

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) Case No. EA-2016-0358
Current Transmission Line and an Associated Converter)
Station Providing an interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

MOTION OF MISSOURI LANDOWNERS ALLIANCE TO STRIKE MJMEUC’s
“SUPPLEMENTATION OF HEARING EXHIBIT 479”

Comes now the Missouri Landowners Alliance (MLA), pursuant to Commission Rule 4 CSR 240-2.080(13) , and hereby objects to the “Supplementation of Hearing Exhibit 479” (“Supplementation”), filed by MJMEUC on June 14, 2017, and further asks that said Supplementation be stricken. In support of this Motion, the MLA states as follows:

As noted by MJMEUC in its Supplementation, Hearing Exhibit 479 was received in evidence during the course of the evidentiary hearings. It included copies of contracts between MJMEUC and the City of Kirkwood, and between MJMEUC and the City of Hannibal, for energy to be delivered over the proposed Grain Belt line.

MJMEUC is now trying to supplement the record with similar contracts between themselves and the cities of Columbia and Centralia. As its authorization to file this Supplementation, MJMEUC relies on Rule 4 CSR 240-2.130(17).¹ That provision states as follows: “Unless otherwise ordered, any objection to the admission of a post-hearing exhibit must be filed within ten (10) days of the date the exhibit was filed.”

¹ Supplementation, line 2 of par. 1. MJMEUC relied on this same provision when submitting its filing on EFIS.

This subsection obviously does not authorize the filing of any type of exhibit. It only addresses the time in which objections must be filed.

If the intended reference was to subsection (16) of that rule, MJMEUC would fare no better. That subsection provides in relevant part as follows:

The presiding officer may authorize the filing of specific evidence as a part of the record within a fixed time after submission, reserving exhibit numbers, and setting other conditions for such production.

That provision clearly contemplates that the late-filed supplemental evidence be discussed and authorized before the record is closed – not three months afterwards. Moreover, based on MJMEUC’s filing, it has neither sought nor obtained any authorization to file the two contracts it now seeks to make part of the record. It simply took it upon itself to add additional evidence to the record which it presumably thought might be helpful to its cause.

MJMEUC’s filing is similar in this regard to Grain Belt’s unauthorized attempt to supplement the record in its Reply Brief in this case.² These willful violations of the Commission’s rules of evidence are frustrating to say the least. As a matter of principle, they should not be condoned by the Commission.

Wherefore, the MLA objects to MJMEUC’s unauthorized attempt to supplement the record after the close of the hearings, and asks that its “Supplementation of Hearing Exhibit 479” be stricken.

² See the MLA’s Motion to Strike Certain Material in Reply Brief of Grain Belt Express, filed April 27, 2017. EFIS No. 558.

Respectfully submitted,

Missouri Landowners Alliance

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion was served upon the parties to this case by electronic mail this 14th day of June, 2017.

/s/ Paul A. Agathen

Paul A. Agathen