

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Grain Belt Express)
Clean Line LLC for a Certificate of Convenience and)
Necessity Authorizing it to Construct, Own, Operate,)
Control, Manage, and Maintain a High Voltage, Direct) Case No. EA-2016-0358
Current Transmission Line and an Associated Converter)
Station Providing an Interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

REQUEST FOR WAIVER OF COMMISSION RULES

Comes now the Missouri Landowners Alliance (MLA), pursuant to Commission Rule 4 CSR 240.2.015, and respectfully asks leave to file certain specified documents with the Commission without first having been allowed to intervene in this case.

1. On July 2, 2016, the MLA filed a Motion to Dismiss the Application submitted in this case by Grain Belt Express (Grain Belt).

2. On July 5, 2016, Grain Belt filed its Response to the MLA's Motion to Dismiss. Grain Belt argues that the MLA has no standing to file the Motion to Dismiss, because it has not been granted intervention in this case. (Response, par. 4)

3. The intervention rule cited by Grain Belt does not specifically require that an entity be granted intervention before it may file a pleading with the Commission.

However, if Grain Belt's point is deemed valid, then pursuant to Rule 4 CSR 240.2.015 the MLA requests a waiver of the intervention rule so as to permit the MLA to file the Motion to Dismiss and the related pleadings designated in paragraph 6 below.

4. The MLA intervened and participated in Case No. EA-2014-0207, in which Grain Belt initially sought a CNN from the Commission for its proposed line. The MLA plans to seek intervention and participate in this case as well. However, for the reasons set forth in the MLA's Motion to Dismiss, it will be seriously hampered in this regard if it

is not given the 60 day Notice which Grain Belt provided in the earlier proceeding. Therefore, the MLA has a compelling interest in the issue addressed in its Motion to Dismiss.

5. If the MLA is barred from filing the Motion to Dismiss until it is granted intervention, it would seemingly be precluded from ever bringing its arguments in support of that Motion to the attention of the Commission. The rule regarding intervention, 4 CSR 240-2.075(1), provides that motions to intervene are normally to be filed within thirty days after the commission issues its order giving notice of the case. But by the time that notice is given here, and the MLA's Motion to Intervene is filed, and the requisite time elapses for a response thereto, in all likelihood the Commission would already have issued a decision on its Motion to Show Cause. At that point in the process, the issues raised in the MLA's Motion to Dismiss would as a practical matter be moot. Thus good cause exists for allowing the MLA to file the documents listed in paragraph 6 without first having been granted intervention in this case.

6. The MLA is requesting here that it be allowed to file three documents with the Commission, before being granted intervention: the Motion to Dismiss Application, filed on July 2, 2015; the Response being filed this date to Grain Belt's Response to the Motion to Dismiss; and this Request For Waiver of Commission Rules.

Wherefore, the MLA respectfully asks the Commission to waive the intervention rule relied on by Grain Belt, and whatever other rules might be necessary to allow the MLA to file the documents listed in paragraph 6 above.

Respectfully submitted,

/s/ Paul A. Agathen
Paul A. Agathen
Attorney for Missouri Landowners Alliance
485 Oak Field Ct.
Washington, MO 63090
(636)980-6403
Paa0408@aol.com
MO Bar No. 24756

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Request For Waiver was served upon the following parties by electronic mail this 11th day of July, 2016:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
P.O. Box 2230
Jefferson City MO 65102
opc@ded.mo.gov

Karl Zobrist and
Joshua Harden
Dentons US LLP
Karl.zobrist@dentons.com
joshua.hardens@dentons.com

/s/ Paul A. Agathen
Paul A. Agathen
Attorney for the Missouri Landowners Alliance