

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Landowners Alliance, and )  
Gary Mareschal, )  
 )  
Complainants, )  
 )  
 )  
v. )  
 )  
 )  
 )  
Grain Belt Express LLC, and )  
Invenergy Transmission LLC, and )  
Invenergy Investment Company, )  
 )  
Respondents )

Case No. EC-2020-0408

**RESPONDENTS' NOTICE OF EXHIBITS DISCLOSURE**

Invenergy Transmission LLC (“Invenergy Transmission”), on behalf of itself and its parent company Invenergy Investment Company LLC (“Invenergy Investment”, collectively, “Invenergy”), together with Grain Belt Express LLC (“Grain Belt”) (together with Invenergy, the “Respondents”) hereby submit their Notice of Exhibits Disclosure pursuant to the agreement reflected in the *Joint List of Issues, List of Direct Examination Exhibits, Order of Witnesses, Order of Parties for Cross-Examination, and Order of Opening Statements*, filed with the Missouri Public Service Commission (“Commission”) on January 7, 2021.

Attached to this notice is a chart for use at the evidentiary hearing scheduled for January 14, 2021, as well as a copy of all of Respondents’ exhibits that have not already been submitted through the Commission’s Electronic Filing Information System (“EFIS”).

WHEREFORE, Respondents respectfully request that the Commission accept this Notice of Exhibit Disclosure.

Respectfully submitted,

/s/ Andrew O. Schulte

Anne E. Callenbach MBN 56028

Andrew O. Schulte MBN 62194

Polsinelli PC

900 W. 48<sup>th</sup> Place, Suite 900

Kansas City, MO 64112

Telephone: (816) 572-4760

Facsimile: (816) 817-6496 Fax

[acallenbach@polsinelli.com](mailto:acallenbach@polsinelli.com)

[aschulte@polsinelli.com](mailto:aschulte@polsinelli.com)

ATTORNEYS FOR RESPONDENTS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all parties of record by email or U.S. mail, postage prepaid, this 12<sup>th</sup> day of January, 2021.

/s/ Andrew O. Schulte

Attorney for Respondents

Respondents' Exhibit Disclosure List

**Case No. EC-2020-0408**

<b>PRE-MARKED EXHIBIT NO.</b>	<b>PUBLIC</b>	<b>C</b>	<b>DESCRIPTION</b>	<b>OBJ.</b>	<b>MARKED</b>	<b>RECD</b>
101	x		CLS Form Letter to Landowners, dated May 29, 2020 (filed under EFIS Item No. 3)			
102	x		Invenenergy Fact Sheet (filed under EFIS Item No. 3)			
103	x		Sample Parcel Map Example (filed under EFIS Item No. 3)			
104	x		Landowner FAQs (filed under EFIS Item No. 3)			
105	x		Grain Belt Notice of Compliance (filed under EFIS Item No. 3)			
106	x		Walters Affidavit (filed under EFIS Item No. 9)			
107	x		Brown Affidavit (filed under EFIS Item No. 9)			
108	x		Script Example – June 2020 (filed under EFIS Item No. 9)			
109	x		June 1, 2020 Email from Adam White (filed under EFIS Item No. 9)			
110	x		Training Agenda for June 2-4, 2020 (filed under EFIS Item No. 9)			
111	x		Slide Deck used for June 2-4, 2020 Training (filed under EFIS Item No. 9)			
112	x		Slide Deck used for June 25, 2020 Training (filed under EFIS Item No. 9)			
113	x		Walters 6-9-2020 Call Log (produced as an attachment in response to MLS DR No. 5)*			
114	x		Walters 6-17-2020 Call Log (produced as an attachment in response to MLS DR No. 5)*			

115	x		Brown 4-1-20 Call Log (produced as an attachment in response to MLS DR No. 6)*			
116	x		March 30, 2020 Email from Adam White (produced as an attachment in response to MLS DR No. 6)*			
117	x		Survey Access Form (attachment to March 30,2020 Email from Adam White)*			
118	x		Script Example – March 2020 (attachment to March 30, 2020 Email from Adam White)*			
119	x		Bat Survey Fact Sheet (attachment to March 30, 3030 Email from Adam White)*			
120	x		Walters 7-13-20 Call and Email Log (produced as an attachment in response to Staff DR No. 2)*			
121		x	Respondents Response to Staff DR No. 6 (CONFIDENTIAL)*			
122	x		Grain Belt Logo (produced as an attachment in response to Staff DR No. 6)*			
123	x		CLS Data on Communication History*			

\*Copy submitted with this Notice of Exhibits Disclosure.

**Pre-Marked Exhibit No. 113**

Asset name  
Grain Belt Express

Tract name  
MO-MO-016.000

Category  
Survey

Activity  
Survey Permitting

Method  
Phone

Company representative  
Dan Walters

Other party  
Marvin J. Daniels, Revocable Trust Dated January 27, 1998

Date and time  
06/09/2020 05:29 PM CDT

#### Description

Dan Walters talked to Marvin Daniels by phone and introduced himself and asked Mr. Daniels if he had received the letter from Contract Land Staff about the Grain Belt Express transmission line project within the last few days. He said that he had not received any letter about that project. Dan asked Mr. Daniels to verify his mailing address of 12194 Claremont, Wright City, MO 63390. He verified the address to be his correct mailing address. Dan asked Mr. Daniels if he would let him know if he did not receive the letter in the next day or two and a new letter would be sent out to him. Dan explained that he would be the land representative that he would be working with him for the project and asked him if he had any questions about the project. Mr. Daniels said that he did not trust anything Invenergy says about the project because they have lied to him so many times about what they were going to do and have changed things so many times over the last 10 years. Dan told Mr. Daniels that he didn't know what had been said to him in the past but that he would be truthful with him about the project to the best of his ability. Mr. Daniels said that he was sure that Dan would do that and that he sounded like an honest man but he felt that the company would tell Dan something that was not true to pass along to Mr. Daniels. Dan said that one of the first things that would be needed was to have survey access to his land for the various surveys that would need to be done. Mr. Daniels stated that County Road 1014 that was shown on the last map that he received from the project was decommissioned and is now a private road. He stated further that if anyone from Invenergy or Contract Land Staff or anyone else associated with the Grain Belt Express Project were to come on his land for any reason that he would have them arrested and prosecuted for trespass until we have an agreement for them to do so. Dan told him that no one will enter his property at this time without permission. Mr. Daniels asked Dan why the line was positioned on his land the way it is. He said that it would make more sense to follow the fence line. Dan told him that there could be many reasons for the placement of the line, for instance it could be to avoid an environmentally sensitive area like a wetland, or for a specific engineering purpose. Mr. Daniels stated that he felt that it was because that was the easiest route to follow. Dan told him that we could look at the route to see if there could be some minor adjustments and discuss reasons for it being placed where it is currently located. Dan asked Mr. Daniels if he could give him his phone number and if Mr. Daniels could call him back if he had not received the letter and information in the mail in the next couple of days. Mr. Daniels stated that he was driving and could not write down the number and asked if Dan could just text the phone number to him so he would have it. Dan told Mr. Daniels that he would do that and Dan sent a text message to Mr. Daniels with his name, company name and cell phone number. Dan thanked Mr. Daniels for taking the time to talk to him today and they ended their phone call.

Created by  
CLSCORPORATE\dwalters

**Pre-Marked Exhibit No. 114**



Asset name  
Grain Belt Express

Tract name  
MO-MO-055.000

Category  
Survey

Activity  
Survey Permitting

Method  
Phone

Company representative  
Dan Walters

Other party  
Gary Mareschal

Date and time  
06/17/2020 01:28 PM CDT

Description  
Dan Walters called Gary Mareschal of the Mareschal Family Farms LLC, Dan introduced himself with his name and that he was with Contract Land Staff representing the Grain Belt Express transmission line project. Dan asked if he had received the letter from Contract Land Staff in the last week or so about the project. He said that he had received it and that he was not going to sign anything or give permission to anyone with Grain Belt to come on his property. Dan said that he was calling to ask for survey access. He stated again that no one was to be allowed on his property for any reason. Dan thanked him for taking his call and the call was ended.

Created by  
CLSCORPORATE\dwalters

**Pre-Marked Exhibit No. 115**

## Asset name

Grain Belt Express

## Tract name

MO-MO-016.000

## Category

Survey

## Activity

Survey Permitting

## Method

Phone

## Company representative

Alexander Brown

## Other party

Marvin J. Daniels, Revocable Trust Dated January 27, 1998

## Date and time

04/01/2020 03:14 PM CDT

## Description

Alex Brown (Land Representative) called Marvin J Daniels (Landowner) on his cell phone at 314-581-1578. Marvin answered the phone and Alex introduced himself as a land representative with Contract Land Staff, representing Invenergy and the Grain Belt Express Transmission Line Project. Alex explained that his team is acquiring survey access along the proposed route area in places that are considered high priority due to a possible bat population. Alex told Marvin that his property, in Monroe County, MO, is considered high priority and his team is looking to acquire survey access on his property. Marvin told Alex that he has trust issues with this project because he has been told many things and a lot of those things have not happened. Marvin asked Alex that he send information about the survey access form and the bat survey. Alex is sending Marvin these documents to [jd2937@sbcglobal.net](mailto:jd2937@sbcglobal.net) and will follow up with Marvin tomorrow. Marvin made it clear to Alex that he is not granting permission until he reviews the documents.

## Created by

CLSCORPORATE\abrown

**Pre-Marked Exhibit No. 116**

**Archived:** Thursday, August 6, 2020 5:23:30 AM

**Subject:** FW: GBX- Survey Access Priority

**Importance:** Normal

**Attachments:**

[GBX\\_Survey Access Form\\_20200224.pdf](#), [GBX\\_CountyCommissioner\\_LO.xlsx](#), [GBX Script Example.docx](#), [Flat Survey Fact Sheet.pdf](#)

---

**From:** Adam White

**Sent:** Monday, March 30, 2020 10:26 AM

**To:** Alexander Brown <alex.brown@contractlandstaff.com>; Tyler Derr <tyler.derr@contractlandstaff.com>

**Subject:** FW: GBX- Survey Access Priority

Alex/Tyler- Please see attached and below. I will be sending out an updated spreadsheet of where you are assigned later this evening.

Alex will be assigned on the East side of MO and Tyler on the West.

A few things:

I need a daily update from each land rep by 5pm CST:

- How many landowners you successfully contacted and what counties
- How many were granted and what counties
- How many were denied (hard no's) and what counties
- How many were denied but on the fence and what counties

Please also inform me immediately if you are showing any signs/symptoms of being ill regarding COVID19

We can take verbal survey access at this time since we are working remote. Mark on your survey access form that they granted survey access verbally over the phone:

"Mr. White granted survey access verbally on 03/25/2020 at 5:20PM."

**Activity Notes in MAPS:**

Example:

Max Moore(Land Representative) called Raymond Meissen(Owner) and introduced himself as a Land Representative with Invenergy representing the Grain Belt Express Transmission Line project. Max described the reason for priority surveys and read the survey access form to Mr. Meissen. Mr. Meissen did not have any questions and agreed to allow access to conduct the surveys. Max informed Mr. Meissen that he would be contacted before crews entered the property where Mr. Meissen thanked Max and the phone call ended.

Things to Remember:

- Upload signed survey access forms under documents to the activity note you are making
- Make sure date and time of the activity note matches when the activity occurred
- Spell check!

Statuses in MAPS:

- Survey Access Granted – status when they grant survey permission either verbal or written
- Survey Access Denied – ONLY status this when the landowner gives a "Hard NO"
- Survey Access Pending- When the landowners are on the fence and "need to think about it"

**ADAM WHITE**

Regional Director- Midwest

Contract Land Staff

816-273-2989

[adam.white@contractlandstaff.com](mailto:adam.white@contractlandstaff.com)



[www.contractlandstaff.com](http://www.contractlandstaff.com)

**Pre-Marked Exhibit No. 117**



STATE		COUNTY		TAX ID	
-------	--	--------	--	--------	--

TRACT NO.		Access Confirmed	
-----------	--	------------------	--

## SURVEY ACCESS FORM

The undersigned ("Owner") hereby acknowledges that Grain Belt Express Clean Line LLC ("Grain Belt Express"), which is owned by Invenergy Transmission LLC ("Invenergy"), its agents, contractors, and affiliates will likely enter the premises of said Owner to conduct surveys, including, but not limited to: land, topographical, civil, environmental, soil borings, cultural resource, and other surveys as may be needed for the engineering and construction of the Grain Belt Express Transmission Project (collectively, "Surveys"). Owner acknowledges that, in connection with such Surveys, Grain Belt Express may take certain samples of soil or other surface and sub-surface materials for off-site testing.

In the unlikely event of damages resulting from the Surveys, Invenergy will reimburse Owner within sixty (60) days. Crop damage payments will be determined using the prevailing local market price for any crops damaged or as otherwise appropriate and agreed upon by Invenergy and Owner.

Property Description	
----------------------	--

Owner	
-------	--

Address	
---------	--

Telephone	Home		Mobile	
-----------	------	--	--------	--

Owner's Signature \_\_\_\_\_

Tenant (if applicable)	
------------------------	--

Address	
---------	--

Telephone	Home		Mobile	
-----------	------	--	--------	--

Agent to Complete:

Date of Contact		Agent	
-----------------	--	-------	--



**Tract Features (if known, check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Water Wells  | <input type="checkbox"/> Livestock on Tract                     |
| <input type="checkbox"/> Oil/Gas Wells  | <input type="checkbox"/> Residence(s) on Tract                  |
| <input type="checkbox"/> Planted Crops  | <input type="checkbox"/> Existing Access Roads from Public Road |
| <input type="checkbox"/> Active Mining on Tract   | <input type="checkbox"/> Mining Leases or Planned Mining        |
| <input type="checkbox"/> Fences/Gates (Describe current condition): _____                         |   |
| <input type="checkbox"/> Cemetery/Other Cultural Features (Describe): _____                       |   |
| <input type="checkbox"/> Property enrolled in a USDA program (Describe): _____                    |   |
| <input type="checkbox"/> Property in a conservation easement or similar program (Describe): _____ |   |
| <input type="checkbox"/> Other (Specify): _____   |   |

<b>Gate Provisions</b>	If Surveys require passage through any gates, Invenenergy will leave those gates in the same condition (e.g., open or closed) as found. Any other provisions should be described here:
------------------------	--

<b>Other Survey Provisions</b>	
--------------------------------	--

<b>Comments</b>	
-----------------	--



**Pre-Marked Exhibit No. 118**

## **GBX Script Example:**

Hello, my name is **Alex Brown** I am with Contract Land Staff representing Invenergy and the Grain Belt Express Transmission Line Project. The reason for my call is to inform you that we are currently acquiring survey access along the proposed routing area. Our team has identified some areas that are considered high priority due to environmental, cultural, wetland, bat habitat or other reasons and your tract of land located in **Ford** County is in an area we've identified as a possible **bat habitat. Our survey crews would like to perform some studies within the guidelines of the Unites States Fish and Wildlife Service to determine if there are any significant bat populations in the area around your tract of land.**

I prefer meeting in person to discuss such important issues, but due to COVID-19, I cannot meet with you right now to ensure the health and safety of all parties involved.

If you have a few minutes, I'd like to describe our survey access form and answer any questions you may have.

(Describe the survey access form)

I'd like to thank you for your time and for granting us survey access and we'll contact you before any survey crews access your property.

**Pre-Marked Exhibit No. 119**

## **Bat Survey Fact Sheet**

At the request of the U.S. Fish and Wildlife Service and Missouri Department of Conservation, Invenergy has contracted with a biological team to conduct Bat Surveys in areas with potential bat populations near the Grain Belt Express Project. Environmental Solutions & Innovations, Inc. (ESI) has been hired for this purpose. The goal of the Surveys is to locate and avoid populations of rare bats. Bat Surveys are done by installing temporary mist nets, which are nets stretched between two poles much like a tall volleyball net made of very fine thread. The nets will typically be strung up across areas where bats tend to fly, such as across a stream or farm lane in the woods or similar open areas between trees. The bats fly into the net and are captured. The biologists identify and measure the bats before the bats are released unharmed.



Below are some commonly asked questions regarding Bat Surveys:

- 1. Will the survey team need anything from the landowner in conjunction with access?**
  - a. Typically not. If special circumstances warrant extra coordination with the landowner, we will let you know.
- 2. How many people will be on the property, and for how long?**
  - a. We typically send out a team of two: a biologist and an assistant. On rare cases, a third person comes out to assist or observe. These teams will typically arrive at the property late in the afternoon to set up nets (three nets at a site is typical) and will tend them until roughly 3 am the next morning. This process is typically repeated for two to three consecutive nights, unless weather conditions delay the surveys. It is important to note that the bat biologists use flashlights or headlamps to see what they are doing at night, so landowners may see lights bobbing around in the dark while surveys are underway.
- 3. What kind of vehicles (if any) will be on the property?**
  - a. Survey vehicles are all well-marked 4x4 pickups and SUVs. We do not drive through people's fields. We usually park along the shoulder of public roads and walk into the woodlands where we are netting, which is typically within ¼ mile of the parking location. We also use existing roads (such as a farm lane in a wooded area) to access sites on certain properties.

If landowners have preferences for parking or access locations, please share this information with the land agent coordinating survey access.

- 4. What is a mist net? Does it need to be left on the property for any period of time, and if so, when will it be deployed and when will it be removed?**
  - a. Typically mist nets will be set for two or three consecutive nights and then moved to a new location. We often run two or more mist nets per night at each site. Surveys can



only be completed in good weather, so rain or cold may extend or delay survey activities. Mist nets are made of such fine thread that they are all but invisible to bats (and to people), but show up well with flashlights. The nets are wrapped up during the day to avoid becoming a hazard to anyone, but the poles usually stay up during the day between the night-time survey periods. Poles can be taken down during the day if requested by a landowner or if we see a potential safety issue such as children or livestock in the survey areas.



**5. If livestock will be on the property at the time of entry, are any special considerations needed?**

- a. Livestock typically won't disturb the nets, and the nets typically will not disturb livestock, unless the nets blocks a trail the livestock travel. The nets will only be up at night, and attended at all times they are up. If livestock come down the trail, the nets are raised to let the livestock pass. We typically take the poles down during the day in areas where livestock are present.

**Pre-Marked Exhibit No. 120**

## Asset name

Grain Belt Express

## Tract name

MO-MO-016.000

## Category

Acquisition

## Activity

Contact Landowner

## Method

E-mail

## Company representative

Dan Walters

## Other party

Marvin J. Daniels, Revocable Trust Dated January 27, 1998

## Date and time

07/13/2020 11:21 AM CDT

## Description

Dan Walters sent the following email to Marvin Daniels: "Mr. Daniels, This is a link to the Grain Belt Express web site that answers a lot of questions about the project for landowners.

<https://grainbeltexpress.com/landowners.html> Invenergy is one of the largest clean energy companies in the United States and has built over 100 energy projects to date. They became the sole owner of the Grain Belt Express Project in 2020 after acquiring it from Clean Line Energy Partners. Invenergy Transmission has no affiliation with Clean Line Energy Partners. Please call me if you have any questions. Thanks. Dan Walters Land Representative Contract Land Staff Representing Invenergy and the Grain Belt Express Project 409-363-1659 [dan.walters@contractlandstaff.com](mailto:dan.walters@contractlandstaff.com)"

## Created by

CLSCORPORATE\dwalters

## Asset name

Grain Belt Express

## Tract name

MO-MO-016.000

## Category

Acquisition

## Activity

Contact Landowner

## Method

Phone

## Company representative

Dan Walters

## Other party

Marvin J. Daniels, Revocable Trust Dated January 27, 1998

## Date and time

07/13/2020 10:43 AM CDT

## Description

Dan Walters called Marvin Daniels and asked him if he had received his email of 7/9/2020 with the sketch of the alternate route that he had requested. Mr. Daniels said that he had not looked at his emails yet but would do so this week. Dan asked Mr. Daniels if he would review the sketch that he sent and sign it and send it back to him if the sketch represented the route that he was requesting. Mr. Daniels stated that he was not going to sign anything until he has an agreement to relocate the line. Dan explained to him that this was not an agreement that he would be signing but only a sketch indicating that this is the route that he was requesting and that Invenergy just wanted to make sure that this is what he wants before they would consider making a change in the route. Mr. Daniels stated that he did not trust what the company says because they have lied to landowners in the past. Dan explained to Mr. Daniels that Invenergy Transmission LLC is the sole owner of the Grain Belt Express Project now and that they are committed to working with landowners. Mr. Daniels said that Clean Line was all over the easement packet that I had sent and that he didn't trust that Invenergy would do anything different than Clean Line. Dan stated that Clean Line was not in any of the information that was sent to him recently in the easement packet. Mr. Daniels stated that he hadn't really looked at the easement packet yet but would do so this week. Mr. Daniels asked Dan to call him back on Thursday, July 16 and that he would look at the easement packet and the email with the sketch containing the requested route change before then. Dan told Mr. Daniels that he would call him back on Thursday, July 16 and would also send him a link to some information about Invenergy Transmission and the Grain Belt Express project to his email. Dan thanked Mr. Daniels and the phone call was ended.

## Created by

CLSCORPORATE\dwalters



**Pre-Marked Exhibit No. 121**

Pre-Marked Exhibit No. 121 is designated as CONFIDENTIAL

**Pre-Marked Exhibit No. 122**



# Grain Belt Express

*An INVENERGY TRANSMISSION Project*



# Grain Belt Express

*An* INVENERGY TRANSMISSION *Project*

**Pre-Marked Exhibit No. 123**

**Data on Communication History Between CLS and Landowners**

*January 8, 2021*

The following table reflects a count of all communications between Contract Land Staff (“CLS”) land agents and landowners pertaining to the Grain Belt Project as of January 8, 2021. The table breaks down communications by state (of the landowner contacted) and includes a count of communications involving Alexander Brown and Daniel Walters. Phone communications, as counted, include both attempted communications and actual communications. The following table does not account for CLS’s delivery of form letters that went to all landowners.

	<b>Total</b>	<b>Kansas</b>	<b>Missouri</b>	<b>AB*</b>	<b>DW**</b>
<b>Voicemail</b>	4818	2404	2414	380	-
<b>Phone</b>	11731	6819	4912	1173	352
<b>Letter</b>	221	107	114	21	2
<b>In-person</b>	1596	685	911	115	172
<b>Email</b>	2732	1417	1315	822	35
<b>Total</b>	21098	11432	9666	2511	561

\* Communications involving Alexander Brown.

\*\* Communications involving Daniel Walters. Mr. Walters marked all of his telephone contacts, regardless of whether he left a voicemail, under the “phone” category.