

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

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

**GRAIN BELT EXPRESS LLC’S RESPONSE IN OPPOSITION TO CHERI MEADOWS’  
LATE-FILED EXHIBITS**

Grain Belt Express LLC (“Grain Belt Express”) hereby files this Response in Opposition to Cheri Meadow’s Late-Filed Exhibits (“Response”). In support of its Response, Grain Belt Express states as follows:

1. The Commission closed its day-long evidentiary hearing in this matter on August 20, 2025.
2. On September 10, 2025—three weeks after the close of evidence, complainant Cheri Meadows (“Ms. Meadows”) corresponded with Judge Clark and all parties to this case requesting authority to (1) submit a complete copy of her Exhibit 13, the July 17, 2024 e-mail from Ms. Meadows to Jason Brown (“Authorized Change 1”); (2) correct her Exhibit numbers 6 and 25 being referenced backwards (“Authorized Change 2”); and (3) rename her Exhibit number 7 being referenced in EFIS as “Potential Risks to My Property” rather than “Fiber Optic Falling Document” as it was referenced in EFIS (“Authorized Change 3”). Judge Clark authorized Ms. Meadows to make these Exhibit changes in EFIS.
3. Ms. Meadows did not request or receive authorization to supplement the evidentiary record in any other regard.

4. On September 11, 2025, Ms. Meadows made the above corrections to her exhibits in EFIS. The same day, without authorization from Judge Clark or notice to the other parties, Ms. Meadows filed eight additional, unnumbered potential exhibits: (1) an August 18, 2025 letter from Callaway County Commissioner Gary Jungermann (“New Exhibit A”); (2) an article entitled “EMF Affecting Humans” by Professor Martin Blank (“New Exhibit B”); (3) the July 30, 2024 letter from Polsinelli to the Missouri Attorney General (“New Exhibit C”); (4) the Missouri Constitution Bill of Rights, Section 2-Promotion of General Welfare (“New Exhibit D” while it is titled as the “Missouri Constitution Bill of Rights, Section 2-Promotion of General Welfare” it appears to be full copies of the Missouri and United States Constitutions and Amendments thereto); (5) a document entitled “Wind Speed Data Recording” (“New Exhibit E”); (6) a document entitled “Lightning Strike Information” (“New Exhibit F”); (7) the Rebuttal Testimony of Staff engineer Cedric Cunigan filed in EA-2023-0017 (“New Exhibit G”); and (8) an article entitled “Manmade Electromagnetic Fields and Oxidative Stress” (“New Exhibit H”)<sup>1</sup>.

5. Grain Belt Express has no objection to the inclusion of Authorized Changes 1 and 2.

6. Authorized Change 3 revises the name of Ms. Meadow’s Exhibit 7 to which Grain Belt Express objected at hearing<sup>2</sup> on relevance, hearsay, and lack of foundation grounds. The change of the name of Exhibit 7 does not change the status of Grain Belt Express’ objection and therefore Grain Belt Express renews the objection to Exhibit 7 and requests the Commission deny its inclusion and find Authorized Change 3 to be moot.

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<sup>1</sup> This Exhibit appears to be the same as Ms. Meadows’ Exhibit 4 which Grain Belt objected to during the evidentiary hearing but that the Commission allowed into evidence.

<sup>2</sup> Tr. at p. 59.

7. Grain Belt Express has no objection to the admission of its July 30, 2024 letter to the Attorney General (New Exhibit C), but notes that this letter was attached to Grain Belt Express' November 15, 2024 Response to Formal Complaint.

8. Grain Belt Express objects to the admission of the other seven proposed exhibits (New Exhibits A, B, D-H) and each of these is addressed below.

## **II. The Late-Filed Exhibits Lack Appropriate Foundation**

9. Before a document may be received in evidence, it must meet a number of foundational requirements, including relevancy, authentication, the best evidence rule, and the rule against hearsay.<sup>3</sup> The standard for a foundation on which to admit evidence is a preponderance—the greater weight—of evidence. The authenticity of a document cannot be assumed, and what it purports to be must be established by proof.<sup>4</sup> Before a writing can be admitted into evidence and considered by a trial court, its proponent must show that it is, in fact, what it is purported to be.<sup>5</sup> Ms. Meadows has not provided any foundation for the admission of these documents. While Grain Belt Express understands that the Commission typically provides *pro se* complainants with significant leeway in terms of adherence to rules of practice and procedure, Missouri law provides that parties proceeding *pro se* are bound by the same rules as lawyers.<sup>6</sup> Accordingly, it is appropriate for the Commission to require at least some small measure of conformity with established rules by Ms. Meadows. With these New Exhibits, Ms. Meadows has not met that low bar of compliance.

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<sup>3</sup> *Cach, LLC v. Askew*, 358 S.W. 3d 58, 63 (Mo. banc 2012).

<sup>4</sup> *Robin Farms, Inc. v. Bartholome*, 989 S.W. 2d 238, 252 (Mo.App.W.D. 1999).

<sup>5</sup> *Id.*

<sup>6</sup> *Coyne v. Coyne*, 17 S.W.3d 904, 905–06 (Mo.App.2000); *Snelling v. Stephenson*, 747 S.W.2d 689, 690 (Mo.App.1988).

**A. The Proposed Exhibits Have No Relevance to this Complaint**

10. None of the documents sought to be admitted by Ms. Meadows have any relevance to the issue in this complaint proceeding, which is whether there has been any “act or thing done or omitted to be done” by Grain Belt Express “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.

11. To be relevant, evidence must tend to prove or disprove a material fact at issue.<sup>7</sup> Missouri courts have indicated that there are two aspects to relevance: logical relevance and legal relevance.<sup>8</sup> Logical relevance simply means that the information sought tends to make the existence of a material fact more or less probable.<sup>9</sup> Legal relevance addresses the probative value of the evidence weighed against its cost, including confusion of the issues, undue delay, waste of time, or cumulativeness.<sup>10</sup> Ms. Meadows has made no attempt to establish how any of her proposed exhibits bear any relevance to whether Grain Belt Express is in violation of any law, rule, tariff, or Order of the Commission; and therefore the proposed exhibits should be rejected on relevance grounds alone.

12. While Ms. Meadows has not provided any context for the submitted documents, Grain Belt Express notes that New Exhibits B, E, F, and H appear to be proffered to argue that transmissions lines are inherently dangerous, which is not an issue relevant to the present matter. New Exhibit A is a letter from the Callaway County Commission dated August 18, 2025, well

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<sup>7</sup> *Olinger v. General Heating & Cooling*, 896 S.W. 2d 43, 48 (Mo. App. W.D. 1994).

<sup>8</sup> *State v. Kennedy*, 107 S.W. 3d 306, 311 (Mo. App. W.D. 2003).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

after this proceeding began and which does not contain any information relevant to whether Grain Belt Express has violated a Commission Order. New Exhibit D is a copy of the state and federal Constitutions—it is not clear that any of Ms. Meadow’s claims hinge on either the state or federal Constitution. New Exhibit G is Staff Testimony from EA-2023-0017. It is unclear what relevance this has to Ms. Meadow’s claims. Therefore, no relevance has been established for New Exhibits A, B, D-H.

**B. New Exhibits A, B, E, and F Constitute Inadmissible Hearsay**

13. In addition to lack of relevance, New Exhibits A, B, E, and F constitute inadmissible hearsay. Hearsay is a declaration made outside the record, offered into the record, to prove the truth of the declaration.<sup>11</sup> As the Commission has previously observed,<sup>12</sup> the problem with hearsay is that, like any testimony, its value depends on the declarant’s credibility. Credibility is ordinarily subject to evaluation under cross-examination,<sup>13</sup> so when cross-examination is not available, such credibility evaluation is usually impossible.

14. The Commission has found that internet research is subject to the rule barring hearsay,<sup>14</sup> unless an exception to the hearsay rule applies. No exceptions to the hearsay rule apply here. Accordingly, New Exhibit E, a 33-page document purporting to be a compilation of five-years’ worth of wind speeds six miles northwest of Ms. Meadows’ home in Auxvasse, MO entitled “Wind Speed Data Recording” constitutes impermissible hearsay and should not be admitted. Likewise, Ms. Meadows’ proffered New Exhibit F, entitled “Lightning Strike Information”, which

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<sup>11</sup> *State v. Davison*, 920 S.W.2d 607, 609 (Mo. App., W.D. 1996) (quoting *State v. Harris*, 620 S.W.2d 349, 355 (Mo. banc 1981)).

<sup>12</sup> See, e.g., May 19, 2009 Order, File No. WC-2009-0277, *Rob Lee, Complainant v. Missouri American Water Company, Respondent*, File No. WC-2009-0277.

<sup>13</sup> 920 S.W.2d at 609.

<sup>14</sup> May 19, 2009 Order, File No. WC-2009-0277, *Rob Lee, Complainant v. Missouri American Water Company, Respondent*, File No. WC-2009-0277.

appears to be a page from [www.lightningmaps.org](http://www.lightningmaps.org), is an out of court statement, offered to prove the truth of the matter asserted, and therefore constitutes impermissible hearsay and should not be admitted..

15. The rule against hearsay also prevents the admission of New Exhibit A, which purports to be an August 18, 2025 generically addressed letter from Gary Jungermann, Callaway County Commissioner. Mr. Jungermann's letter states that based upon conversations with Jason Brown at Invenergy, "he was led to believe that Invenergy would consider the possibility of moving these lines and collaborate with Ms. Meadows to ensure that her modest property remains unharmed." Ms. Meadows is clearly offering this exhibit to prove the truth of the content of the letter, including its authenticity as a statement made by Mr. Jungerman and the truth of what Mr. Jungermann states he was led to believe. Absent the ability to cross-examine Mr. Jungermann, it also is impermissible hearsay to which no exception applies. This letter is also double hearsay, otherwise known as hearsay within hearsay, in that it attempts to prove the truth of what Jason Brown said to Mr. Jungermann, which led Mr. Jungermann to the purported belief described in the letter. Admission of New Exhibit A is highly improper and should not be allowed.

16. The two proffered exhibits regarding EMF (New Exhibits B and H) should likewise be disregarded and not admitted into the formal record of this proceeding. New Exhibit E purports to be a collection of the Testimonies of Martin Blank before the Public Service Commissions of Virginia and British Columbia. The testimony of a paid expert from multiple different jurisdictions pertaining to the alleged dangers of EMF is both irrelevant and barred by the hearsay rule.

17. New Exhibit H, entitled Manmade Electromagnetic Fields and Oxidative Stress appears to be the same as Ms. Meadows' Exhibit 4, that was admitted at the evidentiary hearing over the objection of Grain Belt Express on the grounds of lack of foundation, relevance and the

rule against hearsay.<sup>15</sup> Grain Belt Express renews its objections to this Exhibit on the same grounds. Further, to the extent it is wholly duplicative of Exhibit 4, it is not necessary that it be filed again and should be excluded.

**C. New Exhibits D and G Should not be Admitted on Other Grounds**

18. New Exhibit D is a collection of the Missouri and U.S. Constitutions. As a general matter, Missouri courts are entitled to take judicial notice of state and federal laws and well as state and federal regulations.<sup>16</sup> To the extent the Commission deems elements of either body of law to be relevant, it need not be filed as formal evidence. In keeping with this general practice and to avoid confusion as to whether all other laws relied on by the Commission need to be submitted as formal exhibits, the Commission should deny admission of this exhibit and simply take judicial notice of either constitution to the extent it is relevant to this matter.

19. New Exhibit G is Staff Engineer Cedric Cunigan's Rebuttal Testimony in File No. EA-2023-0017, regarding the route selection process and public comments for the Tiger Connector. Although it is unclear why Ms. Meadows is offering Mr. Cunigan's previous testimony, one can only assume that Ms. Meadows wishes to highlight the phrase "it is unclear how much the preferences of landowners impacted the route changes," which appears on page 3 of Mr. Cunigan's testimony. As Grain Belt Express has previously noted multiple times, Ms. Meadows had the same notice and opportunity as every other landowner to participate in the New CCN proceeding when it was pending before the Commission. To the extent Ms. Meadows is attempting to cherry-pick this soundbite from Staff as proof of the truth of the matter asserted, it too is impermissible hearsay and must be disregarded. Moreover, placing any weight on this

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<sup>15</sup> Tr. at pp. 59-60.

<sup>16</sup> *State ex rel. State Highway Comm'n v. Allison*, 296 S.W.2d 104, 106 (Mo. 1956) (taking judicial notice of state constitution).

testimony in the CCN case also amounts to a collateral attack on the Commission's Order granting the CCN to Grain Belt Express and should be disallowed.

### **III. Conclusion**

20. If the Commission is inclined to admit Ms. Meadows' proffered late-filed exhibits over the relevance, lack of foundation, and hearsay objections of Grain Belt Express, it must be noted that Missouri law and Commission precedent is clear that hearsay evidence received in a contested case to which an objection has been made does not qualify as competent and substantial evidence upon which an administrative body can base a final decision, finding, or order.<sup>17</sup>

21. A core principle of the adversarial process is a party's right to challenge opponents on testimony and evidence that is to be used against that party. This prevents trials by ambush and the consideration of evidence that has not been appropriately admitted and contested. Here is a clear case where, three weeks after the hearing, and for no good and compelling reason, Ms. Meadows has sought to supplement the record without giving other parties the ability to build a case against the new evidence. This attempt should be rejected.

22. Had Ms. Meadows offered these exhibits in a timely fashion, when Grain Belt Express witnesses and counsel were present at the August 20, 2025 evidentiary hearing, the parties could have reviewed the proffered exhibits and Ms. Meadows could have attempted to establish the appropriateness or admissibility of these exhibits and what they purport to prove. Since Ms. Meadows did not provide the parties with this option, the Commission should not feel obligated at this time to hunt for what few grains of competent evidence may exist within the vast amount of hearsay presented by Ms. Meadows.

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<sup>17</sup> See, e.g., February 14, 2008 Report and Order, File No. GA-2007-0289, *In re Missouri Gas Energy*, citing Section 22, Art. V of the Missouri Constitution. *Lacey v. State Bd. of Registration for the Healing Arts*, 131 S.W.3d 831, 842 (Mo. App. 2004); *State ex rel. De Weese v. Morris*, 359 Mo. 194, 200-201, 221 S.W.2d 206,209 (Mo. 1949); Section 536.070(8).



WHEREFORE, for the reasons provided above, Grain Belt Express respectfully requests that the Commission deny admission of New Exhibits A, B, D-H and deny or find as moot Authorized Change 3 (on the renewed objection to the underlying Exhibit 7).

Respectfully submitted,

POLSINELLI PC

*/s/ Anne E. Callenbach*

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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 24<sup>th</sup> day of September, 2025.

/s/ Anne E. Callenbach  
Attorney for Respondents