

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

<b>Missouri Landowners Alliance,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. EC-2014-0251</b>
	)	
<b>Grain Belt Express Clean Line LLC,</b>	)	
<b>Grain Belt Express Holding LLC, and</b>	)	
<b>Clean Line Energy Partners LLC,</b>	)	
	)	
<b>Respondents.</b>	)	

**RESPONDENTS' OPPOSITION TO  
MISSOURI LANDOWNERS ALLIANCE MOTION TO STRIKE**

Respondents Grain Belt Express Clean Line LLC, Grain Belt Express Holding LLC, and Clean Line Energy Partners LLC (“Respondents”) hereby oppose the Motion to Strike of Complainant Missouri Landowners Alliance ("MLA"):

Not content with its effort to censor the websites of the Respondents and to abridge their First Amendment rights, MLA requests -- without citing any rule, statute or case law -- that the Commission strike Respondents' Reply to MLA's Answer to the Respondents' Motion to Dismiss. The sole reason supporting the motion appears to be that the Commission did not specifically order that such Reply be made.

The Commission's rules provide: “Parties shall be allowed ten (10) days from the date of filing in which to respond to *any* pleading unless otherwise ordered by the commission.” See 4 CSR 240-2.080(13) (emphasis added). Nowhere in the Commission's April 16 Order Directing Filing does the Commission prohibit Respondents from filing their Reply.

Furthermore, no portion of the Reply is fodder for a motion to strike. Pursuant to Missouri Rule of Civil Procedure 55.27(e), a court may order stricken from a pleading "any

insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Respondents' Reply specifically responds to arguments MLA raises in its Answer to the Motion to Dismiss. MLA has not alleged that any portion of Respondents' Reply is redundant, immaterial, impertinent, or scandalous. Rather, MLA merely believes that the "Commission must have intended that the end was already reached as between Grain Belt and the Alliance before Grain Belt filed this latest Reply." See Motion to Strike at 2. Whatever the Commission's intent, no part of Respondents' Reply is properly the subject of a motion to strike.

Finally, as the moving parties, Respondents should have the final word on their Motion to Dismiss. For well over a century, the general rule in Missouri has been that the party on whom the burthen of proof lies has the final say on that matter. Porter v. Jones, 52 Mo. 399, 403 (1873). See Mo. R. Civ. Proc. 74.04(c)(3) (permitting a movant for summary judgment to file a reply memorandum in support of summary judgment); Mo. R. Civ. Proc. 84.04(g) (permitting an appellant to file a reply brief). Respondents' Reply directly addresses the legal arguments raised by MLA, should assist the Commission in its analysis of these important issues, and is entirely appropriate.

WHEREFORE, the Motion to Strike the Reply of the Respondents should be denied.

Respectfully submitted,

/s/ Karl Zobrist

Karl Zobrist MBN 28325

Lisa A. Gilbreath MBN 62271

Andrew Zellers MBN 57884

Dentons US LLP

4520 Main Street, Suite 1100

Kansas City, MO 64111

(816) 460-2400

(816) 531-7545 (fax)

karl.zobrist@dentons.com

lisa.gilbreath@dentons.com

andrew.zellers@dentons.com

Cary J. Kottler  
General Counsel  
Erin Szalkowski  
Corporate Counsel  
Clean Line Energy Partners LLC  
1001 McKinney Street, Suite 700  
Houston, TX 77002  
(832) 319-6320  
ckottler@cleanlineenergy.com  
eszalkowski@cleanlineenergy.com

Attorneys for Respondents

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Dismiss was served upon the parties to this Complaint by email or U.S. Mail, postage prepaid, this 28th day of April, 2014.

/s/ Karl Zobrist  
Attorney for Respondents