

**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 MOTIONS TO COMPEL**

Issue Date: March 13, 2017

Effective Date: March 13, 2017

On August 30, 2016, Grain Belt Express Clean Line LLC (“Grain Belt Express”) filed an application with the Missouri Public Service Commission (“Commission”) for a Certificate of Convenience and Necessity to construct, own, operate, control, manage and maintain a high voltage, direct current transmission line and associated facilities within Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, Monroe and Ralls Counties, Missouri, as well as an associated converter station in Ralls County. In its *Order Setting Procedural Schedule and Other Procedural Requirements* issued on October 19, 2016, the Commission ordered that any pending written discovery motion may be ruled upon by the presiding regulatory law judge either on the record or in a written order.

On February 28, 2017, the Missouri Landowners Alliance (“MLA”) filed a motion seeking to compel Grain Belt Express to respond to certain data requests submitted to Grain Belt Express witness Prescott Hartshorne. Also on February 28, Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners (“Show Me”) filed a motion to compel Grain Belt Express to respond to several data requests. On March 2, 2017, MLA

filed a motion to compel answers to certain data requests submitted to Infinity Wind Power (“Infinity”). On March 7, 2017, the Missouri Joint Municipal Electric Utility Commission (“MJMEUC”) filed a motion to compel MLA to respond to nine data requests directed to MLA witness Joseph Jaskulski. The Commission will rule on each of these motions in this order.

MLA motion regarding Prescott Hartshorne

Prescott Hartshorne is an employee of National Grid USA who has submitted testimony on behalf of Grain Belt Express in this case. MLA issued two data requests to Grain Belt Express asking it to produce documents written or compiled by National Grid USA concerning its decision whether to make an additional investment in Grain Belt Express and one data request concerning the estimated dollar value of any of Clean Line’s transmission projects after those projects are in service. Grain Belt Express objected to the data requests on the grounds that National Grid USA is not a party to this case, and the requested documents are not relevant or reasonably calculated to lead to the discovery of admissible evidence.

Parties may obtain discovery regarding any matter, not privileged, that is relevant to a pending action or reasonably calculated to lead to the discovery of admissible evidence.<sup>1</sup> National Grid USA is not a party to this proceeding. Grain Belt Express states that National Grid USA is also not an investor in Clean Line, the parent company of Grain Belt Express, as that investment was made by National Grid USA’s own parent company. The timing of investment decisions by some other corporate entity not before the Commission is

---

<sup>1</sup> Mo. Sup. Ct. Rule 56.01(b)(1). Commission Rule 4 CSR 240-2.090(1) provides that discovery in matters before the Commission may be obtained by the same means and under the same conditions as in civil actions in the circuit court.

speculative and not relevant to the issues before the Commission for resolution, so the first two data requests are not relevant. The third data request is not limited to the Grain Belt Express project, so that data request is overbroad and calls for information that is not relevant to this case. The Commission will deny the motion to compel for all three data requests.

#### Show Me motion to compel

Show Me served three data requests on Grain Belt Express, requesting information on (1) testimony filed by David Berry at the Georgia Public Service Commission on an unrelated case; (2) documents and communications related to the MISO Merchant HVDC Task Team; and (3) identification of a Grain Belt Express witness in this case competent to answer questions about communications with the MISO Merchant HVDC Task Team. Grain Belt Express objected to the data requests on the grounds that they are overly broad, unduly burdensome, are irrelevant, and request confidential information. Nevertheless, it appears from Grain Belt Express' response to the motion to compel that it has provided the information requested anyway, to the extent that this information exists. With regard to the second data request, Grain Belt Express asserts that information in response to that request that is unrelated to the Grain Belt Express project would be overbroad and irrelevant, and the Commission agrees. The Commission will deny the motion to compel.

#### MLA motion to compel Infinity Wind Power

MLA submitted two data requests to Infinity which requested copies of financial statements for Infinity and its subsidiary. Infinity objected to the data requests on the grounds that the information sought is not relevant and is highly confidential. MLA argues that the financial condition of Infinity is relevant in determining whether MJMEUC might

purchase capacity on the Grain Belt Express transmission line. Infinity argues that the relevant issue is whether Grain Belt Express has the financial ability to provide the service for which it seeks approval by the Commission, not whether a non-applicant such as Infinity has financial ability. The Commission finds the arguments of Infinity persuasive, and concludes that the information sought by MLA is not relevant to this proceeding. The Commission will deny the motion to compel.

#### MJMEUC motion to compel

MJMEUC submitted nine data requests to MLA, of which one has already been answered by MLA. The remaining eight data requests are directed at MLA witness Joseph Jaskulski's qualifications, potential bias, and opinion regarding the cost of the Grain Belt Express project. MLA objected, alleging that the questions were vague, ambiguous, overly broad, irrelevant, or improperly calling for a legal conclusion.

Data requests are similar to written interrogatories, which "should not call for opinions or the conclusions of the person interrogated or require him to resort to speculation or conjecture as to what is intended. Whether questions are proper in form and substance is for the determination of the trial court; and the court should keep in mind that if an objection is sustained the interrogator has the right to reframe and resubmit the question in proper form or to propound additional ones."<sup>2</sup> MJMEUC is correct that, in general, it has the right to inquire about Mr. Jaskulski's qualifications and bias, and discovery requests limited in time and subject matter are not overly burdensome. However, the Commission finds that the wording of the eight data requests in dispute is not sufficiently specific

---

<sup>2</sup> *State ex rel. Hof v. Cloyd*, 394 S.W.2d 408, 411 (Mo. 1965).

concerning what information is being requested. Since some of the words of the data requests were not adequately defined, MLA would be required to make assumptions about their meaning. Therefore, the data requests are vague and overly broad, and the Commission will deny the motion to compel.

**THE COMMISSION ORDERS THAT:**

1. The Missouri Landowners Alliance’s motion to compel against Grain Belt Express Clean Line LLC filed on February 28, 2017, is denied.
2. Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners’ motion to compel against Grain Belt Express Clean Line LLC filed on February 28, 2017, is denied.
3. The Missouri Landowners Alliance’s motion to compel against Infinity Wind Power filed on March 2, 2017, is denied.
4. The Missouri Joint Municipal Electric Utility Commission’s motion to compel against the Missouri Landowners Alliance filed on March 7, 2017, is denied
5. 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

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

Dated at Jefferson City, Missouri,  
on this 13<sup>th</sup> day of March, 2017.

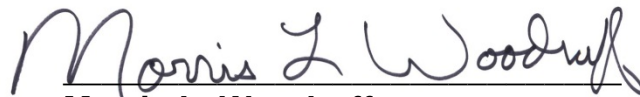
**STATE OF MISSOURI**

**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 13<sup>th</sup> day of March 2017.



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**March 13, 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  
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**

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@woodsmallllaw.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,***



***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.