

**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) File No. EA-2014-0207
Current Transmission Line and an Associated)
converter Station Providing an Interconnection on the)
Maywood-Montgomery 245 kV Transmission Line.)

**REPLY OF INFINITY WIND POWER TO ANSWER OF
MISSOURI LANDOWNERS ALLIANCE**

Infinity Wind Power (Infinity) hereby replies to the *Answer of Missouri Landowner Alliance to Motion for Protective Order of Infinity Wind Power* (Answer), filed in the above-captioned matter on September 12, 2014.

1. On September 11, 2014, Infinity filed a Motion for Protective Order (Motion) seeking relief from the Missouri Public Service Commission (Commission) from disclosure of certain trade secret and competitive business information of both Infinity and its vendors. In the Motion, Infinity explained that the Missouri Landowners Alliance (Alliance) issued to Infinity a set of data requests (DR) seeking trade secret and sensitive business information, the disclosure of which could competitively disadvantage Infinity by publicizing highly protected pricing information.¹ Additionally, Infinity explained that the information sought includes confidential vendor algorithms and models used in the studies Infinity relied upon in responding to the Grain Belt Express Clean Line LLC (Grain Belt Express) Request for Information (RFI), that Infinity is unable to disclose such information due to existing confidentiality agreements with the vendors, and that the DRs issued to Infinity are duplicative of DRs issued to Grain Belt Express because the subject matter of the DRs covers the same information being sought from Grain Belt

¹ Motion, ¶¶ 1,5, 9.

Express.² Further, Infinity highlighted the chilling effect forced disclosure of such information could have on future Commission proceedings.³

2. On September 12, 2014, the Alliance filed its Answer to the Motion, arguing in large part that the information it seeks from Infinity is not duplicative of the data it seeks from Grain Belt Express because the specific questions presented to Infinity differ from the specific questions presented to Grain Belt Express. The Alliance also argues that the aggregate information provided by Grain Belt Express in response to its DRs is not sufficient for the Alliance to be able to present its case.⁴

3. The Alliance's representation is not accurate. First, Infinity stated that the *subject matter* of the DRs submitted by the Alliance to Infinity covers the same subject matter currently under dispute with Grain Belt, and in that sense the DRs to Infinity are duplicative of the DRs submitted to Grain Belt Express.⁵ Specifically, the Alliance seeks from Grain Belt Express company-specific wind generator information relating to the RFI issued by Grain Belt Express. And, the Alliance seeks from Infinity company-specific wind generator information relating to the RFI issued by Grain Belt Express that the Alliance was unsuccessful in obtaining from Grain Belt Express. The discovery is duplicative in that regard.

4. As to the sufficiency of the information already provided to the Alliance, Infinity continues to assert that the aggregate information provided by Grain Belt Express *is* sufficient for the purposes of the Alliance's case as it related to the Commission's determination in this matter. As Grain Belt Express explained in its *Opposition to Missouri Landowners Alliance's Motion to*

² Motion, ¶ 6.

³ Motion, ¶ 9.

⁴ Answer, ¶ 2.

⁵ Motion, ¶¶ 2-3.

Compel Discovery, filed on September 8, 2014 (Opposition), the RFI was not intended to evaluate specific wind farms or sites to connect to the Project, or to select the customers for the Project. The Company is not using the data for this purpose. The RFI is relevant to the Company's Application because it provides information on the quality, cost and abundance of wind resources in western Kansas."⁶ The aggregate information already provided to the Alliance is sufficient for this purpose and, therefore, the company-specific information is not needed, nor is it relevant.

5. Grain Belt Express also argued, and Infinity agrees, that "the only relevant evidence relates to the five criteria that the Commission will examine when ruling upon the Grain Belt Express CCN Application."⁷ The *aggregate* data already provided to the Alliance by Grain Belt Express is sufficient to support whether a need exists for the project or whether the project is economically feasible, because the aggregate data supports the contention that wind generators need a path by which to export wind energy and shows that the range of costs associated with the wind generation is relatively low.

6. The *company-specific* wind generator information sought by the Alliance is not needed for this purpose, and it is certainly not needed to assist the Commission in determining (a) whether the Grain Belt Express project is in the public interest, (b) whether Grain Belt Express has the financial ability to provide service, or (c) whether Grain Belt Express is qualified to provide the proposed service.

7. Because the information sought is not relevant, and the disclosure of the information will unfairly prejudice Infinity, Infinity again requests the Commission grant the Motion for Protective Order filed on September 11, 2014.

⁶ Opposition, p. 2.

⁷ Opposition, p. 6.

8. The Alliance discounts the negative business effects and potential legal issues the forced disclosure of this information will have on Infinity and, moreover, the Alliance has not shown how the probative value of the information to the Commission's determination, if any, outweighs the prejudicial effect of disclosure.

WHEREFORE, Infinity Wind Power respectfully requests the Commission issue a protective order in this proceeding that prohibits the discovery sought by the Alliance in DRs 1.1-1.8, and by extension, DRs 48 and 94, because the information sought is trade secret, commercially sensitive, proprietary and highly confidential, company-specific information, the release of which will irreparably harm the competitive interests of Infinity and subject it to litigation.

Respectfully submitted,

/s/ Terri Pemberton

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ATTORNEYS FOR INFINITY WIND POWER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the parties to this proceeding by email or U.S. Mail, postage prepaid, this 22nd day of September 2014.

/s/ Terri Pemberton

Terri Pemberton

Attorney for Infinity Wind Power