

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. )

**DIRECT TESTIMONY OF BRADLEY B. BOYD**

**Q. PLEASE STATE YOUR NAME AND HOME ADDRESS?**

A. Bradley Bryan Boyd. I live in Meade County, Kansas at 2119 18 Road, Meade, Kansas 67864 with my wife and my 39-year old special needs son. My family has lived here since my great grandfather, Billy Merkle, claimed his homestead here in 1884 on the banks of Crooked Creek. The first two generations who made our farm their home have died; members of the third, fourth, fifth, and sixth generations currently call this farm home.

**Q. WHAT IS YOUR RELATIONSHIP TO THE INTERVENORS?**

A. I am the President of Boyd Farms Inc. and the Vice President of Down Home Inc. I am also the co-trustee of three trusts, which own land in the proposed footprint of the high-voltage transmission line. We raise irrigated and dryland crops with a mix of corn, milo, soybeans, and wheat, and we have a cow-calf and feeder cattle operation.

**Q. DESCRIBE THE PROPERTY THAT THE PROPOSED TRANSMISSION LINE WOULD CROSS.**

A. The proposed line would cut across 3.5 miles of our property, including directly in front of our homes and practically in our front yard. My great grandfather came to northern Meade County

1 and claimed his homestead in the fall of 1884. I live in a home my grandfather and great  
2 grandfather built out of two small store buildings brought to the homestead from the original  
3 town site of Montezuma with teams of horses and mules rolling it more than five miles on  
4 wooden poles. After the creek flooded the house in 1955, my parents moved our home from  
5 its location close to Crooked Creek about a quarter of a mile up the hill to get out of the flood  
6 plain to its current location. My daughter and her family, including two children, live next  
7 door. My 95-year old mother lives next door to us in the home that her parents built on the  
8 farm in 1948. The creek passes about a quarter mile south of our home and then meanders  
9 around back to the north about a mile east of our home. This is what the transmission line  
10 would cut through - the heart of the farm that has been in my family for 140 years.

11 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

12 A. I made a contract with Invenergy to allow them to lease some wind rights on my farm, but I  
13 specifically retained the right \*\* \*\*  
14 to make sure that any transmission lines were not unreasonably close to my home, my  
15 daughter's home, or my mother's home. I never would have signed the agreement without that  
16 right; I have a responsibility to my forefathers to protect the legacy that was given to me and  
17 that I want to pass on to future generations of my family. It is unreasonable for Grain Belt  
18 Express, an affiliate of Invenergy, to propose a transmission line in direct violation of its  
19 contract with me, a landowner, especially since there is a more reasonable route within the  
20 studied area that should be used instead. I want the Commission to consider other reasonable  
21 routes.

22 **Q. WHAT SPECIFICALLY DID THRESHER WIND, INVENERGY'S AFFILIATE,**

1           **AGREE TO?**

2       A.     Thresher Wind signed wind easement agreements with me and the other named Boyd  
3           Intervenors in this case. Paragraph 12 of Exhibit C to those agreements states that \*\*

5                               \*\*

6       **Q.     HAVE YOU TRIED TO COMMUNICATE WITH THRESHER WIND AND**  
7           **INVENERGY REGARDING THIS MATTER?**

8       A.     Yes. My attorney sent them a letter on June 26, a few days after I received the notice letter  
9           from Invenergy about the July 10 public hearing asking to discuss the proposed route in light  
10          of our agreement. I had hoped Invenergy had just overlooked our agreement and perhaps that  
11          is the case and this matter can be resolved prior to the hearing scheduled in this case. However,  
12          given the procedural schedule in this case, it was necessary for me to submit this testimony in  
13          the event the matter is not resolved.

14      **Q.     WHY DIDN'T YOU TRY TO COMMUNICATE WITH INVENERGY ABOUT THIS**  
15          **MATTER SOONER?**

16      A.     I heard about a few open houses earlier this year where the community could learn more about  
17          the proposed transmission lines, but I assumed the agreement I had with Thresher Wind meant  
18          something and they would contact me when they had a proposed route for a transmission line  
19          in place. I never heard anything from Invenergy or Thresher Wind until I received the public  
20          hearing notice letter in the second half of June 2024.

21      **Q.     WHAT IS THE ALTERNATIVE ROUTE THAT YOU ARE PROPOSING?**

22      A.     Currently, the proposed route goes from west to east along C Road and then turns north at

1 Highway 23/Road 18 and tracks Road 18 north approximately ten miles before turning back  
2 to the east. I believe the line could turn north two miles sooner on C Road and go north to JJ  
3 Road/16 Road and continue going north on 16 Road until it turns back to the east at what I  
4 believe is CC Road. This proposed alternative route still crosses two miles of my property and  
5 another mile across land that I have leased for more than 39 years, so I am not trying to avoid  
6 a transmission line altogether. Given that 16 Road runs north all the way to where I believe  
7 the line turns east again, my proposed alternative route does not add any additional corners for  
8 the transmission line to make, it just moves the north-south portion of the line two miles west  
9 of the current proposed location, all of which is inside the area studied by Invenergy. Attached  
10 to my testimony and marked **Exhibit BBB-1**, is a map showing the location of the alternate  
11 route. The pink line in Exhibit BBB-1 is Invenergy's proposed route. The yellow line in  
12 Exhibit BBB-1 shows the location of the alternate route.

13 **Q. WHY IS THIS ALTERNATIVE ROUTE REASONABLE?**

14 A. My proposed route avoids going right through the front yard or across the road from the front  
15 yard of me and my neighbors on C Road, Bob and Barb Parker and Glenda Merkle, who is also  
16 a direct descendant of Billy Merkle. This route is something that I would not withhold consent  
17 from, so it would allow Invenergy to move forward with the proposed project without  
18 violating the terms of our agreement, which seems reasonable. My proposed route is within  
19 the area studied by Invenergy. Additionally, the Commission is supposed to determine the  
20 reasonableness of the proposed location of the transmission line. Public utilities like Invenergy  
21 should not be allowed to ignore agreements they make with landowners when they propose  
22 the route of their transmission line for Commission approval. Landowners should be able to

1           rely on the terms of the agreements they make with these companies and it is unreasonable for  
2           those public utilities to propose a transmission route that directly violates those agreements.  
3           Such actions by those public utilities should preclude the Commission from finding the  
4           proposed transmission route is reasonable. Also, the long-term consequences of not requiring  
5           public utility companies to abide by the terms of their agreements with landowners in  
6           transmission siting cases will call into question the validity and transparency of this entire  
7           process. Public utilities should be required to honor the agreements they make with  
8           landowners and the Commission should not find that a proposed transmission route is  
9           reasonable if such would be in direct violation of those agreements.

10       **Q.     WHAT RELIEF ARE YOU SEEKING FROM THE COMMISSION?**

11       A.     I am asking that the Commission find the route as currently proposed is unreasonable. If  
12           Invenergy and other companies are allowed to ignore the terms of the agreements they make  
13           with landowners like me, then it will set a dangerous precedent that will encourage dishonesty  
14           at the expense of landowners. More importantly, it will jeopardize the integrity of this  
15           Commission and its transmission siting process if such agreements are simply ignored by the  
16           public utility. I am not trying to stand in the way of progress and generating electricity; but a  
17           promise is a promise and it is reasonable to expect a company as big as Invenergy to abide by  
18           the terms of the agreements that it makes with landowners. I have proposed a reasonable  
19           alternative route within the study area and I request the Commission give it due consideration  
20           in determining the final route of the proposed Meade-Dodge City Line.

21       **Q.     DOES THIS CONCLUDE YOUR TESTIMONY?**

22       A.     Yes.

EXHIBIT BBB-1



VERIFICATION

STATE OF KANSAS

COUNTY OF Meade, ss:

I, Bradley B. Boyd, being first duly sworn on oath, depose and state that I am the witness identified in the foregoing Direct Testimony; that I have read the testimony and am familiar with its contents; and that the facts set forth therein are true and correct.

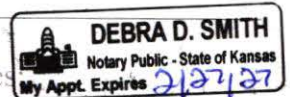
Bradley B. Boyd

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

Debra D. Smith

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 3<sup>rd</sup> day of July, 2024, addressed to:

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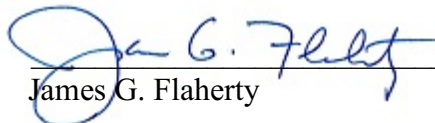
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