

**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 Current Transmission Line)
and an Associated Converter Station)
Providing an Interconnection on the)
Maywood - Montgomery 345 kV transmission)
Line.)

Case No. EA-2016-0358

**RESPONSE OF SHOW ME CONCERNED LANDOWNERS
TO RECOMMENDATION OF GRAIN BELT EXPRESS**

COMES NOW the Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners ("Show Me"), by and through its counsel and respectfully responds to the *Recommendation of Grain Belt Express Clean Line LLC on Local Public Hearings ("Recommendations")*. In support of this response, Show Me states as follows:

1. On October 14, 2016, Grain Belt Express Clean Line LLC ("Clean Line") filed with the Missouri Public Service Commission ("Commission") its *Recommendations* along with its *Reply of Grain Belt Express to Response of Missouri Landowner Alliance ("Reply")*. In both pleadings, Clean Line pulled out the same justification for limiting this procedural schedule as it did in paragraph 79 of its Application in this case that "most of the parties are familiar with the issues that were heard in the Company's first case."¹

2. As Show Me made abundantly clear in its *Response of the Eastern Missouri Landowners Alliance to Paragraph 79 of Grain Belt Express Clean Line Application*², Section

¹ See *Reply of Grain Belt Express to Response of Missouri Landowner Alliance*, p.2.

² *Response of the Eastern Missouri Landowners Alliance to Paragraph 79 of Grain Belt Express Clean Line Application*, filed September 27, 2017, p. 2.

393.170.3 RSMo. requires that the Commission base its decision on the record and “after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service.” And the Commission’s decision must be “reasonable.” Its decision must be supported by substantial and competent evidence on the whole record. *State ex rel. Associated Natural Gas Co. v. Public Serv. Comm’n.*, 954 S.W.2d 520, 528 (Mo. App. W.D. 1997). It is the record in this case and the record only that the Commission must consider in its final determination.

3. This is a new case. From Show Me’s and the Missouri landowners’ perspective, there is only one fact that is familiar to the parties at this time, and that is that Clean Line has a private “merchant” transmission line it wants to build across the northern part of Missouri. It desires to have a certificate of public convenience and necessity and eminent domain rights in order to build that line, all in contravention the landowners’ rights protected by section 393.170 RSMo. and Article I, Section 28 of the Missouri Constitution. The fact that this is Clean Line’s second attempt to obtain those rights against the landowners of Missouri should not justify in any way a relaxation in the diligence this Commission uses in defending the constitutional rights of Missouri landowners.

4. Moreover, as Clean Line points out in its *Reply*, there are now 15 Clean Line witnesses compared to eight in the 2014 case. Clean Line’s Application also points out there are significant changes to its proposal in this second case from the 2014 case. This is not the same case. The Commission should not prejudge this case just because Clean Line says so. It must make its decision based on the record, and it must give Missouri landowners the opportunity to defend their land.

5. As pointed out in the Recommendation of the *Missouri Landowners Alliance Regarding Local Public Hearings*, the landowners of the state of Missouri deserve the same opportunity to defend their land as they had in Clean Line's first attempt in 2014. Public hearings should be convenient to the landowners, and landowners should not be subjected to inordinately long waits to provide testimony.

WHEREFORE, Show Me respectfully requests that the Commission schedule eight local public hearings as outline in Staff's *Suggested Potential Local Public Hearing Locations*.

Respectfully submitted,

By: /s/ David C. Linton

David C. Linton, #32198
314 Romaine Spring View
Fenton, MO 63026
Telephone: 314-341-5769
Email: jdinton@reagan.com

Attorney for Eastern Missouri Landowners
Alliance

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Application to Intervene was sent to all parties of record in File No. EA-2016-0358 via electronic transmission this 18th day of October, 2016.

/s/ David C. Linton