. FITZHENRY: Well, that should have been
10 asked of Ms. Murphy those kind of questions.

11 MR. WILKE: She's the one presenting the
12 testimony. She's the president.

13 MR. FITZHENRY: They're all presenting
14 testimony, but Ms. Murphy is the one who identified
15 the information that you just described in your
16 comment. And that would have been the time to ask
17 her about her testimony, your evidence. Not
18 Ms. Borkowski, who doesn't speak to that level of
19 detail about the routing information.

20 MR. WILKE: I think she can say that. The
21 question is why didn't she, as president of the
22 company, ask Donell Murphy to reevaluate these
23 factors?

24 MR. FITZHENRY: It's irrelevant, as well.

1 JUDGE YODER: Well, the objection is
2 sustained. I think there's room for some questioning
3 of Ms. Borkowski about whether she's reviewed
4 testimony or has okayed certain witnesses' testimony.
5 So the question that was asked is sustained.

6 Q. (By Mr. Wilke) Let me ask you a few
7 follow-up questions.

8 You did approve the submittal of Donell
9 Murphy's testimony in this rehearing?

10 A. No, I don't approve the submittal of the
11 testimony. That's a part of our legal strategy.

12 MR. WILKE: All right. That's all I have.
13 Thank you.

14 JUDGE YODER: Mr. Robertson, do you have any
15 questions?

16 MR. ROBERTSON: No.

17 JUDGE YODER: Do you need a moment with Ms.
18 Borkowski?

19 MR. FITZHENRY: Please.

20 JUDGE YODER: Off the record for a few
21 minutes.

22 (Short recess taken.)

23 JUDGE YODER: Back on the record.

24 MR. FITZHENRY: We have no questions for Ms.

1 Borkowski. And again, move the admission of ATXI 7.0
2 (RH) and ATXI Exhibit 10.0 (RH).

3 JUDGE YODER: Is there any objection to
4 Ms. Borkowski's rebuttal or surrebuttal testimony in
5 this docket?

6 (No response.)

7 JUDGE YODER: Hearing no objection, then
8 ATXI Exhibit 7.0 (RH) and ATXI Exhibit 10.0 (RH) are
9 admitted into evidence.

10 (ATXI Exhibit 7.0 (RH) and ATXI Exhibit
11 10.0 (RH) were admitted into evidence at
12 this time.)

13 MR. FITZHENRY: Thank you, your Honor.

14 JUDGE YODER: Ms. Borkowski, you can step
15 down.

16 JUDGE ALBERS: I think that's the last of
17 the Ameren witnesses. We did have a request a moment
18 ago from Mr. Shay, if there's no objection, just
19 letting him move for admission of his own some
20 testimony in regard to Eric Sprague. So Mr. Shay.

21 MR. SHAY: Yes, thank you, your Honor. I
22 did provide a courtesy copy of the affidavit for
23 Mr. Sprague to counsel for ATXI and your Honor have
24 one.

1 So based on that, I would move for admission
2 into the record -- the evidentiary record of
3 Mr. Sprague's rebuttal testimony labeled Exhibit 1.0,
4 which was filed on December 2nd, along with
5 supporting Exhibits 1.1, 1.2, 1.3, 1.4, and the
6 affidavit -- and 1.5. And I have got the affidavit
7 labeled as 1.6.

8 I would note that I believe the testimony
9 with the exhibits to the letters in the name of the
10 company, ATXI, were transposed. And apologize for
11 that. Unless anyone objects and wants me to file a
12 corrected version, I will just note that for the
13 record. So that's my motion.

14 JUDGE ALBERS: And then did you give a copy
15 of 1.6 to the court reporter? You can do that or
16 file on e-Docket.

17 MR. SHAY: I'll give it to the reporter.

18 JUDGE ALBERS: Any objection to any of those
19 exhibits?

20 MR. FITZHENRY: No.

21 JUDGE ALBERS: Hearing none, then Sprague
22 Exhibits 1.0, 2 and 3 and 1.6 are admitted.

23 (Sprague Exhibits 1.0, 1.2, 1.3 and 1.6
24 were admitted into evidence at this

1 time.)

2 MR. SHAY: Thank you, your Honor.

3 JUDGE ALBERS: Thank you.

4 Was there anything else for today?

5 MR. WILKE: I just want to revisit the
6 question of Ms. Miller's testimony, because we did
7 not put her on our witness list.

8 MR. FITZHENRY: I'm sorry.

9 MR. WILKE: Julie Miller's testimony for
10 tomorrow, we did not put her on our witness list.
11 And I think the stipulation says that the Village of
12 Mt. Zion withdraws her as a witness.

13 I don't think there is any reason for her to
14 think she has to be here. And I think it also moots
15 the Motion to Strike.

16 JUDGE ALBERS: Yeah, we had talked about
17 that earlier. Did you have a resolution to that?

18 MR. FITZHENRY: We need to reach out to
19 Mr. Flynn and will know by tomorrow morning on that
20 particular --

21 MR. STURTEVANT: There is no cross for
22 Ms. Miller.

23 MR. FITZHENRY: Right. There is no cross
24 examination for her.

1 MR. WILKE: You're trying to decide whether
2 or not to submit her testimony?

3 MR. FITZHENRY: That's correct.

4 MR. WILKE: If so, we would want to cross
5 her. If you're going to allow. The stipulation says
6 they have to withdraw her testimony.

7 JUDGE ALBERS: I had the same question.

8 MR. FITZHENRY: Okay.

9 JUDGE ALBERS: Anything else?

10 MR. McNAMARA: So we're going to start
11 tomorrow at 9:00?

12 JUDGE ALBERS: Yes, sir.

13 MR. McNAMARA: In this room?

14 JUDGE ALBERS: Yes.

15 MR. McNAMARA: The Commission has a session
16 here tomorrow at 10:30 and then 11:15.

17 JUDGE ALBERS: I don't know if it's Room A
18 or the video conference room. But we will have to
19 break.

20 MR. McNAMARA: Both of the judges are going
21 to break for the Commission session, is that correct?

22 JUDGE ALBERS: Yes.

23 MR. McNAMARA: So we won't be proceeding the
24 hearing while the Commission is in session?

1 JUDGE ALBERS: Correct.

2 MR. McNAMARA: Thank you.

3 MR. STURTEVANT: The Company is not going to
4 have any questions for Mr. Ramey. I know you
5 indicated in one of your e-mails that you might have
6 some questions for Mr. Ramey. I don't know if that's
7 still the case. The Company does not.

8 JUDGE ALBERS: Okay. I did have a couple of
9 clarifying questions. I am satisfied. Hang on for a
10 second. I think I could probably ask my questions of
11 Mr. Ramey's counsel. I don't think there would be
12 anything necessarily about the testimony, per se, but
13 about notification of landowners that pertain to what
14 I believe he was proposing in the new routes.

15 MR. STURTEVANT: I am not sure whether Mr.
16 Ramey's represented.

17 JUDGE ALBERS: Okay. I am content with him
18 on the phone for my two questions. So if there is a
19 way to -- have you been in contact with him?

20 MR. STURTEVANT: I have not.

21 JUDGE ALBERS: Try to contact and let him
22 know I have a couple of questions. Let him phone in
23 in the morning. Does anybody have an objection to
24 that having him on the phone for a few minutes?

1 MR. STURTEVANT: Not at all, your Honor.

2 JUDGE ALBERS: Anything else? If there's
3 nothing further, then thank you all. And we'll
4 continue this at 9:00 tomorrow morning.

5 (Matter continued to December 18, 2013,
6 at 9:00 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