

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 12th day of
July, 2016.

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,) **File No. EA-2016-0358**
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)

**ORDER DENYING WAIVER AND DIRECTING THE SECRETARY TO
REJECT APPLICATION**

Issue Date: July 12, 2016

Effective Date: July 22, 2016

On June 30, 2016, Grain Belt Express Clean Line LLC (“Grain Belt”) filed an application with the Missouri Public Service Commission (“Commission”) for a certificate of convenience and necessity. Prior to filing its application, Grain Belt did not file the notice (the “60-day notice”) required by Commission Rule 4 CSR 240-4.020(2). That rule states 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.

(A) Any case filed which is not in compliance with this section shall not be permitted and the secretary of the commission shall reject any such filing.

(B) A party may request a waiver of this section for good cause.

On July 1, 2016, the Commission issued an order requiring Grain Belt to show cause why its application should not be dismissed for failure to comply with the rule. Grain Belt responded that same day, stating that the rule is not applicable because Grain Belt is not a

regulated entity, or in the alternative, that the rule should be waived for good cause because it believed in good faith that it was not required to file a 60-day notice. On July 2, 2016, the Missouri Landowners Alliance filed a motion to dismiss the application and, subsequently, a request for waiver of the intervention rule. The Missouri Landowners Alliance has not requested or been granted intervention and is not a party to this matter at this time. As a result of the decision reached in this order, the Commission need not rule on the motion to dismiss or the request for waiver.

Commission Rule 4 CSR 240-4.020(2)(A) requires the Secretary of the Commission to reject filings that are not in compliance with 4 CSR 240-4.020(2). The purpose of this rule is to promote the public trust in the Commission by regulating communications between the Commission and potential parties to contested cases. While the term “regulated entity” is not defined in the rule, for the purposes of this section, it is most reasonable to infer that a regulated entity is simply one that is subject to the authority of the Commission, as is any entity that asks the Commission for permission to construct transmission in Missouri. To interpret this term in such a way as to exempt Grain Belt from this section of the rule would subvert the section’s purpose by allowing some entities to avoid the protections of the notice requirement based solely on whether they have previously received a certificate from the Commission. The Commission finds that the rule does apply to Grain Belt. Furthermore, waiver of the rule is not appropriate in these circumstances. Grain Belt was evidently well aware of the requirements of the regulation as it filed a 60-day notice in its previous application proceeding, File No. EA-2014-0207, which was a highly contentious case involving many parties regarding a similar request for a certificate of convenience and necessity.

The Commission will deny Grain Belt's request for waiver and will direct its Secretary to reject the application as required by Commission Rule 4 CSR 240-4.020(2)(A). Grain Belt may file a 60-day notice and re-file its application.¹

THE COMMISSION ORDERS THAT:

1. Grain Belt Express Clean Line LLC's request for a waiver of Commission Rule 4 CSR 240-4.020(2) is denied.
2. The Commission's Secretary is directed to reject Grain Belt Express Clean Line, LLC's application for certificate of convenience and necessity filed on June 30, 2016.
3. Grain Belt Express Clean Line LLC may file a notice in compliance with Commission Rule 4 CSR 240-4.020(2) and, subsequently, re-file its application.
4. This order shall be effective on July 22, 2016.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Hall, Chm., Stoll, Kenney,
Rupp, and Coleman, CC., concur.

Bushmann, Senior Regulatory Law Judge

¹ If such a notice is filed, the Commission would consider a request to waive the requirement that Grain Belt wait 60 days from the date of that notice before re-filing its application. Notice of a likely contested case was effectively given as of June 30, 2016.