

**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. )

**POSITION STATEMENT OF UNITED FOR MISSOURI, INC.**

COMES NOW United for Missouri, Inc. (“UFM”), and in response to the *List of Issues, Order of Witnesses, Order of Cross-Examination, and Order of Opening Statements* (“*List of Issues*”) previously filed in this case, makes the following Position Statement. In response to the of issues in the previously identified *List of Issues*, UFM states as follows:

*1. Does the Commission possess authority to approve ATXI’s application?*

UFM’s Response: Yes. To the extent that ATXI intends to use the proposed facilities to provide a service that is beneficial to the public and use the power of eminent domain, the Commission possesses authority to approve ATXI’s application. The proposed facilities are fixtures and/or personal property to be used for or in connection with or to facilitate the sale or furnishing of electricity to the public. The facilities will be integrated into the MISO transmission system over which MISO is the Transmission Provider. Therefore, ATXI is proposing to build electric plant within the state of Missouri and is an electrical corporation. Sections 386.020(14) and (15) RSMo (2000) (Cum. Supp. 2013).

*2. Does the evidence establish that the Mark Twain transmission line project, as described in ATXI’s application in this docket, and for which ATXI is seeking a certificate of convenience and*

*necessity (“CCN”), is “necessary or convenient for the public service” within the meaning of that phrase in section 393.170, RSMo?*

UFM’s Response: The common wisdom is that the Mark Twain project is “necessary or convenient for the public service within the meaning of section 393.170, RSMo. In the past, the Commission has used a five factor test known as the Tartan test, namely:

1. There must be a need for the service;
2. The applicant must be qualified to provide the proposed service;
3. The applicant must have the financial ability to provide the service;
4. The applicant’s proposal must be economically feasible; and
5. The service must promote the public interest.<sup>1</sup>

ATXI is clearly qualified and financially able to provide the service. Likewise, the project itself is clearly economically feasible. MISO and ATXI contends that the Mark Twain project is a multi-value portfolio (“MVP”) project adopted by MISO. See Direct Testimony of Dennis D. Kramer, particularly pp. 7-15. Mr. Kramer testifies that MVP projects, such as the Mark Twain project, “facilitate the delivery of renewable energy, resolve numerous reliability issues, reduce transmission line losses, and provide economic and efficiency benefits to customers within the MISO footprint.” Direct Testimony of Dennis D. Kramer, p. 5, lines 16-18. Such projects are needed and in the public interest.

However, UFM has a concern that there is a possibility that the so called “public policy” aspect of this project has been mistaken for need and, thus, caused the project to be not in the public interest but counter thereto. There is some disturbing testimony at page 33 and following of the Surrebuttal Testimony of Dennis D. Kramer. The testimony appears to suggest that the

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<sup>1</sup> *In re Tartan Energy Co.*, 3 Mo P.S.C. 173, 177 (1994).

Mark Twain project as it is being proposed now was primarily driven by a wind zone to be located in northeast Missouri and various states' RES requirements. Particularly, at page 33, Mr. Kramer states that, "The existence and location of the Northeast Missouri wind zone and its ability to provide renewable energy to assist in meeting state RES requirements subsequently helped drive MISO's decision to include in the final MVP portfolio a 345 kV transmission line from Ottumwa to Palmyra with a possible connection at Adair substation to the existing 161 kV transmission system in Northeast Missouri." These RES driven proposals eventually caused Ameren Services to conclude that, "there was no need for Ameren Services to continue consideration of alternative solutions to the low voltages that are caused by the NERC Category C contingency events . . . ." Surrebuttal Testimony of Dennis D. Kramer, p. 34. If the Mark Twain project is being driven by political interests of other states and private business interests of renewable resources, UFM contends that there is no need for the project and it is not in the public interest.

UFM, therefore, has no position at this time and withholds its judgment until after the evidentiary hearing.

*3. Do §§ 393.170 and 229.100, RSMo., require that before the Commission can lawfully issue the requested CCN the evidence must show the Commission that where the proposed Mark Twain transmission line project will cross public roads and highways in that county ATXI has received the consent of each county to cross them? If so, does the evidence establish that ATXI has made that showing?*

UFM Response: UFM has no position at this time.

*4. If the Commission decides to grant the CCN, what conditions, if any, should the Commission impose?*

UFM Response: The property rights of Missouri's citizens are sacred. The power of eminent domain resides in the state and must be administered only within the most limited constraints to serve the public need. In this case, the landowners in northeast Missouri have a significant interest that must be protected, their rights in their land. This interest cannot be overcome by political interests or private business interests, whether inside or outside of the state.

To the extent the Commission determines that there is a need for the project and it is in the public interest, landowner rights must still be protected. Two factors involved in this case heighten the necessity for conditions to protect the landowners of the state. The first factor, as mentioned above, is that the "need" for this project is significantly driven by political and/or private business interests. The second factor is that this project is an MVP, which means that the cost will be spread to the entire MISO footprint. The theory of the MVP is that the entire region, not just Ameren Missouri customers will benefit from the project. Both of these factors militate for a condition that will protect Missouri landowners and impose the cost of the project on those receiving the benefit, the entire MISO load. Missouri landowners should not be expected to bear the cost of this project.

UFM does not have a specific condition to recommend to the Commission at this time but suggests the Commission impose such conditions that result in the least harm to Missouri landowners.

WHEREFORE, United for Missouri, Inc. respectfully requests the Commission accept this Position Statement of United for Missouri, Inc.

Respectfully submitted,

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Dated: January 20, 2016

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing pleading by email to all parties by their attorneys of record as provided by the Secretary of the Commission on the 20th day of January, 2016.

/s/ David C. Linton  
David C. Linton