

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

Before Commissioners:                    Thomas E. Wright, Chairman  
    Ward Loyd

In the Matter of the Application of Grain Belt    )  
Express Clean Line LLC for a Limited            )  
Certificate of Public Convenience to Transact    )       Docket No: 11-GBEE-624-COC  
the Business of a Public Utility in the State of  )  
Kansas.    )

**ORDER GRANTING INTERVENTION TO THE  
CITIZENS' UTILITY RATEPAYER BOARD**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

1.       On March 7, 2011, Grain Belt Express Clean Line LLC (Clean Line) filed an Application for a limited certificate of public convenience and necessity to site, construct, own, operate and maintain bulk electric transmission facilities located in the State of Kansas, and requested a Transmission Rights Only certificate.

2.       Clean Line is a limited liability company (LLC) organized under the laws of Delaware, and is qualified to conduct business in Kansas for the purpose of carrying on any lawful business, purpose or activity allowed under Kansas law, including the siting, constructing, owning, operating, and maintaining of bulk electric transmission facilities in Kansas. Application, March 7, 2011, ¶ 1 (Application, ¶ 1). Clean Line stated that it is a wholly-owned subsidiary of Grain Belt Express Holding LLC, a Delaware LLC, which is a wholly-owned subsidiary of Clean Line Energy Partners LLC (Clean Line Energy Partners), also a Delaware LLC. Application, ¶ 2.

3. Clean Line Energy Partners' mission is to construct and operate high voltage transmission lines and facilities to connect the best renewable resources in the United States with load and population centers that have an increasing demand for electricity generated by renewable resources. Currently, Clean Line has three other transmission projects underway in the U.S. Application, ¶ 4. The Application stated that one of the projects under development is the Grain Belt Express Clean Line (Grain Belt Express), which will be a 500 or 600 kV high-voltage direct-current transmission line, which will be capable of delivering 3,500 MW of power from Kansas to other load centers. The transmission line will originate in western Kansas near Sunflower's Spearville substation and transverse east across Kansas into Missouri. The Grain Belt Express will be approximately 550 miles long and will deliver renewable energy to the Midwest Independent System Operator (Midwest ISO) market. Application, ¶ 5.

4. On March 11, 2011, the Citizens' Utility Ratepayer Board (CURB) filed a Petition to Intervene seeking a Commission Order permitting CURB leave to intervene as a party in this matter. Petition to Intervene, March 11, 2011 (CURB Petition). In its petition, CURB stated it has discretion, under K.S.A. 66-1223 *et seq.*, to intervene in any utility proceeding before the Commission to represent the interests of Kansas residential and small commercial ratepayers. CURB Petition, ¶ 2. CURB claims that the rates paid and service received by the customers it represents will or may be affected by a Commission order or activity in this proceeding. CURB Petition, ¶ 4.

5. The Commission has broad discretion to grant a petition for intervention if it is in the interests of justice, if the intervention will not impair the orderly and prompt conduct of the proceeding, and if the party has stated facts demonstrating its legal rights, duties, privileges, immunities or other legal interests may be substantially affected by the proceeding. K.S.A. 77-

521(b); K.A.R. 82-1-225(b). At any time during a proceeding, the Commission may impose conditions on an intervenor's participation. K.S.A. 77-521(c).

6. The Commission finds and concludes that CURB has met the requirements of K.A.R. 82-1-225 and should be granted intervention. CURB will be added to the mailing list, service of pleadings, communications, and correspondence should be delivered to counsel of record, as follows:

David Springe #15619  
Niki Christopher #19311  
C. Steven Rarrick #13127  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, Kansas 66604  
(785) 271-3200  
(785) 271-3116 Fax

7. In addition to the counsel of record for CURB listed above, service of electronic pleadings, communications, and correspondence should be delivered to CURB's other designees:

Shonda Smith, Officer Manager  
Della Smith, Administrative Specialist  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, Kansas 66604

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

A. The Citizens' Utility Ratepayer Board is granted intervention in the above-captioned proceeding. Counsel of record for the petitioner and its other designees shall receive service of all pleadings in this matter, as set forth above.

B. Parties have 15 days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration. K.S.A. 66-118b; K.S.A. 2010 Supp. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order, or orders, as it may deem necessary and proper.

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

Wright, Chairman; Ward, Commissioner

Dated: APR 29 2011

**ORDERED MAILED**

APR 29 2011

*Susan K. Duffy* EXECUTIVE  
DIRECTOR

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Susan K. Duffy  
Executive Director

mrd

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
GLENDA CAFER, ATTORNEY CAFER LAW OFFICE, L.L.C. 3321 SW 6TH STREET TOPEKA, KS 66606		
TERRI PEMBERTON, ATTORNEY CAFER LAW OFFICE, L.L.C. 3321 SW 6TH STREET TOPEKA, KS 66606		
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C. STEVEN RARRICK, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***		
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MARK LAWLOR GRAIN BELT EXPRESS CLEAN LINE LLC 16332 NIEMAN RD OVERLAND PARK, KS 66062-9721		

ORDER MAILED **APR 29 2011**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
KATHRYN L. PATTON, VICE PRESIDENT AND GENERAL COUNSEL GRAIN BELT EXPRESS CLEAN LINE LLC 1001 MCKINNEY ST STE 700 HOUSTON, TX 77002-6448		
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BRIAN THUMM, MANAGER, REGULATORY STRATEGY ITC HOLDINGS CORP 27175 ENERGY WAY NOVI, MI 48377-3639		
DANA BRADBURY, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		
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SUSAN B. CUNNINGHAM, COUNSEL SNR DENTON US LLP 7028 SW 69TH ST AUBURN, KS 66402-9421		

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NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
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MARTIN J. BREGMAN, EXEC DIR, LAW WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		
CATHRYN J. DINGES, CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVENUE PO BOX 889 TOPEKA, KS 66601-0889		

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