

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY OF
ILLINOIS

Petition for Certificate of Public Convenience and Necessity, pursuant to Section 8-406 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.

Docket No. 12-0598
(Rehearing)

REPLY BRIEF of PDM* and THE CHANNON TRUST

*(*Coalition of Property Owners and Interested Parties in Piatt, Douglas and Moultrie Counties)*

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IV. Rehearing Routes.

B. Location of Mt. Zion Substation.

On the Mt. Zion to Kansas segment, the comparisons now before the Commission are dramatically different than what the Commission considered in the underlying proceeding. Staff's Option 1 substation site is (1) in the general location suggested by the Commission, (2) in the location preferred by Staff, (3) in a location acceptable to ATXI, and (4) in combination with the Channon/Staff routes, it now provides for the least cost and most efficient routing. The Option 2 site is less preferred by Staff, but also provides for much more efficient routing than ATXI's originally proposed site. However, all of the advantages of these two Staff sites are completely lost if the Commission adopts the MCPO route, because that route, as Staff has testified (Tr. p.326, 1.20 - p.327, 1.4), would defeat the purpose of moving the substation site to the south.

D. Mt. Zion to Kansas.

Use of either the Option 1 or Option 2 site also dramatically changes the route comparisons. Both ATXI and MCPO agree that the MCPO route is now miles longer and far more costly than it was in the underlying proceeding. And the Channon/Staff routes are much shorter and much less costly than any routing proposed in the underlying proceeding. In short, on rehearing, the Channon and Staff routes are clearly superior to the MCPO route.

MCPO, before discussing the Commission's 12 criteria, makes some clearly false assertions on p. 13 of its brief based on conclusions of its routing analyst James Dauphinais. First, MCPO argues that its routing analysis of "Phase I" high sensitivity routing factors showed "a significant degree of superior performance" for the MCPO route over the Channon route. This statement is

plainly false, as can be seen by reference to MCPO's own exhibit, MCPO Ex. 1.2 (RH) 2C. That exhibit shows there are six high-sensitivity routing factors. There are no cemeteries or churches shown for either route. The exhibit shows 73 streams (MCPO route) versus 54 streams (Channon route), clearly favoring the Channon route. The exhibit shows 1,792.0 acres prime farmland (MCPO route) versus 1,683.6 acres (Channon route), again clearly favoring the Channon route. The exhibit shows residential areas favoring the MCPO route. Following cross-examination, MCPO corrected this exhibit to confirm that there are no schools on the Channon route. So of the six factors shown on the exhibit, only one favors the MCPO route.

Second, MCPO argues that its "Phase II" high-sensitivity routing analysis showed that the MCPO route "outperformed" the Channon route. This statement is also plainly false, and can be seen by reference to MCPO Ex. 1.3 (RH) C. That exhibit lists 7 factors given sensitivity ratings by the public. The Channon route is superior on three: agricultural use areas (rated at 47%), wetlands and waterways (2%), and cultural resources (2%). MCPO claims its route is superior on three: existing residences (35%), wooded areas (6%) and protected species habitat (3%), but as noted below and in PDM's initial brief, no party can make a clear and certain claim regarding residences when the evidence on residence counts is so unclear and uncertain. The seventh factor, recreational use areas (1%), does not apply to either route. The 3 factors favoring the Channon route together carry a higher sensitivity rating (51%) than do all other factors combined, clearly showing the Channon route outperforms the MCPO route on MCPO's own exhibit.

Third, MCPO argues that "with regard to paralleling opportunities," the MCPO route is a "clearly superior winner." This final statement is also plainly false, as MCPO's own exhibit concedes. MCPO Ex. 1.4 (RH), which is reproduced in PDM's brief at p. 61 (and can also be found

at PDM Ex. 8.4), states that on overall opportunities for parallel routing, MCPO rates its own route “inferior” to the Channon route.

1. Length of Line.

As ATXI, states at p. 36 of its brief, “no party disputes” that the MCPO route is longer than the Channon/Staff routes. In fact, the MCPO route is over 9 miles longer than the Channon/Staff routes from the Option 1 site, and this undisputed evidence requires the Commission to find that this factor supports the use of the Channon/Staff routes.

2. Difficulty and Cost of Construction.

As ATXI states at p. 36 of its brief, “no party disputes” that the MCPO route is more expensive to construct than the Channon/Staff routes. The cost differential is not a small number. The MCPO route would cost almost \$18 million more than the Channon/Staff routes from the Option 1 site. As a result, this factor clearly favors the Channon/Staff routes.

MCPO, in its brief (at p. 14, 19, 27, and 43), makes the outrageous suggestion that the Commission should not be concerned about the \$17 million additional cost of the MCPO route because only 9% of this additional cost will have to be paid by Illinois ratepayers. The Commission is charged with finding the “least-cost” route; as such, the Commission cannot and should not approve a higher-cost route simply because part of the costs can be pushed off onto other taxpayers or ratepayers outside of Illinois.

The undisputed evidence on rehearing is that the MCPO route will cost substantially more - almost \$18 million more, and accordingly, this evidence requires the Commission to find that this

factor clearly supports the use of the Channon/Staff routes.

3. Difficulty and Cost of Operation and Maintenance.

ATXI makes no argument in its brief other than concluding the record shows “no meaningful distinction” between the competing routes (p. 38). The same is true of MCPO (p. 28).

PDM and Channon respectfully suggest these parties are missing at least 5 meaningful distinctions that are in the record:

(1) ATXI’s own witnesses testified about operational concerns with paralleling existing lines. ATXI witness Hackman testified to operations and maintenance difficulties that exist when a new line is located adjacent to existing transmission lines (ATXI Ex. 12.0, p.5, 1.106, p.6, 1.116-19, p.7, 1.139-48), and ATXI witness Borkowski testified to four separate operational concerns that exist with paralleling transmission lines (ATXI Ex. 10.0, p.8, 1.158-65).

(2) The MCPO route will clearly have higher operations and maintenance costs because the MCPO route will have 50 additional structures and spans to maintain.¹

(3) There are multiple cases of criss-crossing existing lines on the MCPO route.²

(4) There is greater risk of exposure to weather-related damage with a longer line.³

(5) ATXI witness Murbarger testified that routing along roads makes lines more accessible

¹ ATXI witness Trelz testified the 345kV line will average 5.4 to 5.5 support structures per mile (Tr. of 5/14, p.406, 1.17), which means the MCPO route will have 50 additional structures and spans.

² See PDM initial brief, p.14-15.

³ See testimony of Electrical Engineer Steven Lazorchak, MSSCLPG Ex. 12.0, p.2, 1.39-41.

for maintenance (Tr. of 5/14, p.388, 1.4-11), and the Channon/Staff routes have twice as much routing along roads as the MCPO route (see PDM initial brief, p.15-16).

The Commission in its Proposed First Order on Rehearing noted that the Robinette's proposed route, while shorter, had poorer access to roads, stating: "the usefulness of access during weather events that damage electric lines should not be undervalued" (p. 11). These two issues, length of route vs. access to roads, do not compete with each other on the Mt. Zion to Kansas segment. Here, the Channon/Staff routes are *both* substantially shorter than the MCPO route, *and* offer more access to roads than the MCPO route.

In summary, ATXI and MCPO offered no specific evidence, and point to none in their briefs, that suggests the MCPO route would be less costly to operate and maintain. In fact, quite the contrary is true. All of the specific evidence in the record suggests that the Channon and Staff routes, which are 9 miles shorter and would have 50 fewer towers and spans, would cost significantly less to operate and maintain, and all of this evidence requires the Commission to find that this factor clearly supports the use of the Channon/Staff routes.

4. Environmental Impacts.

ATXI at p. 38 of its brief points to just two select items from its data compilation: "wooded acres" and "protected habitat." ATXI offered no specific testimony on either of these two items, and if this data is anything like the data ATXI compiled on "schools," its reliability is in serious doubt. In contrast, PDM did offer specific testimony on two wooded areas on the MCPO route in Mr. Kamm's testimony: (1) a valuable grove of black walnut trees he planted 25 years ago, and (2) the forest areas in the Lake Fork River floodplain (PDM Ex. 2). In addition, using ATXI's same exhibits

(MCPO Ex. 1.3 (RH) C and 1.2 (RH) 2C), reference can be made to an equal number of select items favoring the Channon/Staff routes: (1) the Channon/Staff routes impact less acres of wetlands than the MCPO route, and (2) the Channon/Staff routes impact 19 fewer streams than the MCPO route.

MCPO's argument on this factor (p. 28) is limited to MCPO Ex. 4.2 (RH) where MCPO witness Reinecke creates a new category of "minimally disturbed acres" which "*may* contain" (emphasis added) undisturbed natural features. As with residential and non-residential structures, this is another example of the speculative use of data, unsupported by an on-the-ground analysis of the competing routes. Not only is this category speculative, Mr. Reinecke subjectively selected certain items to include and others to exclude in this category. Thus, Mr. Reinecke's category is both speculative and subjective. Nevertheless, the exhibit Mr. Reinecke prepared shows a very slight difference (27 acres) in "minimally disturbed acres" from the Option 1 site. This comparison seems clearly nonsensical when the same exhibit shows the MCPO route impacting 4,377 acres compared to the Channon route impacting 3,373 acres, a difference of 1,004 acres.

In summary, ATXI and MCPO offered no specific evidence on environmental factors unique to the routes. In stark contrast, PDM offered multiple examples of specific testimony regarding the negative environmental impacts caused by the MCPO route. In addition, the MCPO route remains over 9 miles longer, with 9 more miles of general environmental impact than the Channon/Staff routes. Clearly, based on the evidence, the Commission is required to find that this factor favors the Channon/Staff routes.

5. Impacts on Historical Resources.

ATXI argues there is “no record evidence on rehearing considering impacts on historical resources” (p. 39) and suggests this factor is neutral. But the record contains substantial evidence on the impact to the historic Amish area, which ATXI fails to mention. The MCPO route would not only run right through the historic Amish community just north of Arthur, but it would also include 6 zig-zagging 90-degree turns in just over two miles where it crosses over US 36 and the Arthur Road (MCPO Corrected Ex. 2.2, p.8), which represent the northern gateway to the historic Amish community (PDM Ex. 4.0). ATXI also fails to note record evidence concerning a registered Native American archeological site that dates back thousands of years (PDM Ex. 2). Indeed, MCPO’s own Ex. 2.2 (RH) p.2 shows that there are three archeological sites on the MCPO route, and none on the Channon route. Given that there is indeed such record evidence, this factor clearly supports the use of the Channon/Staff routes.

MCPO quotes the Commission’s statement in the Final Order in the underlying proceeding that the MCPO route is “two miles further from the historical Amish areas” even though that statement is plainly in error (see PDM brief, p. 18, noting the MCPO route is 3 miles from Arthur, which is the uncontested historic and cultural center of the Amish community; whereas, the Channon/Staff routes are 8 miles from Arthur).

The Commission should correctly note on rehearing that the MCPO route is miles closer to Arthur than the Channon/Staff routes, and that additional evidence and testimony show that the MCPO route runs right through the historic Amish area. In fact, specific testimony was admitted into the record from the Arthur Community Development Director that the MCPO route would have a “negative effect on tourism” and be “devastating” to the Arthur area (PDM Ex. 4.0, p.2, 1.4-5, p.3,

1.44-46). Neither ATXI nor MCPO challenged this testimony or offered competing evidence. Accordingly, the Commission is required by the evidence to find that this factor clearly favors the use of the Channon/Staff routes.

6. Social and Land Use Impacts.

ATXI admits in its brief that the MCPO route impacts “more acres of prime farmland” (p. 39). Given this admission, it is unclear why ATXI suggests that the Commission not alter its prior conclusion, which was that the MCPO route impacted “the least amount of prime farmland” (Final Order, p. 99). On rehearing, not only do ATXI and MCPO admit that the MCPO route impacts 80 to 108 more acres of prime farmland (MCPO Ex. 1.3C (RH)), but also that the MCPO route impacts 971 to 1,118 more acres of cultivated crop (Id.).

The Corley brief argues that the best route is the one with the least overall impact to agriculture. The Corleys suggest the MCPO route affects less prime farmland than either (1) the ATXI primary route or (2) the ATXI alternate route. But the issue on rehearing is how the MCPO route compares to the Channon and Staff routes, and as just noted there is no dispute that the MCPO route affects more prime farmland. This is shown on the very table the Corleys cite: MCPO Ex. 2.0 (RH), Table 2.

The Corleys also argue that the proposed route would split one of their farms. They state that this is a negative impact which diminishes the value of a farm tract, and suggest “[t]he Commission should take into account the negative impact of farm splitting when considering the route” (Corley brief, p. 5). This is the very point made by PDM and the Channon Trust - the MCPO route splits 103 separate farms, as compared to the Channon and Staff routes, which split only 28 farm properties

(PDM Ex. 8.0, p.24, 1.492-95). This nearly 4:1 differential represents a significant negative impact that the MCPO route would have on scores of additional farm families (like the Corleys), and it is a very significant factor that the Commission must consider.

ATXI states, on the Pawnee to Pana segment, that “all of ATXI’s proposed routes” limit societal and land use impacts because “each such route resulted from a comprehensive siting study and review” (p.28). This appears to be an admission by ATXI that this factor favors the Channon/Staff routes, because they are comprised of ATXI’s proposed routes, and the MCPO route admittedly did not result from ATXI’s comprehensive siting study. In fact, ATXI witness Murphy testified that the MCPO route was not “developed with equal and non-subjective consideration of all environmental routing criteria evaluated within ATXI’s route siting analysis . . . [It] does not fairly reflect public input” (ATXI Ex. 13.0C (2d Rev.), p.53, 1.1145-48).

Regarding prime farmland, prime farmland was the consideration upon which the Commission based its finding on this factor in the underlying proceeding. Now on rehearing, all parties have all admitted that the MCPO route impacts more prime farmland. Not only does the MCPO route impact more prime farmland, it impacts over 1,000 more agricultural acres overall than do the competing Channon/Staff routes, causing significantly greater adverse impact on the #1 most important sensitivity to landowners and other stakeholders. And not only are over 1,000 more agricultural acres impacted, but the MCPO route splits four times as many farms,⁴ and places multiple dead-end turns in the middle of single tracts, something which does not ever occur on the

⁴ The MCPO route splits, or bisects, 103 separate farm properties (PDM Ex. 6.0, p.13, 1.272 - p.14, 1.280; see also PDM Ex. 8.8). By contrast, the Channon/Staff routes split only 28 tracts (PDM Ex. 6.0, p.13, 1.261-62).

Channon/Staff routes.⁵

Finally, ATXI and MCPO make no mention of Dr. Tom Emanuel's testimony as to the adverse impact the MCPO route would have on the University of Illinois' aviation training program and the Tuscola Airport, which is additional record evidence supporting the use of the Channon/Staff routes over the MCPO route.

In conclusion, based on all of the evidence and testimony in the record, the Channon and Staff routes clearly outperform the MCPO route on social and land use impacts. The MCPO route's greater impact on prime farmland, the unnecessary and excessive splitting of 103 family farms, the placement of multiple dead-end turns in the middle of single tracts, and the risks posed to area pilots and students of the University of Illinois' aviation program, all underscore the deficiencies of the MCPO route on this factor

In short, all of the record evidence for this factor compels the Commission to support the use of the Channon/Staff routes.

7. Number of Affected Landowners and Other Stakeholders.

ATXI argues in its brief that there is no record evidence to favor one route over another on this factor (p. 39). Yet MCPO's own data shows that the MCPO route impacts 40% more farmland than the Channon/Staff routes. MCPO Ex. 1.3 (RH) confirms that the MCPO route from the Option 1 site has 3,978 acres of cultivated cropland in its 500-foot corridor, whereas the Channon route only has 2,860. That is almost 40% more affected farmland, by MCPO's own admission. On total "agricultural use acres," MCPO rates its own route "inferior" and the Channon route "superior" (Id.).

⁵ PDM Ex. 6.0, p.17, 1.349-52.

The MCPO route is also 9 miles longer than the Channon/Staff routes, and property owners will be far more adversely affected by the MCPO route because it largely ignores property lines and cuts right through the middle of tract after tract for 27 miles. In fact, the MCPO route cuts right through the middle of 103 farms, splitting four times as many family farms as the Channon/Staff routes.

Also, the close proximity of the MCPO route to multiple communities (within one-quarter to one-half mile) will result in the transmission line impacting a far greater number of citizens, landowners and community stakeholders than either the Channon or Staff routes. Based on all of the record evidence, the Commission must conclude that this factor favors the use of the Channon/Staff routes.

8. Proximity to Homes and Other Structures.

The Commission should continue to have the same high degree of skepticism on structure counts that it expressed in the Final Order on p. 119. Staff, ATXI, MCPO and PDM each have a different residence count for the MCPO route.⁶ ATXI was unable to locate the residences and structures on its routes.⁷ MCPO, when asked to locate the residences and structures on its route,

⁶ Staff reports 3 residences (Tr. p.363, 1.2-6). ATXI reports 16 residences in the 500-foot corridor of the MCPO route (PDM Ex. 8.7, containing ATXI's response to DR Channon-ATXI 1.01, Attachment 1). MCPO reports 12 residences in the 500-foot corridor of the MCPO route (MCPO Ex. 2.3, p. 4). PDM identifies at least 19 residences on the MCPO route, providing aerial photos of each (see PDM brief p. 33-52).

⁷ ATXI, when asked to locate the specific residences and structures on its routes by township and section, and distance from the centerline, responded that it "has not developed" information responsive to that request. See PDM Ex. 8.7, containing ATXI's responses to DR Channon-ATXI 1.01(e) and (f), and 1.02(e) and (f).

responded that it “does not have the requested information” and “has not performed the analysis required to make this determination.”⁸ MCPO did list supposed structures on the Channon/Staff routes by township, section and distance from the centerline of its route, but many of those locations were shown on cross-examination to be inaccurate and unreliable. In fact, MCPO claimed that 3 schools were located along the Channon/Staff routes, and under cross-examination it was shown that the 3 schools do not exist; MCPO was also not able to identify or locate the 6 structures claimed to be in the Channon/Staff easement.⁹ Additionally, MCPO in its brief alternates between saying these 6 claimed structures “might have to be removed” (p. 31) and “will have to be removed (p. 43). As noted in PDM’s brief, p. 53, with the 50 feet of centerline placement flexibility, none of these claimed structures as listed would have to be removed.

On this state of the record, no clear or certain conclusions can be drawn on this factor. As an example, MCPO reports 12 residences in the 500-foot corridor of the MCPO route (MCPO Ex. 2.3, p.4), but PDM has identified at least 19 on the MCPO route, providing aerial photos of each (see PDM brief, p.33-52). This lack of clarity and certainty in MCPO’s numbers places the Commission in the position of having to make inappropriate assumptions and speculations. The Commission should instead find that the unclear and uncertain state of the record do not permit any conclusion to be made on this factor.

⁸ See PDM Ex. 8.11, containing MCPO’s responses to DR Channon-MCPO 1.04(e) and (f).

⁹ See PDM brief p. 29-30, detailing the errors in the residences; p. 30-31, showing that the schools MCPO listed as being on the Channon/Staff routes simply do not exist; and p. 31-32, detailing MCPO’s inability to identify the particular structure or specific location of the six structures claimed to be in the Channon route easement.

That being said, the Commission in its Proposed First Order on Rehearing, involving the Robinette's proposed route, noted that none of the 12 criteria is inherently more important than another (p. 7). With no home nor even any structure having to be torn down or relocated, there is only an indirect adverse impact caused by any of the competing routes to residences and structures. That stands in stark contrast to the direct adverse impact of the MCPO route which splits 75 more farms than does the Channon/Staff routes, laying its easement right across the middle of each of such landowner's cultivated farm tracts.

ATXI on p. 36 of its brief cites the Commission's order in Docket 06-0179, emphasizing that the Commission approved a longer and more costly route to reduce impact on residences. However, in that case the length differential was only 3.1 miles – a third of what it is here. The cost differential was only \$3 to \$3.79 million – a fifth of what it is here. And the approved route had zero residences in the 500-foot corridor, whereas the MCPO route has nearly 20. Most importantly, the Commission declined to approve the competing route because it ran inside the village limits of Baldwin, Illinois (see Order, p. 12). The MCPO route, as noted in the record, runs in close proximity to multiple communities (within one-quarter to one-half mile in several cases), and does so only to avoid placing the route in Moultrie County.

9. Proximity to Existing and Planned Development.

ATXI argues there is no record evidence the MCPO route is proximate to any existing or planned development (ATXI brief, p. 40). MCPO states it is unaware of any such evidence (MCPO brief, p. 31). But the record shows that the MCPO route would run unnecessarily close (within one-quarter to one-half mile in some cases) to multiple towns, including Mt. Zion, Casner, LaPlace,

Hammond, Pierson Station, Atwood and Tuscola. This is readily apparent from a review of the route maps (MCPO Corrected Ex. 2.2).

In stark contrast, these impacts are not present on the Channon or Staff routes, except for the one area by Sullivan, and Staff's route makes a small routing adjustment to avoid even that one instance of proximity to a town.

In light of this evidence that can clearly be seen on all the routing maps, the Commission cannot find this factor favors the MCPO route. The MCPO route would run unnecessarily close to multiple towns, which would not only have a strong negative visual impact on these existing developments, but also limit opportunities for growth in all of these communities in the years to come.

Again, the Channon and Staff routes clearly outperform the MCPO route in regard to proximity to existing and planned development, and as a result, this factor must favor the use of the Channon/Staff routes over the MCPO route.

10. Community Acceptance.

ATXI overstates both the support for the MCPO route and the opposition to the Channon/Staff routes. ATXI states that 5 entities support the MCPO route, but two of those entities (ATXI itself and Staff) are not affected landowners. Another of those entities (Shelby County Landowners Group) has absolutely no interest or stake in any of the competing routes on rehearing, which is why it elected not to participate in the rehearing. Another of those entities (Village of Mt. Zion) supports the MCPO route not by testimony but rather by stipulation, which it did only in exchange for ATXI's agreement to not advocate for putting its substation right up against the Village

limits. That leaves only MCPO - the only intervenor that has ever submitted testimony supporting the MCPO route.

ATXI argues that “of the 16 parties who own property along any of the routes” only PDM/Channon Trust oppose the MCPO route. First of all, the PDM Coalition and the Channon Trust are two separate entities working jointly, and they both oppose the MCPO route. In addition, ATXI fails to note that of the 16 parties, only one – MCPO – has filed testimony *opposing* the Channon/Staff routes.

In its brief, MCPO adds that one of the parties supporting the MCPO route is “STPL” (p. 31). Reference to Stop the Power Line’s intervenor petition filed December 21, 2012, as amended January 14, 2013, and February 21, 2013, shows that all of its members own property in Clark County on the Kansas to Indiana border segment. No members of that party have any interest in the routing from Mt. Zion to Kansas.

The Brock-Jones L.P. brief notes that its property is located by the ATXI primary route in Coles County. No party on rehearing is suggesting the use of that route, and Brock-Jones has no interest or stake in the route proposals that are being considered.

In summary, in regard to landowner groups, MCPO is the *only* landowner group that has submitted testimony on behalf of its own route, and MCPO is also the *only* landowner group that has submitted testimony against the Channon/Staff routes. Whereas, *two* landowner groups, the Channon Trust and PDM, have jointly submitted testimony in support of the Channon and Staff routes and against the MCPO route.

Of much greater importance than the number of “parties” for or against a specific route, the Commission must examine the *actual number* of landowners and interested parties on each Petition

to Intervene as well as the number and diversity of the affected communities represented on each Petition. While the PDM Coalition may only be listed as one of 16 “parties,” it consists of over 500 individuals from every affected community along the 70-plus mile MCPO route. In fact, when one looks at the actual number of affected landowners and interested parties based on the actual Intervenor Petitions in this case, it is readily apparent that the level of *opposition* to the MCPO route is far greater (in fact, over 10x greater) than the level of opposition to the Channon/Staff routes. Likewise, the number of affected communities represented by the members of the PDM Coalition far exceeds the number of affected communities represented by the MCPO group.

In light of this evidence, the Commission must find that there is substantially more community acceptance of the Channon/Staff routes than of the MCPO route.

11. Visual Impact.

ATXI notes at p. 41 of its brief that 13.7 more miles of the MCPO route are parallel to an existing transmission line, reducing visual impacts. ATXI is curiously inconsistent - it declined to make this same observation on p. 19 when discussing the Meredosia to Pawnee segment. Whether paralleling existing lines or not, a 345kV line has a huge visual impact. Indeed, in its brief in the underlying proceeding, ATXI argued at p. 50 that the visual impacts “will be substantially the same for any route,” making no distinction between areas where the line parallels existing lines and areas where it doesn’t. What does make a difference is added length. The MCPO route is over 9 miles longer, and would have 50 additional towers and spans. In addition, the MCPO route travels in close proximity (one-quarter to one-half mile) to multiple towns, and places six 90-degree turns right at the northern gateway to the Amish community. Whatever reduction in visual impact results from

paralleling existing transmission lines is more than offset by these specific negative impacts on the MCPO route. Accordingly, the Commission must find that this factor substantially favors the use of the Channon and Staff routes over the MCPO route, based on the evidence in the record.

12. Presence of Existing Corridors.

ATXI's first argument, at p. 41 of its brief, that the MCPO route "parallels US Highway 36," is obviously false. The MCPO route can be said to parallel the equator, if that is all "paralleling" means. There is no dispute the MCPO route is a mile or more distant from US Rt. 36. In this area in particular, rather than routing along roads, the MCPO route cuts right through the middle of mile after mile of cultivated fields. MCPO itself acknowledges its route does not parallel US Rt. 36 (see MCPO Ex. 2.3 (RH)), which confirms the MCPO route parallels *zero* miles of major roads, and only 3.7 miles of minor roads from the Sulphur Springs site).

ATXI's second argument (p. 41) is that MCPO's routing analysis favors the MCPO route, which is also false. 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)). And ATXI's own data shows that 82% of the Channon route follows existing corridors whereas only 50% of the MCPO route follows existing corridors.¹⁰

Given that MCPO now admits its route is inferior on paralleling existing corridors, and the evidence clearly shows that to be the case, the Commission must find that this factor favors the use of the Channon/Staff routes.

¹⁰ PDM Ex. 6.0, p.13, 1.259-72. PDM witness Burns testified that this information was consistent with that provided by ATXI in its data responses, and neither ATXI nor MCPO challenged Ms. Burns at the hearing on these figures, nor introduced contrary evidence.

Conclusion

All of the evidence and testimony on rehearing clearly show that the Staff's Option 1 site in combination with the Channon/Staff routes represent – by far – best substation and routing choices. Staff's Option 2 site with the Channon/Staff routes is the next best combination. The MCPO route's consistent last-place ranking in all 11 of the distinguishable factors renders the MCPO route an inappropriate option, not to mention the fact that the MCPO route would largely defeat the Commission's stated purpose in moving the substation south to either of Staff's locations.

Regarding specific criteria, in the underlying proceeding, the Commission found 7 of the 12 factors favored MCPO, only one favored the competing route, and the other factors were neutral. On rehearing, the routes are different, particularly if they run from Staff's proposed substation sites. The MCPO route is now longer and more costly than it was in the underlying proceeding; the Channon/Staff routes are both much shorter and much less costly than were any of the competing routes in the underlying proceeding.

On four of the factors, including three that the Commission previously found to favor MCPO, MCPO has now admitted its route is inferior to the Channon/Staff routes:

(1) On factor #1 – Length of Line – MCPO admits its route is longer.

(2) On factor #2 – Difficulty and Cost of Construction – MCPO now admits its route is more costly to construct.

(3) On factor #6 – Social and Land Use Impacts – MCPO now admits its route impacts more prime farmland.

(4) On factor #12 – Presence of Existing Corridors – MCPO now admits its route is “inferior” as compared to the Channon route.

On the three following factors, the evidence shows the Channon/Staff routes are uncontested:

(1) On factor #3 – Difficulty and Cost of Operation and Maintenance – there is specific evidence supporting at least five reasons the MCPO route will be more expensive to operate and maintain, with no competing evidence concerning the Channon/Staff routes.

(2) On factor #4 – Environmental Impacts – PDM/Channon submitted specific evidence of at least two adverse environmental impacts on the MCPO route, and using ATXI's own evidence, reference can be made to two additional environmental impact items favoring the Channon/Staff routes: the Channon/Staff routes impact less acres of wetlands than the MCPO route, and the Channon/Staff routes impact 19 fewer streams than the MCPO route. There was no specific evidence in the testimony of negative environmental impacts on the Channon/Staff routes.

(3) On factor #5 – Impacts on Historical Resources – there is specific evidence of the “devastating” and adverse impact the MCPO route would have on the Amish community, and specific evidence of adverse impact the MCPO route would have on a registered Native American archeological site, with no competing evidence concerning the Channon/Staff routes.

On one factor, the evidence favors the Staff route: on factor #9 – Proximity to Existing and Planned Development – there is specific evidence of the proximity of the MCPO route to multiple communities, but no such evidence concerning the Staff's route.

On two factors, the longer length of the MCPO route necessarily results in its having a greater adverse impact, and therefore these factors favor the Channon/Staff routes:

(1) On factor #7 – Number of Affected Landowners and Stakeholders – the MCPO route, by MCPO's admission, impacts 40% more farmland than the Channon/Staff routes.

(2) On factor #11 – Visual Impact – the MCPO route has over 9 more miles of impact, with 50 more tower structures and spans. The MCPO route would also place six 90-degree turns in just over two miles as it enters the historic Amish community.

On one factor, the sheer weight of the evidence favors the Channon/Staff routes: on factor #10 – Community Acceptance – over ten times as many formal Intervenor opponents oppose the MCPO route as the Channon/Staff routes.

And one factor, the evidence shows, is dependent on data that is unclear and uncertain: on factor #8 – Proximity to Homes and Other Structures – the residence counts vary widely and have been shown to be inaccurate. The 3 schools MCPO claimed to exist on the Channon/Staff routes don't exist. The 6 structures MCPO claimed would need to be moved on the Channon/Staff routes don't need to be moved, and indeed, no structure of any kind on any route will be displaced. Based on the obvious inaccuracies in the MCPO testimony, the Commission is left to assume and speculate which party this factor actually favors.

In summary, 11 of the 12 factors clearly support the use of the Channon/Staff routes. The remaining factor, based on uncertain evidence, is the only one which does not clearly favor the Channon/Staff routes. But neither can it be said to clearly favor the MCPO route, because no clear conclusion can be drawn on factor #8.

As the sum total of evidence is considered, it should not be surprising that 11 out of the 12 factors support the use of the Channon/Staff routes; they are, after all, the petitioner ATXI's own routing, which ATXI spent years studying, reviewing, publicizing, and refining based on input and feedback from dozens of public meetings and forums. It is also important to point out that all of ATXI's own evidence and testimony prior to its stipulation with MCPO was in support of its own

routes and against the longer, off-course MCPO route.¹¹ It should be noted again that after years of study, ATXI never proposed any routes through Piatt or Douglas Counties, and Piatt and Douglas Counties were not even included in ATXI's formal petition for this project. It is therefore understandable that over 500 individual Intervenors from across the length of the MCPO route have stepped forward to defend their properties and communities, particularly when the evidence is so overwhelmingly in favor of the Channon/Staff routes over the hastily devised and poorly designed MCPO route.

In conclusion, the combined "least-cost" and more efficient attributes of the 11 clearly discernable Channon/Staff factors simply eclipse any reasonable assessment of the impact of the remaining and undecided factor. And when all of the other negative aspects and factors of the MCPO route are considered: the additional length of the line; the 50 additional towers and spans; the significant construction cost differential; the additional visual, environmental, and historic impacts; the devastating farm impacts (splitting 103 family farms, impacting 40% more cropland, etc.); the negative impacts on multiple adjacent communities; the dramatically higher level of formal opposition from the 500+ PDM Intervenors and the geographic diversity they represent; the additional operation and maintenance costs; the economic and societal costs to the Amish

¹¹ ATXI's testimony is that the MCPO route is inferior to its own routing (Ex. 13.0C, p. 53, l.1135 et seq). On rehearing, ATXI witness Borkowski reaffirmed that the MCPO route was not ATXI's preferred alternative (Tr. p.199, l.13-14). The Channon and Staff routes represent the best combination of ATXI's routing segments, which ATXI has testified are the least-cost, considering all of the factors (Ex. 13.0C, p.7, l.137). On rehearing, ATXI's routing expert offered no testimony in opposition to the Channon/Staff routes, and ATXI waived cross-examination of all of the PDM/Channon witnesses. As in Docket 06-0706, the Commission is confronted here with the "unusual circumstance" of "a party arguing against itself" (ICC Docket 06-0706, Order of June 23, 2010, p. 7), and should consider that ATXI's own testimony supports the routing that is clearly favored by 11 of the 12 Commission factors..

community; and all of the other negative and adverse impacts identified with the MCPO route, it is clear that any number of them individually exceed the currently undistinguishable differential of residences between any of the competing routes, particularly when none of the residences need to be moved or destroyed. Likewise, when weighed together, all of the positive Channon/Staff factors simply eclipse any reasonable valuation for any single, undecided factor, clearly making the Channon and Staff routes, based on Petitioner ATXI's original routing, the "least-cost" routes from Mt. Zion to Kansas.

Respectfully submitted,

Coalition of Property Owners and Interested Parties in Piatt, Douglas, and Moultrie Counties ("PDM") and the Channon Trust,

By /s/ R. Kurt Wilke
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney licensed to practice in the State of Illinois, hereby certifies that a copy of the foregoing instrument was filed and electronically served upon the individuals identified in the Illinois Commerce Commission's official service list for Docket No. 12-0598 on the 7th day of January, 2014.

/s/ R. Kurt Wilke