

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

In the Matter of the Application of Ameren)
Transmission Company of Illinois for a)
Certificate of Public Convenience and)
Necessity to Construct, Install, Own, Operate,)
Maintain, and Otherwise Control and Manage) Case No. EA-2021-0087
a 138 kV Transmission Line and associated)
facilities in Perry and Cape Girardeau)
Counties, Missouri)

**MOTION FOR WAIVER OF IN-PERSON MEETING REQUIREMENT
DUE TO COVID-19 CONCERNS**

COMES NOW Ameren Transmission Company of Illinois (“ATXI”) and, in accordance with 20 CSR 4240-20.045(7) and in light of the ongoing health emergency in Missouri and throughout the country, moves for waiver of the in-person public meeting requirement in 20 CSR 4240-20.045(6)(K)(3). In support of its Motion, ATXI states as follows:

1. On September 25, 2020, ATXI filed its Notice of Intended Case Filing in the above-styled matter to receive a Certificate of Convenience and Necessity (“CCN”) to construct, own, and operate a 138 kV transmission line and associated facilities (the “Project”) in Perry and Cape Girardeau Counties. In order to obtain a CCN, 20 CSR 4240-20.045 requires that ATXI file an affidavit or other certification verifying compliance with notice requirements to landowners directly affected by the transmission line routes and substation locations. 20 CSR 4240-20.045(6)(K). Furthermore, if a county contains 25 or more people entitled to receive notice, subparagraph (6)(K)(3) of that regulation requires ATXI to hold a public meeting “in a building open to the public and sufficient in size to accommodate the number of persons in the county entitled to receive notice of the application.” Perry and Cape Girardeau Counties each contain more than 25 people entitled to receive notice of the Project.

2. Subparagraph (7) of the same regulation states that “[p]rovisions of [the regulation] may be waived by the commission for good cause shown.” The Commission has previously waived other in-person activities for “good cause” because of the COVID-19 pandemic and in recognition of social distancing guidelines.¹ Most recently, due to the health emergency, the Commission found it appropriate to hold virtual public hearings in the Missouri-American Water Company rate case, rather than the usual in-person public hearings.²

3. In light of the ongoing public health crisis and to ensure the safety of participants, ATXI seeks waiver of the requirement to hold meetings under 20 CSR 4240-20.045(6)(K)(3) “in a building open to the public.” ATXI also seeks this waiver to facilitate participation from community members who will not feel comfortable attending in-person public meetings due to personal health concerns.

4. Pursuant to the Center for Disease Control’s advice for event organizers and individuals, ATXI has assessed, based on current conditions, that it should not hold in-person gatherings, to the extent practicable, because it can effectively manage meetings online and over the phone and because holding an in-person event may carry risk of exposure.³ The requested relief is consistent with the Commission’s current policy to remain closed to the public and to stream hearings online, along with federal, state and local social distancing guidelines and advice from public health officials, including the State of Missouri Public Health Warning directing all

¹ *Order Setting Local Public Hearings*, Case No. WR-2020-0344 (Dec. 2, 2020); *Order Approving Waiver*, Case No. GE-2020-0297 (July 15, 2020); *Order Approving Waiver*, Case No. GE-2020-0297 (March 25, 2020); *Order Approving Application for Temporary Waiver and Directing Written Notice*, Case No. GE-2020-0373 (June 11, 2020).

² *Order Setting Local Public Hearings*, Case No. WR-2020-0344 (Dec. 2, 2020)

³ Center for Disease Control, FAQs for Event Organizers & Individuals, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/downloads/FAQ-mass-gathering-event-organizers.pdf>.

citizens to limit interactions to small groups of less than ten people.⁴ Perry and Cape Girardeau Counties are both currently classified as “Category 1: Extreme Risk” counties, where limiting in-person gatherings is especially critical.

5. In lieu of in-person public meetings, ATXI has already conducted a number of interactive public webinars. ATXI hosted Community Representative Forums on June 23 and 24, 2020 and also hosted four Virtual Public Meetings—two on August 19, 2020 (12:00 PM and 7:00 PM), and two on October 28, 2020 (12:00 PM and 7:00 PM). ATXI will host an additional Virtual Public Meeting by webinar on January 21, 2021 at 12:00 PM, and a “Tele-Town Hall” on January 21, 2021 at 7:00 PM.

6. The webinars allow individuals to participate online and over the phone. Online participants can post contemporaneous questions and comments which are then answered by ATXI representatives during or after the meeting. A helpline is also available should participants have technical issues. After these public webinars are conducted, PDFs of the presentations covered during the meetings are made accessible to the public *via* the Project’s website (see link in footnote) and can be emailed or mailed to specific individuals upon request.⁵ ATXI also uses the questions and comments it receives to maintain a Frequently Asked Questions section on the Project’s website.

⁴ State of Missouri Public Health Warning, November 19, 2020, *available at* <https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/pdf/advisory-20201119.pdf>; *see also*, Cape Girardeau Health Dept. COVID-19 Status Page, *available at* <http://www.cgcohealthdept.com/Corona%20Virus.aspx>; Perry Health Dept. Status Report, *available at* https://www.perrycountyhealth.com/cmsAdmin/uploads/pchd-covid-update_12-07-20.pdf.

⁵ Limestone Ridge Project Website, *available at*: <https://www.ameren.com/missouri/company/limestoneridgeproject>.

7. The Tele-Town Hall on January 21, 2021 will provide additional opportunity for individuals who wish to ask questions or make comments in a town hall setting, but are not able or prefer not to submit questions and comments through the webinar tools. Participants will be able to listen to ATXI's presentation as well as the questions and comments of other participants, and will also be able to join the "speaker queue" to ask their own questions and/or make their own comments.

8. In addition to the live events, ATXI's website encourages alternative means of collaboration. ATXI allows anyone the opportunity to call the dedicated hotline (573-232-3003); email ATXI at LimestoneRidgeProject@ameren.com; leave a comment at limestoneridgeresources.com; mail ATXI at Limestone Ridge Project, 45 S. Minnesota Ave., Cape Girardeau, MO 63703; pick up information packages in person (or request that one be mailed or emailed); and/or use a number of online resources including Virtual Open House rooms and Interactive Comment Maps.

9. ATXI encouraged participation in the live events by publishing notice of each Virtual Public Meeting in local newspapers (Southeast Missourian and Republican Monitor), mailing notice to landowners in the route study area for the Project (including those with land that would be directly affected by a permanent easement or other permanent property interest and those with land that contains a habitable structure that would be within 300 feet of the centerline of the Project, as required by 20 CSR 4240-20.045(K)(1)), and posting information about the events on the Project's website (limestoneridgeproject.com). ATXI also encourages participants to reach out to ATXI if they believe other individuals should participate in the meetings. ATXI's noticing efforts include, and go beyond, those legally required under 20 CSR 4240-20.045.

10. Participation in the Virtual Public Meetings has been strong and reflective of participation in typical in-person meetings. On August 19, 2020, approximately 26 individuals attended the meetings (cumulative between the 12:00 PM and 7:00 PM meetings) and offered more than 30 questions and comments. Participation in the October 28, 2020 meetings was even better, with approximately 68 attendees attending the two sessions (cumulative between the 12:00 PM and 7:00 PM meetings) and offering additional unique comments and questions.

11. Consistent with the prior events, in advance of the January 21, 2021 events, ATXI will publish notice in local newspapers, mail notice to landowners in the route study area for the Project and anyone who signed up for Project updates through the website or hotline, and post information about the events on the Project's website. The Commission's timely ruling on this Motion will provide ATXI, landowners, and other stakeholders with greater certainty in advance of the January events.

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WHEREFORE, ATXI respectfully requests the Commission waive the 20 CSR 4240-20.045(6)(K)(3) requirement that ATXI hold a public meeting “in a building open to the public and sufficient in size to accommodate the number of persons in the county entitled to receive notice of the application,” and find that the virtual meetings described herein are sufficient to satisfy the notice and public meeting requirements under 20 CSR 4240-20.045, subject to ATXI filing of an affidavit or other verified certification of compliance with its forthcoming Application.

Respectfully submitted,

/s/ Frank A. Caro, Jr.

Frank A. Caro, Jr. MBN 42094

Andrew O. Schulte MBN 62194

Polsinelli PC

900 W. 48th Place, Suite 900

Kansas City MO 64112

(816) 572-4754

fcaro@polsinelli.com

aschulte@polsinelli.com

ATTORNEYS FOR AMEREN TRANSMISSION
COMPANY OF ILLINOIS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties listed below by email or U.S. mail, postage prepaid, this 9th day of December, 2020.

Office of Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City MO 65102
staffcounsel@psc.mo.gov

Nicole Mers, Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City MO 65102
nicole.mers@psc.mo.gov

Jeff Keevil, Staff Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City MO 65102
jeff.keevil@psc.mo.gov

Office of the Public counsel
P.O. Box 2230
Jefferson City MO 65102
opcservice@ded.mo.gov

/s/ Frank A. Caro Jr.

Attorney for Ameren Transmission Company of
Illinois