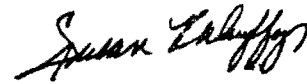


STATE CORPORATION COMMISSION

APR 23 2010



SUPPLEMENTAL TESTIMONY

OF ALAN K. MYERS

IN RESPONSE TO COMMENTS AT APRIL 12, 2010 PUBLIC HEARING

ON BEHALF OF ITC GREAT PLAINS, LLC

DOCKET NO. 10-ITCE-557-MIS

APRIL 23, 2010

1
2 **I. INTRODUCTION**

3 **Q. Please state your name and business address.**

4 A. My name is Alan K. Myers. My business address is 1100 SW Wanamaker Road,
Suite 103, Topeka, Kansas, 66604.

5 **Q. Are you the same Alan K. Myers who previously filed Direct Testimony in this**
6 **docket?**

7 A. Yes.

8 **Q. What is the purpose of your supplemental testimony?**

9 A. Pursuant to the Commission's March 10, 2010 Order Adopting Procedural
10 Schedule and Granting CURB Intervention, the purpose of my supplemental
11 testimony is to respond to the comments made at the public hearing held in this
12 docket on April 12, 2010, in Stockton, Kansas. Specifically, I will respond to:
13 (1) the comments expressed by the five landowners who provided public
14 testimony at the public hearing; (2) comments received by the Commission either
15 by email, U.S. mail or phone, submitted into the public hearing record at the
16 public hearing; and (3) comments received by the Commission since the date of
17 the public hearing, although not made part of the public hearing record. In
18 addition, I will address route modifications proposed by landowners, including a
19 determination as to whether the proposed modification represents a viable reroute
20 alternative.

II. PUBLIC TESTIMONY RESPONSE AND DISCUSSION

Q. Please summarize the testimony of Jerry McReynolds.

A. Mr. McReynolds stated that he is a landowner and tenant along the proposed route. He also stated that he serves as President of the National Association of Wheat Growers and is on the board of directors of the Kansas Farm Bureau. Mr. McReynolds stated that he is not opposed to improving the state's power grid, but that in addition to a determination of need, the Commission should consider the following four criteria: intrusive land use, safety, compensation and legal liability.

With regard to intrusive land use, Mr. McReynolds stated that high voltage transmission lines require an easement width of at least 100 feet which impacts the cultural and economic interests of the area.

With regard to safety, Mr. McReynolds stated that transmission lines may result in increased risk to human health from electromagnetic fields (EMF). Mr. McReynolds said that the best available scientific evidence shows that EMF may pose a risk to human health. Mr. McReynolds referenced "the Maryland study" as support for his concern about transmission lines and human health.

Mr. McReynolds stated that compensation is an important issue. He stated that in addition to the costs associated with condemnation proceedings, landowners may face reductions in property values. He stated that in some cases, landowners will be deprived of their right to use irrigation to grow crops and be forced to mitigate to dry land farming. Mr. McReynolds cited amounts he claims represent the compensation offered to landowners for wind development and cell

1 phone towers. He stated that the one-time easement payments offered by ITC
2 Great Plains “pales in comparison” to the fair market value calculated by the wind
3 and cell phone companies.

4 Finally, Mr. McReynolds expressed concern regarding the liability that a
5 landowner or tenant will incur if the landowner or tenant inadvertently hits a
6 tower, causing damage to the structure and potentially causing a power outage.

7 Mr. McReynolds concluded by saying that the burden to prove that the
8 project is worthy and just rests on ITC Great Plains and requested that the
9 Commission address the four criteria he listed as areas of concern.

10 **Q. Please address Mr. McReynolds’ concern about intrusive land use.**

11 A. ITC Great Plains’ overall goal was to develop economical routes with minimal
12 adverse social and environmental impacts. To that end, ITC Great Plains hired
13 Black & Veatch to assist it with the routing study. The routing study and the
14 process used to determine the preferred route is described in the Direct Testimony
15 of Salvatore Falcone. As part of our criteria in selecting a preferred route, we
16 evaluated such factors as land uses, environmental features, historic and cultural
17 resources, among others. Our primary routing concerns were residences,
18 businesses, wells, center pivot irrigation systems, parks, burial grounds, protected
19 species and their habitats and wind farms if turbine locations were known. In
20 short, the process used by Black & Veatch to select the preferred route was
21 developed to address the very concern raised by Mr. McReynolds with regard to
22 minimizing the impact on the landowners’ right to use and enjoy their property.

1 To our knowledge, there is no instance on our filed route in which we have not
2 accommodated existing or planned irrigation systems.

3 I think it's also important to point out that ITC Great Plains will
4 compensate landowners for crop damage and lost production due to our
5 construction activities, including access roads. We are committed to working
6 with landowners throughout the siting, design and construction process to attempt
7 to minimize impacts to property. After construction is completed, ITC Great
8 Plains will return landowners' property as near as possible to its pre-existing
9 condition.

10 We believe the route selection process developed by Black & Veatch,
11 including the criteria for evaluating routing alternatives, is reasonable. Staff
12 witness Michael J. Wegner agrees. On page eight of his testimony, he states that
13 "in Staff's opinion, the process described in Mr. Falcone's testimony and Exhibits
14 is reasonable and, so far, results in a reasonable location of the preferred line."

15 **Q. Please address Mr. McReynolds' concern that transmission lines may result**
16 **in increased risk to human health from electromagnetic fields.**

17 A. Based on the conclusions of national and international health authorities, ITC
18 Great Plains does not consider electromagnetic fields to be a health threat. I
19 attached the booklet titled "EMF Electric and Magnetic Fields Associated with
20 the Use of Electric Power" prepared by the National Institute of Environmental
21 Health Sciences, National Institutes of Health, dated June 2002, to my Direct
22 Testimony. Based on the information in the booklet, there is no need to minimize
23 exposure to transmission line electromagnetic fields for health reasons. However,

1 the techniques applied and described in Mr. Falcone's testimony for prioritizing
2 and establishing the routing of this line, naturally result in increased distance from
3 more inhabited areas, and therefore EMF exposure is minimized by this process.
4 In addition, ITC Great Plains will keep abreast of and adhere to all federal and
5 state statutory and regulatory requirements concerning EMF.

6 I would like to note that 345-kV transmission lines are not new technology
7 and have operated safely in Kansas and across the entire country, around people
8 and animals, for many years. Transmission lines of this voltage class were first
9 built in the United States in the 1950s. Today there are more than 65,000 miles of
10 these lines across the country, including 2,809 miles of lines in the 345-kV
11 voltage class (254-400-kV) in Kansas. These existing lines represent more than a
12 million mile-years of safe operation -- a significant period of time over which to
13 have documented any potential health and safety concerns.

14 **Q. Mr. McReynolds indicated that according to "the Maryland study," "the**
15 **best available scientific evidence shows that electromagnetic fields may pose**
16 **a risk to human health." He argued that transmission lines should not be**
17 **permitted in close proximity to communities, residences and workplaces, and**
18 **that reasonable setback requirements should be imposed. Do you have a**
19 **response to Mr. McReynolds' testimony?**

20 **A.** Yes. The ITC proposed line has been designed to meet or exceed all applicable
21 safety standards in Kansas. The proposed route has been chosen to avoid
22 communities, residences and workplaces to the extent reasonably possible, and is
23 not in close proximity to such land uses. There are no state or federal exposure

1 limits for power frequency EMF in Kansas. The EMF levels at the edge of the
2 proposed easement will be lower than the levels specified in the guidelines listed
3 for information purposes in the Maryland document referenced by Mr.
4 McReynolds. Mr. McReynolds incorrectly implies that the document presents
5 official conclusions or findings by the State of Maryland Public Utility
6 Commission, which, in fact, to this date has not adopted any public exposure limits
7 for powerline EMF. In 1999, the U.S. National Institute of Environmental Health
8 Sciences (NIEHS) conducted a review of EMF research for the U.S. Congress.
9 NIEHS reported to Congress that the scientific evidence for any adverse health
10 effects from power frequency EMF was “weak” and “marginal.” NIEHS
11 recommended against any “aggressive” regulatory actions, such as EMF exposure
12 standards. NIEHS reaffirmed its conclusions in 2002 and today does not
13 recommend the adoption of limits on public exposure to EMF. In addition, just
14 recently, the Pennsylvania Public Utility Commission similarly concluded that “The
15 published, peer-reviewed laboratory research on power frequency EMF and cancer
16 development, including the long-term animal studies and the cellular level studies,
17 do not provide a reliable scientific basis to conclude that exposure to power
18 frequency EMF causes or contributes to the development of cancer, including
19 leukemia.” *Application of PPL Electric Utilities Corporation Filed Pursuant to 52*
20 *Pa. Code Chapter 57, Subchapter G, for Approval of the Siting and Construction of*
21 *the Pennsylvania Portion of The Proposed Susquehanna-Roseland 500 kV*
22 *Transmission Line in Portions of Lackawanna, Luzerne, Monroe, Pike and Wayne*

1 *Counties, Pennsylvania*, Docket A-2009-2082652, Pennsylvania Public Utility
2 Commission, Opinion & Order (Feb. 12, 2010), at p. 140.

3 **Q. Is compensation for easements a consideration for the Commission when**
4 **making its determination about whether to grant a siting permit?**

5 A. No. Easements are the subject of private negotiation between the utility and the
6 landowner. By statute, the Commission is authorized and required to consider
7 only two issues: (1) the need for the proposed line; and (2) whether the location
8 of the line proposed by the utility is reasonable. The issue of easement
9 compensation goes to neither reasonableness nor necessity.

10 **Q. Although it is not a consideration for the Commission in this proceeding, can**
11 **you please address Mr. McReynolds' concern about adequate compensation**
12 **for landowners?**

13 A. ITC Great Plains intends to negotiate and offer appropriate compensation to
14 landowners for needed easements. We provide one-time payments, typically
15 negotiated up-front, based on a determination of market value and individual
16 negotiations. This approach is consistent with the current law governing the
17 payment of utility easements and historical practice in Kansas.

18 **Q. Why doesn't ITC Great Plains purchase easements on an annual basis**
19 **instead of a one-time payment?**

20 A. Our right-of-way and other project costs are subject to regulation by the Federal
21 Energy Regulatory Commission and must be just and reasonable. Under Kansas
22 law, we are required to pay just compensation, defined by law as "the difference
23 between the fair market value of the entire property or interest immediately before

1 the taking, and the value of that portion of the tract or interest remaining
2 immediately after the taking.” K.S.A. 26-513(c). Our easement payments are a
3 product of parameters set by state law. If we attempted to pay an amount greater
4 than provided for in governing law, those additional costs would have to be
5 justified to FERC as “just and reasonable,” and even if those costs were approved,
6 the additional expense would be borne by electric ratepayers.

7 **Q. How can wind developers and cell phone companies justify a different**
8 **payment structure for easements?**

9 A. The comparison to wind developers and cell phone companies is not relevant as
10 they are different companies operating with different business models in different
11 industries. They do not have their rates regulated by FERC under the “just and
12 reasonable” standard that is applied to ITC’s costs associated with building
13 transmission lines, including costs associated with land acquisition. While there
14 are other key distinctions (*e.g.*, current federal subsidies available to wind
15 developers and cellular communications companies), I think it is important to
16 reiterate that this statutory 120-day proceeding serves a particular purpose, which
17 is to evaluate the necessity of the line and the reasonableness of the route. The
18 amount and form of compensation to landowners does not impact these
19 considerations and, therefore, is not a relevant consideration for the Commission.

20 **Q. Will all easement negotiations result in condemnation proceedings?**

21 A. No. In fact, we hope that none of them do. It is our intent and experience that we
22 can negotiate fair easements with each landowner. Condemnation is a last resort.

1 **Q. In his comments, Mr. McReynolds raised concerns about the potential**
2 **exposure to legal liability for a landowner that has a portion of ITC's**
3 **transmission line and/or its towers to support that line on his or her property.**
4 **Do you have any response to Mr. McReynolds' concern?**

5 **A.** While my educational and work experiences are as an engineer, I will respond to
6 Mr. McReynolds' comments. First, the issues raised by Mr. McReynolds are
7 speculative and call for essentially legal opinions regarding statutory and common
8 law rights and remedies, which ITC cannot and should not be expected to provide.
9 Therefore, I will not attempt to do so in my testimony. Generally, much the same
10 potential for landowner legal liability (assuming that such liability is even an issue)
11 will exist on any piece of property that ITC Great Plains could identify to build this
12 project in Kansas. The proposed transmission line will necessarily cross the
13 property of many landowners, and no adjustment to the route can change that. In
14 addition, it is important to note that Mr. McReynolds' comments and questions on
15 legal liability do not pertain to the "necessity" of the KETA Phase II project or the
16 "reasonableness" of the route location chosen for the project. Those two issues are
17 the only issues for the Commission to consider in reaching a decision on ITC Great
18 Plains' Application for a siting permit.

19 With that said, I can say ITC Great Plains' transmission lines and the
20 supporting towers will be designed to withstand damage from all but the most
21 severe impacts and natural disasters. It is my understanding that in the unlikely
22 event a transmission line or tower is damaged by the negligent conduct of a
23 property owner, lessee, guest or third-party, common law allows recovery for the

1 physical damage caused by the negligent conduct. In many situations, damages of
2 this type would be covered by liability insurance. Mr. McReynolds also describes a
3 scenario where a farmer might cause damage that would stop the transmission and
4 delivery of electricity over the line for some period of time which might cause
5 “damage” in the form of “lost opportunity to provide electricity.” In response to
6 this concern, I can say that the high-voltage transmission network is designed to
7 continue the delivery of electricity even if a portion of the grid is temporarily
8 unavailable due to damage, scheduled maintenance or other events. I think it is
9 very unlikely that a landowner would stop the delivery of electricity by damaging a
10 tower structure or line segment on his property. The responsibility for providing
11 electricity rests with the utilities which contract with customers to supply power. If
12 a transmission line fails, the utility is required to obtain and provide power by
13 alternative means.

14 **Q. Please summarize the testimony of Charles Linderman.**

15 A. Mr. Linderman stated he was a consultant for ICG Aeolian Energy, LLC (ICG
16 Aeolian), developer of the 50 MW wind farm southwest of Stockton, Kansas, in
17 Rooks County. Mr. Linderman also stated he was a landowner in Rooks and
18 Phillips Counties. Mr. Linderman provided background about the proposed wind
19 farm. He stated that the project started in 2006, and that leases were signed and
20 meteorological (“met”) towers were put up in 2008. According to Mr.
21 Linderman, the two years of data show strong class 4 winds. He anticipates a
22 40% capacity factor. He said that ICG Aeolian has completed the first phase of
23 its interconnection work and is now engaged in the follow-up phase with

1 Sunflower Electric Power Corporation (Sunflower). Mr. Linderman stated that an
2 environmental assessment report was presented to the community on December 3,
3 2009. He said that the company hopes to break ground later this year and begin
4 operation sometime in 2011.

5 Mr. Linderman believes that in order to accommodate ICG Aeolian's
6 future wind development, the line should be moved further west.

7 Mr. Linderman stated that the Commission should consider three
8 principles when determining whether to approve the line: (1) how well does this
9 line implement and support the values of the KETA legislation and the
10 opportunity for wind generators to enter the market; (2) consider the developer's
11 technical and financial wherewithal by looking at such factors as the number of
12 "met" towers that are in place, the status of the interconnection agreement,
13 environmental assessment and geotechnical studies; and (3) use existing rights-of-
14 way where possible.

15 As part of his testimony, Mr. Linderman provided a map which sets out a
16 route to the west of the route proposed by ITC Great Plains.¹

17 **Q. Do you have any concerns about Mr. Linderman's proposed reroutes?**

18 A. Yes. This is the most extensive and far-reaching reroute that ITC Great Plains has
19 been asked to consider and evaluate in a KCC siting proceeding. Unlike the other
20 proposed "reroutes," which seek to address individual concerns of a particular
21 landowner or landowners in a relatively limited geographic area, Mr. Linderman's
22 proposal essentially asks that the Commission and ITC Great Plains start from

¹ Mr. Linderman's written testimony described two alternatives, which ITC Great Plains evaluated, but his map only portrays one of those alternatives.

1 scratch and evaluate two different alternatives to approximately the southern one-
2 third of the entire route in an attempt to move the line closer to one particular
3 proposed wind development even though the filed route already traverses land
4 with significant wind development potential. This is a major undertaking.

5 **Q. Can you provide a brief summary of your conclusions about Mr.**
6 **Linderman's proposed reroutes?**

7 A. Yes. We have evaluated both of the proposals in the ten days since the public
8 hearing, and concluded that the proposed reroutes are not "viable" or "reasonable"
9 as compared to the route (with potential for minor modifications) filed by ITC
10 Great Plains. ITC Great Plains found that both of the proposed reroutes were
11 longer and more expensive than the filed route. We subjected both of the
12 proposed reroutes to the Black & Veatch multi-factor scoring system, and the
13 alternatives received worse scores than the ITC filed route. We also verified and
14 concluded that the ITC filed route already traverses an area of Kansas rich with
15 wind energy potential. ITC Great Plains has had some opportunity to reflect on
16 the policy implications of Mr. Linderman's proposals for this siting docket and
17 future dockets, and respectfully disagrees with many of his suggestions. Taken to
18 their logical conclusions, Mr. Linderman would have ITC and other Kansas
19 transmission owners somehow develop and apply a set of objective criteria to the
20 status, "potential" and progress of every wind development in a particular area
21 where they propose to site a transmission line. Kansas transmission providers
22 would be asked to play a major role in picking and choosing winners and losers in
23 wind energy development by routing their lines to accommodate projects that

1 were somehow judged as the “best” or “most advanced.” I will discuss all of
2 these issues in more detail in this testimony.

3 **Q. For reference in this testimony, did ITC create a map reflecting two**
4 **alternative routes proposed by Mr. Linderman?**

5 A. Yes. Mr. Linderman’s written testimony described two alternatives, although the
6 map attached to his testimony only portrays one of those two alternatives. The
7 map attached to this supplemental testimony as “Aeolian/Linderman Reroute -
8 Attachment 1” portrays the ITC filed route and also depicts the two alternative
9 routes proposed by Mr. Linderman. Those routes are all superimposed on a map
10 that depicts statistical mean wind speeds at 100 meters above ground – a generally
11 accepted measure of high level wind development potential - throughout that area
12 of Kansas.

13 Both of Mr. Linderman’s proposed reroutes partially track one of the
14 routes that ITC declined to file with the KCC after taking them to public open
15 houses for comment and completing our scoring and evaluation. One
16 complication in evaluating and mapping Mr. Linderman’s proposal is that his
17 proposed reroutes follow a railroad right-of-way east from Stockton, Kansas, and
18 through Woodston, Kansas. ITC Great Plains had to develop routing around
19 Woodston and houses along U.S. Highway 24, or Mr. Linderman’s proposal
20 would necessarily have been rejected on that basis alone. The attached map
21 relies, in part, on brief route reconnaissance by Black & Veatch on April 13 and a
22 review of aerial photography. Given the necessary time constraints, development

1 of these proposed reroutes could not be performed with the same level of care
2 given to the routes taken to the public for comment in late 2009.

3 **Q. Can you describe Mr. Linderman's proposed route alternatives for ICG**
4 **Aeolian?**

5 A. Yes. One proposed alternative would leave the Post Rock substation in Ellis
6 County and follow the rejected ITC western (green) route to the north for
7 approximately 34 miles to a point in Rooks County, Kansas, and then travel east
8 for approximately 20 miles to Osborne County until reconnecting with the ITC
9 filed (red) route in this docket. This alternative route is depicted on Attachment 1
10 using a dashed green line and a dashed blue line. I will refer to this first proposed
11 alternative route from Mr. Linderman as the "ICG Aeolian Western Route." The
12 second proposed alternative route would leave the Post Rock substation in Ellis
13 County and would initially follow the ITC filed (red) route for 7.4 miles before
14 intersecting with and following the rejected ITC central (orange) route north for
15 approximately 31 miles to a point in Rooks County, Kansas, and then traveling
16 east for approximately 9 miles to Osborne County until reconnecting with the ITC
17 filed (red) route in this docket. This alternative route is depicted on Attachment 1
18 using a dashed orange line and a dashed blue line. I will refer to this second
19 proposed alternative route from Mr. Linderman as the "ICG Aeolian Central
20 Route."

21 **Q. Can you describe ITC Great Plains' analysis of the ICG Aeolian proposed**
22 **routes?**

1 A. Yes. Following Mr. Linderman's presentation at the public hearing in Stockton
2 on April 12, ITC Great Plains instructed Black & Veatch to perform an analysis
3 of Mr. Linderman's extensive proposed reroutes. Two representatives of Black &
4 Veatch, Salvatore Falcone, a routing engineer, and Steve Maddox, a transmission
5 line design engineer, drove the proposed reroutes on April 13. Based on their
6 observations and the maps and photography available to them, Black & Veatch
7 analyzed and scored Mr. Linderman's proposed reroutes.

8 **Q. What were the basic findings regarding the ICG Aeolian Western Route?**

9 A. If adopted by the Commission, the ICG Aeolian Western Route, which is depicted
10 on Attachment 1, starting with the dashed green line, continuing to the dashed
11 blue line before intersecting with the solid red ITC filed route in Osborne County,
12 would result in a route totaling approximately 97.34 miles in length. The ICG
13 Aeolian Western Route would be approximately 12.67 miles longer than the ITC
14 filed route. In developing and mapping the ICG Aeolian Western Route, Black &
15 Veatch was required to develop small deviations from Mr. Linderman's proposal
16 to avoid houses along U.S. Highway 24 and in the town of Woodston while
17 utilizing the right-of-way from the Union Pacific Railroad's Solomon Branch
18 Line identified by Mr. Linderman.

19 **Q. What is the estimated incremental construction cost associated with building**
20 **the ICG Aeolian Western Route?**

21 A. The estimated incremental cost of constructing this reroute would be
22 approximately \$13 million more than the ITC filed route.

1 **Q. Did Black & Veatch score the ICG Aeolian Western Route as they did for**
2 **other routes evaluated by ITC?**

3 A. Yes. Black & Veatch scored the route using the identical method used to score
4 the five routes shown in Table 4-3.2 in the Route Selection Study submitted as
5 Exhibit 1 to the Direct Testimony of Salvatore Falcone in this proceeding. The
6 ICG Aeolian Western Route received the worst score of all routes evaluated with
7 a score of 557.51. This compares to the best score of 436.74 received by the ITC
8 filed route in this proceeding.

9 **Q. Did you evaluate how this proposed alternative route will impact landowners**
10 **compared to the ITC filed route?**

11 A. Yes. In summary, if the Commission determines that the ICG Aeolian Western
12 Route is “viable,” approximately 211 landowners would need to be provided
13 notice of the proposed reroute. The ICG Aeolian Western Route would require
14 approximately 20 miles of new route alignment not previously considered in the
15 routing analysis. This segment would start in the area south of Stockton and
16 continue east along the Union Pacific Solomon Branch Line. ITC has estimated
17 that there is an average of 3.9 land parcels per mile within the notification
18 distance along the filed route. If the Commission determines that the ICG
19 Aeolian Western Route is “viable,” approximately 78 landowners along the
20 railroad right-of-way and in the area south of Stockton would have to be noticed
21 for the first time. These would be landowners that were not mailed notice of the
22 public hearing in Stockton and did not receive an invitation to the public open
23 houses conducted by ITC Great Plains in late 2009. If the proposed reroute is

1 deemed “viable” by the Commission, ITC estimates that an additional 133
2 landowners along the 34 miles of the ICG Aeolian Western Route from the Post
3 Rock Substation to U.S. 24 Highway near Stockton would have to be noticed.
4 Because this 34-mile segment of the proposed reroute tracks one of the routes
5 taken to the public open houses by ITC in late 2009, these landowners would have
6 received an invitation to the open houses at that time, but they were not mailed
7 notice of the public hearing in Stockton as they were not within the statutorily-
8 prescribed distance from the filed route.

9 **Q. What were the basic findings regarding the ICG Aeolian Central Route?**

10 A. If adopted by the Commission, the ICG Aeolian Central Route, which is depicted
11 on Attachment 1, starting on the solid red ITC filed route, then connecting with
12 the dashed orange line to the dashed blue line before intersecting with the solid
13 red ITC filed route again in Osborne County, would result in a route totaling
14 approximately 87.40 miles in length. The ICG Aeolian Central Route would be
15 approximately 2.73 miles longer than the ITC filed route. There would be
16 approximately 9 miles of new route alignment along the Union Pacific Solomon
17 Branch Line, and there would be approximately 31 miles from the point where the
18 ICG Aeolian Central Route parts from the ITC filed route to the point where the
19 ICG Aeolian Central Route intersects with the proposed routing along the Union
20 Pacific Solomon Branch Line near U.S. 24 Highway in Rooks County.

21 **Q. What is the estimated incremental construction cost associated with building**
22 **the ICG Aeolian Central Route?**

1 A. The estimated incremental cost of constructing this reroute would be
2 approximately \$2.75 million plus some additional costs to account for additional
3 angle structures required to accommodate this proposal.

4 **Q. Did Black & Veatch score the ICG Aeolian Central Route as they did for**
5 **other routes evaluated by ITC?**

6 A. Yes. Black & Veatch scored the route using the identical method used to score
7 the five routes shown in Table 4-3.2 in the Route Selection Study submitted as
8 Exhibit 1 to the Direct Testimony of Salvatore Falcone in this proceeding. The
9 ICG Aeolian Central Route received a worse score than all routes evaluated,
10 except the proposed ICG Aeolian Western Route, with a score of 501.98. This
11 compares to the best score of 436.74 received by the ITC filed route in this
12 proceeding.

13 **Q. Did you evaluate how this proposed alternative route will impact landowners**
14 **compared to the ITC filed route?**

15 A. Yes. In summary, if the Commission determines that the ICG Aeolian Central
16 Route is “viable,” approximately 156 landowners would need to be provided
17 notice of the proposed reroute. If the Commission determines that the ICG
18 Aeolian Central Route is “viable,” approximately 35 landowners along the Union
19 Pacific Solomon Branch Line right-of-way would need to be provided notice of
20 the proposed reroute for the first time. These would be landowners that were not
21 mailed notice of the public hearing in Stockton and did not receive an invitation to
22 the public open houses conducted by ITC Great Plains in late 2009. If the
23 proposed reroute is deemed “viable” by the Commission, ITC estimates that an

1 additional 121 landowners along the 31 miles of the ICG Aeolian Central Route
2 from the point where the ICG Aeolian Central Route parts from the ITC filed
3 route to the point where the ICG Aeolian Central Route intersects with the
4 proposed routing along the Solomon Branch Line near U.S. 24 Highway in Rooks
5 County. Because this 31-mile segment of the proposed reroute tracks one of the
6 routes taken to the public open houses by ITC in 2009, these landowners would
7 have received an invitation to the open houses at that time, but they were not
8 mailed notice of the public hearing in Stockton as they were not within the
9 statutorily-prescribed distance from the filed route.

10 **Q. The written testimony of ICG Aeolian testimony on pages 3-4 suggests “three**
11 **principles” for transmission route selection in Kansas: 1) KETA Vision**
12 **Implementation, 2) A Financial Test for Wind Developers, and 3) Use of**
13 **Existing Right-of-Way. Can you discuss each of these proposed criteria**
14 **starting with KETA Vision Implementation?**

15 **A.** Yes. As I understand the ICG Aeolian testimony offered by Mr. Linderman, a
16 transmission line should “connect more wind generation to the market” and
17 “facilitate the development of more wind generation in Western Kansas” to meet
18 ICG Aeolian’s test for “KETA Vision Implementation.” I do not believe that the
19 Commission needs to explicitly adopt “KETA Vision Implementation” as a
20 criterion for siting transmission in Kansas. While I am not an attorney, I think the
21 development of wind generation potential is one component that can be taken into
22 account by the Commission in evaluating the “necessity” of the line under the
23 Kansas Siting Act.

1 As demonstrated in the direct testimony of ITC Great Plains in this
2 proceeding, the line we are siting is the subject of a Notification to Construct
3 issued by the independent regional transmission provider for Kansas, Southwest
4 Power Pool, Inc. (SPP). The Notification to Construct was issued only after
5 rigorous study and review by SPP staff and SPP stakeholders throughout the
6 region. This project was originally identified and selected by KETA based in part
7 upon its potential for developing wind generation in Kansas. Attachment 1 to this
8 testimony includes a depiction of mean wind speeds at 100 meters prepared for
9 the National Renewable Energy Laboratory. Depiction of mean wind speeds is a
10 generally accepted high level indication of attractive areas for developing wind
11 generation with higher levels of mean wind speed indicating generally better wind
12 generation potential. Attachment 1 portrays the ITC filed route, the ICG Aeolian
13 Western Route and the ICG Aeolian Central Route in relation to the wind speed
14 assessments. This map demonstrates that the ITC filed route travels through areas
15 with mean wind speeds comparable or higher than what is depicted at the ICG
16 Aeolian wind farm location, and it appears that the southern end of the ITC filed
17 route below 24 Highway, which would be eliminated under both ICG Aeolian
18 proposals, traverses more miles of “high wind” (mean speed of 20.1-21.3 mph)
19 than the southern portion of either the ICG Aeolian Western Route or the ICG
20 Aeolian Central Route. Ultimately, the specific details of this particular map are
21 probably not as important as the general depiction of the area traversed by the ITC
22 filed route as a very good area for potential wind development. The suggestion of
23 ICG Aeolian that the ITC filed route is either not “necessary” or not “reasonable”

1 because it fails an ICG Aeolian-defined “KETA Vision Implementation” test is
2 not plausible.

3 **Q. What is your view of ICG Aeolian’s criteria for “A Financial Test for Wind**
4 **Developers”?**

5 A. In overview, ITC Great Plains believes that this proposed criteria is unworkable,
6 impractical and should be rejected by the Commission as poor public policy. As I
7 testified above, Attachment 1 depicts the wind-rich zone that the ITC filed route
8 will traverse and demonstrates significant wind potential throughout the area. It is
9 just not practical for transmission companies in Kansas to develop a meaningful
10 objective set of criteria that would allow them to fairly and thoroughly evaluate
11 competing wind developers, and transmission companies should not be asked by
12 the Commission to play that role.

13 **Q. Can you discuss some of the specific criteria that ICG Aeolian suggests to**
14 **apply as “A Financial Test for Wind Developers”?**

15 A. Yes. Though Mr. Linderman identifies some examples of potentially reasonable
16 criteria, his list is certainly not a comprehensive list that would give a
17 transmission company or the Commission certainty that a line should be routed to
18 accommodate the interests of a particular wind developer or a particular county,
19 especially when such an accommodation might violate other important route
20 selection criteria, such as existing land use, environmental concerns and cost of
21 the project. Mr. Linderman identifies at least three specific criteria on page three
22 of his written testimony. First, he believes the presence of “met” towers merits
23 favorable consideration, and while this seems reasonable, there would have to be

1 much more detail for the transmission company and the Commission to make this
2 criterion meaningful. Presumably, the presence of the “met” tower is not enough,
3 and the particular accumulated data would need to be reviewed and some
4 threshold regarding the quality and quantity of that data would need to be
5 established before this criterion could be satisfied by a wind developer in the
6 vicinity of the proposed transmission line. In a wind-rich region, like the one
7 where the ITC project will be built, a transmission company and the Commission
8 could find itself confronted in the near future with several wind developers with
9 arguably comparable “met” tower data at locations that are quite distant from one
10 another. It is not a proper role for the transmission company to choose which
11 wind developer merits a more favorable transmission route.

12 **Q. What are your thoughts on the SPP interconnection criterion that is**
13 **proposed?**

14 A. As a second criterion, Mr. Linderman identifies the completion of “at least the
15 first phase” of the SPP Interconnection Impact Study. This could be useful
16 information for the Commission and the transmission company determining a
17 route, but there is the potential for multiple developers advancing in the SPP
18 interconnection process. It is also important to note that in this proceeding, ITC
19 Great Plains does not believe that ICG Aeolian could meet its own proposed
20 criterion. The Commission should recognize the distinction between the current
21 50 MW wind project that ICG Aeolian is advancing at SPP and the “potential”
22 expansion of that project in the future. The SPP Interconnection System Impact
23 Study that ICG Aeolian references in its written testimony on page six appears to

1 relate to its 50 MW project that is proposed to interconnect with the existing 115-
2 kV line in that area. The Commission should not be inadvertently left with the
3 impression that the 50 MW project will rely upon the route of the proposed
4 transmission line in this proceeding. With regard to the possible expanded ICG
5 Aeolian project, the SPP Interconnection Impact Study has not been performed.

6 **Q. What about the environmental criterion proposed?**

7 A. Like the other proposed criteria, information about wind developer environmental
8 studies presented with sufficient detail could be meaningful in assisting
9 transmission companies and the Commission to rate and rank the status of various
10 wind projects throughout an area. While the discussion in ICG Aeolian's
11 testimony certainly indicates that they have generated some data and continue to
12 collect more, ITC Great Plains is not in a position to provide any meaningful
13 assessment of the quality and value of that environmental work in this proceeding.
14 As described in the Direct Testimony of Salvatore Falcone, ITC Great Plains did
15 consult with state and federal agencies regarding route selection in this area, and
16 took that input into account in identifying the filed route.

17 **Q. What is your opinion of Mr. Linderman's written testimony on page three**
18 **that route selection should take into account that wind developers have**
19 **"already expended resources," and his live testimony on pages 15-17 of the**
20 **transcript that ICG Aeolian has already expended \$1.5 million?**

21 A. While I think expenditures on project development are probative in assessing the
22 viability of a wind development, I also think that some form of documentation of
23 the financial standing and capability of a company to continue to spend as needed

1 at greater levels could be meaningful as well. Mr. Linderman did not provide
2 such information in his testimony or suggest such information be used as a
3 criterion. It is not entirely clear in his testimony how much of the \$1.5 million
4 has been expended or will be expended on the current 50 MW project and how
5 much relates to a possible expansion of the project. But it is clear that completing
6 the development and construction of a 50 MW wind farm, which is planned to
7 proceed in Rooks County without regard to the line we are routing in this
8 proceeding, will require greater resources and expenditures than the \$1.5 million
9 identified so far.

10 **Q. What is your conclusion regarding ICG Aeolian's proposed "Financial Test**
11 **for Wind Developers?"**

12 A. First, it would be bad public policy for reasons I have described to require
13 transmission companies and the Commission to conduct a comprehensive analysis
14 of the status and quality of various wind projects in a region in determining how
15 to route a transmission line. Second, the particular criteria suggested by ICG
16 Aeolian may each have some value, but cumulatively would likely not be enough
17 to justify routing a transmission line on that basis. Some obvious potential
18 factors, such as experience, prior success implementing projects, and the overall
19 financial standing and resources of a wind developer, were not identified as
20 criteria. The implementation of a meaningful test for wind developers would be
21 unduly burdensome on the transmission company and the Commission, and might
22 not result in a more "reasonable" route than the current route selection criteria
23 being used by ITC Great Plains. Further, it is not my intention in this testimony

1 to attempt to identify and create a “meaningful” set of criteria for transmission
2 companies to apply to wind developers. I think the Commission should make it
3 clear that is not a proper role for a transmission company. Finally, it is not clear
4 that even the application of these criteria in this proceeding would necessarily
5 allow ICG Aeolian to win the proposed “competition” among wind developers for
6 preferential transmission routing.

7 **Q. In addition to “KETA Vision Implementation” and financial testing for wind**
8 **developers, Mr. Linderman testified that a transmission route that uses**
9 **existing rights-of-way should be given favorable consideration. What is your**
10 **assessment of that criteria?**

11 A. In the first paragraph of page four of his written testimony, Mr. Linderman states
12 that “existing ROWs, such as railroad and pipeline corridors should be evaluated
13 as a means of minimizing development of new corridors and thereby the
14 environmental impacts of new electric transmission.” In general, ITC Great
15 Plains agrees with this statement. ITC Great Plains directed its routing consultant,
16 Black & Veatch, to look for existing corridors, including abandoned railroad
17 corridors, in the route selection process. Black & Veatch was aware of the
18 abandoned Solomon Branch Line route between Stockton and Osborne during the
19 route selection process. A primary reason it was not selected and did not figure in
20 any of the alternative routes presented to the public is that it runs almost directly
21 west to east and the ITC Great Plains transmission line is primarily north to south.
22 Use of the Solomon Branch Line route would add length to the ITC Great Plains

1 route, thus offsetting potential reductions in environmental impact by adding
2 more line miles.

3 Additionally, ITC believes that the Solomon Branch Line route right-of-
4 way is significantly narrower than required to accommodate a 345-kV
5 transmission line. Review of publicly available aerial photography, specifically
6 the boundaries between cultivated fields and vegetation on either side of the rail
7 bed, indicates that the railroad right-of-way width averages 75 to 85 feet, roughly
8 half of what is needed for the transmission line. Therefore, use of the right-of-
9 way for a transmission line, assuming the rail company would allow that, does not
10 eliminate the need for additional right-of-way purchases, likely on both sides of
11 the railroad right-of-way. As Mr. Linderman has indicated, there is apparently an
12 ongoing Surface Transportation Board proceeding to establish a bike trail in that
13 vicinity, and ITC Great Plains has not had an opportunity to determine what
14 rights, if any, it might have to change the course of that proceeding if the
15 Commission ordered ITC Great Plains to build along that particular right-of-way.

16 As described in my testimony above, the landowners along the Solomon
17 Branch Line right-of-way have not received notice of the ITC Great Plains' open
18 houses or the public hearing in Stockton on April 12. Unless the Commission
19 determines that one or both of the ICG Aeolian proposed reroutes is "viable," ITC
20 does not contemplate providing notice to all those new landowners in this
21 proceeding. It seems like a leap of faith by ICG Aeolian to assume without
22 landowner input that they would necessarily be more tolerant of the transmission
23 project. ICG Aeolian's premise seems to be that because the landowners have

1 been used to accommodating a railroad right-of-way, they would not mind a
2 transmission line right-of-way instead. On any route chosen, there will be
3 construction activity and some environmental impact. While ITC Great Plains is
4 committed to minimizing all impacts, we believe the impact of the longer line
5 proposed by ICG Aeolian would outweigh potential benefits associated with use
6 of this existing right-of-way in this proceeding. However, as indicated, ITC Great
7 Plains will continue to consider the potential use of existing corridors in future
8 siting proceedings.

9 **Q. You indicate that the routes proposed by Mr. Linderman received worse**
10 **scores from Black & Veatch than the filed route, but Mr. Linderman is**
11 **critical of some aspects of the scoring system. Do you have any response to**
12 **his comments about the scoring system and the criteria that should be used**
13 **in evaluating transmission routes?**

14 **A.** Yes. In the last paragraph on page four of his written testimony, Mr. Linderman
15 contends that Black & Veatch used flawed land-value criteria in the route
16 selection process. ITC disagrees with this statement for the reasons that follow.

17 Referring to Table 4-3.1 of the Route Selection Study report developed for
18 ITC by Black & Veatch, Mr. Linderman states that it “reveals how little emphasis
19 [Black & Veatch] placed on hooking up wind farms or serving the needs of
20 entities developing new wind generation in western Kansas.” ITC disagrees with
21 that statement. The table was developed to assign values to land use and technical
22 factors. It does not reflect an emphasis, or lack thereof, on any land use or
23 proximity to infrastructure.

1 In the selection of a route from one point to another, and in the absence of
2 any obstructions or environmentally sensitive areas, the best route would be a
3 straight line. In reality, a straight line route is never feasible. In order to select a
4 route that reflects an acceptable balance of environmental impacts and technical
5 viability and costs, values are assigned to each type of land use and technical
6 factor. Though there could be differing opinions about some of these values and
7 what is important in route selection, the values are based on years of experience in
8 routing transmission lines and have withstood the scrutiny of state commissions
9 and regulatory agencies. In this proceeding, the Kansas staff has evaluated the
10 routing study submitted by ITC Great Plains and reached the initial conclusion
11 that ITC's filed route is "reasonable" for purposes of obtaining a siting permit.
12 Nothing in the assignment of values to each land use and technical factor is
13 intended either to exclude or preferentially select wind farm developments. The
14 objective of the selection process is to develop a route that deviates least from a
15 straight line while striking a reasonable balance between environmental and cost
16 impacts.

17 Referring again to Table 4-3.1 of the Route Selection Study, Mr.
18 Linderman states in the first paragraph of page five that "an Assigned Value of '2'
19 is provided to 'Sited Wind Turbines within 500 Feet'" and further that "we
20 believe that number should have been '0' and that a value should also have been
21 assigned for wind-monitoring towers within 2-3 miles." (As a reminder, in the
22 routing study presented as Exhibit 1 of the Direct Testimony of Salvatore
23 Falcone, a lower score is a better score, and a higher score is a worse score.) ITC

1 Great Plains believes that Mr. Linderman may have misunderstood the
2 significance of the value assigned to “Sited Wind Turbines within 500 Feet.” The
3 reason this technical factor is included in the table at all is that a transmission line
4 can be too close to a wind turbine. Many wind turbines being placed into
5 operation today have a height approaching or exceeding 400 feet. In fact, the
6 Stockton Wind Farm page of the ICG Aeolian Energy web site gives 411 feet as
7 the maximum, or tip height of the turbines to be installed there. If the line is
8 much less than 500 feet from a sited or constructed wind turbine, it would be
9 within striking distance of a wind turbine that falls in that direction. ITC
10 recognizes that the possibility of this occurrence is remote, but the choice of a
11 minimum distance between turbine and transmission line is advisable and the
12 choice of 500 feet seems appropriate.

13 Assigning the value “2” -- the same value assigned to the land use of
14 Grassland/Herbaceous (pasture) -- is an indication that even if a turbine was
15 within 500 feet of the transmission line, it is not a significant detriment. The
16 values run from “1” (most desirable) to “9” (least desirable), so a value of “2”
17 indicates a technical factor of lesser significance than most others and is the
18 “best” value assigned to any of the technical factors in the table.

19 We did not assign a value of “0” to any land use or technical factor as it
20 would have no net effect on scoring. Assigning a value of “0” is the same as not
21 including a factor in the analysis at all. For example, sited wind turbines at a
22 distance of 500 feet or more from the transmission line are not shown on the table,
23 thus having an effective value of “0.” It is also important to note that all of the

1 routes scored in Table 4.3.2 of the Route Selection Study received a 0 for the
2 category “Number of Sited Wind Turbines within 500 feet” so there was no
3 practical implication in this case to Mr. Linderman’s comment regarding the
4 scoring methodology.

5 In the same paragraph of his written testimony, Mr. Linderman states that
6 “if there are proposed routes without any wind turbines within 500 feet of any
7 “met” towers, they should have a minimum of ‘5’ points for each of these two
8 categories added to their score,” which would give that route a higher and,
9 thereby, worse score. The use of a route-wide characteristic, such as proximity to
10 wind turbines or “met” towers, with an accompanying value is inconsistent with
11 the methodology that Black & Veatch has used on behalf of ITC Great Plains in
12 its Kansas filings. The Black & Veatch methodology assigns values to
13 characteristics within and along the route, *e.g.*, land use types, number of angle
14 structures, and number of highway crossings. If the Commission mandated
15 consideration of proximity to wind farm development as a routing factor for
16 future studies, Black & Veatch would likely need to develop a sliding scale based
17 on the length of the route within various distances of a wind farm. For example,
18 the length of the route that is within one mile of a wind farm might get a low
19 value, with higher values being assigned to greater distances. However, the
20 routing objective for this transmission project was to get from the Post Rock
21 substation near Hays to the Nebraska border with the best balance among line
22 length, technical factors, and impacts to landowners and the environment. The
23 objective was not to route the line to potential wind farms, though Attachment 1

1 to my testimony demonstrates that we traverses an area with great wind
2 development potential.

3 Finally, Mr. Linderman is critical of the filed route at the bottom of page
4 six in his written testimony stating that “by initiating the ‘dog-leg’ to the East
5 across northern Ellis County at an angle, more land in a new corridor may be
6 required to site the KETA line than using an existing corridor that could provide a
7 viable alternative.” ITC disagrees with this statement. The “dog-leg” referred to
8 in his statement is approximately 2.2 miles in length and heads east-northeast
9 where the line turns in a northern direction in Ellis County. The corridor that Mr.
10 Linderman discusses, including the length needed to get from his wind farm to the
11 Solomon Branch Line route is 20 miles in length. The portion of that length that
12 would be completely new corridor, from the wind farm location to the rail line
13 right-of-way, is nearly eight miles, substantially more than the 2.2 mile length of
14 the crossover that is part of the ITC filed route.

15 **Q. Please summarize the testimony of Jeffrey Meyer.**

16 A. Mr. Meyer identified 4 tracts of land in Smith County that are impacted by the
17 proposed route. Mr. Meyer indicated he is most concerned with the two tracts
18 that come closest to his farmstead. He explained that the farmstead has been in
19 his family for generations and that he has two young boys. Mr. Meyer believes
20 that the line is within approximately 500 feet of his home. He is concerned with
21 his farming operations and whether aerial spraying is possible near transmission
22 lines. He’d like the line moved farther away from his house.

1 **Q. Please address Mr. Meyer's concerns with regard to the proximity of the line**
2 **to his home.**

3 A. First, with regard to the proximity of the proposed line to the Meyer's farmstead,
4 our records show that the line is over 1,000 feet from the nearest farm building on
5 the Meyer property and is 1,280 feet from the Meyer residence. That is
6 significantly more than the 500-foot guideline ITC Great Plains' has utilized in
7 developing its routes. In addition, aerial photography and site reconnaissance
8 indicate that in the filed location, the line will be shielded from the Meyer's view by
9 a shelter belt. Nonetheless, we have worked with Mr. Meyer and his wife Dawn to
10 analyze routing options that place the line further away from their home. I have
11 attached a map to this testimony showing the alternatives (Attachment 2).

12 Attachment 2 illustrates the following:

- 13 • Red line - representing the filed route;
- 14
- 15 • White line - representing the Meyer's written comment to the KCC dated
- 16 April 13, 2010 (Meyer 1);
- 17
- 18 • Magenta line - representing an ITC alternative for consideration (Meyer 2);
- 19
- 20 • Yellow line - representing an alternative communicated verbally to ITC
- 21 before the public hearing (Meyer 3).
- 22

23 The Meyer 1 (white) line angles to the northeast in the north half of S22-
24 T4S-R14W nearly two miles further south than does the filed route. It continues to
25 the northeast to a point in the southern half of S11-T4S-R14W where it turns north
26 for 2.4 miles before rejoining the filed route.

The Meyer 2 (magenta) line has the route extending in a straight line one-half mile further to the north than the filed route before turning to the northeast and rejoining the filed route near the center of S35-T3S-R14W.

The Meyer 3 (yellow) line has the route extending in a straight line one mile further to the north than the filed route before turning to the northeast and rejoining the filed route near the center of S35-T3S-R14W.

The following table summarizes some of the impacts of the proposals compared with the filed route.

Impact Factors	Meyer 1 (White)	Meyer 2 (Magenta)	Meyer 3 (Yellow)	Filed (Red)
Net Change in Length (miles)	+0.09	+0.06	+0.17	---
Net Increase in Number of Angles	0	0	0	---
Distance to Meyer House (feet)	3,250	1,970	1,970	1,280
Distance to Frieling House (feet)	2,550	7,200	7,800	6,300
Distance to Bishoping House (feet)	2,800	4,700	4,700	4,700
Distance to Structures in SW Quarter of S3-T4S-R14W (Hunting Lodge) (feet)	6,700	1,600	1,500	2,750
Distance to Structure Near SE Corner of S34-T3S-R14W (landowner not shown on map) (feet)	3,000	1,500	860	1,900
Number of Meyer Properties Crossed	0	1	0	2
Estimated Net Increase in Construction Cost (\$ thousands)	\$30	\$30	\$80	---

In terms of factors related to construction cost, the only known increases are due to length and angle size, because none of the options require additional angle structures. The Meyer 3 proposal adds the greatest length at 0.17 mile and the estimated net cost associated with it is \$80,000. Both Meyer 2 and Meyer 3 add minimal distance and an estimated cost of \$30,000.

1 All of the Meyer proposals analyzed increase the distance from the Meyer
2 residence. However, each proposal also reduces the distance to other residences,
3 although the distances remain greater than ITC Great Plains' routing criteria of 500
4 feet. Meyer 1 produces the greatest minimum distance to a residence (2,550 feet to
5 the Freiling residence).

6 All of the proposals considered in response to the comments of Jeffrey and
7 Dawn Meyer involve landowners that did not receive notice of the April 12, 2010
8 public hearing. Meyer 1 will involve the largest number of such landowners as it
9 traverses over 3 miles of land that has not been subjected to public comment
10 through either the present siting application or the previous public open house
11 process. As such, ITC Great Plains plans to provide notice to the affected
12 landowners for all three proposals at the earliest possible date.

13 Based on the information above, it is ITC Great Plains' opinion that all three
14 reroutes considered in response to the comments of Jeffrey and Dawn Meyer are
15 viable routes, in addition to the filed route. This conclusion is subject to the
16 possibility that further comment and information may be received from new
17 landowners based on the additional notice that ITC Great Plains will provide.

18 **Q. Please address Mr. Meyer's concerns with regard to his farming operations.**

19 A. In response to the comments made by Mr. McReynolds above, I addressed
20 concerns about general farming operations, including how the routing study
21 developed by Black & Veatch was designed to avoid center pivot irrigation
22 systems, among other structures, and how ITC Great Plains is committed to

1 restoring any property damaged during construction of the line as near as possible
2 to its pre-construction state.

3 With regard to the issue of aerial spraying, transmission lines are just one
4 factor of many with which an aerial application operator must contend on a
5 regular basis when planning his flight path. In many cases, the transmission line
6 may not have any significant effect, and in others may result in a modification.
7 For a variety of reasons, transmission lines are less of an issue for aerial
8 application than other structures, such as distribution lines, wind turbine towers
9 and communications towers with guy wires, or they may impact in combination
10 only with other obstructions. Each application situation is different and evaluated
11 individually, but in general, transmission lines seldom are a significant
12 impediment to successful aerial application. As ITC Great Plains looked into
13 existing experience with aerial spraying, Sunflower indicated there is no adverse
14 impact on aerial spraying as a result of the presence of 345-kV lines in western
15 Kansas. According to Sunflower, aerial spraying can be accomplished by using
16 various flight paths that have proved successful. In addition, aerial spraying
17 companies have indicated to Sunflower that there is no additional expense
18 associated with spraying properties with transmission lines.

19 **Q. Please summarize the testimony of Dawn Meyer.**

20 A. Mrs. Meyer is concerned with the tract closest to their home. Her comments
21 focused on her concern with the effects of high-powered lines on health. She
22 requested that the line be angled further away from the house.

23 **Q. Please address Mrs. Meyer's testimony.**

1 A. Mrs. Meyer's testimony about health concerns has been previously addressed in
2 my response to Mr. McReynolds. In addition, Mrs. Meyer's proposed reroute has
3 been addressed in my response to Mr. Meyer.

4 **Q. Please summarize the testimony of John Timmons.**

5 A. Mr. Timmons requested that ITC Great Plains work with landowners regarding
6 placement of the line. He stated that the line should be as far away from houses
7 as possible. He said he understands that the line is needed, but believes that
8 hassles in the future can be avoided if the company will make every effort to work
9 with landowners over the placement of the line.

10 **Q. Please address Mr. Timmons' testimony.**

11 A. ITC Great Plains is committed to working with landowners regarding the
12 placement of the line on their property. ITC Great Plains is also committed to
13 avoiding close proximity to residences.

14 **Q. Was any other testimony offered at the public hearing?**

15 A. No other speakers presented testimony before the Commission; however, Abbie
16 Hodgson, the Commission's Public Information Officer, filed a report
17 summarizing seven comments that had been received by the Commission, either
18 by email, U.S. mail or phone, as of April 9, 2010. Ms. Hodgson's report was
19 accepted as part of the formal record.

20 **Q. Have you reviewed the comments contained in Ms. Hodgson's report?**

21 A. Yes. Of the comments submitted to the Commission, one attended the public
22 hearing and presented comments to the Commission. This includes a phone call
23 by Jeffrey Meyer, expressing concern about the proximity of the line to his house,

1 which I addressed above. The Commission also received comments from Wayne
2 Snedker, Paul and Judy Hachmeister, Ken and Sheila Hachmeister and Jeff and
3 Barbara Elliott

4 **Q. Please summarize the comments by Mr. Snedker.**

5 A. Mr. Snedker believes he will not be able to grant an easement because there are
6 already four easements on his property. Mr. Snedker doesn't like the wording in
7 the "proposal." He doesn't believe ITC Great Plains is an electric public utility
8 and therefore doesn't believe that the laws and regulations which apply to electric
9 companies apply to ITC Great Plains. Finally, Mr. Snedker believes ITC Great
10 Plains is perpetrating a ploy to get higher rates.

11 **Q. Please address Mr. Snedker's comments.**

12 A. First, based on ITC Great Plains' ownership records regarding landowners within
13 1,000 feet of the line route, it appears that the line, as it was filed, does not
14 actually cross Mr. Snedker's property. We are close to one corner of his property.
15 We intend to check the distance to ensure that we don't "overhang," although the
16 route could be altered to a minor extent and thus avoid the property altogether. If
17 for some reason we do end up on his property (*i.e.*, as a result of the Commission
18 adopting a viable reroute), we will perform the appropriate title research to
19 determine whether there are any restrictions attached to his property which would
20 render the grant of an easement impossible.

21 Next, his comments regarding the "wording in the proposal" are likely
22 related to a copy of ITC Great Plains' form easement agreement distributed to
23 landowners by Farm Bureau representatives, apparently obtained from a landowner

1 from a previous project. As set out in my response to Mr. McReynolds above,
2 easements are not relevant in this proceeding.

3 Mr. Snedker stated that ITC Great Plains is not a utility. As this
4 Commission is fully aware, ITC Great Plains has obtained appropriate certificates
5 of public convenience and necessity to operate as an electric public utility with
6 transmission rights only in certain portions of the state of Kansas. Authority to
7 own, operate and maintain the KETA line was obtained on March 12, 2008, in
8 Docket No. 08-ITCE-544-COC.

9 Finally, with regard to Mr. Snedker's comment that ITC Great Plains
10 actions are a ploy "to get a higher rate," I am unclear as to whether he is referring to
11 the easement process or our rates which are approved by FERC. Regardless,
12 neither issue is relevant to this proceeding. The purpose of this proceeding is for a
13 determination on the need for the line and the reasonableness of the location of the
14 route.

15 **Q. Please summarize the letter submitted by Paul and Judy Hachmeister.**

16 A. Paul and Judy Hachmeister indicated they previously submitted written comments
17 to ITC Great Plains about the proposed route and attended our informational
18 meeting in Plainville, Kansas. The Hachmeisters also acknowledged that we
19 modified the route to avoid a center pivot irrigation system near their feedlot. The
20 Hachmeisters are concerned about the impact of the line on their cattle operations,
21 primarily due to the effect of EMF.

22 **Q. Please address the Paul and Judy Hachmeister letter.**

1 A. With regard to the Hachmeister's concern about the impact of the line on their
2 cattle operations, I previously addressed the fact that 345-kV lines have operated
3 safely across the country in the vicinity of people and animals for decades. For a
4 more complete discussion, please see my response to Mr. McReynolds.

5 **Q. Please summarize the letter submitted by Ken and Sheila Hachmeister.**

6 A. Ken and Sheila Hachmeister indicated they previously submitted written
7 comments to ITC Great Plains about the proposed route and attended our
8 informational meeting in Plainville, Kansas. The Hachmeisters provided advice
9 they received from legal counsel. The Hachmeisters acknowledged that we
10 modified the route to avoid a center pivot irrigation system. The Hachmeisters
11 are concerned about the impact of EMF on their cattle operations. The
12 Hachmeisters believe the line will interfere with the use and enjoyment of their
13 property. The Hachmeisters believe that there are landowners who would
14 welcome the transmission towers as a source of revenue and requested that the
15 line be moved to those landowners' property.

16 **Q. Please address the Ken and Sheila Hachmeister letter.**

17 A. The bulk of the Hachmeister's concerns are related to the impact of the line on
18 their cattle and farming operations vis-à-vis exposure to EMF. I addressed these
19 concerns in response to the comments made by Mr. McReynolds so I'll not repeat
20 them here. With regard to the advice the Hachmeisters received from legal
21 counsel, it would not be appropriate for me to comment on that advice.

22 **Q. Please summarize the letter submitted by Jeff and Barbara Elliott.**

1 A. The Elliotts initially expressed concern about the location of one of the routes
2 with respect to a projected residential building. Mr. Elliott spoke with Salvatore
3 Falcone at the informational meeting in Plainville, Kansas, about his concern with
4 the proposed route in relation to his projected building site. Mr. Elliott followed-
5 up with me by providing evidence of construction activity. Mr. Elliott suggested
6 an alternative route which he claims would straighten and shorten the proposed
7 line. The Elliotts requested that ITC Great Plains consider their reroute.

8 **Q. Please address the Jeff and Barbara Elliott letter.**

9 A. The reroute suggested by Mr. Elliott in his letter dated March 24, 2010 is shown on
10 Attachment 3 to my testimony (the orange dashed line). ITC Great Plains
11 subsequently developed a list of landowners affected by this proposal and sent
12 notification to each affected landowner that this proposal was under consideration.
13 This notification was sent along with notification of the April 12 public hearing.
14 Subsequently, ITC Great Plains was contacted by 3 of the landowners with
15 comments regarding the Elliott's proposal. These discussions resulted in ITC Great
16 Plains convening a meeting with the affected landowners, resulting in an additional
17 route alternative. These developments will be discussed later in my testimony in
18 response to additional comments supplied by the Elliotts.

19 **III. POST-PUBLIC HEARING COMMENTS**

20 **Q. To your knowledge, has the Commission received any comments since the**
21 **report filed at the April 12, 2010 public hearing?**

22 A. Yes. On April 12, 2010, I received a comment from the Commission's Office of
23 Public Affairs and Consumer Protection (PACP) from Midwest Energy, Inc. On

1 April 13, 2010, I received two comments from PACP. One was from Kelly Muir;
2 the other was from Jeff Hofaker. On April 14, 2010, I received updated
3 comments from Jeff Elliott. Also on April 14, 2010, I received information that
4 Jeffrey Meyer had called PACP on April 9. Finally, on April 15, 2010, I received
5 comments from PACP from Jeffrey and Dawn Meyer, J.D. Pettyjohn and Darlene
6 Pettyjohn.

7 **Q. Please summarize the letter from Midwest Energy, Inc.**

8 A. William N. Dowling, Vice President Energy Management and Supply, sent a
9 letter on behalf of Midwest Energy, Inc. (Midwest Energy). Mr. Dowling stated
10 that Midwest Energy has a direct and substantial interest in ITC Great Plains'
11 siting docket because: (1) it is the property owner where a portion of the line will
12 be located as it approaches the new Post Rock Substation, and (2) Midwest
13 Energy is the Transmission Owner with respect to existing transmission lines in
14 the adjacent area, as well as the party constructing a new 230-kV substation as
15 part of the construction of the KETA Project.

16 In addition to comments on this Phase II filing, Mr. Dowling also provides
17 comments on Phase 1 of the KETA Project, which was the subject of ITC Great
18 Plains' siting request in Docket No. 09-ITCE-729-MIS. Mr. Dowling stated that
19 at the time of ITC Great Plains' siting application, Midwest Energy had not yet
20 worked out the details of the substation arrangement at the Post Rock Substation,
21 nor had it addressed concerns related to routing other transmission lines through
22 its property. As a result, Midwest Energy did not propose an alternative route in
23 the Phase I docket as it relates to interconnection with its 230-kV facilities. Since

1 the time the order approving Phase I siting was issued, however, Mr. Dowling
2 stated that Midwest Energy has been involved in extensive discussions with ITC
3 Great Plains regarding the arrangement of new facilities on its property.
4 Furthermore, Mr. Dowling stated that Midwest Energy has been directed by SPP
5 to provide a study of the feasibility of connecting a new wind generating facility
6 to its 230-kV transmission system in this same vicinity. According to Mr.
7 Dowling, this substantially changes Midwest Energy's view of appropriate
8 routing of both the Phase I and II transmission lines.

9 In addition to discussions with ITC Great Plains, Midwest Energy has also
10 talked with the landowner immediately north of its property, Mr. Dan Hess of
11 Hess Services, Inc. Mr. Dowling indicated that Mr. Hess has some concerns
12 about the routing of a double-circuit 345-kV transmission line down the east side
13 of his property as it may impede development of his property for commercial
14 purposes. It is Midwest Energy's understanding that Mr. Hess proposes to
15 construct a new facility on his property, requiring access for tall cranes and other
16 equipment from 230th Avenue, which would be directly impacted by the
17 construction of the proposed double-circuit 345-kV transmission line on the east
18 edge of his property and immediately adjacent to 230th Avenue.

19 Midwest Energy proposes that the Commission consider a modification to
20 the Phase II siting of the proposed transmission line that would have the first
21 approximately one-half mile of the new line leaving the Post Rock Substation
22 going north across both SE1/47-T13S-R18W and NE1/47-T13S-R18W traverse
23 the two parcels in approximately the middle of each parcel, rather than at the

1 eastern edge. Furthermore, Midwest Energy respectfully requests that the
2 Commission grant ITC Great Plains the latitude to relocate the Phase I route
3 across these two parcels to allow for double-circuit construction through the
4 approximate middle of the two parcels, rather than adjacent to 230th Avenue.
5 According to Mr. Dowling, this should not materially impact siting on any other
6 properties.

7 As further support for his request, Mr. Dowling indicated that the
8 requested siting modification will provide Midwest Energy with significantly
9 more flexibility in routing future transmission lines, involving construction at 345
10 kV, 230 kV or 115 kV, through this area adjacent to its existing substation,
11 existing generating facility and the proposed new substations as future SPP
12 transmission expansion plans require. Mr. Dowling stated that he was not
13 attempting to speak for Mr. Hess, but that it's his understanding that the proposed
14 change in siting would also allow Mr. Hess to make more efficient utilization of
15 his property for commercial purposes. Mr. Dowling is able to state, however, that
16 Mr. Hess concurs with Midwest Energy's reroute modifications described above
17 and believes that Mr. Hess will so indicate in writing to the Commission.

18 **Q. Please address Mr. Dowling's letter and the proposed reroute modification**
19 **submitted by Midwest Energy.**

20 A. ITC Great Plains has met with Midwest Energy and also with Mr. Hess regarding
21 the modifications to both the Phase II and Phase I routes (illustrated on
22 Attachment 4 to this testimony). Neither of those modifications is problematic for
23 ITC Great Plains. Furthermore, the only two landowners impacted by the

suggestion are Midwest Energy and Mr. Hess. For purposes of this proceeding, ITC Great Plains has no hesitation about seeking the reroute proposed by Midwest Energy. The only question I have pertains to the request to relocate the Phase I line from 230th Avenue to approximately the middle of the two affected parcels.

Q. What question do you have with regard to Midwest Energy's request to relocate the Phase I line from 230th Avenue to approximately the middle of the two affected parcels.

A. I don't question the viability or the reasonableness of the request. My question goes to how to accomplish the reroute from a procedural perspective vis-à-vis the Commission's siting process. Phase I concluded on July 13, 2009 with an Order Granting Siting Permit, granting ITC Great Plains permission to site the line based on a route approved by the Commission. However, in paragraph 89 of that Order, the Commission stated:

The Commission specifically conditions this permit on ITC Great Plains' continued flexibility in working with all affected landowners. In this vein, the Commission encourages minor adjustments to the location of this line as necessary to minimize landowner impact, but requires that material, major adjustments, and any such adjustment for which landowners would not have received reasonable notice, be approved by the Commission before being implemented.

To my knowledge, the issue of a proposed reroute - agreed to by all the affected stakeholders - after a siting docket has concluded has never come up. I could argue that the reroute for Phase I proposed by Midwest Energy, and approved by Mr. Hess, represents a minor adjustment because the only affected landowners not only approve, but also suggested it. Further, from a construction cost standpoint, the reroute has no net effect on Phase II as the overall length is the same, as is the

1 number of angles. But for Phase I, the length is decreased by 0.25 mile, resulting
2 in a construction cost decrease of approximately \$200,000.

3 **Q. Do you have a recommendation for the Commission?**

4 A. Yes. Based on the unique facts and circumstances presented here, I believe the
5 Commission could, and should, find that the proposed Phase I reroute by Midwest
6 Energy is a minor adjustment as contemplated by the Commission in its July 13,
7 2009 Order Granting Siting Permit. I believe this is appropriate for the reasons I
8 stated above, that is, that the two affected landowners not only approve of the
9 reroute, but suggested it, and further, the proposed reroute results in shorter length
10 and lower cost.

11 **Q. Please summarize the letter from Kelly Muir.**

12 A. Mr. Muir indicated he is the President of the Rooks County Farm Bureau
13 Association. It appears to me that Mr. Muir's letter is virtually identical to the
14 letter and statement presented at the public hearing by Mr. McReynolds, also with
15 Farm Bureau. In short, like Mr. McReynolds, Mr. Muir raised four areas of
16 concern that he requested the Commission address, that is, intrusive land use,
17 safety, legal liability and compensation.

18 **Q. Please address Mr. Muir's letter.**

19 A. The issues raised in Mr. Muir's letter were all fully and completely addressed in
20 my response to Mr. McReynolds.

21 **Q. Please summarize the letter from Jeff Hofaker.**

22 A. Mr. Hofaker is the Director of Phillips County Economic Development. Mr.
23 Hofaker indicated that Phillips County is in favor of a transmission line because

1 of the economic development wind development brings to the county. With
2 regard to reaching Axtell, Nebraska, from Hays, Kansas, Mr. Hofaker believes
3 Phillips County is ideally situated for the route.

4 Mr. Hofaker believes that the early involvement of landowners and
5 community leaders by ITC Great Plains was a good idea. At one of ITC Great
6 Plains' meetings with community leaders, Mr. Hofaker indicated that he had
7 expressed to ITC Great Plains that a collaboration of landowners had been making
8 progress with a wind farm project in northern Phillips County called Pleasant
9 Ridge Wind. According to Mr. Hofaker, this project encompasses approximately
10 33,000 acres from multiple landowners. This project could also benefit wind
11 development in Smith County.

12 Mr. Hofaker expressed concern that the route ultimately chosen by ITC
13 Great Plains for approval by the Commission is too far east for the Pleasant Ridge
14 Wind project. He stated that a decision to approve the eastern route could either
15 put the project in jeopardy of being severely delayed or of not being considered
16 by wind developers in Phillips County. Mr. Hofaker stated that although this
17 project does not visibly show up on the KCC's map of state wind development
18 projects, more planning has already been undertaken than for many of the projects
19 noted by the KCC's map.

20 Mr. Hofaker referenced an article which appears on KETA's website
21 entitled "Wind of Change," from the Kansas Government Journal, June 2009.
22 According to Mr. Hofaker, the article discusses in detail KETA, the benefits, how
23 KETA was formed and other information about the uses of creating new

1 transmission lines. Mr. Hofaker highlighted the section on “Integrating Wind-
2 Generated Electricity on the Grid” as support for his desire to have the
3 transmission line close to his wind project.

4 Mr. Hofaker stated his appreciation for ITC Great Plains’ willingness to
5 finance the cost of needed transmission line infrastructure through regional rates,
6 and also to KETA and the Commission for their role in bringing transmission to
7 western Kansas. Mr. Hofaker concluded by urging the Commission to consider
8 re-evaluating the route that brings the transmission line closer to its proposed
9 wind project.

10 **Q. Please address Mr. Hofaker’s letter.**

11 A. Mr. Hofaker is suggesting that ITC Great Plains abandon its filed route and
12 instead adopt one of two other routes presented to landowners informally at our
13 open houses in late 2009. The two other routes are identified as routes 2 and 2A
14 (orange routes), and appear in Attachment 1 to this testimony and Appendix A to
15 Exhibit 1 of Salvatore Falcone’s Direct Testimony. These routes go through the
16 center of Rooks County and continue near the Phillips County-Smith County
17 border to a point on the Kansas-Nebraska border considerably west of the agreed
18 meet point with the Nebraska Public Power District (NPPD) in Smith County,
19 Kansas.

20 Without repeating our previously filed direct testimony, especially the
21 Direct Testimony of Mr. Falcone, I will briefly point out that ITC Great Plains
22 evaluated routes 2 and 2A, but ultimately did not select them, in part, because
23 they received worse scores than the filed route, which achieved the best score. In

1 addition, both routes 2 and 2A terminate significantly west of the NPPD meet
2 point on the Kansas-Nebraska border. Specifically, route 2 is approximately 10
3 miles west of the NPPD meet point, and route 2A is approximately 6 miles west
4 of the NPPD meet point. Further, ITC Great Plains estimates that 323 additional
5 parcels are impacted with route 2, and 311 additional parcels are impacted by
6 route 2A. Finally, the estimated additional cost to construct either of these routes
7 and meet NPPD at the border is approximately \$5 million for route 2 and \$3
8 million for route 2A.

9 Mr. Hofaker advocates routes 2 and 2A because he thinks those routes
10 would increase the likelihood of developing a planned wind farm in Phillips
11 County, Kansas. I refer the Commission to the extensive discussion in response
12 to ICG Aeolian about the reasons that ITC Great Plains does not choose its route
13 to accommodate particular wind projects. I will point out that the filed route
14 depicted in Attachment 1 traverses an area with significant wind development
15 potential.

16 Due to the additional line miles to reach the NPPD meet point, the
17 additional landowner impacts, the additional cost and the fact that these routes
18 were already evaluated and scored based on objective routing criteria used to
19 analyze alternatives, ITC Great Plains does not deem the abandonment of the filed
20 route in favor of either routes 2 or 2A as viable. Accordingly, ITC Great Plains
21 will not provide additional notice to landowners regarding routes 2 and 2A unless
22 the Commission concludes that we should do so.

23 **Q. Please summarize the updated comments from Jeff Elliott.**

1 A. On April 14, 2010, ITC Great Plains received updated comments from Jeff Elliott
2 from PACP. In his comments, Mr. Elliott indicated that the purpose of his letter
3 was to address a change to the proposed "Elliot Reroute" in sections 2, 11 and 14,
4 all in T10S R16W and S35 T9S R16W, Rooks County, Kansas.

5 The Elliot Reroute was an alternative to the original preferred route that
6 would have passed in close proximity to a proposed residential building site on
7 property owned by Jeff and Barbara Elliott in section 14. I detailed this reroute
8 more fully above.

9 Mr. Elliott indicated that during discussions I had with him and other local
10 landowners affected by the reroute, it was determined that the southernmost point
11 of the route was not marked as he originally intended. A change was made and
12 an updated alternative (described herein as the Highway 18 Crossing Reroute)
13 was set out on a map attached to Mr. Elliott's updated comment (see Attachment
14 3, red dashed line).

15 Mr. Elliott stated that an informal meeting was held on April 12, 2010 in
16 Natoma, Kansas, with representatives of ITC Great Plains, including myself, Mr.
17 Falcone of Black & Veatch, and all but one of the landowners affected by the
18 Elliot Reroute. The purpose of the meeting was to have an open discussion
19 between landowners to weigh the pros and cons of the filed route, the Elliot
20 Reroute, or any other suggested route. According to Mr. Elliott, after discussion,
21 the affected landowners agreed the Highway 18 Crossing Reroute would be the
22 most acceptable route for the transmission line. I can attest to the accuracy of this
23 statement as I was present. Mr. Elliott has requested an updated map showing

1 only the Highway 18 Crossing Reroute in order to eliminate any confusion
2 created by the map provided by Mr. Elliott. I am in the process of preparing the
3 map as requested.

4 Mr. Elliott indicated that at the conclusion of the informal meeting, he
5 took the ITC Great Plains representatives and KCC staff members on a brief tour
6 of the proposed residential building site to show the measures he and his wife
7 have implemented toward their building project and to see the actual physical
8 location of the proposed power line.

9 Mr. Elliott concluded by expressing his hope that the information
10 presented in his updated letter and the correspondence of March 24, 2010 will be
11 of value to the Commission as it considers his request to adopt and approve the
12 proposed Elliot Reroute.

13 **Q. Please address the updated comments and proposed reroute provided by Jeff**
14 **Elliott.**

15 A. Jeff and Barbara Elliott own property on the south side of Kansas Highway 18 west
16 of Natoma. This property includes:

- 17 • Approximately 80 acres in the southernmost quarter of S11-T10S-R16W
18 (site of home and farmstead);
- 19 • Approximately 380 acres in S14-T10S-R16W.

20 ITC's filed route runs through the Elliott property in both sections, from
21 southwest to northeast. The route runs through the Elliott property for
22 approximately 4,000 feet in Section 14 and 1,200 feet in Section 11.
23
24

As Mr. Elliot stated in his comments, several landowners in the area met with ITC and Black & Veatch representatives on April 12, 2010 to discuss alternatives to the filed route in the area of the Highway 18 crossing. Mr. Elliott proposed a revision that was the least objectionable to the landowners present. It is shown as the Highway 18 Crossing Reroute (red dashed line) on Attachment 3.

The following table summarizes some of the impacts of the proposals compared with the filed route.

Impact Factors	Highway 18 Crossing Reroute	Filed (Red)
Net Change in Length (miles)	-0.26	---
Net Increase in Number of Angles	0	---
Estimated Distance to Elliott Future Home Site (feet)	1,000	500
Estimated Length of Line on Elliott Property (feet)	2,700	5,200
Estimated Length of Line on Ziegler Property (feet)	4,000	4,100
Estimated Net Decrease in Construction Cost (\$ thousands)	\$200	---

In terms of factors related to construction cost, the Highway 18 Crossing Reroute is 0.26 mile shorter in length than the filed route and results in two angles that are lesser in magnitude than for the filed route. The Highway 18 Crossing Reroute construction cost would be approximately \$200,000 less than the filed route cost.

Having met with the landowners in the area and toured the Elliott property, ITC Great Plains believes that the Elliott's request for a route modification is reasonable and that the Highway 18 Crossing Reroute is the best compromise solution for the landowners in this area.

1 **Q. Please summarize the follow-up comments from Jeffrey and Dawn Meyer.**

2 A. On April 15, 2010, ITC Great Plains received additional comments from Jeffrey
3 and Dawn Meyer from PACP. The Meyers mainly reiterated the comments they
4 made at the April 12, 2010 public hearing in Stockton. They don't believe 500
5 feet is a safe distance to locate a high powered transmission line. They are
6 concerned about the health and safety of their family, which includes two young
7 boys. They would like to see the line rerouted at least a half mile from their
8 home. They believe this is not an unreasonable request given that there are not
9 many occupied residences in their area.

10 The Meyers claim that on the morning of April 13, 2010, they drove
11 around their immediate neighborhood with Michael Wegner, Tom DeBaun and
12 Andrew Fry, all KCC staff members. The Meyers claim that the staff members
13 agreed that there are other reasonable, possibly even more reasonable, routes for
14 the proposed line. The Meyers provided a map which sets out a route it believes
15 is a more acceptable route, and requested that the Commission consider the
16 reroute they proposed.

17 **Q. Please address the comments and proposed reroute provided by Jeffrey and**
18 **Dawn Meyer.**

19 A. As stated above in response to the Meyers' public hearing comments, ITC Great
20 Plains believes its filed route more than satisfies the Meyer's concerns about the
21 proximity of the line to their homestead and nearest farm building and is
22 supportive of its filed route. However, ITC Great Plains has also evaluated three

1 viable route alternatives that move the line further from the Meyer's home for the
2 Commission's consideration.

3 **Q. Please summarize the letter from J. D. Pettyjohn.**

4 A. On April 15, 2010, ITC Great Plains received comments from J.D. Pettyjohn. Mr.
5 Pettyjohn indicated he was unable to attend the April 12, 2010 public hearing.
6 Mr. Pettyjohn stated that he favors the western alternative over the east route
7 chosen by ITC Great Plains as its preferred route. Mr. Pettyjohn thinks the west
8 route would be located near an already planned wind farm, which would generate
9 additional income for Rooks County. Mr. Pettyjohn stated that as a taxpayer in
10 Rooks County, his taxes could go down if the line were rerouted.

11 **Q. Please address the letter from J. D. Pettyjohn.**

12 A. It appears that Mr. Pettyjohn is advocating that ITC Great Plains abandon the filed
13 route and build the western proposed route, which was shared with the public at
14 ITC's open houses in late 2009. The route is depicted as route 1 (green route) in
15 Attachment 1 to this testimony and Appendix A to Exhibit 1 of the Direct
16 Testimony of Salvatore Falcone in this proceeding. Without repeating our
17 previously filed direct testimony, especially the Direct Testimony of Mr. Falcone,
18 I will briefly point out that ITC Great Plains evaluated route 1, but ultimately did
19 not select it, in part, because it received a worse score than the filed route, which
20 achieved the best score. In addition, route 1 terminates significantly west of the
21 NPPD meet point at the Kansas border. Specifically, route 1 is approximately 15
22 miles west of the NPPD meet point. Further, ITC Great Plains estimates that 323
23 additional parcels are impacted with route 1 from the Post Rock substation to the

1 Nebraska border. Further, ITC Great Plains estimates that 58 additional parcels
2 are impacted with route 1 between the north end of route 1 and the NPPD meet
3 point at the north end of the filed route. Finally, the estimated additional cost to
4 construct route 1 and meet NPPD at the border is at least \$13 million.

5 Mr. Pettyjohn prefers route 1 in part because he thinks that route would
6 increase the likelihood of wind development in Rooks County and help the
7 economy in Rooks County. I refer the Commission to the extensive discussion in
8 response to ICG Aeolian about the reasons that ITC Great Plains does not choose
9 its route to accommodate particular wind developers. I will point out that the
10 filed route depicted in Attachment 1 traverses an area with significant wind
11 development potential.

12 Due to the additional line miles to reach the NPPD meet point, the
13 additional land owner impacts, the additional cost and the fact that the route was
14 already evaluated and scored based on objective routing criteria used to analyze
15 alternatives, ITC Great Plains does not deem the complete abandonment of the
16 filed route in favor of route 1 as viable. Accordingly, ITC Great Plains will not
17 provide notice regarding route 1 unless the Commission concludes that we should
18 do so.

19 **Q. Please summarize the letter from Darlene Pettyjohn.**

20 A. Darlene Pettyjohn indicated she resides out of state and was therefore unable to
21 attend the public hearing, but owns property and is a taxpayer in Rooks County.
22 Ms. Pettyjohn wrote that she believes the west route from Hays to the Nebraska
23 border is the route that should be approved. She states that the west route in an

1 area in Rooks County where a wind farm is already planned, and availability of
2 transmission lines could attract even more wind farm projects. She believes
3 transmission lines on the west route would lower the cost of getting wind energy
4 to the public. She also believes the construction and maintenance of the line
5 would help the local economy, including local schools and government. She said
6 that ITC Great Plains would also benefit because many landowners in Rooks
7 County are already in favor of the line. Ms. Pettyjohn concluded by stating that
8 the west route presents a win-win for ITC Great Plains and the local community,
9 and asked the Commission to consider

10 **Q. Please address the letter from Darlene Pettyjohn.**

11 A. Like J.D. Pettyjohn, Darlene Pettyjohn would like ITC Great Plains to build on
12 the western route, route 1, as presented at our public open houses, to facilitate
13 wind development in Rooks County. My response to Mr. Pettyjohn explains why
14 we do not think the western route is a “viable” option at this time.

15 **IV. ADDITIONAL NOTICE REQUIREMENTS**

16 **Q. You evaluated several reroutes based on comments from landowners above,**
17 **some of which require additional notice to new landowners. Have you**
18 **provided additional notice to new landowners?**

19 A. Yes. ITC Great Plains has either provided notice or is in the process of providing
20 notice to new landowners affected by the three Meyer reroute alternatives and the
21 alternative proposed by Jeff and Barbara Elliott. ITC Great Plains does not intend
22 to provide notice to new landowners affected by the reroute proposed by Charles

1 Linderman on behalf of ICG Aeolian, LLC, the reroutes proposed by Mr. Hofaker
2 or the reroute proposed by J.D. and Darlene Pettyjohn..

3 **Q. How did you determine which proposed reroutes warranted notice to newly**
4 **impacted landowners?**

5 A. The Commission has provided guidance both in its Order Granting Siting Permit
6 in our Phase I docket and in the procedural order in this case. For example, in the
7 Phase I Order, the Commission concluded that:

8 63. ... [i]n future proceedings under the Siting Act, the
9 company must give notice to new landowners impacted by viable
10 alternative routes that are developed in response to public
11 comments. In incorporating this requirement, the Commission
12 recognizes that this additional notice will not be the same as
13 afforded landowners initially notified of the company's preferred
14 route when the application is filed. The Commission will work
15 with companies to be sure newly impacted landowners have notice
16 of the alternative route and have an opportunity to comment before
17 a final decision is made on the siting permit.
18

19 64. In requiring notice to newly impacted landowners,
20 the Commission will not require a company to notify every new
21 landowner potentially impacted by each proposal suggested by a
22 member of the public. Instead, the Commission finds the key
23 question in determining which new landowners must be notified is
24 whether the alternative route is viable. ...
25

26 In paragraph 15 of its Order Adopting Procedural Schedule and Granting
27 CURB Intervention in this case, the Commission reiterated its finding in
28 paragraph 63 noted above, that "if a viable alternative route to the company's
29 proposed route is developed in response to public comments, the company must
30 give notice to new landowners impacted by this alternative route."

31 It is our understanding that a "viable" alternative route must be more than
32 just technically feasible. In making an assessment of whether a proposed reroute

1 is "viable," we consider the miles added (or subtracted) to the project and the
2 additional cost. We also give consideration to whether the reroute would
3 significantly change the overall score for the modified route. We have provided
4 the Commission with information about the number of landowners that would be
5 receiving notice of the reroutes after the public hearing. Obviously, more
6 compact reroutes increase the likelihood that the input of all affected landowners
7 can be considered during the 120-day proceeding as compared to more extensive
8 reroutes. We think there must be an important distinction between relatively
9 modest reroute proposals, and extensive proposals that functionally comprise
10 "new" routes rather than modifications to the filed route. Based on the
11 Commission Orders, ITC Great Plains has provided additional notice or will
12 provide additional notice to new landowners when we determined that a proposed
13 alternative route is viable. Because we determined that reroutes proposed by the
14 Meyers and Elliotts were viable, we are providing additional notice to new
15 landowners impacted by those reroutes. Because we determined that the reroutes
16 proposed by Mr. Linderman, Mr. Hofaker and the Pettyjohns were not viable, we
17 do not plan to provide additional notice to new landowners impacted by those
18 reroutes unless we are directed by the Commission to do so.

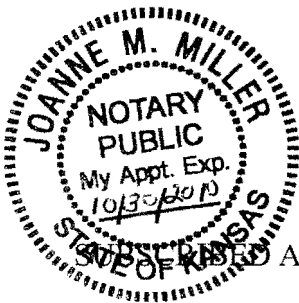
19 **Q. Does this conclude your testimony?**

20 **A.** Yes.

VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

I, Alan K. Myers, of lawful age, and being first duly sworn upon my oath state that I am the Vice President of Technical Services of ITC Great Plains, LLC, that I have read the above and foregoing Supplemental Testimony and, upon information and belief, state that the matters therein appearing are true and correct.



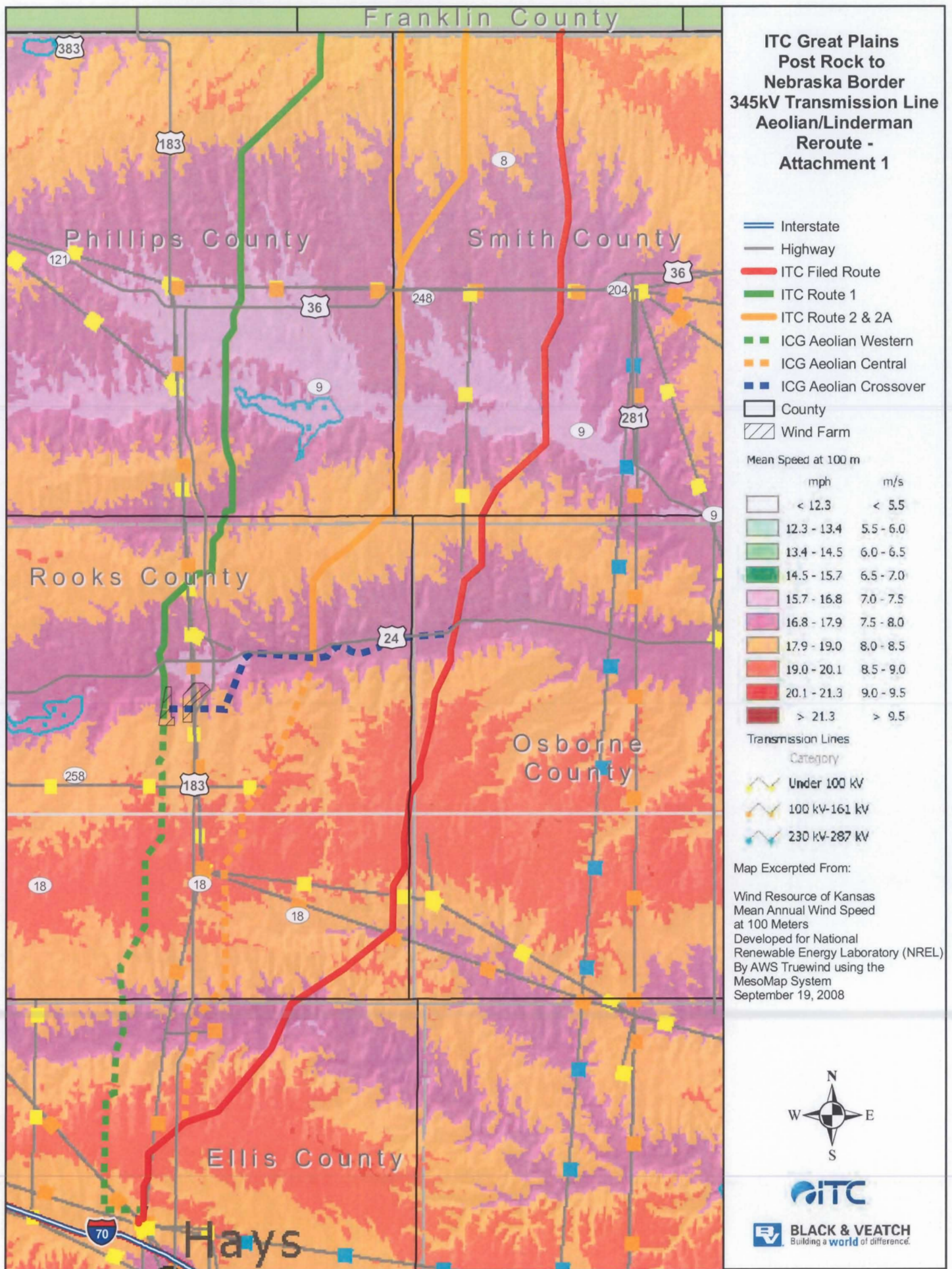
Alan K. Myers

Alan K. Myers

SUBSCRIBED AND SWORN to before me on this 23 day of April, 2010.

Joanne M. Miller
Notary Public

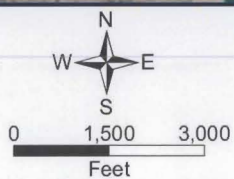
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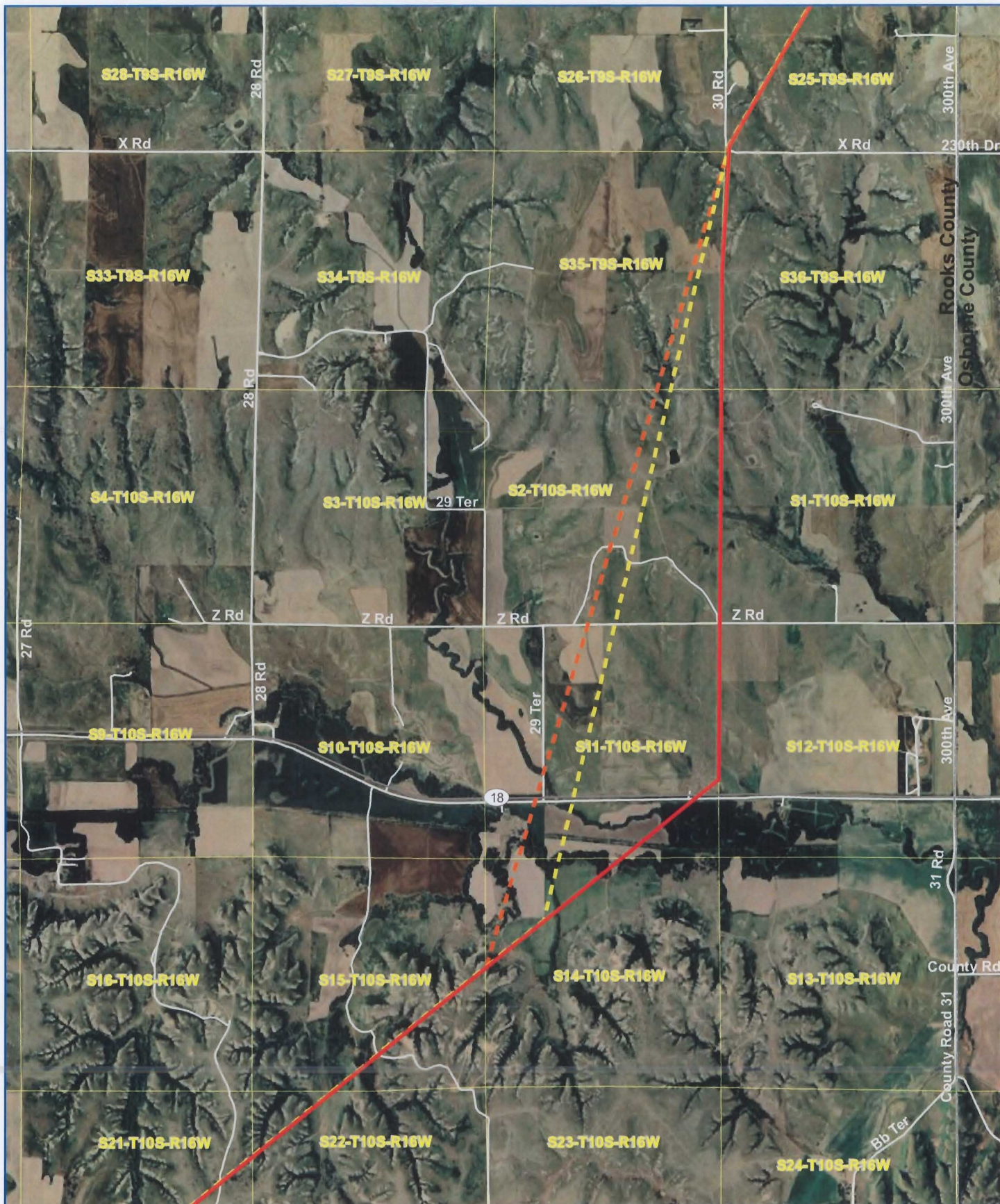




**ITC Great Plains
Post Rock to Nebraska Border
345kV Transmission Line
Meyer Reroute -
Attachment 2**

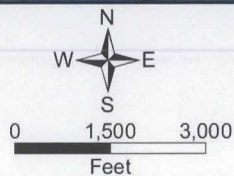
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|--|-------------|--|----------|
| | Houses | | Roads |
| | Filed Route | | Sections |
| | Meyer 1 | | |
| | Meyer 2 | | |
| | Meyer 3 | | |





**ITC Great Plains
Post Rock to Nebraska Border
345kV Transmission Line
Highway 18 Crossing -
Attachment 3**

- Highway 18 Crossing Reroute
- Elliot Reroute
- Filed Route
- Roads
- Sections





**ITC Great Plains
Post Rock to Nebraska Border
345kV Transmission Line
Midwest Energy Reroute -
Attachment 4**

- Midwest Energy Reroute
- Phase 2 Filed Route
- Phase 1 Route
- Roads
- Sections

