

Exhibit No.:	
Issues:	Public Interest Versus Landowner Interests, Intent of the Legislature
Witness:	James Owen
Sponsoring Party:	Renew Missouri Advocates
Type of Exhibit:	Surrebuttal Testimony
Case No.:	EA-2023-0017
Date Testimony Prepared:	May 15, 2023

MISSOURI PUBLIC SERVICE COMMISSION

EA-2023-0017

SURREBUTTAL TESTIMONY

OF

JAMES OWEN

ON BEHALF OF

RENEW MISSOURI ADVOCATES

May 15, 2023

TABLE OF CONTENTS

<u>Testimony</u>	<u>Page</u>
Introduction	1
Purpose and Summary of Testimony	3
The Public Interest Versus Individual Landowner Interests	4
The Intent of the Legislature	13

1 **I. Introduction**

2 **Q: Please state your name, title, and business address.**

3 A: My name is James Owen and I am the Executive Director, Renew Missouri Advocates
4 d/b/a Renew Missouri (“Renew Missouri”). My business address is 915 East Ash,
5 Columbia, MO 65201.

6 **Q: Please describe your education and background.**

7 A: I obtained a law degree from the University of Kansas as well as a Bachelor of Arts in
8 Business and Political Science from Drury University in Springfield. Relevant to this case,
9 I also come from a farming background. My parents operated a dairy farm for thirty years
10 in Webster County before switching to beef cattle and it remains in operation. The family
11 farm is several hundred acres including areas my family has used for agriculture purposes
12 for nearly one hundred years. Further, I would note that – in 2014 – a transmission line
13 owned and operated by the KAMO Electric Cooperative generation and transmission
14 organization was slated to be built over three different parcels of the property. My family
15 disagreed with the project as well as the compensation and took the matter to court where
16 the legal dispute was settled between the parties. I reference this because I believe there
17 are several parties to this case who may consider my testimony to be without the context
18 of how farms operate and how transmission lines supposedly disrupt farming practices. I
19 do have this context, at the most personal level one can have, and I still offer support for
20 this project.

21 **Q: Please summarize your professional experience in the field of utility regulation.**

22 A: Before becoming Executive Director of Renew Missouri, I served as Missouri’s Public
23 Counsel, a position charged with representing the public in all matters involving utility

1 companies regulated by the State. While I was Public Counsel, I was involved in several
2 rate cases, CCN applications, mergers, and complaints as well as other filings. As Public
3 Counsel, I was also involved in answering legislators' inquiries on legislation impacting
4 the regulation of public utilities. In my role as Executive Director at Renew Missouri, I
5 continue to provide information and testimony on pieces of proposed legislation that may
6 impact how Missouri approaches energy efficiency and renewable energy.

7 **Q: Have you been a member of, or participant in, any workgroups, committees, or other**
8 **groups that have addressed electric utility regulation and policy issues?**

9 A: In May 2016 I attended the National Association of Regulatory Utility Commissioners
10 ("NARUC") Utility Rate School. In the Fall of 2016, I attended Financial Research
11 Institute's 2016 Public Utility Symposium on safety, affordability, and reliability. While I
12 was Public Counsel, I was also a member of the National Association of State Utility
13 Consumer Advocates ("NASUCA") and, in November of 2017, the Consumers Council of
14 Missouri named me the 2017 Consumer Advocate of the Year. Most recently, I was
15 appointed to the Missouri Net Metering Task Force that was created by statute in 2022.

16 **Q: Have you testified previously, participated in cases, or offered testimony before the**
17 **Missouri Public Service Commission?**

18 A: In my prior role as Acting Public Counsel, I participated in a number of cases before the
19 Missouri Public Service Commission (the "Commission" or "PSC") as an attorney and
20 director of that office. During that time, I also offered testimony in rulemaking hearings
21 before the Commission. Since becoming Executive Director of Renew Missouri, I have
22 contributed to Renew Missouri's filed testimony in a number of matters. Attached as
23 **Schedule JO-1** is a list of my case participation.

1 **Q: Have you testified previously, participated in cases, or offered testimony before any**
2 **other state regulatory bodies?**

3 A: Yes, in my capacity as an expert witness employed by Renew Missouri, I have provided
4 testimony on behalf of a coalition of clean energy advocates before the Kentucky Public
5 Service Commission involving Kentucky Power Company’s 2020 rate case with a specific
6 emphasis on the Company’s proposed rates for net-metered customers. In addition, I was
7 recently retained to serve as an expert witness before the Kansas Corporation Commission
8 in Evergy’s pending KEEIA Cycle-One portfolio. I have also provided consulting for clean
9 energy advocates around the country regarding on-bill finance tariff programs such as Pay
10 As You Save®.

11 **II. Purpose and summary of testimony**

12 **Q: What is the purpose of your testimony?**

13 A: In my Surrebuttal Testimony, I discuss the greater public interest served by Grain Belt
14 Express, LLC’s (“Grain Belt”) proposed amendments to the approximately 800-mile, high
15 voltage, direct current transmission line for which the Commission granted a Certificate of
16 Convenience and Necessity (“CCN”) in case number EA-2016-0358 (the “Certificated
17 Project”). Additionally, I discuss the balance between the public interest versus the
18 interests of individual landowners. I respond to Missouri Farm Bureau (the “Farm Bureau”)
19 witness Garrett Hawkins’ notion that takings by a private, out-of-state, and for-profit
20 company are an abuse of eminent domain. I further address landowner intervenor Patricia
21 Stemme’s argument that the economic benefits provided by the proposed amendments to
22 the project render it unqualified for use of eminent domain. Finally, I discuss the intent of
23 the Missouri Legislature with House Bill 2005, now Paragraph 8 of Section 523.010

1 RSMo., and how this application furthers these objectives despite the objections of other
2 parties.

3 **Q: What is your recommendation to the Commission in this case?**

4 A: The Commission should approve Grain Belt’s Application to Amend its existing CCN. The
5 Certificated Project was slated to deliver 500 MW of clean, affordable wind energy into
6 Missouri benefiting Missouri utilities and serving the public interest. Grain Belt now seeks
7 an amendment to the original CCN, allowing it to deliver 2500 MW of clean electricity
8 into Missouri through increasing the size of the Missouri converter station and the proposed
9 Tiger Connector line (the “Amended Project”). The Amended Project only amplifies the
10 benefits the Commission originally determined would be delivered to Missouri, serving the
11 greater public interest, and complies with the spirit of the recent legislation passed with the
12 input of Grain Belt and landowners alike.

13 **III. The Public Interest Versus Individual Landowner Interests**

14 **Q: Please summarize the testimony for which you are responding.**

15 A: Farm Bureau witness Garrett Hawkins testifies that the use of eminent domain to carry out
16 the Amended Project would constitute an abuse of eminent domain. Mr. Hawkins believes
17 the Amended Project is simply a bid to, “...take private property to build a for-profit
18 project, controlled by an out-of-state company that has no plan or provision to share profits
19 with landowners...”¹ Mr. Hawkins further argues Grain Belt has grossly underestimated
20 the Project’s impact on landowners and landowners will be unfairly burdened for years to
21 come if the Amended Project was approved. Finally, landowner Patricia Stemme argues

¹ EFIS File No. EA-2023-0017, Doc. No. 141: Rebuttal Testimony of Garrett Hawkins, pg. 5.

1 the primary purpose of the Amended Project is economic development and is therefore
2 prohibited by statute from exercising eminent domain authority.

3 **Q: How is the greater public interest served by Grain Belt’s proposed amendment?**

4 A: “Transmission is the backbone of our nation’s electric grid.” That comes from Ameren
5 Missouri’s Chief Renewable Development Officer Ajay Arora, who spoke at the
6 Advancing Renewables Conference in Columbia, Missouri on a panel entitled “Utility
7 Executive Roundtable: Thinking Strategically About Renewable Energy.” This concept is
8 certainly not new, but has become increasingly consequential as the shift to clean energy
9 has gained momentum. Despite the name of this panel discussion, much of the conversation
10 between Missouri-based utility executives centered around the need for transmission to
11 facilitate the movement away from fossil fuel generation to cleaner, more sustainable
12 resources. Mr. Arora suggested, while coal was once the backbone of the electric grid, that
13 important foundational role has shifted to transmission infrastructure. I completely agree
14 and endorse that sentiment.

15 Multiple experts in this case have underscored not only the importance of
16 transmission infrastructure in general, but also the specific benefits the Amended Project
17 will deliver to Missouri and the region. Clean Grid Alliance (“CGA”) witness Michael
18 Goggin testifies Grain Belt’s proposed amendment will provide Missouri with access to
19 high quality renewable resources from Kansas to meet long-term demand with low-cost,
20 reliable, and clean electricity.² Sierra Club witness Michael Milligan testifies to the
21 Amended Project’s ability to alleviate congestion and provide increased access to
22 economic resources that would otherwise be unavailable in Missouri.³ Both witnesses cite

² EFIS File No. EA-2023-0017, Doc. No. 135: Rebuttal Testimony of Michael Goggin.

³ EFIS File No. EA-2023-0017, Doc. No. 129: Rebuttal Testimony of Michael Milligan.

1 the Amended Project as a means to reduce renewable curtailment by delivering renewable
2 energy to areas with immediate need.⁴ Moreover, these experts outline the ability of inter-
3 regional transmission to pave the way for a more coordinated approach to resource
4 planning thus allowing for greater reliability and system benefits.⁵

5 More specifically, Missouri Electric Commission (“MEC”) witnesses John
6 Grotzinger, John Twitty, and Rebecca Atkins all testify to the need for clean, least-cost
7 renewable energy for the municipal utilities in the state.⁶ Ms. Atkins highlights that the
8 addition of 2,500 MW of renewable energy into Missouri will lower marginal energy costs
9 for the entire MISO footprint, thus allowing MEC members to save money.⁷ Mr.
10 Grotzinger describes the unmet demand for renewable energy within MEC members, and
11 notes that with the Amended Project operational, the Missouri Public Energy Pool’s
12 portfolio of renewable energy will increase from 15% to 25%.⁸

13 Many of these factors were considered by the Commission previously in its
14 decision to grant Grain Belt a CCN for the Certificated Project in case number EA-2016-
15 0358. In its *Report and Order on Remand*, the Commission reiterated its, “...strong support
16 for the ‘development of economical renewable energy sources to provide safe, reliable, and
17 affordable service while improving the environment and reducing the amount of carbon
18 dioxide released into the atmosphere.’”⁹ Moreover, the Commission stated,

19 “There can be no debate that our energy future will require more diversity
20 in energy resources, particularly renewable resources. We are witnessing a
21 worldwide, long-term, and comprehensive movement towards renewable
22 energy in general and wind energy specifically. Wind energy provides great

⁴ *Id.*

⁵ *Id.*

⁶ EFIS File No. EA-2023-0017, Doc. No. 128: Rebuttal Testimony of Rebecca Atkins; Doc. No. 130: Rebuttal Testimony of John Twitty; and Doc. No. 132: Rebuttal Testimony of John Grotzinger.

⁷ Rebuttal Testimony of Rebecca Atkins, pg. 3-8.

⁸ Rebuttal Testimony of John Grotzinger, pg.7-9.

⁹ EFIS File No. EA-2016-0358, *Report and Order on Remand*.

1 promise as a source of affordable, reliable, safe, and environmentally-
2 friendly energy. The Grain Belt project will facilitate this movement in
3 Missouri, and will thereby benefit Missouri citizens, and is, therefore, in the
4 public interest.”¹⁰

5 The factors informing the Commission’s original decision are even better served
6 by the proposed amendment. The Amended Project will provide for an additional
7 2,000 MW – for a total of 2500 MW – of affordable, reliable, safe, and
8 environmentally-friendly wind energy at a time where Missouri utilities are in the
9 process of implementing the rapid shift to renewable energy in the short term. Since
10 the Commission’s *Report and Order on Remand*, studies have uncovered an even
11 greater need for transmission infrastructure and specifically inter-regional
12 transmission lines. As the CGA, MEC, and Sierra Club witnesses have described,
13 transmission is a foundational piece of the clean energy transition and key to
14 allowing Missourians the ability to unlock the greatest benefit from renewable
15 resources.

16 **Q: What are the primary landowner concerns expressed in this case?**

17 A: Mr. Hawkins cites Grain Belt being an out-of-state, for-profit entity as a key factor
18 in what he claims to be an abuse of eminent domain.¹¹ Moreover, Mr. Hawkins
19 asserts concerns that Grain Belt’s primary purpose is not to serve Missouri
20 customers, but rather to deliver a “small portion” of electricity to Missouri on its
21 way to more lucrative markets on the East Coast.¹² Mr. Hawkins further shares his
22 concern that the project is controlled by an out-of-state company with no plan or

¹⁰ *Id.*

¹¹ Rebuttal Testimony of Garrett Hawkins, pg. 4-5.

¹² *Id.* at 5.

1 provision to share profits with impacted landowners.¹³ Landowner and intervenor
2 Patricia Stemme testifies to her belief that the proposed amendment is an
3 “economic development” project and therefore unqualified to utilize eminent
4 domain.¹⁴

5 **Q: How do you respond?**

6 A: Despite Mr. Hawkins’ assertions, the fact that Grain Belt is an out-of-state
7 corporation is not factually relevant to determining whether approval of the
8 proposed amendment would result in abuse of eminent domain. In its *Report and*
9 *Order on Remand*, the Commission determined that Grain Belt was an electrical
10 corporation subject to its jurisdiction.¹⁵ Moreover, the Commission determined
11 Grain Belt was a public utility, given that it would offer indiscriminate transmission
12 service in Missouri, therefore serving the public use.¹⁶ Nothing about the service
13 Grain Belt will provide has changed due to the proposed amendment, aside from
14 the increased amount of energy delivered to Missouri.

15 The power to utilize eminent domain is granted to public utilities by the
16 provisions of Chapter 523 of the Revised Missouri Statutes. Section 386.020,
17 RSMo. provides the statutory definition for “public utility,” which includes
18 electrical corporations such as Evergy Missouri Metro and Evergy Missouri West,
19 Ameren Missouri, and Liberty-Empire. Missouri law also extends eminent domain
20 authority to rural electric cooperatives.

¹³ *Id.*

¹⁴ EFIS File No. EA-2023-0017, Doc. No. 127: Rebuttal Testimony of Patricia Stemme, pg. 1-8.

¹⁵ EFIS File No. EA-2016-0358, *Report and Order on Remand*, pg. 37-38.

¹⁶ *Id.* at 38.

1 These statutory provisions include no requirement that the electrical
2 corporation or cooperative be incorporated or headquartered within the state of
3 Missouri to exercise eminent domain authority. Moreover, both Evergy utilities and
4 Liberty-Empire have significant managerial presence in Kansas and Canada,
5 respectively. I have never seen a challenge to eminent domain authority based on
6 the out-of-state leadership of those utilities, and I suspect that any such challenge
7 would be quickly dismissed. As the Commission has already determined that Grain
8 Belt meets the same statutory definitions of the above-referenced utilities in the
9 state, Mr. Hawkins’ argument should be disregarded accordingly. Finally, there is
10 no precedent for requiring private companies that meet the definition of a public
11 utility to somehow share profits with landowners impacted by eminent domain
12 takings. Put another way, what Mr. Hawkins references as an abuse of eminent
13 domain is simply the use of eminent domain as permitted by Missouri law.

14 The “economic development” versus “public use” issue was brought to the
15 forefront of the nation’s attention with the *Kelo v. City of New London* decision in
16 2005. While the Supreme Court ultimately held the City of New London’s
17 economic development plan was a permissible use of eminent domain, the Court
18 acknowledged that states were permitted to enact more protective standards.
19 Missouri’s legislative response to this decision – Section 523.271, RSMo. – states
20 private property cannot be taken by eminent domain solely for the purpose of
21 economic development.¹⁷ The statute defines economic development as, “... use of
22 a specific property or properties which would provide an increase in the tax base,

¹⁷ Section 523.271.1, RSMo.

1 tax revenues, employment, and general economic health...”¹⁸ Ms. Stemme cites the
2 project’s economic benefits to Missouri ratepayers, the energy the project will
3 deliver to utilities and businesses in Missouri, the job creation benefits, the income
4 and property tax benefits, and the overall increase in economic activity this project
5 will deliver as evidence that the Amended Project is an economic development
6 project and therefore statutorily barred from exercising eminent domain.¹⁹
7 However, Ms. Stemme also references the Direct Testimony of Grain Belt witness
8 Shashank Sane, stating,

9 “...the primary objective of the Amended Project is the same as that
10 of the Certificated Project: to transport clean, reliable, low-cost
11 electricity from renewable generation to be built in southwestern
12 Kansas, which has potential for abundant, high-capacity factor wind
13 and solar resources, to the electricity markets in Missouri and
14 Illinois and other states located within or adjacent to the MISO and
15 PJM grids.”²⁰

16 As Mr. Sane, and Ms. Stemme, point out – the primary purpose of the Amended
17 Project is not economic development, but rather to deliver electricity into Missouri
18 as well as other states within the MISO and PJM footprints. While the Amended
19 Project will provide substantial economic benefits to Missouri, these benefits are a
20 result of the large-scale investment Grain Belt is making to deliver more clean,
21 affordable electricity into our state for the public use. These benefits speak more to
22 the overall public interest served by the Amended Project, which the Commission
23 must balance with individual landowner interests.

¹⁸ Section 523.271.2, RSMo.

¹⁹ Rebuttal Testimony of Patricia Stemme, pg. 1-8.

²⁰ *Id.* at 2. (citing EFIS File No. EA-2023-0017, Doc. No. 11: Direct Testimony of Shashank Sane, pg. 7.)

1 **Q: How has the Commission balanced landowner concerns with the public interest in the**
2 **past?**

3 A: The Commission considered impacts to landowners in its *Report and Order on Remand*
4 approving the Certificated Project in 2019. In that case, the Commission determined
5 negative impacts to landowners would be properly mitigated through a landowner protocol,
6 superior compensation payments, a binding arbitration option for easement negotiations, a
7 decommissioning fund, and an agricultural impact mitigation protocol to avoid or minimize
8 negative impacts to agriculture.²¹ Ultimately, the Commission concluded the project would
9 provide short- and long-term benefits to ratepayers and all Missourians.²² In its view, the
10 Commission believed the larger economic, environmental, and other benefits to the state
11 outweighed individual landowner interests.²³

12 **Q: Do you believe that the public interest served by the Amended Project still outweighs**
13 **landowner concerns?**

14 A: Yes – perhaps even more so with the Amended Project than the Certificated Project. The
15 Amended Project will deliver substantially more electricity into Missouri, providing
16 increased access to needed renewable energy in our state, and lowering prices within MISO
17 that will benefit Missouri ratepayers. Just like the Commission determined with the
18 Certificated Project, individual landowner impacts from the Amended Project can be
19 mitigated through ordered conditions and compliance with the Landowner Protocol. In fact,
20 Grain Belt witness Kevin Chandler proposes changes to the Landowner Protocol that

²¹ EFIS File No. EA-2016-0358, *Report and Order on Remand*.

²² *Id.*

²³ *Id.*

1 incorporate the feedback of landowners as well as the intent of the Legislature with the
2 passage of House Bill 2005 to more adequately protect landowner interests.²⁴

3 **Q: You express opinions on the weight that should be given to potential landowner**
4 **impacts, but do you have any personal experience with land being taken for a**
5 **transmission project?**

6 A: As I mentioned in my background, my family farm was subject to a taking by a KAMO
7 Electric Cooperative transmission line. I would note that KAMO²⁵ – while a non-profit –
8 is also an out-of-state entity that is based in Vinita, Oklahoma. Why the Farm Bureau did
9 not object to that transmission project by a private, out-of-state organization as a violation
10 of landowner rights makes little sense given the arguments made in Mr. Hawkins’
11 testimony. Rather, it seems that the Farm Bureau’s concerns relate only to Grain Belt
12 whereas the rural electric cooperatives are its political allies.

13 Given my personal experience, I certainly understand that landowner rights must
14 be carefully weighed in determining whether to grant Grain Belt’s Application to Amend.
15 However, the benefits the Amended Project will deliver to our state and our region clearly
16 and undeniably outweigh landowner concerns over aesthetic impact. Moreover, the Farm
17 Bureau raises nothing concrete to support its allegation that Grain Belt has underestimated
18 the impact the line will have on farming activities. With this in mind, the Commission
19 should again conclude that the public interest served by the Amended Project outweighs
20 individual landowner interests.

²⁴ EFIS File No. EA-2023-0017, Doc. No. 21: Direct Testimony of Kevin Chandler, pg. 17-21.

²⁵ I would further note KAMO is not the generation and transmission cooperative that provides service to our farm. Thus, any argument that our “neighbors” are the ones who made this decision would not be a legitimate counterpoint to this personal anecdote.

1 **IV. The Intent of the Legislature**

2 **Q: Please summarize the testimony you would like to respond to.**

3 A: Mr. Hawkins references the Missouri Farm Bureau’s efforts during the 2022 legislative
4 session to secure stronger eminent domain standards for transmission projects.²⁶ He
5 argues that the Amended Project should be evaluated as an entirely new project and it is
6 unclear, based on raising this argument immediately following his discussion of the 2022
7 legislative session, whether his implication is that the provisions of House Bill 2005
8 should apply to the Amended Project.²⁷ Finally, Mr. Hawkins claims Grain Belt’s
9 proposed amendment is evidence that this was not a well-vetted project and that Grain
10 Belt has changed course in an attempt find an end-user.²⁸

11 **Q: Was Renew Missouri involved in the passage of House Bill 2005?**

12 A: In addition to serving as an expert witness for Renew Missouri, I also manage our
13 government relations in Jefferson City, including our lobbying efforts. In that capacity, I
14 help draft proposed legislation, monitor filings, testify before committees, and generally
15 provide technical assistance to lawmakers – as well as our contracted lobbyists – on energy-
16 related legislation. To that end, we initially opposed House Bill 2005 and offered testimony
17 against it. However, in the end, the legislation was amended and almost all parties who had
18 fought for and fought against House Bill 2005 agreed the Senate substitute was a good
19 compromise.

20 **Q: Was the Farm Bureau involved in the passage of House Bill 2005?**

²⁶ Rebuttal Testimony of Garrett Hawkins, pg. 5.

²⁷ *Id.*

²⁸ *Id.*

1 A: Yes. I personally witnessed representatives lobbying for House Bill 2005 in its original
2 form as well as its amended form. Public comments were made that stopping Grain Belt
3 Express was a top priority of the Farm Bureau.

4 **Q: With this in mind, how do you respond to Mr. Hawkins' arguments?**

5 A: First, just to clarify, the new legislation does not apply to Grain Belt retroactively.
6 Additionally, House Bill 2005 was passed by both chambers of the Legislature and sent to
7 Governor Mike Parson, who signed the bill into law. But all laws – unless there is an
8 emergency provision – go into effect on August 28th of the year they are signed. There was
9 no emergency provision to House Bill 2005. Thus, it went into effect after Grain Belt's
10 Application to Amend was filed.

11 Despite this, Grain Belt has proposed amendments embodying the spirit of the
12 legislation and embracing the provisions negotiated with active input from the Farm
13 Bureau, and other groups that opposed Grain Belt Express, that provide increased
14 compensation to landowners. It is quite clear that the Amended Project is a good faith effort
15 to comply with the spirit – and the actual provisions – of House Bill 2005 and will bring
16 increased benefits to landowners along the Amended Project's route and to Missourians as
17 a whole.

18 What's more, the Grain Belt Express is a project that has been filed multiple times
19 before this Commission over the past decade and subject to numerous rounds of procedure,
20 comment, and legislative debate. The idea that the project is not "well-vetted" fails in the
21 face of the facts. I cannot think of a more well-vetted project, or a project subjected to more
22 regulatory, legal, and legislative scrutiny in recent memory. Certainly, Grain Belt has
23 adapted and evolved from initial Commission concerns that the project would not benefit

1 Missouri customers. When the initial application for the Certificated Project was refiled, it
2 included specifics about how municipal utilities in Missouri would benefit from clean,
3 lower-cost energy. Now, this Amended Project seeks to increase how much power can be
4 delivered to Missouri customers and yet it still faces the same criticism from monied
5 special interests who have intervened in this case. Mr. Hawkins calls this a “political
6 stunt,”²⁹ but advocates against changes to the project consistent with protections his
7 organization lobbied for just last year. Moreover, Mr. Hawkins’ arguments ignore the real
8 savings to Missouri customers and diminish the real clean energy benefits this project will
9 deliver.³⁰

10 **Q: Based on your engagement with this piece of legislation, do you believe the Amended**
11 **Project furthers the intent of the Legislature?**

12 A: Yes, it does. While House Bill 2005 started out as an unconstitutional piece of legislation
13 directed at overturning the 2019 decision of the Commission that granted approval for the
14 Certificated Project, the amended version simply allowed for increases to how much money
15 landowners should be paid in additional compensation for the taking of their land by
16 transmission projects – transmission projects other than those initiated by rural electric
17 cooperatives I should note. Grain Belt’s Application to Amend includes several changes
18 that carry out the intent of the Legislature, including payments to landowners consistent
19 with the new statutory language and an increase in the amount of electricity that will be
20 delivered into the state. These factors were key points of focus in negotiating the language

²⁹ *Id.* at 7.

³⁰ *Id.* [An additional note: the Farm Bureau has fully endorsed Construction Work in Progress legislation filed before the Legislature since 2020. Not only does this legislation overturn a decades-old ballot initiative, it also promises to heap expensive rate hikes on customers for plants not even completed. All in the name of small modular reactors that will not even be considered viable until at least 2030. That seems more of a “political stunt” than anything Grain Belt has put forward in this application.]

1 of House Bill 2005 and Grain Belt's efforts to accommodate the spirit of this legislation
2 are certainly laudable considering they are not legally bound to do it.

3 **Q: Does this conclude your testimony?**

4 A: Yes.

**CASE PARTICIPATION OF
JAMES OWEN**

<u>Date</u>	<u>Proceeding</u>	<u>Docket No.</u>	<u>On Behalf of:</u>	<u>Issues</u>
10/20/2017	In the Matter of a Working Case to Explore Emerging Issues in Utility Regulation	EW-2017-0245	Renew Missouri Advocates	Comments: Distributed Energy Resources
2/7/2018	In the Matter of the Application of The Empire District Electric Company for Approval of Its Customer Savings Plan	EO-2018-0092	Renew Missouri Advocates	Rebuttal: Customer savings plan, wind generation, Asbury retirement, federal tax changes
Rebuttal 7/27/2018 Surrebuttal (9/4/2018)	In the Matter of KCP&L Greater Missouri Operations Company's Request for Authority to Implement a General Rate Increase for Electric Service In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service	ER-2018-0145/ER-2018-0146	Renew Missouri Advocates	Rebuttal: Demand Response Program Surrebuttal: Demand Response Program
6/8/2018	In the Matter of the Application of Union Electric	ET-2018-0063	Renew Missouri Advocates	Surrebuttal: Eligibility parameters, wind generation

	Company d/b/a Ameren Missouri for Approval of 2017 Green Tariff			
9/17/2018	In the Matter of Union Electric Company d/b/a Ameren Missouri's 3rd Filing to Implement Regulatory Changes in Furtherance of Energy Efficiency as Allowed by MEEIA	EO-2018-0211	Renew Missouri Advocates	Surrebuttal: Statutory Requirements of MEEIA
9/28/2018	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Construct a Wind Generation Facility	EA-2018-0202	Renew Missouri Advocates	Surrebuttal: Second Non-unanimous Stipulation and Agreement; Need for the project; Conservation conditions
11/16/2018	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for	ET-2018-0132	Renew Missouri Advocates	Surrebuttal: Charge Ahead Programs

	Approval of Efficient Electrification Program			
1/15/2019	In the Matter of a Workshop Docket to Explore the Ratemaking Process	AW-2019-0127	Renew Missouri Advocates	Comments: Ratemaking Process
1/22/2019	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Convenience and Necessity Authorizing it to Construct a Wind Generation Facility	EA-2019-0021	Renew Missouri Advocates	Surrebuttal: Conservation conditions; Tax revenue; Benefits of wind generation
1/28/2019 9/16/2019	In the Matter of Kansas City Power & Light Company's Notice of Intent to File an Application for Authority to Establish a Demand-Side Programs Investment Mechanism	EO-2019-0132/ EO-2019-0133 (GMO)	Renew Missouri Advocates	Rebuttal: PAYS Program Surrebuttal: Energy Efficiency Policy; Additional programs
3/5/2019	In the Matter of the Application of The Empire	EA-2019-0010	Renew Missouri Advocates	Surrebuttal: Benefits of wind generation;

	District Electric Company for Certificates of Convenience and Necessity Related to Wind Generation Facilities			Conservation conditions; OPC's CCN standard
3/27/2019	In the Matter of the Joint Application of Invenergy Transmission LLC, Invenergy Investment Company LLC, Grain Belt Express Clean Line LLC and Grain Belt Express Holding LLC for an Order Approving the Acquisition by Invenergy Transmission LLC of Grain Belt Express Clean Line LLC	EM-2019-0150	Renew Missouri Advocates	Rebuttal: Commission standard; Benefits of transaction
7/15/2019	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity	EA-2019-0181	Renew Missouri Advocates	Rebuttal: Benefits of wind generation

	Under 4 CSR 240-3.105			
10/7/2020	Electronic Application of Kentucky Power Company for (1) A General Adjustment of its Rates for Electric; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; and 5) All Other Required Approvals and Relief	KPSC Case No. 2020-00174	Mountain Association, Kentuckians For The Commonwealth, and the Kentucky Solar Energy Association	Rebuttal: AMI meters, Net-metering, Energy Efficiency Programs, PAYS®, Economic Impacts, Rate design, Customer charge
3/5/2021	Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering	KPSC Case No. 2020-00349 / Case No. 2020-00350	Mountain Association, Kentuckians For The Commonwealth, the Metropolitan Housing Coalition, and the Kentucky Solar Energy Association.	Direct: AMI meters, Energy Efficiency Programs, PAYS®, Economic Impacts, Rate design, Customer charge

<p>7/13/2021</p> <p>8/5/2021</p>	<p>Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit.</p> <p>Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One- Year Surcredit.</p>			<p>Supplemental Direct Testimony: Value of Solar</p> <p>Supplemental Rebuttal Testimony: Value of Solar</p>
<p>4/16/2021</p>	<p>In the Matter of the Investigation into the Sustainability Transformation Plan of Evergy Metro, Inc., Evergy Kansas Central, Inc., and Evergy</p>	<p>Kansas Corporation Commission Docket No. 21-EKME-088-GIE</p>	<p>Climate + Energy Project (“CEP”)</p>	<p>Comments: DER, Electrification, Securitization, Transmission upgrades, Solar Resources, Wind Resources, Equitable access</p>

	its Revenues for Electric Service			
4/22/2022	In the Matter of the Electronic 2021 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company	KPSC Case No. 2021-00393	Mountain Association, Kentuckians For The Commonwealth, and the Kentucky Solar Energy Association	Comments: Pay As You Save ®/On-Bill Financing
5/27/2022	In the Matter of the Petition of The Empire District Electric Company d/b/a Liberty to Obtain a Financing Order that Authorizes the Issuance of Securitized Utility Tariff Bonds for Energy Transition Costs Related to the Asbury Plant	EO-2022-0193	Renew Missouri Advocates	Surrebuttal Testimony: Securitization
6/17/2022	In the Matter of the Application of Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc. for Approval of its Demand-Side Management Portfolio pursuant to the	Kansas Corporation Commission Docket No. 22-EKME-254-TAR	Climate + Energy Project (“CEP”)	Direct Testimony: MEEIA Programs, Hard-to-Reach Homes Program, Pay As You Save®/On-Bill Financing, Non-Energy Benefits Settlement Testimony:

	Kansas Energy Efficiency Investment Act (“KEEIA”), K.S.A. 66-1283			Supporting Original Settlement Agreement on Programs and Financial Recovery, Opposing Alternative Settlement Agreement
7/13/2022	In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro’s Request for Authority to Implement a General Rate Increase for Electric Service In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s Request for Authority to Implement a General Rate Increase for Electric Service	ER-2022-0129/ ER-2022-0130	Renew Missouri Advocates	Rebuttal Testimony: Time-of-Use Rates for Distributed Generation Customers, Green Pricing REC Program, Energy Burden Data Sharing
1/18/2023	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval of a Subscription-Based Renewable Energy Program	EA-2022-0245	Renew Missouri Advocates	Surrebuttal Testimony: Public Interest, Corporate Need for Renewables
1/31/2023	In the Matter of the Application	EA-2022-0328	Renew Missouri Advocates	Surrebuttal Testimony:

	of Evergy Missouri West, Inc. d/b/a Evergy Missouri West for Permission and Approval of a Certificate of Convenience and Necessity Authorizing It to Operate, Manage, Maintain and Control an Existing Wind Generation Facility in Oklahoma			Public Interest, Value of IRP Process
2/15/2023	In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service	ER-2022-0337	Renew Missouri Advocates	Rebuttal Testimony: Time of Use Rates for Distributed Generation Customers, Residential Customer Charge