

**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,) File No. EA-2024-0302
RSMo. And Approval to Transfer an)
Interest in Transmission Assets Under)
393.190.1, RSMo relating to Transmission)
Investments in Northwest and Northeast)
Missouri.)

JOINT STATUS REPORT

The undersigned parties to this proceeding hereby file this Joint Status Report pursuant to the Order Directing Filing of Status Report issued by the Missouri Public Service Commission (“Commission”) on February 10, 2025.

Background

1. On July 16, 2024, ATXI filed an application with the Commission seeking an order granting a CCN pursuant to Section 393.170.1, RSMo, as well as the direct testimony of eleven witnesses. The CCN would authorize ATXI to construct, install, own, operate, maintain, and otherwise control 44 miles of 345 kV transmission line, in two segments, in Worth, Gentry, and DeKalb counties, a new 345 kV substation named Denny in DeKalb county (the Fairport-Denny-Iowa/Missouri Border or FDIM Project), and 9 miles of 345 kV transmission line in Marion county between ATXI’s existing Maywood Substation near Palmyra, Missouri, and the Mississippi River Illinois/Missouri border, including upgrades to the Maywood Substation (Maywood-Mississippi River Crossing or MMRX Project). The application also requests permission and authority to transfer an undivided 49% interest in the transmission facilities for the FDIM Project, excluding the land for the Denny Substation, to the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”) shortly before the FDIM Project is placed into service.

2. On July 18, 2024, the Commission issued its *Order Directing Notice, Setting Intervention Deadline, and Directing Staff Recommendation*, establishing an intervention deadline of August 16, 2024.

3. On July 19, 2024, the Commission issued its *Order Canceling Recommendation*, cancelling the order for Staff to file a recommendation.

4. On July 30, through August 14, 2024, MJMEUC, Renew Missouri Advocates d/b/a Renew Missouri (Renew Missouri), Clean Grid Alliance, Sierra Club, and Midcontinent Independent System Operator, Inc. (“MISO”), filed their intervention requests. The Commission granted MJMEUC, Renew Missouri, and Clean Grid Alliance’s intervention requests on August 12, 2024, and the Sierra Club and MISO’s intervention requests on August 27, 2024.

5. On August 29, 2024, the Commission issued its *Order Directing Status Report*, ordering Staff to file a status report no later than September 30, 2024.

6. On September 30, 2024, Staff filed its *Status Report*, requesting additional time, until December 20, 2024, to file its recommendation, and on that same date the Commission issued its *Order Extending Time for Recommendation*, establishing that Staff’s recommendation shall be filed no later than December 20, 2024

7. On November 15, 2024, ATXI filed a Motion Requesting Local Public Hearings and for Expedited Treatment, explaining that, during informal discussions with counsel for Commission Staff and other parties regarding a procedural schedule, Staff disclosed that it would like local public hearings to be scheduled in December to allow Staff to consider any public testimony submitted at such local public hearings in its recommendation to the Commission due on December 20, 2024.

8. On November 19, 2024, the Commission issued its *Order Setting Local Public Hearings*, scheduling an in-person local public hearing for December 9, 2024, and a virtual local public hearing via video and telephone conference for December 10, 2024. The December 9 and December 10, 2024, local public hearings were held as scheduled.

9. On December 20, 2024, Staff filed its *Staff Recommendation* as well as what it referred to as “Staff’s memorandum, attached hereto and incorporated by reference, address[ing] ATXI’s application for a certificate using the Commission’s Tartan criteria, and recommends the Commission issue an order authorizing ATXI’s request for a CCN to construct, install, own, operate, maintain, and otherwise control and manage transmission facilities in, around, and between the counties of Worth, Gentry, and DeKalb, Missouri, subject to Staff’s ... recommended conditions” One of Staff’s recommended conditions, Condition 13, was a recommendation that the Commission hold another virtual local public hearing for landowners who were not affected by the Company’s proposed route (referred to as DO-28) but would have been affected by one of the route alternatives previously considered by the Company (referred to as DO-27) so as to provide an opportunity to those landowners to express their concerns, if any, on the route. Staff noted that it “discussed this recommendation with ATXI, the Applicant did not oppose Staff’s recommendation for an additional LPH for affected landowners.” *Staff Recommendation*, p. 2, fn. 6.

10. On December 31, 2024, the Commission issued its *Order Setting Local Public Hearing and Directing Notice*, scheduling an additional virtual local public hearing for January 16, 2025. The January 16, 2025, virtual local public hearing was held as scheduled. As a result of scheduling and holding the January 16, 2025, virtual local public hearing, Staff’s recommended Condition 13 has already been satisfied.

11. On January 24, 2025, MJMEUC submitted the testimonies of witnesses Rebecca Atkins, Kenneth Reasoner, Steven Stodden, and John Twitty in support of ATXI's application.

12. On January 24, 2025, the Commission issued its *Order Directing Filing* setting February 7, 2025, as the date for ATXI and any other party who wishes to respond to the *Staff Recommendation*.

13. On February 7, 2025, The Office of Public Counsel (OPC) filed a Request for an Extension of Time to Respond to Staff's Recommendation or Request a Hearing, explaining that on February 4, 2025, the OPC received some allegations that directly relate to an issue in this case and required additional time to provide an adequate Response to Staff's Recommendation.

14. On February 7, 2025, MISO, Renew Missouri and Clean Grid Alliance, and ATXI filed separate responses to the *Staff Recommendation*. All these parties supported Staff's recommendation to grant the requested CCN, and expressed concerns and/or objections to certain conditions recommended by Staff. ATXI noted in its response that it had been engaged in discussions with Staff and the other parties to this proceeding to explore resolving ATXI's request for a CCN on the basis of the *Staff Recommendation*, with potential modifications to some of Staff's recommended conditions, without pre-filed testimony and an evidentiary hearing and briefing. ATXI also noted that the discussions to date had been productive and were anticipated to lead to limited revisions to Staff's proposed conditions that will be mutually acceptable to Staff, ATXI, and other parties. Renew Missouri and Clean Grid Alliance noted in their response that they did not oppose OPC's request for a 30-day extension of time to respond to Staff's Recommendation.

15. On February 10, 2025, the Commission issued its *Order Directing Filing of Status Report*, directing that “[n]o later than March 7, 2025, the parties shall file a joint status report, stipulation, or a joint procedural schedule.”

16. On February 13, 2025, the Commission issued its *Order Extending Time for Recommendation*, granting OPC’s request for an extension and directing that “OPC’s response to Staff’s recommendation shall be filed no later than March 7, 2025.”

Resolution of Issues Related to Staff’s Recommended Conditions and the Request for a CCN and Other Relief

17. ATXI and Staff have reached agreement on limited revisions to Staff’s recommended Conditions. Attached as Appendix A to this Joint Status Report is a copy of the Staff Proposed Conditions with ATXI/Staff Agreed Revisions (Revised Conditions).

18. All other parties to this proceeding have reviewed the Revised Conditions agreed upon by Staff and ATXI, and the undersigned parties do not object to the Commission granting the requested CCN and other relief requested in the Application on the basis of the Company’s direct testimony and Staff’s Recommendation with the Revised Conditions agreed upon by Staff and ATXI.

19. The Office of Public Counsel has declined to be a signatory to this Joint Status Report and advised that it will be filing a response to the *Staff Recommendation*.

WHEREFORE, Staff and the undersigned Parties respectfully request that the Commission accept this Joint Status Report in compliance with its Order issued February 10, 2025, and enter an order in this proceeding granting the CCN and other relief requested in the Application subject to the Revised Conditions attached to this Joint Status Report.

Dated: March 7, 2025

Respectfully submitted,

/s/ Carmen L. Fosco
Albert D. Sturtevant (practicing *pro hac vice*)
Carmen L. Fosco (practicing *pro hac vice*)
WHITT STURTEVANT LLP
180 North LaSalle Street, Suite 2020
Chicago, Illinois 60601
Telephone: (312) 680-9238
sturtevant@whitt-sturtevant.com
fosco@whitt-sturtevant.com

Eric A. Dearmont (Mo. Bar #60892)
Jason Kumar (Mo. Bar #64969)
Ameren Service Company
1901 Chouteau Avenue
Post Office Box 66149 (MC 1310)
St. Louis, Missouri 63166-6149
Telephone: (314) 861-4869
edearmont@ameren.com
jkumar@ameren.com

***Attorneys for Ameren Transmission Co
of Illinois***

/s/ Eric Vandergriff
Eric Vandergriff
Associate Counsel
Missouri Bar No. 73984
P.O. Box 360
Jefferson City, MO 65012
(573) 522-9524 (Telephone)
(573) 751-9285 (Fax)
eric.vandergriff@psc.mo.gov

***Counsel for the Staff of the
Missouri Public Service Commission***

/s/ Nicole Mers
Nicole Mers, Bar No. 66766
501 Fay Street, Suite 206
Columbia, MO 65201
T:314-308-2729
nicole@renewmo.org

***General Counsel for Renew Missouri
Advocates***

/s/ Judith Anne Willis

Judith Anne Willis (MO Bar # 63327)
Judith Anne (Annie) Willis
The Law Office of Judith Anne Willis
P.O. Box 106088
Jefferson City, MO 65110
Telephone: 573-301-8082
email: jaw@anniewillislaw.com

Attorney for Clean Grid Alliance

/s/ Jeffrey L. Small

Jeffrey L. Small
Senior Corporate Counsel
Midcontinent Independent System
Operator, Inc.
720 City Center Drive
Carmel, IN 46032
(317) 752-7149
jsmall@misoenergy.org

Max W. Meyer, Mo Bar #75677
Associate Corporate Counsel
Midcontinent Independent System
Operator, Inc.
2985 Ames Crossing Road
Eagan, MN 55121
(952) 232-9130
mmeyer@misoenergy.org

William D. Steinmeier, Mo Bar #25689
William D. Steinmeier, P.C.
2031 Tower Drive
Jefferson City, MO 65109
(573) 659-8672
wds@wdspc.com

***Attorneys for Midcontinent Independent
System Operator, Inc***

/s/ Peggy A. Whipple

Peggy A. Whipple, MO Bar 54758
Douglas L. Healy, MO Bar 51630
3010 East Battlefield, Suite A
Springfield, MO 65804
Telephone:(417) 864-7018
peggy@healylawoffices.com
doug@healylawoffices.com

Attorneys for MJMEUC

/s/ Sarah Rubenstein

Sarah Rubenstein (MO Bar #48874)
Great Rivers Environmental Law Center
319 N. Fourth Street, Suite 800
St. Louis, Missouri 63102
(314) 231-4181
srubenstein@greatriverslaw.org

Counsel for Sierra Club

Staff Proposed Conditions with ATXI/Staff Agreed Revisions

Right-of-way Acquisition and Micro-siting

- 1) Throughout the right-of-way acquisition process, ATXI will use all reasonable efforts to follow the route(s) depicted in Attachment E of the Application. But ATXI will be allowed to deviate from the depicted route in two scenarios:
 - a. First, if surveys or testing do not necessitate a deviation, ATXI may deviate from the depicted route on a particular parcel if ATXI and each landowner on which the deviation will run agree. Either ATXI or landowner may initiate such a request to deviate.
 - b. Second, if ATXI determines that surveys or testing require a deviation, ATXI will negotiate in good faith with each affected landowner and if agreement can be reached, ATXI may deviate from the depicted route on the affected parcel(s), as agreed with the affected landowner(s).

With respect to any parcel other than the identified parcels where ATXI desires to locate the line, whether because testing or surveys necessitate acquisition of an easement on that parcel or for other reasons (e.g., a request from adjacent landowners), ATXI will negotiate in good faith with the landowner of each affected parcel over which ATXI has determined an easement is needed or desired and, if agreement is reached, may deviate from the depicted route by locating the line on the affected parcel(s) but will notify the Commission of the deviation and parcels affected prior to construction on that parcel.

If testing or surveys necessitate acquisition of an easement on such other parcel(s) and agreement is not reached, despite good faith negotiations, ATXI will file a request with the Commission to allow it to deviate from the depicted route onto the affected parcel(s) and shall, concurrently with the filing of its request with the Commission, send a copy of its request to the owner(s) of record of the affected parcel(s) via U.S. Mail, postage prepaid, as shown by the County Assessor's records in the county where the affected parcel is located, or at such other address that has been provided to ATXI by the owner(s). ATXI shall fully explain in that request why ATXI determined the change in route is needed and file supporting testimony with its request and the name(s) and addresses of the owner(s) to whom it provided a copy of its request. After Commission notice of the opportunity for a hearing on the issue of whether the change in route should be approved is given to the owner, Staff and OPC, and after an opportunity to respond, the Commission will grant or deny the request.

- 2) Absent a voluntary agreement for the purchase of the property rights, the transmission line shall not be located so that a residential structure currently occupied by the property owners will be removed or located in the easement, including for electrical code compliance purposes.

- 3) Prior to the commencement of construction on a parcel, ATXI will secure an easement, which will include a surveyed legal description showing the precise dimension, including the length and width, for the permanent transmission line easement area for each affected parcel. In addition, ATXI will track each easement grant by way of a spreadsheet that identifies each parcel by Grantor and County, and which contains the recording information for each parcel. Upon securing all necessary easements for the Project, ATXI will file a copy of the spreadsheet with the Commission, to which a map will be attached. For each parcel, the map and the spreadsheet will include a unique indicator that allows the Commission to see where on the map that parcel is located.
- 4) ATXI shall follow the construction, clearing, maintenance, repair, and right-of-way practices set out in Schedule TG-D4 filed with Tara Green's Direct Testimony.

Reporting requirements

- 5) ATXI shall file with the Commission in this case a legal description of the line segments when acquisition of the necessary land rights is finalized.¹
- 6) ATXI shall file the final Joint Use Assessment ("JUA") with the Commission in this case within 30 days of executing the agreement.
- 7) ATXI shall obtain all required government approvals and permits—e.g., any applicable land disturbance permits, Missouri State Highway Commission permits, or US Army Corps of Engineers permits— before beginning construction on the part of the Projects (FDIM and MMRX) where the approvals and permits are required, and shall file such approvals and permits with the Commission before beginning construction or, for approvals and permits obtained less than 90 days before beginning construction, within 90 days of receipt.
- 8) ATXI shall file with the Commission any agreement between ATXI and the pipeline companies that have assets being crossed by the Projects (FDIM and MMRX). The FDIM and MMRX routes do not parallel pipelines.
- 9) ATXI shall file with the Commission the annual report it files with FERC.
- 10) ATXI shall file any vegetation management filing made to FERC, NERC, or a regional reliability organization in EFIS as a non-case related filing.²

¹ Proposed descriptions are included in the Direct Testimony of Tara Green, Schedule TG-D1 and TG-D2.

² 20 CSR 4240-23.030(5).

- 11) ATXI shall obtain acknowledgement from Ameren Missouri that they remain bound by the following provision from the 4th Order Modifying the 2012 Report and Order in Case No. EO-2011-0128 with respect to the transmission facilities to be constructed as part of the Projects (FDIM and MMRX):

For transmission facilities located in Ameren Missouri's certificated service territory that are constructed by an Ameren affiliate and that are subject to regional cost allocation by MISO, for ratemaking purposes in Missouri, the costs allocated to Ameren Missouri by MISO shall be adjusted by an amount equal to the difference between:

- (I) The annual revenue requirement for such facilities that would have resulted if Ameren Missouri's Commission-authorized ROE and capital structure had been applied and there had been no construction work in progress (CWIP) (if applicable), or other FERC Transmission Rate Incentives, including Abandoned Plant Recovery, recovery on a current basis instead of capitalizing pre-commercial operations expenses and accelerated depreciation, applied to such facilities and
- (II) The annual FERC-authorized revenue requirement for such facilities. The ratemaking treatment established in this provision will, unless otherwise agreed or ordered, continue as long as Ameren Missouri's transmission system remains under MISO's functional control.

Landowner communication for current and future projects

- 12) Staff and ATXI acknowledge the Commission retains the authority to reopen this docket based on the outcome of the proceeding for Phase 2 of the Program. This condition shall not restrict ATXI's ability to exercise the authority granted in the CCN for the Phase 1 Projects, including engineering, environmental permitting, easement acquisition, right-of-way clearing, access, and line or substation construction until such time as the Commission reaches a determination with respect to Phase 2 of the Program, or thereafter assuming Phase 2 is approved. ATXI acknowledges that Staff may recommend any conditions or take any position it deems necessary in its recommendation regarding the Phase 2 program.
- 13) Staff recommends the Commission grant the CCN, subject to another virtual local public hearing for those landowners in the re-route area of DO-27 to DO-28 (generally between the corner of Highway N and Kent Lane to County Road 249), providing an opportunity to those landowners to express their concerns, if any, on the route.
- 14) ATXI shall, for all future transmission line projects in Missouri which require a CCN and also require a public meeting pursuant to 20 CSR 4240-20.045(K)(3), develop and maintain, using best efforts, route maps on its website(s) showing preferred and alternative routes that are known at that time and still under active consideration by the ATXI, as well as any related study areas. These maps shall include satellite imagery in sufficient detail

for affected landowners to locate their property. These maps shall be maintained from at least the date of any public meeting(s) held, when required, and shall display preferred and known alternative routes proposed in its application or discussed in its written testimony from the date an application is filed through the effective date of the Commission's Report and Order ruling on the subject CCN application (CCN Order) or the date ATXI discontinues development of the project, whichever occurs first. If public meetings are not required to be held, ATXI shall post maps beginning on the date it provides notice of the application to affected landowners. This condition shall be applied to all ATXI applications for a CCN filed after the Commission grants a CCN in this proceeding, should be considered independently, and any deficiencies related to this condition should not, on its own, affect the validity of a CCN granted in this proceeding.

- 15) ATXI shall, for all projects referenced in Condition 14, include instructions for accessing the website and maps referenced in Condition 14 on all required notifications sent to affected landowners. This condition shall be applied to all ATXI applications for a CCN filed after the Commission grants a CCN in this proceeding, should be considered independently, and any deficiencies related to this condition should not, on its own, affect the validity of a CCN granted in this proceeding.
- 16) ATXI shall, for all projects referenced in Conditions 14 and 15, refresh its data used to comply with 20 CSR 4240-20.045(6)(K)1 that identifies the owners of land directly affected by the requested certificate, including the preferred route and any known alternative route, and entitled to receive notice of its application. The refresh of the data shall be conducted within 90 days after filing an application for a CCN to confirm the identified parcels and owners of land directly affected by the requested certificate as of the date notice of the application was issued pursuant to 20 CSR 4240-20.045(6)(K)(1) and (2). If such refresh identifies a person entitled to receive notice of the application to whom ATXI did not send such notice, ATXI shall provide a notice to such person(s) in accordance with 20 CSR 4240-20.045(6)(K)(4). This condition shall be applied to all ATXI applications for a CCN filed after the Commission grants a CCN in this proceeding, should be considered independently, and any deficiencies related to this condition should not, on its own, affect the validity of a CCN granted in this proceeding.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served on the persons on the Missouri Public Service Commission's service list in this case via electronic mail (e-mail) on March 7, 2025.

/s/ Carmen L. Fosco

Carmen L. Fosco