

**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 MOTION TO COMPEL**

Grain Belt Express LLC (“Grain Belt Express”) hereby files this Response to the July 3, 2025 Motion to Compel filed by complainant Cheri Meadows. In support of its Response 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.<sup>1</sup> 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.<sup>2</sup> Accordingly, Grain Belt Express moved to dismiss the Complaint for failure to state a claim.<sup>3</sup>

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. As the result of numerous pleadings, the Commission has defined the subject matter at issue in this case. First, in its *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule*, the Commission found 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.”<sup>4</sup> Those two points were (1) that Grain Belt has not tried to avoid built up areas and residences (Complainant’s residence specifically), and (2) the Grain Belt transmission project is not designed to have a minimal impact to land (Complainant’s land specifically).<sup>5</sup> Next, the Commission issued an *Order Directing Filings, Reopening Discovery, and Canceling Evidentiary Hearing*, which permitted Ms. Meadows to supplement her Complaint with allegations contained in the “My

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<sup>1</sup> Response to Formal Complaint, ¶ 45.

<sup>2</sup> *Id.* ¶¶ 12-13.

<sup>3</sup> *Id.* ¶ 45.

<sup>4</sup> *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule*, p. 2 (March 5, 2025).

<sup>5</sup> These “two points” are merely Findings of Fact and not an ordering paragraph, decision, or condition. Grain Belt Express maintains that these are improper grounds for a complaint (see January 24, 2025 Motion to Dismiss and March 14, 2025 Motion for Reconsideration), but has nevertheless prepared for an evidentiary hearing to address these Findings of Fact.

Claim” section of her *Reply to Grain Belt Express LLC’s Motion for Reconsideration*.<sup>6</sup> The additional allegations are that Grain Belt Express representatives deliberately withheld information to prevent Ms. Meadows from contacting the Commission earlier than she did. Grain Belt Express provided a comprehensive response to the additional allegations on May 21, 2025, complete with a 6-page timeline of every communication between Grain Belt Express representatives and Ms. Meadows and 16 Exhibits that document those communications.

5. On May 23, 2025, Ms. Meadows filed a procedurally improper Motion to Compel, which sought responses 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.

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

7. 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. During the discovery conference Judge Clark directed Ms. Meadows and Grain Belt Express to discuss the

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<sup>6</sup> *Order Directing Filings, Reopening Discovery, and Canceling Evidentiary Hearing* (April 23, 2025).

data requests at issue in an attempt to resolve the discovery dispute. On June 27, 2025, Ms. Meadows and the undersigned counsel spoke for over 90 minutes regarding multiple discovery requests. Although that conference resolved several outstanding discovery issues, on July 3, 2025, Ms. Meadows filed a second Motion to Compel answers to her DRs 18 and 22.

## **II. Opposition and Response to Motion to Compel**

8. 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 provides that parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in a pending action. Missouri courts have indicated that there are two aspects to relevance: logical relevance and legal relevance.<sup>7</sup> Logical relevance simply means that the information sought tends to make the existence of a material fact more or less probable.<sup>8</sup> Legal relevance addresses the probative value of the evidence weighed against its cost, including confusion of the issues, undue delay, waste of time, or cumulativeness.<sup>9</sup> For material to be discoverable, it must be both logically and legally relevant.<sup>10</sup>

9. The party seeking to obtain discovery has the burden of establishing the relevance of the information in order to obtain it.<sup>11</sup> Discovery may not be used merely as a “fishing expedition” or on “mere suspicion.”<sup>12</sup> Discovery may also not be used as a “factual dragnet.”<sup>13</sup> In the data request at issue (and in others, not currently at issue), Ms. Meadows is improperly using

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<sup>7</sup> *State v. Kennedy*, 107 S.W. 3d 306, 311 (Mo. App. W.D. 2003).

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.*

<sup>11</sup> *State ex rel. Kander v. Green*, 462 S.W. 3d 844, 848 (Mo. App. W.D. 2015).

<sup>12</sup> *State ex rel. Boswell v. Curtis*, 334 S.W. 2d 757, 760 (Mo. App. Spr. D. 1960).

<sup>13</sup> *Concerned Citizens for Crystal City. City of Crystal City*, 334 S.W. 3d 519, 523 (Mo.Ct.App. 2010) citing *Misischia v. St. John’s Mercy Medical Center*, 30 S.W. 3d 848, 864 (Mo.Ct. App. 2000)

the discovery process as a means to create a claim rather than in support of her existing claims, which should not be permitted by the Commission.

10. Meadows DR 18 requested the following:

During the visit to my house on March 28, 2024 as Jason Brown, Greg (Contract Land Services/CLS), Jordan (Invenergy) and I stood around talking, Jason Brown said that he and Greg had talked about me a lot. Please provide any notes/emails/texts/memos/voicemails/transcripts/or any other communication from Greg Smith or Jason Brown regarding those conversations that admittedly took place between Jason Brown and Greg Smith from CLS regarding me and my property both prior to and after our meeting.

11. Grain Belt made a timely objection to DR 18 as follows

Grain Belt objects to the extent this question calls for materials that are subject to attorney-client privilege, the work product doctrine, or any other privileged communication. Grain Belt objects further to the basis of this question as it relies on hearsay and assumes contested facts.

Grain Belt subsequently provided the following timely response

Without waiving the foregoing objection, there are no notes, emails, texts, memos, voicemails, transcripts or other written or recorded communication between Greg Smith and Jason Brown that are responsive to this request. Grain Belt Express stands on its objection to the extent the request is seeking communications *from* Greg Smith or Jason Brown to counsel regarding this request.

12. Grain Belt Express has responded to DR 18 that there are no notes or other evidence of communications from either Jason Brown or Greg Smith that are not privileged. Rather than seeking to compel Grain Belt Express to provide a response to DR 18, which is moot given that Grain Belt Express has already responded, Ms. Meadows instead requested that Grain Belt Express provide a privilege log regarding DR 18. In essence, Ms. Meadows is requesting discovery concerning conversations about her discovery, because her request seeks “any ... communication *from* Greg Smith or Jason Brown *regarding* those conversations [emphasis added]” without temporal or other limitations.

13. Moreover, privilege log is generally produced for the presiding officer or the Commission to confirm that the claim of privilege has been properly raised, not for the complainant. Any privilege log that Grain Belt Express would produce for Judge Clark would demonstrate that any written communications *from* Jason Brown or Greg Smith are for the sole and protected purpose of responding to Ms. Meadows' discovery requests. Clearly, conversations from Jason Brown or Greg Smith to Grain Belt Express' attorneys are not factually or legally relevant to the subject matter of this proceeding. Ms. Meadows' "motion to compel" a privilege log for DR 18 should be denied.

14. Complainant's motion also sought to compel a response to her DR 22, which states as follows

According to Grain Belt Express, LLC's Route Selection Study (Schedule AB-2, Section 2.4.2), windshield surveys and field reconnaissance were conducted on conceptual routes and potential routes.

Please list the dates of those windshield surveys and reconnaissance trips that were done regarding my property. Also, please list who was present during them and all documentation from them regarding my property.

15. Grain Belt Express submitted a timely objection to DR 22, stating that the request is irrelevant to Ms. Meadows' allegations in this proceeding. As the requesting party, Ms. Meadows bears the burden of establishing that her discovery request is factually and legally relevant to her claims in this proceeding. Ms. Meadows makes no attempt to explain why the information requested is relevant other than a blanket conclusion that "the information is relevant to my case." A mere proclamation that the information sought is relevant is not the legal standard in Missouri or any other jurisdiction. To be relevant, evidence must tend to prove or disprove a material fact at issue.<sup>14</sup> For the reasons set forth below, Ms. Meadows has not, and cannot,

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<sup>14</sup> *Olinger v. General Heating & Cooling*, 896 S.W. 2d 43, 48 (Mo. App. W.D. 1994).

demonstrate that windshield survey data obtained prior to the filing of Grain Belt’s application in August 2022 is relevant to the subject matter of this case.

16. The text of Complainant’s DR 22 indicates that she has at least skimmed a portion of the Route Selection Study, Schedule AB-2, Section 2.4.2 in File No. EA-2023-0017, which was attached to the testimony of Grain Belt Express witness Andrew Burke. As discussed in Section 2.4.2 of Schedule AB-2, and as noted by counsel for Grain Belt Express in the July 10, 2025 discovery conference, the purpose of the windshield surveys in April, June and July 2022 was to confirm that logged GIS data concerning Conceptual Routes and Potential Routes for the Tiger Connector was consistent with actual facts on the ground. As shown below in the attached snippet from Schedule AB-2, where features on the ground differed from GIS data (for example where a building had been constructed or demolished) the GIS data was corrected.

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#### **2.4.2 FIELD RECONNAISSANCE**

Prior to field reconnaissance, some key features, such as residences, outbuildings, recognized places of worship, cemeteries, and commercial buildings were mapped based on publicly available building footprint data augmented by aerial imagery interpretation. In April, June, and July 2022, Routing Team members conducted windshield surveys of the Conceptual Routes and Potential Routes from public roadways and compared observed features to data contained in the GIS database. Where extant features differed from the GIS data – this occurred most frequently where buildings had been constructed or demolished since the 2020 imagery was collected – the GIS data was corrected, either via a tablet running ESRI’s Field Maps application, or via a laptop

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*Tiger Connector 345 kV Transmission Line Route Selection Study*

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running ArcGIS Pro and supported by real-time Global Positioning System (GPS) location tracking.

17. Grain Belt Express fails to see how field reconnaissance/windshield survey data conducted and collected by its third-party contractor WSP Inc., prior to filing its Application and Proposed Route in August 2022 in File No. EA-2023-0017, has any logical relevance to the subject matter of this proceeding, as described above in Paragraph 4. Moreover, such data is possessed by its third-party contractor, WSP, Inc. and is not within Grain Belt Express' possession, custody and control, and the burden and expense of obtaining that information far outweighs any probative value such information might provide. Accordingly, the information sought lacks legal relevance.

18. The Commission accepted and endorsed the Routing Study in its approval of the route for the Tiger Connector. As the Commission has already noted in its March 5, 2025 *Order Denying Motion to Dismiss*, “the Commission does not intend for this complaint to turn into an impermissible collateral attack on the Commission’s Order granting Grain Belt a certificate of convenience and necessity.”<sup>15</sup> Ms. Meadows’ DR 22, and indeed the majority of her discovery requests, appear designed to be just that—an attempt to relitigate the siting of the Tiger Connector years after the route was approved. Pursuant to the Commission’s own directives, it must now deny Ms. Meadows’ Motion to Compel discovery that seeks only to support an impermissible collateral attack on the Commission’s procedurally and substantively valid Report and Order in File No. EA-2023-0017.

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<sup>15</sup> *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule*, p. 2 (March 5, 2025).



WHEREFORE, Grain Belt Express respectfully requests that the Commission deny Ms. Meadows' Motion to Compel.

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 14th day of July, 2025.

*/s/ Anne E. Callenbach*

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Attorney for Respondents