

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

September 28, 2016

Jefferson City, Missouri

Volume 1

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,)	File No. EA-2016-0358
Control, Manage And Maintain A)	
High Voltage, Direct Current)	
Transmission Line And An)	
Associated Converter Station)	
Providing An Interconnection On)	
The Maywood-Montgomery 345kv)	
Transmission Line)	

MICHAEL BUSHMANN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Ms. Pamela S. Gentry, CCR No. 426
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FOR CONSUMERS COUNCIL OF MISSOURI :
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FOR MISSOURI RETAILERS ASSOCIATION:
No Appearances

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P R O C E E D I N G S

JUDGE BUSHMANN: Good afternoon.

The Commission has set this time for a Procedural Conference in the case captioned as In The Matter Of The Application Of Grain Belt Express Line, LLC, For a Certificate Of Convenience and Necessity Authorizing It To Construct, Own, Operate, Control, Manage And Maintain The High Voltage, Direct Current Transmission Line And Associated Converter Station Providing An Interconnection On The Maywood-Montgomery Transmission 345kv Transmission Line, File No. EA-2016-0358.

The date is September 28th, 2016. It's now 2:00. My name's Michael Bushmann. I'm the Regulatory Law Judge that has been assigned to this matter.

Let's have attorneys make their entries of appearance.

For Grain Belt Express Line?

MR. ZOBRIST: Thank you, Judge.

Karl Zobrist and Joshua Harden with the law firm of Dentons. With me, also, is Erin Szalkowski from Clean Line Energy Partners, Houston, Texas; and Mark Lawler, who is the Director of Development for Grain Belt Express, is also here.

1 JUDGE BUSHMANN: Thank you.

2 For Commission Staff.

3 MR. WILLIAMS: Nathan Williams.

4 JUDGE BUSHMANN: Is there anybody from
5 the Public Counsel's Office?

6 MS. SHEMWELL: Yes. Lera Shemwell
7 representing the Office of the Public Counsel and the
8 Public.

9 JUDGE BUSHMANN: Okay.

10 MS. SHEMWELL: Thank you, Judge.

11 JUDGE BUSHMANN: Show-Me Concerned
12 Landowners?

13 MR. LINTON: Good afternoon, Judge.
14 David Linton on behalf of Show-Me
15 Concerned Landowners.

16 JUDGE BUSHMANN: Missouri Landowners
17 Alliance?

18 MR. AGATHEN: Yes, Judge.
19 Paul Agathen.

20 JUDGE BUSHMANN: Mr. Agathen, are you
21 also making entrance of appearance today for other
22 parties?

23 MR. AGATHEN: I am, Judge. Do you want
24 me to list them out now?

25 JUDGE BUSHMANN: We might as well do that

1 now, then we don't have to do that later.

2 MR. AGATHEN: Sure. Charles and Robyn
3 Henke; R. Kenneth Hutchison; Randall and Roseanne
4 Meyer; and Matthew and Christina Reichert.

5 JUDGE BUSHMANN: Thank you.
6 Missouri Farm Bureau.

7 MR. HADEN: Good afternoon, Judge.
8 Brett Haden from the law firm of Haden
9 and Haden of Columbia, Missouri, on behalf of Missouri
10 Farm Bureau.

11 JUDGE BUSHMANN: Missouri Department of
12 Economic Development.

13 MR. ANTAL: Good afternoon, Judge.
14 Alex Antal appearing on behalf of the
15 Department of Economic Development.

16 JUDGE BUSHMANN: Thank you.
17 Rockies Express Pipeline.

18 MS. GIBONEY: Sarah Giboney from Smith
19 Lewis.

20 JUDGE BUSHMANN: Ms. Giboney, could you
21 repeat that? We were having some trouble hearing you.
22 I'm turning up the volume.

23 MS. GIBONEY: Try it again. This is
24 Sarah Giboney of the law office of Smith Lewis
25 representing Rockies Express Pipeline. And Rockies

1 Express Pipeline's in-house counsel, Mustafa Ostrander
2 may represent the company and join us on the call.

3 JUDGE BUSHMANN: Thank you. That was
4 much better.

5 Sierra Club?

6 (No response.)

7 JUDGE BUSHMANN: Don't hear anything.
8 The Wind Coalition.

9 MR. BRADY: Good afternoon. Can you hear
10 me?

11 JUDGE BUSHMANN: Yes, I can.

12 MR. BRADY: Good afternoon.

13 Mr. Sean Brady representing Wind on the
14 Wires and the Wind Coalition.

15 JUDGE BUSHMANN: Thank you.

16 IBEW Union Locals 2 and 53?

17 (No response.)

18 JUDGE BUSHMANN: I don't hear a response.
19 Missouri Industrial Energy Consumers?

20 (No response.)

21 JUDGE BUSHMANN: No response.

22 Infinity Wind Power?

23 MS. PEMBERTON: Yes.

24 Terri Pemberton of Cafer Pemberton, LLC,
25 is on the line on behalf of Infinity Wind Power, and

1 Matt Langley may also be joining us.

2 JUDGE BUSHMANN: Thank you.

3 Natural Sources Defense Counsel.

4 (No response.)

5 JUDGE BUSHMANN: No response.

6 Renew Missouri?

7 MR. LINHARES: Yes. Thank you, Judge.

8 This is Andrew Linhares appearing for

9 Renew Missouri by phone.

10 JUDGE BUSHMANN: Missouri Electric

11 Utilities Commission?

12 MR. HEALEY: Good afternoon, Judge.

13 This is Douglas Healey with Healey Law

14 Offices representing Missouri Electric Utilities

15 Commission.

16 JUDGE BUSHMANN: Thank you.

17 Missouri AFL-CIO.

18 (No response.)

19 JUDGE BUSHMANN: No response.

20 Walmart Stores, Incorporated.

21 (No response.)

22 JUDGE BUSHMANN: No response.

23 Consumers Council of Missouri.

24 (No response.)

25 JUDGE BUSHMANN: No response.

1 Missouri Retailers Association?

2 (No response.)

3 JUDGE BUSHMANN: No response.

4 Have I missed anybody?

5 (No response.)

6 JUDGE BUSHMANN: Okay. Doesn't sound

7 like it, so let's get -- get started, I suppose.

8 Since we're all here together again, I
9 guess the first thing that we need to do is we need to
10 get a procedural schedule. So I'd like the parties to
11 file a joint proposed procedural schedule no later than
12 October 5th, and that should include proposed dates for
13 the usual case events. And if you have any other
14 special discovery provisions, you can include those
15 along with that.

16 For the benefit of counsel who don't
17 practice here regularly, if you can't agree on a single
18 proposed procedural schedule, you do have the option of
19 filing a separate one, if necessary. And the
20 Commissioners would then make the final decision on the
21 schedule of events.

22 I've talked to the Commissioners about
23 local public hearings, and I believe that there is a
24 consensus to do eight local public hearings again this
25 time, one in each county. They would like to do four

1 in two days on one side of the state starting at noon,
2 and six each day, and then do the same thing on the
3 other side of the state at a later week.

4 They, I believe, would like to impose
5 some similar ground rules to what we did last time.
6 There will be no informal question-and-answer period
7 before the hearing begins, just like last time.

8 Testimony would be limited to five
9 minutes, but no seating time to others to give
10 witnesses additional time. One testimony opportunity
11 per person, so no testifying at multiple hearings. We
12 may have to have a time limit on the noon hearings to
13 make sure that we can actually start the 6:00 hearing
14 in another county on time, but I'm not entirely sure
15 whether that's necessary yet. So that's yet to be
16 decided for sure.

17 Just like I did in the previous case,
18 I'll give counsel an opportunity to file objections to
19 any local public hearing exhibits after they're filed
20 in efis. That way, we can avoid having to have counsel
21 review the exhibits and make objections on the record
22 during the hearing. I think that will save some time.
23 That seemed to work well last time.

24 Also, I'll remind parties that it's not
25 appropriate for parties who have been granted

1 intervention to testify at local public hearings as you
2 will be provided an opportunity to do that at the
3 evidentiary hearing.

4 I do have a copy of the adjudication
5 calendar between now and May, and I'll leave that for
6 you to help you when you're picking dates for your
7 proposed procedural schedule. You'll see that the
8 calendar is extremely busy during the winter. There
9 are several major cases that have already been
10 scheduled, so I would recommend that we try and get the
11 local public hearings in late Nov-- late November,
12 early December, if possible.

13 In looking at the hearing schedule for
14 the first part of the year, I don't see how we can fit
15 in the evidentiary hearing before April. I'll let you
16 look at it and see what you think. I wrote in, also,
17 the local public hearings for the Ameren rate case. I
18 wrote those in by hand on here, so those were just
19 approved this morning, and so you'll have those as
20 well.

21 Does anybody have any other issues or
22 questions we need to take up on the record?

23 MR. AGATHEN: Did you mention a tentative
24 date -- maybe I may have missed it -- for the public
25 hearings?

1 JUDGE BUSHMANN: Well, no, not tentative,
2 but I -- things start to really pick up around the
3 middle of December, so if we could get it -- get them
4 done before then, that might be the easiest as far as
5 weather and holiday schedules. I don't know if we can
6 do that, but we can try.

7 MR. LINTON: I -- I guess I'd just ask
8 the question, how set in stone are the Commissioners'
9 desires. My client would prefer to have the public
10 hearings after the first of the year for purposes of
11 avoiding harvest time, and they'd like to have them in
12 the evenings or on Saturdays. It sounds like you've
13 got --

14 JUDGE BUSHMANN: You can request that,
15 but that's not what I'm hearing from the Commissioners.

16 MR. LINTON: Okay.

17 JUDGE BUSHMANN: The problem with waiting
18 until after the first of the year is that's when the
19 Ameren Missouri rate hearings start, and they're wedged
20 into the schedule. So it's going to be very difficult
21 to -- just to find time.

22 MR. LINTON: Yeah.

23 JUDGE BUSHMANN: That's why I was
24 suggesting you do them then.

25 MR. AGATHEN: I -- I appreciate what

1 you're saying, but my clients have voiced the same
2 concerns about having the public hearings during
3 harvest time.

4 JUDGE BUSHMANN: I understand. You can
5 make that request, and I can take it to the
6 Commissioners and we can see.

7 MR. AGATHEN: Understood.

8 MR. WILLIAMS: Judge, you indicated you
9 have calendars through May. Is the implication of that
10 the Commission's planning on issuing an order May and
11 June, or sometime around there?

12 JUDGE BUSHMANN: Shouldn't read anything
13 into that, other than that's what I ran the calendar
14 out to. So --

15 MR. WILLIAMS: Thank you.

16 JUDGE BUSHMANN: Anybody else have
17 anything they want to raise or discuss?

18 (No response.)


19 JUDGE BUSHMANN: If not, we're off the
20 record.

21 (Off the record.)
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C E R T I F I C A T E

I, Pamela S. Gentry, Certified Shorthand Reporter with the firm of Tiger Court Reporting, LLC, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a full, true and correct transcript of such Stenotype notes so made at such time and place.


Pamela S. Gentry, CSR, CCR



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