

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF COOK )

3  
4 BEFORE THE  
ILLINOIS COMMERCE COMMISSION

5  
6 IN THE MATTER OF: )  
COMMONWEALTH EDISON CO., ) Docket No. 13-0657  
7 )  
8 Petitioner. )

9  
10 Application for a Certificate of Public Convenience and  
11 Necessity, pursuant to Section 8-406.1 of the Illinois  
12 Public Utilities Act, and an Order pursuant to  
13 Section 8-503 of the Illinois Public Utilities Act, to  
14 Construct, Operate and Maintain a new 345 kilovolt  
15 transmission line in Ogle, DeKalb, Kane, and DuPage  
16 Counties, Illinois.

17 Met Pursuant to Notice, April 15, 2014, at 10:00 a.m.

18  
19 BEFORE:

20 TERRANCE HILLIARD, Administrative Law Judge  
21 HEATHER JORGENSON, Administrative Law Judge

22 APPEARANCES:

23 ILLINOIS COMMERCE COMMISSION, by  
24 MS. CHRISTINE ERICSON  
25 MS. KIMBERLY SWAN  
MR. JOHN SAGONE  
On behalf of the Illinois Commerce Commission;

1 APPEARANCES: (Continued)

2

SHAY KEPPLE PHILLIPS, by  
MR. WILLIAM M. SHAY

3

MR. JONATHAN L.A. PHILLIPS

4

On behalf of William Lenschow, Robert and  
Diane Mason, Jerry and Kristin Drexler, Thomas  
and Kristine Pienkowski, Ellen Roberts Vogel,  
John Tomasiewicz, and Utility Risk Management  
Corporation;

5

6

7

WIND ON THE WIRES, by

8

MR. SEAN R. BRADY

On behalf of Wind on the Wires;

9

10 BYRON CARLSON PETRI KALB, LLC, by

MR. BRIAN R. KALB

11

On behalf of William, Christine, and  
Patrick Deutsch;

12

13 COMMONWEALTH EDISON COMPANY, by

MR. RICHARD BERNET

14

On behalf of Commonwealth Edison Company;

15

ROONEY RIPPPIE & RATNASWAMY, LLP, by

16

MR. E. GLENN RIPPPIE

MS. CARLA SCARSELLA

17

On behalf of Commonwealth Edison Company;

18

KINNALLY FLAHERTY KRENTZ LORAN HODGE & MASUR, by

19

MR. PATRICK KINNALLY

On behalf of the Forest Preserve District of  
Kane County.

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1 ADMINISTRATIVE LAW JUDGE HILLIARD: I call  
2 Docket 13-0657, Commonwealth Edison Company, Application  
3 for a Certificate of Public Convenience, pursuant to  
4 Public Utilities Act and an Order pursuant to  
5 Section 8-503 of the Public Utilities Act to operate,  
6 maintain, and construct a new 345 kilovolt transmission  
7 line in Ogle, DeKalb, Kane and DuPage Counties.

8 Can the parties identify themselves for the  
9 report beginning with Staff.

10 MS. ERICSON: Good morning, Your Honors. On behalf  
11 of Commission Staff, Christine Ericson, Kimberly Swan,  
12 and John Sagone.

13 ADMINISTRATIVE LAW JUDGE HILLIARD: And just kind  
14 of go down the row here, anybody else who wants to  
15 identify themselves for the record.

16 MR. SHAY: Thank you, Your Honor. William Shay and  
17 Jonathan Phillips from Shay Kepple Phillips. The  
18 address is 456 Fulton Street, Suite 255, Peoria,  
19 Illinois, 61602. We are representing the following  
20 parties: William Lenschow --

21 If the reporter needs any spelling -- any  
22 names spelled, just let me know.

23 (Continuing.) -- Robert and Diane Mason, Jerry  
24 and Kristin Drexler, Thomas and Kristine Pienkowski,  
25 John Tomasiewicz, Ellen Roberts Vogel, and Utility Risk

1 Management Corporation.

2 ADMINISTRATIVE LAW JUDGE HILLIARD: All right. Do  
3 you want those names spelled?

4 MS. REPORTER: I can get them later.

5 MR. BRADY: Good morning. This is Sean Brady with  
6 Wind on the Wires, representing Wind on the Wires. Our  
7 address is P.O. Box 4072, Wheaton, Illinois, 60189.

8 MR. KALB: Brian -- Do I have to speak into the  
9 microphone?

10 ADMINISTRATIVE LAW JUDGE HILLIARD: No, just speak  
11 up.

12 MR. KALB: Brian Kalb, 411 St. Louis Street,  
13 Edwardsville, Illinois, representing William Deutsch,  
14 Patrick Deutsch, and Christine Deutsch.

15 MR. BERNET: On behalf of Commonwealth Edison  
16 Company, Richard Bernet, 10 South Dearborn, Suite 4900,  
17 Chicago, 60603, (312) 394-3623.

18 MR. RIPPIE: And good morning, Your Honors. Also  
19 on behalf of Commonwealth Edison Company, Glenn Rippie,  
20 Rooney Rippie & Ratnaswamy, LLP.

21 I'll spell that for you later.

22 That's 350 West Hubbard, Suite 600, Chicago,  
23 60654.

24 ADMINISTRATIVE LAW JUDGE HILLIARD: All right. Is  
25 there anyone else in the room who wants to announce

1 their appearance on the record?

2 All right. On the -- Do we have a telephone  
3 connection today?

4 ADMINISTRATIVE LAW JUDGE JORGENSEN: No.

5 ADMINISTRATIVE LAW JUDGE HILLIARD: All right. I  
6 guess we're done with that.

7 Are there motions we need to address before we  
8 get rolling here?

9 MR. RIPPIE: Yes, Your Honor. Although, due to the  
10 efforts of some of the parties, several of them have  
11 left the table. I believe we've resolved Commonwealth  
12 Edison's motion to strike certain cross-rebuttal by an  
13 agreement reached with Mr. Shay's clients, and we have  
14 withdrawn the motion to compel the in-person attendance  
15 of Mr. Zuraski. ComEd is then left with two motions to  
16 strike, and I believe Mr. Shay or Mr. Phillips also has  
17 a motion to strike pending with respect to Ms. Meyers'  
18 testimony. Our first motion is to strike the so-called  
19 rebuttal testimony of Utility Risk Management  
20 Corporation witnesses Rousselle and Tabors. That is  
21 fully briefed.

22 ADMINISTRATIVE LAW JUDGE HILLIARD: All right.  
23 There's a motion by Mr. Lenschow to revise  
24 cross-rebuttal testimony. Is that one you've withdrawn  
25 or is that pending?

1           MR. RIPPIE:  There's no objection to that,  
2   Your Honor.  That is the means by which the Motion to  
3   Strike the cross-rebuttal is being resolved.

4           ADMINISTRATIVE LAW JUDGE HILLIARD:  All right.  
5   Then we don't need to make a ruling on that one, I  
6   guess.

7           On ComEd's other Motions to Strike portions of  
8   direct and rebuttal, those motions will be denied.

9           There's a motion to file instanter the  
10   testimony of Witness Meyers, and that motion's going to  
11   be allowed.  The Motion to Strike Meyers' testimony is  
12   denied.

13          MR. PHILLIPS:  I'm sorry.  I didn't hear that,  
14   Your Honor.  I'm sorry.

15          ADMINISTRATIVE LAW JUDGE HILLIARD:  The motion to  
16   strike Meyers' testimony is denied.  If there are any  
17   outstanding petitions to intervene or amended petitions  
18   to intervene, those -- I presume there's no objection to  
19   those; and those are allowed.  Is there anything else we  
20   need to address?

21          MR. RIPPIE:  Yes, Your Honor.  Yesterday afternoon  
22   an intervenor, Mr. Secco, filed a document which is  
23   styled as his surrebuttal testimony.  It was  
24   incompletely served for ComEd.  It was only served on  
25   our project assistant, and we became aware of it this

1 morning. There's no allowance in the schedule for that  
2 testimony; and it does not, in fact, respond to the  
3 surrebuttal testimony of ComEd, nor does ComEd or anyone  
4 else have any opportunity to respond to it. So we would  
5 ask that that testimony, to the extent it is ever  
6 offered, be stricken.

7 ADMINISTRATIVE LAW JUDGE HILLIARD: That testimony  
8 is -- from Witness Secco is untimely and it will be  
9 stricken.

10 MR. RIPPIE: One final question, Your Honor, a  
11 matter of procedure. There is some suggestion in case  
12 law and the rules of evidence that we need to renew  
13 objections to particular pieces of evidence, that the  
14 Motions in Limine do not adequately preserve those  
15 rulings. Would Your Honor prefer that we do that sort  
16 of en masse at the beginning of a witness appearance  
17 rather than waiting for particular exhibits to be  
18 offered or ...

19 ADMINISTRATIVE LAW JUDGE HILLIARD: Sure, that's  
20 fine.

21 MR. RIPPIE: Okay. Thank you very much.

22 MR. SHAY: A point of clarification, Your Honors.  
23 On the motions that you just ruled on, the motion to --  
24 by ComEd to strike the URMC rebuttal testimony --

25 ADMINISTRATIVE LAW JUDGE HILLIARD: That was

1 denied.

2 MR. SHAY: Denied. Thank you.

3 ADMINISTRATIVE LAW JUDGE HILLIARD: Is there  
4 anything else we need to address before we begin the  
5 testimonial aspects of this? All right. I presume  
6 ComEd is prepared to go first?

7 MR. BERNET: Yes.

8 MR. RIPPIE: Do Your Honors have the latest ...

9 ADMINISTRATIVE LAW JUDGE HILLIARD: I think we do.

10 MR. BERNET: Commonwealth Edison calls Thomas  
11 Leeming.

12 ADMINISTRATIVE LAW JUDGE HILLIARD: Before we  
13 begin, will anyone who's in the room who is expected to  
14 testify, please, raise your hand to be sworn.

15 (Witnesses sworn.)

16 WHEREUPON:

17 THOMAS LEEMING,  
18 called as a witness herein, having been first duly  
19 sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. BERNET:

22 Q. Good morning, Mr. Leeming. Can you, please,  
23 state your name and spell it for the record.

24 A. My name's Thomas W. Leeming, L E E M I N G.

25 Q. And who are you employed by?

1           A.    I'm employed by ComEd.

2           Q.    And what's your current position?

3           A.    I am the director of transmission operations  
4 and planning for ComEd.

5           Q.    And do you have before you what's been  
6 previously marked as ComEd Exhibit 2.0, which is styled  
7 as the Direct Testimony of Thomas Leeming?

8           A.    Yes.

9           Q.    And that was filed on e-Docket on December 2nd  
10 as e-Docket No. 156943. That document is 14 pages of  
11 questions and answers; is that right?

12          A.    That's correct.

13          Q.    And attached to that is ComEd Exhibit 2.1 --  
14 2.01 -- I'm sorry -- which is a one -- a two-page letter  
15 from Paul McGlynn of PJM?

16          A.    That's correct.

17          Q.    And Exhibit 2.02 is a four-page confidential  
18 document that is a project diagram for this project?

19          A.    That's correct.

20          Q.    And were these documents prepared by you or at  
21 your direction?

22          A.    Yes, they were.

23          Q.    Do you have any corrections to make to these  
24 documents?

25          A.    No, I don't.

1 Q. If I were to ask you the same questions set  
2 forth in ComEd Exhibit 2.0, would your answers be the  
3 same?

4 A. Yes, they would.

5 Q. Do you have before you what's been previously  
6 marked as ComEd Exhibit 15.0?

7 A. I do.

8 Q. And that's a document styled Rebuttal  
9 Testimony of Thomas W. Leeming?

10 A. That's correct.

11 Q. And that was filed on e-Docket on March 14th,  
12 2014, as document number --

13 MR. BERNET: I'm sorry. I misspoke. The receipt  
14 number before with respect to Mr. Leeming's direct  
15 testimony, it should have been 156943. I apologize.

16 BY MR. BERNET:

17 Q. So your rebuttal testimony was filed on  
18 e-Docket on March 14th, 2014, as e-Docket Receipt  
19 No. 160595?

20 A. That's correct.

21 Q. And that document is eight pages of written  
22 questions and answers?

23 A. Yes.

24 Q. And attached to that is ComEd Exhibit 15.01,  
25 which is a confidential map of ComEd's transmission

1 system?

2 A. Yes.

3 Q. And Exhibit 15.02 is a one-page drawing of the  
4 ultimate build-out of the Grand Prairie Gateway  
5 right-of-way?

6 A. That's correct.

7 Q. And were these documents prepared by you or at  
8 your direction?

9 A. They were.

10 Q. And do you have any corrections to make to  
11 those documents?

12 A. No, I don't.

13 Q. And if I were to ask you the same questions  
14 today that are set forth in ComEd Exhibit 15.0, would  
15 your answers be the same?

16 A. They would.

17 Q. Do you have before you what's been previously  
18 marked as ComEd Exhibit 25.0, which is styled as  
19 Thomas W. Leeming's surrebuttal testimony?

20 A. I do.

21 Q. And that's a document that is four pages of  
22 questions and answers?

23 A. Yes, it is.

24 Q. And that document was filed on e-Docket on  
25 April 9th, 2014, as e-Docket Receipt No. 161635?

1 ADMINISTRATIVE LAW JUDGE HILLIARD: That's a  
2 question.

3 BY THE WITNESS:

4 A. Yes, it was.

5 Q. And if I were to ask you -- Do you have any  
6 corrections to make to this document?

7 A. I do not.

8 Q. And if I were to ask you the same questions  
9 that are set forth in that document today, would your  
10 answers be the same?

11 A. They would.

12 MR. BERNET: At this point, Your Honor, ComEd would  
13 move for admission of ComEd Exhibit 2.0, 2.01, 2.02,  
14 15.0, 15.01, 15.02, and 25.0.

15 ADMINISTRATIVE LAW JUDGE HILLIARD: Any objections?

16 MR. SHAY: No.

17 ADMINISTRATIVE LAW JUDGE HILLIARD: The exhibits so  
18 identified will be admitted in the record.

19 (ComEd Exhibit Nos. 2.0, 2.01, 2.02,  
20 15.0, 15.01, 15.02 and 25.0  
21 admitted into evidence.)

22 MR. BERNET: And Mr. Leeming's available for  
23 cross-examination.

24 ADMINISTRATIVE LAW JUDGE HILLIARD: How many  
25 parties want to cross-examine the witness? Just one.

1 Okay. Proceed

2 CROSS-EXAMINATION

3 BY MR. SHAY:

4 Q. Good morning, Mr. Leeming. My name's Bill  
5 Shay, and I think you heard the parties we're  
6 representing. I won't repeat them again.

7 A. Morning.

8 Q. In order to obtain a certificate from the  
9 Commission for this project, what is it -- what is your  
10 understanding of what ComEd needs to show to this  
11 Commission?

12 MR. BERNET: Objection. I think that calls for a  
13 legal conclusion.

14 ADMINISTRATIVE LAW JUDGE HILLIARD: If he has an  
15 answer, he can answer.

16 BY THE WITNESS:

17 A. Well, I believe that there needs -- there has  
18 to be a need for the project and it should be least  
19 cost.

20 Q. As those terms are defined and amplified in  
21 Public Utilities Act, Section 8-406.1; is that correct?

22 A. I'm not uniquely familiar with that, but I  
23 assume that's true.

24 Q. You signed a petition -- ComEd's petition --  
25 you verified it, didn't you, that -- and it includes

1 the -- the petition includes a recital of those sections  
2 of the Public Utilities Act, did it not?

3 A. That's correct.

4 Q. Okay. Would you say -- or would you either  
5 confer with your attorney or accept, subject to check,  
6 that, among other things, ComEd needs to show this  
7 Commission under a statutory duty under the Public  
8 Utilities Act 8-406.1 that this project is necessary  
9 either for reliability purposes or for -- excuse me.  
10 Strike that. I'll start over.

11 Mr. Leeming, is it your understanding that the  
12 Commission will grant a certificate and shall grant a  
13 certificate of public convenience and necessity if it  
14 finds the project will promote public convenience and  
15 necessity?

16 MR. BERNET: Same objection.

17 ADMINISTRATIVE LAW JUDGE HILLIARD: Well, this is  
18 his business. I think it's --

19 If you have an answer, you can answer.

20 BY THE WITNESS:

21 A. Could you -- I'm sorry. Could you repeat  
22 that?

23 ADMINISTRATIVE LAW JUDGE HILLIARD: Read back the  
24 question.

25 (Record read as requested.)

1 BY THE WITNESS:

2 A. I believe there are many factors that go into  
3 the approval of the -- for the certificate. That is one  
4 of them.

5 Q. Thank you. Is it also the case that this  
6 Commission must find certain criteria existing in order  
7 to grant a certificate with respect to this project and  
8 that those criteria include, alternatively, that the  
9 project's necessary to promote adequate, reliable, and  
10 efficient service to the public utilities customers and  
11 is the least-cost means of satisfying the service needs  
12 of those customers or that the project will promote the  
13 development of an effectively competitive electricity  
14 market that operates efficiently, is equitable to all  
15 customers, and is the least-cost means of satisfying its  
16 objectives; would that be correct?

17 A. I believe that to be correct.

18 Q. And those either-or criteria that I just read,  
19 the first one dealing with reliability-related factors  
20 and the second one dealing with competitive-related  
21 factors, which one is ComEd proposing this project to  
22 qualify under or is it both?

23 A. Although the project does provide liability  
24 benefits, it's more of the latter.

25 Q. More of the latter?

1           A.    It is the latter for this project, but it does  
2 have reliability benefits; but that's not ...

3           Q.    Okay.  Does the least-cost factor that applies  
4 to the reliability alternative that we just discussed --  
5 does that -- the least-cost factor also apply to the  
6 second criteria that you just stated that is the one  
7 that ComEd's proceeding under?

8           A.    I believe it is, yes.

9           Q.    So this Commission --

10          A.    I believe it does.  Sorry.

11          Q.    I'm sorry?

12          MR. SHAY:  Do you need that repeated?

13          MS. REPORTER:  "I believe it does."

14 BY MR. SHAY:

15          Q.    So, again, is it true that this Commission has  
16 a statutory duty to find that the project is  
17 necessary -- I'm sorry.  Strike that.

18                    Is it true that this Commission must find that  
19 the project will promote the development of an  
20 effectively competitive electricity market that operates  
21 efficiently, is equitable to all customers, and is the  
22 least-cost means of satisfying its objectives?

23          A.    I agree.

24          Q.    In your view, then, does this Commission have  
25 a statutory duty to inquire into all factors reasonably

1 relating to the standards and the criteria that we  
2 just -- that we just discussed?

3 MR. BERNET: I'm going to object. I don't know how  
4 this witness can speculate about what the Commission has  
5 or has not -- does or does not have to do.

6 MR. SHAY: Well, Your Honor, this witness has  
7 signed the --

8 ADMINISTRATIVE LAW JUDGE HILLIARD: Overruled.

9 MR. SHAY: Okay.

10 BY MR. SHAY:

11 Q. Do you need the question read back?

12 ADMINISTRATIVE LAW JUDGE HILLIARD: Go ahead and  
13 read the question.

14 (Record read as requested.)

15 BY THE WITNESS:

16 A. I believe they do.

17 Q. Thank you. Mr. Leeming, the PJM has found  
18 through its RTEP process that this project is necessary;  
19 is that fair?

20 A. That's correct.

21 Q. Mr. Leeming, when we're talking about the  
22 transmission system, are there various transmission  
23 elements that make up the transmission system?

24 A. Yes.

25 Q. Would those be lines, for example?

1           A.    As one example.  There are many factors that  
2 go into the transmission system.

3           Q.    What are a few of the other major transmission  
4 components?

5           A.    Transformers, wave traps, circuit breakers.

6           Q.    When it comes to transmission elements,  
7 Mr. Leeming, what is your understanding of what a rating  
8 is?  Could you tell us what that means?

9           A.    What is a rating?

10          Q.    Yes.

11          A.    The rating of an element -- Typically we talk  
12 in terms of a facility.  The rating of a facility is the  
13 limiting element that restricts or limits the amount of  
14 flow that can occur on that element or that facility.

15          Q.    Limits the flow of power?

16          A.    We would operate and plan to those limits, and  
17 those limits are calculated.

18          Q.    What factors affect a transmission element  
19 rating?  And, if it helps, you can talk about a  
20 transmission line, to put it in context, in terms of  
21 factors that affect a transmission line rating.

22          A.    So some things that go into the -- what  
23 determines a rating --

24          Q.    Yes.

25          A.    -- would be things like assumptions that --

1 along the lines of -- for a line -- wind speed,  
2 conductor type, are some things that would go into a  
3 rating.

4 Q. I'm sorry. What was the first one?

5 A. Wind speed.

6 Q. How does wind speed affect the rating?

7 A. That affects the ambient or the temperature of  
8 the conductor. There are many factors. And we're  
9 required, per NERC standards, to have a ratings  
10 methodology; and we follow that ratings methodology.  
11 And the details of ratings and the assumptions that we  
12 use are in accordance with utility practice and are  
13 acceptable.

14 Q. I'm sorry. You mentioned wind speed and  
15 conductor -- what about the --

16 A. Type.

17 Q. Conductor type?

18 A. Sure.

19 Q. Are there other factors?

20 A. Yes.

21 Q. Could you just name a couple others?

22 A. The construction, the weight of the conductor,  
23 are a couple others.

24 Q. Okay.

25 A. When you talk about transformers, it's

1 heating.

2 Q. Okay. You mentioned NERC. Is that the North  
3 American Electric Reliability Corporation?

4 A. That's correct.

5 Q. Is that under the oversight of the Federal  
6 Energy Regulatory Commission?

7 A. That's correct.

8 Q. So ComEd is subject to following NERC  
9 standards?

10 A. That's correct.

11 Q. Is there a -- like, a regional arm, so to  
12 speak, of NERC to which ComEd is accountable; and would  
13 that be the RFC?

14 A. Yeah. I believe they call themselves RF now.

15 Q. What does that stand for?

16 A. Reliability First.

17 Q. Okay. Coming back to this project, the  
18 shorthand reference being the GPG Project, and that is  
19 being proposed as a 345,000 volt project; is that  
20 correct?

21 A. That's correct.

22 Q. When we talk about 345,000 volts, what does  
23 that mean?

24 A. That is the voltages that the line will be  
25 operated at.

1 Q. What is the relationship of that description  
2 to the rating of the line? What is the relationship  
3 between those two?

4 A. Between voltage and rating?

5 Q. Yes.

6 A. Well, certain -- It depends on what piece of  
7 equipment you're talking about.

8 Q. Well, for the line.

9 A. For the line. I'm sorry. So certain  
10 conductors are used at various voltage levels, and so we  
11 would choose a conductor that is appropriate for use at  
12 345,000 volts. And that's how it would play into that.

13 Q. You'd have a conductor that has a rating that  
14 is sufficient to allow it to be utilized for 345,000  
15 volts?

16 A. That's correct.

17 Q. Would you say it's -- In doing an assessment  
18 or an analysis of your transmission system -- ComEd's  
19 transmission system, would that assessment include the  
20 ratings of the various transmission elements in its  
21 system?

22 A. The ratings are one of many elements.

23 Q. Right. But it is one element?

24 A. That's correct.

25 Q. Okay. Or parameter; would that be fair to

1 say?

2 A. It's a calculated value that goes into the  
3 analysis.

4 Q. Okay. And ComEd calculates that value based  
5 on, among other things, NERC standards?

6 A. That's correct. We calculate based on our  
7 rating methodology, which is required under NERC  
8 standards. We have a methodology and we follow it.

9 Q. Thank you. Now, is the project that ComEd's  
10 proposing in this case -- is it -- the need for it  
11 affected, at least in part, by the ratings of the  
12 various transmission elements in ComEd's system? Is  
13 that a true --

14 A. I'm sorry. I don't follow. So could you  
15 repeat the question maybe in a different way?

16 Q. Yeah. The need for this project, as found by  
17 PJM, the factors that went into that -- I'm not asking  
18 you to name all of them, just -- I'm trying to  
19 understand is -- Are ratings of the transmission  
20 elements that we just discussed -- that you just  
21 discussed, are those a -- are those relevant or a factor  
22 in PJM's determination that this project is needed?

23 A. So those facilities -- All facilities have a  
24 rating, and they are used in the models by PJM that were  
25 used to determine the need for this projects.

1 Q. Those ratings of the various transmission  
2 elements went into the PJM models?

3 A. That's correct. The calculated ratings on all  
4 ComEd facilities consistent with our ratings methodology  
5 are in those models.

6 Q. Okay. If we had two transmission lines that  
7 were similar and one was rated higher than the other,  
8 would the higher rated one be able to carry more power  
9 flows, all other things being equal?

10 A. In a network transmission system, it's the  
11 physical properties of not only the lines and  
12 surrounding networks; so without being able to do power  
13 flows in my head, I'm not able to speculate on that.

14 Q. I understand. It's a complex system. It's --

15 A. Correct.

16 Q. -- interconnected. It's a network and many  
17 factors go into determining power flows, but I'm -- What  
18 I meant to ask was, by all other things being equal --  
19 that is, sort of solving for all those other factors and  
20 trying to compare two different lines with different  
21 ratings, what can we conclude about the capacity of  
22 those two for power flow?

23 A. Assuming everything's the same -- physical  
24 properties, everything's the same, then the ratings  
25 would ultimately be the same.

1 Q. That wasn't my question.

2 A. Okay. I'm sorry. I misunderstood.

3 Q. The lines are the same except one is rated  
4 higher than the other, say, a different conductor, for  
5 example.

6 A. So, again, a different conductor would mean  
7 that you'd have different parameters; so the physical  
8 flows would be dictated by those physical properties.

9 Q. So the higher-rated line would be able to  
10 carry more power flow, again, putting all other factors  
11 aside?

12 A. If one of those circuits was at a higher  
13 rating, supposedly it could carry more amperage and more  
14 flow.

15 Q. More flow. Okay. And power flow is relevant  
16 to the feasibility or infeasibility of auction revenue  
17 rights; would that be fair?

18 A. That's a pretty vague question. I don't know  
19 that I could answer that.

20 Q. I may have skipped a couple steps in the --  
21 You're the expert. You explain, if you can, how  
22 different power flows that you testified ratings can  
23 affect -- not the only determinant but can affect power  
24 flows -- how those different power flows fit into PJM's  
25 model that determines whether we've got an infeasibility

1 situation?

2 MR. BERNET: I'm going to object. This witness's  
3 testimony doesn't cover PJM's model. There's another  
4 witness that did the modeling and can respond to how  
5 power flows relate to models.

6 ADMINISTRATIVE LAW JUDGE HILLIARD: Which witness  
7 is that?

8 MR. BERNET: Mr. McGlynn. He's a PJM planning  
9 expert.

10 MR. SHAY: Response?

11 ADMINISTRATIVE LAW JUDGE HILLIARD: Yeah, go ahead.

12 MR. SHAY: I realize, Your Honor, that Mr. McGlynn  
13 is the PJM representative here; but I think Mr. Leeming  
14 has been portrayed as an expert in transmission and  
15 works with PJM, I believe, maybe serves on the TEAC  
16 committee if that's ...

17 ADMINISTRATIVE LAW JUDGE HILLIARD: Do you know the  
18 answer, Mr. Leeming?

19 BY THE WITNESS:

20 A. (Inaudible.)

21 MS. REPORTER: I'm sorry. I can't hear you.

22 BY THE WITNESS:

23 A. ComEd does not run the types of studies that  
24 PJM ran that resulted in the need for these studies. I  
25 don't have detailed knowledge of what does or what does

1 not go into the -- these types of studies. I am an  
2 expert in reliability and the ComEd system, that is  
3 correct; but with regard to these specific studies, I  
4 would have to defer to Mr. McGlynn.

5 MR. SHAY: I'll withdraw the question, Your Honor.

6 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

7 MR. SHAY: Thank you.

8 BY MR. SHAY:

9 Q. We talked about the NERC or  
10 NERC (pronunciation) and RFC, Mr. Leeming. What role  
11 does the FERC play with respect to ComEd's transmission  
12 system and its reliability?

13 A. What role does FERC play into ComEd's  
14 reliability?

15 Q. For example, does ComEd have to file an annual  
16 report with the FERC with respect to, among other  
17 things, reliability of its transmission system?

18 A. Yes, we do.

19 Q. Is there other oversight that the FERC  
20 performs that you know of?

21 A. Certainly as NERC reports to -- There's a lot  
22 of NERC standards, and we are closely tied within that  
23 regard; and there's penalties associated with not  
24 meeting standards, for example, that would be  
25 determined by NERC as reported to FERC.

1 Q. Does the FERC rely mainly on the -- on NERC  
2 under the Federal Power Act to perform most of those  
3 duties?

4 A. I believe so, yes.

5 Q. If you know, if you can say, does an RTO -- a  
6 regional transmission organization such as PJM, do they  
7 perform any review of a utility's bulk transmission  
8 ratings?

9 A. They are certainly allowed to. Under the  
10 standards that are required, anybody -- not anybody but  
11 peers and others can review and challenge methodologies  
12 and, therefore, ratings.

13 Q. Can you tell me when the last time that the  
14 NERC revised a reliability rating on a ComEd  
15 transmission system element?

16 A. The last time they relied on a ...

17 Q. The last time they revised a rating that ComEd  
18 had placed on a transmission system element on the  
19 system.

20 A. Just to be clear, so the last name that NERC  
21 revised one of the ratings on a transmission system?

22 Q. Yes.

23 A. I am not aware of that happening for ComEd, at  
24 least in recent memory.

25 Q. What about PJM, same question, when's the last

1 time PJM revised a reliability rating on ComEd's  
2 transmission system?

3 A. We've had discussions on ratings, obviously,  
4 quite often. I don't know a detailed scenario when  
5 they've changed a rating, but certainly there's been  
6 discussions of ratings.

7 Q. Okay. Mr. Leeming, do you have in front of  
8 you ComEd's Data Request Responses to Data Requests 1.01  
9 to 1.15 propounded by URMC?

10 MR. BERNET: He doesn't have them, Bill. Do you  
11 have copies?

12 MR. SHAY: Yes.

13 (Discussion off the record.)

14 MR. BERNET: I'm sorry. Bill, which one are you  
15 going to ask him about?

16 MR. SHAY: 1.07.

17 Your Honors, you don't have one in front of  
18 you?

19 ADMINISTRATIVE LAW JUDGE HILLIARD: No.

20 MR. SHAY: Rick, could you spare one of those?

21 (Document tendered.)

22 ADMINISTRATIVE LAW JUDGE HILLIARD: Thanks.

23 BY MR. SHAY:

24 Q. Mr. Leeming, do you see the response to  
25 Request 1.07?

1           A.    I do.

2           MR. SHAY:  If I may read the request into the  
3 record, Your Honor.

4                    The request was, "Has ComEd within the past  
5 five years assessed each and every one of its bulk  
6 transmission circuits for its maximum capacity which is  
7 also safe, reliable, and compliant with all regulatory  
8 and applicable industry requirements as well as  
9 consistent with ComEd transmission engineers'  
10 professional opinion of safe transfer capacity and  
11 capabilities?  If the answer is anything other than  
12 unqualified yes, please, explain the basis for your  
13 answer in detail."

14 BY MR. SHAY:

15           Q.    I wanted to ask you what was meant, if you  
16 know, by the last sentence in the response, Mr. Leeming;  
17 and if I can read it.  "In this case, however, ComEd has  
18 conducted such a review as part of NERC line-clearance  
19 activities."

20           MR. BERNET:  Your Honor, I'm going to object.  As  
21 set forth in the response, ComEd objected to this  
22 request.  It's far afield from the issues in this case  
23 and is not reasonably calculated to lead to discovery of  
24 relevant and admissible evidence, and I think we ought  
25 to read the whole answer into the record.  It says, "In

1 general, the assessment of each and every bulk  
2 transmission circuit -- this is the subject to the  
3 objection -- for its maximum capacity without regard to  
4 whether it is a limiting element in any relevant respect  
5 is not good utility practice, nor prudent and  
6 reasonable. ComEd reviews its transmission circuits in  
7 accordance with good utility practice, all applicable  
8 standards and procedures and prudent and reasonable  
9 management decision-making. In this case, however,  
10 ComEd has conducted such a review as part of NERC  
11 line-clearance activities."

12 ADMINISTRATIVE LAW JUDGE HILLIARD: Well, if he  
13 knows the answer, he can answer.

14 MR. BERNET: Could you read it back, please, the  
15 question?

16 ADMINISTRATIVE LAW JUDGE HILLIARD: The question  
17 is, what does that last line in the answer mean. "ComEd  
18 has conducted such a review as part of NERC  
19 line-clearance activities," what does that mean?

20 BY THE WITNESS:

21 A. So there was a NERC alert that came out -- I  
22 don't know exactly when -- but a year or two ago  
23 ensuring that the utilities practices of rating their  
24 facilities was consistent with the actual build of their  
25 facilities. So ComEd, as well as other transmission

1 owners, did a full review of our as-builts against our  
2 ratings methodology documents to make sure they were  
3 consistent.

4 Q. What does -- What does it mean to say  
5 line-clearance activities? When you say line-clearance,  
6 I mean, I think of clearance of a line -- physical  
7 clearance from the ground or vegetation or something.  
8 Is it -- Do you mean something else here?

9 A. No. That's part of -- part of the review.

10 Q. Okay. When you say ComEd has conducted such a  
11 review, could you -- again, I'm sorry, could you --

12 A. Just to be clear, the review was that our  
13 ratings methodology was being adhered to in the  
14 as-builts as these lines were built.

15 Q. The ratings methodology -- Again, I'm sorry,  
16 I'm just not quite understanding your answer. Could you  
17 state --

18 A. Basically confirming that the ratings on our  
19 equipment match what we said that they were in our  
20 ratings methodology documents and what the lines are  
21 operated and planned to, so it's a confirmation of the  
22 ratings methodology.

23 Q. Okay. ComEd did that itself -- performed that  
24 analysis itself?

25 A. I believe we did the calculations mostly

1 ourselves. I know that there was some contract help in  
2 terms of flying the lines when that was required, but  
3 ComEd owns the ratings of the lines and does the  
4 calculations.

5 Q. But then ComEd reported those ratings back to  
6 NERC?

7 A. If there were issues and mitigation plans were  
8 developed, under the NERC guidance we were allowed to  
9 categorize our lines as high, medium, or low, if there  
10 were issues or points of interest, and go after those in  
11 a sequential manner.

12 MR. SHAY: I have no further questions, Your Honor.

13 Thank you, Mr. Leeming.

14 ADMINISTRATIVE LAW JUDGE HILLIARD: Is there any  
15 other questioning of this witness by staff or anybody  
16 else?

17 MS. ERICSON: Not from Staff.

18 ADMINISTRATIVE LAW JUDGE HILLIARD: Is there any  
19 redirect?

20 MR. BERNET: No redirect.

21 ADMINISTRATIVE LAW JUDGE HILLIARD: Thank you, sir.

22 MR. RIPPIE: Commonwealth Edison's next witness  
23 will be Mr. Paul McGlynn. Joining me at counsel table  
24 will be Mr. Eckenrod who is counsel for PJM. He does  
25 not have an appearance and will not be entering an

1 appearance, but he is an attorney for the PJM regional  
2 transmission organization that Mr. McGlynn is employed  
3 by.

4 ADMINISTRATIVE LAW JUDGE HILLIARD: And his purpose  
5 in joining your counsel table is what?

6 MR. RIPPIE: To assist me potentially in  
7 formulating redirect or in otherwise understanding  
8 technical terminology --

9 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

10 MR. RIPPIE: -- that the witness may employ.

11 ADMINISTRATIVE LAW JUDGE HILLIARD: All right.

12 MR. SHAY: You're assuming a lot, Counsel.

13 MR. RIPPIE: I tried to play an engineer on TV,  
14 but ...

15 ADMINISTRATIVE LAW JUDGE HILLIARD: Let the record  
16 show the witness was -- has previously been sworn.

17 Proceed, Counsel.

18 (Witness previously sworn.)

19 WHEREUPON:

20 PAUL McGLYNN,  
21 called as a witness herein, having been first duly  
22 sworn, was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. RIPPIE:

25 Q. Good morning, Mr. McGlynn. Would you, please,

1 state and spell your full legal name for the record.

2 A. Good morning. My name is Paul, P A U L, F.  
3 McGlynn, M C, capital G, L Y N N.

4 Q. Mr. McGlynn, do you have before you a document  
5 which has been marked ComEd Exhibit 3.0 together with  
6 exhibits thereto numbered 3.01 through 3.06?

7 A. Yes, I do.

8 Q. Mr. McGlynn, is Exhibit 3.01, together with  
9 the exhibits attached thereto -- was that prepared by  
10 you or under your direction and control for submission  
11 to the Illinois Commerce Commission in this docket?

12 A. Yes, it was.

13 Q. And is it your intention that Exhibit 3.0 and  
14 the attachments thereto stand as your direct testimony  
15 before the Commission in this docket?

16 A. Yes.

17 Q. Do you have any additions or corrections that  
18 you wish to make to those documents?

19 A. No.

20 Q. If I were to ask you the same questions as  
21 appear on Exhibit 3.0 today and its attachments, would  
22 you give the same answers?

23 A. Yes.

24 MR. RIPPIE: For the record, Your Honor,  
25 Exhibit 3.0 -- or Your Honors -- was filed with e-Docket

1 on the 2nd of December 2013. It bears e-Docket Receipt  
2 No. 156943.

3 BY MR. RIPPIE:

4 Q. Mr. McGlynn, I ask if you have before you a  
5 documents that has been marked Commonwealth Edison  
6 Company Exhibit 14.0, together with attachments thereto  
7 numbered 14.01 and 14.02?

8 A. Yes.

9 Q. And were those documents prepared by you or  
10 under your direction and control for submission to the  
11 Illinois Commerce Commission in this proceeding?

12 A. Yes, they were.

13 Q. Is it your intention that Exhibit 14.0 and the  
14 attachments thereto stand as your rebuttal testimony  
15 before the Commission in this proceeding?

16 A. Yes.

17 Q. If I were to ask you the same questions as  
18 appear on Exhibits 14.0 and 01 and 02, would you give me  
19 the same answers today?

20 A. Yes.

21 Q. Do you have any additions or corrections that  
22 you need to make to any of those three documents?

23 A. No.

24 MR. RIPPIE: For the record, Your Honor, those  
25 documents were submitted to the e-Docket system on the

1 14th of March 2014 and they bear e-Docket Receipt  
2 No. 160595.

3 BY MR. RIPPIE:

4 Q. Finally, Mr. McGlynn, I ask if you have before  
5 you a document marked ComEd Exhibit 24 Corrected?

6 A. Yes.

7 Q. Was that document prepared by you or under  
8 your direction and control for submission to the  
9 Commission in this proceeding?

10 A. Yes.

11 Q. Is it your intention that Exhibit 24.0  
12 Corrected stand as your surrebuttal testimony before the  
13 Commission?

14 A. Yes.

15 Q. Do you have any additions or corrections that  
16 you wish to make to that document?

17 A. No.

18 Q. If I were to ask you the same questions as  
19 appear on Exhibit 24.0 today, would you give me the same  
20 answers?

21 A. Yes.

22 MR. RIPPIE: Your Honor, for the record,  
23 Exhibit 24.0 Corrected was submitted on e-Docket on  
24 April the 10th, 2014. It bears Receipt No. 161701.  
25 Your Honor, Commonwealth Edison would offer into

1 evidence ComEd Exhibits 3.0 through 3.06, 14.0 through  
2 14.02, and 24.0 Corrected.

3 ADMINISTRATIVE LAW JUDGE HILLIARD: Any objections?  
4 Hearing no objections, the exhibits will be admitted in  
5 the record -- exhibits and attachments will be admitted  
6 in the record.

7 (ComEd Exhibit Nos. 3.0 through  
8 3.06, 14.0 through 14.02, and  
9 24.0 Corrected admitted into  
10 evidence.)

11 MR. RIPPIE: Your Honors, the witness is available  
12 for cross-examination.

13 ADMINISTRATIVE LAW JUDGE HILLIARD: How many  
14 cross-examiners do we have here? All right. Please,  
15 begin, Counsel.

16 CROSS-EXAMINATION

17 BY MR. SHAY:

18 Q. Good morning, Mr. McGlynn.

19 A. Morning.

20 Q. You were here weren't you for the testimony of  
21 Mr. Leeming?

22 A. Yes.

23 Q. So you heard the questions and answers?

24 A. I did, yes.

25 Q. I'd like to refer to your direct testimony,

1 Exhibit 3.10, which is labeled Scenario 1. Do you have  
2 that in front of you?

3 A. Yes, I do.

4 Q. Okay. I just want to make sure I understand  
5 how this works. I know this is greatly simplified; but  
6 for nonengineers like me, it's still not as simple as  
7 I'd like it. Now, is it true that the issue and the  
8 reason for this Scenario 1 and that it's in your  
9 testimony is because of the existence of congestion on  
10 the transmission line between Point A and Point B?

11 A. Is your -- Your question is, is that why this  
12 is in my testimony?

13 Q. Yeah. Is this relevant because of congestion  
14 on that line between those two points?

15 A. Yeah. The intent of the exhibit was to  
16 demonstrate or show a scenario where the power system's  
17 capable of satisfying requirements that we have for ARR  
18 sufficiency.

19 Q. Okay. Let me ask it a different way. If the  
20 transmission line and other elements between Point A and  
21 Point B had no congestion and could fully carry all the  
22 power flows that the market and the system demanded,  
23 would there be any issue here -- would there be any  
24 infeasibility of Stage 1A ARRs or any other problems?

25 A. If the transmission system was not limited in

1 any way, there would be no difference in what's referred  
2 to on these drawings as the LMP, the cost of power, at  
3 each of the different locations. It would be uniform  
4 across the system.

5 ADMINISTRATIVE LAW JUDGE HILLIARD: Can you tell us  
6 what LMP means?

7 THE WITNESS: I'm sorry. It stands for Locational  
8 Marginal Price.

9 BY MR. SHAY:

10 Q. So on this Exhibit 3.01, we show at Point A  
11 \$10 per megawatt hour. That's the LMP price at Node A;  
12 is that correct?

13 A. That's correct.

14 Q. And at Node B it's \$30 per megawatt hour?

15 A. Yes.

16 Q. And there's a difference?

17 A. That's correct.

18 Q. And why is that -- Why does that difference  
19 exist?

20 A. The difference exists there because the system  
21 in the example needed to be -- in order to prevent too  
22 much power from flowing across a line, generation had to  
23 be dispatched in what we all out-of-merit order. We  
24 needed to bring on generation that was more expensive  
25 than the next incremental unit to prevent the system

1 from being put into an unreliable -- to prevent the  
2 system from being operated unreliably.

3 Q. Okay. Is it true that a customer such as  
4 ComEd -- ComEd's a customer in this case, correct?

5 A. Yes.

6 Q. And other load-serving entities?

7 A. Yes.

8 Q. Would a customer prefer to -- if it's buying  
9 power in the market at these LMP nodes, prefer to  
10 purchase all its power at the \$10-per-megawatt-hour  
11 price at Node A compared to Node B?

12 A. Well, the customers pay the price at the bus  
13 where the customer is interconnected. So they pay at  
14 the point where they withdraw all their power from  
15 basically. Presumably the customers would prefer to pay  
16 less for their power.

17 Q. So if customers taking power delivery at  
18 Node B but has contracted to buy the power from  
19 Generator 1, just walk us through that real quick, how  
20 that works, what the customer has to pay for power that  
21 comes from Generator 1 but it's buying at -- is taking  
22 delivery at Node B. How does it -- How is it determined  
23 what the customer pays and how do the financial  
24 transmission rights affect that?

25 A. So the customers at Node B pay for the -- they

1 pay the locational marginal price at Node B times the  
2 amount of power that they withdraw at Node B. So in the  
3 case -- In this particular example, there's  
4 150 megawatts of load at Point B that is withdrawn from  
5 the bus at Point B at a cost of \$30 per megawatt. So  
6 the customers at Point B basically pay 150 times 30 or  
7 \$4500 for the power that they withdraw at Point B.

8 Q. Okay. But if that customer doesn't want to  
9 pay \$4500 and it's buying -- they contracted to buy  
10 power from Generator 1, what happens?

11 A. So there's a -- Within PJM there is a --  
12 load-serving entities have the ability to hedge against  
13 the cost of congestion with FTRs, financial transmission  
14 rights. Part of the -- And those -- In order to serve  
15 the load -- all of the load at Point B, there's --  
16 obviously there's a combination of generators that  
17 supply that load, some of which comes from Generator  
18 No. 1, in this example, as well as some that comes from  
19 Generator 2 in this example. In this example where this  
20 transmission system is robust enough to provide and  
21 allow for the transaction to be fully hedged, the  
22 customer through the value of their FTRs actually ends  
23 up getting a credit, so to speak, for the overall cost  
24 of the power that they consume.

25 Q. Okay. And that credit here -- is that the

1 issue here that gave rise to this project, the fact that  
2 that credit can't be fully funded because of  
3 infeasibility of the Stage 1A ARRs?

4 A. The issue is that the transmission system is  
5 not capable of providing for fully hedging those  
6 financial instruments that we use.

7 Q. Okay. And that's because there's not enough  
8 transmission capacity?

9 A. That's -- Yes. The transmission system is  
10 limited and -- Well, in this example, actually, in  
11 Scenario 1, the transmission system is not limited and  
12 it was capable of providing all of the auction revenue  
13 rights.

14 Q. Okay. Again, if you'll bear with me, I'm  
15 trying to state this in a correct manner. Do the ARRs  
16 or auction revenue rights increase if the capacity of  
17 the existing transmission is increased?

18 A. In general, all other things being considered  
19 equal, if you increase the capacity of the transmission  
20 system, the amount of auction revenue rights that would  
21 be available would increase as well.

22 Q. Okay. Thank you. I think you refer to the  
23 need to add transmission capacity on ComEd's system to  
24 resolve the infeasibility issue. You refer to that in  
25 several places in your testimony. For example, in your

1 direct testimony, Exhibit 3.0, page 14, line 276 where  
2 you state, "Similarly, as the system is expanded and new  
3 transmission is added, ARRs are increased"; is that  
4 correct?

5 A. Yes.

6 Q. And if you could turn in the same exhibit over  
7 to page 19, the question at line 363, if I may read it,  
8 "How can infeasibility like the one you have depicted be  
9 remedied?" The first sentence of your answer,  
10 "Infeasibilities are remedied by expanding the  
11 capability of the system." Is that your testimony?

12 A. Yes.

13 Q. How -- What -- In what other ways can  
14 infeasibilities be eliminated besides adding new  
15 transmission lines? And if I need to explain that  
16 further or restate it, I'd be happy to.

17 MR. RIPPIE: Just for the sake of clarity, are you  
18 asking about infeasibilities generally, infeasibilities  
19 as identified in that exhibit -- exemplar exhibit that  
20 you talked about earlier, or the Stage 1A  
21 infeasibilities involved in GPG?

22 MR. SHAY: I'm asking about infeasibilities of  
23 Stage 1A ARRs generally.

24 MR. RIPPIE: Okay. Thank you.

25 BY MR. SHAY:

1           Q.    Again, if I may try to clarify, you testified  
2    in several places that expanding the capacity of the  
3    system is one way, adding transmission lines.  What  
4    other ways -- What other factors could arise that could  
5    resolve or, at least, help alleviate the infeasibility  
6    generally?

7           A.    So I think the, you know, two examples -- The  
8    example and testimony that I provided was adding an  
9    additional transmission line.  And the reason why that  
10   works is because that helps to reduce the flow on other  
11   parallel paths.  So that's one way to do it.  Another  
12   way to do it would be to somehow increase the capability  
13   of whatever the limiting facility is.

14          Q.    Would another way -- And this would not  
15   necessarily be something within PJM's (inaudible), but  
16   would another way would be for the utility to  
17   experience -- either through active encouragement or  
18   otherwise -- to experience declines in load -- customer  
19   load, therefore, reducing the load on the transmission  
20   system?

21          A.    Would -- I'm sorry.

22          Q.    I'm sorry.  Let me restate that.  If customer  
23   load dropped either on its own from a recession or from  
24   a utility's active demand-side management program or  
25   other factors -- If customer load from the host utility

1 dropped, would that have an effect on ARRs and the  
2 infeasibility of them, generally?

3 A. It could if it were to -- you know, if -- It  
4 wouldn't necessarily increase the capability of the  
5 transmission system in any way --

6 Q. Correct.

7 A. -- but it could potentially reduce the need  
8 for reenforcing the system.

9 Q. What about as another factor if the ratings of  
10 the lines in that region were increased in some fashion?

11 MR. RIPPIE: Your Honor, just to be clear -- and  
12 Mr. Shay -- we're still in the realm of general  
13 principles?

14 MR. SHAY: Correct.

15 MR. RIPPIE: Thank you.

16 BY THE WITNESS:

17 A. When you say "increasing the ratings in" --  
18 Could you repeat the question, please?

19 Q. Increasing the ratings of various transmission  
20 elements such as a transmission line, could that have an  
21 effect on the transmission system such that it could  
22 help alleviate the auction revenue rights and  
23 feasibility?

24 A. Not -- Only if it were to -- Only if you were  
25 changing the rating associated with the limiting

1 facility. So changing the rating of some other facility  
2 that's not -- that's not currently limiting the system  
3 and preventing the ARRs -- changing that rating would  
4 have no impact whatsoever.

5 Q. Right. I understand. But, generally  
6 speaking, a rating of a line that's relevant in that  
7 it's one of the limiting transmission elements that --  
8 changing that rating could have an effect?

9 A. If it were a limiting element.

10 Q. Mr. McGlynn, referring to page 28 of your  
11 direct testimony, the question at line 517, if I may  
12 read that, "What if the Grand Prairie Gateway Project is  
13 not approved by the Commission?" The first sentence of  
14 your answer states, "The construction of a new  
15 transmission project is the only way to solve the  
16 current ARR infeasibility problem." Is that your  
17 testimony?

18 A. Yes.

19 Q. In this sentence and other parts of your  
20 testimony you talk about the need for the project and  
21 the duty of PJM to order ComEd to build the project to  
22 resolve the infeasibility problem. Does the cost of the  
23 project -- that is that PJM orders -- Does the cost of  
24 that project figure into PJM's determination of how to  
25 resolve the infeasibility problem?

1           A.     So under PJM's operating agreement and tariff,  
2 we are required to address and to fix the problem. As  
3 part of our overall evaluation of, you know, potential  
4 alternatives and whatnot to the project that ultimately  
5 gets selected to resolve the problem, cost is a  
6 consideration in those deliberations.

7           Q.     Okay. Would the outcome of this PJM RTEP that  
8 resulted in this project being ordered and proposed here  
9 before this Commission -- would that have been affected  
10 or would there have been a different outcome if the  
11 project had cost much more than the 277 million or  
12 whatever number it is today that the projected cost is?  
13 For example, what if it had been 400 million; would that  
14 have caused a different result in PJM's analysis?

15          A.     I suppose it could have. You know, PJM, as  
16 part of the evaluation of -- we evaluated a number of  
17 different projects to address the ARR insufficiency  
18 issue; and we did that with collaboration with a number  
19 of our -- all of our stakeholders in an open and  
20 transparent process. We evaluated, again, a number of  
21 different alternatives to address the -- address the ARR  
22 insufficiencies. The Grand Prairie Gateway Project was  
23 found to be the only project -- the only alternative  
24 that addressed all of the ARR insufficiencies and did  
25 not also create other additional reliability problems.

1           Q.    Where in your testimony -- either your direct,  
2    rebuttal, or surrebuttal does -- cost of the project  
3    consideration as a factor, where does that appear or  
4    where is it discussed?

5           A.    Where is the overall cost of the project  
6    discussed in my testimony?

7           Q.    Yes, and how that cost might figure into PJM's  
8    determination that this project is needed?

9           A.    Well, again, I think I just explained how the  
10   cost might figure into it anyhow. We evaluated a number  
11   of different alternatives. We first evaluated the  
12   alternatives, you know, to -- the extent to which they  
13   addressed the issue, the ARR insufficiencies. In  
14   addition, we also evaluated all of the different  
15   alternatives to make sure that the system that would --  
16   the system that would result from putting the  
17   alternative in service to make sure that it would be  
18   fully compliant with all of our reliability criteria.  
19   So obviously any costs associated with alternatives that  
20   needed to be enhanced in some way to -- you know, to  
21   ensure that they were also compliant with all of our  
22   reliability criteria, that would need to be factored  
23   into the overall decision for the project.

24          Q.    Thank you. I asked, sir, if -- where in your  
25   testimony you speak to that issue -- in your prepared

1 testimony. Can you cite a page and line number?

2 A. I would have to look at ...

3 Q. Do you remember? Is it in your prepared  
4 testimony anywhere?

5 MR. RIPPIE: Can he have an opportunity to answer  
6 the first question before you --

7 ADMINISTRATIVE LAW JUDGE HILLIARD: Yeah. Give him  
8 a minute to look over his testimony.

9 BY THE WITNESS:

10 A. In my testimony beginning at -- on page 25  
11 with the Q and A --

12 Q. On direct?

13 A. -- starting on --

14 Q. I'm sorry. Of your direct?

15 A. Yes, on the direct testimony. Beginning on  
16 line 467 there's a series of Q and As about the  
17 alternatives and the -- and PJM's overall determination  
18 that the Grand Prairie Gateway Project was the best  
19 alternative for the -- to address the problem.

20 Q. I'm looking for the word "cost." Do you see  
21 that anywhere?

22 A. The cost is -- doesn't appear to be referenced  
23 in the direct testimony. Cost was certainly a  
24 consideration, and the cost of the different  
25 alternatives that we were -- that we evaluated were

1 certainly reviewed at the -- reviewed with all of our  
2 stakeholders at the TEAC, which stands for Transmission  
3 Expansion Advisory Committee. The TEAC is a group that,  
4 as we're developing the RTEP -- the Regional  
5 Transmission Expansion Plan -- each year, we have a  
6 series of meetings with stakeholders where we fully vet  
7 the alternatives that are being considered. And I'm  
8 sure through -- at -- in those discussions, you know,  
9 cost was certainly included in those discussions. And  
10 there's, I'm sure, TEAC slides that are in the public  
11 domain that would show the costs of different  
12 alternatives.

13 Q. You mentioned the TEAC. I note that your  
14 Exhibit 3.06 is a TEAC report, correct?

15 A. Yeah. Exhibit 3.06 is a report that we  
16 provide to the TEAC, basically, with -- summarizing the  
17 recommendations that were made to the PJM Board and the  
18 Board's overall determination.

19 Q. If I could direct you to page 4 of that  
20 report, the last paragraph?

21 A. Yes.

22 Q. It looks like you state there that cost is a  
23 factor that was considered, correct?

24 A. Yes.

25 Q. That second sentence of that paragraph, would

1 you mind reading that?

2 A. So the overall -- Well, the sentence itself  
3 says that, "The cost of the Byron to Wayne Project was  
4 estimated to be \$109.6 million.

5 Q. Thank you. And is the Byron to Wayne Project  
6 the previous name of the Grand Prairie Gateway Project?  
7 In other words, are they the same project?

8 A. Are they the same project?

9 Q. Just a different name?

10 A. Byron -- They're the same project. It's a new  
11 line between the two -- between the two substations.  
12 The cost estimate that is -- that's referenced in that  
13 paragraph in the sentence that I just read was for a --  
14 was the cost estimate that we had developed for a  
15 single-circuit 345 kV line as compared to the -- The  
16 proposed project, obviously, is intended to be built  
17 with -- using double-circuit towers and triple-circuit  
18 towers in some of the locations.

19 Q. Thank you. Mr. McGlynn, I think in your  
20 testimony -- and maybe in more than one place -- you  
21 refer to constraints on the ComEd system that  
22 necessitated this project. Those constraints are  
23 somewhat, if not largely, preventing or constraining  
24 power flows from the west to the east; is that correct?

25 A. Typically, yes.

1 Q. So in considering those power flows and the  
2 constraints, the generation in the region that uses  
3 this -- might use this part of the system would be  
4 considered; is that correct -- consider the generation  
5 that is in place?

6 A. Would what consider the generation in place?

7 Q. In other words, the -- Let me back up.

8 As part of the PJM analysis and modeling,  
9 obviously looking at transmission -- the transmission  
10 system, does the -- that study and modeling also include  
11 or reflect the generation sources in the region?

12 A. Yes.

13 Q. For example, you mention, I believe,  
14 retirements of certain fossil fuel -- fossil-fired  
15 generating plants to the east that had an effect on  
16 these constraints increasing power flows from the west  
17 to the east; isn't that correct?

18 A. Are you suggesting that was part of my  
19 testimony --

20 Q. Well, it --

21 A. -- or are you asking --

22 Q. No. Do you know, is that true?

23 A. Could you repeat the question?

24 MR. SHAY: Could I have it read back?

25 ADMINISTRATIVE LAW JUDGE HILLIARD: Go ahead and

1 read it back.

2 (Record read as requested.)

3 BY THE WITNESS:

4 A. I don't know that I actually testified to that  
5 effect, but the -- the suggestion that generation  
6 deactivating in different locations could impact the  
7 flows on the transmission systems certainly, yes.

8 Q. So the power flows that PJM has modeled and  
9 will continue to model will be affected by generation  
10 sources that might utilize this part of the transmission  
11 system; is that fair to say?

12 A. The flow in the transmission system is  
13 impacted by generators, yes.

14 Q. So if other generators in the region are added  
15 or others might retire prematurely for one reason or  
16 another, that could affect those power flows in PJM's  
17 modeling and analyses?

18 MR. RIPPIE: If I can have the same point of  
19 clarification that I've had in the past, we're still  
20 talking generally?

21 MR. SHAY: Generally, yes.

22 MR. RIPPIE: Thank you.

23 BY THE WITNESS:

24 A. So, in general, again, generation does impact  
25 the flows that -- on the overall transmission system and

1 to the extent -- generation changes could impact the  
2 flows on different transmission elements --

3 Q. So --

4 A. -- higher or lower actually. I'm sorry.

5 Q. Right. So does that mean necessarily that in  
6 its modeling PJM must be somewhat predictive in that it  
7 must have a view of the future as far as generation --  
8 generation -- existing generation being retired or new  
9 generation being developed; would that be correct?

10 A. In general, in the analyses that we do, we do  
11 make assumptions about generation including existing  
12 generation as well as, you know, generation that's  
13 expected to interconnect with the system.

14 Q. Thank you. Sorry. Bear with me just a  
15 moment.

16 (Brief pause.)

17 BY MR. SHAY:

18 Q. Mr. McGlynn, in the PJM studies and models  
19 that led to the decision that this project was needed,  
20 what kind of review of the ComEd transmission system  
21 elements did PJM undertake?

22 A. What kind of review did we make of the models  
23 that were used? So, in general, each year as part of  
24 the overall development of the RTEP, the Regional  
25 Transmission Expansion Plan, we developed models that we

1 use in subsequent analyses. There are, you know, any  
2 number of checks and balances that are made on the  
3 models with respect to, you know, their connectivity.  
4 The contingencies that we run are checked. There are  
5 checks made of the overall topology, you know, making  
6 sure that the right substations are connected to each  
7 other appropriately. There are some checks of  
8 impedances and things like that. So there's any number  
9 of checks that are done on models typically in any plan  
10 and study.

11 Q. Okay. Did PJM change any of the ratings that  
12 ComEd reported to it on any of its transmission elements  
13 as part of its modeling that led to this project?

14 MR. RIPPIE: I have two objection. First, it  
15 assumes that ComEd made any ratings reports specifically  
16 as part of the modeling that related to this project as  
17 opposed to the reports that it makes always and for  
18 general purposes. Secondly, it's -- No. Maybe I just  
19 have that one objection. And if you care to clarify --

20 ADMINISTRATIVE LAW JUDGE HILLIARD: Why don't you  
21 lay a foundation for your question.

22 BY MR. SHAY:

23 Q. Okay. You said you were here for the  
24 testimony of Mr. Leeming, and there was some questions  
25 about ratings and power flow. That's the foundation I'm

1 trying to utilize for this, and I'll slightly restate  
2 the question.

3 In the course of its study, analysis, and  
4 modeling that led to the need for this project, did PJM  
5 require ComEd to change any of the ratings of any of its  
6 transmission system elements?

7 A. Well, we wouldn't require anyone to change the  
8 rating. Typically what happens when we do a study -- a  
9 power flow study, we run the analysis; and if we were to  
10 identify a potential issue -- a potential limiting  
11 element or whatever, that, again, generally gets  
12 reviewed with stakeholders. And, you know, part of that  
13 process is a validation that the -- that, you know, the  
14 appropriate rating is being used for the facility, that  
15 the rating is correct and that, in fact, we're using the  
16 appropriate rating overall in the study. I'm not aware  
17 of any changes to any ratings, you know, specifically  
18 related to this project.

19 Q. I'm trying to understand how -- the extent to  
20 which PJM gets involved actively in transmission element  
21 ratings rather than relying on, say, NERC to perform  
22 that function knowing that that's part of its job?

23 A. The extent to which PJM gets involved in it?

24 MR. RIPPIE: The witness has discussed that subject  
25 repeatedly, Your Honors. I guess I have no objection

1 with him answering it again, but he just finished  
2 explaining how PJM reviewed them.

3 ADMINISTRATIVE LAW JUDGE HILLIARD: I don't think  
4 he referenced NERC in his answer.

5 MR. SHAY: Do you need the question read back?

6 THE WITNESS: Please, sir.

7 MR. SHAY: Could I ask for the question to be read  
8 back?

9 ADMINISTRATIVE LAW JUDGE HILLIARD: Please, read  
10 the question back.

11 (Record read as requested.)

12 BY THE WITNESS:

13 A. "Part of its job" meaning NERC's job?

14 Q. Yes.

15 A. So my understanding of the NERC standards --  
16 and I believe Mr. Leeming actually referenced a  
17 standard -- is that the transmission owners are  
18 responsible for developing the ratings for different  
19 facilities. So it's my understanding that the  
20 transmission owners are actually responsible for  
21 developing the ratings on facilities.

22 MR. SHAY: Thank you, Mr. McGlynn. I have no  
23 further questions.

24 ADMINISTRATIVE LAW JUDGE HILLIARD: Does anybody  
25 else have any questions?

1                   I've got a couple questions. I'm not sure  
2 you're the right witness, but what percentage -- PJM has  
3 customers in a much larger area than the ComEd  
4 transmission area, correct?

5           THE WITNESS: Yes, that's correct.

6           ADMINISTRATIVE LAW JUDGE HILLIARD: And this  
7 project benefits PJM customers outside of the ComEd area  
8 as well as ComEd customers?

9           THE WITNESS: That's correct.

10          ADMINISTRATIVE LAW JUDGE HILLIARD: Has there been  
11 a determination as to the -- like, a ratio of benefit  
12 between the PJM customers and the ComEd customers?

13          THE WITNESS: There's -- Yes, indirectly through  
14 the cost allocation. So the way we allocate the costs  
15 associated with the project are roughly commensurate  
16 with the people who benefit from the project.

17          ADMINISTRATIVE LAW JUDGE HILLIARD: And in this  
18 case, something above 90 percent of the costs are  
19 assigned to ComEd customers?

20          THE WITNESS: That's correct.

21          ADMINISTRATIVE LAW JUDGE HILLIARD: And in the  
22 future if there were more transmission lines added to  
23 this corridor where you want to put this one in, would  
24 the -- would those transmission lines benefit customers  
25 other than ComEd customers in the same ratio?

1           THE WITNESS: Not necessarily by the same ratio.  
2   So if there were -- If we were to build a new  
3   facility -- The cost allocation rules that are in place  
4   right now depends on the type of -- the reason why the  
5   project is being built. So if it was -- If the project  
6   was being built for -- to address some reliability  
7   issue, then the cost would be allocated to the  
8   transmission -- to the customers within the transmission  
9   zone -- zones that are using the new element -- the new  
10   transmission line, if you will. If the project were  
11   related to or needed for -- to address some market  
12   efficiently issue, it would be a similar calculation.  
13   It would be based, though, on the transmission zones  
14   that were -- saw decreased overall load payments as a  
15   result of installing and putting a new project in.

16           ADMINISTRATIVE LAW JUDGE HILLIARD: And if the --  
17   If this was, say, a million volt project instead of a  
18   345 volt project or some other --

19           THE WITNESS: Higher voltage.

20           ADMINISTRATIVE LAW JUDGE HILLIARD: -- level of  
21   voltage, would the allocation -- cost allocation be  
22   different.

23           THE WITNESS: There are -- Yes. Based on -- There  
24   are different cost-allocation procedures based on the  
25   voltage of the facility.

1 ADMINISTRATIVE LAW JUDGE HILLIARD: So if the -- If  
2 the project scope were to meet one of these other  
3 levels, would the allocation to ComEd customers be less,  
4 perhaps?

5 THE WITNESS: Potentially, yes. I should say it --  
6 potentially it would -- It could potentially involve  
7 other customers as well. There's a portion of our -- in  
8 our cost-allocation rules that if a voltage is -- if the  
9 facility is a double-circuit 345 kV or above for a  
10 reliability project, say, for example, part of the  
11 project costs would be socialized across the RTO; and  
12 then there would be a portion that would be allocated  
13 based on the transmission zones that benefit from the  
14 project.

15 ADMINISTRATIVE LAW JUDGE HILLIARD: So that if you  
16 were putting three lines -- three 345 kV lines instead  
17 of one, you know, all at one time, the allocation might  
18 be socialized instead of primarily limited to ComEd  
19 customers? I mean, you've got -- You're putting in this  
20 line and eventually, from your testimony, there might be  
21 several lines.

22 THE WITNESS: Right.

23 ADMINISTRATIVE LAW JUDGE HILLIARD: So my question  
24 is, if you did that all at once -- in one fell swoop,  
25 would the cost allocation to the ComEd customers likely

1 be less?

2 THE WITNESS: There could be a portion of the  
3 project that could be socialized, yes.

4 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. And the  
5 financial transmission rights on this project would be  
6 allocated to ComEd exclusively or do you know? On this  
7 project, who's going to be entitled to Financial  
8 Transmission Rights?

9 THE WITNESS: The ARR's would be, as I understand  
10 it, entitled to the various different load-serving  
11 entities of which ComEd is a load-serving entity.

12 ADMINISTRATIVE LAW JUDGE HILLIARD: So they're  
13 allocated to the generators, not the ...

14 THE WITNESS: No, to the loads.

15 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. And does  
16 the revenue -- What happens to the revenue generated by  
17 the rights in terms of ComEd's finances?

18 THE WITNESS: The loads can use the revenue to  
19 offset the cost of congestion. So if there's congestion  
20 on an element, as in the example that we were talking  
21 about earlier, there's -- the load -- and, if you  
22 recall, Substation B had to pay more for their power  
23 because of congestion. So the reason why we have these  
24 ARR's are so that loads can hedge those costs and  
25 basically get a credit, so to speak, for the -- to

1     compensate them for the additional congestion costs.

2             ADMINISTRATIVE LAW JUDGE HILLIARD:    So if they get  
3     a credit, who gets a debit?   Who pays for the hedging?  
4     Who's on the other side of the hedge?

5             THE WITNESS:    If they get a -- So the way that --  
6     The overall flow of money -- The way the overall flow of  
7     money would work is, the load-serving entities pay for  
8     the -- the load-serving entities pay for the cost of the  
9     power at the bus that they withdraw the power from.   The  
10    generators get paid for the cost -- The generators get  
11    paid for the amount of power that they inject at each of  
12    the buses that are -- that they're connected to.   With a  
13    system that is fully funded and has sufficient ARRs, if  
14    there's congestion on the system, there's often -- there  
15    will be a difference between those -- what the  
16    load-serving entities pay and the money that goes  
17    back -- that needs to get paid out to the generators.  
18    That money that's left over is then credited -- I use  
19    the word "credited" -- back to the load-serving entities  
20    to reduce the overall cost that they paid for the power.

21            ADMINISTRATIVE LAW JUDGE HILLIARD:    So, in essence,  
22    it reduces the amount that the generating entities  
23    receive from the transaction?

24            THE WITNESS:    No.   It reduces the amount that  
25    the -- that the load ultimately pays for the power.   The

1 generators are going to get paid for the power that they  
2 inject at their substation based on whatever the LMP  
3 is -- locational marginal price at that point. But if  
4 there's congestion on the system, the loads -- if  
5 there's -- In the example that we were talking about  
6 earlier, the load at Substation B, for example, needed  
7 to pay more for their power that they withdrew at  
8 Substation B because of congestion. However, with a  
9 fully funded system, they get some of those dollars back  
10 from these ARR credits -- FTR credits.

11 ADMINISTRATIVE LAW JUDGE HILLIARD: Where does the  
12 money they get back come from?

13 THE WITNESS: Where does it -- So it's originally  
14 money that they would need to pay into the system.

15 ADMINISTRATIVE LAW JUDGE HILLIARD: So it's a  
16 discount, essentially?

17 THE WITNESS: Yes. I think you could think of it  
18 as a discount, yes.

19 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. I don't  
20 have any more questions. Is there -- Does anybody else  
21 have something they want to say? Is there any redirect?

22 MR. RIPPIE: There will be, Your Honor. I don't  
23 think I need any time. I can proceed.

24 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

25

1 REDIRECT EXAMINATION

2 BY MR. RIPPIE:

3 Q. Mr. McGlynn, Judge Hilliard asked you a  
4 question that I just want to be clear on the answer to  
5 regarding socialization of costs of certain  
6 high-voltage/high-capacity projects. I believe you  
7 indicated that that socialization would apply  
8 potentially in the event that the lines were driven  
9 by reliability needs; is that correct?

10 A. Reliability and/or market efficiently, yes.

11 Q. Okay. Now, the need for the GPG Project, is  
12 that based on specific ARR infeasibilities or just a  
13 general lack of funding of ARRs throughout the system?

14 A. It's based on specific ARR insufficiencies.

15 Q. Are those infeasibilities in existence now or  
16 are they only a function of projected future load  
17 growth?

18 A. No. They exist now.

19 Q. Would any generic increase in capacity on the  
20 ComEd system address those ARR insufficiencies?

21 MR. SHAY: I'm going to object. I don't understand  
22 that question. I think it's vague, generic increase in  
23 capacity.

24 BY MR. RIPPIE:

25 Q. I'll rephrase it.

1                   In order to determine whether the ARR  
2   insufficiencies addressed by the GPG Project are  
3   addressed, do you need to know what specific capacity  
4   additions any alternative would make?

5           A.    Yes, you do.  The AR -- The only upgrades that  
6   would be affective would be, you know, upgrades to the  
7   specific limiting elements.

8           Q.    Was there any re-conductoring or re-rating  
9   option identified that addresses the need for the GPG  
10   Project during any stage of the RTEP process?

11          A.    It was certainly initially considered; but  
12   given the number of constraints and the number of  
13   facilities involved, it was dismissed as an alternative.

14          Q.    Is there any evidence in this case that causes  
15   you to doubt your opinion or that of PJM's report that  
16   the identified ARR insufficiencies can only be reliably  
17   remedied through the GPG Project?

18          A.    No.

19          Q.    Is there any evidence in this case that causes  
20   you to doubt any of the relevant system constraints  
21   identified through the PJM system planning process?

22          A.    No.

23          Q.    Is there any information in this case that  
24   causes you to call into question any of the line ratings  
25   provided by Commonwealth Edison?

1 A. No.

2 Q. Are participants in the PJM RTEP process  
3 permitted to contest or to provide alternative ratings  
4 for system elements involved in the planning process?

5 A. Yes, certainly.

6 Q. Is PJM bound to accept a rating simply because  
7 it's been provided by a transmission owner?

8 A. Not necessarily, no.

9 Q. And what circumstances would you, for example,  
10 doubt it? Would one of those be if there was contrary  
11 evidence provide to PJM?

12 A. Certainly.

13 Q. Was there any such contrary evidence provided  
14 to PJM here?

15 A. No.

16 Q. Is there any -- Let me give you a little  
17 preface. Mr. Shay asked you a question about the PJM  
18 analysis of the cost of a single-circuit line. Was  
19 there any alternative -- Is there any alternative to the  
20 GPG Project that has a cost value between the stated  
21 109 million and the current estimate of the cost of the  
22 GPG Project as proposed?

23 A. Was there -- Is there a -- I'm sorry. Could  
24 you repeat the question, please?

25 Q. Sure. Did somebody come up with some other

1 way to solve the problem that's going to be cheaper than  
2 the PJM -- I'm sorry -- than the GPG Project as  
3 proposed?

4 MR. SHAY: Your Honor, I'm going to object. I  
5 don't think this witness, based on his testimony and his  
6 answers to my questions today, has the responsibility or  
7 knowledge to be able to answer that.

8 ADMINISTRATIVE LAW JUDGE HILLIARD: Is your  
9 objection that it's outside the scope of direct?

10 MR. SHAY: Yes.

11 ADMINISTRATIVE LAW JUDGE HILLIARD: Or that it's  
12 not part of his testimony altogether?

13 MR. SHAY: Well, it's outside the scope of his  
14 prepared testimony and the direct cross-examination.

15 MR. RIPPIE: Well, Mr. Shay, you asked him  
16 specifically about PJM's consideration of the cost and  
17 the cost estimate that was stated in that RTEP report.  
18 You specifically referred to the RTEP report and had him  
19 read into the record the sentence that talked about the  
20 cost estimate.

21 MR. SHAY: Yes, and it was one very minor reference  
22 to cost that he doesn't explain anywhere in his  
23 testimony. It's just the one little obscure reference  
24 in the report. And I don't believe this witness --  
25 based on his testimony, I don't think it's within in his

1 responsibility to take into account the cost of this  
2 project.

3 MR. RIPPIE: Well, that wasn't his testimony;  
4 but ...

5 ADMINISTRATIVE LAW JUDGE HILLIARD: Overruled.  
6 Answer the question, but let's not pursue this.

7 THE WITNESS: Answer the question?

8 ADMINISTRATIVE LAW JUDGE HILLIARD: Yes.

9 BY THE WITNESS:

10 A. Okay. So, I mean, PJM evaluated a number of  
11 different alternatives to the Grand Prairie Gateway  
12 Project. The Grand Prairie Gateway Project was the only  
13 one that we found to -- that addressed all of the ARR  
14 insufficiency issues and did not create and cause other  
15 additional reliability projects, which obviously would  
16 have cost additional dollars to fix.

17 Q. Did you mean to say problems instead of  
18 projects?

19 A. Additional reliability problems.

20 Q. Yeah.

21 A. Yes, that's what I should have said.

22 Q. Sorry. Finally, Mr. Shay asked you some  
23 questions about plant retirement. Does PJM have a  
24 process in place for notification to the RTO of  
25 projected retirements of plants?

1 A. We do, yes.

2 Q. And is that process part of the PJM tariffs  
3 accepted by FERC?

4 A. Yes, it is. Generators are required to give  
5 us advance notice of their intent to deactivate.

6 Q. Has any generator given you advanced notice of  
7 intent to deactivate that would affect your conclusions  
8 with respect to the GPG Project?

9 A. No.

10 MR. RIPPIE: Thank you. That's all I have.

11 ADMINISTRATIVE LAW JUDGE HILLIARD: Recross?

12 MR. SHAY: Yes, I think, just one question  
13 depending on the answer.

14 RECCROSS-EXAMINATION

15 BY MR. SHAY:

16 Q. Mr. McGlynn, let's say within the last  
17 five years in your role at PJM, describe the instances  
18 where PJM did not accept the transmission rating on any  
19 transmission element provided by a transmission owner  
20 within PJM?

21 A. When you say we did not accept it -- Again,  
22 we've -- As part of the normal process that we go  
23 through as we plan a system, we do our analyses on the  
24 model; and if we identify a potential problem, one of  
25 the checks that are done is, you know, we check to make

1 sure that the rating is the accurate and appropriate  
2 rating. There have certainly been instances, you know,  
3 where the rating of the facility has been found later to  
4 not necessarily be the appropriate rating that was  
5 addressed in the case and we moved on.

6 Q. Okay. And I asked you within the last  
7 five years, describe those instances -- any of them  
8 where PJM did not accept the transmission rating  
9 provided by the transmission owner. Can you do that?

10 A. I guess I'm getting hung up on your term  
11 "accept."

12 Q. Well, your counsel asked you on redirect  
13 whether PJM was bound to accept the transmission rating  
14 provided by the transmission owner; and you answered no.  
15 So I'm just asking, in the last five years tell me when  
16 PJM has not accepted a transmission rating provided by  
17 the transmission owner on any transmission element in  
18 its system.

19 A. So there have been instances where a rating  
20 was found to be incorrect, for whatever reason, that was  
21 changed; and the accurate or appropriate rating was put  
22 in place and the analysis moved on.

23 ADMINISTRATIVE LAW JUDGE HILLIARD: I think he  
24 wants specificity. Can you recall any specific instance  
25 where that occurred?

1 BY THE WITNESS:

2 A. There have been instances -- There have been  
3 instances -- The context for -- You know, there have  
4 been certainly studies that we've done, interconnection  
5 studies and merchant transmission studies that have been  
6 done where, you know, ratings were found to be, you  
7 know, not -- inaccurate for various reasons that were,  
8 you know, subsequently corrected. It's not ...

9 ADMINISTRATIVE LAW JUDGE HILLIARD: You don't have  
10 any names though? You don't have any dates? It's just  
11 your general recollection that these things occurred?

12 THE WITNESS: That's correct.

13 MR. SHAY: That's all I have. Thank you.

14 ADMINISTRATIVE LAW JUDGE HILLIARD: Re-redirect?

15 MR. RIPPIE: No, Your Honor.

16 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. Is there  
17 anybody else? No questions.

18 Thank you, sir. You're done.

19 THE WITNESS: Thank you.

20 ADMINISTRATIVE LAW JUDGE HILLIARD: What's your  
21 pleasure? Do you want to break for lunch or do you want  
22 to keep going? This witness took about an hour. The  
23 last one took about ...

24 MR. RIPPIE: The last one was a little shorter than  
25 projected, but this was -- Paul was on time.

1 ADMINISTRATIVE LAW JUDGE HILLIARD: Yeah, so  
2 maybe -- You have an hour and a half left. What do you  
3 want to do?

4 MR. BERNET: What's your preference?

5 ADMINISTRATIVE LAW JUDGE HILLIARD: I don't care.

6 MR. BERNET: The witness is here.

7 ADMINISTRATIVE LAW JUDGE HILLIARD: Do you want to  
8 just go?

9 MR. BERNET: Yeah.

10 ADMINISTRATIVE LAW JUDGE HILLIARD: We'll do at  
11 least one more, and then we'll talk about it again.

12 (Brief pause.)

13 ADMINISTRATIVE LAW JUDGE HILLIARD: Mr. Kaup, is  
14 that correct?

15 THE WITNESS: Correct.

16 ADMINISTRATIVE LAW JUDGE HILLIARD: Would you raise  
17 your right hand to be sworn.

18 (Witness sworn.)

19 ADMINISTRATIVE LAW JUDGE HILLIARD: All right.

20 MS. SCARSELLA: Your Honor, for the record, my name  
21 is Carla Scarsella. I'm appearing on behalf of  
22 Commonwealth Edison Company. I'm with Rooney Rippie &  
23 Ratnaswamy, LLP, 350 West Hubbard, Suite 600, Chicago,  
24 Illinois, 60654. ComEd's next -- ComEd now calls  
25 Neil F. Kaup.

1 WHEREUPON:

2 NEIL F. KAUP,  
3 called as a witness herein, having been first duly  
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. SCARSELLA:

7 Q. Mr. Kaup, can you state your name for the  
8 record and spell your last name.

9 A. Neil F. Kaup, last name is spelled K A U P.

10 Q. And who are you employed by and what's your  
11 business address?

12 A. I'm employed by Commonwealth Edison. I'm at  
13 Two Lincoln Centre in Oakbrook Terrace, Illinois.

14 Q. What's your position at Commonwealth Edison  
15 Company?

16 A. I'm a senior transmission engineer.

17 Q. Did you prepare written testimony for -- to be  
18 presented in this proceeding?

19 A. Yes, I did.

20 Q. Do you have before you a document that's  
21 marked for identification purposes as ComEd Exhibit 6.0  
22 with Attachments 6.01 through 6.06 and is entitled the  
23 Direct Testimony of Neil F. Kaup?

24 A. I do.

25 Q. Was that testimony and attachments prepared by

1 you or under your direction and control?

2 A. Yes, it was.

3 Q. Do you have any additions or corrections to  
4 your testimony?

5 A. No, I do not.

6 Q. Is the information true and correct to the  
7 best of your knowledge?

8 A. It is.

9 Q. If I were to ask you the same questions as set  
10 forth in your direct testimony today, would your answers  
11 be the same?

12 A. They would.

13 Q. Also before you, do you have a document that's  
14 been marked for identification purposes as ComEd  
15 Exhibit 16.0 and entitled -- with Attachment 16.01 and  
16 entitled the Rebuttal Testimony of Neil F. Kaup?

17 A. I do.

18 Q. Was this document prepared by you or under  
19 your direction and control?

20 A. It was.

21 Q. Do you have any additions or corrections to  
22 your rebuttal testimony?

23 A. No, I do not.

24 Q. Is the information true and correct to the  
25 best of your knowledge?

1 A. Yes.

2 Q. If I were to ask you the same questions as set  
3 forth in your rebuttal testimony today, would your  
4 answers be the same?

5 A. They would be the same.

6 Q. And, finally, Mr. Kaup, before you, you have a  
7 document marked for identification purposes as ComEd  
8 Exhibit 27.0 and entitled the Surrebuttal Testimony of  
9 Neil F Kaup. Was this document prepared by your or  
10 under your direction and control?

11 A. Yes, it was.

12 Q. Do you have any additions or corrections to  
13 your surrebuttal testimony?

14 A. No, I do not.

15 Q. Is the information true and correct to the  
16 best of your knowledge?

17 A. Yes, it is.

18 Q. If I were to ask you the same questions today  
19 as set forth in your surrebuttal testimony, would your  
20 answers be the same?

21 A. They would be, yes.

22 MS. SCARSELLA: Your Honor, I would move for  
23 admission into the record ComEd Exhibit 6.0 with  
24 Attachments, 6.01 through 6.06, ComEd Exhibit 16.0 --

25 ADMINISTRATIVE LAW JUDGE JORGENSON: Can you give

1 me the dates those were filed as well?

2 MS. SCARSELLA: Oh, yes, Your Honor. ComEd  
3 Exhibit 6.01 with Attachment 6.01 through 6.06 was filed  
4 on e-Docket on December 2nd, 2013. ComEd Exhibit 16.0  
5 with attachment 16.01 was filed on e-Docket on  
6 March 14th, 2014. And, finally, the surrebuttal  
7 testimony was -- ComEd Exhibit 27.0 was filed on  
8 e-Docket on April 9th, 2014.

9 ADMINISTRATIVE LAW JUDGE JORGENSON: Thank you.

10 MS. SCARSELLA: And I'd like to move those exhibits  
11 into the record.

12 ADMINISTRATIVE LAW JUDGE HILLIARD: Objections?  
13 Hearing no objection, the exhibits and attachments will  
14 be admitted in the record.

15 (ComEd Exhibit Nos. 6.0, 6.01  
16 through 6.06, 16.0, 16.01, and 27.0  
17 admitted into evidence.)

18 MS. SCARSELLA: Mr. Kaup is available for  
19 cross-examination.

20 ADMINISTRATIVE LAW JUDGE HILLIARD: How many  
21 cross-examiners do we have?

22 MR. PHILLIPS: I believe two, Your Honor.

23 ADMINISTRATIVE LAW JUDGE HILLIARD: Identify  
24 yourself, Counsel.

25 MR. PHILLIPS: Your Honors, this is Jonathan

1 Phillips with Shay Kepple Phillips. As I said earlier,  
2 I represent a whole slew of people; so I'll save  
3 everyone's time on that.

4 CROSS-EXAMINATION

5 BY MR. PHILLIPS:

6 Q. Good -- I guess it's still morning, Mr. Kaup.

7 A. Good morning.

8 Q. I just want to start off by saying, when I say  
9 the Grand Prairie Gateway Project, you'll understand  
10 that I mean the project that's part of these  
11 proceedings, correct?

12 A. Yes.

13 Q. And with your testimony, when I use the term  
14 "eastern portion of the project," if you recall in your  
15 Exhibit 6.04, I'll be referring to basically Points P12  
16 through P14, I believe in your -- in that exhibit,  
17 essentially what's east of Plato Center. I just want to  
18 make sure we don't get mixed up on that later.

19 And just now when you were being introduced,  
20 you said that you were the senior ComEd transmission  
21 engineer; is that correct?

22 A. I'm a senior transmission engineer.

23 Q. Okay. In your testimony you state -- in your  
24 direct testimony, line 78, that you're the senior  
25 overhead transmission engineer; is that correct?

1 A. Yes, that's correct.

2 Q. Okay. And in your testimony you discuss -- In  
3 your rebuttal testimony -- sorry -- which is  
4 Exhibit 16.0, you discuss the constructability of  
5 several intervenors' proposed adjustments; is that  
6 correct?

7 A. Yes.

8 Q. Those include Dauphinais Adjustment 1, the  
9 Dauphinais Adjustment 2, and the Kenyon/Deutsch  
10 Alternative? I'm sorry. The Kenyon/Deutsch Alternative  
11 is in your surrebuttal testimony; is this correct?

12 A. Yes, that is correct. You have it correct  
13 now.

14 Q. Thank you. Have you reviewed ComEd  
15 Exhibit 26.01, which appears to be a map of several  
16 proposed adjustments in the area of the Kane  
17 County/DeKalb County line? I have a copy here if it  
18 speeds things up for you.

19 MS. SCARSELLA: If you have a copy available --

20 MR. PHILLIPS: Would Your Honors like copies as  
21 well?

22 ADMINISTRATIVE LAW JUDGE HILLIARD: Please.

23 MS. SCARSELLA: And, Your Honors, just to be  
24 clear -- the record to be clear, this was an attachment  
25 to Donell Murphy's surrebuttal testimony?

1           MR. PHILLIPS: I believe so, yes. I'm just asking  
2 if he's had a chance to review that before. I guess  
3 they question's pretty quick if he has not.

4 BY THE WITNESS:

5           A. I have seen this before.

6           Q. Okay. Thank you. I'd like to point out  
7 the -- or direct you to what is a yellow-and-black  
8 dashed line that is labeled the Deutsch Group Proposed  
9 Adjustment. Do you see that?

10          A. Yes, I do.

11          Q. You did not discuss the constructability of  
12 this particular adjustment in your testimony; is that  
13 correct?

14          A. No, I did not.

15          Q. Do you know if this particular adjustment --  
16 setting aside issues of land acquisitions and siting --  
17 is constructible?

18          A. I reviewed it. I did not see anything  
19 physical there that would preclude it from being  
20 constructed.

21          Q. Okay. Thank you very much. Going back to  
22 your direct testimony, you call for the use of  
23 triple-circuit steel poles in the construction of this  
24 project, at least for portions of it, correct?

25          A. That's correct.

1 Q. As of right now, is it your understanding that  
2 those poles are only going to support a single  
3 345-kilovolt circuit?

4 A. Initially when we built the GPG Project, there  
5 would only be one circuit on those poles.

6 Q. And this proceeding is solely about that  
7 single initial circuit, no other circuits, correct?

8 A. Yeah. The GPG Project, the one line that that  
9 involves, that's all this proceeding is about.

10 Q. And the only purpose that you state in your  
11 testimony for the use of triple-circuit steel poles is  
12 for future expansion of transmission capacity; is that  
13 correct?

14 A. Yes. I discussed that, and it's also in the  
15 testimony of Tom Leeming.

16 Q. Thank you. To be fully utilized, these poles  
17 would need two additional circuits, correct?

18 A. Correct.

19 Q. And in your testimony you say that you cannot  
20 install another two, 345-kilovolt circuits. It would  
21 have to be a 345 kilovolts and a 138 kilovolt?

22 A. Yes. That's what these structures would be  
23 designed for.

24 Q. Okay. And triple-circuit poles require a  
25 minimum right-of-way of 120 feet between points, in your

1 testimony -- or your 6.04 of between P4 and P18? I  
2 direct you -- sorry, sir -- to your direct testimony,  
3 line 246.

4 A. Okay. So you're talking on the primary route?

5 Q. Yes, sir.

6 A. Yeah. P4 and P18 is 120 feet. They would be  
7 triple-circuit poles.

8 Q. Isn't it true, then, that if no additional  
9 circuits are installed in the future, ComEd will have  
10 sought a wider right-of-way than it actually needed?

11 A. It would be slightly wider. For a  
12 single-circuit, I believe you would probably need  
13 110 feet instead of 120.

14 Q. Thank you. Isn't it true also that if no  
15 additional circuits are installed in the future, ComEd  
16 will have put in significantly taller structures than  
17 are necessary?

18 A. Yes, that is true.

19 Q. Isn't it true that if no additional circuits  
20 are installed in the future, ComEd will have spent  
21 approximately 71 million more dollars on this project  
22 than it needed to?

23 A. Where is that reference?

24 Q. I'd refer you to your rebuttal testimony,  
25 line 66?

1 A. I believe that's correct, but --

2 Q. By all means, please, check it.

3 A. Yeah, 71 million additional to install the  
4 multi-circuit structures on the whole line.

5 Q. Thank you. I'd refer you back to your  
6 Exhibit 6.04, which has all your various points. And  
7 the page that Point P4 is present -- And, I'm sorry, I  
8 don't believe they're numbered; so I don't have a quick  
9 way to get there.

10 A. Yes, this is my Exhibit 6.04.

11 Q. Yes.

12 A. Okay. And I see P4.

13 Q. Okay. I just want to confirm that ComEd has  
14 property rights around Point P4 that span from the  
15 railroad right-of-way to the north clear to the  
16 alternative route to the south. Am I interpreting this  
17 map correctly?

18 A. That's correct.

19 Q. Okay. Thank you. I'd direct you back to your  
20 direct testimony, lines 82 to 84. Isn't it true that  
21 one of the reasons that ComEd did not provide an  
22 alternative route for the eastern portion of the project  
23 is because ComEd does not have existing property rights?

24 A. I'm sorry. Could you repeat --

25 MS. SCARSELLA: I'm going to object that question

1 as to routing. It's outside the scope of his testimony.

2 ADMINISTRATIVE LAW JUDGE HILLIARD: Why don't you  
3 repeat the question.

4 BY MR. PHILLIPS:

5 Q. Isn't it true that one of the reasons that  
6 ComEd did not provide an alternative routing for the  
7 eastern portion of the project is because ComEd does not  
8 have existing property rights?

9 ADMINISTRATIVE LAW JUDGE HILLIARD: Overruled.

10 BY THE WITNESS:

11 A. That may have been one of the reasons, but I  
12 think the major reason is it's -- it would be very  
13 difficult to route a line in a different right-of-way  
14 and not impact more people than we would be impacting in  
15 this line.

16 Q. Thank you. In your estimated cost of  
17 construction that you provided in your direct testimony,  
18 you didn't consider the cost of any right-of-way  
19 acquisition; is that correct?

20 A. I think if you look at the table, line 274,  
21 there's a footnote at the bottom that would say what we  
22 assumed for real estate costs.

23 Q. Okay. But your testimony on lines 268 to 269,  
24 does it read "Not included in this figure are the  
25 costs" -- for that 266 million, "Not included are the

1 costs associated with acquisition of various  
2 right-of-ways"?

3 A. Correct. That number is for the alternate  
4 route. That does not include real estate or substation  
5 costs.

6 Q. Okay. I'd next refer you to your rebuttal  
7 testimony, which is your exhibit -- or ComEd  
8 Exhibit 16.0. And in that starting at approximately  
9 page 4 of that you discuss the costs of undergrounding  
10 segments of the project; is that correct?

11 A. Yes, on page 4 and 5.

12 Q. ComEd has installed underground transmission  
13 lines in the past, has it not?

14 A. Yes, we have.

15 Q. And, in fact, it's installed underground  
16 transmission lines outside the Central Business District  
17 of Chicago or The Loop?

18 A. Yes. We probably have a few outside.

19 Q. Were you involved -- or sorry. Strike that.

20 Did you provide any testimony in any docket  
21 that involved the installation of underground  
22 transmission lines outside of the Central Business  
23 District?

24 A. I don't believe I have.

25 Q. I'd refer you to your rebuttal testimony,

1 approximately line 82 and 83, the cost of undergrounding  
2 that you provided in your testimony is based on a  
3 preliminary analysis, correct?

4 A. That is correct.

5 Q. And it's not based upon any specific  
6 underground design?

7 A. Could you be more specific?

8 Q. Sorry. In providing the testimony as to cost  
9 of undergrounding the project that you provided in your  
10 testimony, that is not based upon any specific  
11 underground design; is that correct?

12 A. I guess I still don't understand.

13 Q. Okay. Do you have the Response to Data  
14 Request SKP to ComEd 2.01 in front of you?

15 A. SKP ComEd 2.01, yes, I do.

16 Q. And then, I guess, I'd refer you to the first  
17 paragraph towards the end of it -- I guess, the third to  
18 last line. Am I reading it correctly that it says,  
19 "ComEd has not, however, created a specific underground  
20 design"?

21 A. That's correct. We based that on similar  
22 projects we had done in the past.

23 Q. Okay. Thank you. And there's not been an  
24 engineering study performed; is that correct?

25 A. We have not done anything specific. We have

1 not done any detailed engineering.

2 Q. Thank you. Is it fair to say, then, that the  
3 data generated from this preliminary analysis is less  
4 precise than data that would have been generated from  
5 final engineering?

6 A. Yes.

7 Q. Can you give a confidence level as to the  
8 accuracy of your cost estimates from this preliminary  
9 analysis?

10 A. No, I don't believe I can.

11 Q. Is it possible for you to even give a range,  
12 sir -- a range of your confidence level? If not, that's  
13 fine. I'm just curious.

14 A. No, I don't -- I'm not able to.

15 Q. Again, on this preliminary analysis, the  
16 analysis assumed costs for building a complete  
17 345-kilovolt circuit underground including the conduit,  
18 the cables that carry the power, as well as the conduit  
19 and installation for two additional circuits; is that  
20 correct?

21 A. That's correct.

22 Q. And, again, it may be somewhat repetitive; but  
23 I just want to make it clear that those circuits are not  
24 being sought in this case -- those two additional  
25 circuits are not being sought in today's proceedings; is

1 that correct?

2 A. That's correct.

3 Q. And the analysis assumed that ComEd would  
4 use -- This preliminary analysis -- sorry -- would  
5 assume that ComEd would use the exact same routing for  
6 an underground transmission line as what is proposed for  
7 the overhead routing; is that correct?

8 A. That's correct or very close to it, at least.

9 Q. Just a few more. This preliminary analysis,  
10 would you -- is it fair to say that it is a rougher or  
11 less precise in nature than a Phase 1 design engineering  
12 study?

13 A. Yes, I would probably think so.

14 Q. Would you agree that even with Phase 1 design  
15 engineering studies complete on an underground  
16 transmission line project cost estimates may vary from  
17 plus or minus 25 percent?

18 A. Yes. Maybe even more depending on if -- how  
19 much study of the alignment you did before that.

20 MR. PHILLIPS: Okay. Thank you very much. I don't  
21 believe I have any more questions, sir.

22 CROSS-EXAMINATION

23 BY MR. KALB:

24 Q. Good afternoon, Mr. Kaup. My name is Brian  
25 Kalb. I'm an attorney representing William Deutsch,

1 Christine Deutsch, and Patrick Deutsch. They're  
2 commonly referred to as the Deutsch parties. Are you  
3 familiar with their property?

4 A. Yes.

5 Q. You mentioned in your direct testimony that  
6 you were responsible for the design, maintenance,  
7 standards and specifications for various overhead  
8 transmission lines, correct?

9 A. That is correct.

10 Q. You reference that you have extensive  
11 experience as an overhead transmission engineer; is that  
12 correct?

13 A. That is correct.

14 Q. And are you primarily responsible for the  
15 designs of the overhead transmission projects for ComEd?

16 A. Yes, overhead.

17 Q. Is there someone else that's responsible or  
18 primarily responsible for the underground transmission  
19 line construction?

20 A. Yes. We have a separate group that does  
21 underground transmission.

22 Q. Is there a particular individual who's  
23 responsible for that?

24 A. What are you getting at?

25 Q. Well, you're responsible for the overhead

1 transmission line projects, correct?

2 A. Well, I'm one of many overhead transmission  
3 engineers. We have a number of underground transmission  
4 engineers.

5 Q. And when you provided your rebuttal testimony,  
6 did you consult with any of the engineers or experts  
7 regarding the underground facilities?

8 A. Yes, I did.

9 Q. Who did you consult with?

10 A. It would be Frank Frentzas,  
11 F R E N T A S [sic].

12 Q. What is his title at ComEd?

13 A. He's an underground transmission engineer.

14 Q. Do you consider yourself an expert in  
15 underground facilities?

16 A. No, I do not.

17 Q. I noticed that you testified that underground  
18 line facilities are typically located in densely  
19 populated and heavily developed city centers; is that  
20 correct?

21 A. That wording was in my testimony.

22 Q. You mentioned that when it is possible to  
23 install a transmission overhead, this is the least-cost  
24 choice available, correct?

25 A. Correct.

1 Q. Why does ComEd seek to avoid installing  
2 transmission line underground -- Strike that.

3 Why does ComEd opt to install underground  
4 lines in densely populated and heavily developed city  
5 centers?

6 A. Because there's no -- we cannot get property  
7 rights to install an overhead line.

8 Q. Does it also choose to install underground  
9 lines in densely populated and heavily developed city  
10 centers because of safety reasons?

11 A. I think it's mainly because we can't get  
12 property rights that would allow us to safely install an  
13 overhead line.

14 Q. So I take it by your answer that safety  
15 considerations are not a factor in that decision; is  
16 that correct?

17 MS. SCARSELLA: I'm going to object. The witness  
18 said it's for safety reasons.

19 ADMINISTRATIVE LAW JUDGE HILLIARD: I think he  
20 referenced safety as to the above ground.

21 MR. KALB: Right.

22 BY MR. KALB:

23 Q. And what are the safety considerations  
24 regarding the above-ground transmission lines through  
25 heavily developed or densely populated areas?

1           A.    What safety concerns are there?

2           Q.    Yeah.

3           A.    They're the same safety concerns you would  
4 have anywhere with an overhead line.  You just need to  
5 keep enough clearance between the energized conductors  
6 to any facilities or the ground around it.

7           Q.    And what is that clearance that ComEd  
8 considers a safe distance?

9           A.    We use the NESC as our guidance and then any  
10 other items that would be adjacent to or underneath such  
11 as railroad or a highway.

12           ADMINISTRATIVE LAW JUDGE HILLIARD:  What does NESC  
13 mean?

14           THE WITNESS:  Oh, sorry.  National Electrical  
15 Safety Code.

16           BY MR. KALB:

17           Q.    In this instance, you testified earlier that  
18 the right of way for the triple-circuit poles is  
19 approximately 120 feet; is that correct?

20           A.    That's correct.

21           Q.    Is that an NESC standard?

22           A.    It's partly based on the NESC standard.  The  
23 other thing we utilize is, we have certain vegetation  
24 clearances to keep the vegetation away from the  
25 conductors.

1 Q. Do you know if the 120 feet exceeds the NESC  
2 standard for the triple-circuit pole?

3 A. Not right off the top of my head. I know it  
4 meets or exceeds it; so ...

5 Q. And backing up for a moment, you mentioned  
6 that there is an NESC standard in regard to the  
7 proximity of people to the actual line itself or the  
8 energized line?

9 A. Correct.

10 Q. And what is the safety hazard in regard to  
11 individuals coming near the above transmission line or  
12 the overhead transmission line?

13 A. Well, our clearance is typically based on --  
14 the ground clearance is typically based on a vehicle --  
15 a 14-foot vehicle; so -- but you would also would not  
16 want people to be -- to get too close to the line.

17 Q. What's the safety concern about people near  
18 the transmission line?

19 A. That they would get injured by electrical  
20 contact with the line.

21 Q. But if it's above their head, how would that  
22 become a concern?

23 A. Well, it's just -- You need to keep a certain  
24 clearance so that -- to prohibit that from happening.

25 Q. If there's -- Assuming -- In this case, I

1 believe the clearance is approximately 70 feet; is that  
2 right?

3 A. No. That's not -- The minimum clearance is  
4 not 70 feet.

5 Q. What's the clearance for this particular  
6 transmission line that you're seeking approval for  
7 between the ground and the line itself?

8 A. To the energized conductor of the line, I  
9 believe, is 24.6 feet minimum.

10 Q. Is there a risk that someone walking  
11 underneath the transmission line would come into contact  
12 with that energized line?

13 A. Someone walking under the line, there would be  
14 no hazard.

15 Q. Okay. Is there any other safety concerns  
16 about it, with a person becoming near the line other  
17 than actually coming in contact with the line?

18 A. If they didn't do something stupid, there  
19 should be no hazard. If they take an aluminum pole and  
20 stick it up to the wire, they're going to have a  
21 problem.

22 Q. So your testimony is that the hazard would be  
23 someone coming in direct contact with the line itself?

24 A. Correct.

25 ADMINISTRATIVE LAW JUDGE HILLIARD: How about

1 static electricity, is there a minimum distance for  
2 that?

3 THE WITNESS: Static electricity?

4 ADMINISTRATIVE LAW JUDGE HILLIARD: Yeah. I mean,  
5 on some -- It seems to me that I have some recollection  
6 that at times people pass close to some charged surface  
7 and voltage or some manner of electricity will jump  
8 across the space between them.

9 THE WITNESS: I guess you're talking about a fence  
10 that is parallel to the line that may pick up some --

11 ADMINISTRATIVE LAW JUDGE HILLIARD: Something,  
12 yeah.

13 THE WITNESS: Yeah. We would need to look at that  
14 and ground to fence if that would happen. We need to  
15 keep the line up high enough so that a large truck would  
16 not pick up enough charge to be a -- it's not a hazard  
17 but a shock. It may shock somebody and scare them.

18 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

19 BY MR. KALB:

20 Q. Is it your testimony that the 24-foot  
21 clearance would eliminate the static electricity  
22 concerns that you just referenced?

23 A. Yes. That's part of the -- That would be in  
24 the -- The National Electrical Safety Code has a  
25 guidance on how high it should be so that the standard

1 trucks would not have an issue.

2 Q. Moving back to your direct testimony, you're  
3 familiar with the primary route and the alternate route  
4 put forward by Ms. Murphy, correct?

5 A. Yes.

6 Q. And you believe the primary route represents  
7 the best combination of engineering, feasibility, least  
8 cost, and lowest impact on the surroundings areas,  
9 correct?

10 A. I've testified on the lowest cost and best --  
11 but Doni Murphy has testified that it has the least  
12 effect.

13 Q. And you, yourself, believe that the primary  
14 route represents the best options from an engineering  
15 perspective, correct?

16 A. Yes, I do.

17 Q. After ComEd put forth the primary route and  
18 the alternate route, Mr. Dauphinais, in his testimony,  
19 proposed what's been referred to as Adjustment No. 1.  
20 Are you familiar with Adjustment No. 1?

21 A. Yes, I am.

22 Q. You did not provide any opinions regarding  
23 Adjustment No. 1 from a siting perspective, correct?

24 A. No, I did not.

25 Q. And you do not see any issues with Adjustment

1 No. 1 from a constructability standpoint, correct?

2 A. Yes. I believe I testified that I did not see  
3 any constructability issues.

4 Q. Do you have a copy of ComEd Exhibit 26.01?

5 A. Yes, I do.

6 Q. In relation to the primary route that is  
7 running parallel with the railroad right-of-way, are you  
8 familiar with the railroad right-of-way?

9 A. Yes, I am.

10 Q. Okay. Does ComEd also have property rights in  
11 conjunction with that railroad right-of-way?

12 A. I know we do. I don't know particular in this  
13 area if we do.

14 Q. But, nevertheless, the primary route is  
15 running parallel with that railroad right-of-way,  
16 correct?

17 A. In this area here?

18 Q. Yes, just in this area. That's my focus.

19 A. Yes.

20 Q. Okay. Are you aware of any -- Strike that for  
21 a moment.

22 And you are familiar with -- like, you  
23 mentioned Dauphinais -- what's been marked in this  
24 exhibit, SKP Group Proposed Adjustment No. 1. Do you  
25 see that on this exhibit?

1           A.    Yes, I do.

2           Q.    Do you know if as it runs east and west --

3    Just to clarify, I'm going to ...

4           MR. KALB:  Your Honor, may I approach the witness?

5           ADMINISTRATIVE LAW JUDGE HILLIARD:  Yes, you may.

6    BY MR. KALB:

7           Q.    I'm going to call your attention to the length

8    of the line running east-west of Dauphinais Adjustment

9    No. 1 just north of the Deutsch dairy farm.

10          A.    Okay.

11          Q.    Are you familiar with the Deutsch dairy farm?

12          A.    Yes, I am.

13          Q.    Do you know whether the Adjustment No. 1

14    follows any right-of-ways at that point?  I'm talking

15    about Adjustment No. 1.

16          A.    It looks, to me, like it goes across the

17    Deutsch property.

18          Q.    Okay.  Do you know if there's any advantage

19    from a constructability standpoint in placing or

20    constructing the line along an existing right-of-way?

21          MS. SCARSELLA:  Are you asking from a

22    constructability standpoint?

23          MR. KALB:  That's what I said, yes.

24          MS. SCARSELLA:  Oh, I'm sorry.

25    BY THE WITNESS:

1           A.    Can I get the -- repeat the question?

2           Q.    Yeah, I'll repeat it.

3           A.    Okay.

4           Q.    Is there any advantages from a

5 constructability standpoint to placing a -- strike

6 that -- constructing a line along an existing

7 right-of-way?

8           A.    Now, do you mean it's an existing ComEd

9 right-of-way or an existing railroad right-of-way or

10 what?

11          Q.    Let's start with an existing ComEd

12 right-of-way.

13          A.    There may be some advantage.  There may

14 already be access in place that would allow it to be

15 more easily constructed.

16          Q.    And would there be any advantages from a --

17 from the presence of a railroad right-of-way?

18          A.    In a lot of ways it may be harder to construct

19 along a railroad.  The access may be harder.

20          Q.    And referring to the Adjustment No. 1 that I

21 was -- pointed out to you just north of the Deutsch

22 farm, do you -- have you done any analysis on whether or

23 not there's any access points to that area in which the

24 line is proposed?

25          A.    No, we haven't gone to that detail.

1 Q. Are you aware of any health or safety issues  
2 in constructing a transmission line near dairy farms?

3 A. I'm not aware of any.

4 Q. Do you see any advantages in the cost of  
5 operation and maintenance in placing any transmission  
6 line along an existing ComEd right-of-way?

7 A. Could you repeat the question?

8 Q. Yeah. Do you see any advantages from a  
9 cost-of-operation and maintenance standpoint of placing  
10 the transmission line along an existing ComEd  
11 right-of-way?

12 A. Well, if it was along an existing ComEd  
13 right-of-way, there, again, may be some access -- access  
14 may be easier because there may be access there from the  
15 first line.

16 Q. But if I understand from your testimony, you  
17 haven't specifically looked at that particular issue of  
18 cost of maintenance and operation?

19 A. Not in any detail.

20 MR. KALB: I have no further questions of this  
21 witness. Thank you.

22 THE WITNESS: Thank you.

23 ADMINISTRATIVE LAW JUDGE HILLIARD: Any other  
24 questions? Redirect?

25 MS. SCARSELLA: We have no redirect, Your Honor.

1 ADMINISTRATIVE LAW JUDGE HILLIARD: Thank you, sir.

2 Do you want to keep going or do you want  
3 to ...

4 MR. BERNET: Your Honor, I think there's only one  
5 other ComEd witness today. And I know Ms. Meyers is on  
6 the schedule, but I don't think she's here; so ...

7 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

8 MR. BERNET: So we can probably finish.

9 ADMINISTRATIVE LAW JUDGE HILLIARD: Do you want to  
10 finish ComEd and then we can take a lunch and see what  
11 happens?

12 MR. BERNET: (Nodding.)

13 ADMINISTRATIVE LAW JUDGE HILLIARD: All right.

14 (Brief pause.)

15 ADMINISTRATIVE LAW JUDGE HILLIARD: Mr. Targett,  
16 you've been previously sworn; is that right?

17 THE WITNESS: Yes, I have.

18 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. Proceed.

19 MS. SCARSELLA: Your Honor, ComEd's next witness is  
20 Douglas Targett.

21 (Witness previously sworn.)

22 WHEREUPON:

23 DOUGLAS TARGETT,  
24 called as a witness herein, having been first duly  
25 sworn, was examined and testified as follows:

1 DIRECT EXAMINATION

2 BY MS. SCARSELLA:

3 Q. Mr. Targett, can you state your name for the  
4 record and spell your last name.

5 A. Yes. Douglas Targett, T A R G E T T.

6 Q. And who are you employed by and what's your  
7 business address?

8 A. Commonwealth Edison at Three Lincoln Centre,  
9 Oakbrook Terrace, Illinois.

10 Q. And what's your position at ComEd?

11 A. Manager of real estate.

12 Q. Did you prepare a written exhibit to submit in  
13 this proceeding?

14 A. Yes, I did.

15 Q. Before you marked for identification purposes  
16 is ComEd Exhibit 7.0 with Attachments 7.01 and 7.02  
17 that's entitled the Direct Testimony of Douglas Targett.  
18 Was this document prepared by you or under your  
19 direction and control?

20 A. Yes, it was.

21 Q. Do you have any additions or corrections to  
22 this document?

23 A. No, I do not.

24 Q. Is the information in your direct testimony  
25 true and correct to the best of your knowledge?



1 A. Good afternoon.

2 Q. Again, I just want to make sure when I say  
3 Grand Prairie Gateway Project we know we're talking  
4 about what's going on in these proceedings today versus  
5 any future plans; okay?

6 A. Yes.

7 Q. Okay. Hopefully this will be pretty quick.  
8 In your testimony -- I'm sorry. Strike that part.

9 Many portions of the proposed primary right  
10 will require right-of-way acquisitions that are greater  
11 than 120 feet; is that correct?

12 A. I believe so, yes.

13 Q. But even triple-circuit steel poles, as you  
14 understand it, only require a right-of-way of 120 feet;  
15 is that correct?

16 A. I take the direction from the engineers based  
17 on what their design is.

18 Q. Okay. But it's your understanding that that  
19 is 120 feet?

20 A. That was -- Yes. That's what was communicated  
21 from the engineers.

22 Q. You reference ComEd Exhibit 6.04 and 6.05 in  
23 your direct testimony at lines 151 to 152, correct?

24 A. That's correct.

25 Q. Are you familiar with those exhibits, sir?

1 A. Yes, I am.

2 Q. Do you have Exhibit 6.05 in front of you? I  
3 know it's not your testimony.

4 A. No, I do not.

5 Q. That's fine. Just a moment.

6 (Document tendered.)

7 BY MR. PHILLIPS:

8 Q. And just so the record reflects it, does this  
9 appear to be the fifth page of ComEd Exhibit 6.05?

10 A. Yes.

11 Q. And here, does this show that a 160-foot-wide  
12 right-of-way will be necessary for the Grand Prairie  
13 Gateway Project between reference Points P5 to P6, P9 to  
14 P10, and P12 to P14?

15 A. I believe so.

16 Q. Do you have any understanding of why on one  
17 side of the transmission superstructure there is only a  
18 57-foot space and on the other side there is a  
19 135-foot-wide right-of-way? If you do not, that's fine;  
20 but if you do have any understanding --

21 A. I do not.

22 Q. Okay. I'd next refer you back to your direct  
23 testimony about line 185, sir. And isn't it true that  
24 when ComEd negotiates with landowners for right-of-way,  
25 the landowner may not actually have a copy of any

1 appraisal at that time?

2 A. I'm not sure I understand the question.

3 Q. So ComEd obviously -- for places that it  
4 doesn't have any right-of-way, it's going to negotiate  
5 with landowners to purchase an easement or a fee or  
6 whatever it needs to get the job done at that particular  
7 area, correct?

8 A. Correct.

9 Q. And I assume there's going to be a  
10 negotiation; ComEd wouldn't just come in and demand a  
11 price?

12 A. That's correct.

13 Q. So at that time when the negotiations begin,  
14 would the landowner be guaranteed to have a copy of an  
15 appraisal for that property?

16 A. It is our plan to get an analysis done on a  
17 township level, which would be an appraisal by --  
18 performed by a third-party.

19 Q. Will you provide that appraisal to landowners?

20 A. We would be willing to, yes.

21 Q. In Lines 185 and 186 of your testimony you  
22 state that the appraisal will be provided to the  
23 landowner if one is available at the time of  
24 negotiations. Can you explain why an appraisal would  
25 not be available at the time of negotiations?



1 value of the neighboring property?

2 A. If there was a flaw in the appraisal or the  
3 evaluation.

4 Q. What recourse would an individual landowner  
5 have -- Strike that.

6 If ComEd does not provide an appraisal for an  
7 individual landowner's property during the time of  
8 right-of-way negotiations, other than simply looking at  
9 an appraisal for a neighboring property, what would that  
10 individual landowner do in order to find out what his  
11 property's worth so that he can negotiate with ComEd?

12 MS. SCARSELLA: Again, Your Honor, I'm going to  
13 object. He's asking what a landowner would do to this  
14 witness, and he's asked him that question several times  
15 already.

16 ADMINISTRATIVE LAW JUDGE HILLIARD: If he knows the  
17 answer, he can answer.

18 BY THE WITNESS:

19 A. I wouldn't know what the landowner would do.

20 Q. Do you have in front of you ComEd's Response  
21 to Data Request WL to ComEd 1.13?

22 A. Yes.

23 Q. Does ComEd suggest any other means for an  
24 individual landowner to determine the value of his  
25 property during negotiations other than simply looking

1 at a neighbor's property's appraisal? Sorry. I'll  
2 qualify that. Does it say anything other than that in  
3 this Data Request Response?

4 A. I'm sorry. What was the -- I may not have  
5 that data request. I apologize.

6 Q. I'll restate it, sir. Sorry. That was a bad  
7 question.

8 ADMINISTRATIVE LAW JUDGE HILLIARD: I think he  
9 wants to take a look at the data request.

10 Is that right?

11 THE WITNESS: Yes, please.

12 ADMINISTRATIVE LAW JUDGE HILLIARD: Do you have a  
13 copy for him?

14 MR. PHILLIPS: Oh, do you not have one?

15 THE WITNESS: I thought I did. I apologize.

16 (Document tendered.)

17 BY THE WITNESS:

18 A. What was the question?

19 Q. In this data request response, if an  
20 individual landowner does not have a copy of an  
21 appraisal -- a completed appraisal report, rather, at  
22 the time of negotiations, does ComEd suggest any other  
23 alternative for the landowner to know what their  
24 property's worth other than simply looking at the  
25 appraisal for an adjacent landowner?

1           A.    Well, we would look at -- depending on the --  
2 I guess, the spirit of the negotiations, whether or not  
3 we would have to get an appraisal for that specific  
4 property. The landowner would have the ability to go  
5 get its own appraisal.

6           Q.    Does that appear in this data request  
7 response?

8           A.    No, it does not.

9           Q.    Would ComEd agree to forego as a condition of  
10 receiving a certificate negotiating the terms of  
11 compensation for right-of-way acquisition with any  
12 landowner until a completed appraisal report is  
13 available and provided to that landowner, if you know  
14 the answer to that question?

15          A.    I do not.

16          Q.    I'd like to refer you to ComEd Exhibit 7.01,  
17 the Agricultural Impact Mitigation Agreement. Are you  
18 familiar with that agreement?

19          A.    Yes, I am.

20          Q.    This document references certain mitigative  
21 actions regarding crop damage and tile damage and  
22 similar agricultural concerns; is that correct?

23          A.    That is correct.

24          Q.    There's no reference in this document to any  
25 mitigative actions regarding stray voltage; is that

1 correct?

2 A. That is correct.

3 Q. Do you have in front of you ComEd's -- I guess  
4 it's an attachment to one of ComEd's Responses to a Data  
5 Request, which is WL to ComEd 1.12, underscore,  
6 Attachment 1, which is -- or purports to be, I believe,  
7 the Standard Grants of Right-of-Way Easements Form.

8 A. I don't believe I have that in my ...

9 Q. You do or do not?

10 A. I do not.

11 (Document tendered.)

12 BY MR. PHILLIPS:

13 Q. Are you familiar with this document that's in  
14 front of you, sir?

15 A. Yes, I am.

16 Q. Is this the standard easement agreement that  
17 ComEd intends to utilize in right-of-way negotiations?

18 A. Yes, it is, with the Grand Prairie Gateway.

19 Q. Thank you for that clarification.

20 Do you know if there's any reference to  
21 compensation for damage resulting from stray voltage in  
22 that document, sir?

23 A. I'm not aware of any.

24 Q. Subject to check, would you state that there  
25 is no reference to any compensation for damages for

1 stray voltage?

2 A. No, I would not. That's out of my area of  
3 expertise.

4 Q. Compensation to landowners for damages  
5 resulting from the construction of this project is out  
6 of your area of expertise?

7 A. I thought you said stray voltage.

8 Q. Sorry, sir. I'll rephrase.

9 ADMINISTRATIVE LAW JUDGE HILLIARD: Why don't you  
10 define stray voltage.

11 BY MR. PHILLIPS:

12 Q. Stray voltage --

13 MR. PHILLIPS: I guess I'll withdraw that question,  
14 Your Honor.

15 BY MR. PHILLIPS:

16 Q. Mr. Targett, is there any reference in this  
17 document that would compensate a landowner for any  
18 damage to livestock no matter the source?

19 A. I do not believe so.

20 MR. PHILLIPS: Thank you. I don't have any further  
21 questions.

22 ADMINISTRATIVE LAW JUDGE HILLIARD: Is there any  
23 other questioner? I don't think there is, right?

24 Is there any redirect?

25 MS. SCARSELLA: Can I have a minute, Your Honor?

1 ADMINISTRATIVE LAW JUDGE HILLIARD: Sure.

2 (Discussion off the record.)

3 MS. SCARSELLA: Your Honor, no redirect.

4 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. Then  
5 you're excused, sir. Thank you.

6 Is Monica Meyers here?

7 MR. KINNALLY: That's us, Judge.

8 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. I want  
9 to take a short break. We can probably wrap this up for  
10 today after that, okay. Let's take 10 minutes.

11 (A short recess was had.)

12 ADMINISTRATIVE LAW JUDGE HILLIARD: Would you raise  
13 your hand and be sworn, ma'am.

14 (Witness sworn.)

15 ADMINISTRATIVE LAW JUDGE HILLIARD: Are you counsel  
16 for Ms. Meyers?

17 MR. KINNALLY: I am. My name's Patrick Kinnally,  
18 K I N N A L L Y. I'm from Aurora, Illinois.

19 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. The  
20 usual procedure that we follow is that the witness's  
21 written testimony is identified by the witness, and then  
22 the counsel for the witness will generally move to admit  
23 it. It gets admitted, and then we submit her for  
24 cross-examination. So if you're aware of whatever the  
25 exhibit numbers are, that would --

1           MR. KINNALLY: I don't know what the exhibit  
2 numbers are, Judge; but I know that she submitted direct  
3 testimony. With your permission, we'd move that into  
4 the record.

5           ADMINISTRATIVE LAW JUDGE HILLIARD: Is it just the  
6 direct testimony? There's no other -- Only one set of  
7 questions and answers, right?

8           MR. KINNALLY: As far as I know, we submitted  
9 direct testimony and we submitted a group exhibit with  
10 the direct testimony, Judge.

11          ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

12          MR. KINNALLY: And she's ready for any questions  
13 that any of your folks have.

14          ADMINISTRATIVE LAW JUDGE HILLIARD: All right.

15          MR. BERNET: Your Honor, just a point of  
16 clarification, I believe that all that was submitted was  
17 the pre-filed direct testimony, which I think was about  
18 8 pages. I think the -- what counsel's referring to in  
19 terms of exhibits are exhibits to Responses to Data  
20 Requests that ComEd provided.

21          ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

22          MR. BERNET: And so -- Data Requests that ComEd  
23 served on the Forest Preserve District. So those  
24 documents are not what we consider to be part of the  
25 direct testimony. We consider the direct testimony to

1 be what was filed on the e-Docket.

2 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay.

3 MR. PHILLIPS: If I may, Your Honor, just for the  
4 purposes of -- I know this was discussed at the  
5 beginning. I just would renew our objection to strike  
6 to the testimony of Ms. Meyers as identified as being  
7 called the Direct Testimony of Monica Meyers, Meyers  
8 Exhibit 1.0. Your Honor's already ruled on it. I'm  
9 just renewing the objection.

10 ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. Sure.

11 So why don't you move for the admission of  
12 Ms. Meyers' direct testimony.

13 MR. KINNALLY: We'll move for the admission of  
14 Ms. Meyers' direct testimony with your permission,  
15 Judge.

16 ADMINISTRATIVE LAW JUDGE HILLIARD: All right.  
17 Overruling the objection of counsel, the direct  
18 testimony will be admitted in the record.

19 (Meyers Exhibit No. 1.0  
20 admitted into evidence.)

21 ADMINISTRATIVE LAW JUDGE HILLIARD: Do we have one  
22 cross-examiner or possibly two?

23 MR. PHILLIPS: I believe I'm the only one,  
24 Your Honor.

25 MR. BERNET: Possibly us.

1 ADMINISTRATIVE LAW JUDGE HILLIARD: Go ahead,  
2 counsel.

3 MR. PHILLIPS: Thank you, Your Honor.

4 ADMINISTRATIVE LAW JUDGE HILLIARD: Identify  
5 yourself because I don't think she was ...

6 WHEREUPON:

7 MONICA MEYERS,  
8 called as a witness herein, having been first duly  
9 sworn, was examined and testified as follows:

10 CROSS-EXAMINATION

11 BY MR. PHILLIPS:

12 Q. Ms. Meyers, my name's Jonathan Phillips. I  
13 represent a handful of landowners, one of them  
14 including -- Ellen Robert Vogel would be the one I  
15 believe you suggested you know the most about, as well  
16 as URMC. I just have a couple points at the beginning.  
17 I just want to make sure that when I use the term "the  
18 project," you understand that I mean the ComEd Grand  
19 Prairie Gateway Project. Can we reach that  
20 understanding?

21 A. Yes.

22 Q. If I say "the Forest Preserve," will you be  
23 able to understand that I mean the Forest Preserve  
24 District of Kane County?

25 A. Yes.

1 Q. Thank you. You're the executive director of  
2 the Forest Preserve District of Kane County, correct?

3 A. Yes.

4 Q. And as part of that responsibility are you its  
5 lead administrator?

6 A. Yes.

7 Q. So you're familiar with the general workings  
8 of the Forest Preserve?

9 A. Yes.

10 Q. On February 11th, 2014, did the Forest  
11 Preserve pass Resolution FP-R-14-02-2276?

12 A. I don't know. I don't have it in front of me.  
13 I don't know what that is.

14 MR. PHILLIPS: May I approach, Your Honor?

15 ADMINISTRATIVE LAW JUDGE HILLIARD: Sure.

16 (Document tendered.)

17 BY MR. PHILLIPS:

18 Q. Do you have in front of you a document that  
19 purports to be Resolution No. FP-R-14-02-2276?

20 A. Yes.

21 Q. If I just call it the resolution in the  
22 future, will that be okay?

23 A. Yes.

24 Q. Are you familiar with this document?

25 A. Somewhat.

1 Q. And I've marked in the lower right-hand  
2 corner -- and I'm not moving for it to be in evidence  
3 yet, but for the purposes of identification -- SKP Cross  
4 Exhibit 1; is that correct?

5 A. Yes.

6 Q. Do you know if the Kane County Forest  
7 Preserve -- or the Forest Preserve District of Kane  
8 County passed this resolution?

9 A. Yes.

10 Q. Is it the business of the Forest Preserve  
11 District to pass resolutions?

12 A. Yes.

13 Q. When it does so, does it keep records such as  
14 this?

15 A. Yes.

16 Q. And as the lead administrator of the Forest  
17 Preserve, is part of your job to deal with documents  
18 such as this?

19 A. Yes.

20 Q. Your Honor, I'd move for admission of this  
21 resolution as SKP Cross Exhibit No. 1 into the record.

22 ADMINISTRATIVE LAW JUDGE HILLIARD: Objections?

23 MR. BERNET: No objection.

24 ADMINISTRATIVE LAW JUDGE HILLIARD: Hearing no  
25 objections, SKP Cross Exhibit 1 will be admitted in the

1 record.

2 (SKP Cross Exhibit No. 1  
3 admitted into evidence.)

4 MR. PHILLIPS: Thank you, Your Honor.

5 BY MR. PHILLIPS:

6 Q. You can set that aside, Ms. Meyers. I'd refer  
7 you to what's been labeled as Meyers Exhibit 1.0. Do  
8 you have that in front of you?

9 A. No.

10 Q. Is Meyers Exhibit 1.0 the testimony that your  
11 attorney had put into the record today?

12 MR. KINNALLY: She's got it.

13 THE WITNESS: Yeah. It just doesn't have exhibit  
14 numbers on it.

15 BY MR. PHILLIPS:

16 Q. Sorry. It's on the second page of Meyers  
17 Exhibit 1.0. On the front page it purports to be the  
18 Direct Testimony of Monica Meyers.

19 A. Okay. All right. Exhibit A.

20 MR. KINNALLY: She's got it.

21 BY MR. PHILLIPS:

22 Q. Does this document purport to be your direct  
23 testimony?

24 A. Yes.

25 Q. Do you understand this document to be direct

1 or rebuttal testimony?

2 A. Direct.

3 Q. Do you know the date that direct testimony was  
4 due to be filed in this docket?

5 A. I don't recall the ICC dates. Or do you just  
6 want me to reference the date here? April 14th.

7 Q. No, the -- Sorry. Strike that question.

8 Are you familiar with the procedural schedule  
9 of this proceeding?

10 A. Not exactly, not exact to the dates.

11 Q. Subject to check, are you aware that direct  
12 testimony was to be filed by February 14th, 2014?

13 A. I knew it was due in February, yes.

14 Q. And on or about February 14th did you or the  
15 Forest Preserve cause to be filed or attempt to file the  
16 resolution we just discussed?

17 A. Yes.

18 Q. And you -- The Forest Preserve did not attempt  
19 to file what is purportedly the direct testimony of  
20 Monica Meyers until April 2nd of 2014?

21 A. Our attorney -- Our firm filed all the  
22 documentation. I did not personally.

23 Q. And I just want to make sure I -- If ever you  
24 want to mention something that you or your attorney  
25 talked -- or the Forest Preserve's attorney talked

1 about, please, don't. I'm not getting -- I'm never  
2 going to get into that. So if any question you think  
3 calls for that, I most certainly am not.

4 MR. KINNALLY: We'll stipulate to whatever date the  
5 records show we filed. If we were late, we're sorry.  
6 We just wanted to get the information in. We'll  
7 stipulate to that.

8 ADMINISTRATIVE LAW JUDGE HILLIARD: Were you able  
9 to get that down, ma'am?

10 MS. REPORTER: Yes.

11 BY MR. PHILLIPS:

12 Q. Ms. Meyers, have you reviewed the testimony of  
13 any landowner intervenors in this proceeding?

14 A. Yes.

15 Q. Whose testimony would that be?

16 A. South Elgin and the County, Kane.

17 Q. Have you reviewed the testimony of any  
18 individual landowners?

19 A. No.

20 Q. Have you reviewed the testimony of  
21 Commonwealth Edison Company in this proceeding?

22 A. No.

23 Q. Can you point me in this testimony that you've  
24 submitted here to any point that you contradict, rebut,  
25 or otherwise respond to any other testimony submitted in

1 this docket?

2 A. I'm sorry. Can you repeat the question?

3 Q. Can you point me to anywhere in this document,  
4 the Direct Testimony of Monica Meyers, that contradicts,  
5 rebuts, or otherwise responds to the testimony put forth  
6 by any other participant in these proceedings?

7 A. Do you want me to read through the document?

8 Q. Did you --

9 ADMINISTRATIVE LAW JUDGE HILLIARD: Yes.

10 BY MR. PHILLIPS:

11 Q. -- prepare this document, ma'am?

12 A. Yes.

13 Q. Are you familiar with it?

14 A. Yes. Not word for word; but, yes.

15 Q. Okay.

16 ADMINISTRATIVE LAW JUDGE HILLIARD: Why don't you  
17 take a minute and read through it and answer his  
18 question about whether or not you address anybody else's  
19 testimony.

20 THE WITNESS: Okay.

21 (Witness viewing document.)

22 BY THE WITNESS:

23 A. I'm sorry. I don't see any other testimony in  
24 here.

25 Q. So as you sit here today, is it your testimony

1 that you cannot point to anywhere within what has been  
2 marked as Meyers Exhibit 1.0 that you contradict, rebut,  
3 or otherwise respond to the testimony of any other  
4 participants in these proceedings?

5 A. No, but I just think -- As a point of  
6 clarification, a lot of the -- there were intervenors  
7 that attended our board meetings that made statements  
8 during those board meetings.

9 Q. Are any of those intervenors here today?

10 A. I don't believe so.

11 Q. Have any of those intervenors submitted direct  
12 testimony?

13 A. I don't know.

14 Q. Okay. Moving on, I'd refer you to your  
15 testimony, line 63 through 66, wherein you state the  
16 cost savings of the proposed realignment within Muirhead  
17 Springs Forest Preserve is estimated to be \$1.5 million.

18 A. Mm-hmm, yes.

19 Q. Where did you get that figure?

20 A. That was discussed by ComEd at several of our  
21 meetings.

22 Q. Do you know if Commonwealth Edison Company has  
23 put that figure anywhere in any of their testimony or  
24 submissions in this proceeding?

25 A. I don't know.

1 Q. I refer you to your testimony, lines 30 to 33,  
2 Ms. Meyers. And you discuss there a grant-review  
3 process; is that correct?

4 A. Yes.

5 Q. And in that grant-review process the Forest  
6 Preserve determined that the property south of the  
7 railroad right-of-way was not incumbered by certain  
8 restrictions; is that correct?

9 A. Correct.

10 Q. When was that grant-review process completed?

11 A. The grant-review process -- March 21st, 2006,  
12 is the date of the letter we reviewed from the IDNR.

13 Q. So the grant-review process was completed  
14 about eight years ago?

15 A. Yes.

16 Q. I'll next refer you to your testimony, lines  
17 43 through 44. There you state that the Forest Preserve  
18 stands ready to record a correcting document; is that  
19 correct?

20 A. Yes.

21 Q. Has such a document been recorded?

22 A. It's in process.

23 Q. Has it been prepared?

24 A. I don't know. We've collected all the  
25 documentation required.

1 Q. But it's your testimony here today it has not  
2 been recorded?

3 A. It has not been recorded, no.

4 Q. I'll next refer you to lines 47 through 49 of  
5 your testimony, and in there you mention the concerns of  
6 local landowners; is that correct?

7 A. Yes.

8 Q. Can you name the local landowners around the  
9 Muirhead Springs Forest Preserve?

10 A. Not all of them, no.

11 Q. Could you list the ones you do know, please?

12 A. Linda Schramm, the Vogels, the Lenschows, and  
13 that's all that's coming to mind right now.

14 Q. Do you know if any Muirheads live in the  
15 approximate area of Muirhead Springs Forest Preserve?

16 A. Yes, and the Muirheads, yes.

17 Q. Are you aware that Muirheads deeded certain  
18 property to the Forest Preserve District in the past?

19 A. Yes.

20 Q. How are those Muirheads related to the  
21 Muirheads that currently live there?

22 A. I don't know the exact relationship.

23 Q. But they are related?

24 A. I'm making an assumption they'd be related by  
25 their last name, but the Muirheads are a very large

1 family in Kane County.

2 Q. Did you answer any data requests that were  
3 served upon the Forest Preserve District?

4 A. Yes.

5 Q. Did you list the Muirheads as local landowners  
6 in that document -- in those responses, namely, SKP to  
7 FP 1.03.

8 A. SKP -- Repeat that.

9 Q. SKP to -- it's an arrow -- FP 1.03.

10 MR. KINNALLY: We didn't list any, Judge.

11 BY THE WITNESS:

12 A. Yeah. I don't see the name.

13 MR. KINNALLY: We didn't list the Muirheads. We'll  
14 stipulate to that.

15 MR. PHILLIPS: I'm sorry?

16 MR. KINNALLY: I said, we'll stipulate that we did  
17 not list the Muirheads as an adjacent landowner to the  
18 Forest Preserve District property.

19 MR. PHILLIPS: Thank you.

20 Just so the record reflects, counsel for the  
21 Forest Preserve has stipulated that the Muirheads were  
22 not listed as adjacent landowners to the Forest  
23 Preserve -- sorry -- Muirhead Springs Forest Preserve  
24 property wherein the proposed realignment's supposed to  
25 take place.

1 BY MR. PHILLIPS:

2 Q. Do you have any idea why the Muirheads weren't  
3 listed in that Data Request Response?

4 A. I don't know.

5 Q. Did the Forest Preserve investigate if any  
6 residents or structures were within 500 feet of ComEd's  
7 proposed primary route as it exists on those properties  
8 adjacent to Muirhead Springs Forest Preserve?

9 A. We just provided information on our property.

10 Q. So is your answer that the Forest Preserve did  
11 not investigate?

12 A. No. Our own properties we did, right adjacent  
13 to our property.

14 Q. So you did not investigate whether any  
15 residences were within 500 feet of ComEd's proposed  
16 primary route --

17 A. No.

18 Q. -- as it exists ...

19 Can you confirm that the Forest Preserve does  
20 not provide any suggestions, considerations, or data for  
21 any routing that would occur outside the boundaries of  
22 the property it owns?

23 A. No.

24 Q. Are you confirming that you're not -- that the  
25 Forest Preserve is not putting forth that data or are

1 you refusing to confirm that fact?

2 A. Repeat the question. I don't know if I  
3 understand it.

4 Q. I'll reread it. Can you confirm that the  
5 Forest Preserve District is not providing any  
6 suggestions, considerations, or data for any routing  
7 that occurs outside the boundaries of the property it  
8 owns?

9 A. That's correct.

10 Q. Do you recall me asking you about the  
11 \$1.5 million that apparently ComEd agents told the  
12 Forest Preserve District it would save if the proposed  
13 rerouting were to occur?

14 A. Yes.

15 Q. Do you expect that the Forest Preserve should  
16 retain a portion of those cost savings in exchange for  
17 allowing routing through its property?

18 A. Yes. We've made that request.

19 Q. What portion of that amount would the Forest  
20 Preserve seek?

21 A. We did not really do a specific amount, short  
22 of we were discussing some ranges.

23 Q. What were those ranges?

24 A. 500 to 750.

25 Q. Thousand?

1           A.     Yes.

2           Q.     So, roughly, one half of the cost savings that  
3     ComEd would have by rerouting within Muirhead Springs  
4     Forest Preserve the Forest Preserve would be seeking as  
5     compensation?

6           A.     Yes.

7           MR. PHILLIPS: Thank you. No further questions.

8           MR. BERNET: No questions.

9           ADMINISTRATIVE LAW JUDGE HILLIARD: Do you have any  
10    redirect, Counsel?

11          MR. KINNALLY: No, Judge. Thank you.

12          ADMINISTRATIVE LAW JUDGE HILLIARD: All right.  
13    Then you're excused, ma'am. Thank you for coming down.

14          THE WITNESS: Thank you.

15          ADMINISTRATIVE LAW JUDGE HILLIARD: Okay. That's  
16    it for today. I think the consensus is we can start at  
17    noon tomorrow. And those people who have testimony to  
18    admit but no witnesses should plan to do that maybe  
19    during a break or when we come back from a break when  
20    the reporter's here to take it down.

21          MR. RIPPIE: Your Honors, may we file affidavits on  
22    the e-Docket as opposed to producing the paper?

23          ADMINISTRATIVE LAW JUDGE HILLIARD: Yes,  
24    absolutely.

25          MR. RIPPIE: Thank you.

1 MR. BERNET: Thank you.

2 ADMINISTRATIVE LAW JUDGE HILLIARD: Oh, what do you  
3 want to do with this cross exhibit? Did we admit this?

4 MR. PHILLIPS: Yes. Would you like me to submit  
5 that on e-Docket for ease?

6 ADMINISTRATIVE LAW JUDGE HILLIARD: Yes, please.

7 MR. PHILLIPS: I'll probably make it look nicer  
8 rather than my scribbling on the bottom right corner if  
9 that's okay.

10 ADMINISTRATIVE LAW JUDGE HILLIARD: That will be  
11 fine.

12 (The hearing in the above-mentioned  
13 cause was adjourned for the day.)

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1 STATE OF ILLINOIS )  
2 COUNTY OF COOK ) SS.

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4 Marcia L. Messina, being first duly sworn, on  
5 oath says that she is a Certified Shorthand Reporter  
6 doing business in the City of Chicago, County of Cook  
7 and the State of Illinois;

8 That she reported in shorthand the proceedings  
9 had at the foregoing hearing;

10 And that the foregoing is a true and correct  
11 transcript of her shorthand notes so taken as aforesaid  
12 and contains all the proceedings had at the said  
13 hearing.

14

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\_\_\_\_\_  
MARCIA L. MESSINA, CSR

17

CSR No. 084-03599

18

19 SUBSCRIBED AND SWORN TO  
20 before me this 17th day of  
April, 2014.

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

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