

**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-2014-0207
Current Transmission Line and an Associated)
converter Station Providing an Interconnection on the)
Maywood-Montgomery 245 kV Transmission Line.)

**RESPONSE OF INFINITY WIND TO RECOMMENDATIONS REGARDING
SUPPLEMENTAL PROCEDURAL SCHEDULE**

Infinity Wind Power (Infinity) hereby provides its response to the recommendations of the parties filed in response to the Missouri Public Service Commission’s (Commission) April 16, 2015, *Order Directing Filing of Recommendations for Supplemental Procedural Schedule* (April 16th Order).

I. BACKGROUND

1. On February 11, 2015, the Commission issued an *Order Directing Filing of Additional Information* (February 11th Order), requiring Grain Belt Express Clean Line LLC (Grain Belt Express) to file additional information in this matter, to which Grain Belt Express complied on April 13, 2015.

2. In its February 11th Order, the Commission stated, in part, that “[w]hen the information...has been filed, the Commission will invite comments from the parties regarding a procedure for offering additional information into the record, a time for responses or objections, and a schedule for additional testimony, *if necessary* (emphasis added). All parties will have at

least thirty days to respond to any additional information.”¹ The Commission’s April 16th Order served as said invitation.

3. On April 21 and 22, 2015, several parties filed recommendations with regard to the Commission’s April 16th Order. Some opponents of Grain Belt Express’ Application urged the Commission to establish a fully-developed procedural schedule, complete with additional discovery, testimony, and another evidentiary hearing. Conversely, Grain Belt Express suggested that a more appropriate path would be for the Commission to maintain its May 13, 2015 deadline for responses to the additional information filed by Grain Belt Express, and also allow interested parties to file briefs with their comments.² Grain Belt Express also recommended that the parties have the opportunity to file responsive comments by May 22, 2015.³ Further, Grain Belt Express offered to make available to the Commission and the parties several of the witnesses who sponsored the additional information filed on April 13, 2015.⁴

4. In support of its recommendation Grain Belt Express noted that the information it filed on April 13, 2015 “simply clarified or expanded upon the testimony and evidence already admitted into the record by the Commission” and stated that “there is no need for any further round of testimony.”⁵ Grain Belt Express further expounded, reasoning that “[t]he supplemental procedure requested by the Commission is to address simply these post-hearing exhibits, the filing of which does not re-open the record and initiate a second round of proceedings.”⁶

5. Infinity agrees with Grain Belt Express’ recommendation to allow additional comments on the information Grain Belt Express provided in response to the Commission’s

¹ February 11th Order, p. 4. Based on the April 13, 2015 filing by Grain Belt Express, the thirty days runs on May 13, 2015.

² Recommendation Regarding Procedure to Address Information Filed by Grain Belt Express Clean Line LLC, ¶5 (filed April 22, 2015).

³ Id. at ¶6.

⁴ Id. at ¶7.

⁵ Id. at ¶4.

⁶ Id. at ¶4.

request, and believes it appropriate that the parties be allowed to question the witnesses who sponsored the additional information. Infinity also agrees with Grain Belt Express' characterization of the information that was filed on April 13, and posits that the parties' due process rights will be met under the schedule proposed by Grain Belt Express, as the parties will have the opportunity to file responsive comments to the additional information requested by the Commission, as well as question the sponsoring witnesses of the information. Opening the record for additional rounds of testimony, and to allow parties to re-litigate issues in this matter, as suggested by some of the opponents of the Application, seemingly perverts the Commission's intent when it asked for recommendations for further procedure as it relates to the additional information filed on April 13, 2015.

WHEREFORE, Infinity Wind Power submits for Commission consideration this response to the parties' recommendations with regard to a supplemental procedural schedule in the above-captioned matter, and urges the Commission to adopt the procedural proposal set forth by Grain Belt Express.

Respectfully submitted,

/s/ Terri Pemberton

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ATTORNEYS FOR INFINITY WIND POWER

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 or U.S. Mail, postage prepaid, this 24th day of April 2015.

/s/ Terri Pemberton

Terri Pemberton
Attorney for Infinity Wind Power