

**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 FOR RECONSIDERATION

Grain Belt Express LLC (“Grain Belt Express”) hereby files this Response to the July 31, 2025 Motion for Reconsideration filed by complainant Cheri Meadows. In support of its Response Grain Belt Express states as follows:

I. Relevant Background

1. 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 Express has not followed two points of the Commission’s Report and Order granting Grain Belt Express a certificate of convenience and necessity in File No. EA-2023-0017.”¹ Those two points were (1) that Grain Belt Express has not tried to avoid built up areas and residences (Complainant’s residence specifically), and (2) the Grain Belt Express transmission project is not designed to have a minimal impact to land (Complainant’s land specifically).² Next, the Commission issued an *Order Directing Filings, Reopening Discovery*,

¹ *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule*, at p. 2 (March 5, 2025).

² 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

and Canceling Evidentiary Hearing, which permitted Ms. Meadows to supplement her Complaint with allegations contained in the “My Claim” section of her *Reply to Grain Belt Express LLC’s Motion for Reconsideration*.³ 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.

2. On July 21, 2025, the Commission issued its Order denying Ms. Meadows’ Motion to Compel a privilege log for her DR 18 and a response to her DR 22, and on July 31, 2025 Ms. Meadows filed a timely Motion for Reconsideration.

II. Response to Motion for Reconsideration

3. As required by 20 CSR 4240-2.160(2), motions for reconsideration of procedural and interlocutory orders must set forth specifically the grounds on which the applicant considers the order to be unlawful, unjust or unreasonable. Ms. Meadows’ motion for consideration contains no allegations that the Order is unlawful, unjust, or unreasonable and should therefore be denied on procedural grounds. Substantively, the motion for reconsideration fares little better.

4. In her July 3, 2025 Motion to Compel, Ms. Meadows requested that Grain Belt Express provide a privilege log associated with the communications *from* (not merely between) Jason Brown or Greg Smith, as she requested in her DR 18. In its *Order Denying Motion to*

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.

³ *Order Directing Filings, Reopening Discovery, and Canceling Evidentiary Hearing* (April 23, 2025).

Compel, the Commission held that a privilege log is not necessary and that DR 18 is moot because Grain Belt Express has already provided an answer regarding communications *between* Jason Brown and Greg Smith. Conversations *between* Jason Brown and Greg Smith are the only conversations that are arguably relevant to Ms. Meadows' case. Conversations *from* Jason Brown and Greg Smith to Grain Belt Express' lawyers for the simple purpose of answering Ms. Meadows' discovery are clearly not relevant and not discoverable. The Commission did not direct Grain Belt to provide a privilege log because the Commission stated it does not have to determine if the privilege applies, because Grain Belt Express already responded to the relevant portion of the request.

5. Ms. Meadows' motion for reconsideration provides little additional substance, apart from a number of disparaging comments about Grain Belt Express, to support her renewed request to compel a privilege log for DR 18. Ms. Meadows' stated rationale for the privilege log is that "[g]iven everything I have shared about the deceit and manipulation tactics⁴ both Jason Brown and Greg Smith used regarding their interactions with me, it seems prudent for the Commission to request a privilege log of all the information Grain Belt claims is 'privileged.'" Ms. Meadows also states in her Motion that she is "seeking a privilege log to be produced for the Commission to determine if that visit in March 2024 was a deliberate attempt to keep me in the dark about the PSC process...."⁵

⁴ Motion for Reconsideration, at p. 7. The "deceit and manipulation tactics" Ms. Meadows refers to appear to be that (i) allegedly neither Jason Brown nor Greg Smith provided her with a business card; and (ii) allegedly neither Jason Brown nor Greg Smith informed Ms. Meadows that they were part of the 27-person team comprising the multi-disciplinary Routing Team for the Tiger Connector.

⁵ Motion for Reconsideration, at p. 10.

6. Notwithstanding the fact that there have been no “deliberate attempts” to keep anyone in the dark, a privilege log will not provide Ms. Meadows with the answers she seeks. A privilege log will only serve to provide sufficient detail about those documents such that the presiding officer can assess the claim of privilege, without revealing any information that is actually protected or privileged. In this instance, the privilege log would merely catalog Grain Belt Express’ process for responding to Ms. Meadows data request. If a privilege log was required under these circumstances, parties would be required to submit a privilege log with every discovery response.

7. Ms. Meadows’ assertion that “it seems prudent”⁶ to require Grain Belt Express to provide a privilege log is not the legal standard. Moreover, Grain Belt Express’ reiterates that its response to DR 18—that there are no notes or other evidence of communication that are not privileged—was electronically signed by Jason Brown, and his signature attests to the truthfulness and correctness of the answers, as required by 20 CSR 4240-2.090(2)(B). Given that Grain Belt Express has answered DR 18, there is no reason to determine if a privilege applies, and Ms. Meadows’ motion for reconsideration on DR 18 should be denied.

8. With respect to DR 22, the Commission agreed with Grain Belt Express that Ms. Meadows did not meet her burden to establish relevance, stating “the Commission agrees that Meadows has not explained how [DR 22] is relevant to whether Grain Belt violated the Commission’s order granting a certificate of convenience and necessity.”

9. In support of her request for reconsideration, Ms. Meadows claims that her rationale for requesting the windshield survey data is to determine:

⁶ Motion for Reconsideration, at p. 7.

(a) Due to the topography and heavily wooded landscape, did the Routing Team acknowledge that there was a residence at the end of the driveway;⁷

(b) Did the Routing Team take note of the fact that there was no other entry or exit other than the one drive;⁸

(c) Did the Routing Team note the numerous “Private Drive” and “No Trespassing” signs;⁹

(d) Did the Routing Team note that the drive was well-maintained and mowed down the sides;¹⁰

(e) Did the Routing Team note the property was narrow and heavily wooded.¹¹

17. Ms. Meadows claims that these details about her property, which she assumes are discussed in the windshield surveys, are important to establish “if routing the Tiger Connector across her property was accidental, intentional, or just negligent.”¹² Ms. Meadows claims that, at the very least, these details will show if Grain Belt Express acknowledged whether her property had a residence.¹³

⁷ Motion for Reconsideration, at p. 8.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Motion for Reconsideration, at pp. 9–10.

¹³ Motion for Reconsideration, at p. 10. It is clear Grain Belt Express was aware Ms. Meadows’ property included a residence. Publicly available property tax records for Ms. Meadows’ property indicate that her parcel(s) have a property designation of “Rural Improved” or “Rural/Ag Dwelling,” which refers to rural real property that has been enhanced by residential structures or other permanently attached additions.

10. 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. For material to be discoverable, it must be both logically and legally relevant.¹⁴ To be relevant, evidence must tend to prove or disprove a material fact at issue.¹⁵ The party seeking to obtain discovery has the burden of establishing the relevance of the information in order to obtain it.¹⁶

18. The questions of whether Grain Belt Express noted that her property was heavily wooded, her drive was well-maintained and mowed, and whether Grain Belt Express observed the “Private Drive” and “No Trespassing” signs are immaterial to the issues in this case. Again, Ms. Meadows fails to establish relevance for DR 22.

19. Ms. Meadows’ continued attempts to relitigate the routing and siting of the Tiger Connector years after the establishment of the route should be rejected. As both Grain Belt Express and the Commission have noted, this is an impermissible collateral attack on the Commission’s Order granting Grain Belt Express a certificate of convenience and necessity in File No. EA-2023-0017, which established the route for the line.

20. Section 386.500 RSMo states that “[i]n all collateral actions or proceedings the orders and decisions of the commission which have become final shall be conclusive.” Ms. Meadows’ discovery and corresponding arguments challenging the validity and correctness of the Commission’s decision to approve the Tiger Connector route in its Report and Order in File No. EA-2023-0017 must fail. Accordingly, her motion for reconsideration should be denied.

¹⁴ *Id.*

¹⁵ *Olinger v. General Heating & Cooling*, 896 S.W. 2d 43, 48 (Mo. App. W.D. 1994).

¹⁶ *State ex rel. Kander v. Green*, 462 S.W. 3d 844, 848 (Mo. App. W.D. 2015).

WHEREFORE, Grain Belt Express respectfully requests that the Commission affirm its Order denying Ms. Meadows' Motion to Compel.

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 8th day of August, 2025.

/s/ Anne E. Callenbach
Attorney for Respondents