

**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 IN OPPOSITION
TO AMEREN TRANSMISSION COMPANY OF ILLINOIS’ MOTION FOR
RECONSIDERATION OF ORDER AMENDING PROCEDURAL SCHEDULE**

COMES NOW Neighbors United Against Ameren’s Power Line (Neighbors United), by and through the undersigned counsel, and for its response in opposition to Ameren Transmission Company of Illinois’ (ATXI) motion for the Commission to reconsider its Order amending the procedural schedule in this case, states:

1. On November 25, 2015,¹ the Commission by delegation of authority pursuant to Section 386.240, RSMo 2000, issued its Order Granting Motion To Amend Procedural Schedule. The Order stated “The Commission finds Neighbor’s United motion reasonable, and will grant it.”

2. ATXI’s Motion for Reconsideration By the Full Commission raises for the first time the requirement of bat studies as the reason why the Commission should reconsider its November 25th Order. Further, ATXI requests the Commission shorten the parties’ time for discovery and briefing.

3. As explained in Neighbors United’s November 19th Motion, ATXI filed 16 pieces of surrebuttal testimony, consisting of testimony from 8 new witnesses. Each of

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

the 8 new witnesses testified regarding technical subjects to support ATXI's request for a Certificate of Convenience and Necessity.

4. Now, faced with a large body of new testimony and new witnesses, ATXI wishes to end discovery six weeks prior to the evidentiary hearing, all while ATXI has yet to provide answers to all of Neighbors United's second set of data requests served to ATXI on October 30.

5. In regard to ATXI's request to shorten the briefing schedule, Neighbors United agrees with Staff's analysis and opposition, in that "moving the deadline for initial briefs a week from February 26, 2016, to February 19, 2016, following the end of the evidentiary hearing on January 29, 2016, even with expedited transcripts, leaves too little time for the parties to appropriately brief the issues in this case."

6. As stated in Neighbors United's Motion, the sense of urgency that ATXI has created regarding this matter is entirely of its own creation. Landowners received letters from ATXI in early August 2014 indicating that the transmission line subject of 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 the filing, approximately 10 months later.

7. Further, ATXI has raised for the first time the requirement of bat studies to support its motion to amend the procedural schedule. However, ATXI fails to explain to the Commission that these studies are required due to the route that ATXI chose, even after suggestions from the United States Fish and Wildlife Service and the Missouri Department of Conservation to consider alternative routes that did not directly cross and interrupt known maternal colonies of bats.

WHEREFORE, Neighbors United opposes ATXI's Motion for Reconsideration and respectfully requests the Commission support its Order issued on November 25, 2015.

Respectfully submitted,

HERNANDEZ LAW FIRM, LLC

By: **/s/ Jennifer Hernandez**

Jennifer Hernandez, MO Bar No. 59814

1802 Sun Valley Drive

Jefferson City, Missouri 65109

Phone: 573-616-1486

Fax: 573-342-4962

E-Mail: jennifer@hernandezlegal.com

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 4th day of December 2015.

/s/ Jennifer Hernandez

Jennifer Hernandez