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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

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

DISCOVERY CONFERENCE
VOLUME 5
THURSDAY, JULY 10, 2025
2:00 p.m.
Jefferson City, MO
via WebEx

JOHN CLARK, Presiding
SENIOR REGULATORY LAW JUDGE
KAYLA HAHN, Chair,
MAIDA J. COLEMAN,
GLEN KOLKMEYER,
JOHN MITCHELL,
COMMISSIONERS

Transcribed By:
Sam Tinega

1 THE COURT: And finally, Grain Belt
2 Express.

3 MS. CALLENBACH: Yes, Judge. Anne
4 Callenbach present. And I believe that Brad Pnazek with
5 Invenergy and Nicole Luckey will also be joining by
6 phone. I don't see my colleague, Andrew Schulte, but I
7 know he is planning to join.

8 THE COURT: Okay. And are these people
9 other attorneys or are they, they just -- see if Public
10 Counsel joins. I don't think they have to because it's
11 a discovery conference and those are usually between the
12 feuding parties. With that in mind, Emily, let's go on
13 the record and start the recording.

14 MS. WALTHERS: Got it.

15 THE COURT: Okay. Is it recording?

16 MS. WALTHERS: Yes, we're recording.

17 THE COURT: Okay. I don't see on mine,
18 but that's fine. Okay. We'll go on the record.
19 Today's date is July 10th of 2025, and the current time
20 is 2:03 p.m. The commission has set aside this time
21 today for a discovery conference in the case captioned
22 as Cheri Meadows, complainant, v. Grain Belt Express,
23 LLC, respondent, and that is file number EC 2025-0136.

24 My name is John Clark. I'm the
25 regulatory law judge presiding over this matter. And

1 I'm going to begin by asking attorneys for the parties
2 and the pro se to enter their appearance for the record.
3 And with that, I will start with Ms. Meadows. Ms.
4 Meadows, you are not represented by an attorney.
5 Correct?

6 MS. MEADOWS: Correct.

7 THE COURT: But you are present. So
8 you're present for the record. Grain Belt?

9 MS. CALLENBACH: Good afternoon, Judge.
10 Anne Callenbach and Andrew Schulte appearing on behalf
11 of Grain Belt Express.

12 THE COURT: On behalf of the commission
13 staff?

14 MS. HANSEN: Andrea Hansen and Travis
15 Pringle appearing on behalf of commission staff. And we
16 also have a couple of staff members on the call and then
17 a couple of legal interns for SEO on the call as well.

18 THE COURT: Okay. I think I saw a few of
19 them. I just want to be sure that everybody is
20 authorized to be here. So Ben Hahs, Brad Pnazek.

21 MS. HANSEN: So Ben Hahs is legal intern.
22 I don't know who Brad --

23 MR. PRINGLE: Yeah. Brad, I'm not sure
24 who that is.

25 MS. CALLENBACH: Judge, Brad Pnazek is

1 with Invenergy.

2 THE COURT: Okay. Thank you. And you've
3 said that before. I apologize.

4 MS. CALLENBACH: -- fine. Thank you.

5 MR. SCHULTE: There's also -- I'm sorry
6 to interject. I'm just looking at the list of attendees
7 here. Brad Pnazek and Nicole Luckey are both with
8 Invenergy -- in-house at Invenergy. Not, not attorneys,
9 but employees of Invenergy. And Sean Pluta is with
10 Polsinelli, representing Grain Belt Express as well.
11 Thank you.

12 THE COURT: Okay. Well, it looks like
13 everybody's present. I'm, I'm, I'm okay with being
14 present, but there's nothing about this meeting that's
15 confidential that I'm aware of. Anyway, we got the
16 commission staff. Anybody here from the office of
17 public counsel?

18 MR. POSTON: Yes, Judge. Marc Poston's
19 on.

20 THE COURT: I apologize. Have you been
21 here the whole time?

22 MR. POSTON: I came on right as you were,
23 yeah, turning it over to the -- to, to, to start
24 recording. So I just waited --

25 THE COURT: Okay.

1 MR. POSTON: -- but thank you.

2 THE COURT: So just ignore my email that
3 I sent you then.

4 MR. POSTON: Oh, okay.

5 THE COURT: But I'm glad you're here
6 since you have a pending motion. I'm going to remind
7 everybody that pursuant to Commission Rule 20 CSR 4240-
8 2.090, Subsection 6, I can rule on procedural and
9 substantive issues at a discovery conference. This
10 discovery conference was called -- Ms. Meadows had filed
11 another motion to compel discovery and had requested a
12 discovery conference.

13 I kind of want to go through this real
14 quick just to kind of go through the sequencing of this.
15 On, on May 23rd of '25, Ms. Meadows filed her first
16 motion to compel. And we had a procedural conference or
17 we had a discovery conference on that roughly a month
18 ago. I believe it was on the 12th of June?

19 MS. MEADOWS: Yes.

20 THE COURT: But anyway, so we had a
21 discovery conference on that. And I explained that, I
22 believe, before you have to do -- before you can file a
23 motion to compel, you have to contact the other side and
24 try and reasonably work it out. And I think I'd left
25 asking the parties to try and do that. Then on 5/17,

1 Grain Belt filed a motion for clarification of my order
2 reopening the discovery and canceling the evidentiary
3 hearing.

4 On June 20th, Public Counsel filed a
5 reply to Grain Belt's motion for a clarification. On
6 June 23rd, Cheri Meadows filed a response to the office
7 of the public counsel's reply to the motion for
8 clarification. On June 27th, Cheri Meadows filed a
9 reply to Grain Belt Express, LLC's motion for
10 clarification. And on July 3rd, another motion to
11 compel was filed by Ms. Meadows. It's slightly
12 different.

13 And then finally on July 7th, Grain Belt
14 -- well, not finally. On July 7th, Grain Belt Express
15 replied to Ms. Meadows reply to the -- to the motion for
16 clarification. And finally, Public Counsel's reply and
17 motion to extend discovery. So I dare say that we have
18 done more motion work on discovery than discovery has
19 occurred.

20 I tried to handle this informally, and to
21 that extent -- to the extent that I created this, I
22 apologize. It appears to be a, a lot of arguing about
23 this. I'm going to kind of go in three parts to start
24 with. First, I'd like to kind of find out where we are
25 with discovery. Then I'd like to talk briefly about the

1 motion to compel. And then finally, I would like to
2 address Public Counsel's motion. So if we can do that.

3 I'm going to start with you, Ms. Meadows,
4 since you filed the motion to compel and you requested
5 this conference. Why don't you give me your overview at
6 this point in time as to what discovery has occurred
7 since we last met and what discovery -- what discovery
8 has yet to occur that you are wanting that, that are the
9 parts of your motion.

10 MS. MEADOWS: Okay. Well, if you recall,
11 in your June -- (clears throat) excuse me -- your June
12 12th conference hearing, you said to try to work it out
13 amongst ourselves on the privilege log. And then --

14 THE COURT: Well, I'll, I'll get to that
15 in just a -- I will say when you -- when I said to work
16 it out, one of the reasons was because it was unclear
17 because your -- you, you -- your motion -- your original
18 motion to compel listed, I believe, two DRs, 18 and 19.
19 And then there was an additional DR mentioned in there,
20 but that wasn't a part of the compel. So what I want to
21 know at this point in time is, what are you asking the
22 commission to compel?

23 MS. MEADOWS: The privilege logs on DR 18
24 and Data Request 22.

25 THE COURT: Okay. And what is Data

1 Request 22?

2 MS. MEADOWS: Where is it?

3 THE COURT: What is it?

4 MS. MEADOWS: What is it? I'm sorry.

5 Data Request 22 is for the details of the windshield
6 surveys and reconnaissance trips that Grain Belt Express
7 claims they did when they were picking out these routes,
8 conceptualizing, whatever. So I want information
9 regarding my property as far as it relates to them doing
10 the windshield survey or the reconnaissance trips.

11 THE COURT: When you say windshield
12 survey, what do you mean? You mean just driving --

13 MS. MEADOWS: They apparently -- they
14 apparently just drove around looking where they were
15 going to put their line. And so I want to see the
16 details of, when they got to my area, what they noted
17 about my property.

18 THE COURT: Okay. And that's DR 22?

19 MS. MEADOWS: They claim -- they claim
20 that they were avoiding residences and trying to
21 minimize an impact to land and all that. And none of
22 that coincides with anything that's going to be done to
23 my land. So I would like to see -- they claim they did
24 this extensive survey routing study, and I would like to
25 see the details regarding my property.

1 THE COURT: Okay. And you -- in regards
2 to Data Request 19, you indicate that that has been
3 resolved. Correctly?

4 MS. MEADOWS: Correct, yes.

5 THE COURT: Okay. So your interest is,
6 in, in DR 18, they're refusing to answer?

7 MS. MEADOWS: Yes. That's the one where
8 they had the conversation --

9 THE COURT: That's, that's the one where
10 you were asking for conversations had at your house. I
11 believe they said they didn't have any, but we'll
12 inquire into that.

13 MS. MEADOWS: Yeah. And then I requested
14 -- I asked if a privilege log would, would apply in that
15 factor. And you said it would, but you wanted us to try
16 to work it out.

17 THE COURT: -- if something -- if there
18 is something there that is discoverable to which they
19 are asserting the privilege, the privilege log would
20 apply. The way I read your motion, I had a little
21 difficulty understanding it. And the reason why is the
22 privilege log -- the privilege log is for Grain Belt and
23 for me. It's for me to be able -- it's for Grain Belt
24 for their protection when they've decided to make these
25 objections. And it's for me so that I can look at it,

1 and there should be sufficient information in that log
2 for me to determine that the privilege would apply. But
3 that's kind of the extent of it. It's not something
4 that they are to produce for you. It's something that,
5 that they would have to produce for me. Does that make
6 sense?

7 MS. MEADOWS: Sure, sure, yes.

8 THE COURT: All right. Why don't -- and
9 I've asked Ms. Meadows, is that -- is that all that's
10 outstanding for you at this point in time?

11 MS. MEADOWS: Well, and just to clarify
12 on the -- on the privilege log -- and I'm sorry if I
13 didn't word it correctly or whatever. I'm --

14 THE COURT: No, no, no. Just -- it's
15 fine.

16 MS. MEADOWS: I am doing the best I can.
17 It may not look like it, but I am. But --

18 THE COURT: You're doing just fine, Ms.
19 Meadows.

20 MS. MEADOWS: -- during -- in, in that --
21 in that confer meet, not hearing, meeting -- confer
22 meet, whatever that thing is called that we, we do
23 amongst each other before we do the motions to compel or
24 involve you or whatever --

25 THE COURT: Oh, the informal conversation

1 where you're to try and resolve your, your discovery
2 dispute directly with the opposing party.

3 MS. MEADOWS: Yes, that. When I had that
4 on the 27th with Anne Callenbach of Polsinelli, we
5 discussed that and she just said everything that they
6 had talked about had been cc'd in to them. The, the
7 attorneys had been cc'd in on the conversations or
8 whatever. So I take that to mean that there probably
9 was something pertinent because he said, "We talked
10 about you a lot." So I mean, surely my property was in
11 there somewhere in that, but in any case, that's, that's
12 why I did, did this one in the motion to compel for
13 seeing privacy logs because it's -- I mean, I still
14 don't understand what would be so private about
15 discussing my property.

16 MS. CALLENBACH: Judge, may I respond --

17 THE COURT: Well, in a minute -- in a
18 minute, Ms. Callenbach. I do want to hear from you
19 fully. I'm delighted to see everybody today. Why don't
20 you -- I will come back to your response, but why don't
21 you tell me, and you can respond in the process, where
22 do things discovery-wise sit with Grain Belt with Ms.
23 Meadows?

24 MS. CALLENBACH: Judge, well, as you --
25 as you realize from our motion for clarification, we

1 feel there's, there's some disagreement on really the
2 scope of discovery at this point. When we agreed to
3 sort of accept Ms. Meadows new claims into this
4 complaint case in lieu of having a second complaint, it
5 was our understanding from the prehearing conference
6 that discovery would be limited to new claims because
7 absent those new claims, discovery would have closed on
8 April 4th, 2025.

9 So given the nature of the additional
10 claims, which were, I believe that Grain Belt misled Ms.
11 Meadows as to the commission's role in approving the
12 route or that we deliberately withheld information, any
13 relevant discovery would necessarily be conversations
14 between Grain Belt and Ms. Meadows because those --
15 that's the nature of her additional claims. So there
16 is, I think, some dispute among the parties. And then,
17 you know, OPC's motion expands that further.

18 What really the scope is at this point,
19 Grain Belt feels that there's been extensive discovery
20 already in this proceeding. It's been pending for
21 nearly a year. There's been a lot of information
22 produced, and our, our response to the additional claims
23 had -- I don't recall Andrew keeping on 17 exhibits of
24 information, a detail -- a six page timeline of all the
25 communications Grain Belt has had with Ms. Meadows.

1 We're not certain what else there is to produce.

2 In response to what Ms. Meadows just said
3 about how attorneys were cc'd on everything, what I said
4 in that conversation was we objected to DR 18, which is
5 true. And we also responded and said that there are no
6 documents responsive to that request that are not also
7 privileged. So that is what I said. I just -- I wanted
8 to make sure the record was clear on what I said, not
9 that the attorneys were cc'd on, on everything.

10 THE COURT: And in regard to DR -- go
11 ahead.

12 MS. CALLENBACH: Oh, I'm sorry. I didn't
13 mean to interrupt. Go ahead.

14 THE COURT: In regard to DR 22, the
15 windshield survey, what's that about?

16 MS. CALLENBACH: I think we believe that
17 that is -- that's really outside the scope of what we
18 believe kind of the narrow issues at this stage of the -
19 - of the case are. Requesting the windshield surveys,
20 that was really, you know, very early step in the
21 routing study which was done three plus years ago. And
22 the purpose of the windshield studies is to make certain
23 that sort of facts on the ground match what the company
24 and the routing team have seen in satellite images.
25 It's simply to make sure that GIS and facts on the

1 ground are consistent with each other, that there has
2 not been a new barn or a private airstrip or, or
3 something that is not recognizable on GIS that is now on
4 the ground that would interfere with, with routing
5 considerations. That's, that's really the point of the
6 windshield survey.

7 And I think our fear in responding to
8 that -- not fear per se, but it, it feels like an
9 attempt to relitigate the, the CCN and the route of, of
10 the Tiger Connector, which as the commission has already
11 stated, the commission does not intend for this
12 complaint case to sort of devolve into a relitigation of
13 the route. So that is our concern with DR 22.

14 THE COURT: Okay. I'm going to -- and,
15 and I said at the beginning of this. I said -- well, I
16 should ask, does staff want to weigh in on this at all?

17 MS. HANSEN: Let's -- sorry about that.
18 Staff has discussed this, and I would say that the
19 staff's opinion is similar to Grain Belt's opinion in
20 that 20 or DR 22. We do believe that it is out of --
21 outside of the scope of, of discovery and -- because it,
22 it is talking about things that happened prior to the
23 report and order -- the order. And is it EA-2023-0017
24 or the, the CCN case? So essentially, as Ms. Callenbach
25 said, it would be relitigating stuff that has already

1 been decided.

2 THE COURT: Okay. Let me clarify. I
3 wasn't -- I'm sorry, and I wasn't clear. I wasn't
4 asking for staff's opinion on, on, on the motion. I was
5 asking does staff have any discovery concerns of its
6 own?

7 MS. HANSEN: I see. Sorry about that.
8 No, I don't think we do have any discovery concerns.

9 THE COURT: Same question for Public
10 Counsel.

11 MR. POSTON: We -- I've not issued
12 discovery in this case, so I don't have any, any current
13 issues with it.

14 THE COURT: And that makes complete
15 sense. All right. As I indicated, I apologize for my
16 role in all of this. And my role is not, not minuscule.
17 I probably should have ruled on the motion for
18 clarification shortly after seeing it rather than
19 sitting by to see what everybody else filed and then it
20 just kind of turned into a deluge of filings.

21 Because I can rule on these things at a,
22 a prehearing conference -- generally, when you're
23 talking about limiting discovery, in, in the Missouri
24 Supreme Court rule, it says, "Limitations. Upon the
25 motion of any party on its own, the court must limit the

1 frequency or extent discovery if it determines," and
2 then it says a number of things. But, but that first
3 part is interesting to me because it's on motion or --
4 it's on motion by a party or on its own. Well, I
5 haven't moved to limit discovery to my awareness. And
6 the, the first is for clarification and not request to
7 limit discovery. So it wouldn't fall into that.

8 I went back and read the transcript on
9 this to see if I had done anything that would lead to
10 believe that discovery was somehow limited. I can
11 certainly see the angle that Grain Belt is approaching
12 it from, relying on the previous procedural schedule,
13 and they believe that that discovery deadline date had
14 some meaning even after the evidentiary hearing and
15 discovery was reopened. And that's, that's -- that is
16 one interpretation of that. However, it's not one that
17 I agree with in this point.

18 I tend to view discovery a little bit
19 like I view cross-examination, in that the scope of
20 cross-examination, unlike other kinds of testimony, is
21 generally unlimited except for standard trial
22 objections. And the rules governing discovery -- the
23 Missouri rules governing discovery have an entire
24 section saying, "The scope of discovery unless otherwise
25 limited by order of the court." And it lays out

1 essentially what those are. It's the standard one that
2 I think most people can say roughly to some degree off
3 theirs. And it's any matter not privileged that is
4 relevant to the subject matter involved in the pending
5 action. And then there's the additional reasonably
6 calculated to lead to admissible.

7 The kinds of things that Grain Belt said
8 they were worried about, which was the fishing
9 expedition and the going outside of the scope, those are
10 -- I, I looked at the list of discovery objections that
11 are available, and there are objections that would cover
12 those individually that could be made on a DR by DR
13 basis. I respect that a tremendous amount of discovery
14 has gone on, but I don't believe I did anything that
15 limited it to a particular subject matter beyond what is
16 now the two subject matters of this complaint, which is
17 the routing and then the dealing with Grain Belt's one.
18 Those are both enveloped under the same number.

19 So I don't intend to limit discovery as a
20 blanket statement going forward, but I am happy to and
21 probably should have since informally this became a
22 little more difficult -- I'm happy to do it on a DR by
23 DR basis, and I think that's appropriate. Ms. Meadows,
24 I believe I had told, you know, try and work it out with
25 them. If you can't work it out with them, file your

1 motion to compel. That's what she did. 10 days have
2 not gone by, Grain Belt has not had an opportunity to
3 respond. And I'm assuming that Grain Belt is planning
4 to respond to that. Correct?

5 MS. CALLENBACH: Sorry. Yes, Judge. I
6 was on mute. Yes, we do plan to respond.

7 THE COURT: To the motion to compel.
8 Okay. Now, our DR 18 and -- Data Request 18 and Data
9 Request 22, the only issues we have right now. And I
10 know that Public Counsel has pointed out in their
11 request to extend time that there may be -- that those --
12 -- that any discovery provided, there's always the risk
13 that it will lead to further discovery requests, and
14 that's just the nature of it. But for right now, is
15 there anything else on the table besides DR 18 and 22?

16 MS. MEADOWS: I just got 23 back, and it
17 was rejected after I discussed it with Anne.

18 THE COURT: What's Data Request 23?

19 MS. MEADOWS: It was a -- originally, I
20 had requested Data Request 13 from January to be
21 compelled. And it was just any notes, records,
22 anything. And she just basically explained it was a
23 little too broad, it needed to be more specific. And,
24 and then I discussed how to resubmit that, and she said
25 it would just need a new number. So I went in and put

1 in the specific people that that would apply to and gave
2 it a new data request. We're still within -- I think
3 still within the time frame that they can respond
4 further, but, but --

5 THE COURT: Okay. And it's also -- it's
6 also not --

7 MS. MEADOWS: -- they did -- they did
8 reject within the five day thing or period.

9 THE COURT: But it's not currently part
10 of your motion to compel.

11 MS. MEADOWS: No, because this was
12 already -- the case was already -- or this conference
13 was already set up when they put that in. So it -- see
14 that's the kind of the problem I'm having here, and I
15 apologize. There's sort of a lot of overlapping and I'm
16 trying to keep up with all of it. And --

17 THE COURT: How long does Grain Belt need
18 to respond to the motion to compel, or how long would
19 you like? Usually it's 10 days from the date it was
20 filed, and it was filed on --

21 MS. CALLENBACH: I believe it was filed
22 on July 3rd.

23 THE COURT: That is correct. So the 13th
24 --

25 MS. CALLENBACH: Judge --

1 THE COURT: -- is the out time for
2 response. That falls on a weekend. So normally the 10
3 days would be the 14th. But I scheduled this
4 conference. So what I'm asking is, how much time would
5 Grain Belt like to respond?

6 MS. CALLENBACH: Judge, we were just
7 anticipating responding within the 10 day period, so by
8 the 14th, if that's workable.

9 THE COURT: Okay. And since, since this
10 says, "Has drug on a bit," I will try to rule or have
11 the commission rule on that motion rather quickly.

12 MS. CALLENBACH: Thank you, Judge.

13 THE COURT: Okay. I think -- is that all
14 there is to say? And in regard -- I'm going to address
15 -- if for some reason privilege comes up, I may -- if
16 you're maintaining a privilege log, I may ask you to
17 submit that to me so that I can make a determination.

18 MS. CALLENBACH: Okay. Judge, I will
19 point out though that the DR 18 is somewhat unique, is
20 that she's asking for communications. We responded and
21 said there are no communications responsive to DR 18
22 that are not privilege. But so, in essence, her request
23 for discovery is discovery about her discovery. So a
24 privilege log would simply say --

25 THE COURT: Wait, wait, wait. I'm going

1 to -- when I don't understand, I'm going to back up just
2 a second. A discovery about discovery? Explain that to
3 me, please.

4 MS. CALLENBACH: Well, her -- I, I may
5 have not phrased that as well as I could, but a
6 privilege log will simply say email between Polsinelli
7 and Jason Brown regarding Ms. Meadows's discovery.
8 There -- I mean, we can certainly submit a privilege log
9 if you request one, but I -- there will not be a lot of
10 additional details.

11 THE COURT: Would need to be sufficient -
12 - I mean, without a -- without a -- without a privilege
13 log, there would need to be sufficient information in
14 the motion for me to determine or in your response, I
15 mean. So if you believe there's sufficient information
16 in there, don't, don't submit that. And if I need it, I
17 will ask for it.

18 MS. CALLENBACH: Okay. Absolutely.

19 THE COURT: But since this discovery
20 dispute has gone on for a while, I do want to end it
21 quickly. So once you've responded, I will do my best to
22 try and get that -- I will do my best to try and resolve
23 that before the 25th. It's not a guarantee, but that's
24 my -- that's what I will try and do. All right.
25 That's, that's how I'm going to handle that since

1 there's just a few specific ones. We'll see how DR 23
2 comes out and see if we need to have a conference to
3 individually discuss that. And I'll rule on, on, on
4 objections to that if it becomes necessary. And since
5 you're going to do it within the 10 days, I don't need
6 to set any other kind of deadline.

7 At this point, I'm going to let Mr.
8 Poston -- you filed this motion to extend discovery.
9 And did you want to argue that in any fashion, or are
10 you just happy with it the way it is?

11 MR. POSTON: I'm happy with it the way it
12 is. I mean, it's -- I think it's pretty
13 straightforward. And there's just been some delay and I
14 don't -- you know, typically the discovery will go right
15 up, you know, like I say in the motion, close to the
16 date of the hearing. And so just -- it's just another
17 two weeks. That's all.

18 THE COURT: Is there any -- is there any
19 objection, given that we have had a little bit of delay
20 -- like I said, some of it is mine. Is there any
21 objection to Public Counsel's motion to extend discovery
22 to be provided by April -- let's see -- by April 19th,
23 2025? Is that correct?

24 MS. CALLENBACH: I'm sorry, April 19th?

25 MR. POSTON: Yeah. It's -- the discovery

1 needs to be provided by April --

2 THE COURT: Oh, four days before. I
3 apologize. So that would be --

4 MR. POSTON: Answer's due by the 15.
5 Yeah.

6 THE COURT: Okay. You have April 15th.
7 I think you mean August.

8 MR. POSTON: Oh, did I say April -- oh.
9 That's, that's --

10 THE COURT: Well, I read it. And I read
11 it wrong too. So, so, so August 15th. Is there any --

12 MR. POSTON: Yeah.

13 THE COURT: And that would be four days
14 before the hearing on the 19th. Are there any
15 objections to extending the response time for that?

16 MS. CALLENBACH: Judge, I think Grain
17 Belt would --

18 THE COURT: Not everybody wants -- Ms.
19 Meadows, hold on. I heard Ms. Callenbach first.

20 MS. CALLENBACH: I think Grain Belt would
21 prefer to keep the current deadline, which I believe is
22 July 22nd, for the issuance of, of data requests.

23 THE COURT: Okay. So that -- and I, I
24 just want to reread this because you said issue and I
25 wanted to see because I remember there being something

1 about issue. So right now, Public Counsel's motion is
2 to extend the day to, to request discovery by two weeks
3 to August 5th. And you're saying, "No, keep it on the
4 27th." And then the date to provide it, the outside
5 date, would be August 15th. Okay. Ms. Meadows, I'll
6 hear from you now.

7 MS. MEADOWS: Well, I'm also going for
8 discovery being extended, but I guess I need
9 clarification. Is it going to be limited to just my
10 second -- my second claim or whatever or can it be
11 anything?

12 THE COURT: No, I've not limited
13 discovery in any way. I've said that I think the only
14 limitation on discovery would be standard objections.

15 MS. MEADOWS: Okay.

16 THE COURT: And I think standard
17 objections will suffice. What was that --

18 MS. CALLENBACH: And Judge, since --

19 THE COURT: Go ahead.

20 MS. CALLENBACH: I apologize. Since
21 we've agreed -- we've agreed to shorten time for
22 objection to five days and time for responses to 10
23 days, I -- we just don't believe there's any need to
24 continue this out at infinitum, but -- so our objection
25 stands to changing the date from July 22nd to August

1 5th?

2 THE COURT: 22nd. I think I said 27th
3 last time. I think that the -- given that this has
4 caused a delay, I'm going to grant the motion. So the
5 last day to issue discovery requests will be August 5th,
6 2025. And the last day to provide any discovery will be
7 August 15th. And I will codify that in an order that
8 will go out tomorrow.

9 MS. MEADOWS: Thank you, Judge.

10 THE COURT: Are there any other discovery
11 concerns or anything that I have not taken up that
12 needed to be taken up? Okay. I hear nothing. I'm
13 hoping we can get through this discovery stuff -- I, I,
14 I have moved the deadlines, but it is my hope that we
15 are far enough along that maybe we're -- that these few
16 outlying DRs may be the end of it, and it may not. And
17 it -- like I said, we may come back on, on DR 23
18 ultimately anyway. I'm happy to address these one by
19 one, objection by objection. But I will codify in an
20 order tomorrow that I have overruled Grain Belt's
21 objection and request to keep it on the 22nd, and that I
22 moved it to August 5th and 15th respectively.

23 If there's nothing else, I will -- I will
24 look for a response to Ms. Meadows's motion to compel.
25 Anybody may respond to that. However, I am going to say

1 that because it is my intention to handle it fairly
2 efficiently, I don't think it would be necessary for
3 anybody to file any sort of reply to any response. So
4 don't do that.

5 MR. SCHULTE: Judge, if I may. I just
6 pulled up the order establishing the procedural schedule
7 that was issued on June 11th. And the, the position
8 statements of the parties are due --

9 THE COURT: August 11th.

10 MR. SCHULTE: -- August 11th, which is a
11 Monday, and the hearing starts on August 19th, which is
12 a Tuesday. If the last day to issue discovery is August
13 5th, our discovery responses will be due after position
14 statements are filed and only two business days before
15 the hearing begins. And it seems like if we're going to
16 extend the deadline from the 22nd, we don't need a full
17 two additional weeks. It seems that we could maybe
18 split the difference and extend it a week, just so we're
19 not dealing with discovery still two business days
20 before we have to appear at the evidentiary hearing.

21 THE COURT: Okay. So what, what -- in,
22 in, in very plain terms, what dates are you asking for?

23 MR. SCHULTE: Well, if there's an
24 extension, then could we do, rather than a two week
25 extension for the last day to issue discovery, just a

1 one week extension from the 22nd to the 29th of July.
2 Then we could get our discovery responses out of the way
3 before position statements are due.

4 THE COURT: Any objections?

5 MR. POSTON: Yeah. This is OPC. I would
6 keep it -- I don't -- I just don't know how much a
7 discovery response is going to alter party's position.

8 THE COURT: And I don't know that I
9 disagree with you, but, but what I will say is I don't
10 know that the request is necessarily unreasonable in
11 that the time was picked was to give kind of the maximum
12 amount of time for discovery. Well, let me look at
13 calendar here.

14 MR. SCHULTE: We've also -- I don't want
15 to interrupt you Judge, but the -- originally when we
16 agreed to these additional -- these additional
17 allegations, which were improperly raised in the first
18 instance, but we overlooked that and allowed the
19 complaint to be amended, we thought there was going to
20 be a hearing in June or July. And now we're looking at
21 a hearing in August. And so it is a -- has been a
22 tremendous amount of time and resources expended on the
23 additional allegations, not to mention the original
24 allegations. And so it just seems that, you know, the
25 more time that is given, the more headache induced. So

1 we, we would like to limit that as much as possible.

2 MR. PRINGLE: And for what it's worth,
3 Judge, staff has no objection to OPC's request or Grain
4 Belt's modification to that request.

5 THE COURT: I can -- well, I can see
6 advantages to both. I see -- I see Grain Belt's
7 position and part of me says that if I grant that
8 request and pull it back by a week, then if something
9 goes awry, we can always move that. It might actually
10 be easier -- it might be easier to just move it
11 slightly. And what I mean by that is make the 15th --
12 rather than the 15th being the last day to provide
13 discovery, I want to make the 14th the last day to
14 provide the discovery and I'm going to move position
15 statements to the 15.

16 And my reasoning on that, which -- it
17 always gets me in trouble when I share. My reasoning on
18 that is that the position statements are only -- in, in
19 complaints are not as important to me as they might be
20 in other kinds of cases or to the commission because
21 the, the issues -- while the content of what the issues
22 is may change, the issue is always the same, which is,
23 has there been a violation of a rule, statute, order,
24 tariff, etc.? So the position statements in, in a case
25 like this kind of really give me just a written version

1 of what I kind of already know. So I think that that's
2 a reasonable -- I trailed off there. I think that's,
3 that's a reasonable solution.

4 MR. SCHULTE: If the last day to respond
5 to discovery is the 14th, that means that deadline to
6 issue discovery is the 4th.

7 THE COURT: You mean to comply with the
8 10 day response time?

9 MR. SCHULTE: Yeah, 10 day response time,
10 yes

11 THE COURT: No, I don't want to do that.
12 Let's just make them both do the 15th. All right. So
13 the 15th of August will be the last day to respond to
14 discovery and the date position statements are due.

15 MR. SCHULTE: So the full extension
16 requested by OPC is granted.

17 THE COURT: Yes. I am -- I'm hopeful
18 that it won't be necessary, but I think it's easier to
19 leave it as it is than to shorten it and then for a
20 legitimate reason have to further extend it. So I'd
21 rather just leave it where it is and hope we're resolved
22 when we get there. However, Grain Belt's comment that
23 has been going on a year and it has been scheduled for
24 quite a while, I do hear that. So it's not my intention
25 right now to move this hearing from where it is. So I

1 do intend to hold the hearing on the 19, absent some
2 extraordinary circumstance.

3 MR. SCHULTE: And just to make the record
4 here, I do -- I, I, I, I do want to emphasize that Grain
5 Belt continues to object to the procedure in this case
6 that has allowed the -- I mean, we still have a pending
7 motion to dismiss or a, a pending reconsideration of a
8 motion to dismiss. And so our argument in the first
9 instance is that the complaint was improper and never
10 raised -- never identified an issue, a rule, a
11 regulation, or an order that was violated.

12 And that -- you know, we understand that
13 that was denied, but we did request a rehearing. And we
14 think that that rehearing is on solid grounds. And so
15 really the -- this complaint shouldn't have existed from
16 the beginning, but it -- but nevertheless it, it has,
17 and we've prepared to -- we prepared for a hearing that
18 was supposed to be in April, I believe. And, and, and
19 so we got all geared up for that based on what was in
20 the initial complaint.

21 Then very late in the process, the
22 complainant made additional allegations. We got
23 together in a prehearing conference and agreed that the
24 -- that we would allow those additional allegations to
25 be incorporated into this complaint. The discussion at

1 the time was that the hearing would be bumped back, you
2 know, only a month, and that I think it was, you know,
3 wouldn't you rather have a delay of 30 days now rather
4 than an entirely new complaint? And we agreed to it on
5 those terms, but now we have a hearing in August. So
6 it's been an extensive additional delay. And all the
7 while, there's been no limitation on discovery. And so
8 the amount of time and expense on a complaint that we
9 believe was improperly filed and improperly amended is
10 very prejudicial to the company. And so we do have an
11 ongoing objection to this discovery process. I just
12 want to make that record clear.

13 THE COURT: No, I think that's fine. I
14 understand your position and I think it's fine. And
15 that's, that's, that's noted. I thought it would serve
16 judicial economy if, if these -- what we'll call the
17 newer allegations, were rolled into this complaint
18 rather than refileing or rather than having those filed
19 as a separate complaint and starting the process over
20 again. At that time, Grain Belt agreed to that. I
21 absolutely understand your, your frustration with my
22 discovery orders, but that will be a matter for appeal.
23 All right. Is there anything else I need to address
24 while I've got everyone here?

25 MR. POSTON: Hey, Judge. This is Marc

1 Poston, and I hate to delay this anymore. And, and I
2 don't really know what the DR 23 was about, but I
3 understand that Grain Belt has objected to it. And
4 that, I guess, there's -- the plan is to wait until
5 their response time is up before -- you know, Ms.
6 Meadows notes that she needed to do motion to compel. I
7 didn't hear whether Grain Belt just was going to not
8 respond, you know, if they're objecting, they're not
9 intending to give an answer to the DR or if, if they're
10 going --

11 THE COURT: Well, I don't think they have
12 to tell us. I don't think -- I mean, they may have told
13 her they're not going to answer it, but I believe their
14 time to answer it is still ticking. Correct?

15 MS. CALLENBACH: That's correct.

16 MR. POSTON: It is. And the point I was
17 just going to make is if, if they don't intend to answer
18 it, I mean, it -- you know, it would just move things up
19 if they just let her know now so she could go forward
20 with her motion and/or, you know, getting another
21 discovery conference instead of just needlessly waiting.
22 That was my point.

23 THE COURT: I think -- well, well, I
24 think you have a point there. Grain Belt is already
25 very disappointed with my -- with my discovery rulings,

1 and I think further removing discovery from its normal
2 course could be problematic. So I'm going to have Grain
3 Belt deal with the motion before them, and we can deal
4 with 23 separately. If Grain Belt decides they want to
5 address 23 in their response, they can. If they want to
6 wait, they can.

7 MR. POSTON: All right. Fair enough.
8 Thank you.

9 THE COURT: All right. I didn't hear
10 anything else. I would like to thank you all for being
11 here today. Again, we -- I, I hope we can get this back
12 on track fairly quickly. Like I said, it is my
13 intention to not move the evidentiary hearing. So
14 absent something extraordinary, I do intend to hold it
15 on the 19th. And I will issue an order tomorrow
16 codifying my rulings at this conference, and I will look
17 for the response to Ms. Meadow's discovery motion. Got
18 a piece of paper.

19 Well, with that in mind, I'm going to --
20 I'm going to adjourn this discovery conference, and we
21 will go off the record.

22 MR. SCHULTE: Thank you, Judge.

23 MR. PRINGLE: Thank you.

24 (End of audio recording.)
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CERTIFICATE OF TRANSCRIPTIONIST

I, SAM TINEGA, do hereby certify:

That said audio transcription is a true record as reported by me, a disinterested person.

I further certify that I am not interested in the outcome of said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS THEREOF, I have hereunto set my hand this 20th day of July, 2025.



Sam Tinega

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