

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

**In the Matter of the Application of Grain )  
Belt Express Clean Line LLC for Certificate )  
of Convenience and Necessity Authorizing it )  
to Construct, Own, Operate, Control, )  
Manage and Maintain a High Voltage, )  
Direct Current Transmission Line and an )  
Associated Converter Station Providing an )  
Interconnection on the Maywood- )  
Montgomery 345 kV transmission line )**

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

**NOTICE OF OPPOSITION BY GRAIN BELT EXPRESS**

Grain Belt Express Clean Line LLC (“Grain Belt Express” or “Company”) states the following Notice of Opposition to the Motion to Dismiss Application of the Missouri Landowners Alliance (“MLA”) and the Comments Supporting a Prompt Report and Order Denying a Certificate of Convenience and Necessity of Show Me Concerned Landowners (“Show Me”):

1. MLA filed its Motion to Dismiss Application on July 4, 2017. Show Me subsequently filed its Comments Supporting a Prompt Report and Order Denying a Certificate of Convenience and Necessity on July 5, 2017.

2. In its July 5 Order, as amended on July 6, 2017, the Commission stated that parties would be permitted to file supplemental briefs as to “the ATXI opinion’s effect on this case and GBE’s request and motion for waiver or variance, as well as MLA’s motion to dismiss” no later than July 18, 2017. The Commission also scheduled oral argument for August 3, 2017.

3. Grain Belt Express construes the Commission’s orders as superseding the filing of any opposition pleading to the MLA Motion to Dismiss and the Show Me Comments that would otherwise be due on July 14 and 17, 2017, respectively, under 4 CSR 240-2.080(13). However,

out of an abundance of caution and to clarify the record, Grain Belt Express provides this notice that it opposes both MLA's Motion and Show Me's Comments.

4. In summary, Neighbors United Against Ameren's Power Line v. PSC, No. WD79883 (Mo. App. W.D., Mar. 28, 2017), referred to by the Commission in its July 5 Order as the ATXI opinion, is based upon an analysis of Section 393.170.3,<sup>1</sup> which authorizes the Commission to impose "reasonable and necessary" conditions on a CCN, and the specific and mandatory language of Section 393.170.2 that calls upon an electrical corporation to show "that it has received the required consent of the proper municipal authorities." Grain Belt Express does not rely on Section 393.170.2, and instead seeks a "line" CCN under Section 393.170.1 to construct the Grain Belt Express Project, as stated in the Preamble to and Paragraph 1 of its August 30, 2016 Application. Section 393.170.1 contains no requirement that county assents or the approval of any other governmental authority be obtained. Accordingly, the Neighbors United holding does not apply to the Grain Belt Express Application.

5. The Company will submit its supplemental brief on July 18, explaining in greater detail why the Neighbors United case does not prevent the Commission from proceeding in this case, the Company's waiver request, as well as its opposition to the MLA Motion to Dismiss and Show Me's Comments.

WHEREFORE, Grain Belt Express Clean Line LLC provides this notice of its opposition to the MLA Motion to Dismiss and the Show Me Comments.

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<sup>1</sup> All statutory references are to the Missouri Revised Statutes (2016), unless otherwise noted.

/s/ Karl Zobrist

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Attorneys for Grain Belt Express Clean Line LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon all counsel of record in this case on this 14th day of July 2017.

/s/ Karl Zobrist

Attorney for Grain Belt Express Clean Line LLC