

**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 RESPONSE TO OFFICE OF PUBLIC COUNSEL’S
REPLY TO MOTION FOR CLARIFICATION**

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

I. Response to Office of Public Counsel

1. 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.

2. 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.

3. 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, the discovery period was reopened and the time for objections and responses was shortened.

4. As noted in Grain Belt Express' Motion, 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.

5. Grain Belt Express' Motion for Clarification reasonably requested 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. OPC argues that pursuant to 20 CSR 4240-2.090, "discovery is typically applied equally to all parties and is not limited by issue." OPC further suggests that there is "no reason to arbitrarily limit any party's ability to gather evidence and present their case."

6. 20 CSR 4240-2.090(1) provides that "discovery may be obtained by the same means and under the same conditions as in civil actions in the circuit court." Missouri Supreme Court Rule 56.01(b)(1) provides that "parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action..." Accordingly,

contrary to OPC's assertion, both in the Commission's rules and in Missouri courts discovery is always limited by issue; it must be "clearly relevant to the issues involved." The only subject matter involved in the reopened discovery period is Ms. Meadows' additional allegations, which are that Grain Belt Express deliberately omitted and withheld information about the Commission's role in approving the route for the Tiger Connector. There is no "information asymmetry," as OPC submits, regarding Ms. Meadows' additional allegations, since Ms. Meadows was necessarily a party to all discussions between Grain Belt Express and Ms. Meadows. Moreover, Grain Belt Express' requested clarification does not in any way limit Ms. Meadows' ability to gather evidence and present her case, as alleged by OPC. Both Ms. Meadows and any other party to this proceeding are free to issue any discovery to Grain Belt Express that is reasonably and clearly tailored to elicit evidence regarding her new allegations.

7. The clarification sought by Grain Belt Express regarding the scope of discovery during this reopened discovery period is not an "arbitrary limitation" but rather a logical and necessary clarification based upon representations made at the prehearing conference that induced Grain Belt Express to, at that time, withhold its objection to the Commission permitting Ms. Meadows to effectively amend her complaint so late in this process. 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.

WHEREFORE, Grain Belt respectfully requests that the Commission disregard OPC's Reply and grant its Motion for Clarification.

Respectfully submitted,

POLSINELLI PC

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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 23rd day of June, 2025.

/s/ Anne E. Callenbach

Attorney for Respondents