

**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 Certificate )  
of Convenience and Necessity Authorizing it to )  
Construct, Own, Operate, Control, Manage, and ) File No. EA-2023-0017  
Maintain a High Voltage, Direct Current )  
Transmission Line and Associated Converter )  
Station )

**GRAIN BELT EXPRESS LLC’S RESPONSE IN OPPOSITION  
TO MOTIONS TO INTERVENE**

COMES NOW Grain Belt Express LLC (“Grain Belt Express”) and pursuant to 20 CSR 4240-2.080(13) hereby files this response in opposition to the motions to intervene filed by the Missouri Landowners Alliance (“MLA”), the Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners (“Show Me”), and Norman Fishel (collectively, the “Petitioners”).

In support of its response, Grain Belt Express hereby states as follows:

1. Pursuant to the Missouri Public Service Commission’s (“Commission’s”) rules governing interventions, as set forth at 20 CSR 4340-2.075, the motions to intervene are premature.
2. On July 12, 2022, Grain Belt Express filed a Notice of Intended Amendment Filing with the Commission in File No. EA-2016-0358, the docket in which Grain Belt Express was granted a certificate of convenience and necessity by the Commission on March 20, 2019 (hereafter, the “CCN Docket”). The Notice of Intended Amendment Filing was made pursuant to 20 CSR 4240-4.017(1) and simply advised the Commission that Grain Belt Express planned to file for approval of an amendment to its existing CCN in mid to late August of this year.

3. On July 13, 2022, the Commission issued a Notice Regarding Filing, noting that when Grain Belt Express files its application for amendment, it should file such application in a new docket, the above-captioned docket.

4. Thereafter, on August 12, 2022, motions to intervene were filed by MLA, Show Me, and Mr. Fishel. Each of the petitions to intervene are nearly identical in substance and filed by the same counsel. As such, Grain Belt Express files this singular response to all three motions to intervene.

5. 20 CSR 4240-2.075(1) provides that a motion to intervene “shall be filed within thirty (30) days after the commission issues its order giving notice of the *case*, unless otherwise ordered by the commission.” (emphasis added). The motions to intervene state that the Petitioners are aware that Grain Belt Express has not yet filed its application in this proceeding, but suggest that the Commission’s July 13, 2022 Order could arguably constitute notice of the case, thereby triggering the 30-day period for petitions to intervene. As a result, and out of an abundance of caution, Petitioners state that they are filing for intervention prior to Grain Belt Express filing its application in this case.

6. The Petitioners attempt to intervene in a proceeding where an application has yet to be filed is premature. The Commission’s July 13, 2022 Order Regarding Filing was not an “order giving notice of the *case*,” as no “case” has been filed. The July 13, 2022 Order merely directed Grain Belt Express to file its application in a new docket, specified the docket number in which it should be filed, and nothing more. In the ordinary course, once Grain Belt Express’ application is filed, the Commission will issue an order directing notice of the case to interested parties and establish a specific deadline for interventions. The Order Regarding Filing took no such action.

7. Accordingly, Grain Belt Express asserts that the motions to intervene are untimely and should therefore be denied by the Commission or withdrawn until such time as the application is filed.

8. Grain Belt Express may have an additional argument in opposition to the motions to intervene after the application is filed. However, it is not possible to apply the standards for intervention as set forth at 20 CSR 4240-2.075(3)—including how a party’s interests will be affected—until an application is filed. Accordingly, this Response merely addresses the premature nature of the motions to intervene, rather than the substance of the motions. Grain Belt Express reserves its right to object to the motions to intervene on additional grounds when such motions are properly before the Commission.

WHEREFORE, Grain Belt respectfully requests the Commission deny the motions to intervene or direct such motions to be withdrawn by counsel until after Grain Belt Express’ application is filed and an order directing notice and establishing a deadline for interventions is issued.

Respectfully submitted,

/s/ *Anne E. Callenbach*

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ATTORNEYS FOR GRAIN BELT EXPRESS LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon the parties listed on the official service list by email, this 22<sup>nd</sup> day of August, 2022.

/s/ \_\_\_\_\_  
Attorney for Grain Belt Express