

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS )  
 )  
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- ) Docket No. 15-0278  
503 of the Public Utilities Act, to Construct, Operate and )  
Maintain a New High Voltage Electric Service Line in )  
Adams County, Illinois. )

**BRIEF OF  
AMEREN TRANSMISSION COMPANY OF ILLINOIS ON REQUIREMENTS FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

**AND**

**JOINT BRIEF OF AMEREN TRANSMISSION COMPANY OF ILLINOIS AND  
INTERVENORS LOOS, SCHOENEKASE, ARNSMAN, PETERS AND HOSKINS ON  
LEAST COST ROUTE**

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## **I. INTRODUCTION**

This brief is divided into two parts. The first, sponsored solely by Ameren Transmission Company of Illinois (ATXI), explains why the Transmission Line proposed in this case is necessary, and why ATXI meets the statutory requirements for issuance of a Certificate of Public Convenience and Necessity (Certificate). The second part is sponsored jointly by ATXI and the landowner Intervenor in this case: Schoenekase, Loos, Arnsman, Hoskins and Peters. This joint briefing explains why the route that ATXI and the landowner Intervenor stipulated to, the Schoenekase Route, is the best and least cost route. This part also explains why the Staff routing proposal must be rejected.

In Docket 12-0598, the Illinois Commerce Commission (Commission) approved the Illinois Rivers Project, a 345 kV transmission line and related substations extending across central Illinois. One segment of the Illinois Rivers Project connects Quincy, Illinois to Meredosia, Illinois. The three-mile Transmission Line proposed by ATXI in this proceeding is necessary because Federal Aviation Administration (FAA) requirements regarding interference with air navigational equipment prevent ATXI from constructing a short piece of the Quincy to Meredosia segment on the route that the Commission approved in Docket 12-0598. The navigational equipment cannot be feasibly upgraded to eliminate interference, and relocation of the equipment is cost prohibitive and would take several years. Other possible mitigation options are also not feasible or cost effective.

ATXI's inability to construct the transmission line in this location produces an electrical gap in the Quincy to Meredosia segment of the Illinois Rivers Project. To eliminate the gap, ATXI must construct a transmission line that will connect Quincy to Meredosia. No party disputes the need to ensure a complete electrical connection between Quincy and Meredosia. There is also no dispute that ATXI has the managerial and financial ability to construct this

transmission line. Therefore, the only point of material controversy is where the new connection along the Quincy and Meredosia route should be located.

ATXI proposes a short transmission line connection that meets FAA requirements while minimizing deviation from the route approved by the Commission in Docket 12-0598. By minimizing deviation from the originally approved route, ATXI is minimizing the area impacted, the number of new landowners who may be affected by the Transmission Line and the stranded costs that would arise as a result of abandoning the original route for longer proposed deviation. This is consistent with ATXI's previous request, in Docket 15-0269, for approval of a short revised route where ATXI was unable to construct the transmission line approved in Docket 12-0598 on property owned by a conservation district. *See generally, Ameren Transmission Co. of Ill.*, Docket 15-0269, Order (July 8, 2015). In that case, ATXI proposed and the Commission approved a minimal deviation from the approved route to avoid the conservation district. *Id.*

As for the route for the Transmission Line, ATXI and all Intervenors (Loos, Schoenekase Arnsman, Hoskins, and Peters) prefer and recommend ATXI's Primary Route as slightly modified by Intervenor Schoenekase's route proposal (this brief refers to the ATXI Primary Route with this adjustment as the "Schoenekase Route"). (*See Stipulation Ex.1.*) The Schoenekase Route is the least cost route, and is acceptable to the affected landowner Intervenors. Staff agrees that the Schoenekase Route is reasonable. (ICC Staff Ex. 2.0 at 5.)

Despite the agreement of affected landowners to support the Schoenekase Route, Staff prefers a different alternative—the Staff Blue Route. This alternative would extend 12 miles over an area not previously considered or studied for a transmission line. The Staff Blue Route should be rejected, for at least four reasons. First, it will cost more, because its adoption would require ATXI to abandon engineering and land acquisition work already done on 12 miles of the route

approved in Docket 12-0598. Second, its adoption would potentially delay completion of the Quincy to Meredosia segment past its November 2016 in-service date, and so delay delivery of the benefits of the Illinois Rivers Project, particularly east of Quincy. Third, the Staff Blue Route has not been subject to the same extensive public input as ATXI's proposed routes and related Project Area, because landowners located on the Staff Blue Route outside ATXI's Project Area were not invited to, and so did not participate in, ATXI's public open houses. Finally, the Staff Blue Route has not been fully studied. Even ATXI's initial review, however, has identified at least five engineering obstacles associated with the Staff Blue route, including a nearby private airstrip.

Staff claims that its route is the "least-cost means." (ICC Staff Ex. 2.0 at 7.) But Staff applies the wrong standard in arriving at this conclusion. Staff focuses on the shortest and straightest route (which it believes produces the lowest dollar cost option), ignoring previous Commission orders that make clear that the determination of "least cost" involves evaluation of factors beyond just the length of the line and its dollar cost - such as proximity to residences and community acceptance. In short, Staff incorrectly equates "shortest route" with "least cost means." As a result, Staff's preference for its route is in error, and its proposed route should be rejected.

**BRIEFING OF AMEREN TRANSMISSION COMPANY OF ILLINOIS ON  
REQUIREMENTS FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

**II. SECTION 8-406.1 SETS FORTH THE REQUIREMENTS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Section 8-406.1 of the Public Utilities Act allows a utility to apply for a Certificate for a new high voltage electric transmission line under an expedited 150-day procedure. 220 ILCS 5/8-406.1. Under Section 8-406.1, the Commission is required to grant a Certificate if a proposed project “will promote the public convenience and necessity,” and three criteria are satisfied: (1) the project is either (i) “necessary to provide adequate, reliable, and efficient service to the public utility’s customers and is the least-cost means of satisfying the service needs of the public utility’s customers,” or (ii) “will 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”; (2) the public utility is “capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision of the construction”; and (3) the public utility is “capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.” 220 ILCS 5/8-406.1(f)(1).

**III. ATXI HAS COMPLIED WITH THE INFORMATIONAL AND PROCEDURAL REQUIREMENTS OF SECTION 8-406.1**

To enable expedited consideration of petitions, Section 8-406.1 requires the utility to hold public meetings in counties affected by the proposed project, pay a fee, publish notice of its application in the official State newspaper within ten days of its filing, and submit detailed engineering information to the Commission with its petition. 220 ILCS 5/8-406.1(a), (d), and (e).

ATXI held public open houses in Adams County, where the Transmission Line is located, on December 17 and 18, 2014, and on January 13, 2015. (ATXI Ex. 5.0 at 12, 16.) ATXI published notice of the meetings in local newspapers for three consecutive weeks before the meetings were held, and mailed invitations directly to individuals it identified as landowners in the Project Area. (*Id.* at 10-11.) ATXI also mailed invitations to local, state and federal agencies and officials, as well as non-governmental entities. (*Id.*) In addition, ATXI established a dedicated website for the Transmission Line, and telephone hotline. (*Id.* at 12.)

ATXI submitted the required fee, and all of the required detailed engineering and design information with its Petition. (ATXI Ex. 1.0 at 7; ICC Staff Ex. 1.0 at 17-18.)

Approximately two months after its Petition was filed, ATXI became aware that notice of the application had not been published in the official state newspaper. (*See* ATXI Am. Mtn. to Deem Pet. Completely Filed (June 17, 2015).) ATXI acted immediately to publish the notice, and moved to deem the Petition completely filed as of the date of publication. (*Id.*) This motion was granted on July 2, 2015, and the procedural schedule was reset. (Notice of Continuance of Hearing & Notice of Schedule (July 2, 2015).)

Thus, ATXI has complied with all of the requirements of Section 8-406.1.

#### **IV. THE TRANSMISSION LINE IS NEEDED TO ADDRESS AN ELECTRICAL GAP IN THE APPROVED ILLINOIS RIVERS PROJECT**

The Transmission Line is necessary to resolve an electrical gap in the Illinois Rivers Project and fully realize the benefits of the Project. No party disputes that there is a need to ensure a complete 345 kV electrical connection between Quincy and Meredosia.

In Docket 12-0598, ATXI applied for and received a Certificate to construct the Illinois Rivers Project, a new 345 kV electric transmission line running over 375 miles across central Illinois. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order (Aug. 20, 2013); Second Order

on Reh'g (Feb. 20, 2014). The Commission found that the Illinois Rivers Project was necessary to provide adequate, reliable, and efficient electric service, including the reliable delivery of renewable energy. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 14 (Aug. 20, 2013). The Commission also found that the Illinois Rivers Project will promote the development of an effectively competitive electricity market that operates efficiently and is equitable to all customers, that it will provide reliability benefits in Illinois, and that it is the least-cost means of satisfying those objectives. *Id.* The Commission approved routes for the Project, including a route for the portion of the Illinois Rivers Project connecting substations in Quincy and Meredosia, Illinois. *Id.* at 40-41.

Following Commission approval, ATXI began final design of the Quincy to Meredosia route segment, and sought necessary permits from government agencies, including the FAA. (ATXI Ex. 7.0 at 2-3.) The FAA reviews the location of every power line structure in proximity to an airport or air navigation system to determine whether the structure will interfere with the airport or navigation. (*Id.* at 4-5.) After ATXI determined the coordinates of each pole on the Quincy to Meredosia segment of the Illinois Rivers Project, it submitted those coordinates to the FAA for review. (*Id.* at 5.) Initially, the FAA indicated that the poles would not cause any interference. (*Id.*) However, on January 24, 2014, the FAA issued a Notice of Presumed Hazard detailing its findings that 16 transmission line poles between Quincy and Meredosia would have an adverse physical or electromagnetic interference on navigation equipment. (*Id.* at 5-6.) The FAA then conducted a more detailed study, which was completed in April 2014, and found that those 16 structures could not be constructed in their planned locations because they would interfere with air navigation equipment at a nearby FAA air navigation facility referred to in ATXI's evidence as the VORTAC. (*Id.*) (VORTAC is an acronym encompassing several

navigational systems for aircraft, including short-range radio navigation systems, military air navigation systems, communications equipment, and hazardous weather advisory systems.) (*Id.* at 3; ATXI Ex. 13.0 at 3.)

ATXI and the FAA discussed several possible methods of mitigating the impact of a transmission line on the air navigation facilities, so that the transmission line could be constructed on the route approved by the Commission in Docket 12-0598. (ATXI Ex. 7.0 at 6.)

- The parties discussed alternative designs for a transmission line on the original route, including wooden poles and underground construction. (*Id.* at 7.) These options were not feasible because the route encroaches on an exclusion zone set forth in FAA regulations, and because undergrounding the transmission line is not cost effective. (*Id.*)
- The parties discussed rebuilding the air navigation facilities in a different location. This alternative was also determined to be infeasible because it would cost between \$10.3 and \$21.2 million to relocate the air navigation equipment, and would take between four and six years. (*Id.*) Because ATXI could not begin construction of any transmission line near the air navigation facilities until all upgrades are complete, construction could not begin until 2020 at the earliest. (*Id.*) In addition, this option would require approval from the military, and the time required for this approval is unknown. (*Id.*)
- The parties discussed replacing the air navigation equipment with upgraded Doppler radar equipment. (*Id.*) This alternative was determined to be infeasible because while upgrades might mitigate interference with certain equipment, they would not eliminate interference entirely; and for the remaining equipment, no upgrades to mitigate interference are available. (*Id.* at 7; ATXI Exs. 13.0 at 2-3, 13.1.) Even if an upgrade could address the interference between any transmission line and the air navigation facilities, upgrades would take at least four years, and ATXI could not begin construction near the navigation facility until all upgrades are complete. As a result, the Quincy to Meredosia segment of the Illinois Rivers transmission line could not be placed in-service in 2016, as planned, but would be delayed until at least 2020. (ATXI Ex. 9.0 at 4.)

Because no mitigation measures are available, the FAA will not approve an overhead transmission line along approximately two miles of the route the Commission approved in Docket 12-0598. (ATXI Ex. 13.0 at 4.)

Thus, ATXI explored all possible alternatives that would allow a transmission line to be constructed on the route originally approved in Docket 12-0598, and discarded each alternative

as infeasible or not cost effective. The record shows there is no feasible means of connecting Quincy and Meredosia using the route approved in Docket 12-0598.

As stated, ATXI's inability to construct a transmission line on two miles of the route approved in Docket 12-0598 creates an electrical gap in the Quincy to Meredosia segment of the Illinois Rivers Project. (ATXI Ex. 2.0 at 4.) But the Commission found in Docket 12-0598 that a 345 kV connection between Quincy and Meredosia is necessary to support the development of an efficient and competitive electricity market, and to bolster reliability. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 14. Staff and ATXI agree that this connection remains necessary. (ICC Staff Ex. 1.0 at 7; ATXI Ex. 1.0 at 6.) And no party to this proceeding disputes that conclusion. In order to realize the benefits of the Illinois Rivers Project generally, and the Quincy to Meredosia segment of the Illinois Rivers Project specifically, there must be a continuous 345 kV transmission line circuit across the state that interconnects with the existing electrical system. (ATXI Exs. 1.0 at 5; 2.0 at 4.)

The Transmission Line ATXI has proposed in this proceeding resolves the electrical gap in the least-cost manner. (ATXI Ex. 1.0 at 6.) It is approximately three miles in length, minimizes the deviation from the previously approved route segment, has been extensively studied, incorporates the public's input, and avoids interference with the air navigation facility. (ATXI Ex. 2.0 at 5.) The Transmission Line will allow ATXI to deliver the benefits of the Illinois Rivers Project, which the Commission found were necessary in Docket 12-0598. Thus, the Transmission Line is necessary to provide adequate, reliable, and efficient service to the public utility's customers and will 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, in satisfaction of the standard set forth in Section 8-406.1. 220 ILCS 5/8-406.1(f)(1).

**V. ATXI IS CAPABLE OF MANAGING AND SUPERVISING THE CONSTRUCTION PROCESS**

The record shows that ATXI is capable of efficiently managing and supervising the construction of the Transmission Line, and ensuring adequate and efficient construction.

Ameren Services Company (Ameren Services), on behalf of ATXI, will manage and supervise construction of the Transmission Line. (ATXI Ex. 1.0 at 10.) Ameren Services and its personnel have many years of experience successfully overseeing the construction of transmission lines, and have managed construction of hundreds of miles of transmission line, including the 375-mile Illinois Rivers Project. (*Id.*)

ATXI witness Kevin Gerhardt concluded that ATXI is able to efficiently manage and supervise the construction of the Transmission Line. (*Id.*) Staff witness Mr. Rockrohr stated he had no reason to question that ATXI is able to efficiently manage and supervise the construction of the Transmission Line. (ICC Staff Ex. 1.0 at 16.)

**VI. ATXI IS CAPABLE OF FINANCING THE PROPOSED CONSTRUCTION**

The record establishes that ATXI is capable of financing the Transmission Line without adverse financial consequences for itself or its customers, and no party has argued otherwise.

ATXI estimates that the total cost of the Transmission Line will range between \$9.8 and \$10.0 million if ATXI's Primary or Alternate Route is approved. (ATXI Ex. 6.0 at 3.) The funds required for construction will be available to ATXI, at least initially, primarily from Ameren Corporation (Ameren). (*Id.*) Ameren is well-capitalized and has more than adequate financial resources to fund the cost of the Transmission Line. (*Id.* at 5.) As of December 31, 2014, Ameren had \$22.7 billion of assets and \$17.4 billion of property and plant, as well as long-term

capitalization of \$1.1 billion and retained earnings of \$1.103 million. (*Id.*) In addition, Ameren has strong investment-grade credit ratings, which will provide ATXI with access to debt capital at competitive rates. (*Id.*)

ATXI has access to Ameren's funds via intercompany loans and equity infusions. (*Id.*) The Commission has already approved two inter-company borrowing arrangements, which provide for up to \$475 million of direct lending from Ameren to ATXI. (*Id.*) ATXI will eventually be able to arrange its own long-term debt financings with unaffiliated lenders. (*Id.* at 4.) ATXI will also have access to funds through periodic equity infusions and ATXI's retained earnings. (*Id.* at 5.) ATXI currently has retained earnings and will continue to receive earnings based on the transmission facilities it currently owns, in addition the Transmission Line. (*Id.*)

ATXI's transmission tariffs allow ATXI to recover its interest expense associated with construction debt in the year it is incurred, and to earn a rate of return on the equity portion of its capitalization. (*Id.*) These provisions significantly reduce the financial risk associated with construction of the Transmission Line, so that it will not impose financial stress on ATXI or Ameren. (*Id.*)

ATXI witness Mr. Hughes concluded that ATXI has the ability to finance the Transmission Line without adverse financial consequences to the utility. (*Id.* at 7.) Mr. Rockrohr stated that he had no reason to question this claim. (ICC Staff Ex. 1.0 at 17.)

## **VII. SECTION 8-503 ORDER**

ATXI also seeks a Commission order authorizing the Transmission Line to be built pursuant to Section 8-503 of the Act. Section 8-406.1(i) of the Act provides, "a decision granting a certificate under this Section shall include an order pursuant to Section 8-503 of this Act authorizing or directing the construction of the high voltage electric service line and related facilities as approved by the Commission, in the manner and within the time specified in said

order.” 220 ILCS 5/8-406.1(i). Section 8-503 of the Act, in turn, permits the Commission to issue an order authorizing or directing utility construction “[w]henver the Commission, after a hearing, shall find . . . that a new structure or structures is or are necessary and should be erected, to promote the security and convenience of . . . the public or promote the development of an effectively competitive electricity market, or in any other way to secure adequate service or facilities.” 220 ILCS 5/8- 503. No party opposes the issuance of a Section 8-503 Order.

Because the proposed Transmission Lines meets the requirements of Section 8-406.1 of the Act, the Commission should issue ATXI a Certificate of Public Convenience and Necessity authorizing ATXI to construct, operate and maintain the Transmission Line. As will be discussed below, the Transmission Line should be approved on the Schoenekase Route (as shown on ATXI Ex. 12.1 and Schoenekase Ex. 1.03). The Commission should also issue an order pursuant to Sections 8-406.1(i) and 8-503 of the Act authorizing or directing construction of the Transmission Line.

**JOINT BRIEFING OF AMEREN TRANSMISSION COMPANY OF ILLINOIS  
AND INTERVENORS LOOS, SCHOENEKASE, ARNSMAN, PETERS AND HOSKINS  
ON LEAST COST ROUTE**

The only material controversy in this proceeding concerns how to complete the connection between Quincy and Meredosia. And the dispute on this point is limited to the question of whether the Staff Blue Route or Schoenekase Route should be approved.

The Schoenekase Route represents the preference of *all* the intervening landowners and ATXI. It minimizes deviation from the route approved in Docket 12-0598, and avoids stranded costs and delay in completion of the Quincy to Meredosia segment. It has been the subject of both routing analysis and public input – while the Staff Blue Route has not. Therefore, the Schoenekase Route should be approved.

**VIII. THE SCHOENEKASE ADJUSTMENT IS THE BEST AND LEAST-COST ROUTE FOR THE TRANSMISSION LINE**

For purposes of the Commission’s least cost analysis, the Schoenekase Route is essentially the same as ATXI’s Primary Route. The Schoenekase routing proposal modifies ATXI’s Primary Route slightly, but does not add to the cost or length of the Primary Route or otherwise materially change the route’s impacts (other than to reduce by one the number of affected residences). The Schoenekase Route is therefore comparable to ATXI’s Primary Route, and any benefit or advantage of the ATXI Primary Route is also a benefit or advantage of the Schoenekase Route.

As will be discussed, when reviewing these benefits and advantages, the Schoenekase Route is the least-cost route overall. Because, at only three miles in length, it minimizes the deviation from the route approved in Docket 12-0598, the Schoenekase Route minimizes cost and impacts fewer new, unaffected landowners. As compared to ATXI’s Alternate Route, the

Schoenekase Route has a lower dollar cost and fewer impacts. And crucially, the Schoenekase Route is preferred by the intervening landowners.

By contrast, as will also be discussed below, the Staff Blue Route is opposed by affected Intervenors. It would require 12 miles of new line—a 25% change in the originally approved transmission line route from Quincy to Meredosia. As compared to the Staff Blue Route, and as discussed in more detail below, the Schoenekase Route costs less and has been more thoroughly studied, while the Staff Blue Route presents unresolved engineering obstacles. The Staff Blue Route also suffers from a lack of public comment, input, and awareness. As addressed below, most of the landowners affected by the Staff Blue Route were not even given notice of the potential for a transmission line affecting their property in the underlying Docket 12-0598 proceeding because none had been proposed that would have affected their property.

**A. The Schoenekase Route is the preferred route of ATXI and *all* landowner Intervenors.**

As evidenced by the Stipulation filed on August 12, 2015, the Schoenekase Route has garnered community acceptance. The Schoenekase Route was also supported by a large number of landowners during the two series of public open houses. (ATXI Ex. 5.0 at 21.) It is preferred by all Intervenors in this case, and resolves specific concerns of affected landowners Loos and Schoenekase. The Commission “is mindful of the benefits of the parties involved being able to come to an agreement” and has found that “weight should be given to that agreement when weighing routing options.” *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 23 (Aug. 20, 2013). The Commission has also been “persuaded” to adopt a routing option as the “best option” because it was cost-effective and “eliminate[d] concerns raised by almost all the intervenors.” *Id.* at 41.

**B. The Schoenekase Route avoids significant stranded costs.**

ATXI ceased design, engineering, land acquisition and construction work in the Project Area in April of 2014, when it learned that the Transmission Line would conflict with the FAA air navigation facilities in that area. (ATXI Ex. 8.0 at 7.) But ATXI has made significant progress on the design of the original Docket 12-0598 route to the east and west of the Project Area, and has procured materials to construct the route as designed. (*Id.* at 5-6.) ATXI has also begun construction of access roads and gates, and removed vegetation in preparation to install structures to the east and west of the Project Area. (ATXI Ex. 10.0 at 4.) ATXI has been negotiating easements with landowners along the Quincy to Meredosia segment for over 23 months, and has been successful in acquiring 124 of the 157 easements necessary to construct the segment. (ATXI Ex. 11.0 at 3.) All of these activities have resulted in time and resources expended and costs incurred. Use of the Schoenekase Route minimizes deviation from the route approved in Docket 12-0598, and so minimizes the stranded costs.

If, by contrast, Staff's Blue Route is adopted, ATXI would have to essentially abandon work already done on 12 miles of the original approved route, including engineering, design, and materials costs. ATXI will be unable to use 21 of the easements it has already acquired on the original Docket 12-0598 route, and four easements it is currently negotiating. (*Id.*) In total, ATXI would be forced to abandon \$6.8 million in materials, easement costs, and work it has conducted preparing to construct the Quincy to Meredosia segment if Staff's Blue Route is adopted. (ATXI Ex. 8.0 at 6.) At least \$2.4 million of this amount was incurred before ATXI knew about the air navigation facility conflict. All of these stranded or sunk costs must be recognized as costs of adopting the Staff Blue Route. (*Id.* at 6.)

**C. The Schoenekase Route is the result of comprehensive study and landowner input.**

ATXI developed its proposed Primary and Alternate Routes in a comprehensive and efficient process that considered impacts to land uses, landowners, the environment, and cultural and historical resources, as well as cost, engineering requirements, and regulatory considerations. (ATXI Ex. 5.1 (2d Rev.)) As a minor deviation from ATXI's Primary Route within ATXI's Project Area, and because it is similar to options suggested during the public process, the Schoenekase Route was fully a part of this process.

During the route selection process prior to this proceeding, ATXI sought to connect the electrical gap in the Transmission Line in a manner consistent with FAA requirements, but with as little deviation from the route approved in Docket 12-0598 as possible. (ATXI Ex. 1.0 at 8.) This approach is consistent with the approach taken in Docket 15-0269. *Ameren Transmission Co. of Ill.*, Docket 15-0269, Order (July 8, 2015). In that case, ATXI resolved an electrical gap that resulted from ATXI's inability to obtain an easement from the Macon County Conservation District by analyzing the area in immediate proximity to the MCCD and selecting a route that avoided the MCCD and minimized the deviation from the route approved in Docket 12-0598. *Id.* at 5. Staff agreed that the route proposal was appropriate and did not suggest a more substantial deviation. The Commission approved ATXI's route on July 8, 2015. *Id.*

In this case, after ATXI learned, in April 2014, that it would not be possible to construct a transmission line on two miles of the route the Commission approved in Docket 12-0598, ATXI began a routing study and line design process that lasted six months, and involved significant input from landowners, stakeholders, and regulatory agencies. ATXI developed three preliminary routes that satisfied the FAA requirements, and presented these routes to stakeholders at three public open houses that took place over the course of two months in Adams

County, where the Transmission Line is located. (ATXI Ex. 5.0 at 9-10.) ATXI undertook significant efforts to notify stakeholders of the public meetings, and solicit feedback at the meetings. (*Id.* at 10-13.) ATXI also offered stakeholders the option to meet with ATXI representatives in individual appointments. (*Id.* at 13.) At these initial meetings, stakeholders expressed two primary concerns regarding the Transmission Line: its proximity to residences, and its impacts on agriculture. (*Id.*) ATXI incorporated these concerns into its routing analysis by shifting the placement of the route to increase its distance from residences and accommodate agricultural equipment. (*Id.* at 14.)

ATXI's Primary and Alternate Routes emerged from this public process as the optimum locations for the Transmission Line. These routes are cost-effective, meet the routing criteria, minimize environmental impacts and proximity to residences, and comply with FAA requirements. (*Id.* at 19.) Neither of ATXI's proposed routes will impact nature preserves, wetlands, waterways, or endangered or protected species. (*Id.* at 21-23.) Use of the Schoenekase Route, which is similar to the Primary Route, does not change this conclusion.

After ATXI identified its two alternative routes, it discussed them with the Staff and the FAA. (*See* Tr. at 70.) ATXI then selected the Primary Route as its preferred route. As compared to the Alternate Route, the Primary Route requires fewer structures placed in agricultural lands, requires fewer costly angle structures, and is located across a road from the only two residences within 300 feet of the line. (ATXI Ex. 5.0 at 21.) In addition, the Primary Route will overlap with County Road 550, which will reduce impacts during survey, construction, and maintenance operations. (*Id.*)

In direct testimony, Intervenor Ms. Susan Schoenekase proposed a modification to ATXI's Primary Route (Ms. Schoenekase referred to this modification as the "Schoenekase

Adjustment”; in this brief, the “Schoenekase Route” refers to ATXI’s Primary Route as modified by the Schoenekase Adjustment). (Schoenekase Exs. 1.00 at 5-6; 1.03.) This route is within ATXI’s Project Area, and is a minor deviation from ATXI’s Primary Route, and therefore has been subject to a more thorough review than Staff’s Blue Route. Compared to ATXI’s Primary Route, the Schoenekase Route has one fewer home within 150-300 feet of the Transmission Line; otherwise, the routes are similar in their impacts to land use and environmental considerations. (ATXI Ex. 12.0 at 13-14.) Intervenor Fredrick Loos, for reasons described in his direct testimony, supported the Schoenekase Route. (Loos Ex. 1.0.) ATXI has entered a stipulation with Loos Farm Supply, Frederick Loos, Timothy and Susan Schoenekase and the Arnsmann, Hoskins and Peters families. (Stipulation Ex. 1.) No party is opposed to the Schoenekase Route.

**D. The Schoenekase Route best meets other routing criteria.**

The Schoenekase Route is also superior when considering the various other routing criteria the Commission reviews and applies. It impacts fewer residences than ATXI’s Alternate Route and significantly fewer properties than Staff’s Blue Route. (ATXI Ex. 12.0 at 9-10, 14.) Access to the Schoenekase Route along County Road 550 will minimize impacts to neighboring properties during survey, construction, and maintenance operations. (ATXI Ex. 5.0 at 21.) The Schoenekase Route can use standard single pole steel structures with a typical span of 850 feet, which is consistent with the Illinois Rivers Project structure designs, while ATXI’s Alternate Route requires shorter, specially-designed structures, and more angle structures. (ATXI Ex. 3.0 at 5.)

## **IX. THE STAFF BLUE ROUTE MUST BE REJECTED**

### **A. Staff's least cost analysis applies the wrong standard.**

Staff is the only party supporting the Staff Blue Route. Staff argues the Blue Route is “least cost.” But Staff’s only basis for this conclusion is that the Blue Route is the shortest and therefore, least costly route. As Mr. Rockrohr explains:

“All else equal, primarily two characteristics affect the relative cost of transmission lines that cross similar terrain: (a) route length, and (b) the number of angles/turns in the route. A shorter line will require fewer structures (poles), less wire, less design/construction labor, less easement area, and is therefore, less costly. Fewer turns and angles in a route allows use of less-costly tangent structures versus far more costly dead-end and angle structures that also typically require larger and more costly concrete foundations. Simply put, a shorter and straighter route will result in a less costly transmission line. The challenge utilities face is finding the shortest, straightest route that minimizes impacts on the land it crosses.”

(ICC Staff Ex. 2.0 at 9-10.)

Strict focus on the length of the route as it relates to the dollar costs of construction—*i.e.*, that “a shorter and straighter route will result in a less costly transmission line”—is at best an incomplete analysis, and, as applied by Staff, is the wrong standard. While it is true that the cost to construct a transmission line is part of a least cost analysis, it is not the *only* criterion. The Commission has repeatedly recognized that the analysis of “least cost means” is not limited to a determination of the alternative that imposes the lowest dollar cost. Rather, “the proper determination of least cost is not simply a financial analysis, but involves a comprehensive consideration and balancing of the overall costs and externalities against the benefits of the route proposals.” *Ill. Power Co.*, Docket 06-0706, Order at 52 (March 11, 2009); *see also Ill. Power Co.*, Docket 06-0179, Order at 16-17 (May 16, 2007) (approving a route for a transmission line that cost approximately \$3.5 million more than proposed alternatives in order to avoid locating the line near residences); *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 76-78 (Aug.

20, 2013) (approving a longer route in order to avoid placing transmission lines parallel to each other).

The Commission's practice has therefore been to evaluate transmission lines using a variety of criteria, including not only route length and cost, but also difficulty and cost of operation and maintenance; environmental impacts; land use impacts; number of affected landowners; proximity to residences; proximity to existing and planned development; community acceptance; and presence of existing corridors. *See Ill. Power Co.*, Docket 06-0706, Order on Reopening at 6-7; *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 14-15 (Aug. 20, 2013). "None of these criteria is inherently more important than another." *Ameren Transmission Co. of Ill.*, Docket 12-0598, Second Order on Reh'g at 7 (Feb. 20, 2014). The Fourth District Appellate Court has found these considerations, and the Commission's practice of weighing them comprehensively, to be appropriate. *Adams Cty. Property Owners v. Ill. Commerce Comm'n*, 2015 IL App (4th) 130907.

Moreover, a limited focus on route length and construction cost ignores the effect of cost sharing of MISO MVP projects such as the Illinois Rivers Project. The cost of an MVP like Illinois Rivers is shared across the MISO footprint, such that only about 9% of the cost is borne by customers in the Ameren Illinois area. *See, e.g., Ameren Transmission Co. of Ill.*, Docket 12-0598, 2d Order on Reh'g at 14, 62; *Midwest Indep. Transmission Sys. Operator, Inc.*, 133 FERC 61,221 at ¶ 3 (2010), order on reh'g, 137 FERC 61,074 (2011). The difference between the Staff Blue Route and the Schoenekase Route on a cost-shared basis would be about \$400,000.<sup>1</sup> This

<sup>1</sup> Starting from common endpoints, the Staff Blue Route is estimated to cost approximately \$27.3 million (without stranded costs), while the Schoenekase Route is estimated to cost approximately \$31.9 million. (ATXI Ex. 8.0 at 7, 9.) Thus, the cost-shared difference between the two routes is calculated as follows: (\$31.9 million - \$27.3 million) x 0.09 = \$414,000.

difference is minimal, and making a routing choice based on such a minimal difference, to the exclusion of other relevant factors, is far too narrow an approach.

Staff's focus on essentially one criterion – length of line –ignores these other factors in the least cost analysis. As a result, Staff has failed to conduct a complete least cost analysis. For that reason alone, Staff's conclusion that the Staff Blue Route is least-cost should be rejected.

**B. Staff's Blue Route is not the least cost alternative.**

But there are many other reasons to reject Staff's Blue Route. Staff did not analyze the Staff Blue Route in any detail. The Staff Blue Route is approximately 12 miles long, and would replace approximately 12 miles of the route the Commission approved in Docket 12-0598 (ATXI Ex. 8.0 at 4), so Staff's Blue Route is a far more significant deviation from the route approved in Docket 12-0598 than either of ATXI's proposed routes. Further, Staff's Blue Route does not incorporate any landowner input. Staff's Blue Route will cost more than any other route proposed in this proceeding, Staff's Blue Route will result in significant and detrimental delay, and Staff's Blue Route will have greater negative impacts on many of the criteria the Commission considers in analyzing least-cost routing options. The Staff Blue Route is not a viable alternative to the Schoenekase Route.

**1. The Staff Blue Route costs more overall.**

Staff did not perform any analysis of the cost of the Staff Blue Route, and Staff's conclusion that it is the least-cost option is based solely on the fact that it results in a shorter and straighter route between Quincy and Meredosia than use of ATXI's proposed routes in combination with the route approved in Docket 12-0598. (ATXI Ex. 8.0 at 5.) As discussed above, Staff's narrow focus on route length and construction cost ignore the fact that, because MISO MVP projects are cost-shared, any difference in construction costs borne by Ameren Illinois area customers is minimal. But in any event, Staff has not adequately considered all of

the costs associated with the Staff Blue Route, and Staff’s conclusion that the Staff Blue Route is the least-cost option is inconsistent with the Commission’s multifaceted analysis of least-cost routes. *See, e.g., Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 14-15 (Aug. 20, 2013); *Ameren Transmission Co. of Ill.*, Docket 12-0598, Second Order on Reh’g at 7 (Feb. 20, 2014). Costs other than the cost of construction must be considered in determining the least cost option. As indicated above, if Staff’s Blue Route is adopted, ATXI would have to essentially abandon work already done on 12 miles of the original approved route, including 21 easements, as well as engineering, design, and materials costs. In total, ATXI would be forced to abandon \$6.8 million in materials, easement costs, and work it has conducted preparing to construct the Quincy to Meredosia segment if Staff’s Blue Route is adopted. (ATXI Ex. 8.0 at 6.) All of these stranded or sunk costs must be recognized as costs of adopting the Staff Blue Route. (*Id.* at 6.)

When all such costs associated with Staff’s Blue Route are considered, it is approximately \$1.9 million more expensive than ATXI’s Primary Route. (ATXI Ex. 8.0 at 7, 9.)

<b>Route</b>	<b>Mileage from common endpoints of Staff Blue Route</b>	<b>Estimated Construction Cost (M)</b>	<b>Sunk Cost (M)</b>	<b>TOTAL COST (M)</b>
ATXI Primary	12.9	\$31.9	\$0.3	\$32.2
ATXI Alternate	12.1	\$32.1	\$0.3	\$32.4
Schoenekase Route	12.7	\$31.9	\$0.3	\$32.2
Staff Blue Route	11.9	\$ 27.3	\$6.8	\$34.1

And this estimate of the cost to construct the Staff Blue Route is aggressively low—it does not include the cost of tree clearing, or the cost of pole adjustments to accommodate landowners. And the cost to clear trees is likely to be significant, since the Staff Blue Route will require approximately 67 acres of clearing, while ATXI’s routes require only 37 or 38 acres. (ATXI Ex. 12.0 at 9.) Thus, even at the lowest possible cost estimate, Staff’s Blue Route is the most expensive option.

**2. Adoption of Staff's Blue Route would delay completion of the Quincy to Meredosia segment.**

ATXI estimates that real estate acquisition on the Staff Blue Route could take up to 25 months. (ATXI Ex. 11.0 at 5.) These delays would prevent ATXI from meeting the November 2016 in-service date MISO planned for the Quincy to Meredosia segment of the Illinois Rivers Project. (ATXI Ex. 9.0 at 5-6.)

A delay in completion of the Quincy to Meredosia segment could disrupt the sequencing of construction of the Illinois Rivers Project. This could result in unnecessary system congestion during the construction process, and would delay the delivery of the full benefits of the Project. (ATXI Ex. 9.0 at 2.) The Illinois Rivers Project is part of the portfolio of Multi-Value Projects (MVP) approved by the MISO Board of Directors. (*Id.*) The MVP portfolio was developed to deliver renewable wind energy from the west, where it is generated, to the east, where it is consumed. It is vitally important to coordinate the sequence of in-service dates for a portfolio of projects as significant as the MVP portfolio, to ensure that each segment is connected to the grid in a manner that does not adversely affect the performance and operation of the existing grid. (*Id.* at 3.) If the in-service dates are not properly sequenced, and a gap remains in the Quincy to Meredosia segment, energy flowing across the Illinois Rivers Project will be forced onto the existing grid. (*Id.* at 5.) This may result in congestion and higher energy costs for customers. (*Id.* at 2.)

Segments of the Illinois Rivers Project to the west of Quincy are expected to be completed in 2016, so the continued existence of an electrical gap in the Quincy to Meredosia segment will limit the flow of low-cost wind energy to customers located to the east of Quincy. (*Id.*) In addition, a delay in the in-service date for the Quincy to Meredosia segment could

require changes in the in-service dates for other segments of the Illinois Rivers Project, which may exacerbate congestion and further increase energy costs. (*Id.*)

**3. The Staff Blue Route was selected solely based on one criterion and has not been adequately studied.**

The Staff Blue Route has not been subjected to the same level of rigorous routing analysis as ATXI's Primary and Alternate Routes, or the portion of the Quincy to Meredosia segment that it would replace. (ATXI Ex. 12.0 at 4.)

Staff stated in response to data requests that the Staff Blue Route was identified by looking at Google maps. (ATXI Ex. 12.0 at 6.)<sup>2</sup> Staff did not perform any additional study of the environmental and land use impacts of the Staff Blue Route. (ATXI Ex. 12.0 at 6.) Staff's conclusion that the Staff Blue Route is preferable to ATXI's proposed routes is based entirely on a determination that it results in a shorter and straighter route between Quincy and Meredosia. (*Id.*) This lack of analysis is troubling. In the past, the absence of evidence regarding factors other than the length of a route has "weigh[ed] against" the unstudied route. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 77 (Aug. 20, 2013) (noting that Staff had "apparently give[n] great weight" to the length of the route at issue, and had "little to say about the other criteria," and approving a route with significantly more supportive record evidence).

In comparison, ATXI has extensively analyzed its Primary and Alternate Routes, and the Project Area in which the Schoenekase Route is located. (*See generally*, ATXI Ex. 5.1 (2d Rev.)) ATXI retained a consultant to conduct a routing study and coordinate a process for outreach to, and communication with, stakeholders. (*Id.*) The routing study considered a wide range of

<sup>2</sup> The Commission has criticized reliance on Google maps alone for routing analysis, and indicated that such reliance was a "questionable practice." *Ameren Transmission Co. of Ill.*, Docket 12-0598, Second Order on Reh'g at 76 (Feb. 20, 2014).

sensitivities and opportunities within the project area, in an effort to determine the optimal route for the Transmission Line. (*Id.*)

Further, ATXI has engaged in discussions with governmental agencies regarding its Primary and Alternate Routes, and is in the process of obtaining permits or confirming that no permits are necessary to construct those routes. (ATXI Ex. 12.0 at 11.) In contrast, it does not appear that any governmental agencies have reviewed the Staff Blue Route. (*Id.*) But review and approval is necessary, and it would take several months. (*Id.* at 12.)

Staff may attempt to place responsibility for this lack of evidence regarding the environmental, social, and land use impacts of its proposed route on ATXI. Although ATXI conducted only a preliminary analysis of the Staff Blue Route, that preliminary analysis was above-and-beyond what ATXI was required to do. Section 8-406.1 of the Act requires ATXI to present a primary and alternate right of way, which it did. *See* 220 ILCS 5/8-406.1. ATXI was not obligated—by statute, regulation, or Commission practice—to conduct a routing study of a route it did not propose, and certainly not for a route that is 10 miles beyond the Project Area. Such a requirement has never been imposed on any utility in any prior certificate proceeding.

Although the Commission typically permits Staff and Intervenors to propose alternative routes in certificate proceedings, that is not a right guaranteed to Staff and Intervenors by Section 8-406.1, which does not mention route proposals by parties other than the utility. *Id.* If a party chooses to undertake the responsibility of proposing an alternate route, it should face no less of a burden to demonstrate that its preferred route it is the least-cost route, compared to all other routes proposed in the proceeding. It should not be permitted to delegate study of its proposed route to the utility.

Otherwise, permitting parties to propose routes that they have not analyzed, and then requiring the utility to undertake analysis, would undermine the route selection process. Parties could simply draw lines on a map—as many as they chose—and in doing so, require the utility to undertake extensive environmental and routing analysis, which would then be presented to the Commission in its entirety. The Commission would be required to sift through mountains of data regarding routes proposed by parties that could not be bothered to determine whether the route was viable from a routing perspective before proposing it.

**4. The Staff Blue Route was not a part of the public process and does not incorporate any landowner input.**

Section 8-406.1 provides for an expedited schedule and requires the utility to engage the public and affected landowners *before* the utility initiates an expedited proceeding. In developing its routes, ATXI initiated this public process and specifically invited landowners within the Project Area to attend open houses, affording those landowners an opportunity to suggest alterations and voice their concerns regarding ATXI's routes. ATXI utilized this information to make adjustments to its proposed routes to address several landowner concerns. (ATXI Ex. 5.0 at 13-14.)

Conversely, the Staff Blue route was introduced after the proceeding already began, some four and one-half months *after* ATXI held its final public meeting, and affected 76 new parcels owned by 45 different landowners (30 of whom had not previously received notice from the Commission that their land might be impacted by this Transmission Line or even the Illinois Rivers Project in Docket 12-0598). (ATXI Ex. 12.0 at 9.) Only four landowners on the Staff Blue Route, including two intervenors in this proceeding, Mr. Arnsman and Mr. Hoskins, were sent invitation letters to the public open houses as part of this proceeding (because they also own property in the Project Area), and both of these landowners attended those public meetings. But

the rest of the landowners on the Staff Blue Route were not invited to participate in the public process.

Now Staff has suggested a route that lies predominately outside the Project Area. (ATXI 12.0 at 4.) This route is vehemently opposed by two Intervenors who participated in the public process, but did not receive notice of Staff's proposal until June 2015. Staff made no effort to accommodate these landowners, instead stating that their opposition to Staff's route does not affect Staff's support of it. (ICC Staff Ex. 2.0 at 3.) At the public hearings before this proceeding, ATXI informed all landowners that ATXI's routes would not affect any land located outside the Project Area unless it lay along the route approved in Docket 12-0598 to the east and west of ATXI's proposed routes. (ATXI Ex. 12.0 at 8.) However, because the Staff Blue Route is outside the Project Area, it impacts 45 landowners who were not invited to participate in the pre-filing public process.

**5. Staff failed to consider additional impacts and least-cost factors.**

Staff did not analyze the environmental, social, or land use impacts of the Staff Blue Route. ATXI's preliminary analysis revealed that the Staff Blue Route would result in environmental and land use impacts that are not present along ATXI's proposed routes, and which were not considered in Staff's conclusion that the Staff Blue Route is the least-cost route. This illustrates again the advantage of the Schoenekase Route, which has been more thoroughly studied.

First, the Staff Blue Route has greater impacts on the environment than the Schoenekase Route. The Staff Blue Route would impact nearly twice the acreage of forested land, as compared to the Schoenekase Route. (ATXI Ex. 12.0 at 9.) Approximately 67 acres of trees must be cleared in order to accommodate the Staff Blue Route, while the Schoenekase Route would require only 38 acres of clearing, and ATXI's Alternate Route would require only 37 acres. (*Id.*

at 14.) In prior proceedings, the Commission has considered the removal of 40 acres of trees sufficient to support selection of a different route. *Ameren Transmission Co. of Ill.*, Docket 12-0598, Order at 41 (Aug. 20, 2013). The Staff Blue Route will require at least 29 acres of tree clearing, over and above the Schoenekase Route. (ATXI Ex. 12.0 at 9, 14.)

Second, Staff's Blue Route impacts more landowners and more parcels of land than the Schoenekase Route. (*Id.* at 12.) Staff's Blue Route impacts 47 landowners and 69 parcels, significantly more than the equivalent combination of the Schoenekase Route and the portion of the route approved in Docket 12-0598 that the Schoenekase Route would replace. (*Id.*)

Third, Staff's Blue Route will be more difficult to construct, operate and maintain than the Schoenekase Route. If the Staff Blue Route is placed on the north side of an existing 138 kV transmission line, the route would need to be modified or pole locations materially adjusted to avoid a machine shed, three barns and four grain bins. (ATXI Ex. 10.0 at 2.) In addition, Staff's Blue Route parallels an existing transmission line for 1.3 miles more than the route the Commission approved in Docket 12-0598. (*Id.* at 4.) ATXI prefers not to place transmission lines parallel to each other, because events such as storms may take both lines out of service simultaneously, exacerbating disruptions to the transmission system. (*Id.*)

Fourth, Staff's Blue Route interferes with existing land use and existing development. Staff's Blue Route may interfere with a private airstrip located one-half mile south of the Route. (*Id.*) In order to avoid interference with the airstrip, it may be necessary to construct the Transmission Line using shorter structures for a distance of approximately 1.6 miles. (*Id.*)

Finally, Staff's Blue Route has not garnered community acceptance. All landowner intervenors support the Schoenekase Route. Each of the intervenors whose property is affected

by the Staff Blue Route (Arnsman, Hoskins and Peters) opposes the Staff Blue Route and prefers the Schoenekase Route.

Dated: September 1, 2015

Respectfully submitted,

Ameren Transmission Company of Illinois

*/s/ Albert D. Sturtevant* \_\_\_\_\_  
One of its Attorneys

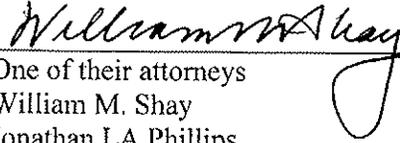
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A handwritten signature in cursive script, reading "William M. Shay", is written over a horizontal line.

One of their attorneys

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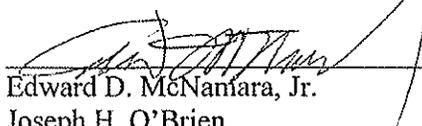
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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Albert D. Sturtevant, an attorney, certify that on September 1, 2015, I caused a copy of the foregoing *Brief of Ameren Transmission Company of Illinois on Requirements for a Certificate of Public Convenience and Necessity and Joint Brief of Ameren Transmission Company of Illinois and Intervenors Loos, Schoenekase, Arnsman, Peters and Hoskins on Least Cost Route* to be served by electronic mail to the individuals on the Commission's Service List for Docket 15-0278.

*/s/ Albert D. Sturtevant*  
\_\_\_\_\_  
Attorney for Ameren Transmission Company of Illinois