

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

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

In the Matter of the Application of Grain)
Belt Express Clean Line LLC for a Siting)
Permit for the Construction of a High)
Voltage Direct Current Transmission Line in) Docket No. 13-GBEE-803-MIS
Ford, Hodgeman, Edwards, Pawnee, Barton,)
Russell, Osborne, Mitchell, Cloud,)
Washington, Marshall, Nemaha, Brown, and)
Doniphan Counties Pursuant to K.S.A.66-)
1,177, et seq.)

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 June 28, 2013, Grain Belt Express Clean Line LLC (Grain Belt or Company) filed its Petition Initiating Docket, explaining its intent to file an Application on July 15, 2013, to construct and operate an HVDC transmission line and associated facilities as contemplated by Docket No. 11-GBEE-624-COC. Grain Belt intends to request siting authority to construct approximately 370 miles of the approximately 750-mile HVDC transmission line that continues into Missouri, Illinois, and Indiana; a converter station in Ford County, Kansas; and facilities to interconnect the converter station to the Southwest Power Pool.

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

<u>Date</u>	<u>Time</u>	
July 15, 2013		Application to be filed
August 9, 2013		Affidavit of Publication and Written Notice
August 9, 2013	3:00 p.m.	Staff & Intervenor Direct Testimony due
August 12, 2013	6:00 p.m.	Public Hearing (Seneca, KS)
August 14, 2013	6:00 p.m.	Public Hearing (Beloit, KS)
August 20, 2013	6:00 p.m.	Public Hearing (Russell, KS)
August 22, 2013	6:00 p.m.	Public Hearing (Kinsley, KS)
August 27, 2013	3:00 p.m.	Company's Rebuttal to Staff/Intervenor Testimony due
August 28, 2013	5:00 p.m.	Public Comment period ends
August 30, 2013	5:00 p.m.	PACP Report of public comments due
Sept. 10, 2013	3:00 p.m.	Company's Response to Public Hearing comments and written comments to PACP due
Sept. 12, 2013	3:00 p.m.	Staff & Intervenor Response to Public Hearing and Written Comments due
Sept. 20, 2013	3:00 p.m.	Company's Rebuttal to Staff & Intervenor Response to Public Hearing Comments due
Sept. 30, 2013	3:00 p.m.	Prehearing motion & discovery cutoff; List of disputed issues due

¹ K.S.A. 66-1,177, *et seq.* The 120-day statutory timeline in K.S.A. 66-1,178(d) does not begin to run until the Application is filed on July 15, 2013.

² K.S.A. 66-1,178(d).

October 4, 2013	9:30 a.m.	Prehearing Conference (3d Floor Hearing Room)
October 8-10, 2013	9:00 a.m.	Evidentiary Hearing (1 st Floor Hearing Room)
October 16, 2013		Additional Public Hearing (if necessary)
October 17, 2013	3:00 p.m.	Company's Initial Post-Hearing Briefs due
October 24, 2013	3:00 p.m.	Staff & Intervenor Responsive Briefs due
October 31, 2013	3:00 p.m.	Company's Reply Brief due
November 12, 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, to serve as Prehearing Officer in this proceeding.³ 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

³ K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551.

of this proceeding.⁴ The Prehearing Conference is scheduled for October 4, 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.⁵ 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.

6. An evidentiary hearing with the Commission presiding will begin on October 8, 2013, at 9:00 a.m., and continue as needed, through October 10, 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.⁶

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.⁷ The Prehearing Officer consulted with the Commission's Director of Public Affairs and Consumer Protection, who recommended four public hearings be held in this docket:

Monday, August 12, 2013 – Beginning at 6:00 p.m.

Seneca Community Building
1500 Community Drive
Seneca, Kansas 66538

⁴ K.S.A. 77-517; K.A.R. 82-1-222.

⁵ K.S.A. 77-516(c)(8); K.S.A. 77-520.

⁶ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁷ K.S.A. 66-1,178.

Wednesday, August 14, 2013 – Beginning at 6:00 p.m.

North Central Kansas Technical College – Student Union, Conference Room
Union Drive, 3033 US Highway 24
Beloit, Kansas 67420

Tuesday, August 20, 2013 – Beginning at 6:00 p.m.

Ruppenthal Middle School – Auditorium
400 North Elm
Russell, Kansas 67665

Thursday, August 22, 2013 – Beginning at 6:00 p.m.

Kinsley Junior/Senior High School – Auditorium
716 Colony Avenue
Kinsley, Kansas 67547

8. The Commission adopts the recommendation to conduct four public hearings.

The first part of each public hearing, beginning at 6:00 p.m., consists of a question-and-answer session where representatives of the Company, Commission Staff, 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 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.⁸ 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

⁸ K.S.A. 66-1,179.

public hearing, the last publication to be not less than five days before such hearing date.⁹ The affected Kansas counties are Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties. The Company 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 Company shall file an affidavit by August 9, 2013, verifying the notice of the public hearing that has been given to landowners and by publication in newspapers as required.¹⁰

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. The public may also call the PACP Office at 1-800-662-0027. Written comments may be submitted to the Kansas 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 August 28, 2013. On August 30, 2013, the PACP Office will provide a report summarizing public comments received now through August 28, 2013. Any comments received by the PACP Office after August 28, 2013, shall be promptly provided to the Prehearing Officer and parties for review.

⁹ K.S.A. 66-1,179.

¹⁰ K.S.A. 66-1,179.

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 Company's proposed route is developed in response to public comments, the Company 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 Company and other parties in this proceeding to provide access to public comments as they are received.

13. In addition, the Commission directs the Company 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. 82-1-216(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.¹¹ 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.

15. The attorney designated to appear on behalf of the agency in this proceeding is Judy Jenkins, Litigation Counsel, telephone number 785-271-3181, email address j.jenkins@kcc.ks.gov, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.¹²

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 October 4, 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 October 8, 2013, and continuing as needed through October 10, 2013, in the First Floor Hearing Room of the Commission's Offices, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.
- E. The Commission orders Public Hearings held in Seneca, Kansas on August 12, 2013; Beloit, Kansas on August 14, 2013; Russell, Kansas on August 20, 2013; and Kinsley,

¹¹ K.A.R. 82-1-215(a).

¹² K.S.A. 77-518(c)(2); K.S.A. 77-516(c)(2).

Kansas on August 22, 2013. All four Public Hearings will begin at 6:00 p.m. The Commission directs the Company to provide notice of this proceeding and the Public Hearings to the public. The Commission orders notice to landowners and in newspapers about the Public Hearings includes information regarding the ability to submit comments to the Commission until August 28, 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 August 30, 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.¹³

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: JUL 01 2013

Jackie Montfoort Paige

ORDER MAILED JUL 01 2013

Jackie Montfoort Paige
Acting Executive Director

BGF

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

CERTIFICATE OF SERVICE

JUL 01 2013

13-GBEE-803-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 1st day of July, 2013, to the following parties who have waived receipt of follow-up hard copies:

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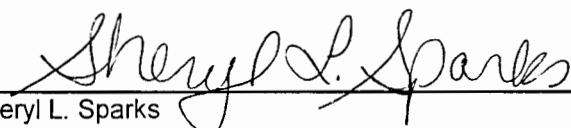
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