

STATE OF MASSACHUSETTS)
) SS:
COUNTY OF MIDDLESEX)

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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

**AFFIDAVIT OF ROBERT B. LOCKHART, TRUSTEE OF
THE LOCKHART LIVING TRUST DATED AUGUST 26, 1996**

Robert Bruce Lockhart, being first duly sworn on oath, deposes and states that he has personal knowledge of the facts contained herein and if called as a witness in this cause, he would testify as follows:

INTRODUCTION

1. I am over the age of 18 and I am competent to testify herein.
2. I am the Trustee for the Lockhart Living Trust Dated August 26, 1996 (hereinafter "Lockhart") which owns property in Christian County, Illinois, which is significantly adversely impacted by the Ameren Transmission Company of Illinois (hereinafter "ATXI") Alternate Route 2 of the Pawnee-Pana Segment described in Section VIII of the Second Order on Rehearing in this docket dated February 20, 2014.

3. In my professional life, I am a managing director at Acuity Power Group, Inc., 37 Walnut Street, Suite 300, Wellesley Hills, MA 02481-2107, which is consulting engineering company, specializing in solar photovoltaic (“PV”) quality assurance and microgrid design services and dc power systems involving solar PV (all scales), small wind power systems, battery storage, energy modeling, financial modeling, technology review, construction inspections, performance testing, O&M planning and other consulting services.

4. As detailed below, the Lockhart Living Trust received no notice of ICC Docket 12-0598, no notice of the proposed ATXI routes through the Pawnee-Pana Segment, and no notice of ATXI’s Alternate Route 2 or any modifications to ATXI’s Alternate 2 Route.

5. Because the Lockhart Property will be significantly and adversely impacted by the location of the 345kV transmission line, classified as an Extra-High-Voltage (EHV) line under ATXI Alternate Route 2, Lockhart and property co-owners Cheryl Given and Rhonda Brockett seek intervention into this matter and seek rehearing of the location of the new 345 kV transmission lines under ATXI Alternate Route 2 approved by the Commission in the Pawnee-Pana Segment of The Illinois Rivers Project, and seeks leave to submit testimony and evidence into this docket concerning the location of the ATXI Alternate Route 2.

PROPERTY OWNERSHIP

6. As background, the Lockhart Property was originally owned by Orville Gresham. In the late 1960’s, Orville Gresham, left his 175 acre family farm in Christian

County, Illinois to his three adult children: Albert E. Gresham, Helen Virginia (Gresham) Lockhart, and Juanita (Gresham) Brownback.

7. Albert E. Gresham and Helen Virginia (Gresham) Lockhart each were left with a 50% share of an undivided parcel of land of approximately 121.38 acres,

8. Attached hereto as Lockhart Aff. Exhibit 1 is a true and correct copy of a Plat of Survey concerning the Property owned by Petitioners which is identified as "B" 121.38 acres on the Plat of Survey. See, Lockhart Aff. Exhibit 1.

9. Helen Lockhart and husband Donald, placed their portion of the farm into The Lockhart Living Trust dated August 26, 1996. (See, Lockhart Aff. Exhibit 2 (Warranty Deed of Trust) and Lockhart Aff. Exhibit 3 (Certificate of Trust), attached hereto).

10. The legal description for the Lockhart portion of the Property is:

An undivided one half interest in and to:

THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4)
AND THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST
QUARTER (1/4) OF SECTION 6, TOWNSHIP 11 NORTH, RANGE 1 EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN CHRISTIAN COUNTY,
ILLINOIS.

TAX I.D. NO. 11-25-06-400-001

(See, Lockhart Aff. Exhibit 2, attached hereto). The street address for the farm is 518 Illinois Route 29, Pana, Illinois

11. Helen (Gresham) Lockhart is now deceased and Donald Lockhart resigned from Trustee duties over two years ago, in approximately 2011, due to incapacitation from diagnosed medical condition, and I, Robert Bruce Lockhart, then became the Trustee for the Lockhart Living Trust, as listed trustee successor. (See Lockhart Aff. Exhibit 1).

12. At all relevant times, my address is 823 Boston Post Road, Weston, MA 02493.

13. At all relevant times, Helen (Gresham) Lockhart and Donald Lockhart resided in the State of Vermont.

14. On December 30, 2013, Albert E. Gresham, who at all relevant times lived at 600 Vance Road, Huntsville, Alabama 35801, transferred the Gresham portion of the Property to be held jointly by his two daughters, Cheryl (Gresham) Given who resides at 8212 Fox Run Lane Knoxville, TN 37919 and Rhonda (Gresham) Brockett who resides at 3639 Wentworth Lane, Lilburn, GA 30047. (See Lockhart Aff. Exhibit 4, attached).

15. The Property at issue owned by Petitioners will hereinafter be referred to collectively as the “Lockhart/Given/Brockett Property”.

CURRENT USE OF THE LOCKHART/GIVEN/BROCKETT PROPERTY

16. The Lockhart/Given/Brockett Property is currently being farmed to raise corn and soybeans by a tenant farmer, Mr. Mike Schafer.

17. Mr. Mike Schafer lives at 2233 E 400 North Road, Pana, Illinois 62557, which is a location almost 2 miles away from the Lockhart/ Gresham Property and is unrelated to our farm or any of our property.

**LACK OF NOTICE TO THE LOCKHART
LIVING TRUST DATED AUGUST 26, 1996**

18. On or about March 14, 2014, I received a standard U.S. mail envelope from Gayle Schafer, who is the wife or daughter of Mike Schafer, the tenant farmer for the Lockhart/Given/Brockett Property.

19. In the envelope Ms. Schafer attached a post-it note to a certified mail envelope addressed to “Donald M. Lockhart, et al., 2233 E 400 North Road, Pana, Illinois

62557". The envelope contained a letter dated March 5, 2014, and addressed to "Donald M. Lockhart and Helen Lockhart, Lockhart Living Trust dated 26th of August, 1996, 2233 E 400 North Road, Pana, Illinois 62557." On her post-it note Ms. Schafer wrote that the letter had been opened accidentally and that she was forwarding this letter to me.

20. A copy of the certified envelope and the March 5, 2014 letter forwarded to me by Ms. Schafer are attached hereto as Lockhart Aff. Exhibit 5.

21. Plain from the face of the envelope and the letter is that it was not sent to any correct address for The Lockhart Living Trust dated August 26, 1996. Instead, it was sent to the home address of Mike Shafter the tenant farmer for the Lockhart/Given/Brockett property.

22. Although Lockhart Aff. Exhibit 5, is dated March 5, 2013, I did not receive it until March 14, 2014 after it was forwarded to me by Ms. Schafer.

23. Lockhart Aff. Exhibit 5 was the first and only correspondence or notice I received at any time from ATXI which concerned Docket 12-0598, the Illinois Rivers Project and the location of the planned transmission line for the Pawnee-Pana Segment.

24. At no time did the Lockhart Living Trust or I receive any prior written notice from ATXI about Docket No. 12-0598, the location of the planned transmission lines through the Pawnee-Pana segment of the Illinois Rivers Project or ATXI's Alternate Route 2 for the Pawnee-Pana Segment or any modifications to ATXI's Alternate Route 2.

25. I only received the March 5, 2014 letter indirectly, by the good graces of the Schafer family.

LACK OF NOTICE TO CHERYL GIVEN AND RHONDA BROCKETT

26. Shortly before I received the March 5, 2014 letter forwarded by Ms. Schafer, on March 9, 2014, I was contacted by my cousin Cheryl Gresham Given. Cheryl Given told me that around the second week in March 2014, she received a certified letter from ATXI, dated March 5, 2014, indicating that it had received authorization from the Illinois Commerce Commission to construct a new transmission line on a route that affects our property. This was the first letter she received about Docket 12-0598.

27. Cheryl Given told me that to her knowledge, and based on her conversations with Albert Gresham and Rhonda Gresham Brockett, no prior correspondence had been received by either herself, Rhonda Gresham Brockett, nor Albert Gresham.

28. At no time prior to my conversation with Cheryl Given on March 9, 2014, was I ever told by Albert Gresham or Rhonda Gresham Brockett that they received any notification by ATXI about construction of a transmission line on the Lockhart/Given/Brockett Property.

29. On or about March 11, 2014, I immediately set about locating and engaging counsel in Illinois to represent the interests of the Lockhart Living Trust.

30. Late evening on March 19, 2014, after a conference call with Cheryl Given and Rhonda Brockett, we engaged counsel to represent our interests in the Property in this proceeding. Through counsel on March 20, 2014, I received a copy of the Second Order of Rehearing entered in ICC Docket, 12-0598, dated February 20, 2014 and read it.

**THE SIGNIFICANT NEGATIVE IMPACT ON THE
LOCKHART/GIVEN/BROCKETT PROPERTY OF ATXI'S
ALTERNATE ROUTE 2 IN THE PAWNEE-PANA SECTION**

31. Upon reading the ICC Second Order on Rehearing on March 20, 2014, and specifically reading pages 35 to 43 which concern the first time the ICC addressed the Pawnee-Pana Segment of the Illinois Rivers Project in any Order (See Second Order on Rehearing, p. 36), I became aware of the significant negative impact that the location of ATXI's Alternate Route 2 and modifications thereto approved by the ICC will have on the Lockhart/Given/Brockett Property.

32. The ICC's Second Order on Rehearing indicates that notices have been sent to all property holders. I can assure you, to the best of my knowledge, no owner of the Lockhart/Given/Brockett Property ever received any such notices, letters or other correspondence from either ATXI or any other party concerning ICC Docket 12-0298, the location of the transmission lines in the Pawnee-Pana Section or the ATXI Alternate Route 2 until March 8, 2014.

33. Attached hereto as Lockhart Aff. Exhibit 6 is an overview map I prepared using diagrams included in the Second Order on Rehearing indicating the location and impact of ATXI's Alternate Route 2 to the Lockhart/Given/Brockett Property.

34. Attached hereto as Lockhart Aff. Exhibit 7 is a map I prepared using diagrams in the Second Order on Rehearing showing more specifically the location of the ATXI Alternate Route 2 in relation to the Lockhart/Given/Brockett Property.

35. These Exhibits 6 and 7 show the direct, negative impact the high voltage transmission line will have on the Lockhart/Given/Brockett Property.

36. Thus, in only in the last 14 days have I learned, and have the co-owners of the Lockhart/Given/Brockett Property learned, from ATXI that our property has been under consideration for any transmission line route and is now planned to be directly affected by the construction of this transmission line under ATXI's Alternate Route 2.

37. Neither I nor the co-owners of the Lockhart/Given/Brockett Property have received any prior notice or communications from ATXI prior to March 8, 2014 about this docket and therefore were never put on notice about the Pawnee-Pana planned segment or ATXI Alternate Route 2. For this reason, the Lockhart/Given/Brockett Property owners have been precluded from intervening in this action and participating fully to detail the issues that will negatively impact their property as are more fully detailed below.

OBJECTIONS AND CONCERNS OF THE LOCKHART FAMILY TRUST, CHERYL GIVEN AND RHONDA BROCKETT

38. The Lockhart Family Trust, Cheryl Given and Rhonda Brockett seek to intervene in this action and are filing a Petition for Leave to Intervene and a Petition for Rehearing of the Second Order on Rehearing. Our objections and concerns are about the current location of ATXI's Alternate Route 2 in the Pawnee-Pana Section.

39. As property owners of a significant sized farm of over 100 acres, the Lockhart Family Trust, Cheryl Given and Rhonda Brockett should be allowed to intervene in this action, and have a rehearing on the Pawnee-Pana Segment of the Two Rivers Project to present testimony and evidence in this action that will support and elaborate on the objections and concerns of the Lockhart/Given/Brockett Property owners described as follows.

40. It is the Lockhart Family Trust, Cheryl Given and Rhonda Brockett's position that a new EHV transmission line across the Lockhart/Given/Brockett Property will place a severe and disproportionate burden on use of their Property due to the incremental effect of several previous easements to the Property over the years. These previous easements were placed through the original family farm owned by Orville Gresham, and are either directly on the Lockhart/Given/Brockett Property or are on the adjacent parcel identified as "A" on the Lockhart Exhibit 1. The prior easements include:

- a. Railroad Easement;
- b. Town Road Easement;
- c. Easement for the Widening of State Route 29;
- d. Easement for Existing 137 kV High-Voltage Transmission Lines;
- e. Easement for gas pipeline; and
- f. Easement Amendment for Conversion of Railroad to Town Walking/Biking Trail.

41. In this situation, the addition of yet another "infrastructure project" to the Lockhart/Given/Brockett Property is like the proverbial "straw on the camel's back", where the addition new High Voltage transmission line, on top of all of the existing easements the property already bears, will render the Lockhart/Given Brockett Property much less valuable proportionally to others, than if it were the first or only easement on the Property.

42. The Lockhart/Given/Brockett Property owners have more than done their part for Illinois and should not be additionally burdened by yet another easement which will cause severe and disproportionate damage to their Property.

43. Second, the Lockhart/Given/Brockett Property has very limited access for farm equipment and machinery due to its location being bounded by other property holders, road ditches, drainage ditch and other obstacles. The bridge on Route 2200

which crosses the drainage ditch cannot support any significant weight for farm machinery, leaving us with very severely limited access for farming. As indicated on Lockhart Aff. Exhibits 6 and 7, ATXI's Alternate Route 2 could obstruct our only access for farming operations on the Property.

44. In addition to impairing the existing very limited access to the Property, third, existing farming operations will be negatively impacted by ATXI Alternate Route 2. First, Lockett/Given/ Brockett Property will lose farmable land if any transmission towers for the ATXI Alternate Route 2 are placed on the Property. That is because the area at the base of any tower will need to be clear of any crops to provide access to the tower base. Secondly, farming operations will be disrupted because of interference with GPS systems used in all modern farming equipment for planting, seeding, harvesting and the like. Any transmission tower of the ATXI Alternate Route 2 placed on the Lockett/Given/ Brockett Property will disrupt and interfere with modern farming equipment that operate under or near the transmission towers.

45. Our Fourth objection and concern is that, the drainage clay-tile system on the Lockhart/Given/Brockett Property is over 100 years old and in fragile condition. This system would likely be harmed with construction equipment and placement of the high voltage towers on the Lockhart/Given/Brockett Property. We do not want the current clay-tile system for field drainage on the Property to be disturbed or forced to be relocated. Having an operational drainage system is critical to the preservation of the farmland.

46. Fifth, placement of the ATXI EHV transmission lines on the Lockhart/Given/Brockett Property would negatively impact future development of the

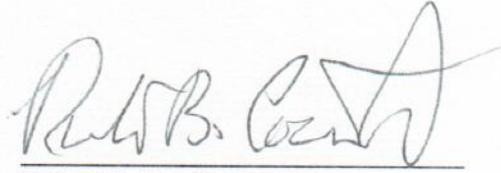
property. As of January 1, 2014, I and the other Property owners have been actively discussing development of the Lockhart/Given/Brockett Property for other, higher-value uses other than farming, and construction of new transmission would limit or entirely exclude several of these possibilities.

47. For example, a basic feasibility study is now underway for a 5 megawatt solar PV development on approximately 40 acres of the Property. Based upon my knowledge and my professional experience, it is my opinion that the height of the ATXI towers and lines would cast shadows, severely limiting or obstructing entirely the required solar access on suitable land available for solar PV development.

48. Additionally, we have been discussing other development options for the Lockhart/Given/Brockett Property, such as subdividing it for housing development or keeping livestock on the property.

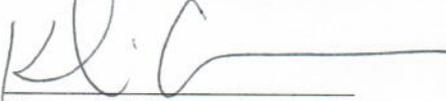
49. Finally and our sixth reason and objection concerns disruption to the present look and use of the Property. My grandfathers' farmhouse is on the adjacent property (shown as "A" on Lockhart Aff. Ex. 1), and is owned by my cousins the Brownback family. This house adds value to the Lockhart/Given/Brockett Property due to its historic nature. Although the house is an unregistered historic structure, the Brownback family has indicated that they would like to restore it and open a bed and breakfast, which would add character and value to the Lockhart/Given/Brockett Property. The new ATXI EHV transmission would severely impact the potential for this project as the scenic beauty of the farm and the Lockhart/Given/Brockett Property would be damaged irreparably.

FURTHER AFFIANT SAYTH NOT.



Robert B. Lockhart

Subscribed and sworn to before me
This 27 day of March, 2014.



Notary Public

