

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

AMEREN TRANSMISSION COMPANY)
OF ILLINOIS)
) Docket No. 15-_____
)
Petition for approval of a modification to the)
route between the Pana and Mt. Zion substations)
approved in Docket 12-0598, pursuant to Sections)
8-406 and 8-503 of the Illinois Public Utilities)
Act.)

VERIFIED PETITION

In Docket 12-0598, the Illinois Commerce Commission (Commission) issued Ameren Transmission Company of Illinois (ATXI or Company) a Certificate of Public Convenience and Necessity that authorized ATXI to construct, operate and maintain a new 345-kilovolt electric transmission line, known as the Illinois Rivers Project (Project). The Certificate approved a route for the Project, including a segment between substations in Pana and Mt. Zion, Illinois. However, the order granting the Certificate recognized that ATXI might not be able to acquire certain necessary land rights for the transmission line between Pana and Mt. Zion, where the route crosses property owned by the Macon County Conservation District (MCCD), and that ATXI might have to seek Commission approval for a modified route. ATXI has in fact not been able to acquire the land rights that would allow it to construct the transmission line on the MCCD property. Therefore, pursuant to Sections 8-406 and 8-503 of the Illinois Public Utilities Act (Act), 220 ILCS 5/8-406, 8-503, and the Commission’s directives in Dockets 12-0598, 14-0551 and 14-0522, the Company hereby petitions the Commission for an order approving a modification to the route of the Pana to Mt. Zion segment of the Project that avoids the MCCD property.

In support of this Petition, ATXI states:

BACKGROUND

1. In Docket 12-0598, the Commission issued ATXI a Certificate for the Project under Section 8-406.1 based on its findings that: (i) the Project is necessary to address transmission and reliability needs in an efficient and equitable manner and will benefit the development of a competitive electricity market; (ii) ATXI is capable of efficiently managing and supervising the construction process; and (iii) ATXI is capable of financing the proposed construction without adverse financial consequences for the utility or its customers. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 14, 133 (Aug. 20, 2013). These statutory requirements mirror those found in Section 8-406 of the Act.

2. During the course of proceedings in Docket 12-0598, the Commission evaluated routes proposed by ATXI and various Intervenors to select the least-cost route for each of the Project's eight segments, including the Pana to Mt. Zion segment. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Second Order on Reh'g at 49-51 (Feb. 20, 2014).

3. The Commission approved a route for the Pana to Mt. Zion segment of the Project that combined portions of routes originally proposed by Staff and the Assumption Group. The approved route runs north from Pana along or near Highway 51, then turns east towards Mt. Zion. Just before the Commission-approved route turns east, Highway 51 crosses between several parcels owned by the MCCD. *See id.* at 50-51.

4. In its order approving a route for the Pana to Mt. Zion segment of the Project, the Commission recognized that MCCD owns land along the chosen route and that this might present an "obstacle" to construction of the Project, because ATXI is unable to condemn the MCCD land. *Id.* The Commission directed ATXI to "work to address" this issue. *Id.*

5. ATXI engaged in negotiations with counsel for MCCD to obtain an easement that

would allow the Project to be constructed along the route approved by the Commission.

However, MCCD was unwilling or unable to enter into an agreement.

6. The Commission's Order contemplated that if "need be" the Commission would "entertain requests for a revised route under Section 8-406 to avoid the MCCD land." *Id.* at 51.

7. The need the Commission acknowledged in its Order now exists. The MCCD is not willing or able to grant an easement that would allow ATXI to construct the Project on the route approved by the Commission, and ATXI cannot exercise eminent domain to acquire the necessary easements. Thus, the route must be modified to avoid the MCCD parcels.

8. ATXI seeks an order approving a limited modification of the route between Pana and Mt. Zion to avoid the MCCD properties. This modification is not a substantial deviation from the route the Commission approved in Docket 12-0598.

9. Exhibit A depicts the route between Pana and Mt. Zion that the Commission approved in Docket 12-0598, and the modification ATXI is proposing in this proceeding. The modified route is legally described in Exhibit B.

**THIS ROUTE MODIFICATION IS NECESSARY, REASONABLE,
LIMITED IN SCOPE, AND SHOULD BE APPROVED**

10. On Rehearing in Docket 12-0598, the Commission approved a route that no party had proposed or recommended; the approved route combined a portion of a route proposed by the Assumption Group running north from Pana along or near Highway 51 with a portion of a route proposed by Staff running east toward Mt. Zion. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Second Order on Reh'g at 49-50.

11. During Rehearing in Docket 12-0598, the MCCD filed testimony and briefs identifying properties it owns along what would become the approved route, indicating that they may not be taken by eminent domain, and stating the MCCD did not wish to sell or grant

easements in the property. *See Ameren Transmission Co. of Ill.*, Docket 12-0598, Reh’g Direct Testimony of Kathleen Merner; MCCD Exs. 1-3; MCCD Reply Br. at 1. In its Brief on Exceptions, ATXI informed the Commission that the approved route crossed parcels owned by MCCD and that property owned by MCCD cannot be the subject of eminent domain proceedings. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Reh’g Br. on Exceptions at 1-3 (Jan. 29, 2014). In its Brief on Exceptions, ATXI also presented a map that proposed a minor modification to the approved route that would avoid the parcels owned by MCCD. *Id.* The proposed modification was substantially similar to the route modification ATXI proposes now.

12. The Commission’s Second Order on Rehearing recognized that ATXI’s inability to condemn MCCD property might present an “obstacle,” but did not modify the route; instead the Commission directed ATXI to “work to address” the issue. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Second Order on Reh’g at 49-50. Since the Order in Docket 12-0598 was issued, ATXI has engaged in discussions and negotiations with MCCD, but MCCD is unable and/or unwilling to voluntarily grant an easement.

13. ATXI cannot construct the Project along the route between Pana and Mt. Zion that was approved by the Commission in Docket 12-0598 because ATXI cannot obtain land rights that would allow the transmission line to cross the MCCD parcels. But this portion of the Project must be constructed. As the Commission recognized in Dockets 12-0598, 14-0511, and 14-0522, without the connection between Pana and Mt. Zion, the Decatur area near Mt. Zion faces reliability risks beginning in 2016. *See id.* at 16; *Ameren Transmission Co. of Ill.*, Docket 14-0511, Order on Reh’g at 6-7 (Dec. 10, 2014); *Ameren Transmission Co. of Ill.*, Docket 14-0522, Order on Reh’g at 6-7 (Dec. 10, 2014). In addition, this portion of the Project is necessary to provide the benefits of adequate, reliable, and efficient electric service, including the reliable

delivery of renewable energy, and the development of an effectively competitive electricity market that operates efficiently and is equitable to all customers.

14. Therefore, it is necessary to modify the route to avoid MCCD property. As the Commission explained in Dockets 14-0551 and 14-0522, ATXI must seek approval for this modification pursuant to Section 8-406. *Ameren Transmission Co. of Ill.*, Docket 14-0511, Order on Reh'g at 6 (Dec. 10, 2014) (“ATXI must modify the approved Pana-Mt. Zion segment of the IRP by seeking a Commission-approved modification as indicated in the Second Order on Rehearing in Docket 12-0598”); *Ameren Transmission Co. of Ill.*, Docket 14-0552, Order on Reh'g at 6-7 (Dec. 10, 2014) (same); *see also Ameren Transmission Co. of Ill.*, Docket 12-0598, Second Order on Reh'g at 51 (Feb. 20, 2014) (“If need be, the Commission will entertain requests for a revised route under Section 8-406 to avoid the MCCD land.”).

15. The modification ATXI proposes here is a limited and reasonable adjustment to the route approved in Docket 12-0598 that avoids the MCCD property but does not materially change the route. As shown on Exhibit A, the modified route passes south of parcel MCCD 2 and then rejoins the route approved in Docket 12-0598 to cross property located south of MCCD 3 and MCCD 4. With this modification, the route remains approximately the same length as the originally approved route and remains the least-cost of the routes reviewed by the Commission in Docket 12-0598 (by at least \$1.5 million). The modified route also affects fewer landowners than the route the Commission approved in Docket 12-0598.

16. ATXI has already obtained voluntary easements from each of the four landowners impacted by the modification.

17. ATXI does not anticipate that the modification will have any impact on cultural, historical, and archeological resources, or on any endangered species. ATXI will continue to

work with relevant agencies to minimize or avoid these impacts.

THE MODIFIED ROUTE SATISFIES ALL REQUIREMENTS OF SECTION 8-406

18. The Commission has already concluded that the Project is necessary to address transmission and reliability needs in an efficient and equitable manner and will benefit the development of a competitive electricity market. The proposed modification to the Pana to Mt. Zion segment will not alter the purpose of, or the need for, the Project.

19. The Commission has already concluded that ATXI is capable of efficiently managing and supervising the Project's construction process. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 133. Modifying this small portion of the Pana to Mt. Zion segment of the Project will not impact ATXI's capability to manage or supervise the Project.

20. The Commission has also already found that ATXI is capable of financing construction of the Project without adverse financial consequences for ATXI or its customers. *Id.* Modifying this small portion of the Pana to Mt. Zion segment of the Project will not impact ATXI's ability to finance the Project.

21. The modified route remains the least-cost route. Construction of the modified route will cost approximately \$600,000 more than construction of the route approved by the Commission, but the modified route remains approximately \$1,533,000 less costly than any of the routes for which cost information was provided in Docket 12-0598. The increase in cost to construct the modified route represents an increase of less than one percent of the total estimated cost for Pana to Mt. Zion segment.

**ATXI HAS NOTIFIED LANDOWNERS AND ENTITIES POTENTIALLY
AFFECTED BY THE MODIFICATION**

22. A list containing the names and addresses of each owner of record of privately owned tracts of land, upon or across which the proposed modification to the route will be

constructed, as disclosed by the records of the tax collectors of the pertinent counties, is included as Petition Exhibit C, pursuant to 83 Ill. Admin. Code § 200.150(h) and in accordance with past Commission directives.

23. ATXI has acquired all needed land rights to construct the modified portion of the route by voluntary negotiation with the impacted landowners.

24. ATXI conducted those negotiations in accordance with 83 Ill. Admin. Code Part 300.

25. Notice of the filing of this Petition has been sent to each utility owning or operating railroad, electric supply and communication lines along the modified portion of the Pana to Mt. Zion segment, at the address set forth in Petition Exhibit D.

REQUEST FOR ORDER PURSUANT TO SECTION 8-503

26. ATXI is also requesting an order pursuant to Section 8-503 of this Act authorizing or directing the construction of the high voltage electric transmission line along the modified route between Pana and Mt. Zion, in the manner and within the time specified in the Commission's order in this proceeding. *See* 220 ILCS 5/8-406.1(i); 8/503.

27. For the reasons stated in this Petition, the Project is necessary to promote the development of an effectively competitive electricity market and/or to secure adequate service or facilities, and ought to be constructed. Therefore, the Commission should authorize or direct construction of the modified route as part of the Project pursuant to Sections 8-406 and 8-503 of the Act.

SUMMARY OF TESTIMONY

28. ATXI supports this Petition with the testimony of the following witnesses regarding the subject matters noted, filed simultaneously with this Petition:

<u>ATXI Exhibit No.</u>	<u>ATXI Witness</u>	<u>Subject of Testimony</u>
ATXI Exhibit 1.0	Kevin Gerhardt	Need for the modification; description of the modification; selection of the modified route.
ATXI Exhibit 2.0	Rick D. Trelz	Real estate acquisition matters.

REQUEST FOR RELIEF

WHEREFORE, Ameren Transmission Company of Illinois respectfully requests that the Illinois Commerce Commission enter an order pursuant to Sections 8-406 and 8-503 of the Act, 220 ILCS 5/8-406; 5/8-503, approving the modification of the route for the Pana to Mt. Zion segment of the Project that avoids the MCCD property, as depicted in Petition Exhibit A and legally described in Petition Exhibit B; and grant such other and further relief as the Commission deems just and necessary and as requested herein.

Dated: April 6, 2015

Respectfully submitted,

AMEREN TRANSMISSION COMPANY
OF ILLINOIS

/s/ Albert D. Sturtevant

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VERIFICATION

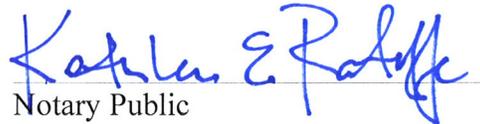
I, Albert D. Sturtevant, certify that: i) I am an attorney for Ameren Transmission Company of Illinois; ii) I have read the foregoing *Petition*; iii) I am familiar with the facts stated therein; and iv) the facts are true to the best of my knowledge, information and belief.



Albert D. Sturtevant

STATE OF ILLINOIS)
) SS
CITY OF CHICAGO)

Subscribed and SWORN to before me this 6th day of April 2015.



Notary Public

