

**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  
STATEMENT OF POSITION REGARDING PROCEEDINGS ON REMAND AND  
RESPONSE TO THE COMMISSION'S ORDER SETTING PROCEDURAL SCHEDULE**

The members of the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”)<sup>1</sup> respectfully submit this Statement of Position regarding these remanded proceedings and, in support of the position taken by Grain Belt Express Clean Line LLC (“Grain Belt Express”), urges the Commission to convene a hearing in the next 90 days and thereafter to promptly issue the line Certificate of Convenience and Necessity (“CCN”) requested by Grain Belt Express under §393.170.1 *Revised Statutes of Missouri*.

**This Commission has full legal authority to grant the line CCN to Grain Belt Express:**

The Missouri Supreme Court has confirmed that this Commission is fully vested with the authority to grant the line CCN requested by Grain Belt Express under §393.170.1, and that no

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<sup>1</sup> MJMEUC’s members include here, at a minimum, the cities of Centralia, Columbia, Hannibal, Kirkwood and the 35 MoPEP cities: 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 (and the hundreds of thousands of citizens of these cities). The cities of Carrollton, Salisbury and Vandalia are located in the counties crossed by the Grain Belt Express Project. Exhibit 475, Schedule DK-1.

Missouri county can block that authority. In *Grain Belt Express Clean Line, LLC v. Public Serv. Comm'n*, the Court confirmed that a county's authority under §229.100 to grant or withhold permission for construction along its public roads is "not relevant to the Commission's decision-making process in issuing a line CCN [because] Section 229.100 does not purport to give counties the authority to stand in the shoes of the Commission in determining whether a proposed utility project is in the public interest of the state or whether a utility should be granted a CCN." No. SC96993, 2018 Mo. LEXIS 292 at \*10 (Mo. en banc July 17, 2018).

On September 24, 2018, the Missouri Supreme Court then issued its mandate to this Commission, reversing this Commission's prior order denying Grain Belt Express's application for a line CCN, and remanding this case "to the Commission to determine whether Grain Belt's proposed utility project is necessary or convenient for the public service." *Grain Belt Express Clean Line, LLC*, 2018 Mo. LEXIS 292 at \*11-12.

**An expedited process on remand will promote the public interest while providing the necessary Due Process:**

The scope of this Commission's request for "evidence that has materially changed" since the March 2017 hearing of this matter is appropriately limited, and from MJMEUC's perspective, nothing has "materially changed." MJMEUC's city members continue to desire Grain Belt Express's affordable renewable energy which they continue to expect will provide savings of hundreds of millions of dollars over the life of the Transmission Service Agreement between MJMEUC and Grain Belt Express, and the Purchase Power Agreement between MJMEUC and Infinity Wind Iron Star Wind Project, LLC. Although MJMEUC is not the applicant here, and is not even regulated by this Commission, it willingly commits to provide supplemental direct testimony regarding these contracts. Understandably, MJMEUC will not

submit to MLA's proposed invasive and time-consuming inquiries into its internal processes and governance.<sup>2</sup>

Four of this Commission's five members have already found that "the evidence showed that the [Grain Belt Express] project is 'necessary or convenient for the public service.'" *Concurring Opinion of Commissioners Hall, Kenney, Rupp and Coleman in the Report and Order*, issued on August 16, 2017, page 2. The Missouri Supreme Court noted, in clarifying this Commission's authority to grant the line CCN requested by Grain Belt Express, that these four Commissioners would have voted to grant the line CCN but for the mistaken belief that other case law prevented them from doing so. *Grain Belt Express Clean Line, LLC*, 2018 Mo. LEXIS 292 at \*3.

This Commission's obligation on remand under §386.510, to determine whether Grain Belt Express's requested line CCN is "necessary or convenient for the public service," should be met by providing an expedited process that protects the tremendous value of the Grain Belt Express Project because that is a very real part of the Due Process that must be provided to MJMEUC and all interested parties.

### **Conclusion**

On behalf of no less than Centralia, Columbia, Hannibal, Kirkwood, the 35 MoPEP cities, and these cities' hundreds of thousands of citizens, MJMEUC respectfully requests that this Commission convene a hearing within 90 days to allow Grain Belt Express and MJMEUC to respond to any questions from Commissioners. MJMEUC prays that this Commission will then timely issue its Report and Order, finding that the Grain Belt Project is necessary and convenient

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<sup>2</sup> MJMEUC formally objects to all discovery of it, particularly that proposed by MLA at pages 13-14 of its Motion of Missouri Landowners Alliance to Establish Procedural Schedule for Receipt of Additional Evidence, as beyond the scope of this proceeding.

for the public service, and issue to Grain Belt Express the requested certificate of convenience and necessity.

Respectfully Submitted,

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**ATTORNEYS FOR MJMEUC**

### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Missouri Joint Municipal Electric Utility Commission's Statement of Position Regarding Proceedings on Remand was served by electronically filing with EFIS and emailing a copy to the following interested persons on this 10<sup>th</sup> day of October, 2018:

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