

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Grain Belt)
Express Clean Line LLC for a Siting Permit)
for the Construction of a High Voltage Direct)
Current Transmission Line in Ford,) Docket No. 13-GBEE-803-MIS
Hodgeman, Edwards, Pawnee, Barton,)
Russell, Osborne, Mitchell, Cloud,)
Washington, Marshall, Nemaha, Brown, and)
Doniphan Counties Pursuant to K.S.A. 66-)
1,177, et seq.)

**ORDER GRANTING NEMAHA-MARSHALL ELECTRIC COOPERATIVE, INC.'S
MOTION TO EXTEND TIME TO REPLY TO THE JOINT MOTION OF GRAIN BELT
EXPRESS CLEAN LINE LLC'S AND KANSAS CORPORATION COMMISSION
STAFF AND PROPOSED ORDER**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, the Commission makes the following findings and conclusions:

1. On July 15, 2013, Grain Belt Express Clean Line LLC (Grain Belt) filed an Application pursuant to the Kansas Electric Transmission Siting Act (Siting Act), K.S.A. 66-1,177 *et seq.*, for a siting permit to construct in Kansas approximately 370 miles of the approximately 750-mile HVDC transmission line that continues to Missouri, Illinois, and Indiana, a converter station in Ford County, Kansas, and facilities to interconnect the converter station with the Southwest Power Pool (SPP).¹

2. On November 7, 2013, the Commission issued its Order Granting Siting Application (Order), finding that the Grain Belt Express line is necessary because “[w]ithout this

¹ Application, July 15, 2013, ¶ 5.

project, hundreds of millions of economic development dollars would not be spent in Kansas, and the potential for large scale wind farm development would be lost” and “this project will have significant short- and long-term economic development benefits for the state of Kansas.”² Before starting construction in Kansas, the Order required Grain Belt to obtain approval from the other states where the Grain Belt Express would be built, namely Missouri, Illinois, and Indiana.³

3. On September 6, 2018, Grain Belt and the Commission Staff (Staff) filed their Joint Motion for Extension of Sunset Term (Joint Motion), explaining that the litigation delays in Illinois and Missouri make it unlikely Kansas construction would begin by November 7, 2018, and requesting the sunset date be extended to November 7, 2023.⁴ The Joint Motion is limited to a request to extend the sunset date by five years,⁵ to allow Grain Belt an opportunity to complete the permitting process and pre-construction activities required prior to beginning construction of the Project in Kansas.⁶

4. On September 17, 2018, Nemaha-Marshall Electric Cooperative, Inc. (Nemaha-Marshall) filed a Motion to Extend Time to Reply to the Joint Motion of Grain Belt Express Clean Line LLC’s and Commission Staff and Proposed Order, requesting an additional week to file its reply.⁷

5. K.A.R. 82-1-217(b) grants the Commission discretion to allow additional time for good cause shown. The Commission finds that good cause exists for the enlargement of time and that the enlargement of time will not prejudice the parties. Accordingly, the Nemaha-Marshall’s Motion is granted.

² Order Granting Siting Application (Order), Nov. 7, 2013, ¶ 36.

³ *Id.*, ¶ 53.

⁴ *Id.*, ¶ 17.

⁵ *Id.*, ¶ 16.

⁶ *Id.*, ¶¶ 16-18.

⁷ Motion to Extend Time to Reply to the Joint Motion of Grain Belt Express Clean Line LLC’s and Kansas Corporation Commission Staff and Proposed Order, Sept. 17, 2018, ¶ 1.

THEREFORE, THE COMMISSION ORDERS:

A. Nemaha-Marshall's Motion to Extend Time to Reply to the Joint Motion of Grain Belt Express Clean Line LLC's and Commission Staff and Proposed Order is granted. Nemaha-Marshall's Reply is due on or before October 2, 2018.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁸

C. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 09/27/2018



Lynn M. Retz
Secretary to the Commission

BGF/sb

⁸ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

13-GBEE-803-MIS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 09/27/2018.

JOHN J. MCNISH, ATTORNEY AT LAW
BOLTON & MCNISH, LLC
916 BROADWAY STREET
PO BOX 386
MARYSVILLE, KS 66508
Fax: 785-562-2124
jmcnish@bluevalley.net

GLENDA CAFER, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
terri@caferlaw.com

CYNTHIA A. DETTKE THORESON
1206 WALNUT
MARYSVILLE, KS 66508
Fax: 785-713-2872
cthoreson@gmail.com

SUSAN B. CUNNINGHAM, ATTORNEY
DENTONS US LLP
7028 SW 69TH ST
AUBURN, KS 66402-9421
Fax: 816-531-7545
susan.cunningham@dentons.com

DONALD L. MILLER
3355 E HAMPTON LN
GILBERT, AZ 85295
dnmilikan@cox.net

D. BERRY, GENERAL COUNSEL
GRAIN BELT EXPRESS CLEAN LINE LLC
1001 MCKINNEY ST STE 700
HOUSTON, TX 77002-6448
dberry@cleanlineenergy.com

ERIN SZALKOWSKI
GRAIN BELT EXPRESS CLEAN LINE LLC
1001 MCKINNEY ST STE 700
HOUSTON, TX 77002-6448
eszalkowski@cleanlineenergy.com

BRETT D. LEOPOLD, PRESIDENT
ITC GREAT PLAINS, LLC
3500 SW FAIRLAWN RD STE 101
TOPEKA, KS 66614-3979
Fax: 785-783-2230
bleopold@itctransco.com

ALAN K. K MYERS, DIRECTOR TRANSMISSION
PLANNING
ITC GREAT PLAINS, LLC
3500 SW FAIRLAWN RD STE 101
TOPEKA, KS 66614-3979
amyers@itctransco.com

CERTIFICATE OF SERVICE

13-GBEE-803-MIS

CHRIS WINLAND, MANAGER, REGULATORY STRATEGY
ITC GREAT PLAINS, LLC
204 NORTH ROBINSON AVE
SUITE 2500
OKLAHOMA CITY, OK 73102
cwinland@itctransco.com

MATTHEW S. CARSTENS, SR. COUNSEL-CAP.
PROJECTS & MAINTENANCE
ITC HOLDINGS CORP
123 5TH STREET SE
CEDAR RAPIDS, IA 52401
mcarstens@itctransco.com

HOLLY FISHER, ATTORNEY
ITC HOLDINGS CORP
3500 SW FAIRLAWN RD STE 101
TOPEKA, KS 66614
hfisher@itctransco.com

JANA L. REED
3224 MAIN
GREAT BEND, KS 67530
reed1arizona@yahoo.com

COLE BAILEY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.bailey@kcc.ks.gov

BRIAN G. FEDOTIN, DEPUTY GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
b.fedotin@kcc.ks.gov

AMBER SMITH, CHIEF LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3167
a.smith@kcc.ks.gov

LAURA E. JOHNSON-MCNISH, MARSHALL COUNTY
ATTORNEY
LAURA E. JOHNSON-MCNISH
1201 BROADWAY
MARYSVILLE, KS 66508
Fax: 785-562-2971
ms_co_attorney@yahoo.com

MATTHEW STALLBAUMER
5201 SW 23RD TERRACE
TOPEKA, KS 66614
matthewstallbaumer@yahoo.com

NANCY VOGELSBERG-BUSCH
NANCY VOGLESBERG-BUSCH
896 15TH ROAD
HOME, KS 66438
nancyvb@bluevalley.net

RODGER A. SWANSON, VP & TO
PEOPLES BANK & TRUST CO.
101 S MAIN ST
PO BOX 1226
MCPHERSON, KS 67460
rodger.swanson@peoplesbankonline.com

LINDSAY SHEPARD, EXECUTIVE MANAGER CORPORATE
COMPLIANCE & ASSOCIATE GENERAL COUNSEL
SUNFLOWER ELECTRIC POWER CORPORATION
301 W. 13TH
PO BOX 1020 (67601-1020)
HAYS, KS 67601
Fax: 785-623-3395
lshepard@sunflower.net

CERTIFICATE OF SERVICE

13-GBEE-803-MIS

THOMAS AND DEBORAH STALLBAUMER
514 N 7TH
SENECA, KS 66538
teestall@att.net

DENNIS R. DAVIDSON, ATTORNEY AT LAW
THOMPSON ARTHUR & DAVIDSON
525 NORTH MAIN STREET
PO BOX 111
RUSSELL, KS 67665-0111
Fax: 785-483-3504
dennis.tad@eaglecom.net

MARK D. CALCARA, ATTORNEY
WATKINS CALCARA CHTD.
1321 MAIN ST STE 300
PO DRAWER 1110
GREAT BEND, KS 67530
Fax: 620-792-2775
mcalcara@wcrf.com

TAYLOR P. CALCARA, ATTORNEY
WATKINS CALCARA CHTD.
1321 MAIN ST STE 300
PO DRAWER 1110
GREAT BEND, KS 67530
Fax: 620-792-2775
tcalcara@wcrf.com

CATHRYN J. DINGES, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

/S/ DeeAnn Shupe
DeeAnn Shupe
