

In the Matter of:

GRAIN BELT EXPRESS CLEAN LINE, LLC FOR A CERTIFICATE

VOL 21 VOL. 21

October 11, 2018



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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

October 11, 2018

Jefferson City, Missouri

Volume 21

In The Matter Of The)	File No. EA-2016-0358
Application Of Grain Belt)	
Express Clean Line LLC For)	
A 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 345kv)	
Transmission Line)	

MICHAEL BUSHMANN, Presiding
SENIOR REGULATORY LAW JUDGE

REPORTED BY:
Tracy Taylor, CCR No. 939
TIGER COURT REPORTING, LLC

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A P P E A R A N C E S

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1 JUDGE BUSHMANN: Good morning. Today is
2 October 11th, 2018. It's approximately ten o'clock
3 a.m. The Commission has set this time for a
4 procedural conference in the case captioned as In The
5 Matter Of The Application Of Grain Belt Express Clean
6 Line LLC For A Certificate Of Convenience And
7 Necessity Authorizing It To Construct, Own, Operate,
8 Control, Manage And Maintain A High Voltage, Direct
9 Current Transmission Line And An Associated Converter
10 Station Providing An Interconnection On The
11 Maywood-Montgomery 345kv Transmission Line,
12 EA-2016-0358.

13 My name is Michael Bushmann, Regulatory
14 Law Judge that's going to be presiding over this
15 matter. Let's have attorneys be -- have their entry
16 of appearance, please. For Grain Belt Express.

17 MR. ZOBRIST: Karl Zobrist and Jacqueline
18 Whipple from Dentons US, LLP, 4520 Main Street, Suite
19 1100, Kansas City, Missouri 64111.

20 JUDGE BUSHMANN: Thank you. Commission
21 Staff.

22 MR. JOHNSON: Thank you, Judge. Mark
23 Johnson on behalf of the Staff of the Missouri Public
24 Service Commission. And I provided my information to
25 the court reporter.

1 JUDGE BUSHMANN: Thanks. Office of the
2 Public Counsel.

3 MR. POSTON: Marc Poston for the Office
4 of the Public Counsel.

5 JUDGE BUSHMANN: Congratulations,
6 Mr. Poston.

7 MR. POSTON: Thank you.

8 JUDGE BUSHMANN: Missouri Landowners
9 Alliance?

10 MR. AGATHEN: Paul Agathen. I've also
11 provided the court reporter my information.

12 Judge, do you want me to enter appearance
13 for -- on behalf of the other class?

14 JUDGE BUSHMANN: Yeah. Why don't you go
15 through -- I know there's several.

16 MR. AGATHEN: Charles and Robyn Henke,
17 H-e-n-k-e; Matthew and Christina Reichert,
18 R-e-i-c-h-e-r-t; R. Kenneth Hutchinson; Randall and
19 Roseanne Meyer. That's it.

20 JUDGE BUSHMANN: Okay. Thank you.
21 Show-Me Concerned Landowners. Mr. Linton?

22 MR. LINTON: Oh, yes. I'm sorry. This
23 is David Linton, 314 Romaine Spring View, Fenton,
24 Missouri 63026.

25 JUDGE BUSHMANN: Thank you. Missouri

1 Joint Municipal Electric Utility Commission.

2 MS. PEGGY WHIPPLE: Peggy Whipple for
3 MJMEUC. And the court reporter has my contact
4 information.

5 JUDGE BUSHMANN: Thanks. Missouri
6 Department of Economic Development.

7 MR. BEAR: Brian Bear with the Missouri
8 Department of Economic Development. My contact
9 information has been provided to the reporter.

10 JUDGE BUSHMANN: Rocky's Express
11 Pipeline.

12 MS. GIBONEY: For Rocky's Express
13 Pipeline, this is Sarah Giboney of the law firm Smith,
14 Lewis, LLC, 111 South Ninth Street, Columbia, Missouri
15 65201.

16 JUDGE BUSHMANN: Sierra Club. And
17 Natural Resources Defense Council. Clean Grid
18 Alliance.

19 MR. BRADY: Good morning. Appearing on
20 behalf of Clean Grid Alliance and The Wind Coalition
21 is Sean Brady. My address is PO Box 4072, Wheaton,
22 Illinois 60189. My phone number is 312.867.0609.

23 JUDGE BUSHMANN: Thank you, Mr. Brady.
24 Infinity Wind Power. Missouri Industrial Energy
25 Consumers?

1 MR. MILLS: Thank you, Your Honor. On
2 behalf of the Missouri Industrial Energy Consumers,
3 Lewis Mills of the law firm Bryan Cave Leighton
4 Paisner. My address is 221 Bolivar, Jefferson City,
5 Missouri 65101

6 JUDGE BUSHMANN: Thank you. Renew
7 Missouri.

8 MR. OPITZ: Thank you, Judge. For Renew
9 Missouri, I'm Tim Opitz. And I've provided my contact
10 information to the court reporter.

11 JUDGE BUSHMANN: Thank you. Missouri
12 AFLICO. No response. IBEW Unions. Wal-Mart Stores,
13 Incorporated. Missouri Farm Bureau.

14 MR. HADEN: For Missouri Farm Bureau,
15 this is Brent Haden of the law firm of Haden and
16 Haden, 827 East Broadway, Columbia, Missouri 65201.

17 JUDGE BUSHMANN: Thank you. Consumers
18 Council of Missouri. And Missouri Retailers
19 Association. No response there either.

20 Have I missed anybody that I have not
21 already mentioned? Good. Well, I told one of my
22 colleagues the other day that this is the case that
23 never ends. It sure seems that way sometimes. Now
24 that we're together again, however, we need to come up
25 with a plan to finally resolve the case.

1 Missouri Landowners has proposed that the
2 Commission direct Grain Belt and other parties to
3 answer a series of questions in order to update the
4 record. And while I appreciate the idea of not
5 re-litigating the entire case, which we are not going
6 to do, it wouldn't be appropriate for the Commission
7 to direct parties to answer questions in that manner.
8 I think that can be handled through discovery.

9 But the evidentiary record is stale
10 because of the length of time that's passed. We think
11 the best way to correct that would be to have first
12 Grain Belt to file Supplemental Direct Testimony that
13 would update or correct any of its previously filed
14 Direct Testimony that's materially changed. The other
15 parties would have a chance to file Rebuttal
16 responding to that Supplemental Direct, filed by
17 Surrebuttal.

18 Now, Grain Belt has proposed that we skip
19 Surrebuttal entirely, but we think that Surrebuttal
20 would be valuable to help narrow the issues, even if
21 we have to shorten the time for filing it. But I
22 think that we would end up with a better record at the
23 end.

24 After the pre-filed testimony and any
25 discovery, the Commission would conduct a supplemental

1 evidentiary hearing to permit cross-examination
2 regarding the new testimony. We should also have some
3 briefing afterwards. And I don't have any preference
4 about whether it's one or two rounds of briefs.

5 So I would like Grain Belt Express, on
6 behalf of all the parties, to file a joint proposed
7 procedural schedule no later than next Wednesday,
8 October 17th. And you should include any provisions
9 or suggestions on how the Commission should proceed,
10 and also any specific discovery provisions that you
11 can all agree to.

12 And if for some reason you cannot agree
13 on these matters, then parties do have an opportunity
14 to provide or file their own separate procedural
15 schedule if necessary. Of course, the Commissioners
16 are going to make the final decision on the schedule.

17 Does anybody have any other matters that
18 need to be brought up on the record while we're here?

19 MR. ZOBRIST: Judge, I just have one
20 comment. You talked about post-hearing briefing. We
21 would propose also to update proposed findings of
22 fact, maybe conclusions of law, but we think the major
23 legal issue has been resolved. Would that be helpful
24 to the Commission?

25 JUDGE BUSHMANN: It could be. And if you

1 want to include that in your proposal, then I'll take
2 it to the Commissioners and we'll see what they want
3 to do on that.

4 Anybody else have anything that we need
5 to discuss?

6 MR. JOHNSON: Judge, are there any
7 specific weeks or days the Commission would like to
8 exclude from potential hearing?

9 JUDGE BUSHMANN: Well, not off the top of
10 my head, although I do have a copy of the adjudication
11 calendar for the next few months, which I'll leave
12 with you so you can look through that and that might
13 be helping in picking dates.

14 MR. JOHNSON: Thank you.

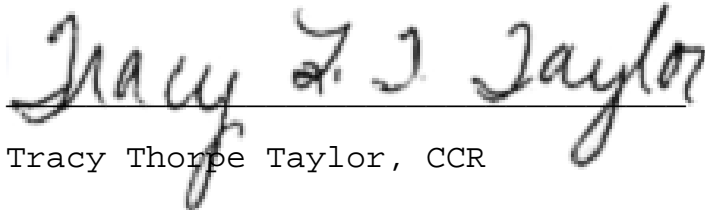
15 JUDGE BUSHMANN: Any other issues?
16 Hearing none, we're off the record.

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CERTIFICATE OF REPORTER

I, Tracy Thorpe Taylor, CCR No. 939, within the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Tracy Thorpe Taylor, CCR

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