

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

In the Matter of the Application of Grain Belt Express Clean Line LLC for Certificate of Convenience and Necessity Authorizing it to Construct, Own, Operate, Control, Manage and Maintain a High Voltage, Direct Current Transmission Line and an Associated Converter Station Providing an Interconnection on the Maywood-Montgomery 345 kV transmission line.

**Case No. EA-2016-0358**

**RESPONSE OF THE MISSOURI INDUSTRIAL ENERGY CONSUMERS TO ORDER DIRECTING FILING REGARDING MOTION TO DISMISS, OR IN ALTERNATIVE, HOLD CASE IN ABEYANCE**

COMES NOW the Missouri Industrial Energy Consumers (“MIEC”), and for its Response to Order Directing Filing states as follows:

1. On March 29, 2017, the Commission issued its *Order Directing Filing Regarding Motion to Dismiss, or in Alternative, Hold Case in Abeyance* in the instant case, setting March 31 as the deadline for parties to respond to a motion filed by the Missouri Landowners alliance ("MLA") that asked the Commission to dismiss this case or hold it in abeyance based on a decision recently issued by the Missouri Western District Court of Appeals.

2. The MIEC opposes the MLA motion for three reasons. First, the Court of Appeals decision is not final, and given the importance of the matter, it seems likely that the Appellant Ameren Transmission Company of Illinois, or the Commission itself, or both, will seek further review. Second, it is not at all clear that the Court of Appeals decision is applicable to the matter at hand because the decision rests on an interpretation of Section 393.170.2 and the application in this case was made pursuant to Section 393.170.1. Third, it would be administratively inefficient

and do a huge disservice to the parties on both sides of the issue who have fully presented their positions to dismiss this case at this juncture.

WHEREFORE, the Missouri Industrial Energy Consumers respectfully requests that the Commission deny the Missouri Landowners Alliance's *Motion for Expedited Treatment and Motion to Dismiss Application, Or Alternatively, To Hold Case In Abeyance.*

Respectfully submitted,

By: /s/ Lewis Mills

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Attorneys for the Missouri Industrial Energy Consumers

### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed this 31st day of March, 2017, to all parties on the Commission's service list in this case.

/s/ Lewis Mills