

# 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.	)	<b><u>File No. EC-2021-0034</u></b>
	)	
Grain Belt Express LLC, Invenergy	)	
Transmission LLC, and Invenergy Investment	)	
Company, LLC,	)	
	)	
Respondents.	)	

## ORDER SUSPENDING DEADLINES AND SETTING A BRIEFING SCHEDULE

Issue Date: September 2, 2020

Effective Date: September 2, 2020

On June 22, 2020,<sup>1</sup> Missouri Landowners Alliance and Eastern Missouri Landowners Alliance DBA Show Me Concerned Landowners, and John G. Hobbs (Complainants) filed a complaint against Grain Belt Express LLC, Invenergy Transmission LLC, and Invenergy Investment Company LLC (Respondents). The Commission issued a Notice of Formal Complaint and Order Directing Staff to File a Preliminary Report. The order required Respondents to file a response to the Complaint no later than September 9, and Staff to file a preliminary report no later than September 21.

On September 1, the parties filed a Joint Motion to Suspend Current Deadlines and Establish a Briefing Schedule ("Motion"). They state they have agreed the Complaint is limited to a legal question that does not require a Staff investigation of the Complaint's factual allegations and which may be better addressed through briefs than through a

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<sup>1</sup> All date citations will be to 2020 unless otherwise stated.

formal response to the Complaint. The parties request a waiver or continuance of 20 CSR 4240-2.070(9) (requiring a response to a complaint) and 20 CSR 4240-2.070(11) (requiring a Staff report) so the Commission may receive briefs on the issue which the parties have identified in a joint stipulation stated in their motion. They state there is good cause per 20 CSR 4240-2.205 to grant a variance or waive the rules requiring a response to the complaint and a Staff report because addressing the issues through briefs is more efficient. The parties' motion contains and the Commission finds the parties have agreed to the following stipulation (Joint Stipulation):

(A) In their recent easement negotiations with Missouri landowners for easements on the proposed right-of-way of the Grain Belt line, Invenenergy's land agents have presented landowners with easement agreements in the form of that attached as Exhibit 2 to the Complaint, and/or the form of easement agreement attached as Exhibit 1 to the Joint Motion to Suspend Current Deadline and Establish a Briefing Schedule. The land agents are not currently presenting landowners with the form easement agreement marked as Schedule DKL-4 to Exhibit 113 in the CCN proceedings;

(B) In their respective legal briefs, Joint Movants may cite to any portion of the record in the CCN case to support their arguments; and

(C) Joint Movants agree that the issue in this Complaint is limited to whether, as a condition of the CCN granted to Respondents in the CCN case, Grain Belt is required to initiate easement negotiations by offering the form of easement agreement marked as Schedule DKL-4 to Exhibit 113 in the CCN proceeding.

The parties have also agreed and they propose they will file simultaneous initial briefs regarding the legal issue on or before September 16, 2020, and file simultaneous reply briefs on or before September 30, 2020.

The Commission will grant the Motion, suspend the orders requiring Respondents to file an answer or response to the Complaint and Staff to file a preliminary report, and order the parties to file briefs.

**THE COMMISSION ORDERS THAT:**

1. The Commission's order requiring Grain Belt Express, LLC and Invenergy Transmission LLC and Invenergy Investment Company, LLC to file a response to the complaint no later than September 9, 2020, is suspended.
2. The Commission's order requiring the Staff of the Public Service Commission to file a preliminary report no later than September 21, 2020, stating when it anticipates being able to file a full report detailing its findings and recommendations concerning the complaint is suspended.
3. The parties shall file initial briefs in conformity with the Joint Stipulation described in the body of this order no later than September 16, 2020, and reply briefs no later than September 30, 2020.
4. This order shall be effective when issued.



**BY THE COMMISSION**

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

Morris L. Woodruff  
Secretary

Paul T. Graham, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 2<sup>nd</sup> day of September, 2020.

**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 2<sup>nd</sup> day of September, 2020.**



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

**MISSOURI PUBLIC SERVICE COMMISSION**

**September 2, 2020**

**File/Case No. EC-2021-0034**

**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.