

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**In the Matter of the Application of Grain )  
Belt Express Clean Line LLC for 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 345 kV transmission line. )**

Case No. EA-2016-0358

**OPPOSITION OF GRAIN BELT EXPRESS TO SHOW ME CONCERNED  
LANDOWNER’S MOTION TO COMPEL ANSWERS TO ITS THIRD SET OF DATA  
REQUESTS DIRECTED TO GRAIN BELT EXPRESS**

Grain Belt Express Clean Line LLC (“Grain Belt Express” or “Company”), pursuant to Commission Rule 4 CSR 240-2.090(8), states the following in Opposition to the Motion to Compel filed by Show Me Concerned Landowners (“Show Me”) on February 27, 2017:

1. On February 8, Show Me served its Third Set of Data Requests on the Company. On February 17, the Company served its objections to these data requests on the basis of their breadth, burden, relevance, and confidentiality.
2. In an effort to resolve this matter, on February 21, legal counsel for the Company and Show Me held a telephone call during which they discussed the data requests and the Company’s objections thereto. Legal counsel for Grain Belt Express explained its objections and legal counsel for Show Me explained the purpose of the data requests.
3. Legal counsel for the Company understood that the discussion resolved at least some of the dispute by narrowing the scope of the data requests. Accordingly, on February 27, Grain Belt Express responded, without waiving its objection, to Show Me’s data requests.
4. Nevertheless, and without notice or further discussion with the Company, Show Me filed its Motion to Compel on February 28. That same day, legal counsel for Gain Belt

Express sent an e-mail to legal counsel for Show Me explaining that his motion to compel was premature and in potential violation of 4 CSR 240-2.090(8). Indeed, Grain Belt Express had made a good-faith effort to resolve the dispute during the February 21 telephone call, and had provided responses. These responses further triggered the requirement for the parties to confer again in an attempt to resolve any outstanding issues before Show Me could resort to a motion to compel. Show Me's legal counsel then called the Company's legal counsel, after the motion to compel was filed, ostensibly to fulfill the requirements of 4 CSR 240-2.090(8).

5. Show Me's data requests are overly broad, unduly burdensome, encompass totally irrelevant material and communications, and request confidential information. Despite these objections Grain Belt Express has made every effort to provide documents to Show Me which are responsive to its data requests. (See Attachment 1).

6. Data Request 3.1 requests:

...all testimony filed for David Berry by Clean Line in Georgia Public Service Commission Docket No. 40161 and 40162. In addition, please provide all the following: (a) All workpapers of David Berry developed in support of thereof, and (b) All notes, documents, correspondence and communications of Clean Line employees or consultants related thereto.

7. These regulatory dockets are for the Plains & Eastern Clean Line transmission project, not the Grain Belt Express Project. The Company objected to this data request as being irrelevant to this proceeding. However, after the February 21 discussion with Show Me's legal counsel, Grain Belt Express provided the portion of Company witness David Berry's testimony dealing with the Production Tax Credit ("PTC"). The Company agreed that the PTC issue was applicable to both transmission projects. The Company also provided a 66 page analysis used by David Berry to support his testimony in this unrelated Georgia case and transmission project, conducted by Mark Bolinger of the Lawrence Berkeley National Laboratory regarding renewable

energy tax incentives. Despite the lack of relevancy to this proceeding, and after Show Me filed its motion to compel, Grain Belt Express provided all of David Berry's testimony in the Plains & Eastern Project in the Georgia PSC proceeding. The Company has attempted to satisfy Show Me's request, despite its lack relevancy, to no avail.

8. In addition to its irrelevance to this proceeding, the workpapers of David Berry's testimony in the Georgia proceeding, involving the Plains & Eastern Clean Line transmission project, were highly-confidential, subject to a confidentiality agreement with the purchasing utility, and no longer exist pursuant that confidentiality agreement.

9. Show Me's data request 3.2 asks for "all Clean Line employee's and consultant's note, documents, correspondence and communications related to the MISO Merchant HVDC Task Team or any issue raised therein." It is noteworthy that this data request does not mention the actual transmission project at issue in this proceeding, the Grain Belt Express Project. The Company objected to this data request as being irrelevant, overly broad, and unduly burdensome.

10. However, the Company also answered the data request in part, providing that it did not have any documents "regarding the Grain Belt Express Project **and** the MISO Merchant HVDC Task Team." (Emphasis added.) Show Me responded that "It is truly ironic that GBX's objection stated that the data request was unduly burdensome and, yet, its subsequent response claimed that it did not have any. Which is true?" Motion to Compel ¶3. The answer is both. The Company does not have any such correspondents or documents "regarding Grain Belt Express." The data request issued by Show Me asks for "any issue raised therein." Despite Show Me's unsubstantiated position, Grain Belt Express has made a good faith attempt to answer an overly-broad question in such a way as to provide relevant information to this proceeding.

11. The Company also provided 28 documents and correspondence between the Clean Line and MISO regarding the MISO Merchant HVDC Task Team. These documents do not involve the Grain Belt Express Project and the Company maintains that they are not relevant to this proceeding. But in yet another attempt to satisfy Show Me, the Company produced these documents.

12. Show Me's data request would have Grain Belt Express produce all communication with all the MISO Merchant HVDC Task Team *stakeholders* (not just MISO) about "any issue raised therein" regardless of its relevancy to the Grain Belt Express Project. This is obviously overly broad, unduly burdensome, and seeks irrelevant material.

13. Further, the practical consequence of allowing such discovery would be a profound chilling effect on the RTO stakeholder processes, which rely on an open exchange of information and ideas between the stakeholders. Grain Belt Express is not suggesting that if there were communication or documents within the context of the MISO Merchant HVDC Task Team dealing directly with the Grain Belt Express Project that such documents and communication would not be discoverable. But Show Me's data requests go to an extreme, asking this Commission to conduct an "any issue raised therein" dragnet of a MISO stakeholder process. As the Commission itself is a participant in the many MISO and SPP stakeholder processes it is well-positioned to understand the consequences of such a vastly overbroad discovery request.

14. Finally, with regard to Show Me's data request 3.3, the Company has fully responded.

WHEREFORE, Grain Belt Express Clean Line LLC requests that the Commission deny Show Me Concerned Landowners' Motion to Compel Answers to Its Third Set of Data Requests Directed to Grain Belt Express.

Respectfully submitted,

/s/ Karl Zobrist

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon all counsel of record in this case on this 10th day of March 2017.

/s/ Karl Zobrist

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Attorney for Grain Belt Express Clean Line LLC

**ATTACHMENT 1**

**DOCUMENTS SERVED IN RESPONSE TO  
SHOW ME'S THIRD DRS DIRECTED TO  
GRAIN BELT EXPRESS CLEAN LINE, LLC**

<b>Date</b>	<b>Description</b>
02/17/2017	Grain Belt's Objections to Show Me's Third Set of DRs
02/27/2017	Grain Belt's Responses to Show Me's Third Set of DRs
02/27/2017	Attachment 1 to DR 3.1, Grain Belt's Responses to Show Me's Third Set of DRs - Excerpted portion of D. Berry Direct Testimony
03/02/2017	Grain Belt's Supplemental Responses to Show Me's Third Set of DRs
03/02/2017	Attachment 1 to DR 3.1, Grain Belt's Responses to Show Me's Third Set of DRs - Direct Testimony of David Berry on behalf of Clean Line, Docket No. 40161 and 40162 before the Georgia Public Service Commission
03/02/2017	Attachment 1 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC Process Discussion - Merchant HVDC Task Team, 9/13/16 PowerPoint presentation
03/02/2017	Attachment 2 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC study process excel chart
03/02/2017	Attachment 3 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Draft Merchant HVDC Interconnection Procedure
03/02/2017	Attachment 4 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Draft Merchant HVDC Interconnection Procedure
03/02/2017	Attachment 5 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Draft Merchant HVDC Interconnection Procedure
03/02/2017	Attachment 6 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - MISO Merchant HVDC Task Team meeting agenda - 8/15/16
03/02/2017	Attachment 7 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC Process Discussion, Merchant HVDC Task Team 8/15/16
03/02/2017	Attachment 8 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Draft Merchant HVDC Interconnection Procedure

Date	Description
03/02/2017	Attachment 9 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Draft Merchant HVDC Interconnection Procedure
03/02/2017	Attachment 10 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC study process excel chart
03/02/2017	Attachment 11 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - MISO Merchant HVDC Task Team meeting agenda - 10/21/16
03/02/2017	Attachment 12 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC study process excel chart
03/02/2017	Attachment 13 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Draft Merchant HVDC Interconnection Procedure
03/02/2017	Attachment 14 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - SOO Green MISO HVDC Comments 9/23/2016
03/02/2017	Attachment 15 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Emerging Technologies and Transmission Planning - Board of Directors System Planning Committee - 6/21/2016 PowerPoint presentation
03/02/2017	Attachment 16 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - MISO South Market Efficiency Planning Study Workshop 3/26/2014
03/02/2017	Attachment 17 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC Process Discussion - Merchant HVDC Task Team - 10/21/16 PowerPoint presentation
03/02/2017	Attachment 18 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - MISO Merchant HVDC Task Team meeting agenda - 11/4/16
03/02/2017	Attachment 19 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC Process Discussion - Merchant HVDC Task Team - 11/4/16 PowerPoint presentation
03/02/2017	Attachment 20 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Draft Merchant HVDC Interconnection Procedure
03/02/2017	Attachment 21 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Memorandum dated 10/28/2016 from Entergy Operating Companies to Paul Muncy

Date	Description
03/02/2017	Attachment 22 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - 11/2/2016 email from Steve Leovy to Paul Muncy regarding Draft Merchange HVDC Procedure
03/02/2017	Attachment 23 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - MISO Merchant HVDC Task Team meeting agenda - 11/18/16
03/02/2017	Attachment 24 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC Process Discussion - Merchant HVDC Task Team - 11/18/16 PowerPoint presentation
03/02/2017	Attachment 25 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - Merchant HVDC Task Team - 11/18/16 PowerPoint presentation
03/02/2017	Attachment 26 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - MISO Merchant HVDC Task Team meeting agenda - 12/9/16
03/02/2017	Attachment 27 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - HVDC Process Discussion - Merchant HVDC Task Team - 12/9/16 PowerPoint presentation
03/02/2017	Attachment 28 to DR 3.2, Grain Belt's Responses to Show Me's Third Set of DRs - MISO Merchant HVDC service agreement