

**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.<sup>1</sup> )

**REVISED JOINTLY PROPOSED PROCEDURAL SCHEDULE**

COME NOW Ameren Transmission Company of Illinois (ATXI), the Staff of the Missouri Public Service Commission (Staff), United For Missouri (UFM), the Missouri Industrial Energy Consumers (MIEC), Midcontinent Independent System Operator, Inc. (MISO) and IBEW Local 1439 (IBEW), collectively, the Joint Movants, and hereby submit this Revised Jointly Proposed Procedural Schedule for adoption by the Commission, and in support thereof state as follows:

1. On July 29, 2015, this Commission issued an order directing the parties to attempt to reach agreement on a compromise procedural schedule and, if able to do so, to file that schedule with the Commission no later than August 3, 2015. Despite attempts to enter into a compromise procedural schedule with Neighbors United Against Ameren’s Power Line (Neighbors United), these attempts have not been successful. Following a conference call with counsel for Neighbors United (and Staff counsel) in view of the Commission’s order, counsel for ATXI proposed a procedural schedule which essentially advanced the dates in the prior proposed schedule by one month, except that the hearing would begin five weeks later than the dates originally proposed by the Joint Movants. Counsel for Neighbors United responded with a

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<sup>1</sup> The project for which the CCN is sought in this case also includes a 161,000-volt line connecting to the associated substation to allow interconnection with the existing transmission system in the area.

proposed schedule that added eight weeks to the due date for rebuttal testimony that had originally been proposed by the Joint Movants; in addition, the proposed schedule provided by Neighbors United did not call for the evidentiary hearings to begin until January 4, 2016.

2. Given the need for ATXI to obtain a CCN on a timely basis so as to begin work on the Mark Twain project such that it will be completed by the MISO deadline but with a desire to reach a compromise with Neighbors United if possible, counsel for ATXI then proposed yet another compromise schedule which extended all of the dates from the original proposed schedule by five weeks, except that the deadline for rebuttal testimony was extended slightly more (by five and one-half weeks). Counsel for Neighbors United rejected this proposal as well. Other than Neighbors United, all of the other parties to this proceeding<sup>2</sup> support the revised proposed procedural scheduling herein.

3. Notably, these accommodations follow ATXI offering two additional weeks (without any concession from Neighbors United in exchange) for rebuttal testimony beyond the schedule originally proposed by ATXI prior to the Prehearing Conference that was held on July 15. As indicated in ATXI's July 28, 2015 *Response in Opposition to Proposed Procedural Schedule of Neighbors United*, ATXI had originally proposed that rebuttal testimony be due on August 28, 2015, but in response to Neighbors United request for more time, agreed to a due date of September 11, 2015. This followed ATXI's agreement to move the Prehearing Conference by one week, again at Neighbors United's request. The Joint Movants have now agreed to further accommodation for rebuttal testimony, to October 21, 2015 – nearly two months later than originally proposed.

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<sup>2</sup> Counsel for the Office of Public Counsel has been contacted and has stated OPC's support for the revised procedural schedule set out herein.

4. Believing that the proposed procedural schedule set out herein allows Neighbors United sufficient additional time in which to prepare a case<sup>3</sup> (which was filed on May 29), the parties to this pleading have reached agreement on a proposed procedural schedule, which is reflected herein. By comparison, the procedural schedule adopted in the Grain Belt Express case afforded just 11 weeks after Grain Belt's last direct testimony was filed to file rebuttal.

5. It should also be noted that Neighbors United's response to these attempts to provide significantly more time for Neighbor's United has been to seek yet more time (four more weeks to file rebuttal, to November 9), while seeking to reduce the opportunity for other parties to file additional testimony and to prepare briefs. In rejecting this schedule, Neighbors United seeks to require ATXI to file surrebuttal (and other parties to file cross-surrebuttal) a week sooner than proposed herein (with a deadline of November 30, with the intervening Thanksgiving Holiday to consume a portion of the shortened time), and also seeks to reduce the parties' time to prepare and file initial briefs by a week, while also seeking to cut in half the time to prepare and file reply briefs (Neighbors United would only afford mere 7 days to prepare and file reply briefs (with two of those days falling on a weekend)).

6. Joint Movants believe this revised schedule is fair and reasonable and affords Neighbors United its due process rights. Moreover, this revised schedule reflects what the Joint Movants understand the Commission's views as expressed at the July 29, 2015 agenda session as to the anticipated evidentiary hearing dates. Consequently, Joint Movants request that the Commission adopt the revised procedural schedule set forth in paragraph 7 below, and also adopt the related procedural items that have been agreed upon, as reflected in paragraph 8 below.

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<sup>3</sup> For example, the accommodations that have now been provided give Neighbors United more than 19 weeks from when this case was filed to prepare rebuttal, and more than 16 weeks to do so from the date Neighbors United was granted intervention.

7. The Revised Proposed Procedural Schedule agreed upon by the Joint Movants is as follows:

**Procedural Schedule**

Local Public Hearings (Schuyler, Adair, Marion)	October 15, 16, 19, 20, 2015 <i>(available dates)</i>
Non-Company Parties File Rebuttal Testimony	October 21, 2015
Response Time for Data Requests Reduced to 10 Calendar Days to Respond and 5 Business Days to Object/Notify of Need For Additional Time to Respond	September 31, 2015
Company Files Surrebuttal/Other Parties' Cross-Surrebuttal Testimony	November 16, 2015
Last day to Request Discovery	November 30, 2015
Deadline to File List of Issues, List of Witnesses, Order of Cross-Examination, and Order of Opening Statements	November 30, 2015
Deadline to File Statements of Position	December 9, 2015
Evidentiary Hearings	December 14-18, 2015
Deadline to File Initial Briefs	January 15, 2016
Deadline to File Reply Briefs	January 29, 2016

8. The Joint Movants have also agreed to the following procedures<sup>4</sup> and request the Commission order these agreed to procedures be included in the Commission's Order setting the Procedural Schedule for this case:

(a) All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic

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<sup>4</sup> These are unchanged from those originally proposed.

format for purposes of exchanging it.

(b) Parties shall try to not include highly confidential or proprietary information in data request questions. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information will be appropriately designated as such pursuant to 4 CSR 240-2.135.

(c) Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the “description” of that data request contemporaneously with service of the data request. Regarding Staff-issued data requests, if the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party’s employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule. In the case of ATXI data request responses, ATXI shall post its data request responses on its Caseworks Extranet site; however, in the case of responses to data requests Staff issues to it, ATXI shall also submit the responses to Staff data requests in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible.)

(d) If a data request has been responded to, a party’s request for a copy of the response shall be timely responded to, considering that the underlying data request has already been responded to (except that, with the exception of responses to Staff, responses will not be needed for ATXI data request responses posted on the Company’s Caseworks Extranet site).

(e) Workpapers prepared in the course of developing a witness’ testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within 2 business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary information shall be appropriately marked.

(f) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. With the exception of workpapers provided to Staff,

ATXI may provide workpapers by posting the same on its Caseworks Extranet site, with e-mail notification to counsel for the parties to be provided essentially concurrently with the posting of workpapers on the Extranet site. ATXI shall provide its workpapers to Staff in electronic format by e-mailing or by delivery of a compact disc or other electronic storage media.

(g) Documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail.

(h) All data requests, subpoenas, or other discovery requests or notices shall be issued no later than November 30, 2015. With respect to deposing a witness, so long as a notice of deposition is issued by November 30, 2015, the deposition may occur so long as it is scheduled on or before December 7, 2015.

(i) All motions to compel a response to any discovery request shall be filed no later than December 4, 2015.

(j) Data requests sent after 5:00 p.m. will be considered served on the next business day. The Commission may rule on discovery motions filed after Surrebuttal Testimony is filed without holding the conference required by 4 CSR 240-2.090(8)(B).

WHEREFORE, the above-named parties file the Jointly Proposed Procedural Schedule set forth in paragraph 7 above, and request that the Commission adopt the same and include in its order its adoption of the procedural items requested by the parties in paragraph 8 above, and set three local public hearings in the locations and on the dates set forth above.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been e-mailed, this \_\_\_ day of August 3, 2015, to counsel for all parties of record.

*/s/ James B. Lowery* \_\_\_\_\_  
**An Attorney for Ameren Transmission  
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