

**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) **File No. EA-2014-0207**
Current Transmission Line and an Associated Converter)
Station Providing an Interconnection on the Maywood –)
Montgomery 345 kV Transmission Line)

MOTION TO DISMISS PARTIES

COMES NOW United For Missouri, Inc. (“UFM”), pursuant to Commission Rules 4 CSR 240-2.090 and 4 CSR 240-2.116, and respectfully moves to dismiss Missouri Industrial Electric Consumers, IBEW Local Unions 2, 53, and 1439, AFL-CIO (“IBEW”); Matthew and Christina Reichert (“Reicherts”); and Randall and Roseanne Meyer (“Meyers”), as parties in the above referenced case. In support of this Application, UFM states as follows:

1. On March 26, 2014, Grain Belt Express Clean Line LLC filed its Application in this case seeking a Certificate of Convenience and Necessity.

2. On May 12, 2014, Show Me Concerned Landowners (“Show Me”) filed their motion requesting a prehearing conference.

3. On May 16, 2014, the Missouri Public Service Commission (“Commission”) issued its Order Setting a Procedural Conference, setting a conference for 2:00 p.m. on May 28 in the offices of the Commission in Jefferson City, MO. In the Order Setting a Procedural Conference, the Commission directed that,

The parties or their representatives **shall** appear in person, or by telephone, at the conference. Parties wishing to appear by telephone will be provided with a telephone conference number. At the conference, parties should be prepared to discuss the nature of any discovery each party will conduct and the time necessary to complete discovery and prepare for hearing. The parties should be prepared to discuss the elements of a joint

procedural schedule, including the dates for local public hearings, an evidentiary hearing and post-hearing briefs. [emphasis added]

4. On May 28, 2014, as per the above referenced Order, the Administrative Law Judge called the prehearing conference on the record and took entries of appearance. At the call for entries of appearance, four parties failed to enter their appearance, specifically: Missouri Industrial Electric Consumers (“MIEC”); IBEW Local Unions 2, 53, and 1439, AFL-CIO (“IBEW”); Matthew and Christina Reichert (“Reicherts”); and Randall and Roseanne Meyer (“Meyers”) (jointly “Absent Parties”).

5. 4 CSR 240-2.090 provides in part, as follows: “(5) Failure to appear at a prehearing conference without previously having secured a continuance shall constitute grounds for dismissal of the party or the party’s complaint, application or other action unless good cause for the failure to appear is shown.” 4 CSR 240-2.116 states in part, as follows: “(3) A party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session.”

6. Absent Parties were directed to appear by their representatives. Each failed to comply with the Commission’s Order. Each of the Absent Parties received personal, electronic service of the Order Setting Procedural Conference. Each failed to seek a continuance of the prehearing conference. UFM is not aware that any of the Absent Parties requested permission to not appear at the prehearing conference. Each simply failed to make an entry of appearance. Each has failed to provide a showing of good cause for failing to appear as the Commission required in its Order.

7. The purpose of a prehearing conference is to put parties on notice of the other parties’ expectations for discovery and to enable them to work toward developing workable

procedures in the case. Failure of a party to appear tends to disrupt the orderly consideration of the case. Therefore, each of the Absent Parties should be dismissed as a party in this case.

8. In *Noranda Aluminum, Inc. et al, v. Union Electric Company*, File No. EC-2014-0223, the Commission denied UFM's Motion to Intervene Out-of-Time, stating that, "United For Missouri **could have known** about the existence of the case in time to comply with the intervention deadline. . . . Allowing new parties to jump into a case under that circumstance tends to disrupt the orderly consideration of the issues." [emphasis added] See Order Regarding Application to Intervene Out of Time, dated May 14, 2014. In discussing that Order and a companion order at its May 14, 2014 Agenda Meeting, the Commission made it clear that it intended to continue to send the message that its rules are there for a purpose and need to be complied with.

9. UFM is requesting the dismissal of all four Absent Parties in order to apply the Commission's rules consistently. However, UFM recognizes that certain accommodation may and possibly should be made for persons or entities without an embedded expertise in utility regulatory matters or the Commission. For that reason, UFM notes that the Meyers and the Reicherts are individual property owners and may have missed the prehearing conference due to excusable neglect. However, the same cannot be said for MIEC. MIEC not only "could have known" about the prehearing conference; it should have known. The MIEC attorney is a member of a large St. Louis law firm, with extensive experience with the Commission rules. MIEC is an active participant in many Commission proceedings. MIEC should be dismissed as a party from this case.

WHEREFORE, for the foregoing reasons, United for Missouri respectfully requests the Commission dismiss the four Absent Parties in this case or to take such other action as it deems appropriate.

Respectfully submitted,

By: /s/ David C. Linton

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Application to Intervene was sent to all parties of record in File No. EA-2014-0207 via electronic transmission this 30th day of May, 2014.

/s/ David C. Linton