

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of Grain Belt Express )  
Clean Line LLC for a Certificate of Convenience and )  
Necessity Authorizing it to Construct, Own, Operate, )  
Control, Manage, and Maintain a High Voltage, Direct ) Case No. EA-2014-0207  
Current Transmission Line and an Associated Converter )  
Station Providing an interconnection on the Maywood- )  
Montgomery 345 kV Transmission Line )

MOTION OF UNITED FOR MISSOURI, INC.  
FOR RECONSIDERATION OF COMMISSION’S ORDER

Comes Now United for Missouri, Inc., pursuant to Rule 4 CSR 240-2.160, and respectfully moves the Missouri Public Service Commission (“Commission”) to rescind its February 11, 2015 *Order Directing Filing of Additional Information* (“Order”). In support of its Motion, UFM respectfully suggests that the Order is unlawful, unjust and unreasonable for the reasons set forth below.

1. On March 26, 2014, Grain Belt Express Clean Line, LLC filed its application with the Commission for a Certificate of Convenience and Necessity in the above referenced File. Pursuant to an order establishing a procedural schedule, the Commission held an evidentiary hearing on the application on November 10, 12, 13, 14, and 21. Initial and Reply Briefs of the Parties were filed on December 8 and 22, respectively.

2. On February 11, 2015, the Commission issued its Order, in which it determined “that it requires additional information and analysis before determining whether to grant or deny Grain Belt Express’ application.” See *Order*, p. 1. The Order directed Grain Belt to provide additional information, specifying an extensive and detailed list, under 13 separate categories, of studies, models, reports, documentation, agreements, and other such documents and analyses.

3. The Commission rules provide, at section 4 CSR 240-2.150, as follows:

(1) The record of a case shall stand submitted for consideration by the commission after the recording of all evidence or, if applicable, after the filing of briefs or the presentation of oral argument.

(2) The commission's orders shall be in writing and shall be issued as soon as practicable after the record has been submitted for consideration.

4. This is a mandatory rule that specifies that once briefs are filed the record of the case is submitted to the Commission, and once the record has been submitted, the Commission must issue an order in writing as soon as practicable. There is no provision, no option, for an order requesting additional information. There are no "do overs" permitted by the Commission's rules once the record is submitted.

5. In addition, MO. REV. STAT. § 386.410.1 provides that, "All hearings before the commission or a commissioner shall be governed by rules to be adopted and prescribed by the commission." The Commission has no authority to deviate from its own rules. See also *State ex rel. Fischer v. Public Service Commission of Missouri*, 645 S.W.2d 39, 42 (Mo. App., 1982).

6. Therefore, having received the submitted record upon the filing of briefs, the Commission is legally bound to issue an order as soon as practicable based on the evidence on the record when it was submitted. Inasmuch as Grain Belt has failed to carry the burden of proof specified in MO. REV. STAT. § 393.170 in that the Commission has determined that it requires additional information and analysis before determining whether to grant or deny Grain Belt Express' application, the Commission must dismiss the application.

7. UFM also endorses the *Motion of the Missouri Landowners Alliance for Reconsideration of Commission's Order of February 11, 2015*. In light of Missouri Landowners Alliance's argument contained therein and UFM's argument herein, the Commission's Order is arbitrary and capricious.

WHEREFORE, UFM respectfully moves that the Commission rescind its Order and dismiss Grain Belt's application.

Respectfully submitted,

/s/ David C. Linton

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#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent to all parties of record via electronic transmission this 19th day of February, 2015.

By: /s/ David C. Linton