

Nos. 131026 and 131032

**IN THE
SUPREME COURT OF ILLINOIS**

CONCERNED CITIZENS & PROPERTY
OWNERS; ILLINOIS AGRICULTURAL
ASSOCIATION, a/k/a Illinois Farm Bureau;
CONCERNED PEOPLE ALLIANCE;
NAFSICA ZOTOS; and YORK TOWNSHIP
IRRIGATORS,

Respondents- Appellees,

v.

ILLINOIS COMMERCE COMMISSION;
GRAIN BELT EXPRESS LLC; CLEAN GRID
ALLIANCE; HANSON AGGREGATES
MIDWEST, INC.; GREYROCK, LLC;
CITIZENS UTILITY BOARD; LEONARD
BRAD DAUGHERTY, as Trustee of the
Leonard Daughtery Trust Dated July 9, 2010;
REX ENCORE FARMS LLC; and ILLINOIS
MANUFACTURERS ASSOCIATION,

Petitioners-Appellants.

On Petition for Leave to Appeal
from the Appellate Court of Illinois,
Fifth Judicial District,
Appeal No. 5-23-0271,

There heard on appeal from the Illinois
Commerce Commission,
ICC Docket No. 22-0499

**BRIEF OF *AMICUS CURIAE* ILLINOIS CHAMBER OF
COMMERCE IN SUPPORT OF PETITIONER- APPELLANT
GRAIN BELT EXPRESS, LLC**

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INTEREST OF THE *AMICUS CURIAE*

The Illinois Chamber of Commerce (“the Chamber”) is an association that focuses on improving Illinois’ business climate. The Chamber has a strong interest in this case because of the critical need of our members to ensure that the necessary infrastructure exists in Illinois to guarantee that they have access to reliable sources of affordable electricity.

Since its inception in 1919, the Chamber strived to foster a competitive business environment for all businesses in Illinois. The Chamber has more than 3,000 members in virtually every sector of the business community, including retailers and wholesalers, manufacturers, chemical producers, refineries, and construction companies, among others, as well as members who operate in every segment of the energy sector. It advocates on behalf of its members to achieve an optimal business environment that enhances job creation and economic growth. The Chamber also regularly files *amicus curiae* briefs in cases before this Court that, like this one, raise issues of importance to the State’s business community. The Court has acknowledged the value of the Chamber’s perspective in explaining the impact of rulings on the Illinois business community by granting the Chamber leave to file *amicus* briefs in many cases.

Left unaddressed, the Fifth District’s decision in this case will have an adverse impact on the business community, including slowing the development of energy infrastructure projects, which in turn would impact electricity reliability and affordability. This, in turn, would imperil the attraction of new businesses to

Illinois who will demand reliable sources of affordable electricity before committing to our State.

ARGUMENT

I. CONSTRUCTION OF TRANSMISSION LINES FOR RENEWABLE ENERGY IS CRITICAL TO ECONOMIC DEVELOPMENT IN ILLINOIS.

Illinois is home to some of the largest companies in the nation, including Walgreens, State Farm, and Archer Daniels Midland. *See* Illinois Chamber of Commerce, 2022 ILLINOIS ECONOMY FACTBOOK, at p. 12.¹ These companies, and many others who do business in Illinois, have expressed their commitment to protecting the environment and transitioning to clean, renewable energy.

For instance, Walmart – Illinois’ largest employer, who employs more than 59,000 people in the state – established aggressive and significant renewable energy goals.² Specifically, Walmart has committed to power 50 percent of its global operations with renewable sources of energy by 2025 and 100 percent by 2035.³ State Farm has committed to reduce its greenhouse gas emissions by 50

¹ Available at <https://www.ilchamber.org/communications/2022-illinois-economy-factbook> (last visited April 11, 2025). Courts have taken judicial notice of information on public websites. *See, e.g., Leach v. Dept. of Empl. Security*, 2020 IL App (1st) 190299, ¶ 44, *Kopnick v. JL Woode Management Co., LLC*, 2017 IL App (1st) 152054, ¶ 26 (information from mainstream Internet sites is sufficiently reliable to be the subject of judicial notice).

² <https://corporate.walmart.com/about/location-facts/united-states/illinois>

³ <https://corporate.walmart.com/purpose/esgreport/environmental/climate-change>

percent by 2030.⁴ And Walgreens has pledged to reduce its greenhouse gas emissions by 30 percent by the end of 2030.⁵ Similarly, Archer Daniels Midland – one of the world’s largest food and nutrition companies – has a goal to reduce its absolute emissions by 25 percent by 2035, and to increase its usage of low-carbon energy by 25 percent by the same year.⁶ These companies reflect a general trend in the business community, where two thirds of publicly traded companies have pledged to reduce their greenhouse gas emissions and set specific deadlines to do so. Paul B. Lewis, Giovanni Coinu, *Climate Change, the Paris Agreement, and Subsidiarity*, 52 UIC J. Marshall L. Rev. 257, 325–26 (2018).

A key strategy in reducing greenhouse gas emissions is to transition to the use of renewable energy, such as solar and wind power. Indeed, hundreds of companies, including the most influential businesses, from IT and retail to manufacturing and heavy industry, have joined clean energy initiatives, such as RE100 Initiative, through which they commit to sourcing 100 percent of their electricity needs from renewable sources. See Climate Group RE100, RE100 Members, available at www.there100.org/re100-members (last visited April 14, 2025). These companies include Apple, General Motors, Google, PepsiCo, and Nike, to name a few. *Id.*

⁴ <https://newsroom.statefarm.com/state-farm-commits-to-reducing-greenhouse-gas-emissions/>

⁵ <https://www.walgreensbootsalliance.com/news-media/position-statements/walgreens-boots-alliance-announces-company-wide-climate-action-0>

⁶ <https://www.adm.com/globalassets/sustainability/2022-landing/c17-2023-carbon-reduction-program-assessment-update---final-11-14-23.pdf>

These are not just aspirational goals, as these companies have affirmatively put them into action. For instance, 100 percent of Apple's facilities are powered with clean energy, including retail stores, offices, data centers, and co-located facilities. See *Apple.com: Apple Now Globally Powered by 100 Percent Renewable Energy* (April 9, 2018).⁷ Since 2017, Google has been matching 100 percent of its global electricity use with purchases of renewable energy.⁸ Also, Walmart has become one of the country's leading commercial solar and on-site renewable energy users, with 48% of its global electricity needs supplied by renewable sources in 2023.⁹ Since 2017, Google has purchased energy from renewable resources sufficient to power 100% of its energy consumption. *Climate Change*, U.S. Chamber of Commerce (Aug. 31, 2020).¹⁰ These companies also put pressure on their suppliers to transition to renewable energy sources.

The states cannot ignore this accelerating business trend of transitioning to renewable energy sources. To stay competitive, to retain existing businesses and to attract new businesses, states have to invest in renewable energy infrastructure. Studies have shown that a state's investment in infrastructure, including energy

⁷ Available at <https://www.apple.com/newsroom/2018/04/apple-now-globally-powered-by-100-percent-renewable-energy/> (last visited April 14, 2025).

⁸ Available at <https://cloud.google.com/blog/topics/sustainability/google-achieves-four-consecutive-years-of-100-percent-renewable-energy> (last visited April 14, 2025).

⁹ Available at <https://corporate.walmart.com/purpose/esgreport/environmental/climate-change> (last visited April 14, 2025).

¹⁰ <https://www.uschamber.com/climate-change/google-has-matched-100-of-its-electricity-use-renewable-energy-2017> (last visited April 14, 2025).

infrastructure, plays a pivotal role in businesses' decision to stay within the state or to relocate. Dillion Roberts, *Why Companies Move: Understanding What Drives Corporate Relocation*, Camoin Associates (Sept. 11, 2024).¹¹ Companies are looking to grow in states where there is renewable power readily and easily available. Andy Greiner, *Top States for Doing Business in 2024*, Area Development Magazine (Q3 2024).¹² As Thomas Lingard, Unilever's global head of Sustainability, explained, "We do hear companies talking about renewable power constraints being a decision factor in where to invest or move into." Expert Perspectives on Growing Renewable Electricity, Climate Group RE 100, at p. 16.¹³

A corporate relocation trend is also something that has accelerated recently. Studies show that more than 590 corporations relocated their headquarters within the United States since 2022. D. Roberts, *Why Companies Move: Understanding What Drives Corporate Relocation*, Camoin Associates (Sept. 11, 2024).¹⁴ A study conducted by CBRE Group, Inc. found that over 30 percent of Fortune 500 companies have had a major relocation or physical move over the past six years. *The Shifting Landscape of Headquarters: Change Among the Fortune 500*, CBRE, March 12, 2024, available at www.cbre.com/insights/local-response/the-shifting-

¹¹ Available at camoinassociates.com/resources/understanding-what-drives-corporate-relocation (last visited April 14, 2025).

¹² Available at www.areadevelopment.com/top-states-for-doing-business (last visited April 14, 2025).

¹³ Available at www.there100.org/sites/re100/files/2024-10/TimeToTriple%20Insights%20Report.pdf (last visited April 14, 2025)

¹⁴ Available at camoinassociates.com/resources/understanding-what-drives-corporate-relocation (last visited April 14, 2025).

[landscape-of-headquarters-change-among-the-fortune-500](#) (last visited April 14, 2025). When companies relocate to another state, they bring with them capital investment and new jobs. In contrast, the loss of corporate presence negatively affects jobs and a state's economy.

The development of the Grain Belt Express project, and others like it, would benefit Illinois' economy by making renewable energy more readily available to companies doing business in this state. Additionally, it would have a substantial and favorable effect on the resilience and reliability of the electric service – which is important to any business. *See, e.g.,* Jetta Cook, *Transmission Troubles: Solving the Roadblocks to Renewable Energy*, 11 Chi.-Kent J. Envtl & Energy L. 37, 39–40 (2022).

The Illinois General Assembly understood well the importance of removing barriers to the development of renewable energy resources in Illinois. The General Assembly passed the law enabling private companies to qualify for certificate of public convenience and necessity to construct renewable energy transmission lines. *See* 220 ILCS 5/8-406(b-5) (defining a “qualifying direct current applicant”). It also provided for an expedited approval procedure. 220 ILCS 5/8-406.1. And in 2021, the General Assembly passed another law, pledging to transition the state to 100 percent renewable energy by 2050. Public Act No. 102-662, amending 20 ILCS 3855/1-5 (1.5). This goal is important not only for benefitting the environment, but also for fostering a business-friendly climate in the state. This, in turn, would encourage corporate investment in the state and would create more jobs, which ultimately would benefit all of Illinois residents.

None of these objectives, however, are being served by the Illinois Appellate Court's decision in this case. As we explain below, the Fifth District's ruling is not only myopic, but also is in direct conflict with the legislative intent behind section 8-406.1 of the Public Utilities Act – the very provision that the Fifth District has purported to enforce.

II. THE FIFTH DISTRICT'S RULING CONFLICTS WITH THE LEGISLATIVE PURPOSE BEHIND SECTION 8-406.1 OF THE PUBLIC UTILITIES ACT.

At the center of this case is the statutory meaning of section 8-406.1(a)(3) of the Public Utilities Act. 220 ILCS 5/8-406.1(a)(3). It is black letter law that “[t]he primary objective of statutory interpretation is to ascertain and give effect to the General Assembly’s intent.” *People v. Davidson*, 2023 IL 127538, ¶ 14. “When interpreting a statute, it is proper to consider the reason for the law, the problem sought to be remedied, the goals to be achieved, and the consequences of construing the statute one way or another.” *O’Connell v. County of Cook*, 2022 IL 127527, ¶ 21. Courts also should construe a statute in a way that avoids “absurd, unjust, unreasonable or inconvenient results that the legislature *could not have intended*.” *Collins v. Board of Trustees of Firemen’s Annuity & Benefit Fund*, 155 Ill. 2d 103, 110 (1993) (emphasis added).

Additionally, if the statutory language is ambiguous, courts may consider legislative history and transcripts of legislative debates in interpreting it. *People v. Reyes*, 2023 IL 128461, ¶ 32. With respect to statutory criteria for issuing certificates of public convenience and necessity, the Appellate Court has held that those

criteria are “ambiguous in that they incorporate broad, imprecise language.” *Pembroke Environmental Justice Coalition v. Illinois Commerce Commission*, 2023 IL App (3d) 22108, ¶ 17. Consequently, in construing section 8-406.1(a)(3), it would be appropriate for this Court to consider the legislative history of this section, as well as the reason for the law, the problem that the General Assembly sought to address in enacting it, as well as the consequences of construing this provision one way or another.

The General Assembly added section 8-406.1 to the Public Utilities Act by enacting Public Act No. 96-1348, effective July 28, 2010. Section 8-406.1 provides an expedited procedure for qualified entities to apply for a certificate of public convenience and necessity from the Illinois Commerce Commission (the Commission), when seeking to construct a new high-voltage electric-service line and related facilities. 220 ILCS 5/8-406.1. Under the expedited procedure, the Commission is required to issue a decision granting or denying a request “no later than 150 days after the application is filed.” 220 ILCS 5/8-406.1(g). The Commission must issue the certificate if it finds that the proposed project will promote the public convenience and necessity and meet three criteria, one of which is whether the applicant is capable of financing the project. 220 ILCS 5/8-406.1(f)(3).

Public Act No. 96-1348 was an entirely bi-partisan measure. Both Democratic and Republican legislators sponsored it, and it passed both houses of

the General Assembly unanimously, thus enjoying support on both sides of the aisle. *See* Voting History for HB 4649, 96th Gen. Assembly (attached as Ex. A).¹⁵

By in enacting Public Act No. 96-1348, the General Assembly sought to expedite, and to remove roadblocks on the way to, Illinois' transition to low-cost, renewable energy, including wind energy. The bill's House sponsor, Rep. Dan Reitz (D), explained that "[t]he intent of this is to try [to] make sure that we build lines in Illinois with ICC approval, use Illinois workers and try to move out new products, especially the wind energy products, to and from the market." State of Illinois, 96th Gen. Assembly, HR Transcription Debate, 2/23/2010 at p. 20 (attached as Ex. B).

During floor debates, legislators explained that the bill was designed to address a concern with "the length of time it takes to get permits for various things in Illinois," which slows down new energy projects. *Id.* at p. 22 (Rep. Donald Moffitt (R)). Legislators expressed that, once enacted, the bill would bring Illinois in line with neighboring states that provide for a faster approval process for construction of energy transmission lines. *Id.* at 22-24. They expressed that the slower, more cumbersome process in Illinois "hindered" the development of clean energy projects in the past. *Id.* at 23-24. As Rep. Roger Eddy (R) put it, "this is important to economic development and potentially jobs, in a lot of cases it just

¹⁵ Available at the Illinois General Assembly website, www.ilga.gov/legislation/votehistory.asp?DocNum=4649&DocTypeID=HB&LegID=48673&GAID=10&SessionID=76&GA=96&SpecSess=

takes so long and so cumbersome this just kind of is an attempt to . . . allow for an expedited process.” *Id.* at 23.

Additionally, debates reflect the legislators’ understanding that, by facilitating construction of renewable energy transmission lines, they were fostering economic development and job growth in the state. For instance, Rep. Michael Bost (R) expressed his support for the bill, clarifying that the measure was designed “to provide new jobs and make sure that we keep moving forward in the State of Illinois even in this financial crisis. This is one way we can do it without spending money . . . what we actually do is just free up the government red tape.” *Id.* at 21. And the bill’s sponsor, Rep. Dan Reitz (D), responded: “Correct.” *Id.*

Since then, the language in section 8-406.1(a) has been construed broadly to allow the Illinois Commerce Commission substantial flexibility in determining whether to approve an application for the construction of a high-voltage electric service line. Specifically, in *City of Elgin v. Illinois Com. Comm’n*, 2016 IL App (2d) 150047, the appellate court affirmed the ICC order authorizing ComEd to construct a high-voltage transmission line and related facilities across several Illinois counties. *Id.*, ¶¶ 17, 60. The so-called Grand Prairie Gateway Transmission Line Project involved construction of an overhead 345-kilovolt electric-transmission line starting from a substation in the city of Byron and running east through Ogle, DeKalb, Kane, and DuPage counties. *Id.*, ¶ 5. The City of Elgin opposed the project, arguing that ComEd failed to provide an alternate route for 12 miles of transmission line running through Elgin. *Id.*, ¶¶ 6, 38, 42.

At issue was the statutory provision in section 8-406.1, excusing an applicant from identifying an alternate right-of-way for the project “[u]pon a showing of good cause in its filing.” 220 ILCS 5/8-406.1(a)(1)(B)(viii). The Commission excused ComEd from identifying an alternate route based on the hearing testimony of a ComEd’s witness. 2016 IL App (2d) 150047, ¶¶ 19, 30-31. Elgin maintained that this was inappropriate because, under section 8-406.1, ComEd had to establish a good cause “in its filing,” *i.e.*, in the application and exhibits attached thereto; not in subsequently filed exhibits or hearing testimony. *Id.*, ¶ 33.

The appellate court rejected Elgin’s narrow construction of section 8-406.1. *Id.*, ¶ 33. The court ruled that a particular provision must not be read in isolation, but considered in conjunction with other relevant provisions. *Id.*, ¶ 34. This included section 8-406.1(f), directing the Commission to grant a certificate “based upon the application filed with the Commission *and the evidentiary record.*” *Id.* (emphasis in the opinion). Hence, the court ruled that the provision, as a whole, allowed the Commission to consider the entire evidentiary record when determining whether to grant a certificate of public convenience and necessity.

Just like the court in *City of Elgin* rejected a narrow construction of section 8-406.1, this Court should reject the Fifth District’s narrow construction of the same section, which severely limits the Commission’s discretion in determining whether an applicant means the criteria for the issuance of the certificate.

Here, the Commission properly construed the phrase “is capable of financing the proposed construction” to mean that the applicant “must be capable of raising the necessary capital.” C. 5892. The Commission properly concluded that the statutory language did not require the applicant to show that it was “immediately capable of paying for the project.” C. 5888. In making its decision, the Commission properly considered the testimony of Rolanda Shine, Invenergy’s finance director, that Grain Belt Express and Invenergy will finance the project using the project financing model, which includes entering into project-specific financing arrangements with investors and lenders to secure the capital needed to complete the construction of the transmission line. C. 1021, C. 1026-27. Shine also explained that, as a condition of funding a project loan, “lenders require the necessary permits and approvals,” and that they would not enter into conditional commitments “until they have a high degree of certainty that the project will actually be approved by the applicable regulatory agencies.” C. 1030.

Shine also provided sufficient evidence that, once regulatory approvals are in place, Grain Belt Express and Invenergy are capable to securing the necessary financing for the project. In particular, she testified that Invenergy Transmission has been in the business of developing and financing large-scale energy projects for the past 20 years, that over this period of time, it successfully financed and completed more than 190 large-scale clean power projects in the United States and globally, which spanned over 4,000 miles of transmission and collection lines. C. 1025. Shine explained that, through these past projects, Invenergy developed

relationships, and built credibility, with such lending institutions as Wells Fargo, GE Capital, JP Morgan, Morgan Stanley, Bank of America, and others. *Id.* Thus, it has access to significant amounts of expertise and capital. *Id.* This, and other, testimony provided credible basis for the Commission to conclude that Grain Belt and its parent, Invenergy, are capable of financing the Grain Belt Express project, within the meaning of section 8-406.1(a)(3).

The Commission's statutory construction comports with the legislative purpose behind enacting section 8-406.1(a)(1) by "free[ing] up the government red tape" in the way of constructing high-voltage transmission lines in Illinois. *See* State of Illinois, 96th Gen. Assembly, HR Transcription Debate, 2/23/2010 at p. 21. In contrast, the Fifth District's narrow construction impermissibly interferes with the Commission's expertise in applying the Public Utilities Act, and perpetuates the very problem the General Assembly sought to address by enacting section 8-406.1.

III. THE FIFTH DISTRICT RULING BRINGS ILLINOIS OUT OF LINE WITH OTHER STATES THAT ALREADY APPROVED THE GRAIN BELT EXPRESS PROJECT.

Further, as we explained, one of the legislative objectives in enacting section 8-406.1 was to bring Illinois in line with other states. The Fifth District's ruling subverts this objective. Other states involved in the Grain Belt Express project – Kansas, Missouri, and Indiana – have all approved the proposed construction, finding, *inter alia*, that Grain Belt and its parent, Invenergy, are capable of securing the financing for the project.

For instance, the Missouri Public Service Commission issued Grain Belt Express a certificate of public convenience after finding that its transmission line project was necessary and convenient for the public service. *In re Application of Grain Belt Express Clean Line LLC*, EA-2016-0358, Report and Order on Remand (Mo. Pub. Serv. Comm’n, March 20, 2019).¹⁶ Among other things, the Missouri Commission concluded that Grain Belt and its parent company, Invenergy, have “the ability to raise capital for large energy projects” through their “vast network of private debt and equity investors.” *Id.* at Sec. III (C), p. 43. On review, the Missouri Court of Appeals upheld the Commission’s decision. *Missouri Landowners Alliance v. Public Service Comm’n*, 593 S.W. 3d 632, 647 (Mo. Ct. App. E.D. 2019). The court ruled, *inter alia*, that the evidence in the record supported the Commission’s finding that Grain Belt and its parent had the financial ability to support the Grain Belt project. *Id.* at 641-42.

Kansas State Corporation Commission reached a similar conclusion. *See In re Joint Application of Invenergy Transmission LLC, Invenergy Investment Company LLC, Clean Line Energy Partners LLC, Grain Belt Express Clean Line LLC, and Grain Belt Express Holding LLC*, Docket No. 19-GBEE-253-ACQ, Order Approving Unanimous Settlement Agreement, Kansas State Corp. Comm’n (June 18, 2019).¹⁷

¹⁶ Available at <https://psc.mo.gov/CMSInternetData/ON/orders/2019/032019358.pdf> (last visited April 14, 2025).

¹⁷ Available at <https://estar.kcc.ks.gov/estar/ViewFile.aspx/20190618103642.pdf?Id=e8020a07-aead-41ef-bcc6-5c343faa08ea> (last visited April 14, 2025).

In approving Invenergy's acquisition of Grain Belt Express Clean Line LLC, the Commission found that Invenergy has the financial resources necessary to fully fund, finance, construct, and operate the GBE Project. *Id.*, ¶ 12. Notably, in the same order, the Commission reiterated the benefits of the Grain Belt Project for the state, including "the merchant model cost-recovery plan, billions of dollars of economic development in Kansas, and the development of environmentally friendly sources of energy." *Id.*, ¶ 27.

Likewise, in approving the project, Indiana Utility Regulatory Commission (IURC) relied on the testimony that Invenergy is "a financially sound company with a proven track record of financing large energy projects." Verified Joint Petition of Grain Belt Express Clean Line LLC and Invenergy Transmission LLC, Cause No. 45294, Indiana Utility Regulatory Comm'n, Jan. 2, 2020 Order, Sec. 5 (B)(iv) at p. 5. In particular, the IURC considered that Invenergy is "North America's largest privately held company that develops, owns, and operates large-scale renewable and other clean energy generation, energy storage facilities, and electric transmission facilities across North America, Latin America, Japan, and Europe." *Id.* at Sec. 5 (B)(i) at p. 4. The IURC stressed that Invenergy developed more than 22,600 MW of large-scale wind, solar, natural gas, and energy storage facilities, and had "extensive experience in raising capital for large scale energy projects, having a majority ownership interest and operations in 13 generating facilities" in Midwestern regions. *Id.*

The IURC credited Invenergy's explanation that, prior to securing financial commitments for the project, it needs to obtain regulatory approvals, permits, key project agreements, and construction contracts. *Id.*, Sec. 5 (C), p. 7. Hence, without securing regulatory approvals and permits, no financing commitments would be available. Based on this evidence, the IURC found that Invenergy had the necessary "technical, managerial, and financial capabilities to acquire, own, and operate" the Grain Belt Express project, and that such operation would be in the public interest. *Id.*, p. 12.

The evidence on which public utility commissions in Missouri, Kansas, and Indiana relied in approving Grain Belt's application, is substantially the same as the evidenced considered by the Illinois Commerce Commission. *All four commissions* found that Invenergy was "capable" of securing financing for the project, despite the evidence that no financial commitments were yet in place.

The fact that, in addition to the Illinois Commerce Commission, three other regulatory bodies in sister states all found Grain Belt and Invenergy "capable" of financing the project is persuasive authority that the Fifth District erred when concluding otherwise. The Fifth District's ruling does not promote the legislative intent behind section 8-406.1(a), which was to ensure that Illinois is "in line with other states" in facilitating the development of renewable energy projects.

CONCLUSION

For all the foregoing reasons, the Illinois Chamber of Commerce respectfully asks this Court to reverse the decision of the Illinois Appellate Court,

Fifth District and to reinstate the order of the Illinois Commerce Commission, granting Grain Belt Express a certificate of public convenience and necessary for the construction of the Grain Belt Express project.

Respectfully submitted,

ILLINOIS CHAMBER OF COMMERCE,
Amici Curiae

s/Irina Y. Dmitrieva
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CERTIFICATE OF COMPLIANCE

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 17 pages.

s/Irina Y. Dmitrieva
IRINA Y. DMITRIEVA, Attorney

NO. 10

State of Illinois
96th General Assembly
Senate Vote

House Bill No. 4649
THIRD READING

Apr 27, 2010

55 YEAS

0 NAYS

0 PRESENT

Y Althoff	NV Delgado	Y Hunter	Y Martinez	Y Rutherford
Y Bivins	Y Demuzio	Y Hutchinson	Y McCarter	Y Sandoval
Y Bomke	Y Dillard	Y Jacobs	Y Meeks	Y Schoenberg
Y Bond	Y Duffy	NV Jones, E.	Y Millner	Y Silverstein
Y Brady	Y Forby	Y Jones, J.	Y Muñoz	Y Steans
Y Burzynski	Y Frerichs	Y Koehler	Y Murphy	Y Sullivan
Y Clayborne	Y Garrett	Y Kotowski	Y Noland	Y Syverson
Y Collins	Y Haine	Y Lauzen	NV Pankau	Y Trotter
Y Cronin	Y Harmon	Y Lightford	Y Radogno	Y Viverito
Y Crotty	NV Hendon	Y Link	Y Raoul	Y Wilhelmi
Y Dahl	Y Holmes	Y Luechtefeld	Y Righter	Y Mr. President
Y DeLeo	Y Hultgren	Y Maloney	Y Risinger	

Exhibit A

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4649
CERT OF PUBLIC CONVENIENCE
THIRD READING
PASSED

Feb 23, 2010

108 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Davis, William	Y Jefferson	Y Reboletti
Y Arroyo	Y DeLuca	Y Joyce	Y Reis
Y Bassi	E Dugan	Y Kosel	Y Reitz
Y Beaubien	Y Dunkin	Y Lang	Y Riley
Y Beiser	Y Durkin	Y Leitch	Y Rita
Y Bellock	Y Eddy	Y Lyons	Y Rose
Y Berrios	Y Farnham	E Mathias	Y Sacia
Y Biggins	Y Feigenholtz	Y Mautino	Y Saviano
Y Black	Y Flider	Y May	Y Schmitz
E Boland	Y Flowers	Y McAsey	Y Senger
Y Bost	Y Ford	Y McAuliffe	Y Sente
Y Bradley	Y Fortner	Y McCarthy	Y Smith
Y Brady	Y Franks	Y McGuire	Y Sommer
Y Brauer	Y Fritchey	E Mell	Y Soto
Y Burke	Y Froehlich	Y Mendoza	Y Stephens
Y Burns	Y Golar	Y Miller	Y Sullivan
Y Cavaletto	E Gordon, Careen	Y Mitchell, Bill	Y Thapedi
Y Chapa LaVia	Y Gordon, Jehan	Y Mitchell, Jerry	Y Tracy
Y Coladipietro	Y Graham	Y Moffitt	Y Tryon
Y Cole	Y Hamos	E Mulligan	Y Turner
Y Collins	Y Hannig	Y Myers	Y Verschoore
E Colvin	Y Harris	Y Nekritz	Y Wait
Y Connelly	E Hatcher	Y Osmond	Y Walker
Y Coulson	Y Hernandez	A Osterman	Y Washington
Y Crespo	Y Hoffman	Y Phelps	Y Watson
Y Cross	Y Holbrook	Y Pihos	Y Winters
Y Cultra	Y Howard	Y Poe	Y Yarbrough
Y Currie	Y Jackson	Y Pritchard	Y Zalewski
Y D'Amico	Y Jakobsson	Y Ramey	Y Mr. Speaker
Y Davis, Monique			

E - Denotes Excused Absence

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Clerk Mahoney: "House Bill 4649, a Bill for an Act concerning utilities. Third Reading of this House Bill."

Speaker Mautino: "The Gentleman from Randolph, Representative Reitz."

Reitz: "Thank you, Mr. Speaker. House Bill 4649 sets up an expedited ICC approval for construction of new high voltage transmission lines and we've added requirements to strengthen up the application process. And this Bill would set a 120 day deadline for after application and with an additional 60 days if the trans... the commission finds cause for additional study. The intent of this is to try make sure that we build lines in Illinois with ICC approval, use Illinois workers and try to move our new products, especially the wind energy products to and from the market. And I'd be happy to answer any questions."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4649. And on that question, the Gentleman from Jackson, Representative Bost."

Bost: "Thank you...thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Mautino: "He indicates he will."

Bost: "Representative, from what this looks like is this... will this be a help and a process to speed things up like in the case where we have Prairie State and the energy line, are the lines of transmission there?"

Reitz: "Yes. I think this will help in any place where there's a transmission line. I'm not sure that one was really..."

Bost: "Right. I know it's not there site specific..."

Reitz: "Yeah."

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Bost: "...but we've ran into that specifically with Prairie State and the length of time it takes to do this process, correct?"

Reitz: "The length of time it takes for almost any transmission line. This will... this will set up an expedited permit. And it's... it's voluntary. There's actually... you know, you don't have to take the expedited permit route. We set additional requirements and costs in there if you do."

Bost: "So, it would be your opinion as it is mine that once again is a time when we're trying to move forward to provide new jobs and make sure that we keep moving forward in the State of Illinois even in this financial crisis. This is one way we can do it without spending money. Well... what we actually do is just free up the government red tape."

Reitz: "Correct."

Bost: "Okay. Thank you. I'm in support of the Bill."

Speaker Mautino: "Further discussion? Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Mautino: "He indicates he will."

Moffitt: "Representative, I believe it's commendable what you're trying to do. This does not cut out any opportunity for public comment or public input. There'll still be ample... ample opportunity for that?"

Reitz: "No. We've actually put some additional criteria if you take this route to make sure that we have public input. We've met with the ICC trying to find out what they're... any additional thoughts that they would have. We're trying to work with them to try and make sure that we have as much

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public input as possible but set a deadline so that we can move on and have a decision."

Moffitt: "And this does not put... This just really kind of brings us up with what a number of other states do in terms of the timeline, doesn't it?"

Reitz: "Correct. There are... there are states that have a lot less time than 120 days plus the 60 that we have in this Bill."

Moffitt: "So we're just kind of trying to achieve closer to a level playing field."

Reitz: "Correct."

Moffitt: "But is it CUB and the Commerce Commission are still opposed or have they gone neutral?"

Reitz: "The Commerce Commission is opposed to the deadline itself and we'll continue to work with them and have discussions as it moves through the process, if they have other information they want to put in. And CUB has an agreement or a theory that they would like to talk about and we've had discussions with them, but it's not ready for this Bill yet."

Moffitt: "Well, thank you. I appreciate your response and certainly things we hear oftentimes is the length of time it takes to get permits for various things in Illinois really to slow up. So this is an attempt to really create jobs and be more business friendly is... would you agree?"

Reitz: "Yes, I would."

Moffitt: "Thank you."

Speaker Mautino: "Further discussion? The Gentleman from Crawford, Representative Eddy."

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Eddy: "Thank you. Well, would the Sponsor yield?"

Speaker Mautino: "He indicates he will."

Eddy: "Representative, just for the sake of clarity a question's kind of come up regarding the siting of power lines. This does not override the siting of power lines. Is that correct?"

Reitz: "No, this is about the siting of power lines. Correct."

Eddy: "Okay. But..."

Reitz: "It's about the... you know, it just sets up a process for an expedited hearing if the utility or anyone under the ICC so wishes."

Eddy: "So it just expedites the process, it doesn't override it. It just makes really..."

Reitz: "Yeah. And..."

Eddy: "...in Illinois because this is important to economic development and potentially jobs, in a lot of cases it just takes so long and so cumbersome this just kind of is an attempt to... to allow for an expedited process but it doesn't replace the fact that... that the siting of the power line has to take place."

Reitz: "Right."

Eddy: "Okay."

Reitz: "No, it doesn't replace that."

Eddy: "Okay. Thank you. Very quickly to the legislation. Ladies and Gentlemen of the House, this is important to support. It brings Illinois in-line with, well, actually other states around us that handle this much different. And it's exactly the kind of thing I think we're finding

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out has hindered our state in the past. And I would urge support and an 'aye' vote."

Speaker Mautino: "The Gentleman has moved passage of House Bill 4649. No one seeking recognition, the question is, 'Shall this Bill pass?' Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. Representative Bellock, Saviano, do you wish to be recorded? Mr. Clerk, take the record. 108 voting 'yes', 0 voting 'no', 0 voting 'present', House Bill 4649 is hereby declared passed. On page 6 of the Calendar is House Bill 4835, Representative Reis. Representative Reis, you have House Bill 4835. Would you like to move that Bill back to Second Reading? The Gentleman has requested the Bill be moved back to Second for purposes of an Amendment. The Chair's intent is to return to Second Reading, page 2 of the Calendar. House Bill 2360, Representative Ford. Read the Bill."

Clerk Mahoney: "House Bill 2360, a Bill for an Act concerning regulation has been read a second time, previously. No Amendments. No Motions filed."

Speaker Mautino: "Third Reading. House Bill 4587, Representative Ford. Read the Bill."

Clerk Mahoney: "House Bill 48... Correction, House Bill 4587, a Bill for an Act concerning public health has...Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions filed."

Speaker Mautino: "Third Reading. House Bill 4683, Representative Ford. Would you like to move this Bill from Second Reading to Third Reading? Read the Bill."