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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
AMEREN TRANSMISSION COMPANY OF)
ILLINOIS,)
)
) Petitioner,)
)
) Docket No. 15-0278
)
) PETITION FOR A CERTIFICATE OF)
) PUBLIC CONVENIENCE AND)
) NECESSITY, PURSUANT TO SECTION)
) 8-406.1 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 ADAMS)
) COUNTY.

Chicago, Illinois
August 12th, 2015

Met, pursuant to notice, at 1:00 p.m.

BEFORE:

MS. CLAUDIA SAINSOT, Administrative Law Judge

SULLIVAN REPORTING COMPANY, by
Devan J. Moore, CSR
License No. 084-004589

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12 for Ameren Transmission
13 Company of Illinois;

14 MCNAMRA & EVANS, by
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18 for Arnsman, Hoskins, and
19 Peters Families;

20 SHAY PHILLIPS, LTD., by
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for Intervenors;

ILLINOIS COMMERCE COMMISSION, by
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for ICC Staff.

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1 JUDGE SAINCOT: By the authority vested in me
2 by the Illinois Commerce Commission, I now call
3 Docket No. 15-0278. It is the matter of Ameren
4 Transmission Company of Illinois. And it is a
5 Petition For a Certificate of Public Convenience and
6 Necessity Pursuant to Section 8-406.1 of the Illinois
7 Public Utilities Act and An Order Pursuant to Section
8 8-503 of the Public Utilities Act to Construct,
9 Operate, and Maintain a New High voltage Electric
10 Service Line in Adams County, Illinois.

11 Will the parties identify themselves
12 for the record, please.

13 MR. STURTEVANT: Good afternoon, your Honor.
14 Appearing on behalf of Ameren Transmission Company of
15 Illinois, Albert Sturtevant and Shannon Rust of Whitt
16 Sturtevant, LLP, 180 North LaSalle Street, Suite
17 2001, Chicago, Illinois 60601. My phone number is
18 (312) 251-3017.

19 MS. TURNER: Good morning, your Honor.
20 Appearing on behalf of Staff witnesses of the
21 Illinois Commerce Commission, it's Kelly Armstrong
22 Turner and Marcy Sherrill, 160 North LaSalle Street,

1 Suite C-800, Chicago, Illinois 60601.

2 MR. SHAY: Good afternoon. Appearing on behalf
3 of intervenors Frederick Loos, Loos Farm Supply,
4 Inc., and Timothy and Susan Shoenekase. My name is
5 William Shay with the firm Shay Phillips, Limited.
6 Address: 456 Fulton Street, Suite 255, Peoria,
7 Illinois 61602. Phone number is, (309) 494-6155.

8 JUDGE SAINSOT: Mr. O'Brien?

9 MR. FITZHENRY: Well, first, your Honor, it's
10 Edward Fitzhenry of Ameren Transmission Company of
11 Illinois. My address is 1901 Chouteau Avenue,
12 St. Louis, Missouri 63166.

13 JUDGE SAINSOT: Mr. O'Brien?

14 MR. O'BRIEN: Joseph O'Brien with the firm of
15 McNamara & Evans, 931 South Forest Street,
16 Springfield, Illinois 62705. Phone number:
17 (217) 528-8476. Appearing on behalf of intervenors,
18 the Arnsman, Mr. Hoskins, and Peters family,
19 collectively referred to as AHPF.

20 JUDGE SAINSOT: Before we begin maybe we want
21 to put on the record what we're doing here. Let's
22 start. I have two motions pending: the motion for

1 leave to file revised rebuttal testimony instanter
2 filed by Ameren; and then there's a joint motion to
3 file and admit a stipulation between Ameren and all
4 of the intervenors. I think I'm correct on that.

5 MR. STURTEVANT: That's correct, your Honor.

6 JUDGE SAINSOT: Let's start with the motion for
7 leave to file the Revised Rebuttal Testimony
8 instanter. Any objection?

9 MR. SHAY: No objection.

10 MS. TURNER: No objection.

11 MR. O'BRIEN: No objection, your Honor.

12 JUDGE SAINSOT: Okay. That being the case,
13 your motion is granted, and you have leave to file
14 revised rebuttal testimony instanter.

15 And the joint motion to file and admit
16 the stipulation between Ameren and all of the
17 intervenors, any objection?

18 MS. TURNER: No.

19 MR. O'BRIEN: No.

20 JUDGE SAINSOT: That being the case, that joint
21 motion is granted.

22 How are we going to proceed, counsel?

1 MR. STURTEVANT: Your Honor, we have one
2 witness, Mr. Gerhardt, who is subject to
3 cross-examination; and we would intend to put him on
4 in person. He's here.

5 The remaining company witnesses, I
6 believe it's been agreed -- there's no cross for
7 them. I believe it's been agreed that they will
8 submit their testimony via affidavit. So we would
9 propose to move into evidence the remaining Company
10 testimony and exhibits via affidavit.

11 JUDGE SAINSOT: Did you file the affidavit?

12 MR. STURTEVANT: We have not filed any of the
13 affidavits yet. We're in the process of collecting
14 them. I believe we can file some today, and we'll
15 have the rest filed tomorrow if that's okay.

16 JUDGE SAINSOT: So you will need leave to file
17 the remaining affidavits. You don't remember which
18 ones they were?

19 MR. STURTEVANT: The affidavits would be for
20 Mr. Kramer, Mr. Murbarger, Mr. Trelz, Ms. Hyland,
21 Mr. Hughes, and Mr. Wedell.

22 JUDGE SAINSOT: That's pretty much everybody,

1 but Mr. Gerhardt?

2 MR. STURTEVANT: Correct.

3 JUDGE SAINSOT: Is there any objection to
4 granting Ameren leave to file the affidavits of all
5 of its witnesses after today?

6 I assume you will be able to get them
7 tomorrow or the next day?

8 MR. STURTEVANT: Yes, we should be able to
9 get -- a number of them, I think, are ready to file
10 today. Let me check.

11 So Mr. Wedell's, Mr. Murbarger's, and
12 Ms. Hyland's affidavit are ready to file today.

13 JUDGE SAINSOT: Okay. So is there any
14 objection to filing those a little bit late?

15 MS. TURNER: No, your Honor.

16 MR. O'BRIEN: None, your Honor.

17 JUDGE SAINSOT: That being said, you have leave
18 to file the affidavits for all of the witnesses
19 except for Mr. Gerhardt.

20 And you'll probably be tired, but you
21 can file them after 5:00. I'm not saying you have
22 to.

1 MR. STURTEVANT: Okay. Understood.

2 MR. SHAY: Your Honor, if I may, similarly I
3 have affidavits executed for witnesses, Mr. Loos and
4 Ms. Shoenekase. The next time I can log into
5 e-docket I will file those.

6 JUDGE SAINSOT: Any objection to late filing
7 those exhibits?

8 MS. TURNER: No, your Honor.

9 MR. O'BRIEN: None.

10 JUDGE SAINSOT: So you have leave to file those
11 affidavits. And just for the record, those
12 affidavits establish the veracity. Just in case
13 anybody doesn't know why it's necessary, it's because
14 pre-filed testimony isn't sworn to yet.

15 MR. O'BRIEN: Your Honor, this is Joe O'Brien
16 down in Springfield. We had previously submitted
17 testimony from our three intervenors. Affidavits
18 were filed about an hour ago for those 3. And it's
19 been indicated that no one has cross-examination for
20 those witnesses.

21 JUDGE SAINSOT: Yes, I noticed that. Just
22 before the hearing I pulled up the -- a copy of the

1 e-docket. It doesn't say when it was filed. It does
2 indicate that affidavits were filed today. It's a
3 useful little thing.

4 MR. O'BRIEN: We would just ask that those be
5 accepted.

6 JUDGE SAINSOT: Well, so far the motions were
7 just for them being late filed. So we'll get to
8 whether your testimony is admitted later on.

9 MR. O'BRIEN: All right. Thank you.

10 JUDGE SAINSOT: Sure.

11 Would you like to proceed,
12 Mr. Sturtevant?

13 MR. STURTEVANT: Sure, your Honor. At this
14 time ATXI would call to the stand Mr. Kevin Gerhardt.

15 JUDGE SAINSOT: If you could just sit a little
16 sideways, that would be great. I don't want you to
17 strain your neck.

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(Witness sworn.)

KEVIN J. GERHARDT,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY

MR. STURTEVANT:

Q Good afternoon, Mr. Gerhardt. Can you state your full name for the record, please, and your business address.

A Kevin James Gerhardt, 1901 Chouteau Avenue, St. Louis, Missouri 63166.

Q And by whom are you employed?

A Ameren Services.

Q And what is your position with Ameren Services?

A Senior Project Manager.

Q Mr. Gerhardt, you have in front of you what has been marked as ATXI Exhibit 1. --

JUDGE SAINSOT: Hold on. I think there's probably a hearing problem. I heard somebody piping up in Springfield.

1 MR. O'BRIEN: We cannot hear the witness.

2 JUDGE SAINCOT: There's no microphone. It's
3 kind of hard for me to see the whole desk. Hold on
4 just a second.

5 Okay. Let's start over with
6 Mr. Gerhardt. Thanks for piping up in Springfield.

7 BY MR. STURTEVANT:

8 Q Mr. Gerhardt, good afternoon. Can you
9 state your name and business address for the record,
10 please.

11 A Kevin James Gerhardt, 1901 Chouteau Avenue,
12 St. Louis, Missouri 63166.

13 Q And by whom are you employed?

14 A Ameren Services.

15 Q And what is your position with Ameren
16 Services?

17 A Senior Project Manager.

18 Q Mr. Gerhardt, do you have in front of you
19 what has been marked as ATXI Exhibit 1.0, the Direct
20 Testimony of Kevin Gerhardt with supporting Exhibits
21 ATXI exhibits, ATXI Exhibits 1.1 through 1.3?

22 A Yes.

1 Q And was that testimony and exhibits
2 prepared by you or under your direction and
3 supervision?

4 A Yes.

5 Q If I were to ask you the questions
6 contained in your testimony today, your direct
7 testimony, would your answers be the same?

8 A Yes.

9 Q And is the information contained in your
10 direct testimony and supporting exhibits true and
11 correct to the best of your knowledge and belief?

12 A Yes.

13 Q Do you also have in front of you what is
14 marked as ATXI Exhibit 8.0 Revised, the Revised
15 Rebuttal Testimony of Kevin Gerhardt?

16 A Yes.

17 Q And was that revised rebuttal testimony
18 prepared by you or under your direction and
19 supervision?

20 A Yes.

21 Q And if I were to ask you the questions
22 contained in your revised rebuttal testimony today,

1 would your answers be the same?

2 A Yes.

3 Q Is the information contained in your
4 revised rebuttal testimony true and correct to the
5 best of your knowledge and belief?

6 A Yes.

7 MR. STURTEVANT: Your Honor, at this time we
8 would move for the admission of the Direct Testimony,
9 ATXI Exhibit 1.0, and 1.1 through 1.3, of
10 Mr. Gerhardt; and the Revised Rebuttal Testimony,
11 Exhibit 8.0, of Mr. Gerhardt. And we tender the
12 witness for cross-examination.

13 JUDGE SAINSOT: Any objection?

14 MR. O'BRIEN: None.

15 MS. TURNER: Subject to the cross, no.

16 MR. SHAY: No objection.

17 JUDGE SAINSOT: Okay. That being the case,
18 your motion is granted, Counsel. And ATXI Exhibit
19 1.0 with attachments 1.1 through 1.3, and 8.0 -- 8.0
20 Revised -- are all admitted into evidence.

21

22

1 (Whereupon, ATXI Exhibit 1.0,
2 1.1 through 1.3, and 8.0
3 Revised were admitted into
4 evidence.)

5 JUDGE SAINSOT: Okay. Who wishes to
6 cross-examine Mr. Gerhardt?

7 MS. TURNER: Your Honor, Staff has cross for
8 Mr. Gerhardt.

9 JUDGE SAINSOT: Okay.

10 CROSS-EXAMINATION

11 BY

12 MS. TURNER:

13 Q Good morning, Mr. Gerhardt. My name is
14 Kelly Turner. I am one of the witnesses for the
15 Staff of the Illinois Commerce Commission. I'm going
16 to be asking you a few questions about your direct
17 and revised rebuttal testimony today.

18 Do you have that available in front of
19 you?

20 A Yes.

21 JUDGE SAINSOT: Ms. Turner, before you begin
22 can you move that microphone a little closer. That

1 would really help.

2 BY MS. TURNER:

3 Q Beginning with your direct testimony on
4 Page 1, your direct testimony states that you are
5 a -- your present position at the time that it was
6 filed, April 10th, was a project manager, but I
7 believe that you just testified that you are a senior
8 project manager. Is that correct?

9 A That's correct.

10 Q Did that change at some point?

11 A Yes, that changed about 3 months ago.

12 Q At Lines 18 through 22 you testified as to
13 your responsibilities and your position as a project
14 manager, and you state, "I am responsible for the
15 planning, execution, completion, and operational
16 integration of Ameren Electric System's large scale
17 transition construction project.

18 "Currently I manage the Illinois River
19 Project as well as the Transmission Line Project that
20 integrates the project into the existing electric
21 transmission system including the transmission line
22 that is the subject of this proceeding."

1 Are those still your responsibilities
2 as a senior project manager?

3 A Yes.

4 Q Turning now to your revised rebuttal
5 testimony -- and this was filed on e-docket
6 yesterday. You said you had that in front of you.

7 I would like to direct your attention
8 to your testimony on Page 4, at Lines 74 and 75. In
9 these lines you're discussing Mr. Rockrohr proposed
10 alternate route which I will refer to at time as the
11 Staff Blue Route.

12 When I use that phrase, you'll
13 understand what I'm saying; correct?

14 A Yes.

15 Q You testified, "It made no sense to start
16 from Square One, as Mr. Rockrohr has essentially
17 done, and reconfigure a new for the Quincy to
18 Meredosia Line." Is that correct?

19 A Yes.

20 Q And you were not a witness in the docket
21 where the Illinois Rivers Project was approved by the
22 Commission, Docket No. 12-0598; correct?

1 A That's correct.

2 Q Are you aware of whether or not ATXI
3 proposed its primary route in this proceeding in
4 Docket 12-0598?

5 A Could you ask that again.

6 Q The primary route that the Company has
7 proposed in this proceeding to avoid the VOR tax.
8 And when I say, "VOR tax", you know that I mean the
9 navigational air facility for aircraft consisting of
10 VHF Omnidirectional Range Beacon and Tactical Air
11 Navigation System Beacon, which is regulated by the
12 FAA.

13 Are you aware of whether or not the
14 primary route that ATXI proposed in this proceeding
15 to avoid the VOR tax was also proposed by ATXI in
16 12-0598?

17 A As far as I am aware, it was not.

18 Q And are you aware of whether or not the
19 alternate route that ATXI proposed in this proceeding
20 was proposed in Docket No. 12-0598?

21 A As far as I am aware, it was not.

22 Q So given that these two route proposals by

1 ATXI in this case were not proposed in Docket No.
2 12-0598, can we agree that, essentially, ATXI
3 developed these routes after learning of the conflict
4 with the VOR tax that crossed -- sorry. Let me
5 rephrase that.

6 Can we agree that ATXI, essentially,
7 developed these two route proposals after learning of
8 the VOR tax conflict with the Commission-approved
9 route from 12-0598?

10 A That's correct.

11 Q And the reason that ATXI filed its petition
12 in this docket is that it learned it could not
13 construct the Illinois Rivers Project along the
14 Commission-approved route for the Quincy to Meredosia
15 segment of the Illinois Rivers Project; is that
16 correct?

17 A That's correct.

18 Q And is it your understanding that to
19 complete the Quincy to Meredosia segment of the
20 Illinois Rivers Project, ATXI must use a route that
21 differs from the Commission-approved route from
22 Docket 12-0598?

1 A That's correct.

2 Q I'd like to turn, again, to your rebuttal
3 testimony and the question and answer that appears on
4 Page 6 at Lines 106 to 113.

5 At the end of that question and answer
6 you totaled the sunk costs, or stranded costs,
7 associated with Mr. Rockrohr's route and state that
8 the route proposed by Mr. Rockrohr in this proceeding
9 would result in, approximately, \$6.8 million of sunk
10 costs as of May of 2015; is that correct?

11 A That's correct.

12 Q And is it true that ATXI learned of the
13 conflict with the VOR tax in January of 2014?

14 A That's my recollection, yes.

15 Q Turning now to Lines 129 and 130, you
16 testified, "ATXI stopped design, engineering, land
17 acquisition, and construction work in the area around
18 the VOR tax on the originally-approved route in the
19 project area on April of 2014"; is that correct?

20 A That's what it states, yes.

21 Q And can you please define the Company's
22 project area for us.

1 A Can you define "project area" for this
2 hearing.

3 Q Project area as you used it in your
4 testimony. Can you please define "the project area"
5 for us.

6 A Yes. It's the black box, for lack of a
7 better term; a route that is shown, I think, in
8 Ms. Hyland's exhibit that is just east of the east
9 connector and is west of the west connector point.

10 Q And that black box -- and I believe it's on
11 Ms. Hyland's Exhibit 12.1, which hasn't been entered
12 into evidence yet. We'll assume it will be.

13 That project area does not encompass
14 the entire Quincy to Meredosia segment; correct?

15 A That's correct.

16 Q And can you explain or do you know why ATXI
17 considered only route revisions within that black box
18 that ATXI has defined as the project area?

19 A Yes. The reason that the black box was
20 established is when we received the letter of hazard
21 from the FAA regarding the VOR tax, we made the
22 project area just outside of where the identified

1 hazards with the structures, and we limited are
2 deviations from the order route to the small of an
3 area as possible with the understanding that the ICC
4 has already evaluated the routes and in the original
5 proceedings for the Meredosia Line, and that that was
6 the least cost and most effective route.

7 Q And, again, that notification that the
8 company received was in January of 2014?

9 A I believe that's correct.

10 Q And looking at the next question and answer
11 in your revised rebuttal testimony, at Lines 134 to
12 136 you state, "The need to start over on line design
13 and land acquisition of the impacted area of the
14 Staff Blue Route will results in a delay and a
15 completion of this segment, approximately, 24 months,
16 as discussed by Mr. Trelz."

17 Is it correct that the Staff Blue
18 Route would result in a delay of the completion of
19 the entire segment from Quincy to Meredosia by 24
20 months?

21 A There is a potential for a 24-month delay.
22 Correct.

1 Q And when we say, "delay" -- I'm sorry.

2 When you say, "delay", are you
3 referring to a delay beyond the 2016 in-service date
4 that the Company proposed in 12-0598?

5 A Yes, it would extend beyond the 2016
6 service date.

7 Q Would it be fair to state that the Company
8 has concerns over the delays, the completion of the
9 Quincy to Meredosia segment beyond the 2016 service
10 date?

11 A Yes.

12 Q Given ATXI's concern over the delays in
13 trying to meet that 2016 in- service date, can you
14 explain why ATXI waited over a year after learning of
15 the conflict of the VOR tax to file this petition
16 with the Commission to avoid that VOR tax conflict?

17 A After we learned of the VOR tax conflict we
18 looked at alternates to stay within the smallest
19 deviation from the order route -- the original
20 ordered route. We worked with FAA to see if -- which
21 is actually the alternate route, the green route on
22 the maps.

1 We worked with FAA to determine if
2 that was a feasible route. They had identified that
3 it was. We came to the Staff and identified what was
4 going on, what we had encountered. And then the
5 recommendation is that we needed to go in and
6 actually go through this process.

7 We began that process with open
8 houses, talking with the landowners, getting
9 landowner's input. And that's why there has been a
10 delay coming backward.

11 Q Moving on to Lines 50 -- I'm sorry -- 150
12 to 153 on Page 8 of your rebuttal testimony --
13 revised rebuttal testimony. Excuse me.

14 Can you please read aloud the sentence
15 beginning at the end of Line 150, "By contrast...".

16 A "By contrast, Mr. Rockrohr is now --
17 Mr. Rockrohr now wants the Commission to revisit 25
18 percent of the approved route".

19 How far do you want me to read?

20 Q I'm sorry. That sentence and the next one,
21 please.

22 A "If Mr. Rockrohr had considered the Blue

1 Route as an appropriate alternative, he should have
2 proposed it for consideration in Docket 12-0598."

3 Q Is it your understanding that Staff in any
4 way initiated this proceeding, or did ATXI initiate
5 this proceeding?

6 A It's my understanding that ATXI initiated
7 it.

8 Q When you are talking about Mr. Rockrohr now
9 wants the Commission to revisit 25 percent of the
10 approved route, how are you calculating that 25
11 percent?

12 A The Blue Route is, approximately, 12 miles.
13 And the total length of the line is 46 miles 46.3
14 miles. So it's, approximately, 25 percent of the
15 total line.

16 Q And you're talking about that segment,
17 then, of the route, not of the entire Illinois Rivers
18 Project?

19 A As far as the 25 percent?

20 Q Yes.

21 A Yes. That's correct.

22 Q Thank you.

1 Is it your testimony at Lines 150 to
2 153 that Mr. Rockrohr or Commission Staff were in any
3 way responsible for designing a route to avoid the
4 VOR tax in Docket 12-0598?

5 A I don't believe that that statement
6 indicates that they should design it, no.

7 Q Thank you.

8 MS. TURNER: I have no further questions.

9 MR. STURTEVANT: Your Honor, in some instances
10 it's acceptable for the attorneys to consult with
11 their witness before any redirect. I don't know if
12 that's a practice that you endorse or not.

13 JUDGE SAINSOT: I can give you 5 minutes.

14 MR. STURTEVANT: Okay. And I guess I have to
15 assume that there's no other cross for Mr. Gerhardt
16 based on my understanding.

17 JUDGE SAINSOT: Is that true? There's no other
18 cross for Mr. Gerhardt? Mr. Shay, you have no
19 questions?

20 MR. SHAY: No questions, your Honor.

21 JUDGE SAINSOT: What about Mr. O'Brien?
22 Mr. O'Brien?

1 MR. O'BRIEN: I'm sorry. I didn't hear you.

2 JUDGE SAINSOT: That's all right. Will you be
3 having any questions for Mr. Gerhardt?

4 MR. O'BRIEN: No, we have no questions for this
5 witness.

6 JUDGE SAINSOT: Okay. I'll let you confer for
7 5 minutes.

8 (Whereupon, a brief recess was
9 taken.)

10 MR. STURTEVANT: Your Honor, we have no
11 redirect for Mr. Gerhardt.

12 JUDGE SAINSOT: Okay. Mr. Gerhardt, you can
13 step down. Thank you very much.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness was
16 excused.)

17 MR. STURTEVANT: Your Honor, I guess we would
18 then proceed with moving into evidence request for
19 admission of the remaining exhibits for ATXI.

20 JUDGE SAINSOT: Okay. You can proceed.

21 MR. STURTEVANT: Thank you.

22 Your Honor, ATXI filed what was marked

1 as ATXI Exhibit 2.0, the Direct Testimony of Dennis
2 Kramer. ATXI also filed ATXI Exhibit 9.0, the
3 Rebuttal Testimony of Dennis Kramer. Mr. Kramer's
4 Direct and Rebuttal Testimony are supported by his
5 affidavit marked as ATXI Exhibit 9.1.

6 We move for the admission of
7 Mr. Kramer's testimony at this time.

8 JUDGE SAINSOT: Any objection from Mr. O'Brien?

9 MR. O'BRIEN: No objection, your Honor.

10 JUDGE SAINSOT: Okay. And no objection in
11 Chicago. That being the case, your motion is granted
12 and ATXI Exhibit 2.0, 9.0, and 9.1, which are the
13 Direct, Rebuttal, and Affidavit of Dennis Kramer are
14 admitted into evidence.

15 (Whereupon, ATXI Exhibits 2.0,
16 9.0, and 9.1 were admitted into
17 evidence.)

18 MR. STURTEVANT: Thank you, your Honor.

19 Next we have the testimony exhibits of
20 Jerry Murbarger. ATXI has filed what is marked as
21 ATXI Exhibit 3.0, the Direct Testimony of Jerry
22 Murbarger, with supporting exhibits ATXI Exhibits 3.1

1 through 3.3. Also, what is marked as ATXI Exhibit
2 10.0, the Rebuttal Testimony of Jerry Murbarger with
3 supporting exhibit ATXI Exhibit 10.1.

4 Mr. Murbarger's testimony and exhibits
5 are supported by his affidavit, which is marked as
6 ATXI Exhibit 10.2. And we will move for the
7 admission of Mr. Murbarger's testimony and exhibits
8 at this time.

9 JUDGE SAINSOT: Any objection to admission of
10 Mr. Murbarger's testimony, Direct or Rebuttal?

11 MR. O'BRIEN: We have no objection, your Honor.

12 JUDGE SAINSOT: Thank you, Mr. O'Brien.

13 Okay. ATXI Exhibits 3.0, 3.1 through
14 3.3, 10.0, 10.1, and 10.2 are admitted into evidence.

15 (Whereupon, ATXI Exhibits 3.0,
16 3.1 through 3.3, 10.0, 10.1,
17 and 10.2 were admitted into
18 evidence.)

19 MR. STURTEVANT: Thank you, your Honor.

20 Next we have the testimony of Mr. Rick
21 Trelz. ATXI has filed what is marked as ATXI Exhibit
22 4.0 Revised, the Revised Direct Testimony of Rick

1 Trelz, along with supporting exhibits ATXI Exhibits
2 4.1 through 4.4. Also, ATXI has filed what is marked
3 as ATXI Exhibit 11.0, the Rebuttal Testimony of Rick
4 Trelz. These testimony and exhibits are supported by
5 Mr. Trelz's affidavit, which is marked as ATXI
6 Exhibit 11.1.

7 And ATXI would move for the admission
8 of Mr. Trelz's testimony and exhibit at this time.

9 JUDGE SAINSOT: Any objection, Mr. O'Brien?

10 MR. O'BRIEN: No objection, your Honor.

11 JUDGE SAINSOT: Any objection in Chicago? No?

12 They were shaking their heads, for the
13 record. That's why I said, "no".

14 Okay. That being the case, your
15 motion is granted. And ATXI Exhibit 4.0 Revised,
16 which is the Revised Direct Testimony of Rick Trelz;
17 ATXI Exhibit 4.1 through 4.4, which are the
18 supporting exhibits to Mr. Trelz's Direct Testimony;
19 ATXI Exhibit 11.0, which is Mr. Trelz's Rebuttal
20 Testimony; and ATXI Exhibit 11.1, which is the
21 supporting affidavit of Mr. Trelz, are all admitted
22 into evidence.

1 (Whereupon, ATXI Exhibits 4.0
2 Revised, 4.1 through 4.4, 11.0,
3 11.1 were admitted into
4 evidence.)

5 MR. STURTEVANT: Thank you, your Honor.

6 Next, we have the testimony of Emily
7 Hyland. ATXI has filed what is marked as ATXI
8 Exhibit 5.0, the Direct Testimony of Emily Hyland;
9 supporting exhibit ATXI Exhibit 5.1 Second Revised;
10 and additional supporting exhibits, ATXI Exhibit 5.2
11 through 5.4.

12 We've also filed what is marked ATXI
13 Exhibit 12.0, the Rebuttal Testimony of Emily Hyland
14 with supporting exhibits ATXI Exhibits 12.1 through
15 12.3. These testimony and exhibits are supported by
16 the affidavit of Ms. Hyland and marked with ATXI
17 Exhibit 12.4.

18 And we would move for the admission of
19 Ms. Hyland's testimony and exhibits at this time.

20 JUDGE SAINSOT: Any objection, Mr. O'Brien?

21 MR. O'BRIEN: No objection, your Honor.

22 JUDGE SAINSOT: Any objection from counsel in

1 Chicago? They're he shaking their heads. Okay. And
2 they're shaking heads no, for the record.

3 That being the case, your motion is
4 granted. And the Second Revised -- the Direct
5 Testimony of Emily Hyland, ATXI Exhibit 5.0; the
6 Second Revised supporting exhibit of Emily Hyland,
7 ATXI Exhibit 5.1 Second Revised; and ATXI Exhibit 5.2
8 through 5.4 are admitted into evidence, as well as
9 ATXI Exhibit 12.0, which is the Rebuttal Testimony of
10 Emily Hyland; and, finally, Ms. Hyland's affidavit,
11 which is ATXI Exhibit 12.4. Those are all admitted
12 into evidence.

13 (Whereupon, ATXI Exhibits 5.0,
14 5.1, 5.2 through 5.4, 12.0, and
15 12.4 were admitted into
16 evidence.)

17 MR. STURTEVANT: Thank you, your Honor.

18 Next, we have the testimony of Darryl
19 Hughes. ATXI has filed what is marked as ATXI
20 Exhibit 6.0, the Direct Testimony of Darryl Hughes;
21 accompanying exhibits ATXI Exhibits 6.1 and 6.2.

22 Mr. Hughes direct testimony and

1 exhibits are supported by his affidavit marked as
2 ATXI Exhibit 6.3. And we would move for the
3 admission of Mr. Hughes's testimony at this time.

4 MR. O'BRIEN: No objection, your Honor.

5 JUDGE SAINSOT: Any objection from the lawyers
6 in Chicago?

7 MR. SHAY: None.

8 MS. TURNER: I just had a question. You're
9 moving in both the confidential and the public?

10 MR. STURTEVANT: Yes. Thanks. That's correct.
11 So ATXI Exhibits 6.1 and 6.2 comes in both
12 confidential and proprietary and a public redacted
13 version. So we would be moving for the admission of
14 both of those.

15 JUDGE SAINSOT: Hearing no objection, your
16 motion is granted. And ATXI Exhibit 6.0, which is
17 the Direct Testimony of Darryl Hughes, as well as the
18 supporting exhibits to that direct testimony, which
19 are ATXI Exhibits 6.1 and 6.2.

20 I take it one is confidential and one
21 is proprietary? That's the difference between the
22 two?

1 Exhibit 13.2. And we would move for the admission of
2 Mr. Wedell's testimony and exhibits at this time.

3 JUDGE SAINSOT: Any objection?

4 MR. O'BRIEN: We have no objection.

5 JUDGE SAINSOT: You're getting very quick at
6 this, Mr. O'Brien.

7 Okay. That being the case, ATXI
8 Exhibit 7.0 with supporting Exhibit 7.1, which is the
9 Direct Testimony of David Wedell; as well as ATXI
10 Exhibit 13.0, which is Mr. Wedell's Rebuttal
11 Testimony; and 13.1, which is the supporting exhibit
12 to the rebuttal testimony; and, finally, 13.2, which
13 is Mr. Wedell's affidavit, those are all admitted
14 into evidence.

15 MR. STURTEVANT: Thank you, your Honor. That
16 concludes the evidentiary offering by ATXI. I do
17 have one minor procedural question relating to the
18 filing of testimony with respect to Mr. Gerhardt's
19 revised rebuttal, which is filed attached to our
20 motion for leave. And I note that there's some other
21 revised testimony in the record.

22 Is it your preference that once such a

1 motion is granted that we re-file Mr. Wedell's
2 testimony as standalone testimony; or how do you like
3 that to be handled?

4 JUDGE SAINSOT: The only reason I would want
5 you to re-file it is -- let me just take a look at
6 it.

7 No, I think it's pretty clear that
8 it's Exhibit 8.0 if somebody were looking at
9 e-docket. So I think you're good. That would be the
10 only reason I would -- you know, it's hard enough to
11 find things in the case in an e-docket anyway.

12 MR. STURTEVANT: Understood. Thank you, your
13 Honor.

14 JUDGE SAINSOT: So you're resting; right?

15 MR. STURTEVANT: Yes.

16 JUDGE SAINSOT: Staff?

17 MS. TURNER: Your Honor, Staff has agreed
18 cross-exhibits with the Company that we would like to
19 move into evidence. I don't know if you would like
20 us to do that after presenting Mr. Rockrohr before.

21 JUDGE SAINSOT: You think they're related to
22 Mr. Rockrohr?

1 MS. TURNER: Well, they're related to the
2 Company's witnesses. In lieu of crossing some of
3 their witnesses, we had agreed to move in some
4 exhibits.

5 JUDGE SAINCOT: Are these filed on e-docket?

6 MS. TURNER: They have not been filed on
7 e-docket. I have copies of them today, and I was
8 planning on filing them on e-docket. Some of them --
9 I believe some of them contain maps, so we wanted to
10 include the color versions of those.

11 JUDGE SAINCOT: Can I get a color version?

12 MS. TURNER: Yes. We have them.

13 JUDGE SAINCOT: It's very hard to see a map. I
14 mean, okay, I like maps; but it's very hard to see a
15 map when it's black and white.

16 MS. TURNER: I guess my question is would we be
17 introducing our cross-exhibits immediately following
18 the Company's case in chief or following our witness?

19 JUDGE SAINCOT: I think probably following your
20 witness.

21 MS. TURNER: Thank you.

22 JUDGE SAINCOT: So Staff do you want to go

1 next, or one of the intervenors?

2 MR. SHAY: I would be happy to go next, your
3 Honor.

4 JUDGE SAINSOT: Okay. Do you have questions
5 for Mr. Rockrohr?

6 MR. SHAY: I do not.

7 JUDGE SAINSOT: Okay. You just have evidence.
8 Do you have any questions of witnesses?

9 MR. SHAY: I have none.

10 JUDGE SAINSOT: Okay. So you just have...?

11 MR. SHAY: I'm just going to move for the
12 admission of our witnesses' testimony and exhibits.

13 JUDGE SAINSOT: Okay. Go ahead, Mr. Shay.

14 MR. SHAY: Thank you, your Honor. I would like
15 to move for admission into evidence the prepared
16 Direct Testimony exhibits of Susan Shoenekase, her
17 Direct Testimony is Exhibit 1.00 accompanied by
18 Exhibits 1.01, 1.02, 1.03; and her Rebuttal
19 Testimony, Shoenekase Exhibit 3.0 -- I'm sorry --
20 2.0. Her affidavit will be Exhibit 3.0.

21 And then Mr. Loos, Frederick Loos, his
22 prepared Direct Testimony, Loos Exhibit 1.00. And

1 his Exhibits 1.01 and 1.02.

2 JUDGE SAINSOT: And there's no rebuttal for
3 Mr. Loos?

4 MR. SHAY: No rebuttal.

5 JUDGE SAINSOT: Any objection to the admission
6 of those documents into the record?

7 MS. TURNER: No, your Honor.

8 MR. STURTEVANT: No objection, your Honor.

9 MR. O'BRIEN: We have none, your Honor.

10 JUDGE SAINSOT: Okay. That being the case,
11 your motion is granted, Mr. Shay. And the Direct
12 Testimony of Mr. Shoenekase -- Ms. Shoenekase; right?
13 Sorry -- which is Shoenekase Exhibit 1.1 plus three
14 attachments -- excuse me.

15 Her direct testimony is 1.00; and she
16 has three attachments, 1.01 through 1.03. Then
17 there's her rebuttal testimony; and that is
18 Shoenekase Exhibit 2.0 and her affidavit, 3.0. Those
19 are admitted into evidence.

20 Then there's Mr. Loos. His direct
21 testimony is 1.00, and there are attachments 1.01
22 through 1.02.

1 Does that include the affidavit?

2 MR. SHAY: It does not. I should have added
3 his affidavit is marked as Loos Exhibit 2.0.

4 JUDGE SAINSOT: Okay. 2.0. Those are all
5 admitted into evidence.

6 (Whereupon, Shoenekase Exhibits
7 1.1, 1.00, 1.01 through 1.03,
8 2.0, 3.0; and Loos Exhibits
9 1.00, 1.01 through 1.02, and
10 2.0 were admitted into
11 evidence.)

12 MR. SHAY: Thank you, your Honor.

13 JUDGE SAINSOT: Thank you. Why don't we take
14 Mr. O'Brien next then?

15 MR. O'BRIEN: Yes, your Honor. I would like to
16 move for admission of the Direct Testimony of Thomas
17 Arnsman which is marked as AHP Exhibit 1.0; the
18 Direct Testimony of James R. Hoskins, Exhibit 2.0;
19 and the Direct Testimony of John W. Peters, 3.0; and
20 their affidavits which were previously filed just
21 prior to the hearing, Mr. Arnsman's 4.0 and
22 Mr. Hoskins' 5.0, Mr. Peters' 6.0.

1 (Whereupon, AHP Exhibits 3.0 and
2 6.0 were admitted into
3 evidence.)

4 MR. O'BRIEN: Thank you, your Honor.

5 JUDGE SAINSOT: Is there anything further from
6 either intervenor?

7 MR. O'BRIEN: Not from us, your Honor, no.

8 JUDGE SAINSOT: Anything further from Mr. Shay?

9 MR. SHAY: Nothing, your Honor. Thank you.

10 JUDGE SAINSOT: Okay. So Staff?

11 MS. SHERRILL: Staff would like to call Greg
12 Rockrohr. Mr. Rockrohr, can you hear me okay?

13 MR. ROCKROHR: Yes, I can. Thank you.

14 MS. SHERRILL: Good afternoon.

15 Could you please swear him in, your
16 Honor?

17 JUDGE SAINSOT: Oh, sure. Can you hear me,
18 Mr. Rockrohr?

19 MR. ROCKROHR: I sure can.

20 JUDGE SAINSOT: Okay.

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(Witness sworn.)

GREG ROCKROHR,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY

MS. SHERRILL:

Q Would you please state your name for the record.

A Greg Rockrohr. And the last name is spelled, R-o-c-k-r-o-h-r.

Q And by whom are you employed and in what capacity?

A I'm employed by the Illinois Commerce Commission. I'm a senior electrical engineer in the Safety & Reliability Division.

Q You previously file two pieces of testimony in this case. The first was Direct Testimony filed on e-docket on June 2nd, 2015. It is labeled ICC Staff Exhibit 1.0 and includes narrative testimony and four attachments labeled A, B, C and D. The second was Rebuttal Testimony filed on e-docket on

1 July 27th, 2015. That is labeled ICC Staff Exhibit
2 2.0 and includes narrative testimony and one
3 attachment labeled Attachment A.

4 Do you have those documents in front
5 of you?

6 A Yes, I do.

7 Q Were ICC Staff Exhibit 1.0 and ICC Staff
8 Exhibit 2.0 prepared by you or under your direction,
9 supervision, or control?

10 A Yes.

11 Q Do you have any additions, deletions, or
12 corrections to make to the narrative testimony in
13 either one of those pieces of testimony?

14 A No.

15 Q If I asked you the same series of questions
16 set forth in your direct testimony, would your
17 answers be the same?

18 A Yes.

19 Q And if I asked you the same series of
20 questions set forth in your rebuttal testimony, would
21 your answers be the same?

22 A Yes.

1 MS. SHERRILL: At this time Staff would like to
2 move into evidence the Direct Testimony of Greg
3 Rockrohr; ICC Staff Exhibit 1.0 inclusive of
4 attachments and the Rebuttal Testimony of Greg
5 Rockrohr; ICC Staff Exhibit 20, inclusive of
6 attachments. And we tender Mr. Rockrohr for
7 examination.

8 JUDGE SAINSOT: Okay. Any objections to this
9 motion?

10 MR. STURTEVANT: No objections, your Honor.
11 Although, we do have -- in lieu of cross, we have
12 some data responses that we agreed with Staff to
13 admit into the record.

14 MR. SHAY: No objection, your Honor.

15 MR. O'BRIEN: We have no objection, your Honor.
16 We may have cross. It depends on what develops.

17 JUDGE SAINSOT: Okay. That being the case,
18 Staff Exhibits 1.0 and the attachments thereto. And
19 2.0 and the attachments thereto, which are the direct
20 and rebuttal testimony of Greg Rockrohr are admitted
21 into evidence.

22

1 (Whereupon, Staff Exhibit 1.0 w/
2 attachments, Staff Exhibit 2.0
3 w/ attachments were admitted
4 into evidence.)

5 JUDGE SAINSOT: Does anybody have any --

6 Does Staff have any other evidence?

7 MS. SHERRILL: No, your Honor.

8 JUDGE SAINSOT: I'm not implying that you
9 should.

10 MS. TURNER: No, other than the cross-exhibits.

11 JUDGE SAINSOT: Does anybody have any
12 cross-examination for Mr. Rockrohr?

13 MR. SHAY: None from me, your Honor.

14 MR. STURTEVANT: We don't have any cross; just,
15 as I indicated, some stipulated DRs in lieu of cross.

16 JUDGE SAINSOT: Mr. O'Brien?

17 MR. O'BRIEN: We have none, your Honor.

18 JUDGE SAINSOT: Well, I guess you wore a tie
19 for nothing. No, I'm just kidding. You're free to
20 step down, Mr. Rockrohr. I'm sorry. I just couldn't
21 resist.

22

1 (Laughter.)

2 JUDGE SAINSOT: Okay. So that just leaves the
3 data request response. Now, let me ask you
4 something. Has Mr. O'Brien seen these?

5 MS. TURNER: We circulated the cross-exhibits
6 that are marked as ICC Staff Cross-Exhibits to all of
7 the counsel of record this morning. And then I
8 believe that the Company circulated their
9 cross-exhibits yesterday.

10 MR. STURTEVANT: I believe that we shared them
11 with Staff. I'm not actually sure, your Honor, that
12 we circulated them amongst all of the intervenors.
13 Although, I'd be happy to do so. And I have copies
14 here in the hearing room.

15 JUDGE SAINSOT: Well, if you're going to admit
16 those into evidence and you're telling me that
17 Mr. Shay and Mr. O'Brien haven't seen them, how can
18 they formulate -- how do they know whether to object
19 or not?

20 MR. STURTEVANT: I have copies here.

21 JUDGE SAINSOT: Well, that doesn't help
22 Mr. O'Brien.

1 MR. STURTEVANT: I can forward a copy to
2 Mr. O'Brien.

3 JUDGE SAINSOT: Can you e-mail them to him?

4 MR. STURTEVANT: Yeah.

5 JUDGE SAINSOT: And maybe we'll take a
6 15-minute break.

7 MR. STURTEVANT: Sure. Yeah. That's no
8 problem.

9 JUDGE SAINSOT: Mr. O'Brien, does that sound
10 like --

11 How many documents are there?

12 MR. STURTEVANT: There are very few. In fact,
13 I don't know, Mr. O'Brien, if you have access to --
14 or if Mr. Fitzhenry has access to these in the
15 hearing room. I can read out the data response
16 request that form the portion of -- that form our
17 cross-exhibit, if that would be faster.

18 MR. O'BRIEN: I think I have a copy of it
19 before me right now.

20 JUDGE SAINSOT: Do you want to read them?

21 MR. STURTEVANT: Yeah. So the cross-exhibit
22 consists of ATXI/Staff Data Response 1.07; ATXI/Staff

1 1.08; ATXI/Staff 1.31; ATXI Staff 1.36; ATXI/Staff
2 1.37; ATXI/Staff 1.38; and ATXI/Staff 1.41.

3 JUDGE SAINSOT: So correct me if I'm wrong. I
4 just want to make sure I understand what's going on.
5 These data request responses were circulated earlier.
6 You just have to identify which ones and hope
7 Mr. O'Brien brought his whole file with them?

8 MR. STURTEVANT: That's correct. They were
9 served on the parties as part of the usual practice
10 with data responses. If Mr. O'Brien has them handy
11 and can review them, great. If not, I can forward
12 the e-mail to him right now.

13 JUDGE SAINSOT: Mr. O'Brien, do you have access
14 to e-mail?

15 MR. FITZHENRY: Your Honor, this is Ed
16 Fitzhenry. Mr. O'Brien has a copy of the DR
17 responses that were to be admitted as
18 cross-examination exhibits. He's looking at them
19 right now.

20 MR. O'BRIEN: Yes, I'm looking at them.

21 JUDGE SAINSOT: Okay. Mr. O'Brien, I'm going
22 to take a 15-minute break.

1 And what about Mr. Shay? What are we
2 going to do about Mr. Shay?

3 MR. STURTEVANT: I have hard copies for the
4 hearing room, your Honor.

5 JUDGE SAINSOT: So it's really 5 to 2:00 now.
6 Let's just say a quarter after. Maybe that's too
7 much time -- 10 after 2:00. And then see where you
8 are, and see if you want an objection.

9 I want you to feel comfortable to take
10 your time and not rush. So if I come back in the
11 room and you feel like you're not sure, just tell me;
12 and I'll just need to give you more time.

13 MS. TURNER: Your Honor, briefly, before we go
14 off the record, as long as we're taking a recess
15 right now, if we could also address whether or not
16 Mr. Shay and Mr. O'Brien saw the e-mails that Staff
17 sent out this morning with our cross-exhibits. I do
18 have hard copies in the hearing room if Mr. Shay
19 needs them. We can get Mr. O'Brien a hard copy in
20 Springfield if he needs them.

21 But as long as we're taking a break
22 for people to review them...

1 JUDGE SAINSOT: Right. Mr. Shay?

2 MR. SHAY: I received them, and I have reviewed
3 the exhibits. And I have no objection.

4 JUDGE SAINSOT: Okay. What about Mr. O'Brien?

5 MR. O'BRIEN: I don't believe I'll have any
6 objection at all, your Honor.

7 JUDGE SAINSOT: Okay. So we'll meet back at 10
8 after, and then we'll proceed.

9 MS. TURNER: Thank you.

10 MR. O'BRIEN: Thank you.

11 (Whereupon, a brief recess was
12 taken.)

13 JUDGE SAINSOT: Okay. Will you be having an
14 objection to these data requests responses?

15 MR. O'BRIEN: No we will have no objections.

16 JUDGE SAINSOT: Okay. Who wants to start?
17 Staff or Mr. Sturtevant?

18 MS. TURNER: It doesn't matter who goes first.
19 That's fine.

20 JUDGE SAINSOT: Okay.

21 MS. TURNER: Your Honor, at this time Staff
22 would like to move into evidence what has been marked

1 for identification as ICC Staff Cross-Exhibit 1.0,
2 which is ATXI Exhibit 2.4 that was filed and entered
3 into evidence in Docket No. 12-0598. And we would
4 also like to move into evidence ICC Staff
5 Cross-Exhibit 2.0, which is the Company's response to
6 Staff Data Request ENG 1.02, ENG 2.01, ENG 2.03.
7 ENG 2.03 has 3 attachments which would like to enter
8 as well. The response to ENG 2.04 R; the response to
9 ENG 3.01 and 3.02.

10 JUDGE SAINSOT: Any objection, Mr. O'Brien?

11 MR. O'BRIEN: No, no objection.

12 JUDGE SAINSOT: Mr. Shay?

13 MR. SHAY: None, your Honor.

14 MR. STURTEVANT: No objection, your Honor.

15 JUDGE SAINSOT: That being the case, your
16 motion to granted.

17 And Staff Cross-Exhibit 1.0, which is
18 a document that was admitted into evidence in
19 12-0598. Just for the record, it's not pre-filed
20 testimony?

21 MS. TURNER: No, it is not. It's a diagram.
22 Actually, I have a copy for you. And we will file

1 these on e-docket.

2 JUDGE SAINSOT: Okay. And it was in a previous
3 life Exhibit 2.4, but now it's Staff Cross-Exhibit
4 1.0. That is admitted into evidence.

5 (Whereupon, Staff Cross-Exhibit
6 1.0 was admitted into
7 evidence.)

8 JUDGE SAINSOT: And then data request responses
9 comprise Staff Exhibit -- Staff Cross-Exhibit 2.0.
10 And they are as follows: ENG 1.02, 2.01, 2.03 plus 3
11 attachments, 2.03, 2.04 --

12 Is that revised?

13 MS. TURNER: Yes, it was.

14 JUDGE SAINSOT: Okay.

15 -- 3.01 and 3.02. Those are all
16 admitted into evidence in the form of Staff 2.0.

17 (Whereupon, Staff Cross-Exhibit
18 2.0 was admitted into
19 evidence.)

20 MS. TURNER: Would you like a copy?

21 JUDGE SAINSOT: Yes. Sure. Especially if
22 there's pictures.

1 MS. TURNER: And they're in color (tendering).

2 JUDGE SAINSOT: Thank you. So nothing further
3 from Staff?

4 MS. TURNER: No, your Honor.

5 MR. STURTEVANT: Yes, your Honor. So then we
6 have one cross-exhibit as well. It's been marked as
7 ATXI/Staff Cross-Exhibit 1; and, as previously
8 indicated, it consists of the following data
9 responses: ATXI/Staff 1.07, 1.08, 1.31, 1.36, 1.37,
10 1.38, and 1.41. We would move for the admission of
11 that exhibit.

12 JUDGE SAINSOT: Can you just run the 1. numbers
13 again.

14 MR. STURTEVANT: Sure. It's Data Responses
15 ATXI-Staff 1.07, 1.08, 1.31, 1.36, 1.37, 1.38 and
16 1.41.

17 JUDGE SAINSOT: Okay. I think that's pretty
18 clear. So we're labeling that ATXI Cross-Exhibit
19 1.0?

20 MR. STURTEVANT: I actually marked it as
21 ATXI-Staff Cross-Exhibit 1.0. I could re-label it as
22 ATXI.

1 JUDGE SAINSOT: No, don't bother. Just so
2 we're clear. Let's not waste time again. It's
3 Cross-Exhibit 1.0. And you've clearly identified the
4 data request responses.

5 Okay. Anything else from ATXI?

6 MR. STURTEVANT: No, your Honor.

7 JUDGE SAINSOT: Okay. So we just need to go
8 over the post-trial schedule just so we're all clear.
9 And then that's it.

10 And you're going to get me copies of
11 those -- ATXI/Staff things? You're going to get me a
12 copy of that.

13 MR. STURTEVANT: Yes. I have copies right now.
14 Would you like us to file these on e-docket or hand
15 them to the court reporter, or how do you prefer...?

16 JUDGE SAINSOT: If you could file those on
17 e-docket, that would be great.

18 Okay. So has anything changed from
19 the schedule from the original dates? Simultaneous
20 initial briefs, September 1; and then draft orders
21 September 4; and then a proposal order by me by
22 September 29th.

1 MR. STURTEVANT: I'm not aware of any changes.

2 JUDGE SAINSOT: Mr. O'Brien?

3 MR. O'BRIEN: Yes?

4 JUDGE SAINSOT: Has anything changed?

5 MR. O'BRIEN: Not that I know of. What is the
6 date for intervenor briefs again?

7 JUDGE SAINSOT: September 1st.

8 MR. O'BRIEN: September 1st.

9 JUDGE SAINSOT: And these are simultaneous
10 briefs. So everybody's going to just file a brief
11 all at once because of the short deadline on this.

12 MR. O'BRIEN: Thank you.

13 JUDGE SAINSOT: Okay. So just so we're
14 clear --

15 MS. TURNER: So I'm sorry. And then there are
16 no...

17 JUDGE SAINSOT: Reply briefs on exhibits --

18 MS. TURNER: Correct. Okay.

19 JUDGE SAINSOT: -- or reply briefs.

20 MS. TURNER: I just have one question, Judge;
21 and that is related to the transcript from this
22 hearing and whether or not it can be available before

1 the filing date.

2 (Whereupon, a discussion was had
3 off the record.)

4 JUDGE SAINSOT: Yeah, that's a good point.

5 Thank you.

6 MR. SHAY: Your Honor, I have a question. The
7 schedule says briefs on exception are due on
8 October 7. Is that going to be regardless of whether
9 you get your proposal order out on the 29th or
10 sooner?

11 JUDGE SAINSOT: No. If I got mine out sooner,
12 I would probably -- I'm sure I'd stick to the 7th.
13 But if I got it out later, I would have to give you
14 more time. I couldn't just require a brief in 3 days
15 or something. I wouldn't do that. That's not nice.

16 MR. SHAY: I thank you.

17 JUDGE SAINSOT: Okay. Anything further?

18 (No response.)

19 JUDGE SAINSOT: Okay. Well, have a great
20 afternoon. Thank you.

21 SINE DIE...

22