

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Ameren Transmission)
Company of Illinois for Other Relief or, in the Alternative,)
a Certificate of Public Convenience and Necessity)
Authorizing it to Construct, Install, Own, Operate,) File No. EA-2015-0146
Maintain and Otherwise Control and Manage a)
345,000-volt Electric Transmission Line from Palmyra,)
Missouri, to the Iowa Border and Associated Substation)
Near Kirksville, Missouri.¹)

ATXI’S RESPONSE TO THE NEIGHBORS’ MOTION TO COMPEL

COMES NOW Ameren Transmission Company of Illinois (“Company” or “ATXI”), and in response to the Motion to Compel filed by the Neighbors² on January 8, 2016, and as directed by the Commission’s January 8, 2016 *Order Directing Filing*, states as follows:

Pertinent Background

1. On August 5, 2015, the Commission adopted a procedural schedule in this case that included provisions relating to discovery. That schedule called for a discovery cutoff date of November 30, 2015. It also specifically called for, and contemplated, that surrebuttal testimony would be filed on November 16, 2015. Consistent with numerous Commission cases like this one, it was clearly contemplated that as the party with the burden of proof, the Company would be filing surrebuttal testimony to rebut contentions appearing in rebuttal testimony, including those of the Neighbors. The Commission’s rules on pre-filed testimony contemplate the same thing. Indeed, while the Neighbors (alone) had proposed an alternative procedural schedule that

¹ The project for which the CCN is sought in this case also includes a 161,000-volt line connecting to the associated substation to allow interconnection with the existing transmission system in the area.

² Neighbors United’s Motion to Compel Ameren Transmission Company of Illinois’ Response to Data Requests and Provide Proof of Notice to Affected Landowners. [Item No. 116]

called for hearings at a later date, their alternative likewise included a discovery cutoff date 15 days after surrebuttal was to be filed.

2. A few days after surrebuttal testimony was filed, the Neighbors sought to amend the procedural schedule, including an amendment to add almost 7 additional weeks to conduct additional, unlimited discovery on any party to the case. The Neighbors' justification was that they needed to conduct further discovery relating to the surrebuttal testimony that had been filed.

3. After considering the issue based upon the Neighbors' requested schedule amendment and filings by other parties, including ATXI, the Commission ultimately granted the Neighbors' request in part, and moved the date of the evidentiary hearings by 7 weeks, while extending the time to conduct discovery to December 18, 2015, meaning that the Neighbors were being afforded more than a month after surrebuttal was filed to serve discovery requests. The Commission also limited the discovery that could be served, ruling that it was "to be limited to discovery directed toward new information contained in surrebuttal testimony only."³ Motions to compel were required to be filed by January 7, 2016.⁴

4. Since surrebuttal testimony was filed, the Neighbors have served 92 data requests. ATXI lodged timely partial objections to 5 of them (but provided answers subject to the objections), and timely objected in total to 12 (based on the fact that they sought information not raised for the first time in surrebuttal testimony). All of the remaining data requests have been answered. Copies of ATXI's letters containing its timely objections and notifications of need for additional time are attached hereto as Exhibit A.

5. On the day before motions to compel were due, counsel for the Neighbors e-mailed the undersigned counsel inquiring about the responses to 14 of the data requests in the

³ *Order Regarding Motion for Reconsideration*, December 9, 2015.

⁴ *Id.*

Neighbors' 8th set. At that time those data requests had not been answered, but were due to be answered by January 8, per the notice of the need for additional time given to the Neighbors on December 28, 2015 (all of them were answered by January 8, save one, which was answered on January 11). Neighbors' counsel indicated that she was inquiring about these 14 data requests from the 8th set because of the impending deadline to file a motion to compel.

6. Approximately mid-day on the day motions to compel were due, Neighbors' counsel called the undersigned counsel to in part follow-up on her e-mail from the day before regarding the 8th set. The undersigned counsel for ATXI indicated that he expected the answers to the 8th DRs to be sent by January 8, but also that ATXI would not take the position as to DR responses that the Neighbors did not even have as of the motion to compel deadline that a motion to compel would be untimely if not filed by January 7, as to such DRs. This was only fair as the Neighbors could not be expected to seek to compel responses (if they believed they were not complete) to DRs for which they had seen no responses at all.

7. However, Neighbors' counsel's phone call on the day motions to compel were due was not limited to the 8th set of DRs, as her e-mail from the day before had suggested. To the contrary, she brought up a long list (22) of other DRs, the responses to many of which the Neighbors had in their possession for several weeks, complaining for the first time that they had either not been answered or had not been fully answered. The undersigned counsel for the Company indicated that he did not consider an 11th hour phone call with a litany of discovery complaints on the day motions to compel were due to be a "good faith" conversation about resolving potential discovery disputes, as required by 4 CSR 240-2.090(8)(A).

8. Later that day, the Motion to Compel was filed as to 36 DRS, including 21 not a part of the 8th set. For reference, the following table outlines when responses (or, in the case of a

timely full objection, a full objection), were lodged as to each of the 21 non-8th set of DRS at issue:

<u>DR NO.</u>	<u>DATE RESPONSE PROVIDED</u>	<u>FULL OBJECTION</u>
2-6	December 1	
2-16	December 4	
4-1	December 9	
4-3	December 9	
4-5	December 9	
4-7	December 11	
4-9	December 11	
4-11	December 9	
4-14	December 10	
4-16	December 11	
5-1	December 30	
5-2	December 30	
5-4	December 30	
5-8	December 30	
6-2	December 29	
6-8	December 29	
6-9		Yes (on December 14)
6-11		Yes (on December 14)
6-14		Yes (on December 14)
6-15		Yes (on December 14)
7-6	December 22	

As the table shows, the Neighbors have had the responses to the majority of the DRS the Neighbors now complain about for approximately one month, or more.

9. It is the Company's contention that the Neighbors have failed to properly confer in good faith as required by the Commission's rules with respect to the DRs listed in the above table. It is not a good faith effort to resolve disputes to call opposing counsel on the day one's motion to compel is due, and then to present a long list of complaints about DRs which had been responded to weeks earlier. The point of the good faith call requirement is to afford a fair opportunity for the opposing counsel to attempt to resolve the discovery issues. Affording a few

hours as to 21 DRs was not a fair opportunity. The failure to comply with the good faith call requirement alone justifies denial of the Neighbors' motion to compel. However, as outlined below, in most cases ATXI will be supplementing its responses, rendering the motion to compel moot in most respects.

The Specific DRs at Issue

10. DR 2-6: In a subsequent DR response (to DR 8-3), ATXI provided a detailed description of the event in question, rendering that part of the Neighbors' complaint moot. ATXI will supplement its response to 2-6 regarding the duration, which will fully moot any issue regarding this DR.

11. DR 2-16: ATXI will address this DR last – see below.

12. DR 4-1: The Neighbors complain that documents involving Mr. DeJoia's (or his firm's) work on electric transmission projects were not produced, as requested. Mr. DeJoia's original response to this DR specifically indicated (as requested) that he did not possess "any journal articles, or presentations" regarding such projects. With respect to documents relating to the "limited number of electrical transmission lines" for which he or his Company have provided services, Mr. DeJoia indicated that he could not lawfully produce documents because of confidentiality agreements with the project owners. It is wholly inappropriate to attempt to compel Mr. DeJoia to commit a breach of contract to provide information that is of questionable probative value, at best.

The Commission recently recognized as much in its September 24, 2014 *Order Denying Motion to Compel and Granting Protective Order* in File No. EA-2014-0207, involving the Grain Belt Express transmission line. There, another landowner group sought information relating to requests for information about wind projects that might utilize the proposed

transmission line. The information was in the applicant's possession, whereas here, the information sought does not belong to ATXI and instead belongs to Mr. DeJoia's company. Regardless, the Commission recognized that the information must be legally relevant, and that to make that determination it must weigh "the probative value of the evidence against the dangers to the opposing party of unfair prejudice, confusion of the issues, undue delay, waste of time, cumulativeness, or violations of confidentiality." The Commission also recognized that information is legally relevant only if its "probative value outweighs its prejudicial effect." The Commission then denied the motion to compel on the basis that the probative value did not outweigh the prejudice and harm that would be caused by forcing Grain Belt to violate confidentiality agreements, stating in part that it could subject Grain Belt to litigation and could harm the third parties (here, Mr. DeJoia's firm's other clients) to which Grain Belt owed its confidentiality duties and who were not parties to the case at all (here, those third parties are clients of Mr. DeJoia's firm).

Mr. DeJoia's DR response provides sufficient information related to his utility experience, and the Neighbors are entitled to cross-examine him at hearing about such experience without creating a breach of his confidentiality obligations. Moreover, the information sought is simply not legally relevant. While the Company believes his response to be adequate, Mr. DeJoia will supplement his response to this DR to provide Neighbors with additional information regarding the requested documents.

13. DR 4-3: The Neighbors claim that Mr. DeJoia's answer to this DR was not responsive because he "did not include a definition for the witness' understanding of "minimal impacts". The Neighbors' claim is not true. In his response, Mr. DeJoia stated: "Minimal impacts, in my opinion, are those impacts that do not negatively impact the natural environment

and do not prohibit the current use of the natural environment.” The Neighbors may disagree with the definition, but Mr. DeJoia answered the question. Again, the Neighbors can cross-examine Mr. DeJoia to gain greater clarity or to otherwise challenge the definition.

14. DR 4-5: While the Company believes that Mr. DeJoia did fully respond, a supplemental response will be provided, indicating whether any of the farmland on which Mr. DeJoia has worked had electrical lines on it and describing the lines.

15. DR 4-7: While DR 4-7 asks for information related to irrigation systems that is well beyond the surrebuttal of Mr. DeJoia as he would admittedly not be involved in the negotiation of voluntary easements, the surrebuttal testimony of Company witnesses Doug Brown and David Endorf address this DR as it relates to the manner in which voluntary easements will be obtained. The Company will supplement its response consistent with that testimony.

16. DR 4-9: As with DR 4-7, DR 4-9 asks for information related to negotiation of voluntary easements and the payment of compensation related to aerial application that is well beyond the surrebuttal of Mr. DeJoia. Again, the surrebuttal of Mr. Brown has previously covered this topic. The Company will supplement its response consistent with that testimony.

17. DR 4-11: As with DRs 4-7 and 4-9, DR 4-11 includes a request that is already partially covered in the surrebuttal testimony of Doug Brown, and the Company will supplement its response consistent with that testimony.

18. DR 4-14: As with DRs 4-7, 4-9, and 4-11, DR 4-14 includes a request that is already partially covered in the surrebuttal testimony of Doug Brown, and the Company will supplement its response consistent with that testimony.

19. DR 4-16: As with DRs 4-7, 4-9, 4-11, and 4-14, DR 4-16 includes a request that is already partially covered in the surrebuttal testimony of Doug Brown, and the Company will supplement its response consistent with that testimony.

20. DRs 5-1 and 5-2: The Neighbors do not actually claim that Ms. Turpin did not fully answer both of these data requests, but imply that Ms. Turpin's testimony said something that it did not say. The premise of both of these DRs is that Ms. Turpin testified that she had worked on several projects *for Ameren Missouri*. That premise is advanced because the Neighbors included only a partial excerpt from Ms. Turpin's testimony in the DRs. The pertinent testimony from Ms. Turpin is as follows: "Over the 33 years I have been in the appraisal business I have worked with Cuivre River Electric Cooperative, Central Electric Power Cooperative, Northeast Missouri Electric Power Cooperative, and Union Electric Company d/b/a Ameren Missouri on several projects in which distribution and transmission lines were being installed through various types of properties, including residential and agricultural lands." Among those five different companies, Ms. Turpin has worked on several projects. She has only worked on one Ameren Missouri project, which is the complete answer already given in response to these DRs and is the complete answer to the questions the Neighbors asked.

21. DR 5-4: Ms. Turpin has already provided all of the information in her possession, custody and control that is responsive to this DR, meaning a more complete answer cannot be provided. The chart is not "missing data" in the sense that Ms. Turpin failed to provide data that she had. Instead, the chart came from the county assessor's office and to the extent there are sales listed for which a sale amount is not listed, this is because the assessor's data lacks such amounts, or does not disclose such information.

22. DR 5-8: Neighbors complain that the response for DR 5-8 does not specifically respond to parts (d) and (e). In response, the Company would note that the question misstates what in fact was a visual observation of utility facilities as described in Ms. Turpin's surrebuttal. The Company will supplement its response to parts (d) and (e) consistent with Ms. Turpin's observations.

23. DR 6-2: ATXI disagrees that Mr. Vosberg's response did not provide the "conclusions reached along with corresponding dates." Mr. Vosberg specifically indicated in his response that the time frame when he "determined the potential for wind development in this region" was between 2009 and 2012. The conclusion is that there is a "potential for wind development in this region" and the corresponding dates are "2009 to 2012." Although the answer is responsive, upon inquiry Mr. Vosberg has indicated that he can supplement the response with additional information, and ATXI will do so.

24. DR 6-8: While Mr. Vosberg (as indicated in his response) cannot divulge certain information due to confidentiality obligations by which he is bound, upon inquiry Mr. Vosberg has indicated he can provide additional information and will supplement his response.

25. DR 6-11: ATXI timely objected to this data request because it sought information not arising from surrebuttal testimony, but arising from information that existed more than a year before surrebuttal testimony was filed. In any event, a later DR (8-13) was asked that called for the same information and ATXI has now answered DR 8-13 and provided the information that otherwise would have been provided in response to DR 6-11, rendering this dispute moot.

26. DR 6-14: The Neighbors claim that the topic of bat surveys that will have to be completed as part of the project was not raised by ATXI until November of this year and that, therefore, the Neighbors have served a proper DR even though nothing regarding bat surveys

was raised in ATXI's surrebuttal testimony. By the terms of the DR, the DR seeks information from December 2014 – more than a year ago – and information that the Neighbors could have requested at any time in this case, including well before the original discovery cutoff date.

ATXI believes that it is disingenuous to interpret the Commission's December 9, 2015 Order that limits discovery to matters raised in surrebuttal testimony to only apply to discovery served after the Order was issued. The original discovery cutoff date was November 30. Based only on the justification that more time was needed to prepare for hearings and to conduct discovery *because of new information in surrebuttal testimony from ATXI*, the Neighbors sought and received more time to conduct discovery *if it arose from new information in surrebuttal testimony*. The Neighbors were parties to this case for more than 4 months before November 30. They could have asked this DR at any time during that period.

Indeed, the Neighbors' witness, Mr. Powers, attached as a schedule to his rebuttal testimony *filed on October 22*, a copy of a letter from the US Fish and Wildlife Service *regarding the December 5, 2014 meeting* that is the subject of DR 6-14. That the Neighbors failed to ask more questions about the meeting in the more than four months they were parties to this case, and in the nearly 6 weeks after their own witness referenced the meeting up to the original discovery cutoff date, is a problem of the Neighbors' own making. This DR violates the letter, and the spirit, of the Commission's discovery limitation for post-November 30 DRs.

27. DR 6-15: ATXI timely objected to this data request because it sought information not arising from surrebuttal testimony, but arising from information that existed more than a year before surrebuttal testimony was filed. In any event, a later DR (8-10) was asked that called for the same information and ATXI has now answered DR 8-10 and provided the information that otherwise would have been provided in response to DR 6-11, rendering this dispute moot.

28. DR 7-6: ATXI will supplement its response to indicate that as of the time the question was asked, it was unaware of the program mentioned in the DR. Neighbors' witness Powers has since mentioned it during his deposition. By supplementing the DR, ATXI does not concede that the pilot program has any relevance to this case.

29. DR 2-16: The DR at issue requested maps showing the planned placement of the transmission line on each of the 377 parcels impacted by the final route, together with certain other information (including the name of the owner of the parcel). The maps were mailed to Neighbors' counsel on December 4, 2015 (the Neighbors claim that they did not receive them until December 21 is incorrect). The Neighbors claim that of the 85 maps the Neighbors had reviewed as of January 7, 2016, 11 of them showed an incorrect owner of the parcel. The Neighbors also claim that one of the 11 persons was not notified of the route by ATXI. As relief, the Neighbors want the Commission to order ATXI to provide corrected maps and, "more importantly," they say, to somehow demonstrate that the owners of the 377 parcels were notified that their parcel would be impacted.

Neighbors' complaint is a false one for two reasons. First, as described in detail below, ATXI followed a diligent and thorough process in identifying, as best as could reasonably be determined, who the owners of the parcels were, and continued to update information throughout its public outreach and Open House process. Second and more importantly, the underlying premise of the Neighbors' complaint is unfounded. Even if a particular landowner did not receive notice,⁵ there is no requirement in any statute, rule or based on any other source of law or

⁵ The Neighbors did not disclose the identity of the particular landowner that they claim now owns one of the 11 parcels and that they claim did not receive notice, and the Neighbors did not provide the identities of the other 10 landowners who they say actually own those 10 parcels that they say contain a listing of the wrong owners on the individual maps. Nevertheless, they demand that ATXI prove notice was given them. If notice really was their concern, the Neighbors would have identified these landowners.

policy, that requires that every landowner who might be impacted by a utility improvement that is the subject of a CCN application receive actual notice that the improvement might impact their land. Similar claims have been raised regarding Commission cases in the past, and have been rejected by the courts. *See, e.g., State ex rel. Ozark Border Elec. Coop. v. Pub. Serv. Comm'n*, 924 S.W.2d 597, 601 (Mo. App. W.D. 1996) (dismissing a rural electric cooperative's complaint about a prior territorial agreement proceeding at the Commission involving a utility and another entity to which the cooperative received no notice and which affected areas the cooperative wanted to serve was proper because the "PSC was not required to give Ozark personal service of the notice."). 924 S.W.2d at 601.

Another example is *State ex rel Harline v. Pub. Serv. Comm'n*, 343 S.W.2d 177 (Mo. App. W.D. 1960), which involved a claim by landowners that an electric utility had to come to the Commission for a new CCN each time it built a transmission line even if that transmission line was being built within the utility's service territory, as it had been established in a prior area certificate case concluded 20 years earlier. The landowners claimed lack of actual notice of the prior CCN case violated the landowners' due process rights. Holding that a challenge to the prior Commission order granting the area certificate was barred by Section 386.550, the Court of Appeals rejected the contention that personal notice was required, stating that the landowners "point to no statute providing or decision holding that they were entitled to personal notice of the [Commission] proceeding." *Id.* The fact is that there is absolutely no requirement for a utility to notify anyone before it seeks a CCN at this Commission. For that reason alone, the relief the Neighbors seek is improper.

Despite the fact that notice is not required, ATXI, as addressed in significant detail in its pre-filed testimony in this case, has voluntarily engaged in a very open and public process,

including multiple rounds of notifications based upon publicly available data from county assessor records in each of the five counties at issue. More specifically, during the first half of 2014 (prior to ATXI's Open Houses, which occurred from August 2014 to February 2015), a contractor was engaged by ATXI to compile publicly available data from county assessor records listing the ownership of each of the parcels at issue. The contractor created a database of that information, and mailed notices of the Open Houses to each addressee. There were instances where the mailing was returned as undeliverable. When that occurred, the county at issue was contacted to verify the address and owner. It is the contractor's experience that there can be a significant lag between the time when ownership of a parcel changes and when the assessor's records are updated, and that this is particularly true in smaller, rural counties which often lack automated recordkeeping and where recorders' and assessors' systems are not the same. ATXI then took that updated information and re-mailed the notice. In addition, as part of the Open House and the overall public outreach process, ATXI was from time-to-time advised by individuals that their address had changed or that a parcel had changed hands. The database was updated with that information and subsequent mailings used the updated information.

In addition to actual mailed notice to the owners shown by these records that were located within 2,500 feet of any route under consideration prior to the Open Houses, and actual mailed notice to those owners whose parcels were affected by the final route (again, according to these records, as updated as described above), ATXI also utilized local radio and online advertising, provided press releases announcing Open Houses and posted flyers in various public venues. See Exhibit B hereto, which was provided to the Neighbors in response to Neighbors DR 2-20.

The bottom line is that while it is possible that the current owner of a parcel did not receive a letter, absent instantaneous access and review on an ongoing basis (in real time) of both county assessor and recorder data to ensure that every owner, as of this moment, was personally notified, it is impossible to guarantee that such a notice was received by every current owner. However, before an easement can be obtained, title work will have to be completed and the actual owners will have to be located. Their identities could change from the time right-of-way acquisition efforts commence until they are completed, for a variety of reason (sales, deaths, change in trustees, etc.), but before an easement can be obtained, further title work will have to be done to ensure that the owner was properly engaged. If a condemnation were to occur, there are specific notice and good faith negotiation requirements codified in Missouri law. *See* Chapter 523, RSMo.

Moreover, ATXI has no ability to verify at this time (short of conducting title work on every parcel that could then be out-of-date by the time easements are to be obtained) the true owners of the 11 properties identified in maps the Neighbors claim are incorrectly labelled.

The complaints about this DR response appear to have far more to do with attempting to create an artificial barrier to deciding this case on the merits – as were other procedural maneuvers by the Neighbors in this case – than they have to do with making sure that proper efforts (that were not required, but undertaken nonetheless) to give notice were undertaken. Indeed, to the extent that there are individuals who own a tract who were not identified in the database (or whose address was incorrect), the fact is that the Neighbors have in their hands a map for every single parcel. The Neighbors had no trouble naming purported owners of the 11 parcels at issue, and that is an exercise they can pursue as to the remaining parcels for which they have maps but which apparently they have not reviewed.

In summary, there is absolutely no indication that the public in general, and in fact affected property owners, have not been made fully aware of the proposed line construction, that their properties may be impacted and that this Commission is considering this case (the PSC itself publicized the fact that ATXI's application had been filed in order to give notice to interested parties). In any event, there is no requirement related to this proceeding that each individual landowner receive individual notice of the intended route.⁶ If the Neighbors have further questions about a map, they can contact ATXI's counsel. There is no basis for compelling additional responses to this DR, or for ordering any kind of notice or evidence of notice.

Summary

30. All of the 8th set of DRs which were the subject of the Motion to Compel have been answered. Consequently, the Motion as to the 8th set is moot.

31. The motion is or will also be moot after ATXI supplements its responses to DRs 2-6, 4-5, 4-7, 4-9, 4-11, 4-14, 4-16, 5-4, 5-8, 6-2, 6-8, 6-9 and 7-6, which ATXI intends to do by January 18.

32. Issues regarding DRs 6-11 and 6-15 are now moot because of later responses provided to DRs 8-10 and 8-13.

33. ATXI's responses to DRs 2-16, 5-1, 5-2 and 6-14 remain fully responsive. With respect to DR 2-16, it is inappropriate in ruling on the Motion to Compel, or otherwise, to prescribe additional notice.

WHEREFORE, ATXI respectfully requests the Commission enter its orders overruling the Neighbors' Motion to Compel as moot as to the 8th set of DRs and the DRs listed in

⁶ Even if there were, ATXI has made reasonable efforts to provide that notice.

paragraphs 31-32 above, overruling the Motion as to the DRs listed in paragraph 33 above, and denying any further relief sought by the Neighbors Motion.

Respectfully submitted,

/s/ James B. Lowery _____

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Response to the Neighbors Motion to Compel has been e-mailed, this 12th day of January, 2016, to counsel for all parties of record.

/s/ James B. Lowery _____

**An Attorney for Ameren Transmission
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December 9, 2015

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*Re: Neighbor United's Fifth Set of Data Requests to Ameren Transmission
Company of Illinois (ATXI)*

Dear Jennifer:

Given the breadth, specificity and time periods over which information is sought, plus the fact that they were sent late on a Friday, ATXI will require additional time to respond to your 5th set of DRs, perhaps up to December 24, 2015. We will, however, endeavor to get the responses to you sooner.

ATXI also objects to Set 5, No. 7, to the extent the DR would require production of confidential appraisal reports which Ms. Turpin may not provide without the consent her client.

Sincerely,

/s/ James B. Lowery

James B. Lowery

Cc: Jeff Rosencrants, Ed Fitzhenry, Mike Tripp, Cheryl Lobb

EXHIBIT A

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*Re: Neighbor United's Sixth Set of Data Requests to Ameren Transmission
Company of Illinois (ATXI)*

Dear Jennifer:

Given the number of questions together the 5th set of DRs that were recently served, ATXI may require additional time to respond to your 6th set of DRs, up to December 24, 2015. We will endeavor to get the responses to you sooner.

Sincerely,

/s/ James B. Lowery

James B. Lowery

Cc: Jeff Rosencrants, Ed Fitzhenry, Mike Tripp, Cheryl Lobb

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December 14, 2015

Jennifer Hernandez
Attorney at Law
Hernandez Law Firm, LLC
1802 Sun Valley Drive
Jefferson City, MO 65109

*Re: Objections to Neighbor United's Sixth Set of Data Requests to Ameren
Transmission Company of Illinois (ATXI)*

Dear Jennifer:

This letter contains ATXI's objections to your sixth set of data requests (DRs) and notification of the need for additional time to provide responses.

Under the original procedural schedule, discovery was to close on November 30, 2015. The Commission's December 9, 2015 Order Regarding Motion for Reconsideration granted ATXI's request that any discovery sought under the new procedural schedule be limited to "new information contained in surrebuttal testimony only." *Order* at 2. Because certain of the DRs in your sixth set do not relate to new information contained in surrebuttal testimony, ATXI objects to providing responses to DR Nos. 6-9, 6-10, 6-11, 6-12, 6-13, 6-14, 6-15, 6-16 and 6-17.

In addition, ATXI will require a significant amount of additional time to respond to the other DRs in this set. ATXI will endeavor to respond as quickly as reasonably possible, but may require until December 24, 2015, to fully respond.

Sincerely,

/s/ Michael R. Tripp

Michael R. Tripp

Cc: Jeff Rosencrants, Ed Fitzhenry, James Lowery, Cheryl Lobb

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KAREN ASHRAFZADEH, RN

December 28, 2015

Jennifer Hernandez
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1802 Sun Valley Drive
Jefferson City, MO 65109

*Re: Objections to Neighbor United's Eighth Set of Data Requests to Ameren
Transmission Company of Illinois (ATXI)*

Dear Jennifer:

This letter contains ATXI's objections to your eighth set of data requests (DRs) and notification of the need for additional time to provide responses.

Under the original procedural schedule, discovery was to close on November 30, 2015. The Commission's December 9, 2015 Order Regarding Motion for Reconsideration granted ATXI's request that any discovery sought under the new procedural schedule be limited to "new information contained in surrebuttal testimony only." *Order* at 2. Because certain of the DRs in your eighth set do not relate to new information contained in surrebuttal testimony, ATXI objects to providing responses to DR Nos. 3, 12, 13 and 14.

In addition, given the number of DRs and their service shortly before the holidays, ATXI will require additional time to respond up to and including January 8, 2016.

Sincerely,

/s/ James B. Lowery

James B. Lowery

Cc: Jeff Rosencrants, Ed Fitzhenry, Mike Tripp, Cheryl Lobb

Mark Twain Transmission Media Schedule

Round 1 - Open House 1 - August 5-7, 2014

Print Media

Publication	Type of Ad	Print Cycle	
Kirksville Daily Express	Display - Meeting Announcement	07/21/14, 07/24/14, 07/27/14	M-Th-Su
Kirksville Daily Express	Display - Meeting Announcement	07/28/14, 07/30/14, 08/03/14	M-Th-Su
Quincy Herald-Whig	Display - Meeting Announcement	07/21/14, 07/24/14, 07/27/14	M-Th-Su
Quincy Herald-Whig	Display - Meeting Announcement	07/28/14, 07/31/14, 08/03/14	M-Th-Su
Quincy Journal	On-Line Banner - Meeting Announcement	Week of July 21st, daily	
Quincy Journal	On-Line Banner - Meeting Announcement	Week of July 28th, daily	
Palmyra Spectator	Display - Meeting Announcement	7/22/2014	Tuesday
Palmyra Spectator	Display - Meeting Announcement	7/29/2014	Tuesday
Hannibal Courier-Post	Display - Meeting Announcement	07/22/14, 07/24/14, 07/26/14	T-Th-Sa
Hannibal Courier-Post	Display - Meeting Announcement	07/29/14, 07/31/14, 08/02/14	T-Th-Sa
Shelby County Herald	Display - Meeting Announcement	7/22/2014	Tuesday
Shelby County Herald	Display - Meeting Announcement	7/29/2014	Tuesday

Radio Spots

Station	Air times	Air Dates	Frequency
KIRX Radio, Kirksville	Split: 3-4, AM Drive, 3-4 PM Drive	Week of July 28th, Mon-Friday	6-8 daily
KTRM Radio, Kirksville	Split: 3-4, AM Drive, 3-4 PM Drive	Week of July 28th, Mon-Friday	6-8 daily
KHMO Radio, Hannibal	Split: 3-4, AM Drive, 3-4 PM Drive	Week of July 28th, Mon-Friday	6-8 daily
KGRC Radio*, Hannibal	Split: 3-4, AM Drive, 3-4 PM Drive	Week of July 28th, Mon-Friday	6-8 daily
KZZK Radio*, Hannibal	Split: 3-4, AM Drive, 3-4 PM Drive	Week of July 28th, Mon-Friday	6-8 daily
WGEM Radio, Quincy	Split: 3-4, AM Drive, 3-4 PM Drive	Week of July 28th, Mon-Friday	6-8 daily
WTAD Radio*, Quincy	Split: 3-4, AM Drive, 3-4 PM Drive	Week of July 28th, Mon-Friday	6-8 daily

* Same Owner

Round 2 - Open House 2 - October 28-30, 2014

Print Media

Publication	Type of Ad	Print Cycle	Number
Kirksville Daily Express	Display - Meeting Announcement	10/16/14, 10/19	3
Kirksville Daily Express	Display - Meeting Announcement	10/21/14, 10/23/14, 10/26/14	3
Quincy Herald-Whig*	Display - Meeting Announcement	10/15/14, 10/17/14, 10/20/14	3

Quincy Herald-Whig*	Display - Meeting Announcement	10/22/14, 10/24/14, 10/26/14		3
Quincy Journal	On-line Banner	10/13/14, 10/15/14, 10/17/14		3
Quincy Journal	On-line Banner	10/20/14, 10/22/14, 10/24/14		3
Hannibal Courier-Post	Display - Meeting Announcement	10/14/14, 10/21/14, 10/24/14		3
Salt River Journal	Display - Meeting Announcement	10/22		1
Shelby County Herald	Display - Meeting Announcement	10/22/14, 10/29/14	weekly	2
Edina Sentinel	Display - Meeting Announcement	10/22, 10/29		2
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Radio Spots

Station	Air times	Air Dates	Frequency	
KIRX Radio, Kirksville	Split: 3-4, AM Drive, 3-4 PM Drive	10/15-10/17/14	6-8 daily	
KIRX Radio, Kirksville	Split: 3-4, AM Drive, 3-4 PM Drive	10/20-10/24/14	6-8 daily	
KGRC Radio*, Hannibal	Split: 3-4, AM Drive, 3-4 PM Drive	10/15-10/28/14	6-8 daily	50 Spots
KZZK Radio*, Hannibal	Split: 3-4, AM Drive, 3-4 PM Drive	10/15-10/28/14	6-8 daily	36 spots
WGEM Radio, Quincy	Split: 3-4, AM Drive, 3-4 PM Drive	10/15-10/17/14	6-8 daily	
WGEM Radio, Quincy	Split: 3-4, AM Drive, 3-4 PM Drive	10/20-10/24/14	6-8 daily	
WTAD Radio*, Quincy	Split: 3-4, AM Drive, 3-4 PM Drive	10/15-10/28/14	6-8 daily	52 spots

* Same Owner

Educational/Advocacy Campaign - Winter 2014 - 15

Print Media

Publication	Type of Ad	Print Cycle	Number
Kirksville Daily Express	Display ad	11/30/14, 12/14/14, 12/21/14, 1/4/15	4
Shelby County Herald	Display ad	12/3/14, 12/17/14, 12/24/14, 1/7/15	4
Edina Sentinel	Display ad	12/3/14, 12/17/14, 12/24/14, 1/7/15	4
Kirksville Daily Crier	Display ad	12/24	1
Kirksville Daily Express	Display ad	2/15/15, 2/22/15, 3/1/15, 3/7/15	4
Shelby County Herald	Display ad	2/25/2015, 3/3/15, 3/10/15, 3/17/15	4

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Flyer Distribution Locations

<u>Location</u>	<u>Type of Business/Organizatio</u>	<u>City/Town</u>	<u>Address</u>	<u>Photo?</u>
Casey's General Store	Gas station	LaPlata	10317 Hwy 63 South	yes
Dollar General	Retail	Queen City	1102 Hwy 63 South	yes
Golden Furrow Fertilizer	Farm supply	Greentop	PO Box 24, Rte 2	no
Western's Meats	Restaurant	Greentop	1978 Hwy 63	yes
Sydenstricker John Deere	Farm equipment	Kirksville	155 John Deere Drive/Hwy	yes
Action Cycles	Recreation equipment	Kirksville	5200 N. Baltimore	yes
Home Depot	Home improvement	Kirksville	3015 N. Baltimore	yes
ACE Hardware	Home improvement	Kirksville	1614 N. Baltimore	yes
TSC Tractor Supply	Farm equipment	Kirksville	1700 N. Baltimore	yes
Bank of Kirksville (3)	Banks	Kirksville	Multiple	yes (1)
Kirksville City Hall	City hall	Kirksville	201 S. Franklin	yes
Sweet Expressions Coffee	Coffee shop	Kirksville	107 W. Washington	no
Downtown Café	Restaurant	Kirksville	112 N. Franklin	yes
Kirksville Chamber of Commerce	Chamber of Commerce	Kirksville	304 S. Franklin	no
Hy-Vee	Grocery store	Kirksville	500 N. Baltimore	yes
El Kadir Shrine Club	Shrine Club	Kirksville	2401 N. Baltimore	no
Willowbead Convenient Store	Gas station	Brashear	Hwy 6 E	yes
Dollar General	Retail	Edina	Hwy 6 E	yes
Edina City Hall	City Hall	Edina	208 Monticello	no
Diner 15	Restaurant	Novelty	Hwy 156	yes
Newark Town Hall	Town Hall	Newark	Hwy E and Hwy 156	yes
Heartland Lodge and Steakhouse	Restaurant	Heartland	N. Creation Road	yes
Rock Solid Café (2)	Restaurant/Gas station	Heartland		no
Johnnie's Café	Restaurant/Gas station	Ewing	103 State Hwy N	yes
American Legion 174	American Legion	Palmyra	600 Short Street	yes
Palmyra Public Library	Library	Palmyra	212 S. Main Street	yes
Palmyra Courthouse/Marion County	Courthouse/government offices	Palmyra	Main Street	yes
Palmyra City Hall	City hall	Palmyra	301 S. Main Street	yes
Farm Bureau	Insurance	Palmyra	307 S. Main Street	yes
Palmyra Post Office	Post Office	Palmyra	323 S. Main Street	yes
HNB Bank	Banks	Palmyra	203 S. Main Street	yes
Kerley's Café	Restaurant	Palmyra	119 S. Main Street	yes
Abel's Quick Stop	Gas station	Palmyra	100 N. Main Street	yes
County Market	Grocery store	Palmyra	1208 S. Main Street	yes