

**BEFORE THE PUBLIC SERVICE COMMISSION OF
THE STATE OF MISSOURI**

In the Matter of the Joint Application of)	
Invenergy Transmission LLC, Invenergy)	
Investment Company LLC, Grain Belt)	
Express Clean Line LLC and Grain Belt)	<u>Case No. EM-2019-0150</u>
Express Holding LLC for an Order)	
Approving the Acquisition by Invenergy)	
Transmission LLC of Grain Belt Express)	
Clean Line LLC.)	

MJMEUC’S POSITION STATEMENT

COMES NOW the Missouri Joint Municipal Electric Utility Commission, by and through counsel, and for its *Position Statement*, states as follows:

1. Does the Commission have jurisdiction and statutory authority under Section 393.190, RSMo., to approve the sale of Grain Belt Express Clean Line LLC ("Grain Belt") to Invenergy Transmission LLC ("Invenergy")?

Yes. Grain Belt was awarded a Certificate of Convenience and Necessity by this Commission in Case No. EA-2016-0358. Grain Belt is thus an electrical corporation and a public utility as a matter of law, subject to this Commission’s jurisdiction, including the requirement for prior approval by this Commission of any sale of assets. *See* RSMo §393.190.1. The issue of whether Grain Belt is jurisdictional to this Commission was fully litigated in EA-2016-0358, and thus re-litigating this issue is an improper collateral attack and should not be addressed in this hearing.

Additionally, the wholesale transmission rates charged by Grain Belt are not set by this Commission, but by the Federal Energy Regulatory Commission (“FERC”). The FERC has already ruled on the matter of Grain Belt’s rates, and found them to be reasonable (*Grain Belt Express Clean Line LLC*, 147 F.E.R.C. ¶61,098 (F.E.R.C. May 8, 2014)). Attempting in this

preceding to discuss the reasonableness of the FERC approved transmission rates is also an improper collateral attack that should not be allowed.

2. If so, should the Commission find that Invenergy's acquisition of Grain Belt is not detrimental to the public interest, and approve the transaction?

Yes. This Commission has previously determined (Case No. EA-2016-0358) that the Grain Belt project would confer substantial public benefits to Missouri, including, but not limited to, Missouri municipal utilities. Invenergy meets the requirements of this Commission to be the owner of the Grain Belt project. The acquisition should be approved.

3. Should the Commission condition its approval of Invenergy's acquisition of Grain Belt and, if so, what should such conditions be?

MJMEUC takes no position at this time on this issue.

Respectfully Submitted,

By: /s/ Douglas L. Healy
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ATTORNEY FOR MJMEUC

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or electronically mailed to all counsel of record this 12th day of April, 2019.

/s/ Douglas L. Healy
Douglas L. Healy