

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BEFORE THE
ILLINOIS COMMERCE COMMISSION

Ameren Transmission Company of)
Illinois REHEARING,)
) DOCKET NO.
) 12-0598
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.)

Springfield, Illinois
December 18, 2013

Met, pursuant to notice at 9:30 A.M.

BEFORE:

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

1	INDEX	
2	WITNESSES	PAGE
3	JUSTIN RAMEY	
4	Examination by Judge Albers	220
5	RUDOLPH REINECKE	
6	Examination by Mr. Robertson	225/267
7	Examination by Mr. Wilke	228/274
8	Examination by Mr. Whitt	263
9	MARY BURNS	
10	Examination by Mr. Wilke	278
11	Examination by Mr. Robertson	281
12	PAUL COOLEY	
13	Examination by Mr. Tighe	286
14	Examination by Mr. Sturtevant	304
15	TOM EMANUEL	
16	Examination by Mr. Wilke	305
17	BOB DOAN	
18	Examination by Mr. Wilke	307
19		
20		
21		
22		
23		
24		

1	EXHIBITS	
2		ADMITTED
3	Reynolds/Ramey Exhibit 1.0	
4	with Attachment 1.1	224
5	PDM Cross Exhibits 1 through 3	
6	(first page of each)	262
7	MCPO Exhibits 2.0 (RH); 2.1 (RH)	
8	Revised; 2.3 (RH); 4.0 (RH);	
9	4.1 (RH) and 4.2 (RH)	278
10	MCPO Cross Exhibit 1	284
11	PDM Exhibits 6.0, 6.1 through 6.7	
12	7.0, 8.0 and 8.1 through 8.15	285
13	Cooley Exhibit A with Attachments	
14	1 through 6, and Cooley Exhibit B	303
15	ATXI Cross Exhibit 1	305
16	PDM Exhibit 5.0	307
17	PDM Exhibit 4.0	309
18	MSS CLPG Exhibits 5.0, 5.1, 6.0	
19	7.0, 7.1, 8.0, 9.0, 10.0, 11.0,	
20	11.1, 11.2, 12.0, 12.1, 13.0,	
21	14.0, 15.0, 16.0, 17.0, 18.0,	
22	19.0, 20.0, 21.0, and 22.0	310
23	MCPO Exhibits 1.20 (RH) 2C; 1.1	
24	(RH); 1.2 (RH) 2C; 1.3 (RH) C;	
	1.4 (RH); 1.5 (RH); 3 (RH) C; and	
	5.0 (RH)	313

1 APPEARANCES:

2

3 Mr. Albert Sturtevant
4 Ms. Rebecca Segal
5 Whitt Sturtevant, LLP
6 180 North LaSalle Street, Suite 2001
7 Chicago, IL 60601
8 (Appearing on behalf of Ameren Transmission
9 Company of Illinois.)

6

7 Mr. Mark Whitt
8 Whitt Sturtevant LLP
9 88 East Broad Street, Suite 1590
10 Columbus, OH 43215
11 (Appearing on behalf of Ameren Transmission
12 Company of Illinois.)

10

11 Mr. Kurt Wilke
12 Barber, Segatto, Hoffee, Wilke & Cate
13 831 East Monroe Street
14 Springfield, IL 62701
15 (Appearing on behalf of the PDM Group
16 and The Channon Family Trust.)

14

15 Mr. Edward McNamara, Jr.
16 Mr. Joseph O'Brien
17 McNamara & Evans
18 PO Box 5039
19 Springfield, IL 62705
20 (Appearing on behalf of Scott, Morgan and
21 Sangamon Counties Land Preservation Group.)

19

20 Mr. James Olivero
21 Office of General Counsel
22 Illinois Commerce Commission
23 527 East Capitol Avenue
24 Springfield, IL 62701
25 (Appearing on behalf of Staff of the
26 Illinois Commerce Commission.)

23

24 Mr. Matthew Harvey

1 APPEARANCES: (CONT'D)

2

3 Office of the General Counsel
4 Illinois Commerce Commission
5 160 North LaSalle Street, Suite C-800
6 Chicago, IL 60601
7 (Appearing on behalf of Staff of the
8 Illinois Commerce Commission via phone.)

6

7 Mr. Eric Robertson
8 Lueders Robertson Konzen
9 1939 Delmar Avenue
10 PO Box 735
11 Granite City, IL 62040
12 (Appearing on behalf of Moultrie County
13 Property Owners via phone.)

11

12 Mr. Paul Foran
13 Attorney-at-law
14 One Oak Leaf Court
15 Medford, NJ 08055
16 (Appearing for Moultrie County Property
17 Owners.)

15

16 Mr. Timothy Tighe
17 Bolen, Robinson & Ellis, LLP
18 202 South Franklin Street, 2nd Floor
19 Decatur, IL 62523
20 (Appearing on behalf of Macon County
21 Property owners & Paula Cooley)

19

20 Mr. Edward Flynn
21 Featherstone, Gaumer, Postlewait,
22 Stocks, Flynn & Hubbard
23 225 North Water Street, Suite 200
24 Decatur, IL 62525
25 (Appearing on behalf of Village
26 of Mt. Zion)

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

The Court Reporter:

Pamela K. Needham, IL CSR, MO CCR
Midwest Litigation Services
711 North 11th Street
St. Louis, MO 63101

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

P R O C E E D I N G S

* * * * *

(On the record at 9:04 a.m.)

JUDGE ALBERS: Let's go ahead and get started. By the authority vested in me by the Illinois Commerce Commission, I'll now call Docket Number 12-0598. This docket concerns the Petition of Ameren Transmission Company of Illinois and is seeking a Certificate of Public Convenience and Necessity for its Illinois Rivers Project. This is Day 2 of the rehearing.

May I have -- oh, I'm sorry, rather than having appearances entered, as we indicated in our ruling on December 9th, please make sure you get your appearance entry form submitted to the court reporter, and I believe there are at least one or two folks listening in who'd like to have their appearance emailed to the court reporter, so if you wouldn't mind giving us your email address now, I'd appreciate it.

(Reporter complies.)

Thank you. Moving right along. The only preliminary matter I wanted to raise concerned the December 9 motion of ATXI to strike the rebuttal

1 testimony on rehearing of Dan Long and Julie Miller,
2 is that a matter to be addressed?

3 MR. STURTEVANT: Your Honor, we're
4 still -- I don't know if Mr. Flynn for the Village
5 of Mt. Zion is on the phone; as was noted yesterday,
6 the testimony of Ms. Miller is intended to be
7 withdrawn under the terms the stipulation. It is
8 further my understanding that Mt. Zion did not
9 intend to offer testimony, we're waiting for
10 confirmation from Mr. Flynn, since he's their
11 attorney --

12 JUDGE ALBERS: Sure.

13 MR. STURTEVANT: -- and I have not heard
14 anything, so I don't know if he's available on the
15 phone or is intending to weigh in. We'd asked him
16 to communicate in some form to your Your Honors
17 regarding that.

18 JUDGE ALBERS: And same for Dan Long's
19 testimony, as well?

20 MR. STURTEVANT: That's correct.

21 JUDGE ALBERS: All right. Is anyone
22 from Mt. Zion on the phone?

23 (No response.)

24 JUDGE ALBERS: All right. Well, we'll

1 just hold off on that until hopefully we'll hear
2 from them later.

3 The first witness on our list today --
4 well, the witness we had yesterday was Ann Ramey,
5 and I did have one or two clarifying questions, Ms.
6 Ramey, are you on the phone?

7 MS. ANN REYNOLDS: We're actually here.
8 We ended up coming, yeah.

9 JUDGE ALBERS: All right, that's fine.
10 Okay.

11 MS. ANN REYNOLDS: I'm Ms. Reynolds,
12 that's Justin Ramey.

13 JUDGE ALBERS: I'm sorry, I gave the
14 wrong name.

15 MS. ANN REYNOLDS: That's okay.

16 JUDGE ALBERS: Well, in that case we'll
17 go ahead and take care of you first, unless somebody
18 had other preliminary matters they wanted to raise.

19 (No response.)

20 No? All right. I'd like to go ahead,
21 whichever one of you is going to be testifying take
22 the stand, and I'll swear you in.

23 (Mr. Justin Ramey takes the stand.)

24 JUSTIN RAMEY,

1 of lawful age, having been first duly sworn to
2 testify the truth, the whole truth, and nothing but
3 the truth in the case aforesaid, deposes and says in
4 reply to oral interrogatories propounded as follows,
5 to-wit:

6 JUDGE ALBERS: And you don't have an
7 attorney in this matter, is that correct?

8 THE WITNESS: We do not.

9 JUDGE ALBERS: Okay. I'll try to walk
10 you through the process here.

11 EXAMINATION

12 QUESTIONS BY JUDGE ALBERS

13 Q. Okay, Mr. Ramey, could you please
14 identify yourself for the record, please?

15 A. My name is Justin Daniel Ramey.

16 Q. And on or about November 25th of this
17 year, did you submit direct testimony in this
18 matter?

19 A. We did.

20 Q. And that was --

21 MS. TURNER: Excuse me, Judge Albers, I
22 don't think the witness's microphone is on.

23 JUDGE ALBERS: Thank you.

24 THE WITNESS: Is that better?

1 MS. TURNER: Yes, it is. Thank you.

2 Q (By Judge Albers) That testimony consists
3 of 17 pages of questions and answers?

4 THE WITNESS: I believe that's correct,
5 yes.

6 Q. And that was marked as Exhibit 1.0, and
7 you had an attachment also marked as Exhibit 1.1, is
8 that correct?

9 A. Correct.

10 Q. All right. And if you were asked the
11 same questions today, would you give the same
12 answers?

13 A. I would.

14 Q. And do you have, do you have any
15 corrections or revisions to make?

16 A. The only correction that we would wish
17 to make is that I believe we improperly stated that
18 there was an existing transmission line that ran
19 directly from Pawnee to Pana, and I believe that
20 actually runs from Kincaid to Pana.

21 Q. Okay.

22 A. But I don't know if that's --

23 Q. Okay.

24 A. Yes. I think that was the only error

1 that we've caught so far.

2 Q. Okay. Well, my questions were more
3 regarding your proposed route modification. Was
4 your November 25th testimony the first time you
5 proposed your route modification on this document?

6 A. It was.

7 Q. Okay. And when you submitted that, did
8 you provide a list of any land owners that would be
9 affected by your modification?

10 A. We did not, but we received questions
11 from ACXI requesting that information, and we
12 provided it Monday of this week.

13 Q. Of this week?

14 A. Yes.

15 Q. And then just to be clear, were there --
16 were those land owners newly affected, so to speak?
17 In other words, they did not previously receive
18 notice of this matter, as far as you know?

19 A. We submitted land owners, eight
20 different land owners, six of them were previously
21 notified as part of the original ATXI file. Two of
22 them would be newly affected land owners, but
23 they're the same tenant, the same farmer tenant that
24 this land, so we're not sure exactly if they've been

1 informed or not, that wasn't disclosed to us.

2 Q. Okay.

3 A. We were never notified, so we're not
4 sure exactly who was notified.

5 Q. Okay. And as long as, since we're here,
6 does anyone else have any questions for Mr. Ramey?

7 MR. STURTEVANT: No, Your Honor.

8 JUDGE ALBERS: Is it your intention to
9 have your previously identified Exhibit 1.0 and
10 attachment 1.1 admitted into the record today?

11 THE WITNESS: It is.

12 JUDGE ALBERS: Does anyone have any
13 objection to the admission of those two exhibits?

14 MR. STURTEVANT: No objection, Your
15 Honor.

16 JUDGE ALBERS: Hearing no objection,
17 then Ramey slash -- I'm sorry, Reynolds slash Ramey
18 Exhibit 1.0 and 1.1 are admitted. Thank you, sir.

19 A. Thank you.

20 (Reynolds/Ramey Exhibit 1 and 1.1
21 were admitted into evidence.)

22 JUDGE ALBERS: Just off the record for a
23 minute.

24 (Discussion off the record.)

1 JUDGE ALBERS: Back on the record. All
2 right, the next witness for today then is an MCPO
3 witness, so Mr. Robertson, if you'd like to call
4 your witness.

5 MR. ROBERTSON: Call Mr. Rudolph
6 Reinecke.

7 JUDGE ALBERS: And if anyone else is
8 testifying today, please raise your right hand and
9 I'll swear you all in at the same time.

10 (At this point all witnesses intending to testify
11 were sworn.)

12 RUDOLPH REINECKE,
13 having been previously sworn, testified as follows,
14 to-wit:

15 EXAMINATION

16 QUESTIONS BY MR. ROBERTSON

17 Q. Mr. Reinecke, could you identify
18 yourself for the record, please?

19 A. My name is Rudolph Paul Reinecke.

20 Q. And are you the same Rudolph Reinecke
21 who has previously testified in this proceeding in
22 the original portion of this proceeding?

23 A. Yes, I am.

24 Q. And are you presenting rebuttal

1 testimony on rehearing and surrebuttal testimony on
2 rehearing in this proceeding?

3 A. Yes, I am.

4 Q. If I could find the list here.

5 Now I show you what has been marked as
6 Rebuttal Testimony of Rudolph Reinecke, and marked
7 as MCPO Exhibit 2.0 (RH), is that --

8 MS. TURNER: Your Honors, I'm sorry to
9 interrupt again, I can hear only portions of
10 questions, and no answers whatsoever.

11 JUDGE ALBERS: We're taking care of
12 that, thank you.

13 Q (By Mr. Robertson) I show you what's
14 previously been marked as MCPO Exhibit 2.0 (RH), and
15 is that your rebuttal testimony in the rehearing
16 proceeding?

17 THE WITNESS: Yes, it is.

18 Q. Was it prepared under your supervision
19 and at your direction?

20 A. Yes, it is.

21 Q. If I were to ask you the questions that
22 are contained therein here today, would your answers
23 be the same as are contained therein?

24 A. Yes.

1 Q. I also show you what has been marked as
2 MCPO Exhibit 2.1 (RH); 2.2 (RH); 2.3 (RH). 2.2 (RH)
3 is revised.

4 Do you have those documents in front of
5 you?

6 A. Yes, I do.

7 Q. Were they prepared under your
8 supervision and at your direction?

9 A. Yes, they were.

10 Q. Are they accurate, to the best of your
11 information and belief?

12 A. Yes, they are.

13 Q. I show you what has been marked as MCPO
14 Exhibit 4.0 (RH), the Surrebuttal Testimony of
15 Rudolph Reinecke, and ask you whether that document
16 was prepared under your supervision and at your
17 direction?

18 A. Yes, it was.

19 Q. And it is your surrebuttal testimony in
20 this proceeding, is that correct?

21 A. Yes.

22 Q. And if I asked you the questions that
23 are contained therein, would your answers be the
24 same as contained therein?

1 A. Yes.

2 Q. I show you what has been previously
3 marked as MCPO Exhibit 4.1 (RH) and 4.2 (RH). Are
4 they -- are those the exhibits to your Surrebuttal
5 Testimony?

6 A. Yes.

7 Q. Were they prepared under your
8 supervision and at your direction?

9 A. Yes.

10 Q. Are they true and correct, to the best
11 of your information and belief?

12 A. Yes.

13 Q. All right.

14 MR. ROBERTSON: Your Honor, I would move
15 the admission of MCPO Exhibit 1.0 -- I'm sorry, 2.0
16 (RH); 2.1 (RH); 2.2 (RH) Revised; 2.3 (RH); 4.0
17 (RH); 4.1 (RH); and 4.2 (RH) for MCPO, and tender
18 the witness for cross examination.

19 JUDGE ALBERS: All right. We'll address
20 the admissibility following the cross examination.

21 Mr. Wilke, would you like to go first?

22 EXAMINATION

23 QUESTIONS BY MR. WILKE

24 Q. Hello, Mr. Reinecke, I'm Kurt Wilke

1 representing PDM Group and the Channon Trust.

2 A. Good morning.

3 Q. I wanted to have you confirm a few
4 points in your testimony. First, on the issue of
5 prime farmland. Will you confirm it's your
6 testimony that the MCPO route from Staffs Option 1
7 or Option 2 substation sites impacts more prime farm
8 land than the Channon routes from the same
9 substation does?

10 A. Could you restate that staffs route?

11 Q. The -- right. Your route, the MCPO
12 route running from Staffs Option 1 or Option 2
13 substation sites to Kansas, versus the Channon route
14 running from either of those substation sites to
15 Kansas. Which route affects less prime farmland?

16 MR. ROBERTSON: Can I ask your
17 definition, since there's a dispute on the
18 definition of prime farmland?

19 MR. WILKE: Using Mr. Reinecke's
20 definition.

21 MR. ROBERTSON: Okay, thank you.

22 THE WITNESS: MCPO's route has, has more
23 prime farmland impacts coming, originating from the
24 staff, the Substation Options 1 and 2 than the, than

1 the hybrid route.

2 Q (By Mr. Wilke) Okay. Would you take a
3 look at your Exhibit 2.0, Page 5, Table 2, please?

4 A. (Witness complies.)

5 Q. Do you see that there?

6 A. Yes.

7 Q. And so does that table show the prime
8 farmland used in your definition impacted by the
9 MCPO running -- MCPO route running from the Option 1
10 or Option 2 substation sites versus the Channon
11 route running from the same substation site?

12 A. Yes, it does.

13 Q. Next, will you confirm that the Channon
14 route does not require displacement of a single
15 residence?

16 A. That's correct.

17 Q. There is not one home on the Channon
18 route within 75 feet of the center line of the
19 Channon route, is that correct?

20 A. That is correct.

21 Q. And according to your analysis, there is
22 only one home within 100 feet of the center line on
23 the Channon route.

24 MR. ROBERTSON: Which -- excuse me,

1 again, are you talking about the option, the Sulfur
2 Springs Substation, the Option 1 Substation, or
3 Option 2 Substation?

4 MR. WILKE: I'll clarify. From either
5 the Option 1 or Option 2 Substation sites.

6 THE WITNESS: I did not quantify the
7 number of homes that are within 100 feet, but my
8 Exhibit 2.2 (RH) Revised Page 4 quantifies them
9 based on bands of 0 to 75, 75 to 150, 150 to 350 and
10 300 to 500.

11 Q (By Mr. Wilke) Do you recall responding
12 to our data request to MCPO 2.02?

13 A. Yes.

14 Q. Could you take a look at that, please,
15 and does that not show the distances from the center
16 line of all the residences that you contend are on
17 the Channon route running from the Option 1 or
18 Option 2 Substation sites?

19 A. Yes.

20 Q. And how many of those homes are within
21 100 feet of the center line?

22 A. Zero. No, I'm sorry. There's one.

23 Q. One? Okay. Thanks. Now you've
24 testified that the Channon route does require the

1 displacement of six nonresidential structures, is
2 that correct?

3 A. Correct.

4 Q. And you've located those six structures
5 for us in response to a data request we sent you
6 2.05?

7 A. Correct.

8 Q. May I approach the witness, Your Honor?

9 JUDGE ALBERS: Yes.

10 MR. WILKE: I have six of these.

11 Q (By Mr. Wilke) All right, showing you
12 what I've marked as PDM Cross Exhibit Number 1,
13 would you take a look at the first page of that
14 exhibit and confirm that these are the locations you
15 provided for the six structures that you contend
16 will be displaced by the Channon route running from
17 the Substation 1 or substation 2 sites?

18 A. Yes, sir.

19 JUDGE ALBERS: Off the record.

20 (Discussion off the record.)

21 JUDGE ALBERS: Okay, back on the record.

22 Q (By Mr. Wilke) The, it the pole placement
23 of the Channon route line where it justifies as
24 little as 25 feet displacement of five of those six

1 structures could be avoided, is that correct?

2 A. It's possible.

3 Q. And ATXI has confirmed to you that it
4 gave notice to land owners on a 250-foot wide
5 corridor in order to allow up to 50 feet on either
6 side for flexibility in placing the ultimate
7 right-of-way, is that correct?

8 A. I understand that would be correct.

9 Q. Have you physically looked at these six
10 structures other than by an aerial map?

11 A. I have not.

12 Q. But you can describe for me what those
13 six structures are?

14 A. Based on aerial photography.

15 Q. Okay. Let's take a look at the first
16 one on your list, it's in Section 9 of North Okaw
17 Township, is that correct?

18 A. Yes, it is.

19 Q. And what is that structure?

20 A. Without looking at the aerial
21 photography, I don't know.

22 Q. Okay. If I show it to you, do you think
23 you would recognize it?

24 A. I believe so.

1 Q. Okay. If you turn to the next two
2 pages, Pages 2 and 3 of the exhibit, that is ATXI's
3 Exhibit 4.0 part 78, and can you confirm that those
4 two pages show Section 9 of North Okaw Township?
5 Section 9 kind of straddles the two pages, I
6 believe.

7 A. Yes, I do.

8 Q. You can see that. And so you concede on
9 that exhibit that the, that the Channon route,
10 hybrid route runs along the north side of Section 9,
11 is that correct?

12 A. Yes, it does.

13 Q. And Section 9, can you confirm, is
14 bounded by 200 East and 300 East.

15 Do you see that there, kind of at the
16 bottom of the page there, the...

17 A. Oh. Yes, they are.

18 Q. Okay. And the Channon route is running
19 on 1500 North, is that correct?

20 A. Correct.

21 Q. And then can you confirm that the next
22 two pages, Pages 4 and 5, show 1500 North between
23 200 East and 300 East?

24 MR. ROBERTSON: Are those designations

1 on these exhibits?

2 MR. WILKE: Yes.

3 THE WITNESS: I don't see 200 East, I
4 see 300 East.

5 Q (By Mr. Wilke) Okay, Page 4 shows the
6 east side of the top of Section 9, so that shows 200
7 East to 250 East, correct?

8 A. Correct.

9 Q. And then the second page shows 250 East
10 going further west, correct?

11 A. Yes.

12 Q. Okay. And can you confirm that the
13 structure shown north of 1500 North there on Page 5
14 is the one you're talking about? Around A.

15 A. The structure north of 1500?

16 Q. Yes.

17 A. No.

18 Q. Okay. Can you show me what structure
19 you're referring to on Pages 4 or 5, that is the
20 structure --

21 A. This aerial photography is fairly blurry
22 and zoomed out to such a level, but I believe it's
23 on the south side.

24 Q. What side of 1500 North is the route

1 number?

2 A. It's not clearly depicted on this map.

3 Q. Well, I'm asking you.

4 A. I believe it is on the north side, but
5 subject to check.

6 Q. So if we have a structure 70 feet from
7 route center line, doesn't it necessarily have to be
8 on the north side of 1500 North?

9 A. It's in Section 9, so it has to be on
10 the south side.

11 Q. Well, I'm suggesting that maybe you got
12 the section wrong.

13 A. Well...

14 MR. ROBERTSON: Your Honor, there's -- I
15 have a problem with using this document to cross the
16 witness. First of all, there's been no foundation
17 laid to show that this is an accurate representation
18 of what exists out there today. This was put into
19 the record almost more than a year ago. Ms. Murphy
20 testified yesterday that the company flew the routes
21 that are on the table and inspected the routes
22 visually that are on the table, and that data is the
23 data that this witness relied on. Showing him
24 blurry pictures from a document that was put into

1 evidence a year ago and that was probably prepared
2 several months before that doesn't establish that
3 this is representative of the conditions that exist
4 out there today, and he's already testified that the
5 pictures are so blurry in some instances he cannot
6 view them correctly to answer this witness's -- or
7 Mr. Wilke's questions.

8 So I think I would, I'm going to object
9 as no proper foundation has been laid to show that
10 this document is representative of conditions as
11 they exist, or as necessarily associated with the
12 data that this witness used to develop his
13 testimony.

14 MR. WILKE: Again, I'm just using these
15 exhibits to try and help him pinpoint what
16 structures we're talking about. If he can tell me
17 on the stand, describe for me these six structures,
18 then we don't need to go through all these
19 photographs.

20 JUDGE ALBERS: All right. Well, I
21 think, from what I understand, Mr. Reinecke's
22 testimony is based on these maps, and if -- they're
23 in evidence in the record, and if you want to ask
24 him about the basis of his conclusions, I mean

1 that's appropriate.

2 MR. ROBERTSON: Well, Your Honor, with
3 all due respect, I, I do not understand that the
4 witness's testimony on rehearing is necessarily
5 based upon these maps. His testimony took Ms.
6 Murphy's exhibits and testimony and developed his
7 numbers from the Ameren data on rehearing, and that
8 data is a little bit different than the data that
9 was presented in the original case.

10 JUDGE ALBERS: Well, nevertheless, I'm
11 going to overrule the objection.

12 MR. ROBERTSON: Okay.

13 Q (By Mr. Wilke) Can you confirm that in
14 Section 9 of Okaw Township on the south side of the
15 road there were a number of residences?

16 MR. ROBERTSON: Mr. Wilke, what road are
17 you talking about?

18 MR. WILKE: I'm talking about 1500
19 North.

20 MR. ROBERTSON: Page 5.

21 MR. WILKE: Page 4.

22 MR. ROBERTSON: Page 4.

23 THE WITNESS: Yes.

24 Q (By Mr. Wilke) And you've already

1 testified that the Channon route does not displace
2 any homes, correct?

3 A. Correct.

4 Q. So how can a route be located on the
5 south side of 1500 North?

6 A. I did not say it would be on the south
7 side.

8 Q. I thought you just said that.

9 A. I said it was on the north side.

10 Q. It is on the north side.

11 MR. ROBERTSON: Mr. Wilke and Mr.
12 Reinecke, you're going to have to speak up, I'm
13 getting older, and I'm having a really hard time
14 hearing either one of you.

15 Q (By Mr. Wilke) Okay, and maybe I
16 misunderstand you, I thought you said the route was
17 on the south side of 1500 North in order to be in
18 Section 9. But that's not your testimony.

19 THE WITNESS: No; I believe it was on
20 the north, subject to check.

21 Q. Okay. And so now going back to my
22 earlier testimony, if the route is on the north side
23 of Section 1500 North, and if you say there is a
24 structure within 70 feet of the center line, doesn't

1 that structure necessarily have to be on the north
2 side of the road?

3 A. No, it does not.

4 Q. Isn't the -- isn't the easement area 75
5 feet on each side of the route?

6 A. That's the way I understand it.

7 Q. And the route is on the north side of
8 the road.

9 A. Yes.

10 Q. So it, and you're saying there is a
11 structure within 70 feet of the center line.

12 A. Yes.

13 Q. So either the easement is in the road,
14 or the structure is on the north side of the road,
15 correct?

16 A. Yes.

17 Q. So the structure we're talking about,
18 your first structure is on the north side of the
19 road.

20 A. No.

21 Q. Is it your testimony that the easement
22 area for the Channon route is in the roadway?

23 A. Yes.

24 Q. And how close to the roadway pavement is

1 the center line of the route?

2 A. I don't have that measurement.

3 Q. Okay, so can you tell me where in
4 Section 9 this structure is located that you're
5 referring to?

6 A. I don't have the specific data location
7 point in front of me, but it could be at the
8 southeast corner of 300 East and 1500 North, or it
9 could be on Page 5, your Exhibit 5, the grain silo
10 on the south side of 1500 North.

11 Q. And what is the -- what is the
12 structure?

13 A. The one on Page 5?

14 Q. No, I mean the one on Page -- Page 1 of
15 this exhibit.

16 A. I did not testify --

17 Q. Structure Number 1, what is that
18 structure?

19 A. I did not testify to what that structure
20 is. It's a nonresidential structure.

21 Q. So you don't know what it is.

22 A. Not based on this information as
23 presented in front of me.

24 Q. Well, how about based on the information

1 you looked at to come up with the 70 feet of
2 distance?

3 A. With that aerial photography, it was a
4 structure. It could be a barn.

5 Q. What kind of structure was it?

6 A. Could -- it could be a barn, or a grain
7 silo typically. Those are the -- those are the ones
8 that I identified on all six of these. There were a
9 couple grain silos and four what appear to be barns.

10 Q. Okay, but you don't know which is which.

11 A. No.

12 Q. Okay. Rather than go through this
13 exhibit on these other structures, would your
14 testimony be the same, that for each of these six
15 structures, you cannot tell me what that structure
16 is?

17 A. Not with the data in front of me.

18 Q. And you don't have any other data that
19 you brought today that would help you.

20 A. No.

21 Q. And you can also not tell me with
22 respect to each of these six structures where
23 precisely is located within the section that you
24 have for us?

1 A. My response to that data request was
2 specific to the township section --

3 Q. So --

4 A. -- and the distance, so no.

5 Q. All right, comparing your route from the
6 Staff Option 1 or Option 2 Substation sites to the
7 Channon route for the same sites, your route is
8 inferior as compared to the Channon route for taking
9 advantage of parallelling opportunities, is that
10 correct?

11 A. They -- it parallels less total length
12 of opportunities.

13 Q. So that's a yes?

14 A. I wouldn't classify -- categorize it as
15 inferior, but it does parallel less length of these
16 opportunities.

17 Q. Do you agree that Mr. Dauphinais rated
18 your route as, in quotes, "inferior" closed quotes,
19 on Exhibit 1.4 (RH) on the aggregate of all
20 parallelling opportunities?

21 A. You'll need to ask Mr. Dauphinais that.

22 Q. So you don't know what that exhibit
23 says.

24 A. No.

1 Q. Okay. Going back to your Table 2 on
2 Page 5 of Exhibit 2.0, am I correct that's a, that's
3 a summary of what you describe as Phase 1 and Phase
4 2 high sensitivities for the route comparison?

5 A. Yes.

6 Q. And we already noted the prime farmland,
7 correct?

8 A. Correct.

9 Q. On the following page, Page 6, you
10 conclude that your route outperforms the Channon
11 route on those listed sensitivities, is that
12 correct?

13 A. Yes.

14 Q. And if we look at the first could
15 columns of Table 2, you make this conclusion because
16 you find that the MCPO route is superior in three
17 areas, and the Channon route is superior in two
18 areas, is that correct?

19 A. Yes.

20 Q. And if the three schools you stated to
21 be on the Channon route don't, in fact, exist, then
22 you would have to conclude that the Channon route is
23 either comparable or outperforms the MCPO route,
24 wouldn't you?

1 A. I would have to say it is comparable.

2 MR. WILKE: May I approach again, Your
3 Honor?

4 JUDGE ALBERS: Yes.

5 Q (By Mr. Wilke) All right, directing you
6 to what I've marked as PDM Cross Exhibit Number 2,
7 is that a Date Response to our request 2.04?

8 THE WITNESS: Yes, it is.

9 Q. Okay. And in that Date Response you
10 provided the locations, distance from the center
11 line and section for the three schools that are
12 shown on Table 2 for the Channon route, correct?

13 A. Yes.

14 Q. And none of those three schools actually
15 exist, do they?

16 A. I cannot confirm whether they exist or
17 they don't.

18 MR. ROBERTSON: Excuse me, Mr. Wilke,
19 you're not representing, and maybe this was a
20 misunderstanding, and part of the judge report,
21 you're not representing that these photographs were
22 a part of the Date Response.

23 MR. WILKE: No, no.

24 MR. ROBERTSON: And the photographs on

1 the other document were not part of the Date
2 Response either, right?

3 MR. WILKE: No, I'm not representing
4 that.

5 MR. ROBERTSON: Right, and so these are
6 not documents that this witness relied on, these are
7 documents that you prepared, except for the Date
8 Response, itself.

9 MR. WILKE: That's absolutely correct.

10 MR. ROBERTSON: All right.

11 JUDGE ALBERS: Well, just by the same
12 token, I think, for example, on PDM Cross Exhibit 1,
13 Page 2, that's, that was one of the ATXI initial
14 exhibits.

15 MR. WILKE: Yes.

16 JUDGE ALBERS: Okay.

17 MR. WILKE: Yeah, the whole purpose of
18 these attachments to the data request is to try and
19 help the witness identify the structures that he has
20 responded to on the data request.

21 JUDGE ALBERS: Okay.

22 Q (By Mr. Wilke) Okay, so I didn't hear
23 your answer to my question. None of these schools
24 exist, is that correct?

1 THE WITNESS: I did not confirm whether
2 any of these schools were present.

3 Q. If that's true, then how is it that you
4 were able to answer this data request and tell us
5 the exact distance in feet from the center line that
6 these three schools are located?

7 A. I was relying on Ameren's dataset
8 provided to us for the location of the schools.

9 Q. And if you looked at this before you
10 submitted it in answer to our data request, isn't it
11 obvious to you that this information must be wrong,
12 because you've got two structures that would have to
13 be demolished?

14 A. I indicate that these are school sites.
15 I don't know that there is an active school, I did
16 not try to confirm this data.

17 Q. But two of the, two of the structures
18 that you're talking about, two of the schools you're
19 talking about, one -- you're saying one is within 14
20 feet of the center line of the Channon route, and
21 the other is within 37 feet of the center line of
22 the Channon route, so those structures would have to
23 be relocated, if, indeed, they are structures.

24 A. Correct.

1 Q. So why didn't you include those when you
2 said six structures have to be removed on the
3 Channon route?

4 A. They are two separate data sets that I
5 was relying upon, one of which was the dataset from
6 Ameren that identified the nonresidential and
7 residential structures without telling the location
8 and what their classifications were, and then there
9 was a separate dataset that was the school's. And
10 not, they don't correlate to each other by -- they
11 weren't in the same dataset.

12 Q. Okay. Can you turn to Page 2, please?
13 And can you confirm that that is ATXI Exhibit 4.2
14 Part 68, Page 2, and that page does show Section 11
15 of Marrowbone Township.

16 A. Yes, it does.

17 Q. And can you confirm that the route is
18 shown by the blue line which runs up the west side
19 of Section 11 and across the top of Section 11 on
20 Route 1500 North? And I'm sorry, 1900 North.

21 A. Yes, it does.

22 Q. Can you take a look, please, at Pages 3
23 and 4, and do those maps purport to show Route 1900
24 North across the top of Marrowbone Section 11, which

1 is east of 400, Route 400 East.

2 A. Yes.

3 Q. And there on those two photographs, you
4 can tell there was not, only not a school, but not
5 so much as even a wood shed on the north part of
6 Section 11, is that correct?

7 A. There is no structures on the north side
8 of that section.

9 Q. The second school is Humboldt Township
10 Section 11, is that correct?

11 A. Correct.

12 Q. And can you confirm that Page 5 shows
13 Humboldt Township, Section 11?

14 A. Correct.

15 Q. And route again runs across the top of
16 Section 11, does it not?

17 A. Yes, it does.

18 Q. And that would be on 1500 North,
19 correct?

20 A. Correct.

21 Q. And if you could turn to Page 6, this
22 purports to be a aerial of the entire Section 11 of
23 Humboldt Township, you can see 1500 North there
24 depicted, correct?

1 A. Yes.

2 Q. And again, there does not appear to be
3 any structure on the north, within a, the north
4 thousand feet let's say of Section 11.

5 A. The scale bar is not on this, so I can't
6 confirm that.

7 Q. Well, there is -- there is certainly no
8 structure shown within 37 feet of Route 1500, is
9 there?

10 A. No, there is not.

11 Q. And then if we take a look, quick look
12 at the third one on Page 8, can you confirm that
13 that shows North Okaw Township, Section 9, on the
14 Page 8 and 9? That's the same two pages we looked
15 at earlier. Section 9 kind of straggles the page.

16 A. Yes.

17 Q. So again, the route runs along the north
18 side of Section 1500 as you confirmed earlier,
19 correct?

20 A. Yes.

21 Q. And again, Pages 10 and 11 are those
22 same two photographs we looked at earlier, 1500
23 North between 200 East and 300 East, correct?

24 A. Yes.

1 Q. And where on the north side of Route
2 1500 is there a school?

3 A. That wouldn't be the right section if
4 it's on the north side. See -- identified in
5 Section 9.

6 Q. Oh, okay.

7 A. So it would be on the south side.

8 Q. Okay. So where is the school at?

9 A. The position for that is located at the
10 southeast corner of 1500 North and County Road 250
11 East.

12 Q. Would you take a look at Page 14, and
13 that purports to show you the intersection there of
14 1500 North and 300 East? That's the location you're
15 talking about?

16 A. No. I said County Road 250 East.

17 Q. Oh, I'm sorry, let me back up. Okay,
18 would you turn back to Page 13 then?

19 A. Yes.

20 Q. Is that the location you're talking
21 about?

22 A. That is the location.

23 Q. And it's your testimony that that, is
24 that a -- that's a school?

1 A. No, it is not my testimony.

2 Q. What is that structure?

3 A. I did not visually confirm these.

4 Q. Well, I understand that, but do you know
5 what that structure is?

6 A. It's a structure. That's all I can tell
7 you.

8 Q. On the north side of Section 9 in this
9 township, how many residences do you state are
10 located on the -- there on the Channon route?

11 A. Four.

12 Q. And so can you confirm that this is one
13 of the structures you identified as a residence on
14 the Channon route?

15 A. It is possible. I did this -- I did
16 this analysis a week ago, and I don't recall the
17 specific dot locations with regards to the
18 residences, just due to the number of them.

19 Q. So going back to Pages 10 and 11, can
20 you show me where the four residences are that
21 you've listed as being on the Channon route?

22 A. 10.

23 Q. Pages 10 and 11 of this exhibit. PDM
24 Cross Exhibit 2.

1 A. The specific locations, because of the
2 aerial imagery is so blurry, I cannot depict exactly
3 where they are.

4 Q. So you don't know if the structure shown
5 on Page 13 at the corner of 1500 North and 250 East
6 is on your list of residences or not.

7 A. It is possible that it is.

8 Q. And since you've already testified that
9 the route runs on the north side of 1500 North, how
10 can it be that this residence is, as you state, 14
11 feet from the center line at the route?

12 A. The school site data were data dots. I
13 did not visually confirm whether or not they're
14 active schools at those specific points.

15 Q. If you -- you contend that there are
16 twelve residences on the MCPO route running from
17 Staffs Option 1 or Option 2 Substation sites, is
18 that correct?

19 A. That is correct.

20 Q. And that's shown again on your Table 2
21 on Page 5 of Exhibit 2.0?

22 A. Yes.

23 Q. Okay, and I've got just one more exhibit
24 for you.

1 Okay, showing you what I've marked as
2 PDM Cross Exhibit Number 3, can you confirm that the
3 first page of that exhibit is your response to our
4 Data Request 2.01 which lists those 12 residences
5 and their section location and distance from the
6 center line?

7 A. Yes, it is.

8 Q. And if you would turn to the next page,
9 which is ATXI Exhibit 4.2 Part 74, Page 3; can you
10 confirm that your proposed MCPO route running from
11 the Option 1 or Option 2 Substation sites runs
12 straight up north on Henry Road until it reaches a
13 point which would be Sulfur Springs Road extended
14 east?

15 A. Correct.

16 Q. And that's where it ties into the, to
17 your former MCPO route, correct?

18 A. Correct.

19 Q. And this Henry Road here we're looking
20 at is in Mt. Zion Township, right?

21 A. Correct.

22 Q. Okay. And on looking at that same page,
23 you can see it's Henry Road goes north, it
24 intersects with Wheeler Road in Section 15, is that

1 correct?

2 A. Yes.

3 Q. And if you turn to the next page, you
4 can see what is depicted there as the intersection
5 of Henry Road and Wheeler Road, correct?

6 A. Correct.

7 Q. And there's a residence on Henry Road at
8 Section 15, is that correct?

9 A. I do not classify whether they were
10 residence or nonresidence, I was using Ameren's Date
11 Response 3.05 for the classifications of these
12 structures.

13 Q. You don't have a, you don't have a
14 residence listed on Page 1 of this exhibit in
15 Section 15 of Mt. Zion Township, do you?

16 A. No, I do not.

17 Q. But that residence is on Henry Road,
18 which is where your route is, correct?

19 A. What residence?

20 Q. The one shown on Page 3.

21 A. I don't know that that is a residence.

22 Q. Okay. Did you read Mr. Lapmore's
23 testimony?

24 A. Not in detail.

1 Q. So if he testified that that was, in
2 fact, a residence at that location, do you recall
3 that?

4 A. No.

5 Q. Okay. On your list of 12 residences
6 going back to Page 1 there on that exhibit, you show
7 6 in East Oakland Township, correct?

8 A. Correct.

9 Q. And this is where your route parallels
10 one or two existing transmission lines, is that
11 right?

12 A. Correct.

13 Q. The section of that last one, do you
14 know what section that's supposed to be in that says
15 Section 281?

16 A. I believe there was a one added
17 erroneously, so it would be a 28.

18 Q. The first six residences on your list
19 there designated one through six, those are not
20 alongside an existing transmission line, is that
21 correct?

22 A. That is correct.

23 Q. Would you look at your Surrebuttal
24 Testimony, Exhibit 4? Page 3, Line 84. Got that?

1 A. (No response.)

2 Q. Do you see -- do you see in your
3 testimony where you say: There are eight
4 residential structures within 500 feet of the MZK
5 routes that are already impacted by the existing
6 transmission line.

7 So why don't you have the other two on
8 your list of 12?

9 A. I don't know.

10 Q. I'm sorry, did you answer that?

11 A. It appears there's, there's only --
12 there's six on there. It is possible that one of
13 the others, two of the others are along the existing
14 transmission line that is --

15 Q. Well, you've listed the, you've listed
16 the township, none of those townships that you've
17 listed for residences one through six in those
18 section numbers has an existing transmission line in
19 the location of the MCPO route, do they?

20 A. Subject to check, I don't believe they
21 were.

22 Q. So when you say on Page 3 of your
23 Surrebuttal Testimony that there are eight
24 residences within 500 feet of your line that are

1 already impacted by the existing transmission line,
2 then we're missing two, correct?

3 A. It appears so.

4 Q. And then in your testimony, you refer to
5 these residences as already impacted or previously
6 impacted as opposed to residences that you refer to
7 as newly affected, correct?

8 A. Correct.

9 Q. And then I think you are suggesting on
10 the next page, Page 4 of your Surrebuttal Testimony
11 that the data you've presented can be reduced by the
12 previously impacted residences, so instead of 12
13 residences on your route versus 31 that you contend
14 are on the Channon route, it's really four
15 residences versus 31, is that what you're saying on
16 Page 4?

17 A. Could you restate the question again?

18 Q. Okay, Page 4, Line 96, you say that: If
19 we only look at newly affected residences; then your
20 route running from the Option 1 and Option 2
21 Substation sites only has four residences, correct?

22 A. Correct.

23 Q. And you're comparing that to the 31
24 there on Line 98 for the Channon route, correct?

1 A. Correct.

2 Q. So you're suggesting that if a residence
3 is already impacted by a transmission line, we don't
4 need count it in a comparison; that's what you're
5 saying then, right?

6 A. It's just a newly affected structure, if
7 it's -- I'm not saying it shouldn't be counted, it's
8 just the impacts are reduced.

9 Q. When you were providing that opinion,
10 why didn't you deduct the residences from the
11 Channon route that are previously affected by an
12 existing transmission line?

13 A. Because there weren't any.

14 Q. Of the 31 homes you say are on the
15 Channon route, how many are in Section 9 and 10 of
16 North Okaw Township?

17 A. I don't have that data in front of me.

18 Q. Do you have -- I thought you did have
19 Date Response 2.02. Remember, that was the one
20 where you were telling me there's only one house
21 within 100 feet of the center line?

22 A. Okay.

23 Q. You got that?

24 A. Which township? North --

1 Q. So North Okaw Sections 9 and 10, how
2 many homes have you listed there?

3 A. Four. Within Section 9 did you say?

4 Q. Nine and 10.

5 A. Eleven.

6 Q. Eleven, okay. And would you go back to
7 PDM Cross Exhibit Number 1 for a moment and again
8 confirm for me that Pages 2 and 3 are the ATXI
9 exhibit that shows Sections 9 and 10 in North Okaw
10 Township?

11 A. Yes, they are.

12 Q. And they show a, this Page 3 shows an
13 existing 138 KV line running right through the
14 middle of Sections 9 and 10, does it not?

15 A. Yes, they are.

16 Q. Okay, that's it. Thank you, that's all
17 the questions I have.

18 MR. WILKE: I would move at this time
19 for the admission of PDM Cross Exhibits 1, 2 and 3.

20 MR. ROBERTSON: Yeah, Your Honor, there
21 hasn't been a foundation laid for all of these.
22 First of all, the only documents that were furnished
23 by this witness were the Date Response. Attached to
24 that purports to be an exhibit from the prior case.

1 Attached to those are a series of what appear to be
2 aerial photographs that are undated, but we have no
3 idea of when these were, I don't think the right
4 word is developed, but when these were gathered and
5 whether or not they have any relationship to the
6 information that's shown on the first map, which
7 came from the case a year ago.

8 And so I would object on the grounds
9 that no proper foundation has been laid for the
10 others, and if he wants to put in the Date Response
11 and the two maps from the record that existed
12 earlier on in the case, I guess that would be a
13 different story.

14 MR. WILKE: Yeah, actually, maybe I
15 can -- I think we can do that. If we just, if we
16 would just move the admission of Page 1 of each of
17 those three exhibits, and then I can resubmit them
18 in that form. So that all would, all we'd be
19 submitting is just the Date Response, itself.

20 JUDGE YODER: Mr. Robertson, does that
21 satisfy you?

22 MR. ROBERTSON: It will be all right.

23 JUDGE YODER: Okay, then the three Cross
24 Exhibits, PDM Cross Exhibits 1, 2 and 3, what will

1 be admitted into evidence in this docket is the
2 first page of each, which consists of the actual
3 Date Response filed by MCPO witnesses.

4 (PDM Cross Exhibits 1 through 3
5 [first page of each] were
6 admitted into evidence at this
7 time.)

8 MR. ROBERTSON: Now the other thing,
9 Your Honor, it crosses my mind, and I wouldn't be
10 able to do this until I see the transcript, but to
11 the extent the cross examination was based on maps
12 which were presented to the witness and for which no
13 foundation was laid and which have now been excluded
14 from the record, we may seek to strike certain
15 portions of the cross examination that correspond to
16 the maps that have been denied admission into the
17 record.

18 So I would ask that, and just advise the
19 judges that we may be reviewing the transcript to
20 make that motion.

21 JUDGE YODER: Okay. Well, we are so
22 advised -- or I am so advised, and I will advise
23 Judge Albers of the same.

24 MR. ROBERTSON: Thank you.

1 JUDGE YODER: Thank you. Does ATXI have
2 cross?

3 MR. WHITT: Very briefly, really a
4 clarifying question.

5 EXAMINATION

6 QUESTIONS BY MR. WHITT

7 Q. Mr. Reinecke, my name is Mark Whitt, I'm
8 one of the lawyers for ATXI, and do you recall the
9 series of questions and answers where the term
10 "Ameren's Dataset" was used, and you talked about
11 reference to Ameren's Dataset?

12 A. Yes, sir.

13 Q. And is it your understanding that by
14 Ameren's Dataset, you weren't suggesting, were you,
15 that Ameren developed data about structures on
16 various routes through some proprietary means and of
17 its own accord, as opposed to relying on public
18 databases, government records, and so forth?

19 A. With regards to which type of structures
20 are we referring to?

21 Q. Any type really.

22 A. My understanding is that Ameren acquired
23 a lot of publicly available data, and they also
24 secured information with regards to residential and

1 nonresidential structures from visual observations
2 and aerial photography.

3 Q. Okay. So when you referred to Ameren's
4 Dataset, would it be fair to say that what you
5 intended to convey by that term is the data that
6 Ameren relied on.

7 A. Correct.

8 Q. Okay. Thank you.

9 JUDGE YODER: All right. Mr. Robertson,
10 do you have any redirect?

11 MR. ROBERTSON: If we could have a few
12 minutes.

13 JUDGE YODER: Well, we only have few, so
14 we'll take a few minutes off the record.

15 (Off the record at 10:11 a.m.)

16 (Recess)

17 (Back on the record at 10:19 a.m.)

18 JUDGE YODER: All right, back on the
19 record.

20 Mr. Robertson, are you going to have any
21 redirect for your witnesses? Witness?

22 MR. ROBERTSON: Yes, I am going to have
23 some.

24 JUDGE YODER: Okay, because of the time

1 constraints with the Commission bench session, we
2 will have that when we come back. We'll break now
3 for the Commission meetings, and what we will ask
4 parties to do is have an early lunch, and we will
5 return at 12 noon. Thank you.

6 (Off the record at 10:19 a.m.)

7 (Recess)

8 (Back on the record at 12:11 pm.)

9 JUDGE ALBERS: All right. We have
10 returned from lunch, and before we hear the redirect
11 of Mr. Reinecke, I understand that Counsel from Mt.
12 Zion, Mr. Flynn, is in the room, and if you would
13 enter your appearance via the paper forms.

14 MR. FLYNN: In the beginning of this
15 process, yes.

16 JUDGE ALBERS: Okay, did you today,
17 though?

18 MR. FLYNN: Pardon me?

19 JUDGE ALBERS: Today?

20 MR. FLYNN: No, I did not.

21 JUDGE ALBERS: Okay. Why don't you go
22 ahead and just do it right now.

23 MR. FLYNN: Okay. My name is Ed Flynn,
24 I'm the attorney representing the Village of Mt.

1 Zion.

2 JUDGE ALBERS: And then with regard to
3 the Ameren motion to strike, I believe that Ameren
4 is looking for reassurance that Mt. Zion would not
5 be offering the testimony of Dan Long and Julie
6 Miller and so...

7 MR. FLYNN: That's correct, we
8 previously, which I believe was entered into the
9 record yesterday, entered into a stipulation with
10 them, and so in light of that, we'll withdraw the
11 testimony of Julie Miller and Dan Long that was
12 entered in on our behalf.

13 JUDGE ALBERS: Okay. Thank you. And
14 with regard to that motion does Ameren...

15 MR. STURTEVANT: That's right, Your
16 Honor, I think that moots the motion, so we'll
17 withdraw the motion to strike.

18 JUDGE ALBERS: All right. Thank you
19 very much. Thank you.

20 MR. FLYNN: Thank you.

21 JUDGE ALBERS: All right. Then
22 returning to Mr. Reinecke. Mr. Robertson, I
23 understand you have some redirect?

24 MR. ROBERTSON: I do.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

EXAMINATION

QUESTIONS BY MR. ROBERTSON

Q. Mr. Reinecke, could you refer to Page 3 of your surrebuttal testimony, Line 84?

A. I'm here.

Q. Now you discussed with Mr. Wilke the fact that there were two additional residences that may already be impacted by the existing transmission line on the ATXI, MCPO, and MZK, whatever we're calling it now, agreed route, from Mt. Zion to Kansas.

A. Yes.

Q. And those, is it correct that your testimony shows that there were eight structures impacted by the existing transmission line on the MCPO route?

A. Yes.

MR. WILKE: Pardon me, if I could just inject, did you mean to say eight residential structures?

MR. ROBERTSON: Yes.

Q (By Mr. Robertson) If you had included those structures, is it correct that you would have concluded that there were actually ten residential

1 structures affected by the existing transmission
2 line?

3 A. (No response.)

4 Q. Would you like me to repeat the
5 question?

6 A. Yes, please.

7 Q. Eight plus two is ten, right?

8 A. The testimony says that there are eight
9 residential structures, whereas Mr. Wilke was
10 identifying in the data response --

11 Q. That there were two less.

12 A. There were only six, or there was two
13 less.

14 Q. All right, thank you. All right. So
15 there would have been six.

16 A. Correct.

17 Q. All right. Now the does that impact
18 your calculation of the total residential structures
19 impacted by the MCPO route?

20 A. No, it does not.

21 Q. Were those two structures included in
22 that total impact calculation?

23 A. Yes, there's a total of 12 structures.

24 Q. Now also there was some discussion of

1 the data used in your analysis as on rehearing. Can
2 you tell us what the vintage of the data used in
3 your analysis on rehearing was? Or is?

4 A. There are two data sources. One for
5 residential and nonresidential structure counts that
6 was provided to us by Ameren through visual
7 observations, I mean first through review of aerial
8 photography and visual observations. That data was
9 provided from Ameren to us for our calculation and
10 tabulations. The second data source was the
11 locations of the schools, which was provided to us
12 from Ameren, which I believe was obtained from a
13 public data source.

14 Q. Okay. Now my question to you is was the
15 data of a more -- the data you used for your
16 rehearing analysis of a more recent vintage than the
17 data that was used originally, in this case back in
18 November or December of 2012?

19 A. The school dataset is the same from the
20 previous original hearing, the structure count for
21 residential and nonresidential structures was
22 updated and provided to us in November.

23 Q. Okay. Were there changes in the data
24 from the original data in December and November of

1 last year, and the data that was presented on
2 rehearing?

3 A. Yes.

4 Q. For example, was there -- were there
5 changes in structure in nonresidential and
6 residential structure counts?

7 A. Yes, there were.

8 Q. And is it possible that maps and files
9 that were part of the original filing that were
10 filed in this case back in November and December of
11 last year, will show structures that are no longer
12 present along the route?

13 A. It is possible.

14 Q. Is it possible that it, they may show
15 new structures that were not previously present
16 along the route?

17 A. Yes, it is possible.

18 Q. Now you mentioned in your, in the,
19 during the cross examination, and I think you
20 already stated here that there were two different
21 data sources that you used, one for the residential
22 and nonresidential structure count, and one for
23 schools, is that correct?

24 A. Yes.

1 Q. Now was there any correlation between
2 those two data sources?

3 A. No, they're completely independent of
4 each other.

5 Q. And what is the significance of that, as
6 far as your calculations are concerned?

7 A. Because they are independent of each
8 other, the quantity in one dataset does not reflect
9 the quantity in the other dataset.

10 Q. So the fact that they're -- with regard
11 to schools, the fact that -- let me try to think of
12 a simple way to say this.

13 Well, does that mean there would be no
14 impact on your calculation -- in Ameren's
15 calculation of residential and nonresidential
16 structures along these routes from the fact that
17 there may have been no buildings present on certain
18 school sites?

19 A. That is correct.

20 Q. Now you were also questioned about
21 specific locations of specific structures and their
22 location in relationship to other lineal features,
23 such as roadways and transmission lines or
24 transmission routes, is that correct?

1 A. Yes.

2 Q. Now you indicated I think that you were
3 not able to determine the location in relation to
4 those linear features for some of those faced with
5 the data that was this available to you here today?

6 A. That is correct.

7 Q. Now what data -- well, number one, did
8 you have data available to you that allowed you to
9 do that for your presentation in this case?

10 A. Yes, at the office I did.

11 Q. And what was the nature of that data?

12 A. They're all digital spatial geographic
13 information system files that identify these linear
14 features and these points associated with the
15 structures, whether it be schools, residential,
16 nonresidential structures.

17 Q. And if you had had that data available
18 to you here today, would you have been able to
19 identify --

20 A. Yes.

21 Q. -- those structures?

22 A. Yes.

23 Q. Would you have been able to determine
24 their exact location in relation to the various

1 linear features?

2 A. Yes.

3 Q. And would you have been able to identify
4 the nature --

5 A. Yes.

6 Q. -- of those structures?

7 Now I think you also mentioned during
8 your cross examination that you had been unable to
9 confirm that there were current operating school
10 buildings on the school sites that were identified
11 in the data responses that we gave to Mr. Wilke's
12 clients.

13 A. Correct.

14 Q. Now can you describe for me how that
15 came about?

16 A. In doing the analysis for the, the data
17 response for the Channon Family Trust, specifically
18 Channon then CPO 2.04, we pulled in the school
19 dataset, which consisted of points, and identified
20 that they did not correlate to the aerial
21 photography of a structure being present in the
22 vicinity of the location, and we measured the
23 distance from that point to the line. It -- the
24 transmission line.

1 Q. From the point in the --

2 A. School data.

3 Q. -- Ameren dataset that identified it as
4 a school to the MCPO route.

5 A. Correct. No. To the Channon Family
6 Trust route.

7 Q. Now I think in regard to the data, if I
8 recollect correctly ATXI's attorneys asked you
9 whether the data that you used and which came from
10 Ameren was -- strike that.

11 The data that you relied upon for your
12 residential and nonresidential structure counts and
13 information was the data provided by ATXI, and
14 you've already identified your understanding of the
15 source of the data from ATXI's point of view, is
16 that correct?

17 A. That is correct.

18 Q. Okay, Mr. Reinecke, you may or may not
19 get off, we'll see what Mr. Wilke says.

20 JUDGE ALBERS: Mr. Wilke, any recross?

21 MR. WILKE: Just a couple questions,
22 please.

23 EXAMINATION

24 QUESTIONS BY MR. WILKE

1 Q. Mr. Reinecke, I'm still a little unclear
2 then on whether it's your position that there are
3 eight or six residences that are already impacted by
4 an existing transmission line.

5 A. According to the review of the Channon
6 MCPO Data Request 2.01, there were six along an
7 existing transmission line.

8 Q. All right. So then, then I don't
9 understand. When you say on Page 3 of your
10 surrebuttal testimony at Line 84 that there are
11 eight residential structures within 500 feet of the
12 MZK routes that are already impacted by existing
13 transmission lines --

14 A. There --

15 Q. -- is that true or false?

16 A. That appears to be an error.

17 Q. Okay. So then on the next page of your
18 testimony where you say: We can reduce the twelve
19 by eight and get four, that's also an error.

20 A. It should read: Reduce it by six, to
21 result in six.

22 Q. So as you sit here today, you are
23 certain that the 12 residences listed in your
24 response to Data Request 2.01 are all of the

1 impacted residences on the MCPO routes running from
2 the Substation Option 1 or Option 2 sites.

3 A. That is correct.

4 Q. Now I'm -- you just mentioned that you
5 measured the -- when you received our request to
6 identify the locations for the schools, you measured
7 those distances using the data that you were
8 referencing, and I think you also said that you
9 determined you could not verify any structures were
10 present at those locations.

11 A. Correct.

12 MR. ROBERTSON: With regard to schools?

13 MR. WILKE: Yes.

14 THE WITNESS: With regard to schools on
15 either the Channon Family Trust hybrid route, or the
16 MCPO route.

17 Q (By Mr. Wilke) And when did you, when did
18 you do that? When did you make that determination?

19 A. Thursday night, last week.

20 Q. And so why then did you go ahead and
21 answer Data Request 2.04 showing locations for three
22 schools if you couldn't verify them?

23 A. Those are the locations of the school
24 sites that were provided to us. I cannot confirm

1 whether there are schools there or not.

2 Q. And again, you've submitted testimony in
3 your rebuttal testimony Table 2 you submitted
4 testimony that there were, indeed, three schools on
5 the Channon route.

6 A. There are three school sites that were
7 provided from that data source, correct.

8 Q. So is that testimony still -- is it
9 still your position that there are three schools?

10 A. It is my position there are three school
11 sites.

12 Q. Okay. That's all I have. Thanks.

13 MR. ROBERTSON: Can I see the data
14 request for a second, Mr. Wilke? The one you were
15 just looking at.

16 JUDGE ALBERS: And did Ameren have any
17 recross?

18 MR. WHITT: No, Your Honor.

19 JUDGE ALBERS: All right. Is there any
20 objection -- I'm sorry. Yeah, is there any
21 objection then to Mr. Reinecke's previously
22 identified exhibits?

23 (No response.)

24 Hearing none -- looked like you were

1 going to say something.

2 MR. ROBERTSON: No, I'm biting my
3 tongue.

4 JUDGE ALBERS: Okay.

5 MR. ROBERTSON: I've decided it's best
6 to be quiet.

7 JUDGE ALBERS: Okay. If there's no
8 objection then, MCPO Exhibit 2.0 RH, 2.2 RH Revised,
9 2.3 RH, 4.0 RH, 4.1 RH and 4.2 RH are admitted.

10 (MCPO Exhibits 2.0 (RH), 2.1 (RH) Revised
11 2.3 (RH), 4.0 (RH), 4.1 (RH) and 4.2 (RH)
12 were admitted into evidence at this time.)

13 MR. WILKE: I think our Cross Exhibits
14 were admitted in a previous session.

15 JUDGE YODER: Yes.

16 JUDGE ALBERS: All right. Thank you,
17 Mr. Reinecke. Your next witness is Ms. Burns?

18 JUDGE YODER: Ms. Burns, for the record,
19 were you previously sworn?

20 THE WITNESS: Yes, I was.

21 JUDGE YODER: Okay, thank you.

22 MARY BURNS,
23 having been previously sworn testified as follows,
24 to-wit:

1 EXAMINATION

2 QUESTIONS BY MR. WILKE

3 Q. Ms. Burns, would you state your name and
4 address, please?

5 A. My name is Mary Burns, 10 Oakwood Drive,
6 Springfield, Illinois.

7 Q. And you have previously submitted
8 testimony in the rehearing portion of this case, is
9 that correct?

10 A. That is correct.

11 Q. And does that include PDM Exhibit 6.0 in
12 your direct testimony?

13 A. Yes.

14 Q. Inclusive of Exhibit 6.1 through 6.7?

15 A. Yes.

16 Q. And does it also include PDM rebuttal
17 testimony, PDM Exhibit 7.0 provided by you?

18 A. Yes.

19 Q. And does it also include PDM Exhibit
20 8.0, being a surrebuttal testimony of you?

21 A. Yes.

22 Q. And that's inclusive of Exhibits 8.1
23 through 8.15?

24 A. Yes, that is correct.

1 Q. And do you affirm today that the
2 testimony you have given in those three exhibits is
3 true and correct?

4 A. In the direct testimony, yes.

5 Q. Okay. How about in the rebuttal
6 testimony 7.0?

7 A. In my rebuttal testimony, I would like
8 to make one correction on Page 5, and at Line 74.
9 It says: The Channon Hybrid route would still be,
10 rather than nine miles, that should read 8.25 miles,
11 shorter than MCPO's route from the Option 2 site to
12 Kansas. The nine mile is for the Channon Hybrid
13 route at Staff Option 1 and the MZK route at Staff
14 Option 2.

15 Q. Okay. In all other respects is your --
16 do you affirm the truth of your rebuttal testimony
17 Exhibit 7.0?

18 A. Yes.

19 Q. And can you affirm that the surrebuttal
20 testimony you provided in Exhibit 8.0 is true and
21 correct?

22 A. Yes.

23 MR. WILKE: Okay, we would, with that
24 correction noted, we would move to admit PDM

1 Exhibits 6, 7 and 8, including Exhibits 6.1 through
2 6.7, and 8.1 through 8.15, and tender Ms. Burns for
3 cross examination.

4 JUDGE YODER: Thank you. Just so we
5 have it, this correction, it's on Line 74 where it
6 says 9.0, it should say 8.5, is that correct?

7 MR. WILKE: 8.25.

8 THE WITNESS: 8.25.

9 JUDGE YODER: 8.25, okay, thank you.
10 All right, thank you. We will address admissibility
11 following cross examination, and Mr. Robertson, I
12 believe you have cross?

13 MR. ROBERTSON: Yes, and I don't have
14 anywhere near an hour for this witness, just a few
15 questions.

16 EXAMINATION

17 QUESTIONS BY MR. ROBERTSON

18 Q. All right. Ms. Burns, do you have a
19 copy of your response to MCPO EDM back slash CFB
20 rehearing Data Request 3-1 with you? And 3-2?

21 A. Got it. Yes, I do.

22 Mr. Robertson, please excuse my terrible
23 cold, I may interrupt my responses with a cough or a
24 sip of water, so...

1 Q. That's fine.

2 A. All right, thank you.

3 Q. And I'm not old enough yet that I'll
4 fall asleep while you're doing that.

5 A. Okay.

6 Q. I just wanted to doublecheck something
7 with you with regard to that data response, in
8 Subparagraph D of your response to 3-1, you show the
9 distances in feet for certain residences located
10 along the MCPO route from Mt. Zion to Kansas, is
11 that correct?

12 A. That is correct.

13 Q. And the, with regard to residence number
14 one.

15 A. Yes.

16 Q. Am I correct in reading your data
17 response that that residence is located west of the
18 Sulfur Spring/Mt. Zion substation site?

19 A. It would be north. It's on the north
20 side of Sulfur Springs Road.

21 Q. Okay. You say in your answer that, if
22 I'm reading this correctly, if you extended a line
23 northward from the western boundary of the
24 substation site, you would, you would end up at this

1 house, is that correct?

2 A. I don't recall if the substation --

3 Q. Hang on just a second.

4 A. Oh.

5 Q. I don't, I'm not trying to be rude or
6 anything, but if I ask -- I'm asking a specific
7 question, and once you've given your answer, I
8 want -- I'm going to move on to the next question,
9 okay?

10 But... so the, the house would be north
11 and west of the substation site, correct?

12 A. Well, I have no knowledge of precisely
13 where the substation would be located, so --

14 Q. I'm talking about the substation site,
15 Ms. Burns.

16 A. The site, the 40-acre site.

17 Q. Mm-hmm.

18 A. It would be across the road, and would
19 be toward the western portion of that 40 acres the
20 substation is located on.

21 Q. Okay. Now was the rest of this data
22 response prepared by you?

23 A. Yes.

24 Q. And I have no further questions.

1 MR. ROBERTSON: I would move the
2 admission as, of the PDM response to MCPO Data
3 Request PDM back slash CFT rehearing 3-1 and 3-2
4 into the record as MCPO Cross Exhibit Number 1.

5 JUDGE YODER: Do you have those for
6 the --

7 JUDGE ALBERS: Thank you, Mr. Wilke.

8 JUDGE YODER: Any objection to the
9 admission of that MCPO Cross Exhibit 1?

10 (No response.)

11 Hearing no objection, it will be
12 admitted into evidence in this docket. Any further
13 cross, Mr. Robertson?

14 (MCPO Cross Exhibit 1 was admitted into
15 evidence at this time.)

16 MR. ROBERTSON: No cross examination.

17 MR. WHITT: ATXI does not have cross.

18 JUDGE YODER: All right, thank you. Do
19 you wish to have a moment for redirect or...

20 MR. WHITT: No, no redirect.

21 JUDGE YODER: All right then. Is there
22 any objection to the admission of PDM 6.0 the direct
23 of Ms. Burns, Exhibit 6.1 through 6.7, PDM Exhibit
24 7.0, the rebuttal testimony of Ms. Burns, or PDM

1 Exhibit 8.0, the surrebuttal testimony of Ms. Burns
2 with Exhibits 8.1 through 8.15?

3 (No response.)

4 Hearing no objection, those will be
5 admitted into evidence in this docket.

6 (PDM Exhibits 6, 6.1 through 6.7,
7 PDM Exhibit 7, 8, and 8.1 through
8 8.15 were admitted into evidence
9 at this time.)

10 Thank you, Ms. Burns, you may step down.

11 JUDGE ALBERS: Our next witness is also
12 from PDM, Mr. Emanuel.

13 MR. WILKE: Your Honor, we asked them,
14 they're both coming from out of town, we asked them
15 to be at our office at 12:45 so they could be here
16 by 1, assuming they would be afternoon witnesses, so
17 they will be here by 1, but we're about 15 minutes
18 ahead of them.

19 JUDGE ALBERS: Okay. And that's the
20 same for Mr. Emanuel and Mr. Doan.

21 MR. WHITT: Yes, Mr. Emanuel and
22 Mr. Doan, yes.

23 JUDGE ALBERS: Okay, we'll move on to
24 Ms. Cooley, if she is present.

1 Ms. Cooley, you were previously sworn,
2 is that correct?

3 THE WITNESS: Yes, I was.

4 JUDGE ALBERS: All right. Thank you.

5 Counsel, do you have an exhibit list for
6 Ms. Cooley?

7 MR. TIGHE: I do, Your Honor, I have an
8 extra.

9 Thank you, Your Honors.

10 PAULA COOLEY,
11 having been previously sworn, testified as follows,
12 to-wit:

13 EXAMINATION

14 QUESTIONS BY MR. TIGHE

15 Q. Could you please state your name for the
16 record?

17 A. Paul Cooley.

18 Q. And where do you currently live?

19 A. 5911 Hogan Road, Dalton City.

20 Q. Okay, and you've previously filed in
21 this case rebuttal testimony and surrebuttal
22 testimony, is that correct?

23 A. That's correct.

24 Q. And then you've also filed a group of

1 pictures as additional exhibits that you'd like to
2 have admitted today, is that correct?

3 A. That's correct.

4 Q. Okay.

5 MR. STURTEVANT: I'm sorry, Your Honor,
6 if I could interrupt, particularly with respect to
7 rebuttal testimony and surrebuttal testimony, I
8 understand there have been versions filed on
9 E-Docket, but then there are also versions emailed
10 yesterday, I don't believe they're the same, so I'm
11 curious as to which ones we're talking about here.

12 JUDGE ALBERS: Well, I'm similarly
13 curious, so we'll be addressing that.

14 MR. STURTEVANT: Okay.

15 MR. TIGHE: I'm sorry, are you saying
16 they weren't -- they weren't the same?

17 JUDGE ALBERS: Well, I'll just share
18 with you my concern, Ameren Illinois may have
19 something different.

20 MR. TIGHE: Okay.

21 JUDGE ALBERS: I noticed this morning
22 when I came in I had an email concerning
23 Ms. Cooley's testimony, and we can pull it up here.
24 The email I received had Ms. Cooley's rebuttal

1 testimony marked as Exhibit 1 and did not have any
2 attachments to it, where I think the previous
3 version I had had Exhibits 1 through 5.

4 MR. TIGHE: I see what you're saying,
5 Your Honor, and I can only say that must have been
6 an oversight not to have included those.

7 JUDGE ALBERS: Okay, all right. So I
8 mean you intend, at least as far as rebuttal
9 testimony, it's your intention to have the
10 testimony, itself, and the five attachments be
11 offered today?

12 MR. TIGHE: Correct, yes, sir. Correct,
13 Your Honor.

14 JUDGE ALBERS: Okay, and then --

15 MR. TIGHE: This, what was emailed what
16 was filed yesterday I suppose we could withdraw,
17 since it was all, the accurate testimony was already
18 submitted earlier.

19 JUDGE ALBERS: Right, okay. And then
20 with regard to the surrebuttal testimony, what I
21 received most recently was marked as Exhibit 2, and
22 the testimony, itself, matches what we previously
23 received, and it also had attached to it a document
24 entitled Brookings County Hampton, 345 KB

1 transmission line project, which was a --

2 JUDGE YODER: Seventeen pages.

3 JUDGE ALBERS: Seventeen-page document?

4 MR. TIGHE: Correct.

5 JUDGE ALBERS: And then the most recent
6 email also added an attachment Exhibit 2.1 to the
7 map.

8 MR. TIGHE: The reason for that, Your
9 Honor, was because the exhibit was too big to file
10 in one document, so I had to break it up into two.

11 JUDGE ALBERS: Oh, that's fine, I just
12 want to make sure that I'm aware of what's different
13 from what I got in the email initially on the filing
14 date, and then what came in yesterday afternoon or
15 evening, so... and I think there's where the
16 similarities end with regard to the previously
17 submitted testimony and what came in last night.

18 MR. TIGHE: That's correct, Your Honor,
19 the Exhibit 3 through 9, which are photographs, have
20 not been previously submitted.

21 JUDGE ALBERS: Okay. Did anybody else
22 identify any other differences?

23 MR. STURTEVANT: I don't believe so.
24 I'm not entirely clear, to be honest, Your Honor, as

1 to what Exhibit 2.1 from yesterday's email was and
2 how that relates to what was originally filed on
3 E-Docket.

4 MR. TIGHE: Well, if I could answer
5 that.

6 JUDGE ALBERS: Go ahead.

7 MR. TIGHE: Exhibit 2 was too big to
8 file as one document, so we broke it up into 2.1, so
9 that's just part of 2. It's the last few pages or
10 last page, whatever it was.

11 MR. STURTEVANT: Okay. And Exhibit 2 is
12 the surrebuttal?

13 MR. TIGHE: Yes.

14 MR. STURTEVANT: And so Exhibit 2.1 --

15 MR. TIGHE: Is just part of 2. The part
16 that wouldn't fit, so I had to break it up into two
17 files.

18 JUDGE ALBERS: Well, let me put it this
19 way. Of the email we received yesterday at almost
20 6:00, the attachments identified as Exhibits 1, 2
21 and 2.1 were something that I'd previously received.

22 MR. TIGHE: Yes.

23 JUDGE ALBERS: Okay. And it's 3 through
24 9 that I hadn't seen before.

1 MR. TIGHE: That is correct.

2 JUDGE ALBERS: Okay. So I guess I'm
3 wondering why we just saw 3 through 9 the first time
4 in the last 24 hours.

5 MR. TIGHE: I understand that, Your
6 Honor. What I'd like to do is lay a foundation, and
7 then if you don't want to let it in I'll make an
8 Offer of Proof and I can ask the witness why it is
9 that we're just seeing it for the first time today.

10 JUDGE ALBERS: Well, I'll hear you out,
11 but, you know --

12 MR. TIGHE: I understand.

13 JUDGE ALBERS: I'm not going to make any
14 kind of ruling just yet.

15 Q (By Mr. Tighe) Ms. Cooley, with regards
16 to the pictures, Exhibits 3 through 9, can you
17 explain for the Judges why it is that this just came
18 out recently and hadn't been previously submitted?

19 THE WITNESS: Well, yes. The pictures
20 are in regard to Option Number 2 substation site.
21 And prior to the Monday's stipulation between the
22 village and ATXI, it was not -- it was not a huge
23 concern. It now is, and it is extremely relevant
24 concerning the, and I don't remember the number, but

1 I previously did address it in my surrebuttal, I
2 just did not include the pictures, because I really
3 didn't think it was going to go there.

4 Q. And are these pictures you took
5 yourself?

6 A. Yes, they are.

7 Q. And when did you take these pictures?

8 A. Three different times. One of them was
9 April 19th of this year after a 2 point -- actually
10 2.4 inch rainfall, which was the heaviest of the
11 year. The -- that's two pictures. The rest of the
12 water pictures were taken on July 10th of this year
13 after a 1.9 inch rainfall, and I do have a picture
14 of my rain gauge to verify that. And the third
15 picture was taken about a week ago of a piece of
16 equipment that is in my field which we had had to
17 hire in order to facilitate drainage on the ground,
18 which is downstream from, immediately downstream
19 from Option 2.

20 Q. And are, other than the equipment
21 picture, these are pictures of what we're calling
22 site Option 2, is that right?

23 A. Yes.

24 Q. Okay. And was it your purpose in

1 submitting these to show that you think there's a
2 problem with building on the site because of
3 drainage issues?

4 A. I'm sorry, can you repeat that?

5 Q. Yes, was your, was it your purpose in
6 submitting these photos to show your concerns with
7 building on this particular site because of drainage
8 issues?

9 A. Yes, that, that would be accurate, and
10 that I didn't rely on these pictures in making my
11 surrebuttal statement concerning Option 2.

12 Q. I have no further questions about this.

13 JUDGE ALBERS: All right, let's take the
14 exhibits from the beginning then. So why don't you
15 identify your rebuttal and move on to your
16 surrebuttal, and we'll see what we have objections
17 to.

18 Q (By Mr. Tighe) Okay. Ms. Cooley, you've
19 previously had us submit for you in this proceeding
20 rebuttal testimony, is that correct?

21 THE WITNESS: That's correct.

22 Q. And do you wish to adopt that rebuttal
23 testimony today as your sworn testimony at this
24 hearing?

1 A. Yes.

2 Q. Okay. And then you also submitted
3 surrebuttal testimony?

4 A. That's also correct.

5 Q. And do you wish to have that adopted
6 today as your testimony under oath at this hearing
7 today?

8 A. Yes.

9 Q. Okay. And that includes exhibits that
10 were attached to the previously filed testimony, is
11 that right?

12 A. It does.

13 JUDGE ALBERS: Okay, with regard to the
14 rebuttal testimony, why don't we, I don't think,
15 from what I've heard so far, I don't think it's your
16 intention to change any of that --

17 MR. TIGHE: Correct.

18 JUDGE ALBERS: -- part of the testimony.
19 That's -- given what's already on E-Docket, is the
20 testimony and the five attachments, because the five
21 attachments are already labeled Exhibits 1 through
22 5, why don't we call the rebuttal testimony, itself,
23 Cooley Exhibit A and Attachments 1 through 5, just
24 so we're not having to change the numbers.

1 MR. STURTEVANT: And Your Honor, when
2 you say Attachments 1 through 5, you mean the
3 labels?

4 JUDGE ALBERS: Correct, yeah, the labels
5 that were --

6 MR. STURTEVANT: That were the labels on
7 the bottom --

8 JUDGE ALBERS: -- that were there when
9 this was filed on E-Docket.

10 MR. STURTEVANT: Got it.

11 JUDGE ALBERS: Okay. And then turning
12 to the surrebuttal testimony, similarly, that is
13 also on E-Docket, and there is testimony with -- I
14 think what was filed on E-Docket was all -- the
15 attachments to the testimony on E-Docket were all
16 one docket, correct?

17 MR. TIGHE: Correct.

18 JUDGE ALBERS: So what E-Docket reflects
19 is surrebuttal testimony plus something marked as
20 Exhibit 1 with a label?

21 MR. TIGHE: Right.

22 JUDGE ALBERS: Okay. Why don't we call
23 the surrebuttal Cooley Exhibit B, the attachment
24 attached to Exhibit 1. And just for sake of

1 identification -- I think just to avoid changing the
2 previously, previous designations on things, we'll
3 refer to the surrebuttal as Cooley Exhibit B
4 Attachment 1, and then refer to the seven
5 photographs as they are identified in the most
6 recent filing, Exhibits 3 through 9, and we'll just
7 skip 2, since there's no photograph to -- is that --
8 do you have any questions just for identifying this
9 stuff at this point?

10 (No response.)

11 JUDGE ALBERS: Okay. Now we'll move all
12 of that into the record today.

13 MR. TIGHE: Yes, sir.

14 JUDGE ALBERS: Okay. We'll hold off on
15 admissibility following the cross exam.

16 MR. STURTEVANT: Your Honor, I wonder if
17 we could actually address the admissibility of all
18 of her testimony, or at least hear our motion in
19 that regard.

20 JUDGE ALBERS: Sure.

21 MR. STURTEVANT: Because, if granted, it
22 would eliminate the need for any cross examination.

23 JUDGE ALBERS: I could do that.

24 MR. STURTEVANT: And I guess I would

1 start with Exhibits 3 through 9. We have objections
2 to actually both the rebuttal and the surrebuttal,
3 as well, but I thought I'd start with Exhibits 3
4 through 9, and we would object to their
5 admissibility as an inappropriate attempt to
6 supplement the record.

7 The purpose that we're here for today is
8 cross examination, there was a procedural schedule
9 that was established for the filing of rebuttal and
10 surrebuttal testimony in this case. Those dates
11 have passed. Ms. Cooley has acknowledged that she
12 took the photographs, or at least some of them, much
13 earlier this year, she had them and she knew about
14 them, and could have put them in her surrebuttal
15 testimony and just didn't think it was necessary.
16 So as a result, I don't think it's appropriate to
17 admit those into the evidentiary record at this
18 time.

19 JUDGE ALBERS: Care to respond? Beyond
20 anything else you've already said?

21 MR. TIGHE: Yeah, all I would say is
22 just request to submit that as an Offer of Proof if
23 they do, I know they won't be considered, but submit
24 them.

1 JUDGE ALBERS: I think I'm inclined to
2 agree with Mr. Sturtevant, but to the extent that
3 you want to have them marked as an Offer of Proof
4 we'll do that.

5 All right. Then any other objections
6 you want to pose?

7 MR. STURTEVANT: Yes, Your Honor.

8 MR. FORAN: Hold on one second, Your
9 Honor. First of all, we join in Mr. Sturtevant's
10 objections, and I would make one point that I don't
11 believe, and maybe I've missed something in all the
12 recent filings and all of that, but I don't believe
13 that any of these pictures that are now attached to
14 the surrebuttal testimony are even referenced in the
15 testimony.

16 JUDGE ALBERS: Right, I agree with that.

17 MR. FORAN: Did you -- did you already
18 strike them? If I -- if you did, I missed it.

19 JUDGE ALBERS: Well, I'm not going to
20 admit them. I mean he wants to have them, you know,
21 marked as an Offer of Proof, and I won't be
22 admitting them into the record for, you know,
23 reliance upon in making a decision.

24 MR. FORAN: Okay.

1 MR. STURTEVANT: So continuing to
2 Ms. Cooley's rebuttal and surrebuttal testimony,
3 ATXI would move to strike both of those in their
4 entirety on the grounds of, of a hearsay to begin
5 with, her rebuttal testimony contains references to
6 conversations with FAA specialists who are not here
7 for cross examination, the attachments to her
8 testimony include a lease that she is not a party
9 to, articles in newspapers, and similar type items
10 that are hearsay.

11 With regard to her surrebuttal testimony
12 with respect to its hearsay issues there, there is a
13 public comment that's been provided by a, an air
14 transportation specialist at the FAA who is not here
15 available for, for cross examination, and so it
16 represents her out of court statement. There is
17 additionally attachments of portions of, but not the
18 complete, as far as I can tell, version of a
19 Minnesota Environmental Impact Statement, which is
20 also hearsay, and I would I guess add a relevance
21 objection to that, as well. Various rules and
22 regulations also attached to her surrebuttal
23 testimony.

24 And then, going back to her rebuttal, I

1 also believe that certain of her rebuttal is outside
2 the scope of our hearing. There is a discussion at
3 the end of her rebuttal testimony regarding the,
4 what her testimony is intended to supplement her
5 previous testimony as did Decatur's declining
6 industrial outlook. Given that the Commission has
7 found that a substation is needed in Mt. Zion, I
8 don't believe that the question of that need or the
9 relationship of Decatur's outlook has any relevance
10 to the scope of the issues that is here on the
11 hearing, and I would note that a number of the
12 articles attached to her rebuttal testimony are also
13 in the nature of issues related to economic events
14 involved in Decatur by ADM moving its global
15 headquarters, Caterpillar job notices, and the like.

16 MR. FORAN: We support the objections
17 that Mr. Sturtevant has made for the reasons that he
18 stated.

19 JUDGE ALBERS: All right.

20 MR. TIGHE: Well, Your Honor, there was
21 a lot to cover there. I, as to any specific point,
22 Your Honor, we would submit at least the testimony
23 that Paul Cooley is a pilot, and she knows what a
24 VOR is, and there's a VOR located close to where

1 this is proposed to be built, and so she wants to
2 bring that to everyone's attention, and the evidence
3 was submitted to support that. FAA people didn't
4 intervene or come here, I don't know why, but,
5 that's true, they're not here.

6 The Minnesota documents that were
7 attached to surrebuttal came off of a government
8 website, so those are, I would submit those could be
9 self-identify -- self-authenticating public
10 documents. The public comment of the
11 transmission -- or the Adriano Bacuita, that's
12 right, he's not here, but he submitted his comments,
13 and they're on the website.

14 And I would finally say that the issues
15 should go to weight rather than admissibility, and
16 that they, the parties can cross examine her and get
17 out what they want.

18 JUDGE ALBERS: Would Mr. Sturtevant like
19 the last word there?

20 MR. STURTEVANT: I have nothing further
21 other than what previously said, Your Honor.

22 MR. FORAN: The only thing I would add
23 is that let's assume for the moment that the attempt
24 is being made to have administrative notice taken of

1 the Minnesota document, and I believe the Illinois
2 rules discourage administrative notice being taken
3 of documents simply submitted into the docket of
4 another state proceeding. Administrative notice
5 might be appropriate with regard to the orders by
6 the State Commission or some other public agency,
7 but it doesn't necessarily extend at all to every
8 piece of testimony and evidence and material that
9 might appear in a public website of a public agency.

10 So I don't think there's been a
11 sufficient foundation laid for the invocation of
12 administrative notice of what's contained in this
13 testimony.

14 JUDGE ALBERS: Well, I did previously
15 read Ms. Cooley's testimony, but I would like to
16 look at it again before making any definitive ruling
17 on the motions.

18 Why don't we recess for about ten
19 minutes and let us look over this again, and we'll
20 give you an answer then.

21 (Off the record at 1:09 p.m.)

22 (Recess)

23 (Back on the record at 1:15 p.m.)

24 JUDGE ALBERS: All right, back on the

1 record, Judge Yoder and I have reviewed testimony
2 and exhibits again and have conferred, and we will
3 allow into the record Cooley Exhibit A with
4 Attachments 1 through 6, and I'll put a tangent here
5 I'll -- yeah, I mean, we'll overrule the objection
6 at this point, but... and what will be admitted in
7 the record is Exhibit, Cooley Exhibit A Attachments
8 1 through 6, and earlier I only referenced 1 through
9 5, but I realize now there was a sixth attachment.
10 And I'll also allow Exhibit B without any
11 attachments. Any questions?

12 (No response.)

13 (Cooley Exhibit A with Attachments
14 1 through 6, and Cooley Exhibit B
15 were admitted into the record at
16 this point.)

17 JUDGE ALBERS: All right. I imagine
18 there is some cross examination then?

19 MR. STURTEVANT: Yes, Your Honor.

20 Your Honor, I believe we're at ATXI
21 Cross Exhibit 1, there haven't been any previous
22 Cross Exhibits?

23 JUDGE ALBERS: I think that is correct.
24 I will just supplement my previous comments that

1 what we have allowed in, we will give the
2 appropriate weight. All right.

3 MR. STURTEVANT: Your Honor, I have
4 what's marked as ATXI Cross Exhibit 1. And ATXI
5 Cross Exhibit 1, what's been marked as ATXI Cross
6 Exhibit 1 consists of two Data Requests and
7 responses, ATXI hyphen Macon 701, and ATXI hyphen
8 Macon 702.

9 EXAMINATION

10 QUESTIONS BY MR. STURTEVANT

11 Q. Ms. Cooley, did you prepare these two
12 data responses 701 and 702?

13 A. Yes, sir.

14 MR. STURTEVANT: And Your Honors, in the
15 interest of time and efficiency, I would simply move
16 for the admission of ATXI Cross Exhibit 1, and with
17 its admission I would have no further cross.

18 MR. TIGHE: No objection.

19 JUDGE ALBERS: Objection?

20 MR. TIGHE: No.

21 MR. ROBERTSON: Can we see your Cross
22 Exhibit there? Thank you.

23 JUDGE ALBERS: Any objection, Mr.
24 Robertson?

1 MR. ROBERTSON: No.

2 JUDGE ALBERS: Okay, hearing no
3 objection, ATXI Cross Exhibit 1 is admitted.

4 (ATXI Cross Exhibit 1 was admitted
5 into evidence at this time.)

6 JUDGE ALBERS: And then does MCPO have
7 any questions for Ms. Cooley.

8 MR. FORAN: No.

9 JUDGE ALBERS: All right. Well, any
10 objection -- I'm sorry, anything further then
11 regarding Ms. Cooley?

12 MR. TIGHE: No, Your Honor.

13 JUDGE ALBERS: All right. Thank you,
14 Ms. Cooley.

15 (Witness steps down.)

16 JUDGE YODER: Your witness is here?

17 MR. WILKE: Yes.

18 JUDGE YODER: Mr. Emanuel?

19 Dr. Emanuel were you previously sworn?

20 THE WITNESS: No, sir.

21 JUDGE YODER: All right, would you stand
22 and raise your right hand?

23 TOM W. EMANUEL,
24 of lawful age, having been first duly sworn to

1 testify the truth, the whole truth, and nothing but
2 the truth in the case aforesaid, deposes and says in
3 reply to oral interrogatories propounded as follows,
4 to-wit:

5 EXAMINATION

6 QUESTIONS BY MR. WILKE

7 Q. Sir, would you state your name and
8 address for the record, please?

9 A. Tom W. Emanuel, my home address 2407
10 Branch Road in Champaign, Illinois.

11 Q. What is your position?

12 A. I'm interim director of the Institute of
13 Aviation at the University of Illinois,
14 Urbana-Champaign campus.

15 Q. And sir, have you previously submitted
16 testimony marked as PDM Exhibit 5.0 in this case?

17 A. Yes.

18 Q. That is your direct testimony?

19 A. Yes, sir.

20 Q. And can you affirm that everything you
21 have testified to in that exhibit is true and
22 correct?

23 A. Yes, sir, it is.

24 MR. WILKE: Your Honor, we would then

1 move to admit PDM Exhibit 5.0, and we understand
2 that cross has been waived now.

3 JUDGE YODER: Oh, okay. No cross,
4 Mr. Robertson?

5 MR. ROBERTSON: No.

6 JUDGE YODER: Okay. Any objection to
7 the admission of PDM Exhibit 5.0, the direct
8 testimony of Tom Emanuel?

9 (No response.)

10 JUDGE YODER: Hearing nothing, then that
11 will be admitted into evidence in this docket.
12 Thank you Dr. Emanuel.

13 (PDM Exhibit 5.0 was admitted
14 into evidence at this time.)

15 JUDGE YODER: Mr. Doan, I presume you
16 were not previously sworn then, is that correct?

17 THE WITNESS: That's correct.

18 JUDGE YODER: All right. Raise you
19 please stand and raise your right hand?

20 BOB DOAN,
21 of lawful age, having been first duly sworn to
22 testify the truth, the whole truth, and nothing but
23 the truth in the case aforesaid, deposes and says in
24 reply to oral interrogatories propounded as follows,

1 to-wit:

2 EXAMINATION

3 QUESTIONS BY MR. WILKE

4 Q. Sir, would you state your name and
5 address for the record, please?

6 A. My name is Bob Doan, my home address is
7 420 Cedar Lane in Arthur, Illinois.

8 Q. And what is your position, sir?

9 A. I am the Community Development
10 Coordinator for the Arthur area.

11 Q. And you have submitted testimony, direct
12 testimony in this rehearing identified as PDM
13 Exhibit 4.0, is that correct?

14 A. That's correct.

15 Q. And as you sit here today, do you affirm
16 that that testimony is true and correct?

17 A. Yes.

18 MR. WILKE: And I would move to admit
19 PDM Exhibit 4.0 into evidence and understand there
20 is no cross of this witness either.

21 JUDGE YODER: Mr. Robertson, you have no
22 cross of this witness?

23 MR. ROBERTSON: No cross.

24 JUDGE YODER: All right. Then is there

1 any objection to the admission of the testimony of
2 Mr. Doan, PDM Exhibit 4.0?

3 (No response.)

4 JUDGE YODER: Hearing no objection then,
5 the direct testimony of Mr. Doan will be admitted
6 into evidence in this docket.

7 (PDM Exhibit 4.0 was admitted
8 into evidence at this time.)

9 JUDGE YODER: Thank you, Mr. Doan. I
10 guess I could ask you off the record. Off the
11 record.

12 (Discussion off the record.)

13 JUDGE YODER: Back on the record. I
14 believe that's it for scheduled witnesses. Do we
15 have any housekeeping matters?

16 MR. McNAMARA: Judge, I have -- I've
17 submitted a list of exhibits that have all been
18 filed on E-Docket. If possible, I'd like to move
19 for the admission of their -- their admission at
20 this time.

21 JUDGE YODER: All right. I'll type
22 that -- I will type that up, and Judge Albers will
23 rule you.

24 MR. McNAMARA: I can't hear you.

1 JUDGE YODER: Judge Albers will handle
2 that.

3 JUDGE ALBERS: He'll type, I'll talk.

4 MR. McNAMARA: Judge, at this time I'd
5 like, on behalf of the MSS CLPG Group, I would like
6 to move for the admission of the exhibits that we
7 filed on the E-Docket, I've distributed a list of
8 these exhibits to Counsel for Ameren, to the court
9 reporter yesterday, and to the judge. All of these
10 exhibits are in file, at this time I would move for
11 the admission of MSS CLPG Exhibits 5.0, 5.1, 6.0,
12 7.0, 7.1, 8.0, 9.0, 10.0, 11.0, 11.1, 11.2, 12.0,
13 12.1, 13.0, 14.0, 15.0, 16.0, 17.0, 18.0, 19.0,
14 20.0, 21.0 and 22.0.

15 JUDGE ALBERS: Any objection?

16 MR. STURTEVANT: No objection, Your
17 Honor.

18 JUDGE ALBERS: Hearing no objection,
19 then the aforementioned exhibits are all admitted.
20 Thank you.

21 (MSS CLPG Exhibits 5.0, 5.1, 6.0,
22 7.0, 7.1, 8.0, 9.0, 10.0, 11.0,
23 11.1, 11.2, 12.0, 12.1, 13.0,
24 14.0, 15.0, 16.0, 17.0, 18.0,

1 19.0, 20.0, 21.0 and 22 were
2 admitted at this time.)

3 JUDGE ALBERS: Any other housekeeping
4 matters today?

5 MR. ROBERTSON: I think I'm going to
6 submit after the --

7 MS. TURNER: Your Honor, this is Kelly
8 Turner in Chicago. I do have a procedural question
9 or a housekeeping question regarding staff
10 identification of this alternative route that it was
11 required to submit in this proceeding by the
12 Commission Directive from the bench.

13 We filed this, ours in I believe it was
14 on October 16th as a form of a pleading. It was a
15 notice and identification of alternative route that
16 we filed. I'm just wondering if tomorrow, if we
17 need to give this route an exhibit number and move
18 it into evidence as a separate exhibit, or if it
19 will be considered part of the record, as it was
20 filed in the pleading was an unusual name.

21 JUDGE ALBERS: It would probably be best
22 to go ahead and identify that, the particular
23 exhibit number and then, since that was created by
24 Mr. Rockrohr, we'll go ahead and move for its

1 admission when Mr. Rockrohr is on the stand.

2 MS. TURNER: Okay. We can do that.

3 JUDGE ALBERS: As far as -- nevermind,
4 strike that. Mr. Robertson, you were wanting to say
5 something?

6 MR. ROBERTSON: I was going to move the
7 admission of the testimony of Mr. Dauphinais, and we
8 have an affidavit that we will be submitting in
9 support of the admission, but I only have three
10 copies. I can file one with the clerk, leave one
11 with you, and one with the court reporter, if that's
12 all right.

13 JUDGE ALBERS: If you just give one to
14 the court reporter, you don't need to give it to the
15 clerk.

16 MR. ROBERTSON: Okay. Then we would
17 move the admission of had Mr. Dauphinais's rebuttal
18 testimony on rehearing identified as MCPO Exhibit
19 1.20 (RH) 2C, and the exhibits attached to his
20 rebuttal testimony on rehearing, MCPO Exhibit 1.1
21 (RH); MCPO Exhibit 1.2 (RH) 2C; MCPO Exhibit 1.3
22 (RH) C; MCPO Exhibit 1.4 (RH); and MCPO Exhibit 1.5
23 (RH). We would also move the admission of Mr.
24 Dauphinais's Surrebuttal Testimony as MCPO Exhibit 3

1 (RH) C.

2 JUDGE ALBERS: And did you want to mark
3 the affidavit?

4 MR. ROBERTSON: Yes, and we'll be moving
5 to admit the affidavit of Mr. Dauphinais as MCPO
6 Exhibit 5.0, thank you, excuse me.

7 JUDGE ALBERS: 5.0 (RH)?

8 MR. ROBERTSON: (RH) thank you.

9 JUDGE ALBERS: Any objection to any of
10 those exhibits?

11 (No response.)

12 (MCPO Exhibits 1.20 (RH) 2C;
13 1.1 (RH); 1.2 (RH) 2C; 1.3 (RH) C;
14 1.4 (RH); and 1.5 (RH); 3 (RH) C;
15 and 5.0 (RH) were admitted into
16 evidence at this time.)

17 JUDGE ALBERS: Hearing none, then they
18 are admitted. Any other housekeeping?

19 MR. STURTEVANT: 9:00 tomorrow morning.

20 JUDGE ALBERS: 9:00 tomorrow morning.

21 All right, thank you everyone, we'll continue this
22 matter at 9:00.

23 (Off the record at 1:30 p.m.)

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CERTIFICATE OF REPORTER

I, Pamela K. Needham, Certified Shorthand Reporter,
within and for the State of Illinois, do hereby
certify that the hearing aforementioned was held on
the time and in the place previously described.

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