

In the Matter of:

The Application of Grain Belt Express Clean Line, LLC

EM-2019-0150 VOL.I

February 28, 2019



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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

TRANSCRIPT OF PROCEEDINGS

Procedural Conference

February 28, 2019

Jefferson City, Missouri

Volume 1

In the Matter of:
The Application of Grain Belt)
Express Clean Line LLC for) File No. EM-2019-0150
Approval of its Acquisition)
by Invenergy Transmission LLC)

MORRIS L. WOODRUFF, Presiding
CHIEF REGULATORY LAW JUDGE

REPORTED BY:
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PROCEEDINGS

(On the record at 10:01 a.m.)

JUDGE WOODRUFF: At this point we're on the record. We're here for a procedural conference in File No. EM-2019-0150 which concerns the application of Grain Belt Express Clean Line for Approval of its Acquisition by Invenergy Transmission.

We'll start today by taking entries of appearance beginning with Grain Belt.

MR. ZOBRIST: Good morning, Judge. Karl Zobrist and Jacqueline Whipple from Dentons US, LLP on behalf of Grain Belt Express Clean Line, LLC.

JUDGE WOODRUFF: Okay. And, Ms. Callenbach, also?

MS. CALLENBACH: Yes. Anne Callenbach and Andrew Schulte on behalf of Invenergy.

JUDGE WOODRUFF: Okay. For Staff.

MR. THOMPSON: Kevin Thompson, Post Office box 360, Jefferson City, Missouri 65102 for the staff of the Missouri Public Service Commission. With me is Natelle Dietrich.

JUDGE WOODRUFF: Okay. And Public Counsel.

MR. WILLIAMS: Nathan Williams, chief

1 deputy public counsel appearing on behalf of the
2 Office of the Public Counsel and the public. My
3 information has been provided to the court reporter.

4 JUDGE WOODRUFF: All right. And did
5 someone else just join us?

6 UNIDENTIFIED SPEAKER: That was my phone
7 buzzing, Judge. I apologize.

8 JUDGE WOODRUFF: All right. For Missouri
9 Landowners, Show-Me Concerned Landowners, and Joseph
10 and Rose Kroner.

11 MR. AGATHEN: Yes. This is Paul Agathen,
12 45 Oak Field Court, Washington, Missouri 63090. And,
13 Judge, I apologize for not being there in person,
14 but the weather forecast was for ice along the roads
15 so I thought it better not to try it.

16 JUDGE WOODRUFF: Okay. And I would say
17 you were very wise. It is very icy here and we've
18 had a lot of people that have had trouble getting in
19 today. In fact, the bridges are very, very icy and
20 backed up a long way, so.

21 MR. AGATHEN: It just didn't sound good.

22 JUDGE WOODRUFF: You made a wise
23 decision.

24 MR. AGATHEN: Thank you.

25 JUDGE WOODRUFF: Renew Missouri?

1 MR. OPITZ: Thank you, Judge. Tim Opitz
2 for Renew Missouri and I've provided my information
3 to the court reporter.

4 JUDGE WOODRUFF: And for MJMEUC.

5 MR. HEALY: Doug Healy, Healy Law
6 Offices.

7 JUDGE WOODRUFF: All right. I believe
8 that takes care of all the parties.

9 UNIDENTIFIED SPEAKER: Judge, I would
10 also say that Hans Detweiler from Grain Belt Express,
11 not a lawyer, representative of the party is also on
12 the line.

13 JUDGE WOODRUFF: Okay. Very good.

14 MS. CALLENBACH: And, Judge, this is Anne
15 Callenbach. Nicole Luckey, also not -- well, she may
16 be a lawyer, but she's the Invenergy representative,
17 she may be joining as well.

18 JUDGE WOODRUFF: Okay. Not a problem.

19 MS. CALLENBACH: Thank you.

20 JUDGE WOODRUFF: There's a couple things
21 I want to deal with today. First of all, the
22 applications to intervene and then the procedural
23 schedule.

24 First of all on the applications to
25 intervene, we've got applications from Renew Missouri

1 and MJMEUC. Is anyone as opposed to their
2 applications to intervene? Hearing no opposition to
3 those, I will go ahead and grant their applications
4 to intervene. I'll issue a notice later today making
5 that apparent on the record.

6 We also have applications to intervene
7 from the Missouri Landowners, Show-Me Concerned
8 Landowners and Joseph and Rose Kroner. There was no
9 opposition to the actual intervention of the
10 landowners or Show-Me Concerned Landowners and there
11 was a, I guess I'd call it a partial opposition
12 from Grain Belt asking that they be limited in what
13 they -- what issues they can bring forward. Anyone
14 wish to be heard on that aspect?

15 MR. ZOBRIST: Judge, I'll defer to
16 Mr. Callenbach or Mr. Schulte.

17 JUDGE WOODRUFF: Okay.

18 MS. CALLENBACH: Thank you, Karl.

19 Judge, judge this is Anne Callenbach.
20 What we filed several days ago, we were concerned
21 about limiting the issues that the Landowner group
22 and the Kroners could bring up simply because MLA and
23 Show-Me were involved in the CCN proceeding that
24 recently concluded in December on remand. And we
25 simply don't want to waste the Commission's time

1 relitigating any of those issues. We requested that
2 they be limited to Landowner specific issues. We
3 also had a concern about the Kroners and what they
4 might add in addition to the Landowner group.

5 JUDGE WOODRUFF: Okay. And your position
6 hasn't changed on that?

7 MS. CALLENBACH: No, sir.

8 JUDGE WOODRUFF: All right. And,
9 Mr. Agathen, I know that you've already filed a
10 written response to that. Anything you want to add?

11 MR. AGATHEN: Nothing to add beyond
12 what's filed in the written response, Judge.

13 JUDGE WOODRUFF: All right. I'm not
14 going to make a ruling on that today because it is
15 not a posed motion. I'll go ahead and put that on
16 agenda for the Commission to actually make the ruling
17 on that.

18 For thus far, the -- like I say, the
19 opposition to the intervention of Missouri Landowners
20 and Show-Me Concerned Landowners is only partial
21 opposition, so I'll go ahead and grant their
22 application to intervene at this point. The ruling
23 on the request to limit their participation will be
24 made in a subsequent Commission order.

25 As far as the Kroners, since they are --

1 their opposition -- or application to intervene has
2 been opposed, that will also be decided in that
3 future Commission order. I plan to put that on for
4 agenda for next week. And of course I don't control
5 the -- what goes on the agenda, but I anticipate
6 we'll be able to make a ruling on that fairly
7 quickly.

8 Anything else as far as interventions?

9 MR. AGATHEN: I have nothing, Judge.

10 Paul Agathen.

11 JUDGE WOODRUFF: Thank you, Mr. Agathen.

12 And I appreciate, Mr. Agathen, indicating who is
13 speaking. And the court reporter requested that we
14 make that clear, that when you're speaking on the
15 telephone, tell us who it is speaking.

16 The other matter I want to bring up is
17 the procedural schedule. A proposed procedural
18 schedule was filed a couple days ago and it called
19 for a hearing on April 23rd and 24th. As some of you
20 may know, there is a, currently another hearing
21 scheduled on the Commission's calendar for the 24th.
22 However, it's our intention to move that hearing back
23 a day to the 25th so that we will be able to have the
24 hearing on this case on the 23rd and 24th.

25 And I will be also issuing an order to

1 formally adopt the procedural schedule, but it looks
2 to be acceptable to myself and to the Commission.
3 And I congratulate the parties for being able to
4 reach an agreement that quickly on procedural
5 schedule.

6 All right. That's all I had to talk
7 about today. The other reason for having these
8 procedural conferences is just to get -- a chance to
9 get all the parties in the room together or at least,
10 in this case, on the telephone. So I'll go off the
11 line and conclude the on-the-record portion of this
12 proceeding at this point. I'll leave the phone line
13 open. You have -- the phone line is ours until 11:00
14 and I'll leave you to your discussion.

15 So at this point --

16 MR. AGATHEN: Are you going to stay
17 there?

18 JUDGE WOODRUFF: Pardon me?

19 MR. AGATHEN: This is Paul Agathen. Are
20 you going to stay after you go off the record?

21 JUDGE WOODRUFF: No. I'll be leaving the
22 room so you can have a conversation just amongst
23 yourselves. The court reporter will not be taking it
24 down.

25 MR. AGATHEN: If you don't mind, I do

1 have one point on the procedural schedule.

2 JUDGE WOODRUFF: Go ahead.

3 MR. AGATHEN: I agreed with the other
4 parties not to include a date for submission of
5 proposed findings and conclusions. In the event that
6 you decide to add that in as a filing, I would
7 request that it be scheduled for two days after the
8 two days to reply briefs.

9 JUDGE WOODRUFF: Okay. I normally don't
10 request that, but I'll keep that in mind if it -- if
11 we do do that.

12 MR. AGATHEN: Thank you, Judge.

13 JUDGE WOODRUFF: Anything else anyone
14 else wants to bring up? All right. Then at this
15 point the on-the-record portion of this proceeding is
16 adjourned and I'll leave you to your discussions.
17 Thank you all very much.

18 (Off the record at 10:09 a.m.)

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CERTIFICATE

I, Shelley L. Mayer, a Certified Court Reporter, CCR No. 679, the officer before whom the foregoing transcript of proceedings was taken, do hereby certify that the testimony was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this transcript of proceedings was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.


Shelley L. Mayer, CCR

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