

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 21st day
of December, 2022.

In the Matter of the Application of Grain)
Belt Express LLC for an Amendment to its)
Certificate of Convenience and Necessity)
Authorizing it to Construct, Own, Operate,)
Control, Manage, and Maintain a High)
Voltage, Direct Current Transmission Line)
and Associated Converter Station)

File No. EA-2023-0017

ORDER DENYING MOTION FOR SUMMARY DISPOSITION

Issue Date: December 21, 2022

Effective Date: December 21, 2022

On August 24, 2022, Grain Belt Express LLC (Grain Belt) filed an application seeking an order amending its certificate of convenience and necessity (CCN) granted in File No. EA-2016-0358. The Commission directed notice and granted various requests to intervene. On October 28, 2022, the Missouri Landowners Alliance (MLA)¹ filed a motion requesting summary disposition of the application on the grounds that Grain Belt had abandoned its previous CCN by filing for an amendment to it. Grain Belt, Staff of the Commission (Staff), and Renew Missouri Advocates d/b/a Renew Missouri each filed timely responses in opposition to the motion.

For the Commission to grant a motion for summary disposition, the Commission must determine: (1) there is no genuine dispute as to any material fact; (2) a party is entitled to relief as a matter of law; and (3) summary disposition is in the public interest.²

¹ The motion was filed on behalf of the MLA, the Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners, Norman Fishel, Gary and Carol Riedel, and Dustin Hudson. For convenience, this group was collectively referred to as "MLA" in the motion and will be referred to similarly in this order.

² Commission Rule 20 CSR 4240-2.117(1)(E).

MLA summarizes its theory for summary disposition stating that “once Grain Belt filed for major modifications to the CCN granted by the Commission in Case No. EA-2016-0358, it abandoned that CCN. Accordingly, Grain Belt no longer has a valid CCN which might be amended in this proceeding.”³

Pursuant to its authority under Section 393.170, RSMo, the Commission granted a CCN to Grain Belt authorizing it to construct and operate its proposed 206-mile long HVDC transmission line across eight counties in northern Missouri.⁴ That CCN is subject to several conditions, including that Grain Belt file an updated application and return to the Commission for further review and determination “if the design and engineering of the project is materially different from how the Project is presented in Grain Belt Express Clean Line LLC’s Application”⁵ as filed in File No. EA-2016-0358.⁶

There is a factual dispute between the parties as to whether or not Grain Belt has abandoned the CCN granted in EA-2016-0358. There is also a dispute as to the legal implications of the alleged abandonment on an application for a new CCN if the Commission finds that an abandonment of the prior CCN did occur. These factual and legal disputes demonstrate that MLA has not met its burden of proving that it is entitled to judgment as a matter of law.

³ Motion for Summary Disposition, (filed October 28, 2022), p. 1.

⁴ File No. EA-2016-0358, *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 Current Transmission Line and an Associated Converter Station Providing an Interconnection on the Maywood – Montgomery 345kV Transmission Line*, Report and Order on Remand, (issued March 20, 2019) (“Report and Order on Remand”); Motion for Summary Disposition, paras. 1 and 2; and Grain Belt Express LLC’s Response to Motion for Summary Disposition (“Response to Motion”), Attachment A, Response to MLA’s Statement of Facts and State of Additional Facts (“Attachment A”), paras. 1 and 2.

⁵ Report and Order on Remand, p. 52, Ordered Paragraph 6.

⁶ Motion for Summary Disposition, para. 15; and Response to Motion, Attachment A, para. 15.

The Commission has authority under Section 393.170, RSMo, to grant a CCN in the new area requested and to grant a certificate that is different than the one that was previously granted. Grain Belt is entitled to have the Commission consider its application for a different CCN based on the facts and law surrounding that application after a hearing on any disputed facts. Thus, the Commission determines that MLA is not entitled to summary disposition as a matter of law. The Commission will deny MLA's motion for summary disposition.

THE COMMISSION ORDERS THAT:

1. The *Motion for Summary Disposition* filed by MLA is denied.
2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Dippell, Deputy Chief 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 21st day of December, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 21, 2022

File/Case No. EA-2023-0017

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

Sincerely,



**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.