

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Grain Belt Express)
Clean Line LLC for Approval of its Acquisition by) No. EM-2019-0150
Invenergy Transmission LLC)

SHOW ME CONCERNED LANDOWNERS' OPPOSITION TO JOINT MOTION FOR
CLARIFICATION OR RECONSIDERATION

The Eastern Missouri Landowners Alliance DBA Show Me Concerned Landowners ("Show Me") hereby respectfully submits the following opposition to the Joint Motion For Clarification or Reconsideration filed on June 14, 2019 by Invenergy Transmission LLC et al. ("Joint Movants").

The Joint Movants contend that in its Report and Order of June 5, the Commission decision to hold Invenergy responsible for compliance with the conditions in the Order was an "error", or a "misstatement", on the part of the Commission.

(Motion p. 1, 3)

To the contrary, Show Me assumes the Commission deliberately intended to hold the ultimate owner of the line responsible for ensuring that Grain Belt complied with the conditions imposed in the CCN case, No. EA-2016-0358. Grain Belt itself will no doubt be a shell company, whose only asset would be the proposed transmission line. In order to better insure compliance with the conditions in question, it was only logical and prudent for the Commission to also hold Invenergy responsible for ensuring that those conditions are satisfied.

The Joint Movants suggest that enforceability of the conditions against Invenergy would be weakened because the Invenergy entities are not electrical corporations or public utilities under Missouri Law. (Motion, p. 4). While that fact is true, Invenergy

voluntarily submitted itself to the personal jurisdiction of the Commission when it applied for authorization to purchase Grain Belt. *See In re Moreau v. Royster*, 161 S.W.3d 402, 405 (Mo. App. 2005) (a person voluntarily submits to the jurisdiction of a court when it files a petition requesting relief from that court.) Accordingly, the Commission was well within its lawful authority in holding Invenergy responsible for compliance with the very conditions to which Invenergy had already agreed. (See Ex. 4, p. 2, Surrebuttal Testimony of Mr. Zadlo.)

Invenergy is obviously attempting here to avoid future responsibility for actions or inactions of what it hopes will be its wholly-owned subsidiary, Grain Belt Express. If the Commission grants that wish, Invenergy's gain would by definition come at the expense of the people in Missouri who are meant to be protected by the conditions imposed by the Commission.

Show Me also submits that the June 14 Motion is procedurally questionable. The Joint Movants state that it was filed pursuant to Commission Rule 4 CSR 240-2.080. However, there is nothing in that rule which authorizes a Motion for Clarification or Reconsideration after the Commission has issued its final Report and Order.

The only mention in the Commission rules of a motion for reconsideration is in 4 CSR 240-2.160. However, the motion referenced there applies only to "procedural and interlocutory" orders of the Commission, which of course the Report and Order of June 5 was not. And while that same rule allows the Commission to correct or amend any order on its own motion, that authorization applies only before the final Order is issued in a case.

Given that the final Report and Order has already been issued in this case, the Joint Movants' only recourse authorized by statute or Commission rule would be to file an Application for Rehearing. Any grant of relief other than through an Order on remand would clearly run the risk of being declared void, which would only confuse matters further.

Wherefore, for the reasons stated above, Show Me respectfully asks the Commission to dismiss the Joint Motion filed in this case on June 14, 2019.

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 17th day of June, 2019.

/s/ Paul A. Agathen
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