

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Cheri Meadows,)
)
Complainant,)
) Case No. EC-2025-0136
)
v.)
)
)
Grain Belt Express LLC,)
)
Respondent)

**GRAIN BELT EXPRESS LLC’S RESPONSE TO CHERI MEADOWS’
DECEMBER 18, 2024 REPLY**

Grain Belt Express LLC (“Grain Belt Express” or “Respondent”), pursuant to 20 CSR 4240-2.070(8), hereby files this Response to Cheri Meadows’ December 18, 2024 Reply. In support of its Response, Respondent states the following:

I. Background

1. On October 15, 2024, Cheri Meadows (“Ms. Meadows” or “Complainant”) filed a formal complaint against Grain Belt Express (“Complaint”), expressing her opposition to the route of Grain Belt Express’ AC transmission line, the Tiger Connector,¹ across her property located in Callaway County, Missouri.

2. Numerous responses and replies have been filed by both Ms. Meadows and Grain Belt Express. Grain Belt Express files this Response to Ms. Meadows’ latest reply filed on December 18, 2024 to correct certain inaccuracies in that filing and ensure that the record is clear.

¹ The Tiger Connector is described more fully, *infra*.

To the extent that Grain Belt Express does not address other claims, Grain Belt Express reserves the right to respond more fully should the issues continue to be raised by Ms. Meadows. As in prior responses, Grain Belt Express does not address Ms. Meadows' personal opinions or Ms. Meadows' hypothetical questions in this pleading.

II. Grain Belt Fully Complied with Legal Notice Requirements and Ms. Meadows Was Provided Notice of Her Option to Participate in the New CCN Proceeding

3. Pursuant to 20 CSR 4240-20.045(K), a public utility such as Grain Belt Express is required to provide notice in writing to all landowners that may be directly affected by the proposed route of an electric transmission line. That regulation states that land is "directly affected" if a permanent easement or other permanent property interest would be obtained over all or any portion of the land, or if the land contains a habitable structure that would be within 300 feet of the centerline of an electric transmission line.

4. As related to Case No. EA-2023-0017 ("the New CCN proceeding"), Grain Belt Express provided two separate notices to landowners in accordance with 20 CSR 4240-20.045(K): (1) the July 12, 2022 letter to provide notice of the public meetings to be held in Audrain and Callaway Counties, Missouri (provided to all landowners within 1,000 feet of the centerline);² and (2) the August 18, 2022 letter to landowners (provided to landowners either directly affected or within 300 feet of the centerline) notifying them of the Final Proposed Route of the Tiger Connector and Grain Belt Express' intent to file its application in MPSC Docket No. EA-2023-0017.³

² Case No. EA-2023-0017, Schedule KC-2 at pp. 14-15, affixed to the Direct Testimony of Kevin Chandler (Exhibit 19).

³ Case No. EA-2023-0017, Schedule KC-3 at pp. 4-5, affixed to the Direct Testimony of Kevin Chandler (Exhibit 19).

5. In her latest Reply, Ms. Meadows states that she has no “specific recollection” of receiving the August 18, 2022 landowner notice letter from Grain Belt Express.⁴ However, Ms. Meadows does not claim that she did not receive the August 18, 2022 landowner notice letter and all available evidence indicates that she did. In the New CCN proceeding, Grain Belt Express provided an Affidavit with the mailing list for the August 18, 2022 notice letter and Ms. Meadows’ address is included.⁵ Ms. Meadows’s address in the Affidavit matches the address that Ms. Meadows provided with her Formal Complaint. Grain Belt Express did not receive a returned letter or any other indication of undeliverability. As established by 20 CSR 4240-20.045(K), Grain Belt Express’ Affidavit is “proof of compliance” with the notice requirement and there is no reason to question that proof here.

6. Moreover, the August 18, 2022 letter was not the only notice to Ms. Meadows that the Commission would be hearing and receiving evidence regarding the route of the Tiger Connector. The July 12, 2022 landowner notice letter states that “Your input will help us make better decisions as we determine our proposed route for the Missouri Public Service Commission.”⁶ Further, the Open House postcards and handouts reflected the Project timeline, including “Anticipated Missouri Public Service Commission review and decision.”⁷ Ms. Meadows attended the Open House and submitted a comment card.⁸

7. Accordingly, Ms. Meadows had multiple notices and opportunity, indeed the same notices and opportunities as every other impacted landowner, to bring her concerns regarding the

⁴ Meadows’ December 18, 2024 Reply at ¶4.

⁵ Case No. EA-2023-0017, Schedule KC-3 at pp. 6-7, affixed to the Direct Testimony of Kevin Chandler (Exhibit 19).

⁶ File No. EA-2023-0017, Schedule KC-2, p. 19.

⁷ Id. at pp. 40, 44, 45.

⁸ Id. at p. 89.

route of the Tiger Connector to the Commission at the appropriate time, prior to the route being approved by the Commission.

III. Grain Belt Express Again Commits to Following Landowner Preferences for Herbicide and Fertilizer Application

8. Ms. Meadows suggests that Grain Belt Express has resorted to “bully tactics” regarding Ms. Meadows’ preference to avoid herbicides. As Staff and the Commission are aware, and as referenced in Grain Belt Express’ response to Staff Data Request 0007, Section VI.6 of the Conditions Agreed to by Grain Belt and Staff states, “if the landowner does not want herbicides used, they will not be used.” While such preferences are often recorded in a voluntary easement, Grain Belt Express will comply with this requirement regardless of whether a landowner enters a voluntary agreement. It has been made clear that Ms. Meadows does not want herbicides used on her property, and they will therefore not be used.

IV. Ms. Meadows’ References to the Callaway County Commissioners’ Awareness of the Route of the Tiger Connector

9. Ms. Meadows attaches a letter to her pleading from Callaway County Presiding Commissioner Gary Jungermann, in which Mr. Jungermann states that the county commission met with representatives of Grain Belt Express but didn’t learn about the route until around the same time Ms. Meadows learned of the route.⁹ It is correct that the county commissions learned about the potential routes for the Tiger Connector around the same time as the landowners—which was in July 2022, prior to the open houses held on July 26 and 27, 2022 and prior to Grain Belt Express filing its Application in the New CCN proceeding.¹⁰ Since the July 12, 2022 letter, Grain Belt

⁹ Meadows’ December 18, 2024 Reply at ¶ 22.

¹⁰ Case No. EA-2023-0017, Schedule KC-2 affixed to the Direct Testimony of Kevin Chandler, at pp. 14-16 (Exhibit 19).

Express has continued to keep the county commissions informed of the process and status of the Project. The Commissions' awareness of the process is evident by the fact that Commissioner Roger Fischer of Callaway County attended the evidentiary hearing for the CCN Case.

V. Ms. Meadows' Complaint Does Not Demonstrate Any Violations of a Commission Order, Rule, or Tariff and Her Complaint Should Be Dismissed For Failure to State a Claim

10. As noted previously, Section 386.390 RSMo. authorizes the Commission to hear a complaint “setting forth any act or thing done or omitted to be done” by a public utility to determine whether there has been a violation of “any provision of law subject to the [C]ommission’s authority, of any rule promulgated by the [C]ommission, of any utility tariff, or of any order or decision of the [C]ommission.”¹¹

11. The only “act or thing done” by Grain Belt Express has been to site the Tiger Connector on the route approved by this Commission.

12. It is neither logical nor feasible to design a route that results in zero impacts to landowners that reside or own property along the route of the Tiger Connector. However, the robustness of the Routing Study and the degree to which the Routing Team balanced competing interests demonstrates that there has been no violation of any conditions, Protocols, or Orders applicable to Grain Belt Express. Ms. Meadows' complaint allegations refer to the Commission's Findings of Fact in the New CCN Order that “[t]he Routing Team also tried to avoid built-up areas, residences” and “[t]he Project is designed to have a minimal impact on land.”¹² Both of these Commission Findings of Fact remain accurate.

¹¹ Section 386.390 RSMo. (emphasis added).

¹² *Id.* at p. 42.

13. There has been no violation of any law, rule, tariff, or order of the Commission and Grain Belt Express has fully complied with its legal notice obligations, its obligations in the Commission Orders, its approved Protocols, and has thoroughly engaged in micro-siting efforts with Ms. Meadows. Accordingly, Ms. Meadows' Complaint has not demonstrated any violations, and her Complaint should be dismissed.

14. The Complaint has failed to state a claim upon which relief can be granted and should therefore be dismissed. Inasmuch as the Complaint argues for a new route for the Tiger Connector, it amounts to an untimely and impermissible collateral attack on the Commission's New CCN Order, which approved the route for the Tiger Connector and which was issued over a year ago. Further, the Complaint does not identify any law, rule, regulation, Commission order, or Protocol that has been violated by Grain Belt Express. Accordingly, the Commission should dismiss the Complaint in accordance with 20 CSR 4240-2.070(7), which provides, "[t]he [C]ommission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted or failure to comply with any provision of these rules or an order of the commission, or may strike irrelevant allegations." Dismissal is also appropriate under 20 CSR 4240-2.116(4).¹³

¹³ "A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved." 20 CSR 4240-2.116(4).

WHEREFORE, Grain Belt respectfully requests that the Commission: (1) accept this Response; (2) dismiss the Complaint for failure to state a claim upon which relief can be granted; and (3) for such further relief as the Commission may deem just and appropriate.

Respectfully submitted,

POLSINELLI PC

/s/ Anne E. Callenbach

Anne E. Callenbach MBN 56028

Andrew O. Schulte MBN 62194

Sean Pluta MBN 70300

Polsinelli PC

900 W. 48th Place, Suite 900

Kansas City, MO 64112

Telephone: (816) 572-4760

Facsimile: (816) 817-6496

acallenbach@polsinelli.com

aschulte@polsinelli.com

spluta@polsinelli.com

ATTORNEYS FOR RESPONDENT

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 30th day of December, 2024.

/s/ Anne E. Callenbach

Attorney for Respondents