

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 Public Utilities :
Act, and an Order pursuant to Section 8-503 :
of the Public Utilities Act, to Construct, : 12-0598
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. :

PROPOSED FIRST ORDER ON REHEARING

By the Commission:

I. PROCEDURAL HISTORY

On November 7, 2012, Ameren Transmission Company of Illinois (“ATXI”) filed with the Illinois Commerce Commission (“Commission”) a petition seeking a Certificate of Public Convenience and Necessity pursuant to Section 8-406.1 of the Public Utilities Act (“Act”), 220 ILCS 5/1-101 *et seq.*, authorizing ATXI to construct, operate, and maintain new 345 kilovolt (“kV”) electric transmission lines running generally across Illinois from Missouri to Indiana. Pursuant to Section 8-406.1(i), ATXI also sought an order authorizing or directing the construction of the transmission lines pursuant to Section 8-503 of the Act. Petitioner did not seek authority to take property under Section 8-509 of the Act.

After notifying approximately 8,436 landowners, the Commission received petitions to intervene from roughly 80 organizations, businesses, individual landowners, and groups of landowners. Pursuant to Section 8-406.1(g), this matter was conducted under an expedited schedule. On August 20, 2013, the Commission entered an Order finding that ATXI possessed the managerial and financial resources to complete the proposed project. The Order also found generally that the type of project proposed by ATXI is necessary and appropriate under Section 8-406.1(f)(1) of the Act. Citing a lack of support in the record, however, the Order did not grant all of the approvals sought by ATXI. Generally, the Order approved seven of the nine proposed transmission line segments and three of the nine proposed substations. Attached to the August 20, 2013

Order, as well as to this First Order on Rehearing, is an Appendix A containing an alphabetized list of parties and any abbreviations that they may be known by in either order.

On September 5, 2013, the Commission received the first of seven applications for rehearing pursuant to Section 200.880 of 83 Illinois Administrative Code 200, "Rules of Practice." Andrew and Stacy Robinette of Morgan County filed this application for rehearing pertaining to a one-half mile portion of a transmission line segment approved in the August 20, 2013 Order. This segment is between Meredosia and Pawnee, Illinois. In order to rule on the Robinettes' application for rehearing at a scheduled Commission meeting within 20 days of the application's filing as allowed by Section 200.880, the Commission considered the Robinettes' application at its September 18, 2013 meeting. After granting the Robinettes' application for rehearing on the morning of September 18, the Commission received three more applications for rehearing that afternoon and an additional three on September 19, 2013. At its October 3, 2013 meeting, the Commission granted the applications for rehearing of ATXI, MISO, PDM Coalition and CFT, and MSSCLPG. At the same meeting, the Commission denied the applications for rehearing of ACPO and Edgar DP. The rehearing applications of the Robinettes and MSSCLPG concern the same transmission line segment. Section 10-113(a) of the Act provides that any rehearing must be completed within 150 days after such rehearing is granted. Accordingly, the deadline for the Robinettes' rehearing is February 15, 2014 and the deadline pertaining to the other four granted applications for rehearing is March 1, 2013.

The subject of this First Order on Rehearing is the Robinettes' application for rehearing. The Commission recognizes that the relief requested by MSSCLPG on rehearing overshadows the relief sought by the Robinettes. Specifically, if MSSCLPG prevails on rehearing and a route other than that adopted for the Meredosia-Pawnee segment in the August 20, 2013 Order is chosen, the Robinettes' request becomes moot. Unfortunately, in light of the earlier deadline for the Robinettes' rehearing, the Commission can not defer ruling on the Robinettes' rehearing until after resolving the MSSCLPG rehearing. Therefore, the ultimate outcome for the Robinettes will not be known until the Commission decides the fate of MSSCLPG's rehearing request.

Pursuant to due notice, a status hearing concerning the Robinettes' rehearing was held at the offices of the Commission in Springfield on September 30, 2013. An evidentiary hearing was held on December 9, 2013. Andrew Robinette testified on his own behalf. ATXI offered the testimony of Jeffrey Hackman, Manager of Transmission Operations at Ameren Services Company ("Ameren Services"),¹ and Donell Murphy, a Partner with Environmental Resources Management ("ERM").² Staff submitted the testimony of Greg Rockrohr, a Senior Electrical Engineer in the Energy Engineering Program of the Safety and Reliability Division of the Commission's Bureau of Public Utilities. No other party sought to admit testimony concerning the Robinettes on

¹ Ameren Services is the service company subsidiary of Ameren Corporation. Ameren Services provides various services to its affiliate Ameren operating utilities, including ATXI.

² ERM is a provider of environmental, health, safety, risk, and social consulting services.

December 9, 2013. None of those attending the Robinette evidentiary hearing sought to file a brief. A Proposed First Order on Rehearing was served on the parties.

Pursuant to Section 2-107 of the Act, the Commission must accept from Illinois residents' comments on matters before the Commission through its website and toll-free telephone number. The Commission does not appear to have received any comments regarding the Robinettes' concerns.

II. DESCRIPTION OF ATXI AND THE PROJECT

ATXI was formerly known as Ameren Illinois Transmission Company. ATXI is an Illinois corporation with one employee and a wholly-owned subsidiary of Ameren Corporation. ATXI owns, operates, controls, and manages within Illinois certain transmission facilities for the furnishing or delivery of electricity, and is therefore a public utility within the meaning of Section 3-105 of the Act.

The transmission project that ATXI seeks to construct consists primarily of a new 345 kV transmission line spanning from the Mississippi River near Quincy, Illinois to the Indiana border near Terre Haute, Indiana. This primary portion of the project runs through parts of Adams, Brown, Christian, Clark, Coles, Edgar, Macon, Montgomery, Morgan, Moultrie, Pike, Sangamon, Scott, and Shelby Counties. Another significant portion of the project is a new 345 kV transmission line that runs from Ipava, Illinois to Meredosia, Illinois where it connects with the previously described transmission line. The Ipava to Meredosia segment runs through parts of Brown, Cass, Fulton, Morgan, and Schuyler Counties. The third significant segment of the project wraps around the West and South sides of Champaign in Champaign County. This 345 kV transmission line terminates at Rising, Illinois on one end and at Sidney, Illinois on the other end. This part of the project is not connected to any other part of the project. ATXI refers to the portions of this project collectively as the Illinois Rivers Project, the planning for which began in 2006, if not earlier.

The Illinois Rivers Project consists of approximately 375 miles of new 345 kV transmission lines, nine new or expanded substations, and six 345/138 kV transformers. In accordance with Section 8-406.1(a)(1)(B)(viii), ATXI identified a "Primary Route" and an "Alternate Route." Both routes necessitate a permanent 150 feet wide right-of-way easement. The total easement area for the Primary Route contains approximately 6,800 acres. The total easement area for the Alternate Route contains approximately 7,100 acres. The majority of the easement area will only have over-hanging wires. The construction of single shaft steel poles with no permanent "down guys" or anchors will reduce the amount of land removed from use. In addition, ATXI represents that it plans to place the structures near or adjacent to existing property lines or use lines (i.e. agricultural field lines). ATXI anticipates that the Primary Route will cost approximately \$1,091,600,000 to construct while the Alternate Route will cost approximately \$1,167,500,000. Other parties that have intervened in this proceeding proposed

alternative routes. The project will be placed in service over several years, with the earliest in-service dates expected in 2016 and the final portion of the project to be placed in-service by the end of 2019.

ATXI asserts that the proposed transmission lines and associated facilities are necessary in order to provide adequate, reliable, and efficient service to consumers. The Illinois Rivers Project is also, ATXI contends, the least cost means of satisfying the service needs of transmission customers within the MISO footprint. ATXI states that the Illinois Rivers Project represents four of six projects in Illinois that the MISO Board of Directors approved in December of 2011 as part of its Multi-Value Project ("MVP") Portfolio. MISO identifies the four projects as: 1) Palmyra Tap-Quincy-Meredosia-Ipava and Meredosia-Pawnee, 2) Pawnee-Pana, 3) Pana-Mt. Zion-Kansas-Sugar Creek, and 4) Sidney-Rising. The municipality names represent the locations of substations. ATXI adds that these four projects will enable the reliable delivery of renewable energy, including wind power, within the MISO footprint.

The nine segments at issue in the August 20, 2013 Order were: (1) Mississippi River-Quincy, (2) Quincy-Meredosia, (3) Meredosia-Ipava, (4) Meredosia-Pawnee, (5) Pawnee-Pana, (6) Pana-Mt. Zion, (7) Mt. Zion-Kansas, (8) Kansas-Indiana state line, and (9) Sidney-Rising. As referenced above, the Commission approved routes for all but two. The two for which insufficient evidence existed were the Pawnee-Pana and Pana-Mt. Zion segments. Of the nine proposed new or expanded substations, the Commission approved only those at Quincy, Meredosia, and Pawnee. The Commission found that the record did not support granting the requested relief regarding the new or expanded substations at Ipava, Pana, Mt. Zion, Kansas, Sidney, and Rising.

III. APPLICABLE STATUTORY AUTHORITY

The expedited consideration provided for in Section 8-406.1 of the Act is available only to public utilities seeking to construct a new high voltage electric service line and related facilities. Section 8-406.1(a) sets forth in detail the information required to be filed in support of the application. The statute further provides:

- (f) The Commission shall, after notice and hearing, grant a certificate of public convenience and necessity filed in accordance with the requirements of this Section if, based upon the application filed with the Commission and the evidentiary record, it finds the Project will promote the public convenience and necessity and that all of the following criteria are satisfied:
 - (1) That the Project is necessary to provide adequate, reliable, and efficient service to the public utility's customers and is the least-cost means of satisfying the service needs of the public utility's customers or that the Project will promote the development of an effectively competitive electricity market

that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives.

- (2) That the public utility is capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision of the construction.
- (3) That the public utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.

As referenced above, Section 8-406.1(g) states:

- (g) The Commission shall issue its decision with findings of fact and conclusions of law granting or denying the application no later than 150 days after the application is filed. The Commission may extend the 150-day deadline upon notice by an additional 75 days if, on or before the 30th day after the filing of the application, the Commission finds that good cause exists to extend the 150-day period.

In addition, the statute requires that a decision granting a certificate under Section 8-406.1 shall include an order pursuant to Section 8-503 of the Act:

- (i) Notwithstanding any other provisions of this Act, a decision granting a certificate under this Section shall include an order pursuant to Section 8-503 of this Act authorizing or directing the construction of the high voltage electric service line and related facilities as approved by the Commission, in the manner and within the time specified in said order.

Section 8-503 of the Act concerns, among other things, additions to or extensions of public utility facilities. This section provides, in part, as follows:

Whenever the Commission, after a hearing, shall find that additions, extensions, repairs or improvements to, or changes in, the existing plant, equipment, apparatus, facilities or other physical property of any public utility . . . are necessary and ought reasonably to be made or that a new structure or structures is or are necessary and should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the Commission shall make and serve an order authorizing or directing that such additions, extensions, repairs, improvements or changes be made, or such structure or structures be erected at the location, in the manner and within the time specified in said order; . . .

IV. LEAST-COST AND THE ROBINETTES' PROPOSED MODIFICATION

Section 8-406.1(f) of the Act requires any project proposed thereunder to be the least-cost means of satisfying the identified objectives and that the petitioner possesses the requisite managerial and financial resources to complete the project. The Robinettes do not question ATXI's managerial and financial resources. Nor do they challenge the overall need for the project. At the heart of their request for rehearing is their desire that the transmission line running from Meredosia to Pawnee create less of an impact on their property. For the Meredosia to Pawnee segment, the Commission adopted ATXI's Alternate Route, which ATXI made its preferred route through a stipulation with MSCLTF filed on March 13, 2013. The Alternate Route runs directly along the Robinettes' residential property at 295 DeLong Road, Waverly, Illinois. The Robinettes contend that their proposed modification is in the best interest of all concerned.

The Robinette residence is along the east side of DeLong Road between Pitchford Road to the north and Nortonville Road to the south. The distance between Pitchford Road and Nortonville Road is approximately .75 mile. An electric line currently runs along the west side of DeLong Road in this area. The ATXI Alternate Route adopted in the August 20, 2013 Order runs along DeLong Road until it reaches Nortonville Road, at which point it turns east and runs along Nortonville Road. Which side of DeLong and Nortonville Roads ATXI will construct the new transmission line is not clear from the record. To lessen the impact of the 345 kV electric line on their property, the Robinettes suggest angling the transmission line so that it runs behind their home and to the east of their property. Specifically, as the route runs south along DeLong Road and comes to Pitchford Road, they recommend creating an approximately 45 degree angle in the route at the intersection of the two roads. At this point, the route would follow a path to the southeast until it reaches Nortonville Road, where it would then resume following ATXI's proposed Alternate Route along Nortonville Road. Landowners affected by the Robinettes' proposal have been notified of the potential impact on their property. The image below depicts the adopted ATXI Alternate Route as a solid orange line and the Robinettes' modification as a yellow and black dashed line.³

³ This image is taken from ATXI witness Murphy's testimony. (See ATXI Ex. 2.0 (RRH) at 3) The red and yellow dots reflect ATXI's understanding of where residential and non-residential structures, respectively, exist. Mr. Robinette contends that the image does not reflect three other residences in the area and identifies those residences in an attachment to his rebuttal testimony, Robinette Ex. B. Therefore, this image should be relied upon for route location purposes only.



The propriety of the Robinettes' proposal must be considered in the context of which route is least-cost. Resolving the question of least-cost involves a comprehensive evaluation and balancing of the overall costs and externalities of each proposed route against the benefits of any other proposed route. The costs and externalities include not only the financial tally for manpower and equipment, but also the impact on local residents and resources and present and future land uses. In past Section 8-406 proceedings and in the earlier phase of this proceeding, the Commission has utilized 12 criteria for purposes of evaluating proposed routes. (See Docket No. 06-0706 Order on Reopening at 6-7) The 12 criteria are as follows:

1. Length of the 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

As was noted in Docket No. 06-0706 and the August 20, 2013 Order in this matter, the Commission's decision will result from a balancing of these 12 criteria to the extent that they are relevant to the proposed facilities and any other relevant criteria presented by the parties. None of the criteria is inherently more important than another. (Id.)

A. Robinette Position

The Robinettes offer several reasons that they oppose the placement of the transmission line in front of their home. Among them is their concern regarding property value. Mr. Robinette testifies that they recently built a new home at this site and fear that the value of their residence would decrease by at least 6.5% to 20% if a 345 kV transmission line is constructed in front of their home. He states that they have already invested approximately \$635,000 in the property and have plans to invest another \$50,000. Mr. Robinette based his estimated decrease in property value on the information contained in four articles attached to his direct testimony on rehearing (Robinette Ex. A) concerning the impact of power lines on land values.

Mr. Robinette also argues that the presence of a transmission line (and accompanying easement) would limit the use of the property. He is concerned as well that driving under the transmission line to access their property poses safety and health risks. He explains that safety would be compromised if the transmission line falls to the ground due to a tornado or other storm. Electromagnetic ("EM") radiation emitted by a transmission line poses health risks according to Mr. Robinette. He attaches three articles to his direct testimony on rehearing pertaining to health risks associated with EM radiation. The Robinettes are also troubled by the visual impact of a 345 kV transmission line in front of their new home.

By adopting their modification to the route path, the Robinettes believe that all of their concerns will be addressed and the project will be improved overall. With regard to length, for example, Mr. Robinette points out that adoption of his modification will shorten the segment by half a mile. Because the Robinette modification shortens the segment, he contends that it will result in lower construction, operation, and maintenance costs. Relocating the line away from a portion of DeLong Road and Nortonville Road will also result in less EM radiation exposure to individuals traveling those roads. Mr. Robinette testifies as well that there are three family residences within 200 feet of the approved route along DeLong Road. A fourth affected residence exists along Nortonville Road. In comparison, there are no family residences within 200 feet of the Robinette modification, which passes through open farm land. The fact that the Robinette modification does not follow any established corridor or other linear feature should not dissuade the Commission from adopting it because according to Mr. Robinette other parts of the Illinois Rivers Project are similarly situated. The Robinettes are not aware of any opposition to their proposed modification.

B. ATXI Position

ATXI does not favor the Robinettes' modification to the approved route. ATXI witness Hackman responds to Mr. Robinette's safety and health concerns related to fallen conductors and EM radiation. He testifies that such concerns are not unique to the Robinettes' property. Any extreme weather condition has the potential to cause damage to the line, regardless of which route the Commission approves. Mr. Hackman

states that simply moving the route away from the Robinettes' property does not eliminate the safety risk of a downed wire; it simply shifts the risk to somewhere else.

As for EM radiation, Mr. Hackman references his earlier testimony in this proceeding comparing EM field levels for household appliances to levels emitted by transmission lines. He expects the transmission line EM field level to be less than those produced by ordinary household items. Mr. Hackman anticipates that the EM field at the edge of the right-of-way will be less than 1 kV per meter. The magnetic field at the edge of the right-of-way, at the line's typical in-service usage level, is less than 18 milligauss ("mg"). By contrast, at a distance of one foot, he states that a blender at high speed typically generates a magnetic field of 20mg, some microwave ovens on the highest setting generate magnetic fields of 200mg, a hair dryer at the highest setting generates a magnetic field of 70mg, and a refrigerator typically generates a magnetic field of 20mg. (See ATXI Ex. 12.0Rev at 24) Regardless, he does not believe that there are any health risks associated with transmission lines and cites the earlier testimony of Dr. Linda Erdreich in this proceeding on such issues. (See ATXI Ex. 17 at 13-15) Mr. Hackman recognizes that the Commission directed ATXI to construct the facilities in such a way as to minimize associated aura and EM fields. He testifies that although he does not perceive any health risks from EM radiation, ATXI will review the proposed line configurations to assure EM field levels do not exceed the design specifications.

ATXI witness Murphy does not believe that the Robinettes' modification would have any meaningful impact on the project, at least from a routing perspective. But given that ATXI does not know the views or evidence of the neighbors who would be impacted by the Robinettes' proposed change, ATXI is not willing to agree to the Robinette's proposal.⁴ Ms. Murphy, however, agrees that moving the line so that it bisects neighboring property instead of paralleling the existing roads will reduce the number of residences within 200 feet of the line by at least one. With regard to the Robinette's concerns regarding diminution in property value, she states that ATXI witness Trelz testified earlier in this proceeding about ATXI's plans to compensate all affected landowners so that after the line is constructed there is no impact upon property resulting in diminution of value beyond that reflected in the compensation paid by ATXI. (See ATXI Ex. 15.0 at 13-14) Ms. Murphy also notes Mr. Trelz' testimony at hearing that "ATXI is committed to working with all landowners to fairly compensate them." (Tr. at 412) She states further that in its August 20, 2013 Order, the Commission found that landowner concerns regarding compensation for alleged diminution in property values are the "type of general concern [that] would exist regardless of the route selected." (Order at 83)

⁴ Although not offered for admission at the December 9, 2013 evidentiary hearing concerning the Robinettes' proposed modification, Wayne Edwards submitted testimony on behalf of MSSCLPG opposing the Robinettes' proposal. Mr. Edwards' testimony was admitted into the record on December 18, 2013 at the evidentiary hearing concerning the applications for rehearing granted after the Robinettes' application. Mr. Edwards asserts that approval of the Robinettes' modification would hamper the use of newly developed farming techniques, limit the ability to raise livestock, adversely affect annual production, and impede future development of the land, including the use of Apple Creek as a water resource. In light of the Mr. Edwards' statements, ATXI is not willing to agree to the Robinettes' proposal.

C. Staff Position

If the Commission continues to favor ATXI's Alternate Route, Staff witness Rockrohr supports adoption of the Robinettes' modification. He evaluated their proposal using the 12 aforementioned criteria. He calculates the Robinettes' modification to be about four-tenths of a mile shorter than ATXI Alternate Route. In terms of construction cost and difficulty, Mr. Rockrohr finds no appreciable difference between the two options. Based upon ATXI's anticipated span lengths, the Robinettes' proposal would likely require three fewer structures. But the difficulty and cost savings due to fewer structures for the Robinettes' alternative route would likely be offset by the added cost of one additional dead-end structure and somewhat more difficult/costly access to the structure locations. With regard to the difficulty and cost of operation and maintenance, Mr. Rockrohr again finds no appreciable difference between the two options. Periodic tree trimming would be necessary along both routes. While it appears to Mr. Rockrohr that fewer trees would need to be trimmed/removed along the shorter Robinettes' modified route, and fewer facilities would need to be maintained, he again suspects that these savings would likely be offset by somewhat more difficult/costly access.

The record is not clear which route Mr. Rockrohr finds preferable when he discusses the criterion of social and land use impacts. Other than residences, he observes that the primary land use in this area appears to be agricultural. He notes, however, that DeLong Road is very narrow, so that if ATXI's Alternate Route is used without the Robinettes' alternative, many of ATXI's support structures along DeLong Road will likely be located in areas that are now cultivated. Though the Robinettes' modification passes diagonally across cultivated land, Mr. Rockrohr opines that with careful support structure placement, few, if any, of ATXI's support structures would need to be placed in cultivated areas. Conductors would pass over the top of cultivated areas, but it appears to him that the support structures and their foundations could be placed to avoid areas where farming equipment regularly travels.

With regard to the number of affected landowners and proximity to homes and other structures, Mr. Rockrohr finds the Robinettes' proposal preferable. He testifies that the primary benefit of the Robinettes' proposal is that it would move the 345 kV transmission line substantially farther away from two residences located along DeLong Road. In particular, ATXI's Alternate Route appears to pass very near the residence at 248 DeLong Road, which is located on the east side of DeLong Road, south of Pitchford Road.

Under the community acceptance and visual impact criteria, Mr. Rockrohr observes that the Robinettes' proposal would move the line farther from a narrow county road (DeLong Road) to a less visible location, while also moving it farther from a somewhat-wider Nortonville Road. Since the Robinettes' alternative route would result in less visual impact, Mr. Rockrohr considers it likely that the Robinettes' proposal would have greater community acceptance. With regard to the presence of existing corridors, the only existing corridor of which he is aware is the county road rights-of-way associated with ATXI's Alternate Route. Due to the existence of residences along the

narrow DeLong Road right-of-way, however, he does not view this county road corridor as providing ATXI's Alternate Route an advantage. Mr. Rockrohr is unaware of any significant impacts on environmental or historical resources for either route. Nor is he aware of any existing (other than previously discussed residences) or planned development along either route.

D. Commission Conclusion

In resolving this matter, the Commission finds at the outset that neither option clearly rates above the other when all criteria are considered. While the Robinettes' route is unquestionably shorter than ATXI's Alternate Route (by approximately four-tenths of a mile), it would seem that any advantage in this regard is countered by poorer access to the Robinettes' route. In other words, ATXI's Alternate Route passes along existing roads while the Robinettes' route passes through farm fields. All else being equal, fewer poles would be easier and less costly to construct and maintain. But when accessing the easement area is hampered by a lack of roads and the presence of agricultural operations, any advantage associated with a shorter length begins to evaporate. The usefulness of access during weather events that damage electric lines should not be undervalued. In addition, when the cost of fewer poles under the Robinettes' proposal is balanced against the cost of an additional dead-end structure, the cost of construction appears comparable.

Neither option appears to enjoy an advantage with regard to environmental impacts, impacts on historical resources, or other social or land use impacts. The record is not clear on the number of affected landowners and other stakeholders for either routing option. Other than the existing homes and other structures, the Commission can discern no difference between the routes with regard to proximity to existing and planned development. Concerning community acceptance, aside from the views expressed by the parties, there is little evidence relating to this criterion.

One criterion for which there is some distinction pertains to proximity to homes and other structures. Under this criterion, the Robinettes' route is preferable since there are fewer homes within two hundred feet of the route. While visual impact is subjective in that it depends on one's vantage point, this criterion also appears to favor the Robinettes' route. The Robinettes appear to believe that the front of their property will be more visually appealing without a large transmission line running along DeLong Road. No one has expressed any concern about seeing a transmission line running through a farm field in this area, so the Robinettes' route is arguably preferable under this criterion.

As for the presence of existing corridors, however, the record indicates that an electric line already runs along the west side of DeLong Road, in front of the Robinettes' property. Both the existing electric line and DeLong Road represent existing corridors along the ATXI Alternate Route while no existing corridors run along the Robinettes' route. This criterion therefore favors ATXI's Alternate Route. In light of the practical consideration of access provided by the existing corridor in DeLong Road and

problems/difficulties discussed above associated with poor access to the Robinettes' route, the Commission finds that ATXI's Alternate Route enjoys a narrow advantage over Robinettes' route despite the presence of homes and visual concerns.

In addition, the Commission understands from ATXI's witnesses that configuring transmission lines in particular ways can limit or mitigate the associated aura and EM radiation. The Robinettes expressed concern about EM radiation. Regardless of which routes are chosen, the Commission expects ATXI to construct the facilities in such a way so as to minimize these externalities, regardless of whether or not ATXI believes such externalities pose a health or safety concern. Mr. Hackman's testimony that ATXI will review the proposed line configurations to assure EM field levels do not exceed the design specifications is not as reassuring as it could be. While Mr. Hackman may not have intended to suggest otherwise, the Commission wishes to take this opportunity to emphasize that ATXI is to use configurations that minimize EM radiation exposure regardless of its own views of the risk associated therewith.

Having reviewed the evidence of record, and upon consideration of all relevant route selection criteria as described by the parties, the Commission finds that the criteria described above do not favor the adoption of the Robinettes' modification to the route chosen for Meredosia-Pawnee segment in the August 20, 2013 Order in this matter. But as discussed above, the ultimate impact of Illinois Rivers Project on the Robinettes' property will not be known until the rehearing of the arguments raised by MSSCLPG is complete.

V. FINDINGS AND ORDERING PARAGRAPHS

Having given due consideration to the entire record, the Commission is of the opinion and finds that:

- (1) ATXI is a public utility pursuant to the Act;
- (2) the Commission has jurisdiction over ATXI and the subject matter of this proceeding;
- (3) the facts recited and legal argument identified as the parties' respective positions are supported by the record;
- (4) the facts recited and conclusions of law reached in the Commission conclusion are hereby adopted as findings of fact and conclusions of law for purposes of this First Order on Rehearing;
- (5) the route for the transmission line segment between the Meredosia and Pawnee should not be modified to reflect the proposal of the Robinettes;
- (6) all other findings and conclusions contained in the August 20, 2013 Order should remain unchanged; and

- (7) all motions, petitions, objections, and other matters in this proceeding which remain unresolved should be disposed of consistent with the conclusions herein.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Certificate of Public Convenience and Necessity issued in this docket to Ameren Transmission Company of Illinois pursuant to Section 8-406.1 of the Public Utilities Act on August 20, 2013 shall not be modified to reflect the modification to the Meredosia-Pawnee segment sought by Andrew and Stacy Robinette.

IT IS FURTHER ORDERED that all other findings and conclusions contained in the August 20, 2013 Order remain unchanged.

IT IS FURTHER ORDERED that all motions, petitions, objections, and other matters in this proceeding which remain unresolved are disposed of consistent with the conclusions herein.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Act and 83 Ill. Adm. Code 200.880, this First Order on Rehearing is final; it is not subject to the Administrative Review Law.

DATED: December 31, 2013.

Briefs on Exceptions must be received by January 14, 2014.

John D. Albers
J. Stephen Yoder
Administrative Law Judges