

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Landowners Alliance, and)	
Gary Mareschal,)	
)	
Complainants,)	
)	Case No. EC-2020-0408
)	
v.)	
)	
)	
)	
Grain Belt Express LLC, and)	
Invenergy Transmission LLC, and)	
Invenergy Investment Company,)	
)	
Respondents)	

Stipulation of Undisputed Facts

The Staff of the Missouri Public Service Commission (“Staff”), Missouri Landowners Alliance and Gary Mareschal (together, “Complainants”), and Invenergy Investment Company LLC (“Invenergy Investment”), Invenergy Transmission LLC (“Invenergy Transmission”), and Grain Belt Express LLC (“Grain Belt”) (along with Invenergy Investment and Invenergy Transmission, the “Respondents”) (Staff, Complainants, and Respondents collectively, the “Parties”), hereby file this Stipulation of Undisputed Facts:

The Parties stipulate that the following facts are undisputed:

- (1) Pursuant to the Commission’s Report and Order on Remand in Case No. EA-2016-0358, Grain Belt is required to adhere to the Code of Conduct.¹

¹ Formal Complaint, ¶ 12; Response to Formal Complaint, ¶ 4.j; Response to Formal Complaint, Exhibit D (June 1, 2020 email to land agents with Code of Conduct attached), Exhibit E (June 2-3, 2020 land agent training agenda with sessions dedicated to the Code of Conduct); Exhibit G (June 25, 2020 training material with discussion of the Code of Conduct).

- (2) The Code of Conduct “applies to all communications and interactions with property owners and occupants of property by all employees, right-of-way agents and subcontractor employees representing [Grain Belt] in the negotiation of right-of-way and the performance of surveying, environmental assessments and the other activities for the [Grain Belt Express] project on property not owned by [Grain Belt Express].”²
- (3) The Code of Conduct requires that “all communications with property owners and occupants must be factually correct.”³
- (4) In Case No. EM-2019-0150, the Commission approved the sale of Grain Belt to Invenergy Transmission LLC (“Invenergy”). That sale was closed on January 28, 2020.
- (5) In Case No. EM-2019-0150, the Commission directed Invenergy to exercise its control over Grain Belt to insure that Grain Belt complies with the conditions imposed in Case No. EA-2016-0358.⁴
- (6) Invenergy has retained a company named Contract Land Staff (“CLS”) to manage the land acquisition, research, consulting, and field services, including easement agreement preparation, negotiation, and execution in support of the project approved by the Commission in Case No. EA-2016-0358 (the “Project”).⁵

² Formal Complaint, ¶ 12; Response to Formal Complaint, ¶ 4.j; Response to Formal Complaint, Exhibit G, p. 6.

³ Formal Complaint, ¶ 12; Response to Formal Complaint, ¶ 4.j.; Response to Formal Complaint, Exhibit G, p. 8.

⁴ Case No. EM-2019-0150, Amended Report and Order, pp. 16-17 (Sept. 11, 2019).

⁵ See Formal Complaint, ¶¶ 6-8; Report of the Staff, p. 2.

- (7) Daniel Walters and Alexander Brown were both employed by CLS at all times relevant to the Complaint.⁶
- (8) Mr. Gary Mareschal holds an interest in property which is located on the proposed right-of-way for the Project in Monroe County, Missouri. Mr. Marvin J. Daniels holds an interest in property which is located on the proposed right-of-way for the Project in Monroe County, Missouri.
- (9) A phone call occurred between Marvin J. Daniels and CLS agent Alexander Brown, although the date of the phone call is in dispute. Complainants allege the phone call occurred in late April or early May, 2020.⁷ Respondents allege the phone call occurred on April 1, 2020.⁸
- (10) A phone call occurred between Marvin J. Daniels and CLS agent Daniel Walters on June 9, 2020.⁹
- (11) A phone call occurred between Complainant Gary Mareschal and CLS agent Daniel Walters on June 17, 2020.¹⁰
- (12) There are no recordings of the phone calls that are the subject of this Complaint.¹¹

⁶ See Response to Formal Complaint, Exhibit A (Affidavit of Daniel Walters) and Exhibit B (Affidavit of Alexander Brown).

⁷ Formal Complaint, ¶ 8.

⁸ Response to Formal Complaint, ¶ 4.f.

⁹ Formal Complaint; ¶ 8; Response to Formal Complaint, ¶ 4.f.

¹⁰ Formal Complaint; ¶ 6; Response to Formal Complaint, ¶ 4.d.

¹¹ Report of the Staff, pp. 5-6.

- (13) Packages sent to landowners during the week of May 29, 2020 included references to Grain Belt as the current owner of the Project and noted that Clean Line Energy Partners LLC is no longer involved in the Project.¹²
- (14) CLS agents received copies of the Code of Conduct on June 1, 2020.¹³
- (15) Grain Belt trained its land agents on June 2-3, 2020, with a focus on the Code of Conduct, among Grain Belt's other regulatory obligations.¹⁴
- (16) The script example used for training begins with the land agent introducing herself/himself as "with Contract Land Staff representing Invenenergy and the Grain Belt Express transmission line project."¹⁵
- (17) Additional training of land agents occurred on June 25, 2020, with a focus on the Code of Conduct, among Grain Belt's other regulatory obligations.¹⁶

WHEREFORE, the Parties respectfully request that the Commission accept this Stipulation of Undisputed Facts.

Respectfully submitted,

/s/ Andrew O. Schulte

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¹² Motion to Dismiss Formal Complaint, ¶ 12 and Exhibits A-D.

¹³ Response to Formal Complaint, Exhibit D (June 1, 2020 email to land agents with Code of Conduct attached).

¹⁴ Response to Formal Complaint, Exhibit E (June 2-3, 2020 land agent training agenda); Report of the Staff, p. 4.

¹⁵ Response to Formal Complaint, Exhibit C.

¹⁶ Response to Formal Complaint, Exhibit G (June 25, 2020 training material); Report of the Staff, pp. 4, 6.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all parties of record by email or U.S. mail, postage prepaid, this 7th day of January, 2021.

/s/ Andrew O. Schulte

Attorney for Respondents