

**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-2014-0207  
Current Transmission Line and an Associated Converter )  
Station Providing an interconnection on the Maywood - )  
Montgomery 345 kV Transmission Line )

**IBEW UNIONS' OPPOSITION TO UNITED FOR  
MISSOURI'S MOTION TO DISMISS**

IBEW Locals 2, 53, 1439 (IBEW Unions) file this Response to the Motion to Dismiss by United for Missouri (UFM). The IBEW Unions state the following:

1. On May 16, 2014, the Missouri Public Service Commission (PSC) issued Order Setting a Procedural Conference scheduling a procedural conference for 2:00 p.m. on May 28 in the offices of the PSC in Jefferson City, Missouri.

2. The Order required that all parties or their representatives attend the conference in person or by telephone.

3. For the last several weeks, the law firm representing the IBEW Unions has been experiencing severe internet difficulties. The law firm has been working with its internet provider throughout that time to fix this problem. While IBEW Unions counsel Sherrie Hall has received numerous e-filings on this case throughout that time period, including Show-Me's Motion for Prehearing Conference, she has no record of receiving the Order. Her first notice of the procedural hearing was a post-hearing email about the proposed schedule.

4. Counsel for the IBEW Unions is participating in the June 3, 2014 conference call regarding the proposed schedule.

5. The IBEW Unions are interested parties to this administrative proceeding, but they

are not key parties. The IBEW Unions do not anticipate submitting complicated testimony or engaging in extensive discovery. The IBEW Unions will not make any time demands on this proceeding beyond those requested by the key parties.

6. Regulation 4 CSR 240-2.116(3) states that a "party may be dismissed from a case for failure to comply with any order issued by the commission, including failure to appear at any scheduled proceeding such as a public hearing, prehearing conference, hearing, or mediation session."

7. The use of "may" in 4 CSR 240-2.116(3) grants the PSC discretion in dismissing a party for failure to comply with its order. *State Ex Rel. Pub. Counsel v. Pub. Service Comm'n*, 274 S.W.3d 569, 584 (Mo. Ct. App. W.D. 2009).

8. The failure of the IBEW Unions to participate in the scheduling conference was inadvertent and due to technical difficulties beyond their control.

9. The failure of the IBEW Unions did not harm the PSC or any party or the process, since the IBEW Unions are not making any special time demands on the proceeding. Their participation at the conference would have had minimal, if any, impact.

Therefore, the IBEW Unions respectfully request that the PSC exercise its discretion to deny UFM's Motion to Dismiss the IBEW Unions as a party.

Respectfully submitted,

/s/ Sherrie Hall  
SHERRIE HALL, MBN 40949  
HAMMOND and SHINNERS, P.C.  
7730 Carondelet Avenue, Suite 200  
St. Louis, Missouri 63105  
(314) 727-1015 (Telephone)  
(314) 727-6804 (Fax)  
sahall@hammondshinners.com (email)  
Attorneys for the IBEW Unions

**Certificate of Service**

The undersigned certifies that a true and correct copy of the foregoing was served on June 3, 2014, by United States mail, hand-delivery, email, or facsimile upon all parties by their attorneys of record as disclosed by the pleadings and orders herein.

/s/ Sherrie Hall