

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

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

**POSITION STATEMENT OF ENGIE NORTH AMERICA INC.**

ENGIE North America Inc. (ENA), by and through counsel, hereby provides its statement of position.

1. ***Does the evidence establish that Commission may lawfully issue to Grain Belt Express Clean Line LLC (Grain Belt) the certificate of convenience and necessity (CCN) it is seeking for the high-voltage direct current transmission line and converter station with an associated AC switching station and other AC interconnecting facilities?***

Yes. While the Commission felt obligated to follow direction from the Missouri Western District Court of Appeals, as set forth in the *Matter of Ameren Transmission Co. of Illinois* (Ameren),<sup>1</sup> when denying Grain Belt’s request for CCN, the Missouri Supreme Court recently determined that the Commission’s previous conclusion, that Grain Belt was required to obtain court assents for its project prior to the Commission lawfully granting a line CCN, was erroneous.<sup>2</sup> As such, the Commission may now lawfully issue the requested CCN.

2. ***Does the evidence establish that the high-voltage direct current transmission line and converter station for which Grain Belt is seeking a CCN are “necessary or convenient for the public service” within the meaning of that phrase in section 393.170 RSMo.?***

---

<sup>1</sup> No. WD 79883, 2017 WL 1149139 (Mo. Ct. App. Mar. 28, 2017), reh’g denied (Apr. 27, 2017), transfer denied (Apr. 27, 2017), transfer denied (June 27, 2017)

<sup>2</sup> Opinion. Supreme Court of Missouri en banc. No. SC96993. July 17, 2018.

Yes. As noted by Commissioners Hall, Kenny, Rupp, and Coleman in their concurring opinion issued in this matter on August 16, 2017, the evidence supports a finding that the Grain Belt Express Project is “necessary or convenient for the public service”, and had it not been for the decision of the Western District in the *Ameren* matter, the Commission would have granted Grain Belt’s request for a CCN. The supplemental testimony filed by the parties during this remand proceeding continues to support a finding by the Commission that the CCN should be granted.

3. *If the Commission grants the CCN, what conditions, if any, should the Commission impose?*

The Commission should impose only those conditions already agreed to by Grain Belt Express.

4. *If the Commission grants the CCN, should the Commission exempt Grain Belt from complying with the reporting requirements of Commission rules 4 CSR 240-3.145, 4 CSR 240-3.165, 4 CSR 240-3.175, and 3.190(1), (2) and (3)(A)-(D)?*

ENA takes no position on this issue.

Respectfully submitted,

*Terri Pemberton*

Terri Pemberton (#60492)

(785) 232-2123

Glenda Cafer (KS #13342)

(785) 271-9991

CAFER PEMBERTON LLC

3321 SW 6<sup>th</sup> Avenue

Topeka, Kansas

Facsimile (785) 233-3040

[terri@caferlaw.com](mailto:terri@caferlaw.com)

[glenda@caferlaw.com](mailto:glenda@caferlaw.com)

**ATTORNEYS FOR ENGIE North America Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon the parties to this proceeding by email this 13<sup>th</sup> day of December 2018.

*/s/ Terri Pemberton* \_\_\_\_\_

Terri Pemberton

Attorney for ENGIE North America Inc.