

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Landowners Alliance, and )  
Eastern Missouri Landowners Alliance )  
DBA Show Me Concerned Landowners, and )  
John G. Hobbs, )  
 )  
Complainants, )  
 )  
V. )  
 )  
Grain Belt Express LLC, and )  
Invenergy Transmission LLC, and )  
Invenergy Investment Company, )  
 )  
Respondents )

Case No. EC-2021-0034

OPPOSITION TO RESPONDENTS’ MOTION TO DISMISS

Complainants respectfully submit this filing in opposition to the “Motion to Dismiss Formal Complaint”, filed by Respondents on October 12, 2020.

1. As Respondents acknowledge in their Motion to Dismiss (“Motion”), all parties agree that this Complaint rests on a single legal question: whether the Commission’s CCN Order requires Grain Belt to initiate easement negotiations by only offering the easement agreement marked as Schedule DKL-4 to Exhibit 113 in the CCN Case.<sup>1</sup>

2. That identical question was already addressed in the parties’ briefs filed on September 16, 2020, and on September 30, 2020.

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<sup>1</sup> Motion to Dismiss, par. 5. Respondents incorrectly claim there that the only question is whether they must offer “the exact form” of easement marked as Schedule DKL-4. That is not what the Joint Stipulation said. See “Joint Motion to Suspend Current Deadlines and Establish a Briefing Schedule”, p. 3, par. II.6(c). And Complainants have acknowledged that Grain Belt is not obligated to use the “exact form” of the original easement. As mentioned in their Reply Brief, p. 8, they recognize that the original easement may include “reasonable modifications” in order to accommodate unique circumstances of individual landowners.

3. With all due respect, Respondents' Motion is a needless rehash of the briefs which already addressed what Respondents admit is the sole question in this case.<sup>2</sup> A decision on the merits of the arguments in those briefs will necessarily resolve the same issue being raised in a different format in this latest Motion.

4. On the merits, the specific language in Exhibit 206 and in the Landowner Protocol refute Respondents' claim, made yet again, that the allegations in the Complaint do not constitute a violation of a Commission Order.<sup>3</sup> Introducing that argument with the word "therefore" does not somehow validate the allegations which follow.

Wherefore, Complainants respectfully ask that Respondents' Motion to Dismiss be rejected or ignored, and that the case be decided as the parties originally intended: on the basis of their respective briefs.

Respectfully submitted,

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Attorney for Complainants

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by email upon counsel for all parties this 14<sup>th</sup> day of October, 2020.

/s/ Paul A. Agathen

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<sup>2</sup> See each of the substantive provisions of the Motion, specifically paragraphs 8, 9, 11 and 12, which in substance merely reiterate what Respondents already argued in their earlier briefs.

<sup>3</sup> Motion, par. 12.