

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

In the Matter of the Application of Grain Belt)
Express, LLC for a Siting Permit for the)
Construction of Two 345 kV Transmission) Docket No. No. 24-GBEE-790-STG
Lines and Associated Facilities Through Gray,)
Meade, and Ford Counties, Kansas.)

MOTION TO MODIFY SITING ORDER

COMES NOW Grain Belt Express, LLC (“Grain Belt Express”) and hereby moves the State Corporation Commission of the State of Kansas (“Commission”) to modify its Order Granting Siting Permit with Conditions (“Siting Order”) to allow for a route modification and to remove certain conditions that are made moot by the route modification. In support of this Motion, Grain Belt Express states the following:

I. BACKGROUND

1. On May 31, 2024, Grain Belt Express filed an Application under the Kansas Siting Act, K.S.A. 66-1,177 *et seq.*, requesting a siting permit establishing the route for two inter-related transmission lines and associated facilities as part of the Commission-approved alternating current (“AC”) Collector System for the ± 600 kilovolt (“kV”) high voltage direct current (“HVDC”) transmission line and associated facilities, including a converter station, an AC switchyard and AC collector lines (“Siting Application”). One of the two routes connects a switchyard originally planned to be in Meade County to a point of interconnection with the Grain Belt HVDC line in Ford County (“Meade Line”).

2. On September 26, 2024, the Commission issued its Siting Order in this docket approving the Siting Application subject to a number of conditions. One element of the Commission’s approval related to the proposed route for the Meade Line (the “Meade Proposed

Route”) and the resolution of concerns levied by certain intervening parties collectively referred to as the “Boys.”¹

3. Regarding this issue and pursuant to a settlement agreement between the Boyds and Grain Belt Express, the Commission approved the Meade Line, but deferred consideration of an alternative route proposed by the Boyds (“Boyd Alternative 2”) versus the affected portion of the proposed Meade Line (together, the “Bifurcated Route Options”).² The Commission ordered that: Grain Belt Express was to develop a routing analysis comparing the Bifurcated Route Options; that notice and due process be given to parties affected by the Bifurcated Route Options; and that the parties would participate in an evidentiary proceeding in which the Commission would decide between the Bifurcated Route Options.³

II. PROPOSED ALTERNATIVE ROUTE

4. Since the Siting Order was entered, Grain Belt Express has worked with its engineering staff, the Boyds, and other landowners to evaluate the Bifurcated Route Options and other potential alternatives that would resolve the Boyds’ concerns in a way that was satisfactory to neighboring landowners and reasonably balanced applicable interests.

5. As detailed in the Testimony of Kevin Chandler filed in support of this Motion, Grain Belt Express has found an alternative route solution that accomplishes this goal. The alternative route (“Shortened Meade Route”) is shown in Exhibit KC-2 to Mr. Chandler’s Testimony and

¹ The “Boys” include intervenors Bradley B. Boyd and Sandra A. Boyd, Co-Trustees of the Bradley B. Boyd Revocable Trust dated August 23, 2011; Sandra A. Boyd and Bradley B. Boyd, Co-Trustees of the Sandra A. Boyd Revocable Trust dated August 23, 2011; Bradley B. Boyd and Ellen L. Verell, Co-Trustees of the Ellen L. Verell Revocable Trust dated January 24, 2012, Down Home, Inc.; and Boyd Farms, Inc.

² Siting Order at p. 26, Ordering ¶¶ A-B. *and* pp. 11-13 ¶¶ 20-21.

³ *Id.*

involves shifting the location of the switchyard that serves as the origination point for the Meade Line. Shifting the location of the switchyard allows Grain Belt Express to shorten the length of the Meade Line by approximately 12 miles and avoids use of 24 parcels, including the Boyds' property.

6. Grain Belt Express has executed a voluntary, binding purchase option with the landowner who currently owns the property that will house the relocated switchyard. Grain Belt Express has shared the Shortened Meade Route with the Boyds and Staff and both parties are supportive of the redesign.

7. The Shortened Meade Route truncates the Meade Proposed Route but does not shift the line to an area where notice would be required for landowners who did not receive notice during the previous public notice period as required by K.S.A. § 66-1,178. The Shortened Meade Route is approximately 33 miles, compared to the original length of approximately 46 miles.

8. The Shortened Meade Route is superior to both the Bifurcated Route Options for several reasons. First, it resolves the Boyds' concerns with the Meade Line being located on their property. Second, unlike the Boyd Alternative 2, the Shortened Meade Route does not impact landowners that did not receive notice during the prior proceeding on the reasonableness of the Meade Line. Third, adopting the Shortened Meade Route reduces the overall length of the route and overall impact of the line.

9. The Shortened Meade Route does not alter the Commission's prior findings pursuant to K.S.A. § 66-1,180 with respect to the necessity for and reasonableness of the location of the Meade Line. In the Siting Order, the Commission found that the proposed line was necessary and that it "would provide benefits to electric customers both inside and outside of Kansas and economic

development benefits in Kansas.”⁴ The Commission found the location of the Meade Line was reasonable because it was the product of a comprehensive routing study that utilized reasonable study areas and selection methodologies.⁵

10. Regarding necessity, the shortening of the route does not impact the reason that the line is being built, which is to connect generation assets to the Grain Belt Express’ multi-state HVDC line. Regarding the reasonableness of the route, the Shortened Meade Route reduces the length of the Meade Proposed Route but does not otherwise deviate from the route that was the product of the routing study and found to be reasonable in the Siting Order. The Shortened Meade Route is an improvement upon the proposed route because it reduces the overall length of the route and overall impact of the line and furthers the State’s goal of encouraging cooperation between developers and landowners who may be impacted by transmission development.

11. Accordingly, the Shortened Meade Route is (1) superior to the Bifurcated Route Options, (2) continues to satisfy the necessary and reasonable standard under K.S.A. § 66-1,180, and (3) does not implicate the due process rights of any additional landowners under K.S.A. § 66-1,178. For these reasons, Grain Belt Express requests the Commission grant this Motion to modify the Siting Order by approving the Shortened Meade Route.

12. Counsel for Grain Belt Express has discussed this Motion and supporting testimony with counsel for both the Commission Staff and the Boyds and both parties have voiced their approval of the Motion. Because the Motion is supported by the Boyds and Staff and no other due process rights are implicated, the Commission may grant the requested relief on the basis of this

⁴ Siting Order at ¶ 35.

⁵ *Id.* at ¶ 36-37.

Motion and the supportive Testimony of Kevin Chandler without the need for additional procedures pursuant to K.S.A. 66-1,177 *et seq.*

III. RESULTING MODIFICATIONS TO THE SITING ORDER

13. Provided the Commission finds that the Meade Line should be modified by approving the Shortened Meade Route, Grain Belt Express requests that the Commission strike the Siting Order conditions relating to the adjudication of the Bifurcated Route Options. For clarity, Grain Belt Express proposes the Commission strike the following conditions found in paragraph 21 of the Siting Order:

- i. Grain Belt will develop a routing analysis comparing the Boyd Alternative 2 and the portion of the Proposed Route for the Meade-Dodge City Line that would be avoided if the Boyd Alternative 2 is used (the Proposed Route Segment). Together, the Boyd Alternative 2 and the Proposed Route Segment are referred to as the Bifurcated Route Options;
- ii. Grain Belt will file its routing analysis comparing the Bifurcated Route Options (Routing Analysis) with the Commission by January 15, 2025. Grain Belt agrees to submit itself to the jurisdiction of the Commission under K.S.A. 66-1,177 even though the Bifurcated Route Options, by themselves, are less than 5 miles in length. Grain Belt agrees that the Bifurcated Route Options are a portion of a Meade-Dodge City Line, which is over 5 miles, and therefore, application of K.S.A. 66-1,177 *et seq.* is appropriate and waives any rights to claim otherwise;
- iii. At least 15 days before filing the Routing Analysis, Grain Belt, the Boyds, and Staff will discuss a procedural schedule, with the goal of filing a jointly proposed procedural schedule simultaneously with the Routing Analysis. At a minimum, the procedural schedule will include:
 - (A) Staff and intervenor testimony in response to the Routing Analysis;
 - (B) A local public hearing pursuant to the requirements of K.S.A. 66-1,178(b);
 - (C) A public comment period to run at least through the day of the local public hearing;
 - (D) A public comment report from the Commission's Office of Public Affairs and Consumer Protection;

- (E) An opportunity for Grain Belt, Staff, and intervenors to file testimony in response to public comment and testimony filed by other parties;
- (F) Rebuttal testimony from Grain Belt; and
- (G) An evidentiary hearing, if requested by the parties.⁶

14. The above-listed conditions are made moot by the Commission's approval of the Shortened Meade Route because these conditions are relevant only to the Commission's adjudication of the Bifurcated Route Options and the need to cure potential due process concerns relating to potential adoption of the Boyd Alternative 2, which impacted parties who did not receive notice or due process during the consideration of the Meade Proposed Route.

15. If the Commission approves the Shortened Meade Route, there would be no need to generate materials or hold hearings relating to consideration of the Boyd Alternative 2.

16. Given that the Shortened Meade Route does not impact parties who did not receive notice or due process during the consideration of the Meade Proposed Route, these conditions do not need to be replaced by any similar conditions relating to the consideration of the Shortened Meade Route.

IV. CONCLUSION

17. Given that the Shortened Meade Route (1) is superior to the Bifurcated Route Options, (2) continues to satisfy the necessary and reasonable standard under K.S.A. § 66-1,180, (3) does not implicate the due process rights of any additional landowners under K.S.A. § 66-1,178, and (4) is supported by the Boyds and the Commission Staff, Grain Belt Express requests that the Commission modify the Siting Order by: 1) modifying the Meade Line by approving the Shortened

⁶ Siting Order at pp. 12-13, ¶ 21; p. 26, Ordering ¶¶ A-B.

Meade Route and 2) eliminating the conditions found in Paragraph 21 of the Siting Order that are listed above.

WHEREFORE, for the reasons cited above, Grain Belt Express respectfully requests the Commission modify the Siting Order as requested above and grant any other relief the Commission deems appropriate.

Respectfully submitted,

/s/ Anne E. Callenbach

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VERIFICATION

I, Anne Callenbach, do solemnly, sincerely and truly declare and affirm that I am counsel to Grain Belt Express LLC, that I have read the foregoing pleading and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief, and this I do under the pains and penalties of perjury.

By: /s/ Anne Callenbach
Anne Callenbach

March 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2025 a true and accurate copy of the above and foregoing was sent electronically to the following:

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