

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

In the Matter of the Application of Grain Belt Express            )  
Clean Line LLC for a Certificate of Convenience and            )  
Necessity Authorizing it to Construct, Own, Operate,        )  
Control, Manage, and Maintain a High Voltage, Direct        ) Case No. EA-2014-0207  
Current Transmission Line and an Associated Converter        )  
Station Providing an interconnection on the Maywood -        )  
Montgomery 345 kV Transmission Line                         )

**MATTHEW AND CHRISTINA REICHERT'S  
RESPONSE IN OPPOSITION  
TO GRAIN BELT EXPRESS CLEAN LINE LLC'S MOTION TO STRIKE  
REBUTTAL TESTIMONY OF SCOTT NORDSTROM**

Matthew and Christina Reichert (Reicherts) file this Response in Opposition to Grain Belt Express Clean Line LLC's (GBE's) Motion to Strike the Rebuttal Testimony of Scott Nordstrom. The Reicherts state the following:

**Introduction**

GBE's proposed transmission line will cross the Reicherts land within approximately 400 feet of their home. This line will have a negative impact on the value of the Reicherts' land due to both the interference with farming operations and proximity to their home. Their situation is not isolated. The proposed line consisting of segments B and D will be within 250 feet of 5 homes and within 500 feet of 61 homes.<sup>1</sup> The primary purposes of Scott Nordstrom's Rebuttal Testimony were:

1. Calculate the easement burden on the Reichert's land;
2. Visually illustrate the scale, proximity, and negative impact that GBE's proposed transmission line will have on the Reicherts' property; and

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<sup>1</sup> Direct Testimony of Timothy B. Gaul, Doc. 8, Schedule TBG-2 at 118, 120.

3. Provide a scale of reference for Christina Umbriaco's preparation of her Rebuttal Testimony.

By inference, the visual illustration also shows how the transmission line will impact other landowners' properties whose residences are within 500 feet of the line.

The easement burden and negative impact are relevant to the "Public Interest" prong of the five *Tartan*<sup>2</sup> criteria for granting a Certificate of Convenience and Necessity (CCN) and the possible conditions that the Missouri Public Service Commission (PSC) may impose on any CCN.

### **Argument**

#### **I. Mr. Nordstrom's Testimony Provides and Supports Evidence Rebutting GBE's Claim of Economic Benefit Relative to the Public Interest Factor**

GBE has claimed that the proposed transmission line will provide an economic benefit to Missouri. They also claimed that this benefit includes increased property tax revenues.<sup>3</sup> GBE cites this economic benefit as one of the elements satisfying the Public Interest factor.<sup>4</sup>

Commission Rule 4 CSR 240-2.130(7)(C) states "rebuttal testimony shall include all testimony which explains why a party rejects, disagrees or proposes an alternative to the moving party's direct case[.]" Christina Reichert's Rebuttal Testimony explains why the Reicherts disagree with GBE's claim of economic benefit and increased property tax revenue.<sup>5</sup> Mrs. Reichert references Mr. Nordstrom's easement calculations with respect to the impact on the

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<sup>2</sup> *In re Tartan Energy Company*, 3 Mo.P.S.C. 173, 177 (1994).

<sup>3</sup> Application of Grain Belt Express Clean Line LLC for a Certificate of Convenience and Necessity, Doc. 5 at Par. 19, Pg. 8. (*see also* Direct Testimony of Michael P. Skelly, Doc. 12 at 5:11-6:2, and Direct Testimony of David G. Loomis, Doc. 10 at 3:8-4:22).

<sup>4</sup> *Id.*

<sup>5</sup> Rebuttal Testimony of Christina Reichert, Doc. 180 at 5:9-10:10.

property.<sup>6</sup> This same impact will also accrue to landowners with multiple pipeline easements who are facing the additional burden of GBE's transmission line.

GBE likes to quote that only 5 homes will be within 250 feet and 61 homes within 500 feet of the transmission line.<sup>7</sup> Those numbers are sterile. They do not show the scale and relative impact on those landowners. Mr. Nordstrom's drawing illustrates the scale of the towers in proximity to a residence. Therefore, Mr. Nordstrom's Rebuttal Testimony is relevant to the "Public Interest" factor as supporting evidence that land values will be decreased by GBE's transmission line.

## II. Mr. Nordstrom's Testimony Provides and Supports Evidence for the Imposition of Conditions on the CCN

The Staff of the PSC worked jointly with all parties to develop the list of issues and witnesses to this case. The Staff filed the list with the PSC on October 27, 2014.<sup>8</sup> The second issue states:

2. If the Commission grants the CCN, what conditions, if any, should the Commission impose?<sup>9</sup>

GBE did not object to this filing by Staff or Issue No. 2. In fact, GBE's Statement of Position specifically addressed Issue No. 2.<sup>10</sup>

The Reicherts have asked for specific conditions in the event that the PSC grants the CCN.<sup>11</sup> One of those conditions requires GBE to shift the transmission line to minimize the

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<sup>6</sup> *Id.* at 4:8.

<sup>7</sup> Gaul, Schedule TBG-2 at 118, 120.

<sup>8</sup> List of Issues and Witnesses, Doc. 259.

<sup>9</sup> *Id.* at 1.

<sup>10</sup> Position Statement of Grain Belt Express Clean Line LLC, Doc. 303 at 7-9.

<sup>11</sup> Matthew and Christina Reichert's and Randall and Roseanne Meyer's Statement of Position, Doc. 307.

easement burden on the Reicherts' property to 20%.<sup>12</sup> Another condition requires GBE to locate the transmission line at least 1,000 feet from any residence.<sup>13</sup> Mr. Nordstrom's Testimony documents the doubling of the easement burden on the Reicherts' property if the transmission line is located along the pipelines. This information is critical to support the Reicherts' request to cap the easement burden at 20%. Also, Mr. Nordstrom's Testimony illustrates the visual impact from locating the line within 500 feet of a residence. Mr. Nordstrom's Testimony when combined with the other testimony about reduced property values provides demonstrative support to the Reicherts' request to locate the transmission line at least 1,000 feet from any residence. Therefore, Mr. Nordstrom's Testimony is relevant to the issue of imposing conditions on the CCN.

### **Conclusion**

Therefore, the Reicherts and Meyers respectfully request that the PSC deny GBE's Motion to Strike Rebuttal Testimony of Scott Nordstrom and grant any other relief as appropriate.

Respectfully submitted,  
Law Office of Gary Drag

/s/ Gary Drag

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<sup>12</sup> *Id.* at 4.

<sup>13</sup> *Id.* at 4.

**CERTIFICATE OF SERVICE**

I certify that true and accurate copies of this document were sent by e-mail on November 17, 2014, to all parties on the official service list for this case.

*/s/ Gary Drag*

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Gary Drag, MBN 59597

Attorney for Matthew and Christina Reichert  
and Randall and Roseanne Meyer