

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

In the Matter of the Application of Ameren	)	
Transmission Company of Illinois for a	)	
Certificate of Convenience and Necessity	)	
under Section 393.170.1, RSMo, Relating	)	File No. EA-2024-0302
to Transmission Investments in Northwest	)	
and Northeast Missouri	)	

**REPLY OF AMEREN TRANSMISSION COMPANY OF ILLINOIS  
TO OPC RESPONSE TO STAFF RECOMMENDATION**

COMES NOW Ameren Transmission Company of Illinois (ATXI or the Company), through its undersigned counsel, and for its reply to The Office of the Public Counsel’s Response to Staff’s Recommendation and List of Concerns, states as follows:

**I. BACKGROUND**

1. On July 16, 2024, ATXI filed an application with the Commission seeking an order granting a CCN pursuant to Section 393.170.1, RSMo, as well as the direct testimony of eleven witnesses. The CCN would authorize ATXI to construct, install, own, operate, maintain, and otherwise control 44 miles of 345 kV transmission line, in two segments, in Worth, Gentry, and DeKalb counties, a new 345 kV substation named Denny in DeKalb county (the Fairport-Denny-Iowa/Missouri Border or FDIM Project), and 9 miles of 345 kV transmission line in Marion county between ATXI’s existing Maywood Substation near Palmyra, Missouri, and the Mississippi River Illinois/Missouri border, including upgrades to the Maywood Substation (Maywood-Mississippi River Crossing or MMRX Project). The application also requests permission and authority to transfer an undivided 49% interest in the transmission facilities for the FDIM Project, excluding the land for the Denny Substation, to the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”) shortly before the FDIM Project is placed into service.

2. On December 20, 2024, Staff filed its *Staff Recommendation* as well as what it referred to as “Staff’s memorandum, attached hereto and incorporated by reference, address[ing] ATXI’s application for a certificate using the Commission’s Tartan criteria, and recommends the Commission issue an order authorizing ATXI’s request for a CCN to construct, install, own, operate, maintain, and otherwise control and manage transmission facilities in, around, and between the counties of Worth, Gentry, and DeKalb, Missouri, subject to Staff’s ... recommended conditions ....” One of Staff’s recommended conditions, Condition 13, was a recommendation that the Commission hold another virtual local public hearing for landowners who were not affected by the Company’s proposed route (referred to as DO-28) but would have been affected by one of the route alternatives previously considered by the Company (referred to as DO-27) so as to provide an opportunity to those landowners to express their concerns, if any, on the route. Staff noted that it “discussed this recommendation with ATXI, the Applicant did not oppose Staff’s recommendation for an additional LPH for affected landowners.” *Staff Recommendation*, p. 2, fn. 6.

3. On December 31, 2024, the Commission issued its *Order Setting Local Public Hearing and Directing Notice*, scheduling an additional virtual local public hearing for January 16, 2025. The January 16, 2025, virtual local public hearing was held as scheduled. As a result of scheduling and holding the January 16, 2025, virtual local public hearing, Staff’s recommended Condition 13 has already been satisfied.

4. On February 7, 2025, The Office of Public Counsel (OPC) filed a Request for an Extension of Time to Respond to Staff’s Recommendation or Request a Hearing, explaining that on February 4, 2025, the OPC received some allegations that directly relate to an issue in this case and required additional time to provide an adequate Response to Staff’s Recommendation.

5. On February 7, 2025, MISO, Renew Missouri and Clean Grid Alliance, and ATXI filed separate responses to the *Staff Recommendation*. All these parties supported Staff's recommendation to grant the requested CCN, and expressed concerns and/or objections to certain conditions recommended by Staff. ATXI noted in its response that it had been engaged in discussions with Staff and the other parties to this proceeding to explore resolving ATXI's request for a CCN on the basis of the *Staff Recommendation*, with potential modifications to some of Staff's recommended conditions, without pre-filed testimony and an evidentiary hearing and briefing. ATXI also noted that the discussions to date had been productive and were anticipated to lead to limited revisions to Staff's proposed conditions that will be mutually acceptable to Staff, ATXI, and other parties.

6. On February 10, 2025, the Commission issued its *Order Directing Filing of Status Report*, directing that "[n]o later than March 7, 2025, the parties shall file a joint status report, stipulation, or a joint procedural schedule."

7. On February 13, 2025, the Commission issued its *Order Extending Time for Recommendation*, granting OPC's request for an extension and directing that "OPC's response to Staff's recommendation shall be filed no later than March 7, 2025."

8. On March 7, 2025, all parties to this proceeding except OPC submitted a Joint Status Report reflecting that Staff and ATXI reached agreement on limited revisions to Staff's recommended Conditions. Attached as Appendix A to the Joint Status Report was a copy of the Staff Proposed Conditions with ATXI/Staff Agreed Revisions (Revised Conditions). The Joint Status Report also reported that all other parties to this proceeding have reviewed the Revised Conditions agreed upon by Staff and ATXI and do not object to the Commission granting the requested CCN and other relief requested in the Application on the basis of the Company's direct

testimony and Staff's Recommendation with the Revised Conditions agreed upon by Staff and ATXI.

9. On March 7, 2025, the Office of Public Counsel filed its Response to Staff's Recommendation and List of Concerns (OPC Response or OPC's Response). OPC's Response requests that the Commission require ATXI to refile this case and hold additional open houses in the affected counties, or in the alternative requests a hearing.

## **II. RESPONSE TO OPC**

10. While OPC makes extensive allegations of deficient notice to landowners by ATXI, those allegations are not well supported, lack merit, and do not support the relief requested by OPC. ATXI's review of OPC's allegations disclosed only a handful of inadvertent or unintentional issues, including that ATXI was unaware of two new parcels created as a result of parcel splits (and did not notify those parcels as a result), use of older addresses for a few landowners, and some minor typographical or clerical errors in addresses that were used to provide notice.

11. OPC wrongly insinuates that ATXI engaged in some sort of bait and switch with landowners regarding its proposed route. Specifically, OPC asserts that at the time of the open houses in DeKalb, Gentry, Worth, and Marion Counties in April of 2024, "the Company, internally, had chosen for its preferred route to be Route DO 27. ATXI has repeatedly asserted that it in no way advertised to affected landowners that Route DO 27 was its preferred route." OPC Response, ¶ 4. ATXI submits that these assertions mischaracterize the facts through a material omission. While the route known as DO-27 was *internally* identified as the most favorable route through the initial Route Selection Study at the time ATXI submitted its RFP proposal to MISO, ATXI was always clear that it would contact landowners and finalize its route **after** MISO

announced the Selected Developer.<sup>1</sup> Thus, at the time of the open houses, ATXI didn't have a final route, and certainly didn't make assertions to that effect to landowners. Therefore, at the time of the open houses, ATXI did not, in fact, have a final route selected, which would have been inconsistent with ATXI's standard route analysis and public engagement practice to select a final route after obtaining information and input from the public and potentially affected landowners at the open houses.

12. OPC also asserts that “[a]fter shifting its focus from Route DO 27 to Route DO 28, ATXI did not hold any other open houses with the affected landowners, on either route, to reflect and explain this change.” OPC Response, ¶ 6. This again mischaracterizes the facts and appears to miss the point that a key purpose of an open house is to allow landowners and other stakeholders an opportunity to provide information on sensitivities within the study area that can affect routing considerations – and that is exactly what occurred here. There is no requirement in the rule that a specific route be proposed at an open house.

13. OPC briefly reviews certain comments received by two landowners at the Local Public Hearings (LPHs), makes unverified, non-specific statements about calls it states it had with members of the public and unspecified emails with landowners, and alleges that ATXI “perhaps unintentionally, gave the impression that the Application would request a CCN for Route DO-27, the preferred route at the time of these open houses.” OPC Response, ¶¶ 19-21. As previously explained, OPC’s assertions in this regard are contrary to the facts. OPC acknowledges that ATXI has produced copies of notices, advertisements, and other documents used to inform and notify

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<sup>1</sup> Direct Testimony of James Nicholas, 17:13-18:2, 19:9-22:22.

landowners, public officials, and other stakeholders (OPC Response, ¶ 17)<sup>2</sup>, but does not cite or refer to anything in that material supporting its speculative assertion.

14. To the contrary, nothing in the postcard notices to potentially affected landowners for the open houses<sup>3</sup> states that a specific route had been selected. Rather, those notices indicate that the Company needs the input of landowners to help develop the program:<sup>4</sup>

### **WE NEED YOUR INPUT**

We look forward to connecting with community members, landowners and stakeholders to learn as much as we can about your area to help us develop this program. Thank you for your time and feedback as we work to improve energy reliability for your community.

The materials presented and available at the open houses did not depict Route DO-27 or indicate that such a route would be proposed in the Application, but rather indicate that ATXI was planning to finalize the routes for the FDIM and MMRX projects by the Summer of 2024.<sup>5</sup> Similarly, the invitations issued to county governments indicate that the Company was planning to finalize the routes for the projects by the Summer of 2024.<sup>6</sup>

15. The Company was fully transparent in its filing and supporting testimony about the multi-year process used to select final proposed routes for the FDIM and MMRX Projects contained in the Application, including – as discussed above – how adjustments were made to the preliminary FDIM route developed for ATXI's MISO proposal after ATXI was selected by MISO and received public input.

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<sup>2</sup> See the Direct Testimony of ATXI witness Ms. Leah Dettmers and Schedule LD-D1.

<sup>3</sup> See Schedule LD-D1, pp. 3-6.

<sup>4</sup> *Id.*

<sup>5</sup> See Schedule LD-D1, pp. 30-40.

<sup>6</sup> *Id.* at 6-14.

16. OPC states that “[i]f landowners affected by Route DO 28, but not Route DO 27, were under the impression that the Application would request a line certificate for Route DO 27, there would be no reason to attend the open houses that took place in April 2024. Further, if ATXI had not formulated Route DO 28 at that point, none of the information the Company presented at those open houses would give landowners affected by Route DO-28 a reason to express concern about that route.” OPC Response, ¶ 22. First, as explained above, the underlying premise that ATXI had advised landowners that it was proposing Route DO-27 is incorrect. Second, to state that a landowner who receives actual notice of an open house has no reason to attend that open house is illogical at best. Even if a landowner had the impression claimed by OPC, a landowner who received an individualized notice of a transmission line project open house indicating the utility is looking for input “about your area to develop the program” would be strongly disinclined to conclude that it received a pointless notice about a project that did not and could not affect their property. Finally, Route DO-28 is within the study area for which landowners were notified of the open houses. In other words, Route 28 did not reach outside the study area notification corridor used for the open houses.

17. OPC makes somewhat vague and ambiguous assertions regarding compliance with 20 CSR 4240-20.045(6)(K)(3)(A), including the following:

Even if the Company were to insist that it followed the language of 20 CSR 4240-20.045(6)(K)(3)(A), the spirit of this regulation has been violated. The OPC does not believe it [SIC] that the Company provided individuals who were not affected by Route DO 27 but are affected by Route DO 28 with a reasonable period to state their concerns.

OPC Response, ¶ 24. To the contrary, ATXI’s notifications and public engagement activities demonstrate that not only has it implemented and followed processes which are compliant with the requirements of the rule, but it also provides notification and takes actions which exceed those requirements. Furthermore, OPC fails to acknowledge one of the primary mechanisms

afforded to individuals affected by the Proposed Route DO-28 to state their concerns is through the CCN proceeding, initiated over 8 months ago, which is an ample, and certainly reasonable, amount of time to do so. The assertion that the Company has not followed the spirit of the rule lacks merit.

18. ATXI witness Ms. Leah Dettmers explains how the Company complied with the applicable public meeting and notice requirements for the FDIM and MMRX Projects (Phase 1 Projects), which are part of the Northern Missouri Grid Transformation Program (Program), including notice of the application, and how ATXI's public outreach process went above the minimum public meeting and notice requirements to directly affected landowners.<sup>7</sup> Specifically, ATXI provided the public with both in-person, virtual, and other engagement opportunities to learn more about the Phase 1 Projects and provide input on the Projects' Study Areas, including: (1) two in-person open houses, one in the morning/afternoon and one in the evening, during April of 2024, for each county affected by the Phase 1 Projects; (2) a website dedicated to the Program as a whole; (3) a self-paced, self-guided virtual open house with an interactive mapping tool, parcel maps and county level maps, and a comment feature; and (4) other ways to learn about and provide feedback on the Projects and connect with the Public Engagement Team.<sup>8</sup>

19. ATXI encouraged robust participation by, among other means, providing early notice of the various engagement opportunities through a variety of communication channels, including advertisements in local newspapers, direct notices to stakeholders and landowners within the Study Areas, and posts on the Project website.<sup>9</sup> ATXI sought to invite all potentially affected

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<sup>7</sup> Direct Testimony of ATXI witness Ms. Leah Dettmers, 3:17-4:3.

<sup>8</sup> *Id.* at 4:15-5:6.

<sup>9</sup> *Id.* at 5:16-19.

landowners and other stakeholders to the open houses by mailing invitation postcards and a map of the Study Area to landowners within the Study Area, according to tax records.<sup>10</sup> ATXI mailed the open house invitations to over 232 landowners and 119 stakeholders within the Study Areas approximately 3 weeks before each open house meeting (on March 20, 2024, for FDIM and March 22, 2024 for MMRX).<sup>11</sup>

20. ATXI also published general notice within the affected counties of the public open house meetings in multiple local newspapers for two to three consecutive weeks prior to each of the meetings. Additionally, the Public Engagement Team mailed a letter with information regarding the Phase 1 Projects and the various public engagement opportunities available to each affected county's clerk. In addition, in March 2024, the team sent to over 73 local, state and federal officials as well as to the Missouri Farm Bureau and local cooperatives a letter notifying those persons of upcoming engagement opportunities throughout the Phase 1 Projects' Study Areas.<sup>12</sup> Notice of the open house meetings was also provided on the dedicated Program website.<sup>13</sup> Each of these actions went beyond the requirements of the applicable regulations.

21. ATXI also provided notice of its application to all owners of land along the Proposed Route, as stated in the records of the county assessors' offices on a date or dates not more than sixty (60) days prior to the date notice of the Application of this proceeding was sent to such owners, for which a permanent easement or other permanent property interest would be obtained over all or any portion of the land, and for which the land would be within three hundred (300) feet of the centerline of the electric transmission line for the Proposed Route (or a 600-foot wide

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<sup>10</sup> *Id.* at 6:15-17.

<sup>11</sup> *Id.* at 6:19-20; Schedule LD-D1, p. 1.

<sup>12</sup> Direct Testimony of ATXI witness Ms. Leah Dettmers, 7:13-8:2.

<sup>13</sup> *Id.* at 7:7-8.

notification corridor).<sup>14</sup> This notification and its notification corridor went beyond the requirements of Commission Rule 20 CSR 4240-20.045(6)(K)(1), which provides that “land is directly affected if a permanent easement or other permanent property interest would be obtained over all or any portion of the land or if the land contains a habitable structure that would be within three hundred (300) feet of the centerline of an electric transmission line.”

22. OPC also makes various allegations regarding discussions between it and Staff regarding notifications or statements by ATXI to Staff. ATXI was not a party to the discussions between OPC and Staff, but wants to clarify that the dates ATXI checked assessor records for landowner information presented in ATXI's Response to Data Request MPSC 0022.0 are correct.

23. OPC also makes various allegations that it believes some landowners did not receive notice from ATXI or that the address to which notice was sent was not correct. While some specifics are provided, the allegations lack basic identifying information (such as not providing parcel index numbers or PINs), which made it very difficult for ATXI to investigate the allegations. That said, this response reflects information ATXI has been able to gather to date with respect to the general assertions made by OPC. ATXI reserves the right to further respond to these allegations in the event a further response becomes necessary.

24. OPC refers to an unnamed landowner who is asserted to have a newly constructed home of which ATXI was unaware. OPC Response, ¶¶ 26-27. ATXI understands this landowner to be the same landowner which was the subject of the Affidavit and attached additional notice filed as Item 39 on EFIS on November 8, 2024. As explained in the Affidavit, ATXI became aware that one owner of land directly affected by ATXI's requested certificate in Worth County, Missouri, who became the owner of the subject parcel via a Deed recorded on February 21, 2023,

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<sup>14</sup> *Id.* at 20:12-19; Application, Appendix D.

was not contained on the list of owners who received the July 5, 2024, notice. 20 CSR 4240-20.045(6)(K)(4) provides as follows: “If applicant, after filing proof of compliance, becomes aware of a person entitled to receive notice of the application to whom applicant did not send such notice, applicant shall, within twenty (20) days, provide notice to that person by certified mail, return receipt requested, containing all the required information. Applicant shall also file a supplemental proof of compliance regarding the additional notice.” The Affidavit constituted the required proof of compliance with the requirement for a notice to be issued by certified mail, return receipt requested.

25. Since the rule requires additional notice in the event that a missed landowner is identified, it follows that failure to provide the original notice, when later cured, cannot form a basis to dismiss the proceeding. Administrative rules are subject to the same principles of statutory construction used to interpret statutes. *Woolridge v. Woolridge*, 915 S.W.2d 372, 378 (Mo.App. W.D.1996). Well established principles of statutory construction require statutes and rules to be interpreted in a manner that does not lead to an absurd result or render any provision or a rule or statute meaningless. *State ex rel. Ozark Border Elec. Co-op. v. Pub. Serv. Comm'n of Missouri*, 924 S.W.2d 597, 601 (Mo. Ct. App. 1996) ("The legislature is presumed not to enact legislation that would result in meaningless provisions."); *Neil v. St. Louis Cnty.*, 688 S.W.3d 268 (Mo. Ct. App. 2024) ("Statutes cannot be interpreted in ways that yield unreasonable or absurd results ....") OPC's position that this development supports dismissal of this proceeding by ordering ATXI to refile this proceeding would render the cure provision in the rule meaningless. Such a result is contrary to law and should be rejected by the Commission. OPC's arguments regarding the preexisting intervention deadline is also unavailing. While the Commission has established an intervention deadline which has passed, nothing prevents a potential party from seeking leave to

intervene for good cause. See 20 CSR 4240-2.075(10) (“Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause.”). However, no motion seeking leave to intervene has been filed notwithstanding that 4 months have elapsed since the supplemental notice. Under these facts, nothing further is required at this time.

26. Notwithstanding the foregoing, ATXI wants to advise the Commission that it has had communications with the landowner in question and has offered to attempt to address any concerns of this landowner by adjusting the location of the line on the landowner’s property (or on adjacent parcels if those landowners would agree to same). While no resolution has been achieved, ATXI has and will continue to be willing to have those discussions with the landowner consistent with the conditions Staff has proposed and ATXI has accepted with respect to route adjustments. ATXI also wants to note that while the existence of a new habitable structure is information ATXI would have considered if known at the time it made its routing decision, this new fact would not change the routing recommendation under the facts here. The closest point of the house in question is approximately 500 feet from the proposed line and does not present any issues in terms of applicable NERC requirements. Nor does this house undermine the original justifications presented in the Company’s testimony for finding Route DO-28 the best option.<sup>15</sup> The fact remains that there are still also multiple residences along the Route DO-27 option. ATXI submits that, even on a standalone or otherwise equal basis, a route with 3 houses approximately 1,000 feet from the line is not objectively better or more desirable from a routing perspective than a route with 1 house 500’ from a proposed line. Moreover, there are other factors which continue to support the Company’s proposed route as set forth in the Direct Testimony of ATXI witness Mr. James Nicholas. Those factors are not eliminated by the existence of the house in question. ATXI also

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<sup>15</sup> See Direct Testimony of ATXI witness James Nicholas.

notes that Staff supported granting the Company's requested CCN, including its route proposal, after being aware of these assertions.

27. OPC also asserts that it has identified 17 landowners who do not appear to have received proper notice. OPC Response, ¶ 55.<sup>16</sup> OPC provides names but does not provide specific information regarding the parcels owned by these individuals or demonstrate that they were entitled to notice of the Application. As noted above, the lack of information has limited the ability of ATXI to investigate and respond to these allegations. However, based on the names presented by OPC in its CONFIDENTIAL attachments, ATXI has been able to make preliminary assessments as to the issues alleged by OPC. As explained below, 9 of the named landowners do not own land which will be directly affected by the proposed line as that phrase is defined in the rule. Accordingly, notice was not required for those landowners. There are 3 named landowners that were sent notice at the address which corresponds to the address obtained from the applicable assessor's office records within 60 days of sending the notice. Thus, notices for these landowners were properly issued.

28. There are 2 named landowners for whom notice was sent but it appears there may have been some minor issues with the mailing address used for sending notice. There is no indication that delivery of these notices failed. There were 4 named landowners that appear to have had their notices sent to an old address and may call into question whether the landowner received notice, but the addresses for 2 of those landowners are known to match the current address for those entities with the secretary of state – suggesting those notices likely reached the

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<sup>16</sup> It is unclear how OPC gets to its landowner count as there are more than 19 landowners named in its confidential Attachments.

landowner. ATXI will take the conservative approach and send an additional notice to all of those landowners

29. There also appear to be 2 named landowners who own property which was recently subdivided and, as a result, ATXI was not aware of them or their new parcels at the time notice was sent out and they did not receive notice. ATXI will send those landowners the additional notice required by 20 CSR 4240-20.045(6)(K)(4).

30. ATXI also notes for the Commission that although the new notice issues are limited in scope, the existence of these issues are taken seriously by ATXI, contrary to ATXI's goals, priorities, and standards, and warrant additional confirmation that we have identified the scope of the issue. Accordingly, ATXI had one of its vendors review available third party parcel shape data to confirm that there were no additional new parcels not reflected in our parcel shape data. That review did not reveal any new parcel splits of which ATXI is not already aware. A more detailed analysis of the names identified by OPC in its filing follows below.

### **III. RESPONSE TO SPECIFIC LANDOWNER CLAIMS**

#### **A. Landowners Named by OPC Not Entitled to Notice**

31. Landowner **\*\*BEGIN CONF xxxxxxxxxxxxxxxx END CONF\*\*** was not a landowner along the proposed route at the time notice was issued for the subject parcels. Rather, ATXI's research indicates this entity became an owner along the FDIM proposed route in December of 2024 which is five months after filing of its application. As such, there was not a requirement to provide notice to this named landowner. ATXI notes that it did become aware of an address issue for the owner of the subject property at the time notice of the application was provided. ATXI understands that landowner to be the same landowner which was the subject of the Affidavit and attached additional notice filed as Item 67 on EFIS on March 3, 2025. As

explained in the Affidavit, ATXI became aware that the address it used in two (2) of the July 5, 2024 notices sent to the same joint owners of two (2) contiguous parcels of land directly affected by ATXI's requested certificate, located in Gentry County and Worth County, Missouri, was an older address rather than the address obtained from the records of the applicable county assessor's office within sixty (60) days of the date those notices were sent. 20 CSR 4240-20.045(6)(K)(4) provides as follows: "If applicant, after filing proof of compliance, becomes aware of a person entitled to receive notice of the application to whom applicant did not send such notice, applicant shall, within twenty (20) days, provide notice to that person by certified mail, return receipt requested, containing all the required information. Applicant shall also file a supplemental proof of compliance regarding the additional notice." The Affidavit constituted the required proof of compliance with the requirement for a notice to be issued by certified mail, return receipt requested. As discussed earlier in this response, this action cured any technical issues with the underlying notice.

32. ATXI has identified the parcels owned by landowners \*\*BEGIN CONF xxxx  
XX  
XX END CONF\*\* named in Attachment  
10 CONFIDENTIAL to OPC's Response, and in each case the applicable parcel is not within 300 feet of the proposed centerline of the FDIM proposed route. As such, ATXI did not provide notice to those landowners as they were not directly affected landowners for whom notice would be required under 20 CSR 4240-20.045(6)(K). It is unclear why or how OPC came to name these landowners, but this information indicates OPC's undisclosed inquiries to the county assessors was not clearly limited to landowners entitled to notice under the rule.

**B. Landowners Named by OPC Who Received Proper Notice**

33. It is not clear why landowner **\*\*BEGIN CONF xxxxxxxxxxxxxxxxx END CONF\*\*** was named in Attachment 9 CONFIDENTIAL to OPC's Response. Notice was sent to the address reflected on the tax card ATXI obtained through Worth County's online website within 60 days of issuing the notice. Attachment 9 CONFIDENTIAL appears to confirm that the address ATXI used was correct. ATXI also obtained a current tax card from the County Assessor's Office which shows the same address used for the notice.

34. Landowners **\*\*BEGIN CONF xxxxxxxxxxxxxxxxx END CONF\*\*** are named in Attachment 10 CONFIDENTIAL to OPC's Response with a note indicating there was an address on some uncertain date. ATXI has confirmed that notice was sent to the address reflected on the tax card ATXI obtained through the Gentry County Assessor's office within 60 days of issuing the notice.

35. While OPC names landowners **\*\*BEGIN CONF xxxxxxxxxxxxxxxxx END CONF\*\*** in Attachment 9 CONFIDENTIAL to OPC's Response, and suggests notice was sent to the wrong address, notice was sent to the address reflected on the tax card ATXI obtained through Worth County's online website within 60 days of issuing the notice.

**C. Landowners Named by OPC with Minor Address Issues**

36. ATXI obtained a tax card for landowners **\*\*BEGIN CONF xxxxx  
xxxxxx END CONF\*\*** through Worth County's online website within 60 days of issuing the notice showing an address similar to that listed in Attachment 9 CONFIDENTIAL to OPC's Response. However, in creating the list of directly affected landowners, two numbers in the street address number were inadvertently transposed (notice mailed to **\*\*BEGIN CONF xxxxxx,  
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. END CONF\*\*** The notice

was not returned to ATXI. ATXI notes that OPC's Attachment 9 CONFIDENTIAL also contains a typographical error, omitting a comma between the street name and the name of the city.

37. OPC names landowner **\*\*BEGIN CONF xxxxxxxxxxxx END CONF\*\*** in Attachment 10 CONFIDENTIAL to OPC's Response. Notice of ATXI's application was sent to this landowner due to ATXI's practice of over notification. This landowner is not technically entitled to notice as the parcel is not within the 150' easement and has no habitable structure within 300 feet of the centerline. The addresses generally align except that ATXI's address used "North" instead of "N" in the street name. The notice was not returned undeliverable.

**D. Landowners Named by OPC with Address Issues that Appear to Require Additional Notice**

38. OPC names landowner **\*\*BEGIN CONF xxxxxxxxxxxxxx END CONF\*\*** in Attachment 10 CONFIDENTIAL to OPC's Response. ATXI has determined than an old address was inadvertently used for this landowner. 20 CSR 4240-20.045(6)(K)(4) provides as follows: "If applicant, after filing proof of compliance, becomes aware of a person entitled to receive notice of the application to whom applicant did not send such notice, applicant shall, within twenty (20) days, provide notice to that person by certified mail, return receipt requested, containing all the required information. Applicant shall also file a supplemental proof of compliance regarding the additional notice." ATXI will be issuing a notice to the named landowners and filing proof of compliance with the requirement for a notice to be issued by certified mail, return receipt requested.

39. OPC names landowners **\*\*BEGIN CONF xxxxxxxxxxxxxx  
xxxxx END CONF\*\*** in Attachment 10 CONFIDENTIAL to OPC's Response. ATXI has determined that an old address was inadvertently used for these landowners. 20 CSR 4240-20.045(6)(K)(4) provides as follows: "If applicant, after filing proof of compliance, becomes

aware of a person entitled to receive notice of the application to whom applicant did not send such notice, applicant shall, within twenty (20) days, provide notice to that person by certified mail, return receipt requested, containing all the required information. Applicant shall also file a supplemental proof of compliance regarding the additional notice.” ATXI will be issuing a notice to the named landowners and filing proof of compliance with the requirement for a notice to be issued by certified mail, return receipt requested.

40. OPC names landowner **\*\*BEGIN CONF xxxxxxxxx, LLC END CONF\*\*** in Attachment 10 CONFIDENTIAL to OPC's Response as a landowner with an old address. ATXI has confirmed that its mailing list inadvertently used an older address, but also notes that the address it used is the current address on file with the Secretary of State for this entity. While it is likely that notice was actually received by this landowner, ATXI will issue an additional notice to this landowner meeting the requirements of 20 CSR 4240-20.045(6)(K)(4).

41. OPC names landowner **\*\*BEGIN CONF xxxxxxxxxxxxxxxx END CONF\*\*** in Attachment 10 CONFIDENTIAL to OPC's Response as a landowner with an old address. ATXI has confirmed that its mailing list inadvertently used an older address, but also notes that the address it used is the current address on file with the Secretary of State for this entity. While it is likely that notice was actually received by this landowner, ATXI will issue an additional notice to this landowner meeting the requirements of 20 CSR 4240-20.045(6)(K)(4).

**E. Landowners Named by OPC that Were Missed but Already Received Additional Notice [1]**

42. ATXI has already addressed assertions made by OPC regarding landowner **\*\*BEGIN CONF xxxxx END CONF\*\*** above. ATXI incorporates by reference its previous response regarding this landowner, but also notes here that it was not originally aware that the named landowner became the owner of a new parcel of land that was split from another parcel.

As a result, notification to this landowner did not occur on July 5, 2024. However, ATXI issued an additional notice to this landowner in compliance with 20 CSR 4240-20.045(6)(K)(4).

**F. Landowners Named by OPC that Appear to Have Been Missed and Require Additional Notice**

43. ATXI has obtained information indicating that **\*\*BEGIN CONF xxxxxxxxx  
xxxxxxx END CONF\*\*** became owners of a new parcel along what is now the FDIM proposed route when an existing parcel owned by **\*\*BEGIN CONF xxxxxxxxxx  
xxxxx END CONF\*\*** was split in July of 2023. Neither ATXI nor its consultants were previously aware of this split and creation of a new parcel. As a result, the named owners were not contained on the list of owners who received the July 5, 2024, notice of ATXI's application. 20 CSR 4240-20.045(6)(K)(4) provides as follows: "If applicant, after filing proof of compliance, becomes aware of a person entitled to receive notice of the application to whom applicant did not send such notice, applicant shall, within twenty (20) days, provide notice to that person by certified mail, return receipt requested, containing all the required information. Applicant shall also file a supplemental proof of compliance regarding the additional notice." ATXI will be issuing a notice to the named landowners and filing proof of compliance with the requirement for a notice to be issued by certified mail, return receipt requested.

44. ATXI has obtained information indicating that **\*\*BEGIN CONF xxxxxxxxx  
xxxxx END CONF\*\*** became owners of a new parcel along what is now the FDIM proposed route when an existing parcel was split. Neither ATXI nor its consultants were previously aware of this split and creation of a new parcel. As a result, the named owners were not contained on the list of owners who received the July 5, 2024, notice of ATXI's application. Per 20 CSR 4240-20.045(6)(K)(4), ATXI will be issuing a notice to the named landowners and filing proof of

compliance with the requirement for a notice to be issued by certified mail, return receipt requested.

WHEREFORE, ATXI requests that the Commission deny the relief requested in OPC's Response and enter an order in this proceeding granting the CCN and other relief requested in the Application subject to the Revised Conditions attached to the Joint Status Report submitted on March 7, 2025.

Dated: March 21, 2025

Respectfully submitted,

/s/ Carmen L. Fosco

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was served on the persons on the Missouri Public Service Commission's service list in this case via electronic mail (e-mail) on March 21, 2025.

/s/. Carmen L. Fosco  
Carmen L. Fosco