



Missouri Public Service Commission

In the Case of Grain Belt Express Transmission Line

Case No. EA-2014-0207

April 25th, 2014

Witness Exhibit No. 7
Date 8-12-14 Reporter _____
File No. EA-2014-0207

Dear Members of the Commission,

Thank you for the opportunity to provide comment on the application filed by Grain Belt Express (GBE). GBE is seeking a certificate and necessity to construct, own, operate and maintain a high voltage direct current line and associated facilities through the middle of our 300 acre Farm in Ralls County Missouri.

Our family is a 6th generation Missouri family with farming roots in Ralls and Marion County. On March 25th, 2014 I received a certified letter notifying me that our property is on the proposed route for GBE's HVDC transmission main. The certified letter was the first time we had been made aware of this project. We were quite surprised that there was no public outreach, communication, EIS, NEPA or other regulatory processes leading up to the selection of our Farm for the route.

The more that I research this project, the project proponents, the process (or lack thereof) GBE and the State of Missouri have used, the more troubling I find this project. This research on our part has taken a tremendous amount of time. We recommend that the Commission deny the application of GBE for the following reasons.

1. It is inappropriate to give public utility status and the right of eminent domain to a private equity firm who has no intention of operating a grid system or providing electricity to Missouri citizens. The investors for Clean Line Energy Partners are the Houston-based Zilkha family, funds associated with ZBI Ventures, and National Grid. ZBI Ventures is a wholly-owned subsidiary of Ziff Brothers Investments, the private investment firm of the New York-based Ziff family. ZBI Ventures focuses primarily on private equity investments in the energy and energy-related sectors. The Ziff Family from New York and Zilkha family from Houston are approaching Billionaire status when you do an

internet search of their net worth. National Grid is primarily a company with roots in the United Kingdom. We have been told that Clean Line who has never built an electric line anywhere, much less in Missouri, will sell the line to National Grid once the line is approved. That process is highly speculative and does not fit the intent of the law that would grant public utility status. To grant public utility status and the right of eminent domain to a private, for profit, venture capitalist, umbrella firm with no history of building anything, and with the intention of selling the line to a Grid Company from the UK does not meet the standard or intent of this law. Furthermore the precedent that would be set is dangerous with many unintended consequences. Imagine how other speculative, for profit, ventures that follow this precedent will take advantage of and abuse Missouri property rights. That will inevitably lead to a flurry of lawsuits by Missouri landowners who cannot afford to hire legal help in the first place. That is your job to protect Missouri land owners and private property rights to prevent such abuse and speculation on behalf of a private venture capitalist firm from Houston and New York.

Please review the *Kelo V New London* case which allowed a private entity the right of eminent domain. If you grant this request the consequences will far outweigh even what transpired in this case as described below:

The Supreme Court's 5-4 decision against *Kelo* and her neighbors sparked a nation-wide backlash against eminent domain abuse, leading eight state supreme courts and 43 state legislatures to strengthen protections for property rights. Moreover, *Kelo* educated the public about eminent domain abuse, and polls consistently show that Americans are overwhelmingly opposed to *Kelo* and support efforts to change the law to better protect home and small business owners. Moreover, in the five years since the *Kelo* decision, citizen activists have defeated 44 projects that sought to abuse eminent domain for private development.

Imagine what this will spark for 1000 rural Farm Families if you approve this application. Your job is to prevent such abuse. Do the right thing and deny this application.

2. After consulting with rural electric cooperative experts in the State of Missouri and elsewhere, the proposed high voltage direct current lines have no proven benefit to the residents of the State of Missouri in either transmitting or receiving energy for our state.



In fact the electric utility experts we have consulted with believe that even if there was a need for electricity the end result would be higher utility rates for customers. Wind without the Renewables Production Tax Credit is much higher per kWh than conventional energy sources. Wind by its nature is an intermittent power source (available only 20% to 40% of the time) that primarily peaks at night and in the winter. Electricity cannot be stored. As such Rural Utilities that have contracted for wind energy have found that in order to make up for the times that wind is not available they have had to invest in capital upgrades of additional power sources which result in even higher rates.

3. This line and accompanying infrastructure will destroy the rural nature and culture of Northern Missouri. Please take the time to review the industrial nature and size of this line. It will be one of the largest electric transmission lines on the planet. The 600,000 volt steel towers are 150 to 200 ft. high. A 200 foot easement will require bulldozing a 200 foot swath of all trees and vegetation much of which will be on very steep hills which will cause erosion and loss of topsoil. It will change the environment. The route will go through the middle of many farms and properties. This line will usurp the local land use and zoning authority of Missouri Counties.
4. This line will devalue property values. The research has shown that this line will drop property values by as much as 30% to 50%. That is a takings. Most rural Missourians cannot afford to hire an eminent domain attorney. Even if they hire one on a contingency fee basis, the only winner typically is the attorneys themselves. Your job is to protect property owners and tax payers in Missouri from this abuse. Would you buy land with one of the largest electric lines in the country, or in the alternative would you allow this line and the 200 ft destructive swath go across your current property?
5. This line will disrupt farming operations. You will receive testimony from the Farm Bureau how this line will in fact cause disruption of the operation of the remainder of farmers land.
6. This line presents a health impact. Clearly there are many opinions on the impact of the energy flux (EMF) of 600,000 volts. However the US EPA has Stated:

In 1998, an expert working group, organized by the National Institute of Health's National Institute of Environmental Health Sciences (NIEHS), assessed the health effects of exposure to ~~extreme~~ low frequency EMF, the type found in homes near power lines. Based on studies about the incidence of childhood

leukemia involving a large number of households, NIEHS found that power line magnetic fields are a *possible* cause of cancer. The working group also concluded that the results of EMF animal, cellular, and mechanistic (process) studies do not confirm or refute the finding of the human studies. The International Agency for Research on Cancer (WHO) reached a similar conclusion.

Imagine the uncertainty of a young mother with kids. That is why we have already heard that many of our neighbors will be moving if this line is approved. Your job is to prevent that abuse and represent folks in Missouri. Your job is to protect families who will be compelled to move because of this highly speculative abusive project. Imagine the uncertainty you would feel with this line in your back yard permanently 24/7 365 days a year. That is patently unfair to allow this to occur on families that have followed the rules. You can prevent the disruption of families and deny this application.

7. GBE has other options. As an engineer I have been involved with the undergrounding of electric transmission lines my entire career. The technology is available to underground these lines. It is admittedly more expensive, however with the net worth of the two investors in this project it would be more than feasible. Secondly existing transportation and utility corridors already exist. Why not use the existing I-70 route? Why not piggyback onto existing transmission main corridors?

8. Not everything should be about money! Our family just put our life savings in purchasing this farm. It represented our 50 year dream of owning a farm. My 8 siblings and I all of whom are graduates of MIZZOU grew up on a farm in Marion County. A farm we called Paganok. The state of Missouri used the power of eminent domain to route HWY 61 right through our century old farmhouse. We had to move to Hannibal. We renamed this 300 acre farm Paganok. This farm abuts the Ed Anderson conservation land, the DuPont land, and the Ted Shanks conservation land owned by the State of Missouri. The property has 250 acres of native virgin Oak Hickory Forests. GBE has targeted this farm because it has one of the most prominent bluffs overlooking the Mississippi River between St. Louis and Iowa. The exact spot where a tower is being proposed is a historical Bald Eagle nesting and roosting site. I have seen over 100 Bald Eagles on this site. I have seen the comeback of White Pelicans and have seen them hovering right above the ground where this tower would be located. The exact route goes immediately

over some of the most prominent Indian Mounds in the State of Missouri. This is one of the last pristine spots along the Mississippi River. The project proponents have not done even the most basic of investigation, environmental impact statements, research, interview or even the courtesy of a phone call. I had to call them and offer to show them where they were putting this line. They declined. This represents the character of this applicant. This line will destroy our families dream and those of rural Missouri Farm Families and the values which are important to NE Missouri. Your job is to rise up above the false claim of jobs and property tax increase and represent these impacted families and deny the application.

9. Granting the power of eminent domain to a private umbrella corporation whose main investors are two private hedge fund and venture capitalists from New York and the UK, that have not demonstrated a legitimate need will weaken the ability for other legitimate Missouri based **public** utilities to obtain similar status in the future. Certainly, other **public** utilities and **public** transportation institutions at a State and County level will require eminent domain status for legitimate and critical public health and safety projects in the future. These legitimate utility and transportation organization are organized by boards who are appointed by elected officials or elected directly by Missouri Citizens. These organizations have checks and balances built in to protect citizens and have spent years building trust with the citizens they serve. By granting public utility status and eminent domain status to a private concern that has not demonstrated a legitimate public health safety need in Missouri will result in a grass roots effort by the citizenry of Missouri to weaken and publicize the eminent domain practices in Missouri (and the Missouri PSC) through legislative and other means including costly litigation. I represent many public utilities in the State of Colorado and ironically they will not use eminent domain even though they have the statutory power to do so because for many reasons they view this power as not in the best interest of the public. They consider using this power as a failure to do their job and rather use community orientated means to obtain easements voluntarily after extensive **judicial** public hearings.

Thank you again for your time. I appreciate the opportunity to speak out against this misguided project. Unfortunately we do not have the ability to hire the many consultants and

attorneys who will testify on GBE's behalf. I trust you will see through those hired consultants and represent people over venture capitalists from Houston and New York. We strongly urge you to deny the application of GBE and represent the Citizens of Northern Missouri.

Sincerely,

Louis Meyer

Clean Line's investors include