

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

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

PREHEARING CONFERENCE
VOLUME III
MONDAY, APRIL 21, 2025
9:00 a.m.

Jefferson City, MO
via WebEx

JOHN CLARK, Presiding
SENIOR REGULATORY LAW JUDGE

TRANSCRIBED BY:
MELISSA EICKEN

1 LAW JUDGE CLARK: Thank you. Let's go on
2 the record. Today's date is April 21st of 2025, and
3 the current time is 9:01 a.m. This prehearing
4 conference is being conducted via Webex for the
5 convenience of the parties.

6 The Commission has set aside this time
7 today for a procedural conference in the case
8 captioned as Cheri Meadows, complainant, versus Grain
9 Belt Express, LLC, and that is EC-2025-0136.

10 My name is John Clark. I'm the regulatory
11 law judge overseeing this prehearing conference. I'm
12 going to begin by asking the parties to enter their
13 appearance for the record, starting with Ms. Meadows.

14 CHERI MEADOWS: I'm here.

15 LAW JUDGE CLARK: Okay. Thank you,
16 Ms. Meadows. Grain Belt Express.

17 MR. SCHULTE: Hi. This is Andrew Schulte
18 with Polsinelli Law Firm on behalf of Grain Belt
19 Express. And also with me, but off camera is Anne
20 Callenbach.

21 LAW JUDGE CLARK: Okay. I was going to ask
22 that. Thank you. And on behalf of the Commission
23 staff.

24 MS. HANSEN: Andrea Hansen and Travis
25 Pringle.

1 LAW JUDGE CLARK: Thank you. And on behalf
2 of the Office of the Public Counsel.

3 MR. POSTON: Marc Poston for OPC.

4 LAW JUDGE CLARK: Okay. I'm going to
5 remind everybody that pursuant to Commission Rule 20
6 CSR 4240-2.090, Subsection 6, the presiding officer
7 can rule on procedural and substantive issues at a
8 prehearing conference. Now, I believe -- and if I'm
9 incorrect, please correct me, but I believe Grain Belt
10 had requested this prehearing conference; is that
11 correct?

12 MR. SCHULTE: Yes, Judge.

13 LAW JUDGE CLARK: And I know that there are
14 a few motions out there that I haven't ruled on, and
15 one of those I held off ruling on given that we had a
16 procedural or prehearing conference scheduled. Why am
17 I having this conference today?

18 MR. SCHULTE: Essentially, we wanted to get
19 the parties together to talk about what we could
20 expect at the evidentiary hearing. And there are
21 some -- there's the -- the subject of the motion to
22 strike, and I think the dispute over the list of
23 issues as well as Ms. Meadows' position statement, I
24 think all kind of -- there's a common thread that
25 connects all of those which is that we believe there's

1 a bit of a moving target, and there's a new issue that
2 has arisen just recently that we are concerned and
3 believe that there -- that, that is not appropriate
4 for the evidentiary hearing because it was not raised
5 earlier, and it was first raised in -- on March 21st
6 in Ms. Meadows' reply to a motion for reconsideration.
7 And I think it's best actually captured in paragraph 6
8 of that reply to the motion for reconsideration which
9 it reads that, you know, Ms. Meadows says that she had
10 numerous replies throughout her formal complaint that
11 pointed to her lack of understanding of the definition
12 of an order and how the routing of the line in the
13 PSC's role in proving it worked.

14 Grain Belt does not dispute that sentence,
15 and we think that that's a pretty accurate summary of
16 what her previous -- what her formal complaint in her
17 previous pleadings had indicated. What we have
18 concern with is the following sentence in that same
19 paragraph which is that I contend Grain Belt Express
20 and its affiliates used that lack of knowledge to
21 their advantage to prevent me from contacting the PSC
22 sooner and possibly causing them to have to move their
23 line, and then that's repeated, I think, in her
24 position statement at the top of page 2 -- sorry.
25 Grabbing the wrong document. Where she says that the

1 evidence will show the complainant was misled about
2 Grain Belt's ready to move the line off the
3 complainant's property by a representative of Grain
4 Belt, and our concern is that the intentional acts on
5 behalf of Grain Belt were not previously part of this
6 complaint until March 21st. Previously, it was about
7 whether we had followed the routing criteria in the
8 Commission's order and -- and so, we're prepared to
9 talk about the routing process, the routing criteria,
10 and everything that, that entails including her
11 concerns about safety and things like cell phone
12 service, and those types of issues that are all
13 related to the routing.

14 What we had not prepared for until, you
15 know, late in the -- in the process here was this
16 intentional acts of misleading her. And, so that's
17 what we have a concern about, and that's why we wanted
18 to -- and we believe that the Commission's order
19 denying the motion to dismiss identified the specific
20 issues that she raised that, you know, could
21 potentially lead to a violation, and those were the
22 two findings of fact in the Commission's order. And,
23 so we eliminate our list of issues to those issues
24 identified in the Commission's order and the -- and
25 staff's version of it, which is joined by OPC, and

1 Ms. Meadows was much more broad, and our concern with
2 it being so broad is that these additional issues, and
3 we know of the one that she raised lately which is
4 regard -- regarding the intentional misleading
5 accusations. That's one example of what could be
6 raised that we, you know, had not prepared for, but
7 there's other things that she could raise that we --
8 that, you know, we don't know yet, and if it's so
9 broad as to not to find any conduct that may be at
10 issue, then it puts Grain Belt in a very difficult
11 position, and we think it violates the due process
12 rights.

13 LAW JUDGE CLARK: Okay. Thank you,
14 Mr. Schulte. I'm going to give Ms. Meadows an
15 opportunity to respond followed by staff, and finally,
16 public counsel if they want to. Ms. Meadows, did you
17 want to respond to that?

18 CHERI MEADOWS: Well, I -- I understand me
19 not bringing it up early on as the actual phrasing of
20 violation of code of conduct, but I did bring it up
21 ever since in the beginning when I filed my formal
22 complaint about -- I was led to believe, I was led to
23 believe, I was led to believe. So even though I
24 didn't know the code of conduct was actually the
25 appropriate order, because I was just going by what I

1 had been advised when I called Jeff City to file -- to
2 start all of this. It was in there. It just wasn't
3 formally identified, so. Once I went back through the
4 order, now that we've gotten into this process, and I
5 kind of understand how it works better, that's when I
6 realized it fell under a particular order, and it was
7 the code of conduct, so. But I guess, if that breaks
8 some regulation or rule or whatever, I can file a new
9 formal complaint and -- and identify it exactly. I
10 mean, is that what I need to do here?

11 LAW JUDGE CLARK: Well, we'll get to that
12 in a second. Is that -- was that your response to
13 what Grain Belt just said?

14 CHERI MEADOWS: Yes.

15 LAW JUDGE CLARK: Okay. Did staff want to
16 weigh in on this? And nobody has to. I'm just
17 asking. I don't want to deprive anybody of the
18 opportunity.

19 MS. HANSEN: I don't know that staff really
20 has anything to weigh in on.

21 LAW JUDGE CLARK: Public counsel.

22 MR. POSTON: Yeah. I'll just say that I
23 don't see a due process concern here. I think she,
24 you know, is doing the best thing he can to raise
25 these issues as she believes, you know, the timing is

1 right for her to raise them. If this is, you know,
2 true, that there was some misleading going on, I
3 think, you know, that needs to be looked into. And
4 I'd also point the Commission to 386.410 that, you
5 know, it says that, you know, in all hearings before
6 the Commission, the Commission shall not be bound by
7 the rules of evidence. And, so I think -- and given
8 this is a pro se complaint, I think there should be --
9 you know, I think these -- she should be allowed to
10 raise the issue that she wants to raise. Thanks.

11 LAW JUDGE CLARK: Okay. Thank you. We're
12 talking about exactly the issue that I want to talk
13 about today. I'm going to go on for just a second and
14 hopefully not too long. Grain Belt filed essentially
15 four motions total. They filed with their answer a
16 motion for stay -- a failure to state a claim. They
17 then later at a later point re-asserted that motion
18 for failure to state a claim, and then, finally, as
19 for reconsideration of that motion for failure to
20 state a claim -- and it's very clear that Grain Belt
21 believes that these are confined to two findings of
22 fact, and therefore should be dismissed, as those do
23 not affirmatively lay a duty on to Grain Belt from
24 their perception. I have spent a tremendous amount of
25 time with those motions. I have not ignored them. I

1 have written at least two different orders going two
2 different ways. And, so I lost an entire six hours of
3 a day down a research rabbit hole looking at these.
4 And I did read Ms. Meadows' response, and the motion
5 to strike following that. I don't necessarily agree
6 with public counsel. I do believe the due process
7 is -- is essentially the same for all parties, and
8 there is a right to not be surprised close to hearing
9 with allegations that you are unprepared to answer.

10 I think it's very telling that Ms. Meadows
11 used the words formally identified for her formal
12 complaint. These were not formally identified in her
13 formal complaint, and unfortunately, I believe that,
14 that is important especially where you have
15 allegations that are close, so clearly separated in
16 time. You have the allegations that occur after the
17 order was approved, and Grain Belt started collecting
18 these easements, and then the path was chosen, so
19 there's one set of -- of violations or alleged. I got
20 to be careful. There's one set of alleged violations
21 by Ms. Meadows that -- basically, that the line
22 crossing her land is unsafe and is noncompliant with
23 essentially the least restrictive method of -- of
24 accomplishing that route.

25 The other complaint -- the one that was

1 introduced later has to do essentially with how
2 negotiations occurred for the easements prior to Grain
3 Belt's acquiring of them and that -- that is -- that
4 is, in my mind, a very distinct and clearly different
5 violation.

6 Now, in regards to the motion for failure
7 to state a claim, I am going to take that with the
8 case, and I truly dislike doing that, and the reason I
9 am doing -- dislike doing that is because I know that
10 the reason that the parties file these things is to
11 try and get the issue resolved without the need for a
12 hearing. So it's, in essence, taken with the hearing
13 defeats the purpose of it. But I don't -- having
14 looked at it several times -- find it totally without
15 merit. I also don't find it to be a -- a totally
16 decided thing, so I'm going to take that with the
17 case.

18 In regard to the motion to strike, I think
19 there's a lot of validity there, for reasons I just
20 said. I guess, the question at this point is what to
21 do with it. I think Ms. Meadows is right that -- that
22 to address it probably the best thing would be to file
23 a new formal complaint as to that. But then, again,
24 the question is, where does that put us? That puts us
25 with, essentially, one complaint on the docket by

1 Ms. Meadows and one coming with Ms. Meadows. And, so
2 in thinking this over, I was trying to -- is there a
3 way to do these two together, meet the notice
4 requirement to the parties, and possibly hear or try
5 them together. And here's kind of where I feel about
6 this, because I'd like to be absolutely transparent.
7 If we were to do this, I don't think a May 2nd hearing
8 would work. I don't know that would give sufficient
9 time to Grain Belt to -- well, they wouldn't have any
10 time to answer what is a secondary complaint or to
11 process it. At the same time, as I said before, I
12 think if -- if we were to go through this complaint
13 process, have the hearing, and regardless of how the
14 hearing came about, possibly have a -- another
15 complaint on the other side of that to file and start
16 the entire process over again, so just to get -- and
17 Ms. Meadows, this is your complaint. And, so I give
18 you a lot of deference in regard to how it's
19 prosecuted because you're the one prosecuting it, and
20 by prosecuting, I mean putting forth your complaint
21 and representing yourself in moving through it.

22 How would the parties feel about
23 potentially delaying the hearing, allowing Grain Belt
24 to respond to the new allegations within this, and
25 then after that setting a new hearing date? I don't

1 know where Grain Belt is in the process of stringing
2 their line. I don't know what delay in this does to
3 them, but I dislike the idea of doing two complaints,
4 but I will certainly do that, if that is the desire of
5 the parties.

6 So I am going to ask -- I'm going to ask
7 everybody to kind of weigh in and give me their
8 thoughts on that as I'm not really tied to anything.
9 I am going to start in this case with Grain Belt
10 because they would be the ones that would have to
11 answer, respond, and ultimately prepare for a somewhat
12 expanded evidentiary hearing.

13 MR. SCHULTE: Thank you, Judge. We
14 certainly appreciate -- we certainly appreciate the
15 concerns that you're weighing and the -- the idea of
16 having a secondary -- or a second complaint following
17 this complaint is not -- you know, that is not ideal
18 because it'll just drag things out even longer. And,
19 so if the choice is between a relatively brief delay
20 now versus an entirely second complaint, and I think
21 we would prefer the relatively brief delay now. I
22 have not consulted with my client about that, but we
23 certainly can consult with them and get back to you
24 soon, but. I don't -- if -- yeah. If those are the
25 choices, I -- I imagine that Grain Belt would prefer a

1 slight delay now versus a second complaint later.

2 LAW JUDGE CLARK: Okay. Thank you.

3 Ms. Meadows, how do you feel about that?

4 CHERI MEADOWS: It doesn't matter to me.

5 If we have the case tomorrow or a month from now, I --

6 I will be there and ready to go, so. Whatever, I

7 guess, everyone else agrees on.

8 LAW JUDGE CLARK: Well, it's your
9 complaint. I want to give you some deference in it.

10 I just think that it would be -- if -- if we went

11 through your complaint and whether you win or lost,

12 let's say you decided to file the secondary complaint

13 regarding the negotiation process, then we start that

14 process over again towards another complaint. In my

15 mind, it would make more sense to do those together

16 with a delay. I don't think it really -- in regard to

17 whether it harms you, I don't think it does because I

18 think any delay at this point is -- means that nothing

19 is put in your yard, so. So I -- I assume that --

20 that, that is something that's not going to upset

21 you -- I apologize. Go ahead, Ms. Meadows.

22 CHERI MEADOWS: I have a bunch of sticks

23 and stuff out there to pick up from over the weekend,

24 so there's no room for anything else in my yard or

25 area right now, so. That's fine.

1 But my -- my whole thing in this, Judge, is
2 I honestly did not know how this system worked at all,
3 and I had to go by what I was being told when I called
4 down there and was like, hey, I just found out you
5 guys are in charge of this line, not what I was led to
6 believe. And, so what do I need to do? And I was
7 told to just go through the order and find the things
8 that didn't -- didn't go with what was happening, and
9 those were the first two that I hit, and honestly, I
10 know it sounds dumb, but I thought those were orders,
11 so. My bad for not understanding.

12 But in any case -- and then as this has
13 gone on, this process has gone on, and I've become
14 more familiar with over the verbiage and legal stuff
15 with it, then that's when I figured out that wasn't an
16 order, as Grain Belt pointed out, it was a finding of
17 fact. So then I was like, well, where are the orders?
18 So I found the orders, and then I found out and that
19 coincided what I had been saying. So whatever we have
20 to do to make -- I guess, this is my error in not
21 knowing any better. Whatever we have to do to get it
22 straightened out, I do want it raised. It is a big
23 part of this case, but I -- I mean, obviously, I don't
24 want to not do it properly, so. Whatever I need to
25 do, just tell me.

1 LAW JUDGE CLARK: Okay. Well, first of
2 all, I wanted to sue you of the idea that you've
3 done anything wrong. What Mr. Schulte with Grain Belt
4 was referring about in regard to due process rights,
5 that is a right to fairness of process before the
6 Public Service Commission. And that process -- every
7 party has a right to have a fair process. You have
8 the right to have a fair process. Grain Belt, staff,
9 public counsel, everybody has the right to fair
10 process in this case. No one expects you to know
11 everything that an attorney knows. Regardless of the
12 fact that the -- under Missouri law I am to treat you
13 the same as an attorney, but nobody expects you to
14 know that. Don't -- I don't want you to be under the
15 idea that you have somehow done something wrong. It's
16 just by introducing a new issue.

17 The question is, how to wrap that up so
18 that the parties do get fair process, and there isn't
19 undue delay as I -- undue delay as I feel could happen
20 with, too, but I do want to dissuade you because I
21 hear you say, well, I'm sorry I did this, this was my
22 mistake. These are not mistakes. You are finding
23 your way through this, and you are doing an excellent
24 job. Your pleadings are quite extraordinary for a
25 non-attorney from my -- I even wondered if you had an

1 attorney help you because they are very well done, so.

2 To that --

3 CHERI MEADOWS: Thank you for that. I feel
4 all those hours I spent pouring over this stuff and
5 researching and all over, if it tricked you -- I mean,
6 convinced you, then I'm happy.

7 LAW JUDGE CLARK: You've done a good job.
8 I'm going to go on now and allow staff and public
9 counsel to weigh in on this before -- before I look
10 perplexed for a moment and make a decision, so.

11 Would staff like to weigh in on my idea of
12 possibly postponing the hearing to allow Grain Belt to
13 respond to the -- what I'll call secondary
14 allegations?

15 MS. HANSEN: So before I go into that
16 for -- I just want to make sure I'm understanding. So
17 the secondary allegations would be, as Andrew
18 identified, in paragraph 6 of Ms. Meadows' reply and
19 that was --

20 LAW JUDGE CLARK: Let's make it a lot
21 simpler.

22 MS. HANSEN: Okay.

23 LAW JUDGE CLARK: There's two sets of
24 allegations separated by time and content.

25 MS. HANSEN: Okay.

1 LAW JUDGE CLARK: One, as to the root of
2 the line, and the other is to the negotiation process
3 to acquire the easement.

4 MS. HANSEN: Okay.

5 LAW JUDGE CLARK: That's my understanding.
6 Is that correct, Ms. Meadows?

7 CHERI MEADOWS: I don't know that I would
8 really classify them as two different things. They
9 were both simultaneously happening, but again --

10 LAW JUDGE CLARK: There may be an
11 (inaudible) for that.

12 CHERI MEADOWS: (Inaudible) best to do
13 this. The points need to be brought up, whether it's
14 in one hearing or two or, however. So however --
15 whatever the legal or best way to do -- I don't want
16 to break any rules or whatever for this to -- because
17 I don't want it to get thrown out because I did
18 something wrong, so. Whatever we have to do --
19 they're both -- they're kind of the -- two of the same
20 thing of the whole case put together. I just wasn't
21 calling it --

22 LAW JUDGE CLARK: I can see very much -- I
23 can see very much from your perspective how it's one
24 incident because it all involves you and negotiations
25 with you. I'm dividing it into two issues. Just for

1 the purpose of clarity for me, it has to do more with
2 when they were introduced. So one was introduced with
3 your formal complaint, and one was introduced much
4 later after the answer. So that's really the division
5 in my mind, but how you're saying it is a perfectly
6 valid way of saying that. With that in mind, staff go
7 on.

8 MS. HANSEN: So staff quickly looked over
9 its recommendation, and we don't know that the
10 recommendation really consults, you know, the
11 secondary allegations. And, so we would like to know
12 what -- what action the Commission would like us to
13 take in prepping for -- for the secondary allegations.

14 LAW JUDGE CLARK: Okay. Thank you. Public
15 counsel.

16 MR. POSTON: Yeah. I -- I think your --
17 your proposal is a good solution to -- to move
18 forward. I would defer to Mr. Schulte as to how much
19 time he needs to, you know, to, I guess, do what he
20 needs to do discovery or whatever. Staff makes a good
21 point. They've not weighed in on it, so. And neither
22 has OPC, but I do think the delay is -- is a good
23 solution. And I don't like to delay these things. I
24 really don't. I like to get through them relatively
25 fast. What I will say is, we had a hard time finding

1 space for this hearing. If you'll remember -- and
2 that was because my entire legal world was collapsing
3 around me. So I tried to deal with multiple large
4 cases that somehow moved from their respective dates
5 all to the same few weeks, but that seems to have
6 largely gone away. And, so the remainder of my summer
7 is relatively free.

8 It would be my preference -- so that's what
9 I'm going to do to cancel this hearing and set a new
10 hearing date. I would like -- here's what I would
11 like to do, if nobody has any objections, then I will
12 happily field any objections because I am really just
13 speaking off the cuff and have not given this the kind
14 of thought it should have had before I got on this
15 conference.

16 Mr. Schulte, Ms. Callenbach, how long would
17 you need to answer the new or secondary allegation?
18 And I'm going to say this right now. I'm not worried
19 about your issues list and whether your issues list
20 mesh together, and the reason I'm not worried about
21 that is because this is a complaint. And at the end
22 of the day there's only one question before the
23 Commission, and that is whether an order, rule, law
24 has been violated. I can sort that out. Your issues
25 don't need to align exactly. But I do need to be sure

1 that everybody has had an opportunity to respond to
2 each issue prior to the hearing, analyze that issue,
3 and can show up prepared to litigate that issue.
4 However, they've chosen to word it. So don't worry
5 about the fact that your issues, statements do not
6 align. I can sort that out. That's not an issue. No
7 pun intended, but it happens. Back to my question.
8 Go ahead.

9 MR. SCHULTE: So how long do we need is, I
10 think, the question; right?

11 LAW JUDGE CLARK: Correct.

12 MR. SCHULTE: And I think related to that
13 is, you know, what are the procedural steps that we
14 need to, you know, re-establish, so. We've got
15 discovery, and I think that, you know, the typical
16 response time for discovery request is 20 days. Maybe
17 we can short that, but it'll -- because I don't think
18 we need 20 days on either side to respond -- you know,
19 I'll defer to Ms. Meadows, if she believes that the 20
20 days is necessary, but. I think if we -- you know, if
21 we cut that down to 10 days, then we can get, you
22 know, the limited amount of additional discovery done
23 fairly quickly. And then, right -- because right --
24 you know, the current procedural schedule had the last
25 day of discovery on April 4th. So we need to reopen

1 that, and then I suppose we would need -- then we
2 would need a response to the new issues and -- yeah.
3 You know, doing the -- I'm looking at a calendar here.

4 LAW JUDGE CLARK: If I did, don't -- well,
5 I do mean to interrupt you. If I did 30 days from
6 today to answer, that would make it the 21st of June;
7 would it not? No.

8 MR. SCHULTE: 21st of May.

9 LAW JUDGE CLARK: Sorry. Thank you. 21st
10 of May. And then if we were looking at a -- I figure
11 we're probably looking at a June or July hearing, if
12 we're doing that. And again, I will have to check to
13 see when the Commission is available. I don't know
14 that off the top of my head.

15 MR. SCHULTE: Yeah. I think that sounds
16 reasonable, you know, subject to conferring.

17 LAW JUDGE CLARK: Okay. So May 21st for an
18 answer?

19 MR. SCHULTE: Yes.

20 LAW JUDGE CLARK: Okay. And I'm not
21 going -- I'm not going to make Ms. Meadows fill out
22 another formal complaint form. We're going to take
23 that up as is unless you have an objection.

24 MR. SCHULTE: I have no objection to that.

25 LAW JUDGE CLARK: Okay. I will reopen

1 discovery. I'll try and put together a order
2 codifying all this, so that everybody can see it. I'm
3 trying to think. I'm assuming that staff will want to
4 analyze this and provide a -- I'll say an updated
5 recommendation.

6 MR. PRINGLE: Yeah. The -- hey, Judge.
7 This is Travis. Yeah. If the Commission would like
8 for us to do any kind of supplemental report on this,
9 we can certainly try and get something together.

10 LAW JUDGE CLARK: I think I would. I
11 really would, if we're going to have a -- if we're
12 going to have additional allegations, then they need
13 to be incorporated. I would like to hear what staff
14 has to say about it. If that's May 21st, and we're --
15 how long does staff believe that they would need?

16 MR. PRINGLE: Typically, we'd like at least
17 having 10 days, two weeks, after the answer is filed.
18 Looking at the -- the calendar, Judge, just because I
19 have had to put together a few procedural schedules
20 the last two weeks, if we do not get a hearing for
21 this one in May right now, July looks like the
22 earliest we could get a hearing in.

23 LAW JUDGE CLARK: July?

24 MR. PRINGLE: Yeah.

25 LAW JUDGE CLARK: Okay. Well, then why

1 don't we do -- and I'm assuming -- and I'm assuming
2 that's correct. So for a staff report, I'll give you
3 options, June 12th or 19.

4 MS. HANSEN: We'll take --

5 MR. PRINGLE: Go ahead and talk with staff
6 and make sure what works best for them, and we'll go
7 around the group, Judge.

8 LAW JUDGE CLARK: Okay. That sounds great.
9 Okay. Why don't we get that far, rather than slotting
10 a hearing now. Why don't we get that far and set a
11 hearing.

12 MR. SCHULTE: I'm sorry. So the dates that
13 we established were May --

14 LAW JUDGE CLARK: May 21st --

15 MR. SCHULTE: -- 21st.

16 LAW JUDGE CLARK: -- for an answer. I'm
17 re-opening discovery. And staff will file a staff
18 report on June 12th or 19th, and they're going to
19 e-mail myself and all the parties to let me know when
20 that is, so that I can put in an order. And then I
21 will schedule about a week beyond the staff report to
22 give everybody an opportunity to reply, and I will
23 shorten replies to five or -- or -- or days or so.
24 I'll set a procedural conference at that time to pick
25 new dates, and hopefully have a list for the parties

1 to choose from. And if I haven't said it already
2 because these are, in fact, rulings, I am going to be
3 cancelling the May 2nd hearing at this point. And
4 I'll put that in the order.

5 MR. SCHULTE: Thank you, Judge. Just two
6 requests. One is that we add expedited discovery
7 deadline in the interim. I think five days for
8 objections and 10 days for substantive responses would
9 be adequate.

10 LAW JUDGE CLARK: Five days for objections,
11 10 days for responses. Any objections to that?

12 CHERI MEADOWS: None from me.

13 MS. HANSEN: No objections from staff.

14 LAW JUDGE CLARK: Okay.

15 MR. POSTON: No, Judge.

16 LAW JUDGE CLARK: All right. Is there
17 anything else I need to address at this time? As I
18 said, I'm taking the failure to state a claim with
19 this case. Also --

20 MR. SCHULTE: We would --

21 LAW JUDGE CLARK: So now that we have
22 additional issues.

23 MR. SCHULTE: We would just request that a
24 hearing date be set sooner rather than later. We
25 prefer not to wait until after, you know, staff files

1 its report in June to learn what the hearing date will
2 be in July. I'm not sure if that was your intent or
3 if it would be set earlier. Just to help manage
4 calendars, it will be helpful to know the date
5 earlier.

6 LAW JUDGE CLARK: I'll tell you what. I'd
7 intended to just address the entire procedural
8 schedule after time for staff report and responses.
9 But I will try and find out the Commission's available
10 dates for July and make those available to the parties
11 as quickly as I can.

12 MR. SCHULTE: Much appreciated.

13 LAW JUDGE CLARK: And that way everybody
14 will at least have an idea of what the date umbrella
15 we're working under is. All right. Anything else?

16 CHERI MEADOWS: Judge -- Judge, did I just
17 become the most hated person on the phone now?

18 LAW JUDGE CLARK: Oh, absolutely not.
19 Absolutely not. You -- you haven't done anything. I
20 just want to not pick the things you've said aside. I
21 want to figure out how to incorporate them, so that
22 all of the issues that you want to address are, in
23 fact, addressed by the Commission in the most
24 expeditious manner with the necessary due process for
25 all the parties. I am not befuddled at all. So I --

1 I am -- I don't think anybody is in any way upset with
2 you about this. And I think -- it's fine. You
3 have -- you have due process rights. While I can't
4 say that you have the most due process rights under
5 this, it is certainly your case. You're the one that
6 filed it. You're the one that initiated it. You're
7 the one who has an interest in it going through to
8 completion, so. Of course, we're going to do a lot to
9 try and make that happen. But don't -- don't be under
10 the guise that you've done anything that upsets me or
11 has put out the parties in any way; okay?

12 CHERI MEADOWS: I just feel bad because I
13 know it took a lot of wrangling to get everybody on
14 the same page for this, and now we have to start over,
15 and everyone has other things going on, so. I'm
16 sorry. I'm just sorry.

17 LAW JUDGE CLARK: Don't -- again, don't be.
18 I would say that a vast majority of every kind of case
19 I have don't hit their hearing dates. Not exactly.
20 Some of them need a few days' continuance while they
21 work some of the issues out. Sometimes they get
22 continued like this. Sometimes it's for reasons on
23 behalf of the parties. Sometimes the Commission
24 schedule changes, and they're unable to hear anything,
25 so. Don't worry about that. I didn't hear anything

1 else. Are there any other issues that need to be
2 addressed by the Commission before I adjourn this
3 prehearing conference? I hear none.

4 Okay. Well, thank you for all your --
5 thank you for your time today. I will get an order
6 out to that effect. It may not be until tomorrow.
7 I've got a fairly busy day planned. But I'll try and
8 get an order out tomorrow covering the answer date,
9 re-opening discovery, ordering a staff report based
10 upon the dates you give me.

11 MS. HANSEN: Sorry, Judge Clark. One
12 moment.

13 MR. PRINGLE: Judge, you've got -- just
14 want to make sure you remember, staff is going to
15 e-mail you about the dates.

16 LAW JUDGE CLARK: Yeah. Are you going to
17 have sufficient time to do that in a day or are you
18 going to need more time?

19 MR. PRINGLE: Should have time because most
20 of the people who are on this case, we have other
21 meetings on other cases with them today so that
22 shouldn't be a problem.

23 LAW JUDGE CLARK: Okay. I'm going to
24 reduce the time to respond -- or for objections to
25 discovery to five days. And I'm going to reduce the

1 time for responses to discovery to 10 days. And I
2 believe that covers everything.

3 All right. Everybody, again, thank you,
4 and this prehearing conference is adjourned.

5 MR. SCHULTE: Thank you, Judge Clark.

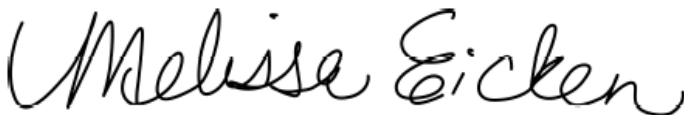
6 MR. POSTON: Thanks, Judge.

7 (Audio ended.)
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CERTIFICATE OF REPORTER

I, Melissa J. Eicken, Certified Court Reporter of Missouri, Certified Shorthand Reporter of Illinois and Registered Professional Reporter, do hereby certify that I was asked to prepare a transcript of proceedings had in the above-mentioned case, which proceedings were held with no court reporter present utilizing an open microphone system of preserving the record.

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