

MLA Exhibit No. 320
Date 3-20-17 Report 148
File No. EA-2016-0358

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)

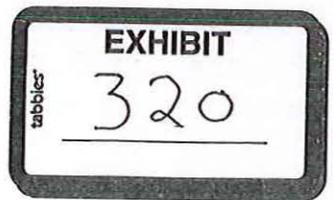
Case No. EA-2016-0358

FIRST SET OF REQUESTS FOR ADMISSIONS FROM the MLA TO GRAIN BELT
EXPRESS CLEAN LINE LLC

**A FAILURE TO TIMELY RESPOND TO REQUESTS FOR ADMISSIONS IN
COMPLIANCE WITH RULE 59.01 SHALL RESULT IN EACH MATTER
BEING ADMITTED BY YOU AND NOT SUBJECT TO FURTHER DISPUTE**

Comes now the MLA, pursuant to Commission Rule 4 CSR 240-2.090(1) and Missouri
Supreme Court Rule 59.01 and requests Grain Belt Express Clean Line, LLC ("Grain
Belt") to admit or deny the following, and for any item not admitted or denied, to set
forth in detail the reasons why Grain Belt cannot truthfully admit or deny the matter.

1. If a portion of the land on the right-of-way of the proposed line is incorporated by a Missouri municipality before the line is built, then under *City of Bridgeton v. Missouri-American Water Co.*, 219 S.W.3d 226 (Mo banc 2007) Grain Belt would be required to secure permission from that municipality pursuant to Section 71.520 RSMo before it could build any of its proposed transmission facilities within the incorporated city limits of that municipality.
2. If Grain Belt constructs the proposed line, and thereafter a portion of the land on the right-of-way of the line is incorporated by a Missouri municipality, then if Grain Belt cannot secure permission from that municipality pursuant to Section 71.520 RSMo to leave its transmission facilities within the incorporated city limits, Grain Belt would be obligated under *City of Bridgeton v. Missouri-American Water Co.*, 219 S.W.3d 226 (Mo banc 2007) to remove its transmission facilities from the incorporated city limits of that municipality.
3. On September 5, 2012, the Caldwell County Commission issued the document attached hereto as Exhibit 1.
4. The document referred to in item 3 above is the only authorization which Grain Belt has obtained from the Caldwell County Commission to build electric facilities within Caldwell County.



5. On August 26, 2014, the Missouri Landowners Alliance and another plaintiff filed a Petition in the Circuit Court of Caldwell County, Case No. 14CL-CV00222, asking the Court to declare the document attached as Exhibit 1 to be invalid and void.

6. On April 21, 2015, the plaintiffs filed a Motion For Summary Judgment in the above case, asking the Court to declare the document attached as Exhibit 1 to be void and/or unenforceable.

7. On October 7, 2015, the Circuit Court issued an Order sustaining the Motion For Summary Judgment referred to in item 6 above. A copy of that Order is attached hereto as Exhibit 2.

8. Grain Belt did not appeal the Order attached as Exhibit 2.

9. Attached hereto as Exhibit 3 is a copy of a summary of the results of a telephone survey conducted in October, 2014 for Grain Belt in the eight counties which the proposed line would traverse.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served upon the parties to this case by electronic mail this ____ day of _____, 2016.

/s/ Paul A. Agathen

Paul A. Agathen

Attorney for the Missouri Landowners Alliance

Regular Terms of
Commission Meeting:
First Monday in February,
May, August and November

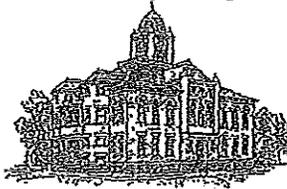
Beverly J Bryant
Clerk to the Commission

Regular Meeting: Each Monday

C.R. BUD MOTSINGER
Presiding Commissioner
Hamilton, MO 64644

DONNIE COX
Eastern District Commissioner
Brymer, MO 64624

GERRALD McBRAVER
Western District Commissioner



CALDWELL COUNTY COMMISSION

49 East Main, PO Box 67
Kingston, Missouri 64650
816.586.2571
816.586.3001 (fax)

On this 5 day of Sept, 2012, Grain Belt Express Clean Line LLC requests authority from the Caldwell County Commission pursuant to section 229.100 RSMo 2000 to construct, erect, place, maintain, own and operate poles, lines, and other conduits, conductors and associated structures and equipment for utility purposes through, along, across, under and over the public roads and highways of the County of Caldwell, Missouri.

The Caldwell County Commission may, pursuant to said section approve and grant such authority as requested by Grain Belt Express Clean Line LLC. The Commission hereby grants the requested authority to Grain Belt Express Clean Line LLC, and its successors and assigns, subject to the condition that all necessary permits from the County be obtained and all rules and regulations of the Commission pertaining to such facilities be observed by Grain Belt Express Clean Line LLC.

Dated: 9-5-12

Caldwell County Commission

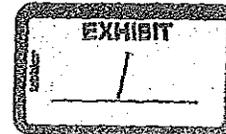
C.R. Bud Motsinger
Presiding Commissioner

Donnie Cox
Commissioner

Gerrald McBraver
Commissioner

I hereby certify that this is a true and exact copy of the original order filing in my office the 5 day of Sept, 2012.

Beverly Bryant
County Clerk





FILED
OCT 07 2015

IN THE CIRCUIT COURT OF CALDWELL COUNTY, MISSOURI

CARRIE MILLER
CALDWELL COUNTY CIRCUIT CLERK

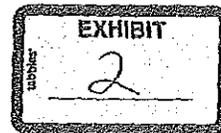
MISSOURI LANDOWNERS ALLIANCE, et al,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 14CL-CV00222
)	
GRAIN BELT EXPRESS CLEAN LINE, LLC, et al,)	
)	
Defendants.)	

ORDER

Plaintiffs' Motion to Strike the Affidavit of Mark Lawlor is sustained.
Plaintiffs' Motion for Summary Judgment is sustained.

R. Brent Elliott
Circuit Judge

10-7-15
Dated



**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 345kV transmission)
line.)

Case No. EA-2016-0358

**GRAIN BELT EXPRESS CLEAN LINE LLC'S
RESPONSES TO FIRST SET OF REQUESTS FOR ADMISSIONS
FROM MISSOURI LANDOWNERS ALLIANCE**

Grain Belt Express Clean Line LLC ("Grain Belt Express" or "Company") states the following in response to the Missouri Landowners Alliance ("MLA") First Set of Requests for Admission:

1. On September 5, 2012, the Caldwell County Commission issued the document attached hereto as Exhibit 1.

RESPONSE: Grain Belt Express admits that the Caldwell County Commission issued Exhibit 1 on September 5, 2012.

2. The document referred to in item 1 above, Exhibit 1, is the only authorization which Grain Belt has obtained from the Caldwell County Commission to build electric facilities within Caldwell County.

RESPONSE: Grain Belt Express denies this request except to admit that Exhibit 1 is the only authorization and consent that the Company has obtained from the Caldwell County Commission pursuant to Section 229.100, Mo. Rev. Stat. (2000), as amended.

3. On or about August 26, 2014, the Missouri Landowners Alliance and another plaintiff filed a Petition in the Circuit Court of Caldwell County, Case No. 14CL-CV00222, asking the Court to declare the document attached as Exhibit 1 to be invalid and void.

RESPONSE: Grain Belt Express denies this request except to admit that MLA filed a petition in the Circuit Court of Caldwell County, Case No. 14CL-CV00222, alleging that the Caldwell County Commission violated the Missouri sunshine laws and that, as a result of its actions, Exhibit 1 is invalid and void.

4. On or about April 21, 2015, the plaintiffs filed a Motion For Summary Judgment in the above case, asking the Court to declare the document attached as Exhibit 1 to be void and/or unenforceable.

RESPONSE: Grain Belt Express denies this request except to admit that the plaintiffs filed a Motion for Summary Judgment asking that the Circuit Court of Caldwell County find Exhibit 1 to be unenforceable on the basis of the Caldwell County Commission's failure to abide by the Missouri sunshine laws.

5. On October 7, 2015, the Circuit Court of Caldwell County issued an Order sustaining the Motion For Summary Judgment referred to in item 4 above. A copy of that Order is attached hereto as Exhibit 2.

RESPONSE: Grain Belt Express admits that Exhibit 2 is the Order issued by the Circuit Court of Caldwell County on October 7, 2015.

6. No party appealed the Order attached as Exhibit 2.

RESPONSE: Grain Belt Express admits that neither the Caldwell County Commission nor the Company appealed the Order contained in Exhibit 2.

7. Attached hereto as Exhibit 3 is a copy of a summary of the results of a telephone survey conducted in October, 2014 for Grain Belt in the eight counties which the proposed line would traverse.

RESPONSE: Grain Belt Express is unable to admit or deny that Exhibit 3 is a copy of the document that it purports to be because it is illegible and incomplete.

Respectfully submitted,

/s/ Karl Zobrist

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eszalkowski@cleanlineenergy.com

Attorneys for Grain Belt Express Clean Line LLC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the party to which it was directed by email or U.S. Mail, postage prepaid, this 7th day of November 2016.

/s/ Karl Zobrist
Attorney for Grain Belt Express Clean Line LLC