

**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 RESPONSE TO ATXI’S MOTION TO COMPEL

COMES NOW Neighbors United Against Ameren’s Power Line (Neighbors United), by and through the undersigned counsel, and hereby requests the Commission to deny Ameren Transmission Company of Illinois’ (ATXI) Motion to Compel Discovery. In support of its Response, the undersigned states as follows:

Background

1. On June 17, 2015, Neighbors United was formed by filing its Articles of Incorporation with the Missouri Secretary of State.
2. On June 18, 2015, Neighbors United filed a Motion to Intervene in the above stated matter with this Commission. On July 1, 2015, the Commission granted intervention to the organization.
3. To date, Neighbors United has approximately 407 members located across five separate counties in Missouri.
4. On August 24, 2015, ATXI issued fourteen (14) data requests to Neighbors United requesting specific personal information from each individual member of Neighbors United.
5. On September 3, 2015, Neighbors United sent an objection letter to ATXI detailing specific objections to the requests made by ATXI, and are attached hereto and incorporated herein as Attachment A.

Argument

Data Request No. 2

6. ATXI asks the Commission to compel Neighbors United to respond to its Data Request No. 2 asking for specific individual member information along with

specific property information. Neighbors United is the legal entity appearing before the Commission, not each individual member that claims membership to the organization. This is true as well for the other organizations in this case, such as, Missouri Industrial Energy Consumers (MIEC), United for Missouri and the International Brotherhood of Electrical Workers Local 1439 (IBEW Local 1439) that are similarly organized to Neighbors United.¹

7. Respectfully, the Commission does not have the authority to issue a binding order against individuals to provide personal information if they are not granted intervention in a case before the Commission. Requiring each individual member of Neighbors United to provide personal information is akin to requiring each employee of ATXI to state its position on whether the CCN requested by ATXI is in the public interest or requiring each individual member of MIEC, United for Missouri or IBEW Local 1439 to provide specific information because the organization they belong to is part of a Commission case.

8. Further, requiring individual members of organizations to provide information solely because they belong to the organization will have a chilling effect not only on participation in groups but also decisions to intervene going forward. ATXI's Motion evokes this serious and consequential policy question for the Commission's decision. The Commission should not compel Neighbors United to provide this information from individuals to ATXI.

Data Request 4

9. This data request asks for property owners' names and addresses subject to the proposed line, as well as specific information for the properties subject to the proposed line. The response for the previous data request is applicable here and is incorporated herein without repetition.

10. Additionally, ATXI's request for this type of information leads one to question the quality of ATXI's application. Commission Rule 4 CSR 240-3.105(1)B)1. requires a utility to provide in the application "A description of the route of construction..." ATXI's Application provided a final route for the proposed line and stated ATXI identified landowners affected and sent letters giving them notice of the

¹ The Secretary of State lists MIEC and United for Missouri as non profits. As stated in IBEW's request

route selection.² ATXI admits it already has landowner names, addresses, and other information legally identifying the properties they anticipate building through. Requesting the information again from Neighbors United creates an unnecessary burden. The Commission should not compel Neighbors United to provide ATXI information that is already in their possession.

Data Request 5

11. This data request asks for individual members to provide information to ATXI about existing electric lines and utility easements on their property. The responses for the previous data requests are applicable here and are incorporated herein without repetition.

12. Commission Rule 4 CSR 240-3.105(1)(B)1. requires ATXI to provide as part of the Application “a list of all electric and telephone lines of regulated and nonregulated utilities, railroad tracks or any underground facility, as defined in section 319.015, RSMo, which the proposed construction will cross[.]” ATXI’s Application states it has identified the electric lines of regulated and non-regulated utilities that the proposed line will cross.³ ATXI admits it already has the electric line information for the properties they anticipate building through. Requesting the information again from Neighbors United creates an unnecessary burden. The Commission should not compel Neighbors United to provide ATXI information that is already in their possession.

Data Request 8

13. This data request asks for individuals to provide any communication they had with the public regarding the proposed line. The responses for the previous data requests are applicable here and are incorporated herein without repetition.

14. However, a few points warrant repeating. ATXI is requesting the Commission order the individual members disclose any communication they may have had with the public prior to the creation of Neighbors United. Any views these individuals may have expressed may or may not represent the views of Neighbors United in this case. Further, ATXI is asking Neighbors United to provide information that existed before it was legally created. ATXI requests the Commission to go beyond

² Direct Testimony of Douglas J. Brown, p. 2, ll. 18-20; p. 3, ll. 15-17.

³ Id. at p. 2, ll. 18-22, p. 3, ll. 1-2.

its authority to order Neighbors United to collect information from individuals without limit to its legal existence. Neighbors United responded to this data request and provided ATXI with communications authorized by the organization. As such, this data request has been fully responded to and the Commission should not compel Neighbors United to provide ATXI with information from individuals and prior to the organization's creation date.

Data Request 9

15. This data request asks for a copy of a document created by an individual prior to the creation of Neighbors United. The responses for the previous data requests are applicable here and are incorporated herein without repetition.

16. ATXI is requesting the Commission order Neighbors United to collect a presentation created by an individual prior to the creation of Neighbors United. Any views the individual may have expressed in this document may or may not represent the views of Neighbors United in this case. Further, ATXI is asking Neighbors United to collect and provide information that existed before it was legally created. ATXI requests the Commission to go beyond its authority to order Neighbors United to collect information from individuals without limit to its legal existence. Neighbors United responded to ATXI's data requests by providing communications authorized by the organization. The Commission should not compel Neighbors United to provide ATXI with information from individuals and prior to the organization's creation date.

Data Request 10

17. This data request asks for information from individuals regarding any communication they may have had with County Commissioners about the proposed line. The responses for the previous data requests are applicable here and are incorporated herein without repetition.

18. ATXI cites information from two sets of business meetings to support that Neighbors United has only provided a limited response. However, the July 20, 2015 business minutes indicate that a County Commissioner or Commissioner's agent provided a document to an individual who then brought it to a Neighbors United meeting for discussion. The second point ATXI uses to suggest non-compliance is a note in the minutes for September 21, 2015, that discuss potential communications to occur in the

future. Neighbors United has since provided information regarding those communications made by the organization to ATXI and it should no longer be a point on which to compel.

19. Neighbors United responded to ATXI's data requests by providing communications authorized by the organization. The Commission should not compel Neighbors United to provide ATXI with information from any conversation individuals may have had with County Commissioners on their own volition.

Data Request 11

20. This data request asks for information from individuals regarding their position on the use of renewable energy. The responses for the previous data requests are applicable here and are incorporated herein without repetition. Neighbors United has provided ATXI with the corporation's position on renewable energy. The Commission should not compel Neighbors United to provide ATXI with information from each individual.

Data Request 12

21. This data request asks for information from individuals regarding their conversations with employees of ATXI. The responses for the previous data requests are applicable here and are incorporated herein without repetition.

22. Certainly, if any such communications did occur between an ATXI employee and an individual member of Neighbors United, ATXI would also have equal access to the communication. The Commission should not compel Neighbors United to provide ATXI with information from any conversation individuals may have had with any ATXI employee on their own volition.

Data Request 13

23. This data request asks for health information from individuals. The responses for the previous data requests are applicable here and are incorporated herein without repetition.

Conclusion

24. As stated previously herein, Neighbors United has approximately 407 members to date. Only approximately 30 members regularly attend meetings, those including the directors and officers of the organization. Communication with all

members can be difficult—individuals are spread across five (5) counties, many are without regular email access and some are even without phones and will only respond by postal mail. Neighbors United has in good faith complied with the requests of ATXI subject to its objections. Should the Commission order Neighbors United to provide responses from each individual, Neighbors United respectfully requests the Commission to allow at least one month from the date of such order to comply.

WHEREFORE, Neighbors United provides this response for the Commission's information and consideration and requests the Commission deny ATXI's Motion to Compel and find Neighbors United has complied with ATXI's requests.

Respectfully submitted,

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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 15th day of October 2015.

/s/ Jennifer Hernandez

Jennifer Hernandez