

ILLINOIS COMMERCE COMMISSION

DOCKET No. 15-0065

DIRECT TESTIMONY

OF

L. CURTIS CORZINE

Submitted On Behalf

Of

GABRIEL FARMS, INC.

February 16, 2015

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1 **I. INTRODUCTION**

2 **A. Witness Identification**

3 **Q:** Please state your name?

4 **A:** **L. Curtis Corzine**

5 **Q:** Please state your current address of residence?

6 **A:** **1193 North 2700 East Road, Assumption, Illinois 62510**

7 **Q:** Have you intervened in this docket?

8 **A:** **Yes. I petitioned to intervene on February 9, 2015, as President of**
9 **Gabriel Farms, Inc.**

10 **Q:** What properties does ATXI Transmission Company of Illinois (“ATXI”)
11 seek to take from Gabriel Farms, Inc.?

12 **A:** **ATXI is petitioning the Commission to take a portion of land**
13 **belonging to Gabriel Farms, Inc., commonly referred to by ATXI as**
14 **A_ILRP_PZ_CH_153-1 and A_ILRP_PZ_CH_156. A true, correct and accurate picture**
15 **depicting these properties and ATXI’s proposed route is attached hereto as Corzine Exhibit**
16 **1.01.**

17 **Q:** Are you offering testimony regarding both pieces of land ATXI commonly
18 refers to as A_ILRP_PZ_CH_153-1 and A_ILRP_PZ_CH_156?

19 **A:** **Yes.**

20 **B. Itemized Exhibits to Direct Testimony**

21 **Q:** Are you sponsoring any exhibits to your testimony?

22 **A:** **Yes. The following exhibits are attached to my testimony:**

23 **Corzine Exhibit 1.01 - Picture #1 of Farm with proposed route;**

24 **Corzine Exhibit 1.02 - Picture #2 of Farm with proposed route;**

25 **Corzine Exhibit 1.03 - Copy of Appraisal for the Farm; and**

26 **Corzine Exhibit 1.04 - ATXI Initial Offer on the Farm.**

27 **C. Witness Background**

28 **Q:** What do you do for a living?

29 **A:** **I am a farmer.**

30 **Q:** How long have you been a farmer?

31 **A:** **I have been a farmer for 31 years.**

32 **Q:** What is your highest level of education?

33 **A:** **High School and 1 year of college.**

34 **Q:** Do you have experience in land values in Christian County?

35 **A:** **Yes. As a farmer and landowner in Christian County, I follow land**
36 **sales and auctions. I follow this information because I am constantly looking for buying**
37 **opportunities to expand my farming operation. I am familiar with the county tax rates on**
38 **farmland, income possibilities and drainage and slope issues that impact value.**

39 **Q:** Are you familiar with what types of things that drive land prices in
40 Christian County?

41 **A:** **Yes. A number of things drive land prices, including, but not limited**
42 **to, commodity prices, soil type productivity index, interest rates, drainage, location, and**
43 **whether the land is adjacent to commercial properties.**

44 **Q:** Have you received any training in land valuation?

45 **A:** **No. I have not received any formal training in land valuation.**

46 **Q:** Have you been involved in transmission line negotiations in the past?

47 **A: I have only had experience with pipeline easements from 2012 to 2014**
48 **and Illinois Department of Transportation right of way discussions from 2010 to 2011.**

49 **II. THE FARM**

50 **Q: Please describe the Farm.**

51 **A: A_ILRP_PZ_CH_153-1 consists of 60 acres and A_ILRP_PZ_CH_156**
52 **consists of 30 acres.**

53 **Q: Are you the person primarily responsible for the day-to-day operations of**
54 **the Farm?**

55 **A: Yes. I make all day to day decisions, along with decisions on drainage,**
56 **seed, chemicals, fertilizer purchasing, marketing and banking.**

57 **Q: How is the Farm used?**

58 **A: The Farm is currently used for agriculture, but contains rental**
59 **property and is adjacent to several commercial properties.**

60 **Q: Is the farm improved with any structures?**

61 **A: There are rental properties located on the farm consisting of a house**
62 **and cell phone tower**

63 **Q: Please describe the structures.**

64 **A: We have a residential rental property on the northwest corner of the**
65 **farm that the proposed transmission lines run close by. At a separate location on the farm,**
66 **there is a cellular transmission tower. The income from both of these rental properties is**
67 **used to finance my mother for the remainder of her lifetime through various means of**
68 **estate planning.**

69 **Q: What type of crop(s) do you grow on the Farm?**

70 **A: Corn, Beans, Alfalfa, Cover Crops**

71 **Q: Do you believe the Commission should grant ATXI the power to proceed**
72 **to circuit court to take a section of the Farm?**

73 **A: No.**

74 **Q: Why not?**

75 **A: ATXI has not made a good faith offer for the Farm that reflects its**
76 **unique nature and purpose.**

77 **Q: How has ATXI's offer failed to reflect the unique nature and purpose of**
78 **the Farm?**

79 **A: ATXI produced an incomplete appraisal with inaccuracies and did**
80 **not take into consideration the damage to the remaining farm land and the inability**
81 **to capture the full potential of the imminent commercial development.**

82 **Q: Describe the appraisal ATXI produced.**

83 **A: ATXI produced what appears to be an out-of-state appraiser**
84 **unfamiliar with the real estate market in Christian County. A true, correct and accurate**
85 **copy of the appraisal ATXI provided is attached hereto as Corzine Exhibit 1.03. The**
86 **appraisal is incomplete because it does not reference that the Farm abuts commercial**
87 **property and its highest and best use is commercial in nature. Thus, the proposed**
88 **transmission line will significantly impede commercial development eastward from**
89 **Assumption. Commercial development on the land in question was contemplated when**
90 **municipal water was installed on the east side of the roadway. My attorneys have met with**
91 **representatives from Contract Land Staff and informed them of the abutting commercial**
92 **properties and recent comparable sales of property at commercial rates, but ATXI has**

93 **refused to modify the appraisal or offer to reflect the unique income opportunities of the**
94 **Farm.**

95 **Q:** Do you have any other complaints about ATXI's offer?

96 **A:** **The transmission line crosses the middle of our farmland. A true,**
97 **correct and accurate picture of the original route is attached hereto as Corzine Exhibits**
98 **1.01 and 1.02. The route places a tremendous hardship on the farming operation of the**
99 **Farm, interfering with farming efficiency, aerial spraying and weed control. From north of**
100 **Pana 3 miles, the proposed route parallels Route 51 across most of the properties, but no**
101 **one from ATXI has given me an answer of why these poles jump out and go through the**
102 **middle of my farm in the last hour, a change that took place between April and September**
103 **2014. Nor do they want to properly compensate for this easement. I believe there is a huge**
104 **difference in impact to the farm value by placing the easement through the middle of a**
105 **farm versus traveling along the edge of a farm. More significant than the farming**
106 **operation, ATXI, by taking this route, limits the imminent expansion of commercial**
107 **development eastward into the Farm.**

108 **Q:** Does the Farm have drainage tiles?

109 **A:** **Yes.**

110 **Q:** Are the drainage tiles referenced in the appraisal?

111 **A:** **No.**

112 **Q:** Do drainage tiles impact farmland valuation?

113 **A:** **Yes. In Christian County it does.**

114 **Q:** Why?

115 **A: Without drainage you have no farm. The water is not allowed to**
116 **drain from the soil in a timely manner to get your planting, spraying, and harvesting**
117 **all done at the proper time for best yields.**

118 **Q: Did the appraisal factor any damage to the remainder?**

119 **A: Absolutely not. ATXI has never addressed damage to the remainder**
120 **of the farm property or the possible of loss of income due to interference with the**
121 **imminent and continued commercial development of the area. This failure to consider any**
122 **damage to the remainder is one of the reasons we have intervened in this proceeding. A**
123 **copy of ATXI's initial offer is attached hereto as Corzine Exhibit 1.04.**

124 **Q: Do you believe ATXI made a good faith offer on the Farm?**

125 **A: No. I do not believe that ATXI has made a good faith offer for the**
126 **Farm because of the numerous flaws in the appraisal and negotiation process.**

127 **Q: Do you believe further negotiations will be useful?**

128 **A: Yes. I believe further negotiations will be useful if ATXI considers**
129 **additional appraisal information that accurately depicts the unique features of the Farm.**

130 **III. TESTIMONY REGARDING INITIAL OFFER AND NOTICE**

131 **Q: When were you first contacted by ATXI or Contract Land Staff?**

132 **A: September 3, 2014**

133 **Q: Was that time of year problematic for you to be able to discuss any offers?**

134 **A: Absolutely. This is our busiest time of year.**

135 **Q: Why is that?**

136 **A: We were at the startup of harvest time and had taken on an additional**
137 **500 acres to farm and harvest that year.**

138 **Q:** Approximately how many hours a day do you work on your farms during
139 the harvest season?

140 **A:** **14-16 hours a day**

141 **Q:** How many days a week do you usually work on your farm(s)?

142 **A:** **Six days a week unless we are cutting beans – then 7 days a week.**

143 **Q:** When did you receive notice of these Illinois Commerce Commission
144 proceedings?

145 **A:** **I don't recall exactly, I received several letters over the last year. I did**
146 **not pay close attention after April 2014, because I was informed by an adjacent land**
147 **owner/businessman that Ameren had contacted him and had already told him they were**
148 **going to put a pole along his property rather than mine. Based on this information, I**
149 **concluded the transmission line would be on his property, leaving mine untouched.**

150 **Q:** How did you receive it?

151 **A:** **Via U.S. Mail**

152 **Q:** Do you know how long Section 8-509 of the Public Utilities Act gives the
153 Commission to rule on a petition filed by a utility?

154 **A:** **Yes, 45 days.**

155 **Q:** Do you believe 45 days is sufficient time for you to defend the petition
156 filed by ATXI?

157 **A:** **No. The 45-day deadline does not give us sufficient time to coordinate**
158 **with our attorney on a strategy and meet the expedited deadlines and, at the same time,**
159 **meet our workload obligations on our farms. Additionally, I believe we were misinformed**
160 **as to the route early in the process which affected our ability negotiate in good faith early**

161 **on in this process. I proceeded early in the process on the basis that the transmission lines**
162 **would have had a minimal impact to the farm.**

163 **Q: Are you able to take time off work to attend to defending ATXI's Petition?**

164 **A: The farming obligations must be done as the weather permits. I**
165 **cannot take time off work without incurring large financial losses. As a result, I am not**
166 **able to give 100% of my attention to defending ATXI's petition.**

167 **Q: When did you determine legal counsel was necessary?**

168 **A. Approximately December 10th, 2014 negotiations with ATXI reached**
169 **a standstill when I figured out that the poles would be in place and my ability for expansion**
170 **of businesses/manufacturing opportunities would be compromised. As evidence of this,**
171 **where GSI is currently located was a 40 acre field of farm land in 1971, and where Sloan**
172 **Implement has expanded was a 30 acre field of farm land in 1983. I watched this**
173 **development expand to the east from that time until 2014. With the current Route 51**
174 **expansion along with County 6 Road going to Shelbyville Lake, I see imminent expansion**
175 **potential for new business development. All along this highway, the towns to the north of**
176 **us there have been gas stations, banks, general stores, car washes and ice cream businesses**
177 **added because of the location along Route 51. I feel this opportunity for growth and**
178 **development would be seriously hindered if the ICC allows Ameren to proceed on the pole**
179 **placement as documented on my farm. Therefore, I knew I was fighting a company with**
180 **several partners and attorneys so I sought the legal counsel of Giffin, Winning, Cohen &**
181 **Bodewes, P.C. in Springfield, Illinois to help me secure adequate representation and**
182 **compensation in my negotiations.**

183 **Q:** When were you first able to meet with legal counsel and review the
184 necessary documentation?

185 **A:** **I made a phone call on or about January 5, 2015 then met with**
186 **attorney in person on or about January 19th, 2015.**

187 **Q:** When did you authorize legal counsel to secure an additional appraisal?

188 **A:** **On or about February 5, 2015.**

189 **Q:** Who did you authorize legal counsel to retain?

190 **A:** **Upon counsel's recommendation, I authorized my attorneys to retain**
191 **Briggs Appraisal Associates located in Jacksonville, Illinois.**

192 **IV. CONCLUSION**

193 **Q:** Do you believe the Commission should grant ATXI's Petition?

194 **A:** **Not as it relates to Gabriel Farms, Inc. I believe further negotiations**
195 **as outlined above would result in a compromise.**

196 **Q:** Does this conclude your testimony?

197 **A:** **Yes.**