

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Grain)	
Belt Express Clean Line LLC for Certificate)	
of Convenience and Necessity Authorizing it)	Case No. EA-2016-0358
to Construct, Own, Operate, Control,)	
Manage and Maintain a High Voltage,)	
Direct Current Transmission Line and an)	
Associated Converter Station Providing an)	
Interconnection on the Maywood-)	
Montgomery 345 kV transmission line.)	

**OBJECTION OF GRAIN BELT EXPRESS TO
THE MISSOURI LANDOWNERS ALLIANCE’S
“NOTICE OF INTENT TO OFFER EXHIBITS”**

Grain Belt Express Clean Line LLC (“Grain Belt Express” or “Company”), provides the following Objection to the “Notice of Intent to Offer Exhibits” (the “Notice”) filed by the Missouri Landowners Alliance (“MLA”) on July 23, 2017.

1. MLA’s Notice violates the Commission’s July 5, 2017 Order permitting supplemental briefing on “the ATXI opinion’s effect on this case and GBE’s request and motion for waiver or variance, as well as MLA’s motion to dismiss.” MLA had an opportunity to provide any supplemental briefing on the very issues contained in its Notice, and availed itself of that opportunity, on July 5, 2017. MLA’s Notice constitutes an unauthorized attempt to present additional and duplicative briefing nearly 20 days later -- in violation of the Commission’s Order. As such, the Notice should be summarily denied and rejected by the Commission.

2. MLA’s Notice also violates the Commission’s deadlines and procedures, without justification. MLA acknowledges that the evidentiary record in this case closed on March 24, 2017. MLA, like all of the parties, was able to seek to enter exhibits in this proceeding by that date. Despite MLA’s clear awareness of Ameren Transmission Company of Illinois’ (“ATXI”) proceedings before the Commission and the Missouri Court of Appeals, Western District, and

despite the fact that MLA has filed two successive motions to dismiss this proceeding purportedly based upon the ATXI proceedings, MLA inexplicably never before sought to enter any of its four proffered exhibits. MLA has provided no explanation whatsoever, much less good cause, for its failure to seek to introduce the exhibits before the record closed and the Commission's supplemental briefing deadline passed. MLA also has failed to show that its proffered exhibits are proper supplements of any exhibits introduced during this proceeding's hearing, or relate in any way to exhibits introduced during the hearing. Instead, and tellingly, MLA has styled what amounts to a re-opening of the record, and additional and unauthorized briefing, as mere "Notice." Such procedural trickery should be soundly rejected by this Commission.

3. Furthermore, MLA's exhibits are irrelevant to this proceeding.¹ This proceeding concerns only the Application filed by the Company. ATXI is not a party to this proceeding, nor was the Company a party to ATXI's proceedings. As was discussed in the Company's July 5, 2017 Supplemental Brief, the ATXI proceedings -- as well as the filings, Commission Orders, and court orders therein -- are neither binding upon nor even bearing upon the Company's Application pending before the Commission. The Commission simply does not need, and should not consider, irrelevant briefing from an entirely separate proceeding to render any decision here. In the Matter of the Investigation of Arrangements for Passenger Bus Equip. to Be Provided by Mo. Transit Lines, Inc. to Ne. Mo. Lines, Inc., B-28,131, 1970 WL 224116, at *1 (Oct. 13, 1970)

¹ Indeed, the Commission has already denied MLA's December 1, 2016 motion to compel directed at Sierra Club, in which MLA sought information related to the vote of three Commissioners in the Company's own prior case that is now closed. The Commission found that MLA's attempted discovery "is not relevant or material to this proceeding, as it relates to a separate closed case." In the Matter of the Application of Grain Belt Express Clean Line LLC for A Certificate of Convenience & Necessity Authorizing It to Construct, Own, Operate, Control, Manage & Maintain A High Voltage, Direct Current Transmission Line & an Associated Converter Station Providing an Interconnection on the Maywood - Montgomery 345kv Transmission Line, EA-2016-0358, 2016 WL 7441694, at *3 (Dec. 21, 2016). MLA's proffered exhibits related to the ATXI proceedings, to which the Company was not a party, are even more so irrelevant.

(“The Commission can consider only the evidence before it in the record of this case.”). The Commission should deny this introduction of irrelevant evidence.

4. The impropriety of MLA’s request that the Commission enter belated and irrelevant exhibits into this record is further manifest in MLA’s purported rationalization that such exhibits would then become a part of a not-yet-initiated appeal of this proceeding by MLA. See Notice at 2-3. Yielding to this request would amount to improper advocacy by the Commission as to what records should be contained in an appeal of this matter. In any event, the briefs offered by MLA are to be excluded from the record on appeal pursuant to Missouri Rule of Civil Procedure 81.12(b)(3).

5. MLA’s Notice is a unilateral and unauthorized attempt to present additional evidence and duplicative briefing long after the record in this case has closed. What’s more, the evidence MLA seeks to introduce at this eleventh hour is entirely irrelevant to the case before this Commission, and MLA only seeks its admission purportedly to assist its case on appeal. Allowing its introduction would violate the rules and evidentiary standards of this Commission. MLA’s Notice should be denied and its proffered exhibits rejected.

WHEREFORE, for the foregoing reasons, Grain Express Clean Line LLC objects to the “Notice of Intent to Offer Exhibits” filed by MLA on July 23, 2017. The Commission should deny the Notice and reject MLA’s proffered exhibits.

Respectfully submitted,

/s/ Karl Zobrist

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record in this case on July 28, 2017.

/s/ Karl Zobrist

Attorney for Grain Belt Express Clean Line LLC