

**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 345kV Transmission Line.)

**RENEW MISSOURI’S RESPONSE TO MISSOURI LANDOWNERS ALLIANCE’S
MOTION FOR EXPEDITED TREATMENT AND MOTION TO DISMISS
APPLICATION OR, ALTERNATIVELY, TO HOLD CASE IN ABAYANCE**

COMES NOW Renew Missouri Advocates (“Renew Missouri”), pursuant to 4 CSR 240-2.080(13), and for its response in opposition to the Missouri Landowner Alliance’s (MLA) Motion for Expedited Treatment and Motion to Dismiss Application, or Alternatively, to Hold Case in Abeyance (“Motion”) as follows:

1. On August 30, 2016, Grain Belt Express Clean Line, LLC (“Grain Belt”) filed its Application for a Certificate of Convenience and Necessity (“Application”). The Application was filed pursuant to RSMO 393.170.1, 4 CSR 240-2.060 and 4 CSR 240-3.105(1)(B).
2. On March 28, 2017, MLA filed its Motion, citing *Neighbors United Against Ameren’s Powerline v. Public Services Commission* (WD79883). According to the opinion from the Western District Court of Appeals: “By statute and by rule, the PSC is authorized to issue a CCN only after the applicant has submitted evidence satisfactory to the PSC that the consent or franchise has been secured by the public utility. Neither statute nor rule authorizes the PSC to issue a CCN before the applicant has obtained the required consent or franchise.”
3. MLA’s Motion should be denied because it relies upon a case that interprets a different statute than the one Grain Belt relies on in its Application.

4. Grain Belt's Application was distinct from the one discussed in WD79883. The Western District's discussion revolved around Section 393.170.2, RSMo., which Grain Belt did not rely upon in the Application.

5. Under Section 393.170.2, RSMo., the applicant requests the PSC grant permission in the form of an "area certificate" that grants the applicant permission to exercise a franchise by serving customers. This is not the purpose of Grain Belt's Application. *State ex rel. Cass County v. Public Service Com'n*, 259 S.W.3d 544, 549.

6. Grain Belt, by applying under Section 393.170.1, RSMo., was seeking a "line certificate," which is permission to build transmission lines or production facilities. *Id.* Nowhere, in Section 393.170.1, RSMo. does the language refer to obtaining municipal consent; it merely states that construction may not begin "without first having obtained the permission and approval of the commission."

7. Because Grain Belt applied under 393.170.1 the Commission may properly grant the certification and impose such conditions as it believes are reasonable and necessary under RSMO 393.170.3. These conditions could include, as was discussed in WD79883, obtaining country road-crossing consents under Section 229.100, RSMo.

8. Renew Missouri requests that the Commission consider the interest of Missouri consumers. The public interest will be served in this case, as lower rates, economic development and increased air quality from reduced emissions may all result from approval of the Application. In addition, under Section 393.170.3, RSMo., the Commission may waive any deficiencies in the Application if Grain Belt shows good cause.

WHEREFORE, Renew Missouri requests the Commission deny MLA's motion to dismiss for the reasons discussed herein.

Respectfully Submitted,

/s/ Andrew J. Linhares _____

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ATTORNEY FOR RENEW MISSOURI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was mailed, faxed, or emailed to all counsel of record on this 31st day of March 2017.

/s/ Andrew J. Linhares _____

Andrew J. Linhares