

**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.)

**PREHEARING OFFICER ORDER ON GRAIN BELT EXPRESS CLEAN LINE LLC'S
MOTION TO ENFORCE SCHEDULING ORDER, FOR CLARIFICATION
REGARDING EXHIBITS AT HEARING, TO REQUIRE INTERVENORS TO
COMBINE THEIR PRESENTATIONS AND FOR ADMINISTRATIVE NOTICE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. The Commission has designated Jay Van Blaricum to be Prehearing Officer in this case.¹ Having examined the files, the Prehearing Officer 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 ±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.

¹ Order Designating Prehearing Officer, July 9, 2013.

2. On September 30, 2013, Grain Belt Express filed a Motion of Grain Belt Express Clean Line LLC to Enforce Scheduling Order, for Clarification Regarding Exhibits at Hearing, to Require Intervenors to Combine Their Presentations and for Administrative Notice (Motion) with the Commission. Grain Belt Express moved the Commission for an order (1) confirming and enforcing its Order Adopting Procedural Schedule, particularly the August 9, 2013 deadline to file intervenor testimony, (2) clarifying that exhibits used in cross-examination, re-direct and opening statements at hearing are not subject to the prefiling provision of K.A.R. 82-1-221(b), and (3) requiring certain intervenors to combine their presentations at hearing pursuant to K.A.R. 82-1-225(c). Grain Belt Express also asked the Commission to take administrative notice of the Transcript of Proceedings held on October 20, 2011, filed in Docket No. 11-GBEE-624-COC.

3. Grain Belt Express' motion to enforce the procedural schedule was in response to language contained in the Commission's Letter to Intervenors, filed in this docket on September 26, 2013, which stated parties should inform the prehearing officer at the Prehearing Conference if they intended to introduce testimony or exhibits at the evidentiary hearing. Grain Belt Express argued this language contravened the established procedural schedule in this docket, which set a deadline for intervenor testimony of August 9, 2013, and asked the Commission to enforce that schedule.

4. The Coalition for Landowners, the Environment, and Natural Resources (CLEANR) filed a Response to Grain Belt Express' Motion on October 1, 2013. CLEANR argued it should be allowed the opportunity to submit testimony and respond to public hearings in this matter, lest their intervention become a hollow action. CLEANR also argued it should not be required to combine its presentation with that of other intervenors, as its interests are different

from the Board of Marshall County Commissioners and no showing has been made that CLEANR's interests are the same as those of the *pro se* intervenors in this docket.

5. The Board of Marshall County Commissioners filed a Response to the Motion on October 3, 2013. Marshall County opposed Grain Belt Express' motion to enforce the current procedural schedule, stating it would not be possible for them to be adequately heard on disputed issues unless the Commission allows some latitude from its current scheduling order. Marshall County also opposed Grain Belt Express' motion to require intervenors to combine presentations as dictated by Grain Belt Express, arguing it should be allowed to participate in the wire-stringing portions of the evidentiary hearing in addition to other portions.

6. After consulting with the Commission in the October 3, 2013 Open Meeting in the Commission's Third Floor Hearing Room, the Prehearing Officer makes the following findings and conclusions. First, to the extent the Letter to Intervenors is inconsistent with the Order Adopting Procedural Schedule, the Commission's Order Adopting Procedural Schedule controls. Thus, parties who did not submit pre-filed testimony on or before the August 9, 2013 deadline shall not be allowed to file testimony in this case. Second, the prehearing officer understands the limitations and constraints the parties to this matter would have in meeting the deadline to file all exhibits to be used in the evidentiary hearing ten days prior to the evidentiary hearing pursuant to K.A.R. 82-1-221(b) and as recently confirmed by the Commission. Due to the particular circumstances of this case, therefore, all exhibits should at the very least be pre-marked and made available to all parties prior to the evidentiary hearing. Third, any decisions limiting the intervention status of the parties, including combining their presentations pursuant to K.A.R. 82-1-225(c), shall be made by the Commission at a later date. Finally, pursuant to K.A.R.

82-1-230(h), the Commission will take administrative notice of the hearing transcript filed in Docket No. 11-GBEE-624-COC.

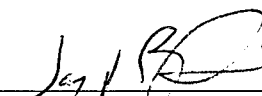
WHEREFORE, THE PREHEARING OFFICER FINDS AND CONCLUDES:

A. The Motion of Grain Belt Express Clean Line LLC to Enforce Scheduling Order, for Clarification Regarding Exhibits at Hearing, to Require Intervenors to Combine Their Presentations and for Administrative Notice is granted in part and denied in part, as set out above.

B. The parties have 15 days from the date of electronic service of this order to petition the Commission for reconsideration.²

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

Dated: 10-3-13



Jay P. Van Blaricum
Prehearing Officer

JV

² K.S.A. 66-118b; K.S.A. 2012 Supp. 77-529(a)(1).

CERTIFICATE OF SERVICE

OCT 03 2013

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I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Prehearing Officer Order on Grain Belt Express Clean Line LLC's Motion to Enforce Scheduling Order, for Clarification Regarding Exhibits at Hearing, to Require Intervenors to Combine Their Presentations and for Administrative Notice was served by electronic mail this 3rd day of October, 2013, to the following parties who have waived receipt of follow-up hard copies:

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

GLEND A. CAFER, ATTORNEY
CAFER LAW OFFICE, L.L.C.
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER LAW OFFICE, L.L.C.
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, COUNSEL
DENTONS US LLP
7028 SW 69TH ST
AUBURN, KS 66402-9421
Fax: 816-531-7545
susan.cunningham@dentons.com

DONALD L. MILLER
3555 E HAMPTON LN
GILBERT, AZ 85295
dnmilikan@cox.net

CARY J. KOTTLER, GENERAL COUNSEL
GRAIN BELT EXPRESS CLEAN LINE LLC
1001 MCKINNEY ST STE 700
HOUSTON, TX 77002-6448
ckottler@cleanlineenergy.com

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

MITCHELL L. HERREN, ATTORNEY
HINKLE LAW FIRM L.L.C.
8621 E 21ST ST N STE 200
WICHITA, KS 67206-2991
Fax: 316-630-8375
mherren@hinklaw.com

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

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KRISTINE M. SCHMIDT, PRESIDENT
ITC GREAT PLAINS, LLC
3500 SW FAIRLAWN RD STE 101
TOPEKA, KS 66614-3979
kschmidt@itctransco.com

CHRIS WINLAND, MANAGER REG STRATEGY
ITC GREAT PLAINS, LLC
3500 SW FAIRLAWN RD STE 101
TOPEKA, KS 66614-3979
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

ANDREW FRENCH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3314
a.french@kcc.ks.gov

JUDY JENKINS, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
j.jenkins@kcc.ks.gov

JAY VAN BLARICUM, ADVISORY COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
j.vanblaricum@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
mstallbaumer@ogdenpubs.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

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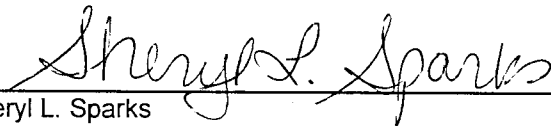
LINDSAY SHEPARD, EXECUTIVE MANAGER CORPORATE
COMPLIANCE & ASSOCIATE GENERAL COUNSEL
SUNFLOWER ELECTRIC POWER CORPORATION
301W. 13TH
PO BOX 1020 (67601-1020)
HAYS, KS 67601
Fax: 785-623-3395
lshepard@sunflower.net

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



Sheryl L. Sparks
Administrative Specialist

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