

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Grain Belt )  
Express LLC for an Amendment to its Certificate )  
Of Convenience and Necessity Authorizing it to ) File No. EA-2023-0017  
Construct, Own, Operate, Control, Manage, and )  
Maintain a High Voltage, Direct Current )  
Transmission Line and Associated Convertor )  
Station.

**RENEW MISSOURI’S REPLY IN SUPPORT OF WAIVER  
OF 60-DAY NOTICE REQUIREMENT**

COMES NOW, Renew Missouri Advocates d/b/a Renew Missouri (“Renew Missouri”) and pursuant to 20 CSR 4240-2.080(13) files this Reply in Support of Grain Belt Express LLC’s (“Grain Belt Express”) Request for Waiver of the 60-day Notice in response to the October 11, 2022 filings by the Missouri Landowners Alliance (“MLA”); the Missouri Farm Bureau Federation, the Missouri Cattleman’s Association, the Missouri Pork Association, the Missouri Corn Growers Association, and the Missouri Soybean Association (collectively, the “Associations”); as well as the Staff of the Missouri Public Service Commission (“Staff”).

**I. Background**

1. On July 12, 2022, Grain Belt Express filed a *Notice of Intended Amendment Filing* in File No. EA-2016-0358, providing notice that it would file its Application to Amend the existing Certificate of Public Convenience and Necessity (“Application”) in 60 days. The Commission then opened the present docket and directed filing of the Application therein.

2. On August 24, 2022, Grain Belt Express filed its Application and its *Request for Waiver of the 60-day Notice* requirement (“Request for Waiver”). The Request for Waiver was accompanied by the Verified Declaration of Shashank Sane, which certified that Grain Belt Express has had no communication with the Office of the Commission within the prior 150 days

regarding any substantive issue in its Application.<sup>1</sup> The Request for Waiver further states that Grain Belt Express has had no substantive communication with the Office of the Commission for 193 days immediately preceding this filing.<sup>2</sup>

## **II. Statement of Law**

3. Commission rule 20 CSR 4240-4.017(1)(D) sets forth several scenarios in which good cause exists to grant a waiver of the 60-day notice requirement:

A party may request a waiver of this section for good cause. Good cause for waiver may include, among other things, a verified declaration from the filing party that it has had no communication with the office of the commission within the prior one hundred fifty (150) days regarding any substantive issue likely to be in the case or that circumstances prevented filing the required notice and delaying the filing for sixty (60) days would cause harm.

4. In addition, the Commission regularly grants waivers for the 60-day notice requirement under similar circumstances.<sup>3</sup>

## **III. Argument**

5. Grain Belt Express has satisfied the requirements for good cause set forth in 20 CSR 4240-4.017(1)(D) by ensuring that no communication occurred with the Office of the Commission in the 193 days leading up to the filing of its Application. No party has offered evidence to rebut this assertion or to call into question the validity of the Verified Declaration of Shashank Sane.

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<sup>1</sup> EFIS File No. EA-2023-0017, Doc. No. 22, Exhibit A.

<sup>2</sup> EFIS File No. EA-2023-0017, Doc. No. 22.

<sup>3</sup> See EFIS File No. EA-2023-0017, Doc. No. 54 (citing Order Granting Waiver of Depreciation Study for Five Years, p. 3, File No. GE-2020- 0009 (Nov. 6, 2019); Order Granting Transfer of Assets and Granting Certificate of Convenience and Necessity, p. 5, File No. SM-2022-0130 (May 6, 2022); Order Approving Stipulation and Agreement, p. 3, Case Nos. GO-2021-0030, YG-2021-0020, GO-2021-0031, YG-2021-0021 (Nov. 12, 2020); Order Dismissing Joint Application, p. 3, File No. EM-2021-0114 (Feb. 17, 2021); Order Approving Transfer of Assets, p.3, File No. EM-2022-0292 (Aug. 24, 2022)).

6. Renew Missouri supports this Application and believes that the proposed amendment is in the public interest. As the parties were provided with 43 days' notice prior to Grain Belt Express filing its Application, there is no material purpose or public interest served by further delay other than for the sake of delay itself.

7. Grain Belt Express has provided credible documentation ensuring that no communication was had with the Office of the Commission regarding the substance of the Application within the 193 days immediately preceding this filing. In addition, Grain Belt Express has substantially satisfied the spirit of the 60-day notice requirement by providing 43 days' notice to interested parties. Together, these circumstances ensure that the Commission has not been unduly influenced, the parties had ample time to prepare for the filing, and the purpose of the 60-day notice requirement was fulfilled.

#### **IV. Conclusion**

WHEREFORE, Renew Missouri respectfully requests the Commission grant Grain Belt Express's Request for Waiver of the 60-Day Notice requirement and any further relief that the Commission deems appropriate.

Respectfully submitted,

**/s/ Alissa Greenwald**

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Certificate of Service

I hereby certify that copies of the foregoing have been emailed to all counsel of record this 17<sup>th</sup> day of October 2022:

**/s/ Alissa Greenwald**

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