

PHIL BROWN'S COMMENTS AT THE MISSOURI PUBLIC SERVICE COMMISSION (PSC)  
PUBLIC HEARING ON GRAIN BELT EXPRESS CLEAN LINE LLC (GRAIN BELT OR GB) NO.  
EA-2016-0358 held on December 8, 2016, at Moberly,  
Missouri (MO)

Mr. Chairman and Commissioners, thank you for the opportunity to make this statement.

My name is Phil Brown. I and my wife Doris have been married 38 years and we live in Moberly, Missouri. We are opposed to Grain Belt's applications and we ask you to deny again Grain Belt's application.

I share with you some of my life experiences to support my comments.

I grew up on a farm in Audrain County. My parents owned and operated the farm and a business selling feed, fertilizer, seed and chemicals to farmers. My parents, my sisters and I worked at the business and farm. I graduated from the University of MO at Columbia's College of Agriculture and was commissioned a 2<sup>nd</sup> Lieutenant in the US Army Reserves. I served 6 years in the Army reserves and was honorably discharged. In 1974 I graduated from the University of Missouri at Kansas City Law School. I have been a lawyer in Moberly for 42 years including serving as an Assistant Prosecutor and the elected Prosecuting Attorney for Randolph County, MO. For the last 25 years most of my legal work has been for families on managing their real estate, financial and personal affairs during their lives and distributing to their designated distributees their final assets. Many of my clients are farm families in Randolph, Chariton, Monroe and adjoining counties.

Clean Line Energy Partners LLC (CLEP) is proposing high voltage direct current (HVDC) electric transmission lines in "corridors" for more lines in future. Grain Belt's proposal is like Pandora's Box of Greek mythology, once opened what comes out besides more HVDC electric transmission lines.

Grain Belt does not produce or sell electricity. Grain Belt describes itself as a "merchant" selling transmission capacity on its transmission line mostly to US East Coast customers whose electricity rates are about 50% more than rates in the Midwest. GB's customers will have to buy electricity from generators in Western Kansas. If the East Coast wants wind energy, build the wind generators near, on or off the East Coast's shore.

The Economist, a respected news source, yesterday released the attached news article about the potential for East Coast offshore wind farms.

Grain Belt in my opinion and many others is not a "public utility" entitled to violate constitutional protected property rights.

Many people seem to believe that a price quoted by Grain Belt includes the actual electricity. If GB does say it includes electricity and transmission GB should be compelled to disclose exactly what company is the source of power, including whether that source's generator is built yet, and GB should be willing to sign a binding contract that they will deliver electricity at that price 4 years in the future when the first line should be operational, or Grain Belt will pay to its customer the price of electricity + transmission for the number of kilowatts originally bargained for.



Reliability of service and cost are the basic issues for the consumers of electricity. The wind in Western Kansas blows only about 40% of the time sufficiently for generating electricity for being transmitted by Grain Belt to the East Coast. Grain Belt could carry wind, nuclear energy, and electricity generated from natural gas fracked or not and coal. Grain Belt by law cannot discriminate in what type of energy they transmit. Why would Grain Belt turn down revenue on their idle capacity? Generators of other energy sources may not now exist in Kansas, just as the wind turbines do not currently exist. In 4-5 years several projects other than wind generators could be built. Because of intermittent wind, the Grain Belt line could carry more fossil fuels than renewable energy.

If the PSC approves GB's current application GB will acquire the power of eminent domain to take land easements from landowners for compensation that in my opinion will be inadequate for the damages to the landowners caused by GB's proposed line. No compensation will be paid to the neighbors within sight of GB's line but not crossed by GB's line.

Grain Belt's line of towers will be 3 to 5 times taller than the normal electric wooden power poles. GB's line of towers will be above the tree line and depending on the lay of the land will be seen for some distance possibly several miles from the line. Because the lines will have a corona or glow they may be visible at night.

The easement landowners and their neighbors in sight of the GB line have their constitutional property rights at risk to your decision on GB. There is no threat of eminent domain, taking, conscription or other government compulsion of the: Kansas wind generators; the manufacturers and suppliers of materials, contractors, subcontractors, and laborers to build GB's proposed line; and of the buyers of GB's transmission capacity.

The MO landowners to be crossed by GB's proposed line and all residences and landowners within sight of GB's line should be treated like all other people and businesses associated with GB's line without government taking or compulsion.

Someone independent of Grain Belt should determine the number of residences within sight of GB's proposed 206 mile long line and their property values at risk to GB's line.

In Randolph County, MO my guess is at least 100 and up to 200 residences are within one mile of GB's proposed route including Renick, MO's population of 172 according to last census. If there are at least 100 residences in Randolph County within 1 mile of the proposed GB line and they are valued for an average of \$100,000.00 then \$10,000,000.00 in property values are at risk. In my opinion GB's line will cause these residences' values to decline at least 50% or \$5,000,000.00. If there are 200 residences then this decline in value will be \$10,000,000.00 in Randolph County. How much residential property value decline will occur in the 8 impacted counties from GB's line?

The Renick school and preschool with about 95 students plus staff is within about 1,500 feet of GB's proposed route.

Would you want to live within sight of GB's proposed line or have your children and grandchildren attend a school within 1,500 feet of GB's line?

To determine the number and value of residences, churches, school and other public gathering places within sight of GB's proposed route I suggest someone independent of Grain Belt to do the following:

1. Using GB's proposed towers at each height of 110 feet, 140 feet and 150 feet determine how many residences, churches, schools and other public places will be in sight of GB's towers. This determination could include some of GB's towers being up to 200 feet tall.
2. Determine the current fair market value of each of these residences without consideration of GB's line;
3. Determine the total fair market value of residences within sight of GB's line:
  - A. If all towers are 110 feet tall;
  - B. If all towers are 140 feet tall;
  - C. If all towers are 150 feet tall.
4. Use advanced 3D visualization technology to show to the PSC and to each of these residence owners and if applicable their lenders, and the members of the churches, schools and other public places, the view of GB's proposed line from these residences, churches, schools and other public places.

In my opinion most people of Randolph County, MO are against the Grain Belt proposal in support of this position consider the following:

1. On September 6, 2012 the then serving three Randolph County Commissioners approved and signed 2 agreements with Grain Belt giving Grain Belt authority to build and maintain utility lines over and under county roads. The first opportunity for the general public of Randolph County, MO to learn about the Grain Belt project was at a Grain Belt information meeting on July 30, 2013 or 10 months after the Randolph County Commission had given to Grain Belt what it wanted.
2. In 2014 the Presiding Commissioner who voted for the Grain Belt agreements did not run for re-election and 2 candidates ran for the position. Both candidates spoke at the 2014 PSC hearing in Moberly of their opposition to Grain Belt and said that as they campaigned for election they found most people of Randolph County against Grain Belt. John Truesdell was elected Presiding Commissioner in the November 2014 election which office he continues to hold.
3. In 2016 Western District Commissioner Jerry Crutchfield who voted for the Grain Belt agreements ran for re-election. John Hobbs ran against Jerry. Among John Hobbs' campaign positions and statements was that he was opposed to Grain Belt. John Hobbs has said that as he campaigned including going door to door about 90% of the people he contacted were against Grain Belt. John Hobbs won the election and will be the Randolph County Western District Commissioner after December 31, 2016.

GB's impact on my wife and me personally is that the proposed line will cross my wife's family farm designated as a Century Farm by MO Extension. Doris is at least the 4<sup>th</sup> generation to own portions of this farm. Families owning and working farms for several generations is an indication of their being good stewards of the land and proof of their operating the farm in a sustainable manner.

The line will cross the middle of Doris's family farm and about 1,500 feet from the family home, garage, machine shed, and grain bins. Doris's father Leon Davis and grandfather lived on this farm and worked the farm all their lives. Doris worked with her parents on the farm with good memories of their efforts and family history.

To us the GB line is a personal violation.

GB's proposed line will reduce the value of the farm; will interfere with our farming operations; reduce the farm's net income; and depending on the line's final location will interfere with aerial applications and irrigation of the farm's cropland.

We had planned on moving to the farm with some additions to and remodeling of Doris's family home. When we learned of GB's proposal we put this move on hold because we do not want to live on the farm with GB's line. Many people now living in residences within sight of GB's proposed line will have the same feelings. Some of them may not be able to afford to move because of the loss of value of their residences that GB is not going to pay for.

GB's line goes through our Amish neighbors who are very concerned about GB's health risks and impact on their lives and farms. The Amish are opposed to GB's proposed line. Many of them have signed Petitions to Deny Grain Belt. Some have sent letters to the PSC. Many Amish attended PSC hearings on the Grain Belt's prior application. Many Amish attended PSC hearings on Grain Belt's current application. The Amish attending PSC hearings is an expression of their concerns about and objections to GB's proposed line. Some Amish even spoke at 2016 hearings against Grain Belt which is not normal for their community.

The Amish community of about 228 families and 5 Amish schools near Grain Belt's proposed route will live on and work their farms, sawmills and other businesses including delivering milk twice a day 6 days a week; and to go school, church and family activities around and under GB's line.

There are 2 Amish schools near GB's proposed route that as of December 7, 2016 are not marked on GB's aerial photographs of the proposed route. On one if not 2 occasions in 2013 at GB's representative's request I marked one of these schools on GB's aerial photographs. At a PSC hearing on the GB's prior application at which GB representatives were present I mentioned that there was an Amish school near GB's proposed route not marked on GB's aerial photos. Later I noticed the second Amish school not on GB's aerial photos. GB has not contacted me about these Amish schools. Attached is a copy of a GB aerial photograph map on which I have marked with red circles the location of these 2 Amish schools. GB is indifferent to the Amish and other people living near GB's proposed route. If GB will not take care of easy things like accurately marking Amish schools on their aerial maps then why should anyone believe GB will properly do the difficult and expensive things related to GB's proposed HVDC electric transmission line.

The attached GB aerial map states "This map depicts the proposed route as of June 30, 2016 and is subject to change. Modifications may result from landowner consultation, final engineering and design, environmental permitting, and other surveying results". Changing the route is open ended. How can we and our neighbors plan anything for our land and homes if the route is subject to change? We have been on hold without being compensated for this delay in our lives.

GB's press releases do not tell all of the relevant facts. GB's press releases do not report that the Illinois Commerce Commission's approval of the Grain Belt line through Illinois is not final because it is on appeal to the Illinois Courts. GB's press releases do not report that Clean Line's proposed Rock Island Express similar to the GB project through Iowa and Illinois has not been ruled on by Iowa and that the Rock Island approval by Illinois' regulatory body has been set aside by an Illinois Court of Appeals because Rock Island is not a "public utility". GB's press releases do not report that Clean Line's proposed Panhandle and Eastern line similar to the GB line has been denied by Arkansas and that Clean Line is pursuing a never before used federal law to condemn this line over the objections of many including Arkansas' US Congressional representative and Senators and that a federal lawsuit has been filed contesting these federal actions.

Grain Belt uses the word "cheap" a lot. We are concerned that GB's cheapness may apply to the designing, building, operating and maintaining its line. The PSC should require that the GB proposed line is designed, built, operated and maintained to high standards regardless of the costs and not by cheap or low cost standards to increase GB's profits.

Grain Belt and its investors are privately held limited liability companies with limited disclosure of their financial status. If the GB line fails GB and its investors can walk away leaving the landowners on or near the line, and Missouri's taxpayers with the line's problems and expenses. Before construction begins the PSC should require GB to fully fund in an escrow fund, bond or other ways the removal of the line and restoration of the land.

Statements about possible County tax revenues fail to mention that these are estimates that are not guaranteed for any length of time. Grain Belt has not permanently waived the right to protest its property assessments and taxes or to seek abatement (elimination) of its Missouri property taxes. Grain Belt obtained abatement (elimination) of property taxes on its transmission line in Kansas.

Richard Tregnago, Assessor of Randolph County, in the May 9-11, 2014 edition of The Moberly Monitor-Index stated that Grain Belt's estimated tax to schools would be about \$142.85 per pupil. Missouri Department of Elementary and Secondary Education records for total expenditures per pupil in Randolph County show that the extra revenue would be only about 1.5% of the total expenditures per pupil. This possible increase will be offset by reduced property value assessments of and taxes on the homes and land within sight of Grain Belt's line. Could this possible increase be offset by the State School Funding formula?

If Randolph County governmental entities want more tax revenue they should ask the citizens of this county to approve such by a vote or ask the Missouri legislature to change the applicable laws.

Government tax revenues should not be a reason for taking property rights from the owners of homes and land within sight of Grain Belt's line.

Grain Belt should not be allowed to take what it wants which is a form of a tax forever on the homeowners and landowners within view of Grain Belt's line.

In 2006 the Missouri eminent domain law was amended to provide that eminent domain could not be used for solely economic development purposes defined as using a specific piece of property or properties to provide an increase in the tax base, tax revenues, employment and general economic health. The use of the word "solely" may limit this change in the law. In my

opinion the intent of this amendment is to prevent using eminent domain to increase the tax base, tax revenue, employment and general economic health which is being argued as benefits from Grain Belt's proposed line.

Thank you for considering my comments and request that you deny Grain Belt's application.

Attachments 2

If you cannot see this e-mail please [click here](#).



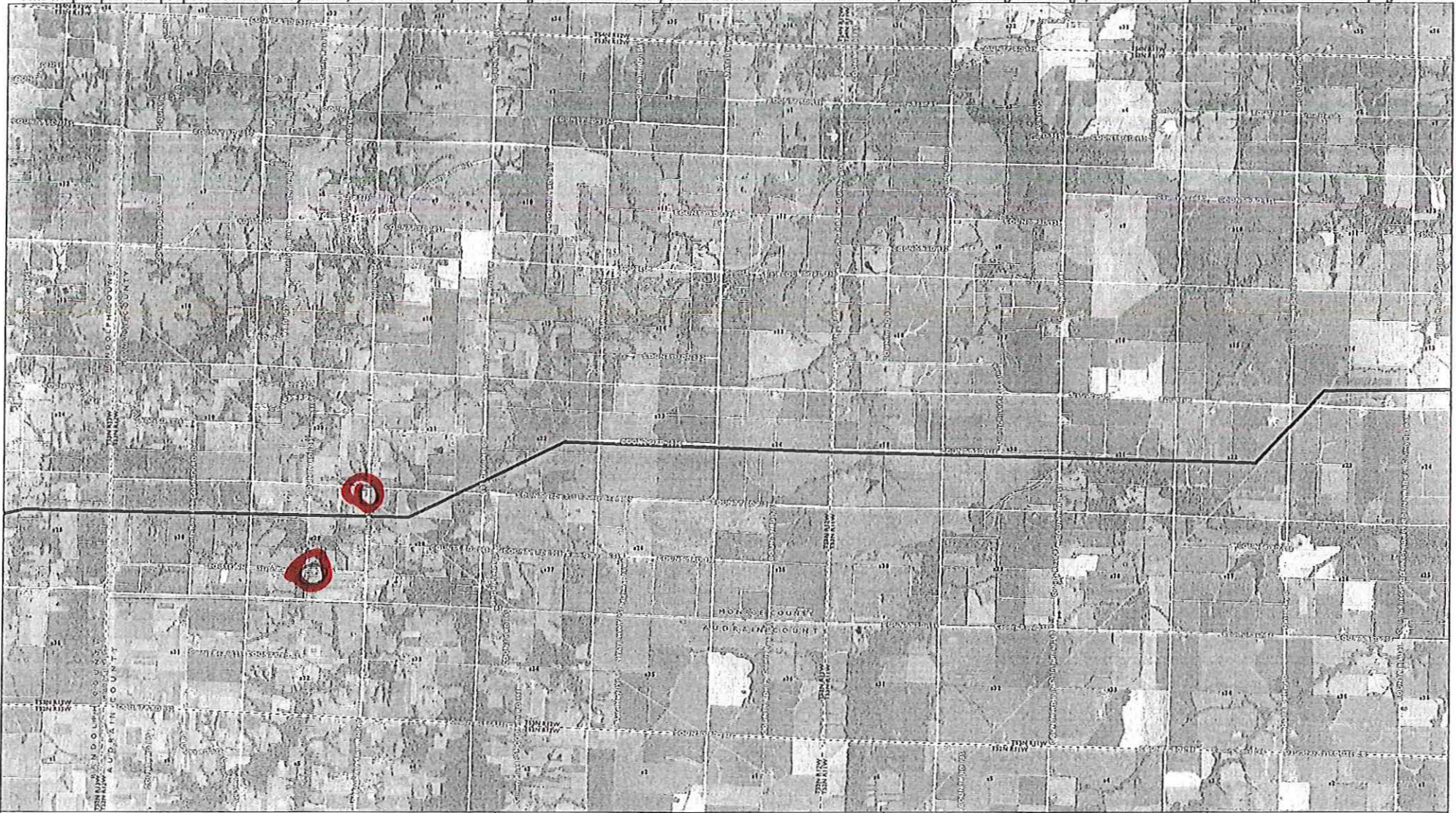
Wednesday December 7th

### Today's agenda

#### **Block, tackled: wind energy in America**

The country's first offshore wind farm will soon connect with the regional grid to begin commercial operations. Deepwater Wind's \$300m, 30MW project off the coast of Rhode Island will first benefit nearby Block Island, whose 1,000 year-round residents and 15,000 summer visitors rely on smelly, noisy generators for power—and suffer frequent brownouts and the expense of diesel brought in by ferry. Though America lags far behind Europe in harnessing offshore wind, its nascent industry looks promising. Deepwater plans another farm in Maryland, and Massachusetts will soon require utilities to purchase 1,600MW from offshore wind farms. The Bureau of Ocean Energy Management, which oversees renewable projects in federal waters, has awarded 11 commercial wind-energy leases on the Atlantic coast and will soon auction huge sites off Long Island. There is plenty of energy to be tapped. Authorities estimate the country has 4,200GW of potential offshore wind-power capacity, some four times its current total electricity-generation capacity.

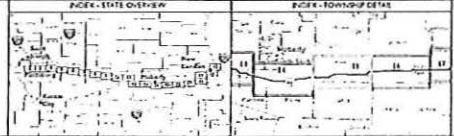
This map depicts the proposed route as of June 30, 2016 and is subject to change. Modifications may result from landowner consultation, final engineering and design, environmental permitting, and other surveying results.



Legend		Conservation Lands	
Proposed Route*	Railroad	Cellular Tower	Private/Local
Airport	Pipeline Corridor	Cemetery	State Land
County Boundary	<b>Existing Transmission</b>	Church	Federal Land
Public Land Survey System	>230 kV	Commercial Building	
Parcel boundaries shown with white outline	138 kV and 161 kV	Recreation Site	
	<115 kV	School	

## Grain Belt Express Clean Line Missouri Proposed Route

\*Line width is to scale for a typical 150-foot wide easement.



**Tile 15 of 21**

1:24,000 AT 100% SCALE

1 mi = 1609 feet when produced at a page size of 11" by 17"  
or 1 mi = 4000 feet when produced at a page size of 11" by 17"