

**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.¹)

**ATXI’S RESPONSE IN OPPOSITION TO
PROPOSED PROCEDURAL SCHEDULE OF NEIGHBORS UNITED**

COMES NOW Ameren Transmission Company of Illinois (“ATXI”), by and through counsel, and for its *Response in Opposition to Proposed Procedural Schedule of Neighbors United*, states as follows:

1. ATXI, along with Commission Staff, OPC, and interveners United for Missouri (UFM), the Missouri Industrial Energy Consumers (MIEC), Midcontinent Independent System Operator, Inc. (MISO) and IBEW Local 1439 (IBEW) filed a *Jointly Proposed Procedural Schedule* on July 21, 2015.

2. The dates set out in the jointly proposed procedural schedule provide for an approval order effective by the end of January 2016, which, as stated in ATXI’s May 29, 2015 *Application*,² would allow ATXI to proceed with required right-of-way acquisition and, in turn, timely begin construction so that the in-service date established by the MISO (November 2018) may be met.

¹ The project for which the CCN is sought in this case also includes a 161,000-volt line connecting to the associated substation to allow interconnection with the existing transmission system in the area.

² ATXI’s *Application* at ¶ 18.

3. The only party to this case not joining in the proposed procedural schedule was Neighbors United despite the fact that ATXI (and the other parties joining ATXI's proposed schedule) had extended the original proposed hearing date by two weeks (to begin November 9, 2015) in response to Neighbors United request for additional time.³ Instead, Neighbors United has proposed a procedural schedule that would not allow for an order to issue until the late April or early May, 2016—approximately four months later than that proposed by all other parties.

4. Neighbors United, who moved to intervene on June 18, 2015, contends that the jointly proposed procedural schedule does not allow for due process, contending that it will not have adequate opportunity to retain experts and file rebuttal testimony by September 11, 2015. As support for its argument, Neighbors United points to the purported similarity of the schedule it proposed to the schedule adopted by the Commission in the Grain Belt Express Clean Line case (Case No. EA-2014-0207). The schedules are not similar.⁴

³ In its own proposed procedural schedule filing, Neighbors United contends that it was not given the opportunity to review the procedural schedule proposed by the other parties. This is completely untrue. The procedural schedule proposed by all other parties contains the same proposed hearing dates and other dates (except for a minor change in the proposed end of discovery date) that were proposed by all other parties at the meeting which followed the prehearing conference on July 15, 2015. Moreover, it is very similar to a proposed procedural schedule submitted to all parties – including Neighbors United – on June 30, 2015, two weeks prior to the prehearing conference. Indeed, the proposal sent to all parties, including Neighbors United, on June 30, afforded less time for filing rebuttal testimony than the one now jointly proposed by all parties except Neighbors United. In fact, the other parties had extended the hearing date by two additional weeks beyond that originally proposed on June 30 in response to Neighbors United request for additional time. In response, the attorney for Neighbors United consulted with her clients and told the other parties that her client could not agree to the dates. Moreover, Neighbors United made no offer of alternative dates other than the original schedule it proposed, which is the one filed with the Commission.

⁴ Neither are the projects. As the Commission is aware, the proposed Mark Twain Project is the result a full MISO planning and review process, the results of which have been publicly available since January 2012. Moreover, ATXI filed its Notice pursuant to 4 CSR 240-4.020(2) with the Commission on December 9, 2014.

5. While it may be true that there were 173 days between the initial filing and the filing of rebuttal testimony in Case No. EA-2014-0207, Neighbors United fails to point out that additional direct testimony was filed by the applicant on June 27, 2014—a difference of *80 days* between the filing of new direct testimony and the deadline for rebuttal. The jointly proposed procedural schedule in this case, however, allows *105 days* between the filing of direct testimony and the deadline for rebuttal (and *85 days* between the time Neighbors United intervened in this case and the deadline for rebuttal). Neighbors United doesn't want the same time—it wants significantly more time in order to prepare its case.

6. The reason for Neighbors United request for significantly more time is suggested by the very name of the group—“Neighbors United Against Ameren’s Power Line” – clearly a group that opposes the Mark Twain Project. A photograph taken at a meeting of Neighbors United in Knox County, Missouri, on December 3, 2014, and posted on the public Facebook page⁵ for Neighbors United depicts a presentation entitled “Ways to Make the Project More Expensive for ATXI”:

⁵ <https://www.facebook.com/photo.php?fbid=10204359328879861&set=o.1508177376090513&type=3&theater>, accessed July 23, 2015.



A four-month delay in obtaining approval for ATXI’s Mark Twain Project would, no doubt, serve to accomplish that end.

7. Nor is there any impingement on any parties “due process” rights. The direct testimony of ATXI has been available for review by any party (or nonparty) since May 29, 2015. Neighbors United will be afforded the same amount of time to prepare rebuttal or cross-surrebuttal (if appropriate), to conduct discovery and to prepare for hearings as every other party to this case. Commission orders involving rate cases are generally issued 10 months after the rate case is filed. Unlike this CCN case, a rate case involves a comprehensive examination of virtually every aspect of the utility’s business, with the need to (typically) resolve dozens of contested issues, and with evidentiary hearings often lasting two to three weeks. The jointly proposed procedural schedule in this case contemplates an order approximately seven to eight months after the application

was filed. Certainly if due process is afforded parties in a rate case through an approximately ten-month process between filing and an order, due process is afforded in a CCN case like this one.

8. According to the public Facebook page of Neighbors United,⁶ they were organized in their efforts to oppose the Mark Twain Project even before ATXI filed its notice with the Commission in December 2014; specifically, they created their group page on Facebook on September 8, 2014, had an open meeting that same day in Kirksville, Missouri, and have been active ever since. That Neighbors United apparently has not yet retained experts is not the fault of ATXI; they have had nearly two months since ATXI's filing of direct testimony to do so. Regardless, the jointly proposed procedural schedule still provides Neighbors United with sufficient time to retain experts and file surrebuttal testimony by September 15, 2015.

9. As outlined in ATXI's pre-filed testimony filed concurrently with its Application, the project schedule is such that it is important that this case be resolved by a final Commission order to be effective no later than January 31, 2016, or sooner if possible. It is for that reason that ATXI opposes the scheduling order proposed by Neighbors United and requests that the Commission adopt the scheduling order jointly proposed by *all* other parties in this case.

10. In summary, a delay in this docket would jeopardize the current construction schedule, which in turn jeopardizes the ability to meet MISO's required in-

⁶ <https://www.facebook.com/photo.php?fbid=10204359328879861&set=o.1508177376090513&type=3&theater>, accessed July 23, 2015.

service date and the ability to deliver the benefits the Project is designed to provide. Neighbors United's proffered reasons to delay this docket in the face of complete agreement among all other parties to the appropriateness of the jointly proposed procedural schedule do not justify jeopardizing the schedule, the in-service date or the benefits this MISO-approved project is designed to provide.

WHEREFORE, for the foregoing reasons, ATXI requests that the Commission promptly issue an order that adopts the scheduling order jointly proposed on July 21, 2015, by ATXI, Staff, OPC, UFM, MIEC, MISO and IBEW, and that it do so no later than its August 5, 2015 Agenda session.

Respectfully submitted,

/s/ James B. Lowery _____

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the public version of the foregoing Response has been e-mailed on July 28, 2015, to all parties of record.

/s/ James B. Lowery _____

**An Attorney for Ameren Transmission
Company of Illinois**