

Exhibit No.:  
Issue(s): Mark Twain Project - Overall  
Witness: Maureen A. Borkowski  
Sponsoring Party: Ameren Transmission  
Company of Illinois  
Type of Exhibit: Surrebuttal Testimony  
Case No.: EA-2015-0146  
Date Testimony Prepared: November 16, 2015

**MISSOURI PUBLIC SERVICE COMMISSION**

**CASE NO. EA-2015-0146**

**SURREBUTTAL TESTIMONY**

**OF**

**MAUREEN A. BORKOWSKI**

**ON**

**BEHALF OF**

**AMEREN TRANSMISSION COMPANY OF ILLINOIS**

**St. Louis, Missouri  
November, 2015**

**TABLE OF CONTENTS**

I. INTRODUCTION AND PURPOSE AND SCOPE.....1

II. SUMMARY OF STAFF AND INTERVENER REBUTTAL TESTIMONY .....2

III. STAFF’S REBUTTAL TESTIMONY .....2

IV. THE NEIGHBORS’ OPPOSITION .....14

**SURREBUTTAL TESTIMONY**

**OF**

**MAUREEN A. BORKOWSKI**

**CASE NO. EA-2015-0146**

1                   **I.       INTRODUCTION AND PURPOSE AND SCOPE**

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

3           A.       My name is Maureen A. Borkowski. I am Senior Vice President,  
4       Transmission at Ameren Services Company (“Ameren Services”), and I serve as the  
5       President of Ameren Transmission Company of Illinois (“ATXI”).

6           **Q.       Are you the same Maureen A. Borkowski who filed direct testimony in**  
7       **this case?**

8           A.       Yes, I am.

9           **Q.       What is the purpose of your surrebuttal testimony?**

10          A.       The purpose of my surrebuttal testimony is threefold. First, I summarize the  
11       Staff’s and the Interveners’ general response to ATXI’s Application and direct testimony, so  
12       that the Commission can gain an understanding of the types of issues raised and who is  
13       raising them. Second, I respond to the Staff’s specific recommendations and conditions.  
14       Third, I respond to the overall opposition of the group that calls itself “Neighbors United  
15       Against Ameren’s Power Line” (the “Neighbors”), as well as other criticisms of the Project.  
16       Finally, I have included Schedule MAB-SR1 to my testimony, which is a list of witnesses  
17       that are submitting surrebuttal testimony on behalf of ATXI, and the subject matters of their  
18       testimony. My failure to address any witnesses’ testimony or position should not be  
19       construed as an endorsement of same.

1           **II.     SUMMARY OF STAFF AND INTERVENER REBUTTAL TESTIMONY**

2           **Q.     By way of background, who has intervened in this case and what rebuttal**  
3 **testimony has been filed?**

4           A.     The intervenors are the Neighbors, the International Brotherhood of Electrical  
5 Workers Local 1439 (“IBEW”), Midcontinent Independent System Operator, Inc. (“MISO”),  
6 United For Missouri, Inc. (“UFM”) and the Missouri Industrial Energy Consumers  
7 (“MIEC”). IBEW filed rebuttal testimony from its Business Manager, Michael Walter, in  
8 support of ATXI’s Application. The Neighbors, as is obvious from their name, filed rebuttal  
9 testimony from seven witnesses in opposition to the Application. The Staff, which  
10 recommends approval of the Application with certain conditions, filed rebuttal testimony  
11 from six witnesses. Neither UFM nor MIEC filed rebuttal testimony, nor did the Office of  
12 the Public Counsel (“OPC”), which is also a party to this case as provided for by statute. It is  
13 my understanding that MISO will be filing surrebuttal testimony in response to claims that  
14 the Project is not needed or is not beneficial, including how the Project is an integral part of  
15 MISO’s portfolio of 17 multi-value projects (“MVPs”) developed through MISO’s FERC-  
16 approved regional transmission expansion planning process, known as “MTEP.”

17   **III.     STAFF’S REBUTTAL TESTIMONY**

18           **Q.     You indicated that the Staff supports the Application for a certificate of**  
19 **convenience and necessity for the Mark Twain Project, with certain conditions. Please**  
20 **summarize ATXI’s position regarding those conditions.**

21           A.     The Staff’s proposed conditions are outlined in Staff witness Dan Beck’s  
22 rebuttal testimony, and Mr. Beck summarizes them at pages 16-17 of his testimony. For

1 convenience, I have reproduced Mr. Beck's summaries of his recommended conditions  
2 below, together with my brief response (in *bold/italics*) to each.

- 3 1. The plans and specifications for the construction of the proposed Mark Twain  
4 Project that ATXI is developing shall be filed with the Commission as  
5 required by 4 CSR 240-3.105(1)(B)2. *The plans and specifications required*  
6 *by the rule, which were still under development when the Application was*  
7 *filed, are being filed as part of the surrebuttal testimony of ATXI witness*  
8 *David Endorf, which satisfies this condition.*
- 9 2. ATXI will provide all required approvals 4 CSR 240-3.105(1)(D) or seek an  
10 appropriate waiver prior to the granting of the authority sought, as provided  
11 by 4 CSR 240-3.105(2). *ATXI's counsel indicates that there are no*  
12 *additional approvals that need to be submitted as part of this line certificate*  
13 *case. To the extent Mr. Beck is referring to assents that may have to be*  
14 *obtained from the five counties through which the transmission line is to be*  
15 *built, ATXI counsel advises that unlike an application for an area*  
16 *certificate, prior municipal/county permission is not required for the line*  
17 *certificate sought in this case, meaning ATXI has already satisfied the*  
18 *requirements of 4 CSR 240-3.105(1)(D). However, if the Commission*  
19 *believes otherwise, ATXI requests a waiver of 4 CSR 3.105(2) so that it can*  
20 *timely obtain the line certificate from the Commission without any assent*  
21 *process creating delays that would jeopardize the in-service deadline for the*  
22 *Project. I will address this issue in more detail later in my testimony, and*

1                    *our attorneys will address these issues further in ATXI's Position Statement*  
2                    *and Post-Hearing Briefs.*

3            3.        That the certificate is limited to the construction of this line in the location  
4                    specified in the application, and as represented to landowners on the aerial  
5                    photos provided by ATXI, unless a written agreement from the landowner is  
6                    obtained, or ATXI gets a variance from the Commission for a particular  
7                    property. *ATXI agrees that this certificate is limited to the Mark Twain*  
8                    *Project. However, as explained in the surrebuttal testimony of ATXI*  
9                    *witness Doug Brown, ATXI needs to retain the flexibility to negotiate the*  
10                   *precise centerline of the easement on individual properties if geotechnical,*  
11                   *topographical or environmental information collected in the field requires*  
12                   *an adjustment to approximate centerline that has, as a preliminary matter,*  
13                   *been identified on preliminary aerial photos that have been publicly released*  
14                   *on the Project's website. As Mr. Brown also explains, we will negotiate in*  
15                   *good faith with landowners regarding the precise placement of the line and*  
16                   *the structures on their properties, but there are occasions when agreement*  
17                   *cannot be reached. To our knowledge, the Commission has never adopted a*  
18                   *condition that would involve the Commission in some way in deciding the*  
19                   *precise location of a line on an individual property that has been identified*  
20                   *as being impacted by the final route.<sup>1</sup> If it were to become necessary,*  
21                   *however, to acquire an easement over a piece of property that has not been*

---

<sup>1</sup> All landowners whose property is impacted by the final route described and depicted in ATXI witness Chris Wood's direct testimony have been notified in writing.

1                    *identified as being within the final route, ATXI agrees that it will either*  
2                    *obtain a voluntary easement, or seek Commission approval to add that*  
3                    *property to the route, with the understanding that the approval needed is*  
4                    *limited to issues relating to the need to change the route and will not involve*  
5                    *whether the Project is necessary or convenient for the public service under*  
6                    *the CCN statute, including under the so-called “Tartan” criteria.*

7                    4.            That absent a voluntary agreement for the purchase of property rights, the  
8                    transmission line shall not be located so that a residential structure currently  
9                    occupied by the property owners will be removed or located in the easement  
10                    requiring the owners to move or relocate from the property. *ATXI agrees to*  
11                    *this condition, which is identical to the condition adopted by the*  
12                    *Commission in File No. EO-2002-351.*

13                    5.            That ATXI shall survey the transmission line location after construction and  
14                    record the easement location with the Recorder of Deeds in the appropriate  
15                    counties. ATXI shall also file a copy of its survey in this case. *As Mr.*  
16                    *Brown’s surrebuttal testimony explains, this condition arose from File No.*  
17                    *EO-2002-351, the Callaway-Franks transmission line constructed by*  
18                    *Ameren Missouri approximately 11 years ago. However, it was imposed*  
19                    *because AECI had obtained blanket easements approximately 30 years*  
20                    *earlier that had been assigned to Ameren Missouri. Without the condition,*  
21                    *there would have been no specific legal description of record on the*  
22                    *Callaway-Franks line. However, we are able to satisfy the intent this*  
23                    *condition on the Mark Twain Project without a post-construction survey*

1           *because each and every easement for each property will have a recorded*  
2           *easement document that will contain a specific, surveyed legal description of*  
3           *the location of the easement.*

4           6.     That ATXI shall follow the construction, clearing, maintenance, repair, and  
5           right-of-way practices set out in Schedule DB-R-2 attached to this Rebuttal  
6           Testimony. *ATXI has no objection to the basic principles reflected by this*  
7           *condition. In addition, while not included as a specific requirement or*  
8           *condition, ATXI has carefully considered the two additional examples of*  
9           *right-of-way practices that were attached to Mr. Beck's surrebuttal*  
10          *testimony as Schedule DB-R-3 and Schedule DB-R-4. As explained in the*  
11          *surrebuttal testimony of Douglas Brown, ATXI is committing to a set of*  
12          *right-of-way standards and procedures which include a consolidation of*  
13          *practices from both Schedule DB-R-2 and Schedule DB-R-4, and which*  
14          *includes a provision which recognizes ATXI's efforts to promote the health*  
15          *of honey bees and other pollinators within its right-of-way as part of our*  
16          *commitment to President Obama's federal strategy. We believe that these*  
17          *commitments satisfy and in fact exceed Staff's recommended condition as*  
18          *proposed in Mr. Beck's testimony.*

19          7.     That ATXI shall be required to file with the Commission the annual report it  
20          files with FERC. *ATXI agrees to this condition, which is identical to the*  
21          *condition adopted by the Commission in File No. EA-2015-0146 (for the*  
22          *Missouri portion of the Illinois Rivers Project).*



1           **Q.     Please respond to the Staff’s testimony and recommendation as a whole.**

2           A.     I am pleased that the Staff recognizes that this Project will facilitate wind  
3 development in Missouri, and also the importation of wind energy into Missouri, and has  
4 reliability benefits in Northeast Missouri and in the overall region, as well. This is what  
5 MISO’s analyses that underlie the MVP portfolio show, and that conclusion is also supported  
6 by the testimony filed in this case, including surrebuttal testimony from Robert Vosberg. I  
7 am also pleased that the Staff has confirmed that the “Tartan” criteria typically used by the  
8 Commission in these cases support ATXI’s Application (in the Staff’s view, with the Staff’s  
9 recommended conditions), although ATXI does not entirely agree with some of the Staff’s  
10 observations about the support we have submitted in support of our Application. As outlined  
11 in surrebuttal testimony submitted by Dr. Hewings and Dr. Schatzki, there are specific  
12 economic benefits from the Project that provide relevant support for issuance of a CCN in  
13 this case and in particular for the “Tartan” criteria of economic feasibility and public interest.  
14 While we agree with the Staff that the Project is economically feasible and in the public  
15 interest aside from Drs. Hewings’ and Schatzki’s proof of those benefits, we disagree that  
16 Drs. Hewings’ and Schatzki’s analyses should not be relied upon as further support for the  
17 Project’s economic feasibility and public interest benefits. No witness actually takes issue  
18 with the validity of their analyses. There is no serious question about the fact that  
19 construction of the Project will provide economic benefits in the region, including jobs and  
20 tax revenues for the counties. In terms of local economic benefit, ATXI witness Joe  
21 LaMacchia is submitting surrebuttal testimony that outlines the estimated property taxes that  
22 each county through which the line passes are expected to receive.

1           Moreover, as both MISO’s own cost-benefit analyses and Dr. Schatzki’s analyses  
2 show, the Project will lower production costs for Missouri electric service providers, and will  
3 lower emissions. As Dr. Schatzki explains, it is true that one cannot quantify the precise  
4 retail rate impact based upon such analyses, but it is reasonable and logical to conclude that  
5 the beneficial impact on consumer electric rates will be greater than the costs that would  
6 ultimately be reflected in their bills due to the Project’s construction. And as MISO witness  
7 Jamison T. Smith, Dr. Schatzki and ATXI witness Matthew Michels also testify, now that the  
8 U.S. Environmental Protection Agency’s Clean Power Plan (“CPP”) has become a reality,  
9 the renewable energy benefits provided by the Project are even more important than they  
10 were when the Project was conceived.

11           **Q.     You indicated earlier that ATXI and Staff had reached agreement on a**  
12 **set of standards and procedures relating to right-of-way practices. Can you please**  
13 **elaborate further?**

14           A.     Yes. ATXI witnesses Doug Brown, Mike Silva, Vickie Turpin, David Endorf  
15 and Aaron DeJoia are addressing in detail the various concerns expressed by some of the  
16 Neighbors witnesses about the potential impact of the transmission line on the land to be  
17 traversed by the line, including specifically impacts on agriculture in Northeast Missouri.  
18 These are the same kinds of concerns we often hear when transmission lines are built, and we  
19 have substantial experience working with landowners to address those concerns. An  
20 example of our experience is reflected in ATXI’s Illinois Rivers Project, which is an  
21 approximately 385-mile long 345 kV line from the Illinois/Indiana border to the new  
22 Maywood switching station located in Marion County, Missouri, seven miles of which is  
23 located in Missouri. As the Commission knows, it approved a CCN for the Missouri portion

1 of the Illinois Rivers Project (which includes the Maywood switching station) pursuant to its  
2 Report and Order in File No. EA-2015-0145 issued on June 2, 2015. Illinois Rivers consists  
3 of four of the 17 MISO-approved MVPs and, like Mark Twain, is an important component of  
4 the overall MVP portfolio.

5 As Mr. Brown explains, and as outlined in Schedule DBR-SR2 to his surrebuttal  
6 testimony, the agreed upon right-of-way standards and procedures address a number of those  
7 identified concerns, including but not limited to, compaction, erosion, vegetation  
8 management, the promotion of pollination and wildlife, communication with landowners,  
9 interference, repair and maintenance issues, and liability. The commitments reflected in Mr.  
10 Brown's Schedule DBR-SR2 address in a thoughtful, fair and practical way the kinds of  
11 farmer and rancher concerns we see reflected in rebuttal testimony in this case.

12 **Q. You indicated that you would also address Mr. Beck's second condition**  
13 **in more detail. Please elaborate.**

14 A. As I noted earlier, it is my understanding that in a line certificate case local  
15 (municipal or county) consent is not required because the line certificate is not being sought  
16 in order to give ATXI the right (and obligation) to provide electric service to end-users in a  
17 given area. That would be true if one of the Commission-regulated electric service providers  
18 (like Ameren Missouri) were seeking a line certificate, but it is not true for ATXI since ATXI  
19 does not and under its charter, cannot, provide retail electric service. Instead, companies like  
20 ATXI, and transmission lines like Mark Twain, enhance the reliability of the regional grid  
21 (which includes the transmission and lower-voltage lines of utilities who do provide electric  
22 service to the public, like Ameren Missouri and like the cooperatives who serve Northeast  
23 Missouri), and also to facilitate and enable those utilities to access renewable energy that

1 they need or desire to serve their load, as well as addressing regional transmission congestion  
2 and the overall economics of power markets. As discussed by Messrs. Smith and Michels,  
3 the need for renewable energy is driven by state renewable energy standards, including  
4 Missouri's, and now that the CPP has become law, is also driven by the CPP. I would note  
5 that while Missouri's Renewable Energy Standard ("RES") does not apply to cooperatives in  
6 Missouri, the CPP does.

7       Aside from when local consent may or may not be required, from a policy perspective  
8 I believe the Commission should confine itself in this case to making the determination that  
9 the certificate statute requires the Commission to make: Is the proposed line necessary or  
10 convenient for the public service? The testimony in this case shows that the answer is clearly  
11 "yes," and the Commission's Staff agrees that we have met the Tartan criteria. Commission  
12 action on our Application should not depend upon whatever county assent process may have  
13 to be completed before construction of the line can be completed, nor should the Commission  
14 delay acting on our Application. Consequently, we cannot agree to Mr. Beck's second  
15 condition to the extent the condition suggests that we could not begin construction until all  
16 five counties have assented.

17       **Q.     What is your overall concern with such a condition?**

18       **A.**If such a condition were imposed, it would effectively and inappropriately  
19 cede this Commission's authority to a county assent process that has nothing to do with this  
20 certificate case. The Neighbors have engaged in an effort using misinformation (or no  
21 information at all) to obtain the "opposition" of county commissions to the Project that have  
22 taken the form of resolutions expressing opposition to the Project as a whole. As our  
23 attorneys have outlined (and will outline further), some of these resolutions were obtained in

1 violation of Missouri’s open records and meeting law.<sup>2</sup> The “facts” reflected in the  
2 resolutions, which were drafted by the Neighbors, are self-serving and completely inaccurate,  
3 as our testimony filed in this case demonstrates. Whatever “opposition” to the Project may  
4 exist at this time has nothing to do with any assent requests ATXI may later make, which will  
5 deal only with the ability of ATXI to overhang county roads with the transmission line  
6 conductor in a manner that will not in any way interfere with the construction, use or  
7 maintenance of the roads. Simply stated, the issues that the Neighbors have raised with the  
8 counties to obtain these resolutions are issues for *this* Commission to address, in this case,  
9 and are not issues for five different county commissions to address in connection with an  
10 assent request. All parties, including the Neighbors, are being provided a full and fair  
11 opportunity to argue whatever issues they desire in support of or in opposition to the question  
12 of whether the proposed line is necessary or convenient for the public service, through pre-  
13 filed testimony, hearings and briefing, and when the record is closed, this Commission will  
14 deliberate and answer that question, as it has been charged by the General Assembly to do.  
15 However, this Commission should not condition its ability to make that determination on  
16 whether one or more counties (here, five counties) agree or disagree with the Project as a  
17 whole, or on what county commissions may or may not do when they consider requests for  
18 their assent to overhang the line over roads in the counties. I believe that the Commission, as  
19 the state agency charged by the legislature with deciding if infrastructure projects like this are  
20 necessary or convenient for the public service, should be the entity that decides if the various

---

<sup>2</sup> ATXI is not suggesting that the Neighbors are prohibited from talking to county commissioners, but the fact remains that the county commissions have in some cases failed to follow the Sunshine Law and, in any event, have acted based upon misinformation, or no information at all, and without the input of ATXI or anyone else with knowledge or expertise in the areas covered by the Neighbors’ resolutions.

1 issues raised by the Neighbors (e.g., about electromagnetic fields, impact on farming, land  
2 values, etc.) have any validity and ultimately to determine if those issues should prevent the  
3 granting of ATXI's Application. If this Commission determines the Application should be  
4 granted, then that means this Commission will have determined that the Project is necessary  
5 or convenient for the public service; that it is an improvement worth the cost – essentially  
6 that the transmission grid in Missouri and the region will benefit from the Project. Assents  
7 from the counties, if they are required at all, are not needed for this Commission to make its  
8 determination, and the effectiveness of the Commission's determination should in no way be  
9 impeded or conditioned on the county assent process.

10 **Q. Is it your testimony then that Mr. Beck's second condition need not be**  
11 **imposed to establish that the criteria typically applied by the Commission in deciding**  
12 **certificate cases have been met?**

13 A. Yes, that is my testimony. As the Staff's testimony discusses, the  
14 Commission typically looks at the "Tartan criteria" or "factors" in evaluating certificate  
15 requests. While ATXI counsel advises that these factors are not statutory or binding on the  
16 Commission, and that they need not be applied rigidly by the Commission, one can readily  
17 see that Mr. Beck's second condition has nothing to do with those factors. Consequently,  
18 applying the Tartan factors to the Project demonstrates that the factors are met independent  
19 of the second condition.

20 The first factor is the need for the service, which the testimony in this case  
21 overwhelmingly demonstrates. Whether county assents, if they are needed, have been  
22 obtained has no impact on whether there is a need for the Project. As the Staff confirms,  
23 ATXI has the qualifications and financial ability to construct the Project (the second and

1 third Tartan factors); those qualifications and that ability do not depend on the status of any  
2 county assents. The analyses ATXI has presented also show that the benefits of the Project  
3 (and this is even more true in the post-CPP world) far outweigh its costs and for that reason,  
4 in addition to reasons relied upon by the Staff, the Project is economically feasible, satisfying  
5 the fourth Tartan factor. Again, the status of obtaining county assents has nothing to do with  
6 these criteria. Finally, given the economic benefits of the Project, the optionality it provides  
7 in meeting the Missouri RES, the de-facto federal RES reflected in the CPP that the Project  
8 will also help meet, the reliability enhancements the Project accomplishes and the  
9 construction, clearing, maintenance, repair, and right-of-way practices ATXI is committing  
10 to, the Project is clearly in the public interest (the fifth of the Tartan factors), completely  
11 independent of the status of any county assents.

12 **Q. Your direct testimony indicated that ATXI would obtain required assents**  
13 **before construction. Is that still your position?**

14 A. Yes. If county assents are required to overhang the roads, then before  
15 construction of any road crossings occurs we will either have the assent for the county where  
16 the road crossing is to be constructed in hand or a determination that the assent is not needed.  
17 It wasn't my intention to suggest that no construction could occur anywhere along the 95-  
18 mile route until assents from the counties, which only deal with road crossings, were  
19 obtained. This is because even if assents are needed, they are not needed for construction of  
20 the vast majority of the line which will occur on private land pursuant to easements obtained  
21 from landowners and which does not involve roads in the counties at all.

22 **Q. Your prior answer was qualified by stating "if" assents are required. Is**  
23 **there a question about the need for assents?**

1           A.     ATXI Counsel advises that there are questions regarding whether the assents  
2 are required at all, since no structures for this Project will occupy the public road rights-of-  
3 way. Instead, all structures will be located on private land pursuant to easements that will be  
4 obtained, and only the line conductor will overhang roads that run perpendicular to the line's  
5 route. Having said that, we will be asking the counties for assents after the Commission  
6 decides this case, assuming the Commission approves the certificate, as we believe it should.  
7 This is consistent with how Ameren Services approaches transmission projects for each of its  
8 operating companies in that we always work with local officials and usually go through a  
9 process with them even when there are questions about its applicability.

10           **Q.     What if a county chooses not to approve an assent request?**

11           A.     I can't speculate about how the assent process would play out if that were to  
12 occur. I can only say that we are committed to working with the counties to obtain the  
13 assents, if they are needed, or to otherwise obtain a determination that they are not required.  
14 As I suggested earlier, there is a time and a place for debate about the Project as a whole, and  
15 that is in this case before this Commission. There is a separate time and place for addressing  
16 a routine assent request for a line that will cross over county roads, and that will be at a  
17 properly noticed meeting of each county commission, assuming that this Commission grants  
18 the certificate we seek.

19   **IV.    THE NEIGHBORS' OPPOSITION**

20           **Q.     Have you read the Neighbors' rebuttal testimony, as well as the**  
21 **transcripts of the Local Public Hearings conducted by the Commission?**

22           A.     Yes, I have.



1           **Q.     The Neighbors’ testimony appears to reflect a large number of concerns**  
2 **about the Project, as well as questions about its need and benefits, and some of the**  
3 **Local Public Hearing testimony, which appears to have come primarily from the**  
4 **Neighbors, echoes those concerns. How do you respond?**

5           A.     I understand that some individuals do not want transmission lines on or near  
6 their property because of their concerns about the potential impacts to farming or other land  
7 uses, and I also understand that their opposition in general arises from perceived health,  
8 safety, environmental or aesthetic concerns. These same concerns arise in every significant  
9 transmission line project that is undertaken and if those concerns justified not building this  
10 Project, then needed transmission lines would never be built anywhere. I believe that in the  
11 case of some individuals, there are no facts, assurances or explanations that will change their  
12 opposition. But I also believe, in the case of many if not most individuals, facts, assurances  
13 and explanations can allay their concerns and eliminate their opposition. For example, one of  
14 the Neighbors continues to claim that the Project exists simply to allow the transport of  
15 energy from out-of-state wind farms to the east coast. However, that same member posed  
16 that question to ATXI more than a year ago and it was specifically explained to the  
17 Neighbor, in writing, that in fact the claim is not true and that the line is specifically  
18 designed, as part of the overall MVP portfolio, to deliver renewable energy to Midwestern  
19 states, including Missouri. The Neighbors make many claims in opposition to the Project,  
20 but simply making those claims does not make them true.

21           Moreover, it is not at all clear that “the public” as a whole opposes the Project. As  
22 Mr. Brown discusses in his testimony, while the Neighbors have been very vocal in their  
23 opposition to the Project, there are many landowners on the route who are not a part of the

1 Neighbors group, and we have heard from landowners who desire to work with us on  
2 reaching agreement on the easements we will need for the Project. Nonetheless, I do not  
3 doubt the overall sincerity of the Neighbors' concerns, and we will continue to work very  
4 hard to allay them.

5 Finally, it is noteworthy that large, supermajorities of the voters in each of the five  
6 counties through which the line will be built voted in favor of the Missouri RES (all five  
7 counties supported the Missouri RES, with the vote ranging from 56% to 72% in favor of it).  
8 As Mr. Michels explains in his surrebuttal testimony, contrary to suggestions of the  
9 Neighbors, it is simply unrealistic to think that the Missouri RES can be met without building  
10 transmission, like the MVP Portfolio as a whole and like the Mark Twain Project in  
11 particular. As Mr. Michels and MISO witness Smith also address, the CPP makes lines like  
12 Mark Twain even more important. These state and federal requirements reflect policies that  
13 demand that the infrastructure that we need to economically deliver renewables must be  
14 constructed. While I understand and empathize with landowners who would rather not be  
15 inconvenienced by such a line, its general route – from Marion County to Adair County and  
16 Adair County northward – was selected because of the location of existing electric  
17 transmission infrastructure that makes up the region's transmission grid, including adjoining  
18 transmission systems owned by Ameren Missouri, by Northeast Missouri Electric Power  
19 Cooperative<sup>3</sup> and by MidAmerican Energy in Iowa. For the Project to work as intended, and  
20 for it to provide the benefits it is designed to provide, it has to be built along this general

---

<sup>3</sup> Northeast Missouri Electric Power Cooperative is the transmission cooperative whose distribution cooperative members serve individual customers in Northeast Missouri, including in the counties where the Mark Twain Project is located. Those distribution cooperatives are Missouri Rural Electric Cooperative, Macon Electric Cooperative, Lewis County Electric Cooperative and Tri-County Electric Cooperative.

1 route and it is simply not possible to do so without acquiring easements, including easements  
2 over agricultural land. As explained in detail in Mr. Wood's direct and surrebuttal  
3 testimonies, ATXI went through a carefully considered and thoughtful route selection  
4 process that started with eight possible specific routes, reduced those to two routes and  
5 ultimately determined the final route now planned for the Project.

6 **Q. Do you have any other observations about the Neighbors opposition to**  
7 **the Project?**

8 Yes. I would also note that our witnesses are addressing all of the issues the  
9 Neighbors have raised, and that our testimony demonstrates that this Project is necessary or  
10 convenient for the public service and in the public interest, as those standards have  
11 consistently been applied by the Commission and, as I understand it, by the courts in  
12 Missouri. Our attorneys will address how the evidence demonstrates that those standards  
13 have been met in filings to be made in this case.

14 Our direct testimony demonstrated the need and benefits of the Project, how we chose  
15 its route, provided details on the design and construction of the transmission line and details  
16 on how we will work with landowners in our right-of-way acquisition activities. Our  
17 surrebuttal testimony will address the specific concerns raised, including the incorrect claims  
18 that the line is not needed and does not provide benefits, and concerns relating to impacts on  
19 agricultural activities, health and routing, among others.

20 **Q. You earlier indicted that you did not doubt the sincerity of the Neighbors'**  
21 **concerns, and you indicated that you have read the transcripts of all of the Local Public**  
22 **Hearings conducted by the Commission and that you are aware, as Staff witness Natelle**  
23 **Dietrich testifies, that a substantial majority of the public comments submitted on the**

1 **Commission's website are in opposition to the Project. Do you have a response to some**  
2 **of the themes reflected in those comments?**

3 A. Yes, and in particular I want to address claims that have been made that  
4 suggest that ATXI or its representatives have in some way been insensitive to individuals  
5 interested in the Project, whether those individuals are members of the Neighbors or  
6 otherwise. I want to be very clear that to the extent any individual who has dealt with an  
7 ATXI representative has indeed felt that ATXI was insensitive or in any way acted or spoke  
8 inappropriately, I sincerely apologize. If individuals have sincerely felt that way, then we  
9 have not done our job in the way that we should have. Projects such as these can be  
10 emotionally charged, and I do understand that some individuals simply do not want to be  
11 inconvenienced by, or to otherwise have to deal with, a new transmission line. It's our job to  
12 treat everyone with respect and to make sure, even where we disagree, that they feel as  
13 though we have disagreed in an appropriate manner. Taking those who have made  
14 comments at their word, it may be that we did not always do that in some instances on this  
15 particular Project.

16 Having said that, I have worked for one or more of the companies that now comprise  
17 the Ameren companies for nearly 30 years, and have been responsible for a number of large  
18 transmission projects like this one. Our Company insists that its employees and agents treat  
19 others with dignity and respect. As President of ATXI I truly believe that our people work  
20 very hard to do so and that we live up to those ideals the vast majority of the time. To the  
21 extent it is determined that a representative of ATXI has acted in a manner that is  
22 inappropriate or does not meet the standards we demand, I will take the appropriate action to  
23 address that issue.

1           We will also continue to work hard to treat folks the right way, and to work with all  
2 stakeholders as the Project proceeds, including by reaching out to those who may have felt  
3 that we have acted insensitively and to try to address their concerns. We may not be able to  
4 do so, as some, I believe, will always be inalterably opposed to the Project, but the  
5 Commission has my commitment that we will make the effort.

6           **Q.     Does that conclude your surrebuttal testimony?**

7           A.     Yes, it does



**ATXI SURREBUTTAL TESTIMONY WITNESSES**

<b>Name</b>	<b>Subject Area</b>
Maureen A. Borkowski	Summarizes the Staff’s and the interveners’ general response to ATXI’s Application; responds to the Staff’s recommendation for approval, with conditions and to those conditions; responds to the Neighbors opposition to the Project; and, provides a list of witnesses that are submitting surrebuttal testimony on behalf of ATXI, and the subject matters of their testimony
James J. Jontry	Responds to Neighbors opposition; addresses impracticality of following property boundaries; addresses prior communications regarding property taxes.
Dennis D. Kramer	Responds to the testimony of Mr. Bill Powers as it relates to the planning and reliability aspects of the Project.
Matthew R. Michels	Responds to Mr. Power’s testimony as it relates to claimed alternatives to using wind generation to meet the Missouri RES.
Christopher J. Wood	Responds to interveners’ concerns regarding routes.
Douglas J. Brown	Responds to certain of the Staff’s recommended conditions, and addresses right-of-way practices and some of the issues raised relating to claimed interference with farming operations, recreational opportunities and damaged farmland and crops.
David Endorf, P.E.	Responds to issues raised that relate to the design of the transmission line, and provides the Projects plans and specifications.
Jeffrey Hackman, P.E.	Addresses the construction, safety and operational issues that exist if existing rights-of-way are used for the new transmission line, or if the new transmission line were to parallel (if available) other transmission lines.
William Bailey, Ph.D	Addresses intervenor claims about claimed health or other impacts of extremely low frequency (“ELF”) electromagnetic fields (“EMFs”) produced by the transmission line and stray voltage-related claims
Aaron Dejoia	Addresses intervenor claims regarding impacts on agricultural and ranching operations.
Vickie Turpin	Addresses intervenor claims regarding the impact on land values.
Michael J. Silva	Addresses intervenor claims regarding alleged impacts of transmission lines on global positioning system (“GPS”) equipment used in farming operations.
Todd Schatzki, Ph.D	Addresses Staff witness Ms. Sarah Kliethermes’ testimony regarding the relevance of Dr. Schatzki’s analyses on the benefits of the Project.
Geoffrey J.D. Hewings, Ph.D	Addresses Staff witness Ms. Sarah Kliethermes’ testimony regarding the relevance of Dr. Schatzki’s analyses on the economic impact of the Project.
Joseph J. LaMacchia	Addresses the property tax benefits of the Project to the counties through which it is to be built.
Robert M. Vosberg, P.E.	Addresses the need for a 345 kV transmission line in this area in order to take advantage of the significant wind power potential in North Missouri