

**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, ) **File No. EA-2016-0358**  
Control, Manage and Maintain a High Voltage, Direct )  
Current Transmission Line and an Associated Converter )  
Station Providing an Interconnection on the Maywood - )  
Montgomery 345kV Transmission Line )

**ORDER GRANTING, IN PART, AND DENYING, IN PART, WAL-MART  
STORES, INC.’S MOTION FOR RECONSIDERATION**

Issue Date: March 2, 2017

Effective Date: March 2, 2017

On August 30, 2016, Grain Belt Express Clean Line LLC (“Grain Belt Express”) filed an application with the Missouri Public Service Commission (“Commission”) for a Certificate of Convenience and Necessity to construct, own, operate, control, manage and maintain a high voltage, direct current transmission line and associated facilities within Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, Monroe and Ralls Counties, Missouri, as well as an associated converter station in Ralls County. In its *Order Setting Procedural Schedule and Other Procedural Requirements* issued on October 19, 2016, the Commission ordered that any pending written discovery motion may be ruled upon by the presiding regulatory law judge either on the record or in a written order.

On February 17, 2017, the Missouri Landowners Alliance (“MLA”) filed a motion seeking to compel Wal-Mart Stores, Inc. to respond to certain data requests submitted to it by MLA relating to the testimony of Wal-Mart witness Steve W. Chriss. Wal-Mart objected to the data requests on the basis of relevance, that information was sought from an entity that is not a party to this case and not within the possession of Wal-Mart, and that the

information requested is confidential and competitive. Wal-Mart did not file a response within ten days of the motion.

On March 1, 2017, the Commission granted the unopposed motion, finding that the information requested from Wal-Mart is relevant to the issues in this case, that the information is either in Wal-Mart's actual control or Wal-Mart has the practical ability to obtain the information, and that the requested information can be adequately protected from unauthorized disclosure through the use of Commission rule 4 CSR 240-2.135 relating to highly-confidential information. On March 1, 2017, Wal-Mart filed a response to the MLA motion to compel and a motion for reconsideration, which requests that the Commission deny MLA's motion to compel or stay enforcement of the Commission's order pending consideration of the matter.

While Wal-Mart objects to all three MLA data requests in their entirety, its primary complaint is that disclosure of sensitive and confidential business information relating to the price paid for energy by its subsidiary, Texas Retail Energy, would be unfairly prejudicial to Wal-Mart, and that this prejudicial effect would outweigh the probative value of the evidence. Providing both the amount and price of energy would permit a party to calculate the price per unit of energy purchased, which could harm Wal-Mart's ability to negotiate future energy purchases. The Commission finds that this argument has some merit. MLA data requests SC.1 and SC.2 seek to obtain information about both the amount and price of energy purchased by Texas Retail Energy over the last 12-month period. MLA appropriately wishes to test the legitimacy of Wal-Mart witness Chriss' testimony concerning Wal-Mart's ability to purchase energy from Grain Belt Express. Providing the amount of energy purchased by Texas Retail Energy, both electrical power and renewable

electrical power, would permit MLA to make its argument to the Commission. The price paid for the energy by Texas Retail Energy would not add materially to that argument. Therefore, the Commission concludes that the prejudicial effect of disclosing the price of energy paid by Texas Retail Energy outweighs its probative value, so it is not legally relevant. The Commission will grant, in part, Wal-Mart's motion for reconsideration so that it need not disclose to MLA "the total amount paid by Texas Retail Energy for that power", as requested in MLA data requests SC.1 and SC.2. Wal-Mart must respond as previously ordered to the remaining MLA data requests.

**THE COMMISSION ORDERS THAT:**

1. Wal-Mart Stores, Inc.'s motion for reconsideration filed on March 1, 2017, is granted, in part, and denied, in part, as described in the body of this order. All remaining provisions of the Commission's Order Granting Motion to Compel Regarding Data Requests to Wal-Mart Stores, Inc. issued on March 1, 2017, shall remain in full effect.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Michael Bushmann, Senior Regulatory Law  
Judge by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 2<sup>nd</sup> day of March, 2017.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 2<sup>nd</sup> day of March 2017.



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**March 2, 2017**

**File/Case No. EA-2016-0358**

**Missouri Public Service Commission**  
Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**  
Hampton Williams  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opcservice@ded.mo.gov

**Charles Henke**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Consumers Council of Missouri**  
John B Coffman  
871 Tuxedo Blvd.  
St. Louis, MO 63119-2044  
john@johncoffman.net

**Grain Belt Express Clean Line, LLC**  
Lisa A Gilbreath  
254 Commercial Street  
Portland, ME 64111-0410  
lgilbreath@pierceatwood.com

**Grain Belt Express Clean Line, LLC**  
Joshua Harden  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
joshua.harden@dentons.com

**Grain Belt Express Clean Line, LLC**  
Karl Zobrist  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
karl.zobrist@dentons.com

**IBEW Local Union 2**  
Sherrie Hall  
7730 Carondelet Ave., Ste. 200  
St. Louis, MO 63105  
sahall@hammondshinners.com

**IBEW Local Union 2**  
Emily Perez  
7730 Carondelet Ave., Suite 200  
St. Louis, MO 63105  
eperez@hammondshinners.com

**IBEW Local Union No. 53**  
Sherrie Hall  
7730 Carondelet Ave., Ste. 200  
St. Louis, MO 63105  
sahall@hammondshinners.com

**IBEW Local Union No. 53**  
Emily Perez  
7730 Carondelet Ave., Suite 200  
St. Louis, MO 63105  
eperez@hammondshinners.com

**Infinity Wind Power**  
Terri Pemberton  
3321 SW 6th Ave  
Topeka, KS 66606  
terri@caferlaw.com

**Matthew and Christina Reichert**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Missouri AFL-CIO**  
James Faul  
4399 Laclede Ave.,  
St. Louis, MO 63108  
jfaul@hghllc.net

**Missouri Department of Economic Development**  
Brian T Bear  
301 W. Hight St., Room 680  
P.O. Box 1766  
Jefferson City, MO 65102  
brian.bear@ded.mo.gov

**Missouri Farm Bureau**  
Brent E Haden  
827 E Broadway  
Columbia, MO 65201  
brent@hadenlaw.com

**Missouri Industrial Energy Consumers (MIEC)**  
Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bryancave.com

**Missouri Joint Municipal Electric Utility Commission**  
Douglas Healy  
3010 E. Battlefield, Suite A  
Springfield, MO 65804  
doug@healylawoffices.com

**Missouri Joint Municipal Electric Utility Commission**  
Penny Speake  
3010 E. Battlefield, Suite A  
Springfield, MO 65804  
penny@healylawoffices.com

**Missouri Joint Municipal Electric Utility Commission**  
Peggy A Whipple  
514 E. High Street, Suite A  
Jefferson City, MO 65101  
peggy@healylawoffices.com

**Missouri Landowners Alliance**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Missouri Public Service Commission**  
Nathan Williams  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
nathan.williams@psc.mo.gov

**Missouri Retailers Association**  
Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bryancave.com

**Natural Resources Defense Council**  
Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**R. Kenneth Hutchinson**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Randall Meyer**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Renew Missouri**  
Andrew J Linhares  
1200 Rogers Street, Suite B  
Columbia, MO 65201-4744  
Andrew@renewmo.org

**Robyn Henke**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Rockies Express Pipeline**  
Colly J Durley  
111 S. Ninth St., Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
Durley@smithlewis.com

**Rockies Express Pipeline**  
Sarah E Giboney  
111 South Ninth Street, Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
giboney@smithlewis.com

**Roseanne Meyer**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Show Me Concerned Landowners**  
David C Linton  
314 Romaine Spring View  
Fenton, MO 63026  
Jdlinton@reagan.com

**Sierra Club**  
Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**The Wind Coalition**  
Sean Brady  
PO Box 4072  
Wheaton, IL 60189-4072  
sbrady@windonthewires.org

**The Wind Coalition**  
Deirdre K Hirner  
2603 Huntleigh Place  
Jefferson City, MO 65109  
dhirner@awea.org

**Wal-Mart Stores, Inc.**  
David Woodsmall  
807 Winston Court  
Jefferson City, MO 65101  
david.woodsmall@woodsmalllaw.com

**Wind on the Wires**

Sean Brady  
PO Box 4072  
Wheaton, IL 60189-4072  
sbrady@windonthewires.org

**Wind on the Wires**

Deirdre K Hirner  
2603 Huntleigh Place  
Jefferson City, MO 65109  
dhirner@awea.org

***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large initial "M".

***Morris L. Woodruff***  
***Secretary***

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.