

1 LAW JUDGE CLARK: All right. Let's go on
2 the record. Ms. Kliethermes, you can hit the record
3 button?

4 KAYLA KLIETHERMES: I have done so.

5 LAW JUDGE CLARK: Okay. Thank you very
6 much. Today's date is May 9th of 2025. And the
7 current time is 9:00 a.m. This procedural conference
8 is being conducted via Webex.

9 The Commission has set aside time for a
10 procedural conference in the case captioned as Joe
11 Wissman or Wissman, complainant versus Ameren
12 Transmission Company of Illinois, respondents. I'll
13 refer to Ameren Transmission Company of Illinois as
14 ATXI, and this is file number EC-2025-0264.

15 As I said before, my name is John Clark.
16 I'm the regulatory law judge presiding over this
17 matter. And I'm going to begin by asking the parties
18 to enter their appearance for the record, starting
19 with Mr. Wissman. Okay. Thank you. Mr. Wissman.
20 And thank you for correcting my pronunciation, and
21 you're unrepresented; is that correct?

22 JOE WISSMAN: Yes.

23 LAW JUDGE CLARK: Okay. On behalf of ATXI.

24 MR. DEARMONT: Good morning, Judge. This
25 is Eric Dearmont and Holly Knecht on behalf of ATXI.

1 Business address is 1901 Chouteau, St. Louis, Missouri
2 63103.

3 LAW JUDGE CLARK: Thank you very much,
4 ATXI. On behalf of the Commission staff.

5 MS. HANSEN: On behalf of Commission staff
6 is Andrea Hansen, and Travis Pringle may be joining a
7 little bit later.

8 LAW JUDGE CLARK: Okay. Thank you, staff.
9 The Office of the Public Counsel asked to be excused.
10 I am granting that because they generally did not
11 participate in mediation of complaints. And I don't
12 believe I've missed anyone else. Is there anybody
13 else who believes that somebody needs to be present
14 for this to proceed? Okay.

15 MR. PRINGLE: No, Judge.

16 LAW JUDGE CLARK: As a reminder, I can rule
17 on procedural and substantive issues. At a prehearing
18 conference pursuant to Commission Rule 20 CSR
19 4240-20.090, Section 6, I've called this procedural
20 conference to discuss essentially three things and
21 possibly a fourth that just picked up this morning. I
22 wanted to discuss briefly evidence, primarily
23 mediation, and finally, Mr. Wissman's status as a
24 complainant, so.

25 To start in with that, first of all,

1 Mr. Wissman, I'd left my office this morning, and I
2 came back, and I noticed I had missed a call from you.
3 Did you try and call me this morning?

4 JOE WISSMAN: Yes. I did not know what
5 time the meeting was today. But I was able to get in
6 touch with somebody.

7 LAW JUDGE CLARK: Okay. I'm glad you were
8 able to. Generally, you don't contact the judge
9 without informing the other parties or without
10 allowing the parties to participate. Generally,
11 that's considered an ex parte communication. There
12 are exceptions to that, yours which is a procedural
13 question would fall under that exception, so that's
14 not an ex parte communication. But generally, don't
15 contact the judge except through official channels
16 unless it's purely procedural; okay?

17 JOE WISSMAN: Okay.

18 LAW JUDGE CLARK: All right. Secondly, I
19 wanted to discuss evidence because, Mr. Wissman,
20 you've put a tremendous number of documents and things
21 that I believe you consider evidence into the
22 electronic filing system; is that correct?

23 JOE WISSMAN: Yes.

24 LAW JUDGE CLARK: Okay. Some of those
25 things -- and I've -- I looked through them. I looked

1 through them in a more cursory manner, generally, to
2 see if there's an ask or if there's a motion in there
3 that needs to be addressed quickly. I noticed in
4 looking in there, that among the evidence you have,
5 some of it's going to be highly objectionable. But
6 mainly what I wanted to tell you is that while you can
7 file documents and such in EFIS, they don't have any
8 evidentiary value unless and until they're admitted
9 into evidence at an evidentiary hearing. So a lot --

10 JOE WISSMAN: Okay.

11 LAW JUDGE CLARK: -- of complainants put
12 stuff in there, and then later they assume that all
13 that stuff counts as evidence. None of it will count
14 as evidence unless it is admitted into evidence at an
15 evidentiary hearing or through some sort of other
16 stipulation between the parties; do you understand
17 that?

18 JOE WISSMAN: Okay. Sure.

19 LAW JUDGE CLARK: You're welcome to -- to
20 file stuff there. That's absolutely it. But like I
21 said, I doesn't have evidentiary value at this point.

22 JOE WISSMAN: Right. I was --

23 LAW JUDGE CLARK: Mediation --

24 JOE WISSMAN: -- filing -- I'm sorry. I
25 was filing, so that I'm working with the people up in

1 Northwestern Missouri, and I just wanted them to see
2 what they're in for.

3 LAW JUDGE CLARK: Okay. When you say
4 working with the people, I'm assuming you mean some
5 sort of similarly situated landowners group; is that
6 correct?

7 JOE WISSMAN: Yes.

8 LAW JUDGE CLARK: Okay. And you don't need
9 to tell me who that is. I don't need to know. Now,
10 ATXI, you had requested mediation; is that correct?

11 MR. DEARMONT: That's correct, Judge.

12 LAW JUDGE CLARK: And then I saw some, and
13 I can't remember where in the docket I saw this. I
14 saw some back and forth or -- or somebody opined on
15 who would be the mediator, and I believe somebody had
16 said, well, you know, we've used this mediator in the
17 past or somebody has used this mediator in the past.
18 I kind of wanted to explain.

19 Mediation before the Commission runs a
20 little differently generally. And what I mean by that
21 is, normally, if a request for mediation is made and
22 the other party consents, what generally happens is
23 the case -- the entire procedural schedule, all due
24 dates, and everything are suspended during the
25 mediation period, and I basically let the Commission

1 know that mediation has been requested, and then the
2 chief regulatory law judge assigns a judge, another
3 regulatory judge, as the mediator. That's -- that's
4 usual practice.

5 Now, I haven't done an extensive dive
6 through of the rules. I'm not sure that the rules
7 would prohibit you from using another mediator. I --
8 I would -- I'm going to do a deeper dive into that.
9 But if -- if you're going to do that, be aware that,
10 that will be at your own expense; you understand?

11 JOE WISSMAN: Sure.

12 LAW JUDGE CLARK: Okay. So...

13 JOE WISSMAN: The recommendation because
14 Ameren has asked for that one before.

15 LAW JUDGE CLARK: Okay. What's -- what's
16 Ameren's -- sorry. ATXI, what's your understanding of
17 mediation in that regard?

18 MR. DEARMONT: Yeah. Judge, this is Eric.
19 I will admit I haven't done it at the Commission
20 before, but my understanding is pretty consistent with
21 yours, that typically, it's an ALJ that's assigned to
22 is not on, but it is adjacent to the case and that
23 judge essentially acts as the mediator as we
24 progressed through ADR, that -- to your point, I -- I
25 would just say that Ameren remains flexible, you know,

1 and you pointed it out that if we didn't do that, I
2 think there would probably be some contract and
3 engagement questions we may need to work through. But
4 I would reiterate that we have some flexibility on our
5 part.

6 LAW JUDGE CLARK: Okay. Mr. Wissman, did
7 you have a preference as to who mediates your
8 complaint? Are you okay with the Commission doing it?

9 JOE WISSMAN: That's fine.

10 LAW JUDGE CLARK: Okay. I will tell you,
11 all the judges are -- are kind of on the same hall
12 here. If mediation is assigned to another judge, then
13 I don't talk to that other judge about your case and
14 that other judge does not talk to me during the
15 mediation period. The -- whatever is said or produced
16 at mediation absence some sort of agreement by the
17 parties does not -- does not find its way back into
18 the case and cannot be used against any of the
19 parties. So mediation is kind of a walled off thing
20 in its entirety. The only thing, if this goes to
21 mediation and another judge mediates it, the only
22 thing I will ever know is when mediation is concluded.
23 I will be either told that it's successful or that it
24 was unsuccessful. Usually, if it's successful,
25 there's a follow-up filing in relation to that. But

1 if there's no objection and everyone wants to proceed
2 as it's conventionally, then I will ask the chief
3 judge to appoint a mediator. If, however, you want to
4 pursue private mediation, you're welcome to do that,
5 and I'll look into what allowances the rule provides
6 for.

7 JOE WISSMAN: All right.

8 LAW JUDGE CLARK: Is there a preference on
9 behalf of ATXI or Mr. Wissman?

10 JOE WISSMAN: I got nothing to hide at all.
11 I'd rather it be more public than not.

12 LAW JUDGE CLARK: Well, not -- it's not
13 public. When I say another judge is assigned, they're
14 assigned as mediator, not as a judge. It's mediation.
15 It's not making any sort of rulings on your case.

16 JOE WISSMAN: As far as keeping things from
17 you or anything, I've got nothing to hide at all.

18 LAW JUDGE CLARK: I -- I did not assume you
19 were. I was just explaining the mediation process is
20 a confidential process.

21 JOE WISSMAN: Yeah.

22 LAW JUDGE CLARK: Okay. Then, so back to
23 the question, do you have an objection --

24 MR. DEARMONT: No, Judge. No.

25 LAW JUDGE CLARK: -- ATXI --

1 MR. DEARMONT: Yeah. Using somebody -- a
2 judge at the Commission, that'll be fine with us.

3 LAW JUDGE CLARK: Okay. ATXI has no
4 objection to having the regulatory -- or the senior
5 regulatory -- chief regulatory law judge assigned a --
6 another judge to mediate. Mr. Wissman, do you have a
7 preference?

8 JOE WISSMAN: No.

9 LAW JUDGE CLARK: Okay. Then I'm going to
10 ask the chief regulatory law judge to appoint a
11 mediator in this case.

12 Now, the last -- the last thing I wanted to
13 talk about may change your status slightly,
14 Mr. Wissman. Well, not slightly. It could change
15 your -- change your status majorly. And, so we need
16 to talk about that. We've seen a number of these
17 kinds of cases over the years as various transmission
18 lines have been trying to cross Missouri by various
19 companies. A lot of farmers and those involved in the
20 agricultural industry who own land often times for the
21 purpose of gaining certain legal advantages both
22 through not having to probate taxes and other reasons
23 may, in fact, put their property in a trust. And it
24 appears from some of the documents that your property
25 is held in a trust; is that correct?

1 JOE WISSMAN: Yes, I believe so.

2 LAW JUDGE CLARK: One of the issues that's
3 come up in another one of these is that there -- there
4 is a real question as to whether a trust can represent
5 itself in a complaint before the Commission, and
6 currently, the thought on that is no, and that seems
7 to be what the case law appears to say.

8 Now, the Commission's complaints statute
9 provides that any person can file a complaint against
10 any utility for any act done or any omission of an act
11 that should be done. I believe that, that is
12 extremely broad. However, you may be effected, even
13 though I believe that allows you to have a complaint.
14 The question is, what can you get out of the
15 complaint? What relief can be given you, and if the
16 land and possibly some of the property, if there are
17 tractors and things that are owned by the trust are
18 things for which you are trying to seek a Commission
19 determination on, you may not be able to do so without
20 having an attorney represent you in that regard.

21 Now, if you guys want to continue with
22 mediation, I am willing to let you proceed with that.
23 But it -- I may have a filing that -- in the next week
24 or two that may ask you to discuss the status of the
25 land and the personal property in regards to

1 representation, and the reasoning -- the reasoning
2 that the case law seems to lay out in regard to this,
3 is that while you gain certain legal advantages as I
4 indicated as in probate and possibly taxation and may
5 be even some other matters in terms of insulating
6 yourself from -- from attack from that. You'll also
7 do -- there's certain legal consequences, and one of
8 those legal consequences may be that you have to have
9 an attorney represent the trust before the Commission.
10 But as of right now, that's not an unanswered
11 question.

12 Now, with that in mind, do you still want
13 to continue on with mediation? And I'll ask both
14 parties that, ATXI?

15 MR. DEARMONT: Yeah. Thanks, Judge. We
16 would be okay continuing through mediation.

17 LAW JUDGE CLARK: And I think that's
18 actually Mr. Wissman?

19 JOE WISSMAN: If I have -- from what I've
20 seen already is that ATXI does not live up to their
21 promises. I mean, this fence is broken. Right here.
22 You probably can't see it. But --

23 LAW JUDGE CLARK: I have -- I have glanced
24 over the information you said. As I said before, it's
25 not evidence yet, and we're not going to discuss

1 evidence at this point.

2 JOE WISSMAN: Right. I'm just looking at
3 things on my phone right now. But I was told by
4 Ameren's attorney, Joe Goff, who left this area in
5 pristine -- and they didn't. They -- they didn't do
6 anything that they were supposed to do, so.

7 LAW JUDGE CLARK: That may, in fact, be the
8 case, but it's not something that we're going to
9 discuss today. That's an evidentiary issue and that
10 is for hearing.

11 JOE WISSMAN: Right.

12 LAW JUDGE CLARK: Just to give you a quick
13 analogy there, it's very much like a sports game.
14 You'll have a lot of practice, but the only thing that
15 counts is the game. And, so in this case, what you
16 say to me or put into the -- to the record
17 evidentiarily at this point doesn't have value yet
18 because it's all just practice at this point.

19 JOE WISSMAN: All right.

20 LAW JUDGE CLARK: I think it's a good call
21 to go ahead and do mediation even if your legal status
22 in this is not fully adjudicated at this point, and
23 the reasoning for that is, I think it might just cause
24 unnecessary delay if your case is just summarily
25 dismissed and you just have to refile it with an

1 attorney. That just puts us back to square one, so.

2 Where that can be avoided I try to avoid it --

3 JOE WISSMAN: All right.

4 LAW JUDGE CLARK: -- but I'm just making
5 you aware that, that is an issue on the horizon that
6 I'm currently looking into that could affect your
7 ability to bring in a complaint on -- for the
8 Commission's determination in relation to items that
9 would be owned by a trust. And the -- the
10 outstanding -- just to let you know, the outstanding
11 issue that I'm looking at in the other case is, we're
12 having a discussion about whether or not -- it says
13 statutorily created trust. There's an argument that
14 it's not statutorily created. I read statutorily
15 created a little broader. I read it to read
16 statutorily authorized. So if a trust is statutorily
17 authorized in Missouri, it may fall into that category
18 where you have to get representation.

19 JOE WISSMAN: Right.

20 LAW JUDGE CLARK: Deal with that down the
21 road.

22 JOE WISSMAN: I've talked to several local
23 attorneys, and nobody wants to get involved in it
24 because they said that it's -- it would be a nightmare
25 with -- you know, Ameren's a major corporation and can

1 just lock it down forever. I had a question, though.

2 LAW JUDGE CLARK: Of course.

3 JOE WISSMAN: This trust does absolutely
4 nothing for me. So if I dismiss this trust, my
5 concern is, which I would do in a heartbeat, because
6 this has been nothing but trouble for me, if I dismiss
7 this trust, would I then be able to represent it or
8 would I be barred because at the time of the
9 condonation it was in a trust.

10 LAW JUDGE CLARK: Oh, boy. You asked --
11 you've asked a very good legal question there that I
12 do not know the answer to right off. But if you
13 dissolve the trust is the question.

14 JOE WISSMAN: Yes.

15 LAW JUDGE CLARK: I will look into that;
16 okay?

17 JOE WISSMAN: Okay.

18 LAW JUDGE CLARK: I will look into that in
19 terms of answering the question. I can't act as your
20 attorney in that regard. So I'm answering the
21 question -- if I'm answering the question, it's for
22 myself and not for providing you any legal advice.
23 But that is an excellent question.

24 JOE WISSMAN: Procedural -- procedural
25 question only.

1 LAW JUDGE CLARK: I think -- it's an
2 excellent question, and I'm glad you brought it to my
3 attention. That did not occur to me as an immediate
4 possibility. So, thank you. But I will look into
5 that as -- too, as soon as I have an answer to this
6 question in one of the other cases, I will also let
7 the parties in this case know.

8 JOE WISSMAN: Okay.

9 LAW JUDGE CLARK: That's all. I've talked
10 for quite a bit, and that's all I have to say today.
11 Is there anything that anyone needed to say to me?

12 JOE WISSMAN: Nothing.

13 LAW JUDGE CLARK: Okay. Hearing nothing,
14 there's no pending motions. I -- staff, similar to
15 OPC, generally does not participate in mediation.
16 They generally -- unless they are -- unless they're
17 the complaining party, they will stay out of that. So
18 did staff have anything they wanted to add?

19 MS. HANSEN: I'm not aware of anything.
20 Travis, are you aware of anything?

21 MR. PRINGLE: Nothing from me, Judge.
22 Thank you.

23 JOE WISSMAN: One question, Judge. Would
24 the Office of Public Counsel be able to represent me?
25 The trust?

1 LAW JUDGE CLARK: I can't tell you that.

2 You can contact them and ask.

3 JOE WISSMAN: Okay.

4 LAW JUDGE CLARK: I -- I don't know the
5 answer to that. I don't want to give you an answer as
6 to what they do and don't do. They do represent
7 ratepayers, so.

8 JOE WISSMAN: All right.

9 LAW JUDGE CLARK: I'll leave that for you
10 to contact them about. And yes, I did see your hand
11 ATXI. You had something you wanted to add?

12 MR. DEARMONT: Go ahead.

13 MS. KNECHT: We were just wondering if
14 you -- with Mr. Wissman being okay with going forward
15 with having an ALJ, if you have an idea on what kind
16 of a timeline that might look like.

17 LAW JUDGE CLARK: That's really between the
18 parties. When I -- what happens is, I let the chief
19 judge know. She looks at the availability of the
20 other judges. She assigns a judge and that judge will
21 contact both parties, and the timeline at that point
22 is essentially between the mediator and the parties.

23 MS. KNECHT: Okay. All right. Thank you.

24 LAW JUDGE CLARK: This is not a small
25 complaint under the Commission's rules, so there is no

1 running statutory or rule timeline of which I'm aware.

2 MS. KNECHT: Okay. Thank you, Your Honor.

3 LAW JUDGE CLARK: Okay. Are there any
4 other questions or comments?

5 JOE WISSMAN: No.

6 LAW JUDGE CLARK: Any other issues that
7 need to be brought forth to the Commission at this
8 time? Hearing none, I'm going to thank everybody. I
9 know I scheduled this very quickly. I don't generally
10 like to schedule these so quickly, so I appreciate
11 everybody dropping everything and -- and coming in on
12 a Friday morning. I know that was probably not
13 convenient for everybody, so thank you very much.
14 And --

15 MS. HANSEN: Thank you Judge.

16 LAW JUDGE CLARK: -- with that -- with
17 that, I will adjourn this -- this procedural
18 conference and go off the record. Thank you.

19 MS. KNECHT: Thank you.

20 (Audio ended.)

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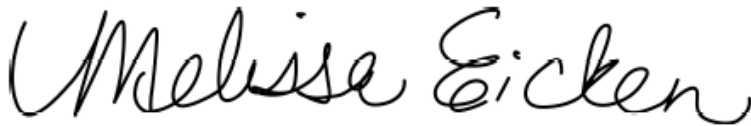
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1 CERTIFICATE OF REPORTER

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4 I, Melissa J. Eicken, Certified Court
5 Reporter of Missouri, Certified Shorthand Reporter of
6 Illinois and Registered Professional Reporter, do
7 hereby certify that I was asked to prepare a
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9 case, which proceedings were held with no court
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20 Melissa J. Eicken, CCR, CSR, RPR
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25 Date: May 23, 2025

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