

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 MOTION FOR RECONSIDERATION**

Pursuant to 20 CSR 4240-2.160(2), Grain Belt Express LLC (“Grain Belt Express”) hereby files this Motion for Reconsideration (“Motion”) of the Commission’s March 5, 2025 *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule* (“Order Denying Motion to Dismiss”). In support of its Motion Grain Belt Express states as follows:

**I. Background**

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

2. On November 15, 2024, Grain Belt Express filed an answer to the Complaint in which it, *inter alia*, requested that the Complaint be dismissed for failure to state a claim. In its answer Grain Belt Express also asserted that the complaint did not identify any law, rule, regulation or Commission Order that Grain Belt allegedly violated and further argued that the Complaint is

an impermissible attack on a Commission Order because it requested that the Commission-approved route for the Tiger Connector be moved to avoid her property.

3. On January 17, 2025, the Commission Staff filed its Report. Based upon its investigation of Ms. Meadows' Complaint, Staff did not discover any violation of applicable statutes, Commission rules, regulations, or Commission Orders.

4. Grain Belt Express filed a response to Staff's Report on January 24, 2025, within which Grain Belt Express renewed its previously filed Motion to Dismiss. On January 27, 2025, OPC filed a response in opposition to Grain Belt Express' Motion to Dismiss on grounds not relevant to this Motion for Reconsideration.<sup>1</sup>

5. Following a procedural conference in which Judge Clark questioned the parties regarding Grain Belt Express' Motion to Dismiss, on March 5, 2025, the Commission issued its Order Denying Motion to Dismiss.

6. 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."<sup>2</sup> The Commission agreed. The Commission's Order Denying Motion to Dismiss specifically stated:

Staff noted that Complainant asserted that Grain Belt has not tried to avoid built up areas and residences (Complainants 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

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<sup>1</sup> OPC's response offered two examples of how it believed Ms. Meadows' Complaint might satisfy OPC's liberal standard for *pro se* complainants. Grain Belt Express replied to OPC, explaining why neither of OPC's examples saved Ms. Meadows' failure to state a claim upon which relief can be granted. The Commission's Order Denying Motion to Dismiss did not rely on either of the OPC's examples as the basis for Ms. Meadows' claims.

<sup>2</sup> March 5, 2025 Order at p. 2.

Counsel and finds that Complainant has articulated a potential violation sufficient for the Commission to hear her complaint.<sup>3</sup>

## **II. Motion for Reconsideration**

7. Grain Belt Express submits that the Commission’s reliance on “two points” which are merely Findings of Fact is in error and result in an unlawful, unjust, and unreasonable denial of its Motion to Dismiss.

8. The Complaint alleges that because the Tiger Connector spans her driveway and crosses her property, Grain Belt Express is not in compliance with the Commission’s New CCN Order in File No. EA-2023-0017. Ms. Meadows specifically alleges as follows:

In the order, on page 42, line 140, it states ‘The Routing Team for the Project also tried to avoid built-up areas, residences.... Furthermore, on line 138 of the same page, it states ‘The Project is designed to have a minimal impact to land.’ In the attached pictures, you can clearly see that Grain Belt is not following these two points. Instead, they have avoided completely uninhabited and open land south of my property.<sup>4</sup>

9. As with every Commission Order, the New CCN Order contains Findings of Fact. Ms. Meadows’ Complaint alleges that Grain Belt Express has violated Findings of Fact 138 and 140 which state in full:

138. The Project is designed to have a minimal impact to land. In Phase I for the HVDC Main Line approximately 9 acres will be taken out of agricultural production. For Phase I Tiger Connector approximately .2 acres will be taken out of agricultural production. And for the Phase II HVDC Main Line, approximately 7 acres will be taken out of agricultural production.

140. The Routing Team for the Project also tried to avoid built-up areas, residences, wetlands, forested areas, center pivot irrigation, and where practical, to follow existing developed corridors such as roads and existing transmission and distribution lines.

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<sup>3</sup> March 5, 2025 Order at pp. 2-3.

<sup>4</sup> See Complaint at p. 2.

10. Section 386.390 RSMo and 20 CSR 4240-2.070(4) require a complainant to set forth any act or thing done or omitted to be done by a public utility that is claimed to be in violation of any provision of law or of any rule or order or decision of the Commission. Ms. Meadows' Complaint fails to identify any law, rule, or regulation that Grain Belt Express has allegedly violated, thereby leaving "any order or decision of the Commission" as the remaining options for an alleged violation. Ms. Meadows' Complaint allegations cite to the Commission's Findings of Fact in the New CCN Order and not to an ordering paragraph, decision, or condition.

11. Findings of fact are not legal requirements or conditions on a public utility's CCN and do not set forth "any act or thing done or omitted to be done by a public utility" that would constitute a sufficient basis for a complaint. Rather, findings of fact are merely the groundwork for the Commission's ordering paragraphs, decisions, and conditions. Findings of fact are based upon substantial competent evidence in the record at the time of the Commission's Order. If every finding of fact in every Commission order was subject to re-trial at any time, there would be no end to litigation and no finality or certainty accorded to any Commission order.

12. The Commission's Order Denying Motion to Dismiss, which found "that Complainant articulated a potential violation in alleging that Grain Belt has not followed two points of the Commission's Report and Order..." is unlawful, unjust, and unreasonable in that these "two points" are merely Findings of Fact and are not a legal condition on a public utility's CCN.

13. Ms. Meadows' allegations that Grain Belt Express has violated the Commission's Findings of Fact do not give rise to a cause of action because the Findings of Fact are not a law, rule, Order, or decision with which Grain Belt Express must comply.

Ms. Meadows' Complaint therefore fails to state a claim upon which relief can be granted and such failure to state a claim deprives the Commission of jurisdiction and authority to enter any judgment.<sup>5</sup> For the Commission to rely on "two points" that are merely Findings of Fact as the basis for denying Grain Belt Express' Motion to Dismiss was unlawful, unjust, unreasonable, and in error.

WHEREFORE, Grain Belt respectfully requests that the Commission reconsider its *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule*.

Respectfully submitted,

POLSINELLI PC

*/s/ Anne E. Callenbach*

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ATTORNEYS FOR RESPONDENT

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<sup>5</sup> See, *Grain Belt Express LLC's Response to Staff's Report and Renewed Motion to Dismiss for Failure to State a Claim*, January 24, 2025, at ¶¶ 9-16.

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 14th day of March, 2025.

/s/ Anne E. Callenbach

Attorney for Respondents