

**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)
Construct, Own, Operate, Control, Manage, and)
Maintain a High Voltage, Direct Current)
Transmission Line and Associated Converter)
Station)

Case No. EA-2023-0017

**Staff’s Response to Grain Belt’s
Motion to Amend Protective Order**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Response to Grain Belt Express’ Motion to Amend Protective Order*, hereby states as follows:

1. On March 23, 2023, Grain Belt Express filed its *Motion to Amend Protective Order*, proposing to add “a third tier to its confidentiality protection: “Highly Confidential – Competitive”. This category would be limited to classified proprietary financial information and sensitive negotiation information relating to Grain Belt Express and Invenergy that pertains to negotiations and memoranda of understanding between Grain Belt Express and Invenergy and a potential or current transmission customer.”

2. Grain Belt Express’ motion goes on to say, “For information designated as “Highly Confidential – Competitive,” Grain Belt Express (or potentially any intervening parties with such information) shall disclose such information only to state agency parties and their employees covered by statutory confidentiality requirements;” Other proposed provisions applicable to Staff are:

- Persons afforded access to materials or information designated “Highly Confidential – Competitive” shall neither use nor disclose such materials or

information for purposes of business or competition or any other purpose other than with regard to the case referenced above and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the Protective Order.

- All material and information designated as “Highly Confidential – Competitive,” as well as any notes pertaining to such information, shall be returned to Grain Belt Express or destroyed upon the conclusion of the referenced case, with certification of same to Grain Belt Express.
- If any party disagrees with the “Highly Confidential – Competitive” designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.

3. Staff does not in general disagree with Grain Belt Express’ proposal, however, Staff will not agree to return or destroy “[a]ll material and information designated as “Highly Confidential – Competitive,” as well as any notes pertaining to such information” and urges the Commission to exempt Staff from any such requirement if otherwise adopted. This information is necessary in the context of Staff’s ongoing enforcement obligations.

4. Additionally, Staff must be able to address and analyze the details of this information in properly-designated “Highly Confidential – Competitive” testimony; otherwise, Staff will be precluded from providing necessary assistance to the

Commission. Staff urges the Commission to specifically authorize Staff to do so if Grain Belt Express' proposal is adopted.

WHEREFORE, if so conditioned and modified, Staff consents to the adoption of Grain Belt Express' proposal; and prays for such other and further relief as is just.

Respectfully submitted,

/s/ Kevin A. Thompson

KEVIN A. THOMPSON

Missouri Bar Number 36288

Chief Staff Counsel

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

573-751-6514 (Voice)

573-526-6969 (Fax)

kevin.thompson@psc.mo.gov

Attorney for the Staff of the
Missouri Public Service Commission.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **29th day of March, 2023**, to the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Kevin A. Thompson