

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 24<sup>th</sup> day of March, 2021.

Missouri Landowners Alliance, Eastern )  
Missouri Landowners Alliance d/b/a Show )  
Me Concerned Landowners, and John G. )  
Hobbs, )  
Complainants, )  
v. )  
Grain Belt Express, LLC, and Invenergy )  
Transmission, LLC, )  
Respondents. )

**File No. EC-2021-0059**

**ORDER REGARDING COMPLAINANTS' MOTION FOR WAIVER OF  
THE RULE REQUIRING THE FILING OF DIRECT TESTIMONY OR,  
ALTERNATIVELY, TO EXTEND THE PROCEDURAL SCHEDULE**

Issue Date: March 24, 2021

Effective Date: March 24, 2021

On March 10, 2021, Complainants filed the public and confidential portions of their direct case, which consisted of ten exhibits but no direct testimony. On March 19, 2021, the Commission ordered Complainant to file direct testimony explaining their entire case-in-chief pursuant to Commission Rule 20 CSR 4240-2.130(7)(A). In response Complainants filed a motion for waiver of Commission Rule 20 CSR 4240-2.130(7)(A), to the extent that it requires Complainants to file actual testimony as part of their case-in-chief.

In support of its request, Complainants assert that their case-in-chief consists of documents generated by the opposing side, which they believe speak for themselves and fully explain their case-in-chief. Complainants also have concerns about their witnesses

and compliance with the Commission's confidentiality rules, as some of the exhibits Complainant intends to use were designated by Respondents as confidential. Complainants further assert that they would be unable to meet the Commission's March 23, 2021, deadline to file conforming direct testimony. Complainants, in the alternative, propose the Commission extend the procedural schedule ten days to allow for the filing of conforming direct testimony.

On March 22, 2021, the Commission issued an order shortening the time for responses to Complainants' motion to March 23, 2021. Respondents timely filed a response opposing Complainants' requested relief. Respondents ask that the Commission dismiss the complaint if Complainants fail to file direct testimony by the March 23, 2021, deadline.

Typically, complaint cases filed pursuant to Section 386.390, RSMo before the Commission do not have prefiled testimony. Unlike rate cases and other large cases before the Commission, most complaint cases do not have numerous parties and dozens of highly technical issues presented over a period of days or weeks. This complaint, like many complaints, involves a few parties with only a single issue for the Commission's determination at a one day hearing. In this complaint, the Commission ordered the pre-filing of testimony only because that was included in the procedural schedule proposed by the parties. The Commission previously modified the procedural schedule to dispense with prefiled rebuttal testimony and instead present rebuttal live at the evidentiary hearing on April 1, 2021, due to Complainants direct case filings. Dispensing with prefiled testimony entirely is consistent with how most complaints are conducted and treats the parties equally.

Commission Rule 20 CSR 4240-2.130(9) provides that in any case, the Commission may direct that testimony be taken live rather than prepared in advance. Therefore, the Commission need not address Complainants' request for waiver of Commission Rule 20 CSR 4240-2.130(7)(A), concerning the filing of direct testimony. The Commission will dispense with prefiled testimony under Commission Rule 20 CSR 4240-2.130(9) in this complaint case, and order that all parties present their cases live at the evidentiary hearing.

**THE COMMISSION ORDERS THAT:**

1. All parties shall present their cases live at the evidentiary hearing on April 1, 2021.
2. The remainder of the procedural schedule is unchanged.
3. The additional procedural requirements contained in ordered paragraph five of the Commission's January 20, 2021, Order Establishing Procedural Schedule and Other Procedural Requirements, not specifically modified by this order, remain effective.
4. This order is effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

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

Clark, Senior Regulatory Law Judge