

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

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

GRAIN BELT EXPRESS LLC’S POSITION STATEMENT

COMES NOW Grain Belt Express LLC (“Grain Belt Express”), pursuant to the Commission’s June 11, 2025 *Order Establishing Procedural Schedule*, and hereby submits this *Position Statement* for the Missouri Public Service Commission’s (“Commission”) information and consideration.

I. Statement of the Case

1. Grain Belt Express is a public utility as defined by Section 386.020(43) RSMo.¹ Grain Belt Express is an electrical corporation and public utility regulated by the Commission.² In the Commission’s *Report and Order on Remand* (the “Original CCN Order”) in File No. EA-2016-0358, Grain Belt Express was granted authority to construct, own, operate, control, manage and maintain HVDC electric transmission facilities (the “Grain Belt Express Project” or the “Project”) within Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, Monroe and Ralls

¹ File No. EA-2016-0358, Report and Order on Remand.

² File No. EA-2016-0358, Report and Order on Remand, pages 37 and 38.

Counties, Missouri, as well as an associated converter station in Ralls County, pursuant to Section 393.170.1 RSMo.

2. In the Commission’s October 12, 2023 *Report and Order* (“New CCN Order”) in File No. EA-2023-0017, Grain Belt Express’ Original CCN was modified to (1) relocate the Missouri converter station of the Project from Ralls County to Monroe County and to increase the capacity of the Missouri converter station from 500 MW to 2,500 MW in order to deliver 2,500 MW into Missouri(2) relocate the AC connector line (the “Tiger Connector”) from Ralls County to Monroe, Audrain, and Callaway Counties; and (3) allow for construction of the Project in two phases. The New CCN Order found that the Project, which includes the Tiger Connector and its route (which includes a portion of Ms. Meadows’ property), is in the public interest of the State of Missouri. The New CCN Order approved the routing process and the proposed route for the Tiger Connector.³ The New CCN Order also considered and approved of Grain Belt Express’ efforts to avoid, minimize and mitigate landowner and agricultural impacts.⁴ Additionally, the New CCN Order noted that the Project will lower wholesale energy prices, improve the reliability and resiliency of the electric grid, and produce economic benefits.⁵

3. Critically, the Commission recognized its, and Grain Belt Express’, role in balancing competing interests inherent in the routing process, and noted that “*many* landowner concerns” are addressed through conditions placed on the CCN.⁶ This underscores the Commission’s acknowledgement that siting the Project is not free of *any* conflicting landowner

³ File No. EA-2023-0017, Report and Order, p. 42 (Findings of Fact Nos. 138-140) (hereinafter, “New CCN Order”).

⁴ New CCN Order at pp. 40-43 (Findings of Fact Nos. 134-143). *See for example*, Finding of Fact No. 138 (“The Project is designed to have a *minimal* impact to land.”) (emphasis added); Finding of Fact No. 139 (“To minimize the effects on agricultural land, *wherever practicable*, for both the HVDC Main Line and the Tiger Connector, Grain Belt attempted to site structures outside of agricultural land, even if the parcel is primarily agricultural.”) (emphasis added); Finding of Fact No. 140 (The Routing Team for the Project also *tried* to avoid built-up areas, residences, wetlands, forested areas, center pivot irrigation, and *where practical*, to follow existing developed corridors such as roads and existing transmission and distribution lines.) (emphasis added).

⁵ New CCN Order at pp. 38-40.

⁶ New CCN Order at p. 63 (emphasis added).

interests. It also recognizes that not all landowner concerns are (or could be) addressed through conditions placed on the CCN.

4. On October 15, 2024, Cheri Meadows (“Ms. Meadows” or “Complainant”) filed a Formal Complaint (“Complaint”) against Grain Belt Express, expressing her opposition to the Commission-approved route of Grain Belt Express’ AC transmission line, the Tiger Connector, across her property located in Callaway County, Missouri.

5. The essence of Ms. Meadows’ Complaint is that Ms. Meadows would like the Commission-approved route for the Tiger Connector moved south and off her property.⁷ Ms. Meadows alleges that because the Tiger Connector crosses her property, Grain Belt Express is not in compliance with the Commission’s New CCN Order. Ms. Meadows specifically alleges as follows:

In the order, on page 42, line 140, it states ‘The Routing Team for the Project also tried to avoid built-up areas, residences.... Furthermore, on line 138 of the same page, it states ‘The Project is designed to have a minimal impact to land.’ In the attached pictures, you can clearly see that Grain Belt is not following these two points. Instead, they have avoided completely uninhabited and open land south of my property.⁸

6. Notably, the provisions in the New CCN Order that Ms. Meadows claims have been violated by Grain Belt Express are paraphrased Findings of Fact Nos. 138 and 140 made by the Commission, which are fully set forth as follows:

138. The Project is designed to have a minimal impact to land. [citing to Ex. 10, White Surrebuttal, pp. 10-11.] In Phase I for the HVDC Main Line approximately 9 acres will be taken out of agricultural production. For Phase I Tiger Connector approximately .2 acres will be taken out of agricultural production. And for the Phase II HVDC Main Line, approximately 7 acres will be taken out of agricultural production. [citing to Ex. 10, White Surrebuttal, p. 11.]

140. The Routing Team for the Project also tried to avoid built-up areas, residences, wetlands, forested areas, center pivot irrigation, and where practical, to

⁷ Complaint at p. 2.

⁸ Complaint at p. 2.

follow existing developed corridors such as roads and existing transmission and distribution lines. [citing to Ex. 17, Burke Direct, p. 6].

(Emphasis denotes the specific portions of the Findings of Fact comprising the allegations in Ms. Meadows' Complaint.)

7. On March 21, 2025, Ms. Meadows filed her *Reply to Grain Belt Express' Motion for Reconsideration of its Motion to Dismiss* ("March 21 Reply"). Although couched as a "Reply" to Grain Belt Express' *Motion for Reconsideration*, Ms. Meadows made 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.

8. At the April 21, 2025 prehearing conference, after noting that Ms. Meadows could file a new formal complaint based on the allegations in her March 21 Reply, which would restart the complaint process, Judge Clark asked the parties if they would object to incorporating the new allegations into the existing complaint, subject to reopening discovery and providing time for Grain Belt Express to answer the new allegations and for Staff to file a supplemental report.⁹ No party objected.

9. In Ms. Meadows' Complaint, and as expanded in her subsequent filings, she expresses concern regarding: (1) Grain Belt Express' transmission line falling;¹⁰ (2) the restoration time required to restore service to the line;¹¹ (3) potential health risks from living in proximity to a transmission line;¹² and (4) the use of toxic chemicals to prevent vegetative growth near the line,

⁹ Tr. Vol. 3, pp. 10-12 (April 21, 2025 Prehearing Conference).

¹⁰ Complaint Addendum at p. 1.

¹¹ *Id.*

¹² *Id.* at pp. 1-2.

and the potential impact of such chemicals on herself and her animals.¹³ Ms. Meadows' concerns regarding the safety of the Tiger Connector and her claimed health risks are directly correlated to the siting of the transmission line and have been rebutted by Grain Belt Express in prior pleadings. Ms. Meadows' claims will be further addressed by Grain Belt Express' witnesses at the evidentiary hearing and in post-hearing briefing. Accordingly, Grain Belt Express will not reiterate the entirety of its responses pertaining to safety and health in this Position Statement.

10. Ms. Meadows' request for relief is that the Commission should require Grain Belt Express to move the Tiger Connector line approximately 600 feet south of its current path across her property, thereby removing her property from the route of the Tiger Connector and instead impacting a new, unnoticed landowner.¹⁴

11. Section 386.390 RSMo. and 20 CSR 4240-2.070(4) require a complainant to set forth any act or thing done or omitted to be done by a public utility that is claimed to be in violation of any provision of law or of any rule or order or decision of the Commission. Grain Belt Express has maintained throughout this proceeding that the Commission's Findings of Fact are not legal requirements such as an ordering paragraph, decision, condition, statute, rule, tariff or other Commission requirement that can be violated, and, as a result, Ms. Meadows' Complaint should be dismissed for failure to state a claim. 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.

II. Statement of Position on Grain Belt's List of Issues

Issue 1. Did Grain Belt Express, LLC ("Grain Belt") fail to follow the siting criteria outlined in the Commission's Report and Order granting Grain Belt a certificate of convenience and necessity in File No. EA-2023-0017, specifically (1) has Grain Belt

¹³ *Id.* at p. 3. It should be noted that during the course of this proceeding, Grain Belt has agreed to utilize non-toxic vegetation management products and methods at Ms. Meadows' property. Accordingly, the use of toxic chemicals is no longer an issue in this Complaint.

¹⁴ *See id.*

not tried to avoid built up areas and residences (Complainant's residence specifically), and (2) is the Grain Belt transmission project not designed to have a minimal impact to land (Complainant's land specifically)?¹⁵

12. No. The Commission has already found that Grain Belt Express adhered to the siting criteria outlined in the Commission's Report and Order granting Grain Belt Express a CCN in File No. EA-2023-0017 when Grain Belt proposed a route for the Tiger Connector. In support of its Application to amend its CCN in File No. EA-2023-0017, Grain Belt Express submitted a comprehensive and robust Route Selection Study to establish a proposed route for the Tiger Connector. As discussed in the Routing Study,¹⁶ the process of selecting a route for the Tiger Connector was a detailed exercise that evaluated numerous potential routes utilizing established criteria. The Route Selection Study identified transmission line routes that minimize impacts on the natural, cultural, and human environment, while avoiding circuitous routes, extreme costs, and non-standard design requirements. Routing of transmission lines is a complex and time-consuming balancing process. The route selected for the Tiger Connector, as endorsed by Staff and as approved by the Commission, was and remains a reasonable route.

"Avoidance of Built-Up Areas and Residences"

13. In contending that Grain Belt Express has violated the Commission's Findings of Fact No. 140, Ms. Meadows has grossly misconstrued that Finding of Fact by selectively paraphrasing it. A full reading of the Finding of Fact shows that the Routing Team was balancing many conflicting objectives, and—by necessity—was not singularly-focused on avoiding built-up areas and residences: "[t]he Routing Team for the Project also *tried* to avoid built-up areas, residences, wetlands, forested areas, center pivot irrigation, and *where practical*, to follow existing

¹⁵ Pursuant to the Commission's March 5, 2025 *Order Denying Motion to Dismiss and Directing Staff to File a Proposed Procedural Schedule*, these are the potential violations articulated by the Complainant. The two points are paraphrased portions of Findings of Fact Nos. 138 and 140 in the Commission's Report and Order in File No. EA-2023-0017.

¹⁶ Direct Testimony of Andrew Burke, Exhibit 17 in File No. EA-2023-0017, Schedule AB-2.

developed corridors such as roads and existing transmission and distribution lines” (emphasis added) (citing to Ex. 17, Andrew Burke Direct, p. 6).

14. When developing the Tiger Connector route through the area around Ms. Meadows’ property, the Routing Team was constrained by the properties to the west and south of Ms. Meadows. Immediately west of Ms. Meadows are multiple residences and agricultural buildings on the east side of County Road 232. These structures limit Grain Belt Express’ ability to enter the parcel south of Ms. Meadows’ property without placing the line closer to another home than the line currently is to Ms. Meadows’ house. Avoiding both the structures on County Road 231 and Ms. Meadows’ property would involve placing a turning structure on the property immediately to the west. However, this property appears to be in agricultural use, and general routing practice is to avoid, when possible, placing turning structures in the middle of agricultural fields. Placing a structure there may also lead to increased tree clearing, and though this would move the line from Ms. Meadows’ property, it would also require impacting a new, unnoticed landowner and potentially take the line closer than is preferable to a pond¹⁷ on that landowner’s property.¹⁸ Farther south of Ms. Meadows’ property, Grain Belt Express is constrained by the need to enter the points of interconnect (AECI and MISO substations) from the north. In this area, the general alignment of the route attempts to support this goal while minimizing agricultural impacts and tree clearing and maximizing residential distance.¹⁹ In siting the Tiger Connector, Grain Belt Express tried to balance all of these considerations and avoid all the routing constraints

¹⁷ Routing considerations around ponds and other bodies of water include safety concerns, maintenance challenges, and potential environmental impacts. See Grain Belt Express Response to Staff DR 10 for additional detail.

¹⁸ See Grain Belt Express Response to Staff DR 3 and aerial map of routing constraints attached to that DR Response.

¹⁹ *Id.*

noted in Finding of Fact No. 140, and this Finding of Fact remains as accurate today as it was when the route was approved by the Commission.

15. The Commission never states, either in an Ordering Paragraph or in a Finding of Fact, that the Project avoids all impacts to built up areas. The Commission acknowledges that “[i]t is the Commission’s responsibility to balance the interests of all stakeholders, including the affected landowners, to determine what is in the best interest of the general public as a whole.”²⁰ In so doing, it balances the evidence of positive and negative impacts to all citizens of the State, including but not limited to local impacts to land. Only with that holistic view did the Commission determine that the myriad Project benefits “outweigh the interests of the individual landowners.”²¹

“The Project is Designed to Have a Minimal Impact to Land”

16. Ms. Meadows’ Complaint also misinterprets the Commission’s Finding of Fact No. 138 by reading into this Finding that the Project is designed to have a minimal impact to her land specifically. It is abundantly clear from the text of Finding of Fact No. 138 and a review of the testimony cited in support of the Finding that this Finding pertains to the number of Missouri acres taken out of agricultural production, and not to the potential impacts of the Tiger Connector on individual landowners.

The Project is designed to have a minimal impact to land. [citing Ex. 10, Aaron White Surrebuttal, pp. 10-11]. In Phase I for the HVDC Main Line approximately 9 acres will be taken out of agricultural production. For Phase I Tiger Connector approximately .2 acres will be taken out of agricultural production. And for the Phase II HVDC Main Line, approximately 7 acres will be taken out of agricultural production. [citing Ex. 10, White Surrebuttal, p. 11].

17. Aaron White’s Surrebuttal Testimony, as cited in support of Finding of Fact No. 138, provides an “rough estimate” of the amount of land taken out of agricultural production and

²⁰ New CCN Order at p. 63.

²¹ *Id.*

further states, “[w]herever practicable, for both the HVDC Main Line and the Tiger Connector, Grain Belt Express attempted to site structures outside of agricultural land, even if the parcel is primarily agricultural.” Not only is this statement accurate today—as it was at the time of the Commission’s New CCN Order in File No. EA-2023-0017—it is also counter to Ms. Meadows’ requested relief, which would *increase* the impact to agricultural land.

18. Accordingly, Ms. Meadows has not met her burden to demonstrate that Grain Belt Express is in violation of any provision of law or of any rule or order or decision of the Commission.

Issue 2. Did Grain Belt Express (1) prevent Ms. Meadows from contacting the Commission regarding the route for the Tiger Connector; and/or (2) deliberately omit and withhold information regarding the Commission’s route approval process?

19. No. As more fully set forth in Grain Belt Express’ March 31, 2025 Response to New Allegations, considering the evidence submitted in File No. EA-2023-0017 and collected through discovery in this proceeding, it is abundantly clear that Grain Belt Express went above and beyond its obligations to inform landowners such as Ms. Meadows about its Application in File No. EA-2023-0017 and the Commission’s process for selecting the route for the Tiger Connector.

20. Ms. Meadows alleges that “Grain Belt Express and its affiliates used [my] lack of knowledge to their advantage to prevent me from contacting the PSC sooner and possibly causing them to have to move their line.” This claim is not supported by fact or reason.

21. Grain Belt Express notified landowners of the Commission’s approval process on numerous occasions and provided phone numbers for contacting the Commission and the Office of the Public Counsel. Further, numerous individual landowners and two landowner associations intervened and participated in File No. EA-2023-0017, demonstrating that there was no effort by Grain Belt Express to prevent landowners from contacting the Commission or participating in the

route approval process.²² Prior to Grain Belt Express filing its Application in File No. EA-2023-0017, Ms. Meadows herself attended a Public Meeting where information about the Commission’s approval process was provided.²³ Further, Ms. Meadows admitted to watching the evidentiary hearing in File No. EA-2023-0017 in real time.²⁴

22. Ms. Meadows alleges that she had “numerous conversations, interactions, and ... email pleas going as far back as 2023,” during which Grain Belt Express representatives could have informed her about the Commission’s approval process but, she alleges, did not. However, Grain Belt Express representatives *did* inform Ms. Meadows of the Commission’s approval process on at least six occasions, either before Grain Belt Express’ Application was filed in File No. EA-2023-0017 or while the Application was pending.²⁵

23. For Ms. Meadows to sustain her new allegations, she must produce evidence of Grain Belt Express representatives deliberately withholding information for the purpose of preventing her from participating in File No. EA-2023-0017. Based on extensive discovery regarding the communications between Grain Belt Express representatives and Ms. Meadows, Grain Belt Express offered the annotated timeline provided as **Exhibit A** to its Response to Additional Allegations. Supporting documents for the timeline were provided as **Exhibits B-P**.

24. As can be seen from the timeline, Ms. Meadows was informed of the MPSC process no less than six times, both before Grain Belt Express’ Application was filed in File No. EA-2023-

²² Grain Belt Express filed its notice of intended amendment filing in File No. EA-2023-0017 on July 12, 2022, and its Application to Amend CCN on August 24, 2022. The Missouri Landowners Alliance and the Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners filed applications to intervene on August 12, 2022. Landowner Norman Fishel filed an application to intervene also on August 12, 2022. Landowners David and Patricia Stemme intervened on September 22, 2022; landowners Gary and Carol Riedel intervened on September 23, 2022; landowners William and Amy Jo Hollander intervened on September 23, 2022, and landowner Duston Hudson intervened on September 27, 2022.

²³ Grain Belt Express’ Response to Additional Allegations, Exhibits A-E.

²⁴ Response to Data Request CM-8.

²⁵ Grain Belt Express’ Response to Additional Allegations, Exhibits A-G, J-K, P.

0017 and while the Application was pending. Reference was made to the MPSC process in the following communications:

- a. July 12, 2022 letter notifying landowners of the public meetings.
- b. Public meeting posterboard.
- c. Public meeting handout.
- d. August 18, 2022 letter notifying landowners that Grain Belt Express would be filing a proposed route at the MPSC.
- e. March 20, 2023 easement offer letter.
- f. August 4, 2023 phone call from Jason Brown.

25. The evidence shows that there was no withholding of information, let alone that there were any “deliberate” actions amounting to a Code of Conduct violation. To the contrary, Grain Belt Express’ communications with Ms. Meadows have at all times been extensive, responsive, respectful, and truthful.

Issue 3. If the Commission determines that Grain Belt Express violated the four points noted above, what relief, if any, is appropriate?

26. Grain Belt Express has not violated any of the four points noted above, so no relief is appropriate. Further, Ms. Meadows’ requested relief would require a new Route Selection Study, the primary goal of which is to avoid her specific property, thereby raising significant due process concerns for all other landowners along the route of the Tiger Connector and for Grain Belt Express. There is no appropriate relief outside of an impermissible collateral attack on the Commission’s New CCN Order long after the period for reconsideration and appeal has run.

WHEREFORE, Grain Belt respectfully submits its *Statement of Position* for the Commission’s information and consideration.

Respectfully submitted,

POLSINELLI PC

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ATTORNEYS FOR GRAIN BELT EXPRESS LLC

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 15th day of August, 2025.

/s/ Anne E. Callenbach

Attorney for Respondents