

**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.)

ENTRY OF APPEARANCE

COMES NOW the undersigned counsel and hereby enters his appearance in this matter on behalf of Neighbors United Against Ameren’s Power Line.

Respectfully submitted,

HERNANDEZ LAW FIRM, LLC

By: **/s/ Arturo A. Hernandez, III**

Arturo A. Hernandez, III

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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 26th day of May 2016.

/s/ Arturo A. Hernandez, III

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**Neighbors United’s Application for Rehearing and Request for Clarification
of the Commission’s April 27 Report and Order**

COMES NOW Neighbors United Against Ameren’s Power Line (Neighbors United), by and through the undersigned counsel, and pursuant to Section 386.500.1, RSMo., and Commission Rule 4 CSR 240-2.160, respectfully requests rehearing and clarification of the Commission’s April 27, 2016 *Report and Order* in this case. In support, Neighbors United states as follows:

Application for Rehearing

The Commission’s decisions must be lawful and reasonable. *State ex rel. Atmos Energy Corp. v. Pub. Serv. Comm’n*, 103 S.W.3d 753, 759 (Mo. banc 2003). Neighbors United respectfully suggests the Commission’s Order is unlawful, unjust and/or unreasonable in that: (1) Filing evidence of county assent with the Commission is a filing requirement for approval of an application for a certificate of convenience and necessity (CCN) and a prerequisite to the Commission granting ATXI the authority it seeks in this case; (2) The Commission failed to properly consider and weigh all the relevant evidence of the farming and ranching implications of the Mark Twain Transmission Project (MTTP) in making its findings on the extent of impact of the project to farming and ranching practices, as well as whether the Application is in the

public interest and a violation of the Missouri Constitution Right to Farm Amendment; and (3) the Order is unlawful in that the Commission granted the CCN with the findings that farmland will be taken out of production and farming and ranching practices will be infringed, in violation of the Missouri Constitution Right to Farm Amendment.¹

The Commission may not grant ATXI the authority it seeks until the required approvals from all five county commissions are obtained by ATXI and submitted to this Commission for consideration. It is possible that after discussions between ATXI and the county commissions, the commissions could grant ATXI assent to build the MTTP, but in a totally different location than what was part of the Application and approved by the Commission. A different line route most likely means the line would pass over the land of different landowners, environmental impacts may be different, there may be different project costs (lesser or greater), with all of these new factors requiring a separate analysis as to whether the MTTP is in the public interest. The Commission's Order granting ATXI a CCN prior to the county commissions' assent essentially makes the county commissions' role in this process futile.

Despite the voluminous record of testimony offered and admitted at the public hearings, affidavits and pre-filed testimony of the farming and ranching impacts the MTTP will cause, the Commission found that only one acre of actual farmland will be taken out of production for the MTTP. Even with the Commission's finding, the Missouri Right to Farm is an absolute right, and until an Article III court finds a limitation on the

¹ Report and Order, Findings of Fact, paragraphs 91-95, 98-99, 102-104, 109.

right, if there is any, the Commission should not limit and allow the infringement of the right by granting ATXI the authority to site its project on farm and ranching land.

Request for Clarification

Should the request for rehearing be denied, Neighbors United requests the Commission clarify its Order as to what activities ATXI can perform prior to the CCN becoming effective. In line with the inquiry at the evidentiary hearing, ATXI has continued to be less than forthcoming with the landowners and maintained the adage that landowners should get on board or get left behind. On or about May 20, 2016, ATXI began contacting landowners stating that the Commission had approved the MTTP. See Attachment A. The first paragraph reads: “On April 27, the Missouri Public Service Commission (PSC), by a vote of 5-0, approved Ameren Transmission Company of Illinois’ (ATXI) application seeking a certificate of convenience and necessity (CCN) to construct the Mark Twain Transmission Project in Northeast Missouri.” While ATXI included a copy of the Commission’s Order with the letter, no where in the letter did ATXI state the Commission “conditionally” approved, or approved “with conditions” the CCN.

The letter misleads the landowners to believe the Commission granted the CCN and that it is now effective. The letter further requests that landowners begin to talk with ATXI so that ATXI can begin studies on their property. Neighbors United requests the Commission clarify what actions ATXI can take in regard to contacting landowners and seeking right-of-way without an effective CCN from the Commission. At the very least, Neighbors United requests the Commission order that any further correspondence from ATXI to landowners shall accurately describe the authority ATXI has at this point—that

the Commission “conditionally” granted the CCN, or granted the CCN “with conditions”—so that the reader is aware that there are conditions and can become aware of what those conditions are.

WHEREFORE, Neighbors United requests the Commission grant rehearing as outlined herein, and clarify the Order as to what activities ATXI can continue without an effective CCN.

Respectfully submitted,

HERNANDEZ LAW FIRM, LLC

By: **/s/ Arturo A. Hernandez, III**

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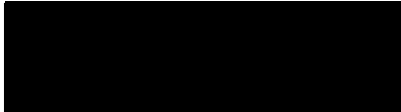
I certify that a true copy of the above and foregoing was served to all counsel of record by electronic mail this 26th day of May 2016.

/s/ Arturo A. Hernandez, III

Arturo A. Hernandez, III



May 20, 2016



RE: Mark Twain Transmission Project
Tract No([REDACTED]
Tax ID No [REDACTED]

Dear [REDACTED]

On April 27, the Missouri Public Service Commission (PSC), by a vote of 5-0, approved Ameren Transmission Company of Illinois' (ATXI) application seeking a certificate of convenience and necessity (CCN) to construct the Mark Twain Transmission Project in northeast Missouri. A copy of the order granting the CCN is enclosed for your reference.

ATXI is looking forward to working with all property owners, county officials, local communities and other stakeholders involved with the project as we continue with project development. As we previously communicated, ATXI has hired Contract Land Staff (CLS) to assist with landowner contacts related to real estate matters. ATXI and CLS would like to meet with you to further discuss the project, including surveying, easement documents, access, compensation, construction and restoration. Land Agents with CLS will be contacting you in the coming weeks to discuss these topics and any questions you may have about the project.

Surveying on public rights-of-way and private property where ATXI has received signed rights of entry will continue over the coming weeks. In addition, environmental contractors have begun studies needed for the successful completion of this project. Some of these studies include botanical and wetland delineations, existence of endangered wildlife and archeological investigations. We intend to be as least disruptive to the property as possible, and if there is anything we can do to better accommodate you as we conduct this work, please let us know. CLS will be actively seeking arrangements for survey with all property owners along the approved route.

Should you have any questions about this process, please feel free to contact us at 1-877-830-3440 or by email at marktwaintransmission@ameren.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett S. Farner".

Brett S. Farner
Real Estate Supervisor
Ameren Services Company
As Agent for Ameren Transmission Company of Illinois

Attachment A