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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
  
TRANSCRIPT OF PROCEEDINGS  
  
Evidentiary Hearing  
March 21, 2017  
Missouri Public Service Commission  
At Jefferson City  
Volume 12  
  
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 ) File No.  
Operate, Control, Manage, and ) EA-2016-0358  
Maintain a High Voltage, Direct )  
Current Transmission Line and an )  
Associated Converter Station )  
Providing an interconnection on )  
The Maywood-Montgomery 345 kV )  
Transmission Line )

MICHAEL BUSHMANN, PRESIDING  
SENIOR REGULATORY LAW JUDGE

DANIEL Y. HALL, CHAIRMAN  
WILLIAM P. KENNEY  
STEPHEN M. STOLL  
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MAIDA J. COLEMAN  
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1 PROCEEDINGS

2 JUDGE BUSHMANN: Good morning. Let's  
3 go back on the record. Today is March 21, 2017, the  
4 second day of the evidentiary hearing in file number  
5 EA-2016-0385.

6 Before we resume your testimony for the  
7 day, there's an administrative matter. My  
8 understanding from the order of witnesses that today  
9 we need to take at a minimum the testimony of Mr.  
10 Dauphinais anyway, is that correct? He's set for  
11 today, Mr. Mills, is that right?

12 MR. MILLS: He is set for today.

13 JUDGE BUSHMANN: So I'll leave it to  
14 the parties to decide at what point during the day  
15 we have him testify in case he -- he was the last  
16 witness today. Obviously, we didn't get through the  
17 witnesses from yesterday. I'm a little discouraged  
18 about the pace of the hearing so far, but we'll have  
19 to see how today goes and may have to make  
20 arrangements for scheduling since we're running  
21 behind.

22 The parties have anything else that  
23 they need to bring up at this point?

24 (No response.)

25 JUDGE BUSHMANN: All right. Then where

1 we left off yesterday was the cross examination of  
2 Mr. Lawlor and I believe Mr. Agathen was  
3 questioning, so we'll resume at that point. Mr.  
4 Lawlor, you're still under oath.

5 THE WITNESS: Yes.

6 JUDGE BUSHMANN: Mr. Agathen whenever  
7 you're ready.

8 MR. AGATHEN: Thank you, Judge.

9 MARK LAWLOR,  
10 having previously been called as a witness,  
11 having previously been sworn upon his oath,  
12 testified further as follows:

13 CROSS EXAMINATION

14 QUESTIONS BY MR. AGATHEN:

15 Q. Good morning, Mr. Lawlor.

16 A. Good morning.

17 Q. When the Commission issued its ruling  
18 against Grain Belt on July the 1st of 2015, do you  
19 recall telling the press that the Commission must  
20 have been confused in reaching that decision?

21 A. I can't recall exactly what I said.

22 MR. AGATHEN: At this time I'd like to  
23 distribute a copy of Exhibit 359, your Honor.

24 (Wherein, Exhibit 359 was introduced.)

25 Q. (By Mr. Agathen) This exhibit consists

1 of three pages from newspaper articles, and then a  
2 fourth document is a presentation release issued by  
3 Clean Line.

4 Do you have a copy of have that  
5 exhibit, Mr. Lawlor?

6 A. I do.

7 Q. On the first page down at the very  
8 bottom, it says: He said there was confusion among  
9 Commissioners about Clean Line's business model as a  
10 merchant transmission line, which puts the  
11 investment risks for the project of the company and  
12 shareholders and not on customers paying the  
13 electric rates. Is that what that says?

14 A. That's what it says.

15 Q. And then turning to page -- I've got  
16 the pages numbered at the bottom right-hand corner,  
17 which I added, but turning to page four, near the  
18 middle of that page, this is from the Hannibal  
19 Courier, Hannibal, Missouri, there's a quote from  
20 you saying: There appears to be some confusion by a  
21 majority of the Commissioners in the benefits of  
22 this project to Missouri Lawlor said. Do you see  
23 that?

24 A. I see that quote, but it was in a  
25 broader context of the rest of the quotes in the

1 entire interview.

2 Q. And then turning to page six, there's a  
3 quote from the Kansas City Star, the second  
4 paragraph from the bottom, it says: The  
5 Commissioners were confused about the benefits to  
6 the State of Missouri, Mark Lawlor, the project's  
7 Development Director said. Do you see that?

8 A. Again, this is a statement, and I may  
9 or may not have used those words, but in the greater  
10 context of the interview.

11 Q. In the greater context, you said --

12 A. In the greater context, I may have said  
13 those words, I don't really remember what the  
14 article says.

15 Q. Then on the last page, this is a press  
16 release issued by Grain Belt. It says, starting at  
17 the second line: Yet, there appears to be some  
18 confusion at the Missouri Public Service Commission  
19 about how the project will benefit Missourians. Do  
20 you see that?

21 A. I do.

22 Q. To your knowledge, were you misquoted  
23 in any of those three articles?

24 A. I don't recall the interview. This is  
25 a couple of years ago.

1 Q. Did you call any of those papers and  
2 tell them you were misquoted?

3 A. No, I don't recall the conversation.

4 Q. All four of those articles were  
5 published the day of or the day after the Commission  
6 rejected the Grain Belt application, did they not?

7 A. I think it's right, subject to check,  
8 yes.

9 Q. Okay. And that would be prior to the  
10 time when the Commission would have been considering  
11 any motions for rehearing, right?

12 A. Obviously, I don't have the schedule  
13 calendar, but it's possible.

14 MR. AGATHEN: I would offer Exhibit  
15 359, your Honor.

16 JUDGE BUSHMANN: Any objections?  
17 Hearing none, it's received.

18 Q. (By Mr. Agathen) On a different  
19 subject, if property near but not on the  
20 right-of-way suffers a loss in value by reason of  
21 the line, will that landowner be compensated in any  
22 way by Grain Belt?

23 A. Well, if we don't have an easement or  
24 an agreement with the landowner, there wouldn't be a  
25 vehicle for compensation.



1 Q. So they would not be compensated?

2 A. No.

3 Q. There are about 86 landowners who own  
4 parcels of land just within 100 feet of the project  
5 easement but whose property is not crossed by the  
6 proposed line. Is that approximately correct?

7 A. Subject to check, that's probably  
8 right.

9 Q. If a property owner on the right-of-way  
10 will no longer be able to build a home at a site  
11 which will be crossed by the line, will that  
12 property owner be compensated in any way?

13 A. If the line crosses property -- sorry,  
14 state the question again.

15 Q. Sure. If the line is built and the  
16 property owner had desired to build a home which is  
17 on a site now covered basically by the line, will  
18 that property owner be compensated in any way?

19 A. Yes.

20 Q. How?

21 A. Under the terms of the easement,  
22 they'll get compensation for the easement area, the  
23 structures --

24 Q. But if the home is not built and the  
25 homeowner wants to build it three years down the

1 road, will that home owner compensated?

2 A. Well, if we have a situation like that,  
3 we would work with the landowner on potentially  
4 rerouting the line. Typically --

5 Q. Well, if they don't know they're going  
6 to build the home until three years down the road,  
7 how would do you that?

8 A. If they don't know?

9 Q. Yes.

10 A. Until after the line is built?

11 Q. Correct.

12 A. Right.

13 Q. No compensation?

14 A. Other than the easement, no.

15 Q. Will the property owners either on or  
16 near the right-of-way be compensated for the  
17 obstruction of the view from their property which is  
18 caused by the line?

19 A. The landowners with the easement, they  
20 get compensation; landowners without an easement,  
21 I'm not aware of any project, transmission or  
22 otherwise, infrastructure, that compensates in that  
23 scenario.

24 Q. But the compensation for the easement  
25 will simply be the 110 percent of the value of the

1 **land, right?**

2 A. Correct, plus structure payments or  
3 any --

4 **Q. Sure.**

5 A. -- or any additional --

6 **Q. But nothing in addition for the  
7 obstruction to their view?**

8 A. There's nothing that articulates  
9 compensation for, you know, view, no.

10 **Q. Thank you. If a cancer victim is told  
11 by her doctor that she'll have to relocate if the  
12 line is built next to her property, will she be  
13 compensated in any way?**

14 MR. ZOBRIST: Your Honor, I'm going to  
15 object to that, that's argumentative, it's based on  
16 hearsay and it's not based on scientific fact.

17 JUDGE BUSHMANN: Mr. Agathen?

18 MR. AGATHEN: There's a witness who  
19 testified at the public hearing that her oncologist  
20 told her if the line is built next to her property,  
21 she should move. I'm simply asking would she be  
22 compensated in any way for that.

23 JUDGE BUSHMANN: Overruled.

24 THE WITNESS: If there was a situation  
25 where a landowner, just like in any situation, where

1 they showed impacts of that nature or otherwise, we  
2 would -- the first thing we do is work with the  
3 landowner on the route. I'm not aware of that  
4 situation. No one has talked to me about it or  
5 anyone in our company that I'm aware of. If they  
6 have, we would work with them on rerouting easement  
7 negotiations.

8 **Q. You were at the public hearings, were**  
9 **you not?**

10 A. Yes.

11 **Q. Did you hear that testimony?**

12 A. I don't recall. I'm not saying it  
13 wasn't said, but no one has approached me or Clean  
14 Line the about -- about such a situation.

15 **Q. And you didn't follow up on it?**

16 A. I don't recall, like I said, hearing  
17 that comment.

18 **Q. Okay. The question again is, if that**  
19 **were to happen and the line had not been rerouted**  
20 **and she is told that she has to relocate, would she**  
21 **be compensated for that?**

22 A. It would depend on the easement, you  
23 know, negotiations. If the line couldn't be moved  
24 to accommodate, we would have to have the  
25 conversations and see where it goes, but I can't say

1 that she wouldn't be.

2 Q. There's nothing in the easement or in  
3 any of your documents or any of your agreements  
4 anywhere that says that you will compensate her, is  
5 there?

6 A. There may not be anything in the form  
7 of easement, but again, it doesn't mean that -- you  
8 know, we negotiate based on individual circumstances  
9 all the time.

10 Q. On a different subject, you submitted  
11 the transmission line contract between Grain Belt  
12 and MJMEUC as scheduled MOL-1 to your testimony,  
13 correct?

14 A. Correct.

15 Q. During the course of the 2014 case, you  
16 had already met with a number of Missouri  
17 municipalities concerning the possibility of buying  
18 capacity on the line, had you not?

19 A. I believe we did, yeah.

20 Q. Including MJMEUC?

21 A. At what time period?

22 Q. Back in the 2014 case.

23 A. During the 2014 case? There may have  
24 been one meeting. Without reference to -- I mean I  
25 couldn't say for sure.

1           Q.    Back in the 2014 case, you had not been  
2   able to sell any capacity to any of the Missouri  
3   utilities, had you?

4           A.    We didn't have any contracts at the  
5   time, no.

6           Q.    Or any Memorandums of Understanding?

7           A.    No.

8           Q.    And then beginning in late 2015, you  
9   approached MJMEUC again with a proposed agreement  
10  for capacity on the line, correct?

11          A.    Correct.

12          Q.    And you made a formal offer to them in  
13  the form of a Proposed Transmission Agreement in  
14  early April of 2016, is that correct?

15          A.    Subject to check on the dates, we did  
16  propose something to them, yes.

17          Q.    Did you initially offer to sell MJMEUC  
18  an ownership interest in the line?

19          A.    It's possible.  It's something we  
20  discussed with utilities.

21          Q.    When you were touting the benefits of  
22  the proposal to MJMEUC, you compared the cost of  
23  wind using the Grain Belt line versus the cost of  
24  importing the wind from Kansas over the SPP lines,  
25  did you not?

1 A. Most likely.

2 Q. You didn't show them any comparisons at  
3 all to the cost of wind generators for other MISO  
4 states, such as Iowa, did you?

5 A. I'm sure they were part of those  
6 conversations.

7 Q. Were they part of your presentations  
8 and your documentations?

9 A. Possibly, I don't recall what was  
10 presented.

11 Q. Did you include a comparison on the  
12 cost of solar generation in your comparison to  
13 MJMEUC?

14 A. I don't recall.

15 Q. I'm handing you a document which is  
16 something that you gave to us during discovery and  
17 it is basically a presentation that appears to  
18 MJMEUC from Clean Line. It may have not been made  
19 to MJMEUC, but it does compare the cost of wind  
20 without the production tax credit versus solar, does  
21 it not?

22 MS. PEMBERTON: Judge, I'm sorry, I'm  
23 having a hard time hearing. Mr. Agathen, could you  
24 speak up a little more when you're speaking? Thank  
25 you. Appreciate it.

1 THE WITNESS: I'm not sure who this was  
2 presented to, but it does compare the cost of wind  
3 to the cost of solar.

4 Q. (By Mr. Agathen) And what are the  
5 relative costs of those two alternatives?

6 A. In this scenario or this levelized cost  
7 scenario, PV solar is \$55.00 a megawatt hour, wind  
8 from places like Kansas was \$32.00 a megawatt hour  
9 without production tax credit.

10 Q. \$55.00 without the production tax  
11 credit, okay.

12 A. \$55.00 from -- that \$55.00 without is  
13 for wind generally in the United States. The \$32.00  
14 per megawatt hour is for high capacity resources of  
15 wind, if you look at the footnote, from places like  
16 Kansas.

17 Q. Thank you. You also offered to sell  
18 MJMEUC 25 megawatts of capacity for sale from  
19 Missouri to the PJM system in this case, right?

20 A. Yes, we did.

21 MR. AGATHEN: I'd like to distribute a  
22 copy of Exhibit 360 at this point.

23 (Wherein, Exhibit 360 was introduced.)

24 Q. Do you have a copy of Exhibit 360?

25 A. Yes, I do.



1 Q. This is one page of a presentation made  
2 by Grain Belt to MJMEUC some time in early 2016,  
3 correct?

4 A. This is one page, so no dates, but it's  
5 possible that it was presented to them at that time.

6 Q. The document is intended to show MJMEUC  
7 how much they would save by buying 25 megawatts of  
8 capacity from Missouri to PJM, right?

9 A. Not how much they would save, but how  
10 much additional off-system sales they could realize.

11 Q. Okay. And in the far right column, you  
12 show a figure of 1.1 million dollars per year, is  
13 that correct?

14 A. Correct.

15 Q. In telling MJMEUC how much they could  
16 make on a sale of excess energy into the PJM market,  
17 you base the analysis on the production costs at the  
18 Prairie State Plant, is that correct?

19 A. Right, they have a contract with  
20 Prairie State for --

21 Q. Actually they own part of Prairie  
22 State, don't they?

23 A. That's correct.

24 Q. What's the source of the power at  
25 Prairie State?

1 A. Coal fired.

2 MR. AGATHEN: I'd offer Exhibit 360.

3 JUDGE BUSHMANN: Any objections?

4 Hearing none, it's received into the  
5 record.

6 Q. (By Mr. Agathen) On a different  
7 subject, could you turn please to page three, lines  
8 15 to 19 of your direct testimony?

9 A. What page number?

10 Q. Page three, lines 15 to 19, where you  
11 talk about the ten million dollars savings.

12 A. Okay.

13 Q. And you say there that MJMEUC estimates  
14 that its use of the Grain Belt line will save its  
15 member cities at least ten million dollars per year  
16 compared to an existing contract for fossil fuel  
17 generation, correct?

18 A. Correct.

19 Q. And I asked you in a data request for  
20 copies of the work papers provided by MJMEUC to  
21 support that figure, didn't we?

22 A. May have, yes.

23 Q. You said you didn't get any supporting  
24 documentation from them?

25 A. No, the figure here was based upon the

1 statement made -- the public statement made by  
2 MJMEUC about the savings they would realize from the  
3 contract, so I just pulled that from a press release  
4 actually.

5 **Q. So you had never had any documentation**  
6 **for that?**

7 A. I didn't have any documentation, but I  
8 had conversations with them about that figure.

9 **Q. Who told you that it was a ten million**  
10 **dollars savings compared to the fossil fuel**  
11 **contract?**

12 A. I can't say for sure. I just had --  
13 based on my conversations with folks at MJMEUC.  
14 There was a lot of different ways in which you could  
15 calculate the savings from the contract. You could  
16 compare it to existing contracts for capacity that  
17 were already there, you could compare it to securing  
18 renewables from MISO, SPP, from Missouri. There's a  
19 lot of different ways to punch the numbers, like the  
20 transmission capacity for other resources, and  
21 the -- actually tendered all of this in this  
22 ballpark of ten million dollars, but how they got  
23 there is probably a better questions for a witness  
24 from MJMEUC.

25 **Q. Schedule MOL-7 of your direct testimony**

1 is a copy of a 14-page economic study proposed to  
2 the Grain Belt project, correct?

3 A. Correct.

4 Q. That study was actually conducted by  
5 Mr. Spell, correct?

6 A. Yes.

7 Q. I assume that any detailed questions on  
8 that study should be directed to him?

9 A. That's a safe assumption.

10 Q. His study is based in part at least on  
11 inputs which you provided to him, is that correct?

12 A. They are based upon an economic impact  
13 analysis done by David Lumas, who did an analysis of  
14 the project, so he used those numbers to help plug  
15 in to the model.

16 Q. If you look at the first line at the  
17 top of page three of that study, Schedule MOL-7, in  
18 very small print there, it says: A Missouri  
19 economic impact estimate for the construction and  
20 operation phases of the Grain Belt Express represent  
21 preliminary analysis of figures provided by Clean  
22 Line, is that correct?

23 A. That's what it says, yes.

24 Q. Have you seen any version of this study  
25 which is based on a preliminary analysis?

1           A.    I'm sorry, can you ask the question  
2   again?

3           Q.    **Sure. Have you seen any version of the**  
4   **study which says it is not based on a preliminary**  
5   **analysis?**

6           A.    Not based on -- no, I think this is the  
7   only version. There was a correct -- there were a  
8   couple of versions where they corrected some  
9   assumptions and figures, but I think that line there  
10  has probably been in all versions.

11          Q.    **I do have one item for you which Mr.**  
12   **Spell may not be able to address. At page one of**  
13   **the study at Schedule MOL-7, at the beginning of the**  
14   **second paragraph it talks about a three-year**  
15   **construction period for the line, correct?**

16          A.    Correct.

17          Q.    **Mr. Lawlor, I'm handing you a copy of**  
18   **the data request that we sent to Grain Belt, and I'd**  
19   **ask you to look at item number G-61, and the**  
20   **question there is: What is the estimated time it**  
21   **will take to build the proposed line in Missouri**  
22   **from the time actual construction begins in Missouri**  
23   **until the line is energized. Is that the question?**

24          A.    Yes.

25          Q.    **And the response says: Construction**

1 activities in Missouri will last approximately 22  
2 months. Is that correct?

3 A. That's part of the answer. It goes on  
4 to explain in more detail how it could take longer.

5 Q. Well, let's read in the entire answer  
6 then. Response: Construction activities in  
7 Missouri will last approximately 22 months from the  
8 time right-of-way clearing begins until the time  
9 that the transmission line is ready to be energized.  
10 Actual energization may occur at that point or a few  
11 months afterwards depending on the pace of the line  
12 construction in other states, as well as the pace of  
13 construction on the HVDC converter stations. Is  
14 that correct?

15 A. That's what it says, yes.

16 Q. On a different subject, is it your  
17 position that this Commission does not approve a  
18 specific route for the line?

19 A. Did you ask me if it's my  
20 understanding?

21 Q. Yes.

22 A. I wouldn't necessarily say it that way.

23 Q. Mr. Lawlor, I'm handing you a copy of  
24 what appears to be an email which was sent from you  
25 to someone at Infinity Wind, is that correct?

1 A. Correct.

2 Q. Could you read in please the  
3 highlighted portion of that email?

4 A. Yeah. Unlike Kansas, the Missouri  
5 Public Service Commission does not approve a  
6 specific route, but the project has a whole.

7 Q. Thank you.

8 A. There's additional context to that  
9 email that is relevant too.

10 Q. You want to read in the additional  
11 context?

12 A. Well, the continuation of, what I was  
13 doing was comparing this to Kansas where there's a  
14 line siting application, and in other states where  
15 there are statutory and regulatory requirements as  
16 to specific location.

17 Here in Missouri, obviously we don't  
18 have those specificities, so the route is proposed  
19 as a center line in our case, but there's not a rule  
20 or statute that says a center line or route  
21 specified has to be provided with a CCN.

22 Q. So you're saying that the Commission  
23 does not approve the specific line route?

24 A. No, I'm saying what I just said, which  
25 is the rules or the statute doesn't say -- doesn't

1 specify anything about what needs to be part of a  
2 CCN application. What we provided was based upon  
3 discussion with Staff, Staff attorneys, as to what  
4 would make sense for a CCN.

5 **Q. The only route that you've provided to**  
6 **the Commission is that one-line diagram in your**  
7 **application, is it not?**

8 A. No. We have a detailed route selection  
9 study, Missouri Route Selection Study, attached to  
10 the testimony of Mr. Puckett. That details in a  
11 great amount of detail the location of the line and  
12 details around that.

13 **Q. And is it your position that the**  
14 **Commission, if they approve the obligation, or**  
15 **excuse me, the application to build the line, would**  
16 **be incorporating all of those documents of Mr.**  
17 **Puckett?**

18 A. I don't know how the Commission would  
19 decide on that, but the line as proposed as an  
20 attachment to the application is based upon the  
21 route selection study, so it would look like a sort  
22 of high level map, but there's actually detailed  
23 location to where the route is.

24 **Q. You didn't file a legal description of**  
25 **the land in this case, did you?**



1           A.    No, there's no requirement to file a  
2    legal description in Missouri.

3           Q.    But you have filed one like in  
4    Illinois, have you not?

5           A.    Yeah, different states require a legal  
6    description with their applications.

7           Q.    You've asked the Commission for  
8    permission for some reasonable flexibility in  
9    actually locating the line once you get out and try  
10   to adjust it around certain property owners' fences  
11   or whatever, have you not?

12          A.    Correct.

13          Q.    Is it your position that if the  
14   Commission approves that request for flexibility,  
15   that you could move the line onto property where the  
16   landowner wasn't even aware that the line was going  
17   to be located?

18          A.    That's not what we proposed, no.

19          Q.    But would that reasonable flexibility  
20   provision allow to you do that?

21          A.    Not typically. Our view is that we,  
22   you know, we notify affected landowners in this case  
23   of the easement. It doesn't mean that neighbors who  
24   are not on the line -- or landowners who are not on  
25   the line, as proposed now, could work together to

1 propose a realignment that would involve new  
2 landowners. We see that happen all the time. So we  
3 want reasonable flexibility, particularly from a set  
4 of landowners to derive a new alignment, we want to  
5 be able to accommodate that.

6 Q. My question is, if you got to that  
7 point, would the reasonable flexibility provision  
8 allow you to move it on to property of a landowner  
9 that didn't know that the line was going to be  
10 there?

11 A. Only with their involvement and  
12 participation in the realignment.

13 Q. They would have to grant permission to  
14 order to do that?

15 A. That's been our approach all along,  
16 yes.

17 Q. So it's your position that they would  
18 have to grant you permission before you would move  
19 it on their land?

20 A. Well, there is -- reasonable  
21 flexibility not only allows for landowners to make  
22 adjustments or suggested adjustments, but if there's  
23 perhaps a geotechnical reason for you can't put a  
24 foundation here, it needs to needs to be so many  
25 feet the other way. There are a lot of scenarios

1 that we would want to be able to still construct the  
2 project.

3 Q. Again, I don't think you're answering  
4 the question. Do you believe that you would have  
5 the ability without the landowners' permission to  
6 move the line onto their property even though they  
7 didn't not know that the line would be there?

8 A. Well, I don't know necessarily about  
9 ability. Perhaps Deanne Lanz, who is one of our  
10 witnesses, could maybe address that a little more in  
11 detail.

12 Q. So you don't know?

13 A. Yeah, I can't answer it the way you  
14 asked it.

15 Q. On a different subject, if Grain Belt  
16 makes a landowner a specific dollar offer for an  
17 easement, Grain Belt hasn't made any commitment not  
18 to reduce that offer if the matter goes to  
19 arbitration or litigation, has it?

20 A. We -- I think I missed the middle part  
21 of your question. Can you say that again?

22 Q. Sure. If Grain Belt offers a landowner  
23 say X amount, \$3,000.00 for an easement, have you  
24 made any commitment not to reduce that offer if the  
25 landowner takes you to arbitration or litigation?

1           A.    I don't know if we've made that in  
2 writing for sure.

3           Q.    Well, do you know of any document where  
4 you have committed not to reduce the offer?

5           A.    There may be.  Again, that might be a  
6 question for Miss Lanz.

7           Q.    You can't point to any?

8           A.    I don't have recollection as I sit here  
9 of that.

10          Q.    You testified on behalf of Grain Belt  
11 for approval of this same line at the Illinois  
12 Commerce Commission, did you not?

13          A.    Yes.

14          Q.    I'm going to hand you a copy of the  
15 transcript of your cross examination from the  
16 Illinois Commerce Commission case dealing with the  
17 Grain Belt line.  I first direct your attention to  
18 page 126, which indicates that you were the witness  
19 at that point, correct?

20          A.    Yeah, sure, yeah, looks right.

21               MR. AGATHEN:  I'd like to direct your  
22 attention now to page 137 of the transcript and  
23 beginning at line 11, tell me if I'm reading this  
24 correctly.

25               Question:  Let me give you a

1 hypothetical scenario. So you have an offer on the  
2 table to a landowner and then you don't sign on the  
3 dotted line, you don't get to the end, but then you  
4 get condemnation authority, does that change the  
5 terms of the deal or do you keep the deal that you  
6 have on the table with the landowner?

7 And your answer is: Well again, it's  
8 probably going to be a case-by-case situation. If a  
9 landowner has a unique situation that goes beyond  
10 what we've made as a uniform offer, that would --  
11 that would vary. But we do not, we're not proposing  
12 to change the offer that we had before or after  
13 entering into a condemnation proceeding.

14 Is that correct?

15 A. That's what it says, yes.

16 Q. And then turning to page 138 starting  
17 at line 13, this is the end of your answer: But  
18 there's not a difference in compensation depending  
19 on when you would sign an easement.

20 Question: So you're saying no special  
21 treatment. On the opposite side of that, is there  
22 no negative treatment if you wait to sign an  
23 easement until after condemnation authority has been  
24 obtained by Grain Belt?

25 And your answer: Yeah, as a general

1 rule, we will keep the same offer that we had, you  
2 know, prior to seeking that authority.

3 Is that correct?

4 A. Yes, that's right.

5 Q. Okay. On a different subject. Mr.  
6 Lanz has testified about a decommissioning fund  
7 being set up for removal of the Grain Belt  
8 facilities for the right-of-way at some point in the  
9 future, right?

10 A. Yes, Mrs. Lanz has done that.

11 Q. Excuse me. The terms of a  
12 decommissioning fund are not incorporated into an  
13 easement agreement, are they?

14 A. Which terms, I'm sorry?

15 Q. The terms the of the decommissioning  
16 funds.

17 A. In the easement? No, they're not in  
18 the easement.

19 Q. Did you agree to add language about a  
20 decommissioning fund into your easements in Illinois  
21 for this same line?

22 A. I don't recall.

23 Q. I'm going to hand you a copy again of  
24 the same transcript from the cross examination in  
25 Illinois and direct you to page 172. The question

1 includes the following: What guarantees do they  
2 have that in the future this line won't be  
3 abandoned -- will be abandoned and they'll just be  
4 stuck with it?

5 And part of your answer is: In the  
6 event that someone was concerned with that, we've  
7 added language to the easement regarding  
8 decommissioning. Is that correct?

9 A. Yeah, that's what it says.

10 Q. On a different subject. While the 2014  
11 case was in progress at this Commission, you hired a  
12 research group to conduct a telephone survey of  
13 people in the eight counties where the line was  
14 going to be built, did you not?

15 A. I don't know about the timing on that.

16 Q. During the -- some time during the  
17 process of the 2014 case, was there not?

18 A. I don't recall the exact time, no.

19 MR. ZOBRIST: Judge, I'm going to  
20 object to this line of questioning. I don't see the  
21 relevance of a telephone survey to the Tartan  
22 Factors or whether this Commission is to issue a  
23 CCN.

24 JUDGE BUSHMANN: Your response?

25 MR. AGATHEN: Well, if nothing else,

1 your Honor, it shows that there was a great majority  
2 of people opposed to this line in Randolph County,  
3 contrary to the testimony of the witness who says  
4 that the majority of the people in Randolph County  
5 did in fact approve the line.

6 JUDGE BUSHMANN: I'll let you go ahead  
7 then.

8 Q. (By Mr. Agathen) I'm handing you a  
9 document and asking you if this is a copy of the  
10 results of that survey.

11 A. It appears to be.

12 Q. And it was conducted in the year 2014?

13 A. Yes, October of 2014.

14 Q. And the basic question was: Do you or  
15 do you not support the proposed Grain Belt line, is  
16 that correct?

17 A. Either for or opposed to the building  
18 of the transmission line.

19 Q. And then the results are tabulated by  
20 county, are they not, on page four of the document.

21 A. Yes, they're broken down by county,  
22 yes.

23 Q. What do the results show for Randolph  
24 County?

25 A. It says 24 percent support, 50 percent



1 oppose, and 26 no opinion.

2 Q. So about two-to-one opposed versus  
3 support?

4 A. Yeah, about --

5 Q. Yes?

6 A. -- 50 percent opposed, 26 percent  
7 support, yes.

8 Q. I have just a few questions now on your  
9 surrebuttal. Do you have a copy of that available?

10 A. Yes.

11 Q. Would you turn to the middle of page  
12 ten. You address Mr. Loewenstein's rebuttal  
13 testimony regarding property taxes which would be  
14 paid on the proposed line, correct?

15 A. Yes.

16 Q. And I'm directing your attention to  
17 page 11. You acknowledge that you used the cost  
18 approach to estimate property taxes for the first  
19 year the project was in operation, is that correct?

20 A. Which line are you at?

21 Q. I don't have the line number listed.  
22 On page 11.

23 A. Generally on the page?

24 Q. Yes.

25 A. Generally where on the page are you?

1 Q. I'm just asking whether you said that  
2 you used the cost approach to estimate property  
3 taxes for the first year.

4 A. I don't -- I don't see that in here,  
5 but if you can point me to a particular quote.

6 Q. Well, the question really is, isn't it  
7 true that after that first year, the State Tax  
8 Commission could use different methods for assessing  
9 the value of the land?

10 A. Yes, they can and do, yes.

11 Q. Did you or Mr. Tregnago make any  
12 attempt to estimate what the property taxes will be  
13 after that initial year?

14 A. No, we estimated the year one property  
15 tax based on the cost approach just so we can give a  
16 sense of the scale of the property taxes that would  
17 be paid on a conservative side of things, so we just  
18 did the first year.

19 Q. And no estimates for any year after  
20 that?

21 A. No. The understanding is that the  
22 estimates don't -- or the tax liability doesn't  
23 change dramatically year to year.

24 Q. That was your assumption?

25 A. Well, yes, based upon our conversations

1 with the Tax Commission and other utility  
2 properties.

3 Q. Page 11 of your testimony beginning at  
4 line 23, you give the opinion that the additional  
5 approaches are likely to increase the fair market  
6 value of the project rather than decrease it. Do  
7 you see that?

8 A. Correct, yes.

9 Q. Do you have any training in how the  
10 Missouri Tax Commission actually uses and applies  
11 either the income approach or the market-based  
12 approach?

13 A. Well, I have knowledge of those  
14 approaches. I don't know what you mean by training.

15 Q. After they determine the actual fair  
16 value, the Tax Commission, under these other  
17 approaches, do they apply the same assessment rate  
18 to that figure as they would apply under the cost  
19 approach?

20 A. The assessment rate?

21 Q. Yes.

22 A. What do you mean by that?

23 Q. Well, they apply a certain rate to the  
24 fair value, do they not, in calculating the income  
25 tax -- or the property tax?

1           A.    They apply, yes, a statutory rate based  
2   upon the type of property it is, in this case  
3   utility property.

4           **Q.    And is the same assessment rate used**  
5   **under the cost approach as is used under the other**  
6   **approaches that they use?**

7           A.    Yeah, the utility rate is the same,  
8   it's 32, 33 percent, I can't recall exactly, but  
9   that's a constant.

10          **Q.    Regardless of the approach that's used**  
11   **in your opinion?**

12          A.    Yeah, that's what utilities are  
13   assessed at by the Tax Commission.

14          **Q.    We asked you for copies of any**  
15   **correspondence you may have had with State Tax**  
16   **Commission regarding the methods they'll utilize to**  
17   **assess the value of the line after it goes into**  
18   **service. Do you recall that?**

19          A.    I think I do.

20          **Q.    And you said you had none?**

21          A.    Right. These were conversations and  
22   phone calls.

23          **Q.    Thank you, sir.**

24                   MR. AGATHEN: That's all I have, Judge.

25                   JUDGE BUSHMANN: Cross examination, any

1 questions by the Commission?

2 CHAIRMAN HALL: No questions. Thank  
3 you.

4 COMMISSIONER STOLL: I just have one.  
5 Good morning.

6 THE WITNESS: Good morning.

7 COMMISSIONER STOLL: I just have one  
8 question and it was in the testimony of Mr. Skelly  
9 and he indicated that you would be the person to ask  
10 this, to ask the question to. He says on page six  
11 of his direct testimony that Grain Belt Express has  
12 formed partnerships with Missouri manufacturers,  
13 including ABB, Hubbell Power Systems, General Cable  
14 Industries, in order to utilize products made in  
15 Missouri to support manufacturing jobs in the state.

16 I was curious about the term formed  
17 partnerships. Could you explain a little bit about  
18 where you stand with those companies or Grain Belt  
19 Express stands with those companies as far as these  
20 partnerships?

21 THE WITNESS: Yes, certainly. And I  
22 believe there are attachments to my schedules to my  
23 testimony. Let me make sure I'm correct on that.

24 Yeah, Schedules MOL-9, Hubbell is  
25 MOL-8, Memorandum of Understanding with Hubbell

1 Tower Systems, MOL-9 with General Cable in Sedalia,  
2 also a Memorandum of Understanding, and MOL-10 is  
3 with ABB.

4 COMMISSIONER STOLL: Okay.

5 THE WITNESS: And then MOL-11 is in  
6 addition to. So anyway, there's a series of those  
7 if you want to see that. But I can explain  
8 generally these are commitments that we made that,  
9 you know, if we're successful, you guys are the  
10 preferred supplier on these projects. And in  
11 addition, there's also PAR Electric in Kansas City,  
12 who we have an agreement with to be the general  
13 contractor on the project.

14 So in an attempt to localize the  
15 benefits to Missouri as much as we could and can, we  
16 committed to using those companies to supply labor  
17 or materials for the project.

18 COMMISSIONER STOLL: Okay. Yeah, I  
19 will take a look at those schedules. And so just  
20 to -- a Memorandum of Understanding, does it have  
21 some kind of legal or is it more of a moral/ethical  
22 grounds of that would be placed on it?

23 THE WITNESS: They are -- well,  
24 certainly, a commitment by Grain Belt to use them, a  
25 public commitment, sort of part of the package to

1 the deal.

2 So are there scenarios where parties  
3 need to have off-ramps under certain circumstances?  
4 Yes. We certainly don't intend to use those, but  
5 there may be a scenario where they may not be able  
6 to deliver, or they have contracts for generating a  
7 conductor that say well, I can't actually provide  
8 you the conductor at that schedule because our  
9 factory is full. So we have to have commercially  
10 reasonable opportunities. But principally, we are  
11 committed to using them and we fully expect to use  
12 them all in this project.

13 COMMISSIONER STOLL: Okay. Thank you.  
14 No other questions, Judge.

15 JUDGE BUSHMANN: Recross based on  
16 Commission's questions, MJMEUC?

17 MR. HEALY: No questions.

18 THE COURT: Wind on the Wire?

19 MR. BRADY: No questions, your Honor.

20 JUDGE BUSHMANN: Infinity Wind Power?

21 MS. PEMBERTON: No questions, Judge.

22 JUDGE BUSHMANN: Commission Staff?

23 MR. JOHNSON: No questions.

24 JUDGE BUSHMANN: Rockies Express?

25 MS. GIBONEY: No questions, your Honor.

1 JUDGE BUSHMANN: Show Me Landowners?

2 MR. LINTON: No questions.

3 JUDGE BUSHMANN: Farm Bureau?

4 MR. HADEN: No questions, your Honor.

5 JUDGE BUSHMANN: Missouri Landowners?

6 MR. AGATHEN: No questions, your Honor.

7 JUDGE BUSHMANN: All right. Redirect  
8 by Grain Belt?

9 MR. ZOBRIST: Thank you, Judge.

10 REDIRECT EXAMINATION

11 QUESTIONS BY MR. ZOBRIST:

12 Q. Mr. Lawlor, you were asked about the 22  
13 month timeline. Would that timeline be longer if  
14 manufacturing activities in Missouri were included?

15 A. If manufacturing in Missouri were  
16 included? Most likely.

17 Q. And would the time line be longer if  
18 you included the construction of the converter  
19 station in Missouri?

20 A. It would be.

21 Q. Now, Mr. Agathen asked you yesterday  
22 about the list of supporters, I believe it was  
23 Exhibit 356, that was prepared back in March 2014.  
24 Do you recall that?

25 A. I do.



1 Q. Since that time have you received any  
2 complaints from Missouri businesses stating that  
3 Grain Belt Express erroneously listed them as  
4 supporters of the project?

5 A. We have not.

6 Q. Now, regarding Exhibit 356, was that  
7 prepared at the request of Wiley Hibbard, who is an  
8 opponent of the project?

9 A. Correct.

10 Q. And is this the same Mr. Hibbard who  
11 was a witness in this case on behalf of Missouri  
12 Landowners Alliance?

13 A. Yes.

14 Q. Now, just one question on the Section  
15 229.100 consents. Regarding the county commissions  
16 to put their consents on hold, what was the reason  
17 for them saying that they had put those consents on  
18 hold?

19 MR. AGATHEN: I'm going to object, your  
20 Honor, those documents speak for themselves.

21 JUDGE BUSHMANN: Overruled.

22 MR. HADEN: Judge, I'm going to object  
23 on the ground unless he has personal knowledge, it  
24 calls for speculation on the question.

25 JUDGE BUSHMANN: I'll let him answer to

1 the extent he has personal knowledge.

2 THE WITNESS: I do, I secured those  
3 county ascents personally. The reason given was  
4 that they believed that they needed -- they needed  
5 to see this Commission approve the project before  
6 they could issue their county ascents.

7 Q. (By Mr. Zobrist) And some of them  
8 stated they believed they acted prematurely?

9 MR. HADEN: Judge, I'm going to object  
10 now, this is hearsay to the extent this witness is  
11 saying what a non-party has told him. If they want  
12 to call those people as a witness, I think that's  
13 appropriate.

14 JUDGE BUSHMANN: Sustained.

15 MR. ZOBRIST: Nothing further.

16 THE COURT: Thank you, Mr. Lawlor. You  
17 may step down.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 MR. ZOBRIST: We're switching lawyers.

21 MR. BEAR: Judge, if I may, I'm going  
22 to apologize for interrupting, just a quick  
23 procedural matter. I'm going to see if I can be  
24 excused for today going forward.

25 JUDGE BUSHMANN: No problem.

1 DEANNE LANZ,  
2 having been called as a witness, was sworn  
3 upon her oath, and testified as follows:

4 DIRECT EXAMINATION

5 QUESTIONS BY MR. HARDEN:

6 Q. Will you state your name please?

7 A. Deanne Lanz.

8 Q. And who are you employed by?

9 A. Clean Line Energy.

10 Q. And what is your position?

11 A. I am the Vice President of Land.

12 Q. Are you the same Deanne Lanz who had  
13 prepared and submitted direct testimony and  
14 surrebuttal testimony in this case with the  
15 corresponding schedules?

16 A. Yes, I am.

17 Q. At this time do you have any  
18 corrections to that testimony.

19 A. No, I do not.

20 Q. And is that testimony true and accurate  
21 today as it was when you had it filed?

22 A. Yes.

23 MR. HARDEN: At this time I'd like to  
24 offer the direct and surrebuttal testimony of Miss  
25 Lanz. It's marked as Exhibit 13 and Exhibit 14.

1 (Wherein, Exhibit 113 and 114 were  
2 introduced.)

3 JUDGE BUSHMANN: 113 and 114 are being  
4 offered, is there any objection to their receipt?

5 Hearing none, 113 and 114 HC and NP are  
6 received into the record.

7 MR. HARDEN: I'll tender the witness  
8 for cross examination.

9 JUDGE BUSHMANN: First cross  
10 examination will be by MJMEUC.

11 MR. HEALY: No questions, Judge.

12 JUDGE BUSHMANN: Wind on the Wires?

13 MR. BRADY: No cross, your Honor.

14 JUDGE BUSHMANN: Infinity Wind Power?

15 MR. PEMBERTON: No questions.

16 JUDGE BUSHMANN: Economic Development?

17 (No response.)

18 JUDGE BUSHMANN: MIEC?

19 MR. MILLS: No questions. Thank you.

20 JUDGE BUSHMANN: Commission Staff?

21 MR. WILLIAMS: No questions at this  
22 time.

23 JUDGE BUSHMANN: Rockies Express?

24 (No response.)

25 JUDGE BUSHMANN: Show Me Landowners?

1 MR. LINTON: Yes, sir.

2 CROSS EXAMINATION

3 QUESTIONS BY MR. LINTON:

4 Q. Good morning, Miss Lanz.

5 A. Good morning.

6 Q. I just have a few questions. First of  
7 all at page five, line 13 of your surrebuttal  
8 testimony, you have agreed to incorporate the  
9 Missouri Landowner Protocol, Missouri Agricultural  
10 Impact Mitigation Protocol, and the Code of Conduct  
11 into the easement agreements, is that correct?

12 A. Yes, that is correct.

13 Q. Were you here in the hearing room  
14 yesterday when Mr. Skelly agreed, found it  
15 acceptable that the Missouri Landowner Protocol and  
16 Policy could be conditions of the CCN, that he would  
17 accept those?

18 A. Yes.

19 Q. So if I were to ask you the question,  
20 would you find it acceptable that the Missouri  
21 Landowner Protocol, the Missouri Agricultural Impact  
22 Mitigation Protocol, and the Code of Conduct would  
23 be included as conditions, i.e., you would be  
24 required to comply with those as a condition of the  
25 Certificate? You would agree with that?

1           A.    We have agreed to include them in the  
2    easement, so they would be legally binding on us.  I  
3    don't know if we've agreed to them as conditions  
4    with the Staff, so I couldn't answer that.

5           Q.    Okay.  But you were here when Mr.  
6    Skelly agreed to the protocol and policy being  
7    part -- or a condition in the CCN, correct?

8           A.    Yes.

9           Q.    You would agree that the protocol,  
10   certain terms and conditions of the protocol,  
11   certain terms and conditions of the Code of Conduct  
12   would apply prior to executing an easement  
13   agreement, wouldn't you?

14          A.    Yes.

15          Q.    And what would be the effect of the  
16   protocol and the policy in the event you didn't  
17   enter into an easement agreement and you went to  
18   condemnation?

19          A.    They would only be binding if they were  
20   in an easement, if both parties had signed an  
21   easement.

22          Q.    So I'll ask the question again, would  
23   you be willing to accept as a condition on the CCN  
24   that you would comply with the Missouri Landowner  
25   Protocol, Missouri Agricultural Impact Mitigation

1 Protocol, and the Code of Conduct?

2 A. I don't think that I have the  
3 unilateral right on behalf of the company to agree  
4 to conditions, but if Mr. Skelly is willing to agree  
5 to that condition, then I assume that it's okay.

6 Q. Okay. Thank you. On page nine, line  
7 17, you make the statement that given the critical  
8 nature of transmission facilities to the reliability  
9 of overall electric grid once in use, transmission  
10 lines are rarely, if ever, abandoned.

11 You would agree that that comment is  
12 directed primarily at AC lines, would you not?

13 A. No.

14 Q. What DC lines are you referring to  
15 there?

16 A. I'm referring to all transmission  
17 lines.

18 Q. Thank you. At page two, line nine, and  
19 I believe this is of your direct testimony. I take  
20 that back, it's of your surrebuttal. I apologize.

21 You state that you're amenable to  
22 adding provisions to the easement agreement based on  
23 a landowner's request, is that correct?

24 A. That's correct.

25 Q. Okay. And then at page ten, line 18,

1 you identify a DKL-5 and you identify those as a  
2 number of provisions that you've negotiated with  
3 other landowners as part of the easement agreement,  
4 correct?

5 A. Yes, that is correct.

6 Q. And those items relate to damages, road  
7 damages, a commitment to one transmission line,  
8 permitting use of facilities, et cetera. And maybe  
9 I've -- I've already exceeded where I should go with  
10 this, but why is that marked highly confidential?

11 A. It's marked highly confidential because  
12 we under our Code of Conduct have agreed to keep  
13 negotiations with landowners confidential, so  
14 specific items of negotiation that we agree to with  
15 any one landowner, we do not disclose to other  
16 landowners.

17 Q. You would agree, though, that in  
18 negotiating with landowners, who may not be as  
19 sophisticated as Grain Belt Express or Clean Line,  
20 that it might be helpful for them to have the list  
21 of issues that they might want to consider as  
22 they're entering into the easement agreement?

23 A. I don't necessarily agree with that  
24 statement.

25 Q. You don't think it would be helpful for



1     **them to understand what the issues they may be**  
2     **presented with in confronting an easement agreement?**

3             A.     I think that landowners are the experts  
4     of their land, and in my experience with landowners,  
5     they are highly aware of the issues that are of  
6     concern for them individually.

7             Q.     **At page three, lines 10 through 14 --**

8             A.     Of surrebuttal?

9             Q.     **Yes.**

10            A.     Okay.

11            Q.     **The intent -- you state there that the**  
12     **intent of Grain Belt Express is to make the**  
13     **landowner whole for all damages that the landowner**  
14     **incurs as a result of the construction, operation,**  
15     **maintenance, and repair of the project during the**  
16     **entire life of the project, including in addition to**  
17     **the damages specified -- specifically referenced in**  
18     **the Structure and Damage Calculation Sheet executed**  
19     **with the easement agreement. Is that an accurate**  
20     **representation of what you wrote there?**

21            A.     Yes.

22            Q.     **Are you willing to accept that as a**  
23     **commitment as a requirement under the CCN?**

24            A.     Yes, that is our policy.

25            MR. LINTON: I have no further

1 questions. Thank you.

2 THE COURT: Missouri Landowners?

3 MR. AGATHEN: Thank you, Judge.

4 CROSS EXAMINATION

5 QUESTIONS BY MR. AGATHEN:

6 Q. Good morning, Miss Lanz.

7 A. Good morning.

8 Q. I'm going to have some questions  
9 dealing with our first set of data requests and the  
10 responses thereto. Do you have a copy of that with  
11 you?

12 A. I believe I do.

13 Q. All right. First, directing your  
14 attention to page nine of your testimony starting at  
15 line six. Do you have that?

16 A. Yes.

17 Q. You say if a CCN is based -- is issued  
18 for the project, Grain Belt Express will not change  
19 its methodology for determining compensation, nor  
20 reduce the compensation offered to any landowner  
21 prior to the issuance of the CCN, is that correct?

22 A. That is correct.

23 Q. Now, if you would turn please to our  
24 data request number DL-26. That's at page six of  
25 our first set of data requests. Do you have that?

1 A. Yes.

2 Q. The question was as follows: If Grain  
3 Belt makes a specific dollar offer to an landowner  
4 for an easement for this project, has Grain Belt  
5 made any commitment not to reduce the amount of that  
6 offer if the matter later goes to arbitration or to  
7 court. Is that the question?

8 A. Yes.

9 Q. And your answer was, quote: Grain Belt  
10 Express has not yet made this commitment. Is that  
11 correct?

12 A. That is correct.

13 Q. So if a landowner challenges your offer  
14 in court or in arbitration, you could decide you're  
15 no longer going to offer them a 110 percent of the  
16 fair value of the land, is that correct?

17 A. No, I do not agree with that.

18 Q. Do you have any documents that say that  
19 you will not reduce that offer?

20 A. We have agreed, I believe, with the  
21 Commission to a list of conditions now that was  
22 recently agreed to, where we have agreed not to  
23 change the methodology based on whether or not we  
24 have a CCN.

25 Q. So you would not reduce the offer below

1 what had been given to that landowner if they go to  
2 arbitration or to court?

3 A. We would not -- what we've previously  
4 stated is that we would not change the methodology  
5 for determining it. I don't know if the methodology  
6 would cause a reduction or not.

7 Q. Well, my question still is based on  
8 your answer to your data request, you have made no  
9 commitment not to reduce the dollar value of the  
10 offer?

11 A. I believe the spirit of our condition  
12 with the Staff was that we would not change our  
13 methodology for determining compensation. If the  
14 methodology would result in the same amount, then we  
15 would not reduce it.

16 Q. And yet your response to DL-26 says:  
17 Grain Belt Express has not made this commitment,  
18 right?

19 A. We had not made that commitment at that  
20 time. We have since made a commitment to do so with  
21 Staff.

22 Q. Did you supplement your answer to this  
23 data request to us?

24 A. I don't believe so.

25 Q. If you turn please to page 11 of your

1 testimony beginning at line six, you say that Grain  
2 Belt is offering landowners the option of going to  
3 arbitration instead of to court to determine the  
4 appropriate amount of compensation for an easement.  
5 Is that essentially correct?

6 A. I'm sorry, what line did you refer to?

7 Q. Page 11, beginning at line 16.

8 A. Can you repeat the question?

9 Q. Sure. You essentially say that Grain  
10 Belt is offering landowners the option of going to  
11 arbitration instead of to court.

12 A. In order to determine compensation,  
13 yes.

14 Q. And we asked you about some of the  
15 details of this arbitration process you're proposing  
16 in data request number DL-13, is that correct?

17 A. Correct.

18 Q. And our question to DL-13 was with  
19 reference to page 11, line 22, to page 12, line 2 of  
20 your testimony. Please state who will appoint or  
21 select the arbitrator, how many arbitrators will be  
22 appointed or selected for each individual  
23 arbitration, and who will determine the pool of  
24 arbitrators, is that correct?

25 A. Yes.

1           Q.    And your response was this process has  
2   not been finalized.  If an arbitrator is required,  
3   at that time Grain Belt Express will create a  
4   proposed form of arbitration agreement that is  
5   within the rules and procedures of the American  
6   Arbitration Association and will negotiate the terms  
7   of the arbitration agreement with the landowner, is  
8   that correct?

9           A.    That is correct.

10          Q.    So the landowners are going to  
11   negotiate with you over the terms of the arbitration  
12   agreement?

13          A.    Yes.

14          Q.    Who will be responsible for paying for  
15   the cost of the arbitration?

16          A.    That would be part of what is agreed  
17   upon in the arbitration agreement, but I believe  
18   what is typical under the AAA is that the cost is  
19   split among the parties.

20          Q.    But you have not made that decision as  
21   part of your formal presentation of an arbitration  
22   agreement?

23          A.    No.

24          Q.    Turning again to page 12 of your  
25   testimony, beginning at line 12, you briefly discuss

1 a decommissioning fund which Grain Belt is  
2 proposing, is that correct?

3 A. At line 14?

4 Q. Line 12.

5 A. Page --

6 Q. Page 12, beginning at line 12.

7 A. Just to clarify, I have the discussion  
8 of a decommissioning fund beginning at line 14 --

9 Q. Okay.

10 A. -- to clarify we're looking at the same  
11 document.

12 Q. That's fine. Do you recall on data  
13 request number DL-14 we asked you for copies of the  
14 documents which include a more complete description  
15 of the decommissioning fund you were proposing?

16 A. Yes, I do.

17 Q. And your response was, quote: Grain  
18 Belt Express has not finalized details of the  
19 decommissioning fund and thus does not have any  
20 additional documents to provide, is that correct?

21 A. That is correct.

22 Q. You haven't undated or supplemented  
23 that answer since you sent it to us, have you?

24 A. No, I have not.

25 Q. Would you agree that the value of any

1 decommissioning fund is really dependent on the  
2 details of how the fund is established and  
3 administered?

4 A. I don't really know that I'm an expert  
5 to provide that testimony.

6 Q. So you don't know?

7 A. I don't know.

8 Q. We also asked you how the terms of any  
9 such decommissioning funds could later be enforced.  
10 Do you recall that?

11 A. Which DL was that?

12 Q. It's DL-17.

13 A. Yes.

14 Q. And you state in your response after  
15 the objection, you say: It is my understanding that  
16 if the Missouri PSC makes the decommissioning fund  
17 part of the Commission's order, it would have the  
18 authority to enforce the terms of the  
19 decommissioning fund. Do you see that?

20 A. Yes.

21 Q. And then in answer to DL-18, you also  
22 said it was your understanding that if the  
23 Commission makes the decommissioning fund a part of  
24 your order, that landowners would also have standing  
25 to require enforcement of the terms of the fund, is



1     **that correct?**

2             A.    Yes.

3             **Q.    With respect to all these answers about**  
4     **the enforcement of the decommissioning fund, how is**  
5     **the Commission going to make the decommissioning**  
6     **fund a part of its order when you haven't given the**  
7     **Commission a detailed proposal yet for what that**  
8     **decommissioning fund is going to be?**

9             A.    The details that we have given are with  
10    regard to when the fund would be established, and my  
11    understanding is that it would be a condition to the  
12    order.

13            **Q.    What would be?**

14            A.    The requirement to implement a  
15    decommissioning funds within a certain time period.

16            **Q.    But they would have no fund, the**  
17    **Commission would have no details of any**  
18    **decommissioning fund that you're proposing at that**  
19    **point, would they?**

20            A.    Not beyond what we've already  
21    suggested.

22            **Q.    In your testimony?**

23            A.    Correct.

24            **Q.    Thank you.  If Clean Line later sells**  
25    **the Grain Belt line, do you know of any provisions**

1 in any of Clean Line's bylaws or other corporate  
2 documents which address the question of whether the  
3 buyer would be obligated to take on the  
4 responsibility of the decommissioning funds?

5 A. Can you repeat that question?

6 Q. Sure. If Clean Line later sells the  
7 Grain Belt line, do you know of any provisions in  
8 any of Clean Line's bylaws or other corporate  
9 documents which address the question of whether the  
10 buyer would be obligated to take on the  
11 responsibility of the decommissioning fund?

12 A. I don't have personal knowledge of  
13 that.

14 Q. Would you turn please to page 12, line  
15 17 of your direct testimony. Do you have that?

16 A. Yes.

17 Q. You state there as follows, do you not:  
18 In the circumstances in which the project is retired  
19 from service, Grain Belt Express shall promptly wind  
20 up the activities of the project, which shall  
21 include the following actions and which shall be at  
22 the sole cost and expense of Grain Belt Express, is  
23 that correct?

24 A. Yes.

25 Q. And on page 12 of 13, you go on to list

1 the four actions which Grain Belt will take to  
2 decommission the project, is that correct?

3 A. Correct.

4 Q. Could you turn to your data request  
5 DL-20 please.

6 A. I'm sorry, which number?

7 Q. DL-20. Do you have that?

8 A. Yes, I do, thank you.

9 Q. The question was, quote: Has Grain  
10 Belt or Clean Line made any commitment to take any  
11 of the four actions listed at pages 12 and 13 of  
12 your testimony if the project reaches the end of its  
13 economical useful life within the first 20 years  
14 after it goes into service? If so, please provide a  
15 copy of the documents where that commitment has been  
16 made. Is that the question?

17 A. Yes.

18 Q. And your answer was: No, Grain Belt  
19 Express has not made this commitment, has not yet  
20 made this commitment. Is that correct?

21 A. Yes.

22 Q. Please go to page 13 of your testimony,  
23 if you would. Beginning at line nine, you say: If  
24 on the 20th anniversary of the date of the project  
25 completion remaining useful life of the project is

1 reasonably estimated to be in excess of ten years,  
2 the company may delay the establishment of the  
3 decommissioning fund until a date that is reasonably  
4 estimated by an independent engineer to be ten years  
5 prior to the expiration of the useful life of the  
6 project facilities, is that correct?

7 A. Yes.

8 Q. Followup to that provision, could you  
9 please read the question and answer to our data  
10 request DL-21?

11 A. With reference to page 13, lines 10 to  
12 11 of your testimony, please state who will make the  
13 determination as to whether or not the remaining  
14 useful life of the project is in excess of ten  
15 years. The response is: Grain Belt Express has not  
16 identified a person that would make this  
17 determination.

18 Q. And then could you read in the question  
19 and answer to DL-23.

20 A. If the person identified in answer to  
21 item DL-21 will be someone outside the organization  
22 which then own the project, please state who will  
23 collect or appoint that individual. Response: See  
24 response to DL-21.

25 Q. And that was you have not identified

1     **that person?**

2             A.    Correct.

3             **Q.    Would you now turn please to page 14 of**  
4     **your testimony, beginning at line five, you state**  
5     **that Grain Belt wants to acquire all the**  
6     **rights-of-way through voluntary transactions as**  
7     **opposed to going through condemnation, right?**

8             A.    What line?

9             **Q.    Page 14, beginning at line 15.**

10            A.    Okay.

11            **Q.    Is that correct?**

12            A.    Yes.

13            **Q.    That's about 550 different parcels, is**  
14     **it not?**

15            A.    It's approximately, I believe last  
16     count, about 570 unique landowners.

17            **Q.    There's near certainty that you're not**  
18     **going to be able to acquire all of those**  
19     **voluntarily, isn't it?**

20            A.    It is our intent to exhaust all  
21     reasonable negotiations with landowners. We view  
22     condemnation as an absolute last resort, however  
23     infrastructure projects of this size, it would be  
24     unusual to acquire every single parcel across a 780  
25     mile line without having to resort to eminent

1 domain.

2 Q. Do you know of any electric  
3 transmission projections anywhere involving as few  
4 as even 100 or so parcels of land where the  
5 developer did not need to resort to condemnation?

6 A. Can you repeat that question again?

7 Q. Do you know of any electric  
8 transmission projects anywhere involving as few as  
9 even 100 or so parcels of land where the developer  
10 did not need to resort to condemnation?

11 A. No, I don't know.

12 Q. At this point how many easements have  
13 you acquired?

14 A. On Grain Belt Express?

15 Q. Yes, in Missouri.

16 A. In Missouri, I believe we've acquired  
17 39.

18 Q. Do you recall we asked you how many of  
19 those 39 easements included one or more pole  
20 structures on the property. That was DL-7 of our  
21 data request.

22 A. Yes, I recall that question.

23 Q. And your response was: Grain Belt  
24 Express has not completed studies to finalize pole  
25 spotting for all tracts of land. This will not be

1 completed until after regulatory approval has been  
2 obtained. Correct?

3 A. That is correct.

4 Q. So people that are signing easements at  
5 this point don't know for sure whether there will be  
6 a pole structure on their land, do they?

7 A. If we were negotiating easements right  
8 now at this time, we would not be able to give exact  
9 pole placement.

10 Q. On a different subject. At DKL-1 to  
11 your direct testimony, there's a document called the  
12 Missouri Landowner Protocol, is that correct.

13 A. Yes.

14 Q. It's supposed to contain a  
15 comprehensive policy of how Grain Belt will  
16 interact, communicate, and negotiate with  
17 landowners?

18 A. Yes.

19 Q. And among other things, that landowner  
20 protocol includes the Missouri Agricultural Impact  
21 Mitigation Protocol, correct?

22 A. That is correct.

23 Q. And that Missouri Landowner Protocol  
24 was issued just this past June, was it not?

25 A. I don't know the exact date when it was

1 issued.

2 Q. Approximately.

3 A. I don't know.

4 Q. At page 12, line six to eight of your  
5 testimony, you indicate that in response to concerns  
6 raised in the last case by landowners in the  
7 Commission, you revised some of the agricultural and  
8 mitigation policies, correct?

9 A. That is correct.

10 Q. When you put together those new  
11 protocols, how many landowners in Missouri were  
12 asked to sit down with you at the table and  
13 participate in the actual process of writing that  
14 policy?

15 A. The landowner agricultural protocol is  
16 based on hundreds, if not thousands, of  
17 conversations that have occurred with landowners and  
18 other stakeholders over the last several years.

19 Q. Did you invite any of them to the table  
20 to sit down and actually draft that document.

21 A. We did not invite landowners to draft  
22 that document.

23 Q. How did you do that?

24 A. As I stated, it was based on the  
25 feedback that we got over the last several years



1 based on hundreds, if not thousands, of  
2 conversations.

3 Q. On a different subject, could you turn  
4 please to page 15 of your direct testimony.  
5 Starting at line 11 you talk about your standard  
6 form easement agreement, which is contained at your  
7 DKL-4, is that correct?

8 A. That is correct.

9 Q. First, what is the expected life of  
10 Grain Belt's proposed transmission line?

11 A. Of the transmission line or the  
12 easement?

13 Q. Of the transmission line.

14 A. I don't think I'm qualified to answer  
15 the expected life of a transmission line.

16 Q. At the beginning of the Section 2 of  
17 the document, the easement document, landowners are  
18 required to give you an easement in perpetuity, are  
19 they not?

20 A. That is direct.

21 Q. Is there any reason why the easement  
22 could not be limited to a duration of say 99 years?

23 A. The reason it is in perpetuity is  
24 because in my experience, transmission lines are  
25 never not utilized. Even once they reach their

1 expected life, often times they are upgraded or  
2 replaced.

3 Q. So you believe it's possible this  
4 transmission line will be there a hundred, 150 years  
5 from now?

6 A. That is possible.

7 Q. Is that one of the terms that you said  
8 was negotiable with landowners, the duration of the  
9 easement?

10 A. I would have to consider that on a  
11 case-by-case basis.

12 Q. So that would be something that you'd  
13 be willing to negotiate?

14 A. I would have to look at the facts and  
15 consider it on a case-by-case basis.

16 Q. Well, the question is, would you be  
17 willing to negotiate that term?

18 A. I don't know.

19 Q. Near the bottom of page one of the  
20 easement, the document says: You are given the  
21 right, among other things, to expand within the  
22 easement, is that correct?

23 A. That is correct.

24 Q. Does that mean that Grain Belt has the  
25 right down the road to add additional facilities or

1 upgrades to that which was originally built there?

2 A. We would be able to upgrade, but not  
3 beyond the actual width of the easement itself.

4 Q. You could add new facilities as long as  
5 it's not beyond the original width?

6 A. Yes.

7 Q. Is that one of the terms that you'd be  
8 willing to negotiated with landowners, to exclude  
9 that provision giving you the right to add on?

10 A. Yes, I have actually negotiated that  
11 language with several landowners and removed it.

12 Q. Thank you. I've got just a few  
13 questions now about your surrebuttal. Do you have  
14 that with you?

15 A. Yes.

16 Q. At page four, starting at line 13, you  
17 address Mrs. Reichert's concern about who would pay  
18 for the damages of landowner damages on one of Grain  
19 Belt's structures with farming equipment, for  
20 example. Is that correct?

21 A. Yes.

22 Q. And you essentially say that if the  
23 landowner is simply negligent, he or she would not  
24 have to pay, is that right?

25 A. No, that's incorrect. The landowner

1 would not be liable unless they were grossly  
2 negligent or intentional.

3 Q. Right. But if they're simply  
4 negligent, not grossly negligent, then they're not  
5 liable?

6 A. That is correct.

7 Q. Okay. And it's going to be left to  
8 Grain Belt in the first instance to decide whether  
9 an act was negligent or grossly negligent, right?

10 A. No, I think interpretation of gross or  
11 simple negligence is something that courts generally  
12 decide based on the facts.

13 Q. So the landowner would have to go to  
14 court then is what you're saying to get that  
15 determined?

16 A. It would really depend upon what the  
17 facts were of the situation.

18 Q. What is the distinction between being  
19 negligent and grossly negligent?

20 MR. HARDEN: Objection, that obviously  
21 calls for a legal conclusion.

22 JUDGE BUSHMANN: Sustained.

23 Q. (By Mr. Agathen) If you'd turn to page  
24 six of your surrebuttal, beginning at line three or  
25 so, you're addressing Mr. Reichert's concern about

1 the waiver of homestead rights, is that correct?

2 A. Yes.

3 Q. Can you explain very briefly what  
4 Homestead Rights are?

5 A. I can explain the purpose of the waiver  
6 of the homestead paragraph, I am not a legal expert  
7 in Missouri to tell you what Homestead Rights law in  
8 Missouri are.

9 Q. Well, do you have any understanding of  
10 what Homestead Rights are in Missouri?

11 A. I'm not a Missouri attorney, no.

12 Q. So the answer is no?

13 A. No.

14 Q. Paragraph 13 of the easement agreement  
15 expressly waives the landowner's rights and benefits  
16 under all applicable Homestead Exemption Laws,  
17 correct?

18 A. Yes.

19 Q. Is the landowner given any additional  
20 compensation for waiving those rights?

21 A. No.

22 Q. At page six, lines nine to ten, you say  
23 that this waiver is a provision which can be  
24 discussed and negotiated with the landowner, is that  
25 correct?

1           A.    Yes.

2           Q.    But at line seven to eight, you say  
3 that if the Homestead Rights are not waived, then  
4 the easement conveyance could be viewed as  
5 incomplete under state law, is that correct?

6           A.    Yes.

7           Q.    Are you saying that Grain Belt is  
8 willing to accept an incomplete easement conveyance  
9 under state law?

10          A.    The purpose of that paragraph is due to  
11 the fact that there has been some obscure case law  
12 in certain states that state that in an easement  
13 conveyance, if there is not a specific waiver of  
14 Homestead, that it can be viewed as technically  
15 invalid and terminated. That was the purpose of  
16 adding that. However, when this issue has been  
17 raised by landowners, I have agreed to remove it  
18 from easement agreements, so it is a negotiable  
19 provision.

20          Q.    So you could end up with an incomplete  
21 easement conveyance?

22          A.    It would depend on state law.

23          Q.    How often do landowners ask you if they  
24 can avoid the waiver which you have incorporated  
25 into Section 13 of your easement?

1           A.    I don't know.

2           Q.    At page six, lines 12 to 19 or so,  
3 you're discussing Mr. Reichert's concerns about  
4 Heritage Value issues, is that right.

5           A.    Yes.

6           Q.    Can you please briefly explain what  
7 that term means.

8           A.    My understanding of Heritage Value  
9 within Missouri statutes is that it applies to the  
10 determination of fair market value in a condemnation  
11 proceeding.

12          Q.    And does the easement explain anywhere  
13 what Heritage Value means?

14          A.    No, it does not.

15          Q.    Are your landowner agents -- excuse me.  
16 Are your land agents required to explain what this  
17 issue means in terms of easement compensation?

18          A.    No, because it involves compensation in  
19 a condemnation proceeding, which our land agents do  
20 not discuss with landowners.

21          Q.    Line 17 of page six, you state that  
22 Grain Belt Express recognizes Heritage Value in  
23 determining the value of property and would comply  
24 with such valuations in any condemnation  
25 proceedings. Is that correct?

1           A.    Yes, of course it would apply with any  
2 requirements by law in a condemnation proceeding.

3           **Q.    Do you recognize Heritage Value as a**  
4 **separate area of compensation if the matter does not**  
5 **go to condemnation.**

6           A.    That is an item that a landowner can  
7 raise and in doing so, we would review it and it  
8 would be part of the good faith negotiations that we  
9 conduct with landowners.

10          **Q.    Have you ever increased the value of an**  
11 **offer based on this Heritage Value?**

12          A.    Based on the limited negotiations we've  
13 done in Missouri, no.

14          **Q.    Thank you.**

15               MR. AGATHEN:   That's all I have, Judge.

16               JUDGE BUSHMANN:   Questions by  
17 Commissioners?   Mr. Chairman, any questions?

18               CHAIRMAN HALL:   Thank you.   Good  
19 morning.

20               THE WITNESS:   Good morning.

21               CHAIRMAN HALL:   How many landowners are  
22 there in Missouri that own land over -- that the  
23 line will cross?

24               THE WITNESS:   Approximately 570 unique  
25 landowners.



1                   CHAIRMAN HALL: And how many of those  
2 have negotiated an easement with the company has of  
3 today's date?

4                   THE WITNESS: We have signed, I  
5 believe, 39 easements, but our intent has never been  
6 to fully negotiate right-of-way acquisitions in  
7 Missouri. That was merely a byproduct of a bit of  
8 outreach that we were doing during the proceedings.

9                   CHAIRMAN HALL: My understanding is  
10 that you have put together a compensation package,  
11 for all of these landowners, is that correct?

12                  THE WITNESS: Yes, we do have a  
13 compensation package that we offer.

14                  CHAIRMAN HALL: Do you understand how  
15 that compensation package compares to that required  
16 by Missouri law?

17                  THE WITNESS: I'm not familiar with  
18 what compensation is required by Missouri law, I  
19 would say however though compared to the market and  
20 what other utilities and infrastructure companies  
21 do, it is my opinion that our compensation is very  
22 market leading and we offer many things that are not  
23 commonly offered by other companies.

24                  CHAIRMAN HALL: Please elaborate on  
25 that.

1 THE WITNESS: Our compensation package  
2 is made of three parts --

3 CHAIRMAN HALL: Yeah, I don't need --

4 THE WITNESS: Okay.

5 CHAIRMAN HALL: I understand what the  
6 package is, but how does it compare?

7 THE WITNESS: Sorry, I didn't want to  
8 interrupt you. I think it's superior in that most  
9 utilities companies when negotiating easements off  
10 of what's -- what's described as what's described as  
11 the discounted value, which means because it's an  
12 easement, we're only seeking easements, we're not  
13 asking to purchase the entire property. Because the  
14 landowner retains most of the uses, they offer  
15 what's considered a discounted, so they will pay 70  
16 to 90 for example percent of the fee value, whereas  
17 we are paying 110 percent, so I believe it's  
18 superior in that way.

19 I also think it's superior in that we  
20 do offer structure payments. Many utilities don't  
21 offer them. And to my knowledge, I'm not aware of  
22 any utility anywhere that offers annual payments  
23 with an escalator that increases every year as well.  
24 I believe we're the only person that I'm aware of in  
25 the marketplace that is doing that.

1                   CHAIRMAN HALL: Okay. And my  
2 understanding is that if the Commission grants the  
3 CCN and the company negotiates with landowners, the  
4 starting offer would be based upon that particular  
5 compensation package?

6                   THE WITNESS: Yes, that would not  
7 change.

8                   CHAIRMAN HALL: And if the landowner  
9 wants -- did not desire to accept that dollar  
10 amount, you would be willing to accept binding  
11 arbitration to determine that amount?

12                   THE WITNESS: Correct.

13                   CHAIRMAN HALL: So my question is why  
14 would any landowner ever agree to the dollar amount  
15 in the compensation package if that's the floor and  
16 then they can go to arbitration and get more?

17                   THE WITNESS: Well, that's the floor,  
18 but depending on what information they can provide  
19 us, it still could be negotiable.

20                   For example, many of our other projects  
21 are far more advanced in negotiation, so I've spent  
22 the past six months negotiating thousands of  
23 easement agreements, and our determination of market  
24 value is highly dependent on land use, and other  
25 factors. Landowners can approach us or they may

1 want to go to arbitration in order to argue  
2 particularities of that that would determine -- that  
3 would cause the methodology to find a different  
4 price.

5 CHAIRMAN HALL: Well, I mean to me, if  
6 I'm a landowner and you offer me this amount and I  
7 can either take that or go to arbitration and get  
8 more, I'm going to go to arbitration. But I  
9 guess -- well, okay. So am I missing something? Am  
10 I misunderstanding something in the process?

11 THE WITNESS: That's a valid point.

12 CHAIRMAN HALL: You mentioned a moment  
13 ago that there are other projects that the company  
14 is involved in that are further along in the  
15 process. Would -- would one of those be the Plains  
16 & Eastern line?

17 THE WITNESS: Yes, that is correct.

18 CHAIRMAN HALL: So how -- in a  
19 nutshell, how are those easement negotiations going?

20 THE WITNESS: They're going quite well.  
21 We've actually exceeded our expectations and we've  
22 required a significant amount, as I said we've  
23 negotiated well over a thousand. During my tenure  
24 at Clean Line in the last three and a half years, I  
25 think we've acquired more than 475 miles of

1 right-of-way voluntarily through negotiations with  
2 landowners, and we're still negotiating and haven't  
3 exhausted any of those negotiations.

4 CHAIRMAN HALL: So on the Plains &  
5 Eastern line you said you negotiated in excess of a  
6 thousand?

7 THE WITNESS: Yes.

8 CHAIRMAN HALL: How many more do you  
9 have to go? Ball park, if you know.

10 THE WITNESS: I don't have that exact  
11 number in front of me. Less than that.

12 CHAIRMAN HALL: Do you have any reason  
13 to think that if -- if the Commission were to grant  
14 the pending application and the company were to  
15 negotiate with the landowners under -- that own land  
16 under this line, that would you have similar success  
17 in negotiations?

18 THE WITNESS: It has been -- I do  
19 believe that because it has been my experience that  
20 notwithstanding opposition, once we meet one-on-one  
21 with landowners at a table and they view our  
22 compensation package and our desire and ability to  
23 negotiate specific terms dealing with the uniqueness  
24 of their land, that generally they are much more  
25 open and pleased and are willing to voluntary

1 negotiate easements after a period of negotiation  
2 and time.

3 CHAIRMAN HALL: So has the company had  
4 to go to court to seek eminent domain on any of the  
5 other lines?

6 THE WITNESS: No.

7 CHAIRMAN HALL: To date?

8 THE WITNESS: No, no, and we're not at  
9 a point where I feel that we have voluntarily --  
10 where we have exhausted all voluntary negotiations  
11 such that we would do that yet.

12 CHAIRMAN HALL: My understanding is  
13 that to date, Clean Line has not agreed to start  
14 funding the decommissioning fund until some date  
15 after operations, is it 20 years?

16 THE WITNESS: Correct, 20 years.

17 CHAIRMAN HALL: And what is your  
18 rationale for not being willing to start funding  
19 that fund prior to that date?

20 THE WITNESS: There's no risk to the  
21 landowner, I believe, in my opinion, prior to that  
22 date because financing is a condition to the CCN, so  
23 we would have to be well financed and have all the  
24 money that would be required in order to build the  
25 project, so there's very little risk that the

1 project would be abandoned during construction.

2 And additionally, my rationale for that  
3 is simply what is typical in the marketplace. I  
4 personally am not aware of any transmission line in  
5 the history of the country where a decommissioning  
6 fund was required, much less required upon  
7 commencement of construction.

8 CHAIRMAN HALL: How would this  
9 decommissioning fund be set up? Will it be some  
10 requirement of X amount of money put into it per  
11 year, per mile, or --

12 THE WITNESS: I think I'm going to  
13 defer that question to Mr. Berry.

14 CHAIRMAN HALL: I have no further  
15 questions. Thank you.

16 THE WITNESS: Thank you.

17 JUDGE BUSHMANN: Recross based on  
18 questions? MJMEUC?

19 MR. HEALY: No questions, your Honor.

20 JUDGE BUSHMANN: Wind on the Wires?

21 MR. BRADY: No questions.

22 JUDGE BUSHMANN: Infinity Wind Power?

23 MS. PEMBERTON: No.

24 JUDGE BUSHMANN: MIEC?

25 MR. MILLS: No Questions.

1 JUDGE BUSHMANN: Commission Staff?

2 MR. WILLIAMS: I think I'll ask just a  
3 few related to topics that Chairman Hall got into.

4 CROSS EXAMINATION

5 QUESTIONS BY MR. WILLIAMS:

6 Q. I want to make it clear about the  
7 arbitration, or maybe clear it up, because I'm still  
8 not totally clear. Is the only thing that would be  
9 arbitrated is the compensation?

10 A. That is correct.

11 Q. And you're saying that if I took it --  
12 if I was an landowner and I took you to arbitration,  
13 the compensation package that you had offered before  
14 I went into arbitration would still be available  
15 even if the arbitrators made a decision?

16 A. Yes.

17 MR. WILLIAMS: No further questions.

18 JUDGE BUSHMANN: Rockies Express?

19 MS. GIBONEY: No questions, Judge.

20 JUDGE BUSHMANN: Show Me Concerned

21 Landowners?

22 MR. LINTON: No questions.

23 JUDGE BUSHMANN: Missouri Landowners?

24 MR. AGATHEN: No questions, your Honor.

25 JUDGE BUSHMANN: Redirect?



1 MR. HARDEN: Thank you.

2 REDIRECT EXAMINATION

3 QUESTIONS BY MR. HARDEN:

4 Q. Sorry, Miss Lanz, can you give sort of  
5 a general description to the Commission on the  
6 development, the evolution of the easement  
7 agreement, how it was developed by Grain Belt?

8 A. The easement agreement is meant to be a  
9 form. It's not one size fits all, it's not a take  
10 it or leave it form, it is merely meant to be a  
11 starting point for negotiations.

12 And based on my experience in the  
13 numerous easement agreements that we've negotiated,  
14 which use a nearly identical form, I have probably  
15 negotiated hundreds of easement agreements with  
16 landowners that contained very specific one off or  
17 negotiated provisions that are meant to address  
18 unique circumstances that landowners bring up.

19 Q. Thank you.

20 MR. HARDEN: May I approach?

21 JUDGE BUSHMANN: You may.

22 Q. (By Mr. Harden) I have two documents  
23 here, one is labeled Structure Payments, which is  
24 Exhibit 130. Actually I'll give this to you, or you  
25 have those.

1           A.    Yep.

2           Q.    Okay.  Exhibit 130 and Exhibit 131.  
3   Exhibit 130 is entitled Structure Payments, and  
4   Exhibit 131 is entitled Structure and Damage  
5   Calculation Sheet.

6                   (Wherein, Exhibits 130 and 131 were  
7   introduced.)

8                   JUDGE BUSHMANN:  Do you have copies for  
9   the bench, Counselor?

10                  MR. HARDEN:  Yes, I do.

11                  MR. LINTON:  Your Honor, I'm going to  
12   pose an objection just to get a clarification at  
13   this point more than anything else.  This strikes me  
14   as going beyond the scope of cross examination in  
15   that it's a general description of the easement and  
16   general description of the payments and is not  
17   responding to individual cross examination  
18   questions.

19                  JUDGE BUSHMANN:  Are you talking about  
20   the line of questioning or the documents that are  
21   being --

22                  MR. LINTON:  Both.

23                  JUDGE BUSHMANN:  Let me look at the  
24   documents first before I make that determination.

25                  Mr. Harden, did you want to respond to

1 that objection?

2 MR. HARDEN: Yes, far from being --

3 JUDGE BUSHMANN: Use our microphone  
4 please. Thank you.

5 MR. HARDEN: Far from being general,  
6 actually they're rather specific documents. The  
7 first is one structured payments. Specifically it  
8 deals with the escalation clause which was  
9 specifically brought up in cross.

10 And then the other document is  
11 structured payment -- I'm sorry, the damage  
12 calculation sheet, which is also part of the  
13 easement, the process of negotiating with landowners  
14 and the landowner impact and how that was going to  
15 be compensated was also specifically dealt with both  
16 in cross examination, as well as I believe some  
17 questions from the bench.

18 JUDGE BUSHMANN: I'll overrule the  
19 objection. It appears to be within the scope.

20 Q. (By Mr. Harden) Miss Lanz, will you  
21 take a look at the Structured Payments document?

22 A. Yes.

23 Q. First of all, did you prepare this  
24 document?

25 A. This is a document that was prepared

1 under my direction.

2 Q. And let's deal with the top half of it.

3 Can you describe to the Commission what that is?

4 A. So in our negotiation with landowners,  
5 we often refer to the fact that we are willing to  
6 offer annual structure payments as opposed to one  
7 time, and we were repeatedly getting the question  
8 from landowners about what that looks like  
9 financially, particularly with the two percent  
10 escalator, so in order to demonstrate to landowners  
11 what that financially would mean, we put together a  
12 summary of what those payments would look like in  
13 the first 40 years, in order to demonstrate to  
14 landowners at what point they would break even with  
15 a one-time versus an annual because landowners  
16 wanted to weigh the option of choosing one versus  
17 the other. So this was just meant to be an example  
18 to landowners of when you would find that break-even  
19 point around the 11th or 12th year, and also what  
20 those payments would look like over a period of time  
21 since often times when choosing annual payments  
22 landowners have discussed they want to do that for  
23 purposes of land that stays in the family, and  
24 they'd like to know what that payment would mean to  
25 future generations.

1           **Q. Thank you. And what does the chart at**  
2 **the bottom of that document represent?**

3           A. That's showing the cumulative payments  
4 that would occur as well in order to demonstrate  
5 that same break-even point between one time versus  
6 an annual payment.

7           **Q. Great. Thank you. Moving on to the**  
8 **other exhibit that I handed you, the Easement**  
9 **Calculation Sheet, can you briefly run through the**  
10 **calculation of how that is determined for the**  
11 **Commission?**

12           A. Sure. This is considered part of the  
13 Easement Agreement and it's incorporated by  
14 reference to the Easement Agreement, but it  
15 typically isn't recorded since we want matters of  
16 financial terms to be confidential, so we don't  
17 record that in the real property records, but this  
18 is a separate document that sets forth specifically  
19 how the easement compensation is determined based on  
20 the per acre and the acreage payment based on land  
21 uses is determined.

22           **Q. And you may have already said this, I**  
23 **apologize, but this would be incorporated as part of**  
24 **the Easement Agreement?**

25           A. Yes, I believe paragraph 2(a) is

1 specifically incorporates it by reference.

2 Q. Okay. So I'd like -- in your  
3 experience, this sort of goes to a question that  
4 Chairman Hall asked, in your experience is  
5 arbitration a costless process?

6 A. No, there are fees associated with  
7 arbitration.

8 Q. Also, in your experience, do you know  
9 if any transmission line, transmission development  
10 that has a useful life of less than 20 years?

11 A. No.

12 Q. And I think that we have -- this is  
13 somewhat ploughed ground here, but on the issue of  
14 the decommission fund, I believe that you stated  
15 that to your knowledge a decommission fund has never  
16 been, you know, part the of the condition for  
17 building the transmission line.

18 To your knowledge, has a -- is a  
19 decommission fund period typical within transmission  
20 development, whether or not it's a requirement or  
21 not?

22 A. I am not aware of any transmission line  
23 that has ever been approved or built in the country  
24 that required a decommissioning funds at any time.

25 MR. HARDEN: That's all I have.

1 JUDGE BUSHMANN: Did you want to offer  
2 those?

3 MR. HARDEN: Yes, please. Thank you,  
4 your Honor.

5 MR. AGATHEN: Your Honor, I object. I  
6 have not been given copies so I'm not sure exactly  
7 what is on those exhibits.

8 JUDGE BUSHMANN: Okay. Counsel hasn't  
9 seen it.

10 MR. AGATHEN: I was given a brief look  
11 at those documents.

12 JUDGE BUSHMANN: Can you let counsel  
13 look at those if they're interested?

14 Have you had an opportunity to review  
15 the documents, Mr. Agathen?

16 MR. AGATHEN: I have, your Honor, I  
17 have no objection.

18 JUDGE BUSHMANN: Any other objections?  
19 Hearing none, Exhibits 130 and 131 have been  
20 received into the record. I believe you said, Mr.  
21 Harden, you said you have no more questions.

22 MR. HARDEN: Yes, your Honor.

23 JUDGE BUSHMANN: You may step down.

24 (Witness excused.)

25 JUDGE BUSHMANN: It seems like a good

1 time for a break. We'll recess for approximately 15  
2 minutes.

3 (Short recess.)

4 JUDGE BUSHMANN: Okay. We're back on  
5 the record. Just to note before we get started, the  
6 Commissioners have some meetings over the lunch hour  
7 so we're going to need to quit as close as I can to  
8 noon. We'll still be able to do just a one-hour  
9 break for lunch, but I just wanted to give you a  
10 warning.

11 I believe the parties have agreed to  
12 take Mr. Dauphinais out of order, is that correct?

13 MR. MILLS: Yes, your Honor, that's  
14 correct.

15 JUDGE BUSHMANN: Mr. Dauphinais, will  
16 you raise your right hand please.

17 JAMES R. DAUPHINAIS,  
18 having been called as a witness, was sworn  
19 upon his oath, and testified as follows:

20 JUDGE BUSHMANN: Thank you. You may  
21 proceed.

22 DIRECT EXAMINATION

23 QUESTIONS BY MR. MILLS:

24 Q. Could you please state your name for  
25 the record?



1           A.    James R. Dauphinais,  
2    D-A-U-P-H-I-N-A-I-S.

3           **Q.    And by whom are you employed?**

4           A.    Brubaker & Associates, Inc.

5           **Q.    And on whose behalf are you testifying**  
6    **in these proceedings?**

7           A.    Testifying on behalf of the Missouri  
8    Industrial Energy Consumers, Missouri Retailers  
9    Association, and Consumers Council of Missouri.

10          **Q.    Did you prepare and cause to be filed**  
11   **in this case rebuttal testimony which has been**  
12   **marked as Exhibit 800.**

13                    (Wherein, Exhibit 800 was introduced.)

14                    THE WITNESS:   Yes.

15          **Q.    (By Mr. Mills) Do you have any**  
16   **corrections to make to that testimony?**

17          A.    No.

18          **Q.    If I were to ask you the questions**  
19   **contained therein here today, would your answers**  
20   **still be the same?**

21          A.    Yes.

22          **Q.    Are those answers true and correct to**  
23   **the best of your knowledge, information, and belief?**

24          A.    Yes.

25                    MR. MILLS:   Your Honor, with that I

1 will offer Exhibit 800 and tender the witness for  
2 cross examination.

3 JUDGE BUSHMANN: Any objections to the  
4 receipt of that exhibit?

5 Hearing none, it is received into the  
6 record. The first cross would be Grain Belt  
7 Express.

8 MR. HARDEN: No questions.

9 JUDGE BUSHMANN: MJMEUC?

10 MR. HEALY: No questions, your Honor.

11 JUDGE BUSHMANN: Wind on the Wires?

12 MR. BRADY: No cross, your Honor.

13 JUDGE BUSHMANN: Infinity Wind Power?

14 MS. PEMBERTON: No questions.

15 JUDGE BUSHMANN: Commission Staff?

16 MR. WILLIAMS: No questions.

17 JUDGE BUSHMANN: Rockies Express?

18 MS. GIBONEY: No questions, Judge.

19 JUDGE BUSHMANN: Show Me Landowners?

20 MR. LINTON: No questions.

21 JUDGE BUSHMANN: Missouri Landowners  
22 Association.

23 MR. AGATHEN: Thank you, Judge.

24 CROSS EXAMINATION

25 QUESTIONS BY MR. AGATHEN:

1 Q. Good morning, sir.

2 A. Good morning, Mr. Agathen.

3 Q. Have you yourself conducted any  
4 independent studies or analyses of any of the claims  
5 made by Grain Belt in this case?

6 A. No, my testimony is based on my  
7 knowledge and experience.

8 MR. AGATHEN: That's all I have, Judge.

9 JUDGE BUSHMANN: Any Commissioners have  
10 any questions? Mr. Chairman?

11 CHAIRMAN HALL: No questions. Thank  
12 you.

13 JUDGE BUSHMANN: No need for recross  
14 then. Redirect?

15 MR. MILLS: No, your Honor.

16 JUDGE BUSHMANN: Thank you, Mr.  
17 Dauphinais, that completes your testimony.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 JUDGE BUSHMANN: Ready for the next  
21 Grain Belt witness.

22 MR. ZOBRIST: Judge, we would call  
23 Anthony Wayne Galli to the stand.

24 ANTHONY WAYNE GALLI,  
25 having been called as a witness, was sworn



1           A.    I have one minor typographical  
2   correction from the schedules in the surrebuttal  
3   testimony, Scheduled AWG-7, page one of two, in the  
4   row marked two, it says CB2 semicolon SPP.  It  
5   should say CB1 semicolon SPP.

6           **Q.    Any other corrections?**

7           A.    No.

8           MR. ZOBRIST:  Your Honor, at this time  
9   I offer Exhibit 108 and Exhibit 109 in both HC and  
10  NP versions, as well as the errata sheet, Exhibit  
11  129.

12          JUDGE BUSHMANN:  Any objection to the  
13  receipt of those exhibits?

14          Hearing none, those three exhibits are  
15  received into the record.

16          MR. ZOBRIST:  I tender the witness for  
17  cross examination.

18          JUDGE BUSHMANN:  Cross examination by  
19  MJMEUC?

20          MR. HEALY:  No question, Judge.

21          JUDGE BUSHMANN:  Wind on the Wires?

22          MR. BRADY:  No cross, your Honor.

23          JUDGE BUSHMANN:  Infinity Wind Power?

24          MS. PEMBERTON:  No questions.

25          JUDGE BUSHMANN:  MIEC?

1 MR. MILLS: No questions. Thank you.

2 JUDGE BUSHMANN: Commission Staff?

3 MS. ASLIN: Yes, Judge. Casi Aslin for  
4 Commission Staff.

5 CROSS EXAMINATION

6 QUESTIONS BY MS. ASLIN:

7 Q. Good morning, Dr. Galli.

8 A. Good morning.

9 Q. Were you in the room when Mr. Lawlor  
10 stated that the transmission line was to be  
11 constructed and decommissioned in about 22 months?

12 A. Yes, I believe.

13 Q. And on redirect, he stated that the  
14 time could be longer if the converter station was  
15 taken into account. When will the converter station  
16 construction occur with relation to the transmission  
17 line, before or after?

18 A. The converter station in general is the  
19 long lead item for the project, primarily due to  
20 specialized transformers associated with them.  
21 Ideally, for commissioning and testing, the  
22 transmission line would be finished three to four  
23 months prior to the converter stations being  
24 finished so that you have the lines there available  
25 for commissioning converter stations.

1 Q. And how long would it take to construct  
2 the converter stations?

3 A. From -- typically, from notice to  
4 proceed, the typical lead times are between 30 and  
5 36 months, and that's from start of engineering to  
6 actual energization.

7 MS. ASLIN: Judge, may I approach the  
8 witness?

9 JUDGE BUSHMANN: You may.

10 THE WITNESS: Did you mean to hand me  
11 two?

12 Q. (By Ms. Aslin) No, I didn't. Thank  
13 you.

14 Dr. Galli, I just handed you a copy of  
15 Grain Belt Express' response to Rockies Express  
16 Pipeline, LLC, first set of data requests to Grain  
17 Belt Express Clean Line, marked as Staff Exhibit  
18 205, is that correct?

19 A. It is correct.

20 (Wherein, Exhibit 205 was introduced.)

21 Q. (By Mr. Aslin) And did you prepare  
22 answers to these data requests?

23 A. Yes.

24 Q. And if you could turn to the last page,  
25 the last question, in response to that question,

1     **which states: State whether GBX would be**  
2     **responsible for all direct damages to REX**  
3     **proximately caused by construction or by ongoing**  
4     **operation of the HVDC project, including direct**  
5     **damages from fault currents, you responded: Yes,**  
6     **GBX would be responsible, is that correct?**

7             A. That is correct.

8             Q. And If I were to ask you that same  
9     **question today, would your response be the same?**

10            A. It would be.

11            Q. Thank you, Dr. Galli.

12            MS. ASLIN: No further questions,  
13     Judge. I move to admit Exhibit 205.

14            JUDGE BUSHMANN: Any objections? 205  
15     is received into the record. That's all the  
16     questions you have?

17            MS. ASLIN: Yes.

18            JUDGE BUSHMANN: Any questions by  
19     Rockies Express?

20                                    CROSS EXAMINATION

21     QUESTIONS BY MS. GIBONEY:

22            Q. Good morning, Dr. Galli.

23            A. Good morning.

24            Q. You are the witness identified by Grain  
25     Belt to address safety and coordination with nearby



1 utilities, correct?

2 A. Yes, ma'am.

3 Q. All right. And you're familiar with  
4 Rockies Express Pipeline?

5 A. I am.

6 Q. And in fact, if the Commission grants  
7 the Certificate that Grain Belt is requesting and  
8 approves the route that Grain Belt is requesting,  
9 then Grain Belt's HVDC line would parallel and would  
10 cross the Rockies Express Pipeline multiple times,  
11 is that correct?

12 A. That's correct.

13 Q. And you would agree that whenever an  
14 HVDC line, or I guess any electric transmission line  
15 would be located near an underground metallic  
16 pipeline, that studies need to be conducted to  
17 determine if there would be any negative effect on  
18 the pipeline?

19 A. I agree with that, yes.

20 Q. And potentially, the testing or  
21 mitigation measures, depending on the results of the  
22 studies, might need to be put into place?

23 A. Yes.

24 Q. And some of the negative effects that  
25 pipelines are concerned with would include pipeline

1 corrosion, would you agree?

2 A. Yes.

3 Q. And damage to pipeline coatings?

4 A. Yes.

5 Q. And damage to pipeline static  
6 protection mechanisms?

7 A. Yes.

8 Q. And also the risks of step and touch  
9 potential around aboveground pipeline appurtenances?

10 A. Yes, during a faulted condition.

11 Q. Right. And those aboveground  
12 appurtenances could be things like meter stations or  
13 pump stations?

14 A. Yes.

15 Q. And pipeline personnel could need --  
16 well, do need to go to those appurtenances from time  
17 to time?

18 A. Yes, they do.

19 Q. All right. And Step and touch  
20 potential, that refers to a risk of electric shock?

21 A. Yes, it does.

22 Q. All right. If mitigation or testing  
23 measures after study are determined to be required,  
24 obviously someone is going to have to pay those for,  
25 is that correct?

1 A. That is correct.

2 Q. And if the HVDC line, I believe I heard  
3 Miss Aslin say, if that damages the pipeline someone  
4 is going to need to be responsible for that,  
5 correct?

6 A. That is correct.

7 Q. And Grain Belt has agreed that it would  
8 be responsible in this case if that happened, is  
9 that correct?

10 A. Yes, we have.

11 Q. All right. I believe you stated that  
12 you reviewed what has now been marked as Staff  
13 Exhibit 205, right?

14 A. Yes.

15 Q. And you contributed to the responses or  
16 maybe you prepared them?

17 A. Yes.

18 Q. All right. And just kind of a 10,000  
19 yard view, and if this is too general we can go  
20 through them, but generally speaking, would you  
21 agree that those DRs ask Grain Belt Express to agree  
22 to do certain things and to take responsibility for  
23 certain things?

24 A. Yes, appropriate coordination with  
25 Rockies Express and others subsurface and overhead

1 utilities, we would coordinate with and do studies  
2 with to determine if mitigation was necessary.

3 Q. And also, would you agree that Ms.  
4 Aslin asked you to take responsibility for certain  
5 damages if they occurred?

6 A. That is correct.

7 Q. All right. And those areas of  
8 agreement -- and Grain Belt did agree to all those  
9 things, correct?

10 A. That is correct.

11 Q. And those areas of agreement that are  
12 detailed in Staff's Exhibit 205, Grain Belt has also  
13 consented to those agreements being imposed by the  
14 Commission as conditions on the granting of the  
15 Certificate that you're requesting, is that correct?

16 A. That is correct.

17 MS. GIBONEY: No further questions.

18 JUDGE BUSHMANN: Show Me Concerned  
19 Landowners?

20 MR. LINTON: Thank you, your Honor.

21 CROSS EXAMINATION

22 QUESTIONS BY MR. LINTON:

23 Q. Good morning, Mr. Galli.

24 A. Good morning, Mr. Linton.

25 Q. My name is David Linton and I have a

1 few questions for you. What years did you work at  
2 SPP?

3 A. I was from -- at Southwest Power Pool  
4 from 2001 to 2007.

5 Q. During that time did you run across the  
6 issue where SPP implemented a cost estimation  
7 improvement process?

8 A. So there is currently a process in  
9 place, and forgive me, I don't recall the exact name  
10 of the working group, it's the project task force  
11 that tracks approved project. While I was at SPP,  
12 it was a topic of discussion, but there was not an  
13 official process in place for tracking costs at that  
14 point. Costs were submitted by POs to SPP and  
15 resubmitted as necessary.

16 Q. Okay. Do you recall what caused them  
17 to enter into this cost estimation improvement  
18 effort?

19 A. It is my recollection, and again it  
20 occurred after I left as I recall, but they had a  
21 project or two that was -- that were underestimated  
22 by a certain amount, and it brought into question  
23 the cost benefit analysis that SPP had performed, so  
24 the board at SPP decided or the MOP-C, the Market  
25 and Operations Policy Committee, decided that there

1 needed to be a mechanism whereby if certain  
2 thresholds were exceeded, the cost benefit analysis  
3 would be performed on the particular facility that  
4 was in question.

5 Q. Do you recall that the process that was  
6 developed included a staged process whereby the  
7 estimate would be within a bandwidth or a range of  
8 plus or minus certain percent before the project  
9 would be reevaluated?

10 A. That is my recollection.

11 Q. Can you give any more detail about how  
12 that was developed or the details of that?

13 A. I was not involved in that, I don't  
14 recall.

15 Q. Okay. Page 13, line seven of your  
16 direct testimony, you state that you will be  
17 entering into an EPC contract with Quanta, is that  
18 correct?

19 A. Page 13?

20 Q. Line seven.

21 A. It states that this HVDC Transmission  
22 Line Development Agreement contemplates that Quanta  
23 will enter into a contract to serve as engineering,  
24 procurement and construction contractor for the  
25 project.

1 Q. That's an EPC contract, correct?

2 A. That's correct.

3 Q. Okay. Can you describe what is an EPC  
4 contract generally?

5 A. They take a number of forms. In  
6 general, when you talk about EPC contract, and I'll  
7 say colloquially, capital E, capital P, capital C,  
8 it means that you go to a firm that has the  
9 capabilities to both fully engineer the project,  
10 procure the equipment for the project, and construct  
11 the project. So it's, again colloquially, a one  
12 neck choke approach from building something.

13 Q. It's basically a turnkey contract?

14 A. Turnkey contract.

15 Q. They build it, they do everything, and  
16 they turn it over to you?

17 A. That is correct.

18 Q. And what would you say the timing is on  
19 that contract?

20 A. So I believe there is -- there is a  
21 milestone schedule submitted, so subject to check, I  
22 believe we would start negotiations on that contract  
23 four to six months prior to notice to proceed.

24 Q. Okay. So if you wanted to issue your  
25 notice to proceed before the end of the year, we're

1     **talking about July/August timeframe before executing**  
2     **of the EPC contract?**

3             A.     Well, to begin negotiating.

4             Q.     **Begin negotiating.**

5             A.     Negotiating, yeah.

6             Q.     **Okay. So do I assume then that the**  
7     **engineering and design will take that four to six**  
8     **months?**

9             A.     The engineering and -- that's  
10    essentially left to be done beyond what has been  
11    done already is essentially creating drawings for  
12    issuance to construct, issue to construct type  
13    drawings, that kind thing, so it's a lot of turning  
14    of the crank, if you will, creating drawings,  
15    checking those drawings, supplying those drawings to  
16    the construction crews, so I would say that that  
17    engineering probably takes two to three months in  
18    general.

19            Q.     **Okay. At line 17 of your, I believe**  
20    **it's the same page, you say that you have started a**  
21    **detailed study of the Plains & Eastern Project, is**  
22    **that correct?**

23            A.     Yes, lines 17 and 18 I say: Detailed  
24    studies have begun for the Plains & Eastern Project  
25    to define the equipment specifications and ratings



1 to align with the project description and the  
2 applicable performance requirements.

3 **Q. Have those studies been completed as of**  
4 **now?**

5 A. So, in general, that line I believe is  
6 referring primarily to HVDC converter stations and  
7 those studies are ongoing and not completed --

8 **Q. Okay.**

9 A. -- by the selected supplier.

10 **Q. Excuse me?**

11 A. By the selected supplier.

12 **Q. How will those studies be used in the**  
13 **engineering and design by Quanta.**

14 A. Again, these studies, I believe, are  
15 particularly, even though it's not necessarily clear  
16 here in the testimony, are referring to the  
17 converter stations themselves, so unless the OEM,  
18 regional equipment manufacturer, for the converter  
19 stations selects Quanta to do the construction of  
20 the converter station, then they wouldn't have  
21 anything to do with it.

22 **Q. Okay. There would be no way that this**  
23 **would need to be implemented into the engineering**  
24 **and design?**

25 A. It's two separate EPC contracts. So

1 one for the converter stations with the OEM and then  
2 one for the transmission line with Quanta.

3 **Q. Okay. So there would be no**  
4 **coordination between the two?**

5 A. Well, there absolutely has to be  
6 coordination for the tie ins from where the line  
7 stops outside the fence of the converter station to  
8 inside the converter station, and that's part of the  
9 handoff between the two -- the two EPC contracts, so  
10 whoever's scope that goes into would be responsible  
11 for coordinating that.

12 **Q. Okay. At page 14 of your direct,**  
13 **toward the bottom of the page, you discuss the NERC**  
14 **criteria, the Good Utility Practice, and applicable**  
15 **law and -- that those will be incorporated into this**  
16 **design. How will Quanta do that?**

17 I guess the first question is, have  
18 they done that, have they incorporated those  
19 aspects, those requirements into the design?

20 A. So the design, and this term would be  
21 associated with the ratings, which would be  
22 associated with procurement, engineering procurement  
23 of the equipment, and you don't want to put a very  
24 thin strand of copper wire up there for between 500  
25 and 3,000 megawatts, so based on those

1 specifications, the engineering done to validate  
2 those specifications, to be sure they meet safety  
3 codes, the RTOs are responsible for ensuring that  
4 the interconnection is designed appropriately for  
5 meeting all of the NERC reliability standards.

6 Q. That has not been done yet, is that  
7 what you're telling me?

8 A. I mean it's ongoing. It's ongoing for  
9 sure. It's not necessarily fully complete.

10 Q. Okay. Do you know yet say, for  
11 example, the type of conductor that you will be  
12 using?

13 A. We do.

14 Q. You do? Now you don't know in all  
15 instances the type of towers that you're going to  
16 use?

17 A. Can you help me understand what you  
18 mean by type of towers?

19 Q. Well, you described three types of  
20 towers in your testimony, I think you have a  
21 schedule in your testimony --

22 A. Right.

23 Q. -- that provides a diagram of three  
24 types of towers.

25 A. Yeah.

1           Q.    I think I've seen in a data request  
2   that you don't know exactly what type of tower yet  
3   because you don't know the route yet, is that  
4   accurate?

5           A.    We don't know the route completely yet.  
6   We do know that it will be a family of structures,  
7   so it will be either a self-supporting lattice, a  
8   single monopole with lattice mast, are the typical  
9   structures types for this type of project. It would  
10  actually be a mix of the structures, not just all a  
11  single type.

12          Q.    But you don't know how many of each  
13  yet?

14          A.    Not at this point, no.

15          Q.    You state that the MISO DPP, and this  
16  is at page 29 line 22 of your direct, will take 200  
17  days. Now how does that overall design process fit  
18  into -- well, how does that design process fit into  
19  the Quanta design process?

20          A.    Well, this is -- this is a study  
21  requirement by the RTO, not a design process, so it  
22  doesn't directly insert into the design process that  
23  Quanta would undertake.

24          Q.    Okay. So MISO would not need to know  
25  the precise design of the line before it finally

1     **does its DPP?**

2             A.     Not the precise design, no.

3             Q.     **Okay. At page 38, line 9 through 14 of**  
4     **your surrebuttal this time?**

5             A.     I'm sorry, the page again, please?

6             Q.     **38. This gives a good response to**  
7     **where you stand I think overall. Can you -- I**  
8     **apologize, can you just read that to me into the**  
9     **record? Your answer starting at line six going to**  
10    **14.**

11            A.     Starting with Mr. Lange?

12            Q.     **38.**

13            A.     Line nine.

14            Q.     **Line nine, I apologize. Yeah, you can**  
15    **start at nine.**

16            A.     Okay. So this is in response to the  
17    question on page 38, line 15. It says: The  
18    combination of one, the January and March 2013 SPP  
19    Criterion 3.5 study --

20            Q.     **Hold on just a minute. We're on**  
21    **surrebuttal, page 38.**

22            A.     I'm on surrebuttal, page 39, lines nine  
23    through --

24            Q.     **No, page 38.**

25            A.     Oh, 38.

1           **Q. And you're talking about Mr. Stahlman's**  
2           **concern that the design isn't adequately developed.**

3           A. Oh, I apologize. Yes.

4           JUDGE BUSHMANN: So I'm confused, page  
5           38, which line please?

6           MR. LINTON: Line 9.

7           CHAIRMAN HALL: Why are we reading into  
8           the record what will be in the record?

9           MR. LINTON: I apologize, your Honor, I  
10          will discuss it with him further.

11          **Q. (By Mr. Linton) So Grain Belt Express**  
12          **advises that the information will not be known until**  
13          **a final route is known, is that correct.**

14          A. Regarding specific -- pardon me --  
15          regarding specific transmission structures and  
16          placement, that is correct.

17          **Q. Then you say: Moreover, the design,**  
18          **the cost of the design is largely dependent on a**  
19          **large and robust river crossing. Do you see that?**

20          A. I say: Moreover, the cost to design  
21          large and robust river crossing structures is  
22          significant, not that the design is based on those,  
23          but the cost to design those specific structures.

24          **Q. Now you have a budget now, we've talked**  
25          **about, I think it's either 2.9 or 3.0 billion**

1     **dollars, right?**

2             A.     Two or three billion dollars I think,  
3     yeah.

4             **Q.     Okay. And you have -- have you**  
5     **developed that budget with Quanta's help at this**  
6     **point?**

7             A.     Quanta has had input, both on this  
8     project and on Plains & Eastern Project's is very  
9     close too.

10            **Q.     But it is an ongoing project?**

11            A.     I'm sorry, say that again.

12            **Q.     Ongoing design.**

13            A.     The design parameters are established,  
14     the final design is underway.

15            MR. LINTON: I would like to have an  
16     exhibit marked and distributed. I believe this  
17     would be Exhibit 407.

18            JUDGE BUSHMANN: That's correct.

19            (Wherein, Exhibit 407 was introduced.)

20            **Q.     (By Mr. Linton) Can you identify that**  
21     **document?**

22            A.     This is Anthony Wayne Galli's Responses  
23     to Show Me Concerned Landowners First Set of Data  
24     Requests.

25            **Q.     And WG-2 basically asks if you had done**

1 a cost estimate pursuant to the American Association  
2 of Cost Estimators International or ACEI  
3 Recommended Practice Number 56R-8, and you say  
4 basically no.

5 A. That is correct.

6 Q. Okay. And WG-4, it also asks the  
7 question: Are you familiar with project definition  
8 rating index methodology used for -- used -- used  
9 for doing a cost estimate and you say no, is that  
10 correct?

11 A. That is correct.

12 Q. It further asks have you done a PDRI,  
13 which is the Project Definition Rating Index,  
14 assessment, has that been performed on the Grain  
15 Belt Express project?

16 A. No.

17 Q. And the answer is no?

18 A. Correct.

19 Q. You say then that it's premature to do  
20 so until the entire route is determined.

21 A. Correct.

22 Q. Okay. So you have a budget, and you  
23 still need to do some design work, correct?

24 A. Yes.

25 Q. Okay. Would you anticipate that the



1 **budget may change significantly?**

2 A. The budget specifically for design  
3 work?

4 **Q. No, budget for the project.**

5 A. I don't anticipate that it will change  
6 significantly, no.

7 **Q. Have you -- have you designed the river**  
8 **crossing yet?**

9 A. No. While costly, they are small, very  
10 small percentage of the overall project costs,  
11 though.

12 MR. LINTON: I have no further  
13 question. Thank you.

14 JUDGE BUSHMANN: Would you want to  
15 offer 407?

16 MR. LINTON: Yes, please. Thank you.

17 JUDGE BUSHMANN: Any objections to the  
18 receipt of that exhibit?

19 (No response.)

20 JUDGE BUSHMANN: 407 is received into  
21 the record. Cross by Missouri Landowners?

22 MR. AGATHEN: Thank you, Judge.

23 CROSS

24 EXAMINATION

25 QUESTIONS BY MR. AGATHEN:

1 Q. Good morning, Dr. Galli.

2 A. Good morning, Mr. Agathen. How are  
3 you?

4 Q. I'm fine. You testified before the  
5 Illinois Commerce Commission in a proceeding where  
6 you were seeking approval of the same line, did you  
7 not?

8 A. Yes, I did.

9 Q. And you told the Illinois Commerce  
10 Commission that the interconnection in Missouri  
11 would enable the electricity transmitted over the  
12 Grain Belt line to be physically sold into the  
13 electric grid in Illinois, did you not?

14 A. I don't recall that particular part of  
15 the testimony, but I could have said that, yes.

16 Q. Well, is it subject to check that you  
17 did?

18 A. Subject to check.

19 Q. Thank you. So all the power delivered  
20 at the Missouri substation could get sold into  
21 Illinois, could it not?

22 A. Restate the question, please.

23 Q. All the power delivered at the Missouri  
24 substation could get sold into Illinois?  
25 Physically.

1           A.    Power delivered from where to the  
2 Missouri substation?

3           **Q.    From Kansas to the Missouri substation.  
4 It could physically be sold into Illinois?**

5           A.    It could be wield across through MISO  
6 and PJM from that point, yes.

7           **Q.    Or into MISO territory into Illinois,  
8 correct?**

9           A.    Yes.

10          **Q.    Thank you.  Isn't it true that the  
11 price of renewables tends to be higher in states  
12 east of us than they are in Missouri.**

13          A.    I think that would be a question better  
14 deferred to an economist like Mr. Berry.

15          **Q.    Am I correct that the power delivered  
16 at the PJM interconnection in Indiana could be  
17 delivered to all of the states along the Eastern  
18 Seaboard?**

19          A.    That is correct.

20          **Q.    And the prices for renewable energy in  
21 the PJM markets are generally higher than they are  
22 on the MISO footprint, is that correct?**

23          A.    I'm generally not on top of the market  
24 pricing, so again, Mr. Berry would be a better  
25 witness for that.

1           Q.    Were you on top of it in the last case  
2 here at this Commission?

3           A.    I may have been more familiar with it  
4 at that point.

5           Q.    Do you recall testifying that the  
6 energy prices in the PJM market were generally  
7 higher than they are in the MISO footprint?

8           A.    I don't necessarily recall that  
9 testimony, but subject to check.

10          Q.    Thank you. On a different subject. At  
11 one point you had planned for the Grain Belt line to  
12 deliver 500 megawatts to Missouri and 3,000  
13 megawatts into the Sullivan substation in PJM,  
14 correct?

15          A.    That was the original project  
16 definition, yes.

17          Q.    For a total capacity of 3500 megawatts?

18          A.    Yes.

19          Q.    And then you decided to increase the  
20 total capacity from 3500 megawatts to 4,000  
21 megawatts, correct?

22          A.    The total capacity, yes.

23          Q.    And all of the additional 500 megawatts  
24 will be delivered to the Sullivan Substation on the  
25 PJM station, correct?

1           A.    That is correct.

2           **Q.    None of it to Missouri?**

3           A.    None of the additional capacity was  
4 added to the Missouri converter station.

5           **Q.    Instead of delivering all the**  
6 **additional 500 megawatts to PJM system, you could**  
7 **have designed the facilities so as to deliver at**  
8 **least several hundred of the added megawatts to the**  
9 **Missouri Substation, could you not?**

10          A.    That would have been a possibility,  
11 yes.

12          **Q.    Is it fair to say that Grain Belt**  
13 **decided to deliver all 500 megawatts of the added**  
14 **capacity to the PJM system because you could make**  
15 **more money by selling it there than you could in**  
16 **Missouri?**

17          A.    Again, I think Mr. Berry would be  
18 better to answer that question.  Generally, it's  
19 based on a number of different factors.  Pricing  
20 would be one of them, the other would be the  
21 interconnection capability of the individual  
22 converter stations.

23          **Q.    Mr. Galli, I'm going to hand you a copy**  
24 **of the transcript from the last case, 2014 case**  
25 **before this Commission, and ask you to turn please**

1 to page 618.

2 JUDGE BUSHMANN: I'm sorry, I couldn't  
3 hear you, what page?

4 MR. AGATHEN: 618.

5 Q. (By Mr. Agathen) Do you see that?

6 A. I do. The highlighted section?

7 Q. Yes. And the highlighted section says:  
8 Question, the additional 500 megawatts you added all  
9 went to delivery in Indiana essentially, correct?

10 Answer: The increase in the converter size was in  
11 Indiana, correct. Question: Could you from a  
12 technical engineering standpoint have planned on and  
13 made additional -- excuse me -- available delivery  
14 to Missouri of hypothetically 600 megawatts and cut  
15 back 100 megawatts from the delivery in Indiana?

16 Answer: Hypothetically, yes. Or could have been up  
17 to 700 in Missouri? Hypothetically, yes. Or 800?  
18 Hypothetically, yes. Was the decision not to do  
19 that and to stay with 500 in Missouri an economic  
20 decision? Answer: I think for the most part my  
21 recollection is that it was based on our  
22 understanding of the markets and what the markets  
23 would bear.

24 Is that correct?

25 A. That is what it says.

1           Q.    On a different subject. I believe you  
2    said in some answers to Mr. Linton that you don't  
3    know at this point how many support structures  
4    you'll be putting up across Missouri, didn't you?

5           A.    I recall that I said we don't  
6    understand the number of -- the number of certain  
7    types of structures, yes.

8           Q.    Do you know how many total structures.

9           A.    On the average, four to five a mile is  
10   a rule of thumb, but it depends on a lot of factors.

11          Q.    So you don't know at this point exactly  
12   how many structures you'll be putting up.

13          A.    No, we do not.

14          Q.    And I think you said you don't know the  
15   number of single monopole structures versus the  
16   larger lattice-type structures, is that correct?

17          A.    That is correct, we've not made that  
18   determination.

19          Q.    And you won't have that answer until  
20   after this Commission issues an order in this case,  
21   will you?

22          A.    When we have a route that we can do the  
23   engineering on, we'll have that answer.

24          Q.    So that will be after the Commission  
25   issues an order in this case, correct?

1 A. That is correct.

2 Q. Will you turn please to page one of  
3 your Schedule AWG-3? Are you there?

4 A. Yes, sir.

5 Q. You have a drawing of the typical  
6 lattice structure at the top of the page and then a  
7 drawing of a typical monopole structure at the  
8 bottom, correct?

9 A. That is correct.

10 Q. And the lattice structure is slightly  
11 higher than the monopole structure?

12 A. On average, yes.

13 Q. And requires a four pier foundation  
14 instead of a single pier foundation, correct?

15 A. That is correct.

16 Q. And for the lack of a better term, the  
17 lattice structure has more of a visual impact than a  
18 single pole structure, does it not?

19 A. I believe that's subjective. I  
20 personally think the lattice structures have less of  
21 a visual impact because you can actually see through  
22 them.

23 Q. So it depends on the person's I guess  
24 definition of visual.

25 A. I think that would be subjective, yes.



1           **Q. Is it your position that when it comes**  
2 **time to actually build the line, Grain Belt will**  
3 **have the sole discretion to determine what type of**  
4 **structures they'll use in any given location?**

5           A. I think we take a variety of  
6 circumstances into consideration in determining the  
7 structures, and one of those is landowner  
8 preference, but to answer your question, I think  
9 ultimately it is our sole discretion, but I can't  
10 unilaterally state that.

11           **Q. You don't have any documents which**  
12 **would show that it's up to the landowner?**

13           A. I know Miss Lanz in her discussions  
14 with landowners offers a construction questionnaire,  
15 at least on the Plains & Eastern Project, and it  
16 discusses structural heights to a certain degree as  
17 a landowner preference, but other than something in  
18 writing, that's the only thing I would think we  
19 would have. But I would defer to Miss Lanz on that.

20           **Q. Is it fair to say that the lattice**  
21 **structure is a much more efficient structure than**  
22 **the monopole?**

23           A. From an engineering perspective, in  
24 terms of weight versus carrying capability, yes,  
25 it's more efficient.

1 Q. And it's fair to say there are a lot of  
2 engineers reason why you would prefer to use the  
3 lattice structure instead of a single monopole, is  
4 that correct?

5 A. From an engineering perspective, it's  
6 the most efficient structure. So from purely an  
7 engineering perspective, it would be a preferred  
8 structure, yes.

9 Q. Would you turn please to page 11 of  
10 your direct testimony. At lines 13 to 15, you also  
11 mention what you call other lattice type structures,  
12 such as guyed vee, V-E-E, and guyed lattice mast  
13 structures, correct?

14 A. That is correct, those are typical  
15 structures for transmission.

16 Q. We asked you for diagrams of those  
17 other lattice structures similar to the diagrams you  
18 have on your Schedule AWG-3, correct?

19 A. I don't recall that being asked, but  
20 there were a lot of asks, so if you have that DR.

21 Q. Did you tell us that you didn't have  
22 any of those diagrams?

23 A. I don't recall that DR.

24 Q. There have been a lot of DRs, I'll  
25 admit.

1 A. Pardon?

2 Q. **There have been a lot of DRs.**

3 MR. ZOBRIST: What's the number?

4 MR. AGATHEN: WG-7.

5 Q. **(By Mr. Agathen) Could you read in the**  
6 **question WG-7 and the response?**

7 A. It says: Please provide diagrams  
8 comparable to those shown at Schedule AWG-3 for each  
9 of the, quote, other lattice structure types, end  
10 quote, which might be utilized in the Missouri  
11 segment of the project. Response: Diagrams have  
12 not been created for any other structure that has  
13 been identified by power as suitable for the Grain  
14 Belt Express project.

15 Q. **Thank you, sir. And you also told us**  
16 **that you can't even provide an estimate of the**  
17 **number of these other lattice type structures that**  
18 **might be used in supporting this line, is that**  
19 **correct?**

20 A. That is correct.

21 Q. **Your proposed line would need to cross**  
22 **both the Missouri and Mississippi Rivers, correct?**

23 A. Yes.

24 Q. **Does your testimony give any indication**  
25 **of what the height would be of the structures at**

1 **those river crossings?**

2 JUDGE BUSHMANN: Is your microphone on,  
3 Mr. Agathen?

4 MR. AGATHEN: Now it is, Judge.

5 JUDGE BUSHMANN: Thank you.

6 MR. AGATHEN: Thank you.

7 THE WITNESS: I don't recall in my  
8 testimony providing estimated heights for river  
9 crossings.

10 **Q. (By Mr. Agathen) Do you recall that we**  
11 **asked in a data request for the expected height of**  
12 **the structures at those river crossings?**

13 A. Again, I don't recall any individual  
14 DRs, but very possibly you did.

15 **Q. Do you have those data requests up**  
16 **there with you?**

17 A. Do you have a data request number?

18 **Q. G-57.**

19 JUDGE BUSHMANN: Which set is that,  
20 please?

21 MR. AGATHEN: Might be easier if I just  
22 brought it up.

23 **Q. (By Mr. Agathen) I hand you a copy of**  
24 **a number of data requests including G-57 and ask if**  
25 **you could read in the question and the answer.**

1           A.    G-57, what is the expected height of  
2   the proposed line supporting structures in Missouri  
3   at the Mississippi and Missouri River crossings?

4   Response:  Specifically structure designs for the  
5   Grain Belt Express project have not been produced  
6   since the location of the structure plays a major  
7   role in the design of the structures.  Once the  
8   route has been approved in Missouri, Grain Belt  
9   Express will perform the detailed structure spotting  
10  and then will commence with structure design  
11  activities.

12                    It can be noted that based on more  
13  detailed engineering performed on the Plains &  
14  Eastern project, the average structure height for  
15  non-crossing structures is approximately had 145  
16  feet.  One can reasonably assume similar average  
17  heights would be utilized on Grain Belt Express.

18           **Q.    Thank you, sir.  You're familiar with**  
19 **the testimony of Mr. Shiflett in this case, are you**  
20 **not?**

21           A.    I am familiar with it, not intimate  
22  with it, though.

23           **Q.    He works for the company which you say**  
24 **will be the prime construction contractor, right?**

25           A.    That is correct.

1           Q.    I'm handing you a copy of Mr.  
2   Shiflett's Schedule TFS-4, which is page 20 of 140,  
3   and in the bottom row it indicates lattice crossing  
4   structures, correct?

5           A.    That is correct.

6           Q.    And what does it say about the heights  
7   in the third column there about structural  
8   footprints for the Missouri River Crossings?

9           A.    Well, this is general lattice crossing,  
10   it doesn't specifically say Missouri River or  
11   Mississippi River, but it states 200 to 350 feet  
12   tall.

13          Q.    And it says in the box next to that, as  
14   necessary and limited situations, for example,  
15   Mississippi River and Missouri River Crossings,  
16   correct?

17          A.    Oh, that's correct, yes.

18          Q.    Thank you. So we could end up with  
19   structures crossing the rivers which are about half  
20   the height of the Gateway Arch, couldn't we?

21          A.    I'm pretty bad with geographical facts,  
22   so I don't really recall what the height of the  
23   Gateway Arch is, but a river crossing of 200 to 300  
24   feet based on topograph would not be unrealistic.

25          Q.    200 to 350 feet.

1 A. Yes.

2 Q. On a different subject. Could you  
3 please turn to page 39 of your direct testimony. Do  
4 you have that?

5 A. Yes, sir.

6 Q. At lines 14 to 16 you essentially state  
7 that it's very unlikely that your proposed line  
8 would impact the GPS systems used on farming  
9 equipment, is that correct?

10 A. That is correct.

11 Q. What does Grain Belt intend to do if it  
12 turns out that your line does in fact adversely  
13 affect the GPC system on someone's farming  
14 equipment?

15 A. We would work to remedy that situation.

16 Q. You would fix it?

17 A. Yes.

18 Q. At your cost?

19 A. Yes.

20 Q. On a different subject. Are you aware  
21 of any studies or analyses which conclude that the  
22 bulk power system in Missouri is presently below  
23 some level of reliability generally considered  
24 acceptable under Good Utility Practice?

25 A. I am not aware of any study that states

1 such.

2 Q. Are you aware of any study or analysis  
3 which concludes that at some future date the bulk  
4 power system in Missouri will likely fall below some  
5 level of a reliability generally considered  
6 acceptable under Good Utility Practice?

7 A. There are studies that show there are  
8 reliability problems in the future in the MISO  
9 footprint, but most of those are addressed by  
10 current projects under construction, so there are  
11 studies that exist that show problems, but they also  
12 show mitigation.

13 Q. Mitigation meaning that it will be  
14 corrected?

15 A. Correct.

16 Q. Has Grain Belt conducted any studies or  
17 analyses which show what the least cost method of  
18 increasing the reliability of the bulk power system  
19 in Missouri would be with the addition of the Grain  
20 Belt line?

21 A. No.

22 MR. AGATHEN: I just have just a few  
23 more questions, Judge, that deal with documents that  
24 have been labeled highly confidential by Grain Belt.

25 JUDGE BUSHMANN: We'll go in camera



1 then. People in the audience that are not  
2 authorized to listen to highly confidential  
3 information, you need to step outside for a few  
4 minutes, please.

5 (REPORTERS NOTE: At this point an  
6 in-camera session was held which is contained in  
7 Volume 13, Pages 496 through 498.)

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1 (REPORTERS NOTE: Back in open  
2 session.)

3 JUDGE BUSHMANN: Could someone in the  
4 back please let the people know if they're outside  
5 that they can come back in?

6 We're back in public session.  
7 Questions from Commissioners?

8 CHAIRMAN HALL: Hello.

9 THE WITNESS: Good morning.

10 CHAIRMAN HALL: You are aware that  
11 Staff has expressed some -- some concern with the  
12 fact that Grain Belt has not completed all the  
13 necessary RTO interconnection studies.

14 THE WITNESS: Yes, sir, I'm aware of  
15 that expressed concern. We addressed them in  
16 surrebuttal.

17 CHAIRMAN HALL: How so?

18 THE WITNESS: Specifically, I think  
19 Schedule AWG-7 to my surrebuttal is a good summary  
20 of the studies that have been completed and to be  
21 completed. There is roughly a dozen various  
22 studies. The majority of them are complete and  
23 some -- two -- one -- let's see, pardon me -- one,  
24 two are yet to be started.

25 CHAIRMAN HALL: In a nutshell, why --

1 why -- why has the company been unable to complete  
2 all of the necessary studies to date?

3 THE WITNESS: So a lot of it is  
4 dependent upon the RTO processes and just the  
5 timeframes that it takes. For instance, the PJM  
6 interconnection site, we had started the facility  
7 study and then they began to retool or restudy our  
8 queue position because there were some changes in  
9 the queue positions above it, some were withdrawn,  
10 so PJM has triggers in their tariff that they have  
11 to restudy at that point.

12 So right now PJM is currently  
13 restudying something they had already studied. So  
14 it's largely dependent upon the RTO timeframes.

15 CHAIRMAN HALL: Are you aware of the  
16 lack of finalized interconnection agreements with  
17 RTOs being raised as an impediment to getting a  
18 Certificate in Illinois, Indiana or Kansas?

19 THE WITNESS: Let me restate your  
20 question so I'm sure I understood it. You're asking  
21 me am I aware of the fact that a transmission entity  
22 doesn't have a signed interconnection agreement  
23 that's impediment to getting a CCN?

24 CHAIRMAN HALL: Not just any  
25 transmission company, I'm talking about your

1 transmission.

2 THE WITNESS: I am aware that it raises  
3 concern, but, you know, from my perspective,  
4 these -- these issues are tackled -- need to be  
5 tackled in parallel as opposed to sequentially from  
6 a development timeframe.

7 CHAIRMAN HALL: Let me rephrase my  
8 question. In Illinois or Indiana or Kansas, did any  
9 of the opponents of the line raise the fact that  
10 Clean Line did not have all of the -- the RTO  
11 interconnection agreements in place prior to the  
12 issuance of the Certificate?

13 THE WITNESS: Yes, sir, that was indeed  
14 raised.

15 CHAIRMAN HALL: And in those cases, the  
16 Commissions in Illinois, Indiana and Kansas decided  
17 that that was not a necessary precondition?

18 THE WITNESS: That is correct, yes,  
19 sir.

20 CHAIRMAN HALL: My understanding is  
21 that Clean Line and Staff have agreed with -- to a  
22 condition that Grain Belt will provide Staff with  
23 complete RTO interconnection agreements and any  
24 associated studies, should the studies raise new  
25 issues, Grain Belt will provide its plan to address

1 those issues. Are you familiar with that agreement?

2 THE WITNESS: Yes, sir, I am.

3 CHAIRMAN HALL: Can you give me a  
4 flavor for what some of those new issues might be  
5 and how Grain Belt would provide its plan to address  
6 those issues?

7 THE WITNESS: Honestly, it's hard for  
8 me to conceive at this point in level of study that  
9 we've been at any new issues coming up.  
10 Hypothetically, you know, PJM might, for instance,  
11 see the need to add a wave trap on some 345 kV line  
12 downstream when they finalize their retool, and  
13 maybe that's another, you know, \$10,000.00 or  
14 something of that nature. It doesn't move the  
15 project budget that much, but given the level of  
16 study right now, I really don't anticipate anything  
17 changing significantly from those interconnection  
18 studies.

19 CHAIRMAN HALL: So Staff in its  
20 rebuttal report expresses concern due to the lack of  
21 these studies because there could be potential  
22 necessary transmission upgrades.

23 THE WITNESS: They do express that  
24 concern, yes.

25 CHAIRMAN HALL: And how do you respond

1 to that?

2 THE WITNESS: My view is in general  
3 that the level of study that we've done has  
4 indicated there won't be significant additional  
5 transmission upgrades.

6 CHAIRMAN HALL: I have a couple of  
7 questions about the Missouri converter station.  
8 Will it be capable of uploading Missouri energy?

9 THE WITNESS: It will have -- yes, sir,  
10 it will have bidirectional capability.

11 CHAIRMAN HALL: And has MISO studied  
12 that yet?

13 THE WITNESS: We have not studied power  
14 flow in that direction, so sourcing from MISO into  
15 the converter, we have not had that study at this  
16 point.

17 CHAIRMAN HALL: What is involved in  
18 that kind of study?

19 THE WITNESS: It would more than likely  
20 be from MISO's perspective just a transmission  
21 service type request study from wherever the power  
22 begins MISO was originating to our point of  
23 interconnection. So the customer requesting that  
24 service through us would have to, in other words,  
25 get service to us, and so MISO would have to study

1 that.

2 CHAIRMAN HALL: Is that a complicated  
3 study?

4 THE WITNESS: No, sir.

5 CHAIRMAN HALL: Why hasn't it been  
6 completed to date?

7 THE WITNESS: I don't believe anybody  
8 has requested that to date.

9 CHAIRMAN HALL: Well, when Staff  
10 indicated that it was a concern, wouldn't that have  
11 been an indication that maybe you should have  
12 requested that study?

13 THE WITNESS: For our base case, it's  
14 not -- it's not necessarily part of our base case,  
15 if you will, for the project development. Our base  
16 case assumes injection into Missouri, not withdrawal  
17 from. So any upgrades associated withdrawal from  
18 would -- or the impact would fall on the person  
19 requesting that service, not on the project. We're  
20 seeking injection rights, withdrawal rights would be  
21 for whoever is requesting the withdrawal, to remove  
22 the power from us.

23 CHAIRMAN HALL: My understanding is  
24 that part of the project will involve handing  
25 functional control of the transmission line to PJM?

1 THE WITNESS: That's correct.

2 CHAIRMAN HALL: What about the 500  
3 megawatts that would drop into Missouri, will MISO  
4 have functional control over those 500?

5 THE WITNESS: It depends on how the  
6 generators want to interact with the MISO markets,  
7 either as an external resource, with current  
8 capacity in the market, or scheduling on a tag basis  
9 into the market. So MISO would have control as --  
10 as he will as either dispatching the wind that wants  
11 to participate directly into the market as an  
12 external resource, or control over approving tags  
13 that would flow across the interface between the  
14 converter station and into MISO.

15 CHAIRMAN HALL: So it sounds like it's  
16 going to depend on what the generator wants?

17 THE WITNESS: Yes, sir.

18 CHAIRMAN HALL: So that could change?

19 THE WITNESS: You mean on a minute-to-  
20 minute basis or are you just --

21 CHAIRMAN HALL: Well, I mean I assume  
22 that generators will sign contracts for a set  
23 duration of time, and so during that duration of  
24 time their preference will be honored I assume,  
25 whatever deal gets worked out?



1 THE WITNESS: Yes.

2 CHAIRMAN HALL: Are you familiar with  
3 Staff's concerns that -- that the -- that this  
4 transmission line instead of solving seams issues  
5 actually creates seams issues, that there's a new  
6 seam at each converter station?

7 THE WITNESS: Yes, I'm generally aware  
8 of that concern.

9 CHAIRMAN HALL: And how do you respond  
10 to that?

11 THE WITNESS: I think in terms of seams  
12 agreements, you know, PJM and MISO already have  
13 their joint operating agreements in place and their  
14 seams agreement in place, and it would fall within  
15 those -- within those already approved documents.

16 So not a big concern. On the SPP side,  
17 it would be another -- a joint operating agreement,  
18 which are, for better -- not quite pro forma but  
19 almost pro forma between PJM and SPP.

20 CHAIRMAN HALL: Okay. I think that's  
21 all I have. Thank you.

22 THE WITNESS: Thank you.

23 JUDGE BUSHMANN: Recross based on Bench  
24 questions? MJMEUC?

25 MR. HEALY: No questions, your Honor.

1 THE COURT: Wind on the Wires?

2 MR. BRADY: No questions, your Honor.

3 JUDGE BUSHMANN: Infinity Wind?

4 MS. PEMBERTON: No questions.

5 JUDGE BUSHMANN: MIEC?

6 MR. MILLS: No questions.

7 JUDGE BUSHMANN: Commission Staff?

8 MR. WILLIAMS: Thank you.

9 CROSS EXAMINATION

10 QUESTIONS BY MR. WILLIAMS:

11 Q. Dr. Galli, do you recall the questions  
12 or the queries that Chairman Hall was asking you  
13 about studies not being completed and anticipated  
14 costs of upgrades that might follow from those  
15 studies?

16 A. Yes, sir.

17 Q. And you used the term that you didn't  
18 anticipate any significant transmission upgrades?

19 A. That's correct.

20 Q. What did you mean by that? Can you put  
21 a dollar amount on it or a facility -- what does  
22 that mean?

23 A. Using my example to Chairman Hall, with  
24 the retool study by PJM, again the first study  
25 identified some significant upgrades, as noted in my

1 testimony, on over 500 million dollars. Retool may  
2 identify something small, in the magnitude of tens  
3 of thousands of dollars, nothing that would move  
4 over to the 500 million dollar price tag, for  
5 example.

6 **Q. So you're not expecting any of these**  
7 **studies to put you even into the millions of**  
8 **dollars?**

9 A. I wouldn't expect -- maybe millions,  
10 not tens of millions. It's hard to judge, but  
11 again, very unlikely it would be anything  
12 significant to the project.

13 **Q. What's your comfort level with that**  
14 **projection?**

15 A. I'm very comfortable with that  
16 projection.

17 MR. WILLIAMS: No further questions.

18 JUDGE BUSHMANN: Rockies Express,  
19 questions?

20 MS. GIBONEY: No questions.

21 JUDGE BUSHMANN: Show Me Landowners?

22 MR. LINTON: No questions.

23 JUDGE BUSHMANN: Missouri Landowners?

24 MR. AGATHEN: No questions, Judge.

25 JUDGE BUSHMANN: Redirect by Grain

1 Belt.

2 REDIRECT EXAMINATION

3 QUESTIONS BY MR. ZOBRIST:

4 Q. Dr. Galli, the Chairman asked you about  
5 the MISO role in terms of the three RTOs that will  
6 be involved in this project. Will MISO be able to  
7 regulate the injection of power into Missouri to  
8 ensure reliability?

9 A. Yes.

10 Q. And what's the status of your  
11 interconnection with the Southwest Power Pole?

12 A. We have a signed interconnection  
13 agreement between us and Southwest Power Pool and  
14 ITC.

15 Q. And finally, Mr. Agathen was asking you  
16 about the additional 500 megawatts that were added  
17 to the project from its original standpoint to date.  
18 Do you recall that line of questioning?

19 A. Yes.

20 Q. Okay. If prices are higher in the PJM  
21 region, what effect would that have on the economic  
22 feasibility of the Grain Belt Express project?

23 A. It would improve them, improve it.

24 Q. Okay. Thank you.

25 MR. ZOBRIST: Nothing further, Judge.

1 JUDGE BUSHMANN: All right. Mr. Galli  
2 that completes your testimony, sir. You may step  
3 down. Thank you.

4 THE WITNESS: My pleasure.  
5 (Witness excused.)

6 JUDGE BUSHMANN: We're going to break  
7 for lunch now. We'll be in recess until 1:00.

8 (Lunch recess.)

9 JUDGE BUSHMANN: Let's go back on the  
10 record.

11 My understanding is we're going to be  
12 taking a Grain Belt witness out of order.

13 MR. ZOBRIST: Yes, Judge, we're going  
14 to take Suedeem Kelly at this point and then resume  
15 with the regular order, which would be Tommy  
16 Shiflett.

17 JUDGE BUSHMANN: Okay.

18 MR. ZOBRIST: Grain Belt calls Suedeem  
19 Kelly to the stand.

20 JUDGE BUSHMANN: Raise your right hand  
21 please.

22 SUEDEEN KELLY,  
23 having been called as a witness, was sworn  
24 upon her oath, and testified as follows:

25 DIRECT EXAMINATION

1 QUESTIONS BY MR. ZOBRIST:

2 Q. Please state your name.

3 A. Suedeem Kelly.

4 Q. And where are you employed?

5 A. I am employed with the law firm of Akin  
6 Gump Strauss Hauer & Feld.

7 Q. And did you prepare in this case direct  
8 testimony, which has been marked as Exhibit 111, and  
9 surrebuttal testimony, which has been marked as  
10 Exhibit 112?

11 (Wherein, Exhibits 111 and 112 were  
12 introduced.)

13 THE WITNESS: I did.

14 Q. (By Mr. Zobrist) Do you have any  
15 corrections to either Exhibit 111 or 112?

16 A. No, I don't.

17 Q. If I were to ask you the questions  
18 contained in those two exhibit, would your answers  
19 be as set forth therein?

20 A. Yes.

21 MR. ZOBRIST: Your Honor, I offer  
22 Exhibit 111, the direct testimony of Suedeem Kelly,  
23 and Exhibit 112, her surrebuttal at this time.

24 JUDGE BUSHMANN: Any objections to the  
25 receipt?

1                   Hearing none, those exhibits are  
2     received.

3                   JUDGE BUSHMANN: First cross would be  
4     by MJMEUC?

5                   MS. WHIPPLE: None, your Honor. Thank  
6     you.

7                   JUDGE BUSHMANN: Wind on the Wires?

8                   MR. BRADY: No cross.

9                   JUDGE BUSHMANN: Infinity Wind Power?

10                  MS. PEMBERTON: No questions.

11                  JUDGE BUSHMANN: MIEC?

12                  MR. MILLS: No questions. Thank you,  
13     your Honor.

14                  JUDGE BUSHMANN: Commission Staff?

15                  MR. WILLIAMS: No questions at this  
16     time.

17                  JUDGE BUSHMANN: Rockies Express.

18                  MS. GIBONEY: No questions, Judge.

19                  JUDGE BUSHMANN: Show Me Landowners?

20                  MR. LINTON: Just a few, your Honor.

21                                 CROSS EXAMINATION

22     QUESTIONS BY MR. LINTON:

23                   Q.     **Good afternoon, Ms. Kelly.**

24                   A.     Good afternoon.

25                   Q.     **How are you?**

1           A.    Good, thanks.  How are you?

2           Q.    Good.  Just a few questions for you,  
3           and they're really all on page two of your  
4           surrebuttal testimony.  At lines eight and nine  
5           there, and you said that the Commission can rely on  
6           FERC to oversee the RTOs interjection --  
7           interconnection process and ensure that Grain Belt  
8           Express project is safety interconnected with SPP.

9                    You're not suggesting there that this  
10           Commission advocate its responsibility to do what it  
11           needs to do under the law, are you?

12           A.    Of course not.  I think what I was  
13           trying to point out in this portion of my  
14           surrebuttal was that in the Staff report there was  
15           reference to issues that are under FERC's purview  
16           and that the Commission could rely on FERC to do its  
17           job to ensure that interconnection preceded  
18           reliably.

19           Q.    You're not speaking on behalf of FERC,  
20           are you?

21           A.    No.

22           Q.    Then page three of your surrebuttal  
23           testimony, there was a question there that said that  
24           Staff recommends that the Commission determine if  
25           the project's service is an improvement that



1 justifies the cost. Do you agree with this  
2 recommendation and you said no.

3 You're not suggesting there that the  
4 Commission not follow the law in the State of  
5 Missouri, are you?

6 A. No, the point that I was making was to  
7 reiterate what I said in my direct testimony that  
8 the test for whether there is -- I think this one  
9 was need or economic feasibility. I'd have to read.

10 Need. That when the Commission  
11 considers need with a participant-funded project, it  
12 does not have to -- it's different from when it  
13 considers need for a transmission project developed  
14 by a traditional franchise regulated utility with  
15 costs imposed on captive ratepayers, and the point  
16 that I was trying to make was that need is different  
17 when the regulator doesn't have to protect the  
18 customers, like with the participant-funded project,  
19 the customers are only voluntary customers and don't  
20 need the protection of the Commission like the  
21 Commission needs to protect captive ratepayers.

22 Q. Thank you very much.

23 MR. LINTON: No further questions.

24 JUDGE BUSHMANN: Missouri Landowners?

25 MR. AGATHEN: Thank you, Judge.

1 CROSS EXAMINATION

2 QUESTIONS BY MR. AGATHEN:

3 Q. Good afternoon, Miss Kelly.

4 A. Good afternoon.

5 Q. You make a lot of references in your  
6 testimony, your testimony and other exhibits of the  
7 Grain Belt witnesses in this case, do you not?

8 A. I do.

9 Q. You didn't independently analyze or  
10 verify the testimony of the other Grain Belt  
11 witnesses that you cited in your testimony, do you?

12 A. Well, while I did not independently and  
13 verify them, I reviewed them with an eye to whether  
14 their conclusions seemed reasonable to me, in the  
15 ballpark.

16 Q. I'd like to clarify just one matter, if  
17 you would. At page five of your direct testimony in  
18 that line nine. Are you there?

19 A. Yes, I am.

20 Q. You state: Meanwhile, even though the  
21 costs of the project will not be recovered from the  
22 Missouri public, the Missouri public will benefit  
23 from its construction. Do you see that?

24 A. Yes, I do.

25 Q. Just to be clear, if for example

1 Missouri utilities do buy 500 megawatts of capacity  
2 from the Grain Belt line, then a portion of the  
3 public could get energy from line will probably pay  
4 for the cost, relative cost of capacity, will it  
5 not?

6 A. I would agree that any wholesale  
7 customer of Grain Belt Express, like MJMEUC, enters  
8 into a contract to take power and pay transmission  
9 costs for that amount of power and costs associated  
10 with its transmission, it in all likelihood would  
11 pass it onto its retail customers, yes.

12 Q. Thank you. If you turn to page nine,  
13 beginning at line five or so, you indicated that the  
14 FDRC has supported the development of  
15 participant-funded transmission lines by offering  
16 such projects to bilaterally negotiate rates for  
17 their transmission service.

18 A. Yes.

19 Q. Is the Grain Belt project an example of  
20 what you mean there by a participant-funded  
21 transmission line?

22 A. Yes.

23 Q. And Grain Belt has already been granted  
24 the authority by the FDRC to negotiate its  
25 transmission rates to its potential customer, is

1 **that correct?**

2 A. Yes. They were authorized to undertake  
3 an open solicitation and a capacity allocation  
4 process, and in the course of doing that, they were  
5 also authorized to negotiate rates with a subset of  
6 entities that responded to the open solicitation.

7 **Q. Could you explain what you mean there**  
8 **by bilateral negotiations --**

9 A. That means a one-on-one negotiation.  
10 The transmission company and the interested  
11 customer.

12 **Q. Does the FDRC have any specific rules**  
13 **which would prohibit Grain Belt from charging**  
14 **whatever the markets will bear when they negotiate**  
15 **with those customers?**

16 A. The FDRC adopted a policy statement in  
17 2013 which set out its processes and procedures to  
18 ensure that any negotiation of rates for  
19 participant-funded projects proceed in accordance  
20 with the processes that it put out there.

21 **Q. Sure.**

22 A. And the Commission in that policy  
23 statement determined that if those processes were  
24 complied with, that its concerns about whether there  
25 would be just and reasonable rates, no undue

1 discrimination, no preferential treatment, that --  
2 that those concerns were alleviated by the company's  
3 following the process set out in the policy  
4 statement.

5 Q. So --

6 A. So it is of concern to FERC to ensure  
7 that there's no unjust and unreasonable rate or  
8 undue discrimination or undue preference, but FERC  
9 has in the instance of participant-funded projects  
10 set out the criteria by which that concern will be  
11 met.

12 Q. And so long as the merchant follows the  
13 processes that you just mentioned in that order,  
14 they can essentially charge whatever the market will  
15 bear?

16 A. They can charge a market-based rate,  
17 yes, and FERC will require -- so in this case,  
18 FERC -- Grain Belt went in to get authority to do  
19 that consistent with the policy statement, and FERC  
20 granted the authority, and -- and a post negotiation  
21 report is required to be filed at FERC in a  
22 compliance filing.

23 Q. Sure. And, of course, Grain Belt  
24 realizes that they're going to have to comply with  
25 all these policies because they will be reviewed, as

1 you say, after the fact that by the FDRC?

2 A. Correct.

3 Q. On a different subject, could you turn  
4 to page 12 of your direct testimony beginning at  
5 line 17. Are you there?

6 A. I am.

7 Q. You state that the Grain Belt line is  
8 likely to reduce the need for future cost allocated  
9 to transmission lines that would otherwise be built.  
10 Is that essentially correct?

11 A. That's correct.

12 Q. Do you know if Grain Belt has done any  
13 kind of analysis of the number of jobs which will be  
14 lost by reason of these other transmission lines not  
15 being built?

16 A. That will be lost or that will added by  
17 Grain Belt's construction?

18 Q. Well, they've already given us that  
19 figure.

20 A. Okay.

21 Q. Now what I'm asking is are you aware of  
22 any analysis of the number of jobs that will be lost  
23 by these other transmission lines not being built?

24 A. I am not aware of an analysis.

25 Q. Do you know if Grain Belt has done any

1 kind of an analysis of the tax revenues that would  
2 be lost by this reduced need for other transmission  
3 lines?

4 A. No.

5 Q. If you turn to page 16 of your direct  
6 testimony. Beginning on the last line and referring  
7 to the Grain Belt project, you state that the  
8 increase in the supply of low cost power will reduce  
9 the need to build new generation. Do you see that?

10 A. Yes.

11 Q. Do you know if Grain Belt has done any  
12 kind of an analysis of the number of jobs which will  
13 be lost by reason of this new generation not being  
14 built?

15 A. I know that Mr. Skelly and Mr. Berry  
16 have testified to this point about the increase in  
17 the supply of low cost power and its effects, but I  
18 don't know whether in their testimony they discuss  
19 that.

20 Q. Have you seen any kind of an analysis  
21 on that issue?

22 A. No.

23 Q. If you turn please to page 18 of your  
24 direct testimony, beginning at line nine, if you're  
25 there. You state that additional transmission can

1     **reduce transmission congestion, is that correct?**

2             A.     That's correct.

3             Q.     **Maybe you can clarify this for me, but**  
4     **isn't it true that it isn't necessarily cost**  
5     **effective to eliminates all congestion? In other**  
6     **words --**

7             A.     I don't know that I can agree with you  
8     on that point.

9             Q.     **Isn't it true that the costs involved**  
10    **in eliminating the congestion can be more than the**  
11    **value of the congestion that is reduced?**

12            A.     I guess in theory that's possible, but  
13    I don't know.

14            Q.     **You'd have to look at that on a**  
15    **case-by-case basis, would you not?**

16            A.     If that's the comparison that you  
17    wanted to do, I would say it would be best to do it  
18    on a case-by-case basis.

19            Q.     **On a different subject, could you turn**  
20    **please to page 32 of your testimony, and you recap a**  
21    **supposed benefits of the Grain Belt project there,**  
22    **correct?**

23            A.     At line 10?

24            Q.     **Page 32, I guess it is starting on line**  
25    **ten.**



1           A.    Yes.

2           Q.    You state that the line will reduce  
3 wholesale electricity prices and the cost for  
4 Missouri utilities to serve their electric loads,  
5 correct?

6           A.    That's correct.

7           Q.    I assume you're aware of the  
8 conclusions made by this Commission in the last case  
9 where they stated that Grain Belt's claims that the  
10 project would lead to more renewable energy  
11 compliance costs, lower wholesale electric prices,  
12 and lower retail electric rates, were not  
13 sufficiently supported by the record?

14          A.    In this case, I was referring to the  
15 testimony by Mr. Copeland where he explains how in  
16 this case the import of new low cost wind power will  
17 reduce wholesale electricity costs.

18          Q.    So you were assuming that that  
19 testimony in effect superceded the findings of this  
20 Commission in the last case?

21          A.    I don't really know, but it's the most  
22 recent testimony before the Commission.

23          Q.    Have you yourself done any kind of  
24 analysis which would refute the findings made by the  
25 Commission that I just referred to?

1           A.    Well, I understand that the factual  
2           situation that was presented to the Commission in  
3           this case is different from that, that was presented  
4           in the earlier case, including that in this case  
5           there is now a -- a TSA with MJMEUC, as well as  
6           MJMEUC's contract with Infinity Wind.

7           **Q.    But my question was, have you yourself**  
8           **done any kind of analysis that would refute the**  
9           **findings that I just referred to from this**  
10          **Commission in the last case?**

11          A.    I haven't done an analysis, but I have  
12          read that testimony. I haven't asked myself whether  
13          that testimony refutes the Commission's earlier  
14          decision, but I just know that it's new facts.

15          **Q.    Thank you. You're generally familiar**  
16          **with the Transmission Service Agreement between**  
17          **Grain Belt and MJMEUC, I assume?**

18          A.    Yes.

19          **Q.    And you're an attorney, right?**

20          A.    Yes.

21          **Q.    If you turn to page 14 of your direct**  
22          **testimony at line 16 to 18, you say that MJMEUC has**  
23          **agreed to purchase 200 megawatts of the total**  
24          **transmission service to Missouri, correct?**

25          A.    Correct.

1 Q. Does the MJMEUC contract obligate them  
2 to buy any capacity on the line?

3 A. No, it doesn't per se, however their  
4 subsequent entry into a contract with Infinity  
5 effectively will obligate them to take that hundred  
6 megawatts -- or 200 megawatts worth.

7 Q. Aren't they only obligated to take 100  
8 megawatts from Infinity?

9 A. Subject to check, I'll take your  
10 answer.

11 Q. On a different subject, could you turn  
12 please to page two of your direct testimony, lines  
13 three to six, you state that you testified in a case  
14 before the Maryland Public Service Commission, is  
15 that correct?

16 A. That's correct.

17 Q. Is that the only state or federal  
18 regulatory proceeding that you've testified in,  
19 other than this one? It's the only one you list.

20 A. Yes, it is.

21 Q. That case involved a proposed merger  
22 between two major utilities on the East Coast, did  
23 it not?

24 A. The acquiring utility is based in  
25 Chicago, and the -- the utility to be acquired is

1 based in Washington, DC.

2 Q. Both relatively large utilities?

3 A. Exelon, the acquirer, is very large,  
4 Pepco, the utility to be acquired, in the scheme of  
5 things is relatively small.

6 Q. Is it fair to say there were numerous  
7 witnesses on both sides of that case?

8 A. Yes.

9 Q. And you submitted testimony in support  
10 of the merger, did you not?

11 A. I did.

12 Q. And I assume you're familiar with the  
13 order in that case from the Maryland Public Service  
14 Commission?

15 A. Yes.

16 Q. That was a split decision, was it not,  
17 three --

18 A. It was.

19 Q. -- three in favor of the merger, two  
20 against it?

21 A. Yes.

22 Q. Is it fair to say that the Maryland  
23 Commission presented a rather lengthy analysis in  
24 discussing the evidence on both sides of the issue?

25 A. I would assume so. I don't recall

1 exactly.

2 Q. I was interested in obviously seeing  
3 what they said about your testimony in that case,  
4 and excuse me if I missed it, but I couldn't find  
5 any reference to your name or to your testimony.

6 A. I don't recall. I believe that they --  
7 what I do recall is that the testimony that I gave  
8 was valuable to the Commission. I don't know that  
9 they referred to me by name, but I believe they  
10 referred to my testimony, or to the issues that I  
11 testified to.

12 Q. But not your testimony.

13 A. To the issues that I testified to.

14 Q. Was there any reference, to your  
15 recollection, of you specifically or your testimony  
16 specifically?

17 A. I don't remember.

18 Q. One final question -- well, two final  
19 questions. How much do you charge per hour for  
20 testimony in a regulatory proceeding?

21 A. 825.

22 Q. And how much approximately will you  
23 recover for this case for your time?

24 A. Well, I should point out that it's not  
25 me, it's my law firm. My law firm charges the rate,

1 it's not me personally.

2 Q. How much will you or your law firm  
3 recover from Grain Belt for your testimony today?

4 A. To date, we've billed Grain Belt  
5 155,000. I don't know if it's all been paid yet. I  
6 assume that they will pay it.

7 Q. That does not count the time that  
8 you're spending in this proceeding here, does it?

9 A. That's correct.

10 Q. So you're up in the neighborhood of  
11 200,000?

12 A. I -- I'm -- I suspect so.

13 Q. That's all I have.

14 A. Thank you.

15 JUDGE BUSHMANN: Questions from the  
16 Commissioners?

17 CHAIRMAN HALL: Good afternoon.

18 THE WITNESS: Hello Commission.

19 CHAIRMAN HALL: Welcome to Missouri.

20 THE WITNESS: Nice to be here.

21 CHAIRMAN HALL: Turning to page nine of  
22 your direct testimony, where you quote a FERC  
23 decision, on lines five and six, FERC believes that  
24 the participant-funded transmission projects play a,  
25 quote, useful role in expanding competitive

1 generational alternatives for customers.

2 THE WITNESS: Yes.

3 CHAIRMAN HALL: Can you give me a  
4 little background on that case and what exactly was  
5 at issue there?

6 THE WITNESS: So, FERC has jurisdiction  
7 over transmission and in particular is concerned  
8 about transmission in RTOs because the RTOs are  
9 subject to their jurisdiction, and the traditional  
10 way to build a transmission project in an RTO is  
11 very similar to how we do it in the states that are  
12 not in our RTOs with traditional utilities --  
13 vertically integrated utilities. In other words,  
14 it's developed, and it's mandated and it's developed  
15 through cost of service rate making, and the costs  
16 are imposed on the captive customers, so about maybe  
17 14 years ago the first proposal came to FERC for  
18 transmission that is merchant transmission and then  
19 participant-funded transmission, which puts the risk  
20 of the transmission on the investors and not on the  
21 captive customers, and FERC developed policies to  
22 enable that kind of transmission to be built because  
23 they liked the prospect of putting the risk on the  
24 investors and not on the ratepayers.

25 So they've supported the development of

1 that type of transmission lines by authorizing, and  
2 that's the rest of my sentence here, they decided in  
3 2013 to authorize participant-funded transmission  
4 projects to engage in bilateral negotiation of rates  
5 with voluntary purchasers.

6 CHAIRMAN HALL: Are you familiar with  
7 the FERC order that could authorize Clean Line to  
8 negotiate rates?

9 THE WITNESS: Yes.

10 CHAIRMAN HALL: Is there anything in  
11 that order in your view that endorses this kind of  
12 participant-funded model?

13 THE WITNESS: Yes, the fact that they  
14 authorized Clean Line to implement the  
15 participant-funded model through open solicitation  
16 and bilateral negotiation of rates, I would say it's  
17 supportive.

18 CHAIRMAN HALL: So in your view, that  
19 if -- if FERC was skeptical of either this model or  
20 this particular project, it wouldn't have  
21 authorized -- it wouldn't have issued this order?

22 THE WITNESS: Correct.

23 CHAIRMAN HALL: How common is the  
24 participant-funded model nationally?

25 THE WITNESS: I looked to see how many



1 projects are participant-funded at this point in  
2 time, and I found four others besides Grain Belt.  
3 There are -- and they are all in the East,  
4 Connecticut, New York, New Jersey, Long Island.

5 CHAIRMAN HALL: Would you expect this  
6 type of model to become more and more common?

7 THE WITNESS: Hopefully. It takes a  
8 situation like the one that's present in the Midwest  
9 where there's really a need for more -- for a  
10 transmission that's not being met by the local  
11 planning RTOs. So in -- with respect to Grain Belt,  
12 there is a demand, which they see, in Kansas, and  
13 the surrounding area, for wind to get to market, and  
14 there's markets to the East, but those markets go  
15 through multiple RTOs, and so Grain Belt was able to  
16 take advantage -- to see that and to be willing to  
17 spend the resources necessary to overcome the  
18 hurdles of trying to build transmissions across --  
19 across seams.

20 CHAIRMAN HALL: So you view the  
21 participant-funded model as a solution to a -- to an  
22 RTO seams problem.

23 THE WITNESS: Yes, plus more, but yes,  
24 it is a solution to the seams problem.

25 CHAIRMAN HALL: And plus more I guess

1 would also be trying to move wind power from where  
2 it exists to where it might be needed?

3 THE WITNESS: Right. In the case of  
4 Grain Belt. In the case of some of the ones that  
5 have been built in the East, they haven't been built  
6 to move wind power, but they've been built to move  
7 power, like from Connecticut to Long Island, and  
8 across -- through the Sound, through Long Island  
9 Sound, so they've had challenges. Traditionally  
10 utilities using the traditional cost of service  
11 model haven't stepped up to the plate to fund those  
12 kinds of projects, so.

13 CHAIRMAN HALL: Is it surprising to you  
14 that incumbent utilities and RTOs are not  
15 necessarily supportive of these type of -- of these  
16 models?

17 THE WITNESS: I guess I would say it's  
18 not that they're not supportive, it's that the  
19 challenges involved in determining whether  
20 transmissions should be built across regions are  
21 great. Their first job is to ensure that  
22 transmission within their region is built.

23 FERC in Order 1,000 in, I guess it was  
24 2010 or 2011, tried to put in place processes that  
25 would incense the RTOs to look at interregional

1 planning, and -- for transmission, and I think it's  
2 pretty much agreed that they've not been helpful. I  
3 think in part because -- or in large part because  
4 RTO mandated transmission puts the cost on the  
5 captive ratepayer. It's not a participant-funded  
6 model, and it's difficult to get the regions  
7 together to try and decide how to allocate those  
8 costs.

9 CHAIRMAN HALL: Okay. Turning to page  
10 two of your surrebuttal. Okay?

11 At the bottom, lines 19 and 20, going  
12 on to the next page, you say: FERC President and  
13 regulations require that MISO provide open access to  
14 transmission services to all customers, so MISO will  
15 either adopt a new process or adapt an existing one  
16 to accommodate Grain Belt Express.

17 So you don't believe that the fact that  
18 there's not a MISO study in place or an agreement in  
19 place concerning the Missouri converter, that that's  
20 not really a problem because MISO will have to work  
21 something out with Grain Belt.

22 THE WITNESS: Correct. Correct.

23 CHAIRMAN HALL: Okay. Well, in terms  
24 of working something out, couldn't that involve some  
25 significant upgrades, either on the MISO side or the

1 Grain Belt side?

2 THE WITNESS: Well, when they study the  
3 interconnection, so they'll have to interconnect,  
4 and they'll have to determine that the  
5 interconnection meets NERC's reliability standards,  
6 and so when they go through that process, they will  
7 determine what needs to be built, if anything. I'm  
8 sure things will need to be built.

9 So -- and we could call those upgrades,  
10 but they don't use the interconnection of a new  
11 facility as like an opportunity to upgrade, they  
12 specify the upgrades that are needed to interconnect  
13 it safely, and yes, I'm sure that there will be  
14 investments needed to interconnect it.

15 CHAIRMAN HALL: On the Grain Belt side  
16 and on the Ameren MISO side?

17 THE WITNESS: You know, I'm not an  
18 engineer, but likely.

19 CHAIRMAN HALL: So what, if you know,  
20 what kind of upgrades might be required on the MISO  
21 side?

22 THE WITNESS: I don't -- I don't -- I'm  
23 out over my skis, so.

24 CHAIRMAN HALL: Okay. And obviously,  
25 the reason why I'm asking is because if it's on the

1 MISO side, then Missouri ratepayers could be on the  
2 hook for some of that.

3 THE WITNESS: No, no. My understanding  
4 is that all interconnection facilities are required  
5 to be paid for by the inter-connector.

6 CHAIRMAN HALL: Okay. So even if there  
7 are upgrades required to the existing MISO grid,  
8 your understanding is that Grain Belt will cover  
9 that cost?

10 THE WITNESS: Yes.

11 CHAIRMAN HALL: Okay.

12 THE WITNESS: Because but for Grain  
13 Belt interconnecting, the costs wouldn't be  
14 incurred, so they won't put those costs on  
15 captive-ratepayers.

16 CHAIRMAN HALL: On page three of your  
17 surrebuttal at lines 12 and 13, you discuss an issue  
18 that I was raising with a couple of witnesses  
19 yesterday, and that is whether or not how to view  
20 economic feasibility in the context of a -- of a  
21 participant-funded model, and so when you say that  
22 whether a project's service justifies its cost is  
23 not relevant when evaluating a participant-funded  
24 project, I'm wondering in your mind what is  
25 relevant.

1 THE WITNESS: Okay. So would it be  
2 okay if I explain why I say that first?

3 CHAIRMAN HALL: Sure, sure.

4 THE WITNESS: Okay. Okay. So I was a  
5 regulator in New Mexico on the New Mexico Public  
6 Service Commission.

7 CHAIRMAN HALL: You were the Chair,  
8 weren't you?

9 THE WITNESS: Yeah, I was, before it  
10 was elected.

11 So when putting on regulator hats, so  
12 when we come to approve a traditional transmission  
13 project, we are concerned, we have  
14 captive-ratepayer, and it's going to be passive,  
15 it's not voluntarily, for them to pay, they're going  
16 to have to pay if we approve the project.

17 So when we -- when we -- and we're  
18 charged with protecting them and ensuring that they  
19 pay just and reasonable rates, so that when we do  
20 that, that's what I was referring to here, so when  
21 we do that, we look to determine what's the cost  
22 going to be and what's the value going to be to the  
23 ratepayers, and is the value consistent with the  
24 costs from the perspective of the ratepayer.

25 But when you have a participant-funded

1 project, there's no captive ratepayer, so as a  
2 regulator, there's no ratepayer to protect. So the  
3 customers that voluntarily enter into contracts with  
4 the transmission company and the investors who  
5 voluntarily invest to make this a going concern,  
6 provide the evidence or to bring the best evidence  
7 that it's needed because it's voluntarily, they  
8 didn't have to sign up for this, they decided to.

9 So they've made the calculation and the  
10 decision in their own mind that the value is worth  
11 the cost. So as regulators looking to fund -- to  
12 approve a participant-funded project, you can rely  
13 on the decision by well informed individual  
14 customers voluntarily entering into contracts to  
15 purchase transmission capacity, as well as well  
16 informed investors willing to invest, to at least do  
17 the threshold requirement of need.

18 Then in this case, there is other  
19 evidence of need. There's MJMEUC's contract, which  
20 is evidence of need, but also the transmission  
21 service requests that have been provided from the 14  
22 generators to Grain Belt, I think is also  
23 significant evidence of need.

24 Plus, if you stand back and look at the  
25 marketplace, the fact that what is being proposed to

1 send to the marketplace is new generation and low  
2 cost generation and generation of a specific type  
3 wind, and I guess in most, if not all, of the  
4 instances, that has a particular market and a need  
5 in Missouri and the other states that I would  
6 include that in looking at need.

7 CHAIRMAN HALL: So in other words, you  
8 think that the standard that we should employ is  
9 need?

10 THE WITNESS: Well, in your targeting  
11 standard when you get to the need criteria, I think  
12 this is how you should look at it.

13 CHAIRMAN HALL: Okay. That's all I  
14 have. Thank you.

15 THE WITNESS: Thank you.

16 COMMISSIONER STOLL: Just one quick  
17 question. You had a conversation with the Chairman  
18 about other -- was it HVDC Merchant Transmission  
19 lines in the United States?

20 THE WITNESS: Participant-funded ones.

21 COMMISSIONER STOLL: Participant  
22 funded. How many are there?

23 THE WITNESS: Four that I'm aware of.

24 COMMISSIONER STOLL: Have you provided  
25 that information?



1 THE WITNESS: It's in my testimony,  
2 yes.

3 COMMISSIONER STOLL: Okay. You  
4 mentioned one in Long Island.

5 THE WITNESS: There's one across Long  
6 Island Sound from Connecticut to Long Island.

7 COMMISSIONER STOLL: What's the nature  
8 of that ownership?

9 THE WITNESS: I don't know who owns it,  
10 but they're a non --

11 COMMISSIONER STOLL: Is it the Long  
12 Island Power Authority?

13 THE WITNESS: No, they are not -- it's  
14 like Grain Belt Express, they're non-incumbents, so  
15 it's not the existing transmission owners. It's  
16 non-incumbents. It's not like --

17 COMMISSIONER STOLL: So Long Island  
18 Power Authority purchases the power from the owner?

19 THE WITNESS: The transmission line on  
20 Long Island Sound links generation in Connecticut  
21 with consumption in Long Island.

22 COMMISSIONER STOLL: Okay.

23 THE WITNESS: And LIPA, LIPA contracts,  
24 has two contracts, one with the generator in  
25 Connecticut, and then one with the transmission

1 owner, analogous to Grain Belt.

2 COMMISSIONER STOLL: Okay.

3 THE WITNESS: So they have a separate  
4 contract for the power, for the generation, and then  
5 a contract for the transmission to get it there  
6 under the Sound.

7 COMMISSIONER STOLL: Okay. And that is  
8 in your testimony?

9 THE WITNESS: Yes, it is.

10 COMMISSIONER STOLE: Okay.

11 THE WITNESS: I can get you the site.

12 COMMISSIONER STOLL: Thank you very  
13 much.

14 COMMISSIONER KENNEY: No questions.

15 JUDGE BUSHMANN: Recross based on bench  
16 questions, MJMEUC?

17 MR. HEALY: No questions, Judge.

18 JUDGE BUSHMANN: Wind on the Wires?

19 MR. BRADY: No questions.

20 JUDGE BUSHMANN: Infinity Wind?

21 (No response.)

22 JUDGE BUSHMANN: MIEC?

23 MR. MILLS: No questions.

24 JUDGE BUSHMANN: Commission Staff?

25 MR. WILLIAMS: Just briefly.



1 something.

2 Q. Do they all have more than one  
3 interconnection point --

4 A. I don't know.

5 Q. -- on the system?

6 Okay. You had a question or two about  
7 transaction charges between RTO's or between utility  
8 companies, what used to be called pancaking rates.  
9 Are you familiar with the FERC docket EL02-111?

10 A. Not by number.

11 Q. Okay. Are you aware that there is no  
12 transaction charge between MISO and PJM and vice  
13 versa so that a point-to-point transaction between  
14 MISO to PJM doesn't pay a firm point-to-point  
15 charge?

16 A. Certainly not, an in and out rate.

17 Q. That's my question. Yeah, there is no  
18 in and out rate. Are you aware of that?

19 A. I know that there was consideration  
20 about eliminating in and out rates and replacing it  
21 with something else, but I'm not sure what FERC did.

22 Q. Are you aware that they actually did  
23 that between MISO and PJM?

24 A. I accept your statement that they did.

25 Q. Would there be any reason why they

1     **don't do that between SPP, MISO and PJM?**

2             A.     In order to do that, you have to  
3     determine how you're going to handle the differences  
4     in costs. I haven't read this order, so I don't  
5     know how they determined how to handle the  
6     differences in costs and how to allocate it, so I  
7     don't know if it was difficult for them, for FERC to  
8     come to that rate. I don't know whether FERC  
9     changed the rate from what it had been, but it's  
10    not -- you can't just say oh, it's a good idea.  
11    It's a good idea to not charge a pancaked rate  
12    because the whole point of having the rates is to  
13    ensure that the revenue streams equal the revenue  
14    needs, so I don't think they just eliminated it  
15    without figuring out how to ensure that the  
16    revenues -- but maybe they did. In other words, I  
17    would think it would be difficult, I don't know  
18    whether it would be possible.

19             **Q.     Having lived through it, yeah, it's**  
20     **difficult.**

21             A.     Okay. You speak from experience.

22                     JUDGE BUSHMANN: Any other questions?

23                     MR. LINTON: No questions.

24                     JUDGE BUSHMANN: Missouri Landowners?

25                     MR. AGATHEN: No, your Honor.

1 JUDGE BUSHMANN: Redirect?

2 MR. ZOBRIST: No questions, Judge.

3 JUDGE BUSHMANN: Thank you, Miss Kelly.  
4 That completes your testimony.

5 THE WITNESS: Thank you.

6 JUDGE BUSHMANN: You are excused.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 MR. ZOBRIST: Our next witness is  
10 Thomas Shiflett.

11 THOMAS SHIFLETT,  
12 having been called as a witness, was sworn  
13 upon her oath, and testified as follows:

14 DIRECT EXAMINATION

15 QUESTIONS BY MR. ZOBRIST:

16 Q. Please State your name.

17 A. Thomas Shiflett.

18 Q. And by whom are you employed?

19 A. Quanta Services.

20 Q. What do you do there?

21 A. I am the Executive Vice President with  
22 the Electric Power Division.

23 MR. ZOBRIST: Judge, if I could have a  
24 moment, I'm missing my exhibit number.

25 JUDGE BUSHMANN: No problem.

1 Q. (By Mr. Zobrist) Mr. Shiflett, did you  
2 prepare direct testimony which has been marked as  
3 Exhibit 121 and surrebuttal testimony, which has  
4 been marked as 122 in this case?

5 (Wherein, Exhibits 121 and 122 were  
6 introduced.)

7 THE WITNESS: I did.

8 Q. (By Mr. Zobrist) Do you have any  
9 corrections to either of those exhibits?

10 A. I do not.

11 Q. If I were to ask you these questions,  
12 would your answers be as set forth herein?

13 A. They would.

14 MR. ZOBRIST: Judge, I offer Exhibit  
15 121 and Exhibit 122 at this time.

16 JUDGE BUSHMANN: Any objections?

17 Hearing none, they are received into  
18 the record.

19 MR. ZOBRIST: Thank you, Judge.

20 JUDGE BUSHMANN: First cross  
21 examination will be by MJMEUC.

22 MR. HEALY: No questions, Judge.

23 JUDGE BUSHMANN: Wind on the Wires?

24 MR. BRADY: No questions.

25 JUDGE BUSHMANN: Infinity Wind Power?

1 MS. PEMBERTON: No questions.

2 JUDGE BUSHMANN: MIEC?

3 MR. MILLS: No questions.

4 JUDGE BUSHMANN: Commission Staff?

5 MS. MYERS: No questions, Judge.

6 JUDGE BUSHMANN: Rockies Express?

7 MS. GIBONEY: No questions, Judge.

8 JUDGE BUSHMANN: Show Me Landowners?

9 MR. LINTON: Yes, your Honor.

10 CROSS EXAMINATION

11 QUESTION BY MR. LINTON:

12 Q. Good afternoon.

13 A. Good afternoon.

14 Q. I'd like to ask you a few questions  
15 about your direct testimony, page nine, lines 7 and  
16 8. Do you say there that the management team  
17 responsibility is to bring the project within budget  
18 at the highest quality, is that correct?

19 A. That's correct.

20 Q. So what budget is that that you're  
21 referring to there?

22 A. The budget will be the final bid that  
23 we produce and negotiate with Grain Belt.

24 Q. Okay. So that is subject to your EPC  
25 contract that you refer to?



1 A. That's correct.

2 Q. Okay. So what is the EPC contract?

3 A. It stands for Engineer, Procure,  
4 Construct, so it involves -- it's basically a  
5 turnkey-type contract.

6 Q. So Quanta would be responsible for the  
7 engineering design --

8 A. As far as --

9 Q. -- All the procurement.

10 A. As far as the structures and the wires  
11 and their relationship are concerned, yes.

12 Q. Okay. River crossing?

13 A. Yes.

14 Q. Selection of conduit, or conductor?

15 A. Conductor, yes, sir.

16 Q. And then you would -- you have a number  
17 of vendors that you would go to and solicit bids  
18 from those vendors, is that correct?

19 A. Yes, we will. We also have a  
20 preselected group of vendors that Grain Belt has  
21 been developing along with Quanta.

22 Q. Okay. So you've been working with  
23 Quanta along this process even before you entered  
24 into the EPC contract?

25 A. That's correct.

1 Q. So have you helped them with their  
2 budget that is being presented to the Commission  
3 right now?

4 A. We did.

5 Q. At page nine of your rebuttal --

6 A. Surrebuttal?

7 Q. Excuse me, direct. Sorry.

8 A. Okay.

9 Q. It says the design process will consist  
10 of a series of engineering activities that will  
11 result in an issue for bid type of construction  
12 package. So the design will consist of, that means  
13 these things haven't been done yet?

14 A. No, they haven't.

15 Q. And as I read it, 90 percent -- 90  
16 percent of the engineering is done by the time of  
17 the IFB package issuance.

18 A. That's typical, yes, sir.

19 Q. Okay. What is the status of your  
20 design now relative to that 90 percent.

21 A. Oh, that's -- well, in the first place,  
22 we don't have a known line route, so it makes a lot  
23 of the other engineering activities difficult. I  
24 would say the work that we've done would put us --  
25 and again, this is an estimate on my part -- at the

1 20 to 25 percent complete.

2 Q. You're 20 to 25 percent complete of the  
3 90 percent? Maybe that's splitting hairs too fine,  
4 but --

5 A. Okay, yes.

6 Q. Okay. So if you flip over to page ten,  
7 this is a list of things that have not been done  
8 yet?

9 A. Yes, sir.

10 Q. Which of those would you say are the  
11 most complex in your design.

12 A. That's difficult to say. In my mind,  
13 they're all complex.

14 Q. Okay. What does complete the  
15 geotechnical investigation mean?

16 A. That's looking at what types of  
17 subsurface conditions you have, how much rock in the  
18 ground, what type of rock, what type of soils. It  
19 gives you an indication as to your foundation  
20 design.

21 Q. And it would impact how far you drill,  
22 how deep your foundation is?

23 A. That's correct.

24 Q. Would it impact what materials you used  
25 for the foundation?

1           A.    In this case, probably not. We would  
2 still use concrete at a given strength, but the  
3 depth definitely.

4           **Q.    Perform conductor selection study, so**  
5 **you have to determine what conductors you're going**  
6 **to use on the line?**

7           A.    That's correct.

8           **Q.    What the wire is?**

9           A.    Yes, sir.

10          **Q.    What are your options.**

11          A.    Well, there are any number of wire  
12 configurations out there, the most typical is  
13 aluminum conductor steel reinforced. That's  
14 aluminum on the outside, steel reenforcement on the  
15 inside for strength. That's the most prominent type  
16 of conductor in the US.

17                    You could also look at a composite for  
18 a type of conduct customer, which is relatively new,  
19 and in limited use right now.

20          **Q.    Okay. On page 11 again, or flipping**  
21 **over to page 11, here again are these -- a list of**  
22 **items that haven't been done by Quanta.**

23          A.    That's correct.

24          **Q.    And I ask the same question, which of**  
25 **these would be the most complex?**

1           A.    And I'd have to answer the same way, to  
2   me, they're all complex.

3           **Q.    Material procurement, that's a pretty**  
4   **broad issue, isn't it?**

5           A.    It is.

6           **Q.    What kind of materials are we talking**  
7   **about?**

8           A.    Primarily the largest items would  
9   include the towers, conductors, line hardware,  
10   insulators.  And by line hardware, I mean the  
11   different connections that you make between  
12   ultimately the conductor and the tower itself.  
13   Steel reenforcement for the foundations.  And  
14   that's -- that's a lyon's share of materials.

15                   MR. LINTON:  I asked the question about  
16   which of these is most complex, which of these has  
17   the biggest impact on budget?

18           A.    Material procurement.

19           **Q.    How does that compare to designing the**  
20   **river crossing and what the river crossing would**  
21   **take to accomplish.**

22           A.    Well a big part of the river crossing  
23   is material procurement because of the size of the  
24   structures.

25           **Q.    You're going to have to reenforce the**

1 **structures and have special structures, special**  
2 **height consideration.**

3 A. Special height is probably the  
4 overriding concern.

5 MR. LINTON: I would like to have an  
6 exhibit distributed and marked, if I could, I think  
7 this would be 408 and 409.

8 (Wherein, Exhibits 408 and 409 were  
9 were introduced.)

10 Q. **Could you please identify those two**  
11 **exhibits?**

12 A. The first exhibit given to me is the  
13 first set of data requests from Show Me Concerned  
14 Landowners.

15 Q. **Okay. And your response is there too,**  
16 **I assume.**

17 A. Yes, it is.

18 Q. **Okay. And the second exhibit, 409.**

19 A. The second is the response to Show Me  
20 TH-7-Attachment 01-HC?

21 Q. **Which you provided?**

22 A. Yes, I did.

23 Q. **Now, it says upon your first set of**  
24 **data requests response to Show Me that you are not**  
25 **familiar with me, American Association of Cost**

1     **Estimators International Recommendation Practice**  
2     **Number 56R-08.**

3             A.    I am not.

4             Q.    And you have not used that to evaluate  
5     **the cost estimate of this project?**

6             A.    No, we haven't.

7             Q.    And you have your own cost estimating  
8     **process, is that correct?**

9             A.    That's correct.

10            Q.    And this TS.7, you say -- you provided  
11     **Exhibit 409 but you pointed out that that timeframe**  
12     **is out of date?**

13            A.    Yes, that's correct.

14            Q.    And you indicate it's out that it's  
15     **kinda out of date, particularly because of rate**  
16     **dilatory approvals situation?**

17            A.    That's my understanding, and that's why  
18     I had it that way. So in your response, do we need  
19     to go into camera for this session of Attachment  
20     01HC?

21                    MR. ZOBRIST: I think because it deals  
22     with construction schedules, we may need to. But  
23     Mr. Shiflett, are you more comfortable discussing  
24     this in camera?

25                    THE WITNESS: Yes, I am.

1 MR. ZOBRIST: Okay.

2 JUDGE BUSHMANN: All right, we'll go in  
3 camera. Those in the audience who are not able to  
4 listen to confidential information will need to step  
5 outside for a few minutes, please.

6 (REPORTERS NOTE: At this point an  
7 in-camera session was held in which is contained in  
8 Volume 13, pages 554 through 556.)

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1 (REPORTERS NOTE: Back in open  
2 session.)

3 JUDGE BUSHMANN: We're back in open  
4 session. Mr. Linton, did you want to offer these  
5 two exhibits?

6 MR. LINTON: Yes, I did. Thank you.

7 JUDGE BUSHMANN: Any objections to  
8 their receipt?

9 MR. ZOBRIST: No objection.

10 JUDGE BUSHMANN: 408 and 409 are  
11 received into the record.

12 MR. ZOBRIST: And 409 it is should  
13 noted is an HC.

14 JUDGE BUSHMANN: HC.

15 MR. ZOBRIST: Thank you, Judge.

16 JUDGE BUSHMANN: Next cross would be by  
17 Missouri Landowners.

18 MR. AGATHEN: Thank you, Judge.

19 CROSS EXAMINATION

20 QUESTIONS BY MR. AGATHEN:

21 Q. Good afternoon, Mr. Shiflett.

22 A. Good afternoon.

23 Q. Your company is rolled into this  
24 project, basically limited to engineer, design, and  
25 construction, Right?

1           A.    And construction, yes, sir.

2           Q.    Your companies didn't do any kind of  
3 analysis or studies as to whether there's a need for  
4 the proposed Grain Belt project, did you?

5           A.    No, we did not.

6           Q.    And you didn't do any kind of  
7 independent study to determine whether the project  
8 is economically feasible.

9           A.    No, sir.

10          Q.    Just one other question. Does Quanta  
11 or PAR track the number of landowner complaints  
12 which are made regarding major construction  
13 projects?

14          A.    We do not.

15          Q.    So you wouldn't have any way to  
16 estimate based on documentation what the number of  
17 landowner complaints might be with respect to the  
18 Grain Belt project?

19          A.    No, but we do have to clear up all  
20 potential complaints, all the issues prior to  
21 closing on the project. So that becomes a project  
22 issue.

23          Q.    Sure. But the landowner may or may not  
24 be satisfied with how it's closed out, I assume.

25          A.    I'm trying to think of a time when we

1 didn't have the landowner who was satisfied with our  
2 results. None come to mind, but I'll accept your  
3 statement.

4 MR. AGATHEN: I have no further  
5 questions.

6 JUDGE BUSHMANN: Questions by the  
7 Commissioners?

8 Redirect by Grain Belt.

9 MR. ZOBRIST: I just have one question,  
10 Judge.

11 REDIRECT EXAMINATION

12 QUESTIONS BY MR. ZOBRIST:

13 Q. Mr. Shiflett, in the response to data  
14 requests TS-4, which has been marked as Exhibit 408,  
15 you stated in response to Mr. Linton's question that  
16 you weren't familiar with the AACEI Number 56 cost  
17 estimate, do you remember that?

18 A. Yes, sir.

19 Q. And you stated that -- what does PAR  
20 Electric Quanta use when it estimates costs of  
21 systems?

22 A. We have our own proprietary estimating  
23 system, which has a mechanism, a formula for judging  
24 risks to a project and also contingency.

25 Q. And was that system used in

1     **constructing the various transmission lines that are**  
2     **contained in schedule two to your direct testimony?**

3             A.    It was.

4             MR. ZOBRIST:   Okay.  Nothing further,  
5     Judge.

6             JUDGE BUSHMANN:  Mr. Shiflett, thank  
7     you for your testimony.  You are excused.

8             (Witness excused.)

9             MR. ZOBRIST:  We'd call James Puckett  
10    to the stand, Judge.

11                         JAMES G. PUCKETT,  
12            having been called as a witness, was sworn  
13            upon his oath, and testified as follows:

14                                 DIRECT EXAMINATION

15    QUESTIONS BY MR. ZOBRIST:

16             **Q.    Please state your name.**

17             A.    James Puckett.

18             **Q.    And by whom are you employed?**

19             A.    Lewis Berger.

20             **Q.    And what is your position with Lewis**  
21    **Berger?**

22             A.    I'm the manager of the Geospatial  
23    Analysis and Technology Group.

24             **Q.    Mr. Puckett, did you prepare Exhibit**  
25    **119, direct testimony in this case?**

1 (Wherein, Exhibit 119 was introduced.)

2 THE WITNESS: Yes.

3 Q. (By Mr. Zobrist) And do you have any  
4 corrections to your direct testimony or the  
5 schedules attached to it?

6 A. No, sir.

7 Q. At this point if I were to ask you the  
8 questions set forth in Exhibit 119, would your  
9 answers be as set forth herein?

10 A. Yes.

11 MR. ZOBRIST: Judge, I have no further  
12 questions and would offer Exhibit 119, the direct  
13 testimony of James G. Puckett.

14 JUDGE BUSHMANN: Any objections?  
15 Hearing none, it's received into the  
16 record.

17 First cross examination would be by  
18 MJMEUC.

19 MR. HEALY: No questions, Judge.

20 JUDGE BUSHMANN: Wind on the Wires?

21 MR. BRADY: No questions.

22 JUDGE BUSHMANN: Infinity Wind Power?

23 MS. PEMBERTON: No questions.

24 JUDGE BUSHMANN: MIEC?

25 MR. MILLS: No questions.

1 JUDGE BUSHMANN: Commission Staff.

2 MR. WILLIAMS: No questions at this  
3 time.

4 JUDGE BUSHMANN: Rockies Express?

5 MS. GIBONEY: No questions.

6 JUDGE BUSHMANN: Show Me Landowners?

7 MR. LINTON: No questions.

8 JUDGE BUSHMANN: Missouri Landowners?

9 MR. AGATHEN: Thank you, your Honor.

10 CROSS EXAMINATION

11 QUESTIONS BY MR. AGATHEN:

12 Q. Good afternoon.

13 A. Good afternoon.

14 Q. When Clean Line first started planning  
15 the Grain Belt line, it was supposed to be built  
16 much further south than the route it's now being  
17 proposed on, wasn't it?

18 A. That's correct.

19 Q. It was supposed to run somewhere  
20 between Nevada, Missouri, pass not too far from  
21 Rolla Missouri, and then terminate at a substation  
22 in St. Francois County?

23 A. That's correct.

24 Q. After Clean Line found that the  
25 substation in St. Francois couldn't accommodate a

1 3500 megawatt line, they changed it, correct?

2 A. Correct.

3 Q. Can we call this original route the  
4 Southern Route --

5 A. Yes.

6 Q. -- for convenience.

7 A. For convenience, you can.

8 JUDGE BUSHMANN: Mr. Puckett, you need  
9 to use your microphone.

10 THE WITNESS: Yes. For convenience,  
11 that works. There is some terminology that refers  
12 to a southern route in the 2014 study, but I think  
13 we can carry on with that terminology.

14 Q. (By Mr. Agathen) That's fine. Can you  
15 turn please to page six of your testimony, beginning  
16 at line six, you discuss how public input was  
17 incorporated into the routing process, correct?

18 A. Let's see. Yes. That's correct.

19 Q. Then you describe what you call  
20 roundtable meetings?

21 A. Yes.

22 Q. And the people you invited to attend  
23 those meeting were supposed to be community leaders  
24 that in that particular area, correct?

25 A. Correct.

1 Q. Now page seven, line three, you say  
2 that 24 roundtable meetings were held in Missouri,  
3 correct?

4 A. Correct.

5 Q. But 11 of those meetings were actually  
6 held in counties along that Southern Route, were  
7 they not?

8 A. That's correct.

9 Q. And of the other 13 meetings, a number  
10 of those were held in counties where the farms on  
11 the proposed route had some opposites, correct?

12 A. That is correct.

13 Q. Now while you testify at page seven  
14 that more than 250 people attended your roundtable  
15 meeting, in fact you only had 80 attendees in the  
16 eight counties where the line is now proposed, is  
17 that correct?

18 A. Subject to check, that sounds about  
19 right.

20 Q. An average of ten people per meeting?

21 A. That sounds about right. Some of those  
22 meetings were better attended than others.

23 Q. Sure. On a different subject, would  
24 you turn please to page 13 of your testimony. At  
25 line 15, you discuss 16 revisions which Grain Belt



1 made to the proposed route after the conclusion of  
2 the last case, is that correct?

3 A. That's correct.

4 Q. And of those 16 revisions we asked you  
5 in a data request whether after the conclusion of  
6 the last case you initially contacted the landowner  
7 about a possible change for the landowner who  
8 contacted you, correct?

9 A. Correct.

10 Q. What do you call a Chariton,  
11 C-H-A-R-I-T-O-N, 1 dash 1 reroute, that's the one  
12 that involved the bed and breakfast owned by the  
13 Reicherts, is that correct?

14 A. That's correct.

15 Q. They were intervenors in the last case?

16 A. Correct.

17 Q. And you initially told us in your  
18 answers to our data request that after the  
19 conclusion of the 2014 case, it was the landowners,  
20 the Reicherts, who first approached Grain Belt about  
21 the reroute, is that correct?

22 A. Yes.

23 Q. In fact, contrary to what he said  
24 there, it was Grain Belt that first approached the  
25 Reicherts, was it not?

1           A.    I use -- the reroute was brought up to  
2   us by the landowners, by their intervention in the  
3   previous case, so in my mind and in the data  
4   requests that we provided, or the answer to your  
5   data request, that reroute was initiated by the  
6   landowners.

7           **Q.    But after the conclusion of that case,**  
8   **the 2014 case, who contacted who first?**

9           A.    I'm not aware.  I'm not sure.

10          **Q.    So you think it might have been the**  
11   **Reicherts that contacted Grain Belt?**

12          A.    It could have been, I wasn't a part of  
13   that conversation.  But again, our response was  
14   designed to indicate who initiated the reroute.

15          **Q.    Is it true, to your knowledge, that at**  
16   **one point Grain Belt offered to move the land off**  
17   **the property where the bed and breakfast is located?**

18          A.    That is correct.

19          **Q.    And it's also true that the Reicherts**  
20   **wouldn't agree to that change if it meant moving the**  
21   **line onto a neighbor's property?**

22          A.    I'm not aware of that discussion.

23          **Q.    Do you know why it was not moved off of**  
24   **their property?**

25          A.    Yes.  During the June 2016 public open

1 house meetings, we had a route that was presented to  
2 the public that would not have crossed that  
3 property. We talked to other landowners in the  
4 area, visited the area, you know, identified several  
5 other landscape features that made the route that we  
6 presented at the open house meetings have a higher  
7 level of impact, without having crossed a large  
8 forested area, there were two small private  
9 potentially historic cemeteries that would have been  
10 in proximity in the new reroute, and so we took  
11 another look at the area, and came up with a route  
12 that avoided those new impacts and lessened the  
13 impact on the bed and breakfast property.

14 **Q. So the line ended up off of their**  
15 **property for some duration and then back onto their**  
16 **property?**

17 A. That's correct.

18 **Q. Do you know how far it is from the bed**  
19 **and breakfast, the line?**

20 A. I believe it's about 1600 feet.

21 **Q. On a different subject. Could you turn**  
22 **please to page four of your direct testimony**  
23 **starting on line seven. Are you there?**

24 A. Yes.

25 **Q. You talk about the elimination of**

1 certain potential routes for the line due to a  
2 number of challenges those routes would present,  
3 correct?

4 JUDGE BUSHMANN: What page please?

5 MR. AGATHEN: Page four, line seven.

6 JUDGE BUSHMANN: Thank you.

7 THE WITNESS: Yes. This is in regards  
8 to the central and southern conceptual routes.

9 Q. (By Mr. Agathen) One challenge you  
10 wanted to avoid was building the line on land owned  
11 by the federal government, is that correct?

12 A. In as much as it's owned by the federal  
13 government, no, but there are large tracks of land  
14 owned by the federal government in the southern and  
15 central portions of the study area that had specific  
16 land uses that aren't as compatible with  
17 transmission lines, so that was a factor.

18 Q. Is there a particular challenge in  
19 building a high voltage line across federal  
20 government lands?

21 A. Yes, there are. I would say that the  
22 primary challenges deal with the specific land use  
23 or the specific purpose that that land that is owned  
24 by the federal government. For example, you would  
25 not try to site a transmission line across land

1 owned by Fort Leonard Wood, by the Department of  
2 Defense, because having a transmission line across  
3 that land would introduce incompatibilities in land  
4 use. Similarly, land that's managed for a specific  
5 species or for flood control may not be compatible  
6 with the transmission line.

7 So on the one hand, there may be line  
8 incompatibilities; on the other hand crossing  
9 federal land does involve additional regulatory  
10 challenges, more coordination with agencies and  
11 potentially a longer timeframe.

12 **Q. I'm not sure I understood, it involves**  
13 **more significant regulatory problems?**

14 A. I wouldn't say problems, but more  
15 coordination.

16 **Q. It can become more complex?**

17 A. It can be. It's not necessarily  
18 something we take into account during the siting  
19 phase, we focus more on the land.

20 **Q. Getting back to your proposed reroutes**  
21 **of the line, would you turn please to page 22 of**  
22 **your schedule JGP-2. Are you there?**

23 A. Yes.

24 **Q. There's a discussion about one of the**  
25 **16 reroutes that you've proposed since the**

1 conclusion of the 2014 case, is that correct?

2 A. That's correct.

3 Q. And you state near the bottom of the  
4 first paragraph that the landowners wanted to avoid  
5 potential impacts on their agricultural operations,  
6 correct?

7 A. Correct.

8 Q. What sort of negative impacts can be  
9 caused on agricultural operations?

10 A. That's a very general question. So if  
11 you have specific types of irrigation  
12 infrastructure. Irrigation, for example, if you put  
13 a transmission structure into the middle of a pivot,  
14 that can impact the operations there. In general,  
15 if you put a transmission structure in a cultivated  
16 field, then the farmer has to work around that  
17 structure. Those are two general types.

18 Q. You talk in the next paragraph about  
19 strategically placing structures on the edge of  
20 cultivated fields, correct?

21 A. Correct.

22 Q. By structures, you're talking about the  
23 transmission poles?

24 A. Correct.

25 Q. Why would -- what would be the

1 **advantage of keeping those poles out of cultivated**  
2 **fields?**

3 A. Again, if you put a structure in the  
4 middle of a cultivated field, then the farmer has to  
5 work around that, and there is some flexibility in  
6 the location of where the structures are placed  
7 during the engineering phase of the project, so one  
8 of the things that we've heard from landowners  
9 multiple times is to try to site transmission lines  
10 in a way that wouldn't put structures in the middle  
11 of an agricultural field.

12 **Q. My question is what are the**  
13 **disadvantages of placing in the field?**

14 A. Mostly it's just an additional burden  
15 on the landowner. It does take a small portion of  
16 the production of the crop out of that as well.

17 **Q. During the end of that second**  
18 **paragraph, you also talk about moving the line to**  
19 **ensure significant tree coverage between the**  
20 **residents and the line. Why is it considered**  
21 **desirable to block the site of the line with tree**  
22 **coverage?**

23 A. Many landowners express desire not to  
24 view the transmission line, so where ever we can, if  
25 there's a tree row -- this case is a great example.

1 There was a tree row behind the residence, and we're  
2 able to site the line on the opposite side of that  
3 tree row, so the line is in a spot that will have a  
4 lower impact on the homeowner. Of the reroutes that  
5 we do are designed to make a lower impact on the  
6 land.

7 Q. If you turn please to page 24 of your  
8 scheduled, --

9 A. I'm sorry, I didn't catch the page  
10 again please.

11 Q. 24, you discuss a reroute which would  
12 move the line to about 800 feet from the resident  
13 instead of the original proposal, which had the line  
14 about 420 feet from the residence, is that correct?

15 A. That's correct.

16 Q. Why would the property owner want the  
17 line as far away as possible from their residence?

18 A. Well, in this case there would  
19 certainly be places where it could be farther from  
20 the residence. Even on the same parcels. When we  
21 were having discussions with this landowner at the  
22 public town meeting, they actually suggested the  
23 location, and we felt that moving the line from our  
24 previous location which was parallel to the gas  
25 pipeline quarter in this area, moving it north about



1 1200 feet which just a better place on their  
2 property to site the line.

3 **Q. Because it was further away?**

4 A. Yeah, that was probably the primary  
5 reason. As we discussed, pure distance isn't really  
6 a good measure of impact. There could have been a  
7 tree line right next to the residence and it could  
8 have been a very small distance away from the house  
9 and have no visual impact at all.

10 **Q. Could you turn please to the original**  
11 **route selection study which is JGP-1, page 123?**

12 A. Do you have the document page number,  
13 5 --

14 **Q. I've got page 123 of Schedule JGP-1.**

15 A. Let's see. Do you have the section  
16 number? Chapter?

17 **Q. I do not.**

18 MR. ZOBRIST: Where's the page number?

19 **Q. (By Mr. Agathen) Let's see if this**  
20 **works. In your study, in the original study it**  
21 **states that the sensitivity of local residents to**  
22 **the visual impact of the line may be mitigated over**  
23 **time. Do you recall that.**

24 A. Yes.

25 **Q. Wherever it is?**

1 A. Yeah.

2 Q. We asked you for a copy of any studies  
3 or analyses which would support that conclusion, did  
4 we not?

5 A. Yes.

6 Q. And you have provided us with no  
7 documented support for that statement.

8 A. That's correct. That statement was  
9 based on experience, many conversations with  
10 landowners over the years, and then circumstantial  
11 evidence, talking to landowners throughout the study  
12 area who have transmission lines near their  
13 property, often times they aren't even aware of  
14 transmission lines within their community.

15 Q. You didn't have any study or analysis  
16 to support that?

17 A. No, sir.

18 Q. You also state, and I've got page 14 of  
19 Schedule JGP-1, which you may not need to look at  
20 it, but it states that a transmission line which is  
21 sited next to an existing transmission line can be  
22 better absorbed into a landscape than a line  
23 introduced as a new feature, is that what the --

24 A. Yes, it is.

25 Q. Of the 200 plus miles of the proposed

1 line that's going to cross through Missouri, is it  
2 correct that only about 15 miles are parallel to  
3 existing transmission lines?

4 A. Yes, that's correct.

5 MR. AGATHEN: I have no further  
6 questions.

7 THE COURT: Questions by Commissioners?

8 CHAIRMAN HALL: Good afternoon.

9 THE WITNESS: Good afternoon.

10 CHAIRMAN HALL: I'm looking at Schedule  
11 1, the -- the routing survey.

12 THE WITNESS: Okay.

13 CHAIRMAN HALL: And I'm looking at page  
14 27, where you list the general guidelines.

15 THE WITNESS: Okay.

16 CHAIRMAN HALL: And I'm just wondering  
17 the first one is minimized route length, cost and  
18 special design requirements, is that the most  
19 important of the general guidelines or is that just  
20 the one that's listed first?

21 THE WITNESS: It's just the one that's  
22 listed first.

23 CHAIRMAN HALL: Is there any way to --  
24 is there any kind of hierarchy of importance here,  
25 or are they all the same, all equally important

1 guidelines?

2 THE WITNESS: No, no. So for instance,  
3 number -- oh, letter B, maximize separation distance  
4 from and/or minimize impact on residences would  
5 probably weigh higher in our regard than Item D,  
6 minimize the removal of existing barns, garages,  
7 commercial buildings or other non-residential  
8 structures.

9 So I think the routing team would look  
10 at the resource, look at the impact on the resource,  
11 and look at the impact on the landowner, and having  
12 a line directly adjacent to a home is probably a  
13 larger impact in most instances, than maybe taking a  
14 barn or somewhere else on the property.

15 CHAIRMAN HALL: So it's not true that  
16 one of the most important goals was to minimize  
17 route length?

18 THE WITNESS: No. In general, as a  
19 routing principle for transmission lines, in  
20 general, if you hold all other variables consistent,  
21 then the shortest route is going to have the  
22 greatest impact because you have fewer structures,  
23 which means you're impacting the ground in fewer  
24 places, you're impacting fewer parcels, fewer  
25 landowners, but the particularities of the landscape

1 and location of constraint features across that  
2 landscape may mean that the shortest route is not  
3 the lowest impact.

4 CHAIRMAN HALL: So the minimizing costs  
5 would not be the most significant guideline either?

6 THE WITNESS: No, from a siting  
7 perspective, we didn't look at cost.

8 CHAIRMAN HALL: So why did you not  
9 consider -- did you consider routing it along  
10 Highway 36?

11 THE WITNESS: Yes, we did.

12 CHAIRMAN HALL: I was trying to find  
13 that. Was that one of the alternative?

14 THE WITNESS: It was one of the  
15 conceptual routes. So if you flip forward a couple  
16 of pages, there's a description of the sort of  
17 stages of routing and the first one being developing  
18 conceptual routes. So a concept might be parallel  
19 to Highway 36.

20 Then you start to gather more data  
21 about this study area, and then you start to  
22 actually delineate a route on the ground that is  
23 feasible. And the route that we came with from the  
24 conceptual route to parallel Highway 36, was  
25 actually a mile and a half, two miles south of

1 Highway 36, and the reason for that is if you try  
2 and parallel the highway, you would run into all of  
3 the towns along Highway 36 and all of the businesses  
4 and all the homes, and you would start to have  
5 diversions to drop away from the highway, and you  
6 end up with a route that is very circuitous. It  
7 might parallel the highway for a short distance and  
8 then you drop away from it. You parallel it, you  
9 drop away from it. All the while you're getting  
10 closer to the people's homes, closer to, you know,  
11 smaller parcels that may be along the highway and,  
12 also you're crossing more and more agricultural  
13 land. So you have a route that's longer. From a  
14 concept, yeah, it may parallel Highway 36 for short  
15 distances, but it's really going to have greater  
16 impacts on something that doesn't -- that attempts  
17 to parallel something that --

18 CHAIRMAN HALL: Greater impact on more  
19 parcels?

20 THE WITNESS: More parcels, more  
21 people, the environment, really all the factors that  
22 we looked at.

23 CHAIRMAN HALL: Okay. Are you familiar  
24 with the conditions agreed upon by Grain Belt  
25 Express and Staff?

1 THE WITNESS: Not intimately.

2 CHAIRMAN HALL: Well, there's one that  
3 I would hope that you would be intimately familiar  
4 with and that concerns landowner interactions. Is  
5 there an exhibit number? I think it's 206.

6 MR. ZOBRIST: I can give him a copy,  
7 Chairman.

8 CHAIRMAN HALL: Please, thank you.

9 THE WITNESS: Thank you.

10 CHAIRMAN HALL: So looking at page five  
11 of this document.

12 THE WITNESS: Okay.

13 CHAIRMAN HALL: And you may not be the  
14 person to be asked about this, but we'll find out  
15 shortly, page five, that particular condition that  
16 Grain Belt Express Clean Line has agreed to is the  
17 first -- well, before the provided was a provision  
18 that Staff sought and then what Grain Belt agreed to  
19 was with that provided provision. I was wondering  
20 if you could explain to me why that provision is  
21 necessary, and if not, I can ask somebody else.

22 THE WITNESS: Yeah. So I can't speak  
23 to Clean Line's drafting of that provision, but in  
24 general, in siting transmission lines across the  
25 country it's absolutely critical to have some amount

1 of leniency for moving the transmission line after  
2 it's been approved by the Commission, and the reason  
3 for that is -- and my background is in geography, so  
4 I think in terms of scales often times. So when  
5 we're at the consensual route stage, you gather  
6 large constraints in large opportunity areas, and  
7 then you zoom in and you start to collect more and  
8 more data. When you develop the routes, move around  
9 people's individual houses, other features on the  
10 landscape, you go out and talk to landowners and get  
11 an even finer scale of data.

12           When you get down to the point where  
13 you're doing surveys on the ground, you're going to  
14 learn things that you cannot know right now. We  
15 cannot know where the small depression is that fills  
16 with water, and if we put a structure in that place,  
17 that is probably not going to be the best place for  
18 that structure. So there has to be some leniency to  
19 move that structure once you've gone out and done  
20 detailed surveys on the ground.

21           We also want to continue to be  
22 responsible to landowner desires. There are going  
23 to be landowners too when we get out there to  
24 negotiate an easement and say, well I have this  
25 feature on my landscape. For example, we described



1 a landowner who has two very large historic trees on  
2 their property which they did not want to cut down.  
3 If they were on the right-of-way, they would have to  
4 be removed.

5 Well, to us, it's really no impact to  
6 shift that slightly. We shifted the line slightly,  
7 we avoided putting those two trees in the  
8 right-of-way, and all of a sudden the landowner is  
9 happy, the transmission line is not necessarily  
10 impacted in any way, but if we didn't have the  
11 flexibility to continue making those change, then  
12 you really end up in a situation where you're  
13 probably going to have a more difficult negotiation  
14 because you're not going to -- there's no  
15 flexibility. No give and take. No flexibility to  
16 reduce the impacts on the landowner. Does that make  
17 sense?

18 CHAIRMAN HALL: I think so, I'm -- the  
19 way -- the way that was written is it would give  
20 Grain Belt complete discretion there as opposed to  
21 giving the landowner any discretion.

22 THE WITNESS: From Clean Line's  
23 perspective, the line is set, you know, based on the  
24 information we have now. When they go out and do  
25 these surveys on the ground, they'll get some new

1 information and move things slightly. Those changes  
2 are probably going to be very small, a few hundred  
3 feet here and there. The changes that result from  
4 conversations with landowners would likely be the  
5 larger ones where you sit down with the landowner  
6 and they say well, if you move the line to the very  
7 edge of my property, there will be a lower impact.  
8 And then you talk to their neighbor and their  
9 neighbor's neighbor, and you come up with something  
10 that is a larger change. So I think that's where  
11 you would want the flexibility.

12 CHAIRMAN HALL: Let me return for a  
13 moment back to our discussion concerning the  
14 possibility of siting along Highway 36.

15 THE WITNESS: Sure.

16 CHAIRMAN HALL: I understand your  
17 conclusion that that particular route would involve  
18 more parcels and more interference, is that the word  
19 you used?

20 A. Impacts.

21 CHAIRMAN HALL: More impacts. Is there  
22 anything -- if I wanted to read more about that  
23 either in testimony or in this routing study, would  
24 there be something for me to look at?

25 THE WITNESS: There is. If you look --

1 let's see. If you look at Chapter 4.2 of the  
2 Missouri Route Selection Study, so JGP-1, Section  
3 4.2 talks about conceptual routes in an area, we  
4 describe a northern, central and southern --

5 CHAIRMAN HALL: I'm sorry, which  
6 document are you in?

7 THE WITNESS: JGP-1 is the Missouri  
8 route Selection Study, the 2014 study.

9 CHAIRMAN HALL: Okay. I understand.

10 THE WITNESS: Section 4.2.1 talks about  
11 the northern study area, and I believe in there  
12 that's a discussion -- Highway 36 -- so do you have  
13 the page numbers at the bottom of 4-7?

14 CHAIRMAN HALL: What page is that?

15 THE WITNESS: 4-7.

16 CHAIRMAN HALL: I've got page four of  
17 265.

18 MR. ZOBRIST: Chairman, when we marked  
19 this, we erroneously obliterated the real page  
20 numbers that were in Mr. Puckett's study, so if you  
21 go three typed pages beyond 4.2.1, I think that's  
22 the page.

23 THE WITNESS: There's some discussion  
24 there about the Highway 36 situation, and then I  
25 believe in one of the data requests.

1 I'm not seeing it here.

2 I also noted there was a discussion of  
3 Highway 36 parallel during the testimony of Tim Gall  
4 during the 2014 case, and he went into some detail  
5 about the development of the route along Highway 36,  
6 just Highway 36 and the reasons for eliminating  
7 this.

8 CHAIRMAN HALL: Judge, I'm going to  
9 find that particular portion of the -- of the survey  
10 and look at it and can we keep --

11 MR. WILLIAMS: Chairman, I think it's  
12 page 49 of 265 in that first segment.

13 CHAIRMAN HALL: Can we keep this  
14 witness available at least for the rest of the day  
15 in case I wanted to ask a couple more questions  
16 about that?

17 MR. ZOBRIST: Sure, that's fine.

18 CHAIRMAN HALL: Okay. I have no  
19 further questions now.

20 JUDGE BUSHMANN: Okay. Recross based  
21 on bench questions? MJMEUC?

22 MR. HEALY: No questions, Judge.

23 JUDGE BUSHMANN: Wind on the Wires?

24 MR. BRADY: No, thank you.

25 JUDGE BUSHMANN: Infinity Wind?

1 MS. PEMBERTON: Nothing.  
2 JUDGE BUSHMANN: MIEC?  
3 MR. MILLS: No questions.  
4 JUDGE BUSHMANN: Commission Staff?  
5 MR. WILLIAMS: No questions.  
6 JUDGE BUSHMANN: Rockies Express?  
7 MS. GIBONEY: No questions, Judge.  
8 JUDGE BUSHMANN: Show Me Landowners?  
9 MR. LINTON: No questions.  
10 JUDGE BUSHMANN: Missouri Landowners?  
11 MR. AGATHEN: No questions, Judge.  
12 JUDGE BUSHMANN: Redirect by Grain

13 Belt?

14 REDIRECT EXAMINATION

15 QUESTIONS BY MR. ZOBRIST:

16 Q. Mr Puckett, the schedule that you have  
17 in front you, is that the one that has the numbering  
18 that the Chairman does or do you have the one that  
19 originally has the Lewis Berger?

20 A. I have the original chapter and page  
21 number document.

22 Q. All right. The two tree discussion  
23 that you had with the Chairman where you had two  
24 trees that were spared by virtue of the reroute,  
25 what county was that in, if you can identify the

1 county and the change?

2 A. Sure, it's Monroe County, and it's  
3 referred to in Schedule JGP-22, page 34.

4 Q. And the reroute that Mr. Agathen was  
5 asking you about in Chariton County with the  
6 Reicherts Bed and Breakfast, am I correct that that  
7 is Chariton 1 in the study?

8 A. That's correct.

9 MR. ZOBRIST: That's all I have.  
10 Chairman, I apologize for this confusion, but I've  
11 actually got the original one here that I can give  
12 to the bench, or I'm just not sure how to do it  
13 because when we numbered these pages, unfortunately  
14 we took out the Lewis Berger pages, but I've got an  
15 original copy that might serve as a Rosetta stone in  
16 this instance.

17 Nothing further, Judge.

18 JUDGE BUSHMANN: All right. Mr.  
19 Puckett, that completes your testimony subject to  
20 maybe being called back.

21 THE WITNESS: Sure.

22 JUDGE BUSHMANN: Seems like a good time  
23 for a break. Why don't take a break? We'll be in  
24 recess for 15 minutes.

25 (Short recess.)

1 JUDGE BUSHMANN: We're back on the  
2 record.

3 MR. ZOBRIST: Judge, I just wanted to  
4 say that we have equipped Mr. Puckett with the same  
5 schedule that the Commission has, so when the  
6 Commissions or Chairman has a question about a  
7 particular page, he now has a version with that  
8 particular page and he will be available to respond  
9 to any further questions.

10 JUDGE BUSHMANN: Very good.

11 MR. HARDEN: At this time, Judge, we'll  
12 call Dr. James Arndt to the stand.

13 JAMES ARNDT,  
14 having been called as a witness, was sworn  
15 upon his oath, and testified as follows:

16 DIRECT EXAMINATION

17 QUESTIONS BY MR. HARDEN:

18 Q. Will you state your name for the  
19 record, please.

20 A. James Arndt.

21 Q. And with whom are you employed.

22 A. Merjent, Incorporated out of  
23 Minneapolis.

24 Q. And did you submit direct testimony and  
25 surrebuttal testimony and corresponding schedules in

1     **this case?**

2             A.    I did?

3             **Q.    And on who's behalf did you do that?**

4             A.    I did that on behalf of Clean Line  
5     Energy.

6             **Q.    Very good.  At this time do you have  
7     any corrections to that?**

8             A.    I do not.

9             **Q.    And is that testimony true and accurate  
10    today as it was when you submitted it?**

11            A.    It is.

12            MR. HARDEN:  At this time we'd offer  
13    Exhibit 101 and 102, the direct and surrebuttal  
14    testimony of James Arndt.

15            (Wherein, Exhibit 101 and 102 were  
16    introduced.)

17            JUDGE BUSHMANN:  Exhibits 101 and 102  
18    have been offered.  Are there any objections to  
19    their receipt?

20            Hearing none, they are received into  
21    the record.

22            MR. HARDEN:  And I tender this witness  
23    for cross examination.

24            JUDGE BUSHMANN:  First cross would be  
25    by MJMEUC.



1 MR. HEALY: No questions, Judge.

2 JUDGE BUSHMANN: Wind on the Wires?

3 MR. BRADY: We have no questions, your  
4 Honor.

5 JUDGE BUSHMANN: Infinity Wind?

6 MS. PEMBERTON: I have nothing, Judge.  
7 Thank you.

8 JUDGE BUSHMANN: MIEC?

9 MR. MILLS: No questions, thank you.

10 JUDGE BUSHMANN: Commission Staff.

11 MR. WILLIAMS: No questions at this  
12 time.

13 JUDGE BUSHMANN: Rockies Express.

14 MS. GIBONEY: No questions, Judge.

15 JUDGE BUSHMANN: Show Me Landowners?

16 MR. LINTON: Yes, your Honor, thank  
17 you.

18 CROSS EXAMINATION

19 QUESTIONS BY MR. LINTON:

20 Q. Good afternoon, Dr. Arndt.

21 A. Good afternoon.

22 Q. I think I'm going to limit my questions  
23 to your surrebuttal testimony. If you could take a  
24 look at page four, line 13 the sentence that goes on  
25 to line 14.

1           A.    Is this the second crop losses due to  
2 configuration studies of transmission lines can be  
3 recovered?

4           **Q.    Your surrebuttal, page four.**

5           JUDGE BUSHMANN:   Mr. Linton, can you  
6 get closer to the microphone?

7           MR. LINTON:   Absolutely.

8           THE WITNESS:   Yeah, I'm on page four of  
9 31, and I am on line 13, and it deals with the  
10 conditions dictate that inefficiencies in loss of  
11 areas.

12           **Q.    (By Mr. Linton) Yeah, I have page four**  
13 **of 32.**

14           A.    I may need a corrected version of my  
15 surrebuttal testimony.  I was going to need a  
16 Rosetta stone for it.

17           MR. HARDEN:   Do you have 32?

18           MR. LINTON:   I have 32.

19           THE WITNESS:   Okay.  You said page  
20 four, line 32, it says yes, it is incorrect to  
21 assume that lowered yields --

22           **Q.    (By Mr. Linton) Yeah, that's it.  We**  
23 **got it.**

24                    You would agree that in any productive  
25 business that if you assume that costs remain the

1 same and there's a reduction in the output or  
2 yields, there will be less income, wouldn't you?

3 A. Unless there's compensation for the  
4 less yield.

5 Q. Okay. Very good. Now line 16 through  
6 18.

7 A. Yes, second crop yield losses due to  
8 the configuration of structures and transmission  
9 lines can be recovered from Grain Belt Express.

10 Q. Yes. Is that a guarantee of a certain  
11 level of farm income?

12 A. That is a -- it's my understanding that  
13 that is a guarantee to make the landowner whole for  
14 any losses due to any yield reductions or any issues  
15 that they may have with their farming operation. So  
16 that monetarily they would be compensated.

17 Q. Thank you. Page 24 of your  
18 surrebuttal, line 19.

19 A. Okay. Mr. Kruse's incorrect statements  
20 regarding the commitments that Grain Belt Express  
21 has made fail to recognize that compaction is a  
22 hazard associated with any equipment trafficking of  
23 farmland.

24 Q. Yes. Would you agree that the primary  
25 motivation for farmers/growers would be the

1 production of crops, whereas the primary motivation  
2 of Grain Belt Express would be the protection of its  
3 line and that those are fundamentally different  
4 motivations?

5 A. I would agree conditionally on that.

6 Q. Okay. Can you tell me the condition?

7 A. Well, it's obviously to Grain Belt's  
8 advantage to have good working relationships with  
9 its landowners, and so while Grain Belt is going to  
10 be in the business of moving electrons from one  
11 place to another, they are going to be moving them  
12 through landowners' properties for which they have  
13 an easement, and they should be concerned for the  
14 well-being of their landowners if there are any  
15 issues with the operation of their line that affect  
16 the landowners operation.

17 Q. Okay. Very good. Turning to page 17,  
18 line 18, you say: To clarify my direct testimony on  
19 this subject, the project does cross fields with  
20 center pivot irrigation but structure placement  
21 avoids directly impacting the operation of these  
22 systems, is that correct?

23 A. That is correct.

24 Q. And I think at one point in your  
25 testimony, and I can't put my finger on it right

1 now, you actually say you can move the line closer  
2 to the boundary line of the property, is that  
3 correct?

4 A. There are micro adjustments where they  
5 can move the actual positions of the line to some  
6 degree, and then they also have structural placement  
7 options.

8 Q. And I'm trying to get a visual image of  
9 that, so bear with me for a minute. I want you to  
10 look take a look at Schedule TFS-4, and it's not  
11 your testimony, so I can bring you a copy. That's  
12 Mr. Shiflett's Exhibit TFS-4, pages 99, 100, 103 and  
13 104 4, and I've already handed a copy to your  
14 counsel.

15 A. All right.

16 Q. These figures show the construction  
17 process of the different tower structures, do they  
18 not?

19 A. Well, I see a lattice, a pole, I don't  
20 see a lattice mast, though.

21 Q. Two of the three.

22 A. Yeah.

23 Q. And as I look at it, if you look at  
24 page 100 and then page 105, it basically shows three  
25 zones of the construction. You've got a crane zone,

1 and a drill zone on either side of the line, and  
2 then a staging assembly zone on one of the  
3 opposite -- on one of the alternate sides.

4 A. Uh-huh.

5 Q. So that's the typical way of  
6 construction.

7 A. That's the typical way of constructing,  
8 yes.

9 Q. So that would hinder somewhat your  
10 ability to move the line to one -- closer to the  
11 boundary of the property or not, especially if  
12 there's a right-of-way.

13 A. There will be some limits to that.  
14 Like I said, it ends up being micro siting, but this  
15 is also construction and all of the temporary work  
16 space that's associated with construction. Once the  
17 area has been reclaimed and restored, you basically  
18 have the towers and then you have the conductors in  
19 between.

20 Q. Right. And then --

21 THE COURT: Excuse me, Mr. Arndt, can I  
22 get you to talk a little bit closer to the  
23 microphone?

24 THE WITNESS: Certainly.

25 Q. (By Mr. Linton) But during the

1 construction, if you put your drill rig zone or your  
2 crane zone across the property boundary line, you're  
3 either in somebody else's property and you'd have to  
4 get an easement for that or you'd be in right-of-way  
5 and interfering with the public right-of-way.

6 A. That's correct.

7 Q. Okay. I would like to have distributed  
8 and marked Exhibit Number 410.

9 (Wherein, Exhibit 410 was introduced.)

10 Q. (By Mr. Linton) Again, what I'm trying  
11 to do is get some sort of visual perception on how  
12 this is done so it doesn't interfere with the center  
13 pivot irrigation system.

14 A. Okay.

15 Q. What if -- and I believe it's Mr.  
16 Galli who said that the project calls for towers to  
17 be four to five towers per mile.

18 A. There are obviously some, there's some  
19 leeway there, as far as the span goes.

20 Q. And I think probably the leeway tends  
21 to be more than five rather than less than four,  
22 would you agree with that?

23 A. Subject to check, I would -- I know  
24 that they can span a long way if they have to.

25 Q. What I've proposed here, just for a

1 visual aid is a hypothetical one half square mile  
2 tract of land.

3 A. 360, okay.

4 Q. With a quarter of a mile pivot,  
5 irrigation, center pivot irrigation system. All  
6 right?

7 So if that is the case, would you agree  
8 with me, as I've presented there, that the area of  
9 that tract is basically a quarter square mile, .25  
10 square miles?

11 A. .25 square miles, yes.

12 Q. All right. And the area covered by the  
13 irrigation system, the two lines, the inside line  
14 indicates the center pivot irrigation system that is  
15 right at a quarter of a mile radius?

16 A. The boom length would be a quarter of a  
17 mile.

18 Q. Boom length. And then the outer circle  
19 would be something that would go a little outside  
20 into the public right-of-way or something depending  
21 on the ability to get a larger area. But just  
22 limiting it to the radius of a quarter mile, would  
23 you agree that the area in the circle would be .196  
24 square miles or basically .2 miles?

25 A. Subject to check, but I'm sure your



1 math is fine.

2 Q. Now the difference in those two is five  
3 one hundredths of a square mile, if we assume that  
4 .2 square miles for the area in the circle.

5 A. Subject to check, again it's geometry.

6 Q. Right.

7 A. Yes.

8 Q. And if we assume 642 acres to a square  
9 mile we get basically eight acres for each of the  
10 four triangles at the corners of the -- the plot of  
11 land.

12 A. Again, subject to check, I'm sure your  
13 math is fine.

14 Q. Okay. So if we put this irrigation  
15 system there, and we say that the line will have  
16 four to five towers per mile, how are we going to  
17 arrange those towers so as to avoid interfering with  
18 that center point irrigation?

19 A. It's my understanding that, again, they  
20 have some options available to them as far as span  
21 lengths go, and what they would do is they would  
22 push the line the farthest to the north that they  
23 could get and actually keep the structures out of  
24 the boom swept area. I would imagine that that  
25 would be easier with some structures than others, so

1 they might -- again, this would be subject to  
2 negotiation with the landowners, so I think that  
3 there are options to get it out of the boom swept  
4 area.

5 Q. So if you put one quarter square mile  
6 tract next to another, you superimposed this image  
7 immediately to the north of the image, so that  
8 you've got two tracts of land that are identical,  
9 you've got basically three areas where you can place  
10 the tower so it won't interfere with the irrigation  
11 system, is that correct? And so you would be  
12 having -- you would have three towers per mile.

13 A. I am -- again, I'm not visualizing what  
14 it is that you're trying to come up with.

15 Q. Okay. Take this image and superimpose  
16 it on top of itself above to the north.

17 A. Okay.

18 Q. So that you would have two quarter mile  
19 tracts of land, and then would you have the  
20 triangles at the corners of the two -- two tracts of  
21 land would be in places where you could locate the  
22 towers.

23 A. Right, correct.

24 Q. You would have basically three  
25 locations that you could place the towers within a

1 **mile?**

2 A. If this is a half mile long, are you  
3 saying that you've got three different center  
4 pivots, one top, one bottom, and then one across, or  
5 just two, one top and bottom?

6 Q. **Just two, at least for the moment.**  
7 **You've got one half mile here, one half mile to the**  
8 **north.**

9 A. Okay. And this is -- this is a quarter  
10 section, correct?

11 Q. **Well, quarter section I believe is one**  
12 **mile, so that there would be four of these in a**  
13 **quarter section.**

14 A. There would be four of these in a  
15 quarter section, correct. Then the boom length is  
16 actually not a half mile, it's a quarter of a mile.

17 Q. **Right.**

18 A. Right, okay. So what was the question?

19 Q. **So if you -- if you put this in the**  
20 **formation of a township and range line, land**  
21 **section, one mile square, you'd have four of these,**  
22 **right? And going the distance up the land section,**  
23 **you would have three segments, three distinct areas**  
24 **of land where you could put the tower and not**  
25 **interfere with the irrigation system.**

1           A.    I believe, yes.  I'll agree with that.

2           Q.    But we also understand that land  
3 isn't -- isn't uniform like this, right?

4           A.    That's right.

5           Q.    So that there may be changes in the  
6 land that cause this to vary?

7           A.    There will be changes in the land,  
8 probably that will reduce the size, if anything.  I  
9 don't think it will get any larger, just based on  
10 the constraints that you've provided, from the  
11 geometry of the quarter section.

12          Q.    Okay.  All I'm trying to -- all I'm  
13 trying to show here is that it's difficult to figure  
14 out how to place those towers in a configuration  
15 such as this, would you agree with that?

16          A.    No, I think I would actually disagree  
17 with that.

18          Q.    Would you agree that it becomes more  
19 difficult in placing those towers when you don't  
20 know if a farmer has a motivation to install an  
21 irrigation system?

22          A.    The farmer and the developer would be  
23 wanting to collaborate on where the placement if he  
24 was pursuing an irrigation system or had plans for  
25 pursuing an irrigation system in the future.

1 Q. But the Grain Belt representative  
2 couldn't collaborate with a purchaser of the land  
3 that purchased the land a year after the tower was  
4 put in, could he?

5 A. That ends up being -- that's a  
6 negotiation that I'm not privy to.

7 Q. No, I'm saying it would be impossible  
8 to negotiate with a future purchaser of the land,  
9 wouldn't it?

10 A. Future purchaser of the land?

11 Q. Somebody that would buy the land in two  
12 years and then decide he wanted to put in an  
13 irrigation system.

14 A. Okay. I agree.

15 MR. LINTON: That's the questions I  
16 have, your Honor. Thank you.

17 JUDGE BUSHMANN: Were you intending to  
18 offer that exhibit?

19 MR. LINTON: Yes, please.

20 JUDGE BUSHMANN: Any objections to 410?

21 MR. HARDEN: Yes, I'll object on  
22 foundation. I'm not sure if Mr. -- Mr. Linton  
23 himself drafted this diagram, but I don't any Dr.  
24 Arndt has established the foundation for it. It's  
25 been used as a demonstrable, fair enough. But

1 unless we're going to have lawyers coming up with  
2 demonstrables that then become evidence in this  
3 case --

4 JUDGE BUSHMANN: Mr. Linton, your  
5 response.

6 MR. LINTON: The foundation was  
7 developed in the conversation that it accurately  
8 depicted at least as illustrative of a proposition.

9 JUDGE BUSHMANN: I'll overrule it.  
10 I'll allow it to come in. It's received.

11 Cross by Missouri Landowners?

12 CROSS EXAMINATION

13 QUESTIONS BY MR. AGATHEN:

14 Q. Good afternoon, Dr. Arndt.

15 A. Good afternoon.

16 Q. Can you turn please to page seven of  
17 your direct testimony: Are you there?

18 A. Yes.

19 Q. Beginning at line one, you note that  
20 there are no federal or Missouri requirements  
21 regarding the implementation of specific  
22 agricultural impact mitigation practices which apply  
23 to transmission lines, is that correct?

24 A. That's correct.

25 Q. So in this case Grain Belt was under no

1 legal compulsion to include any particular provision  
2 in its agricultural Missouri impact protocol which  
3 is shown in your schedule JLA-2.

4 A. That is my understanding.

5 Q. So it's basically they could what it  
6 wanted to?

7 A. That's my understanding.

8 Q. Did you attend any of the local public  
9 hearings which were held earlier in this case by the  
10 Commission?

11 A. I did not.

12 Q. So you didn't hear the statements by  
13 some landowners about how the line would affect  
14 their farming operations, I assume.

15 A. I did not.

16 Q. Have you made a living as a farmer?

17 A. No.

18 Q. Is it also true that Grain Belt was  
19 under no legal compulsion to include any particular  
20 provisions in its agricultural impact mitigation  
21 policy shown on your Schedule JLA-3.

22 A. I believe that to be true.

23 Q. Pardon?

24 A. I believe that to be true, yes.

25 Q. So again, they were free to include

1 what they wanted to include?

2 A. Yes.

3 Q. The document that is your Schedule  
4 JLA-3 was written by Grain Belt back in the year  
5 2013, was it not?

6 A. That's the policy?

7 Q. That's the Schedule JLA-3.

8 A. The exact date, I am uncertain of, but  
9 I think it was about that time period.

10 Q. So it wasn't something new that they  
11 developed in response to the Commission's order in  
12 2014?

13 A. I believe that to be true.

14 Q. Is it fair to say that outside  
15 contractors hired by the owners of a major  
16 construction project don't always follow the exact  
17 policies laid out in the likes of your Schedule 2  
18 and 3?

19 A. It depends on how much oversight there  
20 is.

21 Q. Correct. In general, is it fair to say  
22 they don't always exactly follow those --

23 A. Conditional agreement.

24 Q. Pardon?

25 A. I'll conditionally agree with that.



1           Q.    That's fine.  For example, turning to  
2   page 18 of your -- strike that.  Page eight of your  
3   testimony, item three, involves the maintenance of  
4   household equality and agricultural land, correct?

5           A.    That's correct.

6           Q.    If the contractor ignores or is lax in  
7   following the steps they should take in this regard,  
8   what recourse does the landowner have?

9           A.    In the situation as I understand it as  
10  being planned, he would be able to complain, it  
11  would be a condition of the easement, there would be  
12  agricultural inspectors, and there would be some  
13  recourse to him.

14          Q.    And if the landowner is still not  
15  satisfied?

16          A.    I don't know he would be able to  
17  negotiate with Grain Belt for compensation.

18          Q.    And if Grain Belt doesn't compensate  
19  them to the extent that the landowner believes they  
20  should be?

21          A.    I'm not a lawyer, I don't know where he  
22  would go from there.

23          Q.    Thank you.  Beginning near the bottom  
24  of page 27 of your direct testimony, you discuss the  
25  impact on the line of aerial applications.  Do you

1 not commonly referred to as crop dusting?

2 A. Correct.

3 Q. Pardon?

4 A. Correct.

5 Q. Would you agree that aerial application  
6 of chemicals and fertilizers is a common practice  
7 associated with certain types of crops?

8 A. Not universal; common, I would agree.

9 Q. And that certain of the crops in  
10 question are grown within the right-of-way of the  
11 proposed line?

12 A. Agree.

13 Q. Would you agree that the presence of  
14 the Grain Belt transmission line could adversely  
15 affect aerial application within or near the  
16 right-of-way of the line?

17 A. I would agree.

18 Q. Pardon?

19 A. I would agree.

20 Q. Turn to page 13 of your testimony  
21 please. Are you there?

22 A. Yes.

23 Q. At lines 13 to 14, you state that Grain  
24 Belt is not proposing to use structures with guyed  
25 wires in crop land areas, is that correct?

1           A.    That's correct.

2           **Q.    Can you explain to the Commission the**  
3 **problems which can be caused by using structures**  
4 **with guyed wires in areas that are farmed?**

5           A.    Guyed wires would extend a distance  
6 beyond the structure itself, and if they are not  
7 appropriately or very -- or marked with very high  
8 visibility markers, they could become a hazard for  
9 aerial applications.

10          **Q.    Actually Grain Belt has made no**  
11 **commitment not to use guyed wire structures in crop**  
12 **areas, have they?**

13          A.    I believe in their policy they have  
14 discussed minimizing the use of guyed wires.

15          **Q.    But they haven't agreed not to use**  
16 **them?**

17          A.    I'm not aware of any place where they  
18 have agreed to that.

19          **Q.    I'm sorry?**

20          A.    I'm not aware of that, no.

21          **Q.    That's all I have. Thank you, Doctor.**

22                    JUDGE BUSHMANN: Questions by

23 Commissioner?

24                    CHAIRMAN HALL: No questions, your

25 Honor.

1 JUDGE BUSHMANN: Recross by Grain Belt.

2 MR. HARDEN: Thank you.

3 CROSS EXAMINATION

4 QUESTIONS BY MR. HARDEN:

5 Q. In your analysis and review of the  
6 route, Grain Belt Express's route in this case, can  
7 you describe to the Commission the number of center  
8 point irrigation systems which were located and how  
9 you located those which would be affected by the  
10 proposed route?

11 A. Mr. Turner brought up in his testimony,  
12 or his rebuttal testimony, that there were some  
13 center pivot systems in Monroe County. I actually  
14 did not see them on a cursory review. I took a very  
15 detailed review. My detailed review consisted of  
16 going to a program called Google Earth and  
17 evaluating signatures and aerial photos from 1990  
18 through 2015 and there were three center pivot  
19 irrigation systems that were adjacent that were to  
20 the south of a county road, immediately to the south  
21 of a county road, and Grain Belt had located the  
22 transmission line immediately to the south of that  
23 county rode, to the very north of the three point  
24 center pivot.

25 Q. And your analysis spanned the entirety

1 **of Missouri?**

2 A. I did do a more detailed evaluation of  
3 the entire line, but I did not locate any additional  
4 center pivot irrigation systems, and that does  
5 confirm what Lewis Berger found as well.

6 **Q. Can you speak generally about the**  
7 **irrigability of the farmland where the Grain Belt**  
8 **Express route would cross?**

9 A. There was testimony, I believe that Mr.  
10 Turner indicated based on a 1977 soil survey that 57  
11 percent of the route was irrigable. That was a 1977  
12 soil survey that I could not locate. I could locate  
13 a 1979 soil survey. It did not mention anything  
14 about irrigability. It did have some properties  
15 that might have some inference as to whether a  
16 particular soil was irrigable or not. But those  
17 products have been superceded by more current  
18 products that are more digital that are supplied by  
19 the NRCS.

20 MR. LINTON: Your Honor, I'm going to  
21 object to this line of questioning, in that he's  
22 gone beyond what I've asked about in the shape of a  
23 particular piece of land and is now trying to add  
24 additional surrebuttal testimony in response to Mr.  
25 Turner's rebuttal testimony.

1 JUDGE BUSHMANN: Response.

2 MR. HARDEN: Well, I interpret Mr.  
3 Linton's line of questioning as to the agricultural  
4 impacts specifically on irritation of farmland, so  
5 if a question entailing hey, how much farmland is  
6 irrigable over the route seems to me to be  
7 responsive to that line of examination.

8 JUDGE BUSHMANN: Overruled.

9 Q. (By Mr. Harden) So I'm going to try to  
10 remember my question. Did you -- did you conduct an  
11 analysis of the irrigability of the property along  
12 the route, the proposed route for Grain Belt  
13 Express?

14 A. I did.

15 Q. And what were the findings of that  
16 analysis?

17 A. About two and a half percent -- the  
18 NRCS considers soils from an irrigation perspective  
19 by their limitations, and they have three  
20 categories, actually four categories, one which  
21 would be not applicable or null, one which would be  
22 severely limited or severe limitations, one would be  
23 moderate limitations, one would be no limitations.

24 Q. And over the proposed route, what were  
25 the findings --

1           A.    About two and a half percent had no  
2    limitations for irrigation, about 40 percent,  
3    thereabouts, subject to check, were they had  
4    moderate limitations for irrigation, and about  
5    another 50 percent had some severe limitations for  
6    irrigation.

7           **Q.    Thank you.**

8           MR. HARDEN:   No further questions.

9           JUDGE BUSHMANN:   Mr. Arndt, that's all  
10   your testimony.   You may step down.

11                   (Witness excused.)

12           MR. AGATHEN:   Your Honor, could I just  
13   raise one quick point to make sure the reporter has  
14   the correct version of the surrebuttal testimony, I  
15   know there was some confusion.

16           JUDGE BUSHMANN:   Sure.   That would be  
17   fine.

18           MR. HARDEN:   Very good point.   Grain  
19   Belt Express calls --

20           MR. AGATHEN:   One moment.

21           JUDGE BUSHMANN:   The Chairman had a  
22   question.

23           CHAIRMAN HALL:   I have a couple of  
24   questions I guess of Staff concerning Exhibit 206,  
25   which is the document that sets forth the agreements

1 between Staff and the company as to conditions.

2 With this agreement, does Staff believe  
3 there are any other conditions necessary?

4 MR. WILLIAMS: Yes.

5 CHAIRMAN HALL: Okay. Can you just  
6 explain to me what this document is?

7 MR. WILLIAMS: Basically there were  
8 certain conditions that Staff had put out in its  
9 rebuttal testimony, and Grain Belt had provided some  
10 responses to that, and some of those responses were  
11 not acceptable to Staff, and we were able to  
12 negotiate an agreement about wording on the majority  
13 of the conditions that Staff recommended, but not  
14 the entirety of them.

15 CHAIRMAN HALL: So if I wanted to see  
16 what conditions Staff continues to advocate for that  
17 are not in here, I'll have to wait for Staff  
18 witnesses? Or is there a document somewhere that  
19 would summarize those additional conditions that  
20 Staff is seeking?

21 MR. WILLIAMS: There isn't a document  
22 that summarizes them other than the conditions that  
23 are set forth in Staff's rebuttal testimony that are  
24 not addressed by this document. They're still live.  
25 For example, there's the decommissioning fund, that



1 one is still out there.

2 CHAIRMAN HALL: Okay. So is there a  
3 particular Staff witness that that would be able to  
4 summarize -- not now, but is there a Staff witness  
5 that would be able to summarize those remaining  
6 conditions? Maybe Miss Dietrich when she takes the  
7 stand as your first witness?

8 MR. WILLIAMS: You certainly may ask  
9 her. I know that the decommissioning fund question  
10 was Dan Beck, and I'm not sure if he has all of the  
11 remaining conditions or not.

12 CHAIRMAN HALL: Okay.

13 MR. ZOBRIST: Chairman, if you look at  
14 David Berry's surrebuttal schedule, I believe it's  
15 number nine, the last three conditions that we did  
16 not agree to I believe are listed there, and that's  
17 related to the decommissioning funds, the ATXI, if  
18 the ATXI line is not built, and then there's a third  
19 one that is just alluding me, but it's right at the  
20 end of Mr. Berry's schedule, I think it's number  
21 nine.

22 CHAIRMAN HALL: Thank you.

23 JUDGE BUSHMANN: Want to call your next  
24 witness.

25 MR. HARDEN: Grain Belt Express calls

1 Richard -- I'm sorry, Richard Tregnago, please.

2 JOHN RICHARD TREGNAGO,

3 having been called as a witness, was sworn  
4 upon his oath, and testified as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. HARDEN:

7 Q. Will you state your name for the record  
8 please?

9 A. John Richard Tregnago.

10 Q. Thank you. By whom are you employed.

11

12 A. I am the Randolph County elected  
13 assessor.

14 Q. Thank you. And are you the same John  
15 Richard Tregnago who caused to be filed direct and  
16 surrebuttal testimony in this case along with  
17 corresponding schedules?

18 A. I am, sir.

19 Q. And at this -- and on whose behalf did  
20 you file this testimony?

21 A. Grain Belt Clean Line.

22 Q. And at this time do you have any  
23 corrections to that testimony.

24 A. I have one I'd like to draw your  
25 attention do in my direct testimony on page six,

1 line 19, I made a clerical error in typing 161 kV,  
2 it's actually 69 kV.

3 Q. Thank you. And with that correction,  
4 is your testimony true and accurate today as it was  
5 when you submitted it?

6 A. To the best of my knowledge, yes, sir.

7 MR. HARDEN: At this time I'll offer  
8 what is marked as Exhibit 123 and 124, the direct  
9 and surrebuttal testimony of John Richard Tregnago  
10 into evidence.

11 (Wherein, Exhibits 123 and 124 were  
12 introduced.)

13 JUDGE BUSHMANN: Any objections to 123  
14 or 124?

15 Hearing none, they're received in the  
16 record.

17 MR. HARDEN: And I will tender the  
18 witness for cross examination.

19 JUDGE BUSHMANN: The first cross would  
20 be MJMEUC.

21 MR. HEALY: No questions, your Honor.

22 JUDGE BUSHMANN: Wind on the Wires?

23 MR. BRADY: No questions, your Honor.

24 JUDGE BUSHMANN: Infinity Wind?

25 MS. PEMBERTON: No questions.

1 JUDGE BUSHMANN: MIEC?

2 MR. MILLS: No questions.

3 JUDGE BUSHMANN: Commission Staff?

4 MR. WILLIAMS: No questions. Thank  
5 you, Judge.

6 JUDGE BUSHMANN: Rockies Express.

7 MS. GIBONEY: No questions, Judge.

8 JUDGE BUSHMANN: Show Me Landowners?

9 MR. LINTON: No questions.

10 JUDGE BUSHMANN: Missouri Landowners.

11 MR. AGATHEN: Thank you, your Honor.

12 CROSS EXAMINATION

13 QUESTIONS BY MR. AGATHEN:

14 Q. Good afternoon, sir.

15 A. Hello, sir.

16 Q. Near the bottom of page one of your  
17 rebuttal testimony, you state the county assessors  
18 are required to take continuing education courses  
19 periodically, is that correct?

20 A. I have that, yes, sir.

21 Q. Did any of your courses over the years  
22 relate specifically to pipeline or electric  
23 transmission line assessments?

24 A. No, sir.

25 Q. During your time as assessor, have any

1 new high voltage electric transmission lines been  
2 built within Randolph County?

3 A. Not to my knowledge.

4 Q. Would you turn please to page two of  
5 your direct testimony?

6 A. I have that.

7 Q. At line 17 to 18, you state that Grain  
8 Belt has done more public meetings prior to  
9 construction than any pipeline project you're aware  
10 of, is that correct?

11 A. That's to the best of my knowledge,  
12 yes.

13 Q. Are you aware of any pipeline project  
14 in your county which has created as much public  
15 opposition as the Grain Belt project has?

16 A. I have not.

17 Q. Are you aware of any construction  
18 projects of any kind in Randolph County where the  
19 level of opposition to the project has reached the  
20 level of opposition to the Grain Belt line?

21 A. I have not.

22 Q. You also go on in the last paragraph of  
23 page two there to talk about how courteous,  
24 informative and open Grain Belt has been and how  
25 good you feel about how they have visited with the

1 public, do you see that?

2 A. I agree.

3 Q. Did you write that testimony or did  
4 someone from Grain Belt write that testimony?

5 A. Those are my words, sir.

6 Q. You wrote those?

7 A. Yes.

8 Q. Did Grain Belt write part of your  
9 testimony for you?

10 A. I'm sorry, would you repeat that?

11 Q. Did Grain Belt write part of your  
12 testimony for you?

13 A. They may have cleaned up some of my  
14 country language. I'm not -- I'm not here to tell  
15 you that every word that's in here is exactly mine,  
16 but I gave them a synopsis of what I was going to  
17 say.

18 Q. On the issue of property taxes, could  
19 we agree that while the proposed line is under  
20 construction it will be assessed by the county?

21 A. As of January 1st of the following  
22 year, yes, it's locally assessed.

23 Q. Can we agree that after it's energized  
24 after the first of the year, it will be assessed by  
25 the State of Missouri?

1 A. That is my understanding.

2 Q. Okay. Let's talk about the taxes while  
3 the line is under construction first. In this  
4 initial period the line would get assessed at 32  
5 percent of the amount that Grain Belt had spent as  
6 of January 1st of that year, correct?

7 A. That is based on the cost approach,  
8 yes.

9 Q. If the line gets built in 22 months,  
10 then it's going to be locally assessed at the full  
11 final cost of the line for just one year, is that  
12 correct?

13 A. It depends on the timing of the 22  
14 months.

15 Q. It couldn't be more than one year,  
16 could it, at the full cost?

17 A. You're probably correct on that, I'd  
18 have to identify the start dates and the end dates.

19 Q. And then the assessment is turned over  
20 to the State?

21 A. The following January 1st, yes.

22 Q. Could you turn please to page four of  
23 your direct testimony?

24 A. I have that.

25 Q. At lines 14 to 15, you list that the

1 line will bring in more than \$720,000.00 in new  
2 revenue in Randolph County in the first year of  
3 operation, correct?

4 A. That is correct.

5 Q. By first year, do you mean while the  
6 line is still under construction and being locally  
7 assessed or the first year that the assessment is  
8 turned over?

9 A. I took that as to mean an operation of  
10 actually being energized, being on operation.

11 Q. So the first year that it's turned over  
12 to the State?

13 A. Yes.

14 Q. We ask you for the documents which  
15 support that figure of \$720,000.00 in new tax  
16 revenue for Randolph County in the first year. Do  
17 you recall that?

18 A. Yes, I have.

19 Q. And in your response you sent us a 16  
20 page document, is that correct?

21 A. I'm sorry, would you repeat that?

22 Q. In response to that data request, you  
23 sent us a 16 page document.

24 A. I sent that to the attorneys, yes. I'd  
25 have to see that, yes.



1           Q.    Handing you a document and asking you  
2    if that's the document that you turned over to us in  
3    response to that data request.

4           A.    Sir, none of these pages were presented  
5    by me.

6           Q.    They were not?

7           A.    They were not developed by me.

8           Q.    Is this the document that you turned  
9    over to us through your attorneys? I'm not asking  
10   you if you developed it.

11          A.    I did not generate that document.

12          Q.    That's still not the question. Is this  
13   the document that you turned over to us in response  
14   to the data request that we referred to earlier?

15          A.    I didn't turn anything over to you,  
16   meaning us, I turned it over to our attorneys, but I  
17   did not -- I did not produce that document to  
18   anyone.

19          Q.    Up at the top right-hand corner there,  
20   it does say GBX Response to MLA-12 Tregnago --

21          A.    It does say that.

22          Q.    Thank you. Do you by any chance have a  
23   copy of our data request and your responses. If  
24   not, I can show you a copy.

25          A.    I believe in -- are you requesting such

1 as example response for RT.1 and so on?

2 Q. Yes.

3 A. Okay, I have these.

4 Q. Okay. I direct your attention to  
5 RT.12. Do you have that?

6 A. I have RT.12.

7 Q. And the question is please provide a  
8 copy of all work papers and other supporting  
9 documentation, including a list of all assumptions  
10 which support the figure of \$720,000.00 at page  
11 four, line 15 of your testimony. If not indicated  
12 on the documentation itself, please state who is  
13 primarily responsible for its compilation and the  
14 date that the data was completed. That was the data  
15 request.

16 A. I had a little trouble hearing you, I'm  
17 very sorry. The very last request.

18 Q. Let me start over. RT.12, please  
19 provide a copy of all work papers and other  
20 supporting documentation, including a list of all  
21 assumptions which support the figure of \$720,000.00  
22 at page four, line 15 of your testimony. If not  
23 indicated on the documentation itself, please state  
24 who is primarily responsible for its compilation and  
25 the date the document was completed. That was the

1 question.

2 A. Okay. And you want my response?

3 Q. Your response was this information was  
4 provided by Grain Belt and State Tax Commission, see  
5 Attachment EA-2016.03258.GBX response to MLA-12,  
6 Tregnago dot attachment 01.

7 A. I see that.

8 Q. And that's the document that we were  
9 just discussing, correct?

10 A. All right.

11 Q. Thank you. Then in a separate data  
12 request, we asked you which pages of that document  
13 were provided by Grain Belt and which were actually  
14 provided by State Tax Commission, is that correct?  
15 And I direct your attention to --

16 A. Is that a certain request, sir?

17 Q. RT.36.

18 A. Thank you. I have that page too.

19 Q. And the question was with regard to  
20 your response to MLA-12 Tregnago.Attachment01, the  
21 document we've been talking about, submitted with  
22 your answer to RTS-12, which pages of the attachment  
23 were provided by Grain Belt and which were provided  
24 by State Tax Commission, correct?

25 A. I read that, yes, sir.

1 Q. And you said Grain Belt Express  
2 provided the spreadsheet to me, and I reviewed the  
3 data as it pertains to Randolph County, correct?

4 A. That is correct.

5 Q. Thank you. So Grain Belt provided the  
6 spreadsheet to you, is that correct?

7 A. That document you handed me, yes. To  
8 my knowledge.

9 Q. Who at Grain Belt gave you the  
10 spreadsheet with that \$720,000.00 figure on it?

11 A. I may not recall exactly which person  
12 it was, but it was a staff member of Grain Belt.

13 Q. Wasn't the first page of that document  
14 actually compiled by Mr. Spell of the Missouri  
15 Department of Economic Development?

16 A. I don't know. I wouldn't know that.

17 Q.

18 MR. AGATHEN: I'd like to distribute  
19 Exhibit 372 at this point, your Honor.

20 (Wherein, Exhibit 372 was introduced.)

21 Q. (By Mr. Agathen) Do you have a copy of  
22 Exhibit 372?

23 A. Exhibit 372?

24 Q. Yeah.

25 A. Yes.

1 Q. That consisted of the first two pages  
2 of the 16-page document which we discussed earlier,  
3 does it not.

4 A. I would assume so, I don't have the  
5 other document in front of me.

6 Q. It's sort of difficult to read, but the  
7 figure that you use in your testimony of 720 --  
8 720,000, excuse me, came from the figure for  
9 Randolph County near the bottom right corner of the  
10 last box on page one of this exhibit, is that  
11 correct?

12 A. I'm sorry, was that a question?

13 Q. Yes. Right and that's where you got  
14 your \$720,000.00 figure.

15 A. That's approximately, yes.

16 Q. Thank you. And that same figure again,  
17 that came from Grain Belt, right?

18 A. On that particular document, yes.

19 Q. And that also appears at page two of  
20 Exhibit 372, correct?

21 A. Yes.

22 Q. And you gave us no other work papers or  
23 any other calculations that you did yourself to  
24 support the estimated tax figure of 720,000, did  
25 you.

1           A.    At that time, that's all the work  
2 papers I had available to me.

3           MR. AGATHEN:  I'll offer Exhibit 372,  
4 your Honor.

5           JUDGE BUSHMANN:  Any objections?  
6 Hearing none, it's received in the  
7 record.

8           Q.    **(By Mr Agathen)  Could you please turn**  
9 **to page four of your direct testimony.**

10          A.    I'm sorry, did you say four of the  
11 direct?

12          Q.    **Yes.**

13          A.    Thank you.  Yes, sir, I have page four.

14          Q.    **At lines 18 to 19, you state that the**  
15 **projected assessed value of the Grain Belt line**  
16 **would be equivalent to the assessed value of all of**  
17 **the agricultural land in the county, correct?**

18          A.    That is correct.

19          Q.    **And when we asked you in a data**  
20 **request, you said you were assuming that the**  
21 **assessed value of the Grain Belt line would be 12.8**  
22 **million dollars, is that correct?**

23          A.    That is correct.

24          Q.    **And that figure of 12.8 million will**  
25 **apply only for the one year when the entire cost of**

1     **the line is subject to local assessment.**

2             A.     At 100 percent of the cost estimated,  
3     yes.

4             Q.     Thank you.  Let's talk about what  
5     happens when the line has actually gone into  
6     construction or finished construction and it's been  
7     energized.  It be becomes subject to state taxation  
8     at that point, right?

9             A.     When it's energized the first of  
10    January of that following year is my understanding.

11            Q.     And they'll use a variety of methods to  
12    assess the value of the line for purposes of  
13    property taxation, will they not?

14            A.     I had a little trouble understanding  
15    the first part of your question.  Please repeat it.

16            Q.     The state will use a variety of  
17    different methods, correct?

18            A.     It is my understanding, yes.

19            Q.     Do you know what factors the State Tax  
20    Commission will look at in assessing the line after  
21    it's constructed.

22            A.     In discussions with one of the leaders  
23    of the original assessment division, that they  
24    utilized the income approach, the cost approach, the  
25    market approach, whatever factors are appropriate

1 and whatever information they can to arrive at fair  
2 value for the company.

3 Q. In any event, it's essentially out of  
4 your hands at that point?

5 A. Definitely, yes.

6 Q. Do you recall we asked you in a data  
7 request, number RT.39 for your best estimate or even  
8 an approximation of what the total property taxes  
9 for the line would be in the third year it was in?  
10 service?

11 A. I don't have that in front of me, but I  
12 do recall that question.

13 Q. Do you recall your response.

14 A. Do you have a page number? I'd like to  
15 flip to that.

16 Q. RT.39 is the data request at page two.

17 A. Would that be on the surrebuttal, sir?

18 Q. No, this is a data request sent to you.

19 A. Oh, I'm sorry.

20 Q. It's not your testimony at all.

21 A. Oh, okay.

22 Q. And the question was please provide  
23 your best estimate or approximation of the total  
24 property taxes attributable to the proposed line  
25 which will be collected in Randolph County in the



1     **third year after the line is in service, correct?**

2             A.     That is the question, yes.

3             Q.     **And you said you couldn't tell us,**  
4     **right?**

5             A.     No one can, sir.

6             Q.     **Thank you. And the same for year five**  
7     **and year ten obviously, correct?**

8             A.     To the best of my knowledge, no one  
9     could predict that.

10            Q.     **On a different subject. You said that**  
11     **Grain Belt is telling you that the cost of the line**  
12     **will be approximately two million dollars per mile,**  
13     **correct?**

14            A.     That is my understanding, yes.

15            Q.     **And that's the figure that you used in**  
16     **your own testimony, correct?**

17            A.     I used that figure in my calculations,  
18     yes.

19            Q.     **Sir, I'm handing you a copy of a**  
20     **document which appears to be testimony that you**  
21     **presented to the Commission at the local public**  
22     **hearing back in 2014. Is that what that is?**

23            A.     Yes, sir.

24            Q.     **And in that documented, you say that**  
25     **the estimated amount given to you by Grain Belt was**

1     **1.5 million dollars per mile, is that correct?**

2             A.    Yes, sir.

3             Q.    And then you say that the project may  
4     **become state assessed thereafter and annual property**  
5     **taxes estimated may exceed 500,000 annually?**

6             A.    I believe that's -- yes, uh-huh.

7             Q.    So since the last case, the estimated  
8     **cost per mile has gone up from 1.5 million to two**  
9     **million?**

10            A.    I think the clarification needs to be  
11    that the converter station was not included in the  
12    overall line miles in the State of Missouri, and  
13    that would bump up the cost per line mile from the  
14    one fifty -- or one and a half million to the two  
15    million.

16            Q.    You know that it was not included in  
17    **the 1.5 million.**

18            A.    To my knowledge, I was not informed  
19    about that at the time.

20            Q.    **One way or the other?**

21            A.    Right, to my knowledge.

22            Q.    **On a different subject. Could you turn**  
23    **please to page seven of your direct testimony?**

24            A.    I have page seven.

25            Q.    **Line 14 you say that Grain Belt's**

1 compensation is a lot more generous than  
2 compensation you have received from utilities in the  
3 past, is that correct?

4 A. That's correct.

5 Q. And Grain Belt is proposing to pay  
6 \$6,000.00 for a monopole which will be over 100 foot  
7 tall, is that correct?

8 A. Yes.

9 Q. And you compare that to what Ameren  
10 paid back in the 80s, 1980s, of \$1,000.00 per pole,  
11 correct?

12 A. Yes, sir.

13 Q. So that's -- assuming that was in 1985,  
14 at the mid point, it was 32 years ago now, wasn't  
15 it?

16 A. They -- I believe the line was a little  
17 earlier than 1985, but yes.

18 Q. So if that's the case, then it's even  
19 more than 32 years, right?

20 A. Yes, sir.

21 Q. So what's the annual rate of increase,  
22 do you know, between \$1,000.00 per pole over 33  
23 years ago compared to \$6,000.00 a pole in a couple  
24 of years from now?

25 A. It's my understanding that they are

1 also paying for right-of-way that Ameren did not  
2 offer any right-of-way payment.

3 Q. Well, we're talking about poles at this  
4 point.

5 A. Okay. I guess I misread the question,  
6 because the question states compensation package.

7 Q. I'm asking about the poles at this  
8 point.

9 A. Okay. So we received \$1,000.00 per  
10 pole for each set that was in 1980s.

11 Q. And they paid nothing for right-of-way?

12 A. That is correct.

13 Q. Did you ever challenge that in court?

14 A. No.

15 Q. You just took the nothing that Ameren  
16 offered?

17 A. We had discussions with the land agent  
18 who I believe lived in Macon, there was a real  
19 estate broker, we had discussions with other  
20 neighbors to see what compensation they were  
21 receiving, and we were receiving more than they were  
22 per pole.

23 Q. And were they receiving anything for  
24 right-of-way?

25 A. To my knowledge, no.

1 Q. On a different subject, could you turn  
2 to page six of your direct testimony please.

3 A. Yes, sir.

4 Q. Beginning at line five, you talk about  
5 the three Thomas Hill coal fire plants in Randolph  
6 County, correct?

7 A. Yes.

8 Q. And those are owned and operated by  
9 Associated Electric Co-Op?

10 A. Yes, sir.

11 Q. You told us in response to a data  
12 request that they have a total assessed value of  
13 about a hundred and five million, does that sound  
14 correct?

15 A. That is the current assessed value,  
16 yes.

17 Q. And they pay approximately 5.4 million  
18 to Randolph County in property taxes?

19 A. On that parcel, yes.

20 Q. To your knowledge, is that the single  
21 largest source of property revenue in Randolph  
22 County?

23 A. It is, sir.

24 Q. A much bigger deal from that standpoint  
25 than the Grain Belt line?

1           A.    Yes, sir, much bigger.

2           Q.    At page six of your direct testimony,  
3    about lines 11 to 12, you say you were very  
4    concerned about the risk of losing those units,  
5    correct?

6           A.    Is that a question, sir?

7           Q.    Yes.

8           A.    I am concerned about that due to the  
9    age of two of the units.

10          Q.    Before you filed your testimony in this  
11   case, did Grain Belt explain to that you the energy  
12   from their line would displace energy from those  
13   three Thomas Hill plants?

14               MR. HARDEN: I'm going to object to  
15   that, that assumes facts that are not in evidence.  
16   It's entirely speculative, and the assumption is  
17   that there would be a displacement, and there's a  
18   lack of foundation.

19               MR. AGATHEN: Your Honor, we will prove  
20   up the fact that there will be a displacement based  
21   on Grain Belt's own studies of the energy from those  
22   Thomas Hill plants.

23               MR. HARDEN: At the moment there's an  
24   entire lack of foundation and it assumes something  
25   that isn't in evidence in any way.

1 JUDGE BUSHMANN: He was just asking  
2 whether or not he was informed of something, so I  
3 think he can answer that question. Overruled.

4 Q. (By Mr. Agathen) Were you informed by  
5 Grain Belt that there could be or that there would  
6 be or might be a displacement of energy from  
7 those --

8 A. I do not recall such a discussion.

9 Q. Thank you. Do you know how many people  
10 are employed at those plants?

11 A. I haven't taken a local census of that,  
12 I'm sorry. I do not know.

13 Q. You wouldn't know how much income tax  
14 is derived from the sale of power from those plants?

15 A. I do not work with income tax except my  
16 own.

17 Q. Could you please turn to page four of  
18 your surrebuttal testimony?

19 A. I have page four.

20 Q. At about lines four to six, you take  
21 issue with Mr. Hibbird's claim that transmission  
22 lines have a negative effect on land values, do you  
23 not?

24 A. I do disagree with those assumptions.

25 Q. And to make your point you included

1 pictures in your schedule JRT-1 of six homes which  
2 were built next to a transmission line, correct?

3 A. That is correct, sir.

4 Q. And those lines were all built after  
5 the line was there, right?

6 A. The homes were built after the this 345  
7 kV line was built.

8 Q. Presumably on vacant property?

9 A. I'm assuming, yes.

10 Q. Do you have any idea how much the new  
11 homeowners paid for the vacant property on which  
12 those six homes were built?

13 A. They chose not to provide me with that  
14 information.

15 Q. So the answer is you don't know?

16 A. I do not know that answer, yes.

17 Q. So you don't know how much the prior  
18 owners of the lots may have had to discount the  
19 price of the property in order to get the homeowners  
20 to buy that land, do you?

21 A. I would have no studies on that.

22 Q. So the land may have been devalued to  
23 the point where someone finally thought it would be  
24 worth it despite the transmission lines?

25 A. I'm sorry, I had a little interruption



1 with the noise.

2 Q. Not knowing how much was paid for that  
3 land, it could have been devalued, lost its value to  
4 the point where someone finally thought it would be  
5 worthwhile to build on it anyway, right?

6 A. I don't -- I don't think I have any  
7 evidence to agree with that or disagree.

8 Q. Also at page -- strike that. You  
9 exchanged some emails with a Mr. Brown at one point,  
10 did you not? He's an attorney who lives in Randolph  
11 County.

12 A. I'm sorry, with the fan noise, I didn't  
13 quite understand you. I'm sorry.

14 Q. Do you know a Mr. Phillip Brown, who is  
15 an attorney in Randolph County.

16 A. Yes, I'm very well acquainted with  
17 Phil.

18 Q. And you exchanged some emails with him  
19 at one point?

20 A. I may have.

21 Q. I'm going to hand you a copy of a  
22 document, sir, and ask you if that does contain an  
23 exchange of emails between you and Mr. Brown, or at  
24 least emails from you to Mr. Brown.

25 A. Yes, yes. Sir, this is from my email.

1 Q. Dated March 9th, 2014, up near the top  
2 right corner.

3 A. Yes, sir.

4 Q. And if you'd turn please to the last  
5 page, you tell him as follows: Quote, as we  
6 discussed, if this project becomes real, then taxing  
7 districts will gain financially, possibly delaying  
8 any nearby need to ask for levy increases. Unknowns  
9 such as property devaluation may also play a part in  
10 the overall picture. Is that correct?

11 A. That's my statement.

12 Q. And you also went on to say: I am more  
13 concerned about the company gaining the power of  
14 condemnation by eminent domain and opening the lid  
15 to Pandora's box, correct?

16 A. That is part of my statement.

17 MR. AGATHEN: That's all I have, your  
18 Honor.

19 JUDGE BUSHMANN: Any questions by  
20 Commissioners?

21 CHAIRMAN HALL: No questions. Thank  
22 you.

23 JUDGE BUSHMANN: Redirect by Grain  
24 Belt?

25 MR. HARDEN: Real quickly.

1 REDIRECT EXAMINATION

2 QUESTIONS BY MR. HARDEN:

3 Q. Is it typical in -- as a county  
4 assessor that you get information from -- from the  
5 company who owns or is in charge of a project to  
6 determine county property assessment.

7 A. Very common.

8 Q. What's your experience with that?

9 A. They've been very reliable and provided  
10 me with their best estimate of a cost to build, all  
11 of the costs, this is before they break ground, they  
12 just want something for the budget.

13 Q. What about other companies in general?

14 A. I'm sorry?

15 Q. In general, have you had a similar  
16 experience with other companies who do the same  
17 thing?

18 A. Oh, with other companies, the cold  
19 storage unit for the Wal-Mart Distribution Center  
20 was the most recent that gave me information about  
21 15 years ago.

22 Q. And it was the company who was in  
23 charge of construction who provided you with that?

24 A. Yes, sir.

25 MR. HARDEN: May I approach?

1           Q.    (By Mr. Harden) Mr. Tregnago, I'm  
2 handing you a document and it's entitled The State  
3 Assessed Tax Amount Paid in Randolph County. Did  
4 that come from your office?

5           A.    I created this, the scenario --  
6 actually, I asked the county collector to provide me  
7 with the pertinent information.

8           Q.    Thank you. Can you just give the --  
9 the revenue amounts, the name of the infrastructure  
10 project, or the name of the utility project, and the  
11 amount of revenues in 2015 and 2016 that are  
12 provided for in that document.

13           MR. AGATHEN: Your Honor, I'm going to  
14 object, this goes beyond the scope of cross  
15 examination.

16           JUDGE BUSHMANN: Response.

17           MR. HARDEN: I would disagree. Mr.  
18 Agathen made a point of there being a lack of  
19 revenue, or even comparative revenue from typical --  
20 he even brought up Union Electric, which is one of  
21 the utilities that's there, so getting an actual  
22 dollar amount for how much those infrastructure  
23 projects bring into Randolph County is perfectly in  
24 line with what he was grilling Mr. Tregnago about.

25           JUDGE BUSHMANN: Overruled. You may

1 answer the question, sir.

2 Q. (By Mr. Harden) Just the last 2015 and  
3 2016, how much revenue?

4 A. The first one I'll go with is Union  
5 Electric doing business as Ameren Missouri, in the  
6 year 2015 the revenue that was turned over to the  
7 collector was \$1,527,294.81. In 2016 it's  
8 \$1,391.941.60.

9 The next one is Transcanada Keystone,  
10 it's an oil pipeline. 2015 was \$617,950.14. In  
11 2016, it was \$692.340.42.

12 Rockies Express Pipeline, Natural Gas,  
13 2015 was \$540,766.11 and 2016 was \$551,971.50.

14 Enbridge Pipeline FSP, LLC is an oil  
15 pipeline. The Tax Commission did something unique  
16 in 2015 and '16, they blended it, CCPS in 2015 with  
17 Enbridge, but for 2016 Enbridge checked with the  
18 County \$898.190.13, and the last one is CCPS  
19 Transportation, LLC. It's oil. In 2015, which was  
20 combined with Enbridge the first year, was  
21 \$1,053,744.47, and in 2016 it dropped to \$175,217.25

22 MR. HARDEN: No further questions.

23 JUDGE BUSHMANN: Mr. Tregnago, that  
24 completes your testimony, sir. You may be excused.

25 THE WITNESS: Thank you.

1                   MR. WILLIAMS: Judge, if I might in  
2 response to the inquiry about the agreed upon  
3 conditions between Staff and Grain Belt, I direct  
4 your attention to Staff's Position Statement on  
5 conditions, and in particular page three. The first  
6 two paragraphs I'd point in this response to  
7 Commissioner Kenney, Staff is saying that it  
8 believes that the county assented to preconditions,  
9 but during opening I said that if the Commission  
10 took a different perspective, it would be  
11 appropriate to make those conditions, that's not  
12 expressly stated in the position statement.

13                   But then on page 11 on Grain Belt's  
14 protocol, those are not part of the list of agreed  
15 upon conditions, and that includes Staff's  
16 modification -- proposed modification to the  
17 decommissioning fund.

18                   The other items that Mr. Zobrist  
19 referred to which I believe are Schedule DAB-9, in  
20 particular page 11 and of 12, those weren't really  
21 conditions Staff proposed, those are differences of  
22 opinion or disagreements. At least in Staff's view.  
23 And page 12 of 12 refers to the decommissioning  
24 fund. I believe those are the only ones that are  
25 still outstanding.

1 CHAIRMAN HALL: Thank you.

2 JUDGE BUSHMANN: Ready for our final  
3 witness for the day?

4 MR. HARDEN: Grain Belt calls Wayne  
5 Wilcox.

6 ROBERT WAYNE WILCOX,  
7 having been called as a witness, was sworn  
8 upon his oath, and testified as follows:

9 DIRECT EXAMINATION

10 QUESTIONS BY MR. HARDEN:

11 Q. Will you state your name for the  
12 record?

13 A. Robert Wayne Wilcox.

14 Q. And by whom are you employed?

15 A. Well, I'm a self-employed farmer, I'm a  
16 county commissioner, and retired military officer.

17 Q. And did you write and cause to be  
18 submitted in this case both direct and surrebuttal  
19 testimony?

20 A. I did.

21 Q. And on whose behalf did you submit  
22 that?

23 A. Grain Belt Express.

24 Q. And at this time do you have any  
25 corrections to that testimony?

1           A.    There was in my direct testimony,  
2    unbeknownst to me there was a change in -- on page  
3    six of my direct testimony.

4           **Q.    Okay.  And is your testimony as true**  
5    **and accurate today as it was when you wrote it and**  
6    **caused it to be submitted?**

7           A.    Yes, it is.

8           MR. HARDEN:  Okay.  We will offer the  
9    direct and surrebuttal testimony marked as Exhibit  
10   125 and 126 into evidence.

11                   (Wherein, Exhibit 125 and 126 were  
12   introduced.)

13           JUDGE BUSHMANN:  Mr. Wilcox, what was  
14   that correction on page six that you mentioned?

15           MR. HARDEN:  Go ahead.

16           THE WITNESS:  It has the Randolph  
17   County Commission providing Grain Belt Express with  
18   county ascent.  The commission should have received  
19   a letter dated February 14th from the Randolph  
20   County --

21           JUDGE BUSHMANN:  Are you referring to a  
22   particular line number on that page where there's  
23   some text that should be changed?

24           THE WITNESS:  The whole thrust of what  
25   is between line three and 23.



1 JUDGE BUSHMANN: Go ahead, counsel, if  
2 you want to try to clear that up.

3 MR. HARDEN: Sure. What it amounts to  
4 is between the time he submitted his testimony and  
5 now, Randolph County Commission has taken certain  
6 actions which may affect that portion of his  
7 testimony.

8 JUDGE BUSHMANN: But at the time that  
9 you created the testimony, was that information true  
10 to the best of your knowledge?

11 THE WITNESS: It was definitely true to  
12 the best of my knowledge.

13 JUDGE BUSHMANN: So it's not a real  
14 correction?

15 MR. WILLIAMS: Judge, if I may inquire,  
16 I think I can clear this up.

17 JUDGE BUSHMANN: Please go ahead.

18 MR. WILLIAMS: Mr. Wilcox, are you  
19 saying that at the time the testimony was prepared,  
20 what appears on lines three through 23 on page six  
21 were correct?

22 THE WITNESS: That is what I'm saying.

23 MR. WILLIAMS: And subsequent to that,  
24 whenever you submitted that testimony, has something  
25 occurred that now changes your response if that were

1 to be your testimony here today?

2 THE WITNESS: Yes.

3 MR. WILLIAMS: What is that change?

4 THE WITNESS: Okay. The change is  
5 unbeknownst to me, while I was laying in a hospital  
6 bed, my other two commissioners drafted this letter  
7 withdrawing the ascent agreement that the previous  
8 commission had agreed to, and so that's what took  
9 place.

10 MR. WILLIAMS: So are you saying that  
11 the Randolph County Commission has, I don't know if  
12 it's a letter, but some document purportedly  
13 revoking the county ascent of Randolph County and  
14 provided that to this Commission?

15 THE WITNESS: The way I understand it,  
16 it was addressed to this body, and that ascent  
17 agreement was withdrawn unbeknownst to me. I didn't  
18 have an opportunity to vote on such.

19 MR. WILLIAMS: Judge, it's my  
20 understanding that that particular document has been  
21 submitted as a public comment in this case, but you  
22 have his testimony.

23 JUDGE BUSHMANN: Well, right now I have  
24 an offer of to admit Exhibits 125 and 126. Are  
25 there any objections to receiving those exhibits?

1 MR. WILLIAMS: Not with Mr. Wilcox's  
2 clarification.

3 JUDGE BUSHMANN: Any objections?

4 Hearing none, those two exhibits are  
5 received into the record. And the first cross would  
6 be by MJMEUC.

7 MR. HEALY: No questions, your Honor.

8 JUDGE BUSHMANN: Wind on the Wires?

9 MR. BRADY: No questions, your Honor.

10 JUDGE BUSHMANN: Infinity Wind Power?

11 MS. PEMBERTON: No questions.

12 THE COURT: MIEC?

13 MR. MILLS: No questions?

14 JUDGE BUSHMANN: Commission Staff.

15 MR. WILLIAMS: Just a few, thank you.

16 CROSS EXAMINATION

17 QUESTIONS BY MR. WILLIAMS:

18 Q. And my questions are going to relate to  
19 the county ascents. Are you an attorney?

20 A. I am not.

21 Q. And are you speaking for the Randolph  
22 County Commission in your testimony that appears on  
23 page six and continues, that's where it starts,  
24 regarding the county ascents?

25 A. I am not representing the County

1 Commission here today. I'm basically here as a  
2 private landowner with an extra duty, so to speak,  
3 as a county commissioner. I'm totally aware of what  
4 we functioned or did in the beginning.

5 After great research by your former  
6 presiding commissioner, who happened to be a  
7 producer for 48 hours in her previous life, she knew  
8 how to investigate and work on projects like this,  
9 and so she did the research on High Voltage DC  
10 transmission lines, and one of the other  
11 commissioners that I was serving with at the time is  
12 present in the room today, and the three of us  
13 agreed to the ascent agreement, because we believed  
14 and still believe, I still believe, that it is in  
15 the best interest of the county.

16 **Q. And what is now your testimony before**  
17 **the Commission here today regarding county assents?**  
18 **That's your personal view, is that what you**  
19 **expressed?**

20 A. That is my personal view, yes.

21 MR. WILLIAMS: No further questions.

22 JUDGE BUSHMANN: Rockies Express.

23 MS. GIBONEY: No questions.

24 JUDGE BUSHMANN: Show Me Landowners?

25 MR. LINTON: Just a few, your Honor.

1 CROSS EXAMINATION

2 QUESTIONS BY MR. LINTON:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. May I direct your attention to page  
6 three, lines eight through ten of your testimony.

7 A. Page three? Eight through ten?

8 Q. Right. As county commissioner, when a  
9 project like the Grain Belt Express comes into the  
10 commission chamber, we try to understand and make  
11 sure we treat the residents fairly, is that an  
12 accurate reading of your testimony?

13 A. That the project will in fact treat the  
14 residents fairly. I was a part of the Enbridge  
15 Pipeline project, I was a commissioner at that  
16 point. Prior to that, I had two -- while I was  
17 still -- before being elected to county commission,  
18 I had two pipelines go across my farm also. So I  
19 participated as a landowner in negotiating with  
20 those folks, and I also since I've owned that farm  
21 or been back there on that farm, which I came back  
22 to the farm in 1973 after leaving active duty, I  
23 also negotiated with Central Electric Power Company  
24 Cooperative on 345 kV line.

25 Q. So your answer would be yes, that that

1 is a fair statement of what you said?

2 A. Yes.

3 Q. You try to make sure and understand  
4 that the residents are treated fairly.

5 A. That is very true.

6 Q. Okay. Take a look at page two, lines  
7 three and four of your direct testimony.

8 A. Yes, sir.

9 Q. And when you filed this testimony you  
10 said I am submitting this testimony to take a stand  
11 against the vocal minority that is opposed to this  
12 project, is that an accurate reading?

13 A. That is correct, that's exactly what it  
14 says.

15 Q. Do you look at those two statements as  
16 being consistent?

17 A. Yes, yes.

18 Q. All right. Why are you taking a stand  
19 against this vocal minority?

20 A. You have to look at, being a Vietnam  
21 vet and how you were treated when you came home as a  
22 Vietnam vet, how that vocal minority was dictating  
23 to you how you lived your life. Nobody said thank  
24 you. They spit on me when I got off the plane in  
25 San Francisco. Okay? I happen to have an aunt and

1     uncle that was there that whisked me away, or I  
2     would have had to endure more of that.

3                     So when my local neighbors and friends  
4     begin to believe half truths and falsehoods, I  
5     considered them because of the number, and those  
6     numbers have been stated in here today as a vocal  
7     minority that was taking my rights away. I wanted  
8     the project to go through, and they were trying to  
9     take my right to do what I wanted to with my  
10    property away. Okay?

11                    **Q. Okay. Did this vocal minority do**  
12    **anything illegal?**

13                    A. No. Well, I will back up. I wouldn't  
14    say they did anything illegal, but in the first  
15    group of hearings, I felt threatened enough that the  
16    sheriff and two of his deputies went with us and the  
17    other commissioners, along with Mr. Tregnago, to  
18    protect us against those folks that were showing up  
19    at that hearing.

20                    And in some counties, there was a lady  
21    that was definitely bullied. Somebody tried to  
22    block her driveway after she testified in favor of  
23    the project, and those people will be speaking to  
24    you later on as part of the testimony here. They're  
25    part of the people that you represent, and I can't

1 believe that folks represent somebody that's out  
2 there bullying the public. We know what we say  
3 about bullying in the school system today, and we  
4 should not stand for that with one-on-one public.  
5 We as public officials should not stand for that  
6 happening.

7 We've got a case in Howard County,  
8 where a local business man apparently bullied an  
9 employee and he recently took his life. And that's  
10 quite a shame. So there's no reason for bullying --  
11 bullying -- my mouth is getting dry here, so.

12 **Q. Now as a county commissioner, do you**  
13 **take an oath of office, correct?**

14 A. I do. It's the same basically oath  
15 that I've been doing since I was 18 and enlisted in  
16 the military.

17 **Q. Is there anything in that oath of**  
18 **office that would suggest that you need to take a**  
19 **stand against the vocal minority?**

20 A. I'm just beholding the law, okay?

21 **Q. But you said there was no illegal**  
22 **conduct by the minority.**

23 A. Depends on how you describe bullying.

24 MR. LINTON: Thank you very much, your  
25 Honor. No further questions.



1 JUDGE BUSHMANN: Missouri Landowners?

2 MR. AGATHEN: Thank you, your Honor.

3 CROSS EXAMINATION

4 QUESTIONS BY MR. AGATHEN:

5 Q. Good afternoon, Mr. Wilcox.

6 A. Good afternoon.

7 Q. We've just discussed this somewhat  
8 already, but you said that you're taking a stand  
9 against the vocal minority that opposes the Grain  
10 Belt project, is that correct?

11 A. That is correct.

12 Q. We asked you in a data request for any  
13 evidence you may have that the line is opposed by  
14 only a minority of the people, do you recall that?

15 A. That is correct.

16 Q. And your response was, quote, this is a  
17 matter of my opinion, end quote, correct?

18 A. And that in the data request, which one  
19 was that please?

20 Q. WW-8.

21 A. Yes, that is correct.

22 Q. So you gave us no documentation at all  
23 that it's only a minority of people in Randolph  
24 County that oppose the line, did you?

25 A. That is correct. Based -- and I base

1 that --

2 Q. Well, sir, the question was did you  
3 give us any documentation.

4 A. I did not.

5 Q. Are you aware of the survey that Grain  
6 Belt commissioned that was asking people if they  
7 support or oppose the proposed line.

8 A. I was made aware of that today.

9 Q. Just today?

10 A. Just today, sir.

11 Q. Were you told that about two to one  
12 people favored the line as opposed to opposing it?

13 A. Again, I heard the numbers here today  
14 and that's basically your summation of that, and the  
15 numbers, but there was no mention as to whether or  
16 not what grade of -- of survey that it was.

17 Q. Well, sir, this was a Commission's  
18 survey from Grain Belt, correct.

19 A. Yes.

20 Q. By Remington.

21 A. Okay.

22 Q. Do you know them?

23 A. No.

24 Q. Aren't they a reputable survey firm?

25 A. I'm not familiar.

1 Q. Would you think that Grain Belt hires  
2 un-reputable survey firms?

3 A. I would not.

4 Q. Okay. So according to that survey the  
5 line is opposed by a margin of two to one, correct?

6 A. According to that survey, yes, sir.

7 Q. And you weren't told that before you  
8 put in your testimony saying that it was only a  
9 minority of people opposed to it?

10 A. Because it's my testimony. Okay? It  
11 isn't, you know, this is my testimony.

12 Q. I understand.

13 A. Somebody wasn't leading me anyway.  
14 This is my testimony.

15 Q. I understand, but no one told you  
16 before you submitted your testimony that in fact  
17 their own survey --

18 MR. HARDEN: This has been asked and  
19 answered three times now.

20 JUDGE BUSHMANN: Sustained.

21 THE WITNESS: No, I would --

22 JUDGE BUSHMANN: Sir, you don't need to  
23 answer that question.

24 THE WITNESS: Okay.

25 Q. (By Mr. Agathen) This past November

1     **there was an election for a county commissioner in**  
2     **Randolph County, was there not?**

3             A.     That is correct.

4             Q.     And one new candidate John Hobbs let it  
5     **be known he was opposed to the Grain Belt project.**

6             A.     That is correct.

7             Q.     In fact, you recall he testified  
8     **against the line at the recent public hearing in**  
9     **Moberly, correct?**

10            A.     That is correct.

11            Q.     He was running for election against an  
12     **incumbent Commission Jerry Crutchfield.**

13            A.     That is correct. That was after the  
14     election by the way.

15            Q.     Mr. Crutchfield had voted in favor of  
16     **the granting the initial franchise to Grain Belt, is**  
17     **that correct?**

18            A.     Yes.

19            Q.     But the anti Grain Belt candidate won  
20     **that election, did he not?**

21            A.     That is correct.

22            Q.     By a majority of the vote?

23            A.     That is correct.

24            Q.     And there was also an election for  
25     **county commissioner in 2014, correct?**

1           A.    That is correct.

2           Q.    And is it not also true that the two  
3 candidates in that election both made it be known  
4 that they were opposed to the Grain Belt project?

5           A.    That is correct.

6           Q.    And Mr. Trusdale, he won that election?

7           A.    That is correct.

8           Q.    On a different subject.  At page two of  
9 your testimony, lines four and five, you say:  I  
10 believe there are a lot of half truths or just total  
11 falsehoods that area people are spreading about the  
12 project, is that correct?

13          A.    That sounds correct.  I'm not for sure  
14 exactly what it says there, but you've been pretty  
15 good all day about quoting what we're saying.

16          Q.    Thank you.

17          A.    You said what page was it please?

18          Q.    Page two, lines four to five.

19          A.    Four to five.

20          Q.    You say:  I believe there are a lot of  
21 half truths or just total falsehoods that area  
22 people are spreading about the project.

23          A.    That is correct.

24          Q.    I'm going to see if we can't eliminate  
25 quite a bit of cross examination here.  Would you

1 agree with me that the statements you're referring  
2 to, the half truths and total falsehoods, are just  
3 reasonable differences of opinion between yourself  
4 and those who are opposed to the Grain Belt line?

5 A. I would not.

6 Q. That's too bad.

7 A. Okay.

8 Q. We asked you in a data request to  
9 identify what those supposed half truths and total  
10 falsehoods actually were, did we not?

11 A. That is correct. And which one is  
12 that, what page?

13 Q. That was data request WW.9.

14 A. Yes, sir.

15 Q. And you said people had spread three  
16 different half truths, that the lines are a health  
17 hazard, that the project will make farming very  
18 difficult, and that the project will disrupt  
19 unmarred landscapes, is that correct?

20 A. That is correct.

21 Q. And we then asked you for any  
22 documentation which you had of those supposed half  
23 truths, is that correct, WW.10?

24 A. Yes, sir.

25 Q. And the only documents you gave us were

1 the transcripts of the local public hearings in  
2 Moberly back in 2014, and some pages from various  
3 articles from the local newspaper, that's all you  
4 gave us, right?

5 A. That is correct.

6 Q. But you didn't even tell us where in  
7 the transcript those supposed half truths and total  
8 falsehoods appeared, did you?

9 A. No, sir, I didn't.

10 Q. Sir, I'm handing you a copy of a number  
11 of pages from newspaper clippings and ask you if  
12 those are the pages that you sent to us in response  
13 to that data request?

14 A. I would say that I did not personally  
15 pick these particular things out, but they  
16 definitely represent exactly what I'm talking about.

17 Q. Well, who did pick them out.

18 A. I had -- I requested some assistance  
19 because of my time obligations with the folks from  
20 Clean Line, Grain Belt, and they were not submitted  
21 until I approved what they had accumulated.

22 Q. So they -- someone from Grain Belt  
23 picked them out?

24 A. They helped me with the project, yes.

25 Q. Did you or Grain Belt or anyone else

1 tell us where in these documents supposedly these  
2 falsehoods appeared?

3 A. I did not, no, and I don't believe they  
4 did either. I have the information, so.

5 Q. And when we asked you for the documents  
6 which contained the alleged total falsehoods, you  
7 again referred us to those same two documents, the  
8 transcript from the local public hearings and this  
9 collection of newspaper articles, correct?

10 A. That is correct.

11 Q. So the transcript from the hearings  
12 supposedly contain somewhere the half truths and  
13 total falsehoods that you're accusing people of  
14 talking about, right?

15 A. And I believe in my response I quoted  
16 some of those, okay?

17 Q. Which response was that?

18 A. WW.13, these are my opinions, half  
19 truths, the lines, and the half truths, the project,  
20 half truths, all of that was listed here in my, what  
21 do you call it, data request?

22 Q. But you didn't tell us where these  
23 supposedly appeared in the transcript, did you?

24 A. I just quoted exactly where -- what  
25 they were.



1 Q. From the transcript?

2 A. Yes, sir.

3 Q. You didn't tell us where in the  
4 transcript any of them appeared, did you?

5 A. I did not.

6 Q. The people at that public hearing in  
7 2014 were put under oath before speaking, were they  
8 not?

9 A. You know I don't remember. That's been  
10 a long time ago.

11 Q. I've got the transcript here which I'll  
12 show you in a second.

13 A. Okay.

14 Q. You spoke there at the hearing, didn't  
15 you.

16 A. I did.

17 Q. Do you recall being under oath.

18 A. I -- I don't necessarily recall that,  
19 no.

20 Q. Well, assuming people were put under  
21 oath, and we'll look at that in a second, you're  
22 accusing the people in your community of telling  
23 half truths and total falsehoods under oath at that  
24 local public hearing, right?

25 A. That's exactly what I'm saying, but

1 that was what they believed, that's what they  
2 believed. Okay? Somebody had fed them, or that's  
3 what they believed, they created themselves, these  
4 half truths and falsehoods.

5 Q. Were they lying.

6 A. They were misinformed. They just  
7 didn't know any better.

8 Q. You disagreed with them, so they were  
9 wrong?

10 MR. HARDEN: This is now argumentative.

11 JUDGE BUSHMANN: Sustained.

12 Q. (By Mr. Agathen) I'm going to hand you  
13 a copy of the transcript from the local public  
14 hearing that we've been talking about from the year  
15 2014. And you said that you testified there, right?

16 A. Yes.

17 Q. Directing your attention to page 20, it  
18 says: Mr. Wayne Wilcox, first being duly sworn to  
19 testify to the truth, the whole truth and nothing  
20 but the truth testified as follows, correct?

21 A. That's what you have highlighted, I'm  
22 sure that that's a certified copy and Grain Belt's  
23 attorney agreed.

24 Q. In looking at the index at the box, you  
25 were the fourth witness to testify, is that correct.

1           A.    You know, I didn't remember being able  
2   to testify that early.

3           Q.    Well, according to this index --

4           A.    Okay.

5           Q.    -- you were the fourth one.

6           A.    All right. They probably testified in  
7   favor of it. There was a lot of people that  
8   testified before I had an opportunity, I'll say that  
9   much.

10          Q.    Near the outset of your testimony at  
11   page 22, you say you believe as the other lady said  
12   a while ago there are a lot of half truths or just  
13   total falsehoods involved in this project, right?

14          A.    You have it highlighted there, and yes.

15          Q.    So before the rest of the people  
16   testified at this hearing, in which you say they  
17   testified to total falsehoods, you had actually  
18   accused them of doing that already in your own  
19   testimony, hadn't you?

20          A.    I had neighbors that that's the way  
21   they were. I had been in the individual's homes and  
22   had tried to answer their questions about the  
23   project, and they believed, totally believed half  
24   truths and false hoods.

25          Q.    And when we asked you for evidence of

1 where those total falsehoods appeared, you didn't  
2 give us anything except those newspaper articles and  
3 this transcript, right?

4 A. We had --

5 Q. Did you give us anything besides those  
6 two things?

7 A. No.

8 Q. Thank you. You told us in answers to  
9 data requests that the total falsehoods that people  
10 were saying about the line including the following,  
11 that eminent domain should not be used by private  
12 companies, right, that's a total falsehood?

13 A. Yes.

14 Q. They are taking our land, that's a  
15 total falsehood.

16 A. That is definitely a total falsehood.

17 Q. We're going to see the Eiffel Tower of  
18 Power, that's a total falsehood?

19 A. That is a total falsehood.

20 Q. And a compensation to landowners is not  
21 fair, that's a total falsehood.

22 A. That is correct.

23 Q. As opposed to someone's opinion that  
24 differs from your own?

25 A. That is correct.

1           Q.    We also asked for each alleged half  
2 truth and total falsehood which weren't in writing  
3 that you identify a party that made the statement.  
4 Do you recall that?

5           A.    That is WW which?

6           Q.    12.

7           A.    12.  And I -- yes, there was no  
8 response?

9           Q.    You didn't provide the name of one  
10 person, did you?

11          A.    I chose not to do that, tried to not be  
12 inflammatory, not to try to be in -- taking a  
13 bullying attitude toward given people.

14          Q.    So you didn't disclose everything that  
15 you actually knew in answer to our data request, is  
16 that what you're saying?

17          A.    You could go through the testimony and  
18 see the people's names.

19          Q.    What did you say in answer to the data  
20 request?

21          A.    See response to ten.  The response to  
22 ten is I heard these half truths in different  
23 places.  In August 2014, I attended a Missouri  
24 Public Commission Local Public Hearing in Moberly.  
25 These half truths were stated in the transcript.

1           This past April I participated in a  
2 legislative committee hearing in Jefferson City  
3 where I heard many of these half truths. I also  
4 attended a meeting with Representative Renley hosted  
5 in Moberly this past spring and have also read  
6 articles in the Moberly Monitor Index.

7           **Q. But you didn't give us the name of one**  
8 **person?**

9           MR. HARDEN: That's been asked five  
10 times.

11          JUDGE BUSHMANN: Sustained.

12          **Q. By Mr. Agathen) I also asked you for**  
13 **any evidence that you had that the supposed half**  
14 **truths were in fact just half truths, do you recall**  
15 **that, WW.13?**

16          A. The response is these are my opinions.

17          **Q. Thank you. A different subject. Would**  
18 **you turn to page four of your testimony please.**

19          A. Direct testimony?

20          **Q. Yes, sir.**

21          A. Yes, sir.

22          **Q. Beginning at line 13, you state that**  
23 **Randolph County has three coal plants, correct?**

24          A. That is correct.

25          **Q. These are Thomas Hill plants, correct?**

1 A. Yes, sir.

2 Q. And then you state that adding  
3 renewable energy to your portfolio could help to  
4 protect the coal fired generation, do you see that?

5 A. Yes, sir.

6 Q. And we asked you in a data request for  
7 any documentation you had which would support the  
8 claim that adding renewable energy could somehow  
9 protect the coal fired plants in Randolph County, do  
10 you recall that?

11 A. And that was data request what, sir?

12 Q. WW.28.

13 A. Yes, sir.

14 Q. And your response was?

15 A. There was no response.

16 Q. No response.

17 A. There was none, correct.

18 Q. Did anyone at Grain Belt tell you  
19 before you filed your testimony that the proposed  
20 project is expected to reduce the generation at all  
21 three of the Thomas Hill plants?

22 A. They did not.

23 Q. Could you turn to page six of your  
24 testimony please?

25 A. Could I add something to that, sir?

1 MR. AGATHEN: There's no question  
2 pending, your Honor.

3 THE WITNESS: Okay.

4 Q. (By Mr. Agathen) Would you turn to page  
5 six of your testimony.

6 A. Direct testimony, page six.

7 Q. Starting at line five, you mention that  
8 the Randolph County Commission has given its consent  
9 under Section 229.100 for Grain Belt to build its  
10 line in Randolph County, correct?

11 A. That is correct.

12 Q. And then starting at line six you note  
13 that Grain Belt will need to return to the county  
14 commission later with specific roads it intends to  
15 use, correct?

16 A. That is a requirement that we place --  
17 we, as county commissioners, place on the  
18 construction company, most of the time that will be  
19 with the construction company backed up by -- by  
20 Grain Belt.

21 Q. And then you'll fill in the other  
22 details of at agreement at that point?

23 A. That is correct. And that's what we've  
24 done with the -- with the pipelines that we have  
25 gone through the county.



1           Q.    So that's still a pending issue with  
2   **Grain Belt?**

3           A.    That would be a pending issue with  
4   Grain Belt, yes, sir.

5           Q.    If you don't like the roads chosen by  
6   **Grain Belt, is it your opinion you have no choice**  
7   **but to rubber stamp the agreement?**

8           A.    No.

9           Q.    You have discretion.

10          A.    We exercise discretion with -- with the  
11   pipeline group, they broke that, they violated that,  
12   our attorney contacted the folks, and they had  
13   damaged a new paved road that we had just put in  
14   place, and they in fact corrected that and put up a  
15   bond, because they wanted to continue to use that  
16   road, put up a bond to cover that.

17          Q.    Just one more line of questioning. You  
18   stand to gain financially from the easement over  
19   your property if the Grain Belt line is built, do  
20   you not?

21          A.    That is correct.

22          Q.    Your Schedule RWW-1 shows where the  
23   proposed line of the land is supposed to cross your  
24   property.

25          A.    I believe that's correct, sir.

1 Q. Do you know what the approximate  
2 acreage would be of the right-of-way that they would  
3 be taking, ballpark?

4 A. I do not, no.

5 Q. Over an acre?

6 A. The easement would probably be over an  
7 acre, yes.

8 Q. And what's a rough ballpark of the  
9 value of your land per acre there?

10 A. Oh, there was an auction within the  
11 last two weeks in the area, and the land was running  
12 somewhere between 4500 and \$5,000.00.

13 Q. So that would be a ballpark then of  
14 what your land would be worth?

15 A. Right. And by the way, the line was  
16 going across both of those pieces of land, those two  
17 separate tracts.

18 Q. In addition to the payments for the  
19 right-of-way easement on producer property, you were  
20 told by Grain Belt that they would put one or more  
21 supporting structures on your property, is that  
22 correct?

23 A. Apparently I'm -- I'm at the point to  
24 where the line turns and heads due east.

25 Q. So you'd have a turning structure, as

1     **it's called.**

2             A.     That's right, because it would have --  
3     at some point right adjacent to my property or on my  
4     property would have to cross a 345 kV line.

5             **Q.     So in a minimum, in addition to the**  
6     **payment for the easement, you'd be entitled to at**  
7     **least \$18,000.00 for a lattice structure, is that**  
8     **correct?**

9             A.     I have not been willing to talk to them  
10    at all about compensation. My reasoning behind  
11    that, I did not want to lead anybody or for them to  
12    be able to use me as an example. I want to be one  
13    of the last people in the county to finally work out  
14    a deal with them. I've told them that from day one.  
15    And yes, they were required to come and make a  
16    presentation to me, but basically I walked out of  
17    the room and left my wife there.

18            **Q.     Whatever the dollar number is, that is**  
19    **in the Grain Belt testimony, that's what they would**  
20    **pay you? The answer is yes.**

21            A.     Yes.

22            **Q.     I do have a couple of questions dealing**  
23    **with your surrebuttal testimony. Do you have a copy**  
24    **of that with you?**

25            A.     I do, sir.

1 Q. Are there --

2 A. Page please.

3 Q. Are there page numbers in your's?

4 A. Believe there are. No, I don't.

5 Q. Let's just look at the second page,  
6 even though it's unnumbered, at lines 10 to 12, you  
7 address Commission Hibbard's concern about lack of  
8 communication between Grain Belt Ralls County  
9 Commissioner, right.

10 A. Yes, sir.

11 Q. Do you have any personal knowledge  
12 about how many times, if any, Grain Belt has  
13 communicated over the last two years with  
14 commissioners in Ralls County.

15 A. I have none. But I'm more than willing  
16 to sit down, and I've set at the table with Mr.  
17 Hibbard and we get along fine. He and I went over  
18 to his farm just the other day to look at a new bin  
19 building that he put up.

20 Q. Near the bottom of the fourth page of  
21 your surrebuttal, and going over to the fifth page,  
22 I realize they're unnumbered so you may have to  
23 count them, you're talking about Mr. Edwards'  
24 concerns about the time it takes to work around the  
25 poles while farming, correct?

1 A. Yes, sir.

2 Q. And at lines two to three at the top of  
3 page five, he talked about the times he would be  
4 planting and harvesting twice a year, correct?

5 A. Yes, sir.

6 Q. You think it's only in times of  
7 harvesting and planting that he has to work around  
8 the poles? How about fertilizing?

9 A. Well, it depends on how you choose to  
10 put the fertilizer out there. If you're running a  
11 spreader truck, you just go right on by it. You  
12 don't have to worry about it.

13 Q. Do you know how he does his  
14 fertilizing?

15 A. I do not.

16 Q. How about spraying.

17 A. Yes, I'm familiar with the type of  
18 sprayer. I've set across the table at corn -- seed  
19 corn meetings with Mr. Edwards and we've talked  
20 about our operations.

21 Q. And isn't true that you're going to  
22 have avoid going around the pole or hitting the pole  
23 during that operation as well?

24 A. You need to make a diversion around the  
25 pole, but those booms are set up well, if you slow

1 down appropriately, they'll spring back, and they're  
2 not a real hazard.

3 Q. That unnumbered page five of your  
4 testimony at lines 13 to 17, you talk about soil  
5 compaction around the transmission poles, correct?

6 A. I'm trying to follow where you are  
7 here. Yes, sir, lines 13 to 15, right in there?

8 Q. Yes.

9 A. Uh-huh.

10 Q. And you say that compaction has not  
11 impacted the yields around the transmission line on  
12 your property, right?

13 A. That is correct.

14 Q. Do you have any personal knowledge at  
15 all about the impact on crop yields which Mr.  
16 Edwards has experienced due to compaction around the  
17 transmission poles?

18 A. He has a different soil type than I do,  
19 so it could possibly be different, yes, sir.

20 Q. Are you aware of research on the  
21 subject that says as a general consensus losses are  
22 generally in the 15 to 20 percent range depending on  
23 the soil?

24 A. I have not experienced that, unless  
25 you're out there when you shouldn't be farming. In

1 other words, if it's too wet, and you can create a  
2 lot of compaction at that particular point in time.  
3 But he's a really good farmer, so I doubt that he  
4 does that.

5 Q. Right, and I'm asking you about general  
6 studies on the subject, that this showed generally  
7 15 to 20 percent range.

8 A. You're talking about an overall field  
9 average?

10 Q. Yes, sir.

11 A. If you're out there and compact your  
12 soil, that's correct.

13 Q. Okay. Could you now go to unnumbered  
14 page four of your testimony.

15 A. We're going backwards now?

16 Q. The first two words on the first line  
17 are different method. That might help you find it.

18 A. Yes, sir. Thank you.

19 Q. At lines 11 to 14 you address Mr.  
20 Edwards' problem described about working around  
21 poles with his planter, correct?

22 A. That is correct.

23 Q. And you say other smaller farming  
24 equipment like cultivators and sprayers since  
25 they're smaller, they're not such a problem, right?

1           A.    Even if they're a large, wider tool,  
2    you can -- you can leave them in the ground and  
3    drive around the structure.

4           **Q.    Do you have any personal knowledge of**  
5    **what the size of Mr. Edwards cultivator is compared**  
6    **to his planter?**

7           A.    He indicates that he was pulling it I  
8    think with a four wheel drive tractor, like maybe a  
9    40 or 45 foot field cultivator. I run a 28 foot  
10   field cultivator.

11          **Q.    So for all you know, it could be**  
12    **approximately one and a quarter times the size of**  
13    **his planter, right?**

14          A.    Yes, it could be wider than his  
15    planter, yes, sir.

16          **Q.    Do you have any personal knowledge of**  
17    **what the size of his sprayer is compared to his**  
18    **planter?**

19          A.    Well, most of them there run 80 or 90  
20    foot booms, some of them 120 foot booms, and I don't  
21    know personally on his.

22          **Q.    So it could be approximately 2.25 times**  
23    **the size of his planter, correct?**

24          A.    He's got a 40 foot planter, the same as  
25    mine.



1           **Q.    Could it could be 2.25 times the size**  
2 **of his planter, right?**

3           A.    I'm not going to argue with you on  
4 that.

5           **Q.    You don't know.**

6           A.    I'm not doing the math, no.

7           **Q.    You don't know.**

8           A.    I don't know, okay.

9           MR. AGATHEN:  That's all I have, Judge.

10          JUDGE BUSHMANN:  Any questions from the  
11 commissioners?

12                    Any redirect by Grain Belt?

13                            REDIRECT EXAMINATION

14                    QUESTIONS BY MR. HARDEN:

15           **Q.    Two very quick questions.  Are any part**  
16 **of your testimony or your opinion based on or**  
17 **because some time in the future you may receive**  
18 **financial compensation through these -- through the**  
19 **easement with Grain Belt Express?**

20           A.    I've been asked by my folks, no is the  
21 answer.

22           **Q.    Has Grain Belt, did they provide you**  
23 **with any of the issues whatsoever that you deemed to**  
24 **be half truths or total falsehoods?**

25           A.    They did not.

1 MR. HARDEN: Nothing further. Thank  
2 you.

3 JUDGE BUSHMANN: Mr. Wilcox, that  
4 completes your testimony, sir. You may be excused.

5 THE WITNESS: Thank you.  
6 (Witness excused.)

7 JUDGE BUSHMANN: Mr. Zobrist, I know we  
8 finished all our witnesses today, but Mr. Puckett is  
9 still here, if any of the commissioners have any  
10 questions.

11 MR. ZOBRIST: I guess not, he's going  
12 to be leaving Missouri, I wanted to give everybody  
13 one last opportunity.

14 JUDGE BUSHMANN: That completes all our  
15 testimony for today, we'll be in recess until 8:30  
16 tomorrow morning.

17 (Adjourned for day at 5:00 PM.)  
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CERTIFICATE OF REPORTER

I, Kathleen Watson Brunsmann, a  
Certified Court Reporter (MO), Certified Shorthand  
Reporter (IL), Registered Professional Reporter,  
Certified Realtime Reporter, do hereby certify that  
the Public Service Hearing aforementioned was held  
at the time and in the place previously described,  
and have hereunto set my signature this 22st day of  
March, 2017.



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Kathleen Watson Brunsmann  
RPR/CRR/CSR/CRR

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