

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 PROPOSED PROCEDURAL SCHEDULE

Pursuant the Commission’s October 28, 2022 *Order Setting Time for Responses to Motion for Summary Disposition and Setting a Procedural Conference*, which directed that the parties file joint or individual proposed procedural schedules no later than November 17, 2022, Grain Belt Express LLC (“Grain Belt Express”), with the agreement and consent of Associated Industries of Missouri, Missouri Joint Municipal Electric Utility Commission d/b/a Missouri Electric Commission, Clean Grid Alliance, Renew Missouri Advocates d/b/a Renew Missouri, and the Sierra Club (collectively, the “Supporting Parties”), hereby files its proposed procedural schedule to govern the remainder of this proceeding.

1. On August 24, 2022, Grain Belt Express filed an application to amend the certificate of convenience and necessity (“CCN”) granted to it by the Commission to construct and operate the Missouri portion of an approximately 800-mile, overhead, multi-terminal ±600 kilovolt high-voltage, direct current transmission line and associated facilities including converter stations and alternating current connector lines (the “Project”).

2. On November 10, 2022, the parties participated in a procedural conference in order to establish, so far as possible, an agreed-upon procedural schedule that was compatible with the

Commission's hearing calendar, Staff's workload, Grain Belt Express' project construction timelines and development commitments, and the needs of the other parties. While those efforts were constructive, the parties were unable to fully come to terms on a schedule mutually agreeable to all parties.

3. In proposing the below schedule, Grain Belt Express acknowledges Staff's request to file its rebuttal testimony on or after March 28, 2023 in order to accommodate Staff's current workloads. Grain Belt Express further recommends that local public hearings be held in early March 2023 to avoid the spring planting season that could negatively impact participation therein, as expressed by the landowner intervenors and the trade associations.

4. In its application to amend, Grain Belt Express requested a Commission Order date on or around May 31, 2023 so that it may continue its development and construction activities in a timely fashion. From Grain Belt Express' review of other transmission line CCN cases, this interval of time (approximately 9 months) between the filing of an application and the anticipated Commission Order date appears to be typical.<sup>1</sup> Certainly, for an amendment to a CCN nine months would appear to be sufficient. However, the proposed schedule below stretches to nearly eleven months. Accordingly, Grain Belt Express submits that the following procedural schedule appropriately and reasonably balances the needs of all parties to the proceeding. Any further delay has material negative impacts on the development timeline due to the seasonal nature of environmental assessments and the long lead time of certain equipment and material procurement. Such delay would result in material negative impacts on current and potential commercial partners, as well, who stand to save millions of dollars in energy costs as a result of the Project. Accordingly,

---

<sup>1</sup> See, e.g., Case No. EA-2021-0087, Order Setting Procedural Schedule (July 22, 2021); Case No. EA-2016-0358, Order Setting Procedural Schedule and Other Procedural Requirements (Oct. 19, 2016); Case No. EA-2015-0146, Order Setting Procedural Schedule (August 5, 2015).

Grain Belt Express, with the agreement and consent of the Supporting Parties, proposes the following schedule:

<b>Date</b>	<b>Event</b>	<b>Days From Amendment Filing</b>	<b>Days From Prior Action</b>
August 24, 2022	Application to Amend CCN Filed	0	NA
Week of March 3-7, 2023	Local Public Hearings in Monroe, Audrain, and Callaway Counties, locations and times TBD	191-195	191-195
March 28, 2023	Staff & Intervenor Rebuttal Testimony	216	21 (from last day)
April 24, 2023	Applicant Surrebuttal & Staff/Intervenor Cross-Surrebuttal Testimony	243	27
May 2, 2023	Last day to issue discovery requests	251	8
May 9, 2023	Joint list of issues, joint order of witnesses, order of parties for cross-examination, order of opening statements	258	7
May 15, 2023	Last day to file motions to compel discovery	264	6
May 16, 2023	Position statements	265	1
May 22-26, 2023	Evidentiary hearing	271-275	6-10
June 14, 2023	Simultaneous initial briefs	294	19 (from last day)
June 21, 2023	Simultaneous reply briefs	301	7
July 21, 2023	Requested Order Date <sup>2</sup>	331	30

5. Grain Belt Express also requests that the Commission direct the parties to comply with the following:<sup>3</sup>

---

<sup>2</sup> Grain Belt Express recognizes that the Commission’s procedural orders do not typically include an order deadline, but a requested order date is included here for planning purposes and for comparison to Grain Belt Express’ original request for a Commission order by May 31, 2023.

<sup>3</sup> The procedures below are consistent with Staff’s proposal, with the addition of a reference to the Protective Order in subparagraph (i) and deletion of the requirement that all discovery conferences begin at 2:00 pm in subparagraph (m).

(a) All parties must comply with the requirements of Commission Rule 20 CSR 4240-2.130 for prepared testimony, including the requirement that testimony be filed on line-numbered pages.

(b) Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as not requiring resolution by the Commission.

(c) Each party shall file a simple and concise statement summarizing its position on each disputed issue, including citations to pre-filed testimony supporting its position.

(d) All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(e) If testimony or documents are pre-filed and served upon the parties before a hearing, a party need only provide a copy of the testimony or document to the court reporter for marking as an exhibit. If not pre-filed and served upon the parties, then a party who has a document marked for use at the hearing shall have sufficient copies of the document to provide a copy not only to the court reporter, but also to each of the Commissioners, the presiding officer, and counsel for each other party.

(f) All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.

(g) Public documents filed in EFIS shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.

(h) Any data requests issued to or by Staff shall be submitted and responded to in the Commission's Electronic Filing and Information System (EFIS) pursuant to 20 CSR 4240-2.090(2)(H). All data requests other than those issued to or by Staff, as well as all objections to data requests, or notifications of the need for additional time to respond, shall be sent by e-mail to counsel for the other parties. Counsel for each party shall receive electronically, via either EFIS notification or e-mail from the party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Regarding data requests issued via EFIS, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request, thereby providing the responding party the opportunity to object. Counsel may designate other

personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. If any party responds to a data request in EFIS, the response is available in EFIS to all counsel on the certified service list. Data request responses, other than responses to data requests in EFIS, shall be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule.

(i) The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135, and the Protective Order issued in this case.

(j) Until Staff's Report and Intervenor rebuttal testimony is filed on March 28, 2023, the response time for all data requests shall be **twenty (20)** calendar days, with **ten (10)** calendar days to object or notify the requesting party that more than **twenty (20)** calendar days will be needed to provide the requested information. After March 28, 2023, until surrebuttal testimony is filed on April 28, 2023, the response time for data requests shall be **fifteen (15)** calendar days to provide the requested information and **eight (8)** calendar days to object or notify the requesting party that more than **fifteen (15)** calendar days will be needed to provide the requested information. After surrebuttal testimony is filed on April 28, 2023, the response time for data requests shall be **ten (10)** business days to provide the requested information and **five (5)** business days to object or notify the requesting party that more than **ten (10)** business days will be needed to provide the requested information. If a data request has been responded to, a party's request for a copy of the response shall be

timely responded to, considering that the underlying data request has already been responded to.

(k) Workpapers prepared in the course of developing a witness' testimony (including schedules) and exhibits shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.

(l) Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.

(m) Any party may request a discovery conference by motion. Discovery conferences will be held either virtually via phone and/or computer or at the Commission's office at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, in a room to be designated by the Commission.

(n) Not less than three business days before the date set by the Commission for a discovery conference, any party that has a discovery disagreement or concern involving another party shall file a brief statement describing that disagreement or concern and identifying any other parties involved. Such statement does not need to be a formal motion

to compel. Any party may attend a discovery conference, but only those parties involved in an identified discovery disagreement must attend.

(o) Discovery conferences shall be on the record and will be transcribed by a court reporter if requested by the parties.

(p) Any pending written discovery motion may be taken up at a discovery conference and may be ruled upon by the presiding regulatory law judge either on the record, or in a written order.

(q) Commission Rule 20 CSR 4240-2.090's requirement that a party must seek a telephone conference with the presiding officer before filing a discovery motion is waived.

WHEREFORE, Grain Belt Express, with the agreement and consent of the Supporting Parties, respectfully requests that the Commission adopt the procedural schedule and procedures discussed above, and for such further relief as may be appropriate.

Respectfully submitted,

*/s/ Anne E. Callenbach*

Frank A. Caro, Jr. MBN 42094

Anne E. Callenbach MBN 56028

Andrew O. Schulte MBN 62194

Polsinelli PC

900 W. 48<sup>th</sup> Place, Suite 900

Kansas City, Missouri 64112

(816) 572-4754

[fcaro@polsinelli.com](mailto:fcaro@polsinelli.com)

[acallenbach@polsinelli.com](mailto:acallenbach@polsinelli.com)

[aschulte@polsinelli.com](mailto:aschulte@polsinelli.com)

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 17<sup>th</sup> day of November, 2022.

*/s/ Anne E. Callenbach*  
\_\_\_\_\_  
Anne E. Callenbach