

*Exhibit No.:*  
*Issue(s):* *Public Interest*  
*Witness:* *Claire M. Eubanks*  
*Sponsoring Party:* *MoPSC Staff*  
*Type of Exhibit:* *Rebuttal Testimony*  
*Case No.:* *EA-2022-0099*  
*Date Testimony Prepared:* *April 8, 2022*

**MISSOURI PUBLIC SERVICE COMMISSION**

**INDUSTRY ANALYSIS DIVISION**

**ENGINEERING ANALYSIS DEPARTMENT**

**REBUTTAL TESTIMONY**

**OF**

**CLAIRE M. EUBANKS**

**AMEREN TRANSMISSION COMPANY OF ILLINOIS**

**CASE NO. EA-2022-0099**

*Jefferson City, Missouri*  
*April 2022*

**\*\* Denotes Confidential Information \*\***



1 project is economically feasible. Staff witness Sarah Lange discusses whether ATXI has the  
2 financial ability to complete the project.

3 Q. Please briefly summarize the Application and proposed project.

4 A. ATXI is requesting a Certificate of Convenience and Necessity (“CCN”)  
5 authorizing ATXI to:

6 (a) Construct and install the Comstock substation (ATXI will retain a  
7 partial interest in this component),

8 (b) Construct and install Area Connections (6 transmission lines) to  
9 connect the Comstock substation to the existing systems (ATXI will retain  
10 ownership in certain lines),<sup>1</sup>

11 (c) Construct and install a 1.2 mile 161 kV transmission line (ATXI will  
12 retain partial interest in this component), and

13 (d) Operate an existing 28 mile 161 kV line that extends from SWPA’s  
14 Sikeston substation to AECI’s New Madrid substation (ATXI will acquire  
15 partial ownership of this component).

16 The Comstock substation, certain area connections, and 28-mile existing line will be jointly  
17 owned by ATXI, Sikeston Board of Municipal Utilities (“SBMU”), and Missouri Joint  
18 Municipal Electric Utility Commission (“MJMEUC”). The new 1.2 mile 161 kV transmission  
19 line will be jointly owned by ATXI and MJMEUC. SBMU will operate and maintain the new  
20 1.2 mile line and the existing 28 mile line.

21 The figure below provides an overview of the Area Connections<sup>2</sup> with additional detail  
22 provided as an attachment to my testimony (CME-2).<sup>3</sup> ATXI will have an ownership is certain

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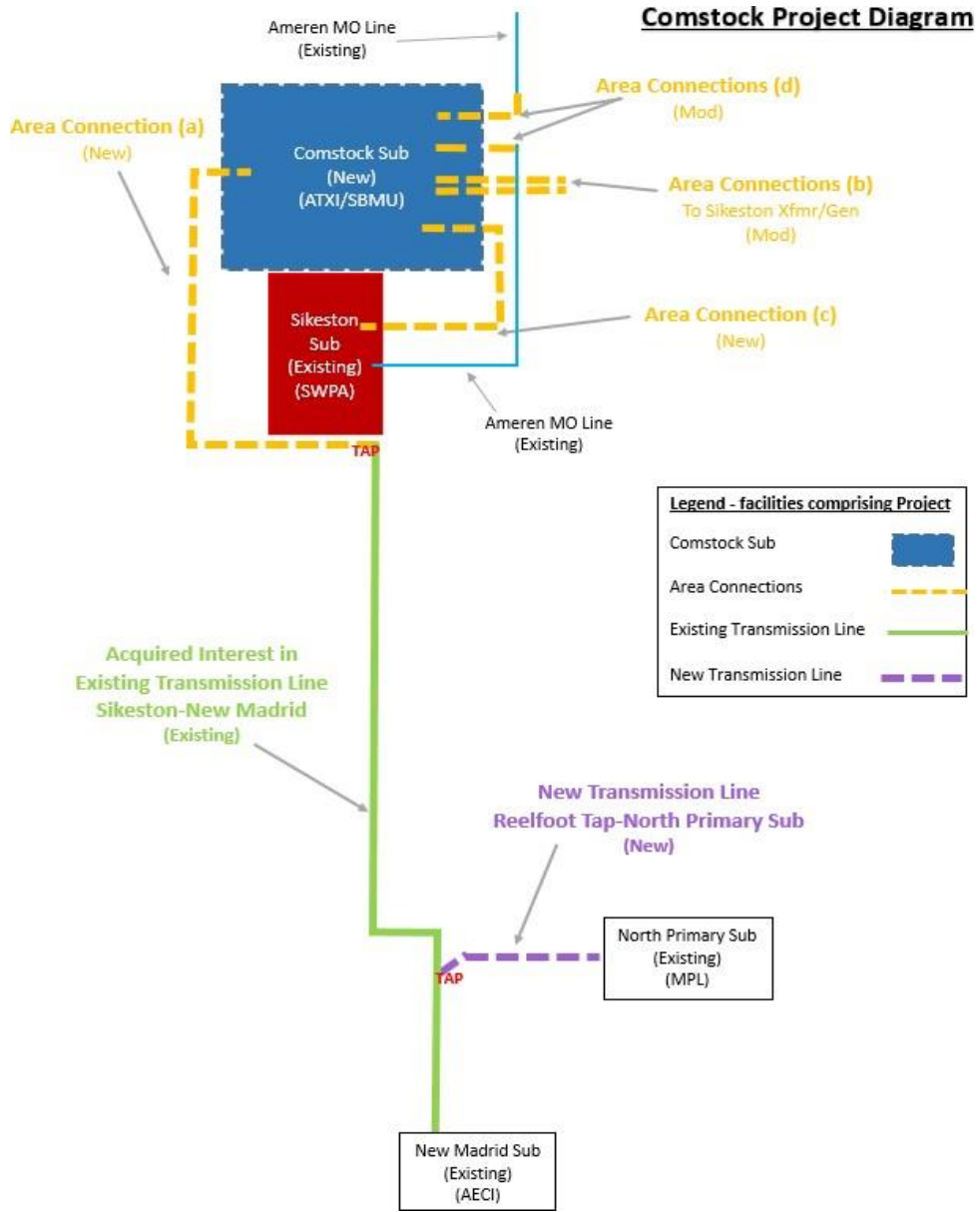
<sup>1</sup> Public response to Staff Data Request 4.

<sup>2</sup> Page 9 of Sean Black’s Direct Testimony

<sup>3</sup> Page 53 of Confidential Schedule SB-D3

1 Area Connections \*\* [REDACTED]

2 [REDACTED] \*\*



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1 In addition to the requested CCN, ATXI is requesting the Commission approve three contracts  
2 between the project entities. The following form contracts are attached to the Direct Testimony  
3 of Sean Black but have not yet been executed:

4 (a) a Joint Ownership Agreement (JOA) among ATXI, MJMEUC, and  
5 Sikeston (including SBMU);

6 (b) a Construction Agreement between ATXI and SBMU; and

7 (c) an Operation and Maintenance Services Agreement (O&M  
8 Agreement) among ATXI, MJMEUC, and SBMU.

9 Q. What criteria does Staff review when determining its recommendation to the  
10 Commission?

11 A. Staff reviewed ATXI's application and testimony based on the five factors the  
12 Commission listed in *In Re Tartan Energy*, GA-94-127, 3 Mo.P.S.C.3d 173, 177 10 (1994):

- 13 • Need,
- 14 • Qualified to own, operate, control and manage the facilities and  
15 provide the service,
- 16 • Financial ability,
- 17 • Economic feasibility, and
- 18 • Promotion of the public interest ("Tartan Criteria").

19 Q. What is Staff's recommendation on this Application?

20 A. Based on its review, Staff recommends the Commission deny ATXI's requested  
21 CCN and deny ATXI's request for specific approval of certain contracts. However, in the  
22 alternative, Staff recommends conditions intended to balance the public interest.

23 Q. What does the public interest assessment involve?

24 A. The public interest assessment involves the evaluation of all other Tartan Criteria:  
25 need for the project, its economic feasibility, the qualifications and financial ability of the entity  
26 requesting to construct and operate a project. Staff considers the evaluation of the separate

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1 Tartan criteria and whether, on balance, the project promotes the public interest. Additionally,  
2 Staff reviews the project and whether there are any considerations not covered by the other  
3 Tartan Criteria that should be considered in the public interest assessment.

4 Q. Does the proposed project promote the public interest?

5 A. No. The Tartan criteria of qualification and financial ability have been met. Staff  
6 Witness Jordan Hull concludes that ATXI is qualified to own, operate, control, and manage the  
7 facilities and provide the service and Staff Witness Sarah Lange concludes that ATXI has the  
8 financial ability to construct the project.

9 Staff Witness Shawn E. Lange concludes that the project is an improvement for Sikeston  
10 to potentially facilitate direct service to its own load with its own generation. Additionally, the  
11 project is an improvement for the City of New Madrid to facilitate the expansion of Circular  
12 SynTech, LLC (CST).

13 From the perspective of ATXI, who is anticipated to be fully compensated for its  
14 investment, the project is economically feasible. However, in balancing the public interest,  
15 there is potential harm to other Missouri ratepayers (specifically customers in SPP). Due to the  
16 lack of information regarding the economics of the project, Staff recommends the Commission  
17 deny ATXI's application. Staff Witness Sarah L.K. Lange presents the discovery requests Staff  
18 made during its review of the application and the responses provided by ATXI and MJMEUC.

19 Further, Staff is concerned that the Ameren Missouri MISO pricing zone will not see a  
20 net benefit until the year \*\* [REDACTED] \*\*. It is not clear that the Commission has the authority to  
21 order Ameren Missouri customers be held harmless, as Ameren Missouri is not the applicant  
22 nor a party to this case. Staff recommends that the Commission in future cases hold Ameren

1 Missouri customers harmless from any negative impacts of the Project and potential future  
2 construction of additional components related to the project.

3 Q. Does Staff have other concerns with ATXI's application?

4 A. Yes. ATXI's application requests the Commission approve three contracts: Joint  
5 Operating Agreement, Construction Agreement, and Operation and Maintenance Agreement.  
6 Although the contracts are informative, they do not appear to be subject to the Commission's  
7 jurisdiction.

8 Q. What are Staff's recommended conditions?

9 A. In transmission line certificate cases, Staff often recommends certain conditions  
10 related to landowner engagement. In this case, four unique landowners over seven parcels of  
11 land were identified in ATXI's application. Although ATXI represents that all landowners have  
12 voluntarily conveyed the necessary property rights to ATXI, conversion to easements has not  
13 yet occurred. Therefore, Staff's recommended conditions related to landowner negotiations are  
14 relevant, (Conditions 1-5 below).

15 Additionally, Staff recommends ATXI file with Commission approvals and permits of  
16 governmental bodies prior to construction (Condition 6), continue to file its FERC annual report  
17 (Condition 7), and file its finalized Operations and Maintenance Plan (Condition 8).

18 Condition 9 (further supported by Staff Witness Michael Stahlman) is intended to  
19 provide protection to other entities in the AMMO Pricing Zone if the benefits of the Project do  
20 not develop.

21 Recommended Conditions

- 22 1. Throughout the right-of-way acquisition process, ATXI will use all reasonable efforts  
23 to follow the route depicted in Schedule SB-D7. But ATXI will be allowed to deviate  
24 from the depicted route in two scenarios:  
25 a. First, if surveys or testing do not necessitate a deviation, ATXI may deviate from  
26 the Final Proposed Route on a particular parcel if ATXI and the landowner on

- 1                   which the deviation will run agree. Either ATXI or landowner may initiate such  
2                   a request to deviate.
- 3                   b. Second, if ATXI determines that surveys or testing require a deviation, ATXI  
4                   will negotiate in good faith with the affected landowner and if agreement can be  
5                   reached, ATXI may deviate from the depicted route on that parcel, as agreed  
6                   with the affected landowner.
- 7                   2. With respect to any parcel other than the identified parcels on the Final Proposed Route  
8                   where ATXI desires to locate the line, whether because testing or surveys necessitate  
9                   acquisition of an easement on that parcel or for other reasons (e.g., a request from  
10                  adjacent landowners), ATXI will negotiate in good faith with the landowner of the  
11                  affected parcel over which ATXI has determined an easement is needed or desired and,  
12                  if agreement is reached, may deviate from the Final Proposed Route by locating the line  
13                  on the affected parcel but will notify the Commission of the deviation and parcels  
14                  affected prior to construction on that parcel. If testing or surveys necessitate acquisition  
15                  of an easement on such other parcel and agreement is not reached, despite good faith  
16                  negotiations, ATXI will file a request with the Commission to allow it to deviate from  
17                  the Final Proposed Route onto the affected parcel and shall, concurrently with the filing  
18                  of its request with the Commission, send a copy of its request to the owner(s) of record  
19                  of the affected parcel via U.S. Mail, postage prepaid, as shown by the County Assessor's  
20                  records in the county where the affected parcel is located, or at such other address that  
21                  has been provided to ATXI by the owner(s). ATXI shall fully explain in that request  
22                  why ATXI determined the change in route is needed and file supporting testimony with  
23                  its request and the name(s) and addresses of the owner(s) to whom it provided a copy  
24                  of its request. After Commission notice of the opportunity for a hearing on the issue of  
25                  whether the change in route should be approved is given to the owner, Staff, and OPC,  
26                  as well as an opportunity to respond, the Commission will grant or deny the request.
- 27                  3. Absent a voluntary agreement for the purchase of the property rights, the transmission  
28                  line shall not be located so that a residential structure currently occupied by the property  
29                  owners will be removed or located in the easement requiring, for electrical code  
30                  compliance purposes, the owners to move or relocate from the property.
- 31                  4. Prior to the commencement of construction on a parcel, ATXI will secure an easement  
32                  that will include a surveyed legal description showing the precise dimension, including  
33                  the length and width, for the permanent transmission line easement area for each  
34                  affected parcel. In addition, ATXI will track each easement grant by way of a  
35                  spreadsheet that identifies each parcel by Grantor and County, and which contains the  
36                  recording information for each parcel. Upon securing all necessary easements for the  
37                  Project, ATXI will file a copy of the spreadsheet with the Commission, to which a map  
38                  will be attached. For each parcel, the map and the spreadsheet will include a unique  
39                  indicator that allows the Commission to see where on the map that parcel is located.
- 40                  5. ATXI shall file with the Commission and follow standard construction, clearing,  
41                  maintenance, repair, and right-of-way practices.



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1 6. ATXI shall file with the Commission in this case all required government approvals and  
2 permits—e.g., any applicable land disturbance permits, Missouri State Highway  
3 Commission permits, or US Army Corps of Engineers permits—before beginning  
4 construction on that part of the project where the approvals and permits are required.

5 7. ATXI shall file with the Commission the annual report it files with the Federal Energy  
6 Regulatory Commission.

7 8. ATXI shall file with the Commission in this case the final Operations and  
8 Maintenance Plan.

9 9. ATXI shall request and receive a separate MISO pricing zone for this Project.

10 Q. Regarding proposed Condition 8, did ATXI file a draft Operations and  
11 Maintenance Plan with its Application?

12 A. No. ATXI requested approval from the Commission of the Operation and  
13 Maintenance Services Agreement (O&M Agreement) among ATXI, MJMEUC, and SBMU.  
14 The O&M Agreement is attached to Direct Testimony of Mr. Black as Schedule sb-d5. \*\* [REDACTED]

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED] \*\*

19 Q. Has ATXI filed with its Application and Direct Testimony the minimum filing  
20 requirements of 20 CSR 4240-20.045(6)?

21 A. Yes.

22 Q. Did the Commission receive any public comments related to this case?

23 A. No. I searched the Commission's Electronic Filing Information System for public  
24 comments received related to this case. As of April 6, 2022, no public comments have been  
25 received.

26 Q. Does this conclude your testimony?

27 A. Yes.

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application of Ameren )  
Transmission Company of Illinois for a ) File No. EA-2022-0099  
Certificate of Convenience and Necessity Under )  
Section 393.170 RSMo Relating to Transmission )  
Investments in Southeast Missouri )

**AFFIDAVIT OF CLAIRE M. EUBANKS, PE**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF COLE )

COMES NOW CLAIRE M. EUBANKS, PE and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Rebuttal Testimony of Claire M. Eubanks, PE*; and that the same is true and correct according to her best knowledge and belief.

Further the Affiant sayeth not.

Claire M Eubanks  
CLAIRE M. EUBANKS, PE

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 7<sup>th</sup> day of April 2022.

DIANNA L. VAUGHT  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: July 18, 2023  
Commission Number: 15207377

Dianna L. Vaught  
Notary Public

**CLAIRE M. EUBANKS, PE**

**PRESENT POSITION:**

I am the Manager of the Engineering Analysis Department, Industry Analysis Division of the Missouri Public Service Commission.

**EDUCATIONAL BACKGROUND AND WORK EXPERIENCE:**

I received my Bachelor of Science degree in Environmental Engineering from the University of Missouri – Rolla, now Missouri University of Science and Technology, in May 2006. I am a licensed professional engineer in the states of Missouri and Arkansas. Immediately after graduating from UMR, I began my career with Aquaterra Environmental Solutions, Inc., now SCS Aquaterra, an engineering consulting firm based in Overland Park, Kansas. During my time with Aquaterra, I worked on various engineering projects related to the design, construction oversight, and environmental compliance of solid waste landfills. I began my employment with the Commission in November 2012 and was promoted to my current position in April 2020.

**CASE HISTORY:**

<b>Case Number</b>	<b>Utility</b>	<b>Type</b>	<b>Issue</b>
EA-2012-0281	Ameren	Rebuttal	Certificate of Convenience and Necessity
EC-2013-0379 EC-2013-0380	KCP&L KCP&L GMO	Rebuttal	RES Compliance
EO-2013-0458	Empire	Memorandum	RES Compliance Plan & Report
EO-2013-0462	Ameren	Memorandum	RES Compliance Report
EO-2013-0503	Ameren	Memorandum	RES Compliance Plan
EO-2013-0504	KCPL	Memorandum	RES Compliance Plan & Report
EO-2013-0505	GMO	Memorandum	RES Compliance Plan & Report
ET-2014-0059	KCP&L GMO	Rebuttal	RES Retail Rate Impact
ET-2014-0071	KCP&L	Rebuttal	RES Retail Rate Impact
ET-2014-0085	Ameren	Rebuttal	RES Retail Rate Impact
ER-2014-0258	Ameren	Cost of Service Report, Surrebuttal	RES, In-Service

<b>Case Number</b>	<b>Utility</b>	<b>Type</b>	<b>Issue</b>
EO-2014-0151	KCP&L GMO	Memorandum	RESRAM
EO-2014-0357	Electric	Memorandum	Solar Rebates Payments
EO-2014-0287	KCPL	Memorandum	RES Compliance Plan
EO-2014-0288	GMO	Memorandum	RES Compliance Plan
EO-2014-0289	KCPL	Memorandum	RES Compliance Report
EO-2014-0290	GMO	Memorandum	RES Compliance Plan
ER-2014-0370	KCP&L	Cost of Service Report	RES
EX-2014-0352	N/A	Live Comments	RES rulemaking
EC-2015-0155	GMO	Memorandum	Solar Rebate Complaint
EO-2015-0260	Empire	Memorandum	RES Compliance Plan & Report
EO-2015-0263	KCPL	Memorandum	RES Compliance Report
EO-2015-0264	GMO	Memorandum	RES Compliance Report
EO-2015-0265	KCPL	Memorandum	RES Compliance Plan
EO-2015-0266	GMO	Memorandum	RES Compliance Plan
EO-2015-0267	Ameren	Memorandum	RES Compliance Plan & Report
EO-2015-0252	GMO	Staff Report	Integrated Resource Plan – Renewable Energy Standard
EO-2015-0254	KCPL	Staff Report	Integrated Resource Plan – Renewable Energy Standard
EA-2015-0256	KCP&L GMO	Live Testimony	Greenwood Solar CCN
EO-2015-0279	Empire	Memorandum	RES Compliance Plan & Report
ET-2016-0185	KCP&L	Memorandum	Solar Rebate Tariff Suspension
EO-2016-0280	KCPL	Memorandum	RES Compliance Report
EO-2016-0281	GMO	Memorandum	RES Compliance Report
EO-2016-0282	KCPL	Memorandum	RES Compliance Plan
EO-2016-0283	GMO	Memorandum	RES Compliance Plan
EO-2016-0284	Ameren	Memorandum	RES Compliance Plan & Report
ER-2016-0023	Empire	Report	RES
ER-2016-0156	KCP&L GMO	Rebuttal	RESRAM Prudence Review

<b>Case Number</b>	<b>Utility</b>	<b>Type</b>	<b>Issue</b>
EA-2016-0208	Ameren	Rebuttal	Certificate of Convenience and Necessity
ER-2016-0285	KCPL	Cost of Service Report	In-Service, Greenwood Solar
ER-2016-0179	Ameren	Rebuttal	In-Service, Labadie Landfill
EW-2017-0245	Electric	Report	Working Case on Emerging Issues in Utility Regulation
EO-2017-0268	Ameren	Memorandum	RES Compliance Plan & Report
EO-2017-0269	KCPL	Memorandum	RES Compliance Report
EO-2017-0271	KCPL	Memorandum	RES Compliance Plan
GR-2017-0215 & GR-2017-0216	Spire	Rebuttal & Surrebuttal	CHP for Critical Infrastructure
GR-2018-0013	Liberty Utilities (Midstates Natural Gas)	Rebuttal	CHP Outreach Initiative for Critical Infrastructure Resiliency
EO-2018-0287	Ameren	Memorandum	RES Compliance Plan & Report
EO-2018-0288	KCPL	Memorandum	RES Compliance Report
EO-2018-0290	KCPL	Memorandum	RES Compliance Plan
EA-2016-0207	Ameren	Memorandum	Certificate of Convenience and Necessity
ER-2018-0146	GMO	Cost of Service Report	RESRAM Prudence Review
ER-2018-0145 ER-2018-0146	KCPL GMO	Class Cost of Service Report, Rebuttal	Solar Subscription Pilot Rider, Standby Service Rider
EA-2018-0202	Ameren	Staff Report	Certificate of Convenience and Necessity
EE-2019-0076	Ameren	Memorandum	Variance Request – Reliability Reporting
EA-2019-0021	Ameren	Staff Report	Certificate of Convenience and Necessity
EA-2019-0010	Empire	Staff Report	Certificate of Convenience and Necessity
EX-2019-0050	N/A	Live Comments	Renewable Energy Standard

<b>Case Number</b>	<b>Utility</b>	<b>Type</b>	<b>Issue</b>
EO-2019-0315	KCPL	Memorandum in Response to Commission Questions	Renewable Energy Standard
EO-2019-0316	GMO	Memorandum	Renewable Energy Standard
EO-2019-0317	KCPL	Memorandum in Response to Commission Questions	Renewable Energy Standard
EO-2019-0318	GMO	Memorandum	Renewable Energy Standard
ER-2019-0335	Ameren	Cost of Service Report	Renewable Energy Standard, In-Service Criteria
EA-2019-0371	Ameren	Staff Report	Certificate of Convenience and Necessity
EO-2020-0329	Evergy Missouri Metro	Memorandum	Renewable Energy Standard
EO-2020-0330	Evergy Missouri West	Memorandum	Renewable Energy Standard
EE-2021-0237	Evergy Missouri Metro	Memorandum	Cogeneration Tariff
EE-2021-0238	Evergy Missouri West	Memorandum	Cogeneration Tariff
EE-2021-0180	Ameren Missouri	Memorandum	Electric Meter Variance
ET-2021-0151 and 0269	Evergy	Memorandum, Rebuttal Report	Transportation Electrification
AO-2021-0264	Various	Staff Report	February 2021 Cold Weather Event
EW-2021-0104	n/a	Staff Report	RTO Membership
EW-2021-0077	n/a	Staff Report	FERC Order 2222
EO-2021-0339	Evergy Missouri West	Memorandum	Territorial Agreement
GR-2021-0108	Spire	Rebuttal	Automated Meter Reading Opt-out Tariff
EA-2021-0087	ATXI	Rebuttal Report	Certificate of Convenience and Necessity
ER-2021-0240	Ameren Missouri	Cost of Service Report Rebuttal	In-Service Bat Mitigation

<b>Case Number</b>	<b>Utility</b>	<b>Type</b>	<b>Issue</b>
ER-2021-0312	Empire	Cost of Service Report	Construction Audit – Engineering Review, In-service
EO-2022-0061	Evergy Missouri West	Surrebuttal	Special Rate/ Renewable Energy Standard

**SCHEDULE SB-D3**

**HAS BEEN DEEMED**

**CONFIDENTIAL**

**IN ITS ENTIRETY**