

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

Before Commissioners: Mark Sievers, Chairman  
Thomas E. Wright  
Shari Feist Albrecht

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 ) Docket No. 13-GBEE-803-MIS  
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. )

**ORDER ON PETITIONS TO INTERVENE OF CYNTHIA A. DETTKE THORESON,  
NEMAHA-MARSHALL ELECTRIC COOPERATIVE, INC., THE BOARD OF  
MARSHALL COUNTY COMMISSIONERS, MATTHEW T. STALLBAUMER,  
THOMAS H. AND DEBORAH M. STALLBAUMER, CLEANR, AND NANCY  
VOGELSBURG-BUSCH**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Being fully advised of all matters of record, the Commission finds and concludes as follows:

1. On July 15, 2013, Grain Belt Express Clean Line LLC (Grain Belt Express) filed an Application pursuant to K.S.A. 66-1,177 et seq. with the Commission. The Application is for a siting permit conferring on Grain Belt Express the right to construct the Kansas portion of a multi-terminal  $\pm 600$  kilovolt (kV) high voltage direct current (HVDC) transmission line, and an HVDC converter station and associated transmission facilities, running from near the Spearville 345 kV substation in Ford County, Kansas, to a delivery point near the Sullivan 765 kV substation in Sullivan County, Indiana.

2. On August 26, 2013, Matthew T. Stallbaumer filed a Petition to Intervene. The petitioner stated his parents are the owners of property located in Nemaha County that the Grain

Belt Express proposed route may cross, encroach, or take through eminent domain for the purposes of securing right of way for its HVDC transmission line. He argued he is directly impacted by the location of the Grain Belt Express transmission line and its associated facilities and has a unique interest in the reasonableness of the location of the proposed route. The petitioner further argued he may or will be substantially affected by any Commission order or activity in this proceeding.

3. On August 27, 2013, Thomas and Deborah Stallbaumer filed a Petition to Intervene. They stated they are the legal owners of property that the Grain Belt Express proposed route may cross, encroach, or take through eminent domain for the purposes of securing right of way for its HVDC transmission line. They argued they are directly impacted by the location of the Grain Belt Express transmission line and its associated facilities and have a unique interest in the reasonableness of the location of the proposed route. The petitioners further argued they may or will be substantially affected by any Commission order or activity in this proceeding.

4. On August 29, 2013, the Board of Marshall County Commissioners (Marshall County) filed a Petition to Intervene in this docket. Marshall County stated it is concerned about the impacts of the proposed HVDC line and the proposed route on both the safety and economic welfare of the county. Marshall County recommended several safeguards be required of Grain Belt Express to mitigate damage to the agricultural industry in the county.

5. On August 30, 2013, Nancy Vogelsberg-Busch filed a Petition to Intervene. She stated she is the legal owner of property that the Grain Belt Express proposed route may cross, encroach, or take through eminent domain for the purposes of securing right of way for its HVDC transmission line. The petitioner argued she is directly impacted by the location of the

Grain Belt Express transmission line and its associated facilities and has a unique interest in the reasonableness of the location of the proposed route. The petitioner further argued she may or will be substantially affected by any Commission order or activity in this proceeding.

6. On August 30, 2013, the Nemaha-Marshall Electric Cooperative, Inc. filed a Petition to Intervene. The Cooperative stated the proposed route crosses portions of its certified territory, is close to many of its distribution facilities, and crosses its facilities in at least twenty-six locations. The Cooperative states it is concerned about the impacts of the proposed HVDC line and the proposed route on the safety and reliability of its distribution system, as well as the encroachment on property rights held by the Cooperative and its member-owners.

7. On August 30, 2013, the Coalition for Landowners, the Environment and Natural Resources (CLEANR) filed a Petition to Intervene. CLEANR stated its members consist of certain parties named in Exhibit D of Grain Belt Express' line siting application, and other parties who may be affected by the proposed route if it is approved. The petitioner stated it believes the use and value of the property interests of its members will be adversely affected by the proposed route and associated transmission facilities, and it has concerns about the environmental impacts of the proposed route that may adversely affect CLEANR's members.

8. Grain Belt Express filed responses to all of the Petitions to Intervene listed above. The company was generally opposed to granting intervention to parties who do not own land affected by the proposed route and thus have no standing to intervene, who were not authorized to represent the property owners of record, or did not establish that their individual legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding.

9. The Commission has broad discretion to grant a petition for intervention if it is in the interest of justice, if the intervention will not impair the orderly and prompt conduct of the proceedings, and if the party has stated facts demonstrating its legal rights, duties and privileges, immunities or other legal interests may be substantially affected by the proceeding.<sup>1</sup> Furthermore, at any time during a proceeding, the Commission may impose limitations on an intervenor's participation.<sup>2</sup>

10. During the Open Meeting held in the Commission's First Floor Hearing Room on September 24, 2013, the Commission approved intervention for all of the parties who filed the petitions to intervene listed above.

11. The Commission further finds that the petitioners will be bound by the procedural schedule adopted for this proceeding. The intervenors shall be allowed to participate in the prehearing conference and evidentiary hearing, and submit briefs after the hearing, as set forth in the procedural schedule approved by the Commission.<sup>3</sup>

12. The petitioners will be added to the mailing list. Service of pleadings, communications, and correspondence should be directed to the following individuals, as follows:

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<sup>1</sup> K.S.A. 77-521; K.A.R. 82-1-225.

<sup>2</sup> K.S.A. 77-521(c).

<sup>3</sup> See Order Adopting Procedural Schedule, (July 1, 2013).

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**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Cynthia A. Dettke Thoreson, Nemaha-Marshall Electric Cooperative, Inc., The Board of Marshall County Commissioners, Matthew T. Stallbaumer, Thomas H. and Deborah M. Stallbaumer, CLEANR, and Nancy Vogelsberg-Busch are granted intervention in this docket.

B. The parties have 15 days from the date of electronic service of this order to petition the Commission for reconsideration.<sup>4</sup>

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

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<sup>4</sup> K.S.A. 66-118b; K.S.A. 2012 Supp. 77-529(a)(1).

**BY THE COMMISSION IT IS SO ORDERED.**

Sievers, Chairman; Wright, Commissioner; Albrecht, Commissioner

Dated: SEP 24 2013



ORDER MAILED SEP 25 2013

Kim Christiansen  
Executive Director

JV

SEP 24 2013

**CERTIFICATE OF SERVICE**

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I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order on Petitions to Intervene was served by electronic service on this 25th day of September, 2013, to the following parties who have waived receipt of follow-up hard copies.

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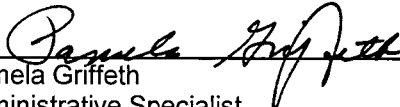
SEP 24 2013

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