

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Grain Belt)
Express LLC for an Amendment to its Certificate)
of Convenience and Necessity Authorizing it to)
Construct, Own, Operate, Control, Manage, and) File No. EA-2023-0017
Maintain a High Voltage, Direct Current)
Transmission Line and Associated Converter)
Station)

RESPONSE TO MLA’S STATEMENT OF FACTS
AND STATEMENT OF ADDITIONAL FACTS

Pursuant 20 CSR 4240-2.117(1)(B), Grain Belt Express LLC (“Grain Belt Express”) files this Response to MLA’s Statement of Facts and Statement of Additional Facts to respond to the statement of facts¹ provided in the Motion for Summary Disposition² (“Motion”) filed by the Missouri Landowners Alliance (“MLA”).³ For purposes of answering each statement of fact, Grain Belt Express has reproduced each numbered statement and listed its response under the statement. Where necessary, responses may integrate in defined terms and other statements from MLA’s Motion that were not provided explicitly within its statement of facts. Following the response section, Grain Belt Express has added additional facts necessary to properly address the substance of MLA’s arguments in its Motion.

Responses to MLA’s Statement of Facts

¹ Under the heading “Undisputed Material Facts;” Motion for Summary Disposition, EA-2023-0017 (Oct. 28, 2022) at pp. 2-7.

² Motion for Summary Disposition, EA-2023-0017 (Oct. 28, 2022).

³ The Motion was submitted on behalf of MLA, the Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners, Norman Fishel, Gary and Carol Riedel, and Dustin Hudson. The Motion refers to the group collectively as “MLA.”

Attachment A to Response

1. On August 30, 2016, Grain Belt Express Clean Line LLC (hereafter “Grain Belt”) filed an Application with the Missouri Public Service Commission, seeking a certificate of convenience and necessity (“CCN”) pursuant to Section 393.170.1 RSMo and related Commission Rules to construct, own, operate, control, manage, and maintain electric transmission facilities within eight designated counties in Missouri, as well as a “converter station” in Ralls County, Missouri. (Order in Original CCN case, p. 5; Original Application p. 1).

RESPONSE: Grain Belt Express admits that the referenced Application was filed on August 30, 2016, and that the Application is accurately described in sum in this paragraph. *See* Application of Grain Belt Express Clean Line LLC For a Certificate of Convenience and Necessity, EA-2016-0358 (August 30, 2016) (hereinafter referred to as (“2016 Application”).

2. In the Original Project, Grain Belt’s proposed transmission line would traverse approximately 206 miles in Missouri, which was one segment of a proposed line extending approximately 780 miles in total from western Kansas to the Sullivan Substation near the Illinois-Indiana border. (Original Application, par. 17; Application to Amend, par. 19c).

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. *See* Application to Amend Existing Certificate of Public Convenience and Necessity, EA-2023-0017 (August 24, 2022) (hereinafter referred to as “Amendment Application”) at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project.”). Grain Belt also objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt Express admits that the total mileage described is accurate to what is in the filed in the 2016 Application.

3. The Original project was to include three converter stations, which are large collections of electrical facilities capable of converting alternating current (AC) power to direct current (DC) power, or vice versa. (See Original Application, par. 18; Order in Original CCN case, p. 9, par. 7; Direct testimony of Grain Belt witness Dr. Anthony Wayne Galli, p. 7 lines 7-8, EFIS 37 in Original CCN case; and description of the components of a converter station in the Direct

testimony of Dr. Galli in Case No. EA-2014-0207, EFIS 7, p. 7 lines 9-14 and his Schedule AWG-1).

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. See Amendment Application at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project.”). Grain Belt also objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt Express admits that the description is accurate to what is in the 2016 Application.

4. A typical converter station may require an area encompassing approximately 45 to 60 acres. (Direct testimony of Thomas Shiflett in Original CCN case, page 14, Sec. 2.1.1 of Schedule TFS-4).

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Grain Belt Express denies this statement to the extent the statement suggests that the “typical converter station” facility encompasses 45 to 60 acres. The 45 to 60 acre area described in the cited testimony encompasses the converter station plus ancillary facilities, as described in the testimony:

A typical converter station may require an area encompassing approximately 45 to 60 acres, most of which is occupied by the AC switchyard. The AC switchyard will be the largest portion of the electrical facility within the converter station footprint. There could be up to two buildings (valve halls) to house the power electronic equipment used in AC/DC conversion, each approximately 275 feet long by 80 feet wide. Valve halls protect the converter equipment from ambient conditions and impede the audible noise generated by the thyristors and other equipment. The valve halls could reach heights of 60 to 85 feet. Additionally, smaller building(s) will house the control room, control and protection equipment, auxiliaries, and cooling equipment. Other electrical equipment such as synchronous condensers, static compensators, or static var compensators may be required within the AC portion of the switchyard dependent on system studies. Transformers will be located adjacent to the valve hall(s) and surrounded on two sides with concrete fire walls. In addition to preventing a fire in one transformer from spreading to adjacent

ones, the walls will also impede audible noise generated by the transformers. Clean Line will typically utilize 10- to 20-acre lay down areas during construction and post construction as parking and for locating warehousing facilities within the fenced converter station, if needed. Figure 2-1, “Clean Line Converter Station General Layout,” shows a typical converter station layout.

See Direct Testimony of Thomas Shiflett in Original CCN case, page 14, Sec. 2.1.1 of Schedule TFS-4 *and see* Figure 2-1 showing converter station layout.

5. The Missouri converter station proposed in the Original CCN case was to be essentially the same as described for a typical converter station in the preceding paragraph. (Id. at page 16, Sec. 2.1.4).

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Grain Belt Express denies this statement to the extent the statement suggests that the “typical converter station” facility encompasses 45 to 60 acres. Grain Belt admits that the Missouri converter station proposed in the Original CCN case is the one described in the cited testimony in paragraph 4.

6. The 780-mile transmission line in the Original Project was to carry DC power from the converter station in Kansas to the converter station in Missouri and the converter station at the Illinois-Indiana border. (Order in Original CCN case, p. 9, par. 5; Application to Amend, p. 8, par 19c).

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. *See* Amendment Application at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project.”). Grain Belt also objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt Express admits the statement is an accurate summation of the purpose of the Project described in the 2016 Application.

7. In the Original Project, the DC line was to have a capacity of 4,000 MW. (Application to Amend, pp. 6-7, par. 15; p. 13, par. 33).

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. *See* Amendment Application at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project.”) Notwithstanding the objection, Grain Belt Express admits that line in the Original Project is described as having a capacity of 4,000 MW.

8. Of the total 4,000 MW mentioned in the preceding paragraph, 500 MW was to be delivered at the Missouri converter station for distribution in Missouri, and the remaining 3,500 MW was to be delivered to the converter station at the Illinois-Indiana border, for distribution in Illinois and points further east. (Original Application, p. 7, par. 14; Application to Amend, pp. 6-7, par. 15).

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. *See* Amendment Application at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project.”). Grain Belt also objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt Express admits that the Original Project is so described.

9. The capacity of the Missouri converter station in the Original Project was to be 500 MW, allowing for delivery of the proposed 500 MW of power in Missouri. (Application to Amend p. 8, par. 19a).

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. *See* Amendment Application at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project.”). Grain Belt also objects to this statement on the

ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt Express admits that converter station in the Original Project is so described.

10. Under Grain Belt's Revised Project, the capacity to be delivered into Missouri would be increased from 500 MW to 2,500 MW – a five-fold increase in power. (Application to Amend, p. 9 par. 21 and p. 19 par. 41).

RESPONSE: Grain Belt objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding its objection, Grain Belt Express admits this statement.

11. A converter station with a capacity of 2,500 MW would be larger than one with a capacity of 500 MW, and would cost approximately \$500 million more to build. (File No. EC-2021-0059, testimony of Grain Belt witness Mr. Kris Zadlo, Tr. Vol. I, p. 80 lines 17-24 and p. 81 line 19 – p. 82 line 13).

RESPONSE: Grain Belt objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding its objection, Grain Belt Express admits that Mr. Zadlo testified as such, based on “general cost estimates,” also testifying that, at that time, “We have not started that engineering [and] we have not selected a vendor.” (File No. EC-2021, 0059, Tr. Vol. I, p. 81 lines 4-9).

12. In its Order in the Original CCN case, the Commission granted Grain Belt's Original Application, subject to certain specified conditions. (Order in Original CCN case, p. 50).

RESPONSE: Grain Belt objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding its objection, Grain Belt Express admits its 2016 Application was granted subject to certain conditions.

13. One condition referenced in the preceding paragraph was that Grain Belt was not permitted to install transmission facilities on easement property in Missouri until it obtained commitments for financing of the project in an amount equal to or greater than the total cost to build the entire multi-state transmission project. (Order in Original CCN case, Attachment A, Section I.i).

RESPONSE: Grain Belt objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding its objection, Grain Belt Express admits that this provision is accurately stated.

14. The condition referenced in the preceding paragraph effectively precluded Grain Belt from building the Missouri segment of the DC line until it had also obtained financing for the Illinois portion of the line, as well as the segments traversing Kansas and Missouri. (This fact is evident from the condition itself)

RESPONSE: Grain Belt Express objects to this statement to the extent the issue of “preclusion” calls for a legal conclusion or opinion evidence. The condition regarding financing speaks for itself. Grain Belt Express denies that the cited Financing Condition I.1 requires that financing be explicitly tied to segments of the line, only that Grain Belt Express would need to secure commitments for funds in an amount equal to or greater than the total cost to build the entirety of multi-state project. *See* Report and Order on Remand, EA-2016-0358 (March 20, 2019), Attachment1, Section I.1).

15. Another condition imposed by the Commission in the Original CCN case was as follows: “If the design and engineering of the project is materially different from how the Project is presented in Grain Belt Express Clean Line LLC’s Application, Grain Belt Express Clean Line LLC must file an updated application with the Commission for further Commission Review and determination.” (Order in Original CCN case, p. 52, par. 6).

RESPONSE: Admit.

16. On August 24, 2022, Grain Belt filed its Application to Amend in the instant case. (EFIS item 10 in the instant case).

RESPONSE: Admit.

17. Prior to filing the Application to Amend, Grain Belt had been sold to its present owner, Invenergy Transmission LLC (“Invenergy”). (Application to Amend, par. 12).

RESPONSE: Admit. For clarity, Grain Belt Express Clean Line LLC was the name of the entity that was acquired at the time of acquisition.

18. Prior to filing the Application to Amend, Grain Belt’s name had been changed from Grain Belt Express Clean Line LLC to Grain Belt Express LLC (both names referred to herein as “Grain Belt”). (Compare Order in Original CCN case, p. 1 line 1 and Application to Amend, introductory paragraph).

RESPONSE: Admit.

19. The Application to Amend asked the Commission to amend the CCN granted to Grain Belt in the Original CCN case. (Application to Amend, introductory paragraph).

RESPONSE: Admit.

20. Specifically, the Application to Amend sought Commission approval of the following material changes to the design and engineering of the Original Project:

“a. Relocating the Missouri converter station from Ralls County to Monroe County and increasing the capacity of the Missouri converter station from 500 MW to 2,500 MW;

“b. Relocating the AC connector line [which connects the Missouri converter station to the transmission system in Missouri] from Ralls County to Monroe, Audrain, and Callaway Counties, allowing for greater access of renewable power to Missouri and increasing benefits to Missouri; and

“c. Constructing the Project in two phases, allowing Missouri to realize the benefits of the Project earlier than it otherwise would.” (Application to Amend, pp. 1-2, par. 1).

RESPONSE: Grain Belt Express objects to the extent that defining any one modification as a “material change” requires a legal conclusion. Grain Belt Express admits that it has requested approval for these modifications.

21. The change described in subparagraph b of the preceding paragraph would require the construction of a 40-mile, high-voltage (345kv) AC line from the relocated converter station

in Monroe County to new connection points on the Missouri transmission system in Callaway County. (Application to Amend, p. 8, par. 19b and p. 10 par. 25).

RESPONSE: Admit. For clarity, the AC line is described in the Application to Amend as “approximately 40 miles.” Application to Amend, p. 8, ¶ 19(b).

22. AC lines are used in the Project to connect the converter stations to the point of interconnection with the existing transmission system. (Application to Amend, p. 7, par. 16).

RESPONSE: Admit.

23. In the Original Project, the Missouri converter station was to be located “near” the Ameren transmission line to which the converter station would be connected. (Order in Original CCN case, p. 10 par. 8; Direct Testimony of Grain Belt witness Dr. Anthony Wayne Galli, Case No. EA-2014-0207, EFIS 7, p. 5 lines 5-7).

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. *See* Amendment Application at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project.”). Grain Belt also objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt Express admits that the Original Project is so described, although the geographic location of the point of interconnection on the Ameren transmission line was not identified.

24. The AC connector line in the Original Project would only need to traverse the distance between the Missouri converter station and the nearby Ameren transmission line. (This fact is self-evident) [sic].

RESPONSE: Grain Belt Express objects to this statement to the extent use of the past tense implies that the Original Project is not still operative. *See* Amendment Application at ¶18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is

continuing to develop the Certificated Project.”). Grain Belt also objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Grain Belt also objects to the characterization of the statement as a “fact” that is “self-evident.” Grain Belt denies this statement because the geographic location of the point of interconnection on the Ameren transmission line was not identified.

25. The two phases of the Revised Project referred to in paragraph 20c above would mean building the Kansas portion and approximately 156 miles of the Missouri portion of the line in phase I, as well as the Tiger Connector line. (Application to Amend, p. 8, par. 19c; direct testimony of Mr. Carlos Rodriguez, p. 6 lines 8-12; direct testimony of Mr. Shashank Sane, p. 8 lines 15-18).

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt admits this statement.

26. Phase II of the Revised Project would consist of the Illinois portion of the line, and the approximately 58-mile portion of the line in Missouri between the Missouri converter station and the Missouri-Illinois border. (Application to Amend, p. 8, par. 19c; direct testimony of Mr. Carlos Rodriguez, p. 7 lines 3-4).

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt admits this statement.

27. If the Commission approves construction of the line in two phases, as requested by Grain Belt, Grain Belt would be able to avoid the Commission-imposed condition referenced in paragraph 13 above. (This fact is self-evident).

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Grain Belt Express objects to this statement to the extent it calls for a legal conclusion as to what

“avoid” would mean in the context of a term that Grain Belt has requested to amend. Notwithstanding the objection Grain Belt denies this statement. If the Commission approves construction of the line in two phases, the condition referenced in paragraph 13 would be modified, deleted, or waived, thus, no avoidance would occur.

28. In the Application to Amend, Grain Belt stated that it is proposing to increase the overall capacity of the HVDC line from the 4,000 MW proposed in the Original CCN case to 5,000 MW for the Revised Project. (Application to Amend, p. 13, par. 33).

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt admits that it has proposed to change the overall capacity from 4,000 MW to 5,000 MW.

29. The estimated cost of the Original Project, including the cost of network upgrades, was \$2.9 billion. (\$2.35 billion plus \$550 million, as referenced in the Order in the Original CCN case, p. 24, par. 70)

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, Grain Belt admits that those values were the estimated costs in the Original CCN case.

30. The estimated cost of the Revised Project, including the cost of network upgrades, is now \$5.7 billion. (Direct Testimony of Grain Belt witness Mark Repsher, p. 18 lines 10-11).

RESPONSE: Grain Belt Express objects to this statement on the ground that the statement is not material to whether Grain Belt Express has abandoned its CCN or is in violation of the CCN Order. Notwithstanding the objection, admits that the estimated cost of the Revised Project is \$5.7 billion.

Statement of Additional Facts

31. On several occasions, the Amendment Application explicitly states that Grain Belt Express has not abandoned the Certificated Project and is continuing to develop the Project. *See* Amendment Application at ¶ 18 (“The Certificated Project remains viable, feasible and in the public interest, and Grain Belt Express is continuing to develop the Certificated Project. For the HVDC portion of the line (which excludes the Tiger Connector, discussed in greater detail below), no material changes to the route, right-of-way, or facility design are anticipated as a result of the requested amendments. Development for the HVDC route is ongoing, consistent with the CCN Order.”); ¶ 104 (“To be clear, Grain Belt Express affirms that it continues to actively develop the Certificated Project under the existing CCN and has not abandoned or otherwise relinquished its existing CCN by filing this Application to Amend or by any other means.”); Direct Testimony of Aaron White, pp. 14-15 (“Grain Belt Express continues to develop the certificated Project. There are no material changes to the HVDC portion of the Project, which constitutes the great majority of the currently certificated Project. Accordingly, Grain Belt Express has been and continues to develop the certificated Project.”).

32. Grain Belt Express has taken the following actions to develop the Certificated Project:

- Acquired 72% of all easements required for the Kansas and Missouri portion of the Project.

Attachment A to Response

- Satisfied, ahead of schedule, Kansas Corporation Commission’s established deadlines for easement acquisitions as a condition of retaining siting authority in Kansas.⁴
- Achieved approvals from the Indiana Utility Regulatory Commission to authorize Invenergy Transmission to acquire, own, and operate the Project in Indiana.⁵
- Worked with various stakeholders in support of Illinois legislation permitting Grain Belt Express to file for a certificate of public convenience and necessity (“CPCN”) at the Illinois Commerce Commission (“ICC”).
- Met all prerequisites and prepared and filed its Application for a CPCN at the ICC, Docket No. 22-0499, filed on July 26, 2022.
- Worked in cooperation with various agricultural and landowner groups culminating in the enactment of House Bill 2005.⁶
- Advanced through the interconnection processes with PJM Interconnection (“PJM”) and Southwest Power Pool (“SPP”), respectively.

See Direct Testimony of Shashank Sane, EA-2023-0017 (August 24, 2022) at 9-10.

33. In August 2021, the Commission found that the CCN granted in EA-2016-0358 was still valid. Report and Order, EC-2021-0059 (August 4, 2021) at pp. 15-16.

34. Grain Belt Express has not made any business or managerial decisions to halt development or construction of the Certificated Project. *See* Direct Testimony of Aaron White at pp. 14-15.

⁴ KCC Docket No. 13-GBEE-803-MIS, Order Granting Joint Motion to Replace Sunset Provisions with Settlement Deadlines, ¶ 11 (September 26, 2019).

⁵ IURC Cause No. 45294, Order from the Commission (Jan. 2, 2020).

⁶ Available at <https://house.mo.gov/billtracking/bills221/hlrbillspdf/3627S.07T.pdf>.

35. Grain Belt Express has not made any business or managerial decisions to abandon its authority granted in EA-2016-0358. *See* Direct Testimony of Aaron White at pp. 14-15.