

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

Received
on

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

SEP 26 2013

by
State Corporation Commission
of Kansas

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.)

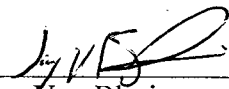
Docket No. 13-GBEE-803-MIS

NOTICE OF FILING OF LETTER TO INTERVENORS

The Office of Advisory Counsel for the State Corporation Commission of the State of Kansas (Advisory Counsel and Commission, respectively) files the attached letter to the parties granted intervention during the September 24, 2013 Open Meeting and in an order issued September 25, 2013. This filing is for informational purposes only, and no Commission action is required at this time.

WHEREFORE Advisory Counsel requests the Commission accept this filing for informational purposes and for such further relief as the Commission deems just and proper.

Respectfully submitted,



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September 26, 2013

Re: Interventions in Docket No. 13-GBEE-803-MIS

To: 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.

During the Open Meeting on September 24, 2013, the Kansas Corporation Commission approved your Petitions to Intervene. You will be allowed to participate in this proceeding and will be required to comply with the procedural schedule previously determined for this docket. The Order Setting Procedural Schedule can be found on the KCC's website by searching docket filings under Docket No. 13-GBEE-803-MIS.

The Commission wishes to remind the parties of the decorum expected toward the Commission at all stages of this proceeding, including the prehearing conference and the evidentiary hearing. The conduct of proceedings shall conform to the Commission's rules and regulations and parties are specifically directed to K.A.R. 82-1-228, which can be found on our website, for general hearing conduct and decorum. The efficiency of Commission proceedings is greatly impacted by the conduct and decorum of the parties. As such, all parties shall conduct themselves in a manner consistent with the decorum and dignity of the Commission and abide by the Commission's rules and practices.¹

At any time during this proceeding, the Commission may require the intervening parties to specify the particular relief sought by intervention. Furthermore, intervening parties who do not own land affected by Grain Belt Express' proposed route for their high voltage direct current transmission line may be required to further explain their authority, interest, and/or standing to intervene, and the Commission may place limitations on their participation.

Pursuant to K.S.A. 77-521(c), if a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. The conditions may include the following:

- (1) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;

¹ K.A.R. 82-1-225; K.A.R. 82-1-228; K.A.R. 82-1-229; K.A.R. 82-1-230.

- (2) limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
- (3) requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

As intervenors, you are responsible for informing yourself of the legal standards the Commission must apply in reviewing the application in this proceeding (in particular, please review K.S.A. 66-1,180 and Kansas transmission line siting statutes)² and the limitations on the Commission's authority and jurisdiction as those will be the focus of the evidentiary hearing. Matters beyond the statutory standards or the authority of the Commission may be considered irrelevant and the Commission may restrict or prohibit the admission of exhibits, testimony or cross-examination that are not relevant to the statutory standards or the actions it may take.

Generally, the Commission's focus is on the impact on the public interest at large and not on addressing an individual intervenor's personal interest. The focus of an evidentiary hearing is to present facts that assist the Commission in making a decision that complies with the statutory standards the Commission must apply. An evidentiary hearing also affords an opportunity to cross-examine witnesses to test the veracity of the factual evidence they are sponsoring. Personal opinions from individuals who are not experts are usually not considered facts upon which the Commission can rely. Also, arguments about the wisdom of the statutory standards, motivations about parties, speculation about future events or generalized concerns are usually not facts or matters that the Commission has any authority to affect or change.

The Commission also wishes to inform the intervening parties that if they intend to submit testimony at the evidentiary hearing, they will be subject to cross-examination by the other parties involved, including Grain Belt Express and Commission Staff, as well as questioning from the Commissioners. The Commission asks the intervening parties to inform the prehearing officer during the Prehearing Conference if they intend to file exhibits or present testimony at the evidentiary hearing. If you plan on offering documents or exhibits, you must provide copies to all of the parties in advance of the proceeding and they must be pre-marked as directed by the prehearing officer.

² The standard set out in K.S.A. 66-1,180 is as follows: "The commission *shall* make its decision with respect to the *necessity for* and the *reasonableness of* the location of the proposed electric transmission line, *taking into consideration the benefit to both consumers in Kansas and consumers outside the state and economic development benefits in Kansas.* [Added by the Kansas legislature in 2003]. The commission *shall* issue or withhold the permit applied for and may condition such permit as the commission may deem just and reasonable and as may, in its judgment, best protect the rights of all interested parties and those of the general public." Thus, the mandatory statutory standard to be applied is consideration of the necessity of the line and the reasonableness of the line based on consideration of the "*benefit to both consumers in Kansas and consumers outside the state and economic development benefits in Kansas.*" The Commission may do one of three things: (1) it may issue the permit for the proposed line; (2) it may deny the permit; or (3) it may issue the permit conditional on what the Commission concludes would best protect the rights of interested parties and the general public.

Additionally, the Commission will give the appropriate weight to any comments, testimony, or exhibits presented at the hearing that have already been submitted to the Commission through the public comment process or at a public hearing on this matter. Such prior comments or testimony are already part of the record and will be considered by the Commission when it makes its decision.

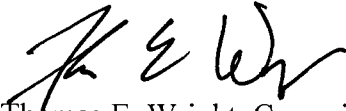
The Prehearing Conference in this case is scheduled for Friday, October 4 at 9:30 a.m. in the Commission's Third Floor Hearing Room. If you wish to appear by telephone, the prehearing officer will email you with call-in directions to facilitate your participation in the Prehearing Conference.

We very much appreciate your interest in this docket, and look forward to your participation.

Sincerely,



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

cc: Kim Christiansen, Executive Director
Dana Bradbury, General Counsel

CERTIFICATE OF SERVICE

13-GBEE-803-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Letter to Intervenor was served by electronic mail this 26th day of September, 2013, to the following parties who have waived receipt of follow-up hard copies:

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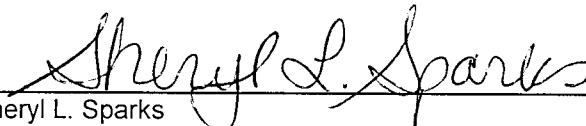
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