

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Ameren)
Transmission Company of Illinois for a)
Certificate of Public Convenience and)
Necessity to Construct, Install, Own,) **File No. EA-2021-0087**
Operate, Maintain, and Otherwise Control)
and Manage a 138 kV Transmission Line)
and associated facilities in Perry and Cape)
Girardeau Counties, Missouri)

ORDER GRANTING WAIVER OF 180-DAY FILING REQUIREMENT

Issue Date: March 15, 2021

Effective Date: March 15, 2021

Ameren Transmission Company of Illinois (“ATXI”) filed notice on September 25, 2020 of its intent to file an application for a certificate of convenience and necessity to construct and operate a transmission line in parts of Perry and Cape Girardeau Counties, Missouri. As provided by Commission Rule 20 CSR 4240-4.017(1), the filing of that notice of intent was required to inform the Commission that an application would be forthcoming and to mark the beginning of the limitations on ex parte and extra record contact imposed by Chapter 4 of the Commission’s rules. Aside from the notice provisions to establish a new noticed case, that section of the rule also provides that “[i]f the expected case filing is not made within one hundred eighty (180) days, the noticed case shall close.” One hundred eighty days after September 25, 2020 is March 24, 2021. So, by the terms of the rule, unless ATXI files its application by March 24, the file will close on that date. On March 10, 2021, ATXI filed a motion requesting a waiver of the 180-day filing deadline to allow it an additional 45 days, until May 10, 2021, to file its application.

ATXI's motion explains that it has encountered delays in finalizing its plans and needs more time to finalize the proposed route for the transmission line and ensure continued public participation in the process. Importantly, ATXI explains that the public has been made aware of the existence of this particular file number as the case in which the application will be filed. ATXI is concerned that allowing this file number to close and to be replaced with a new file number would create confusion among the public and could cause members of the public to lose contact with the process.

Commission Rule 20 CSR 4240-4.017(1)(D) gives the Commission authority to waive the provisions of section (1) of that rule for good cause shown. Most frequently that waiver provision is used to allow an applicant to proceed without having filed a 60-day notice before filing an application where they can show that the goal of avoiding improper communication with the Commission has been met without having to wait the mandated 60 days. In this case, the question of avoiding improper communication with the Commission is not at issue. Rather the problem arises from ATXI's inability to prepare and file its application before expiration of the filing window established by the rule.

The Commission established the end of the filing window at 180 days after the notice filing to avoid the uncertainty associated with files remaining open, potentially for years, after the filing entity has decided not to file the anticipated application. If a file is closed after 180 days, the potential applicant can choose to file a new notice to reopen the 60-180 day filing window, or if they do not want to wait for the new 60-day filing period, they can request a waiver of the filing period after showing good cause to believe that there has been no improper communication with the Commission. As ATXI points out, that usual practice is unsatisfactory in this case because the continued existence of this

particular file number is important to ATXI's continued communications with the affected public. For that reason, the Commission will grant the waiver sought by ATXI.

THE COMMISSION ORDERS THAT:

1. ATXI's Motion for Waiver of the 180-Day Deadline in 20 CSR 4240-4.017(1) is granted and this file shall remain open until May 10, 2021, for the purpose of receiving the application for which ATXI provided notice on September 25, 2020.

2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 15th day of March, 2021.