IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT

CHERI MEADOWS,	)	
	)	
Appellant,	)	
	)	**WD88591**
v.	)	
	)	**OPINION FILED:**
	)	**October 27, 2026**
GRAIN BELT EXPRESS, LLC, et al.,	)	
	)	
Respondents.	)	

Appeal from the Public Service Commission

Before Division Two: Mark D. Pfeiffer, Presiding Judge, Cynthia L. Martin, Judge, and W. Douglas Thomson, Judge

Ms. Cheri Meadows ("Meadows") appeals *pro se* from the Report and Order issued by the Missouri Public Service Commission ("PSC") on October 29, 2025, denying Meadows' Complaint seeking relief against Grain Belt Express, LLC ("Grain Belt"). We affirm.

Facts and Procedural History

The PSC is the Missouri state agency responsible for the regulation of public utilities, including electrical corporations. The PSC employs an independent technical advisory staff ("Staff") whose duty is to render advice and assistance to the PSC

commissioners and administrative law judges on technical matters within their areas of expertise that may arise during proceedings before the PSC. § 386.135.4.[1] The Office of Public Counsel ("Public Counsel") "represent[s] and protect[s] the interests of the public in any proceeding before or on appeal from the [PSC]." § 386.710.1(2).[2] Grain Belt[3] is an electrical corporation and public utility regulated by and subject to the jurisdiction of the PSC as defined by section 386.020(43).

The present appeal arose out of Grain Belt's years-long application and approval process for an electricity transmission line. The relevant background begins in 2019 when Grain Belt was granted a Certificate of Convenience and Necessity ("CCN") in the PSC's March 20, 2019 Report and Order ("2019 CCN"). The 2019 CCN provided Grain Belt the authority to construct and manage an 800-mile, multi-state transmission line (the "Project"), with the Missouri portion located in several counties including Meadows' county of residence—Callaway County.

In 2022, Grain Belt began the process of filing an application to amend its 2019 CCN and address a reconfiguration of the Project: a new extension called the Tiger Connector.

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[1] All statutory references are to THE REVISED STATUTES OF MISSOURI (2016), as supplemented through October 15, 2024, unless otherwise indicated.

[2] Of note, Public Counsel did not present any evidence at the hearing Meadows received before the PSC and has not filed an appellate brief with this Court challenging the PSC's ruling denying the relief requested by Meadows.

[3] Grain Belt is a wholly-owned subsidiary of Invenergy Transmission, LLC, a Delaware company and affiliate of Chicago-based Invenergy LLC. The Invenergy companies develop renewable energy and transmission projects. They control the financing, construction, and management of the Grain Belt Express Transmission Line.

The PSC issued notice of the application and provided opportunities for interested parties to participate in its approval process. First, the PSC scheduled three public hearings to receive comments from the public. From July 14 through July 25, 2022, advertisements for the public meetings appeared in newspapers in multiple counties in Missouri where the potentially affected landowners resided, including Callaway County. Additionally, Grain Belt personally mailed 283 notification letters to those landowners on the various alternate routes being considered for the Tiger Connector. Then, Grain Belt held four in-person public meetings in Audrain and Callaway Counties between July 14 and July 27, 2022.

Meadows attended one of these public meetings where she first met with Grain Belt representative, Mr. Jason Brown. Mr. Brown spent a significant amount of time explaining the Tiger Connector to Meadows. A posterboard was displayed at the meeting explaining the process for the CCN proceeding and the PSC's role, and Grain Belt provided written brochures to attendees with similar information.

After the meeting, Meadows engaged Mr. Brown in several phone conversations regarding her concerns with Grain Belt routing the Tiger Connector through her property. Meadows told Mr. Brown that she wanted it off her property. Mr. Brown told her multiple times that he did not think that was possible, but that Grain Belt might be able to move the Tiger Connector further from her residence, which Grain Belt eventually did.

On August 18, 2022, Grain Belt mailed notice letters to every landowner along the final proposed route for the Tiger Connector. Meadows' property was located along this

final route. The notice explained that Grain Belt would be filing for approval by the PSC and provided a docket number and contact information for Staff and Public Counsel.

The PSC held four public hearings to take public comments from March 6 through 8, 2023. Notice was sent out through newspapers in Callaway County from February 18 through 25, 2023, and March 1 and 2, 2023. In May 2023, Mr. Brown spoke again by phone with Meadows and Callaway County Commissioner, Randy Kleindienst, regarding Meadows' concerns with the Tiger Connector.

An evidentiary hearing was held from June 5 through 8, 2023. Meadows had notice of the hearing and watched the hearing online but did not otherwise participate. Eighteen parties intervened in the proceeding before the PSC and participated in the CCN modification approval process including landowner associations and individual landowners. Meadows, however, chose not to intervene. Yet, on June 26, 2023, and again on August 4, after the close of evidence for the CCN modification proceedings, Meadows called Mr. Brown and spoke on the phone with him regarding her continued concerns with the Tiger Connector. And, after the PSC would eventually issue the amendment to the 2019 CCN later in 2023, Meadows continued to call Mr. Brown on at least four additional occasions and several of those phone conversations were lengthy.

The PSC granted the amendment to the 2019 CCN to Grain Belt in its Report and Order dated October 12, 2023 ("2023 CCN").[4] The PSC's issuance of the 2023 CCN was

[4] Meadows requested that this Court take judicial notice of the terms of the 2023 CCN. Because the current proceeding involves application of the 2023 CCN, we grant Meadows' request. *See State ex rel. St. Louis Pub. Serv. Co. v. Pub. Serv. Comm'n*, 291 S.W.2d 95, 97 (Mo. banc 1956) ("While the Commission's reports and orders in those

appealed to this Court and, after a thorough discussion of factors relating to the reasonableness (the lawfulness of the 2023 CCN was not challenged on appeal) of the proposed location of the transmission line (which included the Tiger Connector that Meadows attacks in the current proceeding), we affirmed the PSC's issuance of the 2023 CCN. *In re Grain Belt Express LLC*, 703 S.W.3d 584 (Mo. App. W.D. 2024) ("*Grain Belt I*"). The Missouri Supreme Court subsequently denied transfer on January 28, 2025, and the 2023 CCN became *final and no longer subject to further appeal.*

Then, on March 28, 2024, representatives of Grain Belt met with Meadows at her property to again attempt to address her concerns as best they could and this resulted in Grain Belt agreeing to move the path of the transmission line 94 feet further south of Meadows' residence.

On October 15, 2024, Meadows filed a formal complaint ("Complaint") with the PSC alleging that Grain Belt violated the 2023 CCN and ultimately seeking a ruling of the PSC to force Grain Belt to move the transmission line completely off of her property since she was concerned about her safety and enjoyment of her property.[5]

Staff filed a report with the PSC indicating its conclusion that Grain Belt had not violated the 2023 CCN but, out of an abundance of caution, suggested that Meadows be

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prior cases are not a part of the instant record, we take judicial notice of them because the instant case and the two prior cases are so related and interdependent as to make it necessary to refer to those prior cases for a proper understanding of the present case.").

[5] At oral argument, Meadows raised a due process argument claiming that she never received notice of the 2023 CCN proceedings, but her complaint did not raise such an argument. Further, as discussed in today's ruling, the PSC made specific credibility findings about the notice and opportunity to be heard that Meadows received from both the PSC and Grain Belt.

granted a hearing to address her grievances. Public Counsel joined in requesting that the PSC grant Meadows a hearing.

On August 20, 2025, the PSC held an evidentiary hearing on Meadows' Complaint. The PSC heard testimony of seven witnesses and received twenty-two exhibits into evidence. The bulk of Meadows' testimony was her list of fifteen safety concerns that she had about the transmission line on her property. She did not present any expert testimony. Grain Belt presented the testimony of Mr. Brown and a recitation of the numerous efforts he and Grain Belt had made to accommodate Meadows. Additionally, Mr. Aaron White, Senior Director of Transmission Engineering at Invenergy LLC and a licensed engineer, testified to the elaborate process undertaken to ensure that the Tiger Connector forming the basis for the 2023 CCN had been designed safely and properly.

On October 29, 2025, the PSC issued its Report and Order denying Meadows' Complaint.

Meadows timely appealed.

Standard of Review

"Pursuant to [s]ection 386.510, our review of the [PSC's] final report and order is two-pronged." *Grain Belt I*, 703 S.W.3d at 590 (footnote omitted) (quoting *Mo. Landowners All. v. Pub. Serv. Comm'n*, 593 S.W.3d 632, 639 (Mo. App. E.D. 2019)). "First, the reviewing court must determine whether the [PSC's] order is lawful; and second, the court must determine whether the order is reasonable." *Id.* (citation

modified). "The [PSC's] order is presumed valid, and the burden of showing the order is unlawful or unreasonable rests with the appellant." *Id.* (citation modified).

"An order is lawful if the [PSC] acted within its statutory authority." *Id.* (citation modified). "An order is reasonable if it is supported by substantial, competent evidence on the whole record; the decision is not arbitrary or capricious or where the [PSC] has not abused its discretion." *Id.* (citation modified). "The PSC's factual findings are presumptively correct, and if substantial evidence supports either of two conflicting factual conclusions, the Court is bound by the findings of the PSC." *Evergy Mo. W. Inc. v. Off. Pub. Couns.*, 676 S.W.3d 438, 444 (Mo. App. W.D. 2023) (citation modified). "The determination of witness credibility is left to the PSC, which is free to believe none, part, or all of the testimony." *Id.* (citation modified).

Analysis

Respondent's Motion to Strike

As a threshold issue, we address Grain Belt's motion to strike. Grain Belt argues that Meadows' reply brief contains three arguments that were not first raised in her initial appellant's brief. We agree.

"This Court's appellate rules preclude new issues from being raised in a reply brief." *Wilkinson v. Farmers Holding Companies*, 732 S.W.3d 93, 98 (Mo. banc 2026); *see* Rule 84.13(a)[6] ("[A]llegations of error not briefed or not properly briefed shall not be considered in any civil appeal[.]"). "Our Court will not review an allegation of error

[6] All rule references are to I MISSOURI COURT RULES – STATE 2025 unless otherwise indicated.

made for the first time in the reply brief because 'a reply brief is to be used only to reply to arguments raised by respondents, not to raise new arguments on appeal.'" *Turubchuk v. Boock*, 737 S.W.3d 162, 174 n.11 (Mo. App. E.D. 2026) (quoting *State v. Ingram*, 662 S.W.3d 212, 220 n.10 (Mo. App. E.D. 2023)).

Here, Meadows has, in fact, raised new appellate issues and claims of PSC error in her reply brief and we will not consider those new claims raised for the first time in Meadows' reply brief. Grain Belt's motion to strike is sustained and we will limit our review to the five points raised in Meadows' opening brief to this Court.

Points I, II, IV, and V: Meadows' Collateral Attack on 2023 CCN

Because the application of the doctrine of collateral estoppel is dispositive for four out of the five points raised by Meadows in this appeal, we will address those points collectively. Meadows' Points I, II, IV, and V all challenge issues relating to Meadows' argument that the Tiger Connector on her property is unsafe and it is otherwise feasible to move the transmission line off of her property and, thus, that is what she argues the PSC should have ordered.

Though Meadows couches her claims in these four points on appeal as contesting Grain Belt's *application* of the 2023 CCN, these claims are nothing more than an attempt to relitigate the lawfulness and reasonableness of the 2023 CCN that authorizes the Tiger Connector to be located, in part, on her property. Ultimately, Meadows' claims before the PSC were that her safety concerns were of such magnitude that the Tiger Connector to be constructed on her property violated her constitutional rights to use her property, and the more reasonable solution was that the PSC should order Grain Belt to move any

transmission off of her property. Hence, at its core, Meadows' claims are challenges to the lawfulness and reasonableness of the 2023 CCN—a CCN that was previously approved by the PSC, appealed to and affirmed by this Court, and final mandate has issued as to any issues attacking the lawfulness and reasonableness of the 2023 CCN.

Section 386.550[7] states, "[i]n all collateral actions or proceedings the orders and decisions of the commission which have become final shall be conclusive." "If a statutory review of a [PSC] order is not successful, the order [is] final and cannot be attacked in a collateral proceeding." (citation modified). *State ex rel. Licata, Inc. v. Pub. Serv. Comm'n of State*, 829 S.W.2d 515, 518 (Mo. App. W.D. 1992).

In *State of Missouri ex rel. MoGas Pipeline LLC v. Public Service Commission of the State of Missouri*, this Court held that the appellant's challenges to the lawfulness of tariffs were in violation of section 386.550 because those tariffs had already been interpreted by a PSC ruling that had been appealed from and ruled upon by this Court. 395 S.W.3d 562, 568 (Mo. App. W.D. 2013).[8] The second appeal from the PSC ruling alleged that it was seeking certain limitations on the authority and application of the PSC's ruling and not attacking its validity. *Id.* at 567. Yet, this Court found that the

[7] "So frequently have we held such orders not subject to collateral attack we need not elaborate upon the effect and meaning of [this] statute[.]" *State ex rel. MoGas Pipeline LLC v. Pub. Serv. Comm'n*, 395 S.W.3d 562, 566 (Mo. App. W.D. 2013) (quoting *State ex rel. State Highway Comm'n v. Conrad*, 310 S.W.2d 871, 876 (Mo. 1958)).

[8] As is the case with this appeal and *Grain Belt I*, *State ex rel. MoGas Pipeline LLC v. Pub. Serv. Comm'n*, 395 S.W.3d 562, was a second appeal arising from similar facts of *State ex rel. Mo. Pipeline Co. v. Mo. Pub. Serv. Comm'n*, 307 S.W.3d 162 (Mo. App. W.D. 2009).

complaint before the PSC "belies these arguments" as the prayer for relief was "that the rates set forth in the Tariffs, as revised, interpreted, and applied by the [PSC] in the [RRO] are invalid, unlawful, unconstitutional, void and of no force and effect." *Id*. (second alteration in original) (emphasis omitted). Accordingly, we concluded that the arguments asserted by the appellant were prohibited collateral attacks of a final order of the PSC. *Id.* at 568. *See also Licata*, 829 S.W.2d at 516 (holding collateral estoppel prohibited appellant's argument on appeal when appellant attempted to couch its argument as one attacking application of a final order of the PSC but such application challenge was inextricably bound to an attack on the underlying lawfulness and reasonableness of the PSC's final order).

Meadows' claims in Points I, II, IV, and V of the present appeal are no different. Inasmuch as Meadows argues on appeal that she is seeking review of application concerns with the 2023 CCN and not validity attacks on the CCN, the relief she seeks indicates otherwise.

Meadows ultimately requests removal of the Tiger Connector from her property because she claims it is unlawful and unreasonable, which are claims she should have raised—but did not—in the approval process for the 2023 CCN. The record shows that there was ample opportunity for Meadows to participate in public meetings, public evidentiary hearings before the PSC, and intervene in the 2023 CCN proceedings with the other affected landowners. Instead, Meadows chose to wait and file a complaint nearly a year after the 2023 CCN became final. *See State ex rel. Ozark Border Elec. Co-op. v. Pub. Serv. Comm'n of Mo.*, 924 S.W.2d 597, 601 (Mo. App. W.D. 1996) ("[The appellant]

could have intervened in the first proceeding if it had so chosen. Having chosen not to participate in the original proceeding, [Appellant] cannot collaterally attack the decision."); *see also MoGas Pipeline*, 395 S.W.3d at 568 ("To the extent [appellant] might have challenged the lawfulness or constitutionality of the tariffs themselves, we note that it had not brought suit on the tariffs, which had been in effect since the 1990s. And [appellant] had no challenge to those tariffs as of its last appeal to this Court in 2010.").

Thus, Points I, II, IV, and V request this Court to "entertain a collateral attack on an order of the [PSC]." *Licata*, 829 S.W.2d at 518. Were we to do so, this would result in "potentially endless litigation" and "effectively render[ ] section 386.550 meaningless." *MoGas Pipeline*, 395 S.W.3d at 568. "This we cannot do." *Id.*

Points I, II, IV, and V are denied.

Point III: Meadows' Challenge to the Credibility Findings of the PSC

In Meadows' remaining point, she raises a "substantial evidence" challenge[9] to the PSC's 2025 Report and Order but essentially couches it in terms of an attack on the

[9] Meadows argues that the "Commission failed to consider competent and substantial evidence . . . ." This point fails to comply with Rule 84.04(d). Rule 84.04(d)(1)(B) requires that each point relied on shall "[s]tate concisely the legal reasons for the appellant's claim of reversible error[.]" As we have discussed above, on review by this Court, a PSC order is lawful and reasonable if "it is supported by substantial, competent evidence on the whole record; the decision is not arbitrary or capricious or where the [PSC] has not abused its discretion." *In re Grain Belt Express LLC*, 703 S.W.3d 584, 590 (Mo. App. W.D. 2024) ("*Grain Belt I*"). Meadows' point relied on does not include one of these three legal reasons for this Court to review the 2025 PSC Report and Order that she now challenges. However, "[w]e do have discretion to review non-compliant briefs *ex gratia* when the argument is readily understandable." *Ebert v. Ebert*, 627 S.W.3d 571, 585 (Mo. App. E.D. 2021) (citation modified). Therefore, we

PSC's decision to find the conflicting testimony in Grain Belt's favor instead of adopting her version of events.

In summary, Meadows' testimony at the evidentiary hearing offered her subjective interpretations of her multiple conversations with Mr. Brown—which have been documented at length earlier in today's ruling by this Court. Meadows argues that the reason Grain Belt violated certain landowner protocol contained within the 2023 CCN is because Mr. Brown gave her the impression that he could have the Tiger Connector moved off her property. In response to questioning by Meadows at the evidentiary hearing, Mr. Brown testified:

> If you're asking me if I have the authority to move the line, no, I do not. I've never told you that. In fact, numerous times when you and I were speaking on the phone I've explained that to you. I've said that time and time again . . . .

As this Court has often stated, "[t]he determination of witness credibility is left to the [PSC], which is free to believe none, part, or all of the testimony." *Spire Missouri, Inc. v. Pub. Serv. Comm'n*, 607 S.W.3d 759, 765 (Mo. App. W.D. 2020) (quoting *In re Kansas City Power & Light Co.'s Request for Auth. to Implement a Gen. Rate Increase for Elec. Serv. v. Mo. Pub. Serv. Comm'n*, 509 S.W.3d 757, 764 (Mo. App. W.D. 2016)). We will not "second-guess that determination." *State ex rel. Associated Nat. Gas Co. v. Pub. Serv. Comm'n of State of Mo.*, 37 S.W.3d 287, 294 (Mo. App. W.D. 2000). "The Commission has broad discretion in evidentiary determinations." *Matter of Rate*

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will construe Meadows' argument to be that the PSC's Report and Order is not supported by substantial evidence.

Increase Request for Liberty Utilities (Missouri Water), LLC, 592 S.W.3d 82, 94 (Mo. App. W.D. 2019) (quoting *State ex rel. Mo. Pipeline Co. v. Mo. Pub. Serv. Comm'n*, 307 S.W.3d 162, 176 (Mo. App. W.D. 2009)). "We will not substitute our judgment for that of the Commission on an issue of fact." *Mo. Pipeline*, 307 S.W.3d at 176. "[A]ll reasonable factual inferences will be made in the light most favorable to the [PSC's] order." *Id.* "The [PSC's] factual findings are presumptively correct, and if substantial evidence supports either of two conflicting factual conclusions, the Court is bound by the findings of the administrative tribunal." *State ex rel. AG Processing, Inc. v. Pub. Serv. Comm'n of State of Mo.*, 120 S.W.3d 732, 735 (Mo. banc 2003) (citation modified).

Here, the record demonstrates substantial evidence of two conflicting factual conclusions. On the one hand, Meadows offered her own self-serving testimony about the unreasonable manner in which she claims Grain Belt representatives treated her with regard to locating the electrical transmission line of the Tiger Connector on her property. On the other hand, Mr. Brown testified to the many times that he and other Grain Belt representatives met with Meadows and patiently attempted to address her concerns and, in so doing, gave a different version of factual events about those conversations.

After the evidentiary hearing, the PSC summarized the following in its 2025 Report and Order:

> Grain Belt provided a timeline of its known interactions with Meadows, and to the degree possible, the content of those interactions. That timeline, along with Brown's testimony, demonstrated that Meadows was aware of the Grain Belt Project prior to its approval and was proactive in attempting to have the transmission line moved off her property. Meadows was informed of the Commission's routing process at least six times and had the same opportunity as other landowners to participate in

> [the 2023 CCN] and express her concerns with the proposed route. Evidence shows that Meadows participated in at least one of Grain Belt's open house meetings and had numerous contacts with Brown concerning the impact of the Project on her property. Evidence further shows that Grain Belt listened to Meadows' concerns and responded by moving the transmission line 94 feet south to locate the line further from her residence.

The PSC's 2025 Report and Order is supported by substantial evidence and is otherwise lawful and reasonable.

Point III is denied.

Conclusion

The PSC's 2025 Report and Order denying Meadows' Complaint is affirmed.

Mark D. Pfeiffer, Presiding Judge

Cynthia L. Martin, Judge, and W. Douglas Thomson, Judge, concur.