

**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 393.10.1, RSMo. Relating to )  
Transmission Investments in )  
Northwest and Northeast Missouri )

File No. EA-2024-0302

**REQUEST FOR CLARIFICATION**

**COMES NOW** Mark Harding and his request for clarification on whether or not DO-27 is an available option for this CCN and clarification as to whether late notices should be used for the DO-27 land owners in the same manner as they are being used for DO-28 land owners.

**1. Clarification on allowed use of late notice.**

ATXI witness Leah Dettmers at page 6 lines 17-19 of their testimony states:

“The public engagement team identified potentially affected landowners via tax parcel information dated 2020-2021 for the FDIM project.....”

On July 5<sup>th</sup> 2024 ATXI sent notice of its intention to file for a CCN to some, but not all, of the people impacted by DO-28. ATXI did not send similar notice to any person impacted only by the alternate route DO-27.

On November 7 2024 (Item 40) ATXI sent notice to one landowner citing 20 CSR 4240-20-045(6)(K)(4) which states “if applicant, after filing proof of compliance, becomes aware of a person entitled to receive notice of the application to whom applicant did not send such notice, applicant shall, within twenty (20) days, provide notice to that person by certified mail, return receipt requested, containing all the required information. Applicant shall also file a supplemental proof of compliance regarding the additional notice.”

On March 3 2025 (Item 67 Page 2 Line 4) notice was sent to more owners of parcels not properly identified by ATXI to receive notice and subsequently did not receive notice citing the same provision mentioned above. Also of note in Item 67, ATXI attempts to explain how this party was not identified to receive the July 5<sup>th</sup> mailing, but was identified and did receive notice when the applicant was ordered to provide notices for the January 16 hearing.

On March 26 2025 (Item 75 Page2 Line 4-5) as a result of OPC discovery, ATXI admitted there were six (6) more parcels that were not notified as required and again cited the same provision for late notice used in the November 7 2024 and March 3 2025 explained above. While ATXI has no problem with sending late notices prolifically, they seemingly fail to understand or have disregard for the intent and purpose of the Regulations governing a CCN application, that being to insure that a current mailing list (within 60 days of notice from the Assessor office) is used and that each person has opportunity to protect their property rights as stated in the Regulation itself, all before a project reaches “docket status”.

## 2. ALTERNATE ROUTE NOTIFICATION REQUIREMENT

Regulation 20 CSR 4240-20.045(6)(K)(1) States:

“Applicant shall provide notice of its application to the owners of land, or their designee, as stated in the records of the county assessor’s office, on a date not more than sixty (60) days prior to the date the notice is sent who would be directly affected by the requested certificate, including the preferred route or location, as applicable, **and any known alternative route or location of the proposed facilities**. For purposes of this notice, land is directly affected if a permanent easement or other permanent property interest would be obtained over all or any portion of the land or if the land contains a habitable structure that would be within three hundred (300) feet of the centerline of an electric transmission line.” [Emphasis added]

On December 20 2024 Missouri PSC Staff submitted Staff Recommendations (Item 50)

Staff makes several references concerning Alternate Route notification requirements and ATXI’s failure to notify landowners in the reroute area of DO 27 to DO 28. Page 24 Line 4-5 states: “ATXI did not notify landowners of the filing of the CCN application along the original route considered (i.e. DO 27)” Page 24 Lines 14-16 are in bold print in Staffs report and states:

“.....**including the preferred route or location, as applicable and any known alternative route or location of the proposed facilities**”

On Page 25 Staff supports its conclusion that DO 27 is an “alternate route”.

On Page 31 Line 11 and following, Staff clarifies its position on notifying landowners along DO-27. Line 13 states “The Commission rule requires notice to not only affected landowners but also those along a known alternative route.” Lines 15-16 states “(Staff) encourages ATXI to include notice to landowners on all routes which are presented to the public for input.”

Page 35 Line 7 states: “Staff views DO-27 as a known alternate route”

I acknowledge that Staff did not have nearly as much information when preparing their Recommendations released on December 20 2024.

### **3. WHY THIS MATTERS**

Beginning October 8 2024, I began efforts to find a resolution with ATXI. I have been told repeatedly two things....1. This case has achieved “Docket Status” and , 2. We (ATXI) cannot even consider property for this project that did not receive the July 5 2024 notification letter. Since then I have learned what Docket Status is and understand why the applicant wanted to achieve it as quietly as possible, and I have also learned that this applicant applies the July 5 notification letter reason or excuse when it results in limiting corrective options to the DO 28, but does not consider it a restriction if it doesn’t suit their desires of not utilizing the Do-27 route. No meaningful negotiations can be had when ATXI applies the July 5 notice reason in some cases but not in others. If the people on DO 28 can be notified late, so can the people on DO 27 which is the purpose of my filing. I am asking for clarity on whether or not this application excludes or includes the DO-27 route. If failure to send the July 5 letter is a disqualifier, then DO 28 can not be used. If the late notices are acceptable to the Commission for DO-28, then the DO-27 land owners should be notified and ATXI should not use the lack of notification excuse to avoid certain properties while simply sending a late notice to other properties they are eager to send late notice to. These Regulations should be applied equitably.

### **4. REQUEST**

I am respectfully asking for clarity on this matter.

If the Commission were to order ATXI to notify landowners along DO-27 as recommended by Staff and stated in the Regulations governing a CCN, ATXI could use the same mailing list they used to inform those landowners of the January 16 2025 LPH. (There were no complaints at the January 16 hearing)

I acknowledge that the Commission may consider the January 16 hearing sufficient notice, and if that is the case, I respectfully ask for clarity from any party who has the proper authority to make such a determination, to let it be known to all parties that both the DO-27 and the DO-28 routes are eligible for this CCN application thereby eliminating ATXI's "reason" for not considering the DO-27 in our negotiation efforts. Or conversely that if DO-27 route cannot be utilized to make that known in which case I will save my efforts for later litigation to be determined depending on the outcome of this CCN request.

Respectfully,

/s/ Mark Harding

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