

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

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

In the Matter of the Application of ITC )  
Great Plains, LLC and Mid-Kansas Electric )  
Company, LLC for a Siting Permit for the ) Docket No. 13-ITCE-677-MIS  
Construction of a 345 kV Transmission Line )  
in Cloud and Ottawa Counties, Kansas. )

**ORDER ADOPTING PROCEDURAL SCHEDULE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and being fully advised of all matters of record, the Commission finds and concludes:

1. On May 3, 2013, ITC Great Plains, LLC and Mid-Kansas Electric Company, LLC (collectively the Companies) filed an Application for a siting permit granting them the right to construct their portion of a 345 kilo-Volt transmission line from ITC Great Plains' Elm Creek Substation south to Westar Energy, Inc's Summit Substation.

2. The Commission has jurisdiction over the Companies' Application for a siting permit.<sup>1</sup> Under the Kansas Siting Act, the Commission has 120 days from the date the Application is filed to issue its final Order.<sup>2</sup> The parties proposed the following procedural schedule:

<u>Date</u>	<u>Time</u>	
May 3, 2013		Application filed

<sup>1</sup> K.S.A. 66-1,177, *et seq.*

<sup>2</sup> K.S.A. 66-1,178(d).

May 13, 2013		Notice to Landowners
May 13-May 27, 2013		The Companies to publish notice in newspapers
June 3, 2013	3:00 p.m.	Staff & Intervenor Direct Testimony due
June 3, 2013	3:00 p.m.	The Companies' Affidavit of Publication and Written Notice due
June 3, 2013	6:00 p.m.	Public Hearing (Minneapolis, KS)
June 10, 2013	5:00 p.m.	Public Comment period ends
June 11, 2013		PACP Report of public comments due
June 24, 2013	3:00 p.m.	The Companies' Rebuttal to Staff/Intervenor Testimony due
June 28, 2013	3:00 p.m.	The Companies' Response to Public Hearing comments and written comments to PACP due
July 9, 2013	3:00 p.m.	Staff & Intervenor Response to Public Hearing Comments due
July 16, 2013	3:00 p.m.	The Companies' Rebuttal to Staff & Intervenor Response to Public Hearing Comments due
July 23, 2013	3:00 p.m.	Prehearing motion & discovery cutoff; List of disputed issues due
July 30, 2013	9:30 a.m.	Prehearing Conference (3d Floor Hearing Room)
August 5, 2013	9:00 a.m.	Evidentiary Hearing (1 <sup>st</sup> Floor Hearing Room)
August 12, 2013	3:00 p.m.	The Companies' Initial Post-Hearing Briefs due
August 19, 2013	3:00 p.m.	Staff & Intervenor Post-hearing Briefs due
August 23, 2013	3:00 p.m.	The Companies' Reply Brief due
September 3, 2013		Order due

3. Having reviewed the proposed schedule, the Commission adopts the procedural schedule in paragraph 2.

4. Although the Commission will conduct the evidentiary hearing, the Commission designates a prehearing officer to conduct any prehearing conferences that may be necessary, to address any matters appropriately considered in a prehearing conference, including all items listed in K.S.A. 77-517(b) of the Kansas Administrative Procedure Act (KAPA). The Commission designates Brian G. Fedotin, Advisory Counsel, 1500 SW Arrowhead Road, Topeka, KS 66604-4027, telephone number (785) 271-3105, [b.fedotin@kcc.ks.gov](mailto:b.fedotin@kcc.ks.gov), to serve as Prehearing Officer in this proceeding.<sup>3</sup> The Commission may designate other staff members to serve in this capacity.

5. The Commission concludes a prehearing conference is needed before an evidentiary hearing to address any pending matters, to establish procedures for the evidentiary hearing, and to consider any other prehearing issues to promote the orderly and prompt conduct of this proceeding.<sup>4</sup> The Prehearing Conference is scheduled for July 30, 2013, beginning at 9:30 a.m., in the Third Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, KS 66604-4027. Prehearing Officer Brian G. Fedotin will preside. Any party who fails to attend or participate in the Prehearing Conference or in any other stage of this proceeding may be held in default under the KAPA.<sup>5</sup> Issues to be addressed at this prehearing conference include any pending motions, the order of witnesses at the evidentiary hearing, any waiver of cross-examination of witnesses, the order of cross-examination, and any evidentiary or other matters.

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<sup>3</sup> K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551.

<sup>4</sup> K.S.A. 77-517; K.A.R. 82-1-222.

<sup>5</sup> K.S.A. 77-516(c)(8); K.S.A. 77-520.

6. An evidentiary hearing with the Commission presiding will begin on August 5, 2013, at 9:00 a.m., and continue as needed, through August 6, 2013, in the First Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027, telephone number (785) 271-3100. Any party who fails to attend or participate in the hearing or any other stage of this proceeding may be held in default under the KAPA.<sup>6</sup>

7. The Commission must conduct a public hearing to determine the necessity for and the reasonableness of the location of the proposed electric transmission line, and give those impacted by this proposed line an opportunity to inquire of the parties and to present statements to the Commission.<sup>7</sup> The Prehearing Officer consulted with the Commission's Director of Public Affairs and Consumer Protection, who recommended one public hearing be held in this docket:

**Monday, June 3, 2013, Minneapolis, Kansas beginning at 6:00 p.m.**  
Minneapolis Junior/Senior High School Auditorium  
602 Woodland Street, Minneapolis, KS 67467

8. The Commission adopts the recommendation to conduct a public hearing on June 3, 2013, beginning at 6:00 p.m. The first part of the public hearing, beginning at 6:00 p.m., consists of a question-and-answer session where representatives of the Companies, Commission Staff, CURB and any other intervenors will discuss the proposed route with members of the public. Following the question-and-answer session, and beginning no later than 7:00 p.m., the Commission will conduct a Public Hearing to receive comments from members of the public. Statements made by members of the public to the Commissioners during the Public Hearing will

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<sup>6</sup> K.S.A. 77-518(c)(8); K.S.A. 77-520.

<sup>7</sup> K.S.A. 66-1,178.

be recorded by a court reporter and transcribed. Testimony and written comments received from members of the public will be filed as part of the administrative record in this proceeding.

9. The Kansas Siting Act requires written notice of the time, place, and subject matter of the public hearing, along with a copy of the Application, be served by certified mail to landowners of interest, as defined in K.S.A. 66-1,178, not less than 20 days prior to the public hearing.<sup>8</sup> Additionally, notice of the time, place, and subject matter of the public hearing must be published in newspapers having general circulation in every county through which the electric transmission line is proposed to traverse, once each week for two consecutive weeks prior to the public hearing, the last publication to be not less than five days before such hearing date.<sup>9</sup> The affected Kansas counties are Cloud and Ottawa Counties. The Companies shall work with the Commission's Director of Public Affairs and Consumer Protection to obtain approval of the content of the notice, the timing of the publication, and the list of newspapers in which notice will be published. Any dispute regarding the notice to be given landowners or to be published in newspapers shall be brought to the attention of the Prehearing Officer. The Companies shall file an affidavit by June 3, 2013, verifying the notice of the public hearing that has been given to landowners and by publication in newspapers as required.<sup>10</sup>

10. The Commission directs a public comment period begin immediately and encourages the public to submit written comments to the Commission's Office of Public Affairs and Consumer Protection (PACP Office) by email at [public.affairs@kcc.ks.gov](mailto:public.affairs@kcc.ks.gov). The public may also call the PACP Office at 1-800-662-0027. Written comments may be submitted to the Kansas

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<sup>8</sup> K.S.A. 66-1,179.

<sup>9</sup> K.S.A. 66-1,179.

<sup>10</sup> K.S.A. 66-1,179.

Corporation Commission Office of Public Affairs and Consumer Protection, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Notice to landowners and in newspapers about the public hearing will also inform the public of the opportunity to submit written or oral comments regarding this proceeding.

11. The public comment period begins immediately and will run until June 10, 2013. On June 11, 2013, the PACP Office will provide a report summarizing public comments received now through June 10, 2013. Any comments received by the PACP Office after June 10, 2013, shall be promptly provided to the Prehearing Officer and parties for review.

12. In reviewing the request for a siting permit, the Commission must determine the necessity and reasonableness of the location of the proposed electric transmission line. In reviewing requests under the Kansas Siting Act, the Commission takes into account many factors in determining whether the location of a proposed route is reasonable. The Commission emphasizes the importance of receiving comments from landowners and members of the public in dockets involving the siting of electric transmission lines. If a viable alternative route to the Companies' proposed route is developed in response to public comments, the Companies must provide notice to new landowners impacted by this alternative route. The Commission will work with the Companies to ensure that newly impacted landowners have notice of the alternative route and have the opportunity to comment before a final decision is made on the siting permit. To that end, the Commission directs its PACP Office to work with the Companies and other parties in this proceeding to provide access to public comments as they are received.

13. In addition, the Commission directs the Companies and the PACP Office to make information concerning the proceeding more accessible to the public through use of websites. The Commission directs these parties to include on their respective websites links and contact

information to assist members of the public in easily identifying how to contact the PACP Office to submit public comments and to easily access filings made in this docket. To the extent practicable, parties are encouraged to include background information explaining this proceeding.

14. The Commission approves the use of electronic service of all testimony, briefs, and orders, without requiring provision of follow-up hard copies as required by K.A.R. 82-1216(a)(6). Confidential papers will be served either electronically if confidentiality can be retained or by some other method such as providing information on a compact disc. Testimony and briefs must be served electronically by 3:00 p.m., on the date due, without requiring service among the parties of a follow-up hard copy, but the original and at least seven paper copies of testimony and briefs must still be filed for use by the Commission.<sup>11</sup> Any electronic service of Commission Orders without follow-up hard copies will specifically state in the electronic message serving the Order that the electronic message constitutes service of the attached Commission Order, and that no hard copy will follow. The Commission directs electronic service of testimony and briefs include service on the Prehearing Officer at [b.fedotin@kcc.ks.gov](mailto:b.fedotin@kcc.ks.gov).

15. The attorneys designated to appear on behalf of the agency in this proceeding are Judy Jenkins, telephone number 785-271-3181, email address [j.jenkins@kcc.ks.gov](mailto:j.jenkins@kcc.ks.gov); and Samuel Feather, telephone number 785-271-3287, email address [s.feather@kcc.ks.gov](mailto:s.feather@kcc.ks.gov), 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.<sup>12</sup>

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<sup>11</sup> K.A.R. 82-1-215(a).

<sup>12</sup> K.S.A. 77-518(c)(2); K.S.A. 77-516(c)(2).

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

- A. The Commission adopts the procedural schedule, set forth in paragraph 2.
- B. The Commission designates Brian G. Fedotin to serve as Prehearing Officer.
- C. The Commission schedules a Prehearing Conference for July 30, 2013, beginning at 9:30 a.m., in the Third Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.
- D. The Commission schedules an Evidentiary Hearing, beginning at 9:00 a.m., on August 5, 2013, and continuing as needed through August 6, 2013, in the First Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.
- E. The Commission orders a Public Hearing held in Minneapolis, Kansas on June 3, 2013, beginning at 6:00 p.m. The Commission directs the Companies to provide notice of this proceeding and the Public Hearing to the public. The Commission orders notice to landowners and in newspapers about the Public Hearing includes information regarding the ability to submit comments to the Commission until June 10, 2013, by email, orally, or by mailing written comments. The Commission directs its PACP Office to file its report of the public comments received on June 11, 2013.
- F. The Commission orders electronic service to be used in this proceeding, including this Order.
- G. The parties have 15 days from the date this Order was served to petition the Commission for reconsideration.<sup>13</sup>

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<sup>13</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

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

**BY THE COMMISSION IT IS SO ORDERED.**

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated:           MAY 0 8 2013          



ORDER MAILED MAY 0 8 2013

Patrice Petersen-Klein  
Executive Director

BGF

**CERTIFICATE OF SERVICE**

**MAY 08 2013**

13-ITCE-677-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Order Adopting Procedural Schedule was served by electronic mail this 8th day of May, 2013, to the following parties who have waived receipt of follow-up hard copies:

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**ORDER MAILED MAY 08 2013**

CERTIFICATE OF SERVICE

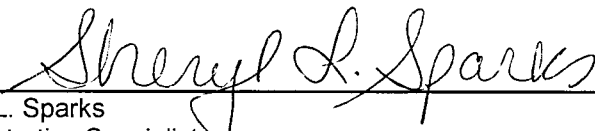
MAY 08 2013

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