

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

MOTION OF MISSOURI LANDOWNERS ALLIANCE
TO ESTABLISH PROCEDURAL SCHEDULE FOR
RECEIPT OF ADDITIONAL EVIDENCE

Comes now the Missouri Landowners Alliance (MLA) and for the reasons set forth below respectfully asks the Commission to establish a procedural schedule for the receipt of evidence regarding any significant changes affecting the Grain Belt project which occurred subsequent to the filing of Grain Belt's direct testimony in this case. In support of this Motion, the MLA states as follows:

Grain Belt's direct testimony was filed in this case two years ago, on August 30, 2016. (EFIS 34-49). The Commission's final Order, and the concurring opinion of four Commissioners, were issued just over a year ago, on August 16, 2017. The concurring opinion, finding that the project was in the public interest, was based almost exclusively on the now two-year old direct testimony from Grain Belt, as well as several references to rebuttal testimony filed thereafter by parties supporting Grain Belt. (EFIS 606).

As would logically be expected, significant changes regarding the Grain Belt project in all likelihood have occurred over the past two years. These changes or possible changes are addressed in paragraphs 1-14 below. If some or all of these changes have in

fact occurred, as appears to be the case, the results would almost certainly impact the question of whether or not the project currently meets the Commission's *Tartan* criteria.

In fact, it appears likely that Clean Line is now just a shell of the company it was when Grain Belt filed its direct testimony two years ago. If that is the case, the Commission would seemingly be interested in determining whether and to what extent the changes discussed below have actually occurred.

Therefore, the MLA respectfully requests that the Commission establish a procedural schedule allowing for the receipt of additional information regarding the issues listed below, which are restricted to possible changes since the filing of Grain Belt's direct testimony in this case.

I. The issues which the MLA believes merit additional inquiry are set forth below, with questions which seemingly need to be answered and documents and other information which need to be provided before the Commission can fairly and confidently issue a final order based on circumstances as they exist today.

1. The apparent dismantlement of the Clean Line and Grain Belt corporate organizations. In its direct testimony, Grain Belt argued it is capable of efficiently managing its project in part because of the experienced management team at Clean Line Energy Partners. (Exh. 100, p. 25; EFIS 364). A list of the individuals on that team, and a summary of their experience, were provided by Clean Line's president and CEO Mr. Michael Skelly in Schedule MPS-2 to his direct testimony, Exhibit 100.

However, it appears that most if not all of the people on that list have since taken full-time employment elsewhere – including Mr. Skelly.

Moreover, it appears that control of Clean Line has changed hands since the initial testimony was filed. According to the December 29, 2016 semi-annual report filed by the Plains and Eastern Line with the TVA, Clean Line is effectively controlled now by one of its investors, an affiliate of Bluescape Resources, which at least at that point held a majority of the votes on Clean Line's Board of Directors. (See page 2, par. 5 of Report, available at <http://share.tn.gov/tra/orders/2014/1400036bt.pdf>). Control of Clean Line (and hence Grain Belt) by an outside investment firm could certainly be relevant with respect to the present role and makeup of the company which now is seeking the CCN from the Commission.

To clarify the situation at Clean Line, the following questions should be answered and the designated information provided:

(a) As indicated at Exhibit 1 hereto, is it true that Mr. Skelly recently accepted a position as a Senior Advisor with the world-wide consulting firm Lazard Ltd., and that Mr. Skelly will be based at the firm's New York and Houston offices?

(b) If the answer to item (a) is yes, does the employment contract between Mr. Skelly and Lazard allow Mr. Skelly to devote any or all of his time to the Grain Belt project; and does that contract allow him to leave Lazard on either a permanent or temporary basis to work on the Grain Belt project?

(c) If the answer to any part of item (b) is yes, please provide a copy of the employment contract in question (with compensation and related monetary benefits redacted if Clean Line so desires).

(d) As represented at Exhibits 2-4 to this Motion, is it true that as of the date of this Motion the following individuals were no longer employed by Clean Line or Grain

Belt: Mr. Jimmy Glotfelty; Dr. Wayne Galli; Ms. Jayshree Desai; Mr. David Berry; and Mr. Mark Lawlor?¹

(e) Is it true (as shown on LinkedIN) that after the filing of Mr. Skelly's Schedule MPS-2 the following individuals have taken full-time positions with other organizations: Mario Hurtado, Deral Danis, Jason Thomas, Cary Kottler and Deann Lanz?

(f) Please list the employees at Clean Line and/or Grain Belt who were listed in Mr. Skelly's Schedule MPS-2 and who are no longer full-time paid employees of Clean Line or Grain Belt as of the date of this Motion. For each person listed, please indicate the date on which that person ceased to be a full-time paid employee at Clean Line and/or Grain Belt.

(g) Please list the name of any person who has been hired to replace any of the people listed in item (f) above, the person they were hired to replace, and the date they first became full-time paid employees of Clean Line and/or Grain Belt.

(h) Please list all of the directors of Clean Line as of the date of this Motion, the name of the chairman of the board, and each director's present employer or the firm with which they are associated. Please provide this same information for the directors as of August 30, 2016 (the date Grain Belt's direct testimony was filed in this case).

(i) Is it true that Clean Line's website has now removed any reference to or list of people on its "Leadership" team? If that is not true, where on the website can that list be accessed?

¹ As shown at Exhibit 2 hereto, Mr. Jimmy Glotfelty and Dr. Wayne Galli are not included in Clean Line's "leadership" team on its website as of May 3, 2018; as to the departure of Ms. Desai and Mr. Berry, see Exhibit 3 hereto; as to the departure of Mr. Lawlor, see Exhibit 4 hereto.

(j) Is it true that as of May 3, 2018, under the topic of “Join the Clean Line Team,” the Clean Line website stated that “There are no active, open opportunities at this time?” (See Exhibit 5)

(k) Is it true that the topic of employment opportunities has now been removed completely from the Clean Line website? In not, where on the website can that subject be accessed?

(l) According to the announcement shown at Exhibit 6 hereto, former COO of Clean Line Ms. Jayshree Desai took a position with ConnectGen effective September, 2017. Please explain how she could also be listed on Clean Line’s website as of May 3, 2018 as part of the Clean Line “Leadership” team? (See Exhibit 2).

(m) Is it true that as part of its approval for the Grain Belt line in Indiana, Grain Belt is required to submit an Annual Report to the Indiana Commission which must summarize, since the last report, “significant changes in parent Clean Line Energy Partners’ or Grain Belt Express’ senior management?

(n) Is it true that in the report submitted to the Indiana Commission in April of 2018 Grain Belt stated “There were no material changes to Grain Belt’s ...senior management in 2017?” (See 4th page of that report at Exh. 7 hereto, and note the apparent departure of Clean Line’s Chief Operating Officer in 2017, as indicated at Exhibit 6).

(o) Of the people listed on Schedule MPS-2 who are no longer employed full-time by Clean Line, does Clean line have any agreement with any of those people to assist Clean Line on its Grain Belt project if Clean Line requests them to do so?

(p) If the answer to the preceding item is yes, please provide a copy of all written agreements which so provide, or if there are no such written agreements, a summary of the verbal agreements which so provide.

(q) Of the people listed on Schedule MPS-2 who are no longer employed by Clean Line, please list those who are now with the firm ConnectGen. (See Exhs. 3 and 4).

(r) Please describe the business relationship (if any) between ConnectGen on the one hand, and Clean Line or Grain Belt on the other.

(s) As of the date of this Motion, how many full-time paid employees does Clean Line and Grain Belt have in total?

2. The apparent demise of Grain Belt's other transmission projects. In an apparent attempt to bolster its credentials as a major player in the long-distance transmission business, Grain Belt presented evidence in this case that Clean Line was planning to build four other major transmission projects.

One was the DC Plains and Eastern line, designed to move power from the Oklahoma Panhandle region to the TVA in Tennessee and other buyers in Arkansas. (Exh. 100, p. 21; EFIS 364). This line was to be built pursuant to federal law, in participation with the U. S. Department of Energy. (*Id.*)

Grain Belt's proposed DC Rock Island line was intended to move wind generation from Iowa to Illinois and other PJM states. (*Id.*)

And the third sister DC project, the Centennial West line, was to move wind power from New Mexico and Arizona to California and other areas in the west. (*Id.*)

Also, Grain Belt planned to build the AC Western Spirit transmission line in the southwestern part of the country. (*Id.*)

It now appears likely that none of these projects will ever be built by Clean Line.

The MLA understands from a number of published sources that despite an earlier MOU, the TVA ultimately decided not to purchase any capacity or energy from the Plains and Eastern Line. (Exh. 8, p. 1). As a result, Clean Line has apparently sold its interest in the Oklahoma portion of this line to NextEra Energy (Exh. 8, p. 2), and the U.S. Department of Energy has now disassociated itself from the project. (Exh. 8, p. 1).

As discussed in item 4 below, the Rock Island project is apparently dead or at least stalled for years in Illinois (and probably dead in any event in Iowa).

As to the Centennial West project, as of August 14, 2018, it is not even mentioned in Clean Line's website under its list of "Project Updates." (See Exhibit 9)

Finally, published reports indicate that Clean Line has sold its interests in the Western Spirit line and related wind farm project. (See Exh. 10, page 2 and 4th page of Exh. 9).

Presumably as a result of these developments, Clean Line's sole focus is now reportedly on its Grain Belt project. (Exhibit 1, last par. And see the quote attributed to Mr. Skelly in the last par. of Exhibit 10).

As a result of these apparent developments, the MLA suggests that the following questions merit further inquiry:

- (a) What is the current status of the Plains and Eastern project?
- (b) Has Grain Belt sold any part of its interests in that line, and if so what specific interests did it sell, who was the buyer or buyers of those interests, and what was the total net selling price?

(c) Subsequent to the filing of Grain Belt’s testimony in this case, did the TVA inform Grain Belt that contrary to an earlier MOU, it no longer would be buying any capacity and/or energy from the Plains and Eastern line?

(d) What involvement, if any, does the U.S. DOE have at this point with the Plains and Eastern Project?

(e) As a result of the apparent abandonment of the Plains and Eastern project, did the federal court for the Eastern District of Arkansas find that the suit seeking to stop that line is now moot?

(f) Subsequent to the filing of its testimony in this case, did Clean Line sell its interests in the Western Spirit line and the related Mesa Canyons wind farm?

(g) If the answer to (f) is yes, to whom were those assets sold, and what was the total net sales price?

(h) What is the current status of the Centennial West project as far as regulatory approvals and projected milestone dates?

(i) What is the current status of Clean Line’s attempt to secure approval for the Rock Island line in Iowa?

(j) What was the date of the last regulatory filing made with the Iowa Commission by the Rock Island line or by Clean Line?

3. Clean Line’s sale of its “non-transmission assets”. According to published reports (see, e.g., Exhibit 11), Clean Line has now sold all of what are described as its “non-transmission assets.” This raises several significant questions:

(a) Did Clean Line actually sell its “non-transmission assets”, as has been reported?

(b) If so, what is a complete list of the assets sold?

(c) What is a complete list of the assets still held by Clean Line and/or Grain Belt, and their approximate total fair market value?

(d) What was the total sales price of the assets listed in item (b)?

4. Rejection of the right to build the Illinois portion of the Grain Belt project.

On March 13, 2018, the Court of Appeals in Illinois reversed the decision of the Illinois Commerce Commission (ICC) which had granted Grain Belt permission to build the Illinois portion of the project. (*Concerned Citizens and Property Owners, et al. v. Illinois Commerce Commission*, 2018 IL App (5th) 150551, No. 5-15-0551, March 13, 2018). Thus even if Grain Belt believes it can somehow work around the decision in that case, it will need to re-apply with the ICC and start the entire process anew.

And as a practical matter, Grain Belt cannot simply terminate its line in Missouri, and not complete the line into the PJM system in Illinois and Indiana. As the Concurring Opinion in this case noted, it is the sale of the 3500 MW portion of the project into PJM which provides the project's overall financial viability. (Concurring Opinion of August 16, 2017, p. 4).

With this latest setback in Illinois, the MLA suggests that the following questions merit further inquiry:

(a) Does Grain Belt intend to continue its efforts to gain approval from the ICC for the Illinois portion of the project?

(b) If so, what are Grain Belt's plans to overcome the ICC's decision on remand of the Rock Island case to the effect that based on the Illinois Supreme Court's decision

in that case, the Clean Line project must own, control, operate, or manage utility assets within the State?²

(c) If Grain Belt does plan to pursue its project with the ICC, what are Grain Belt's plans to overcome the ICC's decision on remand of the Rock Island case to the effect that the Clean Line project must offer its utility assets for public use without discrimination? (Exh. 12, p. 21-22)

(d) If Grain Belt does plan to pursue its project with the ICC, what is its current schedule for re-filing an application for the project with the ICC?

(e) If Grain Belt does re-file with the ICC, based on the "non-expedited" procedural schedule in the Rock Island case, what is Grain Belt's best estimate of how long it will take from the time the new application is filed until a final Order is issued by the ICC?

(f) Under the expedited schedule permitted by the ICC in the Grain Belt case, did it take approximately three years between the time of the application and receipt of a final order on appeal? If so, what if any reasons would there be for a significantly shorter schedule at the ICC if Grain Belt does re-file there? If it did not take approximately three years, approximately how long did it take between the time of the Application and receipt of a final Order from the Court of Appeals in the Grain Belt case?

5. Possible withdrawal of the project from the MISO interconnection queue and status of the PJM interconnection request. Before Grain Belt may connect its Missouri

² Order of June 14, 2018, case No. 12-0560, p. 21. Portions of the 23 page Order are included as Exhibit 12. The ICC's decision at Exhibit 12 discusses issues arising from the Illinois Supreme Court decision in the Rock Island appeal, and those same issues will no doubt arise as well in any further proceedings in Illinois involving the Grain Belt line.

converter station to the Ameren system, that interconnection must first be approved by MISO. (See direct testimony of Dr. Wayne Galli, Exh. 108, p. 27; EFIS 368). Grain Belt initially filed its interconnection request with MISO in September, 2012, and was assigned position J-255 in the MISO queue. (*Id.*)

Based on an email from a representative of MISO, it appears that Grain Belt may have since withdrawn that interconnection request. (See Exhibit 13). One potential motive for doing so would be to avoid or delay further payments for studies of Grain Belt's interconnect request and transmission upgrades. (See Galli testimony at pp. 28-30; and Exh. 109, p. 3; EFIS 369).

Regardless of the reason, if the interconnection request with MISO has in fact been withdrawn by Grain Belt, then absent any other explanation it would appear that if Grain Belt still plans to connect a Missouri converter station with the Ameren system (or any other system in MISO) it may now need to start that process over from scratch -- after being in the queue for some six years.

At the time of the hearings in this case Grain Belt's interconnection request with the PJM system had not yet been approved. (Exh. 108 p. 23-24; EFIS 368). And based on a review of PJM's website, Grain Belt's interconnection request with PJM at AEP's Sullivan substation no longer appears to be in the PJM queue. It would be worthwhile to update the status of that proposed interconnection, as well as the current expected cost of needed transmission upgrades for which Grain Belt would be responsible.

Accordingly, the MLA believes that the following matters need to be updated before the Commission addresses the merits of the Tartan criteria:

(a) Is the Grain Belt interconnection of its converter station and related facilities in MISO still in the MISO queue? If not, why was it withdrawn, what are Grain Belt's plans to have its interconnection approved by MISO, and when is the date by which Grain Belt expects to gain that approval?

(b) If the Grain Belt interconnection with MISO is still in the queue, why is it no longer showing up in the queue as position J-255?

(c) What is the current best estimate of the costs to be borne by Grain Belt for the upgrades on the Ameren/MISO system resulting from the interconnection by the Grain Belt project?

(d) What is the current status of the request by Grain Belt for interconnection with the PJM system, and is Grain Belt's request still in the PJM queue? If it is not, please explain why.

(e) What is the current best estimate for the cost to be borne by Grain Belt of upgrades to the PJM system resulting from the interconnection by the Grain Belt project?

6. Current status of contracts and MOU's to sell capacity on the line. When Grain Belt filed its testimony in this case it had only one buyer of capacity on its proposed line: the discounted, below-cost contract with MJMEUC. The MLA believes it would be important to determine if Grain Belt has been able to sign additional capacity contracts (or even MOUs) during the last two years. Specifically, the following questions would be relevant in determining the current need for and financial viability of the project:

(a) How many contracts for the sale of capacity in Missouri (other than with MJMEUC) does Grain Belt presently have in place?

(b) For each contract included in item (a), what is the name of the buyer, the amount of the capacity purchased, and a list of other key provisions of that sales contract, including price, beginning date for use of the capacity, and duration of the contract?

(c) How many contracts for the sale of capacity in states other than Missouri does Grain Belt presently have in place?

(d) For each contract included in item (c), what is the name of the buyer, the amount of the capacity purchased, the section of the line for which the capacity was sold, and a list of other key provisions of that sales contract, including price, beginning date for use of the capacity, and duration of the contract?

(e) Does Grain Belt presently have any MOUs for the sale of capacity in any state? If so, please list the name of the other party to the MOU, the amount of capacity in question, the section of the line for which the capacity was sold, and a list of other key provisions of that MOU, including price, beginning date for use of the capacity, and duration of the proposed contract?

(f) Since the order in this case of August 16, 2017 denying Grain Belt's request for a CCN, has Grain Belt or Clean Line contacted any entity about the prospect of buying capacity on the Grain Belt line?

(g) If the answer to item (f) is yes, please list all such entities contacted, and the date(s) or approximate date(s) of each such contact.

7. Status of MJMEUC's contracts with Grain Belt and Infinity Wind. Obviously a significant factor in this case was MJMEUC's decision to sign a capacity contract with Grain Belt, as well as a contract for energy with Infinity Wind. MJMEUC recognizes that it has a fiduciary duty to look at other options until the Grain Belt line is completed.

(Tr. 985, l. 13-24). The MLA submits that in this regard the following questions for MJMEUC would be relevant here:

(a) Since signing the contract with Grain Belt, what efforts has MJMEUC made in exploring options to replace in whole or in part the capacity it agreed to purchase on the Grain Belt line?

(b) For each contact made by MJMEUC with possible alternative suppliers of capacity, please describe in detail the terms (if any) which were offered or suggested to MJMEUC as possible replacements in whole or in part for the contracts with Grain Belt and Infinity Wind.

(c) If not described in item (b), if the Grain Belt project will not be completed by the date it suggested to MJMEUC, what plans has MJMEUC made to replace in whole or in part the Illinois coal contract which was a factor in Grain Belt's decision to explore other avenues of supply. (See Tr. 1048 line 6 – 1049 line 12).

(d) Since signing the contract with Infinity Wind, what efforts has MJMEUC made in exploring options to replace in whole or in part the energy to be supplied under that contract by Infinity Wind.

(e) For each contact made by MJMEUC with alternative suppliers of the energy to be purchased from Infinity Wind, please describe in detail the terms (if any) which were offered or suggested to MJMEUC as possible replacements in whole or in part for the contract with Infinity Wind.

(f) Has MJMEUC explored its options in the event that the Grain Belt line cannot be built within the foreseeable future? If so, please describe in detail what those options consist of.

8. Availability of capital. One of the key factors in Grain Belt’s ability to build the project will be its ability to raise outside capital. The MLA believes that given the two year lapse since the filing of Grain Belt’s direct case here, the loss of most if not all of its key management team, the apparent failure or disposal of its other transmission projects, and the sale of its “non-transmission” assets, it would be relevant to explore Grain Belt’s current financial situation. Two years is a lifetime in the ability to secure capital for a multi-billion dollar, high-risk construction project which is part of a package of other apparently failed or discarded projects.

If Grain Belt is now on life support, that fact would certainly be significant to the Commission’s decision on remand. **Confidential information removed.**³

The MLA suggests that the following questions would be relevant to the issue of Clean Line’s current financial situation:

(a) What is the total amount of cash and other liquid assets currently owned by Clean Line?

(b) Subsequent to the filing of Grain Belt’s direct testimony in this case, has Clean Line or Grain Belt received any further investment(s) of capital?

³ In camera Tr. 248 line 15 – 249 line 1; Exh. 332, EFIS 401.

(c) If the answer to (b) is yes, what were the sources of capital, the amounts, and the dates of the investments.

(d) Does Clean Line or Grain Belt have any firm commitments to obtain additional capital to keep the project afloat until it gains all regulatory and other governmental approvals to build the entire line?

(e) If the answer to (d) is yes, what is the amount of all such firm commitments, what organizations have made the commitments, and what are the significant terms and conditions to such commitments, including the time at which payments would be made to Clean Line?

(f) Given the recent increases in the costs of concrete, iron and steel, steel wire, and interest rates⁴, what is Grain Belt's best current estimate of the total cost of the line (including necessary upgrades to other systems for which Grain Belt would be responsible)

(g) What is Grain Belt's best current estimate of the amount of capital it will need in order to continue its efforts to gain all necessary approvals for the line, up to the point where it can reasonably expect to receive financing for project construction?

(h) Who are the current owners of the equity interest in Clean Line, and what percent is owned by each such entity.

(i) Please provide a copy of the most current balance sheet and income statement for Clean Line.

⁴ Based on data from the Federal Reserve Bank of St. Louis, using U.S. Bureau of Labor Statistics information, from January 2016 to July, 2018, the cost of concrete increased 8.5%; iron and steel by 41.4%, and steel wire by 29.3%. The prime interest rate increased from 3.75% in December, 2016 to 5.0% in June, 2018.

(j) Is Clean Line aware of any of its investors having written off or written down the value of its investment in Clean Line on its financial statements since August 30, 2016? If so, name each such investor, the amounts written off or written down, and the date(s) such action was taken.

9. Update to relative costs of renewable energy for Missouri. Advances in solar energy, battery storage, conservation measures and other factors would seemingly assure that the relative costs of energy presented by Grain Belt two years ago are no longer reliable. Accordingly, an important question in determining any current benefit of the Grain Belt line to Missouri consumers is the following: what are the current values for the cost comparison between Grain Belt and other sources of power, as presented in this case by Mr. David Berry at pages 27-32 of his direct testimony (EFIS 36), including the assumptions in his Schedule DAB-04? This comparison should include any sources of supply which were not included in the earlier testimony, but which are now at least as competitive as any of the sources listed in that prior testimony.

Without this updated cost comparisons, there is no way to reasonably gauge the current value of the Grain Belt line relative to other viable options.

10. Ameren's Green Tariff Program. In an Order of June 27, 2018, the Commission approved a Stipulation and Agreement in File No. ET-2018-0063. The Stipulation provided, among other things, that Ameren would establish a "Green Tariff Program", which will allow Ameren to supply up to 400 MW of renewable generation to large retail customers. In contrast, Grain Belt is proposing to sell a maximum of only 500

MW of capacity in Missouri, approximately 100 MW of which it has already sold to MJMEUC and other municipal systems.⁵

This new development raises the obvious question of what impact if any this Green Tariff Program might have on Grain Belt's ability to sell any additional capacity on its line in Missouri. While Grain Belt may certainly have an opinion on this subject, the MLA suggests that this question might also be directed to Staff.

11. Proposed Missouri Wind Farms. On May 21, 2018, Ameren announced plans in conjunction with Terra-Gen to build a 400 MW wind farm in northern Missouri. Ameren had earlier announced plans for the construction of approximately 300 MW of wind generation. (See Exh. 14). The MLA understands that additional wind farm projects are also being explored for Missouri, such as the DeKalb county project which would connect with the KCP&L system, and the Clarence Cannon Wind Project in northern Missouri being considered by NextEra Energy.

These projects raise the same issue mentioned in item 10 above: what impact if any will these new wind projects have on the ability of Grain Belt to sell any additional capacity on its line in Missouri. Moreover, a second question would be what negative impact the Grain Belt project could have on renewable projects which might otherwise be built in Missouri?

While Grain Belt may have an opinion on this question also, the MLA would again suggest that Staff may be in the best position to address these issues.

12. Wind Farm Construction in Kansas.

⁵ See Concurring Opinion of August 16, 2017, p. 3.

(a) One question of obvious interest regarding the feasibility of the Grain Belt project is whether or not any wind farm in the area which could practicably connect to the Grain Belt line in western Kansas has actually begun construction?

(b) If so, what are the names and total capacities of each such wind farm, and when did they begin construction?

(c) If not, is Grain Belt aware of any firm commitments from a wind farm to build in that area; what is the name and capacity of that wind farm; and when is the projected date for construction to begin and end?

(d) Is Grain Belt aware of any wind farms in the area which could connect to its line in Western Kansas which have qualified for any or all of the federal production tax credits (PTCs)?

(e) If the answer to (d) is yes, what are the names of those wind farms, their total expected capacity, and the percentage of the PTC for which each is expected to qualify?

13. Permission to build the Kansas portion of the project is about to expire.

(a) Is it true that the approval of the Kansas portion of the project by the Kansas Corporation Commission, issued on November 7, 2013, included the condition that if Grain Belt did not begin construction there within 5 years, Grain Belt would need to reapply for permission to build in Kansas? (See excerpt of Order at Exhibit 15, par. 55).

(b) If so, has Grain Belt filed to extend that deadline, and if it has, what is the current status of that filing?

(c) Provide copies of the last two quarterly project updates to the Kansas Commission's Executive Director, as required by paragraph 56 of the Kansas Order. (Exh. 15, p. 21).

14. Option on the land for the Missouri converter station. According to public records, Grain Belt's option to purchase the land it plans to use for the Missouri converter station in Ralls County will expire on February 7 of next year. (See Exhibit 16) It is a virtual certainty that Grain Belt will not have permission to build the line from the Illinois Commission by that date, which raises a number of questions regarding the status of the property for the Missouri converter station:

(a) Has Grain Belt approached the owners of the property to discuss an extension of the purchase option, if so when were those discussion held, and what if any agreements have been made as a result of those discussions?

(b) Has Grain Belt included the agreed upon cost for purchasing the property for the converter station in its budget for either 2018 or 2019?

(c) Does Grain Belt plan to purchase the land in question before the expiration of the option if at that point it does not have permission to build the line from the Illinois Commerce Commission?

(d) Does Grain Belt plan to purchase the land in question before the expiration of the option if at that point it does not have permission to build the line from the Missouri Commission?

II. Suggested procedure for the possible introduction of updated information to the record in this case. The MLA respectfully suggests that if the Commission desires updated answers and/or other information regarding any of the matters set forth above (or any matters which might be suggested by Staff or other parties) the most practical approach for doing so would be to direct Grain Belt and the other parties referenced

above to file supplemental testimony answering the questions and providing the other information set forth in paragraphs 1-14 above.

In that regard, the MLA suggests that Grain Belt be directed to provide a response to the questions and requested information in all 14 of the paragraphs listed above, other than paragraph 7; that MJMEUC be directed to provide a response to the questions and requested information in paragraph 7 above; and that Staff be directed to the extent it can do so to respond to paragraphs 10 and 11 above. The MLA suggests that the parties then be given a reasonable opportunity for discovery regarding the supplemental testimony; that the parties be allowed the opportunity to file rebuttal testimony; that Grain Belt be allowed to file surrebuttal testimony if it so desires; and that a hearing then be held for presentation of and cross-examination on the supplemental testimony.

After nearly two years, it would be quite amazing if none of the relevant and significant evidence in this case had changed. And the Commission definitely does have the authority to accept updated evidence after a case is remanded to it from the courts. *State ex rel. Chicago, Rock Island and Pacific R.R. Co. v PSC*, 355 S.W.2d 45, 46 (Mo banc 1962).

Finally, given that any decision from the Illinois Commission will not likely come for at least another two years, the CCN from this Commission is not on Grain Belt's critical path for construction of the line. Therefore, an immediate decision from the Commission in this case is far from urgent, and the delay involved in granting this Motion would not prevent Grain Belt from moving forward with its proposed line on any other front it so chooses. And significantly, the MLA is not seeking to re-litigate this entire case. It is only seeking to submit information regarding any significant changes

since the filing of Grain Belt's direct testimony two years ago. The people affected by the proposed line deserve that much.

WHEREFORE, the MLA respectfully asks the Commission to establish a reasonable procedural schedule which would allow for the introduction of updated information related to the issues set forth in Section I above, through a process comparable to that suggested in Section II.

Respectfully submitted,

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Dated September 27, 2018

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document and attached exhibits were served by electronic mail upon counsel for all parties this 27th day of September, 2018.

/s/ Paul A. Agathen
Paul A. Agathen