

**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-2014-0207
Current Transmission Line and an Associated Converter)
Station Providing an interconnection on the Maywood -)
Montgomery 345 kV Transmission Line)

**MATTHEW AND CHRISTINA REICHERT'S
AND
RANDALL AND ROSEANNE MEYER'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Matthew and Christina Reichert (Reicherts) and Randall and Roseanne Meyer (Meyers) file this Proposed Findings of Fact and Conclusions of Law. The Reicherts and Meyers state the following:

1. The Reicherts and Meyers adopt and join the Show Me Concerned Landowners' Proposed Findings of Fact and Conclusions of Law in its entirety.
2. The Reicherts and Meyers supplement the Findings of Fact Regarding Conditions and Conclusions of Law Regarding Conditions stated in Show Me Concerned Landowners' filing.

**Findings of Fact Regarding Conditions
(For Use in the Alternative if the Commission Decides to Approve the Application)**

3. Grain Belt Express Clean Line LLC (GBE) has admitted that their Agricultural Impact Mitigation Policy is not legally binding.¹
4. GBE is opposed to a comprehensive model easement agreement.²

¹ Transcript - Volume 10, Doc. 321 at 240 (Tr. 290:14-18).

² Initial Post-Hearing Brief of Applicant Grain Belt Express Clean Line LLC, Doc. 470 at 39, Reply Post-Hearing Brief of Applicant Grain Belt Express Clean Line LLC, Doc. 486 at 47-48 (*See* Matthew and Christina Reichert's and Randall and Roseanne Meyer's Post-Hearing Brief, Doc. 475 at 5-10 and Matthew and Christina Reichert's and Randall and Roseanne Meyer's Post-Hearing Reply Brief, Doc. 489 at 1-2).

5. GBE has not proposed any cooperation with landowner groups to negotiate a comprehensive model easement agreement.³

6. GBE is opposed to the use of binding arbitration to resolve disagreements between GBE and the landowners over the easement agreement or eminent domain process.⁴

7. GBE's recommendation to use the Commission's informal or formal complaint process is inappropriate since it does not apply to easement negotiations or the eminent domain process.⁵

8. GBE's recommendation to use the Commission's formal complaint process is inappropriate since it is a complex process beyond the financial or logistical ability of many landowners.⁶

9. The Commission's Small Formal Complaint process is inappropriate since: 1.) Easement negotiations may not involve a dollar amount; 2.) The dollar amount for easement payments will probably exceed the \$3,000 maximum; and 3.) The rules for the formal complaint process still apply except for waiver of the technical rules of evidence and need for pre-filed testimony.⁷

10. GBE has not addressed the issue of its superior bargaining power when dealing with landowners on an individual basis.⁸

11. GBE has not agreed to remove the onerous terms in its easement such as the forfeiture of the landowner's homestead exemption.⁹

12. The negative impact of high voltage transmission lines (HVTLs) on property values does not dissipate until 800 to 1,300 feet from the HVTLs.¹⁰

³ Doc. 470 at 38-39, Doc. 470 at 52, and Doc. 486 at 47-48 (*See* Doc. 475 at 5-10 and Doc. 489 at 1-2).

⁴ Doc. 486 at 47-48.

⁵ "Any person or public utility who feels aggrieved by an alleged violation of any **tariff, statute, rule, order, or decision** within the commission's jurisdiction may file a complaint.", 4 CSR 240-2.070(1) (*emphasis added*).

⁶ 4 CSR 240-2.070(4)-(14).

⁷ 4 CSR 240-2.070(15).

⁸ Doc. 470 at 38-39, Doc. 470 at 52, and Doc. 486 at 47-48 (*See* Doc. 475 at 5-10).

⁹ *Id.*

¹⁰ Transcript - Volume 15, Doc. 329 at 276-77 (Tr. 1397:16-1398:11).

13. Dr. Priestley's claim that the negative impact dissipates within 200 feet is inaccurate since he relies on a study of urban property values.¹¹
14. Mr. Kielisch testified to the negative impact that HVTLs have on property value.¹²
15. Mr. Harris documented an example in Randolph County, Missouri, where the presence of an HVTL deterred buyers from purchasing rural residential lots.¹³
16. Sixty six residences are located within 500 feet of GBE's HVTL.¹⁴
17. Those residences will experience a loss of value due to their proximity to the HVTL.
18. Approximately 15% to 17% of the Reicherts' land is burdened by pipeline easements.¹⁵
19. GBE's HVTL will increase that burden to 30%.¹⁶
20. The Meyers' property designated for their daughter's homestead will be bisected by GBE's HVTL.¹⁷
21. The route across the Meyers' property was due to the presence of the Shiloh Airpark.¹⁸
22. Mr. Gaul testified that GBE never contacted the owner to verify that the Airpark was operational. They only performed a visual inspection looking for maintenance of existing infrastructure.¹⁹

¹¹ Transcript - Volume 14, Doc. 327 at 33-37 (Tr. 802:21-806:7) (*See* Doc. 489 at 3).

¹² Ex. 402 - Rebuttal Testimony of Kurt C. Kielisch, Doc. 434 at 26 (Tr. 26:5-8) (Referencing a study showing an impact of -15% to -34% depending on the location of the line).

¹³ Ex. 553 - Rebuttal Testimony of Boyd L. Harris, Doc. 553 at 3:2-15 and Ex. 558 - Response to GBE's 1st Set of Data Requests, Doc. 558 at 2-4.

¹⁴ Direct Testimony of Timothy B. Gaul on Behalf of Grain Belt Express Clean Line LLC, Doc. 8 at 9:1-2, Table 5-14 in Schedule TBG-2 at 118, and Table 5-15 in Schedule TBG-2 at 120.

¹⁵ Rebuttal Testimony of Scott Nordstrom, Ex. 550, Doc. 439 at 6 (Schedule SN-1),

¹⁶ Ex. 552 - Rebuttal Testimony of Christina Reichert, Doc. 441 at 4:8, Ex. 550, Doc. 439 at 6 (Schedule SN-1), and Transcript - Volume 17, Doc. 328 at 197 (Tr. 1638:4-10).

¹⁷ Ex. 575 - Rebuttal Testimony of Roseanne Meyer, Doc. 448 at 3:7-4:6 and 10 (Schedule RM-1).

¹⁸ *Id.* at 6:13-7:2.

¹⁹ Transcript - Volume 14, Doc. 327 at 270-71 (Tr. 1039:4-1040:1).

23. GBE has not addressed the issues raised by the Reicherts and Meyers in their Post-Hearing Brief.²⁰

Conclusions of Law Regarding Conditions

24. GBE has not demonstrated a willingness to negotiate with Missouri's landowners on a fair basis or reply to their concerns over property values. Therefore, the conditions proposed by the Reicherts and Meyers in their Post-Hearing Brief are appropriate.²¹

Conclusion

Therefore, the Reicherts and Meyers offer these Proposed Findings of Fact and Conclusions of Law to the Commission. They respectfully request that the Commission conform its decision to the facts and conclusions contained in this document.

Respectfully submitted,
Law Office of Gary Drag

/s/ Gary Drag

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CERTIFICATE OF SERVICE

I certify that true and accurate copies of this document were sent by e-mail on December 23, 2014, to all parties on the official service list for this case.

²⁰ Doc. 486 at 47.

²¹ Doc. 475 at 10-16.

/s/ Gary Drag

Gary Drag, MBN 59597

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and Randall and Roseanne Meyer