

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

In the Matter of the Investigation into the )  
Principles and Priorities to be Established for )  
Evaluating the Reasonableness of the Location ) Docket No. 24-GIME-102-GIE  
of a Proposed Transmission Line in Future Line )  
Siting Proceedings )

**ITC GREAT PLAINS, LLC'S RESPONSE TO STAFF'S SECOND  
REPORT AND RECOMMENDATION**

COMES NOW, ITC Great Plains, LLC (ITC) and files this Response to the March 15, 2024, Report and Recommendation (Second R&R) filed by the Staff of the State Corporation Commission of the State of Kansas ("Staff" and the "Commission" respectively). In support of its Response, ITC states as follows.

**I. Background**

1. On August 3, 2023, the Commission issued an Order Opening a General Investigation into "the principles and priorities to be used in future line siting proceedings."<sup>1</sup> On December 1, 2023, Staff filed a Report and Recommendation (Initial R&R). Staff recommended that this Docket focus broadly on two categories:

1. Provide insight into the appropriate role of state jurisdictional authorities in the SPP process to develop parameters for consideration in a SPP Request for Proposal (RFP) for a competitively bid transmission construction project (FERC 1000 Project).
2. Establish guidelines of land use parameters and construction practices that should be considered in determining the reasonableness of the route in rural areas of an electric transmission line.<sup>2</sup>

2. Several parties submitted responsive comments to Staff's Initial R&R. On February 12, 2024, Staff filed a Motion to Extend Procedural Schedule, to allow Staff to

---

<sup>1</sup> Order Opening General Investigation, pg. 1 (August 3, 2023).

<sup>2</sup> Notice of Filing of Staff's Report and Recommendation, pg. 2 (December 1, 2023).

summarize parties' comments and provide further recommendations on appropriate scope of the docket.<sup>3</sup> On February 20, 2024, the Commission granted Staff's motion.

3. On March 15, 2024, Staff filed its second Report and Recommendation (Second R&R) recommending that the general investigation focus only on Category 2, establishing guidelines of land use parameters and construction practices that should be considered in determining the reasonableness of the route.<sup>4</sup> Staff then recommended a preliminary list of "line siting criteria" drawn from a list of factors and weights used in route studies over the past 25 years.<sup>5</sup>

4. Staff's overall recommendation appears to be that parties develop a list of standardized factors and weights to present to the Commission and that these standardized factors and weights will be used in all future routing studies used in line siting dockets before the Commission. Further, that transmission utilities could add to or modify the standardized criteria only with Commission approval.

## **II. Response to Staff's Category 2**

5. In its March 25, 2024, response to Staff's Second R&R, Grain Belt Express, LLC (Grain Belt) expressed concern over "threshold gating issues" regarding the scope of the docket. Namely "(1) a discussion of the benefits and detriments that may result from establishing a defined set of line siting criteria; (2) the process for deviating from any established criteria; and (3) the potential legal and regulatory issues impacted by the establishment of a generally applicable set of line siting criteria, including whether a generally applicable list of all criteria is subject to the

---

<sup>3</sup> Motion to Extend Procedural Deadline, pgs. 1-2 (February 12, 2024).

<sup>4</sup> Second R&R, pg.1 (March 15, 2024).

<sup>5</sup> *Id.* at 3-4.

Kansas Rules and Regulations Filings Act”<sup>6</sup> Grain Belt requested the Commission issue an Order determining the scope of this proceeding.<sup>7</sup> NextEra Energy Transmission Southwest, LLC (NEET Southwest) expressed similar concerns.<sup>8</sup>

6. ITC shares Grain Belt’s and NEET Southwest’s concerns. The Commission has not yet responded to any of Staff’s recommendations. If the Commission wishes to follow Staff’s recommendations to develop a list of route study criteria to be used for all line siting applications in Kansas, then a necessary prerequisite to that discussion will be determination by the Commission of the method it will use to apply those criteria to Kansas utilities. Specifically, whether such a list takes the form of regulation, guidance document, precedential docket or advocacy for a statutory change. Positions of parties may change depending on whether the Commission is proposing new binding filing requirements in the form of new regulations, expressing a preference in a guidance document, or a legislative solution.

### **III. Response to Staff’s Category 1**

7. ITC would also like to take this opportunity to respond to Category 1 of Staff’s Initial R&R. ITC agrees with the Commission’s July 10, 2023, letter to Lanny Nickell stating that eliciting input from states would lead to great improvements in the transmission selection process. However, ITC also agrees with Staff that changes to SPP’s tariffs to facilitate this coordination would take a considerable amount of time<sup>9</sup> and may not be successful.

---

<sup>6</sup> Grain Belt Express LLC’s Response to Staff’s Report and Recommendation and Motion for Commission Order Determining the Scope of this Proceeding, pg. 4 (March 25, 2024).

<sup>7</sup> *Id.* at 6.

<sup>8</sup> Response of NextEra Energy Transmission Southwest LLC, to Staff’s Report and Recommendation, pg. 6 (March 25, 2024).

<sup>9</sup> Staff’s Second R&R pg. 2 (March 15, 2024).

8. However, an alternative to the current process exists. Under FERC Order 1000, when a state has a Right of First Refusal (ROFR) law, instead of a project being bid by third parties and selected by SPP, a transmission NTC is issued to the incumbent utility which is already fully regulated by the Commission. This would allow the Commission to be involved much earlier in the process. If Kansas were to enact such a ROFR, the Commission would have far greater input in any transmission project.<sup>10</sup>

WHEREFORE, ITC supports Grain Belt's request that the Commission issue an Order determining the scope of this proceeding and for any other relief the Commission deems just and reasonable.

Respectfully Submitted,

/s/ Holly L. Fisher

Holly L. Fisher (KS# 24023)  
ITC Great Plains, LLC  
3500 SW Fairlawn Rd., Suite 100  
Topeka, KS 66614  
(785) 414-5483  
[hfisher@itctransco.com](mailto:hfisher@itctransco.com)

**Attorney for ITC Great Plains, LLC**

---

<sup>10</sup> The Kansas Farm Bureau also supports a ROFR for Kansas. Response to Staff's Report and Recommendation, pg. 2 (December 11, 2023).

## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above Response was electronically served this 10<sup>th</sup> day of April, 2024, to:

JAMES G. FLAHERTY, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 S. HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)

JOSEPH R. ASTRAB, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[j.astrab@curb.kansas.gov](mailto:j.astrab@curb.kansas.gov)

TODD E. LOVE, ATTORNEY  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[t.love@curb.kansas.gov](mailto:t.love@curb.kansas.gov)

DAVID W. NICKEL, CONSUMER COUNSEL  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[d.nickel@curb.kansas.gov](mailto:d.nickel@curb.kansas.gov)

SHONDA RABB  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[s.rabb@curb.kansas.gov](mailto:s.rabb@curb.kansas.gov)

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

DIANA CARTER, DIRECTOR OF LEGAL SERVICES  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 S. JOPLIN AVE.  
JOPLIN, MO 64801  
[Diana.Carter@libertyutilities.com](mailto:Diana.Carter@libertyutilities.com)

PATRICK T. SMITH, CORPORATE COUNSEL  
EVERGY KANSAS CENTRAL, INC.  
818 S. KANSAS AVE.  
PO BOX 889  
TOPEKA, KS 66601-0889  
[patrick.smith@evergy.com](mailto:patrick.smith@evergy.com)

LESLIE WINES, Sr. Exec. Admin. Asst.  
EVERGY KANSAS CENTRAL, INC.  
818 S. KANSAS AVE.  
PO BOX 889  
TOPEKA, KS 66601-0889  
[leslie.wines@evergy.com](mailto:leslie.wines@evergy.com)

JACOB G. HOLLY, ATTORNEY  
FOULSTON SIEFKIN LLP  
822 S. KANSAS AVE., SUITE 200  
TOPEKA, KS 66612-1203  
[jholly@foulston.com](mailto:jholly@foulston.com)

LINDA SIDERS, PARALEGAL  
FOULSTON SIEFKIN LLP  
1551 N. WATERFRONT PKWY., SUITE 100  
WICHITA, KS 67206-4466  
[lsiders@foulston.com](mailto:lsiders@foulston.com)

C. EDWARD WATSON, ATTORNEY  
FOULSTON SIEFKIN LLP  
1551 N. WATERFRONT PKWY., SUITE 100  
WICHITA, KS 67206-4466  
[cewatson@foulston.com](mailto:cewatson@foulston.com)

TERRY M. JARRETT, ATTORNEY AT LAW  
HEALY LAW OFFICES, LLC  
306 MONROE STREET  
JEFFERSON CITY, MO 65101  
[terry@healylawoffices.com](mailto:terry@healylawoffices.com)

HEATHER H. STARNES, ATTORNEY  
HEALY LAW OFFICES, LLC  
12 PERDIDO CIRCLE  
LITTLE ROCK, AR 72211  
[heather@healylawoffices.com](mailto:heather@healylawoffices.com)

KEVIN CHANDLER  
INVENERGY LLC  
ONE SOUTH WACKER DRIVE, SUITE 1800  
CHICAGO, IL 60606  
[kchandler@invenenergy.com](mailto:kchandler@invenenergy.com)

NICOLE LUCKEY  
INVENERGY LLC  
ONE SOUTH WACKER DRIVE, SUITE 1800  
CHICAGO, IL 60606  
[nluckey@invenenergy.com](mailto:nluckey@invenenergy.com)

BRAD PNAZEK  
INVENERGY LLC  
ONE SOUTH WACKER DRIVE, SUITE 1800  
CHICAGO, IL 60606  
[bpnazek@invenenergy.com](mailto:bpnazek@invenenergy.com)

FRANK A. CARO, JR., ATTORNEY  
POL SINELLI PC  
900 W. 48<sup>TH</sup> PLACE, SUITE 900  
KANSAS CITY, MO 64112  
[fcaro@polsinelli.com](mailto:fcaro@polsinelli.com)

ANNE E. CALLENBACH, ATTORNEY  
POL SINELLI PC  
900 W. 48<sup>TH</sup> PLACE, SUITE 900  
KANSAS CITY, MO 64112  
[acallenbach@polsinelli.com](mailto:acallenbach@polsinelli.com)

JARED R. JEVONS, ATTORNEY  
POL SINELLI PC  
900 W. 48<sup>TH</sup> PLACE, SUITE 900  
KANSAS CITY, MO 64112  
[jjevons@polsinelli.com](mailto:jjevons@polsinelli.com)

THEODORE J. HILMES, EXECUTIVE VICE PRESIDENT & CEO  
KAMO ELECTRIC COOPERATIVE, INC.  
500 S. KAMO DR.  
PO BOX 577  
VINITA, OK 74301-0577  
[thilmes@kamopower.com](mailto:thilmes@kamopower.com)

BRIAN G. FEDOTIN, GENERAL CONSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[b.fedotin@kcc.ks.gov](mailto:b.fedotin@kcc.ks.gov)

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

CARLY MASENTHIN, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[c.masenthin@kcc.ks.gov](mailto:c.masenthin@kcc.ks.gov)

KYLER C. WINEINGER, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD.  
TOPEKA, KS 66604  
[k.wineinger@kcc.ks.gov](mailto:k.wineinger@kcc.ks.gov)

LESLIE KAUFMAN  
KANSAS ELECTRIC COOPERATIVES, INC.  
7332 SW 21<sup>ST</sup> ST.  
PO BOX 4267  
TOPEKA, KS 66604  
[lkaufman@kec.org](mailto:lkaufman@kec.org)

REAGAN F. MCCLOUD, MGR. OF GOVT. RELATIONS  
KANSAS ELECTRIC COOPERATIVES, INC.  
7332 SW 21<sup>ST</sup> ST.  
PO BOX 4267  
TOPEKA, KS 66604  
[rmcccloud@kec.org](mailto:rmcccloud@kec.org)



LEE TAFANELLI, CEO  
KANSAS ELECTRIC COOPERATIVES, INC.  
7332 SW 21<sup>ST</sup> ST.  
PO BOX 4267  
TOPEKA, KS 66604  
[ltafanelli@kec.org](mailto:ltafanelli@kec.org)

SUSAN B. CUNNINGHAM, SVP, REGULATORY AND GOVERNMENT AFFAIRS,  
GENERAL COUNSEL  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
[scunningham@kepc.org](mailto:scunningham@kepc.org)

REBECCA FOWLER, MANAGER, REGULATORY AFFAIRS  
KANSAS ELECTRIC POWER CO-OP, INC.  
600 SW CORPORATE VIEW  
PO BOX 4877  
TOPEKA, KS 66604-0877  
[rfowler@kepc.org](mailto:rfowler@kepc.org)

WENDEE D. GRADY  
KANSAS FARM BUREAU  
2627 KFB PLAZA  
MANHATTAN, KS 66503-8116  
[grady@kfb.org](mailto:grady@kfb.org)

JACQUELINE GARAGIOLA, ASSOCIATE COUNSEL  
KANSAS LIVESTOCK ASSOCIATION  
6031 SW 37<sup>TH</sup>  
TOPEKA, KS 66610  
[jackie@kla.org](mailto:jackie@kla.org)

PAUL MAHLBERG, GENERAL MANAGER  
KANSAS MUNICIPAL ENERGY AGENCY  
6300 W. 95<sup>TH</sup> ST.  
OVERLAND PARK, KS 66212-1431  
[mahlberg@kmea.com](mailto:mahlberg@kmea.com)

TERRI J. PEMBERTON, GENERAL COUNSEL  
KANSAS MUNICIPAL ENERGY AGENCY  
6300 W. 95<sup>TH</sup> ST.  
OVERLAND PARK, KS 66212-1431  
[pemberton@kmea.com](mailto:pemberton@kmea.com)

DARREN PRINCE, MANAGER, REGULATORY & RATES  
KANSAS MUNICIPAL ENERGY AGENCY  
6300 W. 95<sup>TH</sup> ST.  
OVERLAND PARK, KS 66212-1431  
[prince@kmea.com](mailto:prince@kmea.com)

JAMES GING, DIRECTOR ENGINEERING SERVICES  
KANSAS POWER POOL  
100 N. BROADWAY, SUITE L110  
WICHITA, KS 67202  
[jging@kpp.agency](mailto:jging@kpp.agency)

COLIN HANSEN, CEO/GENERAL MANAGER  
KANSAS POWER POOL  
100 N. BROADWAY, SUITE L110  
WICHITA, KS 67202  
[chansen@kpp.agency](mailto:chansen@kpp.agency)

LARRY HOLLOWAY, ASST. GEN. MGR. OPERATIONS  
KANSAS POWER POOL  
100 N. BROADWAY, SUITE L110  
WICHITA, KS 67202  
[lholloway@kpp.agency](mailto:lholloway@kpp.agency)

CINDY WILSON, DIRECTOR, RATES & REGULATORY AFFAIRS  
LIBERTY UTILITIES – EMPIRE DISTRICT  
602 SOUTH JOPLIN AVENUE  
JOPLIN, MO 64801  
[cindy.wilson@libertyutilities.com](mailto:cindy.wilson@libertyutilities.com)

ANGELA CLOVEN, PLANNING AND REG SPECIALIST  
LIBERTY UTILITIES CORP.  
602 S. JOPLIN AVE.  
PO BOX 127  
JOPLIN, MO 64802-0127  
[angela.cloven@libertyutilities.com](mailto:angela.cloven@libertyutilities.com)

JAMES BRUNGARDT, MANAGER, REGULATORY RELATIONS  
MID-KANSAS ELECTRIC COMPANY, LLC  
301 W. 13<sup>TH</sup> ST.  
PO BOX 980  
AYS, KS 67601  
[jbrungardt@sunflower.net](mailto:jbrungardt@sunflower.net)

WILLIAM DOWLING, VP ENGINEERING & ENERGY SUPPLY  
MIDWEST ENERGY, INC.  
1330 CANTERBURY DRIVE  
PO BOX 898  
HAYS, KS 67601-0898  
[bdowling@mwenergy.com](mailto:bdowling@mwenergy.com)

PATRICK PARKE, CEO  
MIDWEST ENERGY, INC.  
1330 CANTERBURY DRIVE  
PO BOX 898  
HAYS, KS 67601-0898  
[patparke@mwenergy.com](mailto:patparke@mwenergy.com)

WILLIAM P. COX, SENIOR ATTORNEY  
NEXTERA ENERGY TRANSMISSION, LLC  
700 UNIVERSE BLVD.  
JUNO BEACH, FL 33408  
[will.p.cox@nexteraenergy.com](mailto:will.p.cox@nexteraenergy.com)

TRACY C. DAVIS, SENIOR ATTORNEY  
NEXTERA ENERGY TRANSMISSION, LLC  
5920 W. WILLIAM CANNON DR., BLDG. 2  
AUSTIN, TX 78749  
[TracyC.Davis@nexteraenergy.com](mailto:TracyC.Davis@nexteraenergy.com)

JOHN DILLON, EXECUTIVE DIR., REG. MGMT.  
NEXTERA ENERGY TRANSMISSION, LLC  
700 UNIVERSE BLVD.  
JUNO BEACH, FL 33408  
[John.Dillon@nexteraenergy.com](mailto:John.Dillon@nexteraenergy.com)

ALAN CLAUS ANDERSON  
POLSINELLI PC  
900 W 48<sup>TH</sup> PLACE, STE. 900  
KANSAS CITY, MO 64112  
[aanderson@polsinelli.com](mailto:aanderson@polsinelli.com)

ANDREW O. SCHULTE, ATTORNEY  
POLSINELLI PC  
900 W 48<sup>TH</sup> PLACE, STE. 900  
KANSAS CITY, MO 64112  
[aschulte@polsinelli.com](mailto:aschulte@polsinelli.com)

SEAN PLUTA  
POL SINELLI PC  
100 S. FOURTH, SUITE 1000  
ST. LOUIS, MO 63102  
[spluta@polsinelli.com](mailto:spluta@polsinelli.com)

JUSTIN A. HINTON, ATTORNEY  
SOUTHWEST POWER POOL  
201 WORTHEN DR.  
LITTLE ROCK, AR 72223  
[jhinton@spp.org](mailto:jhinton@spp.org)

TESSIE KENTNER, ATTORNEY  
SOUTHWEST POWER POOL  
201 WORTHEN DR.  
LITTLE ROCK, AR 72223  
[tkentner@spp.org](mailto:tkentner@spp.org)

ANGELA MARTIN, PARALEGAL  
SOUTHWEST POWER POOL  
201 WORTHEN DR.  
LITTLE ROCK, AR 72223  
[amartin@spp.org](mailto:amartin@spp.org)

MONICA A. SEIB, CORPORATE PARALEGAL SUPERVISOR  
SUNFLOWER ELECTRIC POWER CORPORATION  
301 W. 13<sup>TH</sup>  
PO BOX 1020  
HAYS, KS 67601-1020  
[mseib@sunflower.net](mailto:mseib@sunflower.net)

AL TAMIMI, VICE PRESIDENT, TRANSMISSION PLANNING AND POLICY  
SUNFLOWER ELECTRIC POWER CORPORATION  
301 W. 13<sup>TH</sup>  
PO BOX 1020  
HAYS, KS 67601-1020  
[atamimi@sunflower.net](mailto:atamimi@sunflower.net)

J.T. KLAUS, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N. ROCK RD., SUITE 300  
WICHITA, KS 67226  
[jtklaus@twgfirm.com](mailto:jtklaus@twgfirm.com)

KACEY S. MAYES, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N. ROCK RD., SUITE 300  
WICHITA, KS 67226  
[ksmayes@twfirm.com](mailto:ksmayes@twfirm.com)

TIMOTHY E. MCKEE, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N. ROCK RD., SUITE 300  
WICHITA, KS 67226  
[temckee@twgfirm.com](mailto:temckee@twgfirm.com)

KENDRA D. STACEY, ATTORNEY  
TRIPLETT, WOOLF & GARRETSON, LLC  
2959 N. ROCK RD., SUITE 300  
WICHITA, KS 67226  
[kstacey@twgfirm.com](mailto:kstacey@twgfirm.com)

TAYLOR P. CALCARA, ATTORNEY  
WATKINS CALCARA CHTD.  
1321 MAIN ST., SUITE 300  
PO DRAWER 1110  
GREAT BEND, KS 67530  
[tcalcara@wcrf.com](mailto:tcalcara@wcrf.com)

JAMES W. BIXBY, SENIOR COUNSEL – REGULATORY & LEGISLATIVE  
ITC HOLDINGS CORP.  
601 13<sup>TH</sup> ST., SUITE 701S  
WASHINGTON, D.C. 20005  
[jbixby@itctransco.com](mailto:jbixby@itctransco.com)

PATRICK WOODS, DIRECTOR, BUSINESS AFFAIRS  
ITC GREAT PLAINS, LLC  
3500 SW FAIRLAWN RD., SUITE 100  
TOPEKA, KS 66614  
[cwoods@itctransco.com](mailto:cwoods@itctransco.com)

**VERIFICATION**

I, Holly L. Fisher, do solemnly, sincerely and truly declare and affirm that I am counsel for ITC Great Plains, LLC, that I have read the foregoing pleading and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief, and this I do under the pains and penalties of perjury.

By: /s/ Holly L. Fisher  
Holly L. Fisher

April 10, 2024