

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY)
OF ILLINOIS)
)
Petition for a Certificate of Public)
Convenience and Necessity, pursuant) Docket No. 14-514
to Section 8-406 of the Illinois Public)
Utilities Act, and an Order pursuant to)
Section 8-503 of the Public Utilities Act,)
to Construct, Operate and Maintain a)
New High Voltage Electric Service Line)
in the Counties of Peoria and Knox,)
Illinois)

**POSITIONAL STATEMENTS
OF THE SP PARTIES**

The SP Parties, consisting of the Knox County Landowner Intervenors, the Peoria County I-74 Landowner Intervenors and Charles and Annette Zelnio, provide the following positional statements for consideration by the Administrative Law Judges. Because the SP Parties advocate first for ATXI Route B, then for modifications *only if* ATXI Route A is adopted, the suggested statements are provided in separately labeled sections.

I. POSITIONAL STATEMENT ON NEED FOR THE PROPOSED FACILITIES TO SERVE CUSTOMERS OR TO PROMOTE DEVELOPMENT OF A COMPETITIVE ELECTRICITY MARKET

The SP Parties point out that ATXI’s construction of the project from the Galesburg area to-be-constructed substation to the Fargo substation is one of two components of the MVP16 project. SP Parties, I.B. p. 3. The evidence shows that the project provides market benefits “as part of MVP16 and the MVP portfolio.” ATXI, I.B. p. 6. Accordingly, the Commission finds that the project will only “promote the development of an effectively competitive electricity market

that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives” if MidAmerican Energy Company’s portion of the project is constructed and operated.

II. POSITIONAL STATEMENT ON LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES *IF ATXI ROUTE B IS ADOPTED*

The SP Parties and several other intervenors assert that ATXI Route B is the least-cost route for the project. The Commission is cognizant that the absolute cost to construct a transmission line does not dictate what is least- cost. The Commission has utilized a twelve-factor test to compare routes in transmission line cases. Final Order, pp. 14-15, *Ameren III. Transmission Co.*, Docket No. 12-0598 (Aug. 20, 2013). These twelve factors consist of:

1. Length of line,
2. Difficulty and cost of construction,
3. Difficulty and cost of operation and maintenance,
4. Environmental impacts,
5. Impacts on historical resources,
6. Social and land use impacts,
7. Number of affected landowners and other stakeholders,
8. Proximity to homes and other structures,
9. Proximity to existing and planned development,
10. Community Acceptance,
11. Visual impact, and
12. Presence of existing corridors.

Id. p. 15. Generally, the factors are balanced “based upon the evidentiary record.” Order, p. 35, In re Commonwealth Edison Co., Docket 13-0567 (Oct. 22, 2014). The Commission is mindful that avoiding impacts to residences is an important benefit that can overcome other factors. See, Order, p. 16, *III. Power Co. d/b/a Ameren IP & Ameren III. Transmission Co.*, Docket 06-0179 (May 16, 2007) (“Although the Staff proposal is longer and thus more costly, it provides,

among other things, an important benefit of avoiding the siting of high-voltage transmission lines in close proximity to residential dwellings.”).

ATXI Route B avoids placing thirty-nine homes within 1,000 feet of the proposed transmission line. SP Parties, I.B. p. 23, *citing*, ATXI Ex. 8.2, Part 1 of 2, p. 23. This 1,000-foot distance was selected by ATXI’s routing expert, Mr. Koch, to measure impacts to residences, and he has repeatedly affirmed its applicability. ATXI Ex. 8.2, Part 1 of 2, p. 7; Koch, Tr. 327:18-328:10; Koch, Tr. 331:22-332:8.

Moreover, ATXI Route B also minimizes impacts to farm ground. ATXI’s own routing study found that the public was most concerned about impacts to residences and agriculture. ATXI, I.B. p. 13, *citing*, ATXI Ex. 8.0 (Rev.), pp. 11, 15. ATXI Route A requires placement of transmission poles seven to ten feet away from the interstate right of way, in the middle of tilled farm fields. Molitor, Tr. 161:1-3, 169:4-11, Koch, Tr. 324:8-10. This is not the case with ATXI Route B.

ATXI asserts that pole counts are a proper measure for impacts to farm ground. However, Mr. Ramp, a farmer with decades of experience, has explained the significant impacts that take place when fields are made irregular by pole placements. Ramp, Revised Reb, Ex. 2.0 REVISED, II. 25-31. CARB has also pointed out that splitting fields has a “dramatically more adverse impact to a farmer, because it cuts through the middle of his field.” CARB, I.B., p. 17. Additionally, because ATXI Route A utilizes significantly more angle structures,

which are more robust and larger, the land around them is impacted to a greater degree. ATXI Ex. 8.2, Part 1 of 2, pp. 20-21.

Unlike ATXI Route A, ATXI Route B allows for greater pole placement along field, property, and section lines. Accordingly, while a greater number of poles may be utilized, the impact to land use is drastically reduced. The Commission also recognizes that ATXI Route A would require the complete removal of vegetation along portions of Interstate 74. Koch, Tr. 327:3-11. The SP Parties, and other intervenors, point out that this drastically alters the landscape for thousands of drivers and the residents of the thirty-nine additional homes in proximity to ATXI Route A. SP Parties, I.B. pp. 24-25. Others have pointed out that the removal of this vegetation will cause an increase in noise pollution for existing subdivisions, which ATXI has not studied. Palmer Reb., II. 12-23; Tomlinson, Reb., II. 75-89; Koch, Reb., ATXI Ex. 16.0, II. 446-449. While Interstate 74 was initially identified as an opportunity, its disadvantages outweigh its limited benefits

Since ATXI Route B is marginally longer, the cost to construct ATXI Route B is higher than the cost to construct ATXI Route A. However, this project is part of a MISO approved multi value project. Accordingly, the costs of constructing the project are spread throughout MISO's territory. The Illinois public is only responsible for 9.5 percent of the costs of constructing the project. Rockrohr, Reb., Staff Ex. 2.0N, II. 191-195; SP-ATXI Cross Ex. 1. The Public Utilities Act instructs this Commission to be concerned about Illinois citizens without mention

to other states. 220 ILCS 5/1-102. The increase in cost to the Illinois public to utilize ATXI Route B, rather than ATXI Route A, is only \$551,000.

With the foregoing in mind, the Commission finds that while ATXI Route B is slightly longer and slightly more expensive to construct, the avoided impact to thirty-nine homes, the drastic reduction in impact to agriculture, and other issues corresponding to the use of the Interstate 74 corridor make it the least-cost routing alternative.

III. POSITIONAL STATEMENT ON LEAST-COST AND THE PROPOSED TRANSMISSION LINE ROUTES IF ATXI ROUTE A IS ADOPTED

The Commission is cognizant that absolute cost to construct a transmission line does not dictate what is least-cost. The Commission has utilized a twelve-factor test to compare routes in transmission line cases. Final Order, pp. 14-15, *Ameren Ill. Transmission Co.*, Docket No. 12-0598 (Aug. 20, 2013). These twelve factors consist of:

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important benefit that can overcome other factors. See, Order, p. 16, *Ill. Power Co. d/b/a Ameren IP & Ameren Ill. Transmission Co.*, Docket 06-0179 (May 16, 2007) (“Although the Staff proposal is longer and thus more costly, it provides, among other things, an important benefit of avoiding the siting of high-voltage transmission lines in close proximity to residential dwellings.”).

This Commission has determined that ATXI Route A is the more appropriate route for the project. However, Staff and several intervenors have suggested modifications to ATXI Route A that render it more superior. All modifications proposed are constructible. Molitor, Reb. (Rev.), ATXI Ex. 14.0(Rev.), ll. 114, ATXI, I.B. p. 22.

Charles and Annette Zelnio and Staff simultaneously presented an on-property modification in the northwest corner of Elba Township in Knox County. SP Parties, I.B. p. 5. The Zelnio modification is agreeable to ATXI (ATXI, I.B. p. 2), is supported by Staff (Staff, I.B. pp. 9-10), and no intervenor has opposed it. Because the on property modification is agreed to, it is to be afforded extra weight. Order, p. 24, *In re Commonwealth Edison Co.*, Docket 13-0567 (Oct. 22, 2014). The modification results in a slightly longer project, but avoids bisecting the Zelnio property (ATXI Ex. 16.0, p. 6), avoids being “closer to a residence. . . than is necessary,” (Rockrohr Rev. Dir., Staff Ex. 1.0(R), ll. 243-244, and is preferred by neighboring landowners. Zelnio, Dir., Ex. 1.0, ll 122-124. Being agreed to, and facially reasonable, the Commission finds that “slightly higher cost” noted by ATXI is outweighed by the benefits of utilizing the Zelnio modification.

Mr. Steven Ramp also advocates for a local modification to ATXI Route A in Persifer and Haw Creek Townships in Knox County. ATXI Ex. 16.4 shows Ramp's Alt 1 modifications. Ramp's Alt 1 modifications are supported by Staff, the Shipley Family, and all landowners comprising the Knox County Landowner Intervenor group. Shipley, I.B. p. 3; Staff, I.B. p. 10.

The Ramp Alt 1 modification provides several key benefits. The public has made it clear that its two greatest concerns are impacts to residences and impacts to agricultural operations. ATXI, I.B. p. 13, *citing*, ATXI Ex. 8.0 (Rev.), pp. 11, 15. Ramp's Alt 1 modification reduces impacts to both.

Ramp's Alt 1 modification does not place a single home within 500 feet of the transmission line. Ramp, Rev. Dir., Ramp Ex. 1.0 REVISED, II. 168-171. When the Alt 1 modification is utilized with ATXI Route A, it results in one fewer home within 300 feet and two fewer homes between 300 and 500 feet of the transmission line. Koch Reb., ATXI Ex. 16.0, II. 130.

Moreover, the modification allows for placement of poles in untilled areas of farm ground. Ramp. Tr. 290:17-20, 287:19-288:17, 290:23-291:2. It does so by following opportunities of property lines, half section, and section lines. See, ATXI Ex. 16.4; Ramp, Revised Dir., Ex. 1.0 REVISED, II. 126-128. Doing so reduces impacts to farming operations, Molitor, Tr. 168:2-5. The modification replaces routing that requires placement of poles within tilled areas. Molitor, Tr. 161:1-3, 169:4-11, Koch, Tr. 324:8-10. Placement of poles in tilled areas negatively impacts farming operations to a great degree. Ramp, Revised Reb, Ex. 2.0 REVISED, II. 25-31.

The Public Utilities Act instructs this Commission to be concerned about Illinois citizens without mention to other states. 220 ILCS 5/1-102. Because this project is part of a MISO approved multi value project, the costs of constructing the project are spread throughout MISO's territory. The Illinois public is only responsible for 9.5 percent of the costs of constructing the project. Rockrohr, Reb., Staff Ex. 2.0N, ll. 191-195; SP-ATXI Cross Ex. 1. Accordingly, the Ramp Alt 1 modification is only \$180,500 more expensive for the Illinois public. SP Parties, I.B. p. 14.

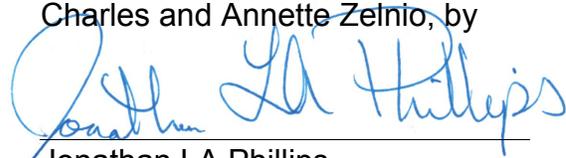
ATXI has expressed concern about Ramp's Alt 1 modification due to a corner pole that lies in a relatively low elevation and paralleling of a pipeline. ATXI, I.B. p. 22-23. However, as the SP Parties have pointed out, ATXI has actively advocated for a route not only utilizing a greater number of heavy-angle structures, but also having more varied terrain. ATXI Ex. 8.2, Part 1 of 2, pp. 20-21. Moreover, ATXI has taken the opportunity to suggest a more appropriate pole placement or even determine if it will require a taller pole with Ramp's proposed placement. Molitor, Tr. 16:11-16; Molitor, Reb., Ex. 14.0, ll. 136-137. ATXI's concerns about pipeline paralleling are likewise belied by the fact that its own proposed routes also parallel pipelines and by ATXI's refusal to investigate whether or not there would be an additional cost. Molitor, Tr. 157:14-17; see *also*, Rockrohr, Reb., Staff Ex. 2.0, ll. 116-121.

The Commission, having balanced the benefits of the Ramp Alt 1 modification against the increased expense of \$180,500 to the Illinois public and

the slight increase in length, Koch, Reb., ATXI Ex. 16.0, Il. 130, find that adoption of the Ramp Alt 1 modification is appropriate.

Accordingly, the Commission finds that the least-cost route of the project is ATXI Route A as modified by the Zelnio modification and Ramp Alt 1 modification.

Respectfully submitted,
Knox County Landowner
Intervenors, the Peoria County I-
74 Landowner Intervenors and
Charles and Annette Zelnio, by



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