

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

In the Matter of the Application of Grain)
Belt Express LLC for an Amendment to its)
Certificate of Convenience and Necessity)
Authorizing it to Construct, Own, Operate,) Case No. EA-2023-0017
Control, Manage, and Maintain a High)
Voltage, Direct Current Transmission Line)
and Associated Converter Station.)

NOTICE OF COMPLIANCE

Grain Belt Express LLC (“Grain Belt Express”), for its Notice of Compliance to the Missouri Public Service Commission (“Commission”) states as follows:

I. Background

1. On October 12, 2023, the Commission issued its Report and Order granting Grain Belt Express’ application for a Certificate of Convenience and Necessity (“CCN”) in Case No. EA-2023-0017 (“2023 CCN Order”) to construct, install, own, operate, maintain, and otherwise control and manage an approximately 800-mile, overhead, multi-terminal ±600 kilovolt (kV) high-voltage, direct current (HVDC) transmission line and associated facilities including converter stations and alternating current (AC) connector lines (the “Project”). The 2023 CCN Order took effect on November 11, 2023 and imposed a condition stating:

Grain Belt shall provide annual reports every year until the line has been in service three full years. Staff and Grain Belt shall jointly develop a reporting format, metrics, and schedule for these reports and file a proposal for the composition of the reports no later than February 29, 2024. The process, review, retention of the reports, and reporting conditions should be narrowly tailored to consolidate the information, and to avoid requiring duplicate information provided to other agencies.¹

¹ File No. EA-2023-0017, Report and Order on Remand, pp. 75–76, Ordering Paragraph 14 (Oct. 12, 2023) (“2023 CCN Order”).

In compliance with that condition, attached hereto as Attachment A is Grain Belt Express' template for its reporting obligations.²

2. Also, pursuant to Ordering Paragraph 3 of the 2023 CCN Order, conditions established in Case No. EA-2016-0358 and Case No. EM-2019-0150 were carried forward and approved and adopted as part of the 2023 CCN Order.³ This includes Exhibit 206, which itself includes annual reporting requirements.

3. Specifically, Section III.4 of Exhibit 206 requires Grain Belt Express to file "annual status updates" on discussions with the Staff of the Commission ("Staff") regarding the need for additional studies of the impacts of Grain Belt Express' facilities on other facilities in Missouri, a summary of the results of any additional studies, and any mitigation measures that have been implemented to address underground metallic structures, telecom facilities and AC lines.

4. To comply with Exhibit 206, Grain Belt Express has been filing annual reports in Case No. EA-2016-0358 and Case No. EM-2019-0150 on or about April 19th of each year.

II. Reporting Format and Metrics for New Annual Reports

5. Ordering Paragraph 14 of the 2023 CCN Order directed Grain Belt Express to report certain economic data, landowner data, and communications with landowners. Specifically, in Ordering Paragraph 14, the Commission directed Grain Belt Express to provide the following:

a. Actual data regarding the economic impact of job creation in the state of Missouri including: the number of Missourians employed, total gross wages paid to Missourians, total payroll taxes paid on behalf of employed Missourians, number of contracted entities domiciled in Missouri, landowner payments and protocol complaint resolution, eminent domain proceedings, damage disputes, and any other data deemed appropriate to address concerns expressed by the Commission that would be considered valuable to provide in such report(s).

² Note, Attachment A is *not* an annual report. Attachment A is designed to satisfy the requirement to "develop a reporting format" as required by the 2023 CCN Order. Future annual reports will be substantially in the form of Attachment A.

³ 2023 CCN Order, p. 72, Ordering Paragraph 3.

b. Information regarding the types of notice provided to landowners and the amount of time given for those notices, with explanation of the reasons for any notice given to landowners in less than 72-hours of accessing their property.

c. Information regarding the number and types of landowner complaints and obligations received and tracked in accordance with the Missouri Landowner Protocol, Section 6 and elsewhere; how those complaints and obligations were resolved or addressed; and within what timeframe they were resolved or addressed.⁴

Given the practicalities of gathering data and the undefined nature of several of these requirements, it is necessary to provide additional explanation of the contents that will be included in future annual reports.

6. For the purposes of reporting the economic data as required by Ordering Paragraph 14.a (specifically, the number of Missourians employed, total gross wages paid to Missourians, and total payroll taxes paid on behalf of employed Missourians), due to the limitations in data availability, Grain Belt Express will provide data based upon jobs created through construction, maintenance, and vendors with a contractual relationship with Grain Belt Express.

7. Grain Belt Express is currently engaged in contractor selection efforts for Engineering, Procurement & Construction (“EPC”), as well as other services and material suppliers. Once contractors have been identified, Grain Belt Express intends to instruct EPC contractors on data reporting requirements to ensure compliance with Ordering Paragraph 14.a. This reporting data is expected to be available in 2025, concurrent with anticipated staffing of the Project to support construction.

⁴ 2023 CCN Order, pp. 75–76.

8. For the purposes of reporting the “protocol complaint resolution” as required by Ordering Paragraph 14.a, Grain Belt Express will rely upon the language set forth in the Missouri Landowner Protocol⁵ to define protocol complaints. The Landowner Protocol states:

Landowners are provided with contact information for both ROW agents, as well as contact information for the corporate office of Invenergy Transmission LLC (“Invenergy Transmission”), the parent company of Grain Belt Express, in order to ensure that a **landowner can directly contact the Vice President of Invenergy Transmission or any other corporate employee leading land efforts on behalf of Invenergy Transmission (the “Land Team”) to report any possible violations of the Code of Conduct.** Reported violations of the Code of Conduct are taken seriously and are investigated by the Vice President and the Invenergy Transmission management team.

(emphasis added). Thus, to comply with the 2023 CCN Order’s requirement to report “protocol complaint resolution,” Grain Belt Express will define protocol complaints as instances in which a landowner has directly contacted the Vice President of Invenergy Transmission or any other corporate employee leading land efforts on behalf of Invenergy Transmission (the “Land Team”) to report a violation of the Code of Conduct. Grain Belt Express will retain documentation of individual protocol complaints and any internal investigation of protocol complaints. Grain Belt Express will provide individual documentation through the Commission’s informal and formal complaint processes as applicable. Annually, Grain Belt Express will report the total number of protocol complaints received and resolved.

9. For the purposes of reporting “damage disputes” as required by Ordering Paragraph 14.a, it is necessary to review Grain Belt Express’ commitments in the Missouri Agricultural Impact Mitigation Protocol (“AIMP”).⁶ The AIMP describes actions Grain Belt Express must take to mitigate damages and, if damages occur, the way those damages will be resolved. For example,

⁵ 2023 CCN Order, Att. 3.

⁶ 2023 CCN Order, Att. 4.

as further explain in the AIMP, in certain circumstances Grain Belt Express will repair damages itself or pay to have them repaired. In other words, channels of communication already exist to address damages, so it would be impractical and unhelpful to the Commission to attempt to report all instances of communications regarding damages. Thus, to comply with the 2023 CCN Order's requirement to report "damage disputes," Grain Belt Express will report those instances that result in formal litigation. Grain Belt Express will retain documentation regarding all individual damage disputes and any resolution of such disputes. Annually, Grain Belt Express will report the total number of damage disputes received and resolved.

10. For the purposes of reporting landowner obligations in accordance with Section 6 of the Landowner Protocol as required by Ordering Paragraph 14.c, Grain Belt Express will report the total number of landowner obligations and the total number of landowners with whom Grain Belt Express has made an obligation. Reporting on individual obligations is impractical and not useful to the Commission, as Grain Belt Express has already and will continue to agree to hundreds of obligations with hundreds of landowners. Grain Belt Express will retain documentation of individual obligations and provide said documentation through the Commission's informal and formal complaint processes as applicable.

III. Schedule and Retention for New Annual Reports

11. As discussed in the Background section, Grain Belt Express is currently filing annual reports related to Exhibit 206 obligations in Case No. EA-2016-0358 and Case No. EM-2019-0150. For administrative efficiency, the Exhibit 206 reporting requirements have been integrated into Attachment A. Additionally, for administrative efficiency, the filing of annual reports in Case No. EA-2016-0358 and Case No. EM-2019-0150 will be superseded and replaced by the annual reports filed in this proceeding. Thus, all future annual reports in compliance with

Case No. EA-2016-0358, Case No. EM-2019-0150, and Case No. EA-2023-0017 will be filed in Case No. EA-2023-0017.

12. Further, previously, Grain Belt Express has aligned the timing of the filing of its annual reports in accordance with the effective date of the Report and Order on Remand in File No. EA-2016-0358—April 19, 2019. Going forward, Grain Belt Express will submit its Annual Report on or before November 11 of each year, which aligns with the effective date of the 2023 CCN Order in EA-2023-0017.

13. Finally, in preparation for this filing, Grain Belt Express shared and received feedback on this pleading and Attachment A from Staff. Staff concurs that the format and content comply with Ordering Paragraph 14 of the 2023 CCN Order.

14. Thus, in compliance with Ordering Paragraph 14 of the 2023 CCN Order, Grain Belt Express submits the proposed reporting format attached hereto as Attachment A.

WHEREFORE, Grain Belt Express and Staff request that the Commission take notice of its compliance with Ordering Paragraph 14 of the 2023 CCN Order.

Respectfully submitted,

/s/ Andrew O. Schulte
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ATTORNEYS FOR GRAIN BELT EXPRESS LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all parties of record by email or U.S. mail, postage prepaid, this 29th day of February, 2024.

/s/ Andrew O. Schulte
Attorney for Grain Belt Express LLC

[DATE]

Hon. Nancy Dippell
Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, PO Box 360
Jefferson City, MO 65102-0360

RE: Grain Belt Express Annual Report

Dear Hon. Dippell,

Pursuant to Exhibit 206 of the March 20, 2019 Report and Order on Remand in Docket No. EA-2016-0358, the June 5, 2019 Amended Report and Order in Docket No. EM-2019-0150, and the October 12, 2023 Report and Order in Docket No. EA-2023-0017, Grain Belt Express LLC (“Grain Belt Express”) hereby submits an annual status update.

Economic Impact Data

The data below reflects Grain Belt Express’ best estimate of employees, wages, and payroll taxes resulting from jobs created through construction, maintenance, and vendors with a contractual relationship with Grain Belt Express.

[Example Overview: Grain Belt Express is currently engaged in contractor selection efforts for Engineering, Procurement & Construction (EPC), as well as other services and materials suppliers. Once contractors have been identified, Grain Belt Express intends to instruct contractors on data reporting requirements to ensure regulatory compliance, including the economic impact reporting requirements of the Order in Docket No. EA-2023-0017. This reporting is expected to be available in 2025, concurrent with anticipated staffing of the project to support construction.]

Missourians Employed

- To date, XXXX

Total Gross Wages Paid to Missourians

- To date, XXXX

Total Payroll Taxes Paid on Behalf of Employed Missourians

- To date, XXXX

Number of Contracted Entities Domiciled in Missouri

- To date, XXXX

Landowner Data

Landowner Payments

Phase 1

- To date, the Project has secured easements on approximately XX% of the route through Phase 1 in Missouri. The Project has already made payments to landowners totaling over \$XXXX in upfront easement signing payments on agreements representing over \$XXXX in total contract value including future easement and structure payments.

Phase 2

- To date, the Project has secured easements on approximately XX% of the route through Phase 2 in Missouri. The Project has already made payments to landowners totaling over \$XXXX in upfront easement signing payments on agreements representing over \$XXXX in total contract value including future easement and structure payments.

Protocol complaints with explanation of how resolved/addressed, including timeframe for resolving/addressing

- No protocol complaints against the Project have been raised in the last year.

Eminent Domain Proceedings

Phase 1

- After exhausting voluntary negotiation efforts, the Project has filed XXXX (XXXX) Petitions for Condemnation, covering XXXX (XXXX) unique parcels in Missouri to date. The Project was able to negotiate settlements on XXXX (XXXX) of these parcels. XXXX (XXXX) of these parcels have received commissioners' awards. Initial hearings for XXXX (XXXX)

parcels will be held in the upcoming months. The remaining XXXX (XXXX) parcels are currently working their way through the court proceeding process, with some of the XXXX in late-stage settlement negotiations.

Phase 2

- The Project has [not filed or filed X number] Petitions for Condemnation on land in Phase 2 of the Project.

Damage Disputes

- The Project is currently involved in [X number] of damage disputes/not currently involved in any damage disputes in Missouri.

Landowner obligations tracked pursuant to Section 6 of Landowner Protocols

As of the date of this report, Grain Belt Express is tracking XXXX of landowner obligations with XXXX landowners.

Property Access Notice

Phase 1

- The Project has not yet needed to access any landowner's property for the purpose of constructing, modifying, or repairing Project facilities.

Phase 2

The Project has not yet needed to access any landowner's property for the purpose of constructing, modifying, or repairing Project facilities.

Nearby Utility Facilities

Exhibit 206 to the CCN Order in Docket No. EA-2016-0358 requires Grain Belt Express to file "annual status updates" on discussions with Staff, a summary of the results of any additional studies, and any mitigation measures that have been implemented to address underground metallic structures, telecom facilities and AC lines. Mitigation measures indicated by future studies must be implemented within three (3) months of discovery that additional mitigation measures are needed, or as quickly as reasonably practical thereafter.

[Example update: Grain Belt Express' selected contractors and Grain Belt Express have developed a detailed crossing matrix that tracks rights-of-way, utilities, roads and other infrastructure to be crossed by the route. The matrix is being updated throughout the design process to ensure that appropriate clearances and approvals are in place for the different types of crossings. Grain Belt Express has begun coordinating with the owners of nearby infrastructure to understand their physical, electrical, and operational requirements. Grain Belt Express has conducted a general pipeline interference screening study to assess impacts to nearby parallel and crossing utilities. While no mitigation measures are required at this stage of development, Grain Belt Express is committed to continued coordination with Staff and the owners of nearby facilities.]

Please feel free to contact me with any additional questions. Thank you.

Sincerely,

/s/ _____

Shashank Sane
Vice President, Invenergy Transmission LLC
On behalf of
Grain Belt Express LLC
ssane@invenergy.com