

**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  
AND  
RANDALL AND ROSEANNE MEYER'S  
STATEMENT OF POSITION**

Matthew and Christina Reichert (Reicherts) and Randall and Roseanne Meyer (Meyers) state the following for their Statement of Position:

**1. Does the evidence establish that the high-voltage direct current transmission line and converter station for which Grain Belt Express Clean Line LLC ("Grain Belt Express") is seeking a certificate of Convenience and Necessity ("CCN") are necessary or convenient for the public service?**

Definitely not! The Rebuttal and Surrebuttal Testimonies of Staff and other parties identify substantial shortcomings in Grain Belt Express' CCN application. The application does not satisfy the five Tartan<sup>1</sup> criteria that have to be met before a CCN is granted. The following Testimonies establish that Grain Belt Express has not proven that there is a need for the service:

- a. Rebuttal Testimony of Daniel L. Beck;
- b. Cross-Surrebuttal Testimony of Michael S. Proctor; and
- c. Rebuttal Testimony of Jeffrey M. Gray, Ph.D.

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<sup>1</sup> *In re Tartan Energy Company*, 3 Mo.P.S.C. 173, 177 (1994)

The following Testimonies establish that Grain Belt Express has not proven that the project is economically feasible:

- a. Rebuttal Testimony of Michael L. Stahlman;
- b. Rebuttal Testimony of Sarah L. Kliethermes;
- c. Cross-Surrebuttal Testimony of Michael S. Proctor; and
- d. Rebuttal Testimony of Jeffrey M. Gray, Ph.D.

The following Testimonies establish that Grain Belt Express has not proven that the project promotes the public interest:

- a. Rebuttal Testimony of Sarah L. Kliethermes; and
- b. Rebuttal Testimony of Jeffrey M. Gray, Ph.D.

All of these individuals identify major issues with Grain Belt Express' application. It is not a situation of one or two isolated or minor deficiencies that can be remedied after the fact. The application is seriously flawed and deficient. It cannot and should not be remedied by issuing a conditional CCN. Therefore, Grain Belt Express' application for a CCN should be denied.

**2. If the Commission grants the CCN, what conditions, if any, should the Commission impose?**

Due to the substantial deficiencies in Grain Belt Express' application, imposing conditions on this CCN would be equivalent to "putting lipstick on a pig". If the CCN must be granted, the Commission should impose conditions that are predicated on equalizing the significant bargaining power of a multi-million dollar company with the limited bargaining power of independent landowners with minimal resources. These conditions are extremely important since eminent domain can be used by Grain Belt Express as sledgehammer against

landowners with limited funds for a legal battle. The Commission should impose, at a minimum, the following conditions that will benefit all landowners:

- a. Require the incorporation of the terms recommended by Mr. Beck into Grain Belt Express' easement agreement.
- b. Require that the easement agreement include terms that are, at least, equivalent to the terms in the Agricultural Impact Mitigation Agreement (AIMA) that will be filed by Grain Belt Express with the Illinois Department of Agriculture and the AIMA filed by Rock Island Clean Line, a sister company of Grain Belt Express.<sup>2</sup>
- c. Require a bond or escrow equal to or exceeding \$135 million for decommissioning the transmission line. The bond or escrow should be funded by Grain Belt Express and held by the State of Missouri. The stated amount is based on Grain Belt Express' estimate of labor costs to construct the transmission line.
- d. Reforestation of trees where Grain Belt Express will plant two trees for every tree removed during the construction process.
- e. Disclosure by Grain Belt Express of the Heritage Value and Homestead Taking criteria in Sections 523.001, 523.039, and 523.061 RSMo. when negotiating with all landowners.
- f. Establishment of an independent binding arbitration process that a landowner or Grain Belt Express can request as an alternative to resolving disputes over the eminent domain process.

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<sup>2</sup> Rebuttal Testimony of Christina Reichert, Schedule CR-5.

- g. Removal of onerous terms from the easement agreement such as forfeiture of the homestead exemption and prohibition on crossing the easement for livestock rotation and crop access during the construction process.
- h. Maintain a minimum distance of at least 1,000 feet from any residence unless the owner agrees to a shorter distance.

Due to safety concerns expressed by Robert F. Allen for Rockies Express Pipeline LLC, the Commission should require that Grain Belt Express reevaluate the route to maintain a safe distance from pipelines and incorporate all of Mr. Allen's recommendations.<sup>3</sup>

Currently, 15% of the Reicherts land is burdened by pipeline easements. The Grain Belt Express transmission line will increase that easement burden to 30%. Almost a third of their land will be encumbered.<sup>4</sup> This situation is exacerbated by the proximity of the transmission line to the Reicherts' home. They will be literally living in the shadow of the towers.<sup>5</sup> Therefore, the Reicherts request that Commission require Grain Belt Express to shift the proposed routing to follow a boundary line or other route where the route only increases the easement burden by 5% or less for a total easement burden not exceeding 20%.

The Meyers request that the Commission require Grain Belt Express to reevaluate the proposed routing since the easement will cut diagonally across their property and the homestead site for their daughter and her family.<sup>6</sup> This routing was selected by Grain Belt Express due to the private Shiloh Airpark owned by a single individual. However, that facility is no longer in

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<sup>3</sup> Rebuttal Testimony of Robert F. Allen, page 9, line 8, to page 15, line 2.

<sup>4</sup> Rebuttal Testimony of Scott Nordstrom, Schedule SN-1.

<sup>5</sup> Rebuttal Testimony of Christina Reichert, Schedule CR-1, Rebuttal Testimony of Scott Nordstrom, Schedule SN-2, and Rebuttal Testimony of Christina Umbriaco, Schedule CU-1.

<sup>6</sup> Rebuttal Testimony of Roseanne Meyer, page 6, line 13 to page 7, line 2, and Schedule RM-1.

use. At minimum, the route should be shifted to follow the northern boundary line of the property.

Finally, the Reicherts and Meyers support the conditions recommended by Staff and Jeffrey M. Gray, Ph.D.<sup>7</sup>

**3. If the Commission grants the CCN, should the Commission exempt Grain Belt Express from complying with the reporting requirements of Commission rules 4 CSR 240-3.145, 4 CSR 240-3.165, 4 CSR 240-3.175, and 3.190(1), (2) and (3)(A)-(D)?**

The Reicherts and Meyers have no position on this issue at this time. They reserve the right to state a position after reviewing the evidence that will be presented at the evidentiary hearings.

Respectfully submitted,  
Law Office of Gary Drag

/s/ Gary Drag

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<sup>7</sup> Rebuttal Testimony of Daniel L. Beck, page 16, line 19, to page 22, line 34, and Rebuttal Testimony of Jeffrey M. Gray, Ph.D., page 15, line 22, to page 17, line 2.

**CERTIFICATE OF SERVICE**

I certify that true and accurate copies of this document were sent by e-mail on November 7, 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