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Service Commission

# Exhibit No. 101

Staff – Exhibit 101  
Cedric E. Cunigan  
Rebuttal Testimony  
File No. EA-2023-0017

*Exhibit No.:*  
*Issue(s):* *Route Selection,  
Environmental  
Compliance, and Public  
Comments*  
*Witness:* *Cedric E. Cunigan, PE*  
*Sponsoring Party:* *MoPSC Staff*  
*Type of Exhibit:* *Rebuttal Testimony*  
*Case No.:* *EA-2023-0017*  
*Date Testimony Prepared:* *April 19, 2023*

**MISSOURI PUBLIC SERVICE COMMISSION**

**INDUSTRY ANALYSIS DIVISION**

**ENGINEERING ANALYSIS DEPARTMENT**

**REBUTTAL TESTIMONY**

**OF**

**CEDRIC E. CUNIGAN, PE**

**GRAIN BELT EXPRESS, LLC**

**CASE NO. EA-2023-0017**

*Jefferson City, Missouri  
April 2023*

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REBUTTAL TESTIMONY OF  
CEDRIC E. CUNIGAN, PE  
GRAIN BELT EXPRESS, LLC  
CASE NO. EA-2023-0017**

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1 that, the Commission should condition any approval on all relevant permits being approved and  
2 submitted prior to beginning construction of the Tiger Connector.

3 **ROUTE SELECTION**

4 Q. Please summarize the routing process as provided in the Direct Testimony of  
5 Andrew Burke.

6 A. Mr. Burke is a Senior Planner/ GIS Specialist for WSP USA, Inc. Mr. Burke  
7 outlines the study steps on page 6 of his Direct Testimony. He starts with outlining a  
8 “Study Area.” From there conceptual routes using general routing and technical guidelines  
9 were developed. Then the WSP USA, Inc. team and Invenergy developed potential routes  
10 using general routing and technical guidelines. These guidelines are listed started on page 9  
11 of Schedule ab-2. The potential routes were shown in public meetings in July of 2022.  
12 The public had a chance to review and comment in person at four meetings held between  
13 July 26, 2022 and July 27, 2022, or online from July 25, 2022 through August 5, 2022. It is  
14 stated in Schedule ab-2 that 275 members of the public attended the public meeting and  
15 93 comments were received.<sup>1</sup> The routing team took information from the public meetings  
16 and developed a Refined Potential Route network. The Refined Potential Route network  
17 was then narrowed down to alternative routes. Analysis of the alternative routes is provided  
18 in Section 4 of Schedule ab-2, starting on page 17. The proposed route was then chosen  
19 from the three alternative routes.

20 Q. Does Staff have any concerns about the route selection?

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<sup>1</sup> Section 3.2.2 Summary of Public Comments of Schedule ab-2 of the Direct Testimony of Andrew Burke, page. 16.

1           A.     Staff questions how much weight was given to the different guidelines used  
2 in the study and any public comments collected. The analysis provided in Schedule ab-2 of  
3 Mr. Burke’s testimony provides a limited summary of the public comments<sup>2</sup> and provides  
4 some explanation of how the comments received impacted the development of the potential  
5 route network.<sup>3</sup> Adjustments appeared to be made for known obstructions, but it is unclear how  
6 much the preferences of landowners impacted the route changes. Also, while it is stated in  
7 Schedule ab-2 of Mr. Burke’s testimony that one of the guidelines was to minimize route costs,<sup>4</sup>  
8 the estimated costs of the alternative routes were not provided. In Response to Staff Data  
9 Request No. 0051, the Company stated that they estimate \$2 million per mile of line for each  
10 project. The price estimates were as follows:

- 11                                 - Route A: \$69.6 million
- 12                                 - Route B (the Proposed Route): \$71.6 million
- 13                                 - Route C: \$69.6 million

14           No information was provided on potential costs of any other routes. In Response to  
15 Staff Data Request No. 0049, the Company stated that the factors used to develop the routes  
16 were not ranked or weighted so it is unclear how much impact each factor had on the decision  
17 making process.

18     **ENVIRONMENTAL COMPLIANCE**

19           Q.     What environmental permits or approvals are required for this project?

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<sup>2</sup> Section 3.2.2 Summary of Public Comments of Schedule ab-2 of the Direct Testimony of Andrew Burke, page. 16.

<sup>3</sup> Section 4.4.2 Revisions to the Potential Route Network of Schedule ab-2, page 29.

<sup>4</sup> Section 2.3.1 General Guidelines of Schedule ab-2 of the Direct Testimony of Andrew Burke, page 9.

1           A.     The Company has stated that the following permits will be necessary before the  
2 project can become operational in Missouri:<sup>5</sup>

3           **Federal**

- 4           • Clean Water Act (CWA) Section 404 Nationwide Permit (NWP) 57:  
5           Electric Utility Line and Telecommunications Activities
- 6           • Rivers and Harbors Act (RHA) Section 10 permit required for work or  
7           structures in, over, or under navigable waters of the United States.  
8           Authorization available using Nationwide Permit 57
- 9           • RHA Section 408 permit for any projects which 'temporarily  
10           or permanently occupy or use any USACE federally authorized  
11           Civil Works project' require a Section 408 permit
- 12          • Endangered Species Act (ESA) Review
- 13          • Consultation under NHPA Section 106 review of visual effects

14          **Missouri**

- 15          • Section 401 Water Quality Certification (WQC)
- 16          • Section 402 NPDES/Construction Stormwater Permit (Land Disturbance  
17          Permit)
- 18          • Floodplain permits for placement of fill in floodplain/floodway
- 19          • Stream obstruction permits for placement of fill within designated  
20          waterbodies
- 21          • Natural Resource Review for State-Listed Species; Kansas Action Permit
- 22          • Consultation under Section 106 of NHPA

23          Q.     Does the Company have the experience necessary to obtain the necessary  
24 approvals?

25          A.     The Company has stated that they have an in-house environmental specialist and  
26 is hiring a team of consultants to assist with the permitting and routing.<sup>6</sup>

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<sup>5</sup> Response to First Set of Data Requests from the MLA Directed to Grain Belt Express witness Jennifer Stelzleni JS2.

<sup>6</sup> Direct Testimony of Jennifer Stelzleni page 6, line 11 through page 7, line 10.

1 Q. Does Staff have any concerns with the Company receiving any of the necessary  
2 approvals?

3 A. Staff does not have any immediate concerns with the permitting at this time.  
4 However, there are several endangered species habitats that may be impacted by construction  
5 as well as Native American Tribal lands. The Company has stated it is in the process of filing  
6 studies for the endangered animals and in talks with the tribes that may be impacted. Staff has  
7 requested updates on these issues as well as the permitting status and environmental compliance  
8 studies in Data Requests No. 0050.1. Staff would condition any approval on all necessary  
9 permits being obtained prior to construction.

10 **PUBLIC COMMENTS**

11 Q. Has there been public interest in this project?

12 A. Yes. There have been 199 public comments entered into EFIS for this case  
13 docket between July 14, 2022 and March 31, 2023. Kevin Chandler states the following on  
14 page 13 of his Direct Testimony regarding public comments received by the Company:

15 “The Project received 66 comments cards total for all four meetings. There were five  
16 comments provided through the Virtual Meeting. Additionally, landowners left 75  
17 comments on the table maps at the four Public Meetings.”

18 Q. What is the general opinion from the EFIS comments?

19 A. The comments are mostly opposed to the project. One hundred  
20 ninety-four (194) comments were opposed or expressed concern with the project;  
21 however, it should be noted that 18 parties submitted multiple comments totaling up to  
22 112 comments in opposition, so there were roughly 100 individuals who responded in



1 opposition. One comment was entered under the wrong case number and four comments were  
2 in support of the project. Examples of reasons for opposition include, but are not limited to:

- 3 • Opposition to use of eminent domain for taking land
- 4 • Loss of property value
- 5 • Proximity to homes, schools and other public venues
- 6 • Lack of a verifiable customer base
- 7 • Nuisance and disruption during construction

8 Examples of reasons for supporting included:

- 9 • Environmental benefits
- 10 • Economic growth

11 Q. What is the general opinion stated in the comments received through the  
12 company's outreach methods?

13 A. The majority of the comments received were opposed to the project. The  
14 company asked "How would you rate your support for the Tiger Connector (choose 1-5)?"  
15 The responses listed in Schedule kc-2, parts 4 and 5, attached to the Direct Testimony of  
16 Kevin Chandler are summarized in the table below, though it should be noted that some  
17 respondents did not respond to the question.

Ranking	1-Strongly Support	2-Moderatly Support	3-Neutral	4-Moderately Against	5-Strongly Against	Total
Count	4	0	13	6	27	50

18  
19 Q. What is your overall recommendation?

20 A. Staff recommends that the Commission order the Company to provide  
21 documentation that all relevant permits have been received prior to approval or, in lieu of that,  
22 the Commission should condition any approval on all relevant permits being approved and  
23 submitted prior to beginning construction of the Tiger Connector.

24 Q. Does this conclude your rebuttal testimony?

25 A. Yes it does.

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Grain Belt )  
Express LLC for an Amendment to its ) Case No. EA-2023-0017  
Certificate of Convenience and Necessity )  
Authorizing it to Construct, Own, Operate, )  
Control, Manage, and Maintain a High Voltage, )  
Direct Current Transmission Line and )  
Associated Converter Station )

**AFFIDAVIT OF CEDRIC E. CUNIGAN, PE**

STATE OF MISSOURI )  
 ) ss.  
COUNTY OF COLE )

**COMES NOW CEDRIC E. CUNIGAN, PE** and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Rebuttal Testimony of Cedric E. Cunigan, PE*; and that the same is true and correct according to his best knowledge and belief.

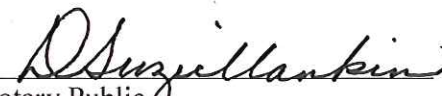
Further the Affiant sayeth not.

  
\_\_\_\_\_  
CEDRIC E. CUNIGAN, PE

**JURAT**

Subscribed and sworn before me, a duly constituted and authorized Notary Public, in and for the County of Cole, State of Missouri, at my office in Jefferson City, on this 17<sup>th</sup> day of April 2023.

D. SUZIE MANKIN  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: April 04, 2025  
Commission Number: 12412070

  
\_\_\_\_\_  
Notary Public

## **CEDRIC E. CUNIGAN, PE**

### **PRESENT POSITION:**

I am a Senior Professional Engineer in the Engineering Analysis Department, Industry Analysis Division, of the Missouri Public Service Commission.

### **EDUCATIONAL BACKGROUND AND WORK EXPERIENCE:**

In May 2011, I earned a Bachelor of Science in Biological Engineering from the University of Missouri, in Columbia. In May 2013, I earned a Master of Business Administration, also from the University of Missouri. I began work with the Missouri Department of Natural Resources Solid Waste Management Program in August 2013. I started as a Technician and was promoted to an Environmental Engineer I in January 2014. I transferred to the Hazardous Waste Program in September 2014. In January 2015, I was promoted to an Environmental Engineer II. I ended employment with the Department of Natural Resources in January of 2017 and began work with the Missouri Public Service Commission as a Utility Engineering Specialist III. I received my professional engineer's license in October 2021.

### **Summary of Case Involvement:**

<b>Case Number</b>	<b>Utility</b>	<b>Type</b>	<b>Issue</b>
EO-2017-0267	Empire District Electric Company	Memorandum	RES Compliance Report and Plan
EO-2017-0270	KCP&L Greater Missouri Operations Company	Memorandum	RES Compliance Report
EO-2017-0272	KCP&L Greater Missouri Operations Company	Memorandum	RES Compliance Plan
EO-2018-0111	Macon Electric Cooperative & City of Marceline	Memorandum	Change of Supplier
EC-2018-0089	Union Electric Company d/b/a Ameren Missouri	Staff Report	Complaint Investigation
EO-2018-0285	Empire District Electric Company	Memorandum	RES Compliance Report and Plan

continued Cedric E. Cunigan, PE

Case Number	Utility	Type	Issue
EO-2018-0289	KCP&L Greater Missouri Operations Company	Memorandum	RES Compliance Report
EO-2018-0291	KCP&L Greater Missouri Operations Company	Memorandum	RES Compliance Plan
ER-2018-0145 & ER-2018-0146	KCPL & KCP&L Greater Missouri Operations Company	Cost of Service Report, Rebuttal, & Surrebuttal	Renewable Energy
WR-2018-0328	Middlefork Water Company	Depreciation Workpapers	Depreciation
EA-2018-0202	Union Electric Company d/b/a Ameren Missouri	Staff Report	Certificate of Convenience and Necessity Application Requirements
EC-2018-0376	Union Electric Company d/b/a Ameren Missouri	Staff Report	Complaint Investigation
EA-2019-0010 & EA-2019-0118	Union Electric Company d/b/a Ameren Missouri	Staff Report	Certificate of Convenience and Necessity Application Requirements
EA-2019-0021	Union Electric Company d/b/a Ameren Missouri	Staff Report	Certificate of Convenience and Necessity Application Requirements
EE-2019-0305	Empire District Electric Company	Memorandum	RES Compliance Report and Plan
EO-2019-0320	Union Electric Company d/b/a Ameren Missouri	Memorandum	RES Compliance Report and Plan
EO-2019-0371	Union Electric Company d/b/a Ameren Missouri	Staff Report	Certificate of Convenience and Necessity Application Requirements
EE-2020-0411	Union Electric Company d/b/a Ameren Missouri	Memorandum	RES Compliance Plan
ET-2020-0259	Empire District Electric Company	Memorandum	Renewable Energy Tariff
EO-2020-0323	Empire District Electric Company	Memorandum	RES Compliance Report and Plan
EO-2020-0328	Union Electric Company d/b/a Ameren Missouri	Memorandum	RES Compliance Report and Plan
EA-2020-0371	Union Electric Company d/b/a Ameren Missouri	Staff Report	Certificate of Convenience and Necessity Application Requirements

<b>Case Number</b>	<b>Utility</b>	<b>Type</b>	<b>Issue</b>
WR-2020-0344	Missouri American Water Company	Cost of Service Report, Rebuttal, and Surrebuttal	Depreciation
SA-2021-0017	Missouri American Water Company	Staff Report	Depreciation
EO-2021-0032	Evergy	Staff Report	Solar Requirements 393.1665 RSMo
SA-2021-0120	Missouri American Water Company	Staff Report	Depreciation
EO-2021-0344	Empire District Electric Company	Memorandum	RES Compliance Report and Plan
EO-2021-0352	Union Electric Company d/b/a Ameren Missouri	Memorandum	RES Compliance Report and Plan
ER-2021-0240	Union Electric Company d/b/a Ameren Missouri	Cost of Service Report, Rebuttal, and Surrebuttal	Depreciation
ER-2021-0312	Empire District Electric Company	Cost of Service Report, Direct, Rebuttal, and Surrebuttal	Depreciation
SR-2021-0372	Mid MO Sanitation, LLC	Disposition Agreement	Depreciation
WA-2021-0391	Missouri American Water Company	Staff Report	Depreciation
ER-2022-0129	Evergy Missouri Metro	Direct, Rebuttal, Surrebuttal	Renewable Energy Tariff
ER-2022-0130	Evergy Missouri West	Direct, Rebuttal, Surrebuttal	Depreciation, Renewable Energy Tariff
EA-2022-0245	Union Electric Company d/b/a Ameren Missouri	Rebuttal, Surrebuttal	Certificate of Convenience and Necessity Application Requirements
EO-2022-0282	Empire District Electric Company	Memorandum	RES Compliance Report and Plan
EO-2022-0283	Union Electric Company d/b/a Ameren Missouri	Memorandum	RES Compliance Report and Plan
WA-2022-0311	Missouri American Water Company	Memorandum	Depreciation
ER-2022-0337	Union Electric Company d/b/a Ameren Missouri	Direct, Rebuttal, Surrebuttal, True-up Direct	Depreciation and Continuing Property Record