

**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)

**JOINT SUGGESTIONS IN OPPOSITION TO GRAIN BELT EXPRESS, LLC'S
REQUEST FOR WAIVER OF 60-DAY NOTICE**

COME NOW the Missouri Farm Bureau Federation, Missouri Cattlemen's Association, Missouri Pork Association, Missouri Soybean Association and Missouri Corn Growers Association (hereafter collectively referred to as "Missouri's Agricultural Organizations"), by and through undersigned counsel, and set forth the following Suggestions in Opposition to Grain Belt Express, LLC's ("Grain Belt") Request for Waiver of 60-Day Notice filed in this matter on August 24, 2022.

As a preliminary matter, Missouri's Agricultural Organizations join the Missouri Landowners Alliance in the arguments set forth in the MLA's Opposition to Request for Waiver of 60-Day Notice filed on October 11, 2022 in this matter. The MLA has ably set forth in that filing legal analyses and multiple arguments that the Missouri Agricultural Organizations fully adopt and incorporate as if set forth herein. For the sake of brevity the Missouri Agricultural Organizations will not set forth repetitive arguments regarding those matter here, but will stand on the MLA's filing and the arguments set forth therein.

In addition to the arguments set forth in the MLA's filing, the Missouri Agricultural Organizations oppose Grain Belt's Request for Waiver of 60-Day Notice because it appears to be

an effort to avoid new requirements for electrical corporations regarding takings of agricultural property as forth in House Bill 2005, which passed during the 2022 session.

That bill created new requirements that a merchant transmission line deliver power to Missouri proportionate to the number of miles of the line that passes through the state, and requires payment of 150% of fair market value in takings of agricultural or horticultural property through eminent domain by electrical corporations. *See* Section 523.010 RSMo. and 523.039 RSMo.

The new provisions also require the appointment of at least one local farmer as disinterested commissioner in cases regarding the valuation of land taken by an electrical corporation, and require that electrical corporations proposing to take agricultural or horticultural property for the construction of 345 kV lines or grater first offer landowners 150% of appraised fair market value for such land. *See* Sections 523.040, RSMo. and 523.256, RSMo.

The law contains multiple provisions that state that the new law shall not apply to applications filed pursuant to Section 393.170, RSMo. prior to August 28, 2022.

As set forth by MLA in its filing in opposition, Grain Belt has known for some time that it would pursue approval for the line that has been dubbed the Tiger Connector. Grain Belt certainly could have filed its application before June 5, 2022, but did not do so. One very likely explanation for this failure is that Grain Belt wanted to keep the project quiet during legislative debate regarding the reforms set forth in House Bill 2005. Grain Belt should not now be allowed to make the 60-day notice requirement meaningless just because it seeks to avoid the provisions of Missouri's reformed eminent domain laws.

This seems especially true given that Grain Belt has publicly pledged to follow the provisions of House Bill 2005, as Grain Belt and its parent company Invenergy have responded

to concerns from the Missouri Agricultural Organizations with reassurances that they will compensate landowners at 150% of fair market value and will engage with the Commission, among others, to implement those commitments. Given Grain Belt's commitment to doing so, there should be no need to seek a waiver of 60-day notice. Alternatively, if Grain Belt is concerned with beating the clock with an application that precedes August 28, 2022, it begs the question as to whether the commitments already set forth publicly by Grain Belt and Invenenergy are genuine.

Regardless, Grain Belt should not be allowed to avoid the 60-day notice requirement that is clearly put in place to give the public assurances that the Commission has not been improperly influenced by an applicant.

WHEREFORE, the Missouri Agricultural Organizations respectfully request that the Commission deny Grain Belt's motion for waiver of the 60-day notice requirement.

Respectfully submitted,

HADEN & COLBERT LLC



Brent E. Haden, Mo. Bar No. 54148
827 E. Broadway, Suite B
P.O. Box 7166
Columbia, MO 65201
(573) 442-3535
(888) 632-7775 (fax)
brent@showmelaw.com

Dated: October 11, 2022

CERTIFICATE OF SERVICE

I hereby certify the copies of the foregoing have been mailed, e-mailed or hand delivered to all parties on the official service list for this case on this 11th day of October, 2022.

A handwritten signature in blue ink, appearing to read "Brent E. Haden", is written above a horizontal line.

Brent E. Haden, Mo. Bar No. 54148