

In the Matter of the Application of NextEra Energy Transmission Southwest, LLC

Hearing before:

Judge Charles Hatcher

September 29, 2022

Vol 01

PHIPPS REPORTING

Raising the Bar!

BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS

Local Public Hearing

Thursday, September 29, 2022
6:23 p.m. - 6:36 a.m.

Missouri Public Service Commission
200 Madison Street, Room 310
Jefferson City, MO 65102
and WebEx

VOLUME 1
Pages 1 - 13

In the Matter of the Application)
of NextEra Energy Transmission)
Southwest, LLC for a Certificate)
of Public Convenience and)
Necessity to Construct, Install,)
Own, Operate, Maintain, and) File No. EA-2022-0234
Otherwise Control and Manage)
a 345 kV Transmission Line and)
associated facilities in Barton)
and Jasper Counties, Missouri)

CHARLES HATCHER, Presiding
SENIOR REGULATORY LAW JUDGE

MAIDA J. COLEMAN, Commissioner
JASON R. HOLSMAN, Commissioner
GLEN KOLKMEYER, Commissioner

Stenographically Reported By:
Beverly Jean Bentch, RPR, CCR No. 640

Job No. 274218

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1 The following proceedings began at 6:23 p.m.:

2 JUDGE HATCHER: Let's go ahead and we will go
3 on the record. First I would like to ask that everyone
4 please mute themselves unless they are speaking. This
5 will cut down on the noise level and also prevent audio
6 feedback.

7 Today is September 29, 2022. The Missouri
8 Public Service Commission has set this time for a local
9 public hearing to give members of the public a chance to
10 comment about NextEra's Application to Construct,
11 Operate, and Maintain the 9-mile Portion of a 345 kV
12 Transmission Line in Barton and Jasper Counties. This
13 is the public hearing for File No. EA-2022-0234.

14 The Missouri Public Service Commission
15 regulates the rates charged by public utility companies
16 in Missouri to ensure that those rates are just and
17 reasonable. The Commission also regulates the quality
18 of service and safety of the operations of public
19 utilities.

20 The Commission is made up of five
21 Commissioners. Those Commissioners are appointed by the
22 Governor to fixed terms and confirmed by the Senate.
23 The Commissioners employ a staff of engineers,
24 accountants, attorneys, financial analysts, and other
25 specialists in the field of utility regulation.

1 My name is Charles Hatcher. I'm the
2 Regulatory Law Judge that will preside over this
3 hearing. With me tonight, as I stated, are
4 Commissioners Maida Coleman, and we're also expecting
5 Commissioners Jason Holsman and Glen Kolkmeier. I'll
6 give them a chance to speak up.

7 COMMISSIONER HOLSMAN: Commissioner Holsman is
8 here.

9 JUDGE HATCHER: Thank you, Commissioner
10 Holsman. I appreciate that. And Commissioner
11 Kolkmeier.

12 COMMISSIONER KOLKMEYER: Thank you, Judge.

13 JUDGE HATCHER: Like I said, this is an
14 official hearing of the Missouri Public Service
15 Commission, and the statements and testimony of the
16 witnesses will be recorded by the court reporter and are
17 given under oath.

18 The Commission has not made any decisions in
19 this case and they cannot answer any questions today,
20 because they do have to remain impartial until after all
21 of the evidence is presented. Let's go ahead and start
22 with counsel introductions. First we'll go with
23 NextEra.

24 MR. SCHULTE: Good evening, Judge Hatcher and
25 Commissioners. This is Andrew Schulte with the

1 Polsinelli Law Firm on behalf of NextEra Energy
2 Transmission, LLC, the applicant in this proceeding.
3 And also representing NEET Southwest is Anne Callenbach,
4 my colleague, also with Polsinelli.

5 JUDGE HATCHER: Thank you, sir. Next we'll go
6 to counsel for the Commission Staff.

7 MS. ASLIN: Casi Aslin for Commission Staff.

8 JUDGE HATCHER: Thank you. Next, Office of
9 the Public Counsel.

10 MR. WILLIAMS: Nathan Williams appearing on
11 behalf of the Office of the Public Counsel and the
12 public. My contact information is PO Box 2230,
13 Jefferson City, Missouri 65102.

14 JUDGE HATCHER: Thank you, sir. We do have
15 three intervenors in this case. They are not required
16 to be here, but I do want to give them an opportunity to
17 state for the record their attendance. First we have
18 the Southwest Power Pool also known as SPP.

19 MS. STARNES: Good evening. This is Heather
20 Starnes from Healey Law Offices. I am here on behalf of
21 Southwest Power Pool.

22 JUDGE HATCHER: Thank you, ma'am. And for
23 Everygy. And for Liberty.

24 Okay. The process that we're going to use for
25 tonight's hearing to receive public comments is to call

1 the names on our sign-up sheet. Tonight I have only one
2 name. What will happen is -- Well, we'll just do that
3 right now. The name I have is Greg Mowdy. And I'll ask
4 Mr. Mowdy to go ahead and unmute. If he is on a phone,
5 it is *6 to unmute. I will call for other witnesses who
6 did not sign up. So after I give Mr. Mowdy an
7 opportunity, I will call for any other witnesses that
8 have been here listening this evening and would like to
9 give comments.

10 Mr. Mowdy, can you speak up, please, Greg
11 Mowdy?

12 MR. MOWDY: Yes, sir, thank you very much.

13 JUDGE HATCHER: Thank you, sir. Let me swear
14 you in before you get started real quick.

15 Do you solemnly swear or affirm that the
16 testimony you are about to give is the truth, the whole
17 truth, and nothing but the truth?

18 MR. MOWDY: I do.

19 JUDGE HATCHER: Thank you. Go ahead. Please
20 tell us your comments.

21 GREG MOWDY,
22 having been duly sworn as a witness, testified as
23 follows:

24 MR. MOWDY: Yes, sir. Thank you very much. I
25 am a grandson to a family farm in Southeast Kansas and

1 Southwest Missouri. We have about a section and a half
2 worth of property that this line is proposed to go
3 through the middle of. That property is also signed up
4 in a solar contract that may or may not cause issues
5 with. That's really my biggest concern is two things:
6 One causing issues with that contract, which is a third
7 party, but also if that option does not go through this
8 line running through the middle of some highly valuable
9 farmland and causing disruption within our operation.

10 JUDGE HATCHER: Okay. And I forgot to ask.
11 Mr. Mowdy, would you confirm your last name is spelled
12 M-o-w-d-y?

13 MR. MOWDY: Yes, sir, that's correct.

14 JUDGE HATCHER: Okay. Thank you. Do you have
15 any other testimony you wanted to give, Mr. Mowdy?

16 MR. MOWDY: I believe that's it.

17 JUDGE HATCHER: Okay. Are there any
18 Commissioner questions for Mr. Mowdy?

19 COMMISSIONER HOLSMAN: No questions, Judge.
20 Thank you for being here today.

21 JUDGE HATCHER: Absolutely. Thank you,
22 Mr. Mowdy. Hearing no questions, the bench has no
23 questions. Thank you, Mr. Mowdy. You're, of course,
24 welcome to stay on the line.

25 MR. WILLIAMS: Judge Hatcher, if I may.

1 JUDGE HATCHER: Yes.

2 MR. WILLIAMS: My question is just about the
3 -- this is Nathan Williams. My question is just about
4 the nature of the farming activity on this section and a
5 half that the line may impact. If Mr. Mowdy would
6 address that, I would appreciate it.

7 JUDGE HATCHER: Yes, absolutely. Mr. Mowdy,
8 what kind of farm are you talking about?

9 MR. MOWDY: We are a cash crop farm. We do
10 farm corn, wheat, and soybeans. This section and a half
11 worth of property that this line is proposed to go
12 through, actually through the exact center of, has been
13 in the family for a lot of years. We've been able to
14 have some of this land become some of the most efficient
15 land that we farm because of taking a lot of trees out,
16 doing a lot of land improvement, water management, but
17 also very efficient as far as time efficiency. So it's
18 probably some of the most highly productive ground that
19 we've got. That's the reason why I'm concerned about if
20 the solar option doesn't go through and we do have a
21 power line right through the middle of it. We've also
22 heard that there's a possible substation that may go in
23 in the middle of that as well. That may be more rumor
24 than factual, but that would cause a fair amount of
25 efficiency issues.

1 MR. WILLIAMS: If I may, one other question.
2 Thank you for indicating that the land is being used for
3 crop farming. How much of the land is located in
4 Missouri versus Kansas?

5 MR. MOWDY: Of our farm or the proposed line?

6 MR. WILLIAMS: Farm.

7 MR. MOWDY: Our total farm, about 50 percent
8 is in Missouri and 50 percent is in Kansas.

9 MR. WILLIAMS: Thank you.

10 JUDGE HATCHER: Thank you. And I had not
11 opened that up for attorney questions, but Mr. Williams
12 raised a good point. So I would like to go ahead and
13 open that up if there's any other counsel that had some
14 follow-up questions for Mr. Mowdy. Okay. Hearing no
15 questions.

16 I'll turn again to our participants. If you
17 are on the phone, you unmute by pressing *6. That's the
18 asterisk and number 6. And if you're on a smart phone
19 or the app or the web page, there's going to be a little
20 microphone and a button if you move your mouse. Not a
21 button obviously but a link will show up at the bottom
22 of your screen with a microphone and that's how you
23 unmute.

24 Are there any other persons who would like to
25 testify tonight? We're going to give that a little

1 extra 30 seconds. And I know it's uncomfortable
2 silence, but unmuting and dealing with WebEx this is
3 just the best practices. Again, if you're on a phone,
4 if you called in a number, it's *6 to unmute. Okay.
5 Sometimes that happens.

6 If you are unable to unmute and wanted to give
7 testimony or you know somebody who wasn't able to be
8 here tonight and would like to provide their comment to
9 the Commission, they can still do that and provide a
10 written comment by going to the PSC's web page and that
11 is psc.mo.gov, g-o-v. And if you have any questions for
12 the Office of the Public Counsel, that was the attorney
13 who was asking the questions about the farmland, you can
14 communicate with that office at mopco -- this is an
15 email address -- @opc.mo.gov. Again, that's
16 mopco@opc.mo.gov.

17 Did I hear somebody on the line? Okay. Well,
18 I would again like to thank Mr. Mowdy. And I would like
19 to thank our Commissioners for being here tonight,
20 Commissioner Coleman, Commissioner Holsman, and
21 Commission Kolkmeyer, and also for all of the counsel
22 for being here. This will end our public hearing. This
23 meeting is now adjourned.

24 MR. WILLIAMS: Judge, if I may.

25 JUDGE HATCHER: We'll unadjourn that. Mr.

1 Williams, go ahead.

2 MR. WILLIAMS: I'd like to provide another
3 email address, the one that will go directly to me for
4 Public Counsel is nathan.williams@opc.mo.gov. Thank
5 you.

6 JUDGE HATCHER: Excellent. Okay. With that
7 note, we are adjourned and we are off the record.

8 (Thereupon, the hearing adjourned at 6:36
9 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
COUNTY OF COLE)

I, Beverly Jean Bentch, RPR, CCR No. 640, do hereby certify that I was authorized to and did stenographically report the foregoing Public Service Commission local public hearing and that the transcript, pages 1 through 12, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or counsel connected with the action, nor am I financially interested in the action.

Dated this 10th day of October, 2022.



Beverly Jean Bentch, RPR, CCR No. 640

<hr/> <p style="text-align: center;">2</p> <hr/> <p>2022 4:7</p> <p>2230 6:12</p> <p>29 4:7</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>345 4:11</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 7:5</p> <p>65102 6:13</p> <p>6:23 4:1</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9-mile 4:11</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>Absolutely 8:21</p> <p>accountants 4:24</p> <p>affirm 7:15</p> <p>ahead 4:2 5:21 7:4, 19</p>	<p>analysts 4:24</p> <p>Andrew 5:25</p> <p>Anne 6:3</p> <p>appearing 6:10</p> <p>applicant 6:2</p> <p>Application 4:10</p> <p>appointed 4:21</p> <p>Aslin 6:7</p> <p>attendance 6:17</p> <p>attorneys 4:24</p> <p>audio 4:5</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>Barton 4:12</p> <p>began 4:1</p> <p>behalf 6:1,11,20</p> <p>bench 8:22</p> <p>biggest 8:5</p> <p>Box 6:12</p>	<hr/> <p style="text-align: center;">C</p> <hr/> <p>call 6:25 7:5,7</p> <p>Callenbach 6:3</p> <p>case 5:19 6:15</p> <p>Casi 6:7</p> <p>causing 8:6,9</p> <p>chance 4:9 5:6</p> <p>charged 4:15</p> <p>Charles 5:1</p> <p>City 6:13</p> <p>Coleman 5:4</p> <p>colleague 6:4</p> <p>comment 4:10</p> <p>comments 6:25 7:9,20</p> <p>Commission 4:8,14,17,20 5:15,18 6:6,7</p> <p>Commissioner 5:7,9,10,12 8:18,19</p> <p>Commissioners 4:21,23 5:4, 5,25</p>	<p>companies 4:15</p> <p>concern 8:5</p> <p>confirm 8:11</p> <p>confirmed 4:22</p> <p>Construct 4:10</p> <p>contact 6:12</p> <p>contract 8:4,6</p> <p>correct 8:13</p> <p>counsel 5:22 6:6,9,11</p> <p>Counties 4:12</p> <p>court 5:16</p> <p>cut 4:5</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>decisions 5:18</p> <p>disruption 8:9</p> <p>duly 7:22</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>EA-2022-0234 4:13</p>
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