

**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)

**REPLY OF AMEREN TRANSMISSION COMPANY OF ILLINOIS
TO NEIGHBORS UNITED’S RESPONSE TO ATXI’S
APPLICATION FOR REHEARING, MOTION FOR RECONSIDERATION
AND REQUEST FOR CLARIFICATION**

COMES NOW Ameren Transmission Company of Illinois (ATXI), pursuant to 4 CSR 240-2.080(13), and files this brief reply to *Neighbors United’s Response to Application for Rehearing, Motion for Reconsideration, and Request for Clarification of Ameren Transmission Company of Illinois* (Neighbors United’s Response). This filing is intended to address only those arguments raised for the first time by Neighbors United in its Response.

1. Neighbors United argues that ATXI cannot seek reconsideration of the Commission’s county-assent-related condition because ATXI missed a 10-day filing deadline found in 4 CSR 240-2.160(2), an administrative rule that generally prescribes the procedure for seeking reconsideration of procedural and interlocutory orders. This argument is incorrect, without merit, and fatally flawed. Neighbors United overlooks the fact that the Commission retains jurisdiction over *all* of its orders, including substantive orders like the Report and Order, until such time as the order is taken up by a court on review. *See. e.g., State ex rel. and to Use of Cirese v. Ridge*, 138 S.W.2d 1012 (Mo. 1940) (recognizing that the Commission has exclusive jurisdiction over its orders prior to the initiation of a judicial review proceeding); *State ex rel.*

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.

Alton R. Co. v. Pub. Serv. Comm'n. 155 S.W.2d 149 (Mo. 1941) (involving a Commission order that had been amended by the Commission upon application of a party eight years after it was first entered). And just because there is a rule that imposes a time limit on reconsideration requests for *interlocutory or procedural orders*, that rule has nothing to do with reconsideration requests for *substantive orders* to which that rule doesn't apply. As Neighbors United agrees with ATXI that the Report and Order is substantive, their attempt to point the Commission to 4 CSR 240-2.160(2) is nothing but smoke and mirrors. A party can seek a change to a substantive order, and the Commission can make a change, as long as the Commission has jurisdiction.

2. Neighbors United also misapplies the CCN rule, 4 CSR 3.105. A CCN is permission to construct; nothing more and nothing less. *State ex rel. Cass County v. Pub. Serv. Comm'n.*, 259 S.W.3d 544, 548-49 (Mo. App. W.D. 2008). There is nothing in § 393.170, RSMo. (2000) or in the CCN rule that prevents the Commission from giving permission to construct part of a project if conditions applicable to that part are satisfied. Indeed, the Commission has commonly done so. *See, e.g., In re: Southern Missouri Gas*, 2008 Mo. PSC LEXIS 647, Case No. GA-2007-0168 (July 5, 2008) (where utility sought a CCN to construct a new gas system in southern Missouri, encompassing multiple municipalities, the Commission allowed construction in those municipalities for which the utility had a franchise even though the utility did not have all of the franchises from all of the municipalities); *accord In re: Tartan Energy, LLC*, 3 Mo. P.S.C. 3d 173, Case No. GA-94-127 (Sept. 16, 1994).

3. As for the issues involving Conditions 3 and 7, it is obvious that the Commission simply overlooked its Staff's statement that Condition 3 had already been satisfied, and made a simple mistake in referring to Mr. Beck's schedule instead of Mr. Brown's. The clarification request as to both conditions is simply a request that the Commission clarify the Report and

Order to reflect what the Commission quite obviously intended. Neighbors United is attempting to capitalize on the Commission's inadvertent oversight and re-argue farming and land-use issues on which it failed to prevail.

4. Finally, ATXI brought Condition 8 to the Commission's attention because again, given the Staff's recommendation that it be adopted, and ATXI's agreement to it as part of the record, ATXI believes the Commission simply overlooked including that condition as well.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been e-mailed, this 7th day of June, 2016, to counsel for all parties of record.

/s/ James B. Lowery _____
An Attorney for Ameren Transmission
Company of Illinois