

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Landowners Alliance, et al.	)	
	)	
Complainants,	)	
	)	Case No. EC-2020-0408
v.	)	
	)	
	)	
Grain Belt Express Clean Line LLC, et al.	)	
	)	
Respondents.	)	

COMPLAINANTS' STATEMENT OF POSITION

Come now the Complainants, and for their Statement of Position regarding the designated list of issues states as follows:

**1. Did land agents, working on behalf of Respondents, falsely claim that Grain Belt was no longer involved with the transmission line project approved by the Commission in Case No. EA-2016-0358 , during negotiations with landowners?**

The credible evidence will show that one or more of the land agents led one or more landowners to believe that Grain Belt was no longer involved with the proposed transmission project. If the Commission concludes that any such statements were made, then given the fact that Grain Belt is still involved with the project, the answer to this issue would necessarily be yes.

By the very terms of this first issue, its resolution does not depend upon whether the factual misstatements were made deliberately. Similarly, the training given to the land agents is not a factor under the terms of this first question. The same is true with respect to any written material which may have been given to the landowners.

The only question to be addressed in this first issue concerns what was said in telephone conversations between one or more of the land agents and one or more of the landowners.

**2. To the extent the answers to the issue above is yes, did Respondents violate any law or any Commission rule, order or decision?**

By definition, the answer is yes. In its final Order in the CCN case<sup>1</sup>, the Commission ordered Grain Belt to adhere to the terms of its Code of Conduct.<sup>2</sup> That Code applies “to all communications and interactions with property owners ....”<sup>3</sup> Most importantly here, the Code requires that “all communications with property owners and occupants must be factually correct.”<sup>4</sup> This provision allows for no exceptions: all substantive communications with landowners must be factually correct, regardless of the subject matter under discussion.

Accordingly, if any of Respondents’ land agents provided information to the landowners which was not factually correct, they necessarily violated the provision of the Commission’s CCN Order which directed Grain Belt to comply with all of the terms of its Code of Conduct.<sup>5</sup>

The Code holds Grain Belt to a high standard. But the landowner protections offered up by Grain Belt in the CCN case were clearly a part of the trade-off in Grain Belt’s effort to secure the CCN. Grain Belt should in fairness be held to what it promised, and to what the Commission ordered.

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<sup>1</sup> Case No. EA-2016-0358, Report and Order on Remand (the “CCN Order”) issued March 20, 2019.

<sup>2</sup> Stipulation of Undisputed Facts, par. 1; CCN Order, p. 52, par. 8.

<sup>3</sup> Stipulation of Undisputed Facts, par. 2.

<sup>4</sup> Stipulation of Undisputed Facts, par. 3.

<sup>5</sup> Invenergy is also responsible for Grain Belt’s compliance with the conditions imposed in the CCN case. (Stipulation of Undisputed Facts, par. 5.)

**3. To the extent the answers to Issues 1 and 2 are yes, what remedy, if any, should be adopted by the Commission?**

Complainants request the same basic relief for which they prayed in their initial

Complaint:

(1) that Grain Belt and Invenergy be directed to promptly remind all of their current and future agents and representatives in writing that all of their communications with Missouri landowners must be factually correct; and (2) that Grain Belt and Invenergy be directed to promptly remind all of their current and future agents and representatives in writing that Grain Belt is still involved in the process of constructing the proposed transmission line and in securing easements for that line from Missouri landowners.<sup>6</sup>

Respondents have made efforts in this regard on their own. However, Complainants contend that the directives requested here will have a significantly greater impact upon CLS and its land agents if they originate from the Commission, as opposed to simply another round of suggestions from Grain Belt and Invenergy.

Finally, Complainants are concerned that this Complaint, standing alone, may be viewed by some as too trivial to merit any relief. However, Complainants can only reiterate that they would not have filed this Complaint to begin with if they were confident that the allegations raised there would constitute the only violations of the protections afforded to landowners by the Commission.<sup>7</sup>

But having no such assurance, Complainants felt it necessary to bring this matter to the attention of the Commission as a means of hopefully preventing any further erosion of the protections afforded to landowners in the CCN case.

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<sup>6</sup> Complaint, par. 18.

<sup>7</sup> See Complaint, par. 15.

Respectfully submitted

/s/ Paul A. Agathen

Paul A. Agathen

Attorney for Complainants

Mo Bar No. 24756

485 Oak Field Ct.

Washington, MO 63090

636-980-6403

[Paa0408@aol.com](mailto:Paa0408@aol.com)

Certificate of Service

A copy of the foregoing was served this 8th day of January, 2021, on all parties of record.

/s/ Paul A. Agathen