

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

EVIDENTIARY HEARING

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

MONDAY, OCTOBER 27, 2025

9:00 a.m. - 3:46 p.m.

Governor Office Building
200 Madison Street
Jefferson City, Missouri 65101

VOLUME 8

RILEY FEWELL, Presiding
REGULATORY LAW JUDGE

KAYLA HAHN, Chair
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

Reported By:
Shelley L. Bartels, RPR, CCR
Job No.: 197985

1 APPEARANCES:

2 MR. TRAVIS J. PRINGLE
3 MR. ERIC VANDERGRIFF
4 Public Service Commission
5 200 Madison Street
6 P.O. Box 360
7 Jefferson City, Missouri 65102-0360
8 573.751.4140

9 For: Staff of the Missouri Public Service
10 Commission

11 MS. ANNA MARTIN
12 MR. MARC POSTON
13 Office of the Public Counsel
14 200 Madison Street
15 P.O. Box 2230
16 Jefferson City, Missouri 65102
17 573.751.5324

18 For: Office of the Public Counsel

19 MR. CARMEN FOSCO
20 MS. CHRISTINE PROROK
21 Whitt Sturtevant LLP
22 180 North LaSalle Street, Suite 2020
23 Chicago, Illinois 60601
24 312.800.8405

25 -- AND --

MR. ERIC DEARMONT
MR. JASON KUMAR
Ameren
1901 Chouteau Avenue
St. Louis, Missouri 63127
314.861.4869

For: Ameren Transmission Company of Illinois (ATXI)

MS. JUDITH ANNE WILLIS
Law Office of Judith Anne Willis
2313 Route J
Jefferson City, Missouri 65101

-- AND --

MS. ELIZABETH WHEELER
571 Asbury Street, Suite 200
St. Paul, Minnesota 55104

For: Clean Grid Alliance

1 APPEARANCES CONTINUED:

2 MS. PEGGY WHIPPLE
3 Healy Law Offices
4 3010 East Battlefield, Suite A
5 Springfield, Missouri 65804

6 For: Missouri Electric Commission (MEC)

7 MS. CAITLIN L. STILTNER
8 Great Rivers Environmental Law Center
9 4625 Lindell Boulevard, Suite 200
10 St. Louis, Missouri 63108
11 314.231.4181

12 For: Sierra Club

13 MS. STEPHANIE S. BELL
14 Ellinger Bell
15 308 East High Street, Suite 300
16 Jefferson City, Missouri 65101
17 573.750.4100

18 For: McGinley-Krawczyk Farms, LLC

19 MR. MARK HARDING, Intervenor

20 MR. NEIL MATHEWS, Intervenor
21
22
23
24
25

1 Proceedings began at 9:00 a.m.:

2 JUDGE FEWELL: Okay. It's nine o'clock.
3 Can caller number one identify themselves. It's
4 Star 6 to unmute.

5 MR. MATHEWS: This is Neil Mathews. Can
6 you hear me?

7 JUDGE FEWELL: Yes, we can. Thank you.
8 Okay. Are all of the parties present? I can go
9 through and check real quick and then we'll enter
10 appearances. Let's see. ATXI, OPC, Clean Grid
11 Alliance -- well, let's go ahead and go.

12 Hello and good morning. Today is
13 October 27th, and the current time is 9:01 a.m. The
14 Commission has set this time for an evidentiary
15 hearing in the case captioned as In the matter of the
16 application of Ameren Transmission Company of
17 Illinois for a Certificate of Convenience and
18 Necessity under Section 393.170.1, Revised Statutes
19 of Missouri relating to transmission investments
20 Northwest and Northeast Missouri. That is Case
21 No. EA-2024-0302.

22 My name is Riley Fewell and I'm the
23 regulatory law judge presiding over this hearing.
24 Will counsel for the parties enter their appearance
25 for the record. For Ameren Transmission Company of

1 Illinois.

2 MR. FOSCO: Good morning, your Honor.

3 Appearing on behalf of Ameren Transmission Company of
4 Illinois, Carmen Fosco and Christine Prorok of the
5 law firm of Whitt Sturtevant LLP, 180 North LaSalle
6 Street, Chicago, Illinois 60602.

7 JUDGE FEWELL: Thank you.

8 MR. FOSCO: 60604, sorry.

9 MR. DEARMONT: Thanks, Judge. And
10 in-house for ATXI we have Eric Dearmont and Jason
11 Kumar. Our business address is 1901 Chouteau Avenue,
12 St. Louis, Missouri 63103.

13 JUDGE FEWELL: Thank you. And for Clean
14 Grid Alliance, are they present?

15 MS. WILLIS: Yes, we are. For Clean Grid
16 Alliance, Judith Anne Willis and Elizabeth Wheeler.
17 The law office of Judith Anne Willis is at 2313 Route
18 J, Jefferson City, Missouri 65101. And I'll let
19 Elizabeth give her address.

20 MS. WHEELER: Good morning. This is
21 Elizabeth Wheeler. I am in-house counsel at CGA.
22 And our address is 571 Asbury Street, Suite 200 in
23 St. Paul, Minnesota.

24 JUDGE FEWELL: Thank you. For MISO?

25 MR. PRINGLE: Judge, I believe MISO, they

1 did not plan on --

2 JUDGE FEWELL: Sure.

3 MR. PRINGLE: -- attending.

4 JUDGE FEWELL: I knew several parties
5 that excused themselves. Figured some, based on how
6 many were present online. For MEC.

7 MS. WHIPPLE: Good morning, Judge Fewell.
8 This is Peggy Whipple with Healy Law Offices. The
9 address is 3010 East Battlefield, Suite A,
10 Springfield, Missouri 65804.

11 JUDGE FEWELL: Okay. Thank you. For
12 Renew Missouri? For Sierra Club?

13 MS. STILTNER: Good morning, Judge. This
14 is Caitlin Stiltner appearing on behalf of Sierra
15 Club with Great Rivers Environmental Law Center.
16 And we're at 4625 Lindell Boulevard, St. Louis,
17 Missouri 63108.

18 JUDGE FEWELL: Thank you. Mark Harding,
19 are you present?

20 MR. HARDING: Yes, I'm here. I'm Mark
21 Harding. My address is [redacted]. I'm here with my
22 wife Laurie.

23 JUDGE FEWELL: Thank you. Mr. Mathews,
24 I -- we heard from you, and I don't know that we need
25 your addresses. Thank you. Sorry for that. Since

1 you are Landlord Intervenor, you're not represented.
2 But, Mr. Mathews, again we saw you were there. If
3 you can just state you're still here. It's Star 6 to
4 unmute.

5 MR. MATHEWS: This is Neil Mathews.

6 JUDGE FEWELL: Okay. Thank you.

7 MR. MATHEWS: Intervenor. Case
8 No. EA-2024-0302.

9 JUDGE FEWELL: Thank you. And for
10 McGinley -- is it Krawczyk Farms?

11 MS. BELL: Yes, your Honor. Stephanie
12 Bell with the law firm of Ellinger Bell. We're
13 at 308 East High Street, Suite 300, Jefferson City,
14 Missouri 65101.

15 JUDGE FEWELL: Okay. Thank you. And for
16 preliminary matters, I know there were a couple of
17 motions that I have not ruled on yet. I think there
18 was a pro hac --

19 MR. PRINGLE: Pardon me, Judge.

20 JUDGE FEWELL: Yes.

21 MR. PRINGLE: I don't -- Staff has not
22 entered their appearance yet I don't believe.

23 JUDGE FEWELL: Oh, I'm sorry. I missed
24 you.

25 MR. VANDERGRIFF: Well, good morning, your

1 Honor.

2 JUDGE FEWELL: Good morning.

3 MR. VANDERGRIFF: I'm Eric Vandergriff
4 joined by Travis Pringle here to represent Staff of
5 the Missouri Public Service Commission. Our
6 information is with the court reporter.

7 JUDGE FEWELL: And the Office of Public
8 Counsel. Sorry.

9 MS. MARTIN: That's okay. The Office of
10 Public Counsel is Anna Martin as well as Marc Poston.
11 And our address is also on the record.

12 JUDGE FEWELL: All right. Thank you.
13 Sorry about that.

14 So there were a couple of motions filed
15 earlier that I'll take -- several months ago that
16 I'll take with the case, but there was a motion for
17 leave to appear pro hac filed by ATXI for, is it
18 Ms. Prorok?

19 MS. PROROK: Yes, your Honor, that's me.

20 JUDGE FEWELL: And I'll be granting that.
21 And then there was a motion for leave to file
22 corrected surrebuttal testimony of Ms. Eubanks and a
23 late-filed schedule. Are there any objections to
24 Ms. Eubanks' testimony and that schedule by any of
25 the parties? Hearing none, that will be granted as

1 well, that motion.

2 I would ask that anyone who's appearing
3 remotely to mute themselves when they're not speaking
4 and that everyone who is here in the courtroom get --
5 and remote as well -- to silence or turn off your
6 cell phones to minimize distractions.

7 Mr. Harding and Mr. Mathews, you are
8 representing yourselves. That's perfectly fine. I
9 will assist you when and where I can. There may be
10 questions that I can try to explain or rephrase for
11 you, but I cannot help you rep -- present your
12 case. Each party will begin with an opening
13 statement and that's an opportunity for you to give a
14 summary to the Commissioners and me of what you
15 expect the hearing evidence to be and why that
16 evidence will support your case. That does not mean
17 that you will present evidence here. That will be
18 later. But you can explain where you're coming from.

19 To elaborate, the opening statement is
20 not sworn testimony or considered under oath, and
21 thus, you are not subject to cross-examination where
22 the other parties can question you about what you
23 stated. The Commission is also not making its
24 decision only on what is stated during opening
25 statements. You will present your case shortly after

1 and can present your evidence at any -- at that time.

2 ATXI, the applicant, will present its
3 evidence first. I believe there was -- was there a
4 motion for prefiled testimony to be admitted?

5 MR. PRINGLE: There was a motion for all
6 the prefiled testimony from before the granting of
7 intervention --

8 JUDGE FEWELL: Oh, okay.

9 MR. PRINGLE: -- of the landowners, so.

10 JUDGE FEWELL: Is that withdrawn or.

11 MR. PRINGLE: I believe we still plan
12 on entering --

13 JUDGE FEWELL: Ultimately -- ultimately
14 offering it today though?

15 MR. PRINGLE: Yes.

16 JUDGE FEWELL: Okay. Thank you. I have
17 the witness list. And since the parties have filed
18 their prefiled testimony, we'll only be crossing
19 witnesses today. And I believe the order of cross
20 was also filed.

21 When questioning a witness, you may offer
22 documents and other items to be admitted into
23 evidence. Counsel for the other parties may object
24 to the admission of your documents or witness
25 testimony. If that occurs, you'll be given the

1 opportunity to respond to the objections. I will
2 then make a ruling on whether the witness testimony
3 or document will be admitted into evidence.

4 I'm also keeping track of these, but,
5 Counsel, please confirm for with me when the
6 proceeding is complete, that the list that you have
7 of admitted exhibits.

8 Please also try to refrain from
9 interrupting or speaking over others when they are
10 asking questions or responding to a question,
11 including your own questions unless you're making an
12 objection.

13 During the questioning of a witness, you
14 must ask a question, not make statements.

15 There is also a lot of confidential
16 information in this case, at least some. I think
17 we've dialed that back. Under specific customer
18 information is generally considered confidential.
19 It's going to be difficult to talk about the case --
20 I think there were some maps that were filed that are
21 still listed as confidential and then the addresses
22 of the parties especially. Each of you as a
23 landowner -- landowner intervenors are responsible
24 for your information. You're the holder of it.

25 So, Mr. Harding, Mr. Mathews, and

1 Ms. McGinley, I would like as much as possible to
2 keep your addresses out of this. If you can say a
3 general region or area so we can limit as much as we
4 can what needs to be in camera. If it becomes
5 necessary to talk about those items, we would go in
6 camera. Otherwise it would be sufficient to refer to
7 it as the Harding address or by name I think is
8 sufficient.

9 And if any of the parties believe there's
10 any information that should be in camera, please let
11 me know. I'm generally aware, but I'd probably a
12 heads up. Otherwise that will be deemed as a waiver
13 of that confidentiality for those landowner
14 intervenors.

15 And also with us, I don't think I
16 mentioned, we have Commissioner Mitchell here in
17 person as well as Commissioners Coleman and Kolkmeyer
18 online. Chair Hahn may join us at any time.

19 COMMISSIONER KOLKMEYER: Good morning,
20 Judge. Commissioner Kolkmeyer here.

21 JUDGE FEWELL: Thank you, Commissioner.
22 And if we can begin with the opening
23 statements beginning with ATXI.

24 MR. FOSCO: Good morning. May it please
25 the Commission and Commissioners Kolkmeyer, Mitchell,

1 and Coleman. My name is Carmen Fosco. I represent
2 ATXI in this proceeding. This proceeding concerns
3 ATXI's request for a Certificate of Convenience and
4 Necessity for phase one of what's known as the
5 Northern Missouri Grid Transformation Program which
6 includes two projects. Those projects are the Fair
7 Point -- Fairport-Denny-Iowa/Missouri border or FDIM
8 project and Worth, Gentry, and DeKalb Counties and
9 the Maywood/Mississippi River crossing or MMRX
10 project in Marion County.

11 The phase one projects include
12 approximately 53 miles of new transmission line
13 across northern Missouri as well as a new substation
14 and upgrades to an existing substation.

15 The FDIM project, which is the focus of
16 today's hearing, includes the construction of
17 approximately 44 miles of 345 kilovolt or kV
18 transmission line and two segments, there's a -- a
19 new 345 kV substation named Denny in DeKalb County
20 and there's a line between that station and the
21 existing Associated Electric Cooperative, Inc.'s
22 existing Fairport's substation. Then there's a line
23 approximately 43 miles that runs from the Denny
24 substation north to the Iowa/Missouri border where
25 it'll interconnect with another three -- continuation

1 of the line in Iowa that will terminate at
2 Mid-American Electric Company's existing Orient
3 substation in Iowa.

4 The MMRX project is not -- there's really
5 no contested issues in today's hearing, but that's
6 a 9-mile new 345 kV line from the ATXI's Maywood
7 substation near Palmyra, Missouri to the Mississippi
8 River Illinois/Missouri border. A portion of the MMR
9 project involves coordination with the Ameren
10 Missouri to rebuild an existing 161 kV line in a
11 double circuit configuration.

12 ATXI is a transmission-only electric
13 corporation and public utility as defined in
14 subsections 15 and 43 of Section 386.020 of the
15 Revised Statutes of Missouri. The Commission may
16 grant an electric corporation a CCN to operate after
17 determining that the operation is necessary or
18 convenient for the public interest. The Commission
19 has articulated criteria known as the Tartan criteria
20 to be used when evaluating applications for a CCN.
21 The five Tartan criteria are: The need for the
22 service, the applicants's qualifications to provide
23 the service, the applicant must have financial
24 ability to provide the service, the applicant's
25 proposal must be economically feasible, and the

1 service must be -- must promote the public interest.

2 Most issues in this proceeding are
3 uncontested. Staff issued recommendations in this
4 proceeding and found that subject to certain
5 conditions recommended that the Commission find that
6 the requested CCN meets the Tartan criteria. Since
7 the criteria related to need, qualifications,
8 financial ability, and economic feasibility, and most
9 aspects of promoting the public interest are not
10 contested, I will not review those in detail.

11 However, I do want to mention the --
12 review the need for the projects to put this
13 proceeding into its proper context. The phase one
14 projects are part of the Missouri jurisdictional
15 portion of MISO's long-range transmission planning
16 Tranche 1 portfolio. As explained in the Company's
17 testimony in this proceeding, MISO has shown through
18 extensive study that the LRTP Tranche 1 portfolio
19 including the FDIM project will resolve forecasted
20 terminate issues in Missouri, increase transfer
21 levels across MISO's region, including Missouri, and
22 improve grid reliability during extreme weather
23 events.

24 The Commission recently granted a CCN for
25 phase two of the Northern Missouri Grid

1 Transformation program in Docket No. EA-2025-0087
2 finding this same need as those projects are related.

3 The Company accepted Staff's proposed
4 conditions with certain clarifying revisions which
5 were agreed to by Staff. This was reflected in a
6 Joint Status Report filed on March 7 of 2025. The
7 agreed-upon revised conditions address right-of-way
8 acquisition and micro-siting, reporting requirements,
9 and landowner communication for current and future
10 proceedings.

11 After Staff filed its recommendation, the
12 Office of Public Counsel filed a response to Staff's
13 recommendation or simultaneously. ATXI replied. And
14 it involved certain issues regarding notice to
15 landowners in this proceeding. ATXI contested the
16 allegations in that pleading for the most part, but
17 acknowledged that there were some limited notice
18 issues. There were three landowners who were not
19 originally sent a notice of ATXI's application
20 because ATX was -- ATXI was not aware of those
21 parcels which were created as a result of parcel
22 splits, and there were four landowners or parcels
23 that may not have received notice because of
24 inadvertent use of an old or incorrect address.

25 ATXI's reply to OPC's motion explained

1 that it had sent or was sending additional notices to
2 those landowners in accordance with the Commission's
3 rule 20 CSR 4240-20.0456(k)(4) which contemplates
4 missed notices and provides for an additional notice
5 to be issued. Affidavits were filed showing that
6 ATXI sent those notices. On April 4, the Commission
7 entered an order reopening intervention because of
8 those notice issues and setting a new extended
9 intervention date of April 18th.

10 There were several applications that
11 intervene filed and there were at the time four
12 intervenors that -- landowner intervenors who were
13 granted intervention, but those orders limited
14 intervention to the issues of routing issues
15 affecting those landowners' properties.

16 The parties subsequently agreed that the
17 only contested issues in this case are the routing
18 and siting issues raised by landowner intervenors.
19 That was established at a procedural conference held
20 on June 9.

21 With respect to the issues, the parties
22 filed a Joint Issues List on October 10th identifying
23 two overarching issues concerning the intervenor
24 landowners' issues. The first issue was whether the
25 Commission has the authority to address the alleged

1 concern including alleged violations of the
2 Commission's rule requiring notice. The second issue
3 is for alleged concerns regarding routing and siting
4 that fall within the Commission's authority, what
5 relief, if any, is warranted.

6 With respect to the authority issue, ATXI
7 will fuller -- further address that in its brief, but
8 ATXI has identified several preliminary matters where
9 it appears that the intervenor landowners have
10 expressed concerns affecting issues that ask the
11 Commission to act beyond its authority. To the
12 extent that there are assertions regarding alleged
13 damages to property, land, value, crops, contracts,
14 and similar items, those raised issues that ATXI
15 views as being subject to the eminent domain act
16 which is -- falls within the jurisdiction of a
17 circuit court rather than the Commission. There are
18 also landowner intervenor concerns regarding alleged
19 notice issues that ATXI views as not properly raised
20 and ask -- and that they ask the Commission to act
21 beyond its authority because those concerns and
22 issues have already been addressed by the Commission
23 by reopening intervention, did not allege violations
24 of any statute, rule, or order or exceed the scope of
25 intervention.

1 Finally, on the -- on the authority
2 issue, landowners propose route modifications that
3 affect landowners who have not received notice in
4 this position because they involve a route that was
5 not proposed by the Company. We also feel it exceeds
6 the Commission's authority.

7 With respect to the substance of the
8 case, there are alleged concerns regarding, you know,
9 routing and siting. And one of those issues involves
10 public -- you know, one of the issues raised or
11 topics is public engagement and notice. ATXI
12 witness, Ms. Leah Dettmers, explains how the Company
13 complied with the applicable public meeting and
14 notice requirements for the FDIM and MMRX projects,
15 including notice of its application and how ATXI's
16 public outreach process went above and beyond the
17 requirements set forth in the Commission's rule.

18 In addition to providing multi-session
19 county meetings or open houses, ATXI provided a
20 website dedicated to the program as a whole, a self-
21 paced, self-guided virtual open house, and they also
22 provided other ways to learn about the -- and provide
23 feedback on the project such as through its project
24 hotline. ATXI provided notice to the various
25 engagement opportunities through a variety of

1 communication channels including advertisements and
2 local newspapers, direct notice to landowners within
3 the study area, and post on the project website.

4 ATXI also published general notice within the
5 affected counties in multiple local newspapers and
6 mailed letters with information regarding the phase
7 one projects to various public -- and various public
8 engagement opportunities to each county's -- each
9 affected county's clerk, other government officials,
10 and other stakeholder groups.

11 ATXI followed the requirements in the
12 Commission's rule and in instances where issues were
13 identified, as I mentioned earlier, ATXI identi --
14 issued supplemental notices and compliance with the
15 Commission's rule.

16 With respect to the route selection
17 study, ATXI along with its routing expert, Mr. James
18 Nicholas with TRC Companies engaged in a thorough
19 route selection process for the FDIM and MMRX
20 projects. ATXI's route selection process was a
21 multistage process and took a large study area and
22 used relevant constraints and opportunities criteria
23 and information to reduce that large study area into
24 a series of approximate routes or corridors. They
25 refined those into routes, compared those routes, and

1 selected the best route based on quantitative and
2 qualitative review.

3 The complete route selection process for
4 the FDIM project occurred in stages over an extended
5 timeline because the FDIM project was subject to
6 MISO's competitive developer selection process.
7 While ATXI conducted a preliminary routing study with
8 the identification of a route for purposes of
9 developing its proposal to MISO, ATXI did not conduct
10 public engagement at that time and instead waited
11 until it found out it was selected as the developer
12 for the project.

13 A number of intervenor landowners'
14 alleged concerns focus on the multistage nature of
15 the route selection process in consideration of
16 landowner information during the public engagement
17 process. ATXI's position is that those concerns are
18 misplaced and fail to recognize the extended and
19 ongoing nature of the route selection process with a
20 competitive project such as the FDIM project.

21 The evidence shows that ATXI's proposed
22 route takes into consideration several specific
23 pieces of feedback and information gathered here in
24 the extended routing selection study process. Those
25 factors led ATXI to determine that its proposed route

1 identifies D028, D0 standing for Denny Orient, was
2 the appropriate route and was preferable to other
3 options including route option D027 which ATXI had
4 previously considered at the time of its MISO
5 proposal.

6 The key factor leading to the selection of
7 D028 was the determination that route option D027 was
8 subject to a specific constraint because it crossed a
9 parcel which was part of an active USDA-regulated hog
10 farm that would present access restrictions for
11 construction as well as ongoing maintenance and
12 repair. Mr. Morris testified about that and explains
13 that in order to -- USDA regulations and other
14 similar facilities that have mass-produced farming
15 operations had restrictions to prevent disease to the
16 food, and those restrictions are a detriment to the
17 Company's ongoing operations of a line in those
18 cases.

19 Based on the evidence, ATXI's proposed
20 route is fully and properly supported by the route
21 selection study process and the study itself. There
22 are several proposed route modifications in this case
23 raised by the landowner intervenors. ATXI has
24 established that its proposed route is the best and
25 most preferable based on the routing criteria and

1 constraints that it applied. The evidence shows that
2 while the proposed modi -- route modifications are
3 generally constructible, they are not supported by
4 sound routing analysis or principles or not
5 efficient, add significant additional cost and/or
6 affect new landowners who were not affected by ATXI's
7 proposed route and not received notice of the
8 application or the proposed route that goes over
9 their property in this proceeding.

10 There were other landowner concerns. To
11 the extent those concerns address the Commission's
12 authority, you know, that are within the Commission's
13 authority, they are not supported by the facts.
14 ATXI's process for negotiating easements to
15 landowners is designed to fully compensate landowners
16 for all potential damage and loss of value.

17 The concern -- similarly the concerns
18 related to alleged EMF harm is not supported.

19 Based on all these factors, ATXI asks
20 that the Commission approve its CCN and approve its
21 proposed route. Although it's certainly within the
22 Commission's authority to look at the proposed route
23 modifications that were proposed, consider the
24 factors that were presented and make the judgment and
25 determination as appropriate which we submit is to

1 approve the Company's proposed route. Thank you.

2 JUDGE FEWELL: Any questions from the
3 commissioners? Before we proceed I wanted to address
4 Chair Hahn has joined us. And then secondly, I
5 didn't mention this earlier, Mr. and Mrs. --
6 Ms. Hiatt filed a motion or a notice of dismissal of
7 their intervention, so they are not a party.
8 Especially for the commissioners who may not have
9 seen, that that was filed late last night. So they
10 won't be testifying or questioning any of the
11 parties.

12 We can move forward then with Staff's
13 opening statement.

14 MR. VANDERGRIFF: May it please the
15 Commission. Judge, Commissioners, I am Eric
16 Vandergriff joined today by Travis Pringle on behalf
17 of Staff in this proceeding. And I'll go ahead and
18 state that we're dealing with the same facts as ATXI,
19 so some of this will sound repetitive, but we are
20 working with our perspective from the past, so I
21 appreciate your patience with regard to it.

22 This case EA-2024-0302 represents the
23 first phase of two planned transmission line CCNs
24 that the Ameren Transmission Company of Illinois or
25 ATXI is implementing in its Northern Missouri Grid

1 Transformation Program in coordination with the
2 Midcontinent Independent System Operator or MISO,
3 M-I-S-O.

4 As you know, phase two is in the -- is in
5 Case No. EA-2025-0087 which has already been approved
6 by this Commission. On March 7, 2025, Staff along
7 with the non-landowner parties reached an agreement
8 on conditions to revolve this case. The Office of
9 the Public Counsel did not join that agreement, but I
10 believe also did not file an objection to it as well.
11 Those conditions are attached to the corrected
12 surrebuttal testimony of Claire Eubanks, professional
13 engineer, pending its entrance into the record.

14 But we're here today to discuss phase
15 one. And the question is why's phase one taking so
16 long. It is partially because of potential notice
17 issues and partly because of routing and siting
18 issues primarily regarding landowners affected by
19 route D028. Let's briefly discuss the potential
20 notice issues surrounding routes D027 and D028.

21 Under the Commission's rules an applicant
22 must notify not only the landowners of its preferred
23 route, but also any landowners on any known
24 alternative route that is being considered. Staff
25 believe that since route D027 was prominently

1 mentioned in ATXI's filed testimony and was raised
2 during several of the local public hearings, that
3 route D027 may fall within the Commission's
4 consideration as an alternative route as well.

5 It is important to note that ATXI is only
6 seeking approval for route D028 in this application
7 and did not submit route D027 as an alternative route
8 itself. At this point, it's fair to say that the
9 Commission and the parties have made very reasonable
10 efforts to ensure that every known landowner has had
11 an opportunity to be heard and had an opportunity to
12 have its argument heard on record. That addresses
13 ATXI's initial due process issues in Staff's
14 perspective, but it does not automatically resolve
15 the routing disputes.

16 Some landowners allege that ATXI's notice
17 for route D028 was either insufficient or too late
18 and perhaps their view is that ATXI should start over
19 and consider other routes as well. Staff's position
20 is that the landowners in this application has had an
21 opportunity to voice their feedback on the record and
22 that this application should be approved with
23 conditions. We are also not opposed to some level of
24 modifications of being reflected in the Commission's
25 order.

1 What remains is fundamentally a routing
2 preference issue. Some landowners do not want the
3 transmission line on or near their residence. It's
4 been wisely stated by a Commissioner that in utility
5 regulation, we often deal with NIMBY positions, which
6 stands for Not in my Backyard. But the challenge
7 before the Commission is that if it moves the line to
8 accommodate each NIMBY objection, it risks creating a
9 NOTE problem which stands for Not Over There Either.
10 The Commission should confine that by pushing the
11 transmission line out of one person's backyard, it
12 could put it into someone else's which may then raise
13 the same objections that could be heard in this
14 proceeding.

15 Regarding this proceeding, Staff's
16 position is that it recommends that the Commission
17 consider the following in its decision: First,
18 modifications that directly affect landowners who are
19 not notified of the Certificate of Convenience and
20 Necessity application prior to the April 18, 2025
21 intervention deadline should not be considered by the
22 Commission. Secondly, while cost impacts is always a
23 concern, ATXI estimates its total cost to construct
24 phase one projects is \$120.5 million. Staff does not
25 object to modifications or combinations of

1 modifications that together are anticipated to be
2 less than 1 to 2 percent of the total estimated
3 costs. And finally, where feasible, routing paths
4 along existing roads and transmission corridors and
5 property lines are good practice as it minimizes land
6 impact.

7 Staff reviewed the landowner proposed
8 reroutes. They are summarized in Schedule CME-S3, in
9 Claire Eubanks' corrected surrebuttal testimony. In
10 Claire's summary of route proposals you will see that
11 many of the proposed modifications would increase
12 costs, introduce new right-of-way impacts, or require
13 issuing new notice to additional landowners. If,
14 hypothetically, the Commission were to decide to
15 significantly change from the application's filed
16 route, then it would only be fair to give any
17 newly-affected landowners similar notice and an
18 opportunity to be heard as the current intervenors
19 have had.

20 Additionally, safety concerns were raised
21 regarding routing and siting issues. If you have
22 questions regarding safety, please direct those
23 questions to Mr. Shawn Lange.

24 In conclusion, Staff has two expert
25 witnesses present to assist the Commission during

1 this hearing: Ms. Claire Eubanks, a professional
2 engineer, and Mr. Shawn Lange, also a professional
3 engineer, both from our engineering analysis
4 department. Ms. Eubanks can speak on the routing and
5 siting analysis. For example, she explained how the
6 various routes were evaluated and provided a summary
7 of impacts in her schedule CME-S3 which is attached
8 to her corrected surrebuttal. And Mr. Lange can
9 address in his testimony regarding safety-related
10 questions.

11 Staff did not take a direct position
12 regarding the landowners' concerns. However, we will
13 state that the Commission has the authority to
14 address any violations by the Ameren Transmission
15 Company Illinois of applicable Commission orders,
16 rules, regulations, or statutes under the
17 Commission's jurisdiction. Staff does not recommend
18 any further relief at this time and believes that the
19 conditions agreed to between Staff and ATXI in its
20 Joint Status Report filed on March 7, 2025, remedies
21 any alleged deficiencies in ATXI's approach to this
22 CCN case. However, if the Commission were to order
23 one of the alternative routes proposed by the
24 landowners in this case, Staff recommends that the
25 Commission consider three factors outlined in Staff

1 witness Claire Eubanks' and her confidential
2 surrebuttal testimony. And please remember to pay
3 particular attention to Claire's filed summary of
4 route proposals contained in Schedule CME-S3. I have
5 copies of that available today.

6 We are here to provide any objective
7 analysis and to answer any questions the
8 Commissioners may have. Thank you.

9 JUDGE FEWELL: Thank you, Counsel. Is
10 there any questions from the Commission? Hearing
11 none. If the Office of Public Counsel would like to
12 give their opening statement.

13 MS. MARTIN: We have a quick
14 demonstrative. If you would like it, you may have
15 it. It's just legal stuff. That's just if you want
16 it.

17 Hello. Good morning and may it please
18 the Commission. So prior today's hear -- to today's
19 hearing, the evidence -- the hearing today's evidence
20 presented, the Office of the Public Counsel requests
21 that you all consider three facts. Fact number one:
22 ATXI's placement of the FDIM transmission line will
23 affect current and future Missouri landowners who
24 have lived here for decades or even generations.
25 Fact number two: Missouri law and regulation

1 authorizes the Public Service Commission to deny a
2 utility's CCN application, grant that application as
3 written, or grant that application with conditions.
4 Fact number three: The Public Service Commission's
5 authority and its willingness to wield that authority
6 is what protects landowners from having quasi
7 governmental entities invade their privacy without
8 limitation.

9 The OPC's central request for the
10 Commissioners is that you keep these three facts in
11 mind for the duration of today's evidentiary hearing
12 and thereafter. While there are or were more parties
13 to this case, in front of you today are your staff,
14 the utility, the OPC, and the landowners and I --
15 there are more online as well. The landowners are
16 farmers, a judge, and business owners. They are
17 fighting for their children. They are fighting for
18 their legacies. They're fighting for their rights.

19 This hearing will be different from most
20 CCN hearings. Rather than the Tartan criteria, the
21 focus on these issues today will be on the routing
22 and siting of these transmission lines. This hearing
23 regards the effect these transmission lines have on
24 the generations of people doing most of the working
25 and paying and living and dying in this community.

1 This hearing regards this utility's handling of the
2 landowners' affected interests, their questions,
3 their concern. This hearing regards the process the
4 Utility followed that led here, the problems that
5 process caused, and the Commission's ability to
6 address those problems.

7 Section 393.07 -- or 170.1 of the Revised
8 Statutes of Missouri requires companies seeking to
9 build service infrastructure to obtain permission and
10 approval from this Commission for a Certificate of
11 Convenience and Necessity. Subsection 3 of this
12 statute which you shall see in the documents that I
13 passed out authorizes the Public Service Commission
14 to impose such condition or conditions as it may deem
15 reasonable and necessary.

16 In its wisdom the Commission has
17 established a set of guidelines that the utility must
18 abide by to receive the Public Service Commission
19 approval for its requested CCNs. These guidelines
20 enumerated in 20 CSR 4240-20.045 were created with
21 the assistance of any and all utilities who chose to
22 take part in the regulation process. The Commission
23 consciously, excuse me, put these guardrails in place
24 to balance the rights and responsibilities of the
25 utilities with the rights and responsibilities of the

1 public, and that includes these landowners.

2 The Public Counsel asks that you listen
3 to these landowners and thoughtfully exercise your
4 authority now. Missouri's legislature bestowed upon
5 this Commission the duty to properly balance the
6 interest of the general public including landowners
7 and investor-owned utilities. Please take the
8 abundant resources that ATXI has into account. The
9 utility has money and the power on its side. The
10 landowners have their voice and their passion.

11 In a Statement of Position the OPC stated
12 that it does not take a position on whether it
13 believed the Commission should impose any conditions
14 on approving ATXI's CCN. At this point the OPC's
15 position or lack thereof still stands. Instead,
16 Public Counsel is here to ask that the Commission
17 listen to the landowners who took time to appear here
18 today, listen to their experience with this process,
19 and really hear what they have to say.

20 I would like to reiterate the three facts
21 that I said at the beginning of this opening. Fact
22 number one: The transmission line that is -- was
23 presented here today affects the rights of
24 Missourians who have worked, paid, and lived here for
25 decades to generations. Fact number two: The Public

1 Service Commission may deny, grant, or grant with
2 conditions any CCN application that a utility files
3 in its jurisdiction. Fact number three: The Public
4 Service Commission represents the main guardrail in
5 place to protect the public from quasi governmental
6 overreach.

7 Thank you. And if you have any
8 questions, I will do my best to answer them.

9 JUDGE FEWELL: Are there any Commission
10 questions? Okay. Thank you. I think next is
11 Mr. Mathews. It's Star 6 to unmute. It's Star 6 to
12 unmute if you're appearing by cell phone.

13 MR. MATHEWS: Can you hear me?

14 JUDGE FEWELL: We can hear you now.

15 MR. MATHEWS: Great. Thank you very much
16 and thank you for giving me the opportunity to speak
17 from my heart about a matter that -- I added up the
18 relatives last night; there's about 40 of us that
19 are ancestors of people who settled this farm back
20 in 1885 and I want to talk in my opening statement
21 about two issues. One is the proposed electric
22 transmission line and towers route that would cross
23 my farm on Route M northwest of Denver, Missouri.
24 And I also want to support the other land and
25 homeowners who have similar concerns about the ATXI's

1 routing and their stages of different routes that
2 were proposed, and particularly the rerouting that
3 went from D027 to D028 within about, as near as I
4 can tell, a couple of months, sometime between April
5 of 2024 and July 16th, 17th when the application was
6 filed by AXTI [sic] for their -- for their
7 Certificate of Convenience and Necessity.

8 The Missouri Public Service statutes that
9 go with the commission has a duty to act and the
10 authority to address the issues affecting the
11 property of the Missouri landowners in Worth County.

12 I want to also address 140 years of
13 ownership on a family farm that represents, as I
14 said, about 30 living ancestors of this old Missouri
15 farm. I would be the fifth generation. Sixth
16 generation are already adults, and the seventh
17 generation are coming up as teenagers. And that's
18 the way this farm is.

19 I originally had been informed about --
20 by reliable parties, ranchers, other contacts that I
21 have in Worth County that the route would be
22 following a westerly tract known as D027. Sometime
23 in summer, maybe early fall 2024 -- and I am looking
24 at the letter that I had received on July 5th with
25 the wording that said that your property along the

1 route of a new transmission line.

2 Well, I assumed that maybe something had
3 changed, but along the route could have been one and
4 a half miles on either side or it could have the
5 right-of-way of Route M that went along it. It never
6 stated that there would be an easement, that it would
7 be actually crossing my property. I relied upon this
8 information and set it aside and then discovered way
9 too late, sometime in fall that it would be crossing
10 my property and that there would be a Certificate of
11 Convenience and Necessity that would be issued to
12 ATXI.

13 Their records reflect that the 07 -- 27
14 was the route that had been originally presented at
15 the regional meeting in Worth County, conducted by
16 ATXI officials and/or their representatives. And
17 maybe it had to do with stages, but it certainly put
18 the emphasis there and for people who actually
19 attended that meeting, I think most of them would
20 still believe today that that's what the route was.

21 What I would want the Commission to give
22 thoughtful reflection is the responsibility that ATXI
23 had of stating very clearly to us as landowners that
24 there were going to be several routes considered,
25 that D027 and additional routes, if necessary, would

1 be considered. And that would have been the fair and
2 accurate way of communication.

3 So my concern has been all along the
4 accuracy of the communication and the presentations
5 were the responsibility of this company and at the
6 time it took no action on correcting that problem and
7 left many landowners uninformed in a timely manner as
8 to the new route, D028, that was being submitted in
9 July and is currently under discussion. I personally
10 have not seen in any documentation a timeline of this
11 communication changes and changes in the route that
12 have been presented by ATXI, which is their
13 responsibility. The routes, as near as I can tell,
14 were changed between the time a presentation was made
15 in April and between the filing of the application in
16 July. Apparently there was no need -- no -- felt --
17 ATXI felt no need to notify the newly-affected
18 landowners who were not responding, knowing full well
19 that this lack of communication and lack of a timely
20 notification might become an issue later on.

21 I find it unacceptable to have this level
22 of miscommunication and ATXI needs to be denied a
23 Certificate of Convenience and Necessity as a result
24 of this disregard for Worth County landowners
25 concerning the communication loop that didn't get --

1 it wasn't done correctly. The Missouri Public
2 Service Commission has the authority to address this
3 concern and deny or require additional issues that
4 need to be addressed before approving a Certificate
5 of Convenience and Necessity.

6 I want to talk about a landowner for just
7 a minute in a family farm that's survived financial
8 hardships, depressions, floods, droughts, hard times,
9 and a whole lot of resiliency on the part of a lot of
10 family members over 140 years that has real
11 historical significance and meaning to the family
12 members who hold the current role and future role to
13 not only themselves, but to their ancestors who have
14 survived these challenges and hard times. We've
15 stayed out of debt, held onto our land, and are very
16 proud of the fact that there's probably very few
17 companies and property owners in America who
18 survive 140 years in doing anything in America today.

19 I have a feeling that the ghosts of
20 ancestors past would be aghast at the proposed
21 easement that would be granted across an area where
22 an old log cabin was basically buried, that it would
23 be transmission lines with the proposed noisy corona
24 discharge comes from 345 volt power lines, towers. I
25 have nearby relatives who live in Kansas City and

1 other places come to this farm, walk the land that
2 they know their ancestors walked. And I ask you as
3 commissioners to reflect upon what this means to a
4 family to have a transmission line cross 1,320 feet
5 across a farm that has been planned to maintain its
6 history and connections to the land for the future.

7 Current plans are for a family retreat
8 center where a proposed easement would be located.
9 We had plans for developing ponds and walkways around
10 this west 40 acres on this farm and maintaining a
11 prairie grass acres for a nature center for future
12 generations and a set-aside pollinator acreage. A
13 few years ago, a water line that was quite expensive
14 was brought from the east of the Missouri Highway
15 into the west 40 in anticipation of these projects.
16 None of these future plans, building plans are
17 compatible with a 345 volt power lines, towers, and
18 an easement that will last forever on this property.

19 I recommend the commissioners deny this
20 and/or require the development of another route, such
21 as a D027 route that followed an already-existing
22 power base or power line grid. Or at least, at the
23 minimum, micro-siting 1,320 feet around my farm. I
24 I'd be willing to work with ATXI to find an
25 acceptable micro-siting route.

1 I've only had one conversation with an
2 ATXI official, actually I think it was Contract Land
3 Services, which the individual proposed that it would
4 be possible to put the line on the other side of the
5 road. At the time I asked the question, Why would I
6 want to do that since you would then be crossing 40
7 acres or 70 acres.

8 So these are the two areas that I would
9 want the commissioners to reflect upon is what was
10 the communication that got us to this point today and
11 what affect does this have upon a family farm, an old
12 Missouri farm that's been in this family for 140
13 years. That concludes my opening statements. Thank
14 you very much.

15 JUDGE FEWELL: Thank you, Mr. Mathews.
16 Are there any Commission questions? Hearing none.
17 We can move forward with Mr. Harding and your opening
18 statement.

19 MR. HARDING: Yes. Good morning. I'll
20 just start with I want to thank the Commission for
21 making this opportunity available. I acknowledge the
22 task that's before the Commission, and I appreciate
23 your efforts to ensure that this CCN is handled
24 appropriately and thoroughly. I appreciate the
25 Commission allowing us later intervenor landowners to

1 participate in this process.

2 I'm here today, my wife is with me. We
3 represent a group of people that are outside of the
4 mapped area, the advertised mapped area that's been
5 referred to already. The [redacted] family is
6 impacted, and we are in the area that didn't get some
7 of the same opportunities to go speak that other
8 people got. So there are a group of us, and you'll
9 see some of that in my later testimony. But it's for
10 myself, my family, the future, and the same things
11 Mr. Mathews just spoke on. This line will be here
12 way after I'm gone.

13 It's important to note that there was an
14 LPH held on January 16th, I believe to address the
15 concerns of Staff about notification. So at this
16 point I agree with Staff that everybody has pretty
17 much been properly notified and alerted to this
18 project in the area. The main issue is where to
19 place it.

20 There have been two routes proposed and
21 discussed a lot, the comparison between the D027 and
22 D028 alignment, and I want to evaluate that a little
23 bit. While each intervenor has their own unique
24 situation, we also share some common concerns. To
25 borrow a word from one person who is not an

1 intervenor here today but is a concerned landowner,
2 he provided testimony at the LPH in Gentry County in
3 December of 2024 stating, and I quote, this is
4 opaque, referring to the out -- the public outreach
5 effort in this case.

6 Another common concern is the alleged
7 failure to follow the regulations governing CCN in
8 the state of Missouri, specifically that an
9 applicant, and I quote, shall provide notice to the
10 impacted as stated in the records of the county
11 assessor's office, and they're to do that not more
12 than 60 days prior to the date the notice is sent.
13 The reason for that is there -- the regulation
14 appears to be concerned about getting very accurate,
15 very recent landowners and get all of those people
16 properly notified. I think there was a failure here
17 in this case. It's in crucial -- it's crucial to
18 ensure that the current landowners be notified, and
19 that's why the 60-day requirement is mentioned in
20 that regulation. The county assessor's offices are
21 familiar with how to provide this, and that should
22 have been done from the start to eliminate a lot of
23 problems.

24 This same regulation clearly states that
25 landowners impacted by any alternate route should

1 also be notified, and ATXI, for whatever reason,
2 chose not to do that in this case.

3 Additionally ATXI failed to respect
4 the spirit and the intent of regulation 20
5 CSR 4240-20.45(6)(k)(3) which is the one that
6 requires the meeting in the county anytime there
7 are 25 or more persons impacted. Worth County
8 qualifies for that and I believe ATXI will claim that
9 the April 9th meeting in Worth County meets this
10 requirement and we take exception to that argument.
11 We think that it defies logic to claim that an open
12 house meeting held on April 9th would allow people
13 to, quote, at a reasonable amount of time to post
14 questions or to state their concerns, end quote, as
15 is in the regulation.

16 How could anybody reasonably be expected
17 to do that about a route that didn't exist at the
18 time of the meeting. While that meeting could
19 arguably be said to have satisfied the requirement
20 for D027, but it could not possibly provide those
21 required opportunities for the people impacted by
22 D028 that came into existence a month after that
23 meeting.

24 Now, I will admit they agree with some of
25 the previous opening statements that since then,

1 there have been opportunities such as this, but it's
2 a little bit different at this stage trying to impact
3 a difference versus the people that had opportunity
4 at the beginning of this process.

5 As a result of the open house meetings,
6 after the open house meetings, a nine -- over a
7 nine-mile stretch of this line was rerouted. I
8 believe it was done in what I would call the 11th
9 hour. It didn't take them very long to abandon D027
10 and go to a G0 -- D028 route, and we do not think
11 that is justified.

12 This effort to reroute was further
13 complicated because the Company made readily
14 available a study area map and they posted that
15 everywhere; it's on the website today; it's remained
16 on the website. And that map does not include my
17 property, does not include my daughter's property and
18 house, does not include the [redacted] house and
19 property. We are outside of that study area map, and
20 that is the only map that we had to rely on. We did
21 rely on that map. We did an overlay with that map as
22 did the neighbors. The neighbors used that map to do
23 an overlay and determine that their property was
24 impacted and they attended the open house meeting,
25 which is understandable and reasonable for them to do

1 so. But they had an opportunity that we did not
2 have. The advertising of that map and making it so
3 available was very deceptive.

4 While there are some areas of this
5 project that are more challenging than our area, the
6 area crossing 46 Highway which has become a fairly
7 populated highway in recent years because of the
8 popularity to build there for houses, there is a
9 location and I believe that D027 was selected
10 primarily by this company and the previous company,
11 Next Era, who also worked on this route. They both
12 used the crossing of 46 Highway at a precise location
13 that I refer to as the D027 location to cross 46
14 Highway. At that location in this area of 46
15 Highway, there is more than 1,200 feet clearance to
16 all residences. It does go between two residences,
17 but each of them have over 1,200 feet and that's what
18 I think is the most relevant point of our case.

19 As a result of the reroute it just so
20 happens that D028 was placed and currently is on the
21 interactive website to be seen at a distance of I
22 believe 500-and-some feet, around 500 feet from my
23 daughter's and late son-in-law's new residence and
24 their three kids.

25 There are two options to accomplish

1 avoiding residences at least to the extent of
2 maintaining at least 1,200 feet of clearance. You
3 could use -- and I'll discuss those in my -- in
4 future examination.

5 The big question I guess and where I have
6 an exception to what Mr. Fosco represented ATXI's
7 position to be is the eligibility of the USDA hog
8 barn land. That is a big point of -- that's a big
9 reason for the reroute, and I want to -- a lot of
10 my testimony will be why did they just decide on
11 April 9th, sometime after April 9th of 2024 that the
12 USDA hog barn somehow prevents the use of the route
13 D027. It defies logic to me, and I will argue that
14 case.

15 I want to -- I want the Commission to
16 consider whether or not D027 should have ever been
17 abandoned to begin with. And if it shouldn't have
18 been abandoned, should it be returned to that
19 location. I look forward to the opportunity to
20 evaluate these and other issues that contributed to
21 this rerouting decision. I thank you for your
22 consideration.

23 JUDGE FEWELL: Are there any Commission
24 questions for Mr. Harding? Okay. For McGinley-
25 Krawczyk Farms.

1 MS. BELL: May it please the Commission.
2 My name is Stephanie Bell, and I represent the
3 McGinley-Krawczyk Farms, LLC, who I will refer to
4 throughout today as just McGinley. This case is
5 fundamentally about whether ATXI's proposed
6 transmission line route appropriately balances the
7 public interest and the very real, very significant
8 impacts as you've heard already today from other
9 landowners on occupied family residences and
10 productive agricultural land.

11 Rebecca McGinley who is seated here with
12 me today is a lifelong Missourian born and raised at
13 the property depicted on the maps in front of you.
14 She is an associate circuit judge in Gentry County
15 and lives with her husband and two young daughters,
16 age nine and seven, in her family home on the land
17 where she was born. This is not an investment
18 property. This is not vacant land. This is where
19 her family lives, where her children are growing up,
20 and where three generations of her family have made
21 their home since 1970.

22 ATXI's proposed route would place a
23 massive 345 kV transmission line within
24 approximately 400 feet of the McGinley family home
25 where again, two young children sleep, play, and

1 grow. The route would bisect three of the McGinley
2 parcels including a 218-acre agricultural parcel and
3 a 14.9-acre field with active row crops. One of
4 these parcels, as is in her direct testimony, is
5 enrolled in a Conservation Reserve Program contract
6 with the USDA that runs until September 2035
7 representing a long-term commitment to conservation
8 that would be disrupted by additional structures.

9 The Commission, as you've heard already
10 today and I think the parties are in agreement, has
11 the authority to address these routing concerns
12 raised by McGinley. Section 393.173 authorizes the
13 Commission to impose such condition or conditions
14 as it may deem reasonable and necessary on
15 application -- on CCN applications.

16 I passed out a series of maps to you that
17 are already in the testimony and which we will offer
18 today, and they were attached -- the first two pages
19 were attached to McGinley's direct testimony and the
20 last one to her surrebuttal testimony. I'll note for
21 the record that that third map is currently marked
22 Confidential, so I'll do my best to avoid property
23 owner names as we talk about them.

24 As you can from the front page which is
25 MS -- Schedule MS-3 again, attached to McGinley's

1 direct testimony, the route impacts three of the
2 McGinley parcels. While Ameren states in its
3 testimony it attempted to follow property lines and
4 roads, notice for all three of McGinley's parcels,
5 the route does not follow property lines or roads,
6 but bisects directly each of her parcels. Notably,
7 Ms. McGinley has not raised routing concerns with
8 respect to those two southernmost parcels, only the
9 parcel on which her residence is located.

10 If you flip to schedule MS-4, the black
11 line shows Ms. McGinley's preferred route. You'll
12 note with the red dotted line that the proposed route
13 by Ameren sweeps extremely close to her home notably
14 on the parcel next to her residence such that she
15 wouldn't be compensated by that route going so close
16 to her home. Now, it appears Ameren was attempting
17 to avoid the structure on the parcel to the left
18 which is noted on the map as a vacant house. But
19 yes, that house is vacant and currently
20 uninhabitable. You can see photos of that house
21 attached to her direct testimony at Schedule MS-5.

22 Now, again, if you flip to Schedule MS-7
23 which was attached to her surrebuttal testimony which
24 is confidential, you'll see Ameren's proposed
25 Modification Two shown by the yellow line. But the

1 evidence will show that this modification still
2 requires an additional structure on the McGinley
3 residential parcel in the southwest corner where she
4 currently has a productive row crop field. So you'll
5 see that purple line. So according to Ameren it
6 would come down on the black line, cross over the
7 yellow line and continue on that purple line that you
8 see bisects that row crop field with a structure in
9 that row crop field.

10 Ameren will argue that the route
11 parallels an existing easement, so they didn't need
12 to follow the roads or the property boundaries
13 because you've got this existing easement, but the
14 important word in their testimony is that it
15 parallels an existing easement. It will need an
16 additional easement, an additional encumbrance. The
17 lines will not be put on existing structures. There
18 will be new structures, new lines, and a new
19 easement. And while Ameren might argue this is the
20 best practice, as a property owner, the fact that
21 there is already a power line on your property, which
22 you were not agreeable to, should not make you a
23 target for all future easements.

24 Again, Ameren is not using an existing
25 easement -- or ATXI. I think I've been saying

1 Ameren. ATXI is not using an existing easement, but
2 adding a new additional and another encumbrance to
3 these parcels, her residential parcel. So for the
4 next line should the McGinleys expect to be a target
5 simply because she now potentially has two power
6 lines across her property and what about the next one
7 and the next one.

8 This case presents three fundamental
9 questions for the Commission. First, did ATXI's
10 route selection process give adequate weight to the
11 difference between impacting vacant land versus
12 occupied residences. ATXI's witnesses repeatedly
13 emphasized the value of parallel existing
14 transmission lines as if this principle trumps all
15 other considerations. True, an existing smaller 69
16 kV line already bisects the McGinley agricultural
17 properties. The question is whether ATXI should
18 compound that impact by adding a massive 345 kV line
19 so close to where a young family resides when viable
20 alternatives exist that would not impact occupied
21 family homes.

22 The second question for the Commission:
23 Should occupied family homes receive consideration in
24 route selection. The McGinley home is not just a
25 structure on a map. It houses a family with two

1 young children who would be exposed to
2 electromagnetic fields from these high-voltage lines.
3 Studies have linked EMF exposure to neurobehavioral
4 impacts in children, increased infertility risks for
5 women living close to these lines, and elevated
6 childhood leukemia risks. When ATXI had the
7 opportunity to route these lines through vacant
8 agricultural land instead of near occupied homes,
9 should they not be required to do so.

10 Third for this Commission: Did ATXI
11 engage in meaningful consultation with the affected
12 landowners. Ms. McGinley proposed an alternate route
13 which you've seen by the black line on these maps
14 depicted in her direct testimony Schedule MS-4 that
15 would address her concerns. ATXI's own witness, Sam
16 Morris, testifies, and his testimony I suspect will
17 be admitted today, that he contacted the
18 representative to the west where Mc -- where
19 Ms. McGinley drew that black line and that property
20 owner was unwilling to agree to any changes to the
21 proposed route. And ATXI's simply gave up. No
22 further discussion, no attempt to understand or
23 address that property owner to the west's concerns
24 considering there's no residence there and no
25 explanation for why this property owner to the west's

1 concerns should trump Ms. McGinley's concerns.

2 The evidence will show a pattern of
3 inconsistency in how ATXI treats landowners concerns.
4 Some get accommodations, others do not. Yet when it
5 comes to Ms. McGinley's occupied family residence, an
6 actual home with children living there right now,
7 ATXI claims their hands are tied by routing
8 principles and unwilling adjacent landowners.

9 Perhaps most tellingly, ATXI witness Sam
10 Morris testified that while ATXI continues to support
11 its proposed route, that they would not object to
12 Commission approval of an adjustment or modification
13 of the proposed route across Ms. McGinley's property
14 should the Commission deem appropriate. This
15 conditional language reveals that ATXI knows their
16 route selection is not the only reasonable option.
17 They're simply unwilling to prioritize the property
18 rights and landowner concerns over routing
19 convenience.

20 So today what we are seeking as we
21 already talked about, the Commission has both the
22 authority and a responsibility to ensure that any CCN
23 granted in this case includes conditions that protect
24 affected landowners. McGinley asks the Commission to
25 do two things: First, require ATXI to accept her

1 alternate route; that's what ATXI has called
2 Modification One. That places the transmission line
3 at least 1,000 feet from her occupied residence,
4 prioritizing family homes over agricultural land.
5 Second, if the Commission were to adopt Modification
6 Two -- again, that's the yellow line from ATXI's
7 testimony -- to provide assurances that they will not
8 place any additional structures on the parcel which
9 contains both the McGinley residence and the
10 productive agricultural land.

11 This Commission has the power to grant or
12 deny Certificates of Convenience and Necessity, but
13 with that power comes the responsibility to ensure
14 that when public interest requires new transmission
15 infrastructure, the burden is distributed fairly and
16 the most vulnerable, in this case a family with young
17 children, are protected to the greatest extent
18 possible.

19 The evidence will show that a viable
20 alternative exists that would significantly increase
21 the distance between these high-voltage lines and the
22 McGinley family home and we urge the Commission to
23 require ATXI to implement such alternative.

24 Thanks for your attention, and I can
25 answer any questions.

1 JUDGE FEWELL: I think Chair Hahn has a
2 question.

3 QUESTIONS

4 BY CHAIR HAHN:

5 Q. Good morning.

6 A. Good morning.

7 Q. Just one question. If the Commission were
8 to order either Modification One or Modification Two,
9 would that require notification to different
10 landowners?

11 A. I think ATXI suggested that in their
12 testimony, but I don't believe so. So if we're
13 looking at the parcel exactly west where the black
14 line -- so -- okay. If we go directly west from her
15 home, you'll see the route was already -- that
16 property owner should have gotten notice. If you go
17 directly south where the line takes a bend, that
18 property owner should have already had notice. And
19 then again, the property directly to the south, those
20 property owners had notice of the project.

21 CHAIR HAHN: Okay. Thank you.

22 JUDGE FEWELL: Are there any other
23 Commissioner questions? Okay.

24 And, Shelley, I'm sorry, I missed your
25 last name. Are you doing all right?

1 COURT REPORTER: Yes.

2 JUDGE FEWELL: We can proceed with the
3 evidentiary portion of the hearing. If ATXI will
4 would to call their first witness.

5 MR. FOSCO: Yes, your Honor. ATXI calls
6 Ms. Dettmers to the stand. And, your Honor, if I may
7 ask, we have an electronic disc with all of our
8 hearing exhibits. Would you like those at the end of
9 the day or earlier?

10 JUDGE FEWELL: I think either's fine.

11 MR. FOSCO: Okay. We'll submit them at
12 the end of the day.

13 JUDGE FEWELL: Okay. Thank you. Okay.
14 Ms. Dettmers, if you can raise your right hand.

15 (Witness sworn.)

16 LEAH DETTMERS,
17 the witness, having been first duly sworn,
18 testified as follows:

19 JUDGE FEWELL: All right. You may
20 proceed.

21 DIRECT EXAMINATION

22 BY MR. FOSCO:

23 Q. Ms. Dettmers, will you please state your
24 name and business employment for the record.

25 A. Leah Dettmers, ATXI.

1 Q. Okay. Ms. Dettmers, what's your position
2 with ATXI?

3 A. I'm currently the manager of stakeholder
4 relations and training for Ameren Transmission
5 Company of Illinois.

6 Q. Ms. Dettmers, do you have in front of
7 you what has been marked as Exhibits 1, 2, and 3
8 which are your direct testimony as filed on
9 October 3, 2025; your Schedule LD-D1 filed on
10 July 17th, 2024, and your Schedule LD-D2 filed on
11 July 17, 2024?

12 A. Yes.

13 Q. And you also have in front of you your
14 rebuttal testimony and schedules which have been
15 marked as Exhibit Nos. 4, both public and
16 confidential; 5, public and confidential; 6, public
17 and confidential; and 7, public and confidential,
18 which are your rebuttal testimony filed on
19 October 17th and Schedules LD-R1, LD-R2, LD-R3,
20 and LD-R -- and LD-R3 filed on August 15, 2025?

21 A. Yes.

22 Q. Okay. Ms. Dettmers, was your direct and
23 rebuttal testimony and schedules prepared by you or
24 under your direction and control?

25 A. Yes.

1 Q. And do you have any corrections to those
2 documents?

3 A. Not at this time.

4 Q. Okay. And if I were to ask you the
5 questions set forth in your testimony, your direct
6 and rebuttal testimony, would your answers be the
7 same?

8 A. Yes, sir.

9 Q. And is the information in your direct and
10 rebuttal testimony true and correct to the best of
11 your knowledge, information, and belief?

12 A. To the best of my knowledge, yes.

13 MR. FOSCO: Your Honor, ATXI would move
14 for admission of exhibits numbered 1 through 7 as
15 listed in its exhibit list and tender Ms. Dettmers
16 for cross-examination.

17 JUDGE FEWELL: Are there any objections
18 to ATXI's Exhibits 1 through 7, confidential and
19 public? All right. Hearing none, those are so
20 admitted.

21 (Company Exhibits 1 through 7 were
22 admitted and made a part of the record.)

23 JUDGE FEWELL: And for cross, we will
24 begin with Staff.

25 MR. VANDERGRIF: No cross from Staff,

1 your Honor.

2 JUDGE FEWELL: Okay. And the Office of
3 Public Counsel?

4 MS. MARTIN: We have no cross at this
5 time. Tank you.

6 JUDGE FEWELL: Thank you. Ms. Mathews.
7 It's Star 6 to unmute yourself if you're appearing by
8 phone. Can you hear us, Mr. Mathews? It's Star 6 to
9 unmute yourself if you're appearing by phone.

10 MR. MATHEWS: I have -- I have no cross.

11 JUDGE FEWELL: No cross, okay.

12 MR. MATHEWS: Right.

13 JUDGE FEWELL: Mr. Harding, do you have
14 any across for Ms. Dettmers?

15 MR. HARDING: Yes, I do.

16 JUDGE FEWELL: Okay. You may proceed.

17 MR. HARDING: If I could have my wife
18 hand those out to who need them. They are the
19 exhibits.

20 MS. DETTMERS: Thank you.

21 MR. HARDING: We made an attempt to enter
22 all the exhibits on EFIS prior to this hearing.
23 Should I proceed?

24 JUDGE FEWELL: Yes, you may proceed.

25 CROSS-EXAMINATION

1 BY MR. HARDING:

2 Q. Mr. Dettmers, the first item that I
3 want to call your attention to is Exhibit 814.
4 Exhibit 814 is in -- is ATXI's response to a data
5 request from Staff. That request was made in October
6 of 2024, and the response date is November of 2024.
7 It states in that that you queried the county
8 assessors' offices --

9 JUDGE FEWELL: Mr. Harding, hold on a
10 second. Is that in the first collection?

11 MR. HARDING: Yes. It is --

12 JUDGE FEWELL: Okay.

13 MR. HARDING: -- in the one labeled the
14 letter.

15 Exhibit 814 is the one you're looking
16 for.

17 JUDGE FEWELL: 814. Okay. I see the
18 order now. It's at the top right for anyone. I was
19 looking -- it's about midway through towards the end.

20 MR. HARDING: Yeah. They are not in any
21 particular order in your folders, and I apologize for
22 that, but --

23 JUDGE FEWELL: Okay.

24 MR. HARDING: -- it is Exhibit 814.

25 BY MR. HARDING:

1 Q. This is the response that prompted OPC to
2 conduct an investigation. And it clearly states, you
3 know, that they queried the county assessors' offices
4 in multiple places there. It says in Worth County
5 they did that or that you did that, Ms. Dettmers, on
6 May 21st and May 22nd and then explains the process
7 by which you did that. So you did it by phone, by
8 email, or in some cases obtained it in person from
9 the county.

10 Is that your testimony here today that you
11 did do what is stated in this response?

12 MR. FOSCO: Your Honor, I guess I object
13 to the failure to establish some foundation first as
14 to whether --

15 JUDGE FEWELL: Sure.

16 MR. FOSCO: -- Ms. Dettmers is familiar
17 with this document.

18 And I also object I think to the form of
19 the question which was a lot of what appeared to be
20 testimony-like and not a question, your Honor.

21 JUDGE FEWELL: I'll sustain both of those
22 objections.

23 Mr. Harding, ask your questions in a less
24 leading way if that makes sense please.

25 BY MR. HARDING:

1 Q. Okay. Let me direct your attention to
2 Exhibit 818 which is my data request from that same
3 folder and that same -- if you look at Exhibit 818,
4 and this was my data request on June 27th of 2024 for
5 context --

6 JUDGE FEWELL: Mr. Harding, how is this
7 labeled? Does it say 18 on it?

8 MR. HARDING: It says 818, Exhibit 818 in
9 the top right corner.

10 JUDGE FEWELL: Top right corner. Oh,
11 it's at the beginning? Okay.

12 BY MR. HARDING:

13 Q. If you go to the second page of that,
14 Ms. Dettmers, your response to my question at that
15 time, you stated that you went to Worth Missouri
16 DEVNET WEDGE, a website, to gather the addresses for
17 the July 5th notification. I was wondering if you
18 could clarify which of those is correct and which is
19 not correct.

20 MR. FOSCO: Your Honor, I'm going to
21 object to the form of the question. I'm not certain
22 what he's asking. I don't think that's clear at all.

23 JUDGE FEWELL: Okay.

24 BY MR. HARDING:

25 Q. It would require looking at 814 and then

1 looking at 818 and determining, since it's two
2 different answers on how they gathered the landowner
3 addresses for the purposes of mailing the July 5th
4 letter, I was wondering which of those are true.
5 Because using a website I will argue is not going to
6 the Worth County Assessor's Office. So I'm wondering
7 which did you do of those two? Did you go to the
8 Worth County Assessor's Office and contact them by
9 email or phone call, or did you get the information,
10 landowner information from DEVNETwEDGE.com?

11 JUDGE FEWELL: Overrule the objection
12 based on his clarifying question.

13 Ms. Dettmers, if you can answer that.

14 MS. DETTMERS: Sure. Just to be clear
15 for Worth County in particular, our consultant staff
16 contacted Worth County staff at the assessor's office
17 and were specifically told in that time frame that
18 they were to allow the use of DEVNET as assessor's
19 records. So, therefore, we utilized assessor's
20 records from DEVNET to accumulate the July 5th
21 mailing for notification.

22 BY MR. HARDING:

23 Q. Is there a reason why you didn't use the
24 assessor's records? Typically, and I believe maybe
25 ATXI cited this in 2023, they request the tax roll.

1 A. That is correct. We did request the tax
2 roll records for all of the county parcels and --
3 in 2023 for all of Worth County, not just the
4 specific areas. We -- we asked for all the parcel
5 tax rolls for all of the county, in Worth County
6 specifically.

7 Q. And when you purchased the tax -- when you
8 contacted the Worth County Assessor's Office in 2024,
9 were you trying to access the most recent landowner
10 addresses to meet the requirements of the regulation
11 that requires that to be done within 60 days?

12 A. Our intent was to find out what data set
13 we could use for Worth County. And so when we
14 contacted the assessor's office staff, they directed
15 us towards DEVNET specifically.

16 Q. Do you know who you talked to at the Worth
17 County Assessor's Office?

18 A. I personally cannot attest to that as this
19 was done by one of our consultants.

20 Q. Do you have any record that you contacted
21 the assessor's office?

22 A. I do not have any personal record that
23 they contacted that -- the assessor's staff as I did
24 not personally contact that staff directly and didn't
25 receive that direction personally. It was through

1 our consultant.

2 Q. Was it by a phone call?

3 A. I believe that our staff contacted the
4 assessor's office by a phone call.

5 Q. But you have no record of that. Is that
6 correct?

7 A. I don't keep any of the phone records for
8 any of our consultants, nor of myself typically.

9 Q. When you answered the data request on
10 November the 20th of 2024, why didn't you say in your
11 answer anywhere that you contacted the assessor's
12 office and they told you to use DEVNET WEDGE?

13 A. Could you point me to what you're
14 specifically speaking about in a data request or
15 testimony?

16 Q. Yes. Exhibit 814 is your response to a
17 data request by Staff. And your response states that
18 you each queried each county assessor's office
19 multiple times. It never says anything about that
20 the assessor's office instructed you to go to a
21 website to get landowner addresses.

22 MR. FOSCO: I'm going to object to the
23 form of the question, your Honor. He's testifying
24 rather than asking a question.

25 JUDGE FEWELL: I'm going to overrule.

1 And while we're on this, did you wish to admit
2 Exhibit -- or offer Exhibit 818 or 814, Mr. Harding?

3 MR. HARDING: Excuse me?

4 JUDGE FEWELL: Did you want to admit or
5 offer to be admitted Exhibit 818 or 814?

6 MR. HARDING: Yes, both.

7 JUDGE FEWELL: Okay. Any objections
8 to 818 Exhibit or 814?

9 MR. FOSCO: Yes, your Honor. As -- well,
10 turning to 818, your Honor, we had objected to that,
11 to the form of that data request, and those
12 objections still stand. It's vague and ambiguous,
13 and so we do stand on those objections. I do not
14 object to MPSC 022.

15 JUDGE FEWELL: Are there any other
16 objections to either? I'm going to overrule on 818,
17 and we'll admit both of those exhibits.

18 (Intervenor Harding Exhibits 814 and 818
19 were admitted and made a part of the record.)

20 JUDGE FEWELL: If you can -- if you have
21 that question still at hand, Mr. Harding, can you
22 reask it? I think I overruled that as well, that
23 objection.

24 MR. HARDING: Yes.

25 BY MR. HARDING:

1 Q. Yes. I wonder when you responded on
2 Exhibit 814, when you responded to Data Request 22.0
3 why you didn't mention DEVNET WEDGE at the time of
4 that response. Your response date is 11/20, that's
5 November 20th of 2024, whereas the response to my
6 question occurred on -- in June in 2 -- of 2025. Why
7 didn't you mention that you were instructed to use
8 DEVNET WEDGE at the time you answered the question in
9 November of 2024 rather than say that you got them
10 from the county assessor's office?

11 A. I believe that at that time my statement
12 was accurate in 814 because we did utilize direction
13 under that county assessor's office in Worth County
14 specifically.

15 JUDGE FEWELL: Mr. Harding, when you ask
16 a question, please wait for a response before asking
17 an additional question.

18 MR. HARDING: Okay.

19 JUDGE FEWELL: Thank you.

20 BY MR. HARDING:

21 Q. Did anybody n the Worth County Assessor's
22 Officer at the time they told you that you could
23 access that information from DEVNET WEDGE, did they
24 inform you that the information on DEVNET WEDGE is
25 not current and does not reflect the same ownership

1 and addresses that would be seen in the assessor's
2 office on that same date?

3 A. I can't speak to that conversation as I
4 wasn't a party to the conversation. I -- I -- again,
5 I wasn't a party to that conversation so I cannot
6 answer that question.

7 Q. Do you know if DEVNET wEDGE provides
8 current landowner information?

9 A. I do believe it provides current landowner
10 information.

11 Q. DEVNET wEDGE does not provide current
12 landowner information. And I have emails, but these
13 are -- need to be added to the record, and they are
14 confidential. And I have an email from DEVNET wEDGE
15 as well as an email from the collector's office
16 explaining that DEVNET wEDGE does not keep current
17 landowner information.

18 If I can give you an example, your Honor,
19 last night I went to DEVNET wEDGE and put in one of
20 my parcel numbers and it shows 2024 data. The
21 information on data -- on DEVNET wEDGE is current as
22 of last November. DEVNET wEDGE will update to new
23 addresses around the first of November here --
24 November here in a few days to reflect current
25 addresses. The assessor's office contains current

1 addresses as of the time that they're recorded in the
2 recorder's office.

3 The point of me asking is that whenever
4 you use DEVNET WEDGE, you're not getting current
5 addresses and I don't believe it meets the
6 requirements of the regulation.

7 MR. FOSCO: So, your Honor, I certainly
8 object to that as being in the nature of testimony
9 and not a question, your Honor. I mean, the purpose
10 of cross-examination is to ask the witnesses question
11 and to get her answers, not to have the questioner
12 testify.

13 MR. HARDING: I'll move on.

14 JUDGE FEWELL: I'll overrule it because
15 he already got it out, so.

16 MR. HARDING: I want to move to another
17 subject for Ms. Dettmers, and this is labeled Hog
18 Barn in your folder.

19 JUDGE FEWELL: Is it marked as an
20 exhibit?

21 MR. HARDING: Yes. It should have a
22 paper clip that keeps them separated. It's
23 identified Hog Barn and underneath of it the exhibits
24 are identified as 830 and 833.

25 JUDGE FEWELL: Okay. This is one of the

1 thinner --

2 MR. HARDING: Yes, it is.

3 JUDGE FEWELL: Okay.

4 BY MR. HARDING:

5 Q. It's labeled Hog Barn. And these are data
6 requests that, Ms. Dettmers, you responded to. The
7 hog barn property's been a big subject of discussion
8 in this case as you know. If you look at your
9 response, you state that you have had no
10 communication with the hog barn people, the managers
11 and so forth. Is that correct?

12 A. Yes. We maintain that we have not had any
13 records of contact with that property owner as it
14 relates to -- to this project.

15 Q. Have you spoken to any of the managers of
16 those properties?

17 A. I have not spoken to any of the managers
18 of those properties.

19 Q. Where did the information come from that
20 the hog barn property should be avoided? Who
21 determined that and how was that determined if you
22 didn't speak to the property owner?

23 A. I think Mr. Nicholas can explain the --
24 the routing and justification as to why there was an
25 avoidance of the hog farms in this case. My general

1 understanding of the issue is that there are
2 constraints when operating, constructing, and
3 maintaining a transmission line within those
4 USDA-regulated facilities.

5 Q. Okay. I'll take that up with him at that
6 time then. I just wanted to confirm that you have
7 not had any communications with the hog barns or the
8 managers of the hog barns?

9 A. No, sir.

10 Q. Okay. Moving through your folder then if
11 we go to --

12 JUDGE FEWELL: Mr. Harding, would you
13 like to offer Exhibit 830?

14 MR. HARDING: Yes, please.

15 JUDGE FEWELL: Are there any objections
16 to Exhibit 830 being admitted?

17 MR. FOSCO: No objections.

18 MR. HARDING: And I think we had 833 as
19 well, your Honor.

20 JUDGE FEWELL: Are there any objections
21 to 833 being admitted?

22 MR. FOSCO: No objection, your Honor.

23 JUDGE FEWELL: Okay. So admitted.

24 (Intervenor Harding Exhibits 830 and 833
25 were admitted and made a part of the record.)

1 JUDGE FEWELL: Proceed, Mr. Harding.

2 BY MR. HARDING:

3 Q. The late notification in your folder
4 contains Exhibit 803 and 826. And looking at it,
5 Exhibit 803, Ms. Dettmers, the Commission --

6 MR. FOSCO: I'm sorry, your Honor. Just
7 trying to find what Mr. Harding's referring to.

8 JUDGE FEWELL: Which packet is this in,
9 Mr. Harding?

10 MR. HARDING: This is in Leah Dettmers'
11 late notification --

12 JUDGE FEWELL: Okay.

13 MR. HARDING: -- is how it's identified.

14 It contains two exhibits. It's thin and
15 has three pages. Exhibit 803 is the first one and
16 then Exhibit 826 is behind that.

17 JUDGE FEWELL: And those are labeled in
18 the top right as well?

19 MR. HARDING: Yes. The exhibit number's
20 in the top right.

21 MR. FOSCO: Here you go, Travis. We
22 found it.

23 BY MR. HARDING:

24 Q. So again, Exhibit 803 --

25 JUDGE FEWELL: 803. Okay. You may

1 proceed.

2 BY MR. HARDING:

3 Q. In Exhibit 803, this is from Staff
4 recommendations, Staff states that the Commission
5 rule requires that landowners along an alternative
6 route would need to be notified. Do you agree with
7 that, Ms. Dettmers?

8 A. Can you specifically state what line
9 you're referring to?

10 Q. Lines 13 and 14. It would begin with the
11 lines 11, 11 through 14.

12 A. I agree that that's the recommendation
13 written.

14 Q. Do you agree with the regulation that
15 requires that?

16 MR. FOSCO: I'm going to object to the
17 extent it calls for a legal conclusion, your Honor.

18 JUDGE FEWELL: Sustained.

19 BY MR. HARDING:

20 Q. Did you notify people along the D027 with
21 the July 5th letter?

22 A. Not that I am aware of, no.

23 Q. Is there a reason for that?

24 A. That was not -- from my understanding that
25 was not what was filed with the PSC at the time.

1 Q. Drawing your attention to Exhibit 826, the
2 second page --

3 JUDGE FEWELL: Did you wish to admit
4 Exhibit 803?

5 MR. HARDING: Yes, your Honor.

6 JUDGE FEWELL: Are there any objections
7 to 803?

8 MR. PRINGLE: Yeah, Judge. Staff objects
9 to Exhibit 803 just because it is a snippet from
10 Exhibit 100 which the parties have already agreed to
11 enter on the record. So just for the purposes of
12 context, we'd rather Exhibit 100 be the proper
13 exhibit to cite to for this rather than this one-page
14 exhibit from our already agreed to Exhibit 100.

15 JUDGE FEWELL: I'll sustain that
16 objection.

17 MR. PRINGLE: Thank you, Judge.

18 JUDGE FEWELL: You may proceed,
19 Mr. Harding.

20 BY MR. HARDING:

21 Q. Drawing your attention to Exhibit 826,
22 you were asked how many parcels provided late notice
23 and you responded 16 parcels on the third page of
24 Exhibit 803. Or on, excuse me, the second page of
25 Exhibit 826. In your experience is that a typical

1 number of late notifications to send?

2 A. I wouldn't say it's typical. I would say
3 that it is all of our intent to rectify any situation
4 of notice. And that once we become aware of any kind
5 of notice discrepancy, that we make all attempts to
6 notify the appropriate landowners, whether it be a
7 request by that parcel owner due to change of record
8 because of sale, estates, or any other further
9 changes in address. We do make every attempt and
10 best effort to notify when we are made aware of those
11 discrepancies.

12 Q. Are you aware of any late notifications
13 that are a result of having used DEVNET WEDGE rather
14 than going to the assessor's office for the most
15 current landowner addresses in this case?

16 A. I believe there are some discrepancies
17 based upon that and updated address changes.

18 Q. When you send a late notice, do you think
19 that is sufficient notice to the person about an
20 event that's already occurred and a deadline that's
21 already been met?

22 MR. FOSCO: Going to the object to the
23 extent it calls for a legal conclusion, your Honor.

24 JUDGE FEWELL: Sustained.

25 BY MR. HARDING:

1 Q. The item labeled Interactive Map in your
2 folder, it contains Exhibit 813.

3 JUDGE FEWELL: Mr. Harding, would you
4 like to admit Exhibit 826? Like to offer, sorry.

5 MR. HARDING: Yes, your Honor.

6 JUDGE FEWELL: Are there any objections
7 to Exhibit 826 being admitted?

8 MR. FOSCO: Yes, your Honor. We object
9 to the handwritten interlineations on this document.
10 It's not what we produced as a data request response.

11 MR. HARDING: I with -- I withdraw my
12 request.

13 JUDGE FEWELL: Okay.

14 MS. MARTIN: Would it be possible -- I
15 do apologize. Would it be possible to maybe
16 admit 820 -- or I think it was 826 without the
17 writings if we can get that?

18 MR. FOSCO: Your Honor, I -- I object to
19 the extent that this is Mr. Harding's
20 cross-examination and it's highly unusual for another
21 party to interject into another party's
22 cross-examination an admission.

23 JUDGE FEWELL: Are there any other
24 objections to admitting -- or to offering Exhibit 826
25 unaltered? I'm going to overrule that second

1 objection, Mr. Fosco, and admit 826 unaltered.

2 (Intervenor Harding Exhibit 826 was
3 admitted and made a part of the record.)

4 MR. FOSCO: Is that something that
5 Mr. Harding is to submit then?

6 JUDGE FEWELL: Yes. Mr. Harding is
7 responsible to submit that.

8 MR. HARDING: Yes, thank you.

9 BY MR. HARDING:

10 Q. Moving to the interactive map portion
11 of Ms. Dettmers, we have Exhibit 813. Well, 812
12 and 813. So in the top right corner you should find
13 Exhibit 812 and 813. And this has to do with the
14 interactive maps, some claims made, Ms. Dettmer, by
15 you regarding when interactive maps were made
16 available on the FDIM website. If you would, can you
17 just state when interactive maps were made available
18 on Ameren.com any time prior to being instructed to
19 do so by Staff around December of 2024. So this
20 would be prior to that, let's say March 2024 through
21 November 2024, on what dates was an interactive map
22 depicted on Ameren.com that would show the subject
23 route of this CCN?

24 JUDGE FEWELL: And, Mr. Harding, I want
25 to remind you, please allow the witness to answer

1 your first question before asking a follow up.

2 MR. HARDING: Yes, your Honor.

3 MS. DETTMERS: I believe the interactive
4 map dates are found in my direct testimony.

5 BY MR. HARDING:

6 Q. Do you recall if the interactive map was
7 indeed on the Ameren.com website at any time between
8 March of 2024 and October of 2024?

9 A. Yes.

10 Q. And your answer is that the interactive
11 map was on there, on the Ameren.com website in that
12 time frame?

13 A. There --

14 Q. The answers are conflicting is the reason
15 I'm asking.

16 A. I'm confused by the question because there
17 is an Ameren interactive website that's found as a
18 link on the Ameren -- Ameren program page. So I'm
19 questioning if you're asking specifically about that
20 program page because the interactive map has a link
21 from that program page. I think that's why I'm a bit
22 confused on the question.

23 Q. I'll rephrase my question. To initiate
24 going to the transformation grid page, do you have to
25 initiate that by going to Ameren.com?

1 A. Yes.

2 Q. For a person that wants to find an
3 interactive map that shows where the line route is
4 and they go to Ameren.com and proceed through the
5 steps to find the map, at any time between March
6 of 2024 and October of 2024 would such a person, if
7 they knew how to navigate the system, been able to
8 find the interactive maps under the Ameren.com
9 website?

10 A. Certain time periods of that time period,
11 yes.

12 Q. Do you know the dates that that would have
13 been available?

14 A. I believe the interactive map was
15 specifically outlined of those dates in my direct
16 testimony.

17 Q. Would you refer to Exhibit 812 and 813 and
18 see if you can determine what dates it may have been
19 from your answers given there?

20 MR. FOSCO: Your Honor, I -- I'm going to
21 object. I mean, the witness has already answered the
22 question where the dates can be found. I think it's
23 been asked and answered.

24 JUDGE FEWELL: I'll sustain the
25 objection. Mr. Harding, can you I guess -- I'm

1 sustaining the objection.

2 MR. HARDING: May I rephrase?

3 JUDGE FEWELL: What was asked, I'm sorry?

4 MR. HARDING: May I rephrase the
5 question?

6 JUDGE FEWELL: Sure.

7 BY MR. HARDING:

8 Q. As public outreach manager or in that line
9 of work, is it -- are you interested in making a map
10 available to the people that reflects where the line
11 is prior to submitting for a CCN application?

12 A. I would state that that is not really a
13 fair assessment as the -- you're stating line. So
14 you're asking me if we propose lines on a map made
15 available to the public. If you're asking about a
16 line made available to the public on a public map,
17 the answer is no. We do not put lines on any map
18 made available to the public.

19 Q. I would call it a route.

20 A. I would also say we do not propose any
21 select route on a map made available to the public.

22 Q. At the time you're asking for feedback
23 from the people, you don't make the route available
24 for the people to see where the route is on their
25 property?

1 A. I would say that we take into con -- in
2 consideration an area of interest and a study area
3 and propose that interest. Because we want to take
4 public feedback from community members and landowners
5 because we are looking at varying areas of interest,
6 not specific routes at that time. And that based
7 upon -- based upon that feedback we take it back to
8 the routing team and analyze those inputs from the
9 public and -- as it relates to sensitivities,
10 opportunities, technical guide -- technical
11 guidelines, and statutory requirements. I do not
12 agree that we put any route on any of those maps made
13 available to the public.

14 Q. I agree with you. Thank you. At least I
15 never could find them.

16 MR. FOSCO: Objection, your Honor, to
17 the --

18 JUDGE FEWELL: Sustained.

19 MR. FOSCO: -- gratuitous statement.

20 BY MR. HARDING:

21 Q. Let's move to the skinny line map of
22 Ms. Dettmers.

23 JUDGE FEWELL: Did you -- Mr. Harding,
24 did you wish to admit or offer, sorry, Exhibit 812
25 and 813?

1 MR. HARDING: Yes, your Honor. And I
2 realize they are marked up, so I will assign someone
3 to get the cleaned version to avoid the objections.

4 JUDGE FEWELL: Are there any objections
5 to an unaltered version of 812 and 813 being filed?

6 MR. FOSCO: No, your Honor.

7 JUDGE FEWELL: Okay. So admitted.

8 (Intervenor Harding Exhibits 812 and 813
9 were admitted and made a part of the record.)

10 MR. HARDING: I would like to cover
11 Exhibit 829. And Exhibit 829 is marked Confidential.
12 It's from the EFIS website 025.0. It is specific
13 emails from that data request. And so this is --
14 Exhibit 829 is ATXI's response to a data request for
15 correspondence that happened in or around the time of
16 the open houses. If it's necessary to go off camera,
17 then I would like to request that or whatever the
18 proper process is.

19 MR. FOSCO: Well, your -- okay. Your
20 Honor, I'm looking at this. I'm not certain that the
21 document is --

22 JUDGE FEWELL: I have it towards the
23 beginning of that packet, about maybe five pages in.

24 MR. FOSCO: Your Honor, I think this --
25 these represent Mr. Harding's typings of the actual

1 data request response, not the data request response
2 itself. And I -- and I do object to using it.

3 MR. HARDING: And I would be happy to
4 provide -- to enter into the record, I will provide
5 the cleaned up, nonmarked up version.

6 MR. FOSCO: It's not a question -- I
7 mean, there's maybe the issue of interlineations
8 added to the document. But this is not what ATXI
9 produced, your Honor. That was a spreadsheet I
10 believe. And this is something that was created
11 apparently by Mr. Harding. I --

12 MR. HARDING: Your Honor, the -- what I
13 have marked up is for convenience so that you don't
14 have to read everything. I want to speak to whether
15 or not the people who attended the open house were
16 commenting and discussing and dealing with an actual
17 line location, not an imaginary line location.
18 That's the purpose of wanting to discuss this here
19 today. ATXI alleges that there was no route, and
20 clearly these people are discussing a route and their
21 concerns about that route. In this room today
22 Ms. McGinley can testify that there was a specific
23 route. To say that there wasn't a specific route is
24 not accurate and I'm trying to prove the point that
25 there was a route depicted at the open house in Grant

1 City on that day and it was not D028 and it was D027.

2 JUDGE FEWELL: I'm going to sustain
3 Mr. Fosco's objection with the caveat that late-filed
4 exhibits will be considered by the Commission pending
5 objection. You may proceed, Mr. Harding.

6 MR. HARDING: With regards to proceeding
7 with Exhibit 829, it is the confidential document on
8 EFIS. Should I proceed here and not mention names?

9 JUDGE FEWELL: That may be difficult.

10 Brian, we may need to go in camera here
11 if we're going to address that. Anyone appearing by
12 Webex who is not a party to this case will need to
13 log off as we are in camera.

14 (In camera proceedings, pages 85
15 through 92, are in a separate transcript.)
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1 JUDGE FEWELL: Okay. And you said
2 Exhibit 821?

3 MR. HARDING: 821, correct.

4 JUDGE FEWELL: Okay.

5 MR. HARDING: It's labeled Deceptive
6 Photo.

7 MR. FOSCO: Your Honor, I'm going to
8 object to these characterizations in the record.

9 JUDGE FEWELL: I haven't found the
10 exhibit yet.

11 MR. HARDING: Your Honor, I would like --

12 MR. FOSCO: I guess I was speaking to
13 Mr. Harding's statement, you know, calling this
14 Deceptive Photo. We clearly object to that. That's
15 improper.

16 JUDGE FEWELL: Sure. I'll sustain that.
17 And would you like that stricken from the record?

18 MR. FOSCO: I would, you Honor. I would
19 request that.

20 JUDGE FEWELL: I'll sustain that in
21 the -- and strike it.

22 How is this labeled? I -- is this still
23 in the skinny maps?

24 MR. HARDING: Yes. It's Exhibit 821.

25 JUDGE FEWELL: 821. Is it labeled --

1 MR. HARDING: It's in --

2 JUDGE FEWELL: -- big one?

3 MR. HARDING: It's in the next -- it's in
4 your last page that we haven't gone through, and it
5 has Photo in the title.

6 MR. HARDING: The exhibit is a data
7 request from me, 13A.

8 JUDGE FEWELL: Thank you for clarifying.
9 I don't know that I have a page labeled 821 in my
10 packet.

11 MR. HARDING: Exhibit 821 up in the top
12 right corner.

13 JUDGE FEWELL: I don't know that I have
14 that.

15 MR. HARDING: It's in the folder that I
16 handed you.

17 COMMISSIONER MITCHELL: I think mine ends
18 at 820.

19 JUDGE FEWELL: Yeah, I have an 820. I do
20 not have an 821.

21 MR. HARDING: Do you have one that is
22 labeled Data Request Harding 13A?

23 JUDGE FEWELL: I only have 13. Does
24 anyone have a copy they can share with the
25 Commission?

1 MR. PRINGLE: Mr. Harding, is this -- you
2 said 821. Is that the one that at the top is labeled
3 DR 13 in ink?

4 MR. HARDING: No. It's -- it says,
5 Gmail. It says, Data Request Harding 13A. It's
6 labeled 13A.

7 MR. PRINGLE: Okay. I think I've -- I
8 think I've found it. Is it the one immediately
9 behind Exhibit 820?

10 MR. HARDING: Excuse me?

11 MR. PRINGLE: I'm going to approach and
12 go see Mr. Harding.

13 JUDGE FEWELL: Yeah. Granted.

14 Why don't we take a break while you try
15 to find that, Mr. Harding, and everyone, we can come
16 back at 11:15. We'll be in recess until then.

17 (Off the record.)

18 JUDGE FEWELL: Okay. We can go back on
19 the record. Mr. -- we're back on the record in case
20 number EA-2024-0302. Mr. Harding, you had offered
21 Exhibit 821. Were we able to find that exhibit?

22 MR. HARDING: Yes, it's labeled -- it's
23 labeled Photos.

24 JUDGE FEWELL: I think your mic's still
25 muted.

1 MR. HARDING: Oh. It's labeled Photos.

2 JUDGE FEWELL: Labeled Photos?

3 MR. PRINGLE: For clarification, Judge, I
4 am holding it up.

5 JUDGE FEWELL: Okay. So it is separate
6 to the -- gotcha.

7 MR. HARDING: This is Data Request 13A,
8 my data request, which I would like entered into the
9 record.

10 JUDGE FEWELL: Okay.

11 MR. FOSCO: Your Honor, I'm just going to
12 object to this -- sorry. Sorry, my mic wasn't on,
13 your Honor. I'm going to object just to the request
14 that this entered -- this into the record with this
15 witness. If he wants to ask her a question about it,
16 we can go from there and see what the question is.

17 JUDGE FEWELL: I think that's a good way
18 to start if you can, Mr. Harding.

19 MR. HARDING: Yes. For brevity, the last
20 page is a photo and I want to ask Ms. Dettmers if she
21 took that photo.

22 JUDGE FEWELL: Is this the photo of a
23 road and some land, kind of blue overlay? Okay.

24 MR. FOSCO: Is this labeled page 6 of 6
25 at the bottom? Is that what you're asking.

1 MR. HARDING: Page 6 of 6 at the bottom.

2 JUDGE FEWELL: Okay.

3 CONTINUED CROSS-EXAMINATION

4 BY MR. HARDING:

5 Q. This is a part of the response to a data
6 request that I made I believe to an earlier data
7 request.

8 Ms. Dettmers, did you take the photo
9 that's depicted on page 6 of 6 at the end of
10 Exhibit 821?

11 A. No. I believe that's a Google Earth
12 photo.

13 Q. Did you capture that image?

14 A. I believe one of our staff did, yes.

15 Q. Do you know how they captured that image?

16 A. I can't state with certainty, but it looks
17 like it's marked, Imagery date 7 of '23 of Google.

18 Q. It appears to be from Google Earth. You
19 don't know?

20 A. It appears to say, 2025 mark date Google,
21 and imagery date 7/2023.

22 Q. Let me draw your attention to halfway up
23 on the left side of that photo. If you look close,
24 it's been zoomed out to make it appear further in my
25 opinion. But you can see a vehicle parked there and

1 just a corner of a building. And I want to draw
2 attention to that. This imagery date is July of 2023
3 and this is an image that I received with your name
4 on it on the response and this was a part of that
5 response. And you don't have any knowledge of the
6 details of this image, how it was captured?

7 A. I would -- I would say I have a general
8 awareness of how it was captured, but not directly
9 from my computer necessarily.

10 Q. Would you speak to how it was generally
11 captured?

12 A. Through Google Earth and it -- through
13 the -- through the appropriate imagery date that it's
14 marked.

15 Q. Do you have this image in your folder?

16 A. I can -- I can --

17 Q. At the end of what I handed you or my wife
18 handed you, do you have this image?

19 A. I'm referencing the image you're holding
20 up, sir, yes.

21 Q. Okay. I want to ask you a question about
22 that image.

23 MR. FOSCO: I mean, your Honor, I guess I
24 would ask for some foundation about that image,
25 whatever that is.

1 BY MR. HARDING:

2 Q. This image is date stamped 10/28/25. I
3 took this image on that date. I went to Google. I
4 went to Google Street View, and I captured this
5 image. And I worked quite a while; I could never
6 capture an image that eliminated the building and
7 the 911 sign. It appears that the person who
8 captured that image wanted to leave a false
9 impression of what you could see from the Highway 46
10 on this date.

11 MR. FOSCO: I'm going to object, your
12 Honor, to that characterization. It's not a proper
13 question. I move to strike.

14 JUDGE FEWELL: I'll sustain and sustain
15 the motion to strike. Please rephrase your question,
16 Mr. Harding.

17 MR. HARDING: The witness doesn't have
18 any knowledge of the photo that I asked about, so any
19 further questions are irrelevant and I need to ask
20 the appropriate person.

21 BY MR. HARDING:

22 Q. Do you know who did take that photo,
23 capture that image? Do you know who captured that
24 image?

25 A. Which image are you referring to, sir?

1 Q. The one that's a part of Exhibit 821.
2 This one.

3 A. Not specifically, no. I would say it was
4 a member of our ATXI team because it -- it is
5 publicly available data on Google Earth.

6 Q. Yes, it is.

7 Exhibit 821 I would like to enter into the
8 record in its entirety.

9 JUDGE FEWELL: In its entirety. Okay.
10 Are there any objections to Exhibit 821 being
11 admitted?

12 MR. FOSCO: I -- I do object, your Honor.
13 A, it's incomplete. This was a data request about
14 other items which haven't been asked of the witness
15 and the image was added as stated in the response
16 that the -- there was a statement in the request that
17 the image, which has not been produced and offered
18 for admission, you know, stated that the house was
19 there since very early 2023. And that image was
20 produced to show that, you know, per Google Earth as
21 of July 2023, which is later than very early 2023, it
22 wasn't there. And I think without both photos coming
23 in, it's improper and I would object.

24 MR. HARDING: Your Honor, just for
25 clarity on the record, my comment does not state that

1 the house was there from early 2023. I stated that
2 the 911 address sign was there and in place and
3 easily visible from the highway in early 2023. And
4 the reason this is relevant to me is because ATXI
5 claims to have made a field review in 2024, which I
6 have a Google image of 2024. The house is clearly
7 there, clearly visible in 2024. 2023 is just to
8 exaggerate -- well, you could -- you could have seen
9 easily in 2023 this place.

10 JUDGE FEWELL: I guess --

11 MR. HARDING: By 2024 it was a full-built
12 house; they were living in it. And 2024 is the only
13 time frame that's relevant because a review should
14 have taken place in this area which would have
15 revealed a house that was over -- otherwise
16 overlooked.

17 JUDGE FEWELL: I'm going to ask a
18 clarifying question. And this may be counsel's -- I
19 assume ATXI's saying the same thing. Who owns the
20 home that you're referencing?

21 MR. HARDING: The [redacted] family who
22 were outside of the D027 advertised study area map.
23 They are outside of that. They are one of the
24 families that are impacted the same as me.

25 JUDGE FEWELL: Sure.

1 MR. HARDING: It's my daughter and late
2 son-in-law that live there with their three kids.

3 JUDGE FEWELL: I am going to sustain the
4 objection because it's outside the scope of your role
5 in this case. And that was -- I guess did you -- you
6 had asked for the entirety, you objected, so it was
7 not entered or not admitted.

8 MR. HARDING: So the entirety of 821 will
9 not be admitted?

10 JUDGE FEWELL: Yes. It will not be
11 admitted.

12 MR. HARDING: Exhibit 820.

13 JUDGE FEWELL: And is that in the skinny
14 map I believe?

15 MR. HARDING: Yes. No. It is -- it's
16 Data Request 13. It says Exhibit 820 in the top left
17 corner.

18 JUDGE FEWELL: Is it in the skinny map
19 packet?

20 MR. HARDING: Your Honor, I'm not sure.

21 MR. PRINGLE: Yeah. Judge, this is
22 Travis Pringle from Staff. Yes, that does appear,
23 at least from what I have, the skinny line map,
24 Exhibit 820 is the last exhibit in that packet.

25 JUDGE FEWELL: Thank you, Counsel.

1 BY MR. HARDING:

2 Q. And also if you have Exhibit 800.

3 JUDGE FEWELL: That should be in that as
4 well I believe. Should be the first page in my
5 packet I believe.

6 BY MR. HARDING:

7 Q. Drawing your attention in Exhibit 820,
8 Ms. Dettmers. In your response to my data request,
9 at A at the bottom of that page, page 4 of 6 it
10 states that ATXI or its consultants did conduct a
11 field review. And we're discussing the area in which
12 the line now crosses 46 Highway which I believe is
13 relevant to this case. Ms. Dettmers, do you know of
14 a field review that was conducted?

15 A. I am generally aware of a field review,
16 but you'd have to speak to the appropriate witness
17 for that. I believe Mr. Harding -- or Mr. -- excuse
18 me -- Mr. Nicholas can address that field review
19 specifically.

20 Q. You did respond to the request that says
21 that ATXI or its consultants did conduct a field
22 review, but you don't know whether that's true or
23 not?

24 MR. FOSCO: Well, your Honor, I'm going to
25 object that there's a data request with joint

1 sponsors and the witness has explained that
2 Mr. Nicholas has sponsored that part of the answer.

3 JUDGE FEWELL: I -- sustained. You can
4 ask that of Mr. Nicholas.

5 MR. HARDING: Okay. Very good. I would
6 like to enter Exhibit 800 into the record.

7 JUDGE FEWELL: Is it 800 or 820?

8 MR. HARDING: I would like to enter 820,
9 but if I need to take that up with Mr. Nicholas,
10 that's what I will do, however I'm instructed.

11 JUDGE FEWELL: I believe it's
12 co-sponsored by both Ms. Dettmers and
13 Ms. [sic] Nicholas, so it can be offered now as well.

14 MR. HARDING: I would like to offer
15 Exhibit 820 in its entirety as well as Exhibit 800.

16 JUDGE FEWELL: Is there any objections to
17 Exhibit 820? We'll take them separately.

18 MR. FOSCO: Your Honor, if I could have
19 one second to review.

20 JUDGE FEWELL: Yes.

21 MR. HARDING: Your Honor, this
22 Exhibit 820 is most relevant here as I review it, it
23 identifies the four people who were impacted who were
24 outside of the advertised study area map. So it
25 would be more appropriate to have it admitted here if

1 you would allow it.

2 MR. FOSCO: And, your Honor, I guess one
3 question I have is that I believe the DR response
4 ends at page 506. It is -- so I think what he's
5 moving to admit is the document with the number
6 Exhibit 820 and then the next three pages. I don't
7 object, your Honor.

8 JUDGE FEWELL: You don't object to the
9 page --

10 MR. FOSCO: To those pages if that's what
11 he's moving to admit.

12 JUDGE FEWELL: This is the 820, 3 of 6, 4
13 of 6, and 5 of 6?

14 MR. FOSCO: Correct, your Honor.

15 JUDGE FEWELL: And where it says DR 13,
16 is that --

17 MR. FOSCO: Yeah. I don't know what that
18 is, your Honor.

19 JUDGE FEWELL: Okay.

20 MR. HARDING: I'm sorry. Which part are
21 you objecting to?

22 MR. FOSCO: Well, I don't --

23 JUDGE FEWELL: He's asking for
24 clarification if you can, Mr. Harding. On the last
25 page of my packet for the skinny line map says DR 13

1 at the top.

2 MR. HARDING: Yes.

3 JUDGE FEWELL: It has a B and a C
4 underneath a map.

5 MR. HARDING: Yes.

6 JUDGE FEWELL: And then it says Objection
7 under that. Are these confidential? Do I need to --
8 do we need to go in camera again?

9 MR. HARDING: I don't believe this is
10 confidential. It's only names, but I will let you
11 determine that. We can leave off the last page.
12 That's what --

13 MR. FOSCO: I --

14 MR. HARDING: -- Mr. Fosco's objecting
15 to. Correct?

16 MR. FOSCO: I just don't know what it is,
17 your Honor.

18 MR. HARDING: Then can we omit it? It's
19 just a -- it's just another picture of the same
20 thing, so I apologize.

21 JUDGE FEWELL: Okay. So you'd ask to
22 admit those through to page 5 of 6 of Exhibit 820?

23 MR. HARDING: I'm sorry. Did you say the
24 first 4 of 5?

25 JUDGE FEWELL: Yes. Yes. The first four

1 pages I believe.

2 MR. HARDING: Yes. If there are no
3 objections.

4 MR. FOSCO: No objection, your Honor.

5 JUDGE FEWELL: Okay.

6 MS. MARTIN: Judge, I do have one request
7 is there are --

8 JUDGE FEWELL: Yes.

9 MS. MARTIN: -- four landowner names.
10 Is there a way that we can make sure that
11 this is confidential --

12 JUDGE FEWELL: Yeah. I --

13 MS. MARTIN: -- due to customer-facing
14 information?

15 JUDGE FEWELL: Would we like to make the
16 entire exhibit confidential or just that part?

17 MS. MARTIN: The -- if we could just --

18 JUDGE FEWELL: I see them on page 3 of 6.

19 MS. MARTIN: Yeah. I think that we could
20 probably -- I can possibly redact it if we need,
21 but just, I would just like the names to be
22 confidential.

23 JUDGE FEWELL: Sure. So we can admit
24 that in a confidential and public version.
25 That's 820.

1 (Intervenor Harding Exhibit 820 was
2 admitted in part and made a part of the record.)

3 JUDGE FEWELL: Okay. Moving to 800,
4 Mr. Harding, you asked to offer that as well.

5 MR. HARDING: Yes.

6 JUDGE FEWELL: Are there any objections
7 to 800 being admitted?

8 MR. FOSCO: And I apologize, your Honor.
9 Which packet was 800 in?

10 JUDGE FEWELL: It is in the same packet.

11 MR. FOSCO: In the same packet.

12 JUDGE FEWELL: Yes.

13 MR. FOSCO: Oh. Well, your Honor he
14 hasn't reviewed this with the witness. I think it's
15 a part of an open house invitation, but not all of
16 it, so I do -- I do object to the incomplete -- he
17 hasn't even asked the witness a question about it.

18 MR. HARDING: I am prepared to.

19 JUDGE FEWELL: If you'd -- if you'd like,
20 Mr. Harding.

21 BY MR. HARDING:

22 Q. Exhibit 820, my data request 13, if you go
23 to the second page, there's a small picture on the
24 first page of Exhibit 820, data request 13. If you
25 go to the next page, it's a more detailed picture.

1 And, Ms. Dettmers, if you would use
2 Exhibit 800 as a reference, I would like for you to
3 answer this question: Is the areas that are outlined
4 in white and red ink that appear to be identifying
5 parcels of land within the gray area on the map in
6 that picture?

7 A. Can you rephrase the question or ask it
8 again, sir?

9 Q. Yes. In reference to Exhibit 820, the
10 second page, there's a large diagram at the bottom of
11 the page. Do you have that?

12 A. Yes. It says page 3 of 6.

13 Q. Yes, page 3 of 6. Do you see how there
14 are some red lines and some white lines outlining
15 what appears to be some parcels of land with some
16 numbers on them?

17 MR. FOSCO: Your Honor, I would request
18 that we establish some foundation as to whether the
19 witness is seeing this or knows what this is before
20 we proceed to questions about it. I object to lack
21 of foundation.

22 MR. HARDING: I mean, this is a picture
23 of Google Earth with an overlay of the Exhibit 800
24 map that was produced.

25 JUDGE FEWELL: Mr. Harding, I'm going to

1 sustain that objection. And a brief reminder, you
2 cannot testify when you are cross-examining a
3 witness. If you can ask a question of her, you may
4 do so.

5 BY MR. HARDING:

6 Q. I'm asking if the areas outlined in red
7 and white ink are within the gray area on the second
8 page of Exhibit 820.

9 A. I -- go ahead.

10 JUDGE FEWELL: I was just going to say,
11 this is page 3 of 6 I believe, correct, what you're
12 referring to?

13 MR. HARDING: At the bottom it says
14 page 3 of 6.

15 JUDGE FEWELL: Okay.

16 BY MR. HARDING:

17 Q. And I'm asking Ms. Dettmers if the areas
18 outlined are within the gray area in that picture.

19 A. In -- yes. There is a portion of the red
20 area that is outlined in the gray.

21 Q. And are you talking about the very
22 northwest corner of the red outlined portion?

23 A. Yes.

24 Q. Do you see any other places that the
25 outlined area's within the gray area?

1 A. No.

2 MR. HARDING: Thank you. I have no
3 further questions, your Honor.

4 JUDGE FEWELL: And, Mr. Harding, did you
5 wish to offer Exhibit 800 at this time? I think it
6 was referenced in that --

7 MR. HARDING: Yes. I would like to enter
8 Exhibit 800.

9 JUDGE FEWELL: Okay. Is there any
10 objection to admitting Exhibit 800?

11 MR. FOSCO: 800. Your Honor, I'm still
12 not clear that -- I mean, Mr. Harding, asked a
13 question about the other exhibit, page 5 of 6, but
14 not this one, so I do object on that basis. I don't
15 think there's a --

16 MR. HARDING: I would like --

17 MR. FOSCO: -- basis to admit that.

18 MR. HARDING: -- to ask a question if I
19 may.

20 JUDGE FEWELL: You may, Mr. Harding.

21 BY MR. HARDING:

22 Q. Ms. Dettmers, is Exhibit 800 recognizable
23 to you?

24 A. Generally, yes. It looks like it is
25 submitted as part of our open house notification.

1 MR. HARDING: Thank you.

2 JUDGE FEWELL: And now you'd like to
3 offer it?

4 MR. HARDING: Yes.

5 JUDGE FEWELL: Does that clarify it for
6 you, Mr. Fosco, or does your objection stand?

7 MR. FOSCO: I -- no. I don't object,
8 your Honor.

9 JUDGE FEWELL: Okay. So admitted.
10 (Intervenor Harding Exhibit 800 was
11 admitted and made a part of the record.)

12 JUDGE FEWELL: Do you have any further
13 questions, Mr. Harding?

14 MR. HARDING: No, your Honor.

15 JUDGE FEWELL: Okay. I think next is
16 McGinley-Krawczyk Farms.

17 MS. BELL: Thank you, your Honor.

18 CROSS-EXAMINATION

19 BY MS. BELL:

20 Q. Good morning, Ms. Dettmers. Earlier you
21 testified that there were some landowners that had
22 late notification. Do you recall that testimony?

23 A. Yes.

24 Q. Okay. And they were notified in
25 approximately July. Is that correct? Was that your

1 testimony?

2 A. What -- can you reference a page and cite
3 that?

4 Q. I'll move on. Do you have any evidence
5 sitting here today that Ms. McGinley wasn't one of
6 those late-notified landowners?

7 A. I have no -- no information today that
8 suggests she was. She did show up to an open house.

9 MS. BELL: Thank you.

10 JUDGE FEWELL: Was that all?

11 MS. BELL: That's all. Thank you.

12 JUDGE FEWELL: Are there any Commission
13 questions for Ms. Dettmers? And I did have one
14 question.

15 QUESTIONS

16 BY JUDGE FEWELL:

17 Q. Ms. Dettmers, you mentioned that the
18 interactive map was open for periods in the months of
19 March and October 2024. Was it inactive at any time
20 during that period?

21 A. Yes. For clarification, we typically
22 leave it open between I would say 10 to 14 days to
23 receive comments that can be logged directly into our
24 system to be utilized later for our routing study.
25 And so it's common practice for us to close that

1 window at some point to allow for information from
2 the routing study -- routing study to be analyzed.
3 Per those PSC recommendations I believe that we
4 reopened that so that others can still maintain
5 comments. And we maintain comments through this day
6 through other methodologies such as the hotline on
7 our email as well as physical address and we make
8 ourselves available throughout the project life
9 cycle.

10 JUDGE FEWELL: Okay. Thank you. Now,
11 recross by I think Staff is who we start with.

12 MR. VANDERGRIFF: No recross, your Honor.

13 JUDGE FEWELL: And Office of Public
14 Counsel?

15 MS. MARTIN: No recross. Thank you.

16 JUDGE FEWELL: Mr. Mathews -- and this
17 would be recross on the question I asked. It is
18 Star 6 to unmute yourself. Can you hear us,
19 Mr. Mathews? We cannot hear you.

20 MR. MATHEWS: Can you hear me now?

21 JUDGE FEWELL: We can hear you now.

22 MR. MATHEWS: Would you repeat the
23 question please?

24 JUDGE FEWELL: The question that I asked
25 was if there were periods that the interactive map

1 was not active. Do you have any recross of that
2 question, that issue?

3 MR. MATHEWS: I do not.

4 JUDGE FEWELL: Okay. Mr. Harding, do you
5 have any recross of that issue?

6 MR. HARDING: I apologize, but I'm not
7 clear on the question. It has a double -- could you
8 restate it?

9 JUDGE FEWELL: Sure. The question that I
10 asked was if there were any periods in which the
11 interactive map was not active. You can ask
12 questions about that particular issue alone.

13 MR. HARDING: If I understand correctly,
14 were there periods of time that the interactive map
15 were not active?

16 JUDGE FEWELL: Yes. That was the
17 question I asked.

18 MR. HARDING: And what is the answer?

19 JUDGE FEWELL: The answer that she gave
20 was that there -- it's open for 10 to 14 days for a
21 commentary period.

22 MR. HARDING: And otherwise it was not
23 available? Am I understanding correctly?

24 JUDGE FEWELL: You can direct that to
25 Ms. Dettmers.

1 RECROSS-EXAMINATION

2 BY MR. HARDING:

3 Q. Ms. Dettmers, it was -- the interactive
4 map was made available for ten days and not
5 otherwise?

6 A. That's not true. It was open for
7 approximately 10 to 14 business days. And then we
8 reopened it per the PSC Staff's recommendation I
9 believe. And we'll work furthermore to do that in
10 all of our projects, to keep it open per the
11 recommendation until the final route is approved.

12 Q. And what date was it that it was opened as
13 per that request approximately?

14 A. I -- I don't know off the top of my head.

15 Q. Would that be about November or December
16 of 2024?

17 A. It could be in the time period of I would
18 say quarter four of that year, yes.

19 Q. Just for clarity, the interactive map was
20 available for 10 to 14 days in the window of time
21 between March and October of 2024. Is that accurate?

22 A. No.

23 Q. Clarify please.

24 A. You stated, from what I understand of the
25 question, it was only open for ten days from March to

1 the end of 2024. That's not accurate. It was open
2 longer than that.

3 Q. Between March and October of 2024, how
4 many days was the interactive map made available to
5 the public?

6 A. I would state approximately 10 to 14
7 business days, but again, I'd like to state that we
8 also maintain other methodology to take in
9 consideration and input and feedback from landowners
10 and stakeholders.

11 Q. But with regards to the interactive map
12 being available, 10 to 14 days is your testimony?

13 A. I believe that is correct.

14 MR. HARDING: Thank you.

15 JUDGE FEWELL: Okay. Any recross from --
16 or for McGinley Farms?

17 MS. BELL: No, your Honor.

18 JUDGE FEWELL: Any redirect, Mr. Fosco?

19 MR. FOSCO: Yes, your Honor, I have some
20 redirect.

21 REDIRECT EXAMINATION

22 BY MR. FOSCO:

23 Q. Let's start with the most recent,
24 Ms. Dettmers. You just answered a question about
25 when the interactive map was available?

1 A. Yes, sir.

2 Q. Can you clarify what that means? Does
3 that mean a map with the ability to comment or
4 something else?

5 A. So the interactive map is online through
6 our program website where a user can go on and drop a
7 pin and make any comment in relation to this study
8 area, the area of consideration that they can put
9 into our system that goes directly to our routing and
10 study team. And then we consider those inputs as it
11 relates to sensitivities, opportunities, technical
12 standards, and statutory requirements.

13 Q. Okay. So when you referred to the
14 interactive map, you were referring to what you just
15 described, a map with the ability to drop a pin and
16 submit comments?

17 A. Yes, sir.

18 Q. Do you recall you were asked some
19 questions by Mr. Harding regarding a phone call that
20 ATXI's consultant had with the Worth County assessor
21 directing ATXI to DEVNET, the DEVNET webpage to
22 obtain records when they were requested from the
23 assessor?

24 A. Yes.

25 Q. Now, you testified as I recall that you

1 were not a party to that phone call itself. Correct?

2 A. That is correct.

3 Q. Okay. But you were advised of the phone
4 call and the substance from your consultant. Is that
5 correct?

6 A. Yes, sir.

7 Q. And that falls within your job duties.
8 Correct?

9 A. That is accurate.

10 Q. Okay. In addition to what you already
11 testified to, are you aware of the sub -- other --
12 the substance of those conversations? Was there
13 anything else besides being directed to the website
14 that occurred to your knowledge?

15 A. Not in particular. That we could utilize
16 that information to take information about the
17 landowners and their parcel information.

18 Q. And in referring to parcel information,
19 are you aware, was there a discussion regarding
20 parcel numbers?

21 A. Yes, there was. There was a discussion of
22 I believe what we would call PN numbers or parcel
23 numbers versus I think UPN numbers, uniform parcel
24 system -- or I'm sorry, universal parcel and the
25 differences in those -- in those numbers.

1 Q. And so those discussions with the assessor
2 not only involve pointing ATXI to the DEVNET page,
3 but explaining how those parcels could be looked up
4 or the numbers, the PIN numbers converted?

5 A. Yes. And that was described in my
6 testimony.

7 MR. FOSCO: I'm sorry, your Honor, just
8 give me one second to look at my notes here.

9 BY MR. FOSCO:

10 Q. You also had discussions -- or do you
11 recall the questions and answers with Mr. Harding
12 about the timeliness or the timing of DEVNET.com
13 records and his request to you about a full
14 assessment roll obtained by the Company or its
15 consultants in 2023?

16 A. Yes, I recall that.

17 Q. Okay. Referring to the assessment roll
18 that was obtained in 2023, do you recall the dates
19 that those were requested and obtained from the
20 assessor?

21 A. I -- I couldn't speak to the approximate
22 dates, but I can say that the full tax roll parcel --
23 full tax roll of all the county parcels in 2023 were
24 requested around February, and I believe we obtained
25 them in March of 2023.

1 MR. FOSCO: Your Honor, I have a -- part
2 of my question involves the -- the name of the owner
3 of one of the parcels.

4 JUDGE FEWELL: Okay.

5 MR. FOSCO: And I can ask the question
6 trying not to use it, but if the witness needs to
7 refer to it, then I think we need to go into closed
8 session.

9 JUDGE FEWELL: Why don't we go ahead and
10 go in camera, Brian.

11 Anyone entered on Webex, if you are not a
12 party, please remove yourself from Webex because we
13 are in camera.

14 (In camera proceedings, pages 122
15 through 126, are in a separate transcript.)
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1 JUDGE FEWELL: Okay. You may proceed,
2 Mr. Fosco.

3 CONTINUED REDIRECT EXAMINATION OF LEAH DETTMERS
4 BY MR. FOSCO:

5 Q. Ms. Dettmers, do you recall you were asked
6 some questions by Mr. Harding regarding the --
7 whether there were -- there were routes or
8 transmission line routes disclosed at the open
9 houses?

10 A. I was asked about that, but we never
11 proposed any routes at the open houses.

12 Q. And my question to you is can you explain
13 what -- the process that the Company engages in and
14 what the goal is of having an open house where I
15 believe you testified study areas or areas of
16 interest are disclosed rather than routes. Why does
17 the Company do that?

18 A. So in an effort to take in input from
19 stakeholders and specifically landowners in an area
20 of interest, we host those open houses not just
21 because we're required to by Missouri standards, but
22 also because we want to learn more about the project
23 area so that we can find options and opportunities
24 that are, you know, least impactful as well as taking
25 in information that we may not know from the

1 community. We do this in an effort so we can take in
2 that data and perform routing study and review that
3 in conjunction with other -- other sensitivities,
4 like I said, opportunities through the lens of
5 technical guidelines from our engineering team as
6 well as statutory requirements. We do this to gain
7 more insight into the project area, and I think that
8 we make every best attempt on our projects to do that
9 and work with landowners and receive that input.

10 Q. And how long have you been involved in
11 open houses, county meetings in Missouri?

12 A. Specifically over the last ten years.

13 Q. And is that process you described typical
14 of transmission projects in your experience?

15 A. I would say this case in particular is
16 atypical of how we traditionally route and look at
17 our public process, specifically because it was a
18 competitive project. Typically in green field
19 routing, we -- we would have differences, and since
20 this was a MISO competitive bid, there were other --
21 other avenues that were, I would say, not typical of
22 our routing and processes.

23 Q. So the timing of the public engagement
24 process was atypical because it was after an initial
25 preliminary routing study?

1 A. Yes. Typically we don't have a
2 preliminary routing study, but since this was a
3 MISO-bid proposal we were required to do a
4 preliminary routing study as part of our application
5 to MISO.

6 Q. And just to clarify, the process of having
7 a study area and open houses, is that fairly typical
8 of how ATXI and other transmission companies to your
9 knowledge conduct county meetings?

10 A. Yes. I would say that that is very
11 typical to have a study area or area of notice as
12 well as varying areas of interest to the -- to the
13 routing team and that that's fairly common in all of
14 our -- in all of our routing projects.

15 MR. FOSCO: Thank you, your Honor. No
16 further questions.

17 JUDGE FEWELL: Okay. Thank you. I think
18 we're going to go ahead and take a recess for lunch.
19 Is 12:30 a good time to come back? Is that good for
20 the court reporter as well?

21 MR. FOSCO: And, your Honor, is the
22 witness excused or?

23 JUDGE FEWELL: Yes. Yes. You may be
24 excused, Ms. Dettmers.

25 MS. DETTMERS: Thank you.

1 JUDGE FEWELL: All right. So we'll be
2 back on the record at 12:30.

3 (Off the record.)

4 JUDGE FEWELL: All right. If everyone's
5 ready, we can go back on the record. This is Case
6 No. EA-2024-0302, and I believe it is ATXI's next
7 witness.

8 MR. DEARMONT: Thanks, Judge. This is
9 Eric Dearmont for ATXI. At this point we would call
10 Mr. James Nicholas to the stand.

11 JUDGE FEWELL: Mr. Nicholas, can you
12 raise your right hand.

13 (Witness sworn.)

14 JAMES NICHOLAS,
15 the witness, having been first duly sworn,
16 testified as follows:

17 JUDGE FEWELL: You may proceed, Counsel.

18 MR. DEARMONT: Thank you.

19 DIRECT EXAMINATION

20 BY MR. DEARMONT:

21 Q. Good afternoon, Mr. Nicholas. How are
22 you?

23 A. Good.

24 Q. Good. Can you please state and spell your
25 name for the record.

1 A. James Nicholas, N-i-c-h-o-l-a-s.

2 Q. And, Mr. Nicholas, by whom are you
3 employed and in what capacity?

4 A. I'm employed by TRC Corporation. We're an
5 environmental consulting and engineering company.
6 And in that capacity I lead routing and siting
7 efforts for energy infrastructure projects.

8 Q. Okay.

9 JUDGE FEWELL: Mr. Nicholas, are you
10 speaking into the microphone? I can hear --

11 MR. NICHOLAS: Does this work?

12 JUDGE FEWELL: That works much better.
13 Thank you. Much better.

14 MR. NICHOLAS: Let me do this.

15 JUDGE FEWELL: Sorry. You may proceed,
16 Counsel.

17 MR. DEARMONT: Did you get that or should
18 I ask it again? Okay.

19 BY MR. DEARMONT:

20 Q. What was your role on this project?

21 A. I led the route selection study for the
22 project.

23 Q. Very good. And you filed both direct and
24 rebuttal testimony in this case. Correct?

25 A. That's correct.

1 Q. Okay. And specifically your direct
2 testimony which has been identified as Ameren
3 Exhibit 8, the corrected version of which was filed
4 on 10/3/25, that's your direct testimony. Correct?

5 A. Correct.

6 Q. Okay. You also filed, it would have been
7 identified as Ameren Exhibit 9 representing the
8 corrected version of your first schedule, JN-D1,
9 the corrected version which was also filed on 10/3
10 of '25. Correct?

11 A. Correct.

12 Q. You have more one more schedule with your
13 direct testimony, I believe it's been identified as
14 Ameren Exhibit 10. That's schedule JN-D2. And that
15 schedule was filed on July 17 of 2024. Correct?

16 A. Correct.

17 Q. Then you also filed a piece of rebuttal
18 testimony. You have a confidential version which has
19 been identified as Ameren Exhibit 11C, and that
20 confidential version was filed on August 15th, 2025.
21 Right?

22 A. Correct.

23 Q. And then there's also a public version
24 which has been identified as Ameren Exhibit 11P and
25 that public version was filed on 10/16 of this year.

1 Correct?

2 A. I believe so, yeah.

3 Q. Is all of the information contained in
4 your testimony, both the written testimony and your
5 exhibits, true and accurate to the best of your
6 knowledge, information, and belief?

7 A. Yes.

8 Q. And all that information was prepared by
9 you or somebody working under you or at your
10 direction?

11 A. Yes.

12 Q. Okay. And if asked the same questions
13 today as were contained in your direct and rebuttal
14 testimonies, would your answers be the same?

15 A. They would.

16 MR. DEARMONT: Very good. I have no
17 further questions and we move for the admission of
18 Ameren Exhibits 8, 9, 10, 11C and 11P and tender the
19 witness for cross.

20 JUDGE FEWELL: Any objections to
21 Exhibits 8, 9, 10, and 11P and C? So admitted.

22 (Company Exhibits 8, 9, 10, 11C, and 11P
23 were admitted and made a part of the record.)

24 JUDGE FEWELL: I believe, Staff, you are
25 first on the list to cross.

1 MR. VANDERGRIFF: No cross from Staff,
2 your Honor.

3 JUDGE FEWELL: Okay. And Public Counsel?

4 MS. MARTIN: No cross. Thank you.

5 JUDGE FEWELL: Thank you. And is it
6 Harding next?

7 MR. HARDING: Good morning, Mr. Nicholas.

8 MR. NICHOLAS: Morning.

9 JUDGE FEWELL: Sorry. I believe it's
10 Mathews. Sorry. I want to get them in order.
11 Mr. Mathews, do you have any cross? It is Star 6 --

12 MR. MATHEWS: I unmuted myself. I'm just
13 checking to see if you can hear me.

14 JUDGE FEWELL: Yeah. We can hear you
15 now.

16 MR. MATHEWS: Thank you. Mr. Nichols
17 [sic] -- yes, I do. I do have a cross.

18 CROSS-EXAMINATION

19 BY MR. MATHEWS:

20 Q. Mr. Nichols, you indicate in your rebuttal
21 testimony in my section part two that the valid
22 reason for the adoption of D028 was primarily due to
23 the addition of a hog farm property as a constraint.
24 Review for me what the detriments, burdens, and
25 sensitivities are associated with the hog farm. It

1 may be written someplace and I just haven't found it,
2 but it seems to be leading the primary reason why
3 this got switched. Because in the D028 versus the
4 D027, you said the D028 is comparable or slightly
5 more favorable than D027. And if you statistically
6 analyze the two using your numbers, I agree with you;
7 it's only slightly more favorable statistically
8 speaking.

9 But I go back to my question is
10 detriments, burdens, and sensitivities associated
11 with this hog farm, can you just state to me what
12 those are again?

13 MR. DEARMONT: Your Honor, I would object
14 to the form of the question. I think even more
15 fundamentally, it causes for -- cause for
16 speculation.

17 JUDGE FEWELL: Mr. Mathews, can you
18 rephrase your question in question form?

19 MR. MATHEWS: Yeah.

20 BY MR. MATHEWS:

21 Q. He -- I want him to explain what
22 sensitivities are associated with an active hog farm
23 that changed the route from D027 to D028. What
24 sensitivities?

25 JUDGE FEWELL: Do you have still have an

1 objection, Mr. Dearmont?

2 MR. DEARMONT: If I -- it's a little
3 irregular. If I could pose maybe a couple clarifying
4 questions that may help us along.

5 JUDGE FEWELL: Sure.

6 VOIR DIRE EXAMINATION

7 BY MR. DEARMONT:

8 Q. The identification of the hog farm is a
9 sensitivity, Mr. Nicholas. Was that your
10 identification, or was that something that was
11 identified by the project team?

12 A. That was identified by the project team as
13 a -- as a major constraint. It wasn't identified by
14 the routing team, by me.

15 Q. So if there are questions about why the
16 hog farm is a sensitivity, where would those
17 questions best be directed?

18 A. To ATXI.

19 Q. Okay. Specifically can Mr. Morris answer
20 those questions?

21 A. Yes, Mr. Morris.

22 MR. DEARMONT: I appreciate that. And
23 thank you, Judge and Mr. Mathews, for that latitude
24 as well.

25 MR. MATHEWS: Okay. That's helped me.

1 CONTINUED CROSS-EXAMINATION

2 BY MR. MATHEWS:

3 Q. Mr. Nicholas, do you know who owns the hog
4 farms?

5 A. I don't have firsthand knowledge of that.
6 Again, I think that would be better directed at ATXI
7 and their real estate people.

8 JUDGE FEWELL: Mr. Nicholas, can you
9 repeat that into your mic?

10 MR. NICHOLAS: Sorry. I have this
11 problem.

12 Yeah. That's really not in my
13 wheelhouse. It's really more an ATXI and their real
14 estate folks could answer that question better than
15 me.

16 JUDGE FEWELL: Thank you.

17 MR. MATHEWS: Okay. I'll save it until
18 Mr. Morris is available. Thank you. I pass.

19 JUDGE FEWELL: Okay. So no further
20 questions, Mr. Mathews?

21 MR. MATHEWS: That's correct.

22 JUDGE FEWELL: Okay. All right.
23 Mr. Harding, do you have any questions of this
24 witness?

25 MR. HARDING: Yes, your Honor.

1 CROSS-EXAMINATION

2 BY MR. HARDING:

3 Q. Good afternoon, Mr. Nicholas. So did I
4 understand correctly that any hog barn-related
5 questions, any hog barn-related -- hog barn
6 property-related questions should be saved for
7 Mr. Morris? Is that correct, or was it just that
8 specific question?

9 A. The -- the specific question, but I -- you
10 know, perhaps others, but.

11 Q. I'm going to jump past the hog barns that
12 you will see in the folder that my wife just passed
13 out, but I would like to look at Exhibit 837.

14 JUDGE FEWELL: Is this within the hog
15 farm packet?

16 MR. HARDING: No. This is within --
17 sorry. When I amended that, it got --

18 MS. MARTIN: If it's Exhibit 837, it does
19 appear that it is in the hog barn -- hog farm barns
20 packet. It should be the second page.

21 JUDGE FEWELL: Okay. And it's 837.
22 Okay. Thank you.

23 BY MR. HARDING:

24 Q. Okay. Exhibit 837 is I believe all taken
25 from JN-D1, Mr. Nicholas. Going to the second page

1 is Chart 5 from your JN-D1 document. It's -- if
2 everybody has found Exhibit 837. And when you look
3 at that, and I believe this is part of the comparison
4 that you did of the first 27 lines that were
5 developed for this project before the open houses.

6 JUDGE FEWELL: Okay. And that's -- does
7 that -- you said it's page 2 of 837. Is that where
8 at the bottom it says page 19 of 51?

9 MR. HARDING: Yes, your Honor.

10 JUDGE FEWELL: Okay. So that's a few --
11 several pages into the packet for everyone else.

12 MR. HARDING: Okay. So I'm looking at --
13 from JN-D1 which is labeled in the bottom right-hand
14 corner pages 19 of 54, page 26 of 54, page 17 of 54,
15 page 18 of 54, and I would like to begin with page 26
16 of 54.

17 JUDGE FEWELL: Okay.

18 MR. DEARMONT: Can you give us just a
19 second, Mr. Harding?

20 JUDGE FEWELL: Looks like the page 26 is
21 a graph with blue and orange in it at the top of the
22 page.

23 BY MR. HARDING:

24 Q. So, Mr. Nicholas, I read the process that
25 you go through to locate and identify segments and to

1 turn those segments ultimately into routes. And so I
2 studied that a fair amount. It was obvious to you as
3 well from reading your notes that D01, D02, D03 and
4 then D027 were significantly superior when you look
5 at the combined score data on Chart 5. And so I
6 wanted to know why that was.

7 So I looked at those three. And if you go
8 to page 17 of 54 and page 18 of 54 in JN-D1, what you
9 notice is that all four of those routes have a
10 commonality. They both begin with the segments A-N
11 as the beginning, and they're the only ones that
12 begin with the segments A and N.

13 So I went back to the segment map which is
14 found on page 19 of 54. And what I noticed is when
15 you use the A-N combination, those four superior
16 routes all used the same location at the Gentry/Worth
17 County line, that being on the hog barn property
18 where it makes its adjustment as it's coming north
19 and as it turns west for that short stretch, it's on
20 the hog barn property and then it turns back north
21 again leaving the hog barn property. So it's on
22 there for a half a mile.

23 What I know want to know is -- and I
24 believe in studying this, the J -- the project was
25 done extensively over a long period of time, even

1 dating back to late 2022 through 2023, these routes
2 were developed. How is it that the ownership of the
3 hog barn property wasn't known until after the open
4 houses in Grant City?

5 A. I don't think it's correct to say that the
6 ownership of the hog farm property wasn't known until
7 after that. I think the ownership was known, but
8 the -- the restrictions that might be placed on
9 development and maintenance of a route by the owners
10 and the use of that property as a USDA hog farm, that
11 was the issue that came up.

12 Q. Are you familiar with any particular
13 restrictions or requirements at this facility?

14 A. No. That's not a question for me; that's
15 for Mr. Morris can best answer that.

16 Q. Okay. Well, we've established that nobody
17 has communicated from the owner or the managers of
18 this hog barn, and I have some familiarity is why I
19 ask.

20 Are you aware of any lagoons, when you
21 were doing your investigative study? You said that
22 you may or may not have known of the owners of them,
23 but you became aware. Clarify what you did know and
24 what you didn't know at the time you created routes
25 D01 through 3 and D027 with regards to the

1 restrictions that were in place on the hog barn
2 property.

3 MR. DEARMONT: I would object to the form
4 of the question.

5 But if you follow, perhaps you could
6 answer. But if you are confused, I would encourage
7 you to --

8 MR. NICHOLAS: Yeah. It seems a little
9 open ended. Can you -- can you clarify and focus a
10 little bit?

11 BY MR. HARDING:

12 Q. Yeah. In trying to determine what you may
13 have found out after the open house meetings that you
14 didn't know at the time you created these four
15 superior lines, if you could speak to that.

16 A. Specifically for the hog farm property?

17 Q. Specifically for the location, yes, the
18 location of the hog farm property.

19 A. From recollection I don't think we were or
20 I was aware of specific restrictions in the way we're
21 discussing them now for the hog farm property at that
22 point when I came -- when we came up with those
23 routes.

24 Q. Can you tell me how you became aware of
25 those restrictions?

1 A. Through discussions with their -- the rest
2 of the routing team, ATXI.

3 Q. And what did the routing team provide to
4 you that made you aware of these types of
5 restrictions?

6 A. No written documentation, but it was
7 discussed on, you know, regular communications.

8 Q. Nothing specific that you recall as far as
9 a specific restriction?

10 A. Just generally that -- that construction
11 and maintenance of transmission facilities on that
12 property would be problematic and I should consider
13 it a constraint.

14 Q. But you don't -- you can't offer any
15 specifics today on what those considerations that you
16 should take into consideration were? What did they
17 tell you specifically to avoid? In one place I read
18 that there were concerns over lagoons. Are you aware
19 of any lagoons, old lagoons near the proximity of
20 where your line would go on this property?

21 A. That's the first time I've heard about
22 lagoons.

23 Q. I want to direct your attention to
24 Exhibit 828.

25 JUDGE FEWELL: Mr. Harding, would you

1 like to offer Exhibit 837 to be admitted?

2 MR. HARDING: Yes.

3 JUDGE FEWELL: Are there any objections
4 to Exhibit 837?

5 MR. DEARMONT: I would object to it being
6 offered as a part of this cross-examination. I
7 believe that's a schedule that's already been offered
8 for admission under an Ameren exhibit number, so I
9 think for sake of clarity and for the record if we
10 could admit it there, I would have no objection.

11 JUDGE FEWELL: Sustained. You may
12 proceed, Mr. Harding.

13 BY MR. HARDING:

14 Q. The heading for you to find them in your
15 folder will be under Linear Feet Comparisons.

16 JUDGE FEWELL: What exhibit is it, I
17 apologize?

18 MR. HARDING: 828.

19 JUDGE FEWELL: 828.

20 MR. HARDING: I believe will be the front
21 exhibit with the header on it that says, Linear Feet
22 Comparisons. It contains more than one exhibit.
23 It's got 828 and 840.

24 JUDGE FEWELL: Okay. You may proceed.

25 BY MR. HARDING:

1 Q. I'm jumping out of order, so I would like
2 to jump back to the last part of that which is
3 Exhibit 840.

4 JUDGE FEWELL: Okay.

5 BY MR. HARDING:

6 Q. And that is an EFIS Data Request 0053.
7 And you can see on the front page of the data
8 request -- actually I'm looking at the response,
9 Mr. Nicholas, that you provided, the linear feet two,
10 three owners. Underneath of Owner there are three
11 families mentioned or houses mentioned.

12 JUDGE FEWELL: Do we need to go in camera
13 for this?

14 MR. HARDING: I can keep it so you don't
15 if you would prefer. Whichever you would prefer,
16 your Honor.

17 JUDGE FEWELL: Does the Company have a
18 preference?

19 MR. HARDING: I won't mention names.

20 MR. DEARMONT: Yeah. We can it a try.
21 Yeah.

22 JUDGE FEWELL: Okay.

23 MR. HARDING: I won't mention names.

24 BY MR. HARDING:

25 Q. If -- because everybody has the reference,

1 if you look at the three owners that -- they're
2 clearly identified there. And it provides the linear
3 distance from center line for those residences.

4 Do you have any familiarity, Mr. Nicholas,
5 with the middle one which is the one in the center
6 that is provided 1,244 feet? Do you have familiarity
7 with that house at all?

8 A. Well, I don't specifically remember it,
9 but clearly I did -- I did do this measurement.

10 Q. Do you know about whether or not anybody
11 has lived in that house recently?

12 A. I have no knowledge of that, huh-uh.

13 Q. Was it a consideration in your routing?

14 A. The consideration in the routing was
15 whether there is what appears to be a residential
16 structure there or not, not whether it's occupied or
17 whether it's recently occupied or what have you. If
18 it appears falling down, we would -- we would note
19 that.

20 Q. Did you put any preference or weight value
21 on ones that were occupied versus one that is not
22 occupied when you were evaluating a route?

23 A. No. Because we had no way of ascertaining
24 whether a specific residence was occupied or not at
25 the time.

1 Q. Would that be something you would try to
2 learn at an open house setting?

3 A. If somebody volunteered the information,
4 sure.

5 Q. If you saw a house and nobody volunteered
6 any information about that house, is that something
7 you would want to know before you placed a line in a
8 particular location?

9 A. What -- specific would I want to know if a
10 house was occupied or not?

11 Q. Yes.

12 A. The -- that's a little bit problematic
13 because occupied might mean occupied at the time the
14 routing study was done or occupied at the time of the
15 open house. That doesn't mean to say it won't be
16 occupied in the future or in the very near future or
17 was very recently occupied. So there's some nuance
18 to that. I'd be a little bit uncomfortable saying,
19 you now, we'd prefer routing next to unoccupied
20 houses for those -- for those reasons. So we -- we
21 tend to treat them all equally.

22 Q. Would you be interested if you came into
23 the knowledge that a house had been long-time
24 unoccupied, that being five years, would that affect
25 your consideration for that particular structure?

1 A. Again, I -- I think that falls into that
2 problematic phase because, you know, again, maybe --
3 maybe someone is -- is thinking about renovating the
4 house, you know, very soon, owns it. You know, I
5 think that would be possibly a little unfair on
6 those -- the people who own the house.

7 Q. Mr. Nicholas, did you make reference in
8 your direct testimony and in JN-D1 to newer
9 residences north of 46 Highway?

10 A. Can you show me where you're talking
11 about?

12 Q. It's in JN-D1, and it will take me a
13 while. Mr. Nicholas, are you familiar with the three
14 bullet points that you used as reasons to reroute
15 that are contained in your JN-D1 document and in
16 the -- your direct testimony you refer to two bullet
17 points.

18 A. Do you have a page number in the --

19 Q. No. I have not found it in my notes yet
20 because I didn't bring the entirety of your
21 documents.

22 MR. PRINGLE: I think if I'm looking at
23 the right one, Mr. Harding, is that from your hog
24 barns, and it looks like Exhibit 837? And at the
25 bottom Schedule --

1 MR. HARDING: It's in --

2 MR. PRINGLE: -- JN-D1, page 29 of 54?

3 MR. HARDING: No. It's not there. Okay.

4 BY MR. HARDING:

5 Q. Mr. Nicholas, if you refer to page 29
6 of 54.

7 A. Yeah. I -- I have that page.

8 Q. Okay. And within the three bullet points,
9 what are the three bullet points that you used for
10 justification for the reroute?

11 A. You want me to read them?

12 Q. Well, I want you off of memory or however
13 you'd like to do it, paraphrase, but was one of them
14 proximity to newer residences, number 46, or
15 something similar?

16 A. Yes. The third bullet point begins,
17 Proximity to newly-constructed residences.

18 Q. Okay. Now, I want to revisit your
19 analysis and how you concluded what you did with
20 regards to the particular property that we're looking
21 at in Exhibit 840. And I asked you about the middle
22 one that's listed there in that data request
23 response.

24 A. I'm not clear about what -- what you're
25 asking me.

1 Q. I'm asking if the middle house on this
2 property, if the age of it matters when I look at
3 what you -- in con -- to put that question in
4 context. You paid attention to the age of the houses
5 in your three bullet points as reasons to reroute
6 this line. If it says "newer residences" -- I read
7 in one of your testimonies where ATXI claims that
8 this is -- this house that I'm asking about is not a
9 newer residence, and I wondered if you considered
10 that in your evaluation.

11 A. I think the short answer is no. I think
12 what we're dealing with that residence is a resident.
13 Whether it's a newer residence or an older residence,
14 a residence is a residence.

15 Q. Now if we could look at Exhibit 828.
16 Within 828, within Exhibit 828 you should have a
17 photo of one through six, a full-page photo with some
18 numbers identifying some properties.

19 A. I don't know where I'm looking at.

20 Q. I'm holding it up if you'd like to see
21 that.

22 A. Which -- which of the three packets is
23 that in?

24 JUDGE FEWELL: It should be in the linear
25 feet comparison packet. It should say N29 in the

1 bottom left corner I believe.

2 MR. HARDING: Yes, your Honor.

3 MR. NICHOLAS: Yeah, I have it.

4 BY MR. HARDING:

5 Q. This is an image from Google Earth. It
6 has the identifier of 46 Highway going along here.
7 It has the identity of the houses that are referenced
8 similar to Appendix E, Figure 10. It also includes
9 houses that were overlooked at the time that you were
10 doing the evaluation to reroute D028. You might
11 recognize the one that you overlooked as number four
12 in this picture. Do you see number four in the
13 picture?

14 A. Yes. I see number four.

15 MR. DEARMONT: I would object. If we
16 could focus on questions as opposed to statements, I
17 think it would be helpful here.

18 JUDGE FEWELL: Overruled because he did
19 answer the question. But, Mr. Harding, take that
20 into consideration. You need to ask questions of the
21 witness, not testify.

22 BY MR. HARDING:

23 Q. Exhibit 840 -- I was setting some
24 background, your Honor; I apologize.

25 But Exhibit 840 lists some feet distances

1 between houses. And I want to go back to 828 where
2 the photo exists and that photo is for context and
3 reference purposes if you have any questions about
4 the questions I'm asking about. But if you go to the
5 last page of Exhibit 828, I asked in a data request
6 for the linear feet from certain residences. The
7 residences that I asked about are in the picture that
8 I just -- that we just talked about. Do you see your
9 answer to A1 and A2?

10 A. I don't know what document I'm supposed to
11 be looking at.

12 JUDGE FEWELL: It's the -- it says page 2
13 of 2, JN-31 --

14 MR. HARDING: Correct.

15 JUDGE FEWELL: -- in the bottom left.

16 MR. HARDING: That's correct.

17 MS. MARTIN: It's the last page.

18 BY MR. HARDING:

19 Q. It is Harding Data Request 36A, and it's
20 the last page of Exhibit 828. So 828 is in the top
21 right corner and we're looking at the last page for
22 the answers to my questions. And within your answer
23 you basically described the question that I had
24 asked. So I want to make a quick comparison between
25 those linear feet distances to one newer residence

1 north of 46 Highway compared to other residences that
2 you had referred to in Appendix E, Figure 10 of
3 JN-D1. And I want to ask you if you were aware of
4 that -- the feet, the linear feet distances to those
5 residences at the time that you made your routing
6 decision to abandon D027 and go to D028.

7 MR. DEARMONT: Can I -- I'm not sure it's
8 yet an objection, but can I ask clarifying question?
9 Is the question whether he was aware of the linear
10 distance from the proposed line to the six structures
11 identified on this map?

12 MR. HARDING: Yes. The last page of
13 Exhibit 828 provides the linear feet and distances to
14 houses 3 and 4. Those are the houses that are
15 impacted by some variations of the D028. The current
16 version of D028 that's on the website today goes
17 between houses four, five, and six. So I'm asking
18 Mr. Nicholas if he was aware of the linear feet
19 distances of each of the D028 location which is
20 between four, five, and six on this house -- on this
21 map versus the linear distance between one and two,
22 houses one and two. And that -- those linear
23 distances can be seen in Exhibit 840 on the front
24 page.

25 BY MR. HARDING:

1 Q. Were you aware of that?

2 A. So you're asking me if I'm aware of the
3 distance --

4 Q. At the time that you decided to reroute,
5 at that time when you made that decision, did you
6 have this knowledge in your hand?

7 A. We were not aware of residence number four
8 at that time.

9 Q. Were you aware of residence number five
10 and six at that time?

11 A. I believe so.

12 Q. Did the fact that you were placing the
13 line closer to those residences, significantly
14 closer, was that a consideration when you chose the
15 place that you crossed 46 Highway?

16 MR. DEARMONT: I would object to the
17 characterization of significantly.

18 JUDGE FEWELL: Rephrase your question
19 Mr. Harding.

20 BY MR. HARDING:

21 Q. The distance from houses 5 and 6 is
22 approximately 700 feet from the line as displayed on
23 the interactive map today. The distance to house
24 number 4, which you were not aware of at the time you
25 rerouted, is approximately 500 feet. Even ignoring

1 the fact that you didn't know the house was there,
2 which in my opinion doesn't eliminate the problem
3 associated with it, were you aware of the distance to
4 five and six compared to houses one and two? Did you
5 ever have field notes or any evaluation process that
6 revealed that information to you at the time you made
7 your reroute decision?

8 A. When we assessed the houses and all the
9 other criteria within, you know, a certain distance
10 of D028, yeah, we would have -- we would have been
11 aware of that, yes.

12 Q. You were aware of it?

13 A. Yes.

14 Q. Okay.

15 A. I believe so.

16 Q. Do you remember me calling you in October
17 of 2024?

18 A. I remember you calling me, yes.

19 Q. Yeah. Do you remember the nature of that
20 conversation? Do you remember what I called about?

21 A. I believe, and this is not particular
22 recollection but notes since that have reminded me,
23 you were discussing that we had perhaps missed house
24 number four.

25 Q. Yeah. I brought to your attention house

1 number four had been overlooked. And did I send you
2 an email?

3 A. Yes.

4 Q. Yeah. Did I send you a follow-up email?

5 A. Yes.

6 Q. Did I send you another follow-up email?

7 A. I -- I can't be sure of that, but I will
8 take your word for it.

9 Q. Yeah. Did you receive any phone calls
10 from me that you did not answer after that?

11 A. I don't recall. Maybe.

12 Q. You didn't answer, so there was no phone
13 conversation that took place. Are you aware of me
14 calling you?

15 A. I don't -- I just don't recall.

16 Q. Did you ever email me back?

17 A. I don't recall if I emailed you back.

18 Q. You did not as I recall.

19 A. Okay.

20 Q. Did you ever call me back?

21 A. I did not.

22 Q. Okay. That was what I wanted to bring to
23 your attention. I thought it should be addressed a
24 year ago.

25 JUDGE FEWELL: Mr. Harding, please ask

1 questions of the witnesses.

2 MR. HARDING: Yes.

3 BY MR. HARDING:

4 Q. Mr. Nicholas, I'd like to direct your
5 attention to Exhibit 801.

6 JUDGE FEWELL: Mr. Harding, do you wish
7 to offer Exhibit 840 and 828?

8 MR. HARDING: Yes, your Honor.

9 JUDGE FEWELL: Are there any objections
10 to Exhibit 840 and 828?

11 MS. MARTIN: There are no objections, but
12 I do have the same concern. I would like to be able
13 to redact the names of the individuals who live at
14 those residences. We were able to avoid it, but I
15 did notice they were written in, so I wanted to make
16 sure.

17 JUDGE FEWELL: And that was -- is it 828
18 or is it 840 as well as? I think both do have the
19 names.

20 MS. MARTIN: I know --

21 JUDGE FEWELL: I think the last page
22 of 828 also has names on it.

23 MS. MARTIN: Okay.

24 MR. PRINGLE: 840 appears to already be
25 marked Confidential, so I think we do have a redacted

1 copy already on EFIS.

2 JUDGE FEWELL: Okay.

3 MR. DEARMONT: Judge, I --

4 JUDGE FEWELL: Yes.

5 MR. DEARMONT: -- would say I likely have
6 objections, but if you could give us a minute
7 maybe --

8 JUDGE FEWELL: Sure.

9 MR. DEARMONT: -- to work through the
10 copies to make sure that I'm looking at the same
11 thing that everyone else is I think would be helpful.

12 JUDGE FEWELL: That's fine.

13 MR. DEARMONT: Maybe take these in
14 piecemeal. In terms of Exhibit 840 we would have no
15 objection to what I would call a clean, confidential
16 version going into the record. There's some notes on
17 this that I don't believe are from Mr. Nicholas, but
18 if those can be removed, we would have no objection
19 to 840.

20 JUDGE FEWELL: And that's just the
21 confidential version?

22 MS. MARTIN: I think it has -- if I --

23 JUDGE FEWELL: I wasn't sure.

24 MR. DEARMONT: I think that's right.

25 JUDGE FEWELL: Okay.

1 MS. MARTIN: We can make a public version
2 if necessary because --

3 JUDGE FEWELL: I think it's fine.

4 MS. MARTIN: Okay.

5 JUDGE FEWELL: I just wasn't sure if
6 there were multiple. You said it's already -- and
7 for 828?

8 MR. HARDING: Your Honor, can I confirm
9 that your version of 828 that would be entered is a
10 four-page entry?

11 JUDGE FEWELL: I believe that's the
12 version I have. It has -- the first page says JN-28,
13 then N-29, JN-30, and JN-31 on the bottom left corner
14 of each of those.

15 MS. MARTIN: I did notice that page 3
16 does have a residence.

17 JUDGE FEWELL: Yeah. One of the pages
18 does.

19 MS. MARTIN: Yeah.

20 JUDGE FEWELL: I know there are some
21 names written --

22 MS. MARTIN: Yeah.

23 JUDGE FEWELL: -- as well.

24 MS. MARTIN: There are some names
25 written. We could do a clean copy of that, but even

1 if we did that with the third page, it does look like
2 there is a residential name, so I just wanted that to
3 be noted.

4 JUDGE FEWELL: Sure.

5 MR. DEARMONT: If we can resolve those
6 issues, the Company's likely okay. We don't have an
7 objection to the Company's response to 36A coming
8 into the record.

9 JUDGE FEWELL: Okay. And you want a
10 clean copy though, not the handwritten one?

11 MR. DEARMONT: Please. And I'll admit
12 I'm not quite sure what to do about the
13 confidentiality piece.

14 JUDGE FEWELL: I think I'm missing on
15 page 1 of 2 where there would be confidentiality --
16 oh, I see it. It's in number C, right, is where the
17 name is?

18 MS. MARTIN: C --

19 JUDGE FEWELL: Oh, C and B.

20 MS. MARTIN: -- and -- all three of them,
21 yeah.

22 JUDGE FEWELL: So an unaltered
23 confidential version.

24 MR. DEARMONT: Yeah. No objection to
25 that, Judge.

1 JUDGE FEWELL: And, sorry, are we
2 offering a public version as well on that or just
3 marking the whole exhibit confidential?

4 MR. HARDING: The entire exhibit could be
5 confidential from my standpoint.

6 MR. DEARMONT: That's fine with us.

7 JUDGE FEWELL: Okay. That's probably
8 simpler.

9 (Intervenor Harding Exhibits 828 and 840
10 were admitted and made a part of the record.)

11 JUDGE FEWELL: Okay. You can proceed,
12 Mr. Harding. And if you can -- you had mentioned an
13 exhibit name. I did not hear it before going through
14 this.

15 MR. HARDING: Exhibit 801.

16 JUDGE FEWELL: Which packet is that in?
17 Oh, it is in the hog barns packet.

18 MR. HARDING: Yes, I apologize.

19 JUDGE FEWELL: That's all right.

20 MR. HARDING: I thought I abandoned the
21 hog barn idea. Okay. It should be also in your
22 proximity to houses portion, your Honor. It's
23 Exhibit 801 in the top right corner.

24 JUDGE FEWELL: Okay.

25 MR. HARDING: It's page 21 of direct

1 testimony James Nicholas for another reference. And
2 I will be referring to page 2 of that exhibit which
3 is from -- it's ATXI's response to Staff
4 recommendation docket item 64.

5 JUDGE FEWELL: So this is only in the
6 proximity packet that you're referring to now?

7 MR. HARDING: Yes.

8 JUDGE FEWELL: Okay. It should say 12 at
9 the bottom, correct, 2 of 2 in the top right corner?

10 MR. HARDING: Correct. I have that as
11 item 26 displayed on the left, paragraph 26.

12 BY MR. HARDING:

13 Q. Are you familiar with this, Mr. Nicholas?

14 A. I have that in front of me.

15 Q. This is more recent, so hopefully that's
16 more helpful. Looking at that page 12, the second
17 page of Exhibit 801, you make the comment that -- I'm
18 in paragraph 26 about 5 lines down. It starts with
19 ATXI. And it says that ATXI wants to note while the
20 existence of that house that had been overlooked you
21 would like to have known, this fact wouldn't have
22 changed your routing recommendation.

23 How are you able to make that
24 determination after the fact?

25 A. Well, we have the information after the

1 fact that there is a residence there and the fact
2 that that residence, that does not change materially
3 the viability of that route.

4 Q. So did you reevaluate after learning about
5 this residence?

6 A. We took that residence into account when
7 we looked at that route.

8 Q. Did you reevaluate overall the route
9 comparison between the route you abandoned, D027,
10 when you decided to go to D028, did you reevaluate?
11 Like do you have notes on that reevaluation after
12 learning about this on October the -- I'm going to
13 say October the 20-something of 2024?

14 A. The -- it's described in testimony I
15 believe that we -- we reevaluated, and there was
16 no -- no material reason not to use D028 based on the
17 addition of that one house.

18 Q. Do you have any notes, did you come today
19 with any notes or do you have access to any notes
20 where you did reevaluate after learning about the
21 house in October of 2024?

22 A. I -- I do not have specific notes to that
23 effect. I have testimony to that effect.

24 Q. Then I want to ask further down, about
25 four lines down it begins again with ATXI and this is

1 Mr. Nicholas speaking I believe that ATXI submits
2 that even on a standalone basis -- and then you
3 describe a route with three houses approximately a
4 thousand feet from the line is not objectively better
5 or more desirable from a routing perspective than a
6 route with one house 500 from a proposed line.

7 Is that a hypothetical scenario or is that
8 an actual scenario that you're describing there?

9 A. I just need to read this. Excuse me. So
10 can you repeat the question?

11 Q. I'm sorry?

12 A. Can you repeat the question please?

13 Q. Yeah. You want me to read it again?

14 A. I just want you to ask the question again.

15 Q. Okay. Is that a hypothetical scenario
16 that you've laid out there, or is that an actual
17 scenario?

18 A. I -- I'm not -- as I sit here, I'm not
19 sure if it's hypothetical or actual.

20 Q. You don't think you were making a
21 reference to the actual houses that we just
22 discussed?

23 A. It's -- it's possible.

24 Q. But you don't know?

25 A. I don't want to tell you something a

1 hundred percent when I don't know if it's a hundred
2 percent. That's all.

3 Q. Okay. Do you think that this route has
4 three houses approximately 1,000 feet from a line
5 and also the alternate route to that route has one
6 house 500 feet from a line, do you think that
7 scenario exists in this decision between D07 and
8 D028?

9 A. I think you need to clarify the question a
10 little bit. I'm not sure I understood it fully.

11 Q. You're writing this response to Staff
12 recommendation, and at the time you're writing you're
13 explaining why the house didn't matter to you so much
14 that you hadn't noticed. And so you paint a scenario
15 which I assume applies to this decision that you are
16 making at this time on this project for these houses,
17 but if I'm wrong, I want to give you an opportunity
18 to explain where I'm wrong.

19 MR. DEARMONT: I would jump in and object
20 to the form of the question. I believe that that
21 mischaracterizes what Mr. Nicholas has said.

22 MR. HARDING: And I want to give
23 Mr. Nicholas the opportunity to clarify, so I'll
24 restate the question, your Honor.

25 JUDGE FEWELL: Please do.

1 BY MR. HARDING:

2 Q. That statement, Three houses approximately
3 a thousand feet from the line is not objectively
4 better or more desirable from a routing perspective
5 than a route with one house 500 from the proposed
6 line.

7 That's your writing, and I'm asking if
8 that scenario was the scenario that you faced in this
9 case?

10 A. Probably, yes. I would have to go back
11 and look at all the data just to make sure, but
12 probably if I'm writing that.

13 Q. Well, if you're probably right, what are
14 probably the three houses that were within the
15 thousand feet?

16 A. I can't tell you that off the top of my
17 head.

18 Q. What was the, probably the house that was
19 within 500 feet? Do you have a guess to that what
20 you might have meant?

21 A. I would have to go look at the mapping
22 just to make --

23 Q. Would --

24 A. -- sure.

25 Q. -- it possibly have been the house that we

1 just looked at in that picture that's Item 4 that you
2 overlooked?

3 A. Which -- the --

4 Q. The house --

5 A. -- house number four?

6 Q. Just -- we'll just call it the house that
7 you overlooked.

8 Is the 500-foot reference the house that
9 you overlooked?

10 A. I would have to look at those measured
11 distances again just to make sure it was within --

12 Q. This is --

13 A. -- my --

14 Q. -- your writing and you said one house
15 within 5 -- one house 500 feet from a proposed line.

16 A. From a proposed line.

17 Q. From a proposed line.

18 A. Yes.

19 Q. Yes. That's your words. Is that a
20 reference to the house that we are talking about in
21 this case that you overlooked?

22 A. I would have to go and look at the data
23 that we measured --

24 Q. So you don't know?

25 MR. DEARMONT: I'll object at this point

1 as asked and answered.

2 JUDGE FEWELL: Sustained. And,
3 Mr. Harding, please allow the witness to answer your
4 questions before asking another question, and please
5 don't interrupt the answer he's giving. Do you have
6 any other questions for the witness?

7 MR. HARDING: I do if that's -- that's
8 the -- the answer is I don't know. That's the
9 answer. One moment, your Honor.

10 JUDGE FEWELL: Did you wish to admit or
11 offer Exhibit 801 to be admitted?

12 MR. HARDING: Yes, your Honor.

13 JUDGE FEWELL: Is there any objections to
14 Exhibit 801 being admitted into the record?

15 MR. DEARMONT: I would object to this
16 form of 801. I believe this is an excerpt from
17 Mr. Nicholas's testimony and we've offered that
18 through admission. So for sake of the record if we
19 could have --

20 MR. HARDING: I withdraw my request.

21 JUDGE FEWELL: Okay.

22 BY MR. HARDING:

23 Q. Drawing your attention to Exhibit 820.

24 JUDGE FEWELL: Which packet is this in,
25 Mr. Harding?

1 MR. HARDING: Still in the same proximity
2 to residences section. Exhibit 820 in the top right
3 corner. It's Data Request 13.

4 JUDGE FEWELL: It's in the front or the
5 back of the packet?

6 MR. HARDING: I apologize because I've
7 jumped around now. It's towards the back. Well,
8 no --

9 MR. PRINGLE: Looks -- from what Staff
10 has, Judge, it looks like it should be the immediate
11 page following the document that we were just -- that
12 Mr. Nicholas was just being questioned about.

13 JUDGE FEWELL: Okay. Oh, I see. Sorry.
14 Thank you. You may proceed.

15 BY MR. HARDING:

16 Q. It's Exhibit 820, and I want to ask about
17 Mr. Nicholas's response. I'd asked Ms. Dettmers
18 earlier and was instructed to ask Mr. Nicholas at
19 this time about this.

20 It's about the field review, Mr. Nicholas,
21 that was done in this area that you claim was done in
22 April or May of 2024 --

23 A. I'm sorry, I don't -- I don't have 820 as
24 far as I can tell in this packet.

25 JUDGE FEWELL: It should be right after

1 the testimony portion we were just on. So the
2 page 12, it was 2 of 2, and it's the next page.

3 MR. HARDING: We don't need the exhibit
4 if Mr. Nicholas just wants to answer.

5 BY MR. HARDING:

6 Q. It's did you conduct a field review?

7 JUDGE FEWELL: And I do want to ask -- I
8 think Exhibit 20 has been offered and admitted. Is
9 this a different page number? Page 1? How does this
10 work with --

11 MR. HARDING: It -- your Honor, what it
12 is is we have entered the same exhibit in
13 Ms. Dettmers' file as we are -- and we have it in two
14 locations.

15 JUDGE FEWELL: Okay.

16 MR. HARDING: That's why it's a
17 duplicate.

18 JUDGE FEWELL: So it's the same?

19 MR. HARDING: Yeah.

20 JUDGE FEWELL: Okay. I just wanted to
21 clarify there wasn't any additional data or anything.

22 MR. HARDING: It will not need to be
23 entered. I was just going to ask Mr. Nicholas
24 because Dettmers was not appropriate person to ask --

25 JUDGE FEWELL: Right.

1 MR. HARDING: -- about this field review
2 that was conducted in April or May.

3 BY MR. HARDING:

4 Q. This would be at the time the decision was
5 being made to relocate D027 to 28. What can you tell
6 me about that field review, what all it entailed?

7 A. So we typically conduct a field review for
8 any routing study we do, and it typically encompasses
9 the entire study area. So the purpose of that is to
10 really look to see if we miss large-scale features.
11 The data we have these days is really good, you know.
12 We have some fairly recent aerials, we have online
13 databases we can research. But there is a lag time
14 between the most recent aerial photographs and
15 databases and what's there right now.

16 So what we're really looking for when we
17 do that, and we do it across the entire study area,
18 is to figure out if there are things that have
19 happened since we did our, you know, original
20 mapping, things like housing subdivisions and if
21 someone's built a wind farm, that happened recently.
22 So we're looking across the entire study area, not at
23 specific locations, to update the general land use of
24 the area.

25 Q. Was there a field review done specifically

1 between the time of the open house and the inception
2 date of D028, that being May 15th, 2024?

3 A. The field review I'm referring to was
4 conducted just before the open house.

5 Q. At that time were you considering a route
6 location that is now known to be D028?

7 A. Not specifically, no.

8 Q. I want to look at Exhibit 837 in the same
9 proximity folder, 8 -- Exhibit 837 and Exhibit 841.

10 JUDGE FEWELL: This one is towards the
11 back. It's a map, 837?

12 MR. HARDING: Yes, they depict maps. One
13 is a map from Appendix -- excuse me. It's from --
14 it's Figure 10 from JN-D1 and that is Exhibit 837.
15 And Exhibit 841 is a part of a data request 0032.0,
16 page 1 of 10.

17 MS. MARTIN: I -- sorry.

18 JUDGE FEWELL: Yes.

19 MS. MARTIN: I am so sorry. This is
20 going back to an old exhibit. I think -- I just
21 noticed on 820, I do think they also have names so
22 that was something I just wanted to --

23 JUDGE FEWELL: Yeah. I think it's listed
24 as confidential --

25 MS. MARTIN: Okay.

1 JUDGE FEWELL: -- and a public version.

2 MS. MARTIN: Okay. Good.

3 JUDGE FEWELL: From what I have --

4 MS. MARTIN: Awesome.

5 JUDGE FEWELL: -- on my list. Thank you.

6 BY MR. HARDING:

7 Q. Mr. Nicholas, the imagery date on
8 Exhibit 837 is in the bottom left-hand corner, and
9 I'm just using this because it was already available.
10 The Figure 10 is taken from the application,
11 Appendix E. I just wanted to ask you a question
12 about the imagery date that you used at the time of
13 the D028 inception and decision process being
14 February and March of 2022. Do you know why you used
15 imagery in 2000 -- in May of 2024, why you used
16 imagery from February of 2023 -- or 2022 for that --
17 for the purposes of identifying things I would
18 presume when you're trying to locate a line?

19 A. So I can tell you why we used this imagery
20 then. So we use an ArcGIS-based platform to do our
21 routing and mapping, and we stream aerial photographs
22 to that. Those are typically pretty up to date,
23 usually not more than a year old. So when we
24 originally did this, we were using that 2022 data.
25 And as you scroll across and zoom in, the date of

1 those aerial photographs can actually change
2 depending on, you know, the source and resolution of
3 the streaming data that's put on there.

4 So, you know, for whatever reason, you
5 know, the data streamed to us was February 2022.
6 And, you know, that -- that newer aerial photographs
7 can be added at any time, just not by us, by the
8 streaming vendor, which in this case is probably
9 Esri. They control the streaming data on that. It's
10 usually very good. It's very good resolution. It's
11 the latest easily available to us at the time.
12 That's -- I mean, that's the source we use.

13 Q. Was it your choice, since you can zoom to
14 different levels as I understand it, did you zoom to
15 different levels when you were investigating the
16 route that you were ready to relocate to?

17 A. Yes.

18 Q. Did you pay attention to the imagery date
19 and did you notice things? Did you find an imagery
20 date that would reflect perhaps a house that was
21 overlooked that had been there for more than a year?

22 A. I mean, we always pay attention to imagery
23 dates, but -- and we'd love to use the latest
24 available to us.

25 Q. Yeah, I would think so. Let me draw your

1 attention now to Exhibit 841. And this is a data
2 request response approved by you, Mr. Nicholas. And
3 again, I want to -- if you find Exhibit 841. It's
4 a -- it's a photo that's taken from EFIS. This is a
5 data request that was made and you responded in
6 December of 2024 to this data request and the date
7 stamp is in the bottom right-hand corner and you are
8 the one that approved this image. I notice that the
9 imagery observed on this particular photo is 12/23
10 of 2024 and you were working on this in December
11 of 2024. I'm wondering why you used such current
12 imagery, or did you notice the age of the imagery
13 when you did either of these? Is it something you
14 pay attention to?

15 A. Yes, it is. So this was produced later
16 and so the streaming data's later. It was produced
17 by a different person as well, not that that has any
18 particular bearing on it. I, by the way, can't see
19 the date on this. It's not visible to me.

20 Q. The ob -- the observed date in the bottom
21 left corner.

22 A. It's -- it's not here.

23 Q. I show 12/23 of 2024.

24 A. Yeah.

25 Q. Would you like to see my copy?

1 A. No. I can -- I can take your word for it.
2 It's -- again, it's not uncommon for aerial photos to
3 switch, you know, during the -- in the streaming
4 platform.

5 Q. And also this is -- this can be found on
6 EFIS under Data Request 0032, so it would be more
7 clear there.

8 JUDGE FEWELL: Mr. Harding, would you
9 like to offer Exhibit 841 and just mark it as
10 Confidential?

11 MR. HARDING: Yes, your Honor.

12 JUDGE FEWELL: Are there any objections
13 to Exhibit 841?

14 MR. DEARMONT: So I don't have an
15 objection to the full data request and the full
16 response coming in, but I would object to the
17 standalone image here. I believe that this is a
18 response to a broader question --

19 MR. HARDING: I'll withdraw my request,
20 your Honor.

21 JUDGE FEWELL: Okay.

22 BY MR. HARDING:

23 Q. Mr. Nicholas, I want to draw your
24 attention to Exhibit 825.

25 JUDGE FEWELL: Which packet is this in,

1 Mr. Harding?

2 MR. HARDING: This is still in the
3 proximity of the houses folder.

4 BY MR. HARDING:

5 Q. If I could, before I take you there, I
6 want to draw your attention to Exhibit 811. It's a
7 photo that accompanies what we just discussed.
8 Exhibit 811 is just a photo and another photo behind
9 it.

10 JUDGE FEWELL: Is that also in proximity
11 packet?

12 MR. HARDING: Yes.

13 JUDGE FEWELL: Okay. I'm not seeing 811.
14 Can anyone help me, if it's in the beginning? Oh,
15 it's the stapled --

16 MR. PRINGLE: Yeah. I'm holding it up
17 now, Judge. I think this is 811.

18 JUDGE FEWELL: Thank you.

19 MR. PRINGLE: But if someone could help
20 me find 825, I do not see that one.

21 MR. NICHOLAS: I do not have it.

22 MR. HARDING: 825 is contained within
23 Harding Data Request 18C that was visited in
24 Ms. Dettmers' --

25 JUDGE FEWELL: It's in Ms. Dettmers'

1 testimony, not -- packet, Exhibit packet, not in
2 Mr. Nicholas's?

3 MR. HARDING: It is in Mr. Nicholas's
4 also and --

5 JUDGE FEWELL: Okay.

6 MR. HARDING: It should be.

7 MR. PRINGLE: And what's the name of that
8 DR again, Mr. Harding?

9 MR. HARDING: 18C, Harding 18C. I
10 apologize because we're talking two different things
11 now, but. I got one thing ahead of the other.

12 JUDGE FEWELL: Okay. I thought it might
13 be that one. So it's -- is it cut off on the top if
14 everyone has it? There was one that has an 82.

15 MR. HARDING: Your Honor, if I could
16 approach.

17 JUDGE FEWELL: Yes.

18 MR. DEARMONT: I think that's it. I
19 think that's it.

20 JUDGE FEWELL: Yeah. Okay. Thank you.
21 So it should say JN-19 and JN-20 in the bottom left
22 corner if that helps anyone else.

23 MR. HARDING: If I could, just to finish
24 the line of thought that I was on.

25 BY MR. HARDING:

1 Q. Exhibit 811 is an imagery date -- is an
2 imagery dated 7/14 of 2024 if you see that in
3 Exhibit 811.

4 A. This?

5 Q. Yes.

6 A. Yes. I can see that.

7 Q. Mr. Nicholas, had you have used imagery
8 somewhat current, this would have been the view that
9 you would have seen. Had you have seen that view
10 from imagery, would it have changed your
11 considerations when you were deciding to reroute from
12 the D027 to the D028 given that one of your bullet
13 points was to avoid newer residences on the north
14 side of 46 Highway?

15 A. No.

16 Q. Okay. Now I want to look at Exhibit 825.

17 A. I -- I just don't have 825. I don't
18 know --

19 JUDGE FEWELL: It says 82. It should
20 say JN-19 on the bottom left if that helps.

21 MR. NICHOLAS: Which package?

22 MR. HARDING: It's an overlay map and
23 it's two images.

24 JUDGE FEWELL: Proximity to houses should
25 be the packet.

1 MR. NICHOLAS: This one. Oh, yeah. I've
2 got it. Thank you.

3 BY MR. HARDING:

4 Q. Do you recognize -- this is an overlay of
5 Exhibit 800. This overlay can be found in Harding
6 DR 18C. It was response that ATXI provided two
7 photos in my data request, 18C. You'll see it here
8 as Exhibit 825. It contains two photos. Exhibit 800
9 is the one I'm holding up and is the one found on
10 Leah Dettmers' invitations to the open houses. If
11 you have Exhibit 800.

12 JUDGE FEWELL: Mr. Nicholas, it should be
13 page 1 of that same packet, proximity to houses. I
14 guess page 2, the first after the cover.

15 MR. NICHOLAS: Oh. All right. Got it.

16 BY MR. HARDING:

17 Q. For references purposes if you would look
18 at Exhibit 800 for reference, do you identify within
19 Exhibit 825 the first photo as being a close-up
20 photo of Exhibit 800 or an overlay of that map?

21 A. Yes.

22 Q. If you look at the second photo of
23 Exhibit 825, do you recognize the shaded area in the
24 center of that photo between two residences as being
25 a closer version of the first photo in Exhibit 825?

1 A. Yes.

2 MR. HARDING: Thank you.

3 JUDGE FEWELL: Mr. Harding, would you
4 like to offer Exhibit 811?

5 MR. HARDING: Yes, your Honor.

6 JUDGE FEWELL: Are there any objections
7 to Exhibit 811, 811?

8 MR. DEARMONT: I'm not even sure, your
9 Honor. Is that a portion of your surrebuttal
10 testimony? Is that from your surrebuttal?

11 MR. HARDING: Yes. I'll withdraw it.

12 JUDGE FEWELL: Okay.

13 MR. HARDING: For expediency.

14 JUDGE FEWELL: Okay. How about 825?

15 MR. HARDING: I would like to enter 825,
16 both pages, your Honor.

17 JUDGE FEWELL: Is there any objection to
18 admitting Exhibit 825?

19 MR. HARDING: It's a response to my data
20 request.

21 MR. DEARMONT: Give me one second, your
22 Honor. See if this helps. So this portion of 825 is
23 a portion of a data request that has a much longer
24 response, some of which is confidential. But I guess
25 if it will -- if it would satisfy you, I mean, we

1 would, consistent with Mr. Nicholas's testimony, we
2 would stipulate that this image and agree that this
3 image is -- corresponds with the image contained in
4 Ms. Dettmers' testimony. Is that satisfactory?

5 MR. HARDING: Yes. It's -- there's 18 --
6 18B and 18C. Would it be more appropriate to include
7 the entirety of my data request to reflect the entire
8 exchange?

9 MR. DEARMONT: Well, I'm struggling a
10 little here because -- let's see. It looks to me
11 like Ms. Dettmers sponsored DR 18, Harding 18, so I'm
12 not quite sure where to go with that or the substance
13 of it. But I don't believe that Mr. Harding has laid
14 appropriate foundation for the admission of that
15 through Mr. Nicholas. I don't know what he does or
16 doesn't know about this DR. If we're talking about
17 the image, I think there's a way to get there, but in
18 terms of the substance as of right now, I would
19 object.

20 MR. HARDING: Is it possible -- the 825
21 is just the two images. Would you have an objection
22 to that just as an exhibit these two images?

23 MR. DEARMONT: Are you -- are you okay
24 with the handwritten descriptions here? I mean,
25 they're referencing some residences on your text. I

1 don't care if --

2 MR. HARDING: No. I -- I would eliminate
3 that. I would clean it up and provide for the
4 Court --

5 MR. DEARMONT: Yeah.

6 MR. HARDING: -- a clean version of the
7 two images.

8 MR. DEARMONT: I'm okay with that. Yeah.
9 No objection.

10 JUDGE FEWELL: An unaltered version?

11 MR. DEARMONT: Yes.

12 JUDGE FEWELL: Okay.

13 (Intervenor Harding Exhibit 825 was
14 admitted in part and made a part of the record.)

15 BY MR. HARDING:

16 Q. Mr. Nicholas, and -- there's an exhibit in
17 your portfolio, 837, and it's where you compare the
18 D027 to the D028 routes. Perhaps you're familiar
19 with that comparison evaluation. When was that
20 evaluation done?

21 A. Let me get to the -- you said 837?

22 Q. 837. Yes.

23 JUDGE FEWELL: Does this say page 30
24 of 54 in the bottom right?

25 MR. HARDING: Yes, your Honor.

1 JUDGE FEWELL: Okay.

2 MR. NICHOLAS: It looks like I might be
3 missing that page.

4 MR. DEARMONT: I hate to do this in the
5 middle of the questioning, but recognizing that
6 Mr. Nicholas has been up for a little over an hour,
7 can I at least ask maybe about how much -- how many
8 more questions you have or any estimate of time?

9 MR. HARDING: This is my final question.

10 MR. DEARMONT: Okay. That's -- very
11 good. Thank you.

12 JUDGE FEWELL: Then I'd like to recess
13 after this if that's okay with you.

14 MR. DEARMONT: Very good. Thank you.

15 MR. NICHOLAS: So which page were you
16 asking about?

17 BY MR. HARDING:

18 Q. It's Exhibit 837 in the top right corner.
19 This is from JN-D1, page 30 of 54 in JN-D1. It's a
20 comparison between D027 and D028. And my question is
21 when was this comparison done?

22 A. Did you say page 30 of 54?

23 Q. 30 of 54, yes.

24 A. All right. Found it.

25 Q. If you know about when this study was --

1 A. Yeah. Shortly after -- shortly after
2 the -- the public meetings and -- yeah. Shortly
3 after the public meetings.

4 Q. Late April, mid to late April?

5 A. I would -- around that time, yeah.

6 Q. Okay. And you did not know about one of
7 the residences at the time of this comparison. Would
8 that alter this comparison at all?

9 MR. DEARMONT: I would object as asked
10 and answered.

11 JUDGE FEWELL: Overruled. If he knows
12 the answer.

13 MR. NICHOLAS: Would -- would the
14 addition of one house change this comparison?

15 BY MR. HARDING:

16 Q. Yes.

17 A. Is that the -- no, it would not.

18 Q. Okay. And I read JN-D1 and you make note
19 of PFO wetlands, it's the fourth one from the bottom.
20 And in JN-D1 you describe PFO wetlands as the only
21 wetlands that are an issue with transmission line
22 placement. It's noticeable that the D028 has 15
23 acres versus 5 acres for the D027. Do you have
24 familiarity with what is required to address the PFO
25 wetlands that you will encounter with D028 that would

1 not be encountered with D027?

2 A. That would -- yes. There would likely be
3 some additional permitting and some additional
4 mitigation for that one issue.

5 MR. HARDING: Okay. I have no further
6 questions.

7 JUDGE FEWELL: Okay. Thank you,
8 Mr. Harding. Thank you, Mr. Nicholas. We'll take a
9 brief recess until 2:05 and we can reconvene then.

10 (Off the record.)

11 JUDGE FEWELL: Okay. We can go ahead and
12 get back on the record. I believe that it is cross
13 by McGinley Farms.

14 MS. BELL: Yes, your Honor. May I
15 approach?

16 JUDGE FEWELL: Yes, you may. And before
17 we proceed with this, I want to address we did not
18 give a spillover day. So it's 2:00 p.m. We have I
19 think five more witnesses after this, so be cognizant
20 of that, if we need to stay late in order to proceed.
21 Go ahead, Ms. McGinley. Or Counsel.

22 MS. BELL: Thank you. I'm handing the
23 witness what's been marked 952C and for the court
24 reporter. And I'll hand you this as well.

25 JUDGE FEWELL: Thank you.

1 CROSS-EXAMINATION

2 BY MS. BELL:

3 Q. Good afternoon, Mr. Nicholas. I'm
4 Stephanie Bell. I represent Ms. McGinley in this
5 case. Do you recognize 952C?

6 A. Yes.

7 Q. Is that a DR sent by Ms. McGinley that you
8 prepared the response to?

9 A. Yes.

10 Q. Okay. And I will note for the record that
11 it is -- the actual attachments are confidential.
12 Can you tell me generally what this DR depicts when
13 we flip the page?

14 A. So one question. I don't recognize the --
15 the pins on here. Were they part of the original?

16 Q. They were. I'll read from the DR response
17 for you. It says, Please see the attachment for a
18 preliminary sketch of pole structure locations.

19 Would it make sense to you that those
20 yellow pins depict pole structure locations?

21 A. That would make sense to me.

22 Q. Okay. And then if we're looking at that
23 first page following the response, are you familiar
24 generally with the McGinley parcel?

25 A. Generally, yes.

1 Q. Okay. And so since you're familiar with
2 that, the structure located up toward the north side
3 of that parcel, is that your understanding of the
4 McGinley residence?

5 A. The residence located just to the east of
6 that? Is that what you're referring to?

7 Q. Correct.

8 A. Yes.

9 Q. Okay. And so you would agree with me that
10 the Company's original proposal as well as their
11 Modification Two would both mean a structure located
12 on the McGinley residential parcel there in the
13 southwest corner of her parcel. Correct? You're --
14 yeah.

15 A. Yes.

16 Q. You're pointing to a yellow pin.

17 A. Yeah. Pointing to a yellow pin at the
18 intersection of H and whatever that east/west road
19 is.

20 Q. Okay. Thank you. Now, I understand you
21 have a copy of your testimony in front of you?

22 A. Yes.

23 Q. I'm looking at 11C which is the
24 confidential version of your rebuttal testimony.

25 And, your Honor, for your purposes, we are

1 going to attempt to steer clear of confidential
2 information, although I am working off the
3 confidential version.

4 Can you flip to page 3 for me please?

5 A. Yeah.

6 Q. All right. When we were discussing
7 the selection of D028, do you see on line 18 where
8 you said you made part of your routing process was
9 to follow property lines and roads. Is that
10 correct?

11 A. That's correct.

12 Q. Okay. And that's part of the best siting
13 criteria that you use. Is that correct?

14 A. That's part of the typical siting routing
15 practice.

16 Q. Okay. And I handed you the packet that I
17 handed out during my opening I believe. Do you have
18 this copy in front of you?

19 A. I don't have that with me.

20 Q. Okay. I'll hand you that. So Schedule
21 MS-3 which you now have in front of you which is
22 attached to Ms. McGinley's direct testimony, you
23 would agree with me that for the three McGinley
24 parcels impacted, you did not follow property lines
25 and roads. Correct?

1 A. That's correct.

2 Q. If you flip to page 14 of your testimony.
3 Are you there?

4 A. Yeah.

5 Q. Okay. On lines 5 and 6 you say that D028
6 paralyze -- parallels an existing transmission line
7 across all the parcels owned. Is that correct? Do
8 you see that?

9 A. I see that.

10 Q. Okay. Now, when you say the word -- the
11 word "parallels," you're -- is it your understanding
12 that the easements would not be the same?

13 A. So, yes. In this case paralleling means
14 paralleling, not overlapping easements.

15 Q. And so the lines wouldn't be co-located on
16 the same structures. Correct?

17 A. Correct.

18 Q. So we're talking new lines. Correct?

19 A. Correct.

20 Q. New structures. Correct?

21 A. Correct.

22 Q. And two separate easements. Correct?

23 A. Correct.

24 Q. You would agree that just because there's
25 an existing transmission line across a property, that

1 the property owner didn't necessarily agree to that
2 initial line. Correct?

3 A. I don't know how to answer that question.
4 The line had to be put there through some agreement.

5 Q. Or an eminent domain process. Right?

6 A. I wouldn't know.

7 Q. Okay. You -- let's look to page 15 of
8 your testimony. I'm looking at lines 1 and 2. And
9 there you're saying, It's considered -- I think for
10 one of the reasons why the Company proposed the route
11 it did, you said, It's considered poor practice to
12 fragment properties unnecessarily.

13 But I would like you to then turn to my
14 packet of maps. And if you flip to the second page,
15 MS-4, and we look at the existing lines with the red
16 dashes and your proposed route in a green line, you'd
17 agree that you didn't follow existing pathways for
18 the entirety of 28 route. Correct?

19 A. Correct.

20 Q. Okay. Did you estimate the cost of the
21 McGinley modifications?

22 A. I did not. ATXI did I believe.

23 Q. Okay. But your testimony is that the
24 modification would add just 150 feet and one
25 additional turn to the route. Correct?

1 A. Correct.

2 Q. And that's page 8 for the record, page 18,
3 lines 4 and 5. So you don't know what the cost is?

4 A. In dollar numbers I do not.

5 Q. Are -- did you read -- did you review
6 Staff's testimony in this case?

7 A. I don't believe I did.

8 Q. Okay. Which witness from ATXI would know
9 the cost of the modifications?

10 A. Maybe Sam Morris.

11 MS. BELL: Okay. At this time I'm going
12 to offer what was marked as, I think it's 952C;
13 that's the DR response.

14 JUDGE FEWELL: Is there any objection
15 to 952C being admitted?

16 MR. DEARMONT: No objection.

17 JUDGE FEWELL: Okay. So admitted.

18 (Intervenor McGinley-Krawczyk Farms
19 Exhibit 952C was admitted and made a part of the
20 record.)

21 MS. BELL: No further questions. Thank
22 you, your Honor.

23 JUDGE FEWELL: Thank you. Is there any
24 Commission questions for this witness? I have one
25 question here as well.

1 QUESTIONS

2 BY JUDGE FEWELL:

3 Q. Mr. Nicholas, you -- at one point it was
4 mentioned I think in your testimony somewhere where
5 it says that a thousand feet is not necessarily the
6 standard for distance from a residential home and a
7 transmission line. What is it typically from a
8 residential home, could you say?

9 A. There's no typical because it depends
10 entirely on the context. Like if you can image,
11 excuse me, routing a transmission line through an
12 urban or suburban area where there's limited room,
13 you may have hundreds of houses within 500 feet or
14 right on the edge of a right-of-way where in a rural
15 area you can have far less and you can -- you can --
16 you can be a little bit -- you can have, you know,
17 larger distances essentially. So that there is no
18 standard.

19 There are regulations and then there are
20 preferences not to take houses, right, which would --
21 if a -- if a house was within a right-of-way of a
22 transmission line, you know, you can't have that
23 for -- because of, you know, you know, conductors
24 swaying and all that; regulations don't allow it, so
25 that structure would have to be removed. So we do

1 really attempt more than anything else to avoid
2 houses or structures within the right-of-way if we
3 possibly can, but there is no actual standard.

4 JUDGE FEWELL: Okay. Thank you. Now
5 recross by the parties beginning with Staff.

6 MR. VANDERGRIFF: No cross from Staff.

7 JUDGE FEWELL: Okay. Office of Public
8 Counsel?

9 MS. MARTIN: I have no recross. Thank
10 you.

11 JUDGE FEWELL: Mr. Mathews, do you have
12 any questions about the -- if there's standards on
13 the --

14 MR. MATHEWS: No.

15 JUDGE FEWELL: Okay. Mr. Harding, do you
16 have any questions on that?

17 MR. HARDING: No, your Honor.

18 JUDGE FEWELL: Okay. And for
19 Ms. McGinley?

20 MS. BELL: No recross, your Honor.

21 JUDGE FEWELL: And now redirect.

22 MR. DEARMONT: Yeah. I'll be quick,
23 Judge.

24 REDIRECT EXAMINATION

25 BY MR. DEARMONT:

1 Q. Mr. Nicholas, if you have your direct
2 schedule, JM-D1, if you'd turn to page 30, I would
3 appreciate it.

4 A. Page 30.

5 Q. Correct. Page 30 of 54.

6 A. Yeah.

7 Q. You there?

8 A. Yeah.

9 Q. Mr. Harding asked you some questions about
10 this. Correct?

11 A. Yes.

12 Q. Specifically questions around the
13 difference of the effect of D027 and D028 on PFO
14 wetlands. Right?

15 A. Correct.

16 Q. As evidenced by the chart, that's one
17 input among many. Right?

18 A. Correct.

19 Q. Some of those inputs favor D027, and some
20 of those inputs favor D028?

21 A. That's correct.

22 Q. There was quite a bit of -- quite a few
23 questions about the location of D028 and the
24 proximity of the line to several houses. Do you
25 remember that line of questions?

1 A. Yes.

2 Q. One of those houses is the house that, for
3 sake of public testimony, I'll refer to as house
4 number four. Do you remember that line of testimony?
5 Do you know what I'm referring to?

6 A. Yes.

7 Q. Okay. And I think it was your testimony
8 that you said as a part of your field review, when
9 you drove around the study area, you didn't see that
10 house?

11 A. I did not.

12 Q. Okay. But is it your testimony that if
13 you had seen that house, if you knew that house
14 existed, that your recommendation would be the same?

15 A. Correct.

16 Q. Okay. How long have you been in the
17 routing industry?

18 A. I've been doing electric transmission
19 routing specifically for about 30 years.

20 Q. Any idea how many lines you've routed?

21 A. Dozens.

22 Q. Okay. Have you ever seen a perfect line
23 in terms of siting?

24 A. There is no such thing as a perfect route.

25 Q. Yeah. As you sit here today is the route

1 that ATXI -- D028, the route that ATXI has put before
2 this Commission for approval, in your professional
3 experience, do you believe that's a reasonable route?

4 A. It's a --

5 MS. BELL: I'm going --

6 MR. NICHOLAS: -- very reasonable route.

7 MS. BELL: -- to object.

8 I think that calls for a legal conclusion.

9 Sorry. I think it's within the Commission's
10 jurisdiction to determine whether the route is
11 reasonable.

12 JUDGE FEWELL: Is the question in his
13 professional capacity or?

14 MR. DEARMONT: It is, yeah. And I'm
15 happy to restate if that helps at all.

16 JUDGE FEWELL: Please do.

17 MR. DEARMONT: Sure. Yeah. I'll start
18 over.

19 BY MR. DEARMONT:

20 Q. I guess my question is in your
21 professional capacity and given your experience as,
22 you know, a routing expert in this industry, do you
23 continue to recommend that the Commission approve
24 D028?

25 A. Yes, I do.

1 Q. Okay. And perhaps I should qualify that
2 as subject perhaps to some of the modifications that
3 were discussed in the Company's rebuttal testimony?

4 A. Yes. Correct.

5 MR. DEARMONT: Okay. No further
6 questions. Thank you.

7 JUDGE FEWELL: Thank you. Mr. Nicholas,
8 you may be excused. Okay. ATXI, if you'd like to
9 call your next witness.

10 MS. PROROK: Your Honor, Christine Prorok
11 on behalf of ATXI. We call Chris Korsmeyer to the
12 stand.

13 JUDGE FEWELL: Okay. Mr. Korsmeyer, will
14 you raise your right hand.

15 (Witness sworn.)

16 CHRIS KORSMEYER,
17 the witness, having been first duly sworn,
18 testified as follows:

19 JUDGE FEWELL: You may proceed.

20 DIRECT EXAMINATION

21 BY MS. PROROK:

22 Q. Good afternoon, Ms. Korsmeyer. Could you
23 please state and spell your name for the record.

24 A. Chris Korsmeyer, C-h-r-i-s,
25 K-o-r-s-m-e-y-e-r.

1 Q. By whom are you employed and in what
2 capacity?

3 A. I work for Ameren Services in the real
4 estate department.

5 Q. Do you have in front of you what is marked
6 as Exhibit 12, the direct testimony of Tara Green?

7 A. Yes.

8 Q. And do you have in front of you
9 Ms. Green's supporting schedules, Exhibits 13, 14,
10 15C, 15P, and 16?

11 A. Yes.

12 Q. And did you adopt her testimony and
13 schedules in their entirety?

14 A. I did.

15 Q. Do you have also have what is marked as
16 Exhibit 17, the rebuttal testimony of Chris Korsmeyer
17 and supporting schedule, Exhibit 18?

18 A. Yes.

19 Q. Were your rebuttal testimony and
20 supporting schedules prepared by you or at your
21 direction?

22 A. Yes.

23 Q. And with respect to your testimony, if you
24 were asked those same questions today, would your
25 answers still be the same?

1 A. They would.

2 Q. And is the information contained in your
3 testimony and schedules true and correct to the best
4 of your knowledge and belief?

5 A. Yes.

6 MS. PROROK: Your Honor, at this time I
7 move for admission of the direct testimony of Tara
8 Green and supporting schedules, Exhibits 12, 13, 14,
9 15C, 15P, and 16 filed on July 16th, 2024 and would
10 also move for the admission of the rebuttal
11 testimony of Chris Korsmeyer and supporting schedule,
12 Exhibit 17 and 18 filed on August 14, 2025. And with
13 that I would tender the witness for cross-
14 examination.

15 JUDGE FEWELL: Okay. Are there any
16 objections to Exhibits -- let's take them each
17 separately I guess, quickly. Exhibit 12, any
18 objections? Any objections to Exhibit 13? 14? 15,
19 confidential and public? 16? 17? 18? 19? And 20,
20 confidential and public? Okay. So admitted.

21 (Company Exhibits 12 through 20 were
22 admitted and made a part of the record.)

23 (REPORTER NOTE: Exhibits 19 and 20C
24 and 20P were removed from this admission on page 204
25 of the transcript.)

1 JUDGE FEWELL: I think we begin with
2 Staff. Do you have any questions of this witness?

3 MR. VANDERGRIFF: No questions, your
4 Honor.

5 JUDGE FEWELL: Office of Public Counsel?

6 MS. MARTIN: No questions.

7 JUDGE FEWELL: Mr. Mathews, do you have
8 any questions of this witness? It's Star 6 to
9 unmute.

10 MR. MATHEWS: I have no question.

11 JUDGE FEWELL: Okay. Mr. Harding, do you
12 have any questions of this witness?

13 MR. HARDING: No, your Honor.

14 JUDGE FEWELL: And for McGinley Farms?

15 MS. BELL: Yes, briefly, your Honor.

16 CROSS-EXAMINATION

17 BY MS. BELL:

18 Q. If you could --

19 JUDGE FEWELL: I think you're muted.

20 MS. BELL: Thank you.

21 BY MS. BELL:

22 Q. If you could flip to, I think it's
23 Exhibit 17, rebuttal testimony. Is that -- do I have
24 the number right? Okay. And you can flip to page 8.

25 A. Okay.

1 Q. And at the same time I think my packet of
2 maps is still up there. Do you have this one? No?
3 I'll hand it to you.

4 A. Is this the page you're talking about?

5 Q. No. I think I'm on page 8.

6 A. Oh.

7 JUDGE FEWELL: 8 at the bottom or? I'm
8 looking on mine.

9 MS. BELL: Yeah, at the bottom.

10 JUDGE FEWELL: Okay.

11 BY MS. BELL:

12 Q. And I can read it to you. So on page 8
13 you say that ATXI intends to fairly compensate
14 landowners for the rights required for the
15 transmission line. Correct? Do you recall that
16 testimony?

17 A. Correct.

18 Q. Okay. And sitting next to you is
19 Schedule MS-4. Do you see that map?

20 A. Yes.

21 Q. And do you see how ATXI's proposed route
22 runs very near Ms. -- well, okay. You're going to
23 object to that. Runs less than a thousand feet from
24 Ms. McGinley's home. Do you see that?

25 A. I see where it's represented on the map,

1 yes.

2 Q. Okay. But you see that it's on an
3 adjacent parcel. Correct?

4 A. Correct.

5 Q. So Ms. McGinley won't be compensated
6 unless ATXI goes over that southwest corner of her
7 residential property. Correct?

8 A. Correct.

9 Q. But for the portion of the line that's
10 near her home, she doesn't -- she won't be
11 compensated at all. Correct?

12 A. The landowner will be compensated for the
13 easement rights that is needed on their property.

14 Q. Okay. And do you recall testimony about
15 the conservation reserve program? I think I'm on
16 page 12.

17 A. Yes.

18 Q. You don't have any land in the federal
19 conservation reserve program, do you?

20 A. Personally, no.

21 Q. Okay. And you didn't review the McGinley
22 CRP contract, did you?

23 A. Not at this time we have not.

24 MS. BELL: Okay. No further questions.

25 JUDGE FEWELL: Are there any Commission

1 questions for this witness? Redirect by the Company?

2 MS. PROROK: No redirect, your Honor, but
3 I did want to note for the admission of exhibits, I
4 think it was only Exhibits 12 through 18 that we
5 moved to admit --

6 JUDGE FEWELL: Okay.

7 MS. PROROK: -- through this witness,
8 not 19 and 20, so I just wanted to clarify that for
9 the record.

10 JUDGE FEWELL: Thank you. Okay.
11 Mr. Korsmeyer, I believe you're excused. And ATXI,
12 if you'd like to call your next witness.

13 MR. KUMAR: Thank you, your Honor. ATXI
14 would like to call to the stand Sam Morris.

15 JUDGE FEWELL: Okay. Mr. Morris, can you
16 raise your right hand.

17 (Witness sworn.)

18 SAM MORRIS,
19 the witness, having been first duly sworn,
20 testified as follows:

21 JUDGE FEWELL: All right. You may
22 proceed, Counsel.

23 DIRECT EXAMINATION

24 BY MR. KUMAR:

25 Q. Good afternoon. Can you please state and

1 spell your name for the record.

2 A. Yes. Sam Morris, S-a-m, M-o-r-r-i-s.

3 Q. By whom are you employed and in what
4 capacity?

5 A. I'm a senior manager of major projects
6 employed by Ameren Services Company.

7 Q. And are you in this case adopting the
8 direct testimony of Tracy Dencker --

9 A. Yes.

10 Q. -- identified as Exhibit 19?

11 A. Yes.

12 Q. And are you also adopting the accompanying
13 schedules?

14 A. Yes.

15 Q. And did you prepare for filing in this
16 proceeding rebuttal testimony, a confidential version
17 and a public version?

18 A. Yes.

19 Q. And, Mr. Morris, if I were to ask you the
20 same questions that appear in the direct testimony of
21 Tracy Dencker and your rebuttal testimony, would your
22 answers remain substantially the same?

23 A. Yes.

24 Q. And are those testimonies to the best of
25 your knowledge and belief true and accurate?

1 A. Yes.

2 MR. KUMAR: Thank you. At this time, your
3 Honor, I would like to move for the admission of the
4 following Ameren exhibits: Ameren Exhibits 19, 20C,
5 20P, 21, 22C, 22P, 23C, 23P, 24. And those were all
6 filed on July 16th of 2024. I'd also like to move to
7 admit 25C which was filed on August 15th, 2025 and
8 Exhibit 25P which was filed on October 16th of 2025.

9 JUDGE FEWELL: Okay. So I got ahead of
10 myself earlier. Are there any objections to
11 Exhibit 19? I'll go through those again. To Exhibit
12 20P and C? 21? 22P and C? 23P and C? 24? And 25P
13 and C? Okay. Those are so admitted.

14 (Company Exhibits 19 through 25 were
15 admitted and made a part of the record.)

16 MR. KUMAR: Thank you. I have no further
17 questions, your Honor, and Mr. Morris available for
18 cross-examination.

19 JUDGE FEWELL: Okay. Beginning with
20 Staff, any questions for this witness?

21 MR. PRINGLE: Yes, Judge. Thank you.

22 CROSS-EXAMINATION

23 BY MR. PRINGLE:

24 Q. Good afternoon, Mr. Morris.

25 A. Good morris.

1 Q. Were you present at the in-person LPHs
2 that were held in December of 2024?

3 A. Yes, I was.

4 Q. And do you recall hearing concerns from
5 landowners regarding clearance heights for the lines
6 and their farming equipment?

7 A. I do.

8 Q. Does ATXI address those concerns in its --
9 typically address those concerns in its planning for
10 transmission lines?

11 A. Yes. Our lines are designed to meet all
12 of the code requirements for the NESC. On top of
13 code requirements we include additional buffer for
14 clearance in our engineering standards.

15 Q. And with the code requirements and ATXI's
16 engineering standards, what typically is that
17 clearance height?

18 A. The minimum clearance height for a 345 kV
19 line is 25 feet.

20 Q. And then do you also recall hearing
21 landowners voice concern regarding any damage to
22 their property from the installation and maintenance
23 of these lines?

24 A. Yes.

25 Q. Does ATXI typically propose a plan to

1 mitigate any damage to the property from installation
2 and maintenance?

3 A. Yes. Our plan, we would anticipate fairly
4 compensating landowners for damages to their
5 property, whether that be up-front payments for
6 prepaid damages or actual damages after work is
7 performed.

8 Q. And those kind of plans, those are
9 applicable to this CCN application as well. Correct?

10 A. That's correct.

11 MR. PRINGLE: Thank you, Mr. Morris. No
12 further questions, Judge.

13 JUDGE FEWELL: Thank you, Mr. Pringle.
14 Are there any questions by Public Counsel?

15 MS. MARTIN: Just one, and it's to go off
16 of what Mr. Pringle said.

17 CROSS-EXAMINATION

18 BY MS. MARTIN:

19 Q. You said that you have plans to compensate
20 landowners for damages that ATXI's maintenance and
21 operation of the lines cause or may -- you know what
22 I mean. Has ATXI to your knowledge made any sort of
23 payments to landowners for such construction and
24 maintenance of these lines in the past?

25 A. Are you referring to similar lines, like

1 other lines that we've constructed?

2 Q. Yes. Lines like the -- yeah, transmission
3 lines such as this one or similar, yes.

4 A. Yes. That would -- that would be a common
5 practice for us for transmission lines that we
6 construct or have constructed in the past and are
7 performing maintenance on.

8 Q. And do you have any mitigation efforts
9 within the company to avoid those damages as well?

10 A. Yes. We try to plan our construction in
11 using methodologies that can reduce impacts. So in
12 this particular case I think I've had my testimony
13 that we would plan to try to do much of the
14 construction in the summer and fall months.
15 Typically those can be drier. We can't exclusively
16 perform construction during those periods, but we try
17 to look at it with our contractors, identify the
18 areas that are most vulnerable and plan construction
19 in those areas when we anticipate drier weather.

20 We also try to incorporate feedback from
21 landowners who know their property and communicate
22 that to us either through open houses or more
23 typically when we're discussing purchase of
24 easements, they can provide us that feedback on
25 particular sensitivities on their property.

1 MS. MARTIN: Okay. Thank you. That's all
2 I have.

3 JUDGE FEWELL: Okay. Are there any
4 questions from Mr. Mathews for Mr. Morris? Star 6 to
5 unmute yourself if you're appearing by phone.

6 CROSS-EXAMINATION

7 BY MR. MATHEWS:

8 Q. Mr. Morris, can you hear me?

9 A. Yes, sir, I can.

10 Q. I'm going to refer to your rebuttal
11 testimony to me. It has a big C at the bottom. It
12 has to do with a couple of questions and it says,
13 Have ATXI engaged in discussions with Mr. Mathews
14 regarding alternatives for reroutes for the FDIM
15 project.

16 Do you recall what your answer was?

17 A. I have it here, yes.

18 Q. Could you read that?

19 A. Yeah. Page 15 of my rebuttal testimony
20 starting on line 21: Yes. ATI -- ATXI has engaged
21 in discussions to obtain information from Mr. Mathews
22 regarding his concerns and potential sensitivities or
23 constraints on or near his property. However, as
24 described above --

25 Q. And -- go ahead.

1 A. However as described above, Mr. Mathews is
2 proposing that the Commission should order a
3 wholesale change to follow a different route such as
4 D027.

5 Q. Have you ever talked to me personally
6 before today?

7 A. No, sir.

8 Q. And who would -- who would have talked to
9 me? Who would this individual be? Do you know their
10 name?

11 A. I'm going off of recollection, but I
12 believe Scott Gross. Typically it would have been a
13 member of one of our -- either our public outreach or
14 real estate professional.

15 Q. Uh-huh. Do you know what he proposed to
16 me?

17 A. I do not recall at this time.

18 Q. Yeah. He basically said he wanted to move
19 the line maybe to the other side of the road which
20 would involve 70 acres crossing my property rather
21 than 40 acres. Other than that, it was a very short
22 conversation. So engaged in conver -- discussions to
23 obtain information might be quite limited.

24 On your first question is, Has Mr. Mathews
25 proposed route adjustments affecting his property.

1 What was -- can you read the answer?

2 A. Yes. Beginning on line 17: No.

3 Mr. Mathews does not directly propose any route
4 modification in his direct testimony. Instead
5 Mr. Mathews appears to offer an opinion that
6 Route D027 would be better.

7 Q. Yeah. Well, if you go back to testimony
8 I've given back in January and February of 2025 when
9 I became really aware of this project, I did suggest
10 and recommend that D027 be the one.

11 I have a couple of other questions for you
12 here. Can you describe what the corona discharge is
13 for a 345 volt power lines and what you do about it?

14 A. If you're referring to a specific
15 magnitudes or measurements, no. I'm generally aware
16 of the corona phenomenon.

17 Q. Do you know the decibel -- decibel level
18 of that, that's a hum or a crackling?

19 A. I do --

20 Q. And when it's worse than at times?

21 A. I do not know the decibel levels. Again,
22 I'm -- I'm generally aware that in overcast or foggy
23 days, it can be louder than on clear summer days.

24 Q. Okay. Thank you. Describe for me,
25 because you were quoted in a rebuttal testimony by

1 Mr. Nicholas, what is a hog farm sensitivity?

2 A. Yeah. So the hog farm --

3 Q. Go ahead.

4 A. The hogs -- hog farm sensitivity, so we
5 are aware of a property located along what was
6 originally Route D027 that is owned by a
7 USDA-regulated entity which has hog farm operations.

8 Q. Uh-huh. How does it affect the
9 reliability of the line and the cost is what my
10 question is? Because you state, To ensure the
11 reliability of the line and avoid unnecessary costs.

12 What would those costs be or what does
13 that entail? Just explain it to me in your own
14 terms. Trying to -- trying to understand what
15 sensitivities are to hog farms as opposed to a farm
16 like mine.

17 A. Yes, sir. So generally I would refer back
18 to my rebuttal testimony on page 10 that outlines
19 some of the restrictions that I'm aware of that exist
20 on a hog farm. It is my understanding that there can
21 be stringent requirements and restrictions associated
22 with access to those properties to protect the health
23 and welfare and -- of the livestock within the farm
24 and that those restrictions can be problematic for
25 performing construction and maintenance on

1 transmission or other infrastructure facilities.

2 Q. And that -- would it be true for anybody
3 owning a house or planning on building a house
4 associated with an easement. Is that correct? It's
5 only associated with hog farms?

6 A. I don't know that I could speak in
7 absolute terms in the way that you have, but
8 typically the easement languages that we agree upon
9 with landowners do not contain the same type of
10 restrictive access requirements that a USDA-regulated
11 facility would.

12 Q. Yeah. And last question is who owns these
13 hog farms? Because they've been stated as the
14 primary reason for why the switch was made.

15 A. Yeah. I'd have to look into our records
16 for the specific owners, but I think it's Smithfield
17 Farms. I think I've heard it referred to as KC-2. I
18 don't -- I don't know. I'd have to look at the
19 specific records though.

20 Q. And would that be possibly an
21 international company owned by somebody else in a --
22 in a foreign country?

23 A. I -- I think that may be correct, but
24 again, I'd have to -- I'd have to double check with
25 our real estate folks.

1 MR. MATHEWS: Okay. That ends my
2 questions. Thank you.

3 JUDGE FEWELL: Thank you, Mr. Mathews.
4 Mr. Harding, do you have any questions for this
5 witness?

6 MR. HARDING: Yes, your Honor.

7 CROSS-EXAMINATION

8 BY MR. HARDING:

9 Q. Good afternoon --

10 A. Good afternoon --

11 Q. -- Mr. Morris.

12 A. -- Mr. Harding.

13 Q. Just to follow up real quick with what
14 Mr. Mathews said, do you know the hog farm property
15 to be owned by the Chinese?

16 A. I do not.

17 Q. Okay. Are you familiar enough with
18 Harding Modification Four to discuss it without
19 review?

20 A. I'd -- I'd have to probably look at the
21 map to refresh myself on which one number four is.

22 Q. If I could just refresh you, it -- or
23 to -- rather than identify it, I'll identify it this
24 way. It's in data request 57.0, Attachment 1,
25 Confidential. That lists your -- the four Harding

1 modifications. It's the one, if I may, it's what I
2 consider the next era path. It follows the D027
3 route for quite a ways on the north part. Does that
4 refresh your memory, Mr. Morris?

5 A. Again, I'd -- at probably a general level.
6 It probably depends on how specific the questions are
7 going to be.

8 Q. I just have one question about -- here's
9 my question, then we'll work backwards from that.
10 Harding Modification Four crosses 46 Highway in the
11 same location as the D027 route did. But it is not
12 the D027 route. It picks up the D028 in a different
13 position and what it does is avoids houses within
14 this portion of the area on either side of 46 Highway
15 which is the highly-populated area that ATXI has said
16 from the start they were trying to be avoid these
17 residences. Those two options exist. Do you agree
18 that either of those options, both of those options
19 do provide over 1,200-feet clearance to all
20 residences in the proximity of 46 Highway?

21 A. So again, I'd probably have to -- to see
22 the map to be able to answer directly. My
23 recollection is if it follows what was
24 preliminary Route D027 north of Highway 46,
25 approximately 1,200-feet clearance to the nearest

1 residences was an accurate statement.

2 Q. I'd be happy to approach and let you see
3 this if you want accuracy, if that's all right.

4 JUDGE FEWELL: Yeah, that's fine.

5 MR. MORRIS: Thank you.

6 BY MR. HARDING:

7 Q. So my question was about Harding
8 Modification as depicted there and also D027 which
9 I know you're familiar with and I believe you
10 already answered that. My question was do both of
11 those options at the Highway 46 in that portion
12 provide over 1,200-feet clearance to all residences
13 along 46 Highway and they don't impose on anybody
14 else in the area depicted by Modification Four, the
15 two points of Modification Four?

16 A. And -- and again I would say that that --
17 that generally sounds to be correct and I'd have to
18 confirm with Mr. Nicholas's routing testimony to
19 confirm for those two specific residences.

20 Q. And one question on the hog barn farm.
21 Have you spoken to anyone that manages the hog barn
22 farm? I know you listed some concerns, one of which
23 was a lagoon. Are you familiar with any lagoons in
24 the area that the line was going to go, old lagoons
25 or new lagoons? Do you know any of the concern that

1 you listed in your -- one of your testimonies?

2 A. I have not spoken to anybody at the hog
3 farm directly.

4 Q. And do you know of any such lagoons that
5 you mentioned in your testimony?

6 A. No.

7 MR. HARDING: That's all I have. Thank
8 you.

9 JUDGE FEWELL: Okay. Cross from McGinley
10 Farms?

11 MS. BELL: Yes, thank you.

12 CROSS-EXAMINATION

13 BY MS. BELL:

14 Q. I'm looking at 25C which is your rebuttal
15 testimony. Can you flip to that for me?

16 A. Yes, ma'am.

17 Q. Thank you. Let's flip to page 14.

18 A. I'm there.

19 Q. And for the sake of the record we're going
20 to avoid property owner names, but I'll note that
21 there's a property owner name there. It's the owner
22 of the parcel just to the west of Ms. McGinley. Are
23 you familiar with that property owner, Mr. Morris?

24 A. Yes, ma'am.

25 Q. Okay. And here in lines two and three,

1 you said the representative of that parcel was
2 unwilling to agree to any change from the proposed
3 route. Do you see that?

4 A. I do.

5 Q. That property owner did receive notice
6 that their property would be impacted. Correct?

7 A. I believe that is a correct statement, but
8 I'd have to probably defer the specific answer to
9 Ms. Dettmers.

10 Q. Okay. Your original route depicted on
11 this map impacts that property. Correct?

12 A. They would be within our notice corridor
13 for the proposed route.

14 Q. Okay. So regardless of what her testimony
15 says, this property owner should have received notice
16 that they would be impacted. Correct?

17 A. I believe that's a correct statement.

18 Q. Okay. And so back to your statement that
19 that representative was unwilling to agree to any
20 change, is it fair to say that Ms. McGinley also
21 doesn't agree with the proposed route over her
22 property?

23 A. I think that is a fair statement.

24 Q. If we flip to page 15, it's still your
25 testimony today that the proposed McGinley

1 modifications are, quote, technically constructible.
2 Is that right?

3 A. With the clarification that I believe the
4 original Modification One may impact a landowner that
5 was not noticed.

6 Q. Which landowner would that be?

7 JUDGE FEWELL: Do we need to go into
8 camera for this?

9 MS. BELL: I think we can do it by
10 directions --

11 MR. MORRIS: I --

12 MS. BELL: -- perhaps.

13 MR. MORRIS: Yeah. I don't know the name
14 of the landowner, so --

15 JUDGE FEWELL: Okay. Just making sure.

16 MR. MORRIS: -- I can't -- I believe
17 southwest of the intersection there, so where the
18 black line crosses the -- is it H, I'm not -- I'm not
19 confident that that landowner has been notified.

20 BY MS. BELL:

21 Q. Okay. So you believe the property that is
22 essentially caddy-corner from the McGinley residence
23 might be impacted?

24 A. I -- I do not believe that they had been
25 noticed in our original proposed route.

1 Q. Okay. But given -- so what you're saying
2 is if we shift that black line to the northeast just
3 slightly, that perhaps the lines could cross the
4 McGinley property without the structures having to be
5 in her row crop field. Would that be a possibility?

6 A. Pending engineering analysis, I would
7 say that we had identified a potential residence on
8 the -- the smaller property there. If you shift that
9 north -- that black line to the northeast, you may
10 impact that residence.

11 Q. Okay. And are you aware about that that
12 residence is currently vacant?

13 A. I am aware of claims that that residence
14 is vacant. I don't -- I have not confirmed anything.

15 Q. Okay. Did you review Ms. McGinley's
16 direct testimony?

17 A. At one point I did.

18 Q. So do you remember seeing pictures of a
19 house with no windows?

20 A. I remember seeing pictures of a house.
21 I -- I will take your words that there were no
22 windows.

23 Q. Okay. And also attached to her testimony
24 was a For Sale bulletin noting that there was
25 investment agricultural land that made no reference

1 to a residence. Do you remember that schedule?

2 A. I recall the For Sale. I don't recall
3 specifics of it.

4 Q. Okay. I want to talk a little bit -- I
5 think I was directed to you about costs. And so I
6 think in your testimony you suggested that the
7 modifications would increase the cost. Do you recall
8 that --

9 A. I do.

10 Q. -- generally?

11 And I do believe it was actually -- you
12 were here for -- let's see, I think Mr. -- was it
13 Mr. Korsmeyer? I think it's going to add 150 feet in
14 an angular structure. Is that your recollection of
15 what the modifications would require?

16 A. That sounds proportionally correct.

17 Q. Okay. And did you review Staff's
18 testimony in this case?

19 A. I did.

20 Q. Okay. And so you are aware that
21 Ms. Eubanks testified that Staff wouldn't object to
22 modifications that would be less than 2 percent of
23 the total project cost. Do you remember her
24 testimony about that?

25 A. I do.

1 Q. Total project cost, 120.5 million?

2 A. Correct.

3 Q. And I'm a lawyer, not a mathematician, but
4 I'm looking at 2.41 million might be 2 percent of
5 that?

6 A. Sounds right.

7 Q. So Staff says as long as it's under 2.41
8 million, they'd be okay with the modification.
9 Right?

10 A. Not necessarily speaking for Staff, but
11 that's roughly what I understand them to say.

12 Q. Okay. And so we just talked about the
13 modifi -- and I don't think it's in the testimony
14 what the exact estimate for the McGinley
15 modifications are. But I think if we flip to page 12
16 of your testimony, you did put in an estimate for the
17 Hiatts' modification. And there you would agree that
18 you said adding again 1.2 miles and 6 heavy angle
19 structures would be \$1.7 million. Right?

20 A. Medium and/or heavy angle structures, but
21 yes.

22 Q. Okay. So if go from 1.2 miles to 150 feet
23 and we go from 6 structures to 1 angular structure,
24 you'd agree that the estimate for Ms. McGinley's
25 modifications would be substantially less than the

1 number for the Hiatts'. Right?

2 A. Yes.

3 MS. BELL: No further questions.

4 JUDGE FEWELL: Thank you, Ms. Bell. Are
5 there any questions from the Commission for this
6 witness? Hearing none, redirect from ATXI.

7 MR. KUMAR: Yes, your Honor. Just a
8 couple of questions real quick.

9 REDIRECT EXAMINATION

10 BY MR. KUMAR:

11 Q. Mr. Morris, do you know how many
12 structures based off of the preliminary design were
13 located on Ms. McGinley's property, a parcel or a
14 residence as it sits?

15 A. I -- I don't know for sure, but I believe
16 there's at least one.

17 Q. Is the line technically constructible with
18 no structures to be located on Ms. McGinley's
19 property?

20 A. Along the proposed route, I don't -- I
21 don't believe it would be.

22 Q. How about on any of the Modifications One
23 or Two?

24 A. I believe Modification One would allow no
25 structures on the property. Modification Two I

1 believe would still require at least -- at least one
2 structure on the property.

3 MR. KUMAR: All right. No further
4 questions. Thank you.

5 JUDGE FEWELL: Thank you, Mr. Morris. I
6 think you're excused. And now it's Staff's witness.

7 MR. VANDERGRIFF: Staff presents
8 Mr. Shawn Lange.

9 JUDGE FEWELL: Mr. Lange, would you raise
10 your right hand.

11 (Witness sworn.)

12 SHAWN LANGE,
13 the witness, having been first duly sworn,
14 testified as follows:

15 JUDGE FEWELL: Staff, you may proceed.

16 DIRECT EXAMINATION

17 BY MR. VANDERGRIFF:

18 Q. Please state and spell your name for the
19 record.

20 A. My name is Shawn Lange, S-h-a-w-n,
21 L-a-n-g-e.

22 Q. How are you employed?

23 A. I am a senior professional engineer with
24 the Missouri Public Service Commission Staff.

25 Q. Did you prepare or cause to be prepared

1 any testimony with regards to our recommendation
2 marked as Exhibit 100?

3 A. I prepared part of Staff's report or
4 recommendation, yes.

5 Q. Do you have any changes or corrections to
6 your part of that report?

7 A. Not to my knowledge, no.

8 Q. And are the answers contained in your
9 report true and correct to the best of your knowledge
10 and belief?

11 A. Yes.

12 Q. If I were to ask you the same questions
13 today, would you -- would your answers be the same?

14 A. Yes.

15 MR. VANDERGRIFF: I move for the admission
16 of -- actually I'll just wait until we get to Claire
17 for Exhibit 100. But I do tender Mr. Lange for
18 cross-examination.

19 JUDGE FEWELL: Thank you,
20 Mr. Vandergriff. Cross by ATXI?

21 MR. FOSCO: No cross, your Honor.

22 JUDGE FEWELL: Cross from Public Counsel?

23 MS. MARTIN: No cross, your Honor.

24 JUDGE FEWELL: Cross by Mr. Mathews? It
25 is Star 6 to unmute yourself.

1 MR. MATHEWS: No cross.

2 JUDGE FEWELL: Cross from Mr. Harding?

3 MR. HARDING: No, your Honor.

4 JUDGE FEWELL: And cross from

5 Ms. McGinley?

6 MS. BELL: No, your Honor. Thank you.

7 JUDGE FEWELL: Mr. Lange, I think you

8 may -- are there any Commission questions?

9 Mr. Lange, you can be excused.

10 MR. LANGE: Thank you.

11 JUDGE FEWELL: Staff, your next witness.

12 MR. PRINGLE: Thank you, Judge. Staff

13 now calls Claire Eubanks to the stand.

14 JUDGE FEWELL: Ms. Eubanks, will you

15 raise your right hand.

16 (Witness sworn.)

17 CLAIRE EUBANKS,

18 the witness, having been first duly sworn,

19 testified as follows:

20 JUDGE FEWELL: Staff, your witness.

21 MR. PRINGLE: Thank you, Judge.

22 DIRECT EXAMINATION

23 BY MR. PRINGLE:

24 Q. Good afternoon, Ms. Eubanks.

25 A. Good afternoon.

1 Q. Please state and spell your name for the
2 record.

3 A. Claire Eubanks, C-l-a-i-r-e,
4 E-u-b-a-n-k-s.

5 Q. Thank you, Ms. Eubanks. And by whom are
6 you employed and in what capacity?

7 A. I'm the manager of the engineering
8 analysis department for the Missouri Public Service
9 Commission.

10 Q. And are you the same Claire Eubanks who
11 contributed to the Staff recommendation in this
12 matter which has been premarked as Exhibit 100P
13 and 100C?

14 A. Yes.

15 Q. And are you the same Claire Eubanks who
16 caused to sponsor the corrected surrebuttal testimony
17 of Claire Eubanks which has been premarked as Staff
18 Exhibits 101P and 101C?

19 A. Yes.

20 Q. At this time do you have any corrections
21 or additions to make to your contributions to
22 Exhibits 100 or 101?

23 A. No.

24 Q. And are your contributions to Exhibit 100
25 true and correct to the best of your believe and

1 knowledge?

2 A. Yes.

3 Q. And are your answers within Exhibit 101
4 true and correct to the best of your belief and
5 knowledge?

6 A. Yes.

7 Q. If I were to ask you about your
8 contribution to Exhibit 100 or ask you the question
9 within Exhibit 101, would your answers today be the
10 same or substantively similar?

11 A. Yes.

12 MR. PRINGLE: At this time, Judge, Staff
13 moves to enter Exhibits 100, public and confidential,
14 and Exhibit 101, public and confidential, onto the
15 record.

16 JUDGE FEWELL: Are there any objections
17 to Exhibit 100, public and confidential? So
18 admitted.

19 (Staff Exhibit 100C and 100P were
20 admitted and made a part of the record.)

21 JUDGE FEWELL: Are there any objections
22 to Exhibit 101, public and confidential? Also
23 admitted.

24 (Staff Exhibit 101C and 101P were
25 admitted and made a part of the record.)

1 MR. PRINGLE: Thank you, Judge. And
2 before I tender Ms. Eubanks for cross, we do have
3 copies of her schedule CME-S3 which is a comparison
4 of the various route modifications if the
5 Commissioners would like us to provide them a copy of
6 that schedule.

7 JUDGE FEWELL: I believe so. Yes. Thank
8 you. If at any time we need to go in camera for this
9 portion as well, please let me know.

10 MR. PRINGLE: And if any party would like
11 it as well, we can also provide it to the parties.
12 But again, this is Schedule CME-S3 attached to the
13 corrected surrebuttal of Claire Eubanks.

14 JUDGE FEWELL: Does Staff intend to offer
15 this as an exhibit or just --

16 MR. PRINGLE: It has been entered with
17 her surrebuttal.

18 JUDGE FEWELL: Okay.

19 MR. PRINGLE: And with that I tender
20 Ms. Eubanks for cross-examination.

21 JUDGE FEWELL: Okay. Any cross from
22 ATXI?

23 MR. FOSCO: Yes. Just a brief question.
24 Good after --

25 JUDGE FEWELL: Mr. Fosco, your --

1 MR. FOSCO: Oh, my mic. Sorry.

2 JUDGE FEWELL: Thank you.

3 CROSS-EXAMINATION

4 BY MR. FOSCO:

5 Q. Good afternoon, Ms. Eubanks. Carmen Fosco
6 for ATXI.

7 A. Good afternoon.

8 Q. And I'm sorry. Just, could you clarify,
9 is your testimony about the cost limits for route
10 modifications, is that confidential still?

11 A. I don't believe so. We had marked it
12 Confidential based on Mr. Morris's testimony being
13 entirely confidential and that was refiled, so.

14 Q. Thank you.

15 A. That was the correction.

16 Q. Okay. Thank you. I just wanted to
17 clarify before I asked the questions --

18 A. Sure.

19 Q. -- here in open session.

20 So you have a recommendation that the --
21 any consideration by the Commission of route
22 modification should be subject to a cost cap of 1
23 to 2 percent. Is that correct?

24 A. I -- I think it's a, more of a guideline,
25 but to -- to maintain some consideration of cost.

1 Q. Okay. So the guideline would be that if a
2 route modification or a combination of route
3 modifications exceeds 1 to 2 percent of the project
4 cost, the -- you're recommending that the Commission
5 exercise caution before exceeding that, that --

6 A. Yes.

7 Q. -- level?

8 And would you agree that that's sort of a
9 macro limit on route modifications?

10 A. What do you mean by macro limit?

11 Q. Well, let me ask it this way then. So
12 that's an overall cost guideline, correct, based on
13 the total project cost?

14 A. Yes.

15 Q. And would you also agree that in approving
16 any route modification, the Commission should look at
17 the specifics of the route modification looking at a
18 range of factors from feasibility, cost and benefits
19 of the particular route modification?

20 A. I think that would be reasonable to do
21 so.

22 MR. FOSCO: Thank you. No further
23 questions, your Honor.

24 JUDGE FEWELL: Thank you, Counsel. From
25 the Office of Public Counsel.

1 CROSS-EXAMINATION

2 BY MS. MARTIN:

3 Q. Good afternoon, Claire.

4 A. Good afternoon.

5 Q. Just quick questions based off of what
6 Mr. Fosco said. So you were talking about -- you
7 both were talking about your guidelines for the
8 Commission and those guidelines, as he said,
9 they're -- you're not hard and fast. If it would
10 possibly cost slightly more, it's something that the
11 Commission should consider, but you wouldn't say,
12 Don't do it, if costs 2.5 percent more?

13 A. So one of the factors the Commission
14 typically considers is economic feasibility.

15 Q. Uh-huh.

16 A. So we wanted to give some guidance to the
17 Commission on where we would not be concerned that a
18 modification could -- you know, it wouldn't trigger a
19 new review from Staff on economic feasibility of the
20 project.

21 Q. But they -- they aren't hard and fast.
22 They aren't -- if it goes 2.1 percent, you wouldn't
23 say, We're going to have to relook at all of this
24 necessarily?

25 A. We will do what's asked of us, of the

1 Commission, but I --

2 Q. Okay.

3 A. -- I think it was supposed to be kind of a
4 range.

5 MS. MARTIN: Okay. Thank you. That is
6 all I have.

7 JUDGE FEWELL: Thank you, Ms. Martin.
8 Mr. Mathews, do you have any questions for
9 Ms. Eubanks? It is Star 6 to unmute yourself if you
10 are appearing by phone.

11 MR. MATHEWS: I do not have any questions
12 for her.

13 JUDGE FEWELL: Okay. Mr. Harding, do you
14 have any questions for Ms. Eubanks.

15 MR. HARDING: Yes, your Honor.

16 CROSS-EXAMINATION

17 BY MR. HARDING:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. There's been a lot of -- I think I can
21 proceed in the interest of time if that's all right
22 with everybody. I'm just referring to the data
23 requests. They started with 12.0 and went
24 through 12.3. They all are -- aim towards getting
25 more information about ATXI's relationship with the

1 hog barn property and who was notified. And so I
2 don't know if you're the right person with Staff, but
3 I know Staff did address and did make these four data
4 requests.

5 A. I believe they're attached to my
6 surrebuttal testimony.

7 Q. Okay. Very good. Is it reasonable to
8 assume that Staff sees this property as eligible for
9 a route, thus the request to find out whether anybody
10 talked to them or not to get the concerns from
11 firsthand people? Is it reasonable --

12 MR. PRINGLE: Objection to the extent it
13 calls for a legal conclusion.

14 MR. HARDING: I'll restate.

15 JUDGE FEWELL: I'll sustain it. If you
16 can restate it or rephrase it.

17 BY MR. HARDING:

18 Q. What is the reason that Staff sent four
19 data requests specifically about the hog barn
20 property?

21 A. I think those were -- to the best of my
22 recollection, we sent those DRs after the local
23 public hearing and in part because of the issues
24 raised by the landowners in this case wanting to
25 better understand what caused the reroute

1 modification. I could be mistaken on the timing, but
2 that's my recollection.

3 Q. So it's your testimony no conclusion
4 should be drawn as to whether or not Staff's interest
5 in that question should be considered that that
6 property is eligible? Does Staff have a position on
7 whether or not the hog barn property is eligible?

8 A. Are -- are you asking if the hog farm was
9 notified of the --

10 Q. No. I'm asking if -- notifications are
11 kind of a separate subject at this point I think.

12 Does Staff have a position as to the
13 eligibility? D027 was going to go on the hog barn
14 property for approximately a half a mile.

15 A. That is my understanding.

16 Q. Yeah. And it's a point of -- it's the
17 biggest point that ATXI is relying on that they will
18 not consider D027, the alternate route as determined
19 by Staff. And I'm just wondering if Staff has a
20 position on whether or not the Commission should
21 consider the hog barn property as eligible or do you
22 consider it ineligible, not to be considered? Those
23 data questions are 12.0, 12.1, 12.2, and 12.3 for
24 reference, but they basically just deal with -- it's
25 a request to find out if there was any communication

1 between the Company and ATXI, which we have
2 reconfirmed that there was no communication.

3 A. I don't think Staff has a particular
4 position on the hog farm property itself. We --

5 Q. As far --

6 A. -- wanted to provide information for the
7 Commission so they had the information to make a
8 decision.

9 Q. So its Staff doesn't have a position on
10 the eligibility for a line to go on there or it's not
11 eli -- you don't have a position on the eligibility
12 of it?

13 A. I -- I guess I'm -- I'm struggling with I
14 don't know what you mean by eligibility.

15 Q. Staff argues that the concerns for
16 contamination, that it's to be avoided because it's
17 somehow a USDA hog farm facility.

18 A. I think that's -- that is ATXI.

19 Q. That's an ATXI position. Correct.

20 A. Right. That is not Staff's position.

21 Q. Okay. Staff -- very good. Then I want to
22 ask you one other thing. Commission ordered, and I
23 believe it was a Staff's recommendation, the LPH,
24 January 16th LPH. And you're familiar with that?

25 A. I am, yes.

1 Q. Does Staff -- consider and I know the
2 reason for that as I -- as I read. Is it Staff's
3 position that that January 16th LPH satisfied notice
4 to the people along D027, even though they weren't
5 sent the July 5 letter from ATXI?

6 MR. PRINGLE: Objection to the extent it
7 calls for a legal conclusion.

8 JUDGE FEWELL: Sustained. Can you
9 rephrase your question?

10 MR. HARDING: Yeah. I apologize. I
11 don't -- I'm not sure what the objection is.

12 BY MR. HARDING:

13 Q. What was the purpose of the January 16th
14 LPH from Staff's point of view?

15 A. From Staff's point of view there was --
16 we -- we received comments and we heard local public
17 hearing testimony about landowner concerns between
18 the reroute of D027 to D028. You know, we were
19 aware through data request responses that landowners
20 on D027 didn't receive notification of the CCN
21 application, though they were in the study area as I
22 understand it through the open houses. So that --
23 that was part of Staff's recommended conditions in
24 their recommended report. And that was the purpose
25 of having a second local public hearing, to give the

1 opportunity to landowners to express their opinions
2 on -- on that reroute.

3 Q. Would Staff consider there to be any
4 reason to notify those people other than that they
5 are being considered? Why else would they need to be
6 notified?

7 A. I think it's similar to -- let me take a
8 step back. The Commission rule requires notification
9 of the CCN application. And for a landowner to know
10 what an impact is on their property, they need to
11 have an idea of where the route is proposed to be on
12 their property. So to the extent that landowners
13 on D027 have proceeded along the past year or so with
14 the understanding that D028 was the proposed route
15 which is what is in the CCN application as Appendix E
16 of ATXI's application, I -- you know, I think
17 that's -- I guess I struggle if I was in that
18 position, how I would feel. And I -- I think that's,
19 you know.

20 Q. What would be the point of providing an
21 opportunity to speak to the property if their
22 property wasn't being considered for a route?

23 A. In -- in the local public hearing?

24 Q. Yes.

25 A. I think there was discussions in the -- if

1 I -- if I'm recalling correctly, in the original
2 local public hearing there was a lot of discussion
3 of D027 and D028.

4 Q. And so it was to satisfy the -- it was to
5 provide the opportunity for the people along the D027
6 route to provide input. Correct?

7 A. Yes.

8 Q. And the reason that you would entertain
9 that opportunity or provide that opportunity for them
10 to provide input would be because their property is
11 being considered for this project. Is that a correct
12 assumption? And I'm trying to find -- I'm trying to
13 figure out what other reasons you might notify those
14 people and give them an opportunity with an LPH if
15 they weren't being -- if they had no reason to need
16 an LPH.

17 A. So it could also provide useful
18 information to the Commission on whether there were
19 concerns with D027 that maybe were not raised
20 otherwise.

21 Q. So is it more of a check box to have
22 provided that just to meet the requirements of the
23 regulation?

24 A. No. I don't believe it was proposed to --
25 as a check box, no.

1 Q. So it your testimony that the LPH on
2 January 16th was to provide landowner input so that
3 the Commission could further assess D028?

4 A. I think it is -- it was -- the intention
5 of it, whether it was helpful or not, was to provide
6 the Commission the opportunity to hear from
7 landowners on both D027 and D028. To the extent --
8 to the extent that it is an option that's not
9 really -- I think that's what you're getting at, is
10 D027 a -- an option of the Commission.

11 Q. Staff has stated it's an alternate route.
12 Staff stated that they considered an alternate route.
13 Is it -- is it an alternate route that is not
14 eligible? I don't understand.

15 A. I -- I don't under --

16 MR. PRINGLE: Objection to vague.

17 JUDGE FEWELL: Can you clarify your
18 question?

19 BY MR. HARDING:

20 Q. Does Staff consider D027 an alternate
21 route in this case?

22 A. I believe in the Staff report is what
23 you're referring to, we were concerned about D027
24 and whether or not it was a known alternative route.
25 So not saying that it is or it isn't. It just was

1 not -- it was not clear.

2 Q. And so did Staff recommend the Commission
3 order an LPH on January 16th?

4 MR. PRINGLE: Objection; asked and
5 answered.

6 JUDGE FEWELL: Sustained.

7 BY MR. HARDING:

8 Q. Was there an LPH on January 16th?

9 MR. PRINGLE: Objection; asked and
10 answered.

11 JUDGE FEWELL: Sustained.

12 BY MR. HARDING:

13 Q. Can you provide me why there would be an
14 LPH for the purposes of allowing people along D027
15 route only to help the Company reroute D028 better?
16 Why would you have an LPH that's specifically for
17 D027 people that doesn't pertain to that route?

18 MR. PRINGLE: Objection; asked and
19 answered.

20 JUDGE FEWELL: Sustained. Do you have
21 any more questions for the witness, Mr. Harding?

22 MR. HARDING: No.

23 JUDGE FEWELL: Okay. Thank you. And
24 from McGinley Farms? Is this going to be lengthy? I
25 wanted to take a brief recess if so.

1 MS. BELL: One question, your Honor.

2 JUDGE FEWELL: All right.

3 CROSS-EXAMINATION

4 BY MS. BELL:

5 Q. You passed out the chart that's attached I
6 believe to your corrected surrebuttal. And if we're
7 looking at that chart with respect to the McGinley
8 modifications, you had indicated for Modification One
9 that it did potentially affect nonnoticed landowners.
10 Do you see that?

11 A. I do.

12 Q. That wasn't an independent review
13 undertaken by you; that was completely based on
14 Mr. Morris's testimony, was it not?

15 A. That's correct.

16 Q. Okay. And you heard him talk with me
17 about that piece of testimony today. Correct?

18 A. I did.

19 MS. BELL: Okay. That's all.

20 JUDGE FEWELL: Are there any Commission
21 questions for this witness? Chair Hahn has some
22 questions.

23 QUESTIONS

24 BY CHAIR HAHN:

25 Q. Good afternoon, Ms. Eubanks.

1 A. Good afternoon.

2 Q. As part of the Staff conditions or
3 recommendations in this case, I think we've recapped
4 that Staff recommends the totality of any
5 modifications to be anywhere from 1 to 2 percent of
6 the total aggregate project costs. I'm mildly
7 concerned that that may pit certain landowners'
8 upgrades or modifications against others looking at
9 the total cost. If we were to take into account all
10 of the landowners' modifications, I think it may
11 exceed 2 percent. Would that also be your
12 understanding?

13 A. I am not sure because the -- if you're
14 looking at the schedule, the Hiatt modification I
15 think we learned today that they're not part of the
16 proceeding today. And some of them I don't have a
17 specific dollar amount for. And some of them, you
18 know, presumably it -- I will -- I will say I
19 don't -- I -- if I'm understanding correctly, Harding
20 Modifications One through Four, maybe not all of
21 them were specifically recommended by Mr. Harding.
22 But presumably if one of them were to be ordered, and
23 then -- yeah. I really -- I'm sorry. I just can't
24 answer that question. I don't know for sure.

25 CHAIR HAHN: Okay. That's all the

1 questions I have.

2 JUDGE FEWELL: Are there any other
3 Commission questions? And I kind of have a piggyback
4 of that.

5 QUESTIONS

6 BY JUDGE FEWELL:

7 Q. Are there any modifications that would
8 fall within the factor ceiling is the word I'll use
9 that Staff provided in CME-S3?

10 A. You're specifically asking about the cost
11 impact?

12 Q. Really all three factors, but especially
13 the cost impact, yes.

14 A. So most of the modifications impact a
15 landowner that did not receive notice of the CCN
16 application. You know, we do note that McGinley
17 Modification Two, it appears no, it does not. And
18 then D027, you know, there was the notice of the
19 local public hearing. Both have an increase, but I
20 don't know the specific dollar amount. And D027,
21 since that was that something ATXI had studied, you
22 know, it was, where it was feasible, running along
23 roads, corridors, or property lines. The McGinley
24 Modification Two is -- it is not.

25 Q. And as kind of a follow up to that, on

1 line 3, I'm sorry, of page 3 on line 2 to 3, really 1
2 to 3, you state that the intervention deadline --
3 that modifications of directly-affected landowners
4 who were not notified prior to the intervention
5 deadline April 2 of this year should not be
6 considered by the Commission.

7 A. That is my recommendation, yes.

8 JUDGE FEWELL: Okay. I don't have any
9 further questions. Are there any questions, other
10 questions from the Commission? Okay. Do we want to
11 take a brief recess or do we want to --

12 MR. HARDING: Your Honor --

13 JUDGE FEWELL: -- run through recross?

14 MR. HARDING: I didn't know if I -- this
15 is Mr. Harding.

16 JUDGE FEWELL: Yes.

17 MR. HARDING: I didn't know if I was
18 going to get a chance to respond to some things that
19 Ms. Hahn said and you said.

20 JUDGE FEWELL: You would in recross. Do
21 we want to take a brief recess first before going to
22 that? Why don't we --

23 MR. PRINGLE: I would ask Ms. Eubanks if
24 she would like to finish up or if she's okay with a
25 recess.

1 MS. EUBANKS: I'm fine either way.
2 Whatever the Commission prefers.

3 MR. HARDING: I only have one question.
4 It won't be very --

5 JUDGE FEWELL: Okay. We'll go ahead and
6 do the recross here in.

7 MR. HARDING: In response --

8 JUDGE FEWELL: Hold on, Mr. Harding.
9 There's an order. Sorry. It'll begin with ATXI. Is
10 there any recross from ATXI?

11 MR. FOSCO: No recross, your Honor.

12 JUDGE FEWELL: Okay. And then the Office
13 of Public Counsel?

14 MS. MARTIN: Just one question.

15 RECROSS-EXAMINATION

16 BY MS. MARTIN:

17 Q. When we're looking at this sheet, this is
18 for each individual modification offered. Correct?
19 So there are two McGinley modifications. There are
20 four Harding modifications.

21 A. So I was basing the numbering and naming
22 convention off of Mr. Morris's --

23 Q. Yes.

24 A. -- testimony.

25 Q. Okay. But it is, you know -- the increase

1 that you have on one, it wouldn't be -- it's not
2 just -- sorry. Let me give a better, more solid
3 example. So Harding Modification Two and Harding
4 Modification Three, the 800,000 for Harding
5 Modification Two, they could -- the Commission could
6 do Harding Modification Two and that wouldn't
7 necessarily be actually one million, six hundred. Is
8 that right?

9 A. If the Commission ordered Harding
10 Modification Two, it would be 800,000.

11 Q. 800,000.

12 A. Yes. And then the depiction of what
13 Harding Modification Two looks like is on the maps
14 that are attached.

15 Q. Uh-huh.

16 A. Which I don't know that those were handed
17 out unfortunately, but they are in EFIS.

18 Q. Okay. Okay. So, but if you were -- let's
19 use McGinley and you -- and the Commission took
20 McGinley Modification One, but not McGinley
21 Modification Two, that increase that you consider is
22 just the increase that you put for McGinley
23 Modification One. Correct?

24 A. Unfortunately I was not provided a cost
25 estimate for either McGinley modification.

1 Q. Okay.

2 A. And that's why I couldn't really answer
3 Chair Hahn's question earlier.

4 Q. Okay. But they're not interconnected
5 is --

6 A. They are not interconnected to -- to my
7 knowledge, no.

8 MS. MARTIN: Okay. Thank you so much.

9 JUDGE FEWELL: Mr. Mathews, do you have
10 any recross of Ms. Eubanks, any questions based on
11 the questions that Chair Hahn and I asked?

12 MR. MATHEWS: No.

13 JUDGE FEWELL: None? Okay.

14 MR. MATHEWS: None.

15 JUDGE FEWELL: Okay. And Mr. Harding.

16 MR. HARDING: Yes.

17 RECROSS-EXAMINATION

18 BY MR. HARDING:

19 Q. I believe there was a discussion about
20 Harding Modifications One through Four. And do you
21 have a -- any knowledge of Harding Modification Five
22 which was recently displayed on the interactive map
23 on Ameren for about ten days? Do you know about that
24 modification?

25 A. I don't know what you're referring to

1 without looking at it.

2 Q. Okay. Are you -- are you aware of any
3 display -- of any modification that's been displayed
4 on the Ameren interactive website between October
5 the 10th and the 20th?

6 A. Of this year?

7 Q. Yes.

8 A. I have not been to their website during
9 that time frame of 2025.

10 Q. Yes, 2025. Just recently.

11 A. Just recently, I have --

12 Q. Just a few days -- just a few days ago.

13 A. I don't recall looking at their website in
14 the past couple weeks.

15 Q. And you have no familiarity with Harding
16 Modification Five?

17 A. If it is not on -- no, I don't believe so,
18 no.

19 MR. HARDING: Okay. Thank you.

20 JUDGE FEWELL: Okay. From McGinley
21 Farms?

22 MS. BELL: Sure. Just briefly, your
23 Honor.

24 RECROSS-EXAMINATION

25 BY MS. BELL:

1 Q. If we're looking at the McGinley
2 modification, they did -- ATXI did testify the
3 additional feet in structures that would be required.
4 So if we compare that to the Hiatt modification which
5 is now, as you testified, off the table. Correct?
6 Or not part of this case?

7 A. That's my understanding.

8 Q. Okay. And so they had estimated a price
9 for 1.2 miles and 6 structures for the Hiatts'
10 recommendation. Correct?

11 A. That is my recollection, yes.

12 Q. And I think that was \$1.7 million?

13 A. Yes.

14 Q. Okay. And you'd agree that one structure
15 is one-sixth of the six structures for the Hiatts?

16 A. I don't know if they're the same type of
17 structures.

18 Q. Okay.

19 A. But I think you did talk to Mr. Morris
20 earlier today about -- about the cost impact being
21 less than the 1.7 million.

22 Q. Sure. And the 150 feet required for the
23 McGinley modification would be 2 percent of the 1.2
24 miles required for the Hiatt modification, so
25 significantly less?

1 A. Yes.

2 MS. BELL: Okay. Thank you.

3 JUDGE FEWELL: Any further questions?

4 MS. BELL: No, your Honor. Thank you.

5 JUDGE FEWELL: And redirect?

6 MR. PRINGLE: No redirect, Judge. Just
7 ask Ms. Eubanks be excused.

8 JUDGE FEWELL: Ms. Eubanks, you may be
9 excused. Would we like to proceed with, I believe
10 it's Mr. Mathews? Or we want to go ahead and go
11 through? Okay. Mr. Mathews, are you there?

12 MR. MATHEWS: I am.

13 JUDGE FEWELL: Can you please raise your
14 right hand.

15 (Witness sworn.)

16 NEIL MATHEWS,
17 the witness, having been first duly sworn,
18 testified as follows:

19 JUDGE FEWELL: All right. Mr. Harding,
20 do you have any questions for Mr. Mathews?

21 MR. HARDING: No, your Honor.

22 JUDGE FEWELL: Okay. McGinley Farms, do
23 you have any questions for Mr. Mathews?

24 MS. BELL: No, your Honor.

25 JUDGE FEWELL: OPC, Office of Public

1 Counsel?

2 MR. POSTON: No questions, thank you.

3 JUDGE FEWELL: Staff?

4 MR. VANDERGRIFF: No questions, your
5 Honor.

6 JUDGE FEWELL: ATXI?

7 MR. FOSCO: No questions, your Honor.

8 JUDGE FEWELL: Do the Commissioners have
9 any questions for Mr. Mathews? Okay. Hearing none.
10 Mr. Mathews, you're no longer under oath. Well,
11 you're released to listen.

12 MR. FOSCO: Your Honor, I'm not sure, did
13 you admit his testimony into the record?

14 JUDGE FEWELL: I did not. Sorry. I
15 don't know if there's an exhibit number for that
16 testimony. I honestly don't know where it would
17 fall.

18 MR. PRINGLE: I believe there were some
19 numbers in a -- one of the order --

20 JUDGE FEWELL: The procedural --

21 MR. PRINGLE: Yeah.

22 JUDGE FEWELL: -- schedules?

23 Right. Okay. I can try to find that
24 real quick. Should be that one. Right? In July.

25 MR. PRINGLE: That sounds right. It

1 should have been the first one. Yeah.

2 JUDGE FEWELL: Mr. Mathews, that would
3 be 851 should be your testimony. You had
4 surrebuttal. Was it just the two entries? Is anyone
5 aware?

6 MR. MATHEWS: Yes. And then there was a
7 statement of position.

8 JUDGE FEWELL: Okay. Yeah. That's
9 separate. Were there any --

10 MR. MATHEWS: I see. Okay.

11 JUDGE FEWELL: And were either of those
12 confidential, do we know? I know that ultimately we
13 had things revised and filed again.

14 MR. MATHEWS: I think I opened them up.
15 I think I rechecked the box or we checked it or we
16 refiled.

17 JUDGE FEWELL: Okay. I don't know that
18 any of them are still confidential, just checking
19 real quick. That's -- okay. Then there was an
20 amendment. Okay. Yeah. Looks like they're both
21 public. Are there any objections to 851 or 852 being
22 admitted? Okay. Hearing none, those are so
23 admitted.

24 (Intervenor Mathews Exhibits 851 and 852
25 were admitted and made a part of the record.)

1 JUDGE FEWELL: And now, Mr. Mathews, if
2 you'd mute yourself --

3 MR. MATHEWS: Okay.

4 JUDGE FEWELL: -- we can proceed.

5 Okay. Mr. Harding, can you come to the
6 stand up here. Will you please raise your right
7 hand.

8 (Witness sworn.)

9 MARK HARDING,
10 the witness, having been first duly sworn,
11 testified as follows:

12 JUDGE FEWELL: All right. Beginning with
13 Mr. Mathews, do you have any questions for
14 Mr. Harding? It's Star 6 to unmute yourself if
15 you're appearing by phone. Can you hear us,
16 Mr. Mathews?

17 MR. MATHEWS: Yes, I can.

18 JUDGE FEWELL: Do you have any questions
19 for Mr. Harding?

20 MR. MATHEWS: I do not.

21 JUDGE FEWELL: Okay. Thank you. From
22 McGinley Farms, any questions for Mr. Harding?

23 MS. BELL: No, your Honor. Thank you.

24 JUDGE FEWELL: From the Office of Public
25 Counsel?

1 MS. MARTIN: One moment. I just want to
2 make sure. I cannot find the document that I was
3 going to ask about, so for right now, unless I find
4 it, I will let you know. But I have no further
5 questions. Or I have no questions.

6 JUDGE FEWELL: Okay. From Staff, any
7 questions?

8 MR. VANDERGRIFF: No questions, your
9 Honor.

10 JUDGE FEWELL: From ATXI?

11 MR. FOSCO: Your Honor, we have no
12 questions but we do have some objections.

13 JUDGE FEWELL: Okay. Is -- this is to
14 the exhibits?

15 MR. FOSCO: Yes, your Honor.
16 Mr. Harding's testimony does at least two things.
17 One is he purports to present the position of his
18 family member when he's not an attorney in this
19 proceeding. And then secondly, there is much hearsay
20 testimony about third parties. What we would ask
21 is our objection, your Honor, is that you acknowledge
22 our objection by recognizing that we can freely argue
23 that that testimony should not be given -- or that we
24 can make arguments as to the weight of that
25 testimony.

1 JUDGE FEWELL: I think that's fair.
2 Okay. Otherwise I believe there is direct and
3 surrebuttal testimony I think is all from
4 Mr. Harding, additional. And I don't see the
5 surrebuttal on your -- oh, no, there it is. So is
6 it 806, public and confidential. Any other
7 objections other than the standing objection from
8 ATXI? Okay. And then 811 is the surrebuttal. Any
9 other objections to that as well? Okay. So
10 admitted.

11 (Intervenor Harding Exhibits 806C, 806P,
12 and 811 were admitted and made a part of the record.)

13 JUDGE FEWELL: Are there any Commissioner
14 questions for Mr. Harding? Okay. Mr. Harding, you
15 may be excused. And next is McGinley Farms. You may
16 call your witness.

17 MS. BELL: We call Judge Rebecca
18 McGinley.

19 JUDGE FEWELL: Ms. McGinley, will you
20 raise your right hand.

21 (Witness sworn.)

22 REBECCA MCGINLEY,
23 the witness, having been first duly sworn,
24 testified as follows:

25 JUDGE FEWELL: Thank you. You may

1 inquire of your witness.

2 DIRECT EXAMINATION

3 BY MS. BELL:

4 Q. Please state and spell your name for the
5 record.

6 A. Rebecca McGinley, M-c-G-i-n-l-e-y.

7 Q. And how are you currently employed?

8 A. I'm an Associate Circuit Judge in Gentry
9 County, Missouri.

10 Q. And state your position as it relates to
11 this case.

12 A. I'm a landowner.

13 Q. Are you the same Rebecca McGinley that
14 caused to be filed direct testimony in this case
15 which I've marked Exhibit 950 and public and
16 confidential versions of surrebuttal testimony which
17 I have marked Exhibit 951P and 951C?

18 A. Yes.

19 Q. And I believe you have one correction to
20 your direct testimony. Is that correct?

21 A. Correct.

22 Q. Can you flip to Schedule MS-7?

23 A. I'm sorry. Are you in 950?

24 Q. I am. Actually let me check here. No, I
25 am in the confidential version. So I'm in 951C I

1 believe.

2 A. I'm sorry, MS-7?

3 Q. Yes.

4 A. Yes.

5 Q. All right. And what correction do you
6 have to that schedule?

7 A. I think we've put the Stoll parcel on my
8 property instead of putting it below.

9 Q. Right. And so the map packet that I
10 handed out earlier has an arrow that just points to
11 the actual Stoll parcel. I'll refile that corrected
12 exhibit in EFIS.

13 Is that okay, your Honor?

14 JUDGE FEWELL: Are there any objections to
15 filing that? Okay. No.

16 BY MS. BELL:

17 Q. All right. If I were to ask you the same
18 questions in your direct and surrebuttal testimony
19 today, would your answers be the same or
20 substantially the same?

21 A. Yes.

22 MS. BELL: Your Honor, at this time I'd
23 move for the admission of 950, 951P, 951C with the
24 corrected Exhibit to 951C.

25 JUDGE FEWELL: Are there any objections

1 to Exhibit 950 being entered or 951, public and
2 confidential? So admitted.

3 (Intervenor McGinley-Krawczyk Farms
4 Exhibits 950, 951C, and 951P were admitted and made a
5 part of the record.)

6 MS. BELL: And I will tender the witness
7 for cross. Thank you.

8 JUDGE FEWELL: Okay. Beginning with
9 Mr. Mathews. Do you have any cross for Ms. McGinley?
10 It's Star 6.

11 MR. MATHEWS: I do. I do.

12 CROSS-EXAMINATION

13 BY MR. MATHEWS:

14 Q. Explain for -- how does a CRP property
15 affect the transmission lines that cross it and what
16 are the rules and regulations that you've come up
17 against with regards to that property that's under
18 CRP contract?

19 A. I actually have not explored. I have not
20 talked to the FSA office in regards to what problems
21 I might have. I let my attorney know, which is in my
22 testimony, that my contract goes until 2035. I don't
23 know what effects it may have, and I think that was
24 one of the concerns that we raised in my testimony is
25 that I don't know what -- what it could cause in

1 regards to that contract.

2 MR. MATHEWS: Thank you. I ask that
3 questions because I'm faced with the same thing. And
4 of course these days with the USDA closed, I get
5 nothing but crickets for an answer. So that's an
6 important consideration because we sign contracts and
7 I don't want to have to pay back the last 15 years of
8 them because of an easement or a transmission line
9 and tower. So thank you for addressing that. It
10 needs to be looked into by somebody.

11 MR. DEARMONT: On behalf of the Company,
12 Judge, I would ask that that statement be stricken
13 from the record.

14 JUDGE FEWELL: Sustained. Mr. Mathews,
15 when you're questioning the witness, you cannot
16 testify. You must ask questions.

17 MR. MATHEWS: Okay. Okay.

18 JUDGE FEWELL: Do you have any --

19 MR. MATHEWS: That was all I had. No.

20 JUDGE FEWELL: Thank you. Mr. Harding,
21 do you have any questions for Ms. McGinley?

22 MR. HARDING: Yes, if I may.

23 CROSS-EXAMINATION

24 BY MR. HARDING:

25 Q. Hello, Ms. McGinley. Do you know the

1 linear feet from the line as it's proposed to your
2 house currently?

3 A. It's about 400 feet.

4 Q. And do you know the linear distance in
5 feet to each modification that you're advocating for?

6 A. I'm advocating for at least a thousand
7 feet.

8 MR. HARDING: Thank you.

9 JUDGE FEWELL: Any further questions,
10 Mr. Harding?

11 MR. HARDING: No. That's all, your
12 Honor.

13 JUDGE FEWELL: Okay. The Office of
14 Public Counsel.

15 MS. MARTIN: Just a couple.

16 CROSS-EXAMINATION

17 BY MS. MARTIN:

18 Q. So in your testimony you focused on the
19 lowering of property value due to the transmission
20 line. Have you discussed with the Company any sort
21 of mitigation for specifically your property's home
22 value and any decrease in that property value that
23 you may face?

24 A. We've raised that, but my main concern is
25 just getting it further away from my home place.

1 Q. Okay. And have they talked to you about
2 any sort of mitigation for safety, anything about --

3 A. No.

4 MS. MARTIN: Okay. Thank you.

5 JUDGE FEWELL: Are there any further
6 questions?

7 MS. MARTIN: No.

8 JUDGE FEWELL: Okay. Questions from
9 Staff?

10 MR. VANDERGRIFF: Staff has no questions
11 for Judge McGinley, your Honor.

12 JUDGE FEWELL: And ATXI?

13 MR. FOSCO: No questions, your Honor.

14 JUDGE FEWELL: Thank you. Are there any
15 questions from the Commission? Okay. You may be
16 excused -- I guess redirect. Any there any redirect
17 questions?

18 MS. BELL: No, your Honor. Thank you.

19 JUDGE FEWELL: You may be excused. I
20 think now we can go through exhibits. If there are
21 any other matters before the Commission? Is there
22 anything else to address with the Commission
23 present -- the commissioners present? The Commission
24 can be excused.

25 We can go ahead and address the exhibit

1 list. I was trying to keep pretty good track. I
2 have 1 through 7C were admitted and 818. I also have
3 admitted 813, 830, 833 were all admitted. 803 was
4 not admitted. Correct?

5 MR. PRINGLE: I believe 803, that was a
6 page from Exhibit 100.

7 JUDGE FEWELL: Right. Okay. And
8 then 826, it was admitted but an unaltered version to
9 be filed. Correct? Okay. 812 and 813 under that
10 same purview of unaltered. 829 was not admitted.
11 Correct? 823 was admitted partially I guess is the
12 best way to put it, page 203, the maps on the next
13 page and then page 303 or 3 of 3?

14 MR. DEARMONT: 2 and 3 of 3.

15 JUDGE FEWELL: Yes. And then there's a
16 map page in between that was also admitted. I don't
17 think there was objection to that. Okay. For 820
18 public, the first several pages until 506 -- 5 of 6,
19 sorry. And that was the same for 820C. 800 was
20 admitted. Try to get through this. 8, 9, 10, 11,
21 public and confidential were all admitted. 837
22 was not admitted. Then 840 confidential was
23 admitted. 828 was admitted unaltered. 801 and 841,
24 confidential were withdrawn. Same for 811,
25 confidential; those were not offered. 825

1 confidential was admitted unaltered, so to be
2 filed. 952C was admitted. Then 12, 13, 14, 15
3 public and confidential were admitted. 16, 17, 18,
4 18, 20, public and confidential were admitted. 21,
5 22, public and confidential, were admitted. Then 23
6 public and confidential, 24, 25 public and
7 confidential. Correct?

8 MR. FOSCO: Correct, your Honor.

9 JUDGE FEWELL: Have I missed any? Then
10 moving to Staff's exhibits was 100 public and 100
11 confidential and 101 public and confidential?

12 MR. PRINGLE: That's correct, Judge.

13 JUDGE FEWELL: Okay. And those were all
14 admitted. 851 and 852 were admitted. And 806 public
15 and confidential were both admitted. And 811 public
16 and confidential were admitted with -- over
17 objection. Then 950, 951 public and confidential
18 were admitted. Is there anything I missed?

19 MS. BELL: I'm sorry, did you say 952?

20 JUDGE FEWELL: I believe that was
21 earlier.

22 MS. BELL: Okay. Perfect.

23 JUDGE FEWELL: I have a list where they
24 were -- yeah. I have it earlier.

25 MS. MARTIN: And I do apologize. Would

1 it be okay because there were -- I know that there
2 were some because I was trying to follow along as
3 things were going on. Can I make sure that we have
4 no customer-facing -- or customer information in the,
5 like, unredacted things too, because I don't want to
6 accidentally do that.

7 JUDGE FEWELL: Sure. Are we aware of
8 what has confidential information?

9 MS. MARTIN: I know that there were some
10 that I didn't realize until later, so I just wanted
11 to --

12 JUDGE FEWELL: Sure. I want to say -- I
13 can go through, try to be quick, about the ones that
14 I marked C on and where there's a C and a P. Most of
15 these fall in Mr. Harding's exhibits. Correct?

16 MS. MARTIN: I think so.

17 MR. PRINGLE: And I thought Mr. Harding,
18 it seemed like most of the confidential exhibits you
19 did have Confidential in the corner of most of those
20 that have to be marked confidential. Correct?

21 JUDGE FEWELL: How about before I enter,
22 and people can review it and let me know if there's
23 anything that needs to be marked additionally based
24 on the list I gave, if anyone has any corrections to
25 it and can have that filed by the end of the week.

1 Okay. Is there any other issues to be
2 brought before today? I think there were, again,
3 some late-filed -- will be late-filed exhibits due to
4 corrections to be an altered -- to have unaltered
5 versions. Do we want a deadline on that? Or what
6 deadline do we want? I think it's November 18th,
7 correct, is when the briefs are due and transcripts
8 are due on the 10th I believe. So do we want to say
9 till the 4th or 5th to have those filed or even just
10 this Friday since they should be easy to find? So
11 the 31st. Are there any objections to the 31st as a
12 deadline to file any late-filed exhibits?

13 MR. DEARMONT: No objection from the
14 Company.

15 JUDGE FEWELL: Okay. So 10/31. And any
16 objections to those exhibits should be filed by, I'll
17 say the 5th, just make it easy, so 11/5. I think
18 again I mentioned the transcripts by the 10th. Is
19 there anything else that needs to be discussed today?

20 MR. FOSCO: Sir, your Honor, Carmen Fosco
21 for the Company's question. We have Exhibits 26
22 through 44 in our exhibit list which was the prefiled
23 testimony of the witnesses with issues addressing
24 uncontested issues that were not at issue in today's
25 hearing. I'm not sure if your Honor's going to admit

1 that testimony for all parties or if I should
2 separately move to admit that now.

3 JUDGE FEWELL: I can admit those if
4 there's no objection. Okay. Those will be admitted
5 as well.

6 (Company Exhibits 26 through 44 were
7 admitted and made a part of the record.)

8 MR. PRINGLE: And I believe, you know, if
9 the attorneys for MEC are still on --

10 JUDGE FEWELL: Sure.

11 MR. PRINGLE: -- they can speak up as
12 well, but they also had pieces of rebuttal testimony
13 that per our procedural schedule filing and the order
14 approving that schedule, those four -- five -- four
15 or five pieces of test -- of rebuttal testimony would
16 also be entered on the record.

17 MS. WHIPPLE: Judge Fewell, this is Peggy
18 Whipple. I'm still on for MEC. Mr. Pringle is
19 correct. MEC's exhibits are numbered 300 through 309.
20 Only 302 is a C version of -- for which there's no
21 public version. This list was filed on September 9
22 and if there are no objections, if it is necessary, I
23 would move for those to be admitted into the record
24 please.

25 JUDGE FEWELL: Any objections to those

1 exhibits? Okay. So admitted.

2 (MEC Exhibits 300 through 309 were
3 admitted and made a part of the record.)

4 MR. FOSCO: And, your Honor, just for
5 clarification on the Company exhibits. On the
6 exhibits -- of those exhibits that I mentioned, 42
7 and 43 have confidential and public versions.

8 JUDGE FEWELL: Okay. Thank you. Yes.

9 MR. FOSCO: And then, your Honor, we have
10 a disc with our hearing exhibits on it. Should we
11 tender that to you at the end of the hearing today?

12 JUDGE FEWELL: Yes. I'd appreciate that.

13 MR. FOSCO: Okay. Thank you.

14 JUDGE FEWELL: Thank you. Okay. If we
15 have nothing further to discuss, then we are
16 adjourned. Thank you.

17 (Whereupon, the hearing was concluded
18 at 3:46 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)

COUNTY OF CALLAWAY)

I, Shelley L. Bartels, a Certified Court Reporter, CCR No. 679, do hereby certify that I was authorized to and did stenographically report the transcript of proceedings; and that the foregoing transcript, pages 1 through 278, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 1st day of November, 2025.



Shelley L. Bartels, CCR 679

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