

**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. )

Grain Belt Express, LLC, and Invenergy )  
Transmission, LLC, )

Respondents. )

**File No. EC-2021-0059**

**ORDER DIRECTING THE FILING OF DIRECT TESTIMONY AND  
MODIFYING THE PROCEDURAL SCHEDULE**

Issue Date: March 19, 2021

Effective Date: March 19, 2021

Pursuant to the Commission's procedural schedule, Complainants' direct testimony was due no later than March 11, 2021. Complainants filed the public and confidential portions of their direct case on March 10, 2021. Those pleadings consisted of ten exhibits, and a cover pleading stating each exhibits' number and general content. No testimony was filed.

The Commission ordered 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 was necessary. Complainants responded that they could not support the exhibits with any meaningful testimony that would have added to what Respondents themselves said in those exhibits, and any testimony offered beyond what was said in those exhibits would have been meaningless in explaining the true intent of Respondents regarding the Grain Belt Project.

Complainants stated that while they recognized the Commission's February 24, 2021, order modifying the procedural schedule provided for Complainants to file direct testimony, they assumed that they were not directed to file testimony as part of their direct case if that testimony would serve no useful purpose. The Commission disagrees.

Commission Rule 20 CSR 4240-2.130(7)(A), provides that direct testimony shall include all testimony and exhibits asserting and explaining that party's entire case-in-chief. Complainants have provided no testimony asserting and explaining their entire case-in-chief. Direct testimony must identify the claim and set out the prima facie elements establishing that claim. Complainants have provided exhibits that, devoid of context, do not explain their case-in-chief. The Commission will order Complainants to file direct testimony conforming to the Commission's rules and ordered procedural requirements.

Because of the short time remaining before the hearing, the procedural schedule will be modified dispensing with prefiled rebuttal testimony from Respondents and the Staff of the Commission, which will instead be provided live at the evidentiary hearing.

**THE COMMISSION ORDERS THAT:**

1. Complainants shall file direct testimony in support of their case-in-chief no later than March 23, 2021.
2. Respondents and the Staff of the Commission shall not prefile rebuttal testimony, but shall provide rebuttal testimony at the hearing.
3. The remainder of the procedural schedule is as follows:

<b>Joint list of Issues, order of witnesses, order of cross-examination, order of opening</b>	March 25, 2021
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<b>Last day to request discovery</b>	March 26, 2021
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**Position Statements**

March 29, 2021

**Evidentiary Hearing**

April 1, 2021

**All parties Post-Hearing Briefs**

April 16, 2021

4. The additional procedural requirements contained in ordered paragraph five of the Commission's January 20, 2021, Order Establishing Procedural Schedule and Other Procedural Requirements, not specifically modified by this order, remain effective.
5. This order is effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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 19<sup>th</sup> day of March, 2021.

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held by telephone and internet audio conference on the 20th day of January, 2021.

Missouri Landowners Alliance, Eastern	)
Missouri Landowners Alliance d/b/a Show	)
Me Concerned Landowners, and John G.	)
Hobbs,	)
Complainants,	)
v.	)
Grain Belt Express, LLC, and Invenergy	)
Transmission, LLC,	)
Respondents.	)

**File No. EC-2021-0059**

**ORDER ESTABLISHING PROCEDURAL SCHEDULE, OTHER  
PROCEDURAL REQUIREMENTS**

Issue Date: January 20, 2021

Effective Date: January 20, 2021

On September 2, 2020, Complainants filed a Complaint with the Commission, alleging that Respondents planned changes to the Grain Belt Express Project, which invalidated the Certificate of Convenience and Necessity ("CCN") granted in File No. EA-2016-0358. The parties intended for the Commission to make a determination concerning this complaint based upon the parties' briefs. It became apparent that any determination would require an evidentiary hearing. Consequently, the Commission cancelled the briefing schedule and ordered the parties to submit a joint proposed procedural schedule inclusive of an evidentiary hearing and post hearing briefs by January 4, 2021.

On January 4, 2021, the parties filed a motion for clarification and a request to suspend the requirement to file a procedural schedule. They stated that they had met, but

could not agree on the scope and purpose of the evidentiary hearing. The parties requested that the Commission clarify the scope of the evidentiary hearing and suspend the requirement to file a procedural schedule. The Commission denied the requests and ordered the parties to submit a proposed procedural schedule no later than January 11, 2021. The parties filed a proposed procedural schedule that the Commission will adopt with some additional procedural requirements.

**THE COMMISSION ORDERS THAT:**

1. The following procedural schedule is established:

<b>Deadline for motions to compel on existing discovery requests*</b>	February 2, 2021
<b>Direct Testimony — Complainants</b>	February 26, 2021
<b>Rebuttal Testimony — Respondents</b>	March 12, 2021
<b>Rebuttal Testimony/Report — Staff</b>	March 12, 2021
<b>Surrebuttal Testimony — Complainants</b>	March 19, 2021
<b>Last day to request discovery</b>	March 23, 2021
<b>Joint list of Issues, order of witnesses, order of cross-examination, order of opening</b>	March 23, 2021
<b>Position Statements</b>	March 26, 2021
<b>Evidentiary Hearing</b>	April 1, 2021
<b>All parties Post-Hearing Briefs</b>	April 16, 2021

\*The parties have agreed that if there are unresolved discovery disputes after February 17, 2021, they will seek to suspend or extend the procedural schedule.

2. The parties shall appear for an evidentiary hearing at 9:00 a.m. on April 1, 2021. The evidentiary hearing shall be held by video and teleconference via WebEx. Participants shall appear at the evidentiary hearing telephonically via WebEx

video and telephone conference. The hearing will also be live-streamed via the Commission's website at [www.psc.mo.gov](http://www.psc.mo.gov). Interested persons who will not be actively participating in the hearing should access the hearing via the live stream. The link and access code to participate in the hearing via WebEx conference call will be emailed to all parties.

3. Those who require additional accommodations to participate in this hearing may call the Public Service Commission's hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

4. All exhibits and presentations that any party intends to use at the hearing shall be emailed to the Regulatory Law Judge and counsel for each party no later than March 30, 2021.

5. The parties shall comply with the following additional procedural requirements:

- A. Although not all parties may agree upon how each issue should be described or on whether a listed issue is in fact a proper issue in this case, the parties shall agree upon and file a list of the issues to be heard, the witnesses to appear on each day of the hearing, the order in which they will be called, and the order of cross-examination for each witness. The list of issues should be detailed enough to inform the Commission of each issue that must be resolved. The Commission will view any issue not contained in this list of issues as uncontested and not requiring resolution by the Commission.
- B. Each party shall file a simple and concise statement summarizing its position on each disputed issue. Position statements shall track the list of issues. Any position statement shall set forth any order requested, cite any law authorizing that relief, and allege facts relevant under the law with citations to any pre-filed testimony in support.
- C. All parties shall provide copies of testimony, schedules, exhibits, and pleadings to other counsel of record by electronic means and in electronic form essentially concurrently with the filing of such testimony, schedules, exhibits, or pleadings where the information is available in electronic format. Parties shall not be required to put

information that does not exist in electronic format into electronic format for purposes of exchanging it.

- D. All data requests, subpoenas, or other discovery requests shall be issued no later than March 23, 2021.
- E. Testimony shall be pre-filed as defined in Commission Rule 20 CSR 4240-2.130. All parties must comply with this rule, including the requirement that testimony be filed on line-numbered pages.
- F. All pleadings, briefs, and amendments shall be filed in accordance with Commission Rule 20 CSR 4240-2.080. Briefs must set forth and cite the proper portions of the record in support of that party's position concerning the remaining unresolved issues that are to be decided by the Commission.
- G. All parties shall provide copies of testimony (including schedules), exhibits, and pleadings to other counsel by electronic means and in electronic form, essentially concurrently with the filing of such testimony, exhibits, or pleadings where the information is available in electronic format (.PDF, .DOC, .WPD, .XLS, etc.). Parties are not required to put information that does not exist in electronic format into electronic format for purposes of exchanging.
- H. Public documents filed in the Commission's Electronic Filing and Information System ("EFIS") shall be considered properly served by serving the same on counsel of record for all other parties via e-mail. The parties agree confidential documents may be obtained from EFIS and so agree not to serve those documents via email.
- I. Counsel for each party shall receive electronically from each other party serving a data request, an electronic copy of the text of the "description" of that data request contemporaneously with service of the data request. Data requests issued to or by Staff shall be submitted and responded to in EFIS, if feasible, or in electronic format on compact disc or by other means agreed to by counsel, if infeasible. Regarding Staff-issued data requests, if the description contains confidential information, or is voluminous, a hyperlink to the EFIS record of that data request shall be considered a sufficient copy. If a party desires the response to a data request that has been served on another party, the party desiring a copy of the response must request a copy of the response from the party answering the data request. Data requests, objections to data requests, and notifications respecting the need for additional time to respond to data requests shall be sent by e-mail to counsel for the other parties. Counsel may designate other personnel to be added to the service list for data requests, but shall assume responsibility for compliance with any restrictions on confidentiality. Data request responses shall

be served on counsel for the requesting party, unless waived by counsel, and on the requesting party's employee or representative who submitted the data request, and shall be served electronically, if feasible and not voluminous as defined by Commission rule.

- J. The parties shall make an effort to not include confidential information in data requests. If confidential information must be included in a data request, the confidential information shall be appropriately designated as such pursuant to Commission Rule 20 CSR 4240-2.135.
- K. Workpapers prepared in the course of developing a testimony shall not be filed with the Commission, but shall be submitted to each party within two (2) business days following the filing of the testimony document, unless a party has indicated that it does not want to receive some or all of the workpapers. Workpapers containing confidential information shall be appropriately marked. If there are no workpapers associated with testimony, the party's attorney shall so notify the other parties within the time allowed for providing those workpapers.
- L. Where workpapers or data request responses include models or spreadsheets or similar information originally in a commonly available format where inputs or parameters may be changed to observe changes in inputs, if available in that original format, the party providing the workpaper or response shall provide this type of information in that original format with formulas intact.
- M. Exhibit numbers are assigned in the following manner:

Complainants	1-99
Respondents	100-199
Commission's Staff	200-299

If any party requires additional exhibit numbers, it may add a 1 to the beginning of its assigned numbers. For example, if Complainant has exhibits in addition to exhibit number 99, its next exhibit numbers would be 1001, 1002, 1003, etc.

Exhibits shall be marked as set forth in Commission Rule 20 CSR 4240-2.135(10)(C). For example, public exhibit two would be marked as Exhibit 2, whereas the confidential exhibit two would be marked as Exhibit 2C.

- N. Each party shall prepare a list of its exhibits and submit a copy of that list to every other party and to the regulatory law judge no later than March 30, 2021. The lists shall not be filed in the EFIS case file. Exhibits that may be offered during cross-examination, but which



have not been pre-filed, need not be included on the list. However, when those documents are offered during the hearing, they will be assigned a number from that party's number group.

6. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and  
Holsman CC., concur.

Clark, Senior Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 19<sup>th</sup> day of March, 2021.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**March 19, 2021**

**File/Case No. EC-2021-0059**

**Missouri Public Service  
Commission**

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**Show Me Concerned  
Landowners**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.