

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COMMONWEALTH EDISON COMPANY	:	
	:	
Application for a Certificate of Public Convenience	:	
and Necessity, pursuant to Section 8-406.1 of the	:	No. 13-0657
Illinois Public Utilities Act, and an Order pursuant to	:	
Section 8-503 of Illinois Public Utilities Act, to	:	
Construct, Operate and Maintain a new 345 kilovolt	:	
transmission line in Ogle, DeKalb, Kane and DuPage	:	
Counties, Illinois	:	

Rebuttal Testimony on Reopening of

STEVEN T. NAUMANN, P.E.

Vice President

Transmission and NERC Policy

Exelon Business Services Company

TABLE OF CONTENTS

I. INTRODUCTION 1

II. RESPONSE TO TESTIMONY CONCERNING FPDKC PROPERTY 1

III. CONCLUSION..... 3

1 **I. INTRODUCTION**

2 **Q. What is your name?**

3 **A.** My name is Steven T. Naumann.

4 **Q. Are you the same Steven T. Naumann who previously submitted testimony in this**
5 **Docket on behalf of ComEd?**

6 **A.** Yes. My address, background, qualifications, duties, and responsibilities are unchanged,
7 except that that I have continued to speak on transmission related issues and to participate
8 in technical conferences at the Federal Energy Regulatory Commission (“FERC”).

9 **II. RESPONSE TO TESTIMONY CONCERNING FPDKC PROPERTY¹**

10 **Q. Ms. Meyers testifies (at lines 20-23) that title to the FPDKC Property south of the**
11 **railroad tracks in the Muirhead Forest Preserve is clear of any restrictions and that**
12 **the “Forest Preserve Commission approved the line be placed [sic] on District**
13 **property along the railroad line through the preserve.” Does Ms. Meyers provide**
14 **any evidence to substantiate those claims, either with her testimony or in response to**
15 **ComEd’s Data Requests concerning her testimony?**

16 **A.** No. Ms. Meyers does not identify or attach any deed, release, or other instrument that
17 would clear the land of restrictions. While several documents were produced in response
18 to ComEd Data Requests on the day this testimony was filed, they are not recorded and
19 their meaning and effect is unclear and untested. Especially given that an independent

¹ Most of the other topics addressed in the six intervenor testimonies filed since the record was reopened are legal matters that ComEd will discuss in its briefs or are allegations on which there is already overwhelming evidence. Because ComEd does not respond further now does not imply agreement, nor waive any of ComEd’s argument or rights.

20 title report relating to this property continues to reflect restrictions on the use of the land,
21 we cannot conclude that such restrictions have been effectively cleared.

22 Ms. Meyers also does not establish that the FPDKC has authorized granting
23 ComEd an easement permitting construction of the Project. The FPDKC is governed by
24 a 27-member Board of Commissioners. If they approved such an action, it would be
25 documented and reflected in their minutes. However, Ms. Meyers' does not cite to or
26 provide any evidence that the FPDKC Board approved granting ComEd the required
27 easement and counsel to the FPDKC, in email correspondence sent pending the District's
28 submission of formal responses to ComEd Data Requests, acknowledges that "No
29 placement of any power lines has been approved, no route has been approved and no
30 agreement with ComEd has been approved by the KC[F]PD."

31 **Q. Ms. Meyers' testimony vaguely refers to finalizing and ratifying an agreement**
32 **between ComEd and the FPDKC. Is there any agreement between ComEd and the**
33 **FPDKC concerning the Project and Muirhead Forest Preserve land?**

34 **A.** No. No agreement was ever reached between ComEd and the FPDKC concerning
35 Muirhead Forest Preserve. Nor was it a case where there parties simply needed to
36 "finalize" or "ratify" an agreement. Representatives of ComEd and the FPDKC met
37 concerning aspects of the Project over a period of months, and no such agreement was
38 reached. While the substance of the discussions between ComEd and the FPDKC were
39 in the nature of settlement and are not the proper subject of litigation; it was not a matter
40 of any two week deadline.

41 Q. **Ms. Meyers also testifies (at lines 48-50) that the cost of using the “[P]rimary**
42 **[R]oute will be much greater ... versus the routing on the railroad line through the**
43 **preserve even with sharing of the cost savings with the District for the installation of**
44 **a bike trail.” Does Ms. Meyers substantiate this claim?**

45 A. No. Ms. Meyers provides no analysis or calculations to support her conclusion. She also
46 does not justify her claim that ComEd should “share” any possible cost savings with the
47 Forest Preserve District’s efforts to build a bike path. Were a lower cost route available –
48 and none is – any savings would reduce the Project’s cost and the resulting delivery rates
49 required to recover its cost.

50 Q. **Should the Commission treat the use of the Muirhead Forest Preserve property as a**
51 **viable alternative without evidence that ComEd has a right to use the land?**

52 A. No. The timely construction and operation of the GPG Project is essential for the
53 operation of the PJM congestion management system and will deliver a quarter of a
54 billion dollars of net benefits to customers. ComEd does not have the right to route the
55 Project across Muirhead Forest Preserve property and the Commission cannot authorize
56 its condemnation. Approving a route that nonetheless crosses this land would put the
57 Project in jeopardy and put at risk the unrefuted public benefit that it delivers.

58 **III. CONCLUSION**

59 Q. **Does this conclude your rebuttal testimony on reopening?**

60 A. Yes.