

**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                                    )

**JOINT PROPOSED PROCEDURAL SCHEDULE**

COME NOW Ameren Transmission Company of Illinois (“ATXI”), Staff of the Missouri Public Service (“Staff”), Office of the Public Counsel (“OPC”), and Terry and Mary Scholl (the “Scholl’s”) and together with ATXI, Staff, and OPC, the “Parties”), and pursuant to the June 21, 2021 Order Directing Filing, submit this Proposed Procedural Schedule to the Missouri Public Service Commission (“Commission”).

**I. BACKGROUND**

1. On April 28, 2021, ATXI filed an Application and Direct Testimony in support of its request for a certificate of convenience and necessity (“CCN”) to construct, install, own, operate, maintain, and otherwise control and manage a 138 kV transmission line and associated facilities in Perry and Cape Girardeau Counties, Missouri (the “Project”).

2. ATXI did not seek expedited treatment of its Application, but for the purposes of planning, requested an order from the Commission by December 30, 2021, which is in line with a typical timeline for processing similar CCN applications and would facilitate the Project’s proposed in-service date, as set forth in the Application.

3. On May 5, 2021, the Commission issued an Order Directing Notice and Setting Deadlines for Intervention Applications and Staff’s Recommendation (“Order Setting Deadlines”).

The Order Setting Deadlines established June 4, 2021 as the deadline for applications to intervene and directed Commission Staff to file, no later than June 18, 2021, either a recommendation regarding ATXI's application or a status report advising when it expects to file a recommendation. The Scholl's were the only parties to file an application to intervene, which was granted by the Commission on June 16, 2021. The portion of the Order Setting Deadlines that directed Staff to file a recommendation was vacated by the June 21, 2021 Order Directing Filing.

4. On May 19, 2021, ATXI filed a Motion for Adoption of Procedural Schedule, which set forth a proposed procedural schedule and proposed procedural requirements. ATXI's Motion requested a virtual public hearing at a date and time to be determined. The Commission did not rule on ATXI's Motion and instead scheduled a Procedural Conference for June 21, 2021.

5. On June 21, 2021, the Commission conducted a procedural conference with the Parties to discuss a procedural schedule and a local public hearing. As a result of that conference the Parties agreed to a proposed procedural schedule, proposed local public hearing procedures, and proposed procedural requirements, as set forth below. In light of this agreement, ATXI hereby withdraws its previous Motion for Adoption of a Procedural Schedule.

**II. PROPOSED PROCEDURAL SCHEDULE**

6. The Parties respectfully requests that the Commission adopt the proposed procedural schedule set forth below.

<b>Date</b>	<b>Event</b>
Local Public Hearing	Week of August 16, 2021 <sup>1</sup>

---

<sup>1</sup> The Parties' proposed procedures for the local public hearing are set forth in Section III below.

Rebuttal Testimony/Staff Report Due	August 24, 2021
Surrebuttal Testimony Due	September 14, 2021
Last Day for Discovery Requests	September 24, 2021
List of Issues, List of Witnesses, and Order of Cross-Examination	October 14, 2021
Position Statements	October 15, 2021
Evidentiary Hearing	Two days during the week of October 25-29, 2021, preferably October 27-28, 2021
Initial Post-Hearing Briefs	November 18, 2021
Reply Post-Hearing Briefs	November 30, 2021
Requested Commission Order	December 30, 2021

**III. PROPOSED LOCAL PUBLIC HEARING PROCEDURES**

7. The Parties request that the Commission schedule one in-person local public hearing during the week of August 16-20, 2021 at a location to be determined in Perry County or Cape Girardeau County, Missouri. Pursuant to the request of the Commission in its Order Directing Filing, the Parties suggest that the Commission investigate the availability and suitability of the following locations for the purposes of the in-person local public hearing:

- Altenburg Riverside Regional Library, 66 Poplar Street, Altenburg, MO 63732
- The Concourse, 429 N Broadview, Cape Girardeau, MO 63701
- Perryville American Legion, 98 Grand Ave., Perryville, MO 63775

- Perryville Elks Lodge, 921 N Perryville Blvd, Perryville, MO 63775

8. If feasible, the Parties request that the in-person local public hearing include an option to attend virtually, such that the virtual attendees have an opportunity to hear the in-person comments live and present their own comments. If it is not feasible to include a virtual option simultaneous with the live event, the Parties request that the Commission schedule a stand-alone virtual local public hearing as close in time to the live event as possible (*e.g.* at a different time on the same day, or on the immediately preceding or following day).

9. The Parties request that the Commission direct its Public Policy and Outreach Department to provide a copy of the order setting the local public hearing to the County Commissions of Perry and Cape Girardeau Counties, to the members of the General Assembly representing Perry and Cape Girardeau Counties, and to the news media serving those Counties. In addition, the Parties agree that ATXI or the Commission (at the option and direction of the Commission) should provide notice to all owners of property within 300 feet of the centerline of the proposed Project route, as stated in the records of the county assessor's offices of Perry and Cape Girardeau counties, via direct mailings substantially in the form of **Attachment A** hereto, subject to the finalization of details by the Commission. Such direct mail notice should be postmarked no later than 10 business days prior to the in-person local public hearing.

#### **IV. PROPOSED PROCEDURAL REQUIREMENTS**

10. The Parties respectfully request that the Commission adopt the proposed procedural requirements listed below:

- a. Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission

will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.

- b. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues.
- c. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties shall not be required to put information that does not exist in electronic format into electronic format for purposes of exchanging it.
- d. All data requests, subpoenas, or other discovery requests shall be issued no later than September 24, 2021. September 24, 2021 shall also be the last day by which a deposition may be taken.
- e. Testimony or reports shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130.
- f. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs must set forth and cite the proper portions of the record in support of that party's position concerning the remaining unresolved issues that are to be decided by the Commission.
- g. Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- h. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Regarding Staff-issued data requests, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy for the purpose of service. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the

requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule.

- i. The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.
- j. Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- k. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.
- l. Exhibit number will be assigned by the Regulatory Law Judge prior to hearing. Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public exhibit two would be marked as Exhibit 2, whereas the confidential exhibit two would be marked as Exhibit 2C.
- m. Each party shall prepare a list of its exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than two business days prior to the evidentiary hearing. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

WHEREFORE, the Parties respectfully requests the Commission adopt the proposed procedural schedule, proposed local public hearing procedures, and proposed procedural requirements set forth above and for any other relief deemed necessary and appropriate by the Commission for the processing of ATXI's Application and the issuance of an order by December 30, 2021.

Respectfully submitted,

/s/ Andrew O. Schulte

Frank A. Caro, Jr. MBN 42094  
Andrew O. Schulte MBN 62194  
Polsinelli PC  
900 W. 48<sup>th</sup> Place, Suite 900  
Kansas City, Missouri 64112  
(816) 572-4754  
fcaro@polsinelli.com  
aschulte@polsinelli.com

ATTORNEYS FOR AMEREN  
TRANSMISSION COMPANY OF  
ILLINOIS

/s/ Nicole Mers

Nicole Mers MBN 66766  
Deputy Staff Counsel  
P.O Box 360  
Jefferson City, MO 65012  
(573) 751-6651 (Telephone)  
(573) 751-9285 (Fax)  
nicole.mers@psc.mo.gov

ATTORNEY FOR THE STAFF OF THE  
MISSOURI PUBLIC SERVICE  
COMMISSION

/s/ Stephanie S. Bell

Stephanie S. Bell MBN 61855  
Ellinger & Associates, LLC  
308 East High Street, Suite 300  
Jefferson City, MO 65101  
(573)750-4100  
sbell@ellingerlaw.com

ATTORNEY FOR TERRY L. & MARY  
FRANCES SCHOLL

/s/ Nathan Williams

Nathan Williams MBN 35512  
Chief Deputy Public Counsel  
Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, MO 65102  
(573) 526-4975 (Voice)  
(573) 751-5562 (FAX)  
Nathan.Williams@opc.mo.gov

ATTORNEY FOR THE OFFICE OF THE  
PUBLIC COUNSEL

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon the parties listed below by email or U.S. mail, postage prepaid, this 28<sup>th</sup> day of June, 2021.

Office of Staff Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City MO 65102  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

Nicole Mers, Staff Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City MO 65102  
[nicole.mers@psc.mo.gov](mailto:nicole.mers@psc.mo.gov)

Jeff Keevil, Staff Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City MO 65102  
[jeff.keevil@psc.mo.gov](mailto:jeff.keevil@psc.mo.gov)

Office of the Public Counsel  
P.O. Box 2230  
Jefferson City MO 65102  
[opcservice@opc.mo.gov](mailto:opcservice@opc.mo.gov)

Stephanie S. Bell  
Ellinger & Associates, LLC  
308 East High Street, Suite 300  
Jefferson City, MO 65101  
(573)750-4100  
[sbell@ellingerlaw.com](mailto:sbell@ellingerlaw.com)

/s/ Andrew O. Schulte  
Attorney for Ameren Transmission Company of  
Illinois