

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

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

**GRAIN BELT EXPRESS LLC’S MOTION FOR CLARIFICATION OF ORDER
DIRECTING FILINGS, REOPENING DISCOVERY, AND CANCELING
EVIDENTIARY HEARING**

Grain Belt Express LLC (“Grain Belt Express”) hereby files this Motion for Clarification (“Motion”) of the Commission’s April 23, 2025 *Order Directing Filings, Reopening Discovery, and Canceling Evidentiary Hearing*. In support of its Motion Grain Belt Express states as follows:

I. Relevant Background

1. This case has been pending since October 15, 2024, when 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”). The Complaint alleged that Grain Belt Express violated Paragraphs 138 and 140 on page 42 of the Commission’s Report and Order in File No. EA-2023-0017 (“CCN Order”).

2. Grain Belt Express has maintained throughout this proceeding that the Complaint should be dismissed because the Complaint did not identify any law, rule, regulation or Commission Order that Grain Belt Express 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.¹ Grain Belt Express noted that the Complainant’s alleged violations pertain to the Commission’s Findings of Fact and not to an ordering paragraph, Commission condition, or a provision of Grain Belt Express’ Code of Conduct, Landowner Protocol, or Agricultural Impact Mitigation Protocols.² Accordingly, Grain Belt Express moved to dismiss the Complaint for failure to state a claim.³

3. Whether the Complaint should have been dismissed from the beginning remains an open issue because Grain Belt Express’ *Motion for Reconsideration* of the Commission’s *Order Denying Motion to Dismiss* is still pending.

4. After more than five months of discovery and motions practice, on March 21, 2025, Ms. Meadows filed her *Reply to Grain Belt Express’ Motion for Reconsideration* (“March 21, 2025 Reply”). Although couched as a “Reply” to Grain Belt Express’ *Motion for Reconsideration*, Ms. Meadows made entirely new allegations of wrongdoing by Grain Belt Express. For the first time, Ms. Meadows alleged that Grain Belt Express deliberately omitted and withheld information about the Commission’s role in approving the route for the Tiger Connector.

5. On March 31, 2025, Grain Belt Express moved to strike the March 21, 2025 Reply, arguing that 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.

¹ Response to Formal Complaint, ¶ 45.

² *Id.* ¶¶ 12-13.

³ *Id.* ¶ 45.

6. On April 21, 2025, Judge Clark convened a prehearing conference at the parties' request. After noting that Ms. Meadows could file a new formal complaint based on the allegations in her March 21, 2025 Reply, which would restart the complaint process, Judge Clark asked the parties if they would object to incorporating the new allegations into the existing complaint, subject to reopening discovery and providing time for Grain Belt Express to answer the new allegations and for Staff to file a supplemental report.⁴ No party objected.

7. On April 23, 2025, the Commission issued its *Order Directing Filings, Reopening Discovery, and Canceling Evidentiary Hearing*, which directed Grain Belt Express to file a Response to the new allegations by May 21, 2025.

8. Grain Belt Express filed its Response to Ms. Meadows' new allegations on May 21, 2025, asserting that the new allegations are entirely unfounded and are contradicted by the weight of evidence adduced in this proceeding.

9. On May 23, 2025 Ms. Meadows filed a procedurally improper Motion to Compel Grain Belt Express to respond to her data request ("DR") numbers 18 and 19. The undersigned counsel contacted Ms. Meadows via e-mail on May 30, 2025, informing Ms. Meadows that her Motion to Compel was improper in that (1) it was filed prior to the time substantive responses to DRs 18 and 19 were due (May 27) and thus it was premature; and (2) prior to filing any discovery motions a party is required to engage in a good faith effort to discuss a discovery dispute with an opposing party pursuant to 20 CSR 4240-2.090(8). Counsel for Grain Belt Express requested that Ms. Meadows withdraw her Motion to Compel and offered to discuss her discovery questions regarding DRs 18 and 19 by telephone.

⁴ Tr. Vol. 3, pp. 10-12 (April 21, 2025 Prehearing Conference).

10. On June 3, 2025 Counsel for Grain Belt Express spoke with Ms. Meadows at length (one hour, 15 minutes) regarding her discovery questions.

11. On June 9, 2025, the Commission issued an *Order Setting Webex Discovery Conference*, directing the parties to appear on June 12, 2025 to discuss Ms. Meadows' discovery issues, and on June 12, 2025 Judge Clark convened the discovery conference.

II. Motion for Clarification

12. As previously noted, once Ms. Meadows made new allegations that were not part of her original complaint, Judge Clark convened a prehearing conference. Grain Belt Express did not object to incorporating the new allegations into the existing complaint, provided it was given the opportunity to respond to the new allegations and Staff was permitted to file a supplemental report. In light of Ms. Meadows' new allegations, discovery was reopened and the time for objections and responses was shortened.

13. It was Grain Belt Express' understanding that reopening discovery was for the exclusive purpose of issuing discovery concerning Ms. Meadows' additional allegations. Discovery was originally set to conclude on April 4, 2025 pursuant to the April 8, 2025 *Order Establishing Procedural Schedule* that contemplated an evidentiary hearing on May 2, 2025. Were it not for Ms. Meadows' new claims, the discovery period would have closed April 4, 2025.

14. It is clear from the transcript of the prehearing conference that the parties and Judge Clark intended the discovery to be limited during the reopened discovery period. For example, counsel for the Office of Public Counsel ("OPC") deferred to counsel for Grain Belt Express "as to how much time he needs to ... do what he needs to do [with] discovery"—suggesting that Grain Belt Express was the party primarily entitled to additional discovery, not the Complainant.⁵

⁵ Tr. Vol. 3, p. 18, ln. 18-20.

Counsel for Grain Belt Express then suggested abbreviated time to respond to discovery, stating, “if we cut [the response time] down to 10 days, then we can get, you know, the limited amount of additional discovery done fairly quickly.”⁶ Grain Belt Express agreed to file its response to the additional allegations by May 21 (just 30 days after the prehearing conference) and Staff agreed to file its supplemental report on additional allegations by June 12. Judge Clark suggested June or July for the evidentiary hearing—again suggesting that discovery was only going to be reopened for a very abbreviated time.

15. Since the prehearing conference, the date of the evidentiary hearing continued to slip due to the unavailability of the parties and/or the Commission. Rather than an evidentiary hearing in June or July, the evidentiary hearing has been scheduled for August 19, 2025.

16. Grain Belt Express requests that the Commission clarify its *Order Directing Filings, Reopening Discovery, and Canceling Evidentiary Hearing* so that any subsequent discovery is limited to matters that are clearly relevant to Ms. Meadows’ additional allegations. This proceeding has been pending since October, 2024, and extensive discovery has already occurred in this proceeding. For Ms. Meadows to sustain her new allegations, she must seek and produce evidence of Grain Belt Express representatives deliberately withholding information for the purpose of preventing her from participating in File No. EA-2023-0017.

17. The party seeking to obtain discovery has the burden of establishing the relevance of the information in order to obtain it.⁷ Discovery may not be used merely as a “fishing expedition” or on “mere suspicion.”⁸ None of the discovery requests (DRs 17-21) issued by

⁶ Tr. Vol. 3, p. 20, ln. 20-23.

⁷ *State ex rel. Kander v. Green*, 462 S.W. 3d 844, 848 (Mo. App. W.D. 2015).

⁸ *State ex rel. Boswell v. Curtis*, 334 S.W. 2d 757, 760 (Mo. App. Spr. D. 1960).

Ms. Meadows to Grain Belt Express since the Commission's April 8, 2025 Order directly pertain to her new allegations and could have easily been issued prior to the original close of discovery on April 4, 2025.

18. Grain Belt Express contends that the parties' agreement to reopen the discovery period to assess Ms. Meadows' new claims should not be used as a vehicle for additional, duplicative discovery requests that amount to little more than a fishing expedition. Accordingly, Grain Belt Express requests that the Commission clarify its April 8, 2025 *Order Directing Filings, Reopening Discovery, and Canceling Evidentiary Hearing* and find that the reopened discovery period is limited to matters that are clearly relevant to Ms. Meadows' new and additional claims.

19. The Commission's rules are silent regarding the timing of filing a Motion for Clarification. To the extent a variance or waiver is necessary due to the time elapsed between the Commission's Order and this Motion, Grain Belt Express respectfully requests that the Commission grant a variance or waiver pursuant to 20 CSR 4240-2.205 for good cause. Good cause for a variance or waiver exists because Grain Belt Express filed this Motion as soon as practicable after the scope of discovery issued by Ms. Meadows was made clear by recent data requests and the parties' discussions during the June 12, 2025 discovery conference.

WHEREFORE, Grain Belt respectfully requests that the Commission grant its Motion for Clarification.

Respectfully submitted,

POLSINELLI PC

/s/ Anne E. Callenbach

Anne E. Callenbach MBN 56028

Andrew O. Schulte MBN 62194

Sean Pluta MBN 70300

Polsinelli PC

900 West 48th Place, Suite 900

Kansas City, MO 64112

Telephone: (816) 572-4760

Facsimile: (816) 817-6496

acallenbach@polsinelli.com

aschulte@polsinelli.com

spluta@polsinelli.com

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 17th day of June, 2025.

/s/ Anne E. Callenbach

Attorney for Respondents