

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF)	
ILLINOIS)	
)	
Petition for a Certificate of Public Convenience and)	
Necessity, pursuant to Section 8-406.1 of the Illinois)	Docket No. 12-0598
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, Macon, Clark, Coles, Edgar, Fulton,)	
Macon, Montgomery, Morgan, Moultrie, Pike,)	
Sangamon, Schuyler, Scott and Shelby, Illinois.)	

INTERVENOR PAULA COOLEY'S INITIAL BRIEF ON REHEARING

NOW COMES Intervenor, Paula Cooley, through her attorneys, and for her Initial Brief on Rehearing, states as follow:

12-0598 Mandatory Rehearing Briefing Outline

I. Introduction

II. Legal Standard

Ameren Transmission Company of Illinois, Inc. (ATXI), filed a timely application for rehearing of the Commission's August 20, 2013, Order in this matter. Section 200.880 of Title 83 of the Illinois Administrative Code, which governs applications for rehearings, states that "[t]he application shall state the reasons therefore and shall contain a brief statement of proposed additional evidence, if any, **and an explanation why such evidence was not previously adduced.**" 83 Ill.Admin.Code 200.880 (emphasis added). ATXI's requested relief on Rehearing should be denied because it has provided no explanation why the evidence it submitted on rehearing was not previously adduced. An Application for Rehearing serves the same purpose as a motion to reconsider, and "[a] motion to reconsider 'should not be allowed in the absence of a

reasonable explanation of why [the new evidence] was not available at the time of the original hearing.” *Hartzog v. Martinez*, 372 Ill.App.3d 515, 522 (1st Dist. 2007)(Quoting *Delgatto v. Brandon Associates, Ltd.*, 131 Ill.2d 183, 195 (1989)).

III. Project Connection through Kincaid versus Pana

Intervenor Paula Cooley submits that the Commission was correct to deny the portion of the project that it did so that a proper study could be made of a connection through Kincaid versus Pana. While Staff has submitted an alternate route through Kinkaid, the evidence submitted demonstrates that denying this portion of the project for further study is still the better choice.

In his direct testimony on rehearing, Greg Rockrohr states that the time he had to prepare the Kinkaid alternate prevented him from holding meetings with parties and landowners, so he may not have had all the available information. [Direct Testimony of Greg Rockrohr, ICC Staff Exhibit 2.0, p. 7 lines 141-144]. He also states that he does "not represent that the route I identified is the only potential alternative route between Kincaid and the Mt. Zion area." [Direct Testimony of Greg Rockrohr, ICC Staff Exhibit 2.0, p. 7 lines 144-146]. Ultimately, Mr. Rockrohr concluded that "[e]ven if parties point out that the specific Kincaid to Mt. Zion route that I identified is not ideal, the concept of constructing ATXI's new 345 kV transmission line from Kincaid to supply the Decatur area, instead of from Pana, is still the most rational, cost-effective solution." [Direct Testimony of Greg Rockrohr, ICC Staff Exhibit 2.0, p. 8 lines 161-167].

Intervenor Paula Cooley's unrebutted testimony on rehearing also demonstrates that there is a Very High Frequency Omni Directional Radio Range (VOR) in section 22 of Macon County in close proximity to what are being called Substations Sites 1 and 2.

[Rebuttal and Surrebuttal Testimony on Rehearing of Paula Cooley, Exhibits 1 and 2]. Despite this, no air case study was performed, and ATXI has apparently not included this VOR into its considerations. [Rebuttal Testimony on Rehearing of Paula Cooley, Exhibit 1].

Finally, Staff has indicated that it believes more time is needed to examine a Kincaid option. Specifically, in paragraph 3 of its Notice and Identification of Alternate Route from Pawnee to Mt. Zion Through the Kincaid Substation Pursuant to Commission Direction dated October 2, 2013, (which was filed December 23, 2013), Staff states:

"In seeking to comply with the Commission's direction that it identify a transmission line route from Pawnee to Mt. Zion through the Kincaid Substation "as soon as possible", Staff notes that it has had insufficient time to consult with utilities, affected landowners, other state, federal or local agencies of government, or any other entity which might have knowledge regarding the costs, feasibility, or other impact of Staff's proposed route, or a stake in the outcome. Accordingly, Staff cannot opine as confidently regarding this transmission line route as it would wish."

In conclusion, this evidence and other evidence presented on rehearing, in the words of Mr. Rockrohr, "makes it clear that ATXI and MISO have not fully vetted the option of providing a Pawnee to Mt. Zion connection via Kincaid." [Rebuttal Testimony on Rehearing of Greg Rockrohr, ICC Staff Exhibit 3.0, pp. 5-6 lines 106-108]. It is of course axiomatic that the straighter, and therefore shorter, the route is the less it will cost to build. Going through Kincaid is a shorter route.

To further paraphrase Mr. Rockrohr, "by inflexibly focusing on gaining expedited approval in this proceeding for the Pawnee to Pana to Mt. Zion route segments," ATXI and MISO have missed and/or skipped over various opportunities to conduct this project in a deliberate, least cost manner. In fact, ATXI's willingness to enter into stipulations which have dramatically changed its originally proposed routes, 7 in years in making, and the location of substations, one already bought and paid for, is just further proof that ATXI's vetting process was incomplete and there are better options than what have to date been proposed and the petition for rehearing should be denied.

IV. Rehearing Routes

A. Meredosia-Pawnee

1. Length of Line
2. Difficulty and Cost of Construction
3. Difficulty and Cost of Operation and Maintenance
4. Environmental Impacts
5. Impacts on Historical Resources
6. Social and Land Use Impacts
7. Number of Affected Landowners and other Stakeholders
8. Proximity to Homes and Other Structures
9. Proximity to Existing and Planned Development
10. Community Acceptance
11. Visual Impact
12. Presence of Existing Corridors

B. Location of Mt. Zion Substation

In Staff Exhibit 2.0, Mr. Rockrohr identified what is being called the Moweaqua substation site (while again noting that the time constraints were why this better option was not previously identified [Staff Exhibit 2.0, p. 11 lines 220-224]—another reason why denial of ATXI's petition on rehearing is appropriate so that sufficient time can be dedicated to this project). The advantages of the Moweaqua site are manifest. Being able to use existing 138 lines means less cost and no new landowners affected. Also, new 138 lines and the location of the Mt. Zion substation would have to be part of a new

petition and hearing. ATXI's response that the Moweaqua option may not be up to the task because of other issues in the Kincaid area are succinctly and effectively rebutted by Mr. Rockrohr. Rather than being a problem, using the Moweaqua site is actually "an opportunity to also provide a long-term solution for the existing Kincaid operating issues while achieving the benefits of four of MISO's Multi-Value Projects at lower cost." [Staff Exhibit 3.0, p. 6 lines 119-121].

C. Pawnee – Mt. Zion

1. Pawnee – Mt. Zion via Kincaid

Intervenor Paula Cooley adopts and incorporates by reference her arguments in Section III above as her argument for this Section IV, C, 1.

- a. Length of Line
 - b. Difficulty and Cost of Construction
 - c. Difficulty and Cost of Operation and Maintenance
 - d. Environmental Impacts
 - e. Impacts on Historical Resources
 - f. Social and Land Use Impacts
 - g. Number of Affected Landowners and other Stakeholders
 - h. Proximity to Homes and Other Structures
 - i. Proximity to Existing and Planned Development
 - j. Community Acceptance
 - k. Visual Impact
 - l. Presence of Existing Corridors
2. Pawnee-Mt. Zion via Pana
- a. Pawnee-Pana (including Ramey/Raynolds Option)
 - i. Length of Line
 - ii. Difficulty and Cost of Construction
 - iii. Difficulty and Cost of Operation and Maintenance
 - iv. Environmental Impacts
 - v. Impacts on Historical Resources
 - vi. Social and Land Use Impacts
 - vii. Number of Affected Landowners and other Stakeholders
 - viii. Proximity to Homes and Other Structures
 - ix. Proximity to Existing and Planned Development
 - x. Community Acceptance
 - xi. Visual Impact
 - xii. Presence of Existing Corridors
 - b. Pana – Mt. Zion

- i. Length of Line
- ii. Difficulty and Cost of Construction
- iii. Difficulty and Cost of Operation and Maintenance
- iv. Environmental Impacts
- v. Impacts on Historical Resources
- vi. Social and Land Use Impacts
- vii. Number of Affected Landowners and other Stakeholders
- viii. Proximity to Homes and Other Structures
- ix. Proximity to Existing and Planned Development
- x. Community Acceptance
- xi. Visual Impact

xii. Presence of Existing Corridors

D. Mt. Zion – Kansas

1. Length of Line
2. Difficulty and Cost of Construction
3. Difficulty and Cost of Operation and Maintenance
4. Environmental Impacts
5. Impacts on Historical Resources
6. Social and Land Use Impacts
7. Number of Affected Landowners and Stakeholders
8. Proximity to Homes and Other Structures
9. Proximity to Existing and Planned Development
10. Community Acceptance
11. Visual Impact
12. Presence of Existing Corridors

V. Certificate for Other Substations

A. Resolved

1. Kansas Substation Site
2. Sidney Substation Site
3. Rising Substation Site

B. Contested

1. Ipava Substation Site
2. Pana Substation Site

DATED this 30th day of December, 2013

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PROOF OF SERVICE

I, Christopher M. Ellis, being an attorney admitted to practice in the State of Illinois, and one of the attorneys for Paula Cooley, herewith certify that I did on the 30th day of December, 2013, electronically file with the Illinois Commerce Commission, Intervenor Paula Cooley's Initial Brief, and electronically served same upon the persons identified on the Commission's official service list.

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