

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

GRAIN BELT EXPRESS LLC’S REPLY 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” or “Company”) hereby files its Reply Brief in this matter. In support of its Reply Brief, Grain Belt Express states as follows:

I. Reply to Cheri Meadows’ Initial Post-Hearing Brief

1. Cheri Meadows (“Ms. Meadow”) filed an Initial Post-Hearing Brief that largely abandons many of the claims that kicked off this proceeding almost one year ago in favor of new, late claims that are also meritless. For example, Ms. Meadows raises, for the first time, that Grain Belt Express’ lack of a company policy regarding taking notes of landowner conversations violates Grain Belt Express’ Landowner Protocols. Although these new arguments should be summarily dismissed by the Commission as improper, Grain Belt Express will nevertheless respond to this shifting target and also correct certain misstatements in Ms. Meadows’ initial brief.

A. Belief and Assumption Are Not the Same as Fact

2. Ms. Meadows makes a number of statements in her initial brief that she claims demonstrate Grain Belt Express' "lack of transparency and history of misleading representations." Upon closer examination, however, Ms. Meadows' statements highlight only what she believed or assumed to be true regarding her interactions with Grain Belt Express, even when those beliefs were contrary to Grain Belt Express' statements or the statement and actions of other parties. For example, Ms. Meadows states that she attended the public meeting in Fulton, Missouri "believing only that she needed to share that someone lived on that land and the line would cross over her only entry/exit and existing electrical line for the possibility of the route going through her land to be changed."¹ Ms. Meadows also states that because she discussed her concerns with Jason Brown at the public meeting she "felt confident" that the line "would undoubtedly be moved to a safer and more suitable area."² Finally, Ms. Meadows notes that she stayed in contact with Jason Brown, believing that MPSC "approval of the route did not mean that the line could still not be moved off her property."³

3. Absent from those beliefs is any evidence that Grain Belt Express or any of its employees or representatives said what Ms. Meadows came to believe.

4. In her initial Complaint, Ms. Meadows claimed that two Findings of Fact, (1) the Routing Team for the Project also tried to avoid build-up areas, residences... and (2) the Project is designed to have a minimal impact to land, were violated by Grain Belt Express. In her Initial Brief, Ms. Meadows states that she believed the two Findings of Fact were Commission Orders. In its Initial Brief, Grain Belt Express demonstrated that Findings of Fact are not a statute, rule,

¹ Meadows Initial Brief at p. 3.

² *Id.* at p. 4.

³ *Id.*

tariff, or Commission Order that can be violated so as to give rise to a complaint, so those arguments will not be repeated here.

5. What Ms. Meadows believed about her conversations and interactions with Grain Belt Express, or her personal interpretation of Commission orders is not evidence and is immaterial. In the State of Missouri, the following is considered evidence: witness testimony, taken under oath, exhibits formally received by a court or Commission as a quasi-judicial body, and stipulations of fact.

6. There is significant evidence in the record that Grain Belt Express has a long and comprehensive history of transparent communication with Ms. Meadows. 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. Exhibit 104 demonstrates that the Company directly informed Ms. Meadows of the Commission's process no less than six times and was at all times clear, direct, and respectful. No substantial, competent evidence exists to support Ms. Meadows' claims of lack of transparency and misrepresentation.

7. Even without Grain Belt Express' own extensive recordkeeping, it is also clear that Ms. Meadows' belief that she only had to speak to Jason Brown in July of 2022 to satisfy her desire to move the line is contradicted by the other evidence presented. For example, Ms. Meadows acknowledges that she had been asked to explain her position in a comment card in July 2022, and she admits that because she hurried through that exercise due to an external stimulus unrelated to

Grain Belt Express, she never returned to follow through on writing out the card.⁴ Second, in Spring 2023, when she found out that the transmission corridor still included her land, she lobbied her County Commissioner to speak to Grain Belt Express and advocate again for the line to be moved.⁵ Third, in June 2023, she remained vigilant enough that she knew to virtually attend the Commission's evidentiary proceeding and see that parties had intervened in the proceeding, but she ultimately never decided to participate or contact any participant.⁶

8. These actions underscore that, throughout this process, Ms. Meadows was aware of other opportunities to express her concerns and that she actually did make meaningful choices to participate, advocate, and monitor those proceedings. These actions demonstrate that Ms. Meadows was actively aware of how to advocate for herself throughout the process. These actions also run counter to Ms. Meadows' claim that she had completely resolved in her own mind that her one conversation with Jason Brown in July 2022 had satisfied her goal of rerouting the line.

B. Ms. Meadows' New Claim

9. In her conclusion, Ms. Meadows makes an entirely new claim and requests that the Commission find that Grain Belt Express breached its Landowner Protocols because the company has no policy about taking notes regarding conversations with landowners.⁷ Despite it being far too late in this proceeding for Ms. Meadows to amend her complaint, Ms. Meadows' new claim lacks merit and should be disregarded by the Commission.

⁴ Meadows Initial Brief at ¶ 10.

⁵ *Id.* at ¶ 11-12.

⁶ *Id.* at ¶ 13-15.

⁷ *Id.* at ¶ 20. To be clear, the basis for this assertion is that Jason Brown did not take copious notes each time he interacted with Ms. Meadows. However, the record is very clear that Grain Belt Express has been able to document, with detail, its interactions with Ms. Meadows and her desires to have the line relocated.

10. 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. Ms. Meadows has produced no substantial, competent evidence that Grain Belt Express violated any law, rule, tariff, or order and her Complaint must fail.

II. Response to Office of Public Counsel

11. The Office of Public Counsel suggests that even if Ms. Meadows has not demonstrated a clear violation of the CCN Order or other statute, rule, tariff, or order, the Commission still has the legal authority to order any changes to the route of the Tiger Connector that the Commission determines to be just and reasonable.⁸ Even assuming OPC’s assertion regarding the Commission’s legal authority is accurate (which it is not), in order to make a change to the route the Commission must still have substantial, competent evidence justifying an alteration to the route. Such evidence is not present in this proceeding.

12. OPC asserts that the “only reason Grain Belt expressed for not accommodating Ms. Meadows’ request to reroute the line is the limitations contained in the CCN order....” and that Grain Belt Express failed to realistically consider potential re-routes. These statements are incorrect and do not reflect the testimony of Grain Belt Express’ witnesses.

13. Evidence in the record details the numerous environmental, engineering, and routing guideline constraints that weighed against altering the route of the Tiger Connector, and these routing constraints were fully evaluated and considered when establishing the route, when

⁸ OPC Initial Brief at p. 3.

considering Ms. Meadow's reroute requests, and during this proceeding.⁹ In contrast, the record in this proceeding is devoid of any evidence supporting a change to the route of the Tiger Connector, apart from the fact that Ms. Meadows does not want it on her property. Ms. Meadows and Staff were diligent in issuing data requests to probe the pros and cons of adjusting the line and there have been full opportunities to evaluate those decisions during this hearing, not to mention in the original line siting case.

14. Absent from OPC's Initial Brief is *any* real argument about whether Grain Belt Express violated a Commission Order. OPC merely glosses over what a violation *could be*¹⁰ and states what the Commission *could do* "[i]f the Complainant persuades the Commission" that the route of the line is unjust or unreasonable.¹¹

15. In its Initial Brief Grain Belt Express detailed the significant and cascading practical issues that will arise from *ad hoc* route changes simply because a landowner does not want to host a transmission line. OPC's initial brief does not address either the numerous impracticalities of late-stage landowner requests for route changes or the significant constraints surrounding a re-route of the Tiger Connector in the area adjacent to Ms. Meadows' property.

16. Indeed, OPC's proposed solution is ultimately facile. OPC suggests that the Commission establish a process where, anytime a landowner persuades the Commission that the route of a line around the landowner is "unjust or unreasonable", that the Commission may order a reroute.¹² In support of its assertion that the Commission can order any changes to a transmission line route that it believes to be "just and reasonable," OPC cites to Section 393.140(5) RSMo, a

⁹ See, Tr. at pp. 196-199.

¹⁰ OPC Initial Brief at p. 3.

¹¹ *Id.* at p. 4 (emphasis added).

¹² *Id.*

recitation of the general supervisory powers of the Commission. This argument is unpersuasive and results in a tortured reading of the statute.

17. OPC ignores that the Commission already conducted a similar analysis of the reasonability of this line through the test applicable to line siting—whether the line is reasonable and necessary via the *Tartan* factor test.¹³ In the Commission’s CCN Order, the Commission reaffirmed that this test is a “suitable way to guide it in making a determination [for the transmission line].”¹⁴ This evaluation explicitly considers impacts of the Project to the land and landowners and the Commission’s Order notes why the line is necessary and reasonable despite impacts to individual landowners.¹⁵ OPC’s insertion of a separate, ill-defined test that would be at odds with the test “traditionally applied” to line siting is unwarranted and necessarily results in a collateral attack on the Commission’s CCN Order and the test traditionally applied to all CCN cases.

18. Setting aside the practical and due process implications of the process suggested by OPC, Grain Belt Express fails to see how the Commission has the authority to sanction and oversee a process that invites a direct collateral attack on its own order establishing a route for a transmission line.

19. There is one proceeding, a CCN proceeding, where the Commission takes on the complicated task of viewing and deciding on a path of a transmission line. That proceeding occurred in 2023 and concluded with the Commission’s Order that included the approved route for the Tiger Connector. It is a proceeding that Ms. Meadows and many other landowners participated in and contributed to through public comment, indirect and direct advocacy, viewing and participating in public hearings and an evidentiary hearing, and/or intervention. It is during

¹³ Report and Order, EA-2023-0017, pp. 6-7.

¹⁴ *Id.* at p. 54.

¹⁵ *Id.* at pp. 61-62.

that proceeding where it is appropriate to weigh specific alternatives, notice the appropriate parties, and discuss the issues in a setting where everyone's due process is honored.

20. The CCN proceeding would be rendered unfair, diluted, and less meaningful if parties could collaterally attack the approved route via asymmetric complaint proceedings, years after the matter closes, devoid of the context that the CCN proceeding necessitates, and often without fair warning and feedback from neighbors who would be more impacted. The Commission should not substitute its holistic routing process for the process Ms. Meadows has suggested and which OPC appears to endorse.

III. Conclusion

21. 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."

22. 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 24th day of September, 2025.

/s/ Anne E. Callenbach

Attorney for Respondents