

**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 TO AMEND PROCEDURAL SCHEDULE

COMES NOW Neighbors United Against Ameren’s Power Line (Neighbors United), by and through the undersigned counsel, and hereby moves the Commission to reconsider its August 5, 2015¹ Order Setting Procedural Schedule and amend the procedural schedule as suggested herein. In support hereof, counsel states as follows:

1. On August 5, the Commission issued its Order Setting Procedural Schedule, setting forth the deadline of November 16 for the filing of surrebuttal testimony, November 30 for the close of discovery, December 4 as the last day to file a motion to compel responses to discovery requests and December 14-18 for the evidentiary hearing in this matter.

2. On November 16, Ameren Transmission Company of Illinois (ATXI) filed **16 pieces** of surrebuttal testimony, consisting of testimony from **8 new witnesses**—Matt Michels, Robert M. Vosberg, Joseph J. LaMacchia, Vickie Turpin, J. Michael Silva, Aaron DeJoia, William Bailey, PhD., and Jeffrey Hackman. To put this in perspective, this is the same number of testimonies that Ameren Missouri filed to support its last general rate increase request, ER-2014-0258, Each of the 8 new witnesses testified

¹ All dates herein refer to calendar year 2015 unless otherwise specified.

regarding technical subjects to support ATXI's request for a Certificate of Convenience and Necessity.

3. From the beginning of this case, Neighbors United has asserted the significance and complexity of this case and the need for the parties to have adequate time to prepare and present the issues to the Commission. Now ATXI has essentially filed a new Application in volume and witnesses and included testimony that would have been appropriate in their direct filing, not their surrebuttal, with 14 days remaining before discovery closes.

4. Now Neighbors United is faced with a large body of testimony and other information with less than a month before the scheduled evidentiary hearing. Neighbors United is limited to two weeks before the Commission's ordered cutoff for discovery, November 30, to conduct discovery not only on these new witnesses that have not yet been subject to questions, but also the voluminous surrebuttal testimony offered. Also, Neighbors United will be unable to file any motions to compel responses to discovery as the Commission ordered December 4 as the last day for filing such motions. In fact, Neighbors United is still awaiting responses to its second set of data requests sent to ATXI on October 30, and for which ATXI has stated it may require until December 4 to respond to. See Attachment A.

5. In light of this, Neighbors United requests the Commission amend its procedural schedule to move the evidentiary hearing and other related deadlines by a few weeks to allow adequate time to prepare so that a full and complete record can be submitted to the Commission for its decision on the issues. Neighbors United proposes

the following dates as set forth in its Proposed Procedural Schedule filed on July 22, or other close dates as the Commission's and parties' schedules allow:

Last day to Request Discovery	January 15, 2016
Deadline to File List of Issues, List of Witnesses, Order of Cross-Examination and Order of Opening Statements	January 15, 2016
Deadline to File Statements of Position	January 20, 2016
Evidentiary Hearings	January 25-29, 2016
Deadline to File Initial Briefs	February 26, 2016
Deadline to File Reply Briefs	March 18, 2016

6. The sense of urgency that ATXI has created regarding this matter is entirely of its own creation.² ATXI was formed in 2010 to invest in electric infrastructure. Landowners received letters from ATXI in early August 2014 indicating that the transmission line subject to this case was proposed to cross their property. ATXI could have filed its Application with the Commission in August 2014 or earlier, however it chose to wait until the last business day in May 2015 to make its filing, approximately 10 months later.

7. The amount of additional time requested by Neighbors United to respond to the tremendous amount of surrebuttal testimony and supporting exhibits and workpapers should not have a material impact on ATXI's plans should the Commission approve the project. MISO's scheduled in-service date for the Mark Twain Transmission Project is November 2018.

² A similar situation occurred in EA-2012-0281, when Ameren Missouri filed surrebuttal testimony for five witnesses, four of whom did not file testimony during direct. The issue in this case is substantially larger as ATXI has filed surrebuttal testimony for 16 witnesses, eight of which are new witnesses, and private property rights are at stake.

8. An opportunity for a hearing without adequate preparation time amounts to no hearing at all. Allowing only two weeks to review and question all of the new witnesses, review all of the new testimony and prepare for hearing offends even the most conservative idea of due process and rudimentary elements of fair play.

9. Due to the urgency of this request, Neighbors United requests the Commission issue an order shortening the response time for the parties and place this motion on its next scheduled agenda session for decision. This motion is being filed as soon as practical after the filing of surrebuttal testimony on November 16.

WHEREFORE, Neighbors United moves for the Commission to reconsider its August 5, 2015 Order Setting Procedural Schedule, place the Motion on the Commission's next scheduled agenda session for decision, shorten the response time for parties to respond to the Motion, issue an Order to amend the procedural schedule as suggested herein and for any other relief the Commission deems just and reasonable in the circumstances.

Respectfully submitted,

HERNANDEZ LAW FIRM, LLC

By: **/s/ Jennifer Hernandez**

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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 November 2015.

/s/ Jennifer Hernandez
Jennifer Hernandez

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NEIGHBORS UNITED’S SECOND SET OF DATA REQUESTS TO ATXI

1. Provide the rated capacity in MVA of the Mark Twain 345 kV line.
2. Provide the actual peak loads on the three 161 kV lines interconnected at Adair Substation over the last ten calendar years.
3. Provide the actual 1-hour peak demand on the Adair Substation over the last ten calendar years.
4. Confirm the Category C event is an N-2 simultaneous loss of the two 161 kV Ameren MO lines interconnecting with the Adair Substation.
5. If Category C is N-1-1 event, explain why ATXI states that there is inadequate time to implement controlled load shedding?
6. State whether an N-1-1 or N-2 event involving these two lines, or two of the three 161 kV lines interconnected to the Adair Substation, has occurred at the time of the 1-hour peak load, either summer or winter, since 1970. If so, describe in detail the event(s) and duration of any outage(s) that occurred.
7. Did ATXI or MISO include the AECl 161 kV Palmyra-Novelty-Adair line in its modeling of the Category C contingency? If the answer is “yes,” what AECl load did ATXI or MISO assume was on the 161 kV Palmyra-Novelty-Adair line at the moment the Category C event occurs?
8. Is the Adair Substation equipped with a shunt reactor, series capacitor, and static VAR compensator? If the answer is yes, describe the size of the voltage regulation hardware, when and why it was installed, and the capital cost.
9. Clarify whether a Special Protection Scheme (SPS) or Remedial Action Scheme (RAS) has been proposed or studied by Ameren MO to MISO to address the Category C contingency involving the two Ameren MO 161 kV lines connecting at the Adair Substation. If the answer is yes, describe the SPS or RAS and the approximate cost. If the answer is no, explain why no SPS or RAS has been developed for the contingency.
10. Provide annual peak and shoulder peak loads (in MVA) for the Adair Substation and each of the three 161 kV line segments connected directly to the Adair Substation that experience NERC Category C violations in 2021 (Kramer testimony). Provide this information for 2015 and each year back to 2006.
11. Provide the assumed shoulder peak loads (in MVA) on each of the three 161 kV line segments without the projected wind power component, for the PROMOD

- run(s) that produced the shoulder peak NERC Category C violations in 2021.
12. Confirm that 400 MW wind power from new Northeast Missouri wind farms is assumed to flow into the Adair Substation in the PROMOD run(s) showing NERC Category C violations on these three 161 kV line segments in 2021. Provide the correct wind power MW assumed to flow into the Adair Substation in 2021 at the shoulder peak if it is not 400 MW.
 13. State the level of wind power (in MW) that would cause no NERC violations on these three 161 kV line segments at peak or shoulder peak in 2021.
 14. Confirm that wind power developer(s) interconnecting to existing Ameren Missouri substations in Northeast Missouri would be responsible for all interconnection costs between the wind farm(s) and the existing substations.
 15. Confirm that, if the interconnection of the wind farm(s) would cause or have the potential to cause peak or shoulder peak NERC Category B (N-1) violations (based on modeling by the transmission operator) on Ameren Missouri substations or 161 kV line segments in Northeast Missouri, the wind project developer(s) would be responsible for all costs associated with upgrading the affected substations and 161 kV line segments to eliminate the NERC Category B violations.
 16. Please provide a copy of the google type map for each property that is subject to the proposed line that ATXI representatives could show property owners at each of the local public hearings. On each of the maps please ensure the detail includes the red and white lines indicating where the proposed line will cross along with the easement sought, the green line that indicates any other electric lines on the property, as well as the parcel number for the property that appears on the screen when the images were viewed at the local public hearings.
 17. Please list the number and locations of any open houses held by ATXI for property owners regarding the Mark Twain Transmission Project. For each open house please also provide: a copy of any communication distributed to give notice of the open house, any materials prepared for or distributed at any open house, list of ATXI employees or agents that attended any open house. Please explain the format of each open house, including the “stations” available to property owners, please list which ATXI employees or agents provided security for the open houses and any instructions ATXI, its employees or agents provided to the security personnel.
 18. For each and every communication between a member or members of Neighbors United or its agents and ATXI, its employees or agents, please provide:
 - a. the ATXI agent or employee’s name(s),
 - b. the Neighbors United member(s) (or other persons) name(s),
 - c. the date of the communication,
 - d. the form of communication (i.e., personal, written, electronic, telephonic communication, etc.),
 - e. the substance of the communication, and
 - f. attach any written document(s) or material(s) provided to or exchanged between the agent, employee, or member in said communication.

19. For each and every communication between a person with an ownership interest in property subject to the proposed line and ATXI its employees or agents, please provide:

- a. the ATXI agent or employee's name(s),
- b. the individual(s) name(s),
- c. the date of the communication,
- d. the form of communication (i.e., personal, written, electronic, telephonic communication, etc.),
- e. the substance of the communication, and
- f. attach any written document(s) or material(s) provided to or exchanged with the individual in said communication.

20. Please provide copies of all public media, including correspondence and ads (whether in paper form, e-mails, video, sound segments, or otherwise) made available and/or distributed by ATXI and/or its agents to the public or a subset thereof (or to any news media personnel) regarding the Mark Twain Transmission Project, and please provide a list of the recipients of each such media.

21. Please identify any communication between ATXI employees or its agents, and any County Commissioner in Schuyler, Adair, Knox, Shelby or Marion counties related to the proposed Mark Twain Project. For each such communication please provide:

- a. the names of the employee(s) or agents and the County Commissioner(s) involved,
- b. the date of the communication,
- c. the form of communication (i.e., personal, written, electronic, telephonic communication, etc.),
- d. the substance of the communication, and
- e. attach any written document(s) or material(s) provided to or exchanged with the County Commissioner(s) related to said communication.

22. Please identify any employee or agent of ATXI that has asserted a claim or complaint about any alleged health effects from their duties on or around any electric line, including transmission lines. Further identify the nature of that claim or complaint, when it was communicated, who it was directed to, and the status or resolution of the claim or complaint.

23. Please explain what standards, if any, structures (including homes, barns, outbuildings, etc.) within the proposed route of the transmission line will be required to upgrade their electrical systems to. If a particular standard is required, please indicate who will be responsible for the upgrade costs.

SMITH LEWIS, LLP

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November 6, 2015

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*Re: Objections to Neighbor United's Second Set of Data Requests to Ameren
Transmission Company of Illinois (ATXI)*

Dear Jennifer:

This letter contains ATXI's objections to your second data requests (DRs) and notification of the need for additional time to provide responses.

ATXI objects to DR Nos. 2 and 3 because the information sought is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence; in addition, they seek information that is unreasonably remote in time and are also unduly burdensome. Subject to the foregoing objections, a response will be provided depending on available data.

ATXI objects to DR No. 6 because the information sought is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence; moreover, it seeks information that is unreasonably remote in time and is also unduly burdensome. Subject to the foregoing objections, a response will be provided.

ATXI objects to DR No. 10 because it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; in addition, its terms are vague, and it seeks information that is unreasonably remote in time and is unduly burdensome. Subject to the foregoing objections, a response will be provided.

ATXI objects to DR Nos. 11 and 12 to the extent they seek the results of analyses that have not been conducted and therefore seek information beyond the scope of discovery,

which is limited to facts known or existing documents or data; ATXI further objects because it is vague and unclear and fails to provide sufficient facts upon which to provide an answer.

ATXI objects to DR No. 13 because it seeks the results of analyses that have not been conducted and therefore seeks information beyond the scope of discovery, which is limited to facts known or existing documents or data; ATXI further objects because it is vague and unclear and fails to provide sufficient facts upon which to provide an answer.

ATXI objects to DR Nos. 14 and 15 because they seek information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; they are also objectionable because they call for legal conclusions about MISO tariff provisions, use vague terminology and fail to provide sufficient facts upon which to provide answers. Subject to the foregoing objections, ATXI will attempt to provide a response.

ATXI objects to DR No. 18 because it seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence; in addition, it is unduly burdensome given the number of members with whom communications may have occurred, and is overbroad as not limited in any way to a particular topic or period of time. Only one member of Neighbors United is expected to be a witness at the evidentiary hearings in this case and no landowners are expected to testify; consequently, any statements ATXI might otherwise claim were made by a member and would constitute admissions against interest would not qualify as such, eliminating any need for such information. Subject to the foregoing objections, responsive information will be provided.

ATXI objects to DR No. 19 because it seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence; in addition, it is unduly burdensome given the number of landowners with whom communications may have occurred, overbroad as not limited in any way to a particular topic or period of time; moreover, it invades the privacy of non-member landowners. Subject to the foregoing objections, responsive information will be provided but without identification of personal information of any non-member landowner, who will instead be identified generically (e.g., Landowner A, B, C....).

ATXI objects to DR No. 22 because it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; further, it is overly broad and unduly burdensome. Subject to the foregoing objections, if such a claim arising from claimed harm from electromagnetic fields or stray voltage has been made and if ATXI possesses knowledge of the claim, such information will be provided.

Jennifer Hernandez
November 6, 2015
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ATXI will require a significant amount of additional time to respond to these detailed DRs. ATXI will endeavor to respond as quickly as reasonably possible, but may require until December 4 to fully respond.

Sincerely,

/s/ James B. Lowery

James B. Lowery

Cc: Jeff Rosencrants, Ed Fitzhenry, Mike Tripp, Cheryl Lobb