

**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, and Maintain a High Voltage, Direct) Case No. EA-2014-0207
Current Transmission Line and an Associated Converter)
Station Providing an interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

**UNITED FOR MISSOURI, INC.’S
POSITION STATEMENT**

COMES NOW United for Missouri, Inc. (“UFM”), by and through its attorney, and for its Position Statement, states as follows:

Introduction

On October 27, 2014, Staff of the Missouri Public Service Commission (“Staff”) on behalf of itself and all parties, except two, filed a List of Issues and Witnesses. The List of Issues contained therein identified three issues presented to the Missouri Public Service Commission (“Commission”) in this case. UFM herein provides a brief statement of its position on each of the three.

List of Issues

1. Does the evidence establish that the high-voltage direct current transmission line and converter station for which Grain Belt Express Clean Line LLC (“Grain Belt Express”) is seeking a certificate of convenience and necessity (“CCN”) are necessary or convenient for the public service?

No. Grain Belt Express has demonstrated that its project is a “merchant” transmission project that is not and will not be devoted to the public service. As a result, it should not receive a CCN and should certainly not obtain the right of eminent domain that arises from a CCN.

More specifically, the Commission typically analyzes applications for CCNs consistent with five factors discussed in its *Report and Order in In re Tartan Energy Co.*¹ The five factors identified therein, as well as UFM's positions as to each of the five factors, are as follows:

(1) There must be a need for the service the applicant proposes to provide;

There is no public need for the service the application proposes.

(2) The proposed service must be in the public interest;

The proposed service is not in the public interest requiring the issuance of a CCN.

(3) The applicant's proposal must be economically feasible;

UFM has no position on the economic feasibility of the project. Inasmuch as this is a merchant transmission project, it must be subjected to free market forces. The economic feasibility is within the sole determination of its private investors. Its economic feasibility is not something this Commission can or should endeavor to determine. The evidence supports this contention.

(4) The applicant must have the financial ability to provide the service; and

UFM has no position on the applicant's financial ability to provide the service.

(5) The applicant must be qualified to provide the proposed service.

UFM has no position on whether the applicant is qualified to provide the proposed service.

2. If the Commission grants the CCN, what conditions, if any, should the Commission impose?

UFM has no position on what conditions the Commission should impose upon Grain Belt Express through the issuance of the CCN, with one express proviso. The Commission should

¹ Case No. GA-94-127, *Order Granting Certificate of Convenience and Necessity* (September 16, 1994).

not utilize conditions to satisfy its role of determining from the record whether Grain Belt Express has satisfied its burden of proof in showing that the project for which it seeks a CCN is necessary or convenient for the public service. Many of the conditions recommended by Staff highlight the shortcomings of Grain Belt Express' application. Such shortcomings should not be remedied through the imposition of conditions in the CCN. Grain Belt Express must establish its case prior to receiving the CCN. To do otherwise would be to allow Grain Belt Express to receive a CCN without carrying its burden of proof and subject the project to piece meal litigation.

3. If the Commission grants the CCN, should the Commission exempt Grain Belt Express from complying with the reporting requirements of Commission rules 4 CSR 240-3.145, 4 CSR 240-3.165, 4 CSR 240-3.175, and 3.190(1), (2) and (3)(A)-(D)?

UFM has no position.

Respectfully submitted,

By: /s/ David C. Linton

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing pleading was sent to all parties of record in File No. EA-2014-0207 via electronic transmission this 7th day of November, 2014.

/s/ David C. Linton