

EXHIBIT 5

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. EC-2020-0408
Grain Belt Express Clean Line LLC, and)	
Invenergy Transmission LLC, and)	
Invenergy Investment Company,)	
)	
Respondents)	

SECOND SET OF DATA REQUESTS FROM COMPLAINANTS TO RESPONDENTS

13. Items 8, 10 and 12 of Complainants’ First Set of Data Requests asked for descriptions of certain documents or portions of documents. In lieu of a description of that material, at Respondents’ option please provide a copy of the documents in question.

Response: Objection. Respondents objected to Items 8, 10 and 12 of Complainants’ First Set of Data Requests and objects to this data request on the same grounds. Respondents object to this data request because CLS’s contract with Invenergy is neither logically nor legally relevant to this proceeding, nor is it reasonably calculated to lead to the discovery of relevant admissible evidence.

The information sought is not relevant to either (1) Complainants’ allegations that CLS Land Representatives indicated to landowners that “Grain Belt is no longer involved” in the business, or (2) the relief sought by Complainants, which is that the Commission direct Grain Belt and Invenergy to remind all land agents in writing that all communications with landowners must be factually correct, and that Grain Belt and Invenergy be directed to remind all current and future representatives that Grain Belt is still involved in the project.

Respondents also object to this data request in that it improperly seeks sensitive and proprietary commercial contractual information between Invenergy and its vendor CLS.

14. With respect to the three call logs from Mr. Walters and Mr. Brown which were provided in discovery (Alexander Brown Call Log 04.01.20; and Dan Walters Call Logs 06.09.20 and 06.17.20), please provide the following information:

a. Please describe in detail the process by which the call logs provided in discovery were generated from the data base CLSLiNK Maps, and the process by which information regarding telephone conversations is input into that data base.

Response: Land agents are instructed to log all communications or attempted communications with landowners in CLSLiNK. Agents are responsible for inputting their own activity notes. Dan Walters inputted the activity notes titled “Dan Walters Call Log 06.09.20” and “Dan Walters Call Log 06.17.20”. Alex Brown inputted the activity note titled “Alexander Brown Call Log 04.01.20.” The dates in the activity note titles corresponds with the dates the activity notes were uploaded to CLSLiNK.

b. If not reported in answer to item 14.a, please state how the information appearing in the three call log was actually input into CLSLiNK Maps, including the name of the person inputting that information, and the date on which it was input.

Response: See response to 14a.

c. If not reported in answer to item 14a, please state what reference material (e.g., notes, dictated recordings, memory) was used for inputting information into CLSLiNK Maps for the three call logs in question.

Response: CLS land agents use their personal notes and memory to make the activity notes. Conversations with landowners are not recorded.

d. If not reported in answer to item 14.a, please state for each of the three call logs the date on which data appearing in the call log was input into CLSLiNK Maps.

Response: See response to 14a.

e. Please explain the significance of the date in the upper left corner of the call logs; e.g., 8/6/2020 for Mr. Walters’ call log of June 9, 2020.

Response: The date in the upper left corner is the date that Patrick Caldwell (Transmission Development Analyst at Invenenergy) downloaded the activity notes from CLSLiNK.

f. Please provide a copy of any and all instructions and guidance given to CLS land agents for inputting data concerning telephone conversations into CLSLiNK Maps, and/or for compiling the call logs from the information in the data base.

Response: See attachment titled “GBX EC-2020-0408 DR2(14f).”

15. Please state whether any of Respondents' employees or agents have recorded any telephone conversation with any Missouri landowner regarding the Grain Belt Project.

Response: None of Respondents' employees or agents have recorded any telephone conversation with any Missouri landowner regarding the Grain Belt Project.

16. If the answer to the preceding item is anything other than an unqualified "no", please list the date of each recorded call, and the names and positions of all of the parties to each such call (including the name of the landowner).

Response: N/A.

17. In its March 20, 2019 Order in the CCN case (EA-2016-0358) the Commission makes reference to the fact that Grain Belt had 39 easements with Missouri landowners. (See, e.g., p. 37 of said Order). How many easements has Grain Belt obtained for property on the Missouri right-of-way for the proposed line in addition to the 39 mentioned by the Commission, including only those obtained prior to June 17, 2020 (the date of the telephone conversation between Gary Mareschal and Daniel Walter).

Response: Objection. Respondents object to this data request because the number of easements obtained by Grain Belt is neither logically nor legally relevant to this proceeding, nor is it reasonably calculated to lead to the discovery of relevant admissible evidence.

The information sought is not relevant to either (1) Complainants' allegations that CLS Land Representatives indicated to landowners that "Grain Belt is no longer involved" in the business, or (2) the relief sought by Complainants, which is that the Commission direct Grain Belt and Invenergy to remind all land agents in writing that all communications with landowners must be factually correct, and that Grain Belt and Invenergy be directed to remind all current and future representatives that Grain Belt is still involved in the project.

18. Please provide a copy of all internal correspondence (including but not limited to emails, letters, and notes) generated on or after June 20, 2020, between or among individuals employed by or working for CLS, and dealing with one or more telephone conversations between a CLS land agent and Gary Mareschal and/or Marvin Daniels.

Response: Objection. Respondents object to this data request because it is unduly burdensome, unduly intrusive, overly broad and is not reasonably calculated to lead to the discovery of relevant admissible evidence.

VERIFICATION OF RESPONSES

The answers provided to the foregoing Data Requests have been collected from various sources at Invenergy Transmission LLC and Grain Belt Express LLC, and are true and accurate to the best of my knowledge and belief.

Signed: /s/ Eric Miller
Eric Miller
Vice President
Invenergy Transmission

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all parties of record by email or U.S. mail, postage prepaid, this 19th day of October, 2020.

/s/Andrew O. Schulte

Contract Land Staff instructions to land agents for logging activity notes.

1.0 Activity Notes

This introduction shall provide general information concerning the reporting of field activities on the Project. It is the expectation that all Agents will be able to utilize CLS's applications so that reporting can be available in as near to real time as possible. Any questions concerning the use of the application for the filing of Activity Notes should be directed to the Agent's direct Supervisor or the VROW Manager supporting the project.

Agents shall report each and every activity in the application. Activities shall be interpreted as any of the following:

- Direct face-to-face meetings with landowners, tenants or other persons associated with a specific ROW tract,
- Telephone discussions with landowners, tenants or other persons associated with a specific ROW tract,
- E-mail communications with landowners, tenants or other persons associated with a specific tract (note that copies of all such electronic communications must be documented by a scanned copy attached to the activity note, or copied into the note itself),
- Any attempted contact with persons associated with any tract such as by unanswered telephone call or when leaving a voice mail,
- Any event or activity witnessed by the Agent when near or on the subject tract, whether in the presence of the landowner, etc. or not – i.e. noting that timber cutting was ongoing when accompanying a surveyor on tract entry, etc.
- Incoming telephone contacts from off-line or non-centerline landowners / stakeholders, made to a specific Agent or to the project offices through the published project phone number, or
- Any other tract-specific information learned or witnessed by the Agent, Supervisor or other employee (not to include title information, which would be addressed in the appropriate section of these Project Procedures).

1.1 Information in Activity Notes

The Activity Note should clearly indicate who the Agent spoke to and the details of that conversation. It should cover matters which may be included in other sections of the application such as offer amounts and Landowner concerns but should be a more detailed account of the discussions and negotiations and should provide a "stand alone" report of the contact. The Activity Note should be factual and to the point. The Agent may provide exact quotes of specific Landowners comments by indicating them within quotation marks.

Agents are instructed to use complete sentences and proper grammar when completing Activity Notes. Before forwarding a report for review, the Agent should proof the report to ensure that it properly relates the details and information intended. Agents are cautioned to refrain from any use of inflammatory language or from making derogatory statements concerning Landowners. Further, Agents should relate Landowners requests or demands in factual terms. Agents should always keep in mind that

all verbiage and information in the Activity Note is discoverable in the event of expropriation proceedings.

1.2 Filing of Activity Notes

Activity Notes must be completed and entered into the Viewer or Maps in a timely manner in order to meet “real-time reporting” requirements of our clients. Therefore, it is recommended that all Activity Notes for a particular day are entered in no later than 9:00am the following morning.

CLS understands that this timely reporting will create difficulties when late night meetings are held with landowners, but it is essential that our data is as current as possible. The review and posting process for each day must be completed no later than 12:00 Noon on each work day so reports can be produced daily. This requires all Agent data entry to be completed by 9:00am. Any questions on this point should be addressed to the Agent’s direct Supervisor.

1.3 Attached Documents

The agent shall scan and attach any executed document to the Activity Note. Examples of such attachments include but are not limited to:

- Signed Survey Permits (Survey Access Forms)
- Executed and notarized Options for Easements
- Executed and notarized Easement Agreements
- Settlement Agreement forms (where applicable)
- Signed Damage Release forms or equivalent
- Check Copies or check record documents, where applicable (Note: Typically scanning checks into the Viewer or Maps includes adding a W9 which contains a social security number. This is not advised. That sensitive information should be stored per project protocols.)
- E-mails to and from Landowners
- Letters received by the Agent from any landowner or other stakeholder
- Any other pertinent hard copy document or supporting information obtained or received by the Agent relating to the Activity Note.