

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 STRIKE CERTAIN PORTIONS OF THE SUPPLEMENTAL DIRECT  
TESTIMONY OF WITNESSES KRIS ZADLO AND ANDREA HOFFMAN

Comes now the Missouri Landowners Alliance (MLA) and for the reasons set forth below respectfully asks the Commission to strike portions of the supplemental direct testimony of witnesses Kris Zadlo and Andrea Hoffman, as designated and discussed below.

As Grain Belt has stated, it believes that the primary purpose of these proceedings on remand is “regarding the receipt of any evidence that has materially changed” since the filing of Grain Belt’s direct case in 2016.”<sup>1</sup> Witnesses Zadlo and Hoffman were clearly made aware of Grain Belt’s understanding in that regard.<sup>2</sup> And on this point, the MLA fully agrees with Grain Belt and its witnesses: the testimony on remand is not to include a rehash of the evidence presented in the last phase of this case, but only to address material changes in the evidence already submitted.

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<sup>1</sup> “Grain Belt Express Statement of Position Regarding Proceedings on Remand and Response to the Commission’s Order Setting Procedural Conference”, p. 2.

<sup>2</sup> Supplemental direct testimony of Mr. Zadlo, p. 5 line. 21 – p. 6 line 2: “It is my understanding that the Commission’s September 28, 2018 Order setting a procedural conference noted that the primary purpose of the procedural schedule in this case is to receive ‘any evidence that has materially changed’ since the filing of GBE’s direct case in 2016.” An identical statement is made by Ms. Hoffman at page 2 lines 7-10 of her supplemental direct testimony.

With a number of exceptions which will not be raise here, most of the Grain Belt witnesses adhered to this perceived restriction on the scope of their supplemental direct testimony. Nevertheless, Mr. Zadlo and Ms. Hoffman totally ignored their own understanding of the permissible scope of their supplemental testimony.

#### Testimony of Mr. Kris Zadlo

At page 12 line 18 to page 14 line 19, Mr. Zadlo simply reiterates a number of the supposed benefits of the Grain Belt project claimed by Grain Belt in the last phase of this case, including, e.g., the need for the line and the supposed benefits which it would bestow on MJMEUC. In fact, Mr. Zadlo even cites to the earlier Grain Belt testimony in support of his own supplemental testimony.<sup>3</sup> He does not purport in the contested supplemental testimony to provide any update whatsoever on the points he discusses, nor is the testimony at issue a necessary introduction to other evidence which does fairly deserve to be updated. Instead, Mr. Zadlo simply attempts to reinforce the Grain Belt position on issues already raised in the earlier phase of the case.

At page 15 line 8 to page 16 line 12, Mr. Zadlo employs the same tactic. Everything said there (e.g., his reference to the MO DED study) is merely a reiteration of testimony and evidence from the prior phase of this case, with no attempt whatsoever to supply any updated information on the subjects he raises.

#### Testimony of Ms. Hoffman

At page 2 lines 10-13, Ms. Hoffman relies on the “voluminous record” from the earlier proceeding in concluding that the project is needed, that it will have favorable impacts, and that the public interest factors considered by the Commission have already been fully met. Again, this portion of her testimony makes no attempt to supplement or

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<sup>3</sup> See, e.g., his footnotes 7-10 at pages 13-14 of his testimony.

update the evidence from the prior phase of this case. It is simply an attempt to reinforce for the benefit of the Commission certain supposed facts which were already extensively discussed and briefed.

If Grain Belt's witnesses are permitted to reargue issues already fully addressed in the earlier phase of this case, then the same opportunity should certainly be afforded other parties in any forthcoming supplemental testimony in this proceeding.

WHEREFORE, the MLA respectfully asks the Commission to strike the following supplemental direct testimony: Mr. Kris Zadlo: page 12, line 18 to page 14, line 19; and page 15 line 8 to page 16 line 12; Ms. Andrea Hoffman, page 2 lines 10-13.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by electronic mail upon counsel for all parties this 15th day of November, 2018.

/s/ Paul A. Agathen  
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