

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

Received on

**AUG 28 2013**

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, )  
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.* )

by  
State Corporation Commission  
of Kansas

Docket No. 13-GBEE-803-MIS

**STAFF'S AMENDED RESPONSE TO MATTHEW STALLBAUMER'S  
PETITION TO INTERVENE**

Staff of the State Corporation Commission of the State of Kansas ("Staff"), responds to Mr. Matthew Stallbaumer's Petition to Intervene. Staff states as follows:

1. Staff generally supports extensive landowner participation in transmission siting proceedings. However, based on the limited time frame permitted by the Kansas Statutes for review of electric line siting applications (120 days)<sup>1</sup>, Staff requests the Commission consider providing specific guidelines for any formal landowner intervention in this matter. Staff specifically recommends:

- A. Intervention be granted to affected Landowners only;
- B. The affected Landowners be permitted to intervene to provide only those details unique to the affected property and not previously provided in public comment to

<sup>1</sup>Same; siting of electric transmission lines; permit required; application, contents; hearings. "The Commission shall issue a final order on the application within 120 days after the date the application was filed." K.S.A. 66-1,178(d).

the Commission's Public Affairs and Consumer Protection (PACP) office or through sworn comment at a public hearing;

C. That the unique circumstances include;

- i. Identification of existing or future structures or existing or future use of the land not previously identified by the Company or by Staff; or,
- ii. The unique testimony includes details of proposed alternative routes **not** previously submitted to the Commission via public comments or through sworn statements at a public hearing.

2. Staff notes that Matthew Stallbaumer indicates in the Petition that his parents are the legal owners of the land of concern in Mr. Stallbaumer's Petition. Additionally, the Petition is void of information which would support that Mr. Stallbaumer is an attorney or otherwise legally authorized to petition on his parents behalf.

3. Also, Staff has reviewed the record in this document and has determined that on or about August 19, 2013, PACP recorded a comment from Mr. Stallbaumer wherein Mr. Stallbaumer informed the Commission that the Company's filed proposed route is sited approximately 1000 feet from the property line of the property owned, but not inhabited by his parents. Mr. Stallbaumer's recorded concern is that the proposed line will diminish the value of the family property. *See*, Public Comment – Complaint ID No. 95759, attached hereto as "Attachment A".

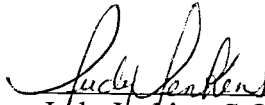
4. In response to a specific request from Mr. Stallbaumer, Staff hereby amends its initial Response to Mr. Stallbaumer's Petition to Intervene as filed on August

26, 2013. This amended filing attaches an additional written comment forwarded by Mr. Stallbaumer and received on August 28, 2013. Staff has forwarded the written comment to PACP for addition to the record. *See*, Public Comment, dated 8-22-13 and attached hereto as "Attachment B".

4. Despite the inclusion of the newly added comment, Staff continues to assert that Mr. Stallbaumer's Petition does not contain any new information or previously, unrecorded proposed alternative routes.

Wherefore, based on the foregoing, Staff respectfully requests the Commission to consider Staff's recommendation in the weighing of Mr. Matthew Stallbaumer's Petition to Intervene.

Respectfully submitted,



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Judy Jenkins, S.Ct. #23300  
Andrew French, S.Ct. #24680  
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*Attorneys for Commission Staff*

**ATTACHMENT "A"**

**KANSAS CORPORATION COMMISSION**



Division of Public Affairs  
 1500 SW Arrowhead Road  
 Topeka, KS 66604-4027  
 (785) 271-3100

Complaint ID **95759**  
 Date Filed **08/19/2013**  
 Investigator **SWOODRUF**

**Account Information**

Account No	Notified KCC by P	Consumer Class R
Name <b>MATTHEW STALLBAUMER</b>	Home Phone	Cell Phone
Business	Work Phone	Ext Fax #
Street Address <b>5201 SW 23RD ST</b>	Email Address	
Mailing Address	Special Instructions	
City <b>TOPEKA</b>		
State <b>KS</b> Zip Code <b>66614</b>		

**Contacts**

No Contacts Exist

**Complaint Coding**

Company ID	Complaint Code	Complaint Type	Company Resolution	Complaint Closed	Violation/Concern	Issue	Dispute Explanation	Disputed Dollars	Dollars KCC Saved Consumer
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**Docket Opinion**

Company	Docket Number	Consumer Opinion	Number of Petitions/
GBEE	13-GBEE-803-MIS	o	

# KANSAS CORPORATION COMMISSION



Division of Public Affairs  
1500 SW Arrowhead Road  
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Complaint ID 95759

Date Filed 08/19/2013

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## Narrative

08/19/2013 SECTION 06  
RANGE 12  
TOWNSHIP 03

THE PROPERTY THAT CLEANLINE IS WANTING TO BUILD THE LINE ON IS WITHIN 1000' OF A HOMESTEAD THAT HAS BEEN IN MY FAMILY FOR YEARS. MY BROTHER AND I HAD HOPED TO BUILD ON THIS PROPERTY SOME DAY AND BECAUSE OF THIS MY PARENTS HAVE NEVER SOLD IT. BY ALLOWING THIS LINE TO BE BUILT, YOU ARE DIMINISHING NOT ONLY MY DREAMS BUT ALSO THE VALUE OF THIS PROPERTY. BY IMPOSING THE POWER OF EMINENT DOMAIN SO PEOPLE IN INDIANA CAN HAVE ELECTRICITY - THIS DOES NOT SHOW THAT THE STATE OF KANSAS IS PROTECTING OR CONSIDERING ITS OWN PEOPLE.

## CERTIFICATE OF SERVICE

13-GBEE-803-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Response to Matthew Stallbalmer's Petition to Intervene was served by electronic service on this 27th day of August, 2013, to the following parties who have waived receipt of follow-up hard copies.

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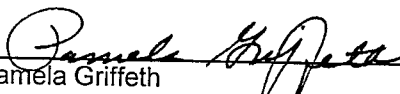
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Pamela Griffith  
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**ATTACHMENT "B"**



8-22-2013

5201 SW 23rd Ter  
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785-230-0886

Kansas Corporation Commission  
Office of Public Affairs & Consumer Protection  
1500 SW Arrowhead Road  
Topeka, Kansas 66604

Dear Chairman Sievers, Commissioner Wright and Commissioner Feist Albrecht,

I am writing in regard to docket 13-GBEE-803-MIS concerning the Grain Belt Express Clean Line proposal that affects my family's property, located Township 03, Range 12, Section 6. I oppose the proposed route that is under consideration.

I am a lifelong Kansan, as are my parents, as were my grandparents, as were their parents. My great-great grandfather, Johann Martin Stallbaumer settled in Nemaha County in 1854. Most of my family still lives there. I currently live in Topeka and work as Art Director for *Mother Earth News* magazine. In this position over the past decade, I've heard stories, read letters and empathized with readers who have lost use of their land to projects like the Grain Belt Express. Now, my family and the property that has been in our family through five generations is being threatened.

I ask that you will listen to your conscience as you read this letter, it is your best tool to decide between right and wrong.

I first learned of the proposed project following the public meeting held in Seneca on the late date of August 12th, 2013. Because the easement would not actually touch my parents' property, they did not receive any literature regarding this line until two weeks before the meeting, and it was vague. They were shocked to learn at the meeting that the 200-foot-tall towers and 600 kV line would be only 986 feet (according to Clean Line representative Ally Smith) from their property and within 1/4 mile of where my grandparents' home stood.

When I think of the sacrifices my ancestors and parents have made to obtain and keep this property through hard work, honesty and fairness, it discourages me that a commission of three people would grant eminent domain to a group of private investors in return for no benefit to us whatsoever. It leads me to believe that the ethical, moral things Kansas once stood for are being threatened by private interest, influence and simply, money.

This land is home to us in the strongest sense of the word. In fact, I have often told people this: of all the things that could be possibly owned in this world, our land is the only thing I want to make sure stays in our family until I die. It has been my personal dream and that of my brother to someday build at the location of the original home because of it's beautiful overlook of bottom grounds.

The proposed Clean Line transmission line would cut right through those bottom grounds, threatening our dreams. The opportunity to build there is priceless, but would become worthless if you allow this line as it is proposed. Yet, Clean Line Energy Partners refuses to acknowledge any loss whatsoever for us, property value included. Who among you would build a home in the shadows of such a structure, or even recreate near it? The poor aesthetics of the line, alone, would discourage and ultimately prohibit it. Furthermore, it's my understanding that no line of this size has ever been constructed in Kansas or tested anywhere. Although Clean Line Energy Partners contends there are no safety hazards, I submit there is no evidence that there aren't. Who among you would risk your health, the health of your children and the existence of future generations of your family? Reports link these lines to childhood leukemia. Farmers and ranchers have observed a negative effect on livestock: infertility, inability to gain weight and death. Electric utilities have paid out millions in damages due to electric lines of *lesser* voltage. History and independent studies shows there are health issues caused by these overhead lines, whether Clean Line Energy Partners admits them or not.

Would you touch one of these lines with your bare hands? Because they will be hung 200 feet high, they may be *relatively* safe, but they ultimately are not safe, and they are vulnerable. Consider the weather we have in Kansas, what happens the first time a tower falls? Pretending this won't happen is showing a lack of common sense and carelessness. The natural disasters that have occurred in this state and nation in the past decade alone exhibit that.

I understand the value of wind energy to Kansas, but I submit that the value of this wind energy should go to Kansans and not be at my family's expense, the expense of our neighbors, our community, our county, or Northeast Kansas. Northeast Kansas is one of the most productive agricultural areas in the state. Nemaha County, as evidenced by one of the lowest unemployment rates in the state, is an active, productive, growing and responsible community. This doesn't make us any more important than anyone else, but it speaks to our heritage and pride. You have put all of this in jeopardy.

Although I disagree that this project happen anywhere is a necessity — you have made your own rationalizations to support that — if it must be somewhere and somehow, I plead with you to do it somewhere else and/or somehow else. The manner in which this is being handled is disturbing. The short notice that was given to those of us along the proposed route is a perfect example. The need to use eminent domain is as well. It is being propogandized as solely clean wind energy, but sources say that other “dirty” energy will be transmitted too. Despite the fact that Ally Smith denied hiding comments from those who oppose the project, Clean Line Energy censors those comments in their literature and on their social media, as later admitted by Mark Lawlor, Director of Development for Clean Line, during a phone conversation. In addition, Ally Smith promised that, after contacting the KCC, I would receive a personal response to my concerns, only to find out from a representative in the KCC office that is not the case. These things alone exhibit the company’s dishonesty that one can only assume spans across many other subjects.

My suggestions follow, if you consider them and act accordingly you would be showing good faith and a deserved level of concern to people like me who value a quality of life, heritage and opportunity over money:

- 1) Keep the energy created by Kansas in Kansas for Kansans. Local and regional projects are touted by our governor, approving the current method of export via exposed line and its route exposes hypocrisy. The transmission lines would not need be of the scale within this proposal and so would be easier buried and less destructive. It would also spur local economies: cheap energy would attract businesses, people and generate tax revenue.
- 2) If you must export wind-generated power, place these transmission lines in already existing, State of Kansas owned, rights-of-way. This would eliminate the need to disrupt private, clean land. Eminent domain may be legal, but it definitely doesn’t make it moral, ethical, or right. As is fact, they don’t make any more land. Land is not a renewable resource, wind energy is, and you would be sacrificing something that can’t be replaced for something that can.
- 3) Take advantage of already existing easements in other parts of the state, or find landowners who support your agenda and want it on their land. Clean Line reports how many landowners are for the project, so let those landowners have it.
- 4) Choose a route through more sparsely inhabited areas of Kansas. In Nemaha County, the average farm is still small. Landowners still live on their property. The politicians of Kansas tout small farms as our backbone, this is your chance to prove it. Other areas of Kansas are more sparsely populated, landowners there have thousands of acres of land, many of whom live nowhere near it.
- 5) Bury the cable. It would be safer because it isn’t exposed. The aesthetic value, and land values of much of our great state, will be spared. Because it may be more difficult up-front, it would generate more jobs for a longer period of time, and be better for Kansas long-term. This is your goal, correct? If Clean Line Energy Partners contend that they are unable to bury this line, find another contractor who can. It is done in other parts of the world, it would be shortsighted to allow it to be done any other way in Kansas.

May I remind you that it is your duty as public officials to keep the best interest of Kansans your priority, you represent us, not the interests of private investors who may have never set foot in Kansas. The proposed ten year tax abatement offered to Clean Line Energy Partners is mind-boggling, most of the jobs created by this, many of them not even held by Kansans, will be long gone in a fraction of that time frame. Judging by the docket information I find on your Web site as of Aug. 20, the public comments and petitions record overwhelming opposition to this project, especially in Nemaha and Marshall counties. I hope that you have listened to your conscience while reading this letter and the letters from others who have everything to lose and nothing to gain. We are aware that once a single line like this is approved, a corridor of similar lines could follow, swallowing up our land, homes, heritage, dreams and our future altogether.

I will be putting a copy of this letter in a lock box for future generations of my family to read. They will know where I stood on this matter and will see your names as the addressee. I pray that you have the strength to put yourself in our position, follow your conscience, and do the right thing for us, the present and future citizens of Northeast Kansas: Rule against the proposed route and manner of transmission.

Respectfully, sincerely and pleadingly,

Matthew T. Stallbaumer

## CERTIFICATE OF SERVICE

13-GBEE-803-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Amended Response to Matthew Stallbaumer's Petition to Intervene was served by electronic service on this 28th day of August, 2013, to the following parties who have waived receipt of follow-up hard copies.

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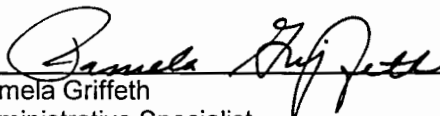
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