

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 19th day of October, 2016.

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 SETTING PROCEDURAL SCHEDULE AND OTHER
PROCEDURAL REQUIREMENTS**

Issue Date: October 19, 2016

Effective Date: October 19, 2016

On October 5, 2016, the Commission's Staff, on behalf of itself and other parties¹, filed a proposed procedural schedule. Ten days have elapsed and no party has objected to the proposed procedural schedule.² The proposed procedural schedule contained two alternate schedules, each one supported by different groups of parties. The Commission will establish a procedural schedule that best accommodates the Commission's current hearing calendar and will order additional procedural requirements.

To ensure that discovery disputes can be promptly resolved, the Commission will exercise its authority under Section 386.240, RSMo 2000, by delegating its authority to the presiding regulatory law judge to rule on discovery disputes and to rule on all motions to

¹ The filing was joined by all parties of record except for the Office of the Public Counsel, Missouri Industrial Energy Consumers, Missouri Retailers Association, and Missouri AFL-CIO.

² Commission rule 4 CSR 240-2.080(13) provides that parties shall be allowed ten days from the date of filing in which to respond to any pleading unless otherwise ordered by the Commission.

compel discovery. The Commission will address the scheduling of local public hearings in a separate order.

THE COMMISSION ORDERS THAT:

1. The following procedural schedule is established:

Date	Event
January 24, 2017	Rebuttal testimony
February 21, 2017	Surrebuttal/cross-surrebuttal testimony
March 7, 2017	Last day to issue discovery requests
March 7, 2017	Joint list of issues and witnesses
March 9, 2017	Joint order of witnesses, order of parties for cross-examination, order of opening statements
March 13, 2017	Position statements
March 15, 2017	Last day to file motion to compel discovery
March 20-24, 2017	Evidentiary hearing
April 10, 2017	Initial briefs
April 24, 2017	Reply briefs
April 25, 2017	Proposed findings of fact and conclusions of law

2. The evidentiary hearing is scheduled for March 20-24, 2017, beginning at 8:30 a.m. The hearing will be held in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. Any person requiring additional accommodations to participate in the hearing shall call the Missouri Public Service Commission's Hotline at 800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. The parties shall comply with the following additional procedural requirements:

- A. All parties shall provide copies of testimony (including schedules), exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings where the information is available in electronic format. Parties shall not be required to put

information that does not exist into electronic format for purposes of exchanging it.

- B. Whenever possible, data request questions should not contain either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be prominently marked and appropriately designated as such pursuant to 4 CSR 240- 2.135.
- C. Data request responses will be served on counsel for the requesting party and on the requesting party's employee or representative who submitted the data request and shall be served electronically, if feasible and not voluminous as defined by Commission rule. When serving data requests, counsel for each party shall send to counsel for each other party an electronic copy of the text of data request "descriptions." If the description contains highly confidential or proprietary information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy.
- D. Any party seeking the response to a data request that has been issued by another party shall request a copy of the response from the party answering the data request.
- E. Data requests, objections, or notifications respecting the need for additional time to respond shall be sent via e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list but shall assume responsibility for compliance with any restrictions on confidentiality.
- F. Responses to Staff data requests must be submitted in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by Staff counsel, if infeasible. All data requests to Staff must be submitted in EFIS.
- G. For data requests served after October 19, 2016, the response time for all data requests shall be 10 calendar days to provide the requested information, and 5 business days to object or notify that more than 10 calendar days will be needed to provide the requested information. Data requests sent after 5:00 p.m. will be considered served on the next business day.
- H. Workpapers that were prepared in the course of developing a witness' testimony (including schedules) and exhibits should not be filed with the Commission but shall be submitted to each party

within 2 business days following the filing of the particular testimony, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing highly confidential or proprietary information should be appropriately marked. Counsel shall undertake to advise other counsel if the sponsored witness has no workpapers related to the round of testimony within the time allowed for providing those workpapers.

- I. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in the original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact. Grain Belt Express Clean Line LLC shall deliver its workpapers to Staff in electronic format by e-mail or, if not practical, by electronic storage medium.
- J. All filings made through the Commission's Electronic Filing and Information System (EFIS) will be timely filed if filed before midnight on the date the filing is due. Documents filed in EFIS are considered properly served by serving the same on counsel of record for all other parties via e-mail essentially contemporaneously with the EFIS filing.
- K. Any pending written discovery motion may be ruled upon by the presiding regulatory law judge either on the record or in a written order.
- L. All data requests, subpoenas duces tecum, or other discovery requests, such as requests for admission, shall be issued no later than March 7, 2017. With respect to deposing witnesses, depositions must be completed at least three business days before the date that the witness will testify on the issue(s) in the evidentiary hearings, unless witness availability requires that a deposition be conducted within less than three days. All motions to compel a response to any discovery request shall be filed no later than March 15, 2017.
- M. Testimony shall be prefiled as defined in Commission Rule 4 CSR 240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- N. The parties shall agree upon and Staff shall file a list of the issues to be heard, the witnesses to appear on each day of the hearing,

the order in which they will be called, the order of party cross-examination for each witness, and the order of opening statements. The list of issues shall be stated with particularity. If the parties are unable to agree to an issues list, each party shall file a separate issues list.

- O. Each party shall file a simple and concise statement summarizing its position on each disputed issue.
- P. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 4 CSR 240-2.080. Briefs shall follow the same list of issues as filed in the case and must set forth and cite the proper portions of the record concerning the unresolved issues that the parties believe require decision by the Commission.
- Q. All parties shall bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has not been prefiled, the party offering it must bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.
- R. Exhibit numbers are assigned in the following manner:

Grain Belt Express Clean Line, LLC	100-199
Commission's Staff	200-299
Missouri Landowners Alliance	300-399
Show Me Concerned Landowners	400-449
Office of Public Counsel	450-474
Mo. Joint Municipal Elec. Utility Comm.	475-499
Missouri Farm Bureau	500-524
Missouri Dept. of Economic Development	525-549
Matthew and Christina Reichert	550-574
Randall and Roseanne Meyer	575-599
Charles and Robyn Henke	600-624
Rockies Express Pipeline	625-649
Sierra Club	650-674
The Wind Coalition	675-699
Wind on the Wires	700-724
Natural Resources Defense Council	725-749
IBEW Unions (2 and 53)	750-799
Missouri Industrial Energy Consumers	800-824
R. Kenneth Hutchison	825-849
Renew Missouri	850-874
Infinity Wind Power	875-899
Walmart Stores, Inc.	900-924
Consumers Council of Mo.	925-949

Missouri Retailers Association
Missouri AFL-CIO

950-974
975-999

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Grain Belt Express has exhibits in addition to exhibit number 199, its next exhibit numbers would be 1100, 1101, 1102, etc.

- S. Each party shall prepare a list of its pre-filed, pre-marked exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than March 16, 2017. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

4. 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

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Bushmann, Senior Regulatory Law Judge

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 19th day of October 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 19, 2016

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
James Owen
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.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 64111-0410
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
Glenda Cafer
3321 SW 6th Ave
Topeka, KS 66606
glenda@caferlaw.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
Alexander Antal
301 West High St.
P.O. Box 1157
Jefferson City, MO 65102
Alexander.Antal@ded.mo.gov

Missouri Farm Bureau
Brent E Haden
827 E Broadway
Columbia, MO 65201
brent@hadenlaw.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 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

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