STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Ameren Transmission Company of Illinois	)	
	)	
Petition for 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, 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.	)	No. 12-0598

REPLY BRIEF ON REHEARING OF EDWARD CORLEY, THE EDWARD CORLEY TRUST, AND THE LOUISE BROCK-JONES LIMITED PARTNERSHIP IN SUPPORT OF THE ATXI-MCPO STIPULATED ROUTE FROM MOUNT ZION TO KANSAS

COME NOW Edward Corley, the Edward Corley Trust ("Corley") and the Louise Brock-Jones Limited Partnership ("Jones") (collectively referred to herein as the "Coles County Intervenors") in Support of the ATXI-MCPO Stipulated Route from Mount Zion to Kansas on rehearing, and in support thereof, state as follows:

I. Introduction

Corley owns properties on ATXI's Primary and Alternate Routes. Jones owns properties along ATXI's Primary Route. Both Corley and Jones oppose the route proposed by Piatt, Douglas, Moultrie County Property Owners and Channon Trust ("PDM"). Thus, and for the convenience of the Administrative Law Judges and the Illinois Commerce Commission ("Commission"), they submit a combined reply brief to PDM's initial brief.

The Coles County Intervenors will address three specific arguments raised by PDM: the length of the lines, the proximity to homes/other structures, and the overall impact on agriculture.

The failure of the Coles County Intervenors to revisit any issue raised in their respective opening briefs should not be considered as an abandonment of that issue.

I. The Length of the Lines

As an initial matter, the Coles County Intervenors support the location of the substation at Sulphur Spring Road, the Staff Option #1 substation site, and the Staff Substation #2 substation site. All of these substation locations and routing option are better options than any of PDM's routes. PDM contends that the Commission should choose its proposed routes because they are shorter than the ATXI-MCPO Stipulated Route. As noted by the Commission in its Final Order, dated August 20, 2013 (the "Final Order"), the Commission must consider several factors in selecting facility routes. (Final Order, p. 8), and the length of the line is but one of them. The Commission must weigh the environmental benefits of a longer line versus the cost benefits of a shorter line. Indeed, the Commission has chosen longer and more expensive routes in this very Docket where it believed the added expense outweighed the environmental impacts associated with the shorter route. For example, the Commission opted for the ATXI Hybrid Route from Quincy to Meredosia and the Stipulated Route from Meredosia to Ipava, both of which were longer and more expensive than the other routes under consideration. (*See* Final Order, pgs. 27 and 43.) As set forth below, the benefits of the ATXI- MCPO Stipulated Route outweigh any increase in costs.

II. The Proximity to Homes/Other Structures

The ATXI-MCPO Stipulated Route has less impact on residential and non-residential structures. For example, there are 16 residential structures impacted by Route MZK (Sulphure Springs Substation) versus 35 for Route CFT; 12 for Route MZK-1 and MZK-2 versus 31 for Route CFT-1 and CFT-2 (Reinecki, MCPO Ex. 2.0 (RH) at 5: Tables 1 and 2.) The Commission

has long considered the impact on residential homes to be the most important factor in approving a transmission line route. (*See* Docket 06-0706, Order on Reopening, Dated June 23, 2010: "The Commission continues to believe that under [the least-cost means criteria], proximity to occupied homes carries the most weight." P. 27)

Consistent with this general rule, the Commission has given greater weight to the "proximity to homes" factor in this Docket. The record on rehearing is even more established than it was for any segment during the first evidentiary hearing.[1] Indeed, ATXI provided updated data and routing information on rehearing. On Rehearing, ATXI visually inspected the ATXI-MCPO Stipulated Route. (Murphy, Dec. 17 TR 138.) The ATXI-MCPO Stipulated Route on rehearing reflects structure identifications confirmed by visual inspection.

Since the ATXI-MCPO Stipulated Route impacts fewer residential structures than PDM's proposed routes, the Commission should give greater weight to the ATXI-MCPO Stipulated Route.

III. The Impact on Agriculture

PDM asserts that there is an economic cost to placing a transmission line in the middle of farm fields as there is with placing a line near a residence. (PDM Br. p.54.) PDM reasons that farm values are necessarily impacted by the presence of the transmission line on farmland. (*Id.*) The Coles County Intervenors contend that the economic impact on farmland should not be relevant in these proceedings. If farmland is taken through condemnation, ATXI or Ameren is required to compensate the landowner for the value of the taking, including any loss in value to the overall farm. The Commission has refused to speculate on the value of the land being taken.

[1] As it relates to the Quincy to Meredosia segment, the Commission found the scales tipped in favor of the ATXI proposed Hybrid Route because the ACPO Alternative Route 1 could potentially require displacement of six assumed residences. (Final Order, p. 40.) Thus, the Commission chose the Hybrid Route because it could potentially displace residences even without evidence that the structures were occupied. There has been more evidence submitted on rehearing to support the proximity of the proposed routes to residences than during the initial hearing.

See Docket 06-0706, Order for Rehearing, Dated June 23, 2010 p. 10. Clearly, the environmental impact on the land under consideration should be part of the Commission's review under the least-cost means factors, but the value of the land being taken should not.

In addition, and as set forth in their original briefs, the PDM route would split the Corley farm along the ATXI Alternate route in Coles County, and ATXI's Primary Route would split one of Jones' farms in Coles County. These environmental factors should cut against the PDM routes and the ATXI Primary Route and in favor of the ATXI-MCPO Stipulated Route

IV. Conclusion

As stated above, Corley and Jones objects to ATXI's Petition. If the Commission grants the Petition, Corley and Jones respectfully request the Commission adopt the ATXI-MCPO Stipulated Route.

Brian R. Kalb, #6275228
Byron Carlson Petri and Kalb, LLC
411 St. Louis Street
Edwardsville, IL 62025
Telephone: (618) 655-0600
Facsimile: (618) 655-4004
Email: brk@bcpklaw.com

PROOF OF SERVICE

STATE OF ILLINOIS)
) SS
COUNTY OF MADISON)

I, Brian R. Kalb, BEING AN ATTORNEY ADMITTED TO PRACTICE IN THE State of Illinois and one of the attorneys representing, hereinwith certify that I did on the 7th day of January, 2014, served the **REPLY BRIEF ON REHEARING OF EDWARD CORLEY, THE EDWARD CORLEY TRUST, AND THE LOUISE BROCK-JONES LIMITED PARTNERSHIP IN SUPPORT OF THE ATXI-MCPO STIPULATED ROUTE FROM MOUNT ZION TO KANSAS** by sending same by electronic mail.

Brian R. Kalb, #6275228
Byron Carlson Petri & Kalb, LLC
411 St. Louis Street
Edwardsville, IL 62025
Telephone: (618) 655-0600
Facsimile: (618) 655-4004
Email: brk@bcpklaw.com

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 7th day of January, 2014.

NOTARY PUBLIC