

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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

ORDER DENYING MOTION TO COMPEL

Issue Date: July 21, 2025

Effective Date: July 21, 2025

On May 23, 2025, Complainant, Cheri Meadows, filed a motion to compel discovery from Grain Belt Express LLC (Grain Belt). The motion was defective and the Commission held a discovery conference to address Meadows' discovery issues. The Regulatory Law Judge asked Grain Belt to work with Meadows to see if specific data requests could be narrowed sufficiently for Grain Belt to answer. Meadows was authorized to file another motion to compel if her discovery issues remained unresolved.

On July 3, 2025, Meadows filed a motion to Compel discovery. Meadows issued data requests 18 and 22, which Grain Belt objected to answering.

Data Requests

Data Request 18: 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.

Data Request 22: 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.

Meadows pled that Grain Belt objected to answering Data Request 18 "...to the extent this question calls for materials that are subject to attorney-client privilege, the work product doctrine, or any other privileged communication..."

Meadows also pled that Grain Belt also objected to answering Data Request 22. "Grain Belt Express objects to this data request in that it is irrelevant to Ms. Meadows' additional allegations in this case and outside the scope of discovery at this phase of the proceeding, which is limited to discovery concerning Complainant's additional allegations."

Previously, on June 17, 2025, Grain Belt filed a motion for clarification of the scope of discovery. The Commission clarified that the scope of discovery was not restricted except as provided by Missouri Supreme Court Rule 56.01(b).

On July 14, 2025, Grain belt filed *Grain Belt Express LLC's Response to Motion to Compel Discovery* regarding data requests 18 and 22.

In response to Data Request 18, Grain Belt responded that there are no notes or other evidence of communication from Jason Brown or Greg Smith that are not privileged. Grain Belt also argued that the Data Request is moot because Grain Belt has already responded. Grain Belt states that Meadows wants a privilege log for Data Request 18.

The Regulatory Law Judge explained to Meadows that the purpose of a privilege log is so the Commission may determine if the privilege applies, and that a privilege log is not for the purpose of showing Meadows that a privilege would apply.

However, upon review of the facts herein, a privilege log is not necessary because Grain Belt stated that it has responded to Data Request 18. Grain Belt provided the following additional response to Data Request 18: “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.” The Commission agrees that Data Request 18 is moot because Grain Belt has provided an answer. The Commission is not directing Grain Belt to provide a privilege log because the Commission does not have to determine if the privilege applies.

In Response to Data Request 22, Grain Belt argued that Meadows did not meet her burden to establish that the requested information was relevant to her case. Grain Belt’s response to Meadows’ motion to compel stated that the purpose of the windshield surveys was to confirm that logged GIS data concerning Conceptual Routes and Potential Routes for the Tiger Connector was consistent with the actual landscape.

As Grain Belt noted in its response, the Commission already approved the route for the Tiger Connector in Case No. EA-2023-0017. The Commission previously explained that it does not intend for this proceeding to turn into an impermissible collateral attack on the Commission’s order granting a certificate of convenience and necessity. The Commission agrees that Meadows has not explained how this specific data request is relevant to whether Grain Belt violated the Commission’s order granting a certificate of convenience and necessity in Cas No. EA-2023-0017.

Data Request 18 is moot, and relevance has not been established for Data Request 22. Therefore, the Commission will deny Meadows' July 3, 2025, Motion to Compel Discovery.

THE COMMISSION ORDERS THAT:

1. Cheri Meadows' July 3, 2025, *Motion to Compel Discovery* is denied.
2. This order is effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 21st day of July, 2025.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 21st day of July 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 21, 2025

File/Case No. EC-2025-0136

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.