

Edward Gower/HC06
04/02/2013 11:14 AM

To "Dearmont, Eric E" <EDearmont@ameren.com>
cc
bcc cyclone@joink.com, peg@turbinesinc.com
Subject ATXI's Failure to Answer Data Requests and Produce Documents 

Eric:

Pursuant to our conversation yesterday, please advise me whether you will produce the agreement between ATXI, or its parent or affiliate, and Gerald Forsythe, or entities he controls, with respect to the land required for an ATXI substation to serve the proposed transmission line.

Also, I believe the Stop the Power Lines Coalition is entitled to answers to STPL Data Requests 4.2 and 4.3. These questions concern whether ATXI contends it can build its proposed transmission line on the Primary Route it has proposed in this proceeding. I have attached copies of STPL Data Requests 4.2 and 4.3 for your convenience. Please call me to discuss. You can reach me in my office until around 1:30 today, and I will be available by cell phone at (217) 899-2625 until 5 p.m., when I will be in a meeting for several hours. If for some reason you cannot call me today, please call me on my cell phone tomorrow.

Ed

Edward R. Gower
HINSHAW & CULBERTSON LLP
400 South Ninth Street, Suite 200
Springfield, IL 62701
217-467-4916 (direct)
217-528-0075 (fax)
egower@hinshawlaw.com



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"Dearmont, Eric E" <EDearmont@ameren.com> "Dearmont, Eric E" <EDearmont@ameren.com>



"Dearmont, Eric E"
<EDearmont@ameren.com>
03/30/2013 09:46 AM

To "egower@hinshawlaw.com" <egower@hinshawlaw.com>
cc

Subject RE: ATXI's Failure to Answer Data Request

Mr. Gower,

I apologize that I have not yet responded to your email. I will give you a call on Monday to discuss the DR.

Eric

From: egower@hinshawlaw.com [mailto:egower@hinshawlaw.com]
Sent: Thursday, March 28, 2013 6:06 PM

To: Dearmont, Eric E
Subject: ATXI's Failure to Answer Data Request

Dear Mr. Dearmont:

Attached is a copy of ATXI's objection to STPL Data Request 3.01. Pursuant to Section 200.350 of the Commission's Rules of Practice, I would appreciate it if you would call me at your earliest convenience. The notion that ATXI apparently believes that a request for its agreements with a significant landowner on ATXI's Alternate Route for the Kansas Substation to Indiana state line segment of the proposed 345 kv line is "overly broad and unduly burdensome," and seeks "information not relevant or material [sic] to this proceeding, nor likely to lead to the discovery of admissible evidence" is not well founded. If a deal was cut by or on behalf of ATXI, its parent or any of its affiliates with any of the Forsyth interests that relates in any way to the proposed 345 kv line or facilities, that agreement clearly is subject to production in discovery.

Edward R. Gower
HINSHAW & CULBERTSON LLP
400 South Ninth Street, Suite 200
Springfield, IL 62701
217-467-4916 (direct)
217-528-0075 (fax)
egower@hinshawlaw.com

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**Ameren Transmission Company of Illinois
Response to Stop the Power Lines Data Requests
Docket Nos. 12-0598**

Petition for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act, to Construct, Operate and Maintain a New High Voltage Electric Service Line and Related Facilities in Various Counties in the State of Illinois.

Data Request Response Date: 3/28/2013

STPL 4.02

Does ATXI agree that the proposed use of the property subject to the EWPP Floodplain Easement for construction of the Proposed Transmission Line is inconsistent with the Prohibitions specified in Part III.A. of the EWPP Floodplain Easement? If ATXI's answer is anything other than an unqualified yes, please explain how ATXI plans to construct a transmission line without digging or destroying vegetative cover in violation of Subpart III.A.2. of the EWPP Floodplain Easement and building structures in the easement area in violation of Subpart III.A.7 of the Easement.

RESPONSE

ATXI objects to this question as calling for a legal interpretation and conclusion. ATXI further objects as the data request is argumentative and not the proper subject of discovery.

**Ameren Transmission Company of Illinois
Response to Stop the Power Lines Data Requests
Docket Nos. 12-0598**

Petition for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act, to Construct, Operate and Maintain a New High Voltage Electric Service Line and Related Facilities in Various Counties in the State of Illinois.

Data Request Response Date: 3/28/2013

STPL 4.03

Does ATXI contend that it has the ability to acquire an easement on the land that is subject to the EWPP Floodplain Easement that is superior to the Easement or otherwise extinguishes the Easement? If ATXI's answer is anything other than an unqualified no, please explain your answer in light of the provisions of the Easement itself and 7 C.F.R. §624.10, which is the applicable federal regulation governing floodplain easements acquired by United States, acting by and through the Natural Resources Conservation Service ("NRCS").

RESPONSE

ATXI objects to this request as calling for a legal conclusion. ATXI further objects that the data request is argumentative and not the proper subject of discovery.