

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

| | | |
|--|---|--------------------|
| ROCK ISLAND CLEAN LINE, LLC |) | |
| |) | |
| Petition for an Order granting |) | |
| Rock Island Clean Line LLC a |) | |
| Certificate of Public Convenience and |) | Docket No. 12-0560 |
| Necessity Pursuant to Section 8-406 of |) | |
| The Public Utilities Act as a Transmission |) | |
| Public Utility and to Construct, Operate |) | |
| And Maintain an electric Transmission |) | |
| Line and Authorizing and Directing |) | |
| Rock Island pursuant to Section 8-503 of |) | |
| The Public Utilities Act to construct an |) | |
| Electric Transmission Line. |) | |

**APPLICATION FOR REHEARING OF THE ILLINOIS AGRICULTURAL
ASSOCIATION a/k/a THE ILLINOIS FARM BUREAU**

NOW COMES the ILLINOIS AGRICULTURAL ASSOCIATION a/k/a the Illinois Farm Bureau (“Farm Bureau”), by and through its attorneys, Brown, Hay & Stephens, LLP, and pursuant to Section 10-113 of the Illinois Public Utilities Act (220 ILC 5/10-113) and Title 83, Section 200.880 of the Illinois Administrative Code (83 Ill. Adm. Code 200.880), submit this Application for Rehearing of the Illinois Commerce Commission’s (“Commission”) November 26, 2014 Final Order entered herein. In support of this Application, the Farm Bureau hereby states as follows:

INTRODUCTION

1. The Commission entered and served its Final Order herein on November 26, 2014 (“Final Order”).
2. The Final Order constitutes an “order on the merits” within the meaning of 83 Ill. Adm. Code 200.880(a), and this Application is filed within 30 days of service of the Final Order, as required by Section 200.880(a).

ARGUMENT

A. The certificate is invalid if Rock Island seeks cost allocation from FERC.

3. The first issue requiring rehearing is whether Rock Island Clean Line, LLC's ("Rock Island") certificate is valid if it seeks cost allocation from FERC. The Farm Bureau's position is that Rock Island's certificate should not be valid in this scenario, consistent with Chairman Doug Scott's statement at the Commission's November 25, 2014 Bench Session. Summarizing the Commission's planned revisions to its conclusions related to §8-406(B) of the Proposed Order, Chairman Scott stated as follows:

In addition, the edits make a finding on the "lease cost" issue, which the Order previously did not directly address. The edits make clear that if Rock Island is short of funds for the project and goes to FERC to recover the remainder of the cost of construction from ratepayers, that their certificate is no longer valid and that they will need to come back to the Commission for additional authority on that basis.

ICC Bench Session Transcript, November 25, 2014, p. 9.

4. A comparison draft of the Commission's conclusions related to §8-406(B) showing the changes made to the Proposed Order in the Final Order is attached hereto as Exhibit A. It clearly shows that the edits do not match Chairman Scott's statements – absent is language making clear that Rock Island's certificate is invalid if seeks cost allocation through FERC. Without this language explicitly in place, the Commission runs into unnecessary jurisdictional and enforceability issues with the certificate. The Commission should rehear this issue.

B. The Commission should rehear all issues related to §8-406(B).

5. Second, the Commission should rehear all issues related to §8-406(B) given the negative

impact the Commission's Final Order is already having on Illinois consumers.

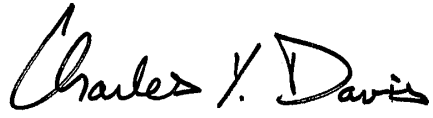
6. Since the beginning of this case, the Farm Bureau's position has been that there is no evidence that provides any assurance that Rock Island, or its parent company or sister companies are anything more than non-utility new entrants to the market with a business plan, formulated and run by novices, who have never built or operated transmission lines. In addition, there is also nothing in the record to establish that Illinois consumers need the Project as required by statute, that the Project will make the market more competitive, that customers, generators, or financing will ever exist, or that the Project will definitely be built. Moreover, the Project might not even be approved by the Public Utilities Commission in Iowa, potentially putting the Illinois portion of the Project indefinitely on hold.
7. Despite the uncertainties presented by this Project, the Commission wrongfully approved Rock Island's certificate, creating an immediate impediment to other transmission projects which very may well benefit Illinois consumers, the market, and the reliability of the electric system.
8. As detailed in the testimony attached hereto as Exhibits B and C of ICC Staff Senior Electrical Engineer Greg Rockrohr in Docket Nos. 14-0494 (MidAmerican Energy Company) and 14-0514 (Ameren Transmission Company of Illinois), the Commission's Final Order is having an immediate effect on other transmission projects.
9. Rockrohr's testimony draws into doubt whether the two new proposed transmission projects are needed, or whether they are necessary to promote the development of an effectively competitive electricity market that operates efficiently, are equitable to all customers, and are the least cost means of satisfying those objectives given the Final

Order entered herein giving the “green light” to Rock Island.

10. Although one would expect that Rock Island’s decision to enter the transmission business in Illinois would have an effect on the other transmission companies and their plans in the state, it should not be to the consumers’ detriment.
11. As multiple intervenors have pointed out in this docket that Rock Island’s failure to produce a needs analysis from PJM and/or MISO hurts all of the stakeholders, it seems like this problem could have easily been avoided. The absence of this global analysis produces increased unpredictability and either slows or jeopardizes other legitimate transmission projects. This risk to the consumers could have easily been prevented.
12. As stated above, the uncertainties presented by the Project are numerous and the transmission line may never be built. Now, other potentially viable and successful transmission projects will have to wait on the sidelines to see if Rock Island can get its act together by, among other things, finding money, qualified employees, suppliers, and numerous regulatory approvals. None of this benefits Illinois consumers, the market, or the reliability of the electric system. Instead, it puts everything at greater risk.
13. For these reasons, the Commission should rehear the evidence in this docket related to §8-406(B).

WHEREFORE, the ILLINOIS AGRICULTURAL ASSOCIATION a/k/a the Illinois Farm Bureau, respectfully requests that the Commission enter an Order approving this Application by ordering a rehearing on the issues detailed herein, and for such other and further relief as may be just and proper.

**ILLINOIS AGRICULTURAL ASSOCIATION
a/k/a the Illinois Farm Bureau**

By: 
One of Its Attorneys

BROWN, HAY & STEPHENS, LLP
Claire A. Manning (Reg. No. 3124724)
Charles Y. Davis (Reg. No. 6286010)
205 South Fifth Street, Suite 700
P.O. Box 2459
Springfield, IL 62705
(217) 544-8491
Fax: (217) 544-9609
cmanning@bhslaw.com
cdavis@bhslaw.com

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon:

Owen E. MacBride
Schiff Hardin LLP
6600 Sears Tower
Chicago, IL 60606
omacbride@schiffhardin.com

Erin Szalkowski
Clean Line Energy Partners LLC
1001 McKinney St., Ste. 700
Houston, TX 77002
eszalkowski@cleanlineenergy.com

James R. Bates
Local 51, IBEW
301 E. Spruce St.
Springfield, IL 62703
jimb@ibew51.org

John H. Johnson
IBEW Local 51
301 E. Spruce St.
Springfield, IL 62703
johnj@ibew51.org

Rochelle G. Skolnick
Schuchat, Cook & Werner
1221 Locust St., 2nd Floor
St. Louis, MO 63103
rgs@schuchatew.com

Marilyn S. Teitelbaum
Schuchat, Cook & Werner
1221 Locust St., 2nd Floor
St. Louis, MO 63103
mst@schuchatew.com

Eugene Bernstein
Exelon Business Services
10 S. Dearborn St., 49th Floor
Chicago, IL 60603

Sean R. Brady
Wind on the Wires
858 W. Armitage Ave., Suite 239
Chicago, IL 60614

eugene.bernstein@exeloncorp.com

Patrick T. Brankin
Schain Burney Banks & Kenny
70 W. Madison, Suite 4500
Chicago, IL 60602
pbrankin@sbbklaw.com

Jessica L. Cardoni
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Suite C-800
Chicago, IL 60601
jcardoni@icc.illinois.gov

Katherine G. Cisneros
Schiff Hardin LLP
233 S. Wacker, Ste. 6600
Chicago, IL 60606
kcisneros@schiffhardin.com
Bradley R. Perkins
Exelon Business Services Company
10 S. Dearborn St., 49th Floor
Chicago, IL 60603
brad.perkins@exeloncorp.com

Chris Zumski Finke
Wind on the Wires
527 Asbury St., Suite 201
Saint Paul, MN 55104
czumskifinke@windonthewires.org

John Beetz
4676 E. 3rd Rd.
Mendota, IL 61342
johnbeetz@meridengrain.com

Timothy B. Cantlin
The Cantlin Law Firm
760 E. Etna Rd.
Ottawa, IL 61350
tcantlin@cantlinlaw.com

Kenyatta S. Beverly

sbrady@windonthewires.org

Joseph H. Cantlin
The Cantlin Law Firm
760 E. Etna Road
Ottawa, IL 61350
hcantlin@cantlinlaw.com

Christine Ericson
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Suite C-800
Chicago, IL 60601
cericson@icc.illinois.gov

Thomas S. O'Neill
Commonwealth Edison Company
440 S. LaSalle St., Suite 3300
Chicago, IL 60605
thomas.oneill@comed.com
Yassir Rashid
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
yrashid@icc.illinois.gov

John L. Cantlin
The Cantlin Law Firm
760 E. Etna Road
Ottawa, IL 61350
jack@cantlinlaw.com

James V. Olivero
Office of General Counsel
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
jolivero@icc.illinois.gov

Eric E. Dearmont
Ameren Services Company
P.O. Box 66149, MC 1310
St. Louis, MO 63166
edearmont@ameren.com

Erika Dominick

Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
kenyatta.beverly@r3law.com

J. Edward Doughty
823 E. US Hgwy. 34
Earlville, IL 60518
ed_doughty@yahoo.com

Edward C. Fitzhenry
Ameren Services Company
P.O. Box 66149, MC 1310
St. Louis, MO 63166
efitzhenry@ameren.com

Clark Stalker
Exelon Business Services Company
10 S. Dearborn, Ste. 4900
Chicago, IL 60603
clark.stalker@exeloncorp.com

Richard S. Porter
Hinshaw & Culbertson LLP
100 Park Ave.
Rockford, IL 61101
rporter@hinshawlaw.com

Don McLachlan
988 E. 1925 Rd.
Mendota, IL 61342
dmclachlan988@yahoo.com

Randy Rosengren
3832 E. 1925 Rd.
Ottawa, IL 61350
jrosengren@pcwildblue.com

Ameren Services Company
1901 Chouteau Ave.
P.O. Box 66149
St. Louis, MO 63166
edominick@ameren.com

Paul Faber
33751 US Hwy. 34
LaMoille, IL 61330
rosefaber@hotmail.com

Christopher M. Foley
Midwest Generation EME, LLC
50 W. Madison St., Ste. 2640
Chicago, IL 60661
cfoley@mwgen.com

Robert Kelter, Sr.
Environmental Law & Policy Cenger
35 E. Wacker Dr., Ste. 1600
Chicago, IL 60601
rkelter@elpc.org

Paul Marshall
2310 E. US 52
Serena, IL 60549
pmars99@aol.com

Jonathan L. Phillips
Shay Kepple Phillips, Ltd.
456 Fulton St., Ste. 255
Peoria, IL 61602
jphillips@skplawyers.com

William M. Shay
Shay Kepple Phillips, Ltd.
456 Fulton St., Ste. 203
Peoria, IL 61602
wshay@skplawyers.com

Ed Simpson
12110 Rte. 84 N
Port Byron, IL 61275
esimpson@mchsi.com

Jim Stevenson
3734 E. 7th Rd.
Mendota, IL 61342
jeff_1_25@yahoo.com

Matthew R. Tomc
Ameren Services Company
P.O. Box 66149, MC 1310
1901 Chouteau Ave.
St. Louis, MO 63166
mtomc@ameren.com

Justin Vickers
Environmental Law & Policy Center
35 E. Wacker Dr., Ste. 1600
Chicago, IL 60601
jvickers@elpc.org

Jackie Voiles
Ameren Illinois Company
200 W. Washington St.
Springfield, IL 62701
jvoiles@ameren.com

Robert Dolder
3730 E. 1553rd Rd.
Ottawa, IL 61350
alohabobd@gmail.com

Carmen L. Fosco
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
carmen.fosco@r3law.com

Jason D. James
4911 Blue Church Rd.
Coopersburg, PA 18036
jasonjames@frontier.com

Cary Kottler
Clean Line Energy Partners LLC
1001 McKinney St., Ste. 700
Houston, TX 77002
ckottler@cleanlineenergy.com

E. Glenn Rippie
Rooney Rippie & Ratnaswamy LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
glenn.rippie@r3law.com

Larry Jones, Administrative Law Judge
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
ljones@icc.illinois.gov

Laura Harmon
Office of the General Counsel
Illinois Agricultural Association
1701 Towanda Avenue
P.O. Box 2901
Bloomington, IL 61702-2901
lharmon@ilfb.org

Christine Baranowski
Exelon Business Services Company
Three Lincoln Centre
OakBrook Terrace, IL 60181
christine.baranowski@exeloncorp.com

Grant O. Jaskulski
Law Office of Michael A. Munson
22 W. Washington St., Ste. 1500
Chicago, IL 60602
grant@michaelmunson.com

Daniel Kowalewski
Commonwealth Edison Company

Michael A. Munson
Law Office of Michael A. Munson

Three Lincoln Centre, 2nd Flr.
Oakbrook Terrace, IL 60181
daniel.kowalewski@att.net

22 W. Washington St., 15th Flr.
Chicago, IL 60602
michael@michaelmunson.com

Richard G. Bernet
Assistant General Counsel, Regulatory
Exelon Business Services Company
10 South Dearborn, 49th Floor
Chicago, IL 60603
richard.bernet@exeloncorp.com

Diana Z. Bowman
Schiff Hardin, LLP
233 S. Wacker St., Ste. 6600
Chicago, IL 60606
dbowman@schiffhardin.com

Rebecca Stanfield
Natural Resources Defense Council
2 N. Riverside Plz., Ste. 2250
Chicago, IL 60606
rstanfield@nrdc.org

Ashley Devon Nash
Rooney Rippie & Ratnaswamy, LLP
350 W. Hubbard St., Ste. 600
Chicago, IL 60654
ashley.nash@r3law.com

Matthew L. Harvey
Office of General Counsel
Illinois Commerce Commission
160 N. LaSalle St., Ste. C-800
Chicago, IL 60601
mharvey@icc.illinois.gov

John N. Moore
Natural Resources Defense Council
20 N. Wacker Dr., Ste. 1600
Chicago, IL 60606
jmoore@nrdc.org

Stephen J. Moore
Rowland & Moore LLP
200 W. Superior St., Ste. 400
Chicago, IL 60610
steve@telecomreg.com

via electronic transmission on this 26th day of December, 2014.

