

**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 Maintain a High Voltage, ) EA-2023-0017  
Direct Current Transmission Line and )  
Associated Converter Station )

**RESPONSE OF THE**  
**MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY COMMISSION d/b/a**  
**MISSOURI ELECTRIC COMMISSION TO ALL FILINGS IN OPPOSITION TO**  
**GRAIN BELT’S REQUEST FOR WAIVER OF 60-DAY NOTICE**

The Missouri Joint Municipal Electric Utility Commission d/b/a Missouri Electric Commission (“MEC”), pursuant to 20 CSR 4240-2.080(13), respectfully responds to all October 12, 2022 filings in opposition to the request of Grain Belt Express, LLC (“Grain Belt”) for waiver of the 60-day notice requirement set forth in 20 CSR 4240-4.017(1). In support thereof, MEC states as follows:

1. On August 24, 2022, Grain Belt filed an application to amend its existing Certificate of Convenience and Necessity to construct, install, own, operate, maintain, and otherwise control and manage an approximately 880-mile, overhead, multi-terminal ±600 kilovolt high-voltage, direct current transmission line and associated facilities including converter stations and alternating current connector lines (“the Project”). That same day, Grain Belt filed its request for waiver of the 60-day notice requirement set forth in 20 CSR 4240-4.017(1)(also previously filed on July 12, 2022, “Waiver”).

2. On September 1, 2022, the Missouri Public Service Commission (“Commission”) issued its “Order Directing Notice, Setting Intervention Deadline, Setting Time for Responses, and Directing Filing” which set an intervention deadline of September 30, 2022, and a deadline of October 11, 2022 for “entities or persons not yet granted intervention” to respond to Grain Belt’s request for Waiver.
3. MEC filed its Motion to Intervene on September 23, 2022.
4. On October 11, 2022, the following entities or persons filed opposition to Grain Belt’s request for Waiver: Missouri Landowners Alliance, Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners, Norman Fishel, Gary and Carol Riedel, Dustin Hudson, Missouri Farm Bureau Federation, Missouri Cattlemen’s Association, Missouri Pork Association, Missouri Soybean Association, Missouri Corn Growers Association and the Staff of the Missouri Public Service Commission (“Opposing Entities or Persons”).
5. On October 14, 2022, Grain Belt filed its “Reply in Support of its Request for Waiver of the 60-Day Notice Requirement,” and to conserve the time and resources of all, MEC hereby fully incorporates by this reference that filing as MEC’s position.
6. MEC states further that none of the October 11, 2022 filings by the Opposing Entities or Persons addressed MEC’s unique argument of fact and law set forth herein in support of Grain Belt’s 20 CSR 4240-4.017(1)(D) request for Waiver: Further delay of the Project by imposition of the 60-day notice requirement in this case will “cause harm” to MEC and its members.
7. 20 CSR 4240-4.017(1)(D) authorizes a party such as Grain Belt to request waiver of its requirements for “good cause.” The rule provides that “[g]ood cause for waiver

may include, among other things, a verified declaration from the filing party that ...delaying the filing for sixty (60) days would cause harm.”

8. As evidence of the harm MEC and its members will sustain if this case is further delayed by the denial of Grain Belt’s request for Waiver, MEC attaches as Exhibit 1 to this Response the April 19, 2019 “Report and Order on Remand” entered by this Commission in Case No. EA-2016-0358 (“Order”). MEC requests that this Commission take judicial notice<sup>1</sup> of the Findings of Fact from that Order (Paragraphs 21 – 37 at pages 12 - 16), and the Conclusions of Law (pages 40 - 42). MEC offers this Commission’s prior judgment as evidence of both the harm that further delay in EA-2023-0017 will cause to MEC, and the “good cause” for granting Grain Belt’s pending request for Waiver. This Commission previously concluded, as a matter of law, that:

The Project is needed primarily because of the benefits to MJMEUC and its customers, who have committed to purchase 136 MW of wind power utilizing transmission service purchased from Grain Belt. The transmission service agreement between Grain Belt and MJMEUC allows MJMEUC to purchase up to 200 MW of transmission capacity from the Grain Belt project. MJMEUC plans to use cheaper wind power from Grain Belt to replace the 100 MW of energy and capacity it currently purchases from Illinois Power Marketing, which contract will expire in 2021. MJMEUC calculates that their MoPEP members will save over \$11 million annually under the transmission service agreement with Grain Belt compared to its existing contract for those Illinois coal resources. These annual cost savings to MJMEUC member cities that participate in the Project will likely be passed through to their residential and industrial customers in the form of rate relief or invested in deferred maintenance to their electrical distribution systems. (Order, Exhibit 1, page 41).

---

<sup>1</sup> *Chesterfield Vill., Inc. v. City of Chesterfield*, 64 S.W.3d 315, 318 n. 1 (Mo. 2002); citing *King General Contractors, Inc. v. Reorganized Church of Jesus Christ of Latter Day Saints*, 821 S.W.2d 495, 499 (Mo. 1991) and *Terre Du Lac Association, Inc. v. Terre Du Lac, Inc.*, 737 S.W.2d 206, 212 (Mo. 1987).

WHEREFORE, MEC prays that this Commission issue an order granting Grain Belt's request for Waiver of the 60-day notice requirement in this case, and for such other orders and relief as may be appropriate in the circumstances.

Respectfully Submitted,

By: /s/ Peggy A. Whipple  
Peggy A. Whipple MO Bar # 54758  
Douglas L. Healy MO Bar # 51630  
Healy Law Offices, LLC  
3010 E. Battlefield, Ste. A  
Springfield, Missouri 65804  
Telephone: (417) 864-7018  
Facsimile: (417) 864-7018  
Email: [peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)  
[doug@healylawoffices.com](mailto:doug@healylawoffices.com)

*Attorneys for Missouri Joint Municipal  
Electric Utility Commission d/b/a Missouri  
Electric Commission*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 18th of October, 2022 a copy of the foregoing **Response of the Missouri Joint Municipal Electric Utility Commission d/b/a Missouri Electric Commission to All Filings in Opposition to Grain Belt's Request for Waiver of 60-Day Notice** has been served on all parties on the official service lists for this matter via filing in the Commission's EFIS system and/or email.

/s/ Peggy A. Whipple  
Peggy A. Whipple