

**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-2016-0358
Current Transmission Line and an Associated Converter)
Station Providing an Interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

In the Matter of the Joint Application of Invenergy)
Transmission LLC, Invenergy Investment Company)
LLC, Grain Belt Express Clean Line LLC and Grain) Case No. EM-2019-0150
Belt Express Holding LLC for an Order Approving)
the Acquisition by Invenergy Transmission LLC of)
of Grain Belt Express Clean Line LLC)

NOTICE OF COMPLIANCE

Grain Belt Express LLC (“Grain Belt”), for its Notice of Compliance to the Missouri Public Service Commission (“Commission”) states as follows:

1. On March 20, 2019, the Commission issued its Report and Order on Remand granting Grain Belt’s application for a Certificate of Convenience and Necessary (“CCN”) in Case No. EA-2016-0358, which took effect on April 19, 2019. In its Report and Order on Remand, the Commission adopted and incorporated the conditions agreed upon by Grain Belt and Commission Staff as set forth in Exhibit 206, which was attached to the Report and Order on Remand as Attachment 1.

2. Section III.4 of Exhibit 206 requires Grain Belt to file “annual status updates” on discussions with Staff regarding the need for additional studies of the impacts of Grain Belt’s facilities on other facilities in Missouri, a summary of the results of any additional studies, and any mitigation measures that have been implemented to address underground metallic structures, telecom facilities and AC lines.

3. On June 5, 2019, in Case No. EM-2019-0150, the Commission issued a Report and Order approving the acquisition of Grain Belt by Invenergy Transmission LLC (“Invenergy”). That Report and Order was amended on September 11, 2019 to clarify that Invenergy will be required to exercise its control such that Grain Belt complies with all conditions placed on the granting of its CCN, not that Invenergy will be required to independently comply with each of those conditions. The Amended Report and Order was effective on September 21, 2019.

4. The Amended Report and Order in Case No. EM-2019-0150 approved the acquisition of Grain Belt by Invenergy subject to the same conditions placed upon Grain Belt in the Report and Order on Remand in Case No. EA-2016-0358, including Exhibit 206.

5. In compliance with Section III.4 of Exhibit 206, as adopted and incorporated by the Report and Order on Remand in Case No. EA-2016-0358 and the Amended Report and Order in Case No. EM-2019-0150, Grain Belt submits the Annual Report attached hereto as **Exhibit A**.

WHEREFORE, Grain Belt requests that the Commission take notice of its compliance with the condition cited above.

Respectfully submitted,

/s/ Andrew O. Schulte

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ATTORNEYS FOR GRAIN BELT EXPRESS LLC



April 15, 2022

Hon. Morris Woodruff
Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, PO Box 360
Jefferson City, MO 65102-0360

RE: Grain Belt Express Annual Report

Dear Judge Woodruff,

Pursuant to Exhibit 206 of the March 20, 2019 Report and Order on Remand in Docket No. EA-2016-0358 (“CCN Order”), and the June 5, 2019 Amended Report and Order in Docket No. EM-2019-0150, Grain Belt Express LLC (“Grain Belt Express”) hereby submits an annual status update. While the “annual status update” required by Exhibit 206, Section III.4 only requires Grain Belt Express to address the impacts of its facilities on other nearby facilities in Missouri, this filing addresses the required information and also provides a general progress update for the benefit of the Missouri Public Service Commission (“Commission”) and the public.

General Overview

Since closing on its acquisition of Grain Belt Express in January of 2020, Invenenergy Transmission LLC (“Invenenergy Transmission”) has been focused on project development activities. Work on these activities in 2021 and Q1 of 2022 have focused on landowner outreach, local engagement, land acquisition, environmental field work and agency engagement, engineering design, preliminary field work and public education about the need and benefits of the project. This has included:

- Executing new voluntary easement agreements and issuing easement payments to landowners along the Project route.
- Establishing field offices to support development efforts, and in 2021, adding administrative staff to support regular office hours for addressing landowner questions and concerns.
- Continuing dialogue with state and local officials and other stakeholders to introduce Invenenergy Transmission as the new Project owner and to provide status updates.
- Active engagement with all federal and state environmental regulatory agencies.
- Updates and refinements to tower locations taking into account landowner comments and places where the project crosses existing infrastructure.
- Transmission alignment and tower locations refined to minimize environmental impacts.
- Preparing the data and deliverables necessary to proceed with detailed engineering and construction.



- Limited field activities began on certain parcels where the Project had voluntary easement or access agreements in place with landowners or owned the parcels in fee simple.
- Selection of engineering, environmental permitting, field work and land services contractors who are now actively performing contract services.
- Maintaining the www.GrainBeltExpress.com project website and Facebook page which provide project updates and announcements to the public. Questions received via the website hotline phone number and company email are addressed in a timely manner.
- Maintaining and providing project-specific collateral materials used as informational hand-outs for local stakeholders and landowners along the project route.
- Expanding the Project’s community relations program, including:
 - Hiring a new Community Relations contractor
 - Conducting numerous project stakeholder update briefings
 - Establishing the Grain Belt Express Community Grant program
 - Establishing memberships in local Chambers of Commerce
 - Sponsoring the Missouri State Fair and county fairs along the route, the St. Joseph Sound of Speed Air Show, and other local events
 - Running TV, radio, and digital ads highlighting the Project’s connection North Missouri’s values

State Regulatory Approvals and Appeals

Missouri

During the latter half of 2020 and during 2021, four complaints were filed against Grain Belt Express, LLC, all of which were resolved in favor of Grain Belt Express. The first action was voluntarily dismissed due to lack of evidence.¹ The Commission denied the second action in its entirety, with the Commission seeing “no basis” for the relief sought by complainants in that case.² The Commission also denied the third action in its entirety, finding that the complainants in that case “failed to meet their burden of proof.”³ The fourth complaint was voluntary dismissed by complainants.⁴

¹ See *Missouri Landowners Alliance and Gary Mareschal v. Grain Belt Express, LLC, et al.*, PSC Case No. EC-2020-0408, Motion to Withdraw Complaint (Jan. 12, 2021).

² *Missouri Landowners Alliance, and Eastern Missouri Landowners Alliance DBA Show Me Concerned Landowners, and John G. Hobbs v. Grain Belt Express LLC, et al.*, PSC Case No. EC-2021-0034, Report & Order, p. 13 (Jan. 20, 2021).

³ *Missouri Landowners Alliance, and Eastern Missouri Landowners Alliance DBA Show Me Concerned Landowners, and John G. Hobbs v. Grain Belt Express LLC, et al.*, PSC Case No. EC-2021-0059, Report & Order, p. 20 (Aug. 4, 2021).

⁴ *Linda McElwee v. Grain Belt Express LLC*, PSC Case No. EC-2022-0059, Voluntary Dismissal of Complaint (October 16, 2021) and Notice of Dismissal (October 19, 2021.)

**File No. EC-2020-0408**

On June 22, 2020, Missouri Landowners Alliance and Gary Mareschal filed a formal complaint against Grain Belt Express LLC, Invenergy Transmission LLC, and Invenergy Investment Company LLC, alleging violations of the Code of Conduct Grain Belt Express must comply with in accordance with the CCN Order. Complainants alleged that land agents working for Contract Land Staff (“CLS”) on behalf of Grain Belt Express made statements in three phone calls that either “Grain Belt is no longer involved with this business” or possibly that “Grain Belt is no longer involved in the business.”

On January 12, 2021, Complainants filed a motion to withdraw its complaint, noting that because one of its witnesses, Marvin Daniels, had withdrawn, the impact of his withdrawal necessitated withdrawing the Complaint. The MPSC issued a Notice of Dismissal on January 13, 2021.

File No. EC-2021-0034

On August 10, 2020, Missouri Landowners Alliance and Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners and John G. Hobbs filed a complaint against Grain Belt Express LLC, Invenergy Transmission LLC, and Invenergy Investment Company LLC. The complaint alleged violations of the CCN Order, asserting that Grain Belt Express was required to use a standard form of easement agreement in its negotiations with landowners.

The MPSC denied the complaint in a Report and Order issued on January 20, 2021, effective February 19, 2021, finding that the conditions placed upon Grain Belt Express’s CCN specifically required the use of the Landowner Protocol and the Code of Conduct, but not the form of easement attached to the testimony of Deann K. Lanz. The MPSC specifically found that its CCN Order did not mandate or restrict Grain Belt Express as to what terms to offer in the course of negotiations, except to require that each agreement expressly pertain to the land and contain a drawing of the easement location in question.

File No. EC-2021-0059

On September 2, 2020, Missouri Landowners Alliance and Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners and John G. Hobbs filed a complaint against Grain Belt Express LLC and Invenergy Transmission LLC. The complaint alleged violations of the CCN Order, asserting that by issuing a press release and publishing potential changes to the Project on the Grain Belt Express website, Grain Belt Express was in violation of the CCN Order. Complainants alleged that by announcing plans to build something materially different from what the Commission approved in the CCN case, Grain Belt Express no longer held a valid CCN and had no legitimate right to claim the power of eminent domain.



On August 4, 2021, the MPSC issued a Report and Order denying the Complaint, finding that there is no provision in Missouri law for an entity to affirmatively relinquish their CCN prior to the two-year expiration date due to inaction, the CCN granted to Grain Belt Express in the CCN case remains valid. The MPSC further found that while the press release and website statements may indicate that Grain Belt Express is contemplating changes to the Project, Complainants presented no evidence that those changes, if implemented, would result in a materially different design and engineering for the Project. Moreover, the MPSC found that Complainants failed to meet their burden to show that Grain Belt Express has taken any concrete actions to implement any changes, apart from the website statements and press release.

File No. EC-2022-0059

On August 27, 2021, Linda McElwee filed a formal complaint against Grain Belt Express. Ms. McElwee first alleged that, by not providing Complainant with “yes” or “no” answers to three questions, Grain Belt Express is in violation of the Code of Conduct received in evidence in the CCN proceeding, and with which Grain Belt Express is bound to reply. In the second count, Complainant alleged that Grain Belt Express must pay \$18,000 per structure plus a 10% adder, as contained in the Landowner Protocol applicable to voluntary easements, even if voluntary easement negotiations fail and the matter proceeds to condemnation. On October 6, 2021, the Commission Staff filed its Investigation report, finding that, even assuming that Grain Belt Express failed to provide Complainant with “yes” or “no” answers to three questions, it is Staff’s opinion that this does not constitute a violation of the CCN Order. Staff also requested that the Commission dismiss Complainants’ second count, noting that it was requesting a declaratory judgment regarding condemnation and was outside the Commission’s subject matter jurisdiction.

On October 16, 2021, counsel for Complainant filed a Voluntary Dismissal of the Complaint, which was memorialized in a Notice of Dismissal issued by the Commission on October 19, 2021.

Illinois

On September 21, 2021 Illinois Governor Pritzker signed into law Public Act 102-0662 also known as the “Climate and Equitable Jobs Act” (“CEJA”). A wide-ranging omnibus bill encompassing a number of energy policy changes, the bill includes a new Section 8-406(b-5) that will allow Grain Belt Express to seek its Certificate of Public Convenience and Necessity (“CPCN”) in Illinois. Under 8-406(b-5) Grain Belt Express is required to conduct three public meetings in each county through which the project passes in Illinois not more than six months prior to filing of application. Grain Belt Express began those meetings on February 7, 2022 and completed its public meeting process on April 14, 2022. Grain Belt Express anticipates filing its CPCN application at the Illinois Commerce Commission (“ICC”) mid-2022.

There was no additional regulatory activity in Kansas, Illinois, or Indiana in 2021 or Q1 of 2022.



Federal Energy Regulatory Commission Filings

Grain Belt Express has made no filings with the Federal Energy Regulatory Commission (“FERC”) since the effective date of its Missouri CCN.

Transmission Line Engineering and Environmental Permitting

Invenergy Transmission and Grain Belt Express have contracted with transmission line engineering and environmental permitting firms to advance the design of the Project transmission line, secure environmental permits required by federal and state agencies to construct the Project, and act as an overall project manager to coordinate between Project disciplines.

Engineering is steadily progressing with efforts focused on supporting environmental permitting, crossing agreements, and land acquisition. Approximately 550 miles of transmission line towers have been designed incorporating details such as LiDAR survey, high definition ortho-imagery, and high-performance conductor. Tower locations have been evaluated and modified as needed to limit disturbance to sensitive habitat, other environmental features, and landowner requests.

Ortho-imagery obtained in 2020, together with desktop assessments and field surveys conducted in 2021, have been used to identify sensitive environmental features. Engineering has utilized information provided from ortho-imagery and environmental assessments to preemptively avoid and minimize disturbance to the areas identified. Additional, targeted environmental field surveys are to be performed on selected parcels in 2022. Surveys will be used to further refine and reduce overall environmental impacts. Grain Belt Express is in discussions with relevant permitting agencies (US Army Corps of Engineers, US Fish and Wildlife Service, et al) to discuss/confirm the Project’s survey approach and permitting and compliance approach.

Utilizing LiDAR topographic and aerial obstruction survey engineering has refined design for more than 500 crossings in Missouri, including overhead electrical transmission and distribution lines, railroads, highways, county roads, major water bodies, rivers, and levees.

The engineering and environmental teams are evaluating landowner concerns through strict adherence to the Grain Belt Express Code of Conduct, establishing communication between Invenergy Transmission and landowners that is factual and in good faith, respectful and reflective of fair dealings, and conducted with respect to the privacy of property owners and other persons.

Engineering has drafted material, electrical, and converter station specifications to advance detailed engineering and prepare for construction of the Project. Supporting similar objectives, the engineering team has acquired ~100 geotechnical borings covering both the transmission line and converter stations, begun full-scale lattice tower testing, and prepared for insulator assembly RIV and corona testing. Engineering has also begun planning for operations of the Project by refining access plans, analyzing material lifecycles, and establishing plans for routine maintenance.

In April 2021, Grain Belt Express began limited field activities on certain parcels where the Project had voluntary easement or access agreements in place with landowners or owned the



parcels in fee simple. The vast majority of the work was soil borings (on parcels with easement and access agreements), and on a small number of parcels (those owned in fee simple) it included access roads or below-grade civil work. Missouri-based contractor teams performed all work, abiding by all applicable local and Missouri Public Service Commission requirements.

Project Development Team, Local Engagement and Land Acquisition

Local Engagement and Land Update

Local Outreach and Community Relations

Grain Belt Express project team leaders and land agents have reached out to state and local officials, project stakeholders, and landowners along the route throughout the course of development activities to keep key stakeholders informed about progress, to answer questions, and to continue to seek feedback about approaches the Project is taking in interfacing with landowners and other stakeholders. Additionally, Grain Belt Express in 2021 and into 2022 has expanded its community relations program including support for local community causes.

The Director of Local and Community Affairs has visited with County Commissioners in all route counties and has participated in two Project update events hosted by local Missouri chambers of commerce in the route counties. Project team leaders from Invenergy have conducted project update briefings in 2021 including with County Farm Bureau leaders, State Farm Bureau leaders, State Cattlemen's Association leaders, Missouri Public Utility Alliance members, and state union leadership with the IBEW and AFL-CIO. Grain Belt Express has now hired a contractor to serve as a Community Relations representative who will have responsibility for building relationships with and providing project updates to route area stakeholders.

Grain Belt Express has established and maintains memberships in the seven Missouri chambers of commerce that serve areas where the project is located. In 2021, Grain Belt Express established a Community Grant program where nonprofit organizations in route counties in Kansas, Missouri, and Illinois can apply for \$500 grants. To date, the program has approved all applications and dispersed 42 grant contributions, the majority to Missouri organizations. In 2021, Grain Belt Express representatives attended county fairs in each of the eight Missouri route counties and participated in livestock auctions, purchasing student projects from 4-H and FFA members and donating them back to the students. Grain Belt Express has also sponsored notable local events including the Sound of Speed Airshow in St. Joseph, the Missouri State Fair, and the Chariton County Economic Development Council Annual Golf Outing.

In August 2021, Grain Belt Express ran a TV, radio, and digital ad campaign that highlighted the Project as fitting into North Missouri's long tradition of innovation, visionary leadership, and connecting the American continent. The TV ad "Right Here" [can be viewed on Grain Belt Express's website](#). Grain Belt Express has continued to sponsor the ag commodities report "wheel" announcement through KRES radio out of Moberly, where twice daily the project name



is read as a sponsor of the commodities report. This is to increase project awareness and name recognition.

Local Office Staffing and Landowner Communications

In 2020, offices opened in St. Joseph and Moberly to serve as home bases for Project staff. Grain Belt Express also opened a local office in Dodge City, Kansas. Starting in March 2021, Grain Belt Express hired administrative staff at these locations to support regular public office hours during the week to address landowner questions and concerns.

Since early 2020, Grain Belt Express has created and maintained several dozen state, county, and issue-specific fact sheets for use as informational hand-outs for local stakeholders, community leaders and landowners along the route. Physical copies of these documents are available in each of the Project's three local offices in Missouri and Kansas.

Project land agents are the primary conduit for communications to landowners. Multiple times each month, Grain Belt Express land agents receive messaging training on common topics and questions that come up in conversations with landowners to equip them to provide accurate and update to date information about the project.

Land Acquisition Efforts

Invenergy Transmission and Grain Belt Express continue to work with CLS, an industry-leading land services provider with a 35-year history of executing linear infrastructure projects throughout North America, including several multi-state transmission line projects to assist in its easement acquisition work. Its clientele includes many major utilities and independent power producers, and the land services provider has successfully negotiated land agreements for over 40,000 miles of rights-of-way.

To date, CLS has investigated property ownership, prepared and sent easement packages for all Kansas and Missouri parcels of land on which the Project will require an easement to construct its facilities, hired and trained qualified land agents, and engaged with property owners with the aim of negotiating and securing voluntary easement agreements with all landowners. Over the past year the project has employed over 20 agents in support of the land effort. Land progress to date has included:

- Starting in June 2020, Grain Belt Express began mailing out easement packages to landowners in Missouri and began the same activity in Kansas in August.
- Today 100% of landowners across the route in Kansas and Missouri have received executable easements through the mail.
- To date, the Project has secured voluntary signed easements on approximately 72% of the route across both states.
- The Project has already made payments to landowners totaling over \$10 million in upfront easement signing payments on agreements representing over \$77 million in total contract value including future easement and structure payments.



Operations Through COVID-19

Grain Belt Express made significant project development progress over the past year despite challenges posed by varying levels of COVID-19 transmission. Limited in-person activities resumed as needed where deemed appropriate subject to internal protocols and in accordance with all federal, state, and local requirements.

Nearby Utility Facilities

Exhibit 206 to the CCN Order in Docket No. EA-2016-0358 requires Grain Belt Express to file "annual status updates" on discussions with Staff, a summary of the results of any additional studies, and any mitigation measures that have been implemented to address underground metallic structures, telecom facilities and AC lines. Mitigation measures indicated by future studies must be implemented within three (3) months of discovery that additional mitigation measures are needed, or as quickly as reasonably practical thereafter.

Invenergy Transmission's selected contractors and Invenergy Transmission have developed a detailed crossing matrix that tracks rights-of-way, utilities, roads and other infrastructure to be crossed by the route. The matrix is being updated throughout the design process to ensure that appropriate clearances and approvals are in place for the different types of crossings. Grain Belt Express has begun coordinating with the owners of nearby infrastructure to understand their physical, electrical, and operational requirements. While no additional studies or mitigation measures are required at this stage of development, Grain Belt Express is committed to continued coordination with Staff and the owners of nearby facilities and expects these discussions to ramp up in 2022.

Please feel free to contact me with any additional questions. Thank you.

Sincerely,

/s/ Shashank Sane

Shashank Sane
Executive Vice President, Invenergy Transmission LLC
On behalf of
Grain Belt Express LLC
ssane@invenergy.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all parties of record by email or U.S. mail, postage prepaid, this 19th day of April, 2022.

/s/ Andrew O. Schulte _____
Attorney for Invenenergy Transmission LLC