

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 ) No. 12-0598  
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. )

**INTERVENORS WILLIAM GARRETT, PATRICIA GARRETT, JAMIE  
GARRETT, DONALD C. MCWARD AND SHIRLEY MCWARD'S  
APPLICATION FOR REHEARING**

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## APPLICATION FOR REHEARING

### **I. INTRODUCTION**

Pursuant to Section 200.880 of the Rules of the Illinois Commerce Commission, 83 Ill. Admin. Code § 200.880, Intervenors (“Intervenors”) request rehearing of the February 20, 2014 Order of the Illinois Commerce Commission (the “Commission”) (“Order”) in the above-captioned proceeding. As required by 83 Ill. Adm. Code 200.880 (b), Intervenors seek review on whether additional evidence regarding a section of the line segment between Pawnee to Pana would be less expensive and outweigh Alternative Route 2 under the least-cost means criteria.

### **II. INTERVENORS PROPOSED ALTERNATIVE ROUTE, WHICH UTILIZES AN EXISTING TRANSMISSION LINE CORRIDOR, OUTWEIGHS ALTERNATIVE ROUTE 2 IN A SECTION OF THE TRANSMISSION LINE SEGMENT BETWEEN PAWNEE AND PANA.**

#### **A. Intervenors’ Property**

Intervenors Donald C. McWard and Shirley McWard are married individuals and own land in Christian County, Locust Township (Sections 29 and 30), Illinois. In Section 29, they own a 200 acre tract of ground that is used for agriculture. In section 30, they own a 97 acre tract of ground that is also used for agriculture. (See McWard Aff. ¶¶ 2-4, which is attached hereto as **Exhibit A**). They were granted leave to intervene in this matter prior to the Commission entered the Final Order.

Intervenors William D. Garrett and Patricia M. Garrett are married individuals and own 78.2 acres of ground in Christian County, Johnson Township (Section 26), Illinois. (See Garrett Aff. ¶ 3, which is attach hereto as **Exhibit B**.) Their petition to intervene was filed on March 19, 2014 and has not been ruled upon.

Intervenor Jamie Garrett is an individual residing at 751 N. 1350 East Road, Owaneco, Christian County, Johnson Township (Section 26), Illinois, which consists of 1.78 acres. (Garrett

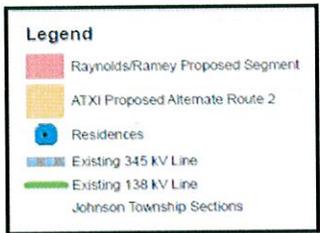
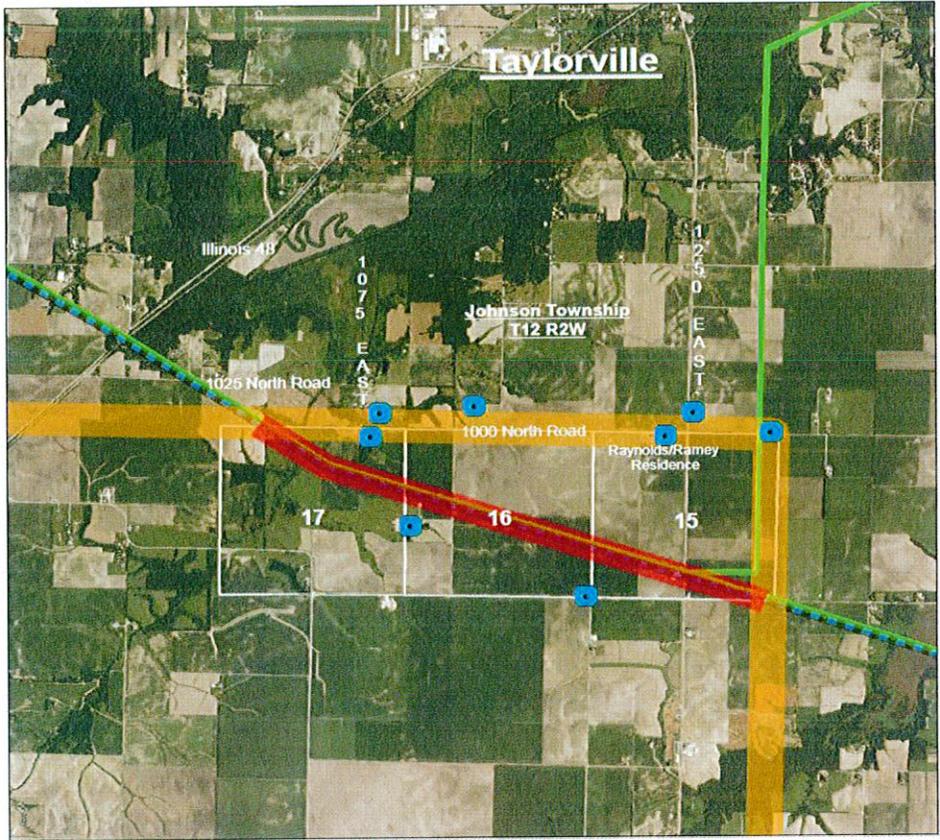
Aff. ¶ 4.) Ms. Garrett's petition to intervene was filed on March 19, 2014 and has not been ruled upon.

A map showing the approximate location of each of the above properties relative to the approved transmission line route is attached hereto as **Exhibit C**. The Garretts' property is shown on Exhibit B by the number 1. The McWards' is shown on Exhibit C by the numbers 2 and 3. The plat maps showing the McWards' properties and Garretts' properties are attached hereto as **Exhibits D & E**. A map showing the location of the transmission line in relation to Jamie Garrett's house is attached hereto as **Exhibit F**.

The foregoing Intervenors have filed a joint application for rehearing because they share the same interest and have properties near each other. If the Commission denies William Garrett, Patricia Garrett and Jamie Garrett's petitions for leave to intervene, then all arguments herein shall be offered by Donald C. McWard and Shirley McWard, who have personal knowledge of all matters set forth herein.

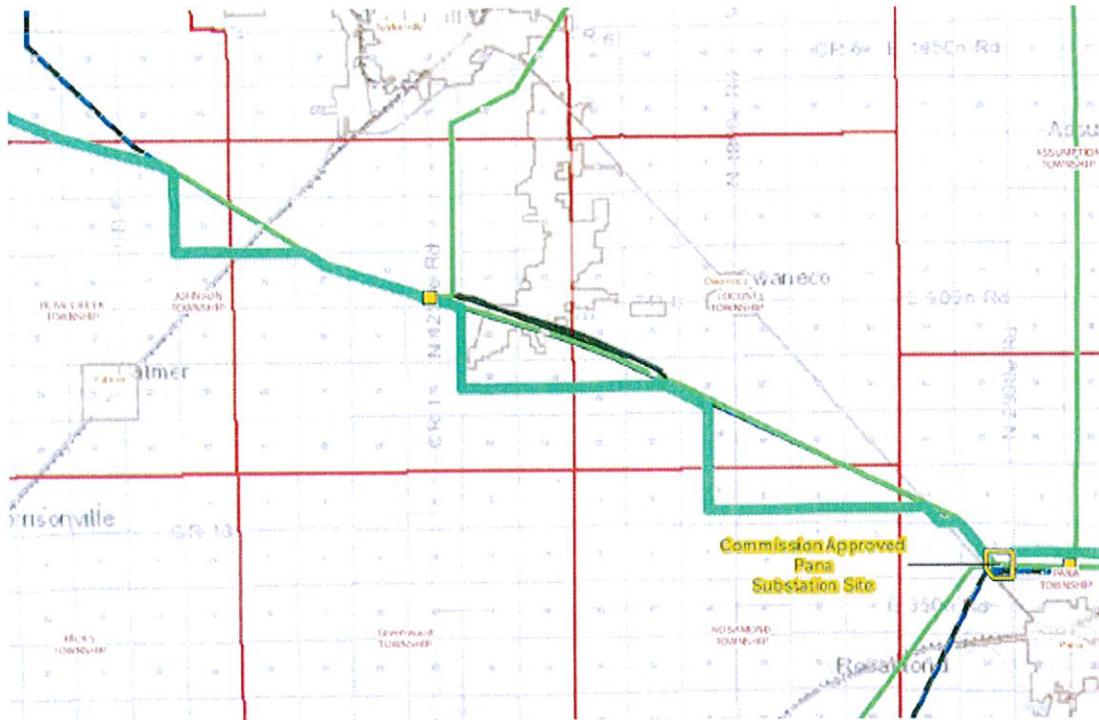
**B. The Commission Should Accept Rehearing to Consider An Alternate, Less Costly Transmission Line Through a Segment of Christian County.**

The Commission approved ATXI Alternative Route 2 for its Pawnee to Pana segment, with a modification. Ann Reynolds and Justin Ramey proposed the below modification to Alternative Route 2 (the "Modification").



The Modification changes the route of Alternative Route 2 to follow the existing transmission line corridor and parallel 2.94 miles of existing transmission line. Although ATXI has expressed reliability concerns associated with paralleling existing transmission lines, ATXI's own proposed Alternative Route 2 between Pawnee and Pana parallels more than 17 miles of existing transmission line. Intervenors submit to the Commission a modification similar to the Raynolds and Ramey modification, which will reduce the overall length of the route in Christian

County and have less overall environmental impact. Thus, Intervenor submit the below alternative route for rehearing (the “Intervenor Route”):



### C. The Least-Cost Means Factors Weigh in Favor of Intervenor Route

Section 8-406.1(f) of the Public Utilities Act (the “Act”) requires any project proposed thereunder to be the least-cost means of satisfying the identified objective. The Commission must weigh 12 criteria to determine the least-cost means. The fact that a particular route is less costly than another is not dispositive under the least-cost means factors. Intervenor believe these criteria weigh in favor of Intervenor Route over Alternative Route 2.

1. Length of Line: As with the Modification, the utilization of the existing transmission line corridor will shorten the overall length of the transmission line route. Intervenor estimate that their proposed route shortens ATXI’s Alternative Route 2 by approximately .75 mile. (McWard Aff. ¶ 6.) It would also eliminate three dead-end structures. (*Id.*) A shorter and more direct route will result in cost savings. A

straightforward and easily quantifiable factor of the least-cost means standard is route length, which has a direct impact on both the initial cost of the construction and the cost of operation and maintenance. According to Commission Senior Electrical Engineer Greg Rockrohr, the shortest, straightest route is preferable. *Revised Direct Testimony of Greg Rockrohr, Ins. 440-45.* Typically, the shorter the route, the lower the initial building cost, because less material and labor is necessary. Moreover, the straighter the route, the less need for costly “structures that support uneven forces from conductors due to changes in route direction.” *Id.* For example, each structure used to support the transmission lines with angles less than or equal to 1° cost approximately \$33,000.00, whereas the cost to support a structure for angles in the line between 1° and 15° more than doubles to approximately \$74,250.00. *Id.* at 448-51. The cost for structures to support angles greater than 15°, known as dead-end structures, is approximately \$107,250.000 a piece—more than three times the cost of a structure to support lines with angles of 1° or less. *Id.* at 451-53. Based on the cost projections for this segment of the route, which are approximately \$2 million per mile, Intervenor Route will cost approximately \$1,500,000.00 less than Alternative Route 2. (McWard Aff. ¶ 7.)

2. Difficulty and Cost of Operation and Maintenance: Utilizing the existing transmission line corridor will make the difficulty and cost of operation and maintenance less expensive than placing the transmission line through unimproved farm land. ATXI has already determined access points to maintain the existing transmission lines. In comparison, most of Alternative Route 2 follows section lines over agricultural land.

If ATXI is required to perform maintenance over this ground, it will negatively impact the farmland and may destroy crops.

3. Proximity to homes and other Structures: Utilizing the existing transmission line corridor should not have any increased negative impact on any residential homes or structures which are already impacted by the existing transmission lines. (McWard Aff. ¶ 8.) It is unclear from the record on which side of the existing transmission lines which Ameren will be paralleling it intends to place the new 345kV transmission line, but if they are placed on the north side of the existing transmission line corridor, then Intervenor's Route will not be any closer than ATXI's existing transmission lines. A Google map of the two residences impacted by Intervenor's Route is attached hereto as **Exhibit G & H**. (McWard Aff. ¶ 9.) Indeed, the new lines will be further away from any residential and non-residential structures than the existing lines. On the other hand, Alternative Route 2 will come within 175 feet of the home of Jamie Garrett and her family. (Garrett Aff. ¶ 6.) (McWard Aff. ¶ 10.)
4. Historical Resources: Donald and Shirley McWard's tract in Section 30 in Locust Township is a sesquicentennial farm and they plan to pass the property to their children. (McWard Aff. ¶ 11.) The record does not indicate that there are any other historically significant properties in this area of the route.
5. Visual Impact: Intervenor's submit that placing the transmission line along an existing transmission line corridor will have less visual impact than placing it along virgin, unimproved farm land.
6. Presence of existing corridors: ATXI witness, Donell Murphy, explained that when considering routing options, it is advantageous to utilize "opportunities" that would

allow like features to be placed by like features. (*Tr. at 727-29.*) Ms. Murphy described that, as linear features, transmission lines are “more compatible for parallel co-location” near linear corridors, such as property, section and field lines or existing transmission line rights of way. (*Id. at 729.*) Further, Ms. Murphy indicated that the more similar the feature, the better the opportunity for placement, i.e. a transmission line is more like another transmission line than a property line, as such placement would be better suited parallel to the other transmission line. (*Id. at 731.*) Thus, the routing of the transmission line route along the existing corridor will place the line next to similar features, which is more desirable from an environmental impact analysis.

7. Environmental Impacts: Alternate Route 2 will impact a considerably larger amount of timber. Alternative Route 2 will require the removal of the timer between Sections 22/23 and 27/26 as shown in Exhibit F. Alternative Route 2 will also require the removal of timber in Section 29 in Locust Township. The timber in this area has environmental significance. It acts as a wind barrier as well as a wildlife habitat. (McWard Aff. ¶ 12.) Intervenor's Route does not require the large scale removal of timber .
8. Other Least-Cost Means Factors: Intervenor's are unaware of any other material differences between Alternate Route 2 and Intervenor's Route as it relates to the other least-cost means criteria.

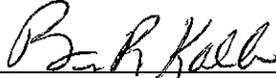
**D. The Commission Should Grant Intervenor's Application for Rehearing to Address the Least-Cost Means Criteria Related to Intervenor's Route.**

Intervenor's submit to the Commission that it should grant rehearing because a less costly route is available for this transmission line segment described herein that has not been fully considered by the Commission. The Commission is required to satisfy itself that ATXI produced

evidence pursuant to § 8-406.1 that the Illinois Rivers Project is the least-cost means of satisfying the service needs of the impacted public utilities customers. The Commission is required to fully investigate whether a proposed transmission line route satisfies the least-cost means analysis. In furtherance of this duty, Intervenor contend that the Commission should consider evidence submitted at any point in the proceeding that may lessen the negative impact of the transmission line on Illinois residents, such as Intervenor.

### III. CONCLUSION

The Commission should grant rehearing for the reasons set forth above so that the property owners negatively impacted by the transmission lines on their property may present evidence regarding the least-cost means criteria, and so that the decision of the Commission may be based on a complete, evidentiary record.

  
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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@bcplaw.com

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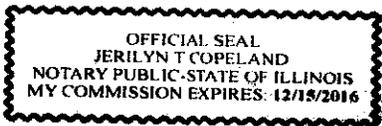
STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF MADISON     )

I, Brian R. Kalb, BEING AN ATTORNEY ADMITTED TO PRACTICE IN THE State of Illinois and one of the attorneys representing INTERVENORS WILLIAM GARRETT, PATRICIA GARRETT, JAMIE GARRETT, DONALD C. MCWARD AND SHIRLEY MCWARD, hereinwith certify that I did on the 24th day of March, 2014, served IntervenorS WILLIAM GARRETT, PATRICIA GARRETT, JAMIE GARRETT, DONALD C. MCWARD AND SHIRLEY MCWARD'S APPLICATION FOR REHEARING by sending same by electronic mail.

  
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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@bcplaw.com

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 24th day of March, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC



**VERIFICATION**

I, Brian Kalb, counsel for WILLIAM GARRETT, PATRICIA GARRETT, JAMIE GARRETT, DONALD C. MCWARD AND SHIRLEY MCWARD being first duly sworn, states that he has read the foregoing Application for Rehearing, that he is familiar with the statements made therein, and that the statements made therein are true and correct to the best of his knowledge.



\_\_\_\_\_  
Brian R. Kalb, #6275228  
Byron Carlson Petri & Kalb, LLC  
411 St. Louis Street  
Edwardsville, IL 62025

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this 24th day of March, 2014.

  
\_\_\_\_\_  
NOTARY PUBLIC