

Specific testimony in the record from a representative of the Amish community evidences the adverse impact of the MCPO route. Bob Doan is the Community Development Coordinator for the Arthur area. Mr. Doan also manages the Arthur Amish Country Welcome Center, which welcomes visitors from all over the world (PDM Ex. 4.0, p.2, 1.9-13). He testified that the MCPO route “cuts directly through the ‘triangle’ of Amish communities - Arthur, Tuscola and Arcola” (Id. p. 4, 1.48-49). He testified the line would have “a negative effect on tourism” due to its “proximity to the Amish community” (Id. p.2, 1.4-5). The skyline and landscape views of the Amish community are free of any high-voltage transmission lines of this magnitude and size, and as a result, the simple, rural nature of this historic Amish area continues to be a tremendous draw for people from around the globe (Id. 1.18-20). Mr. Doan testified that the Arthur area recalls “a time in history when lives were simpler and less dependent on technology” (Id. 1.21-22).

Most of the visitors to the Arthur area, who come to see and experience the “Amish way of life,” arrive from the north via Rt. 36 and the Arthur Road, or on Rt. 133 from the east, coming through either Tuscola or Arcola, communities that both have a strong Amish presence (Id. 1.24-31). Currently, visitors to Arthur “do not observe or experience any large, obtrusive constructed objects on their approach to the Arthur area” (Id. 1.31-32). Mr. Doan testified that “this is important for us to maintain a proper environment for visitors as they enter the ‘Heart of Illinois Amish Country’” (Id. 1.32-34). Having this northern entrance “framed by a huge and intrusive high-voltage

members reside – i.e., *Moultrie County* Property Owners, Village of *Mt. Zion*. The individual members of PDM are each party intervenors in this case, and the fact that over 80 of PDM’s 500 intervenors reside in the immediate vicinity of Arthur is established in the record in this case by virtue of their Petition to Intervene, which was granted without objection. The Commission’s rules require such petitions to be verified (Rule 200.130), require such petitions to contain the addresses of the intervenors (Rule 200.200(a)), and permit such intervenors to comment in briefs (Rule 200.200(c)).

transmission line, that would include six 90-degree turns in just over two miles right where it crosses US Rt. 36 and Arthur Road, would be devastating to the Arthur area from both an aesthetics point of view and from a financial point of view” (Id. 1.44-46). It should be noted that although MCPO called Mr. Doan to appear for cross-examination, MCPO waived cross upon his appearance at the hearing and did not challenge any of his testimony. It should also be noted that ATXI, which selected its original routing after holding meetings in this Amish area and considering feedback, also declined to rebut Mr. Doan’s testimony.

There is specific testimony in the record of a Native American site dating back thousands of years on the MCPO route; no such testimony was presented regarding the Channon/Staff routes. As noted in the preceding section, PDM witness Kamm testified that MCPO’s route will cut directly through a registered native American archeological site that is on file with the University of Illinois Archeological Survey and has yielded many important artifacts dating back thousands of years. There is no site-specific testimony regarding any historical sites on the Channon or Staff routes.

Summary. Based on the fact that the MCPO route runs right through the historic Amish area, right over the top of US Rt. 36 and Arthur Road where they form the northern gateway to the Amish community, and right through a registered Native American archeological site that dates back thousands of years, it is clear that the Channon and Staff routes outperform the MCPO route in regard to avoidance of impacts on historical resources.

6. Social and Land Use Impacts.

The Commission's prior finding. In the underlying proceeding, the Commission found that this criteria favored the MCPO route for two reasons. First, the Commission found that "the MZK route affects the least amount of prime farmland" (Final Order, p.99). On rehearing, the evidence shows the opposite is true, as MCPO admits that its route affects the greatest amount of prime farmland, even under its restrictive definition of prime farmland (MCPO Ex. 2.0, p.6, 1.127). Second, the Commission found that the MCPO route would not be an impediment to the Tuscola Airport (Final Order, p.99). Even if this is correct, the evidence shows no airport impact whatsoever on the Channon and Staff routes, so airport concerns cannot be said to favor the MCPO route. More importantly, specific testimony has been submitted by Dr. Tom Emanuel, Director of the Aviation Institute at the University of Illinois, that the MCPO route would have an adverse impact on the use of the Tuscola Airport by the students and staff in the University's aviation training program.

MCPO admits its route impacts more prime farmland. Mr. Reinecke testified, both in his rebuttal testimony (MCPO Ex. 2.0, p.6, 1.127), and at the hearing (Tr. p.229, 1.22 - p.230, 1.1), that the MCPO route impacts more prime farmland than the Channon and Staff routes. Mr. Reinecke testified that this comparison is shown on MCPO Ex. 2.0, p.5, Table 2 (Tr. p.230, 1.2-12).

PDM witness Burns testified extensively on the term "prime" farmland, citing soil data provided by the University of Illinois at Champaign-Urbana, which reflects that 98% of all of the farmland across which any of these routes pass is prime farmland, based on the high productivity of soils in this part of central Illinois, and current farming practices which ensure proper drainage and optimal productivity (PDM Ex. 6.0, p.12, 1.248-252). MCPO's assertion in the underlying case that

its routing affected fewer prime acres than ATXI's routing, which the Commission relied on, was simply false (Id. p.12, l.252 - p.13, l.254).

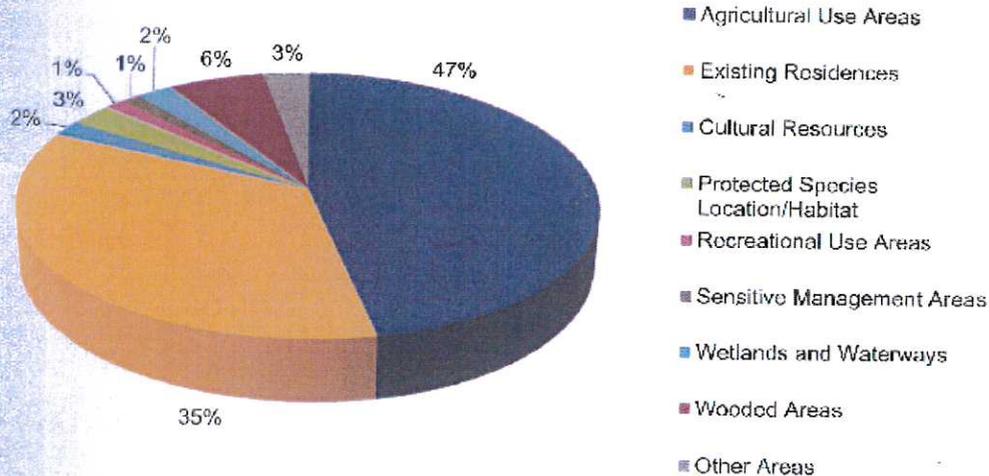
Under Illinois law, cropland is assessed in accordance with the equalized assessed value of its soil productivity index. See 35 ILCS 200/10-125(a), confirming that productivity indices are the standard by which Illinois farmland is evaluated.

Staff and ATXI both testified to the adverse impact caused by splitting farms. The MCPO route splits a total of 103 farm properties (PDM Ex. 6.7, 8.8), almost four times as many as the Channon/Staff routes (PDM Ex. 6.0, p.13, l.262). This is not surprising, as MCPO admits that its route takes less advantage of paralleling opportunities such as roads and section lines.⁵ Staff witness Rockrohr testified that placing transmission poles in the middle of a cultivated field has a negative impact (Tr. p.348, l.21 - p.349, l.1). In response to DR ATXI-ICC 3.03, Staff states, "Minimizing the number of support structures placed in the center of cultivated areas reduces impacts and costs to farmers by allowing cultivation of fields without obstacles (structures) and more efficient operation of farming equipment" (PDM Ex. 8.9).

The very large difference in the number of split (bisected) farm properties on the competing routes demonstrates that MCPO fails to recognize the public's high sensitivity to agricultural use areas, which the public rates even more sensitive than existing residences (ATXI Ex. 4.3, Appendix C, Part 8, p.5):

⁵ See discussion of item 12, below.

Areas Most Sensitive to You



23 of 31

Results of Phase II Exercise



The Illinois Supreme Court has recognized the adverse impact of splitting farms, and found the Commission erred in granting a certificate for a route that had 7 miles of line “which does not follow fence lines and splits the affected farms.” *Ness v. ICC*, 67 Ill.2d 250, 253 (1977). Yet this is exactly what the MCPO route does.

ATXI’s routing respects public input and eliminates as much as possible the splitting of farm properties (PDM Ex. 6.0, p.14, l.291-293). This is consistent with the testimony of ATXI witness Murphy, who stated the MCPO route alternatives “do not fairly reflect public input” (ATXI Ex. 13.0, p.53, l.1143-1150). At the hearing in the underlying proceeding, MCPO witness Reinecke, who

designed MCPO's routes, stated he did not know how many parcels of land the easement area for the MCPO route crossed (Tr. of 5/15, p.616, 1.20-22; p.617, 1.1-12).

The MCPO route places multiple dead-end turns in the middle of single farm tracts.

Another negative impact unique to the MCPO route is that it places multiple severe turns in the middle of single farm tracts. PDM witness Burns testified that the ATXI route maps (ATXI Ex. 4.2) show no occurrences of ninety degree (dead-end) turns within the boundaries of a single farm tract anywhere on the Channon route (PDM Ex. 6.0, p.17, 1.349-352). On the other hand, the MCPO route maps (MCPO Corrected Ex. 2.2) show 12 instances of multiple turns within the boundaries of single farm tracts (Id.). Ms. Burns testified to several examples of this, including at LaPlace where MCPO places two 90-degree, dead-end turns within one farm tract, thereby moving the route off of the quarter-section line. From that point, the route then continues east across the remainder of Piatt County, cutting across six miles of prime, Class A farmland and splitting 16 properties in its path (Id. p.18, 1.371-376).

There is specific testimony regarding the adverse impact the MCPO route will cause to the University of Illinois' aviation program. Dr. Tom W. Emanuel testified about the impacts the MCPO route would cause as a result of its proximity to the Tuscola Airport (PDM Ex. 5.0). Dr. Emanuel has served as Director of the University of Illinois Institute of Aviation for seven years and has been associated with the Institute for 30 years (Id. p.2, 1.2-4). Some 91 flight students in the aviation program, together with flight instructors, fly aircraft in and out of the Tuscola Airport for takeoff and landing practice (Id. 1.12-14). The University program helps financially support the maintenance of the airport runway (Id. 1.14-15). Dr. Emanuel expressed concerns that while the proximity of the MCPO transmission line might not pose a clearance problem under normal