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To "'egower@hinshawlaw.com'" <egower@hinshawlaw.com>
cc "Dominick, Erika M" <EDominick@ameren.com>, "Dearmont, Eric E" <EDearmont@ameren.com>
bcc
Subject ATXI Misc. Discovery Issues

Mr. Gower,

I wanted to get back to you regarding several outstanding discovery issues:

Pursuant to our previous conversation, I understand that you agree to narrow STPL 4.01 to seek, in effect, documents related to agreements between ATXI and Gerald Forsythe (and/or any of the Forsythe entities) concerning the IL Rivers Project.

Subject to this amendment, our response would be as follows:

"Please see the attached communications, labeled as STPL 4.01R Attach [attached to this email], concerning an agreement to conduct a survey on and across land owned by Gerald R. Forsythe. Although the letter states that Mr. Forsythe is agreeing to ATXI's request for survey access to the two parcels identified therein, please note that the "Survey Consent Form" referenced in the letter has not been executed.

To the best of the Company's knowledge, no documents exist relating to or reflecting agreements between ATXI, or any related company, and Gerald R. Forsythe, Forsythe Family Farms, Gerald R. Forsythe Foundation, or any other entity owned by Gerald R. Forsythe, concerning the routing of the IL Rivers Project.

Please be aware that the transactions pursuant to which ATXI has acquired property for proposed substations are subject to Non-Disclosure Agreements."

I would propose to issue these statements in a revised DR response. I am of the opinion that a revised response approach will best allow your client and mine to examine their options going forward.

I also understand that in addition to "agreements" you may be requesting communications between AXTI and Forsythe and/or any of the Forsythe entities. We would propose to address this question to the best of our ability to the extent it is contained in a subsequent DR. To the extent you can provide, upfront, any information concerning communications you believe to exist, this would be useful in any future search for potentially responsive documents.

At this time, ATXI will be standing on its objections to STPL 4.02 and 4.03 concerning the EWPP Floodplain Easements. In addition to objections/responses provided in response to those particular requests, please note the Company's response to STPL 4.04, in which we state that should we be unable to obtain an easement on or across the EWPP tract(s), we believe a modified

primary route will continue to permit us to construct the line from the Kansas sub to the Indiana state line.

Eric

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