

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

In the Matter of the Application of Ameren Transmission)
Company of Illinois for Other Relief or, in the Alternative,)
a Certificate of Public Convenience and Necessity)
Authorizing it to Construct, Install, Own, Operate,) **File No. EA-2015-0146**
Maintain and Otherwise Control and Manage a)
345,000-volt Electric Transmission Line from Palmyra,)
Missouri, to the Iowa Border and Associated Substation)
near Kirksville, Missouri.)

**NEIGHBORS UNITED’S MOTION FOR SANCTIONS AGAINST
AMEREN TRANSMISSION COMPANY OF ILLINOIS FOR FAILURE TO FULLY
RESPOND TO DATA REQUESTS AND PRODUCE COMPLETE DOCUMENTS**

COMES NOW Neighbors United Against Ameren’s Power Line (Neighbors United), by and through the undersigned counsel, and for its Motion for Sanctions against Ameren Transmission Company of Illinois (ATXI) respectfully states as follows:

1. This Motion requests the Commission address continued deficiencies in ATXI’s responses to Neighbors United’s data requests 4-7, 4-9, 4-11, 4-14, 4-16 and 6-9.

2. On January 7, 2016 Neighbors United filed a Motion to compel ATXI to respond to several discovery requests, including the data requests that are part of this Motion for Sanctions.

3. On January 15, 2016, the Commission ordered ATXI to supplement its responses to these data requests by January 18, 2016, at 5:00 p.m. Attached hereto are the responses ATXI provided to Neighbors United, all of which remain incomplete.

4. In regard to data requests 4-7, 4-9, 4-11, 4-14, 4-16, Missouri Rule of Civil Procedure 61.01 (a) and (b) provide:

61.01. Failure to Make Discovery: Sanctions

(a) Failure to Act - Evasive or Incomplete Answers. Any failure to act described in this Rule 61 may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has served timely objections to the discovery request or has applied for a protective order as provided by Rule 56.01(c).

For the purpose of this Rule 61, an evasive or incomplete answer is to be treated as a failure to answer.

(b) Failure to Answer Interrogatories. If a party fails to answer interrogatories or serve objections thereto within the time provided by law, or if objections are served thereto that are thereafter overruled and the interrogatories are not timely answered, the court may, upon motion and reasonable notice to other parties, take such action in regard to the failure as are just and among others the following:

(1) Enter an order striking pleadings or parts thereof or dismissing the action or proceeding or any part thereof or render a judgment by default against the disobedient party;

(emphasis added).

5. As the Commission can determine from the attached data requests, data requests 4-7, 4-9, 4-11, 4-14, and 4-16 asked ATXI to answer whether they would offer compensation to a landowner for any changes in farming technique or operations (specifically, irrigation, application, lost productivity, EQIP or CRP contracts) that the proposed line may necessitate as well as how ATXI would calculate the amount of compensation to the landowner farmer. ATXI continues to evade this part of each request.

6. Whether ATXI will compensate landowners for any changes that the line necessitates, as well as how they intend to calculate the compensation, goes to the heart of one of the questions in this case—Whether this project is in the public interest. ATXI did not object to these requests and as Rule 61 provides, they cannot avoid answering now because of a claim that the question is somehow objectionable. The

question asked in each of these data requests is simple—does ATXI intend to compensate farmers for any changes the proposed line necessitates, and how the compensation will be calculated. The first part of the question is a simple YES or NO question.

7. Further, Data Request 6-9 requested copies of correspondence between ATXI and the United States Fish and Wildlife Service (USFWS). ATXI provided a response, but as the attachment shows, parts of the communications between ATXI and the USFWS are either redacted or missing. The email pages with missing information are in ATXI's response to NU-6-9s1 at page 1, August 26, 2014 email; page 2, March 5, 2015 email; page 3, March 5, 2015 email; page 4, March 12, 2015 email; page 5, March 25, 2015 email; page 6, March 26, 2015 email; and page 7, April 15, 2015 email.

8. In regard to data request 6-9, Missouri Rule of Civil Procedure 61.01 (d) provides:

(d) Failure to Produce Documents, and Things or to Permit Inspection. If a party fails to respond that inspection will be permitted as requested, fails to permit inspection, or fails to produce documents and tangible things as requested under Rule 58.01, or timely serves objections thereto that are thereafter overruled and the documents and things are not timely produced or inspection thereafter is not timely permitted, the court may, upon motion and reasonable notice to other parties, take such action in regard to the failure as are just and among others the following:

(1) Enter an order refusing to allow the disobedient party to support or oppose designated claims or defenses or prohibit the disobedient party from introducing designated matters in evidence;

(2) Enter an order striking pleadings or parts thereof or staying further proceedings until the order is obeyed or dismissing the action or proceeding or any part thereof or render a judgment by default against the disobedient party;

(3) Enter an order treating as a contempt of court the failure to obey.

(4) An order requiring the party failing to obey the order or the attorney advising the party or both to pay the reasonable expenses, including attorney fees, caused by the failure unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

9. Because ATXI has failed to comply with the Commission's January 15, 2016 Order for data requests 4-7, 4-9, 4-11, 4-14, 4-16 and 6-9, Neighbors United requests the Commission sanction ATXI by dismissing this matter, or in the alternative, stay further proceedings until the Order is obeyed and sufficient time to review the responses is allowed.

WHEREFORE, Neighbors United requests the Commission sanction ATXI for its failure to provide a complete answer to data requests 4-7, 4-9, 4-11, 4-14, 4-16 and 6-9 by dismissing this matter, or in the alternative, stay further proceedings until the Order is obeyed and sufficient time to review the responses is allowed, and for any further relief the Commission deems appropriate in this circumstance.

Respectfully submitted,

HERNANDEZ LAW FIRM, LLC

By: **/s/ Jennifer Hernandez**

Jennifer Hernandez, MO Bar No. 59814

1802 Sun Valley Drive

Jefferson City, Missouri 65109

Phone: 573-616-1486

Fax: 573-342-4962

E-Mail: jennifer@hernandezlegal.com

ATTORNEY FOR NEIGHBORS
UNITED AGAINST AMEREN'S POWER
LINE

Certificate of Service

I certify that a true copy of the above and foregoing was served to all counsel of record by electronic mail this 19th day of January 2016.

/s/ Jennifer Hernandez
Jennifer Hernandez

Ameren Transmission Company of Illinois's
Response to Neighbors United Data Request

In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line from Palmyra, Missouri, to the Iowa Border and an Associated Substation Near Kirksville, Missouri.
Supplemental

Data Request No.: NU-4-7s1 - Jennifer Hernandez

Page 6, lines 14-16 of Mr. DeJoia's surrebuttal testimony states "Given the options available for irrigation, the transmission structures do not preclude a farmer from irrigating his crops." If the system currently used on a parcel becomes incompatible with the presence of the transmission line, will ATXI pay for the installation of a different type of irrigation system? Please include in the explanation whether ATXI would include the cost of the change in irrigation system in the amount paid for a voluntary easement and/or condemnation by eminent domain? If yes, how would the cost be calculated? Was any cost for the installation of a different type of irrigation system included in ATXI's and/or MISO's cost benefit analysis for the Mark Twain Transmission Project?

RESPONSE

Prepared By: Doug Brown
Title: Manager, Real Estate
Date: January 18, 2016

The surrebuttal testimony of Company witnesses Doug Brown and David Endorf address this DR as it relates to the manner in which voluntary easements will be obtained. With respect to sums included in cost estimates, as my original response indicated, sums included in the estimate for right-of-way acquisition, damages and project contingency are expected to cover those categories of costs, regardless of their cause, but no specific figure relating to any particular category (e.g., damage to crops, irrigation, etc) was included, as is typical on projects of this type. The cost estimates provided to MISO and used in its cost/benefit analyses also included estimated right-of-way acquisition, damages and project contingency.

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In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line from Palmyra, Missouri, to the Iowa Border and an Associated Substation Near Kirksville, Missouri.
Supplemental

Data Request No.: NU-4-9s1 - Jennifer Hernandez

Mr. DeJoia's surrebuttal testimony at page 7, lines 10-14 states "In most cases, landowners can develop an application plan using ground-based application equipment, such as high clearance spray vehicles, to cover areas no longer suitable for aerial application." If the method currently used on a parcel becomes incompatible with the presence of the transmission line, will ATXI pay for the use of a different type of application method? Please include in the explanation whether ATXI would include the cost of the change in application method in the amount paid for a voluntary easement and/or condemnation by eminent domain? If yes, how would the cost be calculated? Was any cost for the change in application included in ATXI's and/or MISO's cost benefit analysis for the Mark Twain Transmission Project?

RESPONSE

Prepared By: Doug Brown
Title: Manager, Real Estate
Date: January 18, 2016

See surrebuttal of Company witness Doug Brown. Mr. Brown states in his surrebuttal that offers of compensation will be based upon the fair market value of the property. He also states on page 11 of his surrebuttal that "if the presence of the transmission line on this Project impacts the use of aerial application, and if this impact has an effect on the market value of the property, then this impact will be reflected in the easement compensation offer."

See the supplemental response to NU-4-7 regarding costs included in the project cost estimate.

Ameren Transmission Company of Illinois's
Response to Neighbors United Data Request

In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line from Palmyra, Missouri, to the Iowa Border and an Associated Substation Near Kirksville, Missouri.
Supplemental

Data Request No.: NU-4-11s1 - Jennifer Hernandez

Page 8, lines 13-15 of Mr. DeJoia’s surrebuttal testimony states “Based upon my own experience and familiarity with farming, it is not unusual that a farmer may have a section of ground that is smaller in size and requires additional care in maneuvering farm equipment.” (a) Please explain “your own experience and familiarity with farming” in relation to this part of your testimony; and (b) please explain whether ATXI would include the cost of lost productivity due to the change in time and “additional care” it takes to farm the land in the amount paid for a voluntary easement and/or condemnation by eminent domain? If yes, how would the cost be calculated? Was any cost for the additional time and care included in ATXI’s and/or MISO’s cost benefit analysis for the Mark Twain Transmission Project?

RESPONSE

Prepared By: Doug Brown
Title: Manager, Real Estate
Date: January 18, 2016

See surrebuttal testimony of Company witness Doug Brown. Mr. Brown states in his surrebuttal that offers of compensation will be based upon the fair market value of the property. To the extent the presence of the transmission line on this Project has an effect on the market value of the property, then this impact will be reflected in the easement compensation offer. The Company would note that no “cost for the change in time and additional care it takes to farm the land” has yet been demonstrated, and no specific amount was included in Company’s cost benefit analysis for the Project.

See the supplemental response to NU-4-7 regarding costs included in the project cost estimate.

Ameren Transmission Company of Illinois's
Response to Neighbors United Data Request

In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line from Palmyra, Missouri, to the Iowa Border and an Associated Substation Near Kirksville, Missouri.
Supplemental

Data Request No.: NU-4-14s1 - Jennifer Hernandez

Page 9, lines 20-22 of Mr. DeJoia's surrebuttal testimony states "If the towers are designed to be placed on a terrace, the landowner should inform ATXI during easement negotiations so that ATXI may mitigate where practicable the impact of the transmission towers on terrace maintenance and functionality." If the parcel becomes incompatible for use in the EQIP program with the presence of the transmission line, will ATXI pay the landowner for any required reimbursements or lost future contracts in the amount paid for a voluntary easement and/or condemnation by eminent domain? If yes, how would the cost be calculated? Was any cost for land under contract in EQIP included in ATXI's and/or MISO's cost benefit analysis for the Mark Twain Transmission Project?

RESPONSE

Prepared By: Doug Brown
Title: Manager, Real Estate
Date: January 18, 2016

See surrebuttal testimony of Company witness Doug Brown. Mr. Brown states in his surrebuttal that offers of compensation will be based upon the fair market value of the property. To the extent the presence of the transmission line on this Project has an effect on the market value of the property, then this impact will be reflected in the easement compensation offer. The Company would note that it is not aware of any property that is in the EQIP program, nor has it received any information that would lead it to a determination that the presence of the transmission line on this Project would render a parcel incompatible for use in the EQIP program.

See the supplemental response to NU-4-7 regarding costs included in the project cost estimate.

Ameren Transmission Company of Illinois's
Response to Neighbors United Data Request

In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line from Palmyra, Missouri, to the Iowa Border and an Associated Substation Near Kirksville, Missouri.
Supplemental

Data Request No.: NU-4-16s1 - Jennifer Hernandez

Page 10, lines 20-23 of Mr. DeJoia's testimony states "Any loss of CRP annual payments for the land taken out of the program due to an easement for the transmission line would be a damage suffered by the landowner, for which they would be eligible for compensation as part of the damage settlement process." Please explain: (a) whether this "eligibility for compensation" is available for voluntary easements, land taken by eminent domain, or both; (b) if the parcel becomes incompatible for use in the CRP program, will ATXI pay the landowner for any required reimbursements or lost future contracts; (c) if yes, how would the cost be calculated; and (d) was any cost for land under contract in CRP included in ATXI's and/or MISO cost benefit analysis for the Mark Twain Transmission Project?

RESPONSE

Prepared By: Doug Brown
Title: Manager, Real Estate
Date: January 18, 2016

See the surrebuttal testimony of Company witness Doug Brown. Mr. Brown states in his surrebuttal that offers of compensation will be based upon the fair market value of the property. To the extent the presence of the transmission line on this Project has an effect on the market value of the property, then this impact will be reflected in the easement compensation. This would address parts (a), (b) and (c). The Company cannot speculate on what damages might be recoverable in eminent domain. The Company would note that it is not aware of any property that will be subject to any loss of CRP annual payments for the land taken out of the program due to an easement for the transmission line.

See the supplemental response to NU-4-7 regarding costs included in the project cost estimate.

Ameren Transmission Company of Illinois's
Response to Neighbors United Data Request

In the Matter of the Application of Ameren Transmission Company of Illinois for Other Relief or, in the Alternative, a Certificate of Public Convenience and Necessity Authorizing it to Construct, Install, Own, Operate, Maintain and Otherwise Control and Manage a 345,000-volt Electric Transmission Line from Palmyra, Missouri, to the Iowa Border and an Associated Substation Near Kirksville, Missouri.
Supplemental

Data Request No.: NU-6-9s1 - Jennifer Hernandez

Please provide copies of any and all communication between ATXI employees or its agents (including but not limited to Burns and McDonnell) and the United States Department of Interior Fish and Wildlife Service.

RESPONSE

Prepared By: Christopher J. Wood; Kevin Atkins, CE-PWS-CESSWI
Title: Project Manager, Burns & McDonnell Engineering Company; Environmental Scientist
Date: January 18, 2016

Subject to the Company's objection, see the attached communications between Burns & McDonnell and the US Fish and Wildlife Service, and between the Company and the US Fish and Wildlife Service.

From: [Marquardt, Shauna](#)
To: [Lynn, Kenneth W](#)
Cc: [Wood, Chris](#); [Ladd, Peggy L](#); [Jontry, James E](#)
Subject: Re: Mark Twain Transmission Line Route Files
Date: Tuesday, August 26, 2014 2:14:06 PM

This message has been archived. [View the original item](#)

Thanks, Kenny. I am scheduled to be out of town at a meeting that week (Oct 27-31), but will provide comments regardless.

~~~~~  
Shauna Marquardt  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office  
101 Park De Ville Drive, Suite A  
Columbia, MO 65203  
573/234-2132 ext. 174 (office)  
573/234-2181 (fax)  
~~~~~

On Tue, Aug 26, 2014 at 11:31 AM, Lynn, Kenneth W <KLynn@ameren.com> wrote:

From: [Marquardt, Shauna](#)
To: [Atkins, Kevin D](#)
Subject: Shauna Marquardt is out of the office RE: Mark Twain Transmission discussion with USFWS/Ameren/MDC
Date: Thursday, March 05, 2015 3:32:48 PM

This message has been archived. [View the original item](#)

I will be out of the office March 3-13. I will be checking e-mail while I am away and will respond to your message at my earliest opportunity.

--

~~~~~  
Shauna Marquardt  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office  
101 Park De Ville Drive, Suite A  
Columbia, MO 65203  
573/234-2132 ext. 174 (office)  
573/234-2181 (fax)  
~~~~~


From: [Marquardt, Shauna](#)
To: [Atkins, Kevin D](#)
Subject: Shauna Marquardt is out of the office Re: Environmental Permitting (CWA Section 404/ESA Section 7 Consultation) Meeting - Mark Twain Transmission Line
Date: Thursday, March 12, 2015 2:50:03 PM

This message has been archived. [View the original item](#)

I will be out of the office March 3-13. I will be checking e-mail while I am away and will respond to your message at my earliest opportunity.

--

~~~~~  
Shauna Marquardt  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office  
101 Park De Ville Drive, Suite A  
Columbia, MO 65203  
573/234-2132 ext. 174 (office)  
573/234-2181 (fax)  
~~~~~

From: [Marquardt, Shauna](#)
To: [Atkins, Kevin D](#)
Subject: Re: Environmental Permitting (CWA Section 404/ESA Section 7 Consultation) Meeting - Mark Twain Transmission Line
Date: Wednesday, March 25, 2015 3:03:50 PM

This message has been archived. [View the original item](#)

#1 Pepe, plain chips, dill pickle, chocolate chip.

Thank you!
Shauna

~~~~~  
Shauna Marquardt  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office  
101 Park De Ville Drive, Suite A  
Columbia, MO 65203  
573/234-2132 ext. 174 (office)  
573/234-2181 (fax)  
~~~~~

On Wed, Mar 25, 2015 at 2:27 PM, Atkins, Kevin D <KAtkins@ameren.com> wrote:

All, to facilitate varying dietary requireme

From: [Marquardt, Shauna](#)
To: [Atkins, Kevin D](#)
Subject: Re: April 8 Meeting Agenda
Date: Thursday, March 26, 2015 11:25:50 AM

This message has been archived. [View the original item](#)

Hi Kevin,

You might also add northern long-eared bat to the agenda under ESA, as well as monarch.

I also have some information on a new eagle nest that is close to the proposed alignment. I don't have the full dataset on this yet, but I will by the meeting and will share. Bald eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA), not under ESA, so that item could be put under a separate heading.

~~~~~

Shauna Marquardt  
Fish and Wildl

**From:** [Marquardt, Shauna](#)  
**To:** [Atkins, Kevin D](#)  
**Cc:** [Doerr, Jaynie G MVS](#); [Jennifer Campbell-Allison \(Jennifer.Campbell-Allison@mdc.mo.gov\)](#); [Jontry, James E](#); [Holderness, Brian F](#); [Timmermann, Jessica L](#); [Prehm, Mike M](#); [Walsh, Eugene W MVR](#); [james.s.reenan@usace.army.mil](#); [Tony Elliott \(Anthony.Elliott@mdc.mo.gov\)](#); [Krista.noel@mdc.mo.gov](#); [Ladd, Peggy L](#); [Beck, John G](#); [Miller, Christopher](#); [Irwin, Mike](#); [Robert.Stout@dnr.mo.gov](#); [Stacia Bax](#); [Endorf, David](#); [Gramke, Robert S MVS \(Robert.S.Gramke@usace.army.mil\)](#); "Chris Williamson" ([Christopher.Williamson@mdc.mo.gov](#)); [tyler.green@mdc.mo.gov](#); [Lenz, Gary W \(Ward\) MVR \(Ward.Lenz@usace.army.mil\)](#); [Danny.D.Mcclendon@usace.army.mil](#)  
**Subject:** Re: Environmental Permitting (CWA Section 404/ESA Section 7 Consultation) Meeting - Mark Twain Transmission Line (UNCLASSIFIED)  
**Date:** Wednesday, April 15, 2015 2:33:24 PM

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This message has been archived. [View the original item](#)

Kevin,

As discussed, can you also send your current timeline for project investigations, land acquisitions, consultation, and anticipated construction?

Thanks,  
Shauna

~~~~~  
Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203
573/234-2132 ext. 174 (office)
573/234-2181 (fax)
~~~~~

On Wed, Apr 15, 2015 at 1:

**From:** [Marquardt, Shauna](#)  
**To:** [Atkins, Kevin D](#)  
**Subject:** Re: Ameren IB-NLEB Section 7 Consultation Meeting  
**Date:** Thursday, October 15, 2015 3:09:23 PM

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Hi Kevin,

Just checking to see that we are still meeting tomorrow at my office at 10:30.

~~~~~  
Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203
573/234-2132 ext. 174 (office)
573/234-2181 (fax)
~~~~~

On Fri, Aug 28, 2015 at 2:34 PM, Atkins, Kevin D <[KAtkins@ameren.com](mailto:KAtkins@ameren.com)> wrote:

Purpose of the meeting is to discuss Section 7 ESA Consultation concerns and efforts for the Mark Twain Transmission Project for IB and NLEB. Shauna has graciously offered and made the conference room at the USFWS Columbia field office available for the meeting.

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101 Park De Ville Drive, Suite A  
Columbia, MO 65203  
573/234-2132 ext. 174 (office)  
573/234-2181 (fax)

~~~~~  
On Tue, Oct 20, 2015 at 1:26 PM, Atkins, Kevin D <KAtkins@ameren.com> wrote:

Shauna and Tony,

Pursuant to our discussion on Friday, I have included the schedule for the public hearings that are being held by the Missouri Public Service Commission in relation to Case [#EA-2015-0146](#). The docket pursuant to the PSC review of ATXI's application for a Certificate of Convenience and Necessity can be accessed at the provided link. The public hearing schedule is as follows. I have also attached a set of meeting notes which was prepared by AMEC following last Friday's meeting.

~~**Shelbyville:** 6 p.m. **Monday, Oct. 19,** at North Shelby High School, Gymnasium, 3071 Highway 15~~

Queen City: 6 p.m. **Monday, Oct. 26,** at Schuyler County R-1 Elementary School, Multipurpose Room, 21701 U.S. Highway 63.

Kirkville: 6 p.m. **Tuesday, Oct. 27,** at Truman State University, Student Union Activities Room 3200, 901 South Franklin Street.

Kevin D. Atkins, M.S. CE - PWS – CESSWI-AI*

.....
Environmental Scientist, Water Quality
Environmental Services, Ameren Services

1901 Chouteau Avenue MC602
St. Louis, MO 63166-6149
T 314.554.3653 C 314-610-5575

*Certified Ecologist – Professional Wetland Scientist – Certified Erosion Sediment and Stormwater Inspector-Approved Instructor
.....

Ameren.com



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From: [Marquardt, Shauna](#)
To: [Atkins, Kevin D](#)
Subject: Re: Mark Twain Transmission Line Project - PSC Hearing schedules.
Date: Friday, October 23, 2015 4:34:31 PM

Yes, sorry. Numbered structured markers.

~~~~~  
Shauna Marquardt  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office  
101 Park De Ville Drive, Suite A  
Columbia, MO 65203  
573/234-2132 ext. 174 (office)  
573/234-2181 (fax)  
~~~~~

On Fri, Oct 23, 2015 at 4:29 PM, Atkins, Kevin D <KAtkins@ameren.com> wrote:
Thank you Shauna, I assume you mean structure number instead of mile correct?

Please excuse any typos, this message was composed on and sent from my Samsung Galaxy Note® 4, an AT&T 4G LTE smartphone

Kevin D. Atkins, M.S. - Ecology
Environmental Scientist - Water Quality, Ameren Services

Certified Ecologist, Professional Wetland Scientist, Certified Erosion Sediment and Storm Water Inspector

W.[314.554.3653](tel:314.554.3653) | M.[314-610-5575](tel:314-610-5575)
1901 Chouteau Ave, MC602 St. Louis, MO 63103

----- Original message -----

From: "Marquardt, Shauna" <shauna_marquardt@fws.gov>
Date: 10/23/2015 16:20 (GMT-06:00)
To: "Atkins, Kevin D" <KAtkins@ameren.com>
Subject: Re: Mark Twain Transmission Line Project - PSC Hearing schedules.

Kevin,

Here are the miles markers that fall within current Indiana bat occurrence buffers:

Zachary to IA
93-179 (Schuyler)
1-68 (Adair)

Maywood to Zachary
359 to end (Adair)
all of the Zachary substation spur (Adair)
25-86 (Marion)

~~~~~  
Shauna Marquardt  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Missouri Ecological Services Field Office

**From:** [Marquardt, Shauna](#)  
**To:** [Atkins, Kevin D](#)  
**Subject:** Re: Mark Twain Transmission Line Project - PSC Hearing schedules.  
**Date:** Friday, October 23, 2015 4:20:32 PM

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Kevin,

Here are the miles markers that fall within current Indiana bat occurrence buffers:

Zachary to IA  
93-179 (Schuyler)  
1-68 (Adair)

Maywood to Zachary  
359 to end (Adair)  
all of the Zachary substation spur (Adair)  
25-86 (Marion)

~~~~~  
Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203
573/234-2132 ext. 174 (office)
573/234-2181 (fax)
~~~~~

On Tue, Oct 20, 2015 at 1:26 PM, Atkins, Kevin D <[KAtkins@ameren.com](mailto:KAtkins@ameren.com)> wrote:

Shauna and Tony,

Pursuant to our discussion on Friday, I have included the schedule for the public hearings that are being held by the Missouri Public Service Commission in relation to Case [#EA-2015-0146](#). The docket pursuant to the PSC review of ATXI's application for a Certificate of Convenience and Necessity can be accessed at the provided link. The public hearing schedule is as follows. I have also attached a set of meeting notes which was prepared by AMEC following last Friday's meeting.

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**Kevin D. Atkins, M.S. CE - PWS – CESSWI-AI\***

.....

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**From:** [Marquardt, Shauna](#)  
**To:** [Atkins, Kevin D](#)  
**Cc:** [Shauna Marquardt](#)  
**Subject:** Re: Mark Twain Transmission Project - Route Selection  
**Date:** Monday, December 07, 2015 1:38:03 PM

---

Kevin,

The Service could not provide a single preferred alternative based on those proposed because each alternative traverses either known areas of use by Indiana bat or areas that are of high likelihood of use by the species. In the absence of bat survey information, the Service bases recommendations for avoidance and minimization on the presence or absence of suitable forest habitat and forested travel corridors. The Service recommended that Ameren select a route that minimizes impacts to forested habitats for federally listed bats to the extent practical. Both of the final two alternatives will impact suitable forested habitat, especially on either end of the proposed segments. Neither alternative could be considered to avoid or minimize impacts more than the other based on current best available information on the species.

~~~~~  
Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203
573/234-2132 ext. 174 (office)
573/234-2181 (fax)
~~~~~

On Mon, Dec 7, 2015 at 10:18 AM, Atkins, Kevin D <[KAtkins@ameren.com](mailto:KAtkins@ameren.com)> wrote:

Shauna,

In reading through the comments provided in the attached letter, it seems to me that the Service did not provide or recommend any preferred or alternative routes to ATXI. Could you please confirm that Services did not provide Ameren Transmission Company with a specific route preference for the Mark Twain Transmission Line Project.

Thanks for your time and attention.

**Kevin D. Atkins, M.S. CE - PWS – CESSWI-AI\***

.....  
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**Atkins, Kevin D**

---

**From:** Atkins, Kevin D  
**Sent:** Monday, December 07, 2015 2:16 PM  
**To:** Marquardt, Shauna  
**Subject:** RE: Mark Twain Transmission Project - Route Selection

Thank you Shauna, your response is much appreciated

**Kevin D. Atkins, M.S. CE - PWS – CESSWI-AI\***

.....  
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Environmental Services, Ameren Services  
1901 Chouteau Avenue MC602  
St. Louis, MO 63166-6149  
T 314.554.3653 C 314-610-5575

\*Certified Ecologist – Professional Wetland Scientist – Certified Erosion Sediment and Stormwater Inspector-Approved Instructor

.....

**From:** Marquardt, Shauna [mailto:shauna\_marquardt@fws.gov]  
**Sent:** Monday, December 07, 2015 1:36 PM  
**To:** Atkins, Kevin D  
**Cc:** Shauna Marquardt  
**Subject:** Re: Mark Twain Transmission Project - Route Selection

Kevin,

The Service could not provide a single preferred alternative based on those proposed because each alternative traverses either known areas of use by Indiana bat or areas that are of high likelihood of use by the species. In the absence of bat survey information, the Service bases recommendations for avoidance and minimization on the presence or absence of suitable forest habitat and forested travel corridors. The Service recommended that Ameren select a route that minimizes impacts to forested habitats for federally listed bats to the extent practical. Both of the final two alternatives will impact suitable forested habitat, especially on either end of the proposed segments. Neither alternative could be considered to avoid or minimize impacts more than the other based on current best available information on the species.

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Shauna Marquardt
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Thanks for your time and attention.

**Kevin D. Atkins, M.S. CE - PWS – CESSWI-AI\***



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**Atkins, Kevin D**

---

**From:** Atkins, Kevin D  
**Sent:** Monday, December 07, 2015 10:18 AM  
**To:** Marquardt, Shauna  
**Subject:** Mark Twain Transmission Project - Route Selection  
**Attachments:** Ameren\_Mark\_Twain\_Transmission\_Line.120514 (2).pdf

Shauna,

In reading through the comments provided in the attached letter, it seems to me that the Service did not provide or recommend any preferred or alternative routes to ATXI. Could you please confirm that Services did not provide Ameren Transmission Company with a specific route preference for the Mark Twain Transmission Line Project.

Thanks for your time and attention.

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**Atkins, Kevin D**

---

**From:** Atkins, Kevin D  
**Sent:** Friday, October 23, 2015 4:48 PM  
**To:** Marquardt, Shauna  
**Subject:** RE: Mark Twain Transmission Line Project - PSC Hearing schedules.

Thanks and have a good weekend.

*Please excuse any typos, this message was composed on and sent from my Samsung Galaxy Note® 4, an AT&T 4G LTE smartphone*

Kevin D. Atkins, M.S. - Ecology  
Environmental Scientist - Water Quality, Ameren Services

Certified Ecologist, Professional Wetland Scientist, Certified Erosion Sediment and Storm Water Inspector

W.[314.554.3653](tel:314.554.3653) | M.[314-610-5575](tel:314-610-5575)  
[1901 Chouteau Ave, MC602 St. Louis, MO 63103](mailto:Kevin.D.Atkins@ameren.com) thanks

----- Original message -----

From: "Marquardt, Shauna" <[shauna\\_marquardt@fws.gov](mailto:shauna_marquardt@fws.gov)>  
Date: 10/23/2015 16:34 (GMT-06:00)  
To: "Atkins, Kevin D" <[KAtkins@ameren.com](mailto:KAtkins@ameren.com)>  
Subject: Re: Mark Twain Transmission Line Project - PSC Hearing schedules.

Yes, sorry. Numbered structured markers.

~~~~~  
Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203
573/234-2132 ext. 174 (office)
573/234-2181 (fax)
~~~~~

On Fri, Oct 23, 2015 at 4:29 PM, Atkins, Kevin D <[KAtkins@ameren.com](mailto:KAtkins@ameren.com)> wrote:  
Thank you Shauna, I assume you mean structure number instead of mile correct?

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1901 Chouteau Ave, MC602 St. Louis, MO 63103

----- Original message -----

From: "Marquardt, Shauna" <[shauna\\_marquardt@fws.gov](mailto:shauna_marquardt@fws.gov)>  
Date: 10/23/2015 16:20 (GMT-06:00)  
To: "Atkins, Kevin D" <[KAtkins@ameren.com](mailto:KAtkins@ameren.com)>  
Subject: Re: Mark Twain Transmission Line Project - PSC Hearing schedules.

Kevin,

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Zachary to IA  
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Maywood to Zachary  
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all of the Zachary substation spur (Adair)  
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**Atkins, Kevin D**

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**To:** Marquardt, Shauna  
**Subject:** RE: Mark Twain Transmission Line Project - PSC Hearing schedules.

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[1901 Chouteau Ave, MC602 St. Louis, MO 63103](http://www.ameren.com)

----- Original message -----

From: "Marquardt, Shauna" <shauna\_marquardt@fws.gov>  
Date: 10/23/2015 16:20 (GMT-06:00)  
To: "Atkins, Kevin D" <KAtkins@ameren.com>  
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**Kevin D. Atkins, M.S. CE - PWS – CESSWI-AI\***

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**Atkins, Kevin D**

---

**From:** Atkins, Kevin D  
**Sent:** Thursday, October 15, 2015 3:28 PM  
**To:** Marquardt, Shauna  
**Subject:** RE: Ameren IB-NLEB Section 7 Consultation Meeting

Yes, still planning on meeting tomorrow at your office, figured that we would order lunch in for the meeting are you planning on having anyone join us besides yourself and Tony Elliott?

**Kevin D. Atkins, M.S. CE - PWS – CESSWI-AI\***

.....  
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Environmental Services, Ameren Services  
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\*Certified Ecologist – Professional Wetland Scientist – Certified Erosion Sediment and Stormwater Inspector-Approved Instructor  
.....

**From:** Marquardt, Shauna [mailto:shauna\_marquardt@fws.gov]  
**Sent:** Thursday, October 15, 2015 3:09 PM  
**To:** Atkins, Kevin D  
**Subject:** Re: Ameren IB-NLEB Section 7 Consultation Meeting

Hi Kevin,

Just checking to see that we are still meeting tomorrow at my office at 10:30.

~~~~~  
Shauna Marquardt
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Missouri Ecological Services Field Office
101 Park De Ville Drive, Suite A
Columbia, MO 65203
573/234-2132 ext. 174 (office)
573/234-2181 (fax)
~~~~~

On Fri, Aug 28, 2015 at 2:34 PM, Atkins, Kevin D <[KAtkins@ameren.com](mailto:KAtkins@ameren.com)> wrote:  
Purpose of the meeting is to discuss Section 7 ESA Consultation concerns and efforts for the Mark Twain Transmission Project for IB and NLEB. Shauna has graciously offered and made the conference room at the USFWS Columbia field office available for the meeting.

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## Atkins, Kevin D

---

**From:** Atkins, Kevin D  
**Sent:** Wednesday, April 15, 2015 3:26 PM  
**To:** Marquardt, Shauna  
**Cc:** Doerr, Jaynie G MVS; Jennifer Campbell-Allison (Jennifer.Campbell-Allison@mdc.mo.gov); Jontry, James E; Holderness, Brian F; Timmermann, Jessica L; Prehm, Mike M; Walsh, Eugene W MVR; james.s.reenan@usace.army.mil; Tony Elliott (Anthony.Elliott@mdc.mo.gov); Krista.noel@mdc.mo.gov; Ladd, Peggy L; Beck, John G; Miller, Christopher; Irwin, Mike; Robert.Stout@dnr.mo.gov; Stacia Bax; Endorf, David; Gramke, Robert S MVS (Robert.S.Gramke@usace.army.mil); 'Chris Williamson' (Christopher.Williamson@mdc.mo.gov); tyler.green@mdc.mo.gov; Lenz, Gary W (Ward) MVR (Ward.Lenz@usace.army.mil); Danny.D.Mcclendon@usace.army.mil  
**Subject:** RE: Environmental Permitting (CWA Section 404/ESA Section 7 Consultation) Meeting - Mark Twain Transmission Line (UNCLASSIFIED)

This message has been archived. [View the original item](#)

Shauna, we are currently developing the schedule as discussed in last week's meeting. When it is available I will forward it to the group.

As discussed we do not anticipate commencing land acquisition until after we have received a Certificate of Public Need and Convenience from the PSC, which will necessarily limit the scope of studies that can be completed in the near term. Construction is still currently slated to begin in Fall of 2016, again as discussed last week, this work will b