

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 5th day of
March, 2025.

| | | |
|--------------------------|---|-------------------------------------|
| Cheri Meadows, |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>File No. EC-2025-0136</u> |
| |) | |
| Grain Belt Express, LLC, |) | |
| Respondent |) | |

**ORDER DENYING MOTION TO DISMISS AND DIRECTING STAFF TO
FILE A PROPOSED PROCEDURAL SCHEDULE**

Issue Date: March 5, 2025

Effective Date: March 5, 2025

This order denies Grain Belt Express, LLC's (Grain Belt) motion to dismiss and directs the parties to file a joint proposed procedural schedule with an evidentiary hearing date.

Complaint

On October 15, 2024, Cheri Meadows, Complainant, filed a complaint with the Commission against Grain Belt. On November 15, 2024, Grain Belt filed a timely answer to the complaint. In its answer Grain Belt asserted that the complaint should be dismissed for failure to state a claim. Grain Belt argued that the complaint did not identify any law, rule, regulation or Commission order that Grain Belt violated. Grain Belt also asserted that, because Complainant argued that the approved route should be changed to avoid her property, the complaint was a collateral attack on a Commission order.

On January 17, 2025, the Staff of the Commission (Staff) filed its report in this case. Grain Belt renewed its motion to dismiss on January 24, 2025, in its response to Staff's report.

The Office of the Public Counsel (Public Counsel) filed a reply to Grain Belt's motion to dismiss asserting that it is in the public interest for the Commission to hear a complaint when the Complainant explains in practical terms the basis for the complaint.

The Commission held a procedural conference to ask questions of the parties about Grain Belt's motion to dismiss. The Commission has generally heard small complaint cases where Complainants have clearly articulated what might amount to a violation without being able to cite the particular law, rule, tariff, or Commission order provision that was violated. However, this is not a small complaint case and the Commission does not intend for this complaint to turn into an impermissible collateral attack on the Commission's order granting Grain Belt a certificate of convenience and necessity.

At the procedural conference Staff noted that, while its report did not find that Grain Belt had committed any violations of the Commission's Order in EA-2023-0017, or any other statute or Commission rule, it did believe that Complainant articulated a potential violation in alleging that Grain Belt has not followed two points of the Commission's *Report and Order* granting Grain Belt a certificate of convenience and necessity in File No. EA-2023-0017. Staff noted that Complainant asserted that Grain Belt has not tried to avoid built up areas and residences (Complainant's residence specifically), and the Grain Belt transmission project is not designed to have a minimal impact to land (Complainant's land specifically).

The Commission agrees with Staff and Public Counsel and finds that Complainant has articulated a potential violation sufficient for the Commission to hear her complaint.

Proposed Procedural Schedule

At the procedural conference the Commission asked the parties their availability for an April evidentiary hearing and determined that the parties were available most of April 2025. However, the Commission does not know how much time the parties need to prepare. Accordingly, the Commission will direct the parties to file a proposed procedural schedule with an evidentiary hearing date the week of April 14 or 29, 2025, or the week of June 30 or July 28, 2025. The Commission will dispense with prefiled testimony for this complaint and will hear testimony live at the evidentiary hearing.

THE COMMISSION ORDERS THAT:

1. Grain Belt's motion to dismiss is denied.
2. No later than March 19, 2025, Staff shall file a joint proposed procedural schedule on behalf of the parties.
3. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Kolkmeier,
and Mitchell CC., concur.

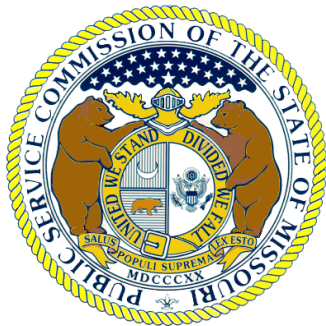
Clark, Senior Regulatory Law Judge

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 5th day of March 2025.**



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 5, 2025

File/Case No. EC-2025-0136

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.