

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 )

**GRAIN BELT EXPRESS CLEAN LINE LLC’S  
MOTION TO STRIKE REBUTTAL TESTIMONY OF SCOTT NORDSTROM**

Grain Belt Express Clean Line LLC (“Grain Belt Express” or “Company”), pursuant to Mo. R. Civ. Proc. 55.27(e) and 4 CSR 240-2.080(4), moves to strike and exclude the rebuttal testimony and drawings<sup>1</sup> of Scott Nordstrom (sponsored by the Reichert intervenors) because his testimony is irrelevant.

**ARGUMENT**

**I. Legal Standard**

When considering an applicant’s request to be issued a line certificate of convenience and necessity under Section 393.170.1,<sup>2</sup> the Commission may grant such request under Section 393.170.3 if it finds that the construction of such a project “is necessary or convenient for the public service.”

The Commission has stated that it will apply five criteria to cases regarding CCN applications: (1) There must be a need for the service the applicant proposes to provide; (2) The proposed service must be in the public interest; (3) The applicant’s proposal must be economically feasible; (4) The applicant must have the financial ability to provide the service;

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<sup>1</sup> The two drawings are attached to Mr. Nordstrom’s rebuttal testimony as Schedules SN-1 and SN-2 and attached to this motion as Exhibits A and B.

<sup>2</sup> All references are to the Missouri Revised Statutes (2000), as amended.

and (5) The applicant must be qualified to provide the proposed service. In re Tartan Energy Co., No. GA-94-127, Order Granting Certificate of Convenience and Necessity (Sept. 16, 1994). See In re Entergy Arkansas, Inc., No. EA-2012-0321, Order Granting Certificate of Convenience and Necessity at 2 (July 11, 2012). Therefore, all relevant evidence must relate to one of these five criteria, and the statutory standard of convenience and necessity. Evidence that does not relate to any of the five factors is irrelevant and must be excluded pursuant to Section 536.070(8).

## **II. Mr. Nordstrom's Testimony Must Be Excluded**

Mr. Nordstrom's rebuttal testimony should be stricken in its entirety because it and the drawings attached in Schedule SN-1 and SN-2 are irrelevant. Schedule SN-1 is a pictorial representation of the Reicherts' home, existing pipeline easement and proposed lattice pole easement. See Nordstrom Rebuttal at 2 & Sched. SN-1. Similarly, Schedule SN-2 is a drawing "of the transmission towers relative to the home of Matthew and Christina Reichert." Id. at 2 & Sched. SN-2.

However, none of these issues is relevant to the statutory standard or to any of the five criteria that the Commission will examine when ruling upon the Company's CCN application. Therefore, Grain Belt Express requests that that the Commission exclude from evidence the testimony and attached schedules of Mr. Nordstrom.

## **CONCLUSION**

For these reasons, the Commission should exclude the rebuttal testimony of Scott Nordstrom in its entirety.

Dentons US LLP

By       /s/ Karl Zobrist

Karl Zobrist MO Bar No. 28325

Lisa A. Gilbreath MO Bar No. 62271

Jonathan Steele MO Bar No. 63266

4520 Main Street, Suite 1100

Kansas City, Missouri 64111

816-460-2400 - Telephone

816-531-7545 - Facsimile

karl.zobrist@dentons.com

lisa.gilbreath@dentons.com

jonathan.steele@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 GRAIN BELT EXPRESS  
CLEAN LINE LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon all parties of record by email or U.S. mail, postage prepaid, this 7th day of November 2014.

      /s/ Karl Zobrist

Attorney for Grain Belt Express Clean Line LLC