

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Grain Belt Express)
Clean Line LLC for Approval of its Acquisition by) No. EM-2019-0150
Invenergy Transmission LLC)

RESPONSE TO FILING FROM GRAIN BELT AND INVENERGY
REGARDING APPLICATIONS TO INTERVENE FROM JOSEPH
AND ROSE KRONER, THE MISSOURI LANDOWNERS ALLIANCE AND
SHOW ME CONCERNED LANDOWNERS

Come now Joseph and Rose Kroner, (“the Kroners”), the Missouri Landowners Alliance (“MLA”), and Show Me Concerned Landowners (“Show Me”), and pursuant to 4 CSR 240-2.080(13) respond as follows to the “Joint Applicants’ Response to Applications to Intervene by the Show Me Concerned Landowners, Missouri Landowners Alliance, and Joseph and Rose Kroner” (“Joint Response”) filed on February 25, 2019.

1. The Joint Response asks the Commission to deny the Application to Intervene from the Kroners, and essentially asks the Commission to limit the introduction of evidence and argument by the MLA and Show Me to matters which are relevant to this proceeding.

2. Contrary to what the Joint Applicants’ imply¹, the Kroners’ Application to Intervene did not challenge the reasonableness of the route selection. They simply argued that given the proposed route of the line, they will be damaged if the line is built.

3. The Joint Applicants also argue that the Kroners’ interests can be adequately represented by the MLA and Show Me.² However, the Commission rule on this matter essentially says that intervention is permissible if the intervener “has an interest which is

¹ Joint Response, pars. 5-7.

² Joint Response, par. 8.

different from that of the general public and which may be adversely affected by a final order arising from the case....”³ That clearly is the case here. None of the Commission’s rules would preclude intervention simply because one intervener’s interest can be adequately represented by another party, as the Joint Applicants suggest is the case here for the Kroners.⁴

4. The Joint Applicants also state that the Kroners “will have little to add to what will likely be identical arguments set forth by Show Me and the MLA.”⁵ This statement presumes to know what the arguments raised by all of the interveners will be, it is highly condescending, and even if true it is not a recognized ground in the Commission rules for denying intervention.

5. The arguments addressed in the two preceding paragraphs could just as easily be used to deny intervention to the MLA and Show Me on the ground that their arguments “will likely be identical” to the arguments raised by the Kroners. Or to deny intervention to any of the Joint Applicants’ supporters on the ground that their interests are adequately represented by the Joint Applicants, whose arguments will likely be the same as those intervening on their behalf.

6. As to Show Me and the MLA, the Joint Applicants essentially object to arguments which they speculate might be raised by those two interveners.⁶ This contention is clearly not ripe for consideration. The MLA and Show Me must obviously demonstrate that their evidence and arguments are relevant to the issues in this particular case, but the time to decide such matters is when or if they actually arise during the

³ 4 CSR 240-2.075(3)(A).

⁴ Joint Response, par. 8.

⁵ *Id.*

⁶ *Id.* par. 9-10.

course of the proceeding. The Joint Applications have absolutely no basis for assuming that the MLA and Show Me may “intend to re-litigate issues pertaining to eminent domain and landowner rights”, and thus their discussion of the Landowner Protocol and the Agricultural Mitigation Protocol in paragraph 9 of their Joint Response is superfluous.

7. The MLA and Show Me will limit their evidence and arguments to matters which are relevant to this case – as if they had any option but to do so. However, it is premature at this point to decide which issues will and will not prove to be relevant.

Wherefore, the Kroners, Show Me and the MLA respectfully ask the Commission to deny the relief sought by the Joint Applicants in their Joint Response, filed on February 25, 2019.

Respectfully submitted,

/s/ Paul A. Agathen

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served by electronic mail upon counsel for all parties this 25th day of February, 2019.

/s/ Paul A. Agathen

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