

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

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

**GRAIN BELT EXPRESS LLC’S POSITION STATEMENT**

COMES NOW Grain Belt Express LLC (“Grain Belt Express”), pursuant to the Commission’s April 8, 2025 *Order Establishing Procedural Schedule*, and hereby submits this *Position Statement* for the Missouri Public Service Commission’s (“Commission’s”) information and consideration.

**I. Statement of the Case**

1. Grain Belt Express is a public utility as defined by Section 386.020(43) RSMo.<sup>1</sup> Grain Belt Express is an electrical corporation and public utility regulated by the Commission.<sup>2</sup> In the Commission’s *Report and Order on Remand* (the “Original CCN Order”) in File No. EA-2016-0358, Grain Belt Express was granted authority to construct, own, operate, control, manage and maintain HVDC electric transmission facilities (the “Grain Belt Express Project” or the “Project”) within Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, Monroe and Ralls

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<sup>1</sup> File No. EA-2016-0358, Report and Order on Remand.

<sup>2</sup> File No. EA-2016-0358, Report and Order on Remand, pages 37 and 38.

Counties, Missouri, as well as an associated converter station in Ralls County, pursuant to Section 393.170.1 RSMo.

2. In the Commission’s October 12, 2023 *Report and Order* (“New CCN Order”) in File No. EA-2023-0017, Grain Belt Express’ Original CCN was modified to (1) relocate the Missouri converter station of the Project from Ralls County to Monroe County and to increase the capacity of the Missouri converter station from 500 MW to 2,500 MW in order to deliver 2,500 MW into Missouri, including 1,500 MW into the Midcontinent Independent System Operator (“MISO”) system and an additional 1,000 into the Associated Electric Cooperative, Inc. (“AECI”) system; (2) relocate the AC connector line (the “Tiger Connector”) from Ralls County to Monroe, Audrain, and Callaway Counties; and (3) allow for construction of the Project in two phases. The New CCN Order found that the Project, which includes the Tiger Connector and its route (which includes a portion of Ms. Meadows’ property), is in the public interest of the State of Missouri. The New CCN Order approved the routing process and the proposed route for the Tiger Connector.<sup>3</sup> The New CCN Order also considered and approved of Grain Belt Express’ efforts to avoid, minimize and mitigate landowner and agricultural impacts.<sup>4</sup> Additionally, the New CCN Order noted that the Project will lower wholesale energy prices, improve the reliability and resiliency of the electric grid, and produce economic benefits.<sup>5</sup>

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

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<sup>3</sup> File No. EA-2023-0017, Report and Order, p. 42 (Findings of Fact Nos. 138-140) (hereinafter, “New CCN Order”).

<sup>4</sup> New CCN Order, pp. 40-43 (Findings of Fact Nos. 134-137, 141-143).

<sup>5</sup> New CCN Order, pp. 38-40.

4. The essence of Ms. Meadows' formal Complaint is that Ms. Meadows would like the Commission-approved route for the Tiger Connector moved south and off her property.<sup>6</sup> Ms. Meadows 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. 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>7</sup>

5. Notably, the provisions in the New CCN Order that Ms. Meadows claims have been violated by Grain Belt Express are paraphrased Findings of Fact Nos. 138 and 140 made by the Commission, which are fully set forth as follows:

**138. The Project is designed to have a minimal impact to land.** [citing to Ex. 10, White Surrebuttal, pp. 10-11.] 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. [citing to Ex. 10, White Surrebuttal, p. 11.]

**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. [citing to Ex. 17, Burke Direct, p. 6].

(Emphasis denotes the specific portions of the Findings of Fact comprising the allegations in Ms. Meadows' Complaint.)

6. In Ms. Meadows' Complaint, and as expanded in her subsequent filings, she expresses concern regarding: (1) Grain Belt Express' transmission line falling;<sup>8</sup> (2) the restoration

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<sup>6</sup> Complaint at p. 2.

<sup>7</sup> Complaint at p. 2.

<sup>8</sup> Complaint Addendum at p. 1.

time required to restore service to the line;<sup>9</sup> (3) potential health risks from living in proximity to a transmission line;<sup>10</sup> and (4) the use of toxic chemicals to prevent vegetative growth near the line, and the potential impact of such chemicals on herself and her animals.<sup>11</sup> Ms. Meadows' concerns regarding the safety of the Tiger Connector and her claimed health risks are directly correlated to the siting of the transmission line, have been rebutted by Grain Belt Express in prior pleadings, and will be further addressed by Grain Belt Express' witnesses at the evidentiary hearing and in post-hearing briefing. Accordingly, Grain Belt Express will not reiterate the entirety of its responses pertaining to safety and health in this Position Statement.

7. Ms. Meadows' request for relief is that the Commission should require Grain Belt Express to move the Tiger Connector line approximately 600 feet south of its current path across her property and driveway, thereby removing her property from the route of the Tiger Connector and instead impacting a new, unnoticed landowner.<sup>12</sup>

8. 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. Grain Belt Express has maintained throughout this proceeding that the Commission's Findings of Fact are not legal requirements such as an ordering paragraph, decision, condition, statute, rule, tariff or other Commission requirement that can be violated, and, as a result, Ms. Meadows' Complaint should

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at pp. 1-2.

<sup>11</sup> *Id.* at p. 3. It should be noted that during the course of this proceeding, Grain Belt has agreed to utilize non-toxic vegetation management products and methods at Ms. Meadows' property. Accordingly, the use of toxic chemicals is no longer an issue in this Complaint.

<sup>12</sup> *See id.*

be dismissed for failure to state a claim. The Commission denied Grain Belt Express' Motion to Dismiss.<sup>13</sup>

## II. Statement of Position on Grain Belt's List of Issues

**Issue 1. Did Grain Belt Express, LLC ("Grain Belt") fail to follow the siting criteria outlined in the Commission's Report and Order granting Grain Belt a certificate of convenience and necessity in File No. EA-2023-0017, specifically (1) has Grain Belt not tried to avoid built up areas and residences (Complainant's residence specifically), and (2) is the Grain Belt transmission project not designed to have a minimal impact to land (Complainant's land specifically)?<sup>14</sup>**

9. No. The Commission has already found that Grain Belt Express adhered to the siting criteria outlined in the Commission's Report and Order granting Grain Belt Express a CCN in File No. EA-2023-0017 when Grain Belt proposed a route for the Tiger Connector. In support of its Application to amend its CCN in File No. EA-2023-0017, Grain Belt Express submitted a comprehensive and robust Route Selection Study to establish a proposed route for the Tiger Connector. As discussed in the Routing Study,<sup>15</sup> the process of selecting a route for the Tiger Connector was a detailed exercise that evaluates numerous potential routes utilizing established criteria. The Route Selection Study identified transmission line routes that minimize impacts on the natural, cultural, and human environment, while avoiding circuitous routes, extreme costs, and non-standard design requirements. Routing of transmission lines is a complex and time-consuming balancing process. The route selected for the Tiger Connector, as endorsed by Staff and as approved by the Commission, was and remains a reasonable route.

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<sup>13</sup> Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule (March 5, 2025). In order to preserve its rights, Grain Belt Express filed a Motion for Reconsideration of the Commission's denial of the Motion to Dismiss.

<sup>14</sup> Pursuant to the Commission's March 5, 2025 *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule*, these are the potential violations articulated by the Complainant. The two points are paraphrased portions of Findings of Fact Nos. 138 and 140 in the Commission's Report and Order in File No. EA-2023-0017.

<sup>15</sup> Direct Testimony of Andrew Burke, Exhibit 17 in File No. EA-2023-0017, Schedule AB-2.

**“Avoidance of Built-Up Areas and Residences”**

10. In contending that Grain Belt Express has violated the Commission’s Findings of Fact No. 140, Ms. Meadows’ has grossly misconstrued that Finding of Fact by selectively paraphrasing it. A full reading of the Finding of Fact shows that the Routing Team was balancing many conflicting objectives, and—by necessity—was not singularly-focused on avoiding built-up areas and residences: “[t]he 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” (citing to Ex. 17, Burke Direct, p. 6). In siting the Tiger Connector, Grain Belt Express tried to avoid all these routing constraints, and this Finding of Fact remains as accurate today as it was when the route was approved by the Commission.

**“The Project is Designed to Have a Minimal Impact to Land”**

11. Ms. Meadows’ Complaint also misinterprets the Commission’s Finding of Fact No. 138 by reading into this Finding that the Project is designed to have a minimal impact to her land specifically. It is abundantly clear from the text of Finding of Fact No. 138 and a review of the testimony cited in support of the Finding that this Finding pertains to the number of Missouri acres taken out of agricultural production, and not to the impacts of the Tiger Connector on individual landowners.

The Project is designed to have a minimal impact to land. [citing Ex. 10, White Surrebuttal, pp. 10-11]. 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. [citing Ex. 10, White Surrebuttal, p. 11].

12. Aaron White’s Surrebuttal Testimony, as cited in support of Finding of Fact No. 138, provides an “rough estimate” of the amount of land taken out of agricultural production and

further states, “Wherever practicable, for both the HVDC Main Line and the Tiger Connector, Grain Belt Express attempted to site structures outside of agricultural land, even if the parcel is primarily agricultural.” Not only is this statement accurate today—as it was at the time of the Commission’s New CCN Order in File No. EA-2023-0017—it is also counter to Ms. Meadow’s requested relief, which would increase the impact to agricultural land.

13. Accordingly, Ms. Meadows has not met her burden to demonstrate that Grain Belt Express is in violation of any provision of law or of any rule or order or decision of the Commission.

**Issue 2. If the Commission determines that Grain Belt violated the two points noted above, what relief, if any, is appropriate?**

14. Grain Belt Express has not violated the two points noted above, so no relief is appropriate. Further, Ms. Meadows’ requested relief would require a new Route Selection Study, the primary goal of which is to avoid her specific property, thereby raising significant due process concerns for all other landowners along the route of the Tiger Connector and for Grain Belt Express. There is no appropriate relief outside of an impermissible collateral attack on the Commission’s New CCN Order long after the period for reconsideration and appeal has run.

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**WHEREFORE,** Grain Belt respectfully submits its *Statement of Position* for the Commission's information and consideration.

Respectfully submitted,

POLSINELLI PC

*/s/ Anne E. Callenbach*

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ATTORNEYS FOR GRAIN BELT EXPRESS LLC



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 18th day of April, 2025.

*/s/ Anne E. Callenbach*

Attorney for Respondents