

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

Missouri Landowners Alliance, Eastern	)	
Missouri Landowners Alliance d/b/a Show Me	)	
Concerned Landowners, and John G. Hobbs,	)	
Complainants,	)	
	)	
v.	)	<b><u>File No. EC-2021-0059</u></b>
	)	
Grain Belt Express, LLC, and Invenergy	)	
Transmission, LLC,	)	
Respondents.	)	
	)	

**ORDER DIRECTING FILING, AND A RESPONSE TO  
RESPONDENTS’ MOTION TO DISMISS**

Issue Date: March 15, 2021

Effective Date: March 15, 2021

On March 12, 2021, Respondents filed a motion to dismiss in response to Complainants filing ten exhibits as their direct testimony. Respondents’ state that, “[c]omplainants have provided no witness testimony, have offered no context for these exhibits and have provided no argument or analysis ‘explaining that party’s entire case-in-chief,’ in contravention of the Commission’s rules.”<sup>1</sup> Respondents assert that there can be no rebuttal testimony to exhibits that consist of their own discovery responses. Respondents ask that the Commission dismiss the complaint, or in the alternative, cancel the evidentiary hearing and proceed to briefing. The Commission previously determined that resolving this case on briefs without an evidentiary hearing was unlikely.<sup>2</sup>

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<sup>1</sup> Commission Rule 20 CSR 4240-2.130(7)(A), defines direct testimony to include all testimony and exhibits asserting and explaining that party’s entire case-in-chief.

<sup>2</sup> File No. EC-2021-0059, *Order Canceling the Briefing Schedule and Directing Filing*, issued December 23, 2020, “Based upon all pleadings filed in this case, the Commission finds it unlikely that the current procedural proposals will lead to a disposition of this case on briefs without an evidentiary hearing.”

Under Section 386.390 RSMo a person may file a complaint against a regulated utility setting forth any act or thing done or omitted to be done by any public utility in violation of any provision of law subject to the commission's authority, any rule promulgated by the commission, any utility tariff, or any order or decision of the Commission. The burden of showing that a regulated utility has violated a law, rule or order of the Commission is with the Complainant.<sup>3</sup> Complainants' formal complaint is not evidence or testimony.

The Commission will order Complainants to either file direct testimony in support of their case-in-chief or file an explanation as to why they believe no such testimony is necessary. The Commission will also order Complainants to respond to the motion to dismiss filed by Respondents.

**THE COMMISSION ORDERS THAT:**

1. Complainants shall file direct testimony in support of their case-in-chief, or an explanation as to why no such testimony is necessary, no later than March 17, 2021.
2. Complainants shall file a response to Respondents' motion to dismiss no later than March 17, 2021.
3. This order is effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

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<sup>3</sup> In cases where a "complainant alleges that a regulated utility is violating the law, its own tariff, or is otherwise engaging in unjust or unreasonable actions,"... "the burden of proof at hearing rests with the complainant." *State ex rel. GS Technologies Operating Co., Inc. v. Public Service Comm'n*, 116 S.W.3d 680, 693 (Mo. App. 2003).

John T. Clark, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 15<sup>th</sup> day of March, 2021.