

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

GRAIN BELT EXPRESS LLC’S INITIAL POST-HEARING BRIEF

Pursuant to the Missouri Public Service Commission’s (“Commission’s”) August 28, 2025 *Order Modifying Procedural Schedule*, Grain Belt Express LLC (“Grain Belt Express”) hereby files its initial post-hearing brief in this matter. In support of its initial post-hearing brief, Grain Belt Express states as follows:

I. Background and Procedural History

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 *Id.* at pp. 37-38.

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

2. Pursuant to 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, including 1,500 MW into the Midcontinent Independent System Operator ("MISO") system and an additional 1,000 into the Associated Electric Cooperative, Inc. ("AECI") system; (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. On October 15, 2024, Ms. Meadows 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

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, pp. 40-43 (Findings of Fact Nos. 134-137, 141-143).

⁵ *Id.* at pp. 38-40.

Complaint alleged that Grain Belt Express violated the Commission's Findings of Fact in paragraphs 138 and 140 on page 42 of the New CCN Order.

4. On November 15, 2024, Grain Belt Express filed its *Response to Formal Complaint* in which it asserted that 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 collateral attack on a Commission Order because it requested that the Commission-approved route for the Tiger Connector be moved to avoid her property.⁶ 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.⁷ Accordingly, Grain Belt Express moved to dismiss the Complaint for failure to state a claim.⁸ Grain Belt Express' petition for reconsideration of the Order denying motion to dismiss remains pending.

5. On January 17, 2025, the Commission Staff ("Staff") filed its initial Report. Based upon its investigation of Ms. Meadows' Complaint, Staff did not discover any violation of applicable statutes, Commission rules, regulations, or Commission Orders.

6. Five months after filing her initial formal complaint, after Grain Belt Express had moved to dismiss her Complaint, and shortly before her Complaint was set for hearing, Ms. Meadows attempted to amend her Complaint by adding wholly new allegations about Grain Belt Express' efforts to inform stakeholders about the approval process at the Commission.⁹ Under

⁶ Response to Formal Complaint, ¶ 45 (Nov. 15, 2024).

⁷ *Id.* at ¶¶ 12-13.

⁸ *Id.* at ¶ 45.

⁹ Response to Grain Belt Express LLC's Motion for Reconsideration, ¶ 6-8 (March 21, 2025).

the threat of Ms. Meadows filing a new complaint and restarting the complaint process, Grain Belt Express did not object to Ms. Meadows amending her Complaint.

7. On May 21, 2025, Grain Belt Express filed its *Response to Additional Allegations*, which included a comprehensive, annotated timeline of all communications with Ms. Meadows.¹⁰ The timeline and supporting documentation demonstrated that Grain Belt Express went above and beyond its obligations under the Commission’s regulations and the Code of Conduct to keep landowners, including Ms. Meadows, informed of the approval process at the Commission.¹¹

8. On June 12, 2025 Staff filed its Supplemental Report, addressing Ms. Meadows’ March 21, 2025 additional allegations. Based on Staff’s review of the information provided by Ms. Meadows and Grain Belt Express, Staff again concluded that Grain Belt Express has not violated any tariff, rule, statute, or Commission order related to Ms. Meadows’ original Complaint or the additional allegations made by Ms. Meadows in her March 21, 2025 filing.

9. An evidentiary hearing was held before the Commission on August 20, 2025.

II. Statement of the Case

10. In previous Orders issued by the Commission in this proceeding, the Commission has identified the following issues as the basis for Ms. Meadows’ Complaint. First, in the initial Complaint—filed on October 15, 2024—Ms. Meadows alleged that the Project is not designed to have a minimal impact to land (her land specifically), and (2) the Routing Team did not try to avoid built-up areas and residences (her residence specifically).¹² Second, in her Response to the

¹⁰ See generally, Response to Additional Allegations and Exhibits A-P attached thereto (May 21, 2025).

¹¹ *Id.* at ¶ 28.

¹² Both of these allegations are incomplete, paraphrased portions of two “Findings of Fact” from the Commission’s Order in Case No. EA-2023-0017, whereby the Commission granted Grain Belt Express’ request for an Amended CCN.

Motion for Reconsideration of the Commission’s denial of Grain Belt Express’ Motion to Dismiss—filed on March 21, 2025—Ms. Meadows raised completely new allegations that (1) Grain Belt Express *prevented* Ms. Meadows from contacting the Commission regarding the route for the Tiger Connector; and/or (2) Grain Belt Express *deliberately omitted and withheld information* regarding the Commission’s route approval process.

11. Notably, the provisions in the New CCN Order that Ms. Meadows’ original complaint 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 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.)

A. Avoidance of Built-Up Areas and Residences

12. 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 developed corridors such as roads and existing transmission and distribution lines” (citing to Ex.

17, Andrew Burke Direct, p. 6). In siting the Tiger Connector, Grain Belt Express tried to avoid all these routing constraints, and this Finding of Fact remains as accurate today as it was when the route was approved by the Commission.

13. The Commission has already found that Grain Belt Express adhered to these siting criteria in the New CCN Order. 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,¹³ the process of selecting a route for the Tiger Connector was a detailed exercise that evaluates 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. Ms. Meadows' allegations to the contrary are a clear collateral attack on the New CCN Order.

B. The Project is Designed to Have a Minimal Impact to Land

14. 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

¹³ Direct Testimony of Andrew Burke, Exhibit 17 in File No. EA-2023-0017, Schedule AB-2.

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].

15. 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 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. Accordingly, Ms. Meadows has not met her burden to prove her original allegations and the Complaint should be dismissed.

C. Complainant’s March 21, 2025 Additional Allegations

16. Ms. Meadows further alleged in her additional allegations that Grain Belt Express prevented her from contacting the Commission regarding the route for the Tiger Connector and/or deliberately omitted and withheld information regarding the Commission’s route approval process.

17. 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.

18. Grain Belt Express provided a comprehensive timeline of interactions between Ms. Meadows and the Company, which was admitted into evidence at the evidentiary hearing as Exhibit 104. Exhibit 104 demonstrates that Ms. Meadows was informed of the Commission's routing process no less than six times and had the same opportunity as every other landowner along the route of the Tiger Connector to participate in File No. EA-2023-0017 and timely express her concerns with the route before the Commission. Ms. Meadows failed to do so and has now brought this Complaint as a collateral attack on the Commission's New CCN Order. Ms. Meadows has not produced any evidence of communications outside of Exhibit 104, and failed to point to anything in Exhibit 104 in support of her allegations. Thus, Ms. Meadows has not met her burden to prove her additional allegations and they too should be dismissed.

III. Ms. Meadows' Requested Relief is Legally Prohibited, Impractical, and Contrary to the Public Interest

19. 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 and driveway, thereby removing her property from the route of the Tiger Connector and instead impacting a new, unnoticed landowner.

20. As discussed further below, the Commission is legally prohibited from granting Ms. Meadows' requested relief because (i) it represents an impermissible collateral attack on the Commission's order establishing the route; (ii) it violates the micrositing/variance condition of Grain Belt Express' CCN; (iii) it violates the due process rights of neighboring landowners; and (iv) the record is devoid of any evidence justifying the requested relief. Moreover, additional policy grounds justify denial of relief because (i) the Commission would suffer a deluge of untimely cascading requests for reroutes for not just this transmission project but any other transmission project; (ii) the lack of certainty in the route is harmful to the public interest in that it

creates unnecessary delay, it drastically increases the costs of building critical infrastructure in the State of Missouri, and it leaves every landowner in proximity to established transmission routes indefinitely vulnerable to endless reroutes.

A. Legal Standard For Complaint Proceedings

18. The Commission’s authority, including its authority to hear complaints, is derived from the General Assembly and defined by statute. The relevant statute for complaints—Section 386.390 RSMo.—provides that the Commission has authority to hear complaints “setting forth any act or thing done or omitted to be done” by a public utility “in violation, or claimed to be in violation, of any provision of law subject to the [C]ommission’s authority, of any rule promulgated by the [C]ommission, of any utility tariff, or of any order or decision of the [C]ommission.” 386.390 RSMo.

19. Accordingly, Ms. Meadows must identify the specific “act or thing done or omitted to be done” in her initial Formal Complaint. Failure to do so violates the due process rights of Grain Belt Express.¹⁴ After the “act or thing done or omitted to be done” is identified by the Complainant, the burden is on the Complainant to present evidence that shows, by a preponderance of substantial, competent evidence, that a violation has occurred.¹⁵ In this case, Ms. Meadows has produced a long and amorphous list of theories, fears, and allegations—but despite months of discovery—she has failed to produce any substantial, competent evidence to support any of her

¹⁴ Parties to an administrative hearing are entitled to trial-type procedural due process safeguards when the agency is acting in an adjudicatory capacity. *State ex rel. Praxair, Inc. v. Pub. Serv. Comm’n*, 344 S.W.3d 178, 191 (Mo. banc 2011). “The fundamental requirement of the Due Process Clause is to provide notice and an opportunity for a hearing to a person subjected to a denial of a protected interest.” *Clark v. Bd. of Dir. of Sch. Dist. of Kansas City*, 915 S.W.2d 766, 771 (Mo. Ct. App. W.D. 1996).

¹⁵ *Howard v. Union Electric Company, d/b/a Ameren UE*, 2008 WL 5274284 (Mo.P.S.C. 2008), citing *State ex rel. GS Technologies Operating Co., Inc. v. Public Service Commission*, 116 S.W. 3d 680 (Mo.App. 2003).

allegations. Therefore, she has failed to satisfy her burden of proof and the Complaint must be denied.

21. 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.

B. The Commission Is Legally Prohibited from Granting the Relief Requested by Ms. Meadows

22. Ms. Meadows' request for relief in this proceeding is for the Commission to move the current route of the Tiger Connector entirely off her property and onto a neighboring, unnoticed landowner's property. The Commission is legally prohibited from granting the relief requested by Ms. Meadows for several reasons: (1) such an action would violate the micro-siting/variance condition on Grain Belt Express' CCN; (2) the relief requested violates the due process rights of neighboring landowners who were not noticed during the Tiger Connector siting process; and (3) the record in this case is devoid of evidence to justify the relief requested, so granting the requested relief would be arbitrary and capricious.

1. Micrositing/Variance Condition on Grain Belt Express' CCN

23. Because the Commission approved the proposed route for the Tiger Connector, Grain Belt Express is limited to constructing the Tiger Connector along the approved route, subject to the allowed micro-siting process it can engage in with individual landowners. The New CCN Order incorporated a set of conditions agreed to by Grain Belt Express and the Commission Staff.

The Commission's New CCN Order contained several conditions with which Grain Belt Express must comply. One of those conditions, contained in Attachment 1, Section VII. of the New CCN Order states:

The certificate is limited to the construction of this line in the location specified in the application, and as represented to the landowners on the aerial photos provided by Grain Belt, unless a written agreement from the landowner is obtained, or the company gets a variance from the Commission for a particular property, provided, however, minor deviations to the location of the line not exceeding 500 feet will be permitted as a result of surveying, final engineering and design, and landowner consultation, so long as the line and required easements stay within the property boundaries of that landowner and do not involve a new landowner.

24. Grain Belt Express is obligated to abide by this condition or it risks violating the New CCN Order. This condition does not provide any grounds for the Commission to grant Ms. Meadows' requested relief.

25. The relief requested by Ms. Meadows is not a minor deviation permitted by this condition; it is a wholesale alteration of the route of the Tiger Connector with a singular goal—to get the line off Ms. Meadows' property. Ms. Meadows has suggested that the line could be moved south of her property, which would involve a new, previously unnoticed landowner *and* result in a deviation of over 500 feet, both of which violate of the condition on Grain Belt Express' CCN. Ms. Meadows has also suggested that the line could be re-routed north of her home, which would result in over a 1,000 foot shift in the route of the line in violation of the above condition, substantially increase tree clearing, introduce four new turning structures, route the line through an active agricultural field, and significantly increase the impact to neighboring landowners.¹⁶

26. Although the above condition permits Grain Belt to seek a formal variance from the Commission for a particular property should a significant variance from the Commission-approved route be required, a variance is not warranted in this case. Only extreme and unique

¹⁶ August 20, 2025 evidentiary hearing transcript ("Tr.") at pp. 209-210.

circumstances would result in this need, such as if the approved route was found to be infeasible from an engineering, environmental, or public safety perspective. No evidence has been introduced in this proceeding to justify a formal variance.

2. The Relief Requested Violates the Due Process Rights of Neighboring Landowners

27. Further, the Commission cannot grant the relief Ms. Meadows seeks without violating the due process rights of neighboring landowners. Pursuant to 20 CSR 4240-20.045(K), a public utility such as Grain Belt Express is required to provide notice in writing to all landowners that may be directly affected by the proposed route of an electric transmission line. That regulation states that land is “directly affected” if a permanent easement or other permanent property interest would be obtained over all or any portion of the land, or if the land contains a habitable structure that would be within 300 feet of the centerline of an electric transmission line.

28. To comply with legal notice requirements, Kevin Chandler’s testimony in File No. EA-2023-0017 notes that “after Potential Routes for the Tiger Connector were developed, our team created notification boundaries to identify potentially affected parcels and landowners. This boundary was established at 1,000 feet from all potential centerlines of the Potential Routes running through Callaway, Audrain, and Monroe Counties.”¹⁷

29. The Tiger Connector Transmission Line Route Selection Study Schedule AB-2, states that “landowner notification letters were mailed directly to landowners within 1,000 feet of the centerline of any Potential Routes.”

30. In the CCN proceeding, Grain Belt Express provided two separate notices to landowners, including Ms. Meadows, in accordance with 20 CSR 4240-20.045(K): (1) the July

¹⁷ Docket No. EA-2023-0017, Direct Testimony of Kevin Chandler (Exhibit 19) at pp. 8-9..

12, 2022 letter to provide notice of the public meetings to be held in Audrain and Callaway Counties, Missouri (provided to all landowners within 1,000 feet of the centerline);¹⁸ and (2) the August 18, 2022 letter to landowners (provided to landowners either directly affected or within 300 feet of the centerline) notifying them of the Final Proposed Route of the Tiger Connector and Grain Belt Express' intent to file its application in File No. EA-2023-0017.¹⁹

31. Now, over three years after impacted landowners were provided with the required notices, and nearly two years after the Commission's approval of the Tiger Connector route, Ms. Meadows' requests that the Commission move the line off her property, thereby jeopardizing the due process rights of landowners in the immediate vicinity. Ms. Meadows has provided no substantial, competent, evidence that the route of the Tiger Connector should be moved, other than her fears and speculation. These alone are insufficient to justify a significant imposition on Ms. Meadows' neighboring landowners.

3. No Evidence Has Been Presented Justifying the Relief Requested, And Any Such Relief Would Be Arbitrary and Capricious

32. As discussed above, as the complainant, Ms. Meadows is required to identify "an act or thing done or omitted to be done" by Grain Belt Express. Once "the act or thing done or omitted to be done" is identified, Ms. Meadows bears the burden to present evidence that shows, by a preponderance of substantial, competent evidence, that a violation has occurred. In this case, Ms. Meadows has presented her numerous speculative theories and fears but has failed to produce any substantial, competent evidence to support any of her allegations. The record is thus devoid of any evidence, let alone substantial, competent evidence, upon which the Commission can rely

¹⁸ Docket No. EA-2023-0017, Schedule KC-2 at pp. 14-15, affixed to the Direct Testimony of Kevin Chandler (Exhibit 19).

¹⁹ Docket No. EA-2023-0017, Schedule KC-3 at pp. 4-5, affixed to the Direct Testimony of Kevin Chandler (Exhibit 19).

as support for modifying the route of the Tiger Connector. To hold otherwise would be unreasonable, unlawful, arbitrary and capricious.

33. Any decision of the Commission must be both lawful and reasonable.²⁰ A decision is lawful if the Commission has the statutory authority to render its decision, and it is reasonable if it is supported by substantial, competent, evidence in the whole record.²¹ As a public utility subject to the Commission’s jurisdiction, the Commission does possess the statutory authority to render a decision in this matter.

34. Whether an order is reasonable depends on whether (i) the order is supported by substantial and competent evidence on the whole record, (ii) the decision is arbitrary, capricious, or unreasonable, or (iii) the Commission abused its discretion.²² This two-step analysis of lawfulness and reasonableness is required by, and instituted in furtherance of, Article V, Section 18 of the Missouri Constitution, which provides that judicial review of administrative decisions “shall include the determination whether the same are authorized by law, and in cases in which a hearing is required by law, whether the same are supported by competent and substantial evidence upon the whole record.”²³

35. Whether an action is arbitrary focuses on whether an agency had a rational basis for its decision. Capriciousness concerns whether the agency’s action was whimsical, impulsive, or unpredictable. To meet basic standards of due process and avoid being arbitrary, unreasonable, or capricious, an agency’s decision must be made using some kind of objective data rather than

²⁰ *Mo. Pub. Serv. Comm’n v. Union Elec. Co.*, 552 S.W.3d 532, 538-39 (Mo. banc 2018).

²¹ *Id.*

²² *State ex rel. Public Counsel v. Missouri Public Service Com’n*, 289 S.W. 3d 240, 246 (Mo.App. W.D. 2009)

²³ *Spire Missouri, Inc. v. Public Service Commission*, 618 S.W. 3d 225, 231 (Mo. banc 2021)

mere surmise, guesswork, or “gut feeling.”²⁴ Ms. Meadows has not and cannot demonstrate any wrongdoing on Grain Belt Express’ part to justify any of the allegations in her complaint and has offered no rational basis or objective data to support her request to move the line. Any Commission decision to the contrary would be arbitrary, unreasonable, and capricious.

4. The Practical Implications of Granting Meadows’ Requested Relief Are Severe

36. In addition to the legal hurdles facing the Commission regarding Ms. Meadows’ request to move the line off her property, the practical ramifications of ad hoc late-stage modifications to the route are considerable. Commissioner Coleman identified this very issue at the outset of the evidentiary hearing, noting:

if there was the scenario that landowners further south were impacted that we could have this scenario created over and over and over again with those landowners coming before us with requests for their land that’s possibly impacted to come before us and say, hey, hold up, we’d like to debate this question also. Couldn’t this be a Catch-22?²⁵

37. Grain Belt Express witness Kevin Chandler expressed a similar concern at the August 20, 2025 evidentiary hearing, stating:

As a general rule, we don’t want to rob Peter to pay Paul in the sense that we don’t want to—if every landowner who did not want the line on their property or wanted it moved, if that is going to negatively impact a neighboring landowner, you run the risk of cascading impacts down the line ... We want to work with landowners to the extent possible. We recognize that they have unique views of their property but at the same time we are evaluating it against those more technical criteria as well as to what does that do to the entirety of the line...²⁶

38. Ms. Meadows’ property cannot be viewed in a vacuum, and any shift in the route beyond micro-siting will have a ripple effect across all properties in the area, which is why Grain

²⁴ *Missouri Nat. Educ. Ass’n v. Missouri State Bd. Of Educ.*, 34 S.W. 3d 266, 281 (Mo.App. W.D. 2000)

²⁵ Tr. at pp. 31-32.

²⁶ Tr. at p. 223.

Belt Express evaluated numerous factors in siting the Tiger Connector. The Commission must consider the precedent it sets if Ms. Meadows' requested relief is granted. If every landowner impacted by a transmission line route had the ability to file a complaint with the Commission years after the establishment of the route, the Commission would be inundated with reroute requests. There are 120 unique parcels along the route of the Tiger Connector and 86 unique landowners,²⁷ which means there are 86 potential complaints regarding the route of the Tiger Connector alone. Consider also that as the line is rerouted and new landowners are introduced, those landowners would also be able to file complaints regarding the re-route. For the entirety of Phase I of the Grain Belt Express Project there are over 1,600 landowners. As Grain Belt Express witness Kevin Chandler testified:

If you make a shift to take the line off a landowner's property and put it onto a new landowner's property, I think you really do run the risk of that occurring throughout the line, and it generally goes against the routing principles and development principles of not wanting to trade one set of landowner impacts for a new landowner and that could happen indefinitely.²⁸

39. The potential groundswell of reroute requests, whether framed as a formal complaint or not, would certainly overwhelm both the Commission and its Staff. Moreover, an endless untimely stream of reroute requests creates unnecessary delays and ultimately increases the costs of building critical infrastructure within the State of Missouri. The Commission has previously found that every complaint is subject to the Commission's determination of the public interest.²⁹ The determination of the public interest is a balancing test between public and private

²⁷ Tr. at p. 259

²⁸ Tr. at pp. 258-259.

²⁹ See, e.g., *Superior Bowen Asphalt Company, LLC v. Southern Union Company d/b/a/ Missouri Gas Energy*, May 9, 2012 *Consent Order and Dismissal With Prejudice*, File No. GC-2011-0101.

interests.³⁰ The uncertainty that would be created by a deluge of reroute requests would not only impact the developer, but every landowner in proximity to an established, Commission-approved route would be indefinitely vulnerable to reroutes. This lack of regulatory certainty is detrimental to the public interest.

IV. The Commission Must Grant the Motion to Dismiss Original Allegations

40. In its November 15, 2024 *Response to Formal Complaint*, Grain Belt Express asserted that Ms. Meadows failed to state a claim upon which relief can be granted and should therefore be dismissed. Inasmuch as the Complaint argues for a new route for the Tiger Connector, it amounts to an untimely and impermissible collateral attack on the Commission's New CCN Order, which approved the route for the Tiger Connector and which was issued nearly two years ago. Further, the Complaint does not identify any law, rule, regulation, Commission order, or Protocol that has been violated by Grain Belt Express. Accordingly, the Commission should dismiss the Complaint in accordance with 20 CSR 4240-2.070(7), which provides, "[t]he [C]ommission, on its own motion or on the motion of a party, may after notice dismiss a complaint for failure to state a claim on which relief may be granted or failure to comply with any provision of these rules or an order of the commission, or may strike irrelevant allegations." Dismissal is also appropriate under 20 CSR 4240-2.116(4).³¹

41. Grain Belt Express renewed its motion to dismiss in its January 24, 2025 *Response to Staff Report and Renewed Motion to Dismiss*. Grain Belt Express incorporates by reference the arguments made in its original and renewed motions to dismiss as though fully set forth herein. The Commission's March 5, 2025 *Order Denying Motion to Dismiss and Directing Staff to File a*

³⁰ May 23, 2006 Report and Order, File No. EA-2006-0309, In re Aquila, at 24.

³¹ "A case may be dismissed for good cause found by the commission after a minimum of ten (10) days notice to all parties involved." 20 CSR 4240-2.116(4).

Proposed Procedural Schedule (“Order Denying Motion to Dismiss”) denied Grain Belt Express’ motion to dismiss. In its Order Denying Motion to Dismiss, the Commission stated it agreed with Staff and Public Counsel that Complainant has articulated a potential violation sufficient for the Commission to hear her complaint.

42. Grain Belt Express filed a timely *Motion for Reconsideration*, which remains pending. Grain Belt Express incorporates by reference the arguments articulated in its *Motion for Reconsideration*. In that pleading, Grain Belt Express noted that Ms. Meadows’ Complaint fails to identify any law, rule, Commission Order or regulation that Grain Belt Express has allegedly violated, as required by section 386.390 RSMo and 20 CSR 4240-2.070(4). Ms. Meadows’ Complaint allegations cite to abbreviated, paraphrased Commission’s Findings of Fact in the New CCN Order and not to an ordering paragraph, decision, or condition with which Grain Belt Express must comply. The Commission’s finding in its Order Denying Motion to Dismiss that Complainant articulated a potential violation of “two points” in the Commission’s Order sufficient for the Commission to hear her complaint was unlawful, unjust and unreasonable.

43. Grain Belt Express has maintained throughout this proceeding that findings of fact in a Commission Order are not an ordering paragraph, decision, or condition to which a public utility must adhere and thus they cannot be violated. Section 2 of the New CCN Order contains 156 numbered Findings of Fact and each of those findings is supported by footnotes with references to evidence in the record of the case. The Findings of Fact (plus the Conclusions of Law) form the basis for the Commission’s decision and its Ordering paragraphs. The Findings of Facts in the New CCN Order are not directives to the Company or conditions upon which the Company must operate. Rather, the Findings of Fact are simply a restatement of the evidence that was already presented in the case. Accordingly, a Finding of Fact cannot be violated, and it does not form a basis for a complaint pursuant to Section 386.390 RSMo.

44. Pursuant to Section 386.420 RSMo., in making findings of fact and conclusions of law, the Commission is required, after a hearing, to “make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order or requirement in the premises.”³² Because Section 386.420 does not detail what constitutes sufficient findings of fact, Missouri Courts have analyzed Section 536.090, which is within Missouri’s Administrative Procedures Act and which applies to “every decision and order in a contested case,” to fill in the gaps left by Section 386.420.³³ Section 536.090 RSMo. provides, in pertinent part:

Every decision and order in a contested case shall be in writing, and except in default cases or cases disposed of by stipulation, consent order or agreed settlement, the decision...shall include or be accompanied by findings of fact and conclusions of law. The findings of fact shall be stated separately from the conclusions of law and shall include a concise statement of the findings on which the agency bases its order.

45. Missouri law provides that an agency needs to provide the “basic findings” upon which its decision rests. Although detailed summaries of the facts are not required in an agency’s order, the “findings should be sufficient to demonstrate how the controlling issues have been decided.”³⁴ The findings of fact in a Commission order provide the basis for determining whether the Commission’s decision is supported by substantial and competent evidence.³⁵

46. The Findings of Fact Ms. Meadows cites in her Complaint merely describe the landscape surrounding the legal basis for the Commission’s decisions and are designed to provide

³² Section 386.420.2 RSMo.

³³ *State ex rel. Laclede Gas Co. v. Pub. Serv. Comm’n of Mo.*, 103 S.W. 3d 813, 816 (Mo.App. W.D. 2003); *State ex rel. Noranda Aluminum v. Pub. Serv. Comm’n*, 24 S.W. 3d 243, 245 (Mo.App. W.D. 2000).

³⁴ *State ex rel. Laclede Gas Co. v. Pub. Serv. Comm’n of Mo.*, 103 S.W. 3d 813, 818 (Mo.App. W.D. 2003)(internal citations omitted).

³⁵ *Id.*

a reviewing court with a glimpse into the Commission’s rationale for a specific finding. Findings of fact in a Commission Order are not legal requirements or conditions on a public utility’s CCN and do not set forth “any act or thing done or omitted to be done by a public utility” to provide a basis for a Complaint.

47. In the Commission’s Order Denying Grain Belt’s Motion to Dismiss, it stated:

The Commission has generally heard small complaint cases where Complainants have clearly articulated what might amount to a violation without being able to cite the particular law, rule, tariff, or Commission order provision that was violated. However, this is *not* a small complaint case and 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.

It is unclear to Grain Belt Express how these Findings of Fact can be relitigated without becoming a collateral attack on the New CCN Order.

48. In addition to the legal deficiencies in the Commission’s Order denying Grain Belt Express’ motion to dismiss, the practical implications of failing to grant Grain Belt Express’ Motion to Dismiss are significant. If the Commission holds that any one of its findings of fact can form the basis of a consumer complaint, the Commission will incite a barrage of new complaints. For example, there are 156 Findings of Fact in Grain Belt Express’ New CCN Order. From 2023 to this point in 2025, there have been 34 CCN cases filed with the Commission—23 electric cases and 11 natural gas cases. Assuming that each Order in those proceedings contains a similar number of findings of fact as the Grain Belt Express order, there are 5,304 findings of fact that can potentially be relitigated at any time at the request of any customer, landowner, or other stakeholder.

49. Further, if all findings of fact are subject to re-litigation at any time, the Commission will be swamped with superficial litigation and CCN orders will never become final in violation of Section 386.490.2 RSMo (Commission Orders to be final within 30 days of

issuance) and Section 386.550 (in all collateral actions or proceedings the orders and decisions of the Commission which have become final shall be conclusive). Missouri case law holds that Section 386.550 is “indicative of the law’s desire that judgments be final.”³⁶ Permitting findings of fact to form the basis of a later consumer complaint runs counter to the legislature’s intent that lawfully issued orders become final at a certain point in time and are not subject to subsequent collateral attack. As such, the Commission must grant Grain Belt Express’ Motion to Dismiss Ms. Meadows’ original complaint for failure to state a claim and hold that findings of fact cannot be violated.

V. Complainant Failed to Produce Any Evidence in Support of Her Additional Allegations

50. Ms. Meadows’ additional allegations of wrongdoing on the part of Grain Belt Express must also be dismissed for lack of substantial, competent, evidence. Ms. Meadows’ additional allegations are (1) Grain Belt Express *prevented* Ms. Meadows from contacting the Commission regarding the route for the Tiger Connector; and (2) Grain Belt Express *deliberately* omitted and withheld information regarding the Commission’s route approval process. It is difficult to fathom how Ms. Meadows believes these allegations to be true. The record in the CCN Case contains extensive documentation of the public outreach conducted by the Grain Belt Express team. Kevin Chandler—who testified in File No. EA-2023-0017 and sponsored the public outreach testimony on behalf of Grain Belt Express—testified again at the evidentiary hearing in this case regarding those public outreach efforts.

³⁶ *State ex rel. Ozark Border Elec. Coop. v. Pub. Serv. Comm’n*, 924 S.W.2d 597, 601 (Mo. App. W.D. 1996) (citation omitted); *see also, e.g., State ex rel. MoGas Pipeline LLC v. Pub. Serv. Comm’n*, 395 S.W.3d 562, 566 (Mo. App. W.D. 2013).

51. Ms. Meadows has made many declarations regarding her *perceived* shortcomings of the Company's communications, but those perceptions are her own.³⁷ To rebut these allegations Grain Belt Express developed a comprehensive timeline of communications (Exhibit 104) between Ms. Meadows and the Company and annotated that timeline with copies of posterboards, handouts, notice letters, and Ms. Meadows' own notes—all of which demonstrate the Company has always been transparent about the routing process and went above-and-beyond to communicate that process to Ms. Meadows and other landowners.

52. Exhibit 104 contains a comprehensive record of the communications between Ms. Meadows and Grain Belt Express. For Ms. Meadows to prove her additional allegations, she must point to something in this record that shows the Company prevented her from contacting the Commission or "deliberately omitted and withheld information about the Commission's role in approving the route for the Tiger Connector." This she cannot do, because it does not exist.

53. Rather, Exhibit 104 demonstrates that the Company directly informed Ms. Meadows of the Commission's process no less than six times:

- i. First, on July 12, 2022, Grain Belt Express mailed Notice Letters for Public Meetings in Audrain and Callaway Counties that referenced the application process at the Commission.
- ii. At the Public Meetings, there were posterboards displayed that included a timeline of the anticipated timing of the Application at the Commission and the Commission decision.
- iii. Attendees of the Public Meetings were also provided a handout that included the same timeline.
- iv. On August 18, 2022, Grain Belt Express mailed Notice Letters indicating that it would be filing its Application at Commission, providing the File Number for the Application, and providing contact information for the Commission and the Office of Public Counsel.

³⁷ For example, Ms. Meadows believes it was a shortcoming that Jason Brown didn't provide her a business card, despite the fact that Ms. Meadows already had Mr. Brown's cell phone number and could reach him at any time. Tr. Vol. 6, p. 134, line 14 – p. 135, line 4.

- v. March 20, 2023—while the Application was still pending at the Commission, Grain Belt Express sent voluntary Easement Offer Letters, again referencing the Commission process.
- vi. On June 5-8, 2023, Ms. Meadows watched the live stream of the Commission’s hearing in the CCN Case *in real time*.³⁸
- vii. Finally, on August 4, 2023—before the Commission issued its decision in the CCN case—there was a phone call between Jason Brown and Ms. Meadows in which they discussed the timing of the Commission decision and Ms. Meadows took down a note that reads “Jason Brown from GBE called. They’re waiting on PSC decision before figuring out about moving the line off or less on me.”³⁹

54. It is inconceivable how Ms. Meadows can claim that she didn’t know about the Commission’s process to establish the route for the Tiger Connector when she watched the process occur in real time. When examined at the August 20, 2025 evidentiary hearing, Ms. Meadows stated that she had no recollection of how she knew the evidentiary hearing was taking place June 5-8, 2023, but she “knew to put it on [her] calendar, because it was obviously on [her] calendar.”⁴⁰ This admission alone is sufficient to rebut Ms. Meadows’ claim that she was unaware of the Commission’s role in approving the route for the Tiger Connector.

55. At the August 20, 2025 evidentiary hearing, Grain Belt Express witness Jason Brown testified regarding the numerous times he informed Ms. Meadows about the Commission’s route approval process for the Tiger Connector:

Q. [By Ms. Meadows] So on August 3 [2023], are you saying that you told me before that date that once the PSC made the decision we could not move the line off of me?

A. [By Mr. Brown] Yes.

Q. And yet I still talked to you six more times or however many times past that date about moving the line?

³⁸ See, Exhibit 101.

³⁹ See, Exhibit 104, Tab J.

⁴⁰ Tr. at p. 77.

A. If that's the number we've agreed to, then I would say yes, because I have always told you—We have had a lot of conversations, and unfortunately a lot of them were circular in nature because I understand your position but I explained what I could and could not do and I explained the project and the process and the timeline and we've gone over that many times.⁴¹

[Counsel's objection and Judge Pridgin's ruling omitted]

Q. [By Ms. Meadows] So you told me every single time that we talked that you could not move this line but yet I continued to call you repeatedly and have you out to my house regarding the topic once you had already repeatedly told me you couldn't move the line?

[Counsel's objection and Judge Pridgin's ruling omitted]

A. [By Mr. Brown] We have had the same conversation I honestly cannot count how many times. And I mean that with all due respect and I'm not trying to split any hairs on anything here. We've covered the same ground, you and I, for a long time and I know it's not the answer that you want and I get that, but I've always been up front with you. I've always explained the project, the process, the timeline, and I don't know, sometimes folks just disagree.⁴²

56. It is clear from the timeline and supporting documentation in Exhibit 104 and live witness testimony at the evidentiary hearing that Grain Belt Express did not deliberately omit or withhold information regarding the Commission's route approval process. The reality is that Ms. Meadows knew about the Commission's process—or at the very least should have known about the Commission's process—and could have intervened and participated when the route was still subject to evaluation by the Commission. In fact, 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. Rather than intervene and participate at the

⁴¹ Tr. at p. 156.

⁴² Tr. at p. 157.

appropriate point in time, Ms. Meadows filed an untimely collateral attack on the New CCN Order—which has now been pending for over a year.

VI. Conclusion

57. In summary, Ms. Meadows has not satisfied her burden to present any substantial, competent evidence in support of either her original or her additional allegations and the complaint should be dismissed. Moreover, the Commission Staff performed an extensive investigation and has filed two Reports in this case—both concluding that Grain Belt Express has not violated any tariff, rule, statute or Commission order. Staff’s Position Statement states: “Based on Staff’s review of information provided by Grain Belt and Cheri Meadows, Staff did not identify any violations by Grain Belt of any applicable statutes, Commission rules, regulations, Commission orders, or Commission decisions arising from allegations in this Complaint.” Staff’s Position Statement further states “Because Staff found no violations, Staff is of the opinion that no relief is appropriate in this case.”

58. With regard to Ms. Meadows’ original allegations, the Commission should grant Grain Belt Express’ pending *Motion for Reconsideration of the Commission’s Order Denying Motion to Dismiss*. Regarding Ms. Meadows’ additional allegations, the Commission should deny

the complaint and Ms. Meadows' requested relief due to the absence of any substantial, competent evidence in support thereof.

WHEREFORE, Grain Belt respectfully requests that the Commission deny the Complaint.

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 17th day of September, 2025.

/s/ Anne E. Callenbach

Attorney for Respondents