

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

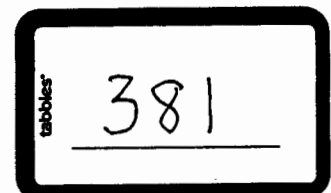
In the Matter of the Application of Grain Belt Express)	
Clean Line LLC for a Certificate of Convenience and)	
Necessity Authorizing it to Construct, Own, Operate,)	
Control, Manage, and Maintain a High Voltage, Direct)	Case No. EA-2016-0358
Current Transmission Line and an Associated Converter)	
Station Providing an interconnection on the Maywood-)	
Montgomery 345 kV Transmission Line)	

Objections of the Missouri Landowners Alliance (MLA) to
Certain Evidence Submitted by Mr. Mark Lawlor

The MLA objects to the following pre-filed testimony and Schedules of Mr. Mark Lawlor:

1. Schedule MOL-7 to Mr. Lawlor’s direct testimony, on the ground that it was derived from and is dependent on Schedule AES-2 to Mr. Spell’s rebuttal testimony, and thus as explained more fully in paragraph 7 of the Motion of Missouri Landowners Alliance to Strike Certain Pre-Filed Evidence on the Basis of Section 536.070(11) RSMo, filed on March 6, 2017, Schedule MOL-7 amounts to inadmissible fruit of a poisonous tree (Schedule AES-2) under Section 536.070(11) RSMo. In addition, the MLA objects to the following testimony of Mr. Lawlor which quotes from and/or relies on his Schedule MOL-7: his direct testimony at page 15 lines 4-13; and his surrebuttal testimony at page 2 lines 5-17.

2. Mr. Lawlor’s direct testimony at page 3 lines 15-19, where he makes reference to a study supposedly showing that Grain Belt’s contract with MJMEUC will save \$10 million per year compared to an existing fossil fuel contract. This study was not conducted by Mr. Lawlor, and no foundation has been laid for its introduction, as explained in more detail in paragraph 8 of the Motion of Missouri Landowners Alliance



to Strike Certain Pre-Filed Evidence on the Basis of Section 536.070(11) RSMo, filed on March 6, 2017. Mr. Lawlor's references to this study are therefore inadmissible hearsay.

3. The MLA objects on two grounds to the pre-filed surrebuttal testimony of Mr. Lawlor at page 1 lines 17-19, where he in effect states that in the recent ATXI case the Commission rejected the notion that county commissions have a de facto veto power over policy decisions of this Commission. First, this amounts to a legal opinion, and as Grain Belt recently noted, "The general rule in Missouri is that expert testimony is not admissible on issues of law..."¹ Yet in its Position Statement, Grain Belt cites this testimony for the legal proposition that "failure to obtain all Section 229.100 consents does not preclude the Commission from granting a CCN conditioned upon producing them in the future. (GBE Position Statement, p. 4)

Second, Mr. Lawlor's assertion is simply wrong. In the page of the ATXI Order cited by Mr. Lawlor, the Commission actually stated that the statute in question does require County Commission approval before ATXI could exercise the CCN granted by the Commission. The only question there was whether the county consents were needed before the CCN could be issued, or whether they could be obtained at a later date. So while not stated in those terms, the Commission recognized that the counties do in effect have a de facto statutory veto power over electrical facilities approved by this Commission.

4. The MLA objects to Mr. Lawlor's surrebuttal testimony at page 11 line 23 – page 12 line 1, where he states that the income and market approaches used by the Missouri State Tax Commission are likely to increase the fair market value of the Project

¹ Grain Belt Express' Motion to Strike Intervenor Show Me Witness Ron Calzone's Rebuttal Testimony, p. 3 par. 7, filed March 14, 2017.

compared to the cost approach. Again, this amounts to opinion testimony on a subject for which Mr. Lawlor has not been qualified as an expert.