

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

N & N Farms, Inc., and Robert T. Noland
Trust, and Tom and Bonita Tarwater,

Complainants,

vs.

Union Electric Company d/b/a Ameren
Missouri,

Respondent.

Case No. EC-2013-0420

Edward J. Busch and Andrea B. Busch,

Complainants,

vs.

Union Electric Company d/b/a Ameren
Missouri,

Respondent.

Case No. EC-2013-0421

STAFF'S REPORT

COMES NOW the Staff of the Missouri Public Service Commission,
by and through counsel, and hereby tenders to the Commission its attached *Investigation
Report*, in compliance with the Commission's order of March 18, 2013.

Respectfully submitted,

s/ Kevin A. Thompson

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Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **2nd day of May, 2013**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Kevin A. Thompson

MEMORANDUM

TO: Missouri Public Service Commission Official Case File No. EC-2013-0420 and File No. EC-2013-0421, Investigation into the Complaints filed regarding the subtransmission line approved by the Commission in File No. EA-2013-0316

FROM: Daniel I. Beck, Engineering Analysis

/s/ Daniel I. Beck 5/2/2013
Engineering Analysis / Date

/s/ Kevin Thompson 5/2/2013
Staff Counsel's Department / Date

Subject: Staff Report

Date: May 2, 2013

DISCUSSION

On March 15, 2013, two formal complaints were filed, File Nos. EC-2013-0420 and EC-2013-0421, regarding the proposed 69 kV subtransmission line that was the subject of the Public Service Commission's (Commission) Order Granting Certificate of Convenience and Necessity issued January 3, 2013. On March 18, 2013, the Commission ordered Union Electric Company d/b/a Ameren Missouri (Ameren Missouri or Company) to file an answer by April 17, 2013 and for Staff to file a report by May 2, 2013. Ameren Missouri filed its answers to the complaints on April 17, 2013.

Staff is not aware of any factual changes in the information that was reviewed in preparing its Recommendation to approve the Certificate of Convenience and Necessity (CCN) in File No. EA-2013-0316, but, in addition to the two formal complaints, there have also been fourteen (14) public comments filed in EFIS. All of the public comments oppose the proposed line. Staff has attached two maps to this Report to give the Commission the location of the various Complainants and Commenters. One map shows the subdivision and includes a list of

the public comments. The second map shows the parcels that are on the map. These maps are based on information obtained from the Clay County Assessor's web site. Half (7 of 14) of the comments were submitted by the Complainants and most of these comments were submitted prior to the Formal Complaint being filed. Of the remaining seven comments, five (5) were submitted by homeowners in the Clarksboro/Windsor Estates Subdivision, which is located just East of the proposed 69 kV line, and two (2) were submitted by landowners whose property the proposed line would cross.

The Clarksboro/Windsor Estates Subdivision is a subdivision with approximately 34 lots. Each lot is approximately 3 to 4 acres. In the CCN case, Staff became aware of the Clarksboro/Windsor Estates Subdivision and that Ameren Missouri's proposed route was their attempt to minimize the impact on this subdivision by locating a portion of the line on undeveloped property that is just west of the subdivision rather than having the line go directly through the subdivision, as the electric cooperative's line does now. In fact, if Ameren Missouri made the decision to follow the existing Cooperative line, then a CCN would not have been required because the line would have been located entirely inside Ameren Missouri's existing service area. Thirteen (13) of the thirty-four (34) homeowners in the Clarksboro/Windsor Estates Subdivision currently have 69 kV lines crossing their property. Since the proposed line would be located on land adjacent to the subdivision, no additional homeowners would have 69 kV lines crossing their property as a result of the proposed line.

The map of the subdivision highlights the location of the six (6) homeowners that have filed public comments in these cases. Four (4) of these public comments were filed in EFIS after the formal complaints were filed and two (2) were filed in EFIS prior to the filing of the formal complaints, including a public comment by Edward Busch that was entered in EFIS on February

14, 2013. All six homeowners that filed public comments are located in Ameren Missouri's service territory; ten (10) of the 34 subdivision homeowners are located outside Ameren Missouri's service territory. Since none of the homeowners that filed public comments are outside Ameren Missouri's service territory, none of the homeowners are located adjacent to the 855 feet of line for which the CCN was requested and granted. There are three (3) of the 34 homeowners that are located east of the 855 feet of line and are outside of Ameren Missouri's service territory but none of these three homeowners filed a complaint or a public comment. Five (5) homeowners are located east of the proposed route that is located inside Ameren Missouri's service territory with three filing public comments: Wrights, Miller, and Busch.

As shown by the map of the area, Staff identified thirteen parcels of land that the entire, approximately 12,000-foot long proposed 69 kV line will cross. According to the Clay County Assessor website, several of these parcels are owned by a single entity, Midwest Develop Co. owns two parcels, Robert R Shemwell owns two parcels and Noland Joint Trust owns three parcels. In addition, two parcels are owned by railroads. Excluding the railroads, two entities have not expressed their views on the proposed 69 kV line through comments: Midwest Development Co. and Park Lawn Northland Chapel, LLC. All of the other landowners are opposed to the proposed line.

In paragraph 10 of the Formal Complaint filed in EC-2013-0420, the Complainants state the following:

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.

While Staff acknowledges that the LMV plant is currently being served with existing facilities while the LMV plant is being constructed, Staff maintains that the current electric distribution facilities cannot supply the power needed for the LMV plant when it is fully operational. Therefore, the modifications and construction will be required to meet the long-range needs of the LMV plant and the other customers in the area. Based on discussions with Ameren Missouri regarding the other sources that might be able to serve the LMV plant, Staff has determined that the costs and other related information that is currently available is the same as it was when the Commission granted the CCN and that the proposed route is in the public interest.

Each complaint discusses the topic of notice and each appears to concede that “4 CSR 240” does not require notice. Staff would note that the Commission’s Order Directing Notice, Setting Intervention Deadline, and Directing Filing of Staff Recommendation, effective November 30, 2012 in File No. EA-2013-0316, not only included notice “to the media in the service areas of Union Electric Company d/b/a Ameren Missouri and KCPL-Greater Missouri Operations Company and members of the General Assembly representing these service areas” but also required notification of all the “parties to Union Electric Company d/b/a Ameren Missouri’s on-going rate case File Number ER-2012-0166.”

In addition to the Formal Complaints and the public comments, on April 30, 2013, the County of Clay, Missouri, filed a “Statement of the Clay County Commission Regarding the Complaints Filed with the Service Commission of the State of Missouri” . The document was filed using the EFIS designation “Statement of Position” despite the fact that the County of Clay, Missouri or the Clay County Commission are not parties to the Complaint cases. Since the first

paragraph of this document describes it as a “public comment”, Staff would note its existence and note the following quote: “The Clay County Commission strongly supports the Complainants’ request.”

Based on Staff’s previous review in File No. EA-2013-0316 and based on the additional review that was done for this Report, Staff continues to support its recommendation that the Commission grant Ameren Missouri a CCN to build the requested approximately 855 foot portion of the proposed 69 kV line, which is outside of its service territory, in Clay County, Missouri, where Ameren Missouri proposes to locate it.

Parcel Map



Clay County Assessor, GIS/Mapping

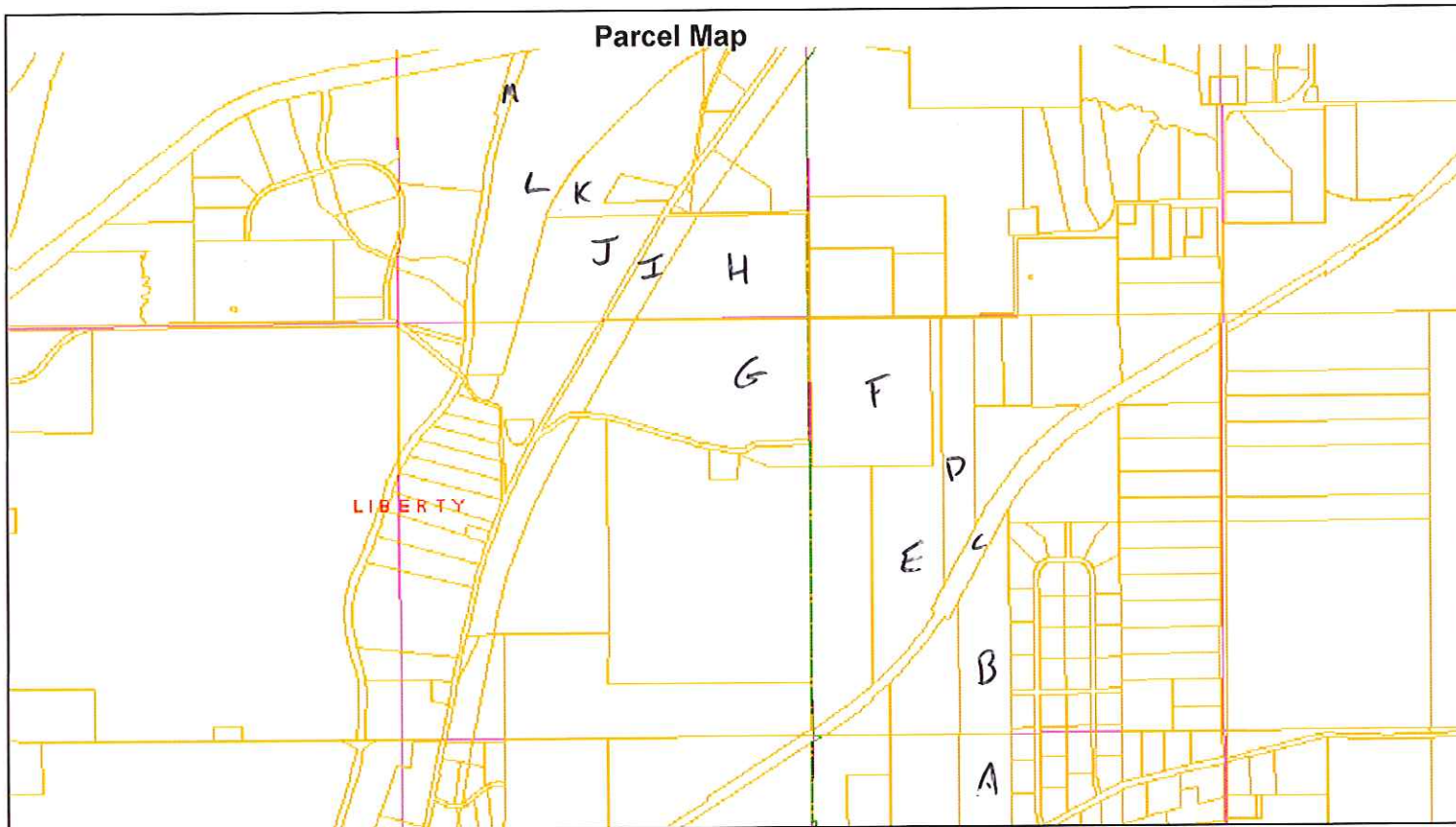
Map created by GIS/Mapping, Clay County Assessor

Printed: May 02, 2013



Public Comment	Name	Address or Information	Number On Map
P201302511	Busch	9620 W Clarksboro/Complainant	5
P201302586	Calder	9825 E Clarksboro	6
P201302587	Noland	owns/Complainant	
P201302588	Noland	owns/Complainant	
P201302589	Noland	owns/Complainant	
P201302590	Noland	owns/Complainant	
P201302656	Wright	9904 W Clarksboro	1
P201302658	Johnson	9723 E Clarksboro	2
P201302693	Tarwater	owns/Complainant	
P201302694	Schmitt	9603 W Clarksboro	3
P201302700	Shemwell	owns	
P201302701	Noland	owns/Complainant	
P201302702	Spurgeon	owns	
P201302704	Miller	9816 W Clarksboro	4

Parcel Map



Clay County Assessor, GIS/Mapping

Map created by GIS/Mapping, Clay County Assessor

Printed: May 01, 2013



Letter On Map	Property Owner
A	Midwest Development Co.
B	Midwest Development Co.
C	Midwestern Railroad Properties, Inc.
D	Robert R Shemwell
E	Rick Spurgeon
F	Robert R Shemwell
G	Noland Joint Trust
H	Noland Joint Trust
I	Noland Joint Trust
J	Park Lawn Northland Chapel, LLC
K	Tom & Bonita L Tarwater
L	N&N Farms, Inc
M	Burlington Northern Railroad

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d/b/a Ameren Missouri, Respondent)

Case No. EC-2013-0420
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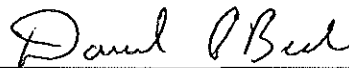
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d/b/a Ameren Missouri, Respondent

EC-2013-0421

AFFIDAVIT OF DANIEL I. BECK

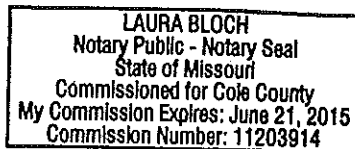
STATE OF MISSOURI)
) ss
COUNTY OF COLE)


Daniel I. Beck, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Recommendation was provided to him; that he has knowledge of the matters set forth in such Staff Recommendation; and that such matters are true to the best of his knowledge and belief.



Daniel I. Beck

Subscribed and sworn to before me this 2nd day of May, 2013.




Notary Public