

1 Q: Please state your name?

2 A: **Stuart Kaiser.**

3 Q: Have you intervened in this docket?

4 A: **Yes.**

5 Q: What is the purpose of your testimony?

6 A: **The purpose of my testimony is to inform the Illinois Commerce Commission**
7 **(the “Commission”) of the Petition for Leave to Appeal I filed with the Illinois Supreme**
8 **Court, which has not been ruled upon.**

9 Q: Are you sponsoring any exhibits to your direct testimony?

10 A: **Yes. The following exhibit is attached to my testimony:**

11 **Kaiser Ex. 1.01 Petition for Leave to Appeal to the Illinois Supreme Court.**

12 Q: Please identify any real property in which you claim an interest that will be
13 impacted by the proposed electric transmission line and related facilities that are subject of
14 ATXI’s Illinois Rivers Project.

15 A: **I reside at 1025 N. 550th Ave., Quincy, Illinois. I am a one-half owner of tracts**
16 **commonly known as ILRP_QM-AD-033 and ILRP_QM-AD-33- (collectively referred to**
17 **herein as the “Property”).**

18 Q: Is your property impacted by the Hybrid Route between Quincy and Meredosia?

19 A: **Yes. The Hybrid Route was the route selected by the Commission in Docket**
20 **12-0598 and it crosses the Property.**

21 Q: Did you appeal the decision?

22 A: **I appealed the Commission’s selection of the Hybrid Route to the Fourth**
23 **District Court of Appeals, Appeal No. 4-13-0907. The relief I requested in my appeal was**
24 **for the appellate court to reverse the Order of the Commission, with further instruction to**
25 **the Commission to either order approval of ACPO Alternate Route 1 or to establish a more**
26 **fully developed evidentiary record in regard to the Quincy to Meredosia segment. The**
27 **Fourth District Court of Appeals entered a ruling on July 20, 2015 affirming the judgment**
28 **of the Commission.**

29 Q: Did you file a petition for leave to appeal to the Illinois Supreme Court?

30 **A: Yes. I filed a petition for leave to the Illinois Supreme Court (the “Petition”).**
31 **The Illinois Supreme Court has assigned the Petition, Docket No. 119720. A true, correct**
32 **and accurate file-stamped copy of the Petition for Leave to Appeal is attached hereto as**
33 **Kaiser Ex. 1.01.**

34 **Q: Has the Illinois Supreme Court made any rulings on the Petition?**

35 **A: No.**

36 **Q: Have you refrained from negotiating with ATXI during the time your appeal is**
37 **pending?**

38 **A: Yes. My position on appeal has been that the Hybrid Route selected by the**
39 **Commission is incorrect. If successful on appeal, it is possible, based on the relief I have**
40 **requested, that the transmission line route may not cross my property. While ATXI has**
41 **provided me an initial offer, any negotiation regarding the route would be premature while**
42 **my case is before the appellate court.**

43 **Q: Do you have any other reason for refraining from negotiating an easement with**
44 **ATXI?**

45 **A: Yes. After the Commission issued ATXI a Certificate under Section 8-406.1**
46 **in Docket 12-0598, ATXI filed another Verified Petition seeking another certificate under**
47 **Section 8-406.1 for the Illinois Rivers Project in Docket 15-0278. ATXI filed its Verified**
48 **Petition on April 10, 2015. Based on ATXI’s Verified Petition, a portion of the Quincy to**
49 **Meredosia segment passes in proximity to a navigational aid facility for aircraft, consisting**
50 **of a co-located VHF omnidirectional range beacon and a tactical air navigation system**
51 **beacon (VORTAC). The VORTAC is regulated by the FAA and the FAA objected to the**
52 **segment of the transmission line near the Property.**

53 **Q: Has ATXI’s filing in Docket 15-0278 impacted the Property?**

54 **A: Yes.**

55 **Q: How?**

56 **A: The Staff Engineer, Greg Rockrohr filed testimony on June 2, 2015, in which**
57 **he proposed a route that would change the location of the transmission line on the**
58 **Property. Given that I have challenged whether the transmission line should be on the**

59 **Property in Docket 12-0598 and the location of the line is still undetermined in Docket 15-**
60 **0278, it is premature to have any negotiations with ATXI in this regard.**

61 **Q:** Has the Commission made a ruling on the location on the transmission line in
62 Docket 15-0278?

63 **A:** **No.**

64 **Q:** Does this conclude your direct testimony?

65 **A:** **Yes.**