

3. That when Ameren filed its application for a CCN, it did not give notice to the Complainants or other property owners or any other residents who resided in the Clarksboro subdivision that the transmission line would cross and/or be adjacent to their property.

4. That Complainants also complain that Ameren's need for a CCN does not constitute a necessity as the proposed transmission line will benefit only one business and that business, the LMV plant is already being provided with power from other sources. See Attachment 2, Transcript of Proceedings at Public Meeting.

5. That the Commission entered its Order of CCN and it was not until after the Order became effective that the Complainants and others were made aware that Ameren had sought and been granted a CCN. There was no way the Complainants, and other property owners, or residents of the Clarksboro subdivision could have obtained or sought any rehearing, because they had never received any notice that an application had even been filed or an Order issued by the Commission.

6. That had Complainants, property owners, or residents of the Clarksboro subdivision been aware, they would have taken some action to object. This is evidenced by a public meeting held in Liberty, Missouri where citizens appeared and opposed Ameren's intended plans to construct the line. See Attachment 1, Petition in Opposition, Attachment 2, Transcript of Proceedings at Public Meeting, and Attachment 3, Letter Received by State Senator Ryan Silvey Regarding the Proposed Line.

7. That as Complainants had no knowledge that Ameren had filed for a CCN and obtained an Order, Complainants could not have filed a formal complaint earlier than when they did.

8. To forever bar Complainants' right to file a complaint or ask to reopen a hearing under Section 386.390 RSMo., would continue to deny Complainants any opportunity to a contested case and a hearing to have their legal rights and privileges determined and basic right to due process. See Section 536.010.4 RSMo.

9. That under the current procedure, Ameren provided no notice to Complainants or property owners or the residents of the Clarksboro subdivision that a CCN was filed and no notice of an Order from the Commission.

10. That further, the Public Service Commission does have jurisdiction under Section 386.390 RSMo. as the Commission noted in its Order giving notice of a contested hearing directing Answer and directing staff investigation, this is a contested case. See Section 536.060, Section 236.064 and CSR 240.2-110-115.

11. That Complainants complain that Ameren receiving a CCN without any notice to the Complainants, property owners, and residents of the Clarksboro subdivision violates Complainants' basic right to due process guaranteed under the Fourteenth Amendment of the United States Constitution and Article I Section 10 of the Missouri Constitution in that significant rights of the Complainants, property owners and residents of the Clarksboro subdivision are at issue of which they received no notice and no opportunity to be heard.

12. That it is submitted by Complainants that without the CCN Ameren would not be able to proceed with the transmission line. Therefore, it is submitted that the more judicial economy process would be to have this Commission resolve all issues, provide Complainants with an opportunity to be heard, and a determination made as to the necessity of whether or not Ameren should receive a CCN before any further action could be commenced by the Respondent.

WHEREFORE, Complainants pray that Ameren's Motion to Dismiss be denied and that Complainants be granted the relief requested in their Complaint and for such other and further relief as the Commission deems just and proper.

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ATTORNEYS FOR COMPLAINANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2013, I electronically filed the foregoing using the Missouri Public Service EFIS electronic filing system, which sent notification of such filing to the following:

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