

**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) File No. EA-2024-0302
under Section 393.170.1, RSMo, Relating)
to Transmission Investments in Northwest)
and Northeast Missouri)

**AMEREN TRANSMISSION COMPANY OF ILLINOIS
RESPONSE TO APPLICATIONS TO INTERVENE**

COMES NOW Ameren Transmission Company of Illinois (ATXI or the Company), through its undersigned counsel, and in response to the Applications to Intervene (Applications) filed by Paul Kazakevicius (Kazakevicius), Mark Harding (Harding), Kevin Paul Hiatt and Rochelle Lynn Hiatt (the Hiatts), Rebecca McGinley (McGinley), F. Neil Mathews (Mathews), and David Gregory (Gregory) (collectively, New Intervenors), 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. Notice of ATXI’s Application was provided to directly affected landowners per Commission Rule 20 CSR 4240-20.045(6)(K) on July 5, 2024. Application, ¶44; Appendix D to Application (Affidavit of Leah Dettmers), Appendix D Attachment (CONFIDENTIAL), and Schedule LD-D2.

3. On July 18, 2024, the Commission issued an Order Directing Notice, Setting Intervention Deadline, and Directing Staff Recommendation, ordering that “[a]ny person wishing to intervene in this matter shall file an application to intervene no later than August 16, 2024.”

4. On December 20, 2024, Staff filed its Staff Recommendation as well as what it referred to as “Staff’s memorandum ... address[ing] ATXI’s application for a certificate using the Commission’s Tartan criteria, and recommend[ing] 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”

5. On February 7, 2025, ATXI, Renew Missouri, and Midcontinent Independent System Operator, Inc. (MISO) filed separate responses to the Staff Recommendation, with ATXI and MISO raising limited issues and concerns with certain conditions proposed by Staff. On March 7, 2025, all parties to this proceeding except the Office of Public Counsel (OPC) filed a Joint Status Report reporting that ATXI and Staff had reached an agreement on limited revisions to Staff’s recommended Conditions (attached as Appendix A to the Joint Status Report), and that all parties to the Joint Status Report “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."

6. 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. 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." On March 7, 2025, OPC filed its Response to Staff's Recommendation and List of Concerns (OPC's Response). On March 21, 2025, ATXI filed its Reply to OPC's Response.

7. During the course of this proceeding ATXI became aware of 3 landowners entitled to receive notice of the application to whom it did not originally send such notice because it was unaware of new parcels which had been formed prior to the time notice was sent when larger parcels were split, and 5 landowners who were inadvertently sent notice at an address different from the address reflected in the records of the applicable county assessor within 60 days of the notice. *See* Affidavit of Leah Dettmers (filed Nov. 18, 2024, EFIS Item 40) (1 landowner); Affidavit of Leah Dettmers (filed Mar.3, 2025, EFIS Item 67) (1 landowner (joint)); Affidavit of Leah Dettmers (filed Mar. 27, EFIS Item 75) (6 landowners (individual and joint)). For each of these landowners ATXI sent an additional notice by certified mail, return receipt requested, consistent with the requirements in Commission Rule 20 CSR 4240-20.045(6)(K)(1), (2), and (4).

8. On April 4, 2025, the Commission entered an Order Setting Intervention Deadline, stating "some landowners who would be affected by the transmission line in this matter did not receive notice from ATXI until seven months after that intervention deadline had passed," and

ordering that “[a]ny person wishing to intervene in this matter shall file an application to intervene no later than April 18, 2025.”

II. APPLICABLE LEGAL STANDARDS

9. Applications to intervene are governed by Commission Rule 20 CSR 4240-2.075. Under the rule, requests to intervene “shall be filed within thirty (30) days after the commission issues its order giving notice of the case, unless otherwise ordered by the commission.” 20 CSR 4240-2.075(1). A motion or application to intervene must include, among other things, the following:

E) A statement of the proposed intervenor’s or new member’s interest in the case and reasons for seeking intervention or to be added; and

(F) A statement as to whether the proposed intervenor or new member supports or opposes the relief sought or that the proposed intervenor or new member is unsure of the position it will take.

20 CSR 4240-2.075(2) (E) and (F).

10. The Commission’s Rule regarding intervention further provides that the Commission “may grant a motion to intervene or add new member(s) if—

(A) The proposed intervenor or new member(s) 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; or

(B) Granting the proposed intervention would serve the public interest.”

20 CSR 4240-2.075(3) (A) and (B). The Commission’s Rule also provides “[t]he commission may limit an intervention to particular issues or interests in a case.” 20 CSR 4240-2.075(9). The Commission’s Rule also requires a showing of good cause for an out of time intervention:

Motions to intervene or add new member(s) filed after the intervention date may be granted upon a showing of good cause. Any motion so filed must include a definitive statement whether or not the entity seeking intervention or to be added as a new member accepts the record established in that case, including the requirements of any orders of the commission, as of the date the motion is filed.

20 CSR 4240-2.075(9).

III. RESPONSE TO NEW APPLICATIONS TO INTERVENE

A. Paul Kazakevicius

11. On April 16, 2025, Paul Kazakevicius filed an Application to Intervene (4/16 Kazakevicius Application).¹ Also on April 16, 2025, the Commission issued an Order Setting Time to Correct Deficiency. The April 16, 2025 Order found that “Mr. Kazakevicius does not offer a position as to whether he supports or opposes ATXI’s application” and “[t]he application to intervene is deficient” The Order also: (i) ruled that “the Commission will permit Mr. Kazakevicius to correct this deficiency by supplementing or refileing his application to intervene including a position of support or opposition;” and (ii) ordered that “[n]o later than April 23, 2025, Paul Kazakevicius shall file a supplement to or new application to intervene including his position of support or opposition.”

12. The 4/16 Kazakevicius Application states: ****BEGIN CONF** XXXXXXXXXXXX
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XXXXXXXXXX END CONF** This filing does not explain how Mr. Kazakevicius is an ****BEGIN**

¹ The 4/16 Kazakevicius Application, the Mark Harding Application to Intervene, and the Kevin and Rochelle Hiatt Application to Intervene filed April 28, 2025, are designated as Confidential on EFIS. Those applications do not indicate the basis on which confidential status is asserted or provide public redacted versions indicating which portions of the applications are confidential. ATXI is treating everything other than the name of each applicant requesting intervention in such applications to intervene as confidential.

otherwise establish an interest in the case. Further, the Application is deficient as found by the April 16, 2025 Order.

13. On April 22, 2025, Mr. Kazakevicius filed a new Application to Intervene (4/22 Kazakevicius Application). The 4/22 Kazakevicius Application states that Mr. Kazakevicius “owns property east and west of 26264 MO-46, Grant City, MO 64456 [SIC] Therefore, Ameren’s request to build a transmission line Near my property directly affects Landowner and his/her interests.” *Id.* ¶ 1.

14. The 4/22 Kazakevicius Application establishes that Mr. Kazakevicius is not a directly impacted landowner. He does not identify the specific property he owns and alleges only that the proposed transmission line will be “Near” his property. ATXI is not aware of any property directly owned by Mr. Kazakevicius over which ATXI would require an easement for its proposed route or which is within 300 feet of the centerline of ATXI’s proposed route. ATXI is aware of property owned by Karma Unlimited, LLC, for which Secretary of State records indicate Mr. Kazakevicius is a member. The property owned by Karma Unlimited is approximately 2,700 feet from the centerline of ATXI’s proposed route. Based on the foregoing, Mr. Kazakevicius has not established that he has an interest which is different from that of the general public and which may be adversely affected by a final order arising from this case.

15. Mr. Kazakevicius is also not a person who was entitled to but did not receive notice of the application under 20 CSR 4240-20.045(6)(K). Nor is he a person who was entitled to notice of the application. The Commission’s April 4, 2025 Order is clear that the intent of that order was to address intervention for “some landowners who would be affected by the transmission line in this matter” but “did not receive notice from ATXI until seven months after that intervention

deadline had passed.” Order (April 4, 2025). ATXI submits that given the clear intent of the April 4 Order and taking into account all portions of the Order, that Order extends the time for intervention only for affected landowners who were entitled to but did not initially receive notice of the application.

B. Mark Harding, Kevin Paul Hiatt and Rochelle Lynn Hiatt, Rebecca McGinley, F. Neil Mathews, and David Gregory

16. On April 17, 2025, Marking Harding filed an Application to Intervene, asserting that he ****BEGIN CONF XXXXXXXXXXXXXXXXXXXX END CONF**** On April 18, 2025, Kevin Paul Hiatt and Rochelle Lynn Hiatt, Rebecca McGinley, F. Neil Mathews, and David Gregory filed Applications to Intervene, each containing allegations that they own or are involved with property over which ATXI’s proposed transmission line will be located or with a residence / habitable structure within 300 feet of the centerline of ATXI’s proposed route. ATXI does not contest that Mr. Harding, Mr. and Mrs. Hiatt, McGinley Krawczyk Farms, LLC.², F. Neil Mathews, and Douglas A. Gregory Revocable Trust³ own property over which ATXI would require an easement under its proposed route in this proceeding.

17. On April 22, 2025, the Commission issued an Order Setting Time to Correct Deficiency with respect to Mr. and Mrs. Hiatt. The Order found that “Mr. and Ms. Hiatt do not

² The Application to Intervene of Mrs. McGinley indicates McGinley-Krawczyk Farms, LLC owns the property in question. As such, ATXI is unclear if the intervention application is filed on behalf of Mrs. McGinley or McGinley Krawczyk Farms, LLC. ATXI submits that the application to intervene establishes that McGinley Krawczyk Farms, LLC has property along the proposed route but not Mrs. McGinley personally. As such, ATXI submits that Mrs. McGinley has not established a recognizable interest for intervention.

³ The Application to Intervene of Mr. David Gregory provides a street address but not property identification numbers. Thus, it is not clear if he is referring to property owned by Douglas A. Gregory Revocable Trust. If not, the record does not provide a sufficient basis to allow intervention. If so, the Douglas A. Gregory Revocable Trust is a legal entity that requires representation by counsel per the Commission’s rules. 20 CSR 4240-2.040(5) (“A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.”)

Mathews, and David Gregory should be denied as untimely given that no showing of good cause has been made or submitted. In the event any of these applicants are granted intervention, the Commission should limit their intervention to routing issues directly affecting their property.

21. In addition, these applications to intervene have been filed at a point in the proceeding where an intervention could greatly prolong the proceeding.⁴ We are currently at a point in the proceeding where a Staff Recommendation has been filed, Staff and ATXI have agreed to limited revisions to Staff's proposed Conditions, and there are no objections from ATXI or any party other than OPC to Staff's recommendation with the revised Conditions. A grant of the requested intervention would put the matter in a litigation posture and greatly change the timeline of this case. Such change appears likely to cause ATXI to miss a tree clearing and/or construction season and add risk to completion of the FDIM and MMRX Projects, which no party disputes are needed and will produce benefits for Missouri and its citizens. The schedule for the FDIM and MMRX Projects are set forth in the Direct Testimony of ATXI witness Tracy Dencker, pp. 34-36, and Schedule TD-D2. In this regard, the requested interventions at this late date are not supported by good cause, would prejudice ATXI and all persons who will benefit from these Projects, and would not serve the public interest.

22. Finally, ATXI notes that several of the New Intervenors have submitted testimony at the Local Public Hearings and/or submitted comments on EFIS. As such, the views and concerns of these proposed intervenors are already before the Commission.

⁴ The current pending applications to intervene are more than 9 months past the date of ATXI's application (July 16, 2024) and more than 8 months past the original intervention deadline (August 18, 2024) set by the Commission.

WHEREFORE, ATXI respectfully requests that the Commission issue its order denying the Applications to Intervene of New Intervenors.

Dated: April 28, 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 April 28, 2025.

/s/ Carmen L. Fosco

Carmen L. Fosco