

**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 Convenience and Necessity)
Under Section 393.170.1, RSMo Relating)
to Transmission Investments in North)
Central Missouri)
File No. EA-2025-0087

RESPONSE OF STAFF TO MISO MOTION TO SUBMIT DIRECT TESTIMONY

COMES NOW Staff of the Missouri Public Service Commission, and for its response to MISO’s motion to submit direct testimony, respectfully states as follows:

1. On December 11, 2024, Ameren Transmission Company of Illinois (“ATXI”) filed an application with the Commission seeking an order granting a Certificate of Convenience and Necessity (“CCN”) pursuant to Section 393.170.1, RSMo. The CCN would authorize ATXI to construct, install, own, operate, control, manage, and maintain slightly over 200 miles of transmission lines across the State of Missouri. ATXI also requests permission and authority to transfer an undivided 49% interest in certain transmission facilities for the project (the “DZTM Project”) to the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”).

2. On December 12, 2024, the Midcontinent Independent System Operator, Inc. (“MISO”) filed an application to intervene and also a motion requesting permission to submit early-filed, direct testimony of its witness in support of ATXI’s application.

3. On December 13, 2024, the Commission issued its *Order Directing Notice, Setting Intervention Deadline, and Setting Time for Responses* (“Order”). The Order provided that responses to any applications to intervene or responses to MISO’s motion to submit direct testimony shall be filed no later than January 20, 2025. Staff does not

object to MISO's intervention, but strongly objects to MISO's motion to submit direct testimony as set forth below.

4. The Commission's rule governing Evidence (20 CSR 4240-2.130), which includes prepared testimony, provides as follows in subsection (7):

(7) For the purpose of filing prepared testimony, direct, rebuttal, and surrebuttal testimony are defined as follows:

(A) *Direct testimony shall include all testimony and exhibits asserting and explaining that party's entire case-in-chief;*

(B) *Where all parties file direct testimony, rebuttal testimony shall include all testimony which is responsive to the testimony and exhibits contained in any other party's direct case. A party need not file direct testimony to be able to file rebuttal testimony;*

(C) *Where only the moving party files direct testimony, rebuttal testimony shall include all testimony which explains why a party rejects, disagrees or proposes an alternative to the moving party's direct case; and*

(D) *Surrebuttal testimony shall be limited to material which is responsive to matters raised in another party's rebuttal testimony.*

(Emphasis added)

5. No procedural schedule has been set for this case. As the applicant herein, ATXI – not MISO – has the burden of proving its case and to that end is required to file direct testimony “asserting and explaining [its] entire case-in-chief.”¹ MISO seems to recognize this in paragraph 7 of its motion, where it asks to submit direct testimony “even though MISO is not the applicant in the case.” This *not* being the type of case “[w]here all parties file direct testimony,” but, rather, “[w]here only the moving party [i.e., the applicant] files direct testimony,” if granted intervention MISO will still be able to file rebuttal testimony if it comports with 20 CSR 4240-2.130(7)(C) above, but it should not be allowed to circumvent the rule or receive a waiver thereof. MISO's motion seeks waiver of 20 CSR 4240-2.130(7) but, other than including some self-serving and somewhat patronizing remarks regarding how its testimony will serve all parties, fails to

¹ ATXI filed direct testimony of nine witnesses along with its application.

truly demonstrate “good cause” for why it believes it is necessary for it to file direct testimony. Allowing MISO, or any party, to unilaterally determine when it will file testimony and the type of testimony it will file could lead to some truly chaotic procedural schedules in proceedings before the Commission.

6. In its effort to support its motion, MISO refers to Case No. EA-2015-0146 and states that in that case the Commission received direct testimony from a MISO witness. However, a review of the docket of that case in the Commission’s EFIS system revealed no direct testimony filing by MISO. MISO also refers to the case of EA-2024-0302 which is currently pending before the Commission and states that MISO “is participating.” However, MISO fails to mention that no procedural schedule has been issued in Case No. EA-2024-0302 or that MISO *has not filed any testimony in that case* nor sought to do so via motion.

7. MISO’s failure to file testimony of any kind in EA-2024-0302 is particularly telling when you realize that the DZTM Project (the subject of this case) constitutes the second phase (Phase 2) of the Northern Missouri Grid Transformation Program (the “Program”), whereas Case No. EA-2024-0302, currently pending before the Commission, deals with Phase 1 of the Program. If MISO did not see a need to file any testimony, let alone direct testimony, in EA-2024-0302 (Phase 1), it is hard to understand why MISO needs to file direct testimony in this case (Phase 2).

WHEREFORE Staff requests the Commission deny MISO’s motion to submit direct testimony and issue such further orders as the Commission deems just and reasonable.

Respectfully submitted,

/s/ Jeffrey A. Keevil

Jeffrey A. Keevil

Missouri Bar No. 33825

P. O. Box 360

Jefferson City, MO 65102

(573) 526-4887 (Telephone)

(573) 751-9285 (Fax)

Email: jeff.keevil@psc.mo.gov

Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to counsel of record as reflected on the certified service list maintained by the Commission in its Electronic Filing Information System this 17th day of January 2025.

/s/ Jeffrey A. Keevil