

Exhibit No.:
Issue(s): Project Management
Witness: James Jontry
Type of Exhibit: Rebuttal Testimony
Sponsoring Party: Ameren Transmission
Company of Illinois
File No.: EA-2021-0087
Date Testimony Prepared: September 14, 2021

MISSOURI PUBLIC SERVICE COMMISSION

FILE NO.

EA-2021-0087

REBUTTAL TESTIMONY

OF

JAMES JONTRY, P.E., P.M.P.

ON

BEHALF OF

AMEREN TRANSMISSION COMPANY OF ILLINOIS

**St. Louis, Missouri
September 14, 2021**

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1 **I. INTRODUCTION**

2 **Q. Please state your name and business address, and present position.**

3 A. My name is James (“Jim”) Jontry. My business address is One Ameren Plaza, 1901
4 Chouteau Avenue, St. Louis, Missouri 63103. I work for Ameren Services Company (“Ameren
5 Services”) as a Senior Project Manager in the Transmission Department. Ameren Services is a
6 subsidiary of Ameren Corporation (“Ameren”) and an affiliate of Ameren Transmission Company
7 of Illinois (“ATXI”)—the Applicant in this proceeding.

8 **Q. What are the duties and responsibilities of your position?**

9 A. As a Senior Project Manager, I am responsible for the planning, execution,
10 completion, and operational integration of large-scale transmission construction projects. I am the
11 project manager for the Limestone Ridge Project (the “Project”) being proposed by ATXI.

12 **Q. Are you the same Jim Jontry who filed direct testimony in this proceeding?**

13 A. Yes.

14 **Q. What is the purpose of your rebuttal testimony in this proceeding?**

15 A. The purpose of my rebuttal testimony is to respond to the conditions proposed in
16 Staff’s Rebuttal Report, discuss the history of ATXI’s communication with intervenors, Terry Lin
17 and Mary Frances Scholl (the “Scholls”), and to respond to the conditions proposed by the Scholls.

18 **Q. Are you sponsoring any schedules with your testimony?**

19 A. Yes, I am sponsoring the following:

- 20 • Schedule R-JJ-01 – ATXI-MDC Memorandum of Agreement
21 • Schedule R-JJ-02 – AC Interference Study (CONFIDENTIAL)
22 • Schedule R-JJ-03 – Scholls Map 1 (CONFIDENTIAL)
23 • Schedule R-JJ-04 – Scholls Map 2

1 **II. CONDITIONS PROPOSED BY COMMISSION STAFF**

2 **Q. Did you review the conditions proposed by Commission Staff at page 20-22 of**
3 **Staff’s Rebuttal Report in this proceeding?**

4 A. Yes, I did.

5 **Q. Does ATXI oppose any of the conditions proposed by Commission Staff?**

6 A. Subject to a few clarifications discussed below, ATXI generally agrees to the
7 conditions proposed by Commission Staff.

8 **Q. What is Staff’s position regarding the route proposed by ATXI?**

9 A. Staff did not recommend any pre-certificate modifications to the Proposed Route¹
10 as depicted in the Routing Study (Schedule DS-01 attached to the Direct Testimony of Dan
11 Schmidt) or as set forth in the legal description of the Proposed Route (Schedule CH-01 attached
12 to the Direct Testimony of Craig Hiser).

13 **Q. What is Staff’s position regarding modifications to the Proposed Route that**
14 **may occur as part of the development process?**

15 A. Staff recommends that the Commission impose a condition that closely resembles
16 the condition placed on ATXI for the Mark Twain Project. *See* Case No. EA-2017-0345, Order
17 Approving Unanimous Stipulation and Agreement, Ordering ¶ 4 (Jan. 10, 2018).

18 **Q. Does ATXI agree to Staff’s recommended condition regarding route**
19 **modifications?**

20 A. ATXI agrees with Staff in general, but notes that Staff slightly modified the Mark
21 Twain condition, which could create confusion in certain instances. In particular, when agreement
22 cannot be reached, despite good faith negotiations, ATXI should be able to file a request with the

¹ Unless otherwise noted, capitalized terms used herein have the same meaning as set forth in ATXI’s Application and Direct Testimony.

1 Commission to allow it to adjust the depicted route regardless of whether the modified route
2 impacts a new parcel or the current parcel. Modifying the language as shown below is consistent
3 with the Mark Twain condition and permits ATXI to file a request with the Commission under a
4 wider range of scenarios. The condition, with ATXI's proposed modification, is as follows:

5 Throughout the right-of-way acquisition process, ATXI will use all reasonable
6 efforts to abide by the depicted route on each of the parcels identified as of the filing
7 of its application as parcels over which an easement will be required, but will be
8 allowed to deviate from the depicted route in two scenarios:

- 9 a. First, if surveys or testing do not necessitate a deviation, ATXI may deviate
10 from the depicted route on a particular parcel if ATXI and the landowner agree,
11 e.g., upon request of the landowner and ATXI's agreement with the request, or
12 vice versa.
13
- 14 b. Second, if ATXI determines that surveys or testing require a deviation, ATXI
15 will negotiate in good faith with the affected landowner and if agreement can
16 be reached ATXI may deviate from the depicted route on that parcel, as agreed
17 with the affected landowner.
18

19 With respect to any parcel other than the identified parcels where ATXI desires
20 to locate the line, whether because testing or surveys necessitate acquisition of
21 an easement on that parcel or for other reasons (e.g., a request from adjacent
22 landowners), ATXI will negotiate in good faith with the landowner of the
23 affected parcel over which ATXI has determined an easement is needed or
24 desired and, if agreement is reached, may deviate from the depicted route by
25 locating the line on the affected parcel but will notify the Commission of the
26 deviation and parcels affected prior to construction on that parcel.
27

28 If ~~testing or surveys necessitate acquisition of an easement on such other parcel~~
29 ~~and~~ agreement is not reached, despite good faith negotiations, ATXI will file a
30 request with the Commission to allow it to deviate from the depicted route onto
31 the affected parcel and shall, concurrently with the filing of its request with the
32 Commission, send a copy of its request to the owner(s) of record of the affected
33 parcel via U.S. Mail, postage prepaid, as shown by the County Assessor's
34 records in the county where the affected parcel is located, or at such other
35 address that has been provided to ATXI by the owner(s). ATXI shall fully
36 explain in that request why ATXI determined the change in route is needed and
37 file supporting testimony with its request and the name(s) and addresses of the
38 owner(s) to whom it provided a copy of its request. After Commission notice
39 of the opportunity for a hearing on the issue of whether the change in route
40 should be approved is given to the owner, Staff and OPC, and as well as an
41 opportunity to respond, the Commission will grant or deny the request.

1 **Q. Does the language above, as modified, substantially match the Mark Twain**
2 **condition?**

3 A. Yes.

4 **Q. Did that condition work well for development of the Mark Twain project?**

5 A. Yes. I was the Project Manager for the Mark Twain Project. The route
6 modification parameters reflected above worked well and provided ATXI and landowners with
7 the flexibility to work together to deliver a successful project. By way of comparison, the Mark
8 Twain Project was nearly 100 miles and this Project is only approximately 15 miles.

9 **Q. Does ATXI agree to Staff’s recommended condition regarding removal or**
10 **relocation of residential structures?**

11 A. Yes. Absent a voluntary agreement for the purchase of the property rights, ATXI
12 will not locate the transmission line such that a residential structure currently occupied by the
13 property owners will be removed or located in the easement requiring, for electrical code
14 compliance purposes, the owners to move or relocate from the property.

15 **Q. Do you wish to comment on Staff’s proposed condition related to the filing of**
16 **governmental permits?**

17 A. Yes, briefly. We believe the edit below is consistent with Staff’s intent and
18 improves the clarity of the condition:

19 ATXI shall file with the Commission in this case all required government approvals
20 and permits required to be obtained prior to construction—e.g., any applicable land
21 disturbance permits, Missouri State Highway Commission permits, or US Army
22 Corps of Engineers permits—before beginning construction on the part of the
23 Limestone Ridge project where the approvals and permits are required.

24 With that clarification, ATXI agrees to this condition.

1 **Q. Will ATXI file the Memorandum of Agreement between ATXI and the**
2 **Missouri Department of Conservation related to the Proposed Route through the Apple**
3 **Creek Conservation Area, as requested by Staff?**

4 A. Yes. The Memorandum of Agreement (“MOA”) is attached hereto as Schedule R-
5 JJ-01.

6 **Q. Will ATXI file all pipeline interference studies performed as well as any**
7 **agreement between ATXI and the pipeline companies that have assets being crossed or assets**
8 **being paralleled by the Limestone Ridge Project?**

9 A. Yes. ATXI commissioned a preliminary AC Interference Study as part of the
10 routing process, which is attached hereto as Confidential Schedule R-JJ-02.² ATXI agrees to file
11 any future pipeline interference studies or pipeline company agreements with the Commission,
12 subject to confidentiality requirements.

13 **Q. Will ATXI file with the Commission the annual report it files with FERC?**

14 A. Yes. ATXI already includes its FERC annual report as an attachment to the forms
15 provided by the Commission at https://psc.mo.gov/Forms/Electric_Steam_Heat_Forms.

16 **Q. Do you wish to comment on the Staff condition related to Case No. EA-2011-**
17 **0128?**

18 A. Yes. In the Staff Report, Staff recommends a condition that would require Ameren
19 Missouri to acknowledge that they remain bound by certain ratemaking conditions that apply to
20 some projects that are undertaken by ATXI – namely projects that are in Ameren Missouri's
21 certificated service territory and that are subject to regional cost allocation by MISO. To be clear,
22 those ratemaking conditions do not apply to this Project, as this Project is not within Ameren

² Schedule R-JJ-02 is marked as confidential pursuant to 20 CSR 4240-2.135(2)(A)(7) because it relates to the security of pipelines and transmission infrastructure.

1 Missouri's certificated service territory, nor are the costs subject to regional cost allocation. So
2 while from ATXI's perspective, there is nothing that would undermine the current effectiveness
3 of those prior conditions, they simply do not apply here. Finally, I would add that I am not
4 testifying on behalf of Ameren Missouri in this case. To the extent Staff would like ATXI to
5 secure an acknowledgement from Ameren Missouri, I would be happy to approach them about
6 that prospect, though I am not sure that it is necessary given the facts here and given that the
7 conditions in the underlying order would appear to remain effective by operation of law.

8 III. ATXI'S COMMUNICATION HISTORY WITH THE SCHOLLS

9 **Q. Were you familiar with the Scholls before they filed an application to intervene**
10 **in this proceeding on June 4, 2021?**

11 A. Yes. ATXI began communicating with the Scholls in August 2020 regarding the
12 possibility of the Project crossing their property. ATXI sent a Project information mailer to the
13 Scholls on or around August 7, 2020, which invited them to attend one of two public webinars on
14 August 19, 2020. ATXI also sent email reminders about the August 19, 2020 events and informed
15 landowners, including the Scholls, of other ways to obtain information about the Project and
16 submit questions or comments. *See* Schedule EH-01, pp. 10-45. The Scholls attended the second
17 round (public webinar) and third round (telephone public meeting) of public engagement
18 opportunities on October 28, 2020 and January 21, 2021.³ For more information about the
19 webinars, telephone public meeting, and other general public outreach, please see the Direct
20 Testimony of Emily Hyland.

21 **Q. In addition to the public meetings, did ATXI meet with the Scholls**
22 **individually?**

³ The Scholls may have also attended one or both of the August 19, 2021 public webinars, as some participants did not provide their names.

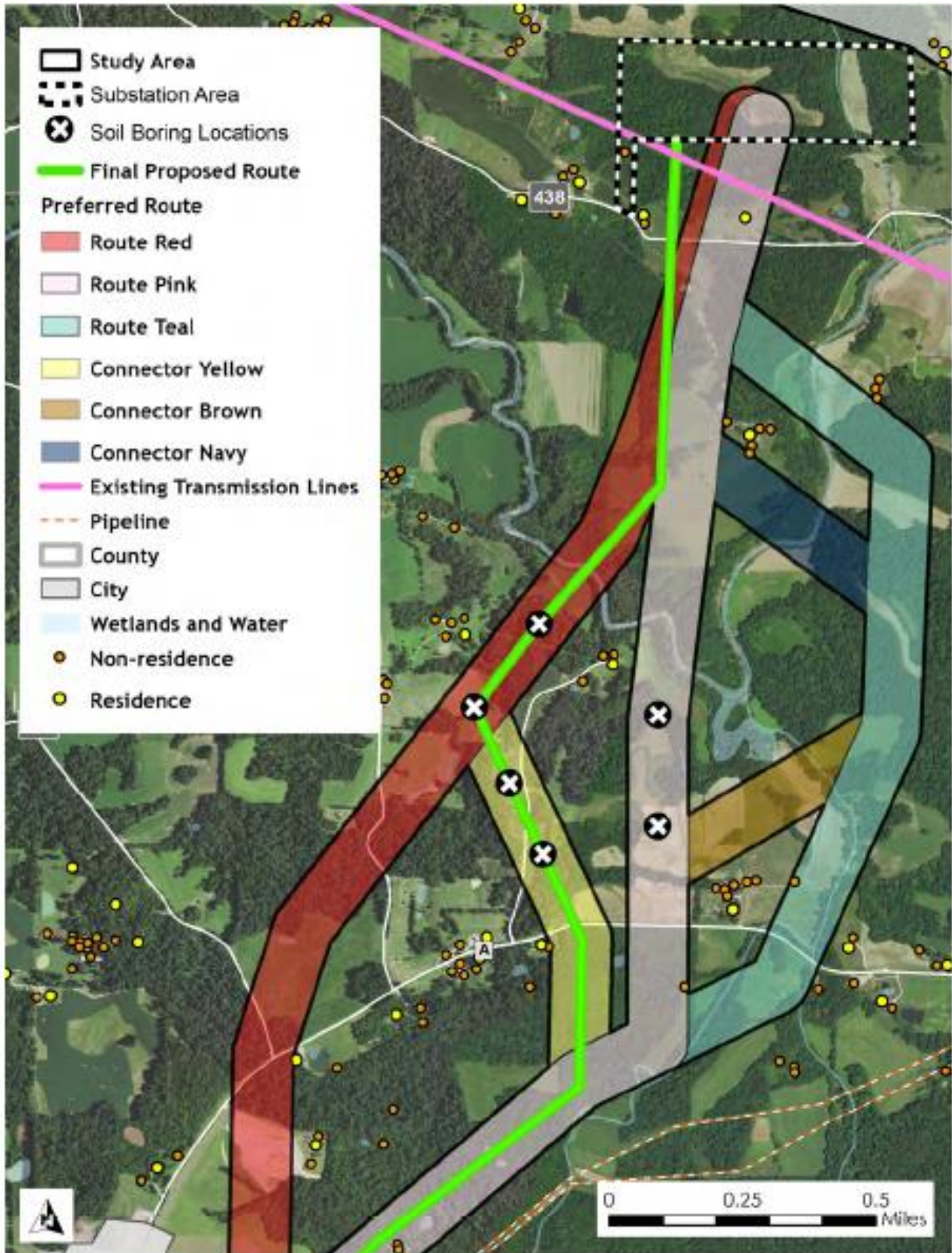
1 A. Yes. ATXI met with the Scholls by WebEx on November 4, 2020 to review
2 potential routes near their property. During that meeting, the Scholls provided several comments
3 regarding the initial proposed routes, which are reflected on Confidential Schedule R-JJ-03.⁴
4 Schedule R-JJ-03 was provided to the Scholls after the November 4, 2020 meeting. The Scholls
5 provided additional notes to ATXI in December 2020. As a result of these meetings and notes,
6 ATXI developed alternative routes that are shown on Schedule R-JJ-04. ATXI meet with the
7 Scholls by WebEx on February 1, 2021 to discuss the alternative routes. On February 23, 2021,
8 ATXI representatives met with the Scholls in person to discuss the alternative routes and soil
9 boring tests to obtain additional information about the alternative routes across the Scholls’
10 property. With permission of the Scholls, ATXI conducted soil boring tests on the Scholls property
11 on March 22-30, 2021.

12 **Q: What was the result of the meetings with the Scholls and the soil boring tests?**

13 A: ATXI selected a route that is responsive to the Scholls’ feedback and best mitigates
14 the environmental, cultural, and landowner impacts to the Scholls property. The selected route is
15 shown on Figure 9 of the Routing Study, Schedule DS-01, and reproduced below.

⁴ Schedule R-JJ-03 is marked as confidential pursuant to 20 CSR 4240-2.135(2)(A)(1) because it contains landowner-specific information.

Figure 9. Proposed Route and Route Options Geotech Borings



1 **IV. CONDITIONS PROPOSED BY THE SCHOLLS**

2 **Q. Did you review the conditions proposed by the Scholls?**

3 A. Yes, I did.

4 **Q. What specific conditions do the Scholls recommend?**

5 A. The Scholls recommend the following:

- 6 1. Rewrite the Easement Agreement to protect landowners' interests as addressed
7 herein;
- 8 2. Adequately compensate landowners; and
- 9 3. Order the application of ATXI's Standards and Procedures for Construction, Repair
10 and Maintenance [of] Right-of-Ways for the Limestone Ridge Project, as modified
11 as suggested herein, as a condition of the CCN.

12 **Q. How does ATXI respond to the Scholls' first recommendation?**

13 A. The first recommendation is vaguely written and the Scholls do not present any
14 material evidence that the current form Easement Agreement⁵ does not protect landowners'
15 interests. Further, as discussed in further detail in the rebuttal testimony of my colleague, Craig
16 Hiser, we are committed to working in good faith with landowners to address their issues and
17 concerns, to the extent practicable, during the easement acquisition phase of the Project.

18 **Q. How does ATXI respond to the Scholls' second recommendation?**

19 A. As discussed in Craig Hiser's Rebuttal Testimony, ATXI is already committed to
20 adequately compensating landowners.

21 **Q. How does ATXI respond to the Scholls' third recommendation?**

⁵ See Direct Testimony of Craig Hiser, Schedule CH-02.

1 A. As discussed in the Craig Hiser’s Rebuttal Testimony, ATXI’s Standards and
2 Procedures for Construction, Repair and Maintenance of Right-of-Way for the Limestone Ridge
3 Project (the “Standards and Procedures”) already adequately address the vast majority of concerns
4 raised by the Scholls. However, I will address the Scholls’ suggestion that artifacts recovered
5 during construction be returned to the landowner.

6 **Q. Does ATXI have concerns with the suggestion that artifacts recovered during**
7 **construction be returned to the landowner?**

8 A. Yes. A blanket requirement for ATXI to return artifacts the landowner may conflict
9 with state and federal laws. For example, the laws limit the rights of private landowners to artifacts
10 associated with human burials. ATXI is committed to working with landowners as part of the field
11 survey work and is not opposed to returning artifacts to landowners, subject to coordination with
12 the Missouri State Historical Preservation Office (“SHPO”), which has the primary responsibility
13 for compliance with applicable laws governing archeological resources. Due to the uniqueness
14 of potential artifacts and desires of landowners, these issues are better addressed through
15 discussions with individual landowners, rather than a generally-applicable condition.

16 **V. CONCLUSION**

17 **Q. Does this conclude your rebuttal testimony?**

18 A. Yes, it does.

**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 Public Convenience and)
Necessity to Construct, Install, Own, Operate,)
Maintain, and Otherwise Control and Manage) Case No. EA-2021-0087
a 138 kV Transmission Line and associated)
facilities in Perry and Cape Girardeau)
Counties, Missouri)

AFFIDAVIT

1. My name is James Jontry. I am Senior Project Manager for Ameren Services, which is a subsidiary of Ameren Corporation and an affiliate of Ameren Transmission Company of Illinois, the Applicant in the above-captioned proceeding.
2. I have read the above and foregoing Rebuttal Testimony and the statements contained therein are true and correct to the best of my information, knowledge and belief.
3. I am authorized to make this statement on behalf of Ameren Transmission Company of Illinois.
4. Under penalty of perjury, I declare that the foregoing is true and correct to the best of my knowledge and belief.

James Jontry
James Jontry
Director of Transmission Business and Development
Ameren Services

Date: September 14, 2021