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

APPLICATION FOR REHEARING OF EDWARD CORLEY AND THE EDWARD CORLEY TRUST REGARDING THE TRANSMISSION LINE SEGMENT FROM MOUNT ZION TO KANSAS

COME NOW, Edward Corley and Edward Corley Trust ("Corley") and in support of Edward Corley and the Edwards Corley Trust ("Corley"), state as follows:

I. Introduction

Corley filed its initial brief in support of the ATXI-MCPO proposed route from Mount Zion to Kansas (the "MCPO Route"). Corley owns two properties in Seven Hickory Township, Coles County, Illinois. The first property, PIN 12-0-00612-000, consists of 80 acres (the "Eighty Acres"), in which ATXI's Primary Route crosses at the north border. The second property, PIN 12-0-000-42-000, consists of 135.78 acres (the "135 Acres"), in which ATXI's Alternative Route splits in two. The Commission entered the Second Order on Rehearing (the "Order") on February 20, 2014. The Order impacts the 135 Acres.

Corley respectfully submits that the Commission erred on two important points in the Order, and if corrected on rehearing, the least-cost means criteria will weigh in favor of the

MCPO Route. First, the Commission erred in its finding that either route is preferable under the criterion concerning the impact on residential and non-residential structures. Second, the Commission erred in its conclusion that the MCPO Route will impact more farmland.

A. Proximity to Homes and Other Structures

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. The Commission has, in prior dockets, given greater weight to the criterion concerning the number of residential and non-residential structures. For example, in Docket 06-0179, the Commission selected an alternative route advanced by the Commission Staff and an interveror over alternative routes filed by the applicant because there were fewer number of residential dwellings within 500 feet of the proposed transmission line. In doing so, the Commission put more weight on minimizing the number of residential dwellings within 500 feet of the proposed transmission line route than minimizing the cost and length of the route for the proposed transmission line.

The Commission has weighed the criteria similarly in this Docket. 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* Aug. 20, 2013 Order, pgs. 27 and 43.) Indeed, the Commission approved ATXI Hybrid Route over the ACPO Alternative 1, despite the ACPO Alternative 1 being $9,121,000 less. The Commission reasoned that ACPO Alternative 1 could possibly impact residential buildings within close proximity to the transmission line easement.

Thus, if there is evidence showing that a route has less impact on residences within 500 feet of a transmission line, such evidence should weigh heavily in the decision on the appropriate transmission line route. In this instance, MCPO submitted abundant evidence showing its route outweighed the PDM/CFT route for this criterion. Indeed, much of the evidence MCPO and ATXI submitted in this respect was undisputed.

The MCPO Route has less impact on residential and non-residential structures. The evidence in the record for the MCPO Route showed zero residences within 150 feet of the easement centerline, while there are nine under the PDM/CFT route. There are a total of 12 within 500 feet of the transmission line centerline with the MCPO Route, while there are 31 under the PDM/CFT route. *See* MCPO Ex. 2.2 (RH) Revised page 4 of 4. Indeed, MCPO, ATXI and PDM/CFT agree on the total number of residential structures within 0 to 500 feet of the centerline of Route CFT-2. The record undisputedly establishes that the route proposed by MCPO impacts far fewer residential and non-residential structures than the PDM/CFT route.

In the Order, the Commission admonished the parties for its reliance on Google Earth™ to determine the distance of the transmission line to residential dwellings. It appears the Commission was influenced, if not skeptical, of MCPO's structure counts based on its reliance on Google Earth™ mapping. Yet, MCPO submitted evidence on rehearing that MCPO and ATXI's structure counts on rehearing were based on updated GIS data and visual inspections. (Reinecke, MCPO Ex. 2.0 (RH) at 2-4:87-96; Murphy, ATXI Ex 3.0 (RH) at 17; Dec. 17, Tr. 150-50.) Thus, the Commission's suspicions of MCPO's structure count was based on the incorrect premise that MCPO and ATXI failed to perform any field work to confirm its desktop analysis. To the extent that there was any confusion in the record about the accuracy of the number of residences impacted by the competing transmission line routes, the confusion was

interjected PDM/CFT's attempt to expand the corridor to be analyzed under this criteria. If the Commission analyzed the number of homes within 500 feet of the centerline of the transmission line easement, the record clearly shows that the MCPO Route outweighed PDM/CFT's route.

Against the weight of MCPO's evidence, the Commission concluded that it was "unable to find, based on the evidence presented, that either route is preferable when considering these criteria." The Commission's decision to disregard the undisputed evidence in this regard is at odds with its prior application of the least-cost means criteria as well as its application of the least-cost means criteria in this Docket.

As stated above, the Commission has given greater weight to this criterion, and in previous dockets has opted to approve more costly routes if the alternative had a greater impact on residential dwellings. *See* Docket 06-0179. In this instance, PDM/CFT conceded that this criterion favored MCPO, as bore out by the evidence. The Commission, however, decided to disregard the uncontroverted evidence and *sua sponte* scrutinize its credibility. The Commission erred in the conclusions it reached in this analysis, as set forth above, but the Commission's lack of deference to this criterion is at odds with the deference it gave for its approval of previous line segments. For example, for the Quincy to Meredosia segment, the Commission concluded that the shorter, and cheaper, route was not the "least cost" as compared to the ATXI Hybrid Route because the Commission was "concerned" that "appeared" to show the shorter route would "potentially" displace six residences (Commission Aug. 20, 2013 Order, pg. 40.) Notably, ATXI's evidence on the proximity of the shorter route to residences was based solely on desktop analysis. Thus, the Commission for the Quincy to Meredosia segment relied on desktop analysis which only suggested that additional residential dwellings would be impacted by the shorter, less expensive transmission line. The Commission decided to proceed with the ATXI Hybrid Route,

which was over $9 million more, based on such evidence. For the Mt. Zion to Kansas segment of the IRP, the record indicates that there was both field and GIS analysis to compute the impact on residential dwellings, which resulted in clear, undisputed evidence. The Commission shrugged off MCPO and ATXI's evidence, based on the methodology MCPO and ATXI used to reach its conclusions. Even if MCPO and ATXI used a methodology that relied solely on desktop analysis (which it did not), the Commission approved other line segments based on this same methodology. If the Commission weighed the evidence evenly, across the various line segments, between the Final Order entered August 20, 2013 and the Second Order on Rehearing, it would have tipped the scales of the least-cost means criteria in favor of the MCPO Route.

Corley respectfully submits that the Commission's conclusion regarding the proximity to homes and other structures criterion is in error and against the manifest weight of the evidence.

B. Social and Land Use Impact

The Commission concluded that the MCPO Route, being longer, would have a greater impact more farmland. The Commission's finding in this regard appears based on an assumption that the longer the transmission line, the more agricultural land that is taken out of production. The Commission's assumption is undermined by its finding in the August 20 Order, in which the Commission stated that the amount of farmland actually taken out of production depends on the placement of the poles. In essence, the Commission concluded that it could not, or would not, make assumptions regarding the amount of agricultural land impacted by a transmission line easement because the analysis turned on pole placement rather than a "length of line" analysis. There has been no evidence presented on rehearing that would justify a change in the Commission's conclusion.

The Commision also concluded that the MCPO route appears to split more farms, rather than traveling along roads or section lines. The Order paid lip service to the evidence submitted by Corley, but it did not appear to impact the Commission's conclusion. Corley testified that the transmission line would result in the splitting of his farm. Indeed, he testified that ATXI's alternative route (the current PDM/CFT route) splits the 135 Acres in two. The Commission should take into account the negative impact of farm splitting when considering the route. In this instance, PDM/CFT's route splits the Corley farm in half, which makes Corley's farming operations inefficient, and will diminish the value of his property.

Corley respectfully submits that the Commission's conclusion regarding the criterion of "Social and Land Use Impact" is in error and against the manifest weight of the evidence.

II. Conclusion

In conclusions, Corley requests the Commission grant an order of rehearing on the issues set forth above.

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 24TH day of March, 2014, served the APPLICATION FOR REHEARING OF EDWARD CORLEY AND THE EDWARD CORLEY TRUST REGARDING THE TRANSMISSION LINE SEGMENT 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 24th day of March, 2014.

NOTARY PUBLIC

OFFICIAL SEAL
JERILYN T COPELAND
NOTARY PUBLIC-STATE OF ILLINOIS
MY COMMISSION EXPIRES 12/15/2016

VERIFICATION

I, Brian Kalb, counsel for EDWARD CORLEY AND THE EDWARD CORLEY TRUST 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

OFFICIAL SEAL
JERILYN T COPELAND
NOTARY PUBLIC-STATE OF ILLINOIS
MY COMMISSION EXPIRES: 12/15/2016