

**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, Maintain and )  
Otherwise Control and Manage a 345,000-volt )  
Electric Transmission Line from Palmyra, Missouri )  
to the Iowa Border and an Associated Substation )  
Near Kirksville, Missouri )

**Case No. EA-2015-0146**

**STAFF’S RESPONSE**

On January 13, 2016, the Commission issued an *Order Directing Filing* in which it stated, “On January 17, Neighbors United filed a motion to compel and a motion to provide proof of notice against affected landowners. ATXI responded on January 12, and Neighbors United responded on January 13,” then it directed, “The Staff of the Commission shall respond no later than January 14, 2016.” Staff’s response follows:

1. The evidentiary hearing in this case starts Monday, January 25, 2016.
2. January 18, 2016, is a state holiday—Martin Luther King Jr. Day.
3. On January 13, 2016, Neighbors United replied to ATXI’s response.
4. In its January 12, 2016, response to Neighbor United’s motion to compel

ATXI asserts that it intends to supplement its responses to Neighbors United’s data requests numbers 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 by January 18, 2016, and it explains in its response that as supplemented Neighbor United’s motion to compel will be moot as to those requests. Staff is unable to discern whether they will. Therefore, Staff recommends the Commission order ATXI to provide those supplemental responses to Neighbors United by no later than 4:00 p.m.,

January 18, 2016, but allow Neighbors United an opportunity to obtain Commission rulings on the sufficiency of the supplemented responses before the hearing starts on January 25, 2016.

5. As to Neighbors United's data request 4-1, Staff recommends that the Commission order that Mr. DeJoia inquire of the project owners of each project whether they will permit him to disclose the confidential information for the limited purposes of this case, where it will be treated as highly confidential or proprietary information, as appropriate, if he has not already done so, and then require that he either provide all or any part of the requested information or state that the project owners will not consent to him disclosing all or any part of it.

6. As to data request 4-3, Staff recommends that the Commission order Mr. DeJoia to clarify whether the definition of "minimal impacts" he provided applies in the context of agricultural operations as he was using it his testimony quoted in the data request, and if it does not, to provide his definition of minimal impacts in the context of agricultural operations as he used that term in his testimony quoted in the data request.

7. As to data request 6-14, the Commission knows better than any party, including Staff, whether it intended to retroactively limit the scope of discovery issued on December 8, 2015, by its December 9, 2105, *Order Regarding Motion for Reconsideration*, and the Staff does not presume to know the Commission's intent.

8. With regard to landowner notice, Staff agrees with ATXI that, for purposes of a certificate of convenience and necessity, there is no statutory requirement that potentially affected landowners receive actual notice that a utility plans to seek a certificate of convenience and necessity to build an electric line such as the 345 kV and

161 kV lines that are part of the Mark Twain transmission line project. Staff would go further than ATXI with regard to the impact of the Western District Court of Appeals decision in the case *State ex rel. Harline v. Public Service Commission*, 343 S.W.2d 177 (1960), since in that case the Court held that a blanket certificate the Commission had issued in 1938 was sufficient to allow Missouri Public Service Company to build an eight-mile-long, 69 kV transmission line in Jackson County from Martin City to Lee's Summit, without having to obtain an additional specific certificate for that line. If notice in 1938 was sufficient to build a transmission line *circa* 1960, then surely, from a legal standpoint, the notices the Commission has issued in this case are as well. However, with regard to generating stations, the Western District much more recently expressed a different view, opining that notice in 1938 was not sufficient for building such structures in 2004. *StopAquila.Org v. Aquila, Inc.*, 180 S.W.3d 24 (2005), *Cass County v. Public Service Commission*, 259 S.W.3d 544 (2008).

Respectfully submitted,

**/s/ Nathan Williams**

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or by electronic mail to all counsel of record on this 14<sup>th</sup> day of January, 2016.

**/s/ Nathan Williams**