

**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,) File No. EA-2014-0207
Control, Manage, and Maintain a High Voltage Direct)
Current Transmission Line and an Associated Converter)
Station Providing and Interconnection on the Maywood-)
Montgomery 345kV Transmission Line)

**RECOMMENDATIONS OF THE MISSOURI FARM BUREAU
FOR SUPPLEMENTAL PROCEDURAL SCHEDULE**

On April 16, 2015, the Commission issued an Order entitled, “Order Directing Filing of Recommendations for Supplemental Procedural Schedule.” In the Order, the Commission stated that it “will provide an opportunity for the parties to comment or make recommendations on an appropriate procedure for addressing the information filed by Grain Belt Express.” The Commission provided that such recommendations shall be filed no later than April 22, 2015. Following are the Missouri Farm Bureau’s recommendations.

OVERVIEW

As stated in its Application to Intervene, and consistent with the testimony of President Blake Hurst in this case (Exhibit 500), the Missouri Farm Bureau is opposed to Grain Belt Express’ Application for a Certificate of Convenience and Necessity in the context of its commitment as an organization to the protection of property rights relative to eminent domain. It should be noted that although Grain Belt Express did on April 13, 2015 file a response in compliance to the Commission’s February 11, 2015, Order which included twenty-one new supplemental exhibits, Grain Belt express provided only a small

amount of the additional information actually requested by the Commission in that February 11 Order.

Another initial point pertains to the information provided on the number of voluntary easements Grain Belt Express has obtained from landowners on the proposed route. According to Supplemental Exhibit 1 of Grain Belt Express' Response, out of 724 tracts of land, Grain Belt Express has acquired only 45 easements voluntarily—about 6.2%. Grain Belt Express has been aggressively pursuing voluntary easements from landowners for a year. Given Grain Belt Express' lack of success in convincing landowners that this is a good project for Missouri, granting Grain Belt Express the power of eminent domain would be inappropriate. With these points in mind, Missouri Farm Bureau offers the following recommendations.

RECOMMENDATIONS

As to an appropriate procedure for addressing the additional information filed by Grain Belt Express, the Missouri Farm Bureau believes that every due process protection under the law should be afforded to landowners. The power of eminent domain is a powerful, coercive tool to take property away from landowners against their will. The contested case procedures set out in the Missouri Administrative Procedures Act, §§ 536.010 - .150, RSMo, and Commission rules 4 CSR 240-2.010 - .200, were enacted to provide adequate due process to parties who face the loss of property. *See Sapp v. City of St. Louis*, 320 S.W.3d 159, 163-65 (Mo. App. E.D. 2010). At a minimum, if any additional supplemental information is to be considered for admission into the record, Missouri Farm Bureau recommends that the full procedural due process protections afforded in contested cases be afforded here. Grain Belt Express should be required to

file supplemental direct testimony, adequate time should be allowed for discovery, the other parties should be allowed to file rebuttal and surrebuttal testimony, and a continuation of evidentiary hearings should be commenced to provide an opportunity for the parties to cross-examine the witnesses. After such a hearing, the parties should be allowed to file post-hearing briefs.

As noted above, Grain Belt Express filed only a small portion of the information requested by the Commission in its February 11 Order. Before commencing any additional proceedings, the Commission should require Grain Belt Express to provide all of the additional information requested. If additional hearings are called for, then everything can be considered at one time. Addressing only the small amount of information now, and the having to schedule additional proceedings as information comes in, would be very costly to all parties, especially the landowners, who are not funded by large out-of-state private equity investors like Grain Belt Express.

Finally, Missouri Farm Bureau believes that the Commission should consider denying Grain Belt Express' Application and dismissing the case for failure to provide all of the additional information requested by the Commission in its February 11 Order. Landowners should not be treated as pawns while Grain Belt Express is given opportunity after opportunity to supply missing pieces of its case. Grain Belt Express, after being given two opportunities, has not provided enough evidence to make its case. Enough is enough.

CONCLUSION

The Missouri Farm Bureau appreciates the opportunity to present these recommendations for a supplemental procedural schedule to the Commission for its consideration.

Respectfully submitted,

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April 22, 2015

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all parties on the official service list for this case on this 22nd day of April, 2015.



Terry M. Jarrett