

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

PETITION TO INTERVENE

Bradley B. Boyd and Sandra A. Boyd, Co-Trustees of the Bradley B. Boyd Revocable Trust Dated August 23, 2011, Sandra A. Boyd and Bradley B. Boyd, Co-Trustees of the Sandra A. Boyd Revocable Trust dated August 23, 2011, Down Home, Inc., Boyd Farms, Inc., and Bradley B. Boyd and Ellen L. Verell, Co-Trustees of the Ellen L. Verell Revocable Trust Dated January 24, 2012 (collectively referred to as the "Boyd Intervenors") request permission to intervene in the above captioned matter ("Petition"). This request is made per K.S.A. 77-521, K.A.R. 82-1-225 and K.S.A. 66-1,777 *et seq.* ("Transmission Siting Act"). In support of their request, the Boyd Intervenors state as follows:

1. On May 31, 2024, Grain Belt Express LLC, a wholly owned subsidiary of Invenergy Transmission, which is a wholly owned subsidiary of Invenergy Renewables LLC and an affiliate company of Invenergy LLC, ("Invenergy") filed an application with the Kansas Corporation Commission ("Commission"), per the Transmission Siting Act to obtain a siting permit establishing the route for two inter-related transmission lines and associated facilities that will be part of what is referred to as the Grain Belt Express. One of the proposed transmission lines is a double-circuit 345 kV alternating current ("AC") transmission line of approximately 46 miles in length located across portions of Gray, Meade and Ford Counties and referred to in the application as the Meade-Dodge

City Line.

2. The current proposed route of the Meade-Dodge City Line would traverse across land owned by the Boyd Intervenors and near their residences located on that land. Attached to this Petition as **Exhibit A**, and incorporated herein by reference, is a legal description of the lands owned by each of the Boyd Intervenors. Attached to this petition as **Exhibit B**, and incorporated herein by reference, is a map showing the location of lands owned by the Boyd Intervenors and the proposed route of the Meade-Dodge City Line.

3. Invenergy's application states it has demonstrated the reasonableness of the proposed route of the Meade-Dodge City Line by receiving and incorporating "feedback from affected stakeholders, including landowners" into the proposed location. However, Invenergy did not seek out any feedback from the Boyd Intervenors.

4. The Boyd Intervenors each have an agreement with Invenergy's affiliate Thresher Wind LLC. Per the terms of said agreement, Invenergy agreed **

** of the Boyd Intervenors.

Upon receiving notification of Invenergy's application in this docket, the Boyd Intervenors contacted Invenergy in writing and pointed out that Invenergy had not * ** of the Boyd Intervenors to place a transmission line across their properties.

5. The contractual dispute between the Boyd Intervenors and Invenergy is a matter for the district court to decide and not within the jurisdiction of the Commission. The Boyd Intervenors are not asking the Commission to decide that contractual dispute. However, per K.S.A. 66-1,180, the Commission is charged with making a decision with respect to "the necessity for and the reasonableness of the location of the proposed electric transmission line, taking into consideration the

benefit to both consumers in Kansas and consumers outside the state and economic development benefits in Kansas." The Boyd Intervenor are not challenging the necessity for the proposed transmission line. But, they are challenging the reasonableness of the location of the proposed transmission line. If a court determines Invenergy breached its contracts with the Boyd Intervenor and grants the Boyd Intervenor's specific performance claim against Invenergy precluding the transmission line from being built on the Boyd Intervenor's property ** then such could result in Invenergy having to re-route its transmission line and begin this siting permit process all over again. Such would not be in the public interest, especially if another reasonable route within the studied area could avoid the cost and expense of having to initiate another permit process. The Boyd Intervenor have intervened in this case in order to convince the Commission that there is an alternative route which is reasonable.¹

6. Per K.S.A. 66-1,180 of the Transmission Siting Act, the Commission "shall issue or withhold the permit applied for and may condition such permit as the commission may deem just and reasonable and as may, in its judgment, best protect the rights of all interested parties and those of the general public." Under this legislative mandate, the Commission has the right to condition any permit required to protect the rights of all interested parties, including affected landowners like the Boyd Intervenor. Although the Commission does not have jurisdiction to decide any contractual dispute between the Boyd Intervenor and Invenergy, in order for the Commission to protect the interests of the affected landowner, it is not precluded and has the ability under this mandate, to take into account that Invenergy made an agreement with an affected landowner and failed to follow through on that

¹In any civil action against Invenergy, the Boyd Intervenor would also have an obligation to take all necessary action to mitigate any damages. Proposing that Invenergy change the route of its proposed transmission line in this proceeding is intended to mitigate any damages.

agreement. If a public utility seeks a siting permit from this Commission and evidence is presented during that process that the public utility made an agreement with an affected landowner and completely ignored that agreement in submitting its siting permit application, then such impacts the reasonableness of the actions of that public utility and the reasonableness of the proposed route. If such was not within the powers and preview of this Commission, the public, who is already weary of the public utility's need to exercise its power of eminent domain, would lose what confidence it has in the Commission to make decisions and the integrity of this statutory process of siting transmission lines will have been harmed.

7. If allowed to intervene, the Boyd Intervenors have a proposed alternative route they would plan to present at the evidentiary hearing. The proposed alternate route would still require that the transmission line be located on the Boyd Intervenors' property. However, the alternate route would move the transmission line so it was not located in the front yard on the property. The Boyd Intervenors would also agree to work with Invenergy and the Commission Staff prior to the hearing in determining whether that proposed alternative route would be reasonable and could be agreed upon by the parties. If unable to come to an agreement, then the Boyd Intervenors would request the Commission approve the siting permit on the condition that such alternative route proposed by the Boyd Intervenors be approved.

8. The Commission has authorized the intervention of landowners affected by the proposed location of a proposed transmission line in previous transmission siting cases. *See, Presiding Officer Order Granting Intervention to Evergy and McGhees*, filed February 8, 2023, Docket No. 23-NETE-585-STG.

9. The interests of justice and the orderly and prompt conduct of the proceedings will not

be impaired by allowing this intervention. The Boyd Intervenor agree to abide by the procedural schedule issued in this docket.

WHEREFORE, for the reasons set forth in this Petition, the Boyd Intervenor request permission to intervene and fully participate in this docket.



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Dated August 23, 2011, Sandra A. Boyd and Bradley B.
Boyd, Co-Trustees of the Sandra A. Boyd Revocable
Trust dated August 23, 2011, Down Home, Inc., Boyd
Farms, Inc., and Bradley B. Boyd and Ellen L. Verell,
Co-Trustees of the Ellen L. Verell Revocable Trust
Dated January 24, 2012

VERIFICATION

STATE OF KANSAS
COUNTY OF FRANKLIN, ss:

The undersigned, upon oath first duly sworn, states that he is the attorney for the Boyd Intervenors above named; that he has read the foregoing Petition to Intervene; that he is familiar with the contents thereof, and that the statements contained therein are true and correct.


James G. Flaherty

SUBSCRIBED AND SWORN TO before me this 3rd day of July, 2024.





Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail, this 3rd day of July, 2024, addressed to:

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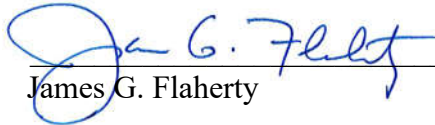
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James G. Flaherty

EXHIBIT A

Meade County

NW/4 of 1-30-28 = owned by Brad Boyd Revocable Trust

SW/4 of 1-30-28 = owned by Boyd Farms Inc.

E/2 of 2-30-28 = owned by Boyd Farms Inc.

NE/4 of 11-30-28 = owned by Boyd Farms Inc.

S/2 of 11-30-28, less 80 acres in the SW corner = owned by Ellen Verell Revocable Trust

NW/4 of 12-30-28 = owned by Down Home Inc.

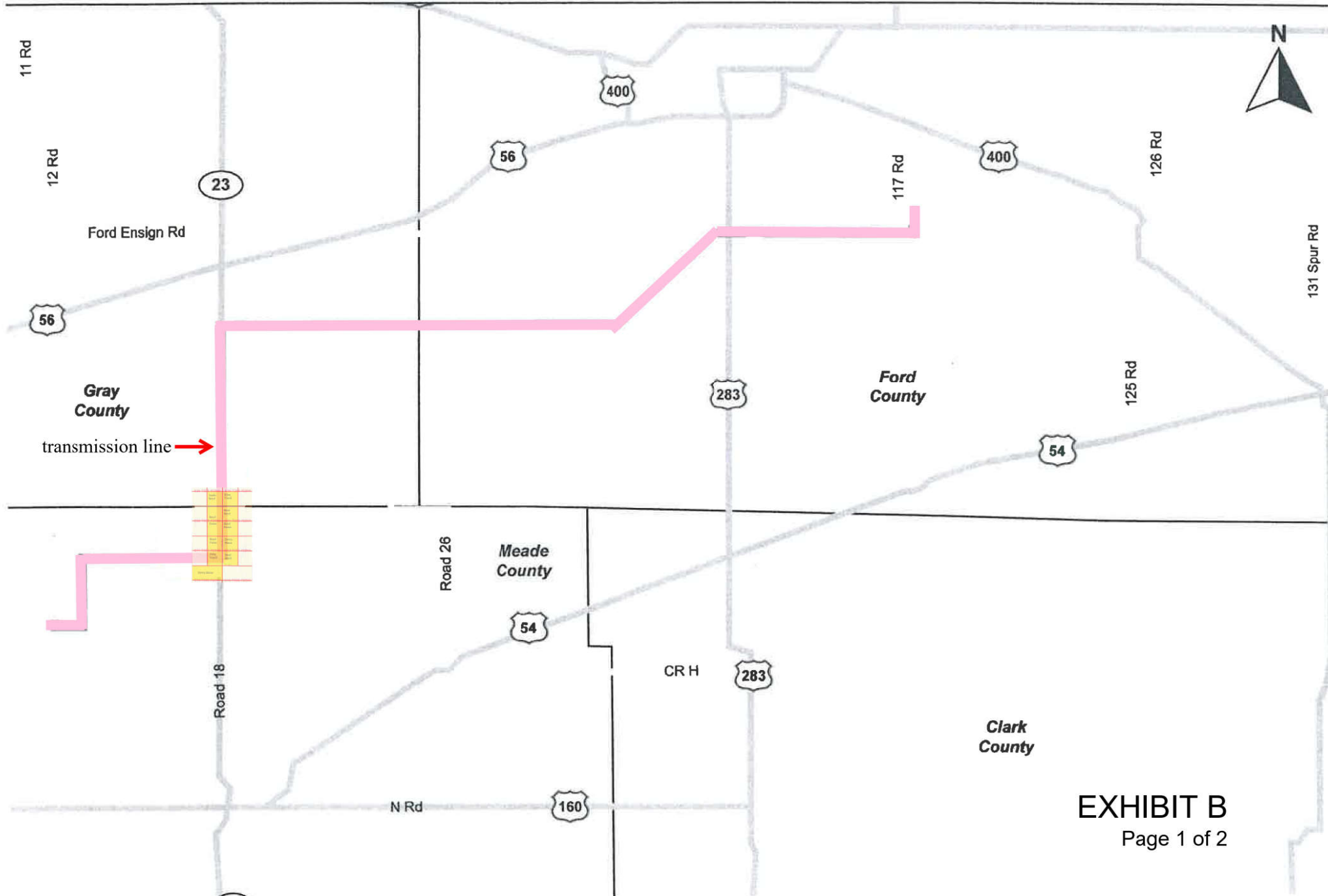
SW/4 of 12-30-28 = owned by Brad Boyd Revocable Trust

N/2 of 14-30-28 = owned by Down Home Inc.

Gray County

SE/4 of 35-29-28 = owned by Sandy Boyd Revocable Trust

SW/4 of 36-29-28 = owned by Ellen Verell Revocable Trust



S35 T20S R28W	Sandy Boyd	S36 T20S R28W	Ellen Verell
S02 T30S R28W	Boyd Farms	S01 T30S R28W	Brad Boyd Boyd Farms
S11 T30S R28W	Boyd Farms Ellen Verell	S12 T30S R28W	Down Home Brad Boyd
S14 T30S R28W	Down Home	S13 T30S R28W	

Enlargement of Boyd Intervenor's ownership area shown on Page 1 of 2.