

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Joint Application of)
Invenergy Transmission LLC, Invenergy)
Investment Company LLC, Grain Belt)
Express Clean Line LLC and Grain Belt)
Express Holding LLC for an Order)
Approving the Acquisition by Invenergy)
Transmission LLC of Grain Belt Express)
Clean Line LLC.)

Case No. EM-2019-0150

STAFF'S POSITION STATEMENT

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Position Statement*, states as follows:

1. Does the Commission have jurisdiction and statutory authority under Section 393.190, RSMo., to approve the sale of Grain Belt Express Clean Line LLC ("Grain Belt") to Invenergy Transmission LLC ("Invenergy")?

Yes. Grain Belt was awarded a Certificate of Convenience and Necessity ("CCN") by the Commission on March 20, 2019, effective April 19, 2019, in Case No. EA-2016-0358. Grain Belt is thus an electrical corporation and a public utility as a matter of law, subject to the Commission's jurisdiction, including the requirement for prior approval by the Commission of any sale of assets. Section 393.190.1, RSMo. This issue was raised in that case and determined against its proponents. Its reassertion here is an unlawful collateral attack on the Commission's decision in Case No. EA-2016-0358 and thus should not be heard. Section 386.550, RSMo.

2. If so, should the Commission find that Invenergy's acquisition of Grain Belt is not detrimental to the public interest, and approve the transaction?

Yes. In Case No. EA-2016-0358, the Commission determined that the Grain Belt project would confer public benefits on Missouri that justify its cost. The Commission found in Case No. EA-2016-0358 that Invenergy is a proper entity to own Grain Belt and the facts relied on by the Commission have not changed. Therefore, the proposed transaction is not only not detrimental to the public interest, but is beneficial to the public interest.

Dietrich Rebuttal Testimony, p. 3; Staff Rebuttal Report, pp. 3-11.

3. Should the Commission condition its approval of Invenergy's acquisition of Grain Belt and, if so, what should such conditions be?

Yes. Staff recommends the Commission approve the Application, with a finding that is not detrimental to the public interest, subject to the conditions ordered in its March 20, 2019 Report and Order on Remand in Case No. EA-2016-0358.

Dietrich Rebuttal Testimony, p. 3; Staff Rebuttal Report, p. 4.

Respectfully submitted,

/s/ Kevin A. Thompson
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or electronically mailed to all counsel of record this 12th day of April, 2019.

/s/ Kevin A. Thompson