

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Landowners Alliance, and)	
Eastern Missouri Landowners Alliance)	
DBA Show Me Concerned Landowners, and)	
John G. Hobbs,)	
)	
Complainants,)	
)	
V.)	
)	Case No. _____
Grain Belt Express LLC, and)	
Invenergy Transmission LLC,)	
)	
Respondents)	

FORMAL COMPLAINT

Come now the Missouri Landowners Alliance (MLA), the Eastern Missouri Landowners Alliance DBA Show Me Concerned Landowners (EMLA), and John G. Hobbs, and pursuant to Commission Rule 20 CSR 240-2.070(4) hereby file this Formal Complaint against the aforementioned Respondents. In support of this filing, the Complainants state as follows:

1. The MLA is a non-profit corporation organized in 2014 under the laws of the state of Missouri. The basic purpose of the MLA is to oppose the construction of the Grain Belt transmission line. The organization has over 1,100 members, many of whom live on or near the right-of-way of the proposed transmission line. The MLA has represented Missouri landowners in various proceedings before the Commission and Missouri courts in opposition to the Grain Belt line. The MLA's address is 309 N. Main Street, Cameron, MO 64429.

2. EMLA is a Missouri nonprofit corporation organized in 2014. It does business under the registered name of Show Me Concerned Landowners. EMLA has

approximately 400 members, most of whom live on or near the route of Grain Belt's proposed transmission line. Its main purpose is to oppose that line. EMLA's address is 17234 Route M, Madison, MO 65263.

3. Complainant John G. Hobbs owns a parcel of land in Randolph County, Missouri, which is located on the right-of-way of the proposed Grain Belt transmission line. Mr. Hobbs' mailing address is 2095 County Road 2160, Huntsville, MO 65259.

4. This Complaint is based on the changes which Respondents are making to the transmission project approved by the Commission in Case No. EA-2016-0358 ("the CCN case").

The Commission in that case granted a Certificate of Convenience and Necessity ("CCN") to Respondent Grain Belt¹, authorizing it to build the transmission project described in the Application filed by Grain Belt at the outset of that proceeding.² However, one condition attached by the Commission to the CCN was as follows: "If the design and engineering of the project is materially different from how the Project is presented in Grain Belt Express Clean Line LLC's Application, Grain Belt Express Clean Line LLC must file an updated application with the Commission for further Commission review and determination."³

5. In a press release issued on August 25, 2020, Respondents announced plans for changes to the project which will clearly make it "materially different" from the one approved by the Commission in the CCN case. A copy of that press release is attached

¹ Throughout the CCN case, Respondent Grain Belt's name was Grain Belt Express Clean Line LLC. It has since been changed to Grain Belt Express LLC, and will be referred to herein as "Grain Belt."

² See Report and Order on Remand issued on March 20, 2019 in the CCN case ("CCN Order"), page 51, par. 1.

³ CCN order, p. 52, par. 6.

hereto as Exhibit 1, and is available to the public on the Grain Belt website:

www.grainbeltexpress.com.

6. To Complainants' knowledge, Respondents have not sought Commission permission to make any changes to the project as it was approved in the CCN case.

7. Inasmuch as Respondents have publically announced that they no longer plan to build the project for which the CCN was granted, at this point Grain Belt does not have a valid CCN to build anything in Missouri.

8. One change announced in the press release from Invenenergy is that they will "increase the project's delivery capacity to Kansas and Missouri to up to 2,500 megawatts of the line's 4,000-megawatt capacity."⁴ No announcement was made of how much of this 2,500 MWs would be delivered to Missouri – other than the totally ambiguous claim that "Grain Belt will now make available as much as half or more of the project's total capacity for Missourians."⁵ Based upon these two quoted statements, Grain Belt could now be planning to deliver anything from 1MW to 2,500 MWs in Missouri.

9. In contrast, the project approved by the Commission was to deliver 500 MW to the converter station in Missouri, and 3,500 MW to the converter station near the Illinois/Indiana border for delivery to the PJM system.⁶ If 2,500 MW are delivered to Kansas and Missouri, then the total capacity for delivery into what the Commission found to be the more lucrative PJM market would be reduced from 3,500 MW to only 1,500 MW.⁷

⁴ See Exh. 1, p. 1.

⁵ See Exh. 1, p. 2.

⁶ CCN Order, page 9, par. 5.

⁷ See CCN Order, p 25, par. 74-76; and p. 44.

10. The drastic reduction in sales into the PJM system will obviously have a material impact on the economic viability of the project, as it was presented to the Commission by Grain Belt in the CCN case.

11. In addition, if the capacity to be delivered in Missouri is increased significantly above 500 MW, then corresponding changes will of course be required in the Missouri converter station, as well as the interconnection with the transmission system in this state. Corresponding changes will also be required at the Illinois converter station, and with the interconnection to the PJM system. To Complainants' knowledge, Grain Belt has not announced the cost impact of any of these changes.

12. Also, Grain Belt's website now states that the Project will provide broadband expansion for rural communities along the line route in Missouri. This service was never mentioned in either Grain Belt's Application or in the final Commission Order in the CCN case. This again constitutes a material difference to the project as approved in the CCN case.

13. Inverenergy's press release also indicates that it plans to begin construction of the Missouri portion of the line before obtaining approval for the line from the Illinois Commerce Commission.⁸ However, another condition to the CCN imposed by this Commission was that Grain Belt could not begin construction in Missouri until it has obtained commitments for funding of the entire multi-state project.⁹ Obviously Inverenergy cannot obtain financing for the large segment of the project in Illinois, including the converter station there, without approval from the Illinois Commerce Commission.

⁸ Exh. 1, p. 1.

⁹ Par. 1.1 of conditions agreed to with Staff, Exhibit 206, made mandatory by the Commission in the CCN order at page 51, par. 2.

14. Complainants respectfully ask the Commission to consider this Complaint at its earliest possible convenience. Respondents and their land agents are now in the process of seeking easements from landowners on the right-of-way for the project as initially proposed. At the same time, Respondents are telling the public on their website (and possibly by other means as well) that Grain Belt currently has the right of eminent domain for the line in Missouri.¹⁰ Obviously, having the right of eminent domain would give Grain Belt a powerful advantage in its negotiations for the easements it is seeking. But if Grain Belt no longer has a valid CCN in Missouri, then Grain Belt and its agents are currently negotiating with landowners under false pretenses.

15. Grain Belt's continued pursuit of easements for a project for which it does not have a valid CCN, under threat of eminent domain, constitutes a violation of the Commission Order which initially granted the CCN.

16. Counsel for Complainants has discussed the potential filing of a complaint based on the proposed changes in the project with counsel for Respondents.

17. Complainants regret having to file another complaint with the Commission regarding the Grain Belt project, but as long as Respondents continue to take advantage of Missouri landowners they feel they have no choice.

WHEREFORE, for the reasons set forth above, Complainants respectfully ask the Commission to issue its Order declaring (1) because Grain Belt has announced that it plans to build something materially different from what the Commission authorized and approved in the CCN case, that at this time Grain Belt no longer has a valid CCN to build

¹⁰ Item 4 in the left column under the tab "FAQs" at the home page of Grain Belt's website, www.grainbeltexpress.com.

the line as originally proposed; and (2) consequently, Respondents have no legitimate right to claim that they still have the right of eminent domain in Missouri.

Respectfully submitted

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Certificate of Service

I certify that a copy of the foregoing was served this 2nd day of September, 2020 by email on counsel for Respondents, Andrew O. Schulte and Anne E. Callenbach.

/s/ Paul A. Agathen
Paul A. Agathen