

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

In the Matter of the Application of Union	)	
Electric Company d/b/a Ameren Missouri	)	
for Permission and Approval and a Certificate	)	
of Public Convenience and Necessity	)	Case File No.: EA-2019-0021
Authorizing it to Construct a Wind Generation	)	
Facility.	)	

**LIST OF ISSUES, ORDER OF WITNESSES,  
ORDER OF CROSS-EXAMINATION, AND  
ORDER OF OPENING STATEMENTS**

**COME NOW** Atchison County, Missouri and DeKalb County, Missouri by and through their counsel Ivan L. Schraeder, Schraeder Law Firm, and in compliance with the Commission's November 15, 2018 *Order Adopting Procedural Schedule* hereby submits this List of Issues, Order of Witnesses, Order of Cross Examination, and Order of Opening Statements, as follows:

These submissions are made by Atchison County and by DeKalb County to be made as additions to the common filing filed by counsel for Ameren UE:

**LIST OF ISSUES:** Add the following list of issues for both counties to the list provided by the applicant and numbered as follows:

3. Has the Public Service Commission exceeded its administrative authority in processing this pending CCN because the regulation and control of wind power has not been delegated by the Missouri General Assembly to the Public Service Commission?

4. Alternatively, does wind power generation qualify as a “plant” for purposes of the Public Service Commission oversight and regulation in the absence of definitions and legislative delegation of authority?
5. Is the Public Service Commission acting illegally in considering applicant’s CCN request because the Public Service Commission is interfering with private contractual relationships between private entities who are not regulated by the Public Service Commission?
6. Does the Public Service Commission have the authority to change the taxation classification of wind power properties through the granting of a CCN to applicant?
7. Alternatively, should the Public Service Commission condition the granting of the CCN on the applicant being ordered to continue to submit to local county tax assessment as commercial property as the subject wind power properties are now assessed rather than to be subjected to assessment by the State Tax Commission?
8. Has the Public Service Commission violated the equal protection clauses of the United States’ and Missouri Constitutions by creating unreasonable artificial classifications of entities who engage in the wind power activities, some of whom are regulated by the Public Service Commission and others who are not regulated based on their method of operations?
9. Should the Public Service Commission grant the applicant special treatment in considering the CCN when private sector entities who own the wind power producing capacity are not regulated by the Public Service Commission?

10. Is the Public Service Commission acting prematurely as to applicant's request for a CCN when the applicant does not have any current ownership interest in the subject property and a non-regulated entity which owns the wind power producing capacity under consideration in this matter is not a party to this matter?

**LIST TESTIMONY :**

**ORDER OF WITNESSES:** the Order of Witnesses is acceptable as submitted by counsel for Ameren, but the following witnesses need to be added to the list for the respective counties to the list provided by the applicant:

**Atchison County adds the following witnesses:**

Commissioner Curtis Livengood

Rex Wallace

Eric Chamberlain

Wendy Nordwald

Monica Bailey

Karma Coleman

Jeremy Burright

Ethan Sickles

Jonathan Baker

Steve Klute

Richard Burke

Jim Quimby

**DeKalb County adds the following witnesses:**

Western District Commissioner Kyle White

**The following suggestions made by applicant are acceptable to**

**Atchison County and DeKalb County:**

Order of Cross Examinations

Order of Opening Statements

Respectfully submitted by:

/s/ Ivan L. Schraeder

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*Counsel for Atchison County, Missouri and  
Intervenor DeKalb County, Missouri*

### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been provided via email and through the Public Service Commission's EFIS system this 5<sup>th</sup> day of February, 2019, to counsels for the parties of record.

/s/ Ivan L. Schraeder