

**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 Current ) File No. EA-2016-0358  
Transmission Line and an Associated Converter )  
Station Providing an Interconnection on the )  
Maywood-Montgomery 345 kV transmission line. )

**AMEREN MISSOURI’S LIMITED, SPECIAL APPEARANCE AND  
RESPONSE TO STAFF’S SUGGESTION TO JOIN  
AMEREN MISSOURI AS A PARTY**

**COMES NOW** Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”), by and through counsel, and for its limited, special appearance and response to the Missouri Public Service Commission’s (“Commission”) Staff’s (the “Staff”) above-referenced suggestion, states as follows:

1. On October 5, 2016, the Staff filed the suggestion seeking an order from the Commission that would force Ameren Missouri to become a party to this case. As evidenced by the fact that Ameren Missouri did not seek to intervene in this case, Ameren Missouri does not desire to participate as a party in this case. However, as outlined further below, there is no need for Ameren Missouri to be joined as a party (even if such joinder were proper; it is not as discussed below) in order for the Staff to seek information the Staff may believe is in Ameren Missouri’s possession, and which Staff contends is relevant to this case.

2. On October 5, 2016, the Commission issued an order setting a deadline by which Ameren Missouri was to respond to the Staff’s suggestion. This response should not be construed as a general appearance by the Company before the Commission in this case. However, Ameren Missouri will respond on the merits to the Staff’s suggestion herein.

3. Staff suggests that Grain Belt Express Clean Line LLC's ("GBE") proposal to interconnect a DC-AC converter station with Ameren Missouri's transmission system may affect Ameren Missouri's system. Staff further indicates that Ameren Missouri "is in a superior position to have knowledge regarding the constraints and/or remedies associated with injecting and withdrawing 500MW of energy to the transmission and sub-transmission system." Staff Suggestions, p. 3.

4. As explained in the Affidavit of Dennis Kramer, attached hereto:

- a. Connection of a 500 MW converter station would be expected to have essentially the same impact as would the connection of a 500 MW generating plant. Upon proper request, a new generator (or GBE) here, has the right as a matter of federal requirements to interconnect.
- b. However, the interconnecting party must first request that the relevant transmission provider – here, the Midcontinent Independent System Operator, Inc. ("MISO") perform or cause to be performed an appropriate interconnection study.
- c. GBE has initiated the interconnection study process at MISO, but has not requested that the study proceed.
- d. MISO has contracted with Ameren Services Company ("AMS") to conduct the interconnection study,<sup>1</sup> but due to GBE requested delay, the study has not been performed. Any study conducted by AMS for MISO will be the property of MISO, under MISO's control and would have to be obtained from MISO or

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<sup>1</sup> It is common for MISO to contract with the physical owner of the transmission system to which the interconnection may occur to perform the study.

otherwise released with MISO's permission. As noted, however, no study has been performed.

- e. Neither Ameren Missouri nor AMS (nor any of their affiliates) have conducted any studies of the impact of the possible GBE interconnection at the requested location to Ameren Missouri's system and there is no intention to incur the time and expense needed for such a study unless and until MISO authorizes it as part of the GBE interconnection request, in which case, MISO will pay the full study costs which, in turn, would be passed onto GBE. The decision if or when to proceed with the study rests with GBE and MISO.
- f. To the extent any such study would indicate that the proposed interconnection would have a negative impact (if not mitigated) on the reliability of the transmission system, GBE would be required to pay for any modifications or upgrades to the system that are necessary to mitigate the negative impact per the MISO Generator Interconnection process.
- g. The Staff's speculation that Ameren Missouri is in a "superior position" respecting these issues is incorrect, because without the results of such a study the impact on the system cannot be determined.

5. Even if Ameren Missouri were in a "superior position" respecting these issues, the Staff has the means to subpoena from Ameren Missouri relevant documents. *See* §393.140(9) (giving the Commission the power to issue a *subpoena duces tecum*; and 4 CSR 240-2.100 (authorizing a party to a case – the Staff here) to obtain the issuance of such a subpoena from the Commission). The Commission can also subpoena witnesses. *See* §393.140(10), meaning if the Commission desired to address questions to an Ameren

Missouri/AMS witness regarding such matters it could do so without Ameren Missouri being a party to this case. The Staff could also obtain answers to its questions via an organizational deposition. *See* 4 CSR 240.2.090(1), providing that discovery may be had by the same means and under the same conditions as in circuit court; and Mo. R. Civ. P. 57.03(b), providing for the taking of an organizational deposition (where the organization must produce a witness(es) to testify on the organization's behalf on the matters noticed); and Rule 57.09 (governing deposition subpoenas).

6. As noted, Ameren Missouri is not suggesting that it would require the formality of being served with a subpoena to provide relevant documents (that it has a right to provide) or information about the possible impact of the proposed converter station on its transmission system (although as noted, it does not know what that impact would be). If the Staff wishes to discuss with the Company what information it may be able to provide, the Company is amenable to that discussion. If necessary, the Company would cooperate to schedule an organizational deposition on the issue of the impact of the proposed interconnection on its transmission system. Moreover, such a deposition can be used in this case without Ameren Missouri's or its witnesses' appearance. *See* §536.073.1 (In any contested case before an agency depositions may be taken and used "in the same manner, upon and under the same conditions . . . as is or may be . . . provided for [their] use in civil court"). And all parties will receive notice of the deposition, and can thus ask questions of the deponent. Under Mo. R. Civ. P. 57.09, the deposition (unless some part of it were otherwise not admissible, e.g., the deponent testified as to hearsay not within an exception) is admissible as though the deponent were present at the hearing.

7. While the foregoing means exist to obtain information, respectfully, the Commission does not have the power to involuntarily require Ameren Missouri (or anyone else) to become a party to a contested case before it.

8. It is well established that “[t]he Commission is purely a creature of statute, and its powers are limited to those conferred by statute, either expressly or by clear implication as necessary to carry out the power specifically granted.” *PSC v. Bonacker*, 906 S.W.2d 896, 899 (Mo. App. S.D. 1995). Because the Commission is an administrative agency with limited jurisdiction, “the lawfulness of its actions depends directly on whether it has statutory power and authority to act.” *State ex rel. Gulf Transp. Co. v. PSC*, [658 S.W.2d 448, 452 \(Mo. App. 1983\)](#). Neither convenience, expediency, nor necessity, can support an act of the Commission that is not authorized by statute. *State ex rel. Kansas City v. PSC*, 257 S.W. 462 (Mo. 1923).

9. No statute or state regulation provides for the compulsive joinder of a party to a case before the PSC. While there are no cases involving the Commission, there have been analogous cases involving other state agencies. In *McGuire v. Christian County*, 442 S.W.3d 117 (Mo. App. S.D. 2014), it was held that the Labor and Industrial Relations Commission had no authority to join an alleged joint employer in a workers’ compensation case. The court in that case found that § 287.130 expressly confers upon the employee the discretion to assert a claim against “any or all” employers, and confers a right of contribution between joint employers that may be enforced in a subsequent action, but does not make any provision for the joinder of any alleged joint employer against which the claimant has not asserted a claim. *Id.* at 123. Thus, the court held that there was no statutory authority for the Commission to join an alleged joint employer against whom the employee had not asserted a claim in considering an employee’s workers’ compensation claim. *Id.* at 124.

10. Consequently, if absent statutory authority the Labor and Industrial Relations Commission cannot compel the joinder of a party who could be jointly liable for the employees' damages, then, absent statutory authority, the PSC certainly cannot compel Ameren Missouri to join in the contested CCN proceeding brought by GBE for a line that will not be owned or operated by Ameren Missouri, and for which Ameren Missouri would have no responsibility.

WHEREFORE, Ameren Missouri makes this limited, special appearance in this case in response to the Commission's above-referenced order, and indicates that it does not desire to be a party to this case, that the Commission lacks authority to involuntarily make it a party and should therefore take no action on Staff's suggestion, but indicates its willingness to discuss with Staff the issue of the impact of the proposed converter station on its transmission and sub-transmission system and, if necessary, to schedule an organizational deposition on that issue.

/s/ James B. Lowery  
James B. Lowery, Mo. Bar #40503  
SMITH LEWIS, LLP  
P.O. Box 918  
Columbia, MO 65205-0918  
(T) 573-443-3141  
(F) 573-442-6686  
[lowery@smithlewis.com](mailto:lowery@smithlewis.com)

/s/ Wendy K. Tatro  
Wendy K. Tatro, Mo. Bar #60261  
Director and Assistant General Counsel  
1901 Chouteau Avenue  
P.O. Box 66149 (MC 1310)  
St. Louis, MO 63166-6149  
(T) (314) 554-3484  
(F) (314) 554-4014  
[amerenmoservice@ameren.com](mailto:amerenmoservice@ameren.com)  
**ATTORNEYS FOR UNION ELECTRIC  
COMPANY d/b/a AMEREN MISSOURI**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been e-mailed, this 17th day of October, 2016, to counsel for all parties of record.

/s/ Wendy K. Tatro

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STATE OF MISSOURI )  
 )  
CITY OF ST. LOUIS )

**AFFIDAVIT OF DENNIS D. KRAMER**

I, Dennis D. Kramer, being duly sworn upon my oath, state as follows:

1. I am the Senior Director of Transmission Policy, Planning and Stakeholder Relations for Ameren Services Company (“AMS”). AMS provides transmission planning, construction, operations and maintenance services to Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”).

2. I graduated from Purdue University in 1978 with a Bachelor of Science degree in Electrical Technology with concentrations in power systems and digital electronics. I graduated from Tulane University in 1990 with a Master of Business Administration degree with concentrations in strategic planning and marketing. I have over 35 years of experience in the electric energy industry, including extensive experience in transmission planning, construction and operation. I have testified before this Commission on a number of occasions, and regularly interact with this Commission’s representatives on matters relating to Ameren Missouri’s transmission



system and its functional control by the Midcontinent Independent System Operator, Inc. (“MISO”).

3. I am generally familiar with Grain Belt Express Clean Line LLC’s (“GBE”) proposal to construct a DC transmission line from Kansas across Missouri, and beyond, and to seek to interconnect a 500 MW converter station GBE plans for Marion County, Missouri to Ameren Missouri’s 345 kV transmission system.

4. The proposed converter station would be expected to have essentially the same impact as would the connection of a 500 MW generating plant. Upon proper request, a new generator (or GBE) here, has the right as a matter of federal requirements to interconnect.

5. However, the interconnecting party must first request that the relevant transmission provider – here, MISO -- perform or cause to be performed an appropriate interconnection study.

6. GBE has initiated the interconnection study process at MISO, but has requested that the interconnection study be delayed .

8. 7. MISO has contracted with AMS to conduct the interconnection study,<sup>1</sup> but due to GBE requested delay, the study has not been performed . Neither Ameren Missouri nor AMS (nor any of their affiliates) have conducted any studies of the impact of the possible GBE interconnection at the requested location to Ameren Missouri’s system and there is no intention to incur the time and expense needed for such a study unless and until MISO authorizes it, in which case, MISO will pay the full study costs which, in turn, would be

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<sup>1</sup> It is common for MISO to contract with the physical owner of the transmission system to which the interconnection may occur to perform the study.

passed onto GBE. The decision if or when to proceed with the study rests with GBE and MISO.

9. To the extent any such study would indicate that the proposed interconnection would have a negative impact (if not mitigated) on the reliability of the transmission system, GBE would be required to pay for any modifications or upgrades to the system that are necessary to mitigate the negative impact per the MISO Generator Interconnection process.

10. The Staff's speculation that Ameren Missouri is in a "superior position" respecting these issues is incorrect, because without the results of such a study the impact on the system cannot be determined.

Affiant further sayeth not.

  
Dennis D. Kramer

Subscribed and sworn to before me, a Notary Public in and for the State and City aforesaid, this 17<sup>th</sup> day of October 2016.

  
Notary Public

