

**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, ) **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 )

**ORDER DENYING MOTION TO DISMISS OR HOLD CASE IN ABEYANCE**

Issue Date: April 3, 2017

Effective Date: April 3, 2017

On March 28, 2017, the Missouri Landowners Alliance (“MLA”) filed a motion to dismiss the application of Grain Belt Express Clean Line LLC or, in the alternative, hold this case in abeyance for a period not to exceed six months (“Motion”). MLA also requests expedited treatment so that the Commission acts on the Motion no later than April 3, 2017. Show Me Concerned Landowners supports the Motion, but the Motion is opposed by all other parties submitting responses.

The request to dismiss the Grain Belt Express application is based on a recent opinion of the Missouri Western District Court of Appeals in the *Matter of Ameren Transmission Co. of Illinois*, No. WD 79883, 2017 WL 1149139 (Mo. Ct. App. Mar. 28, 2017) (“Neighbors United”). However, no mandate in the Neighbors United case has been entered, so the opinion is not yet final.<sup>1</sup> Since the request to dismiss the Grain Belt Express application in the Motion is premature, the Commission will deny that request.

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<sup>1</sup> *Philmon v. Baum*, 865 S.W.2d 771, 774 (Mo. App. 1993). In addition, it is possible that one or more parties to the Neighbors United case will request rehearing or transfer to the Missouri Supreme Court.

With regard to MLA's request to hold the case in abeyance for six months, the Commission is persuaded by the arguments of several parties opposing the Motion that continuing with the current procedural schedule will be more time and cost efficient, as brief writing is best performed while memories of the facts and evidence are fresh in the mind. The Commission will deny the request to hold the case in abeyance.

**THE COMMISSION ORDERS THAT:**

1. The Missouri Landowners Alliance's Motion for Expedited Treatment and Motion to Dismiss Application, or Alternatively, to Hold Case in Abeyance, filed on March 28, 2017, is denied.
2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Michael Bushmann, Senior Regulatory Law  
Judge by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 3<sup>rd</sup> day of April, 2017.

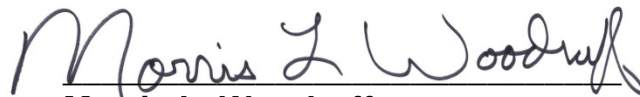
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS** my hand and seal of the Public Service Commission,  
at Jefferson City, Missouri, this 3<sup>rd</sup> day of April 2017.



  
Morris L. Woodruff  
Secretary

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 3, 2017**

**File/Case No. EA-2016-0358**

**Missouri Public Service Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Hampton Williams  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**Charles Henke**

Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Consumers Council of Missouri**

John B Coffman  
871 Tuxedo Blvd.  
St. Louis, MO 63119-2044  
john@johncoffman.net

**Grain Belt Express Clean Line, LLC**

Lisa A Gilbreath  
254 Commercial Street  
Portland, ME 04111-0410  
lgilbreath@pierceatwood.com

**Grain Belt Express Clean Line, LLC**

Joshua Harden  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
joshua.harden@dentons.com

**Grain Belt Express Clean Line, LLC**

Karl Zobrist  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
karl.zobrist@dentons.com

**IBEW Local Union 2**

Sherrie Hall  
7730 Carondelet Ave., Ste. 200  
St. Louis, MO 63105  
sahall@hammondshinners.com

**IBEW Local Union 2**

Emily Perez  
7730 Carondelet Ave., Suite 200  
St. Louis, MO 63105  
eperez@hammondshinners.com

**IBEW Local Union No. 53**

Sherrie Hall  
7730 Carondelet Ave., Ste. 200  
St. Louis, MO 63105  
sahall@hammondshinners.com

**IBEW Local Union No. 53**

Emily Perez  
7730 Carondelet Ave., Suite 200  
St. Louis, MO 63105  
eperez@hammondshinners.com

**Infinity Wind Power**

Terri Pemberton  
3321 SW 6th Ave  
Topeka, KS 66606  
terri@caferlaw.com

**Matthew and Christina Reichert**

Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Missouri AFL-CIO**

James Faul  
4399 Laclede Ave.,  
St. Louis, MO 63108  
jfaul@hghllc.net

**Missouri Department of Economic Development**

Brian T Bear  
301 W. Hight St., Room 680  
P.O. Box 1766  
Jefferson City, MO 65102  
brian.bear@ded.mo.gov

**Missouri Farm Bureau**

Brent E Haden  
827 E Broadway  
Columbia, MO 65201  
brent@hadenlaw.com

**Missouri Industrial Energy Consumers (MIEC)**

Lewis Mills  
221 Bolivar Street, Suite 101  
Jefferson City, MO 65101-1574  
lewis.mills@bryancave.com

**Missouri Industrial Energy Consumers (MIEC)**

Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bryancave.com

**Missouri Joint Municipal Electric Utility Commission**  
Douglas Healy  
3010 E. Battlefield, Suite A  
Springfield, MO 65804  
doug@healylawoffices.com

**Missouri Joint Municipal Electric Utility Commission**  
Penny Speake  
3010 E. Battlefield, Suite A  
Springfield, MO 65804  
penny@healylawoffices.com

**Missouri Joint Municipal Electric Utility Commission**  
Peggy A Whipple  
514 E. High Street, Suite A  
Jefferson City, MO 65101  
peggy@healylawoffices.com

**Missouri Landowners Alliance**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Missouri Public Service Commission**  
Nathan Williams  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
nathan.williams@psc.mo.gov

**Missouri Retailers Association**  
Diana M Vuylsteke  
211 N. Broadway, Suite 3600  
St. Louis, MO 63102  
dmvuylsteke@bryancave.com

**Natural Resources Defense Council**  
Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**R. Kenneth Hutchinson**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Randall Meyer**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Renew Missouri**  
Andrew J Linhares  
1200 Rogers Street, Suite B  
Columbia, MO 65201-4744  
Andrew@renewmo.org

**Robyn Henke**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Rockies Express Pipeline**  
Colly J Durley  
111 S. Ninth St., Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
Durley@smithlewis.com

**Rockies Express Pipeline**  
Sarah E Giboney  
111 South Ninth Street, Suite 200  
P.O. Box 918  
Columbia, MO 65205-0918  
giboney@smithlewis.com

**Roseanne Meyer**  
Paul A Agathen  
485 Oak Field Ct.  
Washington, MO 63090  
paa0408@aol.com

**Show Me Concerned Landowners**  
David C Linton  
314 Romaine Spring View  
Fenton, MO 63026  
Jdlinton@reagan.com

**Sierra Club**  
Henry B Robertson  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
hrobertson@greatriverslaw.org

**The Wind Coalition**  
Sean Brady  
PO Box 4072  
Wheaton, IL 60189-4072  
sbrady@windonthewires.org

**The Wind Coalition**  
Deirdre K Hirner  
2603 Huntleigh Place  
Jefferson City, MO 65109  
dhirner@awea.org

**Wal-Mart Stores, Inc.**  
David Woodsmall  
807 Winston Court  
Jefferson City, MO 65101  
david.woodsmall@woodsmalllaw.com

**Wind on the Wires**  
Sean Brady  
PO Box 4072  
Wheaton, IL 60189-4072  
sbrady@windonthewires.org

**Wind on the Wires**  
Deirdre K Hirner  
2603 Huntleigh Place  
Jefferson City, MO 65109  
dhirner@awea.org

**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large initial "M".

**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.