

9. Proximity to Existing and Planned Development.

The Commission's prior ruling. The Commission found that this criteria did not appear to favor one route over another in the underlying proceeding (Final Order, p.99).

No route outperforms Staff's route on this criterion. Mr. Rockrohr testified that the only reason his proposed Staff route varies from the Channon route is because he made a modification to avoid an impact to a residential development area on the east side of Sullivan, Illinois (Tr. p.373, 1.7-12). Mr. Rockrohr testified that none of the competing routes outperforms Staff's route on this criteria (Id. p.374, 1.7-12).

The MCPO route is much closer to many more communities than the Channon/Staff routes. The MCPO route runs within a half mile of two separate residential locations in Mt. Zion, as shown on MCPO Corrected Ex. 2.2, p.2. The same exhibit shows that the MCPO route runs within a half mile of Casner (p.3), within a quarter mile of LaPlace (p.4), within a half mile of Hammond (p.6), within a quarter mile of Pierson Station (p.7), within three-quarter mile of Atwood (p.8), and within three-quarter mile of Tuscola (p.11). MCPO's desire to avoid routing in Moultrie County cannot justify the adverse impacts to all of these communities.

Summary. The Channon and Staff routes clearly outperform the MCPO route in regard to proximity to existing and planned development. The MCPO route would run unnecessarily close to multiple towns, which not only has a strong negative visual impact on these existing developments, but also limits opportunities for growth in all of these communities in the years to come.

10. Community Acceptance.

The Commission's prior ruling. The Commission found that "several affected communities and stakeholders have not intervened" and on that basis concluded that "the level of support for/lack of opposition to the MZK route at least marginally favors its adoption over ATXI's routes" (Final Order, p.99). On rehearing, the record no longer supports this conclusion. Quite to the contrary, the PDM group now consists of over 500 intervenors from every affected community and rural area along the MCPO route, each of whom is a party to this proceeding, and through the pleadings and evidence submitted by PDM on their behalf, stand in opposition to the MCPO route. There is no comparable opposition to the Channon and Staff routes. Indeed, no intervenor other than MCPO has submitted testimony in opposition to the Channon and Staff routes.

Over 500 intervenors from all counties and communities along the MCPO route oppose the MCPO route. The PDM coalition includes over 500 formal intervenors representing all of the counties and communities from along the entire length of the MCPO route. In contrast, the MCPO route was originally submitted by a group of just 6 Moultrie County landowners. The MCPO group was later expanded, but there remain ten times more intervenors opposing the MCPO route than advocating it. The PDM group not only dwarfs the MCPO group in sheer numbers, but also in the diversity of locations, counties, and communities represented.

No intervenor other than MCPO has submitted testimony opposing the Channon/Staff routes. ATXI witness Borkowski stated that she was not aware of any landowner parties that opposed the Channon route other than MCPO (Tr. p.194, 1.20-22). The Commission should carefully distinguish between a party's testimony in support or in opposition to the MCPO route,

versus a recital in a stipulation.¹⁰ While the Village of Mt. Zion has stipulated to recommend the MCPO route, this was, as acknowledged by Ms. Borkowski, a compromise. In the compromise, ATXI agreed to recommend what it testified was a less preferable substation location (Tr. p.192, 1.5-6, 13-21). In return, the Village of Mt. Zion had to withdraw its testimony opposing the MCPO route, which runs within a half mile of the Village limits. No one would suggest that the Village of Mt. Zion prefers to have the transmission line located within one-half mile of its Village limits rather than three miles distant, which would be the case if the Channon or Staff routes were adopted. There is absolutely no testimony in the record to support the conclusion that the Village of Mt. Zion prefers to have the 345kV line close to its borders.

The same point should be made regarding ATXI's stipulation to recommend the MCPO route. As with the Mt. Zion stipulation, Ms. Borkowski testified that the stipulated route with MCPO came about as a compromise (Tr. p.195, 1.16-19). The MCPO route was not ATXI's preferred route (Id. p.199, 1.13-14). ATXI gave up its advocacy of its own routing, but ATXI's own routing is what all of ATXI's testimony supports.

ATXI witness Murphy testified that after she reviewed the MCPO route, ATXI's routing was the only viable routing from Mt. Zion to Kansas (Ex. 13.0C, p.53, 1.1135). She also testified as to several reasons why MCPO's route was not viable (Ex. 13.0C, p.53, 1.1143). Her testimony, that ATXI's routing was the "least-cost" taking "all factors into account" (Ex. 13.0C, p.7, 1.137) has never been retracted, modified, or supplemented. Neither in her direct testimony on rehearing (ATXI Ex. 3.0 (RH)), nor in her rebuttal testimony on rehearing (ATXI Ex. 6.0 (RH)), did Ms. Murphy

¹⁰The Commission noted in the underlying proceeding that routes are evaluated on their own merits regardless of any stipulations (Final Order, p.98).

indicate that there were some factors brought to her attention by MCPO that she missed or failed to consider, or that a rebalancing of the factors warranted a different conclusion than the one she reached in her original testimony.¹¹ Indeed, no ATXI witness has ever testified that the MCPO route, considering all 12 factors, is the “least-cost” route.

The Channon/Staff routes align with the interests of other intervenors. The Channon route uses the ATXI alternate route for the eastern half of the Mt. Zion to Kansas segment, and therefore aligns with the interests of Intervenors Tarble Limestone Enterprises, Coles County Landowners, Reed Interests, and Coles and Moultrie County Land Interests, all of whom stated support for the ATXI alternate route in the underlying proceeding.

Summary. Based on the fact that the Channon and Staff routes not only align with the interests of every intervenor group in this case (other than MCPO), but also with over 500 individual intervenors from every county and community across the entire span of the MCPO route, it is clear that the Channon and Staff routes dramatically outperform the MCPO route in regard to community acceptance.

11. Visual Impact.

The Commission’s prior finding. The Commission found that the visual impact factor favored the MCPO route, because nearly one-quarter of the route paralleled an existing transmission

¹¹ The Commission may note that Ms. Murphy, in her direct testimony on rehearing, made a detailed analysis of the 12 factors on the Meredosia to Pawnee segment, preparing a table showing how each of the competing routes compared on each of the twelve factors (ATXI Ex. 3.0 (RH), p.7, Table 1). She did the same for the Pawnee to Mt. Zion route (Id. p.15, Table 2). Yet, on the Mt. Zion to Kansas route, Donell Murphy was silent on the balancing of the twelve factors (Id. p.19, l.205 - p.21, l.225).

line. The Commission suggested this would reduce the visual impact that the line would otherwise have in an area previously untouched by transmission lines (Final Order, p.99-100). The evidence no longer supports this conclusion on rehearing. Even if the Commission concluded that the transmission line would have a 50% reduction in visual impact along the fourteen miles of the MCPO route where it parallels an existing transmission line, the MCPO route still has a greater visual impact because the MCPO route is 9 miles (more than 50% of the 14 miles) longer than the Channon and Staff routes.

Staff testified that a shorter route has less visual impacts. Mr. Rockrohr testified that all else being equal on two competing routes, a shorter route will be more favorable than a longer route in terms of visual impacts (Tr. p.374, 1.20-24).

Summary. The Channon and Staff routes clearly outperform the MCPO route in regard to avoidance of visual impacts. The MCPO route is 9 miles longer, would have 50 additional towers and spans, travels in close proximity (one-quarter to one-half mile) of multiple towns, and places six 90-degree turns right at the northern gateway to the Amish community. All of these adverse visual impacts can be avoided by adoption of the Channon or Staff routes.

12. Presence of Existing Corridors.

The Commission's prior finding. The Commission found that this factor favored the MCPO route (Final Order, p.100) because "the MZK route, as noted above, follows an existing 138kV line for nearly one-quarter of its length" and because "ATXI indicates as well that a 345kV line corridor had been previously acquired elsewhere along the MZK route." The Commission further found that "the record does not reflect whether any of the three routes are immediately

adjacent to any other corridors.” On rehearing, the evidence clearly does not support these conclusions. First, MCPO admits that the Channon and Staff routes take more advantage of paralleling opportunities than does the MCPO route. Second, as PDM witness Burns has testified, the MCPO route bisects over 100 farm properties, as compared to the Channon and Staff routes which bisect only 28 farm properties, a reflection of the fact that the Channon and Staff routes are superior in taking advantage of paralleling opportunities along roads and section lines. Third, there is no evidence of any 345kV line corridor “elsewhere along the MZK route.” Accordingly, the undisputed evidence in the record on rehearing shows that this factor favors the Channon and Staff routes.

Roads and section lines are existing corridors that should be utilized. Staff witness Rockrohr noted at the hearing that the existing corridors could be any number of things, including roads and section lines, as well as transmission lines (Tr. p.375, l.17-19). Regarding another segment, ATXI witness Murphy testified that the linear features that ATXI focused on as opportunities were property lines, section lines, and roads (Tr. p.142, l.15-17). Testifying in connection with the Sprague “hitch,” Ms. Murphy noted that the routing design behind the hitch was to “try to run along the cultivated boundaries so as to impact properties the least amount” as opposed to “cutting right through the middle of one of those properties” (Tr. p.182, l.7-13).

MCPO concedes its route is inferior on paralleling existing corridors. MCPO witness Reinecke testified that the MCPO route parallels less total length of opportunities than the Channon route (Tr. p.243, l.5-12). MCPO witness Dauphinais rated the MCPO route as “inferior” on the aggregate of all paralleling opportunities, as compared to the Channon route. See MCPO Ex. 1.4 (RH):