

**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, 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.)
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) **File No. EA-2015-0146**
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**NEIGHBORS UNITED’S REPLY TO ATXI’S REPOSE TO MOTION TO COMPEL
AMEREN TRANSMISSION COMPANY OF ILLINOIS’ RESPONSE TO DATA
REQUESTS AND PROVIDE PROOF OF NOTICE TO AFFECTED LANDOWNERS**

COMES NOW Neighbors United Against Ameren’s Power Line (Neighbors United), by and through the undersigned counsel, and for its Reply to ATXI’s Response to the Motion to Compel and request for Proof of Notice states:

1. Neighbors United is not surprised by ATXI’s response in regard to the data requests. While ATXI attempts to discount Neighbors United’s requests, the simple fact is that Neighbors United’s Motion to Compel was timely filed and the requests are for information that is properly discoverable under the Commission’s rules. Neighbors United requests the Commission order ATXI to respond to Neighbors United’s data requests as outlined in the Motion to Compel.

2. What is very surprising and most concerning is the idea that ATXI believes it has no obligation to notify landowners that it intends to build a transmission line across their property as a part of an application for a certificate of convenience and necessity before the Commission, and asks the Commission to agree with this. ATXI argues it has no obligation to provide notice to all affected, even though its Application

incorrectly states that it has notified all landowners that would be affected by this project. See the Direct Testimony of Christopher J. Wood at page 31.

3. On January 8, 2016, counsel for ATXI contacted the undersigned to obtain the list of maps that did not list the correct owners, as well as the name of the individual identified at that point as not having notice of the proposed line. While ATXI counsel had previously stated it had no obligation to provide correct information regarding the maps to Neighbors United, only the provide whatever current information they had in their possession, ATXI asked Neighbors United to identify all of the mistakes so they could “track down the issue.” However, ATXI’s January 12, 2016, response with the Commission does not address any of the issues from the parcel maps or the identified landowners that did not receive notice of the Mark Twain Transmission Project, or even the results of their review of this information provided.

4. Since January 8, 2016, Neighbors United has reviewed all 364 parcel maps and searched the assessor’s records in each county the Mark Twain Transmission Project is proposed to be built in. Neighbors United has identified to date 28 maps that have the wrong owner listed, and multiple landowners that were never notified by AXTI that they intend to build the line across their property.

5. When these errors were identified, members of Neighbors United used the parcel number on the map to search property records in the corresponding county assessor’s office to identify the correct owner. A handful of volunteers for Neighbors United have searched and corrected all 364 parcel maps provided by ATXI in a matter of four days (outside their regular employment), a process that ATXI has stated it was impossible for it to do—“Moreover, ATXI has no ability to verify at this time (short of

conducting title work on every parcel that could then be out-of-date by the time easements are to be obtained) the true owners of the 11 properties identified in maps the Neighbors claim are incorrectly labelled (sic).”

6. To be clear, these corrected landowners identified by Neighbors United are not members of Neighbors United. These landowners were identified when Neighbors United began reviewing maps to prepare for evidentiary hearing and asking the named landowner on the map about the property. The issue of notice and incorrect labeling was identified when several listed owners on the maps provided by ATXI stated to Neighbors United that they had either never owned the parcel or had sold the parcel some time ago.

7. While ATXI argues to the Commission that there is no statutory requirement to notify all landowners of its project, ATXI’s Application represents that it notified the landowners that would be affected by this project. See the Direct Testimony of Christopher J. Wood at page 31.

8. ATXI further argues that there was public opportunities for a landowner to identify for itself that it would be affected by the project subject to this case. This argument is absurd in that it would require a landowner that had received no notice of a potential to build on their land to attend a public meeting to preemptively inquire as to whether ATXI intended to build on their land. Essentially, every landowner in Marion, Knox, Shelby, Schuyler and Adair counties would have had to attend a public meeting to inquire as to whether ATXI intended to build on their land.

9. ATXI alleges that Neighbors United is using the notice issue as a procedural issue to delay this case. This is not true. This is an issue entirely created by

the actions, or lack thereof, by ATXI, and the misrepresentations they made regarding notice in their Application. Neighbors United never wished for this to be an issue in this case, however Neighbors United first expressed concerns in its filings about whether ATXI had a complete listing of landowners when ATXI asked Neighbors United to provide names and contact information for affected landowners as part of its data requests. Again, this issue was fully identified when Neighbors United made the effort to identify the correct landowners for each parcel number that was provided by ATXI, a task that ATXI could have easily, and should have, completed.

10. The identified landowners that did not receive notice should be allowed the opportunity to know how the proposed project will affect their property and discuss their interest prior to the Commission deciding this case. The identified landowners are not Neighbors United members and have expressed that they had no knowledge that the project was proposed to cross their land until this past week.

11. While ATXI argues it has no responsibility to notify landowners of whom they intend to condemn property and build on, the Commission should not support this type of public policy, especially when such companies have verified with the Commission that they have identified and notified affected landowners. Fairness would direct the Commission to issue an order that allows these newly identified landowners an opportunity to learn how ATXI proposes to affect their property and an opportunity to discuss this project with an attorney to determine their rights and responsibilities. Neighbors United will work with ATXI to provide these individuals' names and contact information identified from its search should the individuals be given the full opportunity for notice and the opportunity to be heard prior to an evidentiary hearing.

WHEREFORE, Neighbors United files this reply and respectfully requests the Commission order ATXI to respond to the data requests as explained in the Motion to Compel and allow all landowners to receive proper notice and an opportunity to participate in this case prior to an evidentiary hearing in this matter.

Respectfully submitted,

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ATTORNEY FOR NEIGHBORS
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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 13th day of January 2016.

/s/ Jennifer Hernandez

Jennifer Hernandez