

**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) Case No. EA-2016-0358
Voltage, Direct Current Transmission Line)
and an Associated Converter Station)
Providing an Interconnection on the)
Maywood-Montgomery 345 kV)
Transmission Line.)

**MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION'S
RESPONSE TO AGENDA DISCUSSION REGARDING CASE STATUS**

The members of the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”), which at a minimum include the 35 MoPEP cities¹, Kirkwood, Hannibal, Columbia and Centralia,² (and hundreds of thousands of their citizens), respectfully respond to this Commission’s discussion during the May 24, 2017 Agenda by requesting that there be no substantial delay in the decision in this case. Such delay could operate as a de facto denial of the Application of Grain Belt Express Clean Line LLC (“Grain Belt”) and, in turn, materially prejudice MJMEUC’s members.

The elected officials of MJMEUC’s city members recognize that the Grain Belt transmission line project (“Project”) is needed because the Kansas wind energy delivered via the Project will save MJMEUC members hundreds of millions of dollars over the twenty-plus year life of MJMEUC’s Transmission Services Agreement (“TSA”) with Grain Belt. Even Missouri

¹ Exhibit 475, Schedule DK-1: Albany, Ava, Bethany, Butler, Carrollton, Chillicothe, El Dorado Springs, Farmington, Fayette, Fredericktown, Gallatin, Harrisonville, Hermann, Higginsville, Jackson, Lamar, La Plata, Lebanon, Macon, Marshall, Memphis, Monroe City, Odessa, Palmyra, Rock Port, Rolla, Salisbury, Shelbina, St. James, Stanberry, Thayer, Trenton, Unionville, Vandalia and Waynesville.

² As of the date of this filing, the governmental approval process for the Columbia and Centralia contracts has not been completed.

Landowner Alliance (“MLA”) expert Joseph Jaskulski calculated at least \$3 million in annual savings under the TSA.³ Undisputed savings of no less than \$60 million is in the best interest of MJMEUC’s members.

How large is the public represented by MJMEUC? It is undisputed that MJMEUC’s 68 Missouri municipal members and its rural electric cooperative together serve some 347,000 retail customers in Missouri with a combined peak load of approximately 2,600 MW.⁴ And, MLA acknowledges that Grain Belt’s benefit to MJMEUC’s public may amount to “savings of several dollars per month on MJMEUC’s retail electric bills.”⁵

Any undue delay in the Commission’s decision could impede development of the Project, which could result in a constructive denial of hundreds of millions of dollars in savings to MJMEUC customers across Missouri. MJMEUC’s Power Purchase Agreement with Infinity Wind also depends on the timely development of the Project so that our members can receive the benefits of the lowest cost power available.

The undeniably non-final *Neighbors United* decision recently rendered by the Missouri Appellate Court-Western District is not applicable here because it does not address the legal and factual issues pending before this Commission. Grain Belt has asked the Commission to grant it a “line” certificate of convenience and necessity (“CCN”) to construct the Project. It is not seeking an “area” CCN to serve customers. At no point in its decision did the *Neighbors United* Court ever address a line certificate authorized by § 393.170.1.⁶ Instead, the *Neighbors United* Court analyzed the second and third subsections of § 393.170 (regarding area certificates and

³ MLA Initial Post-Hearing Brief, page 33 and footnote 113, and page 35.

⁴ Exhibit 475, page 3, lines 15 – 18.

⁵ MLA Initial Post-Hearing Brief, page 48.

⁶ *Neighbors United Against Ameren’s Power Line v. PSC*, No. WD79883 (Mar. 28, 2017), *applications for transfer filed*, No. SC96427 (Mo., May 16, 2017).

hearings), and declared, inexplicably, that its “harmonization of the statute preserves the integrity of *both* subdivisions of section 393.170” as though there are only two, and not three, subdivisions of that statute.⁷ The *Neighbors United* Court then ruled that the applicant, ATXI, must “receive the consent of *local* government authorities before the PSC issues a CCN,” even though ATXI did not seek an area certificate under subsection two of § 393.170 which, even if it had been applicable, would have specifically required the consent of the “proper *municipal* authorities,” not “local” or “county” authorities.⁸ The *Neighbors United* case thus provides no obstacle, no guidance, and certainly no grounds for the Commission to delay unduly a decision in this case.

On behalf of its 68 Missouri members and their combined 347,000 retail customers, MJMEUC respectfully requests that this Commission timely find that the Grain Belt Project is necessary and convenient for the public service and issue to Grain Belt the requested certificate of convenience and necessity.

Respectfully Submitted,

By: /s/ Peggy A. Whipple
Peggy A. Whipple MO Bar # 54758
Douglas L. Healy, MO Bar #51630
Penny M. Speake, MO Bar #37469
Healy Law Offices, LLC
514 East High Street, Suite 22
Jefferson City, MO 65101
Telephone: (573) 415-8379
Facsimile: (573) 415-8379
Email: peggy@healylawoffices.com
ATTORNEYS FOR MJMEUC

⁷ *Neighbors United*, Slip Opinion at 8 (Emphasis added).

⁸ *Id.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Missouri Joint Municipal Electric Utility Commission's Response to Agenda Discussion Regarding Case Status was served by electronically filing with EFIS and emailing a copy to the following interested persons on this 31st day of May, 2017:

Missouri Public Service Commission
Staff Counsel Department
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Grain Belt Express Clean Line, LLC
Joshua Harden
4520 Main Street, Suite 1100
Kansas City, MO 64111
joshua.harden@dentons.com

Grain Belt Express Clean Line, LLC
Lisa A. Gilbreath
254 Commercial Street
Portland, ME 64111-0410
lgilbreath@pierceatwood.com

Grain Belt Express Clean Line, LLC
Karl Zobrist
4520 Main Street, Suite 1100
Kansas City, MO 64111
karl.zobrist@dentons.com

Missouri Public Service Commission
Nathan Williams
P.O. Box 360
Jefferson City, MO 65102
Nathan.Williams@psc.mo.gov

Grain Belt Express Clean Line, LLC
Cary Kottler
1001 McKinney, Suite 700
Houston, TX 77002
ckottler@cleanlineenergy.com

Eastern Missouri Landowners Alliance
David C. Linton
314 Romaine Spring View
Fenton, MO 63026
jdlinton@reagan.com

Consumers Council of Missouri
John B. Coffman
871 Tuxedo Blvd.
St. Louis, MO 63119-2044
john@johncoffman.net

Grain Belt Express Clean Line, LLC
Erin Szalkowski
1001 McKinney Street, Suite 700
Houston, TX 77002
eszalkowski@cleanlineenergy.com

Empire District Electric Company
Dean L. Cooper
P.O. Box 456
Jefferson City, MO 65102
dcooper@brydonlaw.com

IBEW Local Union 2
Emily Perez
7730 Carondelet Ave., Suite 200
St. Louis, MO 63105
eperez@hammondshinners.com

IBEW Local Union 2
Sherrie Hall
7730 Carondelet Ave., Suite 200
St. Louis, MO 63105
sahall@hammondshinners.com

Missouri Industrial Energy Consumers
Diana M. Vuylsteke
211 N. Broadway, Suite 3600
St. Louis, MO 63102
dmvuylsteke@bryancave.com

Natural Resources Defense Council
Henry B. Robertson
319 N. Fourth St., Suite 800
St. Louis, MO 63102
hrobertson@greatriverslaw.org

Office of the Public Counsel
Lera Shemwell
P.O. Box 2230
Jefferson City, MO 65102
Timothy.opitz@ded.mo.gov

Michele Hall
4520 Main St, Suite 1100
Kansas City, MO 64111
Michele.hall@dentons.com

The Wind Coalition
Deirdre K. Hirner
2603 Huntleigh Place
Jefferson City, MO 65109
dhirner@awea.org

Renew Missouri
Andrew J. Linhares
1200 Rogers Street, Suite B
Columbia, MO 65201-4744
Andrew@renewmo.org

Rockies Express Pipeline
Sarah E. Giboney
Cheryl L. Lobb
Colly J. Durley
P.O. Box 918
Columbia, MO 65205-0918
giboney@smithlewis.com
lobb@smithlewis.com
durley@smithlewis.com

Infinity Wind Power
Terri Pemberton
3321 SW 6th Avenue
Topeka, KS 66606
terri@caferlaw.com

Missouri Landowners Alliance
Paul A. Agathen
485 Oak Field Ct.
Washington, MO 63090
paa0408@aol.com

The Wind Coalition
Sean Brady
P.O. Box 4072
Wheaton, IL 60189-4072
sbrady@windonthewires.org

Missouri Farm Bureau
Brent Haden
827 East Broadway
Columbia, MO 65201
brent@hadenlaw.com

Glenda Cafer
3321 Southwest 6th Avenue
Topeka, KS 66606
glenda@caferlaw.com

James Faul
4399 Laclede Avenue
St. Louis, MO 63108
jfaul@hghllc.net

Brian Bear
P.O. Box 1766
Jefferson City, MO 65102
brian.bear@ded.mo.gov

David Cohen
1200 Rodgers Street, Suite B
Columbia, MO 65201
david@renewmo.org

David Woodsmall
807 Winston Court
Jefferson City, MO 65101
David.woodsmall@woodsmalllaw.com

Missouri Industrial Energy Consumers
Lewis Mills
221 Bolivar Street, Suite 101
Jefferson City, MO 65101-1574
lewis.mills@bryancave.com

/s/ Peggy A. Whipple
Peggy A. Whipple