

**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-2015-0145  
Maintain and Otherwise Control and Manage a     )  
345,000-volt Electric Transmission Line in Marion     )  
County, Missouri, and an Associated Switching Station     )  
Near Palmyra, Missouri.     )

**MOTION FOR ISSUANCE OF ORDER ON PENDING APPLICATION**

COMES NOW Ameren Transmission Company of Illinois (“ATXI”), by and through its counsel, and for its motion for issuance of an order on its pending application, states as follows:

1. On February 20, 2015, ATXI filed its verified Application with the Missouri Public Service Commission (“Commission”) for a certificate of convenience and necessity (“CCN”) authorizing it to own, acquire, construct, operate, control, manage and maintain a 345-kV transmission line approximately 7 miles in length that includes a new switching station and that runs generally from the new switching station (“Maywood”) to be constructed near Palmyra, Missouri, through Marion County in Missouri and extending across the Mississippi River to the Missouri state line. This approximately 7 miles of transmission line and Maywood are part of much larger approximately 400-mile transmission line project being constructed by ATXI which is known as the Illinois Rivers Project (the “Project”).

2. In its Application, ATXI requested that by no later than April 30, 2015, the Commission either enter its order granting ATXI the CCN or dismiss its application on the grounds that the Commission did not have jurisdiction over ATXI because ATXI was not a “public utility” under Missouri law. ATXI stated that the basis for its request for a decision by April 30, 2015, was that a decision reached by that date would allow ATXI to complete

construction and place the new line in-service by November 2016, the in-service date required by the Midcontinent System Operator, Inc.'s ("MISO") Transmission Expansion Plan.

3. In response to the Commission's March 25, 2015, order directing that it file a response by April 6, 2015, Commission Staff sought an extension, unopposed by ATXI, of the date for its response to April 20, 2015. Staff then filed its recommendation on April 20, 2015, contending that the Commission has authority over ATXI such that ATXI must obtain a CCN from the Commission for the Missouri portion of the Illinois Rivers Project and recommending that the Commission grant the requested CCN on the condition that ATXI agree to follow the construction, clearing, maintenance, repair, and right-of-way practices regarding landowners and land management outlined in its response to Staff Data Request No. 22, which is appended to the *Staff Recommendation*.

4. Just four days later, on April 24, 2015, ATXI filed its response to the *Staff's Recommendation* and stated that if the Commission determined that it possessed jurisdiction to grant a CCN to ATXI for the Missouri portion of the Illinois Rivers Project and granted the CCN instead of dismissing the Application for lack of jurisdiction, ATXI would agree to the condition that the Staff had recommended. The *Staff Recommendation* also indicated that the Staff agreed that the Commission should waive the rate schedule filing requirement of 4 CSR 240-3.145, the annual reporting requirement of 4 CSR 240-3.165, the depreciation study requirement of 4 CSR 240-3.175, and the reporting requirements of 4 CSR 240-3.190(1), (2) and 3(A)-(D) for good cause and agreed, as ATXI had proposed in its Application, that ATXI should file with the Commission the annual report ATXI files with FERC.

5. Although the Commission allowed two parties to intervene in this action by a March 24, 2015 order, none of the interveners have conducted any discovery, nor have either of

the two interveners filed any response to the April 24, 2015 *Staff Recommendation*. The date for any response by interveners to the *Staff Recommendation* passed on May 4, 2015.<sup>1</sup> See 4 CSR 240-2.080(13) (parties have 10 days in which to file a response to any pleading unless otherwise ordered by the Commission).

6. Once ATXI responded to the *Staff Recommendation*, and after the time for all responses had passed, no other action of any party was required in order to resolve this docket under Commission practice and procedure, making ATXI's application ripe for ruling.

7. The Commission's past practice in ruling on unopposed requests for a CCN to authorize the construction of transmission lines—including those instances in which the transmission lines are interstate in nature and where the transmission line owner served no retail customers in Missouri—has been to grant the requested CCN within an average of less than 14 days after the filing of a Staff Recommendation in favor of the requested CCN. See Docket Nos. EA-2013-0089 (19 days); EA-2012-0321 (15 days); EA-2007-0319 (12 days); EA-2004-0077 (6 days); EA-2003-0135 (10 days), and EA-2002-296 (21 days). As of the date of this Motion, ATXI's CCN application has been awaiting ruling by the Commission for **38 days** after the April 20, 2015 filing of Staff's recommendation in favor of the granting of the CCN.

8. Failure of the Commission to promptly dismiss ATXI's application because it does not have jurisdiction over ATXI or failure of the Commission to promptly grant ATXI's application for a CCN will negatively impact the Project, including by placing ATXI's ability to timely place the line in-service by the in-service date required by the MISO's Transmission Expansion Plan in jeopardy and by increasing costs. These negative impacts are set out in more detail the following paragraphs and in the *Affidavit of Clifford H. Waits, Jr.* attached hereto as **Exhibit A**.

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<sup>1</sup> The time for response to ATXI's response passed on May 9, 2015.

9. ATXI's plan is to start construction on June 15, 2015. *Waits Affidavit* at ¶ 9.

Although a delay in a decision might allow ATXI to construct Maywood and much of the seven-mile transmission line in time for the November 2016 in-service date, the Project itself will not provide the benefits planned for the region until the transmission line crosses the Mississippi River and connects with the Herleman Substation in Quincy, Illinois. *Waits Affidavit* at ¶ 5. In order for that connection to occur, a complex crossing of the Mississippi River must be completed so that the line can connect to Herleman substation in Illinois. *Id.* That connection is needed to provide a new power source to both the Quincy and Meredosia areas in Illinois, which is one of the important benefits of the Project as identified in the MISO Transmission Expansion Plan which, as noted, MISO has required to be in place by November 2016. *Id.*

10. The river crossing will require six lattice towers—two of them to be located on two islands in the Mississippi River. Construction of these towers and their foundations on the two islands is especially complicated. *Waits Affidavit* at ¶ 6.

11. In order to construct the foundations and the towers on these two islands, ATXI will need to use tugs and barges to bring in the heavy equipment and materials required for construction. *Waits Affidavit* at ¶ 7. Construction on one of the islands will require 7,000 tons of rock to establish access. *Id.* Foundation construction will require approximately 50 to 60 craft laborers for land and marine support. *Id.* While cranes transported to the islands by barge will be used to construct the first 200 feet of the 385-foot towers, construction of the remaining height of the two towers will require the use of a sky crane (a specialized helicopter). *Id.*

12. Three of the other lattice towers are to be constructed on the “wet” or river side of the levees on the Mississippi River. Construction of these towers is more complex than construction of the typical lattice towers on dry land. *Waits Affidavit* at ¶ 8.

13. In contemplation of the planned June 15, 2015 construction start date, ATXI has contracted with the companies performing the work, ordered long lead time materials, and the prime contractors have reserved construction equipment. *Waits Affidavit* at ¶ 9. Because the cranes must be reserved and the sky crane is unique to the area, this construction equipment has been scheduled to ensure that construction will be complete in time for the required in-service date based on ATXI's current schedule. *Id.* Even then, ATXI's schedule will require workers to work up to six 12-hour days each week in order to complete the work in a timely manner. *Id.*

14. Construction is also complicated by the potential for weather-related interruptions. *Waits Affidavit* at ¶ 10. The scheduled construction of the river crossing in the summer of 2015 based on expected Mississippi River levels is designed to minimize weather delays and impacts. *Id.* In addition, construction during the summer of 2015 will provide a safe work environment in that the expected river conditions in 2015 are unusually favorable, making it very important to take advantage of those conditions. *Id.* Currently both islands are dry, but it is not unusual for both islands to be under water; in fact, one of the islands is subject to a two-year flood interval. *Id.* Consequently, any schedule change that requires construction on the islands next summer instead of the summer of 2015 would be delayed if the river then reaches flood stage. *Id.* In addition, less favorable river conditions would also impact construction of the other three towers on the wet side of the levee. *Id.* Therefore, any delay in the construction schedule this year that would require foundation or tower construction next year has the very real potential to result in a delay next year, jeopardizing the in-service date of November 2016. *Id.*

15. Failure to take advantage of the favorable river conditions expected this summer and to otherwise keep construction on schedule during favorable weather greatly increases the risk of missing the MISO-required in-service date, not just because of the inconvenience of

working in inclement weather, but because work simply cannot be performed in certain conditions due to safety concerns, particularly given the complex nature of the river crossing. *Waits Affidavit* at ¶ 11. First, workers can only be present on the two islands if evacuation is possible. *Id.* Inclement winter weather or frozen river conditions would prohibit proper evacuation thus preventing the ability to work. Moreover, inclement winter weather would also make work on the 385-foot-tall towers extremely dangerous, which will also prevent work during such conditions. *Id.* For these reasons, it is anticipated that little or no work on the river crossing can be performed during the winter weather conditions that generally occur in December through March. *Id.* In addition, as the daylight hours become shorter, work hours will need to be restricted. *Id.*

16. In summary, a delay in obtaining an order in this docket would jeopardize the current construction schedule, which in turn jeopardizes the ability to meet MISO's required in-service date and the ability to deliver the benefits the Project is designed to provide. *Waits Affidavit* at ¶ 12. It will also likely increase construction costs, ultimately increasing charges paid by electricity users that arise from the Project. *Id.*

WHEREFORE, for the foregoing reasons, ATXI requests that the Commission promptly issue an order that either dismisses this Application because the Commission does not have authority over ATXI or by finding jurisdiction and granting to ATXI the requested CCN on the terms recommended by the Staff, and that it do so no later than its June 11, 2015 Agenda session.

Respectfully submitted,

/s/ James B. Lowery

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*Attorneys for Ameren Transmission Company of  
Illinois*

## **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 May 27, 2015, to all parties of record.

/s/ James B. Lowery

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



**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-2015-0145  
Maintain and Otherwise Control and Manage a )  
345,000-volt Electric Transmission Line in Marion )  
County, Missouri, and an Associated Switching Station )  
Near Palmyra, Missouri. )

**AFFIDAVIT OF CLIFFORD H. WAITS, JR.**

**STATE OF MISSOURI** )  
 ) ss  
**CITY OF ST. LOUIS** )

Clifford H. Waits, Jr., being first duly sworn on his oath, states:

1. My name is Clifford H. Waits, Jr. I work in St. Louis, Missouri, and I am employed by Ameren Services Company as Director of Transmission Project Management.

2. As Director of Transmission Project Management for Ameren Services Company, I am responsible for directing the planning, execution, completion and operational integration of large-scale transmission construction projects for Ameren Services Company affiliates, including Ameren Illinois, Ameren Missouri and Ameren Transmission Company of Illinois ("ATXI"). The project for which I am responsible at present is the Illinois Rivers Project ("Project") that is to be constructed by ATXI.

3. On February 20, 2015, ATXI filed its Application with the Missouri Public Service Commission ("Commission") for a certificate of convenience and necessity ("CCN") authorizing it to own, acquire, construct, operate, control, manage and maintain a 345-kV transmission line approximately 7 miles in length that

includes a new switching station and that runs generally from the new switching station (“Maywood”) to be constructed near Palmyra, Missouri, through Marion County in Missouri and extending across the Mississippi River to the Missouri state line (the Missouri portion of the Project).

4. In its Application, ATXI requested that by no later than April 30, 2015, the Commission either enter its order granting ATXI the CCN or dismiss its application on the grounds that the Commission did not have jurisdiction over ATXI because ATXI was not a “public utility” under Missouri law. ATXI stated that the basis for its request for a decision by April 30, 2015, was that a decision reached by that date would allow ATXI to complete construction and place the new line in-service by November 2016, the in-service date set by the Midcontinent System Operator, Inc. (“MISO”). As of the date of my affidavit, the Commission has not yet acted on ATXI’s request.

5. Even though a delay in the decision might allow ATXI to construct Maywood and much of the seven-mile transmission line in time for the November 2016 in-service date, the Project will not provide the benefits planned for the region until the transmission line crosses the Mississippi River and connects with the Herleman Substation in Quincy, Illinois. A delay in the Maywood to Herleman River Crossing 345-kV transmission line (“River Crossing”) would delay the 345-kV power source to both the Quincy and Meredosia areas in Illinois. The MISO Transmission Expansion Plan requires this new source into western Illinois to be in-service by November 2016.

6. The engineering, scheduling and construction of the River Crossing is quite complex. The River Crossing will require six lattice towers—two of them to be located on two islands in the Mississippi River. Construction of these towers and their foundations on the two islands is especially complicated.

7. In order to construct the foundations and the towers on these two islands, ATXI will need to use tugs and barges to bring in the heavy equipment and materials required for construction. Construction on one of the islands will require 7,000 tons of rock to establish access. Foundation construction will require approximately 50 to 60 craft laborers for land and marine support. While cranes transported to the islands by barge will be used to construct the first 200 feet of the 385-foot towers, construction of the remaining height of the two towers will require the use of a sky crane (a specialized helicopter).

8. Three lattice towers are to be constructed on the “wet” or river side of the levees on the Mississippi River. Construction of these towers is more complex than construction of the typical lattice towers on dry land.

9. ATXI’s current schedule indicates the commencement of construction of the River Crossing on June 15, 2015. ATXI has contracted with the companies performing the work, ordered long lead time materials, and the prime contractors have reserved construction equipment. Because the cranes must be reserved and the sky crane is unique to the area, this construction equipment has been scheduled to ensure that construction will be complete in time for the required in-service date based on ATXI’s current schedule. Even then, ATXI’s schedule will require workers to work up to six 12-hour days each week in order to complete the Project in a timely manner.

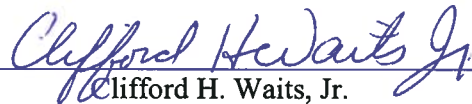
10. Construction of the Project is also complicated by the potential for weather-related interruptions. ATXI scheduled the construction of the River Crossing for the summer of 2015 based on expected Mississippi River levels to minimize weather delays and impacts. In addition, construction during the summer of 2015 will provide a safe work environment in that ATXI is presented with unusually favorable river

conditions this year, making it very important to take advantage of those conditions. Currently both islands are dry, but it is not unusual for both islands to be under water; in fact, one of the islands is subject to a two-year flood interval. Consequently, any schedule change that requires construction on the islands next summer instead of the summer of 2015 would be delayed if the river then reaches flood stage. Of course, such a condition would also impact construction of the other three towers on the wet side of the levee. Therefore, any delay in the construction schedule this year that would require foundation or tower construction next year has the very real potential to result in a delay next year, jeopardizing the in-service date of November 2016.

11. Failure to take advantage of the favorable river conditions expected this summer and to otherwise keep construction on schedule during favorable weather greatly increases the risk of missing the MISO-required in-service date, not just because of the inconvenience of working in inclement weather, but because work simply cannot be performed in certain conditions due to safety concerns, particularly given the complex nature of the river crossing. First, workers can only be present on the two islands if evacuation is possible. Inclement winter weather or frozen river conditions would prohibit proper evacuation thus preventing the ability to work. Moreover, inclement winter weather would also make work on the 385-foot-tall towers extremely dangerous, which will also prevent work during such conditions. For these reasons, it is anticipated that little or no work on the river crossing can be performed during the winter weather conditions that generally occur in December through March. In addition, as the daylight hours become shorter, work hours will need to be restricted.

12. A delay in construction of the Project that would require an extended schedule for workers and equipment would also substantially increase the cost of the River Crossing—not only to ATXI but also to those who ultimately pay electric rates that reflect the MISO transmission charges that will arise from the Project.

13. In summary, the current construction schedule calls for construction to commence on June 15, 2015, which will allow the Project to meet the required in-service date established by MISO of November 2016. Any delay past that start date could make it infeasible to begin and complete the complicated river work that this Project requires this year. By missing the current favorable river conditions to perform construction work safely and effectively, the result would be an unnecessary delay in the Project in-service date and an increase in the Project cost, creating unnecessary harm for electric customers in Missouri, Illinois and the rest of MISO.

  
Clifford H. Waits, Jr.

Subscribed and sworn to before me this 27<sup>th</sup> day of May 2015.

  
Notary Public

My commission expires:

2-21-18

