

Exhibit No. 100

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

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

STAFF RECOMMENDATION

COMES NOW Staff of the Missouri Public Service Commission (“Staff”),
by and through the undersigned counsel, and respectfully states as follows:

1. On July 18, 2024,¹ the Commission issued its *Order Directing Notice, Setting Intervention Deadline, and Directing Staff Recommendation*, establishing an intervention deadline of August 16. Parties intervened,² and on August 29 the Commission directed Staff to file a status report by September 30. On September 29, Staff requested to file its recommendation on December 20. The Commission granted Staff’s request the next day.

2. Previously on, April 16, the Ameren Transmission Company of Illinois (“ATXI” or the “*Applicant*”) filed a *Notice of Intended Case Filing*, providing notice of its intentions to file an application for authority to construct, install, own, operate, maintain, and otherwise control and manage transmission facilities in, around, and between the counties of Worth, Gentry, and DeKalb, Missouri. The *Applicant* filed its application on July 16.³

¹ Unless otherwise stated, all dates hereafter are in reference to 2024.

² The Commission granted the Missouri Electric Commission, Renew Missouri, and Clean Grid Alliance’s application to intervene on August 12. The Commission granted the Sierra Club and Midcontinent Independent System Operator, Inc.’s application on August 27.

³ Along with the Direct Testimony of ATXI’s eleven (11) witnesses.

3. On November 15, the *Applicant* requested the Commission hold two (2) local public hearings (LPHs). The Commission granted the *Applicant's* request and the Commission hosted an in-person LPH on December 9, and a virtual hearing on December 10. The attendees generally testified about notice issues and the *Applicant's* chosen route.⁴

4. Staff reviewed the *Applicant's* application. Based upon that review, it is Staff's recommendation that the *Applicant* has met the applicable filing requirements for CCN applications for the authority to construct an asset subject to Commission rule 20 CSR 4240-20.045(6).⁵

That being said, Staff has concerns with ATXI's notification of affected landowners. It is Staff's opinion that the *Applicant* minimally met 20 CSR 4240-20.045(6)(K)1, which states the following:

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

Staff does not dispute that the *Applicant* provided notice to landowners affected by route DO-28, as specified in its application and affidavit filed on November 8, 2024. However, route DO-27 was presented at open public meetings hosted by the *Applicant*.

⁴ ATXI notified a landowner on 125 days after it provided notice of its application. See Affidavit of Leah Dettmers.

⁵ The Company complied with 20 CSR 4240-20.045(6), but needs to notify more landowners per (6)(K)1.

As a result of ATXI's public engagement, DO-28 was identified and selected as the proposed route. This re-route was of significant concern to landowners during the Commission's LPHs. While route DO-27 was not included in the application, the rule requires the *Applicant* to provide notice to landowners who would be directly affected by all known alternative routes. As ATXI engaged with landowners regarding route DO-27, Staff believes the *Applicant* should have provided notice of the filing of its CCN application to landowners on route DO-27.

Staff recommends that the Commission hold another virtual LPH, specifically for landowners impacted by the re-route area of DO-27 to DO-28 (generally between the corner of Highway N and Kent Lane to County Road 249), providing an opportunity to those landowners to express their concerns, if any, on the route.⁶

5. Staff's memorandum, attached hereto and incorporated by reference, addresses ATXI's application for a certificate using the Commission's Tartan criteria, and recommends the Commission issue an order authorizing ATXI's request for a CCN to construct, install, own, operate, maintain, and otherwise control and manage transmission facilities in, around, and between the counties of Worth, Gentry, and DeKalb, Missouri, subject to Staff's following recommended conditions:

Right-of-way Acquisition and Micro-siting

- 1) Throughout the right-of-way acquisition process, ATXI will use all reasonable efforts to follow the route(s) depicted in Attachment E of the Application. But ATXI will be allowed to deviate from the depicted route in two scenarios:
 - a. First, if surveys or testing do not necessitate a deviation, ATXI may deviate from the depicted route on a particular parcel if ATXI and the landowner on which the deviation will run agree. Either ATXI or landowner may initiate such a request to deviate.

⁶ Staff discussed this recommendation with ATXI, the Applicant did not oppose Staff's recommendation for an additional LPH for affected landowners.

- b. Second, if ATXI determines that surveys or testing require a deviation, ATXI will negotiate in good faith with the affected landowner and if agreement can be reached, ATXI may deviate from the depicted route on that parcel, as agreed with the affected landowner.

With respect to any parcel other than the identified parcels where ATXI desires to locate the line, whether because testing or surveys necessitate acquisition of an easement on that parcel or for other reasons (e.g., a request from adjacent landowners), ATXI will negotiate in good faith with the landowner of the affected parcel over which ATXI has determined an easement is needed or desired and, if agreement is reached, may deviate from the depicted route by locating the line on the affected parcel but will notify the Commission of the deviation and parcels affected prior to construction on that parcel.

If testing or surveys necessitate acquisition of an easement on such other parcel and agreement is not reached, despite good faith negotiations, ATXI will file a request with the Commission to allow it to deviate from the depicted route onto the affected parcel and shall, concurrently with the filing of its request with the Commission, send a copy of its request to the owner(s) of record of the affected parcel via U.S. Mail, postage prepaid, as shown by the County Assessor's records in the county where the affected parcel is located, or at such other address that has been provided to ATXI by the owner(s). ATXI shall fully explain in that request why ATXI determined the change in route is needed and file supporting testimony with its request and the name(s) and addresses of the owner(s) to whom it provided a copy of its request. After Commission notice of the opportunity for a hearing on the issue of whether the change in route should be approved is given to the owner, Staff and OPC, and after an opportunity to respond, the Commission will grant or deny the request.

- 2) Absent a voluntary agreement for the purchase of the property rights, the transmission line shall not be located so that a residential structure currently occupied by the property owners will be removed or located in the easement, including for electrical code compliance purposes.
- 3) Prior to the commencement of construction on a parcel, ATXI will secure an easement, which will include a surveyed legal description showing the precise dimension, including the length and width, for the permanent transmission line easement area for each affected parcel. In addition, ATXI will track each easement grant by way of a spreadsheet that identifies each parcel by Grantor and County, and which contains the recording information for each parcel. Upon securing all necessary easements for the Project, ATXI will file a copy of the spreadsheet with the Commission, to which a map will be attached. For each parcel, the map and the spreadsheet will include a unique indicator that allows the Commission to see where on the map that parcel is located.

- 4) ATXI shall follow the construction, clearing, maintenance, repair, and right-of-way practices set out in Schedule TG-D4 filed with Tara Green's Direct Testimony.

Reporting requirements

- 5) ATXI shall file a legal description of the line segments when finalized.⁷
- 6) ATXI shall file the final JUA with the Commission within 30 days of executing the agreement.
- 7) ATXI shall file with the Commission in this case all required government approvals and permits—e.g., any applicable land disturbance permits, Missouri State Highway Commission permits, or US Army Corps of Engineers permits—before beginning construction on the part of the Projects (FDIM and MMRX) where the approvals and permits are required.
- 8) ATXI shall file with the Commission any agreement between ATXI and the pipeline companies that have assets being crossed by the Projects (FDIM and MMRX). The FDIM and MMRX routes do not parallel pipelines.
- 9) ATXI shall file with the Commission the annual report it files with FERC.
- 10) ATXI shall file any vegetation management filing made to FERC, NERC, or a regional reliability organization in EFIS as a non-case related filing.⁸
- 11) Obtain acknowledgement from Ameren Missouri that they remain bound by the following provision from the *3rd Order Modifying the 2012 Report and Order* in Case No. EO-2011-0128:

For transmission facilities located in Ameren Missouri's certificated service territory that are constructed by an Ameren affiliate and that are subject to regional cost allocation by MISO, for ratemaking purposes in Missouri, the costs allocated to Ameren Missouri by MISO shall be adjusted by an amount equal to the difference between:

- (I) The annual revenue requirement for such facilities that would have resulted if Ameren Missouri's Commission-authorized ROE and capital structure had been applied and there had been no construction work in progress (CWIP) (if applicable), or other FERC Transmission Rate Incentives, including Abandoned Plant Recovery, recovery on a current basis instead of capitalizing pre-commercial operations expenses and accelerated depreciation, applied to such facilities and
- (II) The annual FERC-authorized revenue requirement for such facilities. The ratemaking treatment established in this provision will, unless otherwise agreed or ordered, end with the Commission's report and order at the conclusion of the case to be filed by Ameren Missouri on

⁷ Proposed descriptions are included in the Direct Testimony of Tara Green, Schedule TG-D1 and TG-D2.

⁸ 20 CSR 4240-23.030(5).

or before March 15, 2023, regarding its continued participation in MISO, switch to participation in another RTO, or operation as an [Independent Coordinator of Transmission].

Landowner communication for current and future projects

- 12) Staff recommends the Commission's granting of a CCN for Phase 1 Projects be conditioned on a CCN being granted for Phase 2.
- 13) Staff recommends the Commission grant the CCN, subject to another virtual local public hearing for those landowners in the re-route area of DO-27 to DO-28 (generally between the corner of Highway N and Kent Lane to County Road 249), providing an opportunity to those landowners to express their concerns, if any, on the route.
- 14) ATXI shall, for all current and future projects in Missouri, develop and maintain interactive route maps on its website(s) showing preferred and known alternative routes. These interactive maps shall be maintained from at least the date of any public meeting(s) held, when required, through the effective date of the Commission's Report and Order ruling on the subject CCN application. If public meetings are not required to be held, ATXI shall post interactive maps beginning on the date it provides notice of a CCN application to affected landowners.
- 15) ATXI shall, for all future projects in Missouri, include instructions for accessing the interactive maps on all required notifications sent to affected landowners.
- 16) ATXI shall, for all future projects in Missouri, periodically refresh its search of property records throughout the pendency of a CCN case.

WHEREFORE, Staff respectfully requests the Commission accepts its recommendation, order a virtual LPH for those landowners in the re-route area of DO-27 to DO-28, and issue an order authorizing ATXI's request for a CCN to construct, install, own, operate, maintain, and otherwise control and manage transmission facilities in, around, and between the counties of Worth, Gentry, and DeKalb, Missouri, subject to Staff's recommended conditions.

Respectfully submitted,

/s/ Eric Vandergriff

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 20th day of December, 2024.

/s/ Eric Vandergriff