

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 16th day of December, 2020.

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 DIRECTING ADDITIONAL BRIEFING

Issue Date: December 16, 2020

Effective Date: December 16, 2020

On September 2, 2020,¹ Missouri Landowners Alliance and Eastern Missouri Landowners Alliance DBA Show Me Concerned Landowners and John G. Hobbs (“Complainants”) filed a complaint against Grain Belt Express LLC and Invenergy Transmission LLC (“Respondents”). It alleged violations of the Commission’s Report and Order on Remand issued in File No. EA-2016-0358 on March 20, 2019 (CCN Order). Per the Complaint, the Certificate of Convenience and Necessity (CCN) authorized construction of an electric transmission line across eight counties in northern Missouri (the Project).² The Complainants allege that in a website posting and “[i]n a press release issued on August 25, 2020, Respondents announced plans for changes to the project

¹ All date citations will be to 2020 unless otherwise stated.

² Complaint, paragraph 5.

which will clearly make it ‘materially different’ from the one approved by the Commission in the CCN case.”³ They allege Respondents have violated the CCN condition that states: “[i]f 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, Grain Belt Express Clean Line LLC must file an updated application with the Commission for further Commission review and determination.”⁴ Complainants allege: “[i]nasmuch as Respondents have publically announced that they no longer plan to build the project for which the CCN was granted, at this point Grain Belt does not have a valid CCN to build anything in Missouri.”⁵ They allege that “if Grain Belt no longer has a valid CCN in Missouri, then Grain Belt and its agents are currently negotiating with landowners [for easement agreements] under false pretenses.”⁶

The Complaint asks the Commission for the following relief:

1. An order declaring “because Grain Belt has announced that it plans to build something materially different from what the Commission authorized and approved in the Report and Order on Remand in EA-2016-0358, that at this time Grain Belt no longer has a valid CCN to build the line as originally proposed; and
2. Consequently, Respondents have no legitimate right to claim that they still have the right of eminent domain in Missouri.”⁷

The Complaint asks for no other relief. On September 3, the Commission issued its Notice of Formal Complaint and Order Directing Staff to File a Preliminary Report. On

³ Complaint, paragraph 5.

⁴ Complaint, paragraph 4.

⁵ Complaint, paragraph 7.

⁶ Complaint, paragraph 14.

⁷ Complaint prayer for relief.

September 29, the parties filed a Joint Motion to Suspend Deadlines and Establish Briefing Schedule, which included a stipulation of facts. On October 5, the Commission issued its Order Partially Granting Motion to Suspend Deadlines and Establish Briefing. Therein, the Commission ordered that the “parties’ briefs shall be limited solely to whether a Complaint that Grain Belt published a plan not authorized by its current CCN states a cause of action for the invalidation of its CCN.” Complainants, Respondents, and Staff filed their initial briefs on October 23 and their reply briefs on October 30, limited to the issue described by the Commission’s order. The Commission will now give the parties an opportunity to brief the issue they identified, as well as additional related issues identified by the Commission.

1. Does the Respondents’ conduct, as described in the pleadings and stipulation, violate the Report and Order on Remand issued in File No. EA-2016-0358?

2. Whether Respondents’ contemplated changes to the Project invalidate the CCN granted to Grain Belt by the Report and Order on Remand issued in File No. EA-2016-0358?

3. Based upon the conduct, as described in the pleadings and stipulation, may the Commission revoke Respondent’s CCN issued by the Report and Order on Remand issued in File No. EA-2016-0358⁸?

In their briefs, the parties may cite to any portion of the record in this instant case and in File No. EA-2016-0358. If any party believes additional evidence needs to be presented to fully respond to this order, that party may request such relief as the party deems necessary.

⁸ In this regard, the parties are directed to *State ex rel. City of Sikeston v. Public Service Com’n of Missouri*, 336 Mo. 985, 82 S.W.2d 105 (1935).

THE COMMISSION ORDERS THAT:

1. No later than January 7, 2021, the parties shall file initial briefs addressing the questions described in the body of this Order. No later than January 14, 2021, the parties shall file reply briefs.

2. Any party that believes presentation of further evidence is necessary to fully address the questions presented in the body of this order shall request such relief as the party deems necessary no later than January 14, 2021.

3. 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., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Graham, Regulatory Law Judge