

Parcel 1 - Lots Nos. 2 and 4 of the County Clerk's Subdivision of the SW1/4 of the SW1/4 and N1/2 of the SW1/4 in S29, T13N, R12W, Edgar County, Illinois, as described in Warranty Deed dated January 15, 1991 from Francis W. Chittick and Linda J. Chittick to Tom Ogle, recorded in Book 261, Page 199, Deed of Records, Edgar County, Illinois, less and except any conveyances heretofore made. The tax parcel identification number is 06-18-29-300-001.

Parcel 2 - That certain tract of land situated in the South 10 acres of even width of the West 30 acres of the even width of the NW1/4 of the SE1/4 of S29, T13N, R12W, of the 2nd P.M., Edgar County, Illinois, more particularly described in Warranty Deed dated December 1, 1997 from Randall Wallace and Lila Wallace, husband and wife to Tom Ogle, recorded under County Clerk's File No. 98-0000218, Official Public Records of Real Property, Edgar County, Illinois, less and except any conveyances heretofore made. The tax parcel identification number is 14-18-29-400-003.

Ogle is a citizen of Illinois and resides in Paris, Edgar County, Illinois.

5. Defendant Ogle is part of a group calling themselves "Edgar County Intervenors" who filed a Petition to Intervene and Petition for Rehearing with the ICC, both of which were denied by the ICC.

FACTS COMMON TO ALL CLAIMS

6. ATXI intends to construct, operate, and maintain a 345 kilovolt ("kV") electric transmission line running generally from Missouri to Indiana through Illinois ("Illinois Rivers Project").

7. The Illinois Rivers Project consists of approximately 375 miles of electric transmission lines in Illinois stretching generally from Adams County through Edgar County and is divided into segments.

8. The Defendant's properties are located on the segment stretching from Kansas, Illinois to Sugar Creek on the Indiana state line ("Kansas to Sugar Creek").

9. On August 20, 2013, the ICC issued a Certificate of Public Convenience and Necessity ("CPCN") to ATXI under Section 8-406.1 of the PUA. (ICC Docket No. 12-0598).

10. In the CPCN, the ICC found the following:

(a) ATXI is a public utility pursuant to the PUA;

(b) The ICC has jurisdiction over ATXI and the Illinois Rivers Project;

(c) The route between Kansas, Illinois and Sugar Creek on the Indiana state line should be approved;

(d) The approved routes including Kansas to Sugar Creek are necessary to provide adequate, reliable, and efficient service to ATXI's customers; and

(e) ICC authorized construction for certain segments of the Illinois Rivers Project including the Kansas to Sugar Creek segment in accordance with Section 8-503 of the PUA.

11. Certain segments of the Illinois Rivers Project were not approved and are up for rehearing before the ICC, but the rehearing on those other segments does not affect the Kansas to Sugar Creek segment.

12. Despite being aware of the proceedings at the ICC, the Defendant did not petition the ICC to intervene until September 18, 2013, at which time Defendant filed motions to intervene and for rehearing at the ICC.

13. The ICC denied the Defendant's request for rehearing on September 25, 2013.

14. The Order entered by the ICC with regard to the Kansas to Sugar Creek segment is considered final by the ICC, and additional or alternative routes from Kansas to Sugar Creek will not be considered by the ICC in any of the pending rehearings.

15. Defendant has appealed the ICC's denial of Defendant's Petition for Rehearing and Petition to Intervene to the Appellate Court, but Defendant has not sought to stay the enforcement of the ICC's Order at the ICC or in the Appellate Court.

16. In the furtherance of the plans to construct the Illinois Rivers Project from Kansas to Sugar Creek, the PUA recognizes that it is necessary that ATXI representatives complete certain surveys and land use studies pursuant to Section 8-510 of the PUA.

17. Because ATXI obtained a CPCN under Section 8-406.1 and an Order authorizing construction under Section 8-503, Section 8-510 grants ATXI the right to enter upon the Defendant's properties to conduct surveys and land use studies on properties even if the Defendant objects to such entry.

18. The nature of the surveys and land use studies is minimally intrusive and does not include subsurface boring.

19. In accordance with Section 8-510, ATXI provided written notice of its intent to conduct surveys and land use studies to Defendant. The notice was mailed via certified mail to Defendant on October 8, 2013, as shown in the correspondence attached and incorporated herein as **Exhibit 1**.

20. On October 30, 2013, while meeting with a representative from ATXI, Defendant denied access to his properties and stated that if ATXI or a surveyor shows up to survey his land he will go to jail on that day because he will not allow any entry. He asked that ATXI not contact him again about anything related to the Illinois Rivers Project and that it should be marked in "big red letters" that he is denying survey access to ATXI.

21. On November 5, 2013, counsel for ATXI sent a letter to Attorney Smith who is counsel for Defendant, in which ATXI requested consent to survey based on ATXI's right under Section 8-510 of the PUA. A copy of the correspondence is attached and incorporated as **Exhibit 2**.

22. On November 15, 2013, counsel for the Defendant again denied access on behalf of Defendant claiming that if ATXI entered his client's property, they would treat ATXI as a trespassor. A copy of the correspondence is attached and incorporated as **Exhibit 3**.

23. On November 27, 2013, counsel for ATXI sent Defendant's counsel one last letter in an attempt to obtain access prior to filing. A copy of the correspondence is attached and incorporated as **Exhibit 4**.

COUNT I – DECLARATORY JUDGMENT

1-23. ATXI incorporates Paragraphs 1-23 as and for Paragraphs 1-23 of Count I.

24. Pursuant to Section 8-510 of the PUA, ATXI seeks a declaration from this Court that ATXI has the right to enter onto the Defendant's properties for the purpose of conducting surveys and land use studies in accordance with Section 8-510.

WHEREFORE, Plaintiff, AMEREN TRANSMISSION COMPANY OF ILLINOIS, an Illinois limited liability company, prays for judgment and relief as follows:

A. An Order from this Court granting agents of ATXI immediate access to the Defendant's properties for conducting such surveys and land use studies; and

B. Other appropriate relief as this Court deems just.

COUNT II– PRELIMINARY AND PERMANENT INJUNCTION

1-23. ATXI incorporates Paragraphs 1-23 as and for Paragraphs 1-23 of Count II.

24. ATXI will suffer irreparable harm if the Defendant is permitted to continue to prevent ATXI representatives from access to the property in that such actions prevent ATXI from conducting the necessary surveys to comply with the ICC's Order which states that the public convenience and necessity requires that ATXI construct, operate and maintain the Illinois Rivers Project.

25. ATXI will also suffer irreparable harm if the Defendant is permitted to continue to interfere with ATXI's immediate right to access Defendant's properties in accordance with Section 8-510 of the PUA.

26. Upon information and belief, Defendant will breach the peace against ATXI and continue to deny ATXI representatives access causing irreparable harm to ATXI if they attempt to enter the Defendant's properties and conduct the surveys and land use studies.

27. The damage caused by Defendant's continued refusal to comply with the statute granting ATXI the right of access to Defendant's properties is unable to be reasonably ascertained or quantified in a monetary amount.

28. The damage caused by delays in the Illinois Rivers Project cannot be fully compensated by monetary damages, and damages would be difficult to calculate, but would include construction delay damages and contractual liabilities to contractors and equipment suppliers.

29. In contrast, the harm, if any, suffered by the Defendant by allowing access and tests is minimal and can be remedied by appropriate compensation as contemplated and provided by Section 8-510 of the PUA.

30. Because ATXI has met all of the requirements of Section 8-510 of the PUA, ATXI is likely to succeed on the merits of each cause of action asserted.

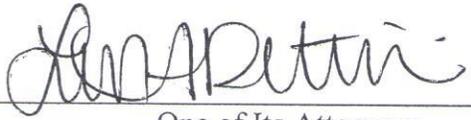
WHEREFORE, Plaintiff, AMEREN TRANSMISSION COMPANY OF ILLINOIS, an Illinois limited liability company, prays for judgment and relief as follows:

A. A preliminary and permanent injunction prohibiting the Defendant from delaying or obstructing ATXI's access to the Defendant's properties for purposes of conducting surveys and land use studies as are necessary, proper and permitted by Section 8-510 of the PUA;

B. Other appropriate relief as this Court deems just.

Respectfully submitted,

AMEREN TRANSMISSION COMPANY of
ILLINOIS, an Illinois limited liability company,
Plaintiff,

By: 
One of Its Attorneys

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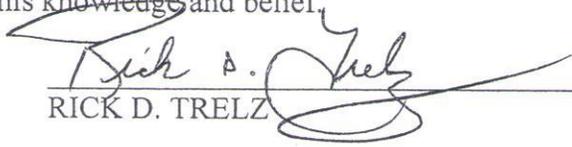
and

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VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

RICK D. TRELZ, as Managing Supervisor of Ameren Transmission Company of Illinois, being first duly sworn on oath, deposes and states that he has read the Complaint for Declaratory Judgment, Preliminary Injunction and Permanent Injunction, and the statements made therein are true, correct, and complete to the best of his knowledge and belief.

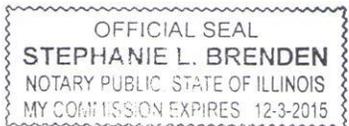


RICK D. TRELZ

Subscribed and sworn to before me this 17th day of December, 2013.



Notary Public



Case Number: 12-0598

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