

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 TO STRIKE MARCH 21, 2025 REPLY

Pursuant to 20 CSR 4240-2.080(13) and 20 CSR 4240-2.070(7), Grain Belt Express LLC (“Grain Belt Express”) hereby files this Motion to Strike (“Motion”) the March 21, 2025 *Reply to Grain Belt Express LLC’s Motion for Reconsideration and Request for Hearing* (“March 21, 2025 Reply” or “Reply”) filed by complainant Cheri Meadows. 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 to Strike.¹

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."² The Commission agreed.

¹ 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 examples as the basis for Ms. Meadows' claims.

² March 5, 2025 Order at p. 2.

7. On March 14, 2025, Grain Belt Express filed a Motion for Reconsideration of the Commission’s Order denying Motion to Dismission, submitting that the Commission’s reliance on “two points” which are merely Findings of Fact is in error and results in an unlawful, unjust, and unreasonable denial of its Motion to Dismiss.

8. On March 21, 2025, Ms. Meadows filed her reply to Grain Belt Express’ Motion for Reconsideration.

II. Motion to Strike

9. Though Ms. Meadows couches her pleading as a “Reply” to Grain Belt Express’ Motion for Reconsideration, a cursory reading of her Reply reveals that it is little more than an attempt to assert new claims of alleged violations on the part of Grain Belt Express. Grain Belt Express’ Motion for Reconsideration raised no new or additional issues and merely preserved its legal position that the Commission Order denying its Motion to Dismiss was unlawful, unjust, and unreasonable. Yet, Ms. Meadows’ Reply states that:

“[u]pon looking over my case details as well as going back over the New CCN Order in File No. EA-2023-0017, my claim is that Grain Belt Express violated Commission Ordered Paragraph No. 9 , listed on pages 73-74, that states ‘Grain Belt shall comply with the Missouri Landowner Protocol (Attachment 3), including, but not limited to, a Code of Conduct...”³

10. The Reply then devotes five pages to cataloguing various instances of hearsay in support of her supplemental claims regarding the Missouri Landowner Protocol and Code of Conduct. In no other pleading filed by Ms. Meadows does she raise these alleged violations of the Missouri Landowner Protocol or the Code of Conduct. Similarly, neither the Office of Public Counsel nor the Commission Staff has previously raised these issues. Notably, Staff’s investigation and Report revealed that there have been no violations of applicable statutes,

³ March 21, 2025 Reply at pp. 2-3.

Commission rules, regulations, or Commission Orders. Demonstrably absent from Staff's Report is any mention of the Missouri Landowner Protocol or the Code of Conduct.

11. Ms. Meadows' Reply attempts to assert new claims many months subsequent to Grain Belt Express' formal Answer, the Staff Report, multiple rounds of responsive pleadings and discovery, and with one month prior to the evidentiary hearing. The Reply is procedurally improper in that it does not respond to Grain Belt Express' Motion for Reconsideration, is in violation of Grain Belt Express' procedural due process rights in that it asserts new and previously unraised claims, and it therefore should be stricken from the record in this matter.

10. Ms. Meadows' Reply relies on numerous misstatements and misrepresentations of fact and law. Although Grain Belt will not respond to such misstatements and misrepresentations in this pleading, it hereby reserves the right to provide a substantive response to the same in the event the Commission does not grant this Motion to Strike.

11. Section 386.390 RSMo and 20 CSR 4240-2.070(4) permit a complaint to be filed that alleges 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. As evidenced by the number of pleadings on the subject, the questions of (1) whether Ms. Meadows has articulated a violation sufficient to be recognized as a complaint cause of action; and (2) what precisely is alleged to have been violated by Grain Belt Express has been a matter of some debate. Ms. Meadows' Reply further compounds this confusion by moving the target once again.

12. Adopting the Office of Public Counsel's extraordinarily liberal interpretation of the complaint regulations, the Commission found that it generally has 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.⁴ The Commission also noted, however, that 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 Express a certificate of convenience and necessity.⁵ Nevertheless, in its Order Denying Motion to Dismiss, the Commission held that Ms. Meadows has articulated a potential violation of two Findings of Fact in the Report and Order in File No. EA-2023-0017 sufficient for the Commission to hear her complaint.⁶ Accordingly, Grain Belt Express is now preparing for an evidentiary hearing in April 2025 to defend against Ms. Meadows' claims that two specific Findings of Fact have allegedly been violated.

13. Now, despite the six months that have elapsed since her complaint was filed and the plethora of documents in the record, under the guise of "responding" to Grain Belt Express' Motion for Reconsideration, Ms. Meadows has elected to supplement her complaint allegations with entirely new, and very significant, allegations of additional violations by Grain Belt Express.⁷ Ms. Meadows cannot claim to have just discovered the Missouri Landowner Protocol or the Code of Conduct, since they are attached, in their entirety, to the Report and Order that Ms. Meadows has cited on numerous occasions in her prior pleadings.

14. Grain Belt Express is mindful of the wide latitude the Commission affords to *pro se* complainants, but Ms. Meadows' *ad hoc* substantive supplement to her complaint encroaches

⁴ See *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule* at p. 2.

⁵ *Id.*

⁶ *Id.* at pp. 2-3.

⁷ Ms. Meadows' supplemental claims also violate the Commission's rule against amendments without leave to amend being granted by the Commission. See, 20 CSR 4240-2.080(18), which permits an amendment within ten (10) days of filing, unless a responsive pleading has been filed or leave to amend has been obtained from the Commission.

on Grain Belt Express' procedural due process rights⁸ and compromises the validity of the complaint process and procedures before the Commission.

15. Regardless of their represented or unrepresented state, all parties appearing before the Commission should be required to follow the rules of practice set up by the Commission that ensure not only that a full evidentiary record is developed, but that it is developed through a fair and orderly process that ultimately culminates in a fair evidentiary hearing. Permitting Ms. Meadows' Reply into the record turns those rules of practice on their head.

16. As the Missouri Supreme Court has recognized, it is "essential" that the orderly introduction of evidence occur in order to prevent "injurious surprises, and annoying delays in the administration of justice."⁹ To effectuate this, the Court cautioned that evidence should be introduced in its regular stage of process; "[o]therwise, the trial will be in perpetual confusion."¹⁰

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⁸ Parties to an administrative hearing are entitled to trial-type procedural due process safeguards when the agency is acting in an adjudicatory capacity. *State ex rel. Praxair, Inc. v. Pub. Serv. Comm'n*, 344 S.W.3d 178, 191 (Mo. banc 2011). "The fundamental requirement of the Due Process Clause is to provide notice and an opportunity for a hearing to a person subjected to a denial of a protected interest." *Clark v. Bd. of Dir. of Sch. Dist. of Kansas City*, 915 S.W.2d 766, 771 (Mo. Ct. App. W.D. 1996).

⁹ *Meyers v. Drake*, 24 S.W. 2d 116, 121 (Mo. 1930.)

¹⁰ *Id.* at 23.

WHEREFORE, Grain Belt respectfully requests that the Commission grant this Motion to Strike Ms. Meadows' Reply from the record in this proceeding.

Respectfully submitted,

POLSINELLI PC

/s/ Anne E. Callenbach

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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 31st day of March, 2025.

/s/ Anne E. Callenbach

Attorney for Respondents