

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

In the Matter of the Application)
of Ameren Transmission Company of)
Illinois for a Certificate of) Case No. EA-2024-0302
Convenience and Necessity Under)
Section 393.170.1, RSMo Relating)
to Transmission Investments in)
Northwest and Northeast Missouri)

DISCOVERY CONFERENCE

VOLUME 6

WEDNESDAY, JULY 16, 2025
8:30 a.m.
Jefferson City, MO
via WebEx

RILEY FEWELL, Presiding
REGULATORY LAW JUDGE
KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

Transcribed By:

Jeffery Meria

1 MR. FEWELL: 2025. It is 8:34 in the
2 morning. The commission has set this time for discovery
3 conference in, in the matter captioned as -- in the
4 matter of the application of Ameren Transmission Company
5 of Illinois for certificate of convenience and necessity
6 under Section 393.170.1, Revised Statutes of Missouri
7 relating to transmission investments in northwest and
8 northeast Missouri, and that is case number EA-2024-
9 0302.

10 My name is Riley Fewell, and I'm the
11 regulatory law judge in this matter. We will begin by
12 having the attorneys present make their intrusive
13 appearance, beginning with ATXI.

14 MR. FOSCO: Thank you, Your Honor.
15 Appearing on behalf of Ameren, Ameren Transmission
16 Company of Illinois, Carmen L. Fosco with the Law firm
17 of Whitt Sturtevant LLP, 180 North, LaSalle Street,
18 Suite 2020, Chicago, Illinois 60601. Also appearing for
19 Ameren is Mr. Jason Kumar with Ameren Services Company,
20 1901 Chouteau Avenue, P.O. Box 66149, Saint Louis,
21 Missouri 63166.

22 MR. FEWELL: Thank you. Counsel for the
23 staff of the commission.

24 MR. VANDERGRIFF: Eric Vandergriff,
25 representative staff. Our address is P.O. Box 360200

1 Madison Street, Jefferson City, 65102.

2 MR. FEWELL: And for the office of the
3 public counsel

4 MS. MARTIN: This is Anna Martin,
5 representing the office of the public council, and our
6 address is on the record -- is on file.

7 MR. FEWELL: Okay. Thank you all. And,
8 Mr. Harding, you're present?

9 MR. HARDING: Yes, I'm present.

10 MR. FEWELL: Okay. We are here -- I
11 don't believe any other parties are here or intend to be
12 here. We are here for discussing a data request --
13 correct, Mr. Harding -- that you'd asked of the office
14 of public counsel?

15 MR. HARDING: Correct.

16 MR. FEWELL: Okay. And my understanding
17 is that that is a tax document of some sort that was
18 ATXIs or, or from the county. Can you explain what
19 you're requesting?

20 MR. HARDING: Yeah, I'm requesting the
21 tax cards that ATXI claims to have gathered from the
22 Worth County assessor's office for the purpose of
23 notification for the July 5th notification letter of
24 their application for CCN.

25 MR. FEWELL: Okay, the July 5th

1 application. So the original application, that was
2 filed?

3 MR. HARDING: The original application
4 contains a list of people --

5 MR. FEWELL: Sure.

6 MR. HARDING: -- that were -- and it's
7 the tax cards for that list, as I understand it.

8 MR. FEWELL: Okay. How does this pertain
9 to your issue of routing?

10 MR. HARDING: Because the notification
11 process is the first step to define people properly
12 along the -- there's been -- there's a D027 and a D027
13 Internet route, or however you want to look at that.
14 Some people -- for the January 16th meeting, for
15 example, that didn't receive notice for the earlier
16 meetings and didn't, didn't even receive any notice of a
17 CCN application.

18 So just trying to document. For the
19 purposes of my testimony, I want to begin at a point of
20 clarity on where they got their records from so I can
21 speak to that with accuracy. It's been -- the story has
22 changed on the dates and where those records were
23 gathered from.

24 MR. FEWELL: Okay, okay.

25 MR. HARDING: I, I have made significant

1 effort to access those tax cards, some of which are
2 mine. They pertain to my property. They're all public
3 record. I have the ability to access those records on
4 any property that I want in Worth County.

5 MR. FEWELL: Okay. Is there a response
6 from the company?

7 MR. FOSCO: Well, yes, Your Honor.
8 First, I mean, we disagree with Mr. Harding's
9 characterization that, that items have changed. We
10 disagree with that. Not quite sure what he's saying,
11 but, but that's not, not how we view it. And then the
12 document that I understand OPC is considering producing
13 is a document that we provided the staff at, at a -- at
14 a point. It's not the actual tax cards, as I understand
15 it.

16 It's, it's, it's a listing and -- that,
17 that we provided the staff. We disagree that -- I mean,
18 we have received similar data requests from Mr. Harding
19 and, and we have submitted objections. We, we disagree
20 that notice is the same as routing. Our, our position
21 is that there was a notice issue and the commission
22 addressed that issue by reopening intervention, and
23 that's a different issue from routing, so we, we do
24 disagree with that.

25 And you know, do -- we have objected to

1 the DRs we've received on the basis that we feel they go
2 beyond the scope of intervention, which was limited to
3 routing issues affecting the intervener's property. And
4 then I would note, Your Honor, that, you know, we, we
5 have been treating landowner information compiled in a
6 group fashion as confidential in this proceeding. Every
7 -- we've been doing it, OPC has done it and it's filing.

8 I, I think staff has -- I don't know if
9 they filed -- I don't remember if they filed anything
10 with that, but I, I don't think they've treated it
11 differently. We note that the rules provide for the
12 confidentiality of customer information, which in the
13 context of, of a transmission line CCN, you know, we, we
14 submit that that includes, you know, landowner
15 information. So we've been treating that as
16 confidential. I think even Mr. Harding and what he
17 submitted have been treating that as confidential.

18 And the rules provide that confidential
19 information can only be disclosed to attorneys and
20 experts. And there is an older case, Your Honor, that,
21 that indicates -- that raised the issue of whether a pro
22 se litigant is an attorney. There's an alternate
23 procedure in the rule for a non-disclosure agreement for
24 others, which hasn't been filed by Mr. Harding. There's
25 also a provision in the rule that specifically calls out

1 customer-specific information, and it says that
2 customers are entitled to receive their own information.

3 And we would submit that that provision
4 in the rule suggests that if pro se litigants were
5 entitled to everything, then there would be no need for
6 that provision. So that suggests that the rules should
7 be interpreted to, to treat pro se litigants who are not
8 attorneys differently. Honestly, we can't find any
9 cases dealing with this, you know, in detail.

10 We -- also, it appears because Mr.
11 Harding has been serving us with data requests that
12 reference confidential documents, that because he was
13 granted intervention, he seems to have been granted
14 access by EFIS to all confidential data request
15 responses to staff that are posted on EFIS. So, I, I
16 mean, we just note that's occurred. But again, our --
17 you know, like the case that -- it was a UE case in
18 2010, that, that case kind of had a similar issue
19 involving discovery of confidential information. It was
20 different than this.

21 We also acknowledge Mr. Harding's point
22 that ultimately, if you can look up -- you know, if you
23 can find the records, you, you -- they're public records
24 available from the assessor's office, but, but the --
25 again, the compilation of that data for landowners

1 affected by the route has been treated as confidential.
2 That, that UE case, the docket number that I was
3 referencing, it -- again, it didn't decide the issue.

4 It, it, it ruled on a different grounds
5 and it was under an earlier version of the rule where it
6 was highly confidential information that was specified
7 rather than the current rule which refers to attorneys -
8 - only attorneys can receive confidential. But that was
9 docket EO-2010-0263 with an order issued August 25th,
10 2010. You know, the issue was raised there. There were
11 different positions taken by, by staff and the company
12 there. But, but that's the status of this.

13 You know, we don't believe, you know,
14 this information, you know, goes to routing, but, but
15 that's where we're at, Your Honor. That's it.

16 MR. FEWELL: Okay, thank you.

17 MS. MARTIN: Can, can I speak?

18 MR. FEWELL: Yes, you may, Ms., Ms.
19 Martin.

20 MS. MARTIN: Okay, thank you. So I do
21 think that we discussed a while ago, because I was
22 concerned about issues such as notice not being
23 considered during the hearing, and I do believe that you
24 said that you are considering that part of routing, so I
25 did want to point that out. I also believe I have an

1 email from both staff and ATXI from yesterday before I
2 contacted you about providing this document and neither
3 party had an issue, so I'm slightly confused as to why
4 they are now saying that this should be treated as
5 confidential.

6 And, I mean, it was going to be treated
7 as confidential the entire time, but I don't know why at
8 this point they are not providing it to Mr. Harding.
9 Since yesterday, there was no issue, and I do believe
10 that at that point, I provided the document so they saw
11 exactly what I was sending. It has the -- I can explain
12 what the document is. It, it just says which line it's
13 on, the county they're in, the tax parcel number, the
14 owner-- the owner's name, and then the -- when the tax
15 card was, was acquired.

16 So I -- it doesn't -- you know, besides
17 the name and the tax parcel number, that's -- I just
18 wanted to make sure that I was covering all my bases and
19 I do believe that yesterday when I spoke to staff and
20 ATXI, they both said that that was fine. That's why --
21 I, I just want to make sure that I'm not considered
22 having lied when I said that yesterday in your -- in my
23 email to you.

24 MR. VANDERGRIFF: That --

25 MR. FOSCO: No, that's correct. Your

1 Honor, I -- we, we did state yesterday that we -- based
2 on the other material that Mr. Harding had access to, we
3 were not quite sure why the office of public counsel was
4 asking for this conference, but they did, but having
5 then forced us to then look further at this issue, you
6 know, we did not find that case and, you know, we, we
7 think discovery is different.

8 But since we're before Your Honor, we
9 wanted to, to make her -- you know, clear our, our
10 positions on, on what was confidential as we read the
11 rules now, having researched them further given the
12 office of public council asking for this conference and
13 wanted to be clear on that. And we've always -- you
14 know, while we -- this particular document is -- as
15 counsel described, it's a list of landowners in Worth
16 County that received notice of the application.

17 The PIN -- as we understand it. The PIN
18 numbers and the -- and the, the date that the company
19 obtained -- you know, obtained the tax information or
20 the information that represents assessor records for the
21 notice. That, that, that is correct.

22 MR. FEWELL: Thank you. Mr. Vandergriff,
23 did you have comments you wanted to make?

24 MR. VANDERGRIFF: I wanted to make it
25 clear for the record that staff's position is still that

1 we are not objecting to it, pending ATXI what's going on
2 in this conference.

3 MR. FEWELL: Okay. When, when I'm
4 looking at all this, because I, I looked into it too.
5 Spent quite a bit yesterday trying to figure out how to
6 proceed in this because it's an, an unusual request, Mr.
7 Harding. I'm not going to say that it's completely out
8 of the ballpark, but it, it is an unusual request in the
9 situation we're in.

10 Are you -- the rules are very clear on
11 who can be provided things, as Mr. Fosco went through,
12 but there have been times when pro se litigants have,
13 or, or I should say unrepresented parties have been
14 given confidential information, and that does fall under
15 a non-disclosure agreement. So we would need you to
16 file that if I were to rule in your favor. I'm, I'm not
17 going to make a decision in this conference, I'll issue
18 an order following.

19 But if it were to be released, it would
20 be redacted, removing the landowner information and any
21 identifiable information of the landowners. I don't
22 know if that would harm or, or, or frustrate the reason
23 you're requesting it, Mr. Harding. I, I, I'm concerned
24 that that may, but if you just need the information
25 again, and it's, it's redacted, then I don't see the

1 harm in issuing it and, and giving it to you.

2 That said, I, I think that's going to be
3 something that I am going to order one of the parties do
4 if I end up ruling that way, so the parties need to be
5 aware of that as well. But that's where I said is if,
6 if I'm going to release it, then it's going to be
7 redacted. Would -- does that change your position, Mr.
8 Harding?

9 MR. HARDING: The information that I am
10 requesting would include the source of the information
11 that's on those -- what were identified as tax cards. A
12 typical tax card contains a date, it contains partial,
13 specific, specific information, including addresses. So
14 all of that information that is public information is
15 what I would be requesting for the purposes of preparing
16 my testimony.

17 MR. FEWELL: Okay. Does anyone else have
18 anything to add in this conference?

19 MR. HARDING: If I may, Your Honor?

20 MR. FEWELL: Sure.

21 MR. HARDING: To, to the point, Mr.
22 Fosco, yes, I have made, I believe, 19 data requests and
23 that the entirety of my data requests have drawn a
24 response of, we will not answer. For some reason, there
25 are objections to all of my requests. I will be making

1 those requests a part of my testimony, and I assume that
2 I would not get response on those for some reason.

3 The -- this issue is complicated by the
4 fact that it has been bantered around that ATXI gathered
5 information from a website called DEVNET wEdge, and
6 that's what I was referencing earlier about the story
7 having changed. Some of the dates, there's been some
8 issue over, there was a typo, and the dates that the tax
9 cards -- the tax information was gathered for the
10 purposes of notification, both for the open house and
11 the July 5 notification.

12 So there has been some confusion that has
13 been -- in staff data requests of ATXI that I can
14 reference. But to say that it's been a clear cut from
15 the beginning, the original testimony of Leah Detmer's
16 clearly states that we use tax records for 2020 and '21,
17 which the company has refuted, and I understand those
18 refutes, but I'm just explaining, providing a little bit
19 of context to Your Honor that my statements earlier I
20 believe to be factually correct.

21 MR. FOSCO: If Mr. Harding's finished, if
22 I may, Your Honor, respond briefly.

23 MR. FEWELL: You may.

24 MR. FOSCO: So I, I understand Mr.
25 Harding is a pro se litigant or unrepresented party,

1 but, you know, he, he is bound by the rules. I would
2 note we were not even served with the data request that
3 was served on OPC as is customary in the practice under
4 both the commission's rule and its adoption of the
5 circuit court practice. The, the rules -- the circuit
6 court rules provide for service on parties of
7 interrogatories, similar items to data request.

8 Your scheduling order provided for that
9 data request to be served on all parties. Mr. Harding
10 is not following that directive, and that is a problem.
11 I, I just noticed that for the procedure. And, and then
12 we did object, and, and again, I said, I understand he's
13 a pro se litigant, but the rules require us and your
14 order requires us to file objections before respond.
15 We, we did that within, you know, the schedule that you
16 -- that's set forth.

17 We are responding and will -- you know,
18 we're generating responses. It may not be -- you know,
19 it, it -- there may be cases where, where there's not,
20 but there are other cases where -- you know, the fact
21 that we served objections does not necessarily mean that
22 we're not responding, as Mr. Harding said, by the due
23 date for those responses, yes.

24 MR. FEWELL: Okay, thank you. Does
25 anyone else have anything else to add?

1 MR. VANDERGRIFF: Yes, Your Honor. To
2 this that, that we can. I understand that the
3 interveners have, you know, the right to, to speak to
4 their routing issues, and that notice is allowed as a
5 routing issue, but to the extent that notice and how it
6 applies to any particular landowner. Anyhow, if we
7 could have parity on, on this, to the extend that the
8 commission can allow, then I would appreciate it.

9 MR. FEWELL: Sure. I, I, I want it to be
10 somewhat of a broad issue for the parties, but it should
11 be a personal issue, so, you know, directed towards the
12 parties individually and in their own interests.
13 Nothing further than that. Does that clear things up
14 for you?

15 MR. VANDERGRIFF: Yes, Your Honor. Thank
16 you.

17 MR. FEWELL: Yeah. Okay. If we don't
18 have anything else, I will take this under consideration
19 and try to get an order issued today as quickly as I
20 can, if I do get it issued, because, again, if I rule in
21 your favor, Mr. Harding, it will be redacted
22 information, and I want to give the parties time to do
23 so. I -- I'm not sure how long this document is, but
24 especially if it's long. So I want the parties go, and
25 we can go off the record. Go ahead.

1 MR. HARDING: May I put something up,
2 because the last thing I want is to be in violation of
3 any laws or anything like that. To the point of my
4 access to confidential information, that being a lot of
5 the data requests responses by ATXI, I do have access to
6 everything that is confidential on EFIS that -- to the
7 case. I gained that access when I became a party to the
8 case, and so if that's something that the court needs to
9 address, then so be it. But that is where I am able to
10 access a lot of information that I didn't have access to
11 before I became an intervener.

12 MR. FEWELL: Thank you. And I appreciate
13 you rebringing that up. I know Mr. Fosco did earlier.
14 I did forget to address that. We did decide to give the
15 landowners confidential access. It just made it a
16 simpler process than having everything be -- remaining
17 confidential. Since they are a party, we thought that
18 that was the best procedure for that.

19 But to Mr. Fosco's point, and, and the
20 rule's pretty clear on customer-specific information,
21 which we would all -- I also interpret to include
22 landowners information, I believe would still be
23 confidential and, and unnecessary to be released unless
24 it is the individual requesting it of themselves.

25 MS. MARTIN: Would it be possible to

1 provide or have the landowners sign NDAs so that --
2 maybe with the -- those documents? I just don't want
3 them and their ability to argue their case to be limited
4 by confidential information. So would -- do you think
5 that there'd be a possibility of us maybe issuing NDAs
6 that they can sign so that they can have access, no
7 concern to that information?

8 MR. FEWELL: Sure, I could do that.

9 MS. MARTIN: Okay, awesome.

10 MR. FEWELL: All right. All right, thank
11 you everyone. I hope you have a good rest of your day.
12 Glad that we were good, hopefully able to resolve this.
13 Again, I'll try to get an order issued by 10 o' clock at
14 the latest.

15 MS. MARTIN: Thank you.

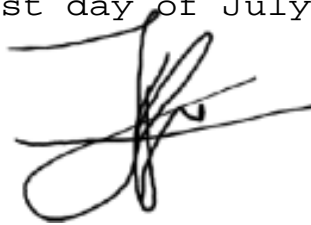
16 MR. FOSCO: Thank you, Your Honor.

17 MR. FEWELL: Thank you.

18 MR. KUMAR: Thank you.

19 (End of audio recording.)
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