

**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 and Approval to Transfer an)
Interest in Transmission Assets Under)
393.190.1, RSMo relating to Transmission)
Investments in Northwest and Northeast)
Missouri.)

File No. EA-2024-0302

AMEREN TRANSMISSION COMPANY OF ILLINOIS
STATEMENT OF POSITION

COMES NOW Ameren Transmission Company of Illinois (ATXI), and hereby submits its Statement of Position, as follows:

I. Introduction and Background

This proceeding concerns Phase 1 of the Northern Missouri Grid Transformation Program (the Program). ATXI, the Missouri Joint Municipal Electric Utility Commission (MJMEUC), and Ameren Missouri are working together to execute Phase 1 and, in doing so, to build a more reliable and resilient energy grid for Missouri’s future. Schukar Dir. at 4. The Northern Missouri Grid Transformation Program is just one part of the first wave, or “Tranche,” of MISO’s ongoing long term transmission planning effort, which spans multiple states and includes a number of different projects. *Id.* Phase 1 includes approximately 53 miles of new transmission lines across northern Missouri, as well as a new substation and upgrades to an existing substation. *Id.* It includes two projects: the Fairport-Denny-Iowa/Missouri border (FDIM) Project in Worth, Gentry, and DeKalb counties, and the Maywood-Mississippi River Crossing (MMRX) Project in Marion County (collectively, the Projects). *Id.*

The FDIM Project includes the construction of approximately 44 miles of 345 kV transmission line, in two segments, and a new 345 kV substation named Denny in northwest Missouri. Schukar Dir. at 5. The first new 345 kV transmission line segment will be approximately 1 mile long and connect Associated Electric Cooperative Incorporated's (AECI) existing Fairport Substation in DeKalb County to ATXI's new Denny Substation approximately one mile away, also in DeKalb County. *Id.* The second new 345 kV transmission line segment will run from the new Denny Substation approximately 43 miles north to the Iowa/Missouri border, where it will interconnect to a 345 kV transmission line that will terminate at MidAmerican Electric Company's (MEC) existing Orient Substation in Iowa. *Id.*

The MMRX Project includes the construction of approximately 9 miles of new 345 kV transmission circuit from ATXI's existing Maywood Substation near Palmyra, Missouri, to the Mississippi River Illinois/Missouri border. Schukar Dir. at 7. A portion of the MMRX Project involves coordination between ATXI and Ameren Missouri. The MMRX Project also includes upgrades to the Maywood Substation required to integrate the new 345 kV circuit. *Id.*

There is no dispute that the Projects are needed, that ATXI is qualified and financially capable of executing them, that the Projects are economically feasible, or that the Projects are in the public interest. *See generally* Staff Recommendation. Among other benefits, the Program, including the Phase 1 Projects, will support lower energy supply costs for Missouri customers, improve energy reliability for local communities and the surrounding region, promote access to diverse energy resources, and support the growth of economic development opportunities by adding needed transmission capacity in the State. This will help ensure continued energy reliability and resiliency for Missouri electricity customers.

Staff recommended that certain conditions apply to this case and future cases. Staff Recommendation at 41-43. On March 7, 2025, in response to a Commission order issued February 10, 2025, ATXI, Staff, Clean Grid Alliance, MISO, MJMEUC, Renew Missouri Advocates, and Sierra Club filed a Joint Status Report stating, inter alia, that: (i) “ATXI and Staff have reached agreement on limited revisions to Staff’s recommended Conditions” attached as Appendix A to the Joint Status Report; and (ii) all signatories to the Joint Status Report have reviewed the Revised Conditions agreed upon by Staff and ATXI and do not object to the Commission granting the requested [certificate of convenience and necessity (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.” At the procedural conference held on June 9, 2025, it was agreed and determined that the only contested issues in this proceeding would be the routing and siting issues raised by the landowner intervenors. Trans. at 7-14, June 9, 2025, Procedural Conference (filed on EFIS June 17, 2025, as Item 118).

II. ATXI Positions¹

A. Issue Presented: *What concerns, if any, alleged by the intervenor landowners regarding routing and siting issues affecting properties of the intervenor landowners does the Commission have the authority to address, including but not limited to alleged violations of Commission Rule 20 CSR 4240-20.045(6)(K)?*

1. Alleged Damages to Property, Land, Value, Crops, Contracts, and Similar Items

It is ATXI’s position that landowner intervenor concerns related to alleged damages to property, land, crops, property value, contracts, and similar items raise issues that, if ATXI and the

¹ All parties, including the landowner intervenors, have only submitted pre-filed testimony at this time, and have not submitted position statements or briefs. Accordingly, the specific factual and legal arguments raised by landowner intervenors are subject to ongoing development and refinement. ATXI’s positions reflect its current understanding of arguments raised by other parties. ATXI reserves the right to further develop its position on the issues during the evidentiary hearing and subsequent briefs

landowner are unable to reach a voluntary agreement, would be addressed through an eminent domain proceeding in the circuit courts and are beyond the jurisdiction of the Missouri Public Service Commission (Commission). It is well established that Chapter 523, RSMo., gives circuit courts, and not the Commission, the statutory authority to resolve all factual and legal issues related to eminent domain actions. *Timothy Allegri, Complainant, v. Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West, Respondent*, Mo.P.S.C. 2023 WL 6388854, EC-2024-0015, Order Denying Staff's Motion to Pursue an Injunction (August 31, 2023) (“Chapter 523 empowers the circuit court, and not the Commission, with authority over condemnation proceedings.”); *Missouri Landowners Alliance, Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners, and John G. Hobbs, Complainants, v. Grain Belt Express, LLC, and Invenergy Transmission, LLC, Respondents*, 2021 WL 3419557 (Mo.P.S.C.), EC-2021-0059, Report and Order (August 4, 2021) (“The Commission has no jurisdiction or authority to grant a public utility eminent domain.”). Neither the value of individual parcels nor the compensation to landowners directly impacted by the route for the proposed transmission line are issues before the Commission in this proceeding.

2. Alleged Notice Concerns

Landowner intervenor concerns related to alleged notice issues are not properly raised because those concerns and issues have already been addressed by the Commission, do not allege violations of any statute, rule, or order, and/or exceed the scope of intervention granted to those parties.

Various notice issues were alleged in The Office of The Public Counsel's Response to Staff's Recommendation and List of Concerns filed on March 7, 2025 (OPC's Response), which requested that the Commission require ATXI to refile this case. ATXI filed its Reply to OPC's

Response (ATXI's Reply) on March 21, 2025, explaining that many of the alleged notice issues lacked merit but acknowledging that there were 3 landowners who were not originally sent a notice because ATXI was not aware of those parcels (which were created as a result of parcel splits), and 4 landowners who may not have received the notice sent to them due to the inadvertent use of an old or incorrect address. ATXI explained that it had sent or was sending additional notices to those landowners in accordance with 20 CSR 4240-20.045(6)(K)(4), and affidavits were filed confirming that additional notices were provided in accordance with the rule. On April 4, 2025, the Commission issued its Order Setting Intervention Deadline, finding that since "some landowners who would be affected by the transmission line in this matter did not receive notice from ATXI until seven months after that intervention deadline had passed," it was "reasonable to re-open the intervention deadline" which was extended until April 18, 2025. Because the Commission already provided relief for these notice issues by reopening intervention, it is improper for the landowner intervenors to raise those same notice issues.

Landowner intervenors also raise alleged concerns related to the content or substance of ATXI's open house and application notices, but do not allege failure to comply with the Commission's requirements regarding the content of such notices. The required content for notice of an application for a certificate of convenience and necessity (CCN) is the following:

Any letter sent by applicant as notice of the application shall be on its representative's letterhead or on the letterhead of the utility, and it shall clearly set forth—

- A. The identity, address, and telephone number of the utility representative;
- B. The identity of the utility attempting to acquire the certificate;
- C. The general purpose of the proposed project;
- D. The type of facility to be constructed; and

- E. The contact information of the Public Service Commission and Office of the Public Counsel.

20 CSR 4240-20.045(6)(K)(2). The full requirements stated in the Commission’s rules for a county meeting (open house), including the notice for such meeting, are as follows:

If twenty-five (25) or more persons in a county would be entitled to receive notice of the application, applicant shall hold at least one (1) public meeting in that county. The meeting shall be held in a building open to the public and sufficient in size to accommodate the number of persons in the county entitled to receive notice of the application. Additionally—

- A. All persons entitled to notice of the application shall be afforded a reasonable amount of time to pose questions or to state their concerns;
- B. To the extent reasonably practicable, the public meeting shall be held at a time that allows affected landowners an opportunity to attend; and
- C. Notice of the public meeting shall be sent to any persons entitled to receive notice of the application.

20 CSR 4240-20.045(6)(K)(3). Because the landowner intervenors’ alleged concerns related to the content of ATXI’s notices are not tied to or supported by any requirement in a statute, rule, or order, such concerns do not constitute matters which the Commission has the authority to address.

Finally, the grant of intervention to each of the landowner intervenors in this proceeding was limited to the issue of routing concerns affecting their properties:

The applications meet the requirements of Commission Rule 20 CSR 4240-2.075(2) and were timely filed during the second intervention period. However, the Commission may limit interventions to particular issues or interests in a case per Commission Rule 20 CSR 4240-2.075(9).

The Commission will ... grant Mr. Harding, Mr. Mathews, and Mr. and Ms. Hiatt’s applications for intervention, but limit their interventions to the issue of routing concerns affecting their property.

Order Regarding Applications to Intervene and Directing Filing of Procedural Schedule issued May 7, 2025. The Commission similarly limited the grant of intervention to McGinley-Krawczyk

Farms, LLC per the *Order Regarding Applications to Intervene* issued May 14, 2025, "to only the issue of routing concerns affecting its property." The notice issues raised by landowner intervenors which are not specific to them or their property exceed the scope of the grant of intervention to those parties, and as such are not within the authority of the Commission to address.

3. Proposed Route Modifications

Landowner intervenors propose certain route modifications in this proceeding to address certain concerns. To the extent those modifications impact their own property or the property of other landowners who received notice of ATXI's application in this proceeding for the affected parcel, ATXI does not dispute that it is within the authority of the Commission to consider whether such proposed modification is warranted and should be adopted by the Commission as part of the approved route. Conversely, to the extent those route modifications impact the property of other landowners who did not receive notice of ATXI's application in this proceeding for the affected parcel, the Commission should not consider those proposals as those landowners did not receive notice of such landowner intervenors alternative route proposal. Staff witness Claire M. Eubanks, P.E. takes a similar position in her Surrebuttal Testimony at page 3.

B. Issue Presented: *For alleged concerns regarding routing and siting issues affecting properties of the intervenor landowners that the Commission has the authority to address, what relief, if any, is warranted, including any modifications to the route associated with Ameren Transmission Company of Illinois' ("ATXI") application or additional conditions?*

1. Proposed Route Modifications

ATXI takes the position that no further relief is warranted on the routing for the Projects. Several landowners have proposed route modifications to accommodate them and address concerns they have regarding the Proposed Route. While these route modifications are, in large part, constructible, ATXI continues to support its original Proposed Route and believes that route

best balances the various routing factors. ATXI, therefore, believes the Commission should adopt its Proposed Route. This approach would not necessitate additional relief or modifications to the route in response to issues raised by landowners.

ATXI, along with its routing expert James Nicholas, engaged in a thorough route selection process for the FDIM and MMRX Projects. Described in detail in the direct testimony of ATXI witness Nicholas, the route selection process involved a narrowing of routing options through consideration of a variety of factors, including land use impacts, impacts on ecological and cultural features, economic and technical feasibility, and landowner and other stakeholder input. Nicholas Dir. at 7-25.

The Proposed Route takes into consideration several specific pieces of feedback and information gathered during ATXI's pre-filing public engagement process. These factors led ATXI to the determination that the Proposed Route, the FDIM portion of which was previously known as DO-28, was the appropriate route and was preferable to other options, including route option DO-27, which ATXI had previously considered. Nicholas Dir. at 20-22. Relevant factors included the identification of a USDA-regulated hog farm that would present access issues both for construction and ongoing line maintenance if the route were constructed nearby, the location of residences, the number of parcels crossed, distance, and proximity to local roads. Id. at 21-22.

Four landowner Intervenor took issue with certain segments of the Proposed Route and suggested re-routes to accommodate them. These Intervenor are Mark Harding, Rochelle Hiatt, Rebecca McGinley, and F. Neil Mathews. ATXI witnesses Morris and Nicholas explain in their rebuttal testimony why the Proposed Route is preferable to the modifications proposed by these landowner Intervenor; however, Mr. Morris does note that the route modifications are technically constructible. *See generally* Morris Reb., Nicholas Reb. But because ATXI continues to support

its Proposed Route over the route modifications proposed by Intervenors, further relief is not warranted as to routing.

2. Alleged Notice Concerns

ATXI takes the position that no further relief is warranted to respond to the concerns raised by several landowners regarding notice of open houses and of ATXI's application. ATXI witness Dettmers responded to landowners' contentions regarding open house notices individually, but at a high level, they are unsupported by the record and do not reflect wrongdoing on the part of ATXI. Dettmers Reb. at 2-7; *see also* Mathews Dir. at 1-3; Hiatt Dir. at 9. Therefore, there is no relief that would be warranted to address these allegations. Further, as stated above, Intervenors alleged concerns do not suggest that ATXI acted inconsistent with any legal obligation in sending notices, *i.e.*, that there was a violation that needs to be remedied.

There were also concerns raised regarding the notices ATXI provided of its application in this case, specifically an inadvertent omission of notice to three parcels/owners that had resulted from parcel splits, unbeknownst to ATXI, and the inadvertent use of old or incorrect address for five landowners. *See* Harding Dir. at 13; Dettmers Affidavit at 5 (Nov. 8, 2024); Dettmers Affidavit at 2 (Mar. 3, 2025); Dettmers Affidavit at 3 (Mar. 27, 2025). ATXI became aware of these issues on October 21, 2024, February 11, 2025, and March 17-21, 2025. *Id.*

Missouri law contemplates a situation like this one and provides the utility with an opportunity to cure such notice issues. 20 CSR 4240-20.045(6)(K)(4) provides:

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.

In accordance with this provision, on November 7, 2024, March 3, 2025, and March 24, 2025, ATXI provided notice of its application in this proceeding to the owners of those parcels by certified mail, return receipt requested. Dettmers Affidavit at 5 (Nov. 8, 2024); Dettmers Affidavit at 5 (Mar. 3, 2025); Dettmers Affidavit at 5 (Mar. 27, 2025). In doing so, ATXI cured the notice issue in accordance with the procedure provided for by Missouri law. No further action is warranted.

For these reasons, which will be elaborated upon further in post-hearing briefs, the Commission should grant the CCN for the Company's Proposed Route and subject only to the Revised Conditions discussed earlier.

WHEREFORE, Ameren Transmission Company of Illinois hereby submits its
Statement of Position.

Dated: October 17, 2025

Respectfully submitted,

By: /s/ Carmen L. Fosco

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was 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 on October 17, 2025.

/s/ Carmen L. Fosco _____

Carmen L. Fosco