

**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.)

**ATXI’S RESPONSE IN OPPOSITION TO NEIGHBORS UNITED’S JANUARY 20, 2016
MOTION TO STAY EVIDENTIARY HEARING**

COMES NOW Ameren Transmission Company of Illinois (“ATXI”), and for its response in opposition to the above-referenced motion of Neighbors United Against Ameren’s Power Line (“Neighbors”) states as follows:

Background

1. The Neighbors seek (again) to delay a hearing on the merits in this case on the grounds that they have submitted an open records (i.e., “Sunshine Law”) request to the Commission under Chapter 610, RSMo. The subject matter of the request relates to the Commission’s involvement with the Organization of MISO States (“OMS”) and Midcontinent States Environmental and Energy Regulators (“MSEER”).
2. The Neighbors formed in approximately September, 2014.
3. On December 9, 2014, ATXI filed a notice that this case would be filed, as required by the Commission’s communications rules.
4. This case was filed on May 29, 2015.
5. The Neighbors have been a party to this case since July 1, 2015.

6. The Neighbors, or any one of its members, were entitled to submit, at any time, any Sunshine Law request they desired, including the one they waited to submit until January 5, 2016.

7. The Commission, as evidenced by public filings at the Federal Energy Regulatory Commission, information on its own website and information on the websites of the Midcontinent Independent System Operator, Inc. (“MISO”) and the OMS, has been actively engaged for years in the stakeholder process at MISO. The Neighbors’ motion clearly indicates that the Neighbors were well aware of this fact, including the roles played by Messrs. McKinnie and Cecil and Ms. Eubanks, who are mentioned by name in the Sunshine Law request.

8. MSEER has been active in the area toward which the Sunshine Law request is directed since 2014, and indeed has submitted comments on what ultimately became the Clean Power Plan as far back as November 2014. *See, e.g., November 21, 2014 letter from MSEER to EPA Administrator Gina McCarthy* (signed by, among others, then Commission Chairman Robert Kenney).¹

Argument

9. This is the latest in a series of unfounded efforts on the Neighbors’ part to avoid a decision on the merits in this case entirely, or to delay the evidentiary hearings in this case.

10. Despite the agreement of all other parties to a procedural schedule that called for hearings to occur in November, 2015, the Neighbors filed a competing procedural schedule that sought hearings in late January, 2016. The Commission set the hearings to occur in December, 2015.

¹ <http://www.naruc.org/Publications/Final%20MSEER%20Comment%20Letter%2011%2021.pdf>

11. In October, 2015, the Neighbors sought to dismiss the case entirely, a request that the Commission properly denied.

12. Thereafter, the Neighbors sought and obtained a seven-week delay of the evidentiary hearings, to January 25, 2016.

13. Just this week, the Neighbors sought the sanction of dismissal of the case, or in the alternative, delay of the evidentiary hearings, based upon claims that ATXI had improperly failed or refused to comply with discovery. The Commission properly concluded otherwise, and denied the motion.

14. This case has been pending for nearly eight months. Hearings have been scheduled for several weeks. The hearings in this case are now set to occur at a timeframe within this case analogous to the timeframe afforded in a full-blown general rate proceeding. More time is neither warranted nor needed, regardless of whatever the Neighbors have decided they might like to do with whatever information the Sunshine Law request might provide.

15. The Neighbors could have sent whatever Sunshine Law requests they chose to send, whenever they wanted, and had six months to otherwise conduct related discovery. That they failed to do so until 16 days ago has no bearing on this case, and certainly does not support any delay in the evidentiary hearings. Any lack of information the Neighbors may claim is a product of their own efforts, or lack thereof.

WHEREFORE, ATXI requests that the Commission promptly² make and enter its order denying the Neighbors' latest motion to delay the evidentiary hearings in this case.

² Obviously, all of the parties, ATXI included, are engaged in hearing preparation at this time. The Neighbors' latest motion should be dispensed with forthwith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Response in Opposition has been e-mailed, this 21st day of January, 2016, to counsel for all parties of record.

/s/James B. Lowery
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