

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-2016-0358
Current Transmission Line and an Associated Converter)
Station Providing an Interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

RESPONSE OF THE MISSOURI LANDOWNERS ALLIANCE
TO THE RESPONSE OF GRAIN BELT EXPRESS TO
MOTION TO DISMISS APPLICATION

On June 30, 2016, Grain Belt Express (Grain Belt) filed an Application with the Commission for a CCN to build an electric transmission line across northern Missouri.

The following day the Commission issued an Order to Show Cause, in which it directed Grain Belt to explain why it had not provided the 60 day advance Notice of its Application, pursuant to Commission Rule 4 CSR 240-4.020(2).

On July 2, 2016, the Missouri Landowners Alliance filed a Motion to Dismiss the Application, on the ground that Grain Belt had failed to provide the Notice required by the Rule cited in the Commission's Order to Show Cause.

In response to both of those filings, Grain Belt argues that in the case of Transource Missouri, No. EA-2013-0098 (2012), the Commission set a precedent of not requiring the 60 day Notice from new entrants to Missouri.¹ Actually, that case has little if any precedential value here.

When that case was filed, the applicant Transource Missouri was a wholly owned subsidiary of Transource Energy, which in turn was owned in part by a wholly-owned

¹ Response to Order to Show Cause, p. 1; Response to Motion to Dismiss, pp. 1-2.

subsidiary of the parent company of KCP&L and KCP&L Greater Missouri Operations Company (GMO).²

In its Application, Transource Missouri sought a CCN for two major transmission projects which had already been approved by the Southwest Power Pool (SPP): the Iatan-Nashua Project and the Sibley-Nebraska City Project.³

Contemporaneously with the Transource Missouri filing, a related Application was filed in Case No. EO-2012-0367 by KCP&L and GMO.⁴ In that Application, KCP&L and GMO sought permission to transfer certain transmission property to Transource Missouri so as to facilitate the construction of the two SPP-approved projects for which Transource Missouri was seeking the CCN from the Commission.⁵

Given the interrelated nature of the two cases, and at the request of the parties, the Commission thereafter consolidated those cases, with the lead case designated as EA-2013-0098.⁶

Grain Belt is correct that Transource Missouri apparently did not file a Notice of its intent to apply for the CCN in the case eventually docketed as EA-2013-0098. However, as a practical matter the Commission had already been given official Notice by its affiliates that the CNN Application would be forthcoming.

Quoting the Commission's Notice rule, on May 8, 2012, KCP&L and GMO filed a Notice of its intent to file the companion case to the CCN case subsequently filed by

² Application, p. 2, Case No. EA-2013-0098; EFIS No. 1.

³ Id. p. 1.

⁴ See Commission's Order Directing Notice etc., Case Nos. EA-2013-0098 and EO-2012-0367, p. 1; EFIS No. 7 in Case No. EA-2013-0098.

⁵ Application, Case No. EO-2012-9367, pp. 1-2; EFIS No. 4.

⁶ Order, EA-2013-0098, November 7, 2012, EFIS No. 14.

Transource Missouri.⁷ That Notice is attached as Exhibit 1. As indicated, the Notice from KCP&L and GMO informed the Commission as follows:

that they intend to file a joint application regarding their rights and responsibilities to construct certain regionally-funded high-voltage transmission projects which have been approved by Southwest Power Pool, Inc. (“SPP”), and the anticipated designation of Transource Energy, LLC or a subsidiary thereof to construct such projects.

This Notice was among the documents which were then transferred by the Commission to the Transource Missouri case, No. EA-2013-0098.⁸ So while Transource Missouri may not itself have provided notice of its intent to apply for the CCN, the Notice from KCP&L and GMO had effectively told the Commission and the general public that the Application for the CCN would be forthcoming from one of their affiliates.

There is no mention in the record of anyone even raising the issue of Transource Missouri not filing its own separate Notice. That fact may well have been overlooked by everyone, or deemed unimportant in light of the Notice filed by KCP&L and GMO.

In any event, under the circumstances, the fact that the Commission did not address the lack of Notice from Transource Missouri clearly does not establish the broad, general proposition that no Notice will ever be required from a new entrant in Missouri. A case can hardly establish a precedent for a proposition that it does not even mention. A far more compelling precedent was set two years later, when Grain Belt itself filed the 60 day Notice of its intent to file for the CCN in Case No. EA-2014-0207.

⁷ Notice of Intended Case Filing, docketed in Case No. EO-2012-0367, May 8, 2012; EFIS No. 1.

⁸ See EFIS No. 7 in Case No. EA-2013-0367.

Wherefore, the MLA respectfully renews its request that the Commission dismiss the Application filed in this case by Grain Belt on June 30, 2016.

Respectfully submitted,

/s/ Paul A. Agathen

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was served upon the following parties by electronic mail this 11th day of July, 2016:

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

In the Matter of the Application of Kansas City)
Power & Light Company and KCP&L Greater) Case No. EA-2012-_____
Missouri Operations Company Regarding)
Arrangements for the Construction of Certain)
Transmission Projects.)

NOTICE OF INTENDED CASE FILING

Kansas City Power & Light Company (“KCP&L”) and KCP&L Greater Missouri Operations Company (“GMO”) (collectively referred to as the “Companies”) state the following to the Commission:

1. KCP&L is a Missouri corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64105. KCP&L is primarily engaged in the business of generating, transmitting, distributing, and selling electric energy to the public in portions of eastern Kansas and western Missouri. KCP&L is an electrical corporation and a public utility, as defined in Section 386.020, Mo. Rev. Stat. (2000).¹ KCP&L provided its Certificate of Good Standing in Case No. EF-2002-315 which is incorporated herein by reference in accord with 4 CSR 240-2.060(1)(G).

2. GMO is a Delaware corporation with its principal office and place of business at 1200 Main Street, Kansas City, Missouri 64105. GMO is primarily engaged in the business of generating, transmitting, distributing, and selling electric energy and providing steam utility service to the public in portions of western Missouri. GMO is an electrical corporation and a public utility, as defined in Section 386.020. A Certificate of Authority for a foreign corporation to do business in the State of Missouri, evidencing GMO’s authority under the law to conduct

¹ All statutory references are to the Missouri Revised Statutes (2000), as amended.



business in Missouri, was filed with the Commission in Case No. EU-2002-1053 and is incorporated herein by reference in accord with 4 CSR 240-2.060(1)(G).

3. Commission Rule 4 CSR 240-4.020(2) provides, in pertinent part, as follows:

Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission.

4. Without waiving their right to request that the Commission disclaim jurisdiction over certain matters and issues related to this proceeding, KCP&L and GMO state that they intend to file a joint application regarding their rights and responsibilities to construct certain regionally-funded high-voltage transmission projects which have been approved by Southwest Power Pool, Inc. (“SPP”), and the anticipated designation of Transource Energy, LLC or a subsidiary thereof to construct such projects.

5. The Companies intend to submit such an application within the next sixty days or thereafter. Because the Companies do not know whether this matter will become a “contested case” within the meaning of Section 536.010(4), as referenced in 4 CSR 240-4.020(1)(C), they are filing this notice out of an abundance of caution. KCP&L and GMO believe that issues likely to come before the Commission in this proceeding will relate to the rights and responsibilities of the Companies with regard to certain SPP-approved regional transmission projects, the plans of the Companies to discharge their obligations to construct those projects, the designation of a third party under Attachment O of SPP’s Open Access Transmission Tariff to construct the projects, and the Commission’s Affiliate Transactions Rule.

WHEREFORE, Kansas City Power & Light Company and KCP&L Greater Missouri Operations Company submit this Notice of Intended Case Filing to the Commission and to the Secretary of the Commission.

/s/ Karl Zobrist

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served upon the parties listed below on this 8th day of May 2012, by either e-mail or U.S. Mail, postage prepaid.

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