

**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)	Case No. EA-2016-0358
and Maintain a High Voltage, Direct Current)	ON REMAND
Transmission Line and an Associated Converter)	
Station Providing an Interconnection on the)	
Maywood - Montgomery 345 kV)	
Transmission Line)	

**OPPOSITION of CLEAN GRID ALLIANCE and THE WIND COALITION
to MISSOURI LANDOWNERS ALLIANCE’S
MOTION TO STRIKE AFFIDAVIT and NOTICE**

COMES NOW, Clean Grid Alliance and The Wind Coalition (“CGA-TWC”), by counsel, **opposing** the *Motion of Missouri Landowners Alliance To Strike “Affidavit of Michael Goggin in support of Notice Regarding Supplemental Testimony on behalf of Clean Grid Alliance and The Wind Coalition,”* (Motion to Strike the Affidavit and the Notice (Item No. 667)) filed on November 19, 2018. The instant response is in conformance with 4 CSR 240-2.080. In support of its opposition, CGA-TWC state the following:

1. This case is before the Missouri Public Service Commission (Commission) on remand from the Missouri Supreme Court, which reversed the Commission’s August 16, 2017 Report and Order denying Grain Belt Express’ application for a certificate of convenience and necessity.
2. On October 11, 2018, a procedural conference was held in the instant matter to establish a procedure and schedule to address issues remanded to it. At that hearing the parties filing supplemental testimony were instructed to update or correct previously filed direct testimony that has materially changed. (Tr. 1754:4-14 (Item No. 647)).

3. Pursuant to the procedural schedule set by the Commission, on November 12, 2018 CGA-TWC filed *Notice Regarding Supplemental Testimony from Clean Grid Alliance and The Wind Coalition* (Notice (Item No. 655)). That Notice informed the Commission, Administrative Law Judge, and parties that CGA-TWC did not intend to file supplemental testimony, however, it lacked an affidavit from CGA-TWC witness Mr. Goggin. Mr. Goggin's affidavit was subsequently filed on November 16, 2018, attached to CGA-TWC's *Motion for Leave to File Out of Time and Instantly an Affidavit in Support of Notice* (Motion to File Affidavit (Item No. 666)).
4. On November 19, 2018, MLA filed a Motion to Strike Mr. Goggin's Affidavit Supporting the Notice and moved the Commission, for a second time, to strike the CGA-TWC Notice filed on November 12, 2018, complaining that Mr. Goggin's affidavit is improper evidence supporting CGA-TWC's case-in-chief, and that CGA-TWC cannot file a Notice but instead has to file sworn supplemental direct testimony.
5. MLAs Motion to Strike is meritless. MLAs argument in this motion basically reiterates the same arguments in its *Motion to Strike the Notice* filed on November 12, 2018¹. MLA has improperly characterized CGA-TWC's Notice and Mr. Goggin's Affidavit in Support of the Notice as being evidence in support of CGA-TWC's case-in-chief. It is not. It is an informational filing making the Commission, Administrative Law Judge, and parties aware of CGA-TWC's intention to not file supplemental testimony. So as to not repeat arguments made in an earlier filing, CGA-TWC incorporates by reference its responsive arguments in that pleading -- paragraphs 4 through 6 of its *Opposition of Clean Grid Alliance and The Wind Coalition to Missouri Landowners Alliance's Motion to Strike*

¹ *Motion of Missouri Landowners Alliance to Strike "Notice Regarding Supplemental Testimony from Clean Grid Alliance and The Wind Coalition,"* filed November 12, 2018 (Motion to Strike the Notice).

Notice filed by CGA-TWC on November 26, 2018. In addition, CGA-TWC does not need to file supplemental direct testimony because the threshold condition for filing supplemental testimony was not met. (*See* Tr. 1754:12-14 *defining* the condition for filing supplemental testimony (Item No. 647)). Mr. Goggin reviewed his testimony in the initial case and determined that any changes that occurred since the Report and Order was issued by the Commission in the initial case did not materially change the positions he took in the initial case. (*See Affidavit of Michael Goggin in Support of Notice Regarding Supplemental Testimony*, at ¶5 (Nov. 16, 2018) (attached to Item No. 666)).

WHEREFORE, Clean Grid Alliance and The Wind Coalition request that the Commission deny the MLA's motion to strike the *Affidavit of Michael Goggin in Support of Notice Regarding Supplemental Testimony on behalf of Clean Grid Alliance and The Wind Coalition* and the *Notice Regarding Supplemental Testimony on behalf of Clean Grid Alliance and The Wind Coalition* (Item No. 666).

Respectfully submitted,

/s/ Sean R. Brady

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CERTIFICATE OF SERVICE

The undersigned certifies that this Opposition to the Motion to Strike was electronically served upon all parties to this case on November 26, 2018.

/s/ Sean R. Brady

*Attorney for Clean Grid Alliance and
The Wind Coalition*