

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

N & N FARMS, INC.)
1516 Wellington Way)
Liberty, Missouri 64068)
)
and)
)
ROBERT T. NOLAND TRUST)
18225 NE 122 nd Street)
Liberty, Missouri 64068)
)
and)
)
TOM AND BONITA TARWATER)
3120 B Highway)
Liberty, Missouri 64068)
)
Complainants,)
)
vs.)
)
UNION ELECTRIC COMPANY / D/B/A)
AMEREN MISSOURI)
101 Madison)
PO Box 780)
Jefferson City, Missouri 65102)
)
Respondent.)

**FORMAL COMPLAINT
AND/OR MOTION TO
REOPEN OR RECONSIDER ITS ORDER GRANTING CERTIFICATE OF
CONVENIENCE AND NECESSITY, FILE NO. EA-2013-0316**

COME NOW, Complainants N & N Farms, Inc., who reside at 1516 Wellington Way, Liberty, Missouri 64068, and Robert T. Noland Trust who resides at 18225 NE 122nd Street, Liberty, Missouri 64068, and Tom and Bonita Tarwater who reside at 3120 B Highway, Liberty, Missouri 64068, and for their Formal Complaint and/or Motion to Re-Open or

Reconsider its Order Granting Certificate of Convenience and Necessity, File No. EA-2013-0316 state as follows:

1. Respondent Union Electric Company d/b/a Ameren Missouri ("Ameren"), is a public utility under the jurisdiction of the Public Service Commission of the State of Missouri ("Commission"). Ameren is an "electric corporation" and a "public utility" as defined in section 386.020(15), (43), RSMo (Supp. 2011).

2. That Ameren is subject to the jurisdiction of this Commission under chapter 386 and 393, RSMo. The Commission has jurisdiction over the subject matter of this Complaint as it involves an Order granting a Certificate of Convenience and Necessity in case number EA-2013-0316.

3. That on November 29, 2012, Ameren filed an application with the Commission for a Certificate of Convenience and Necessity ("CCN") to construct, install, own, operate, control, manage, and maintain an electric sub-transmission line to provide electric service in Clay County, Missouri for a new customer, an LMV plant in Liberty, Missouri, in its existing territory. The proposed power line would include 885 feet in the service area of KCP&L Greater Missouri Operations Company (GMO). GMO was granted leave to intervene on December 17, 2012. The proposed power line will go through seven (7) properties and will be directly south of the Clarksboro/Windsor Estates subdivision.

4. That on December 17, 2012, the Commission's Staff filed a recommendation that advised the Commission to approve Ameren's application.

5. That on January 3, 2013, the Commission granted Ameren the CCN requested.

6. That Complainants each own property which the proposed power line will go through. Complainants' properties are family farms which have been in each Complainants' name for many years. The proposed power line will cause significant impact and impairment to the property and the Complainants' property rights.

7. That Complainants were not aware that Ameren filed an application for a CCN, the Staff's recommendation, or the Commission's decision.

8. That Complaints, or other landowners affected, did not request a hearing or file complaints because notice of the pending actions was never given. As a result, Complainants have been adversely affected by the matter as they were not given notice and not afforded the opportunity to have their voices heard.

9. That based on information and belief, notice was not given to the appropriate elected officials, as is customarily done.

10. That Complainants dispute the Staff's recommendation that the power line is necessary as Ameren is currently unable to provide sufficient power to its new customer as Complainants have been told by elected officials that the LMV plant is currently receiving electricity from other sources and it is feasible for Ameren to supply power to the LMV plant without construction of the proposed power line.

11. That the granting of the CCN is not within the public interest as the LMV plant can be supplied with electricity without building the proposed power line and creating invasive and significant impacts on the seven (7) landowners which the power line will go through and residents in the Clarksboro/Windsor Estates subdivision which is located next to the proposed power line.

12. That 4 CSR 240-2.075(3) provides the Commission may grant a motion to intervene if the proposed intervenor "has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case." Complainants did not seek to intervene because they were not notified of the actions pending before the Commission. Based on information and belief, residents of the Clarksboro/Windsor Estates subdivision would have sought to intervene and make their comments known, had notice been given.

13. That it appears that 4 CSR 240 does not require notice to be given when Ameren proposes to build a power line outside of its service area. The lack of notice violates basic Due Process standards for each Complainant and others who are affected by the proposed power line.

14. That no construction has started on this project.

15. That to Complainants' knowledge, no easement has been obtained by Ameren on the seven (7) properties which the proposed power line will go through.

16. That additional facts, feasibility studies, and alternative plans should be considered by the Commission prior to approving the CCN.

17. That Complainants have attempted to talk to Ameren and even provided alternatives; however, Ameren was not receptive.

18. That Complainants have already been adversely affected as they have not received a notice and denied the opportunity to intervene in this case. Should Ameren take legal action to condemn their property, Complainants will be at a greater disadvantaged as the law restricts their rights and options available.

WHEREFORE, Complainants seek the Commission to hear this formal complaint and/or reopen Case Number AE-2013-0316 to take testimony and evidence from Complainants, property owners whose property the proposed power line will be on, residents of the Clarksboro/Windsor Estates subdivision, and other citizens who object to the construction of this power line. Should Ameren commence any legal action while this Complaint is pending, Complainants seek a cease and desist of that future legal action until this Complaint is resolved.

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ATTORNEYS FOR COMPLAINANTS