

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation into the)
Principles and Priorities to be Established for)
Evaluating the Reasonableness of the Location) Docket No. 24-GIME-102-GIE
of a Proposed Transmission Line in Future)
Line Siting Proceedings.)

**ORDER ADOPTING GUIDELINES FOR TRANSMISSION LINE SITING CRITERIA
AND PRIORITIES**

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings and conclusions:

PROCEDURAL HISTORY

1. On May 24, 2023, in Docket No. 23-NETE-585-STG, the Commission issued its Order on Siting Application, requested by NextEra Energy Transmission Southwest, LLC (“NEET SW”) (“23-585 Order”)¹, granting NEET SW’s application for a siting permit for the Wolf Creek to the Blackberry project identified by the Southwest Power Pool’s (“SPP”) 2019 Integrated Transmission Planning process.² The 23-585 Order also stated the Commission’s intent to open a general investigation into evaluating principles and priorities to be considered in future line siting proceedings/applications: “The Commission believes the competitive

¹ Order on Siting Application, Docket No. 23-NETE-585-STG (May 24, 2023).

² *See id.*, pp. 1-3, 22.

solicitation process will be improved, with potentially better outcomes identified, if input from relevant state siting authorities is incorporated early in the process.”³

2. On August 3, 2023, the Commission issued an Order Opening General Investigation into the principles and priorities to be used in future line siting proceedings.⁴ As part of its Order, the Commission directed Commission Staff (“Staff”) to file a Report and Recommendation (also referred to as “R&R”), in which it may suggest the scope of this General Investigation, including topics that should be addressed.⁵

3. The parties granted intervention in this Docket are the Citizens’ Utility Ratepayer Board (“CURB”), Evergy Kansas Central, Inc., Evergy Kansas South, and Evergy Metro, Inc. (together, “Evergy”), The Empire District Electric Company (Liberty Utilities – Empire District) (“Liberty-Empire”), KPP Energy (“KPP”), SPP, Grain Belt Express LLC (“Grain Belt Express”), NEET SW, Sunflower Electric Power Corporation (“Sunflower”), Kansas Electric Power Cooperative (“KEPCo”), Midwest Energy, Inc. (“Midwest Energy”), the Kansas Farm Bureau (“KFB”), the Kansas Livestock Association (“KLA”), ITC Great Plains, LLC (“ITC”), Kansas Municipal Energy Agency (“KMEA”), Kansas Electric Cooperatives, Inc. (“KEC”), KAMO Electric Cooperative, d/b/a KAMO Power (“KAMO Power”), Eastern Kansas Oil & Gas Association (“EKOGA”), and Kansas Independent Oil and Gas Association (“KIOGA”) (collectively, the “Intervenors”; and, together with Staff, the “Parties”).

4. On December 1, 2023, Staff filed its initial R&R⁶, suggesting the scope of this investigation focus on two broad categories: (1) providing insight into the appropriate role of state jurisdictional authorities in the SPP process to develop parameters for consideration in a

³ *Id.*, p. 22. (The Commission also stated it will make SPP aware of its concerns with the process “and the results of its general investigation in order to facilitate future cooperation and expectations.”).

⁴ Order Opening General Investigation, p. 1 (Aug. 3, 2023).

⁵ *Id.*, ¶ 4.

⁶ Initial Report and Recommendation (Dec. 1, 2023).

competitively bid SPP Request for Proposal (“RFP”) for transmission construction projects (the “FERC 1000 Projects”)⁷; and, (2) establishing guidelines of land use parameters and construction practices that should be considered in determining the reasonableness of the route in rural areas of an electric transmission line.⁸

5. On March 15, 2024, Staff filed its second R&R, summarizing the parties’ responses to its initial R&R on the scope of the Docket, and narrowing its own recommendation regarding the scope of this Docket.⁹ Staff believed the focus should be on promoting transparency in the interaction between landowners and utility companies, given that “landowner/utility interaction has been the most contentious part of a line siting docket.”¹⁰

6. In its second R&R, Staff recommended the Commission limit the scope of this Docket to determining standardized criteria and weighting factors that typically arise in electrical transmission projects that impact landowners in rural areas.¹¹ Staff also recommended requiring a formal routing study with siting criteria and criteria prioritization, and allowing a utility to add or modify criteria and weight depending on specific conditions, subject to Commission approval.¹² As a starting point, Staff suggested the following as standard line siting criteria:¹³

- Residential Proximity (each residence within 300 feet)
- Cultivated Crop Impact (acres in right of way)
- Reliability (ability to maintain after construction)
- Length along Transmission Mains (miles)
- Length not along Parcel Boundaries (miles)

⁷ *Id.*, pp. 4-6. Staff explained that SPP’s RFP process “does not provide state authorities an opportunity to provide input for consideration of categories that may be directly impacted by Commission oversight and interpretations of what constitutes sufficient and efficient service or best protects the rights of all interested parties.” *Id.*, p. 5. Rather, SPP’s RFP process allows the bidder “to reach its own conclusions on state requirements.” *Id.*, p. 6.

⁸ *Id.*, p. 2.

⁹ Notice of Filing of Staff’s Report and Recommendation (Mar. 15, 2024).

¹⁰ Staff’s Report and Recommendation, pp. 1-2 (Mar. 15, 2024) (“Second R&R”) (Staff noted that six of the 16 Intervenor’s provided a total of 96 comments on the initial R&R, a summary of which can be found in “Exhibit 1” of the Second R&R).

¹¹ *Id.*, p. 8.

¹² *Id.*

¹³ *Id.*, pp. 8-9 (The proposed list contained the category, and unit of measurement in parenthesis).

- Public Facilities within 300 feet (each)
 - Length Not along Roads (miles)
 - Sensitive Species Impacts (no unit)
 - Woodland impact (acres)
 - Visibility (e.g. impact on curbside appeal)
 - Cultural Site within 1,320 feet (each)
 - Center Pivot Irrigation Impacts (each)
 - Wetland/River Environmental Impacts (acres in right of way)
 - Total Length (miles)
 - River Crossings Engineering Impact (each)
 - Area not in Grassland/Pasture (acres in right of way)
 - Deflections over 30 degrees (each)
 - Road Crossings (state/interstate highways, each)
 - Transmission Line Crossings (each)
- (“Criteria List”)

7. Intervenor Grain Belt, NEET SW, Evergy, Midwest, and ITC, filed responsive comments to the Second R&R and Staff’s Criteria List.¹⁴ Highly summarized, these Intervenor questioned requiring Commission approval for modifications to a standardized criteria list given the time restraints, whether this would duplicate the SPP RFP process, and the possibility of eliciting other states’ input on their routing procedures to assist in this investigation.¹⁵

8. On July 30, 2024, the Commission adopted Staff’s recommendations contained in its Second R&R regarding the scope of the investigation and requested the Parties to confer on a Procedural Schedule.¹⁶

9. The Commission subsequently set a Procedural Schedule, which outlined deadlines as follows: initial comments on Staff’s Criteria List from Intervenor by September 20, 2024; reply comments from Staff and the Intervenor by Oct. 4, 2024; a Technical Workshop for

¹⁴ See Order Adopting Staff’s Recommended Scope and Establishing Procedural Schedule (July 30, 2024), pp. 5-9 (containing a summary of these Intervenor’s responsive comments).

¹⁵ See *id.*

¹⁶ *Id.*, p. 10.

the Parties on Nov. 1, 2024, final comments from the Intervenors by Nov. 8, 2024, and a final report from Staff by Nov. 20, 2024.¹⁷

10. Intervenors KFB, Evergy, KLA, Grain Belt Express, ITC, NEET SW, Sunflower, and CURB filed initial comments in September 2024, with each of these Intervenors having differing analysis and comments regarding Staff's Second R&R, particularly the weight that should be given to each proposed criterion.¹⁸ Most of the Intervenors stressed the need for flexibility considering the unique needs of an individual project; gave input on the need for Commission approval for deviations given the timeline required for line setting applications; and discussed setback distances for residential and agricultural structures.¹⁹

11. Intervenors Sunflower, Grain Belt Express, NEET SW, and Staff filed reply comments in October 2024, again with differing perspectives on Staff's initial Criteria List in the Second R&R and feedback on the comments provided by some of the Intervenors in September 2024. These Intervenors also stressed the need for Commission flexibility for any criteria list given the time constraints for these applications²⁰, and that routing studies consider most of these factors, and still should be required in line siting applications.²¹

¹⁷ Order Setting Procedural Schedule (Aug. 27, 2024).

¹⁸ *See generally*, KFB's Initial Comments of Staff's Criteria List (Sep. 20, 2024); Evergy's Comments in Response to Staff Criteria and Recommendations (Sep. 20, 2024); KLA's Initial Comments on Staff's Criteria List (Sep. 20, 2024); Grain Belt Express' Initial Comments on Staff's Criteria List and Other Recommendations (Sep. 20, 2024); ITC's Initial Comments (Sep. 20, 2024); NEET SW's Initial Comments to Staff's Criteria List (Sep. 20, 2024); Sunflower's Initial List with Exhibit List Attached (Sep. 20, 2024); and CURB's Comments (Sep. 20, 2024).

¹⁹ *See id.* ITC and KFB also argued for an alternative for line siting criteria guidance by recognizing a "Right of First Refusal," as allowed by FERC Order 1000, in that these projects would not be opened for bid to third parties, but rather, the incumbent utility would receive the project and, as they argue, allow the Commission greater involvement in the line siting process earlier. *See* ITC's Initial Comments, p. 11 (Sep. 20, 2024).

²⁰ K.S.A. 66-1,178(d) requires a Commission determination on a line siting application within 120 days of the application being filed.

²¹ *See generally*, Sunflower's Reply Comments (Oct. 4, 2024); Grain Belt Express' Reply Comments to Staff's Criteria List and Other Recommendations (Oct. 4, 2024); NEET SW's Reply Comments to Staff's Criteria List (Oct. 4, 2024).

12. In October 2024, Staff filed its Response to Intervenors’ Comments.²² Staff analyzed the Intervenors’ comments, and updated its proposed Criteria List, the units to be assigned to each criterion, and Staff’s proposed weight to be given as follows:

Criteria	Units	Priority
1. Residential Proximity	Each	High
2. Cultivated Crop Impact	Acres	Medium
3. Length along Transmission Lines	Miles	Medium
4. Length not along Parcel Boundaries	Miles	Medium
5. Public Facility Proximity	Each	Medium
6. Length not along Roads	Miles	Medium
7. Woodland Impacts	Acres	Medium
8. Center Pivot Irrigation Impacts	Each	High
9. Total Length	Miles	Low
10. Pasture Impact	Acres	Low
11. Agricultural Structure Proximity	Each	Medium ²³

13. Staff also recommended the scope of this general investigation be distilled to the following issues:

- Establishment of Routing Principles.
- Establishment of Standard Criteria that directly impacts landowners and their corresponding weighting.
- Definitions of Standard Criteria.
- Allowance of utilities to add criteria without Commission approval. New criteria must be established based on Routing Principles. Additional criteria may be considered unreasonable if they do not adhere to Routing Principles.
- Establishment of residential setbacks.
- Establishment of a definition of “Rural”.²⁴

14. Staff also recommended the following line siting principles be considered:

- Maximize the distance of the transmission line from residences, businesses, public facilities, parks, cemeteries, communication towers, and wind turbines.
- Minimize crossing through cultivated land and center pivot irrigation arms.
- Maximize the distance of the transmission line parallel to existing utilities, roads, railroads, and/or parcel boundaries when practical.
- Maintain a reasonable length and a reasonable quantity of angles.²⁵

²² Notice of Filing of Staff’s Report and Recommendation in Response to Intervenor Comment (Oct. 4, 2024); Response to Intervenor Comment (Oct. 4, 2024).

²³ Staff’s Response to Intervenor Comment, p. 3 (Oct. 4, 2024).

²⁴ *Id.*, p. 7.

15. Staff also noted that the Parties agreed that a formal routing study should be required, and Staff proposed a definition of “rural” be defined as “1-mile outside of the corporate limits of a municipality or 1-mile outside of non-incorporated areas with housing densities similar to municipalities in Kansas.”²⁶

16. On November 1, 2024, the Parties met for the scheduled Technical Workshop. The Parties’ discussion centered on Staff’s Proposal for Kansas Line Siting Principles and Priorities (“Proposal”), which was sent to the Intervenors by Staff prior to the Technical Workshop.²⁷ Staff filed the Proposal in this Docket on November 4, 2024, along with a request to modify the procedural schedule to give the Parties an opportunity to respond to the Proposal.²⁸ Additionally, Staff requested the Commission accept the Proposal as part of the record and as a basis for the Parties’ comments.²⁹

17. The Commission then ordered that the Proposal be accepted into the record as a basis for the Parties’ discussions and modified the Procedural Schedule to allow post-workshop Intervenors’ comments by November 8, 2024; post-workshop reply comments by November 22, 2024; and a final report from Staff by December 13, 2024.³⁰

²⁵ *Id.*, p. 3.

²⁶ *Id.*, p. 2. (Staff also addressed concerns raised by KFB and KLA regarding potential electric and magnetic fields created by transmission lines, and ultimately recommended that these concerns be addressed in a separate docket if the Commission so chooses, but that the issue would distract from the purpose of this Docket.).

²⁷ Notice of Filing of Staff’s Proposal and Motion for Modification of the Procedural Schedule (Nov. 4, 2024) (Staff’s Proposal was attached as “Exhibit A, which was colloquially referred to by the Parties as Staff’s “strawman proposal.”).

²⁸ *Id.*, p. 2.

²⁹ *Id.*, pp. 2-3.

³⁰ Order Accepting Staff’s Proposal as Part of the Record and Modifying Procedural Schedule (Nov. 14, 2024).

18. On November 8, 2024, Intervenors Sunflower, KAMO Power, EKOGA, KIOGA, Grain Belt Express, KFB, CURB, Evergy, ITC, KLA, and NEET SW filed post-workshop comments.³¹

19. In these initial post-workshop comments, these Intervenors tended to agree that Residential Proximity should be a top criterion.³² These Intervenors also stressed flexibility on any criteria and weighting, and that a formal waiver requirement for any adjustment of the same should not be required.³³ Several Intervenors also stated that most of these proposed guidelines are already addressed in routing studies, which most argued should be required for any line siting application.³⁴ These Intervenors also discussed whether the Commission should require uniform protocols for landowner interaction.³⁵

20. Intervenors EKOGA's and KIOGA's post-workshop comments requested that notice be required for mineral rights holders, pursuant to K.S.A. 66-1,178 and 66-1,179, in line siting proceedings.³⁶ These Intervenors also requested additional criteria and protocols focusing on interactions and potential compensation for mineral rights interest holders.³⁷

21. On November 22, 2024, Intervenors ITC, Sunflower, KFB, NEET SW, Evergy, and Grain Belt Express filed post-workshop reply comments.³⁸ In these post-workshop reply

³¹ See generally, Post-Workshop Comments of Sunflower (Nov. 8, 2024); Post-Workshop Comments of KAMO Power (Nov. 8, 2024); Post-Workshop Comments of EKOGA and KIOGA (Nov. 8, 2024); Grain Belt Express' Post Workshop Comments (Nov. 8, 2024); KFB's Post Workshop Comments (Nov. 8, 2024); Post-Workshop Comments of CURB (Nov. 8, 2024); Evergy Comments in Response to Staff's Strawman Proposal (Nov. 8, 2024); ITC's Post Workshop Comments (Nov. 8, 2024); Post-Workshop Comments – KLA (Nov. 8, 2024); NEET SW's Initial Post-Workshop Comments (Nov. 8, 2024).

³² See *id.*

³³ See *id.*

³⁴ See *id.*

³⁵ See *id.*

³⁶ See Post-Workshop Comments of EKOGA and KIOGA, pp. 4-5 (Nov. 8, 2024).

³⁷ *Id.*, pp. 2-4.

³⁸ See generally, ITC's Post-Workshop Reply Comments (Nov. 22, 2024); Sunflower's Post Workshop Reply Comments (Nov. 22, 2024); KFB's Post-Workshop Reply Comments (Nov. 22, 2024); NEET SW's Post-Workshop Reply Comments (Nov. 22, 2024); Evergy Reply Comments (Nov. 22, 2024); Grain Belt Express' Post-Workshop Reply Comments (Nov. 22, 2024).

comments, most of these Intervenors again stressed flexibility in any guidelines for individual situations so as to not make the line siting process burdensome or time consuming considering the 120-day statutory timeframe for approval.³⁹

22. Intervenors ITC, Sunflower, NEET SW, Evergy, and Grain Belt also advocated against formalizing and/or requiring approval for landowner protocols as it was outside the Commission-approved scope of this Docket, are already utilized and have been successful, and/or are not authorized to be regulated by the Commission given its statutory authority.⁴⁰ These intervenors also argued against the proposals made by EKOGA and KIOGA given the lack of statutory authority to require notice to mineral rights holders, and that any proposed protocols should not address a utility's potential compensation for an easement as it is outside the Commission's statutory purview.⁴¹

STAFF'S FINAL REPORT AND RECOMENDATION

23. On December 13, 2024, Staff filed its Third Report and Recommendation,⁴² and then, on Dec. 30, 2024, Staff filed its Notice of Errata Filing to Staff's Third Report and Recommendation (together, referred to as Staff's "Final R&R").⁴³

24. The Final R&R analyzed the Intervenors' comments and grouped the Intervenors into two categories: the utilities and transmission developers ("TDs"), and the advocacy

³⁹ See *id.*; see also, FN 20, *supra*.

⁴⁰ See *id.*

⁴¹ See *id.*

⁴² Staff's Third Report and Recommendation (Dec. 13, 2024).

⁴³ Notice of Errata Filing to Staff's Third Report and Recommendation (Dec. 30, 2024). Staff's Errata modified its proposed definition of "Length not along Parcel Boundaries" to remove reference to sections of a proposed route which follows roads due to negatively impacting routes following roads. *Id.* at 12. "The impact of Length not along Parcel Boundaries is intended to account for impacts associated with bifurcation of property (which) does not occur then following roadways . . ." *Id.*

groups.⁴⁴ The TDs stressed flexibility in any guidelines and priorities for line siting applications, while the advocacy groups desired sufficient detail to make guidelines and priorities meaningful.⁴⁵

25. Staff noted the impetus of this Docket was that large transmission lines are anticipated to increase in Kansas, and that complex routing studies are submitted to the Commission without the benefit of understanding beforehand potential concerns the Commission may have in a proposed line siting.⁴⁶ Further, Staff stated, the Intervenors “agree to an extent that establishing principles and priorities used to site electric transmission lines in Kansas will increase the efficiency of line siting applications and be in the public interest.”⁴⁷

26. Staff proposed to limit the applicability of any routing guidelines for line siting to “rural” areas, which is defined as “1-mile outside of the corporate limits of a municipality or 1-mile outside of non-incorporated areas with housing densities of 3 dwelling units per acre or more.”⁴⁸ Also, the proposed guidelines would apply to a “utility” as defined in K.S.A. 66-1,177.⁴⁹

27. After analyzing all of the Intervenors’ comments and concerns, Staff ultimately proposes the adoption of a 4-page document entitled “Guidance to Kansas Electric Transmission Line Siting Principles and Priorities”⁵⁰ (referred to herein as “Guidance Document”).

⁴⁴ Final R&R, p. 3 (the TDs are identified as intervenors ITC, NEET SW, Sunflower, KFB, NEET SW, Evergy, Grain Belt Express, and KAMO Power; and the advocacy groups are identified as CURB, KFB, KLA, KMEA, EKOGA and KIOGA).

⁴⁵ *Id.*, p. 16.

⁴⁶ *Id.*, pp. 3-4.

⁴⁷ *Id.*, p. 4.

⁴⁸ *Id.*, p. 7.

⁴⁹ *Id.*, p. 6.

⁵⁰ *See id.* (attached as “Exhibit A” or “Guidance Document”).

28. The Guidance Document proposes “Routing Principles,” which are “high level priorities intended to serve as a guide for the overall routing process.”⁵¹ These proposed

“Routing Principles” are:

- Maximize the distance of the transmission line from residences and businesses.
- Minimize crossing through cultivated land and avoid direct impact to center pivot irrigation arms.
- Maximize the distance of the transmission line parallel to existing roads, and/or parcel boundaries when practical.
- Maintain a reasonable length and a reasonable quantity of angles.
- Avoid direct impacts to oil and gas wells.⁵²

29. Regarding the Routing Principles, the Guidance Document provides further:

Utilities should adhere to principles and only deviate when necessary and reasonable. The routing study should propose a reasonable route selected based on routing principles. Criteria weights within the routing study must be established based on the routing principles and/or public opinion informed through public meetings and open houses in the area of the proposed transmission line, subject to any applicable federal and state environmental, cultural, and state historical preservation consultations and requirements.⁵³

30. The Guidance Document proposes adopting standard criteria and weights to be considered in any routing study, which would accompany any line siting application.⁵⁴ The proposed criteria and weighting are as follows:

No.	Criteria	Units	Staff’s Weight
1	Residential Proximity	Each	10
2	Cultivated Crop Impact	Acres	Established by Applicant
3	Length along Existing Transmission Lines	Miles	Established by Applicant
4	Length not along Parcel Boundaries	Miles	9
5	Public Facility Proximity	Each	Established by Applicant
6	Length not along Roads	Miles	8
7	Woodland Impacts	Acres	Established by Applicant
8	Center Pivot Irrigation Direct Impacts	Each	7
9	Total Length	Miles	3
10	Pasture Impact	Acres	Established by Applicant
11	Agricultural Structure Proximity	Each	Established by Applicant

⁵¹ *Id.*, p. 2.

⁵² *Id.*, pp. 2-3.

⁵³ *Id.*, p. 2.

⁵⁴ Guidance Document, p. 3.

(“Standard Routing Criteria and Weights”)⁵⁵

31. Staff explains: “The principles and criteria are universal amongst electric transmission lines located in rural areas of Kansas (and) focus on property owner and public impacts.”⁵⁶ Further, the applicant could propose other criteria of differing weights as a “one-size-fits-all approach is impractical,” as long as the applicant demonstrates the reasonableness for any deviation.⁵⁷

32. Each criterion — as well as terms used in the Routing Principles — are defined in the Guidance Document, which Staff explains was the culmination of analyzing the Intervenor’s comments, and that the Guidance Document “strikes an appropriate balance between detail and flexibility.”⁵⁸

33. Staff also recommends that any applicant should submit the following Protocols with a line siting application: Agricultural Impact Mitigation Protocols; Landowner Protocols; and, Oil and Gas Industry Protocols.⁵⁹ Staff noted the Intervenor’s reaction related to protocols was mixed. Some advocated for standardized Commission-approved form of protocols and that enforceability was paramount⁶⁰; while others, such as Evergy, argued protocols would “hinder a utility’s ability to effectively negotiate easements and will lead to more eminent domain proceedings.”⁶¹

34. Staff noted that the Commission recently required protocols in Docket No. 24-GBEE-790-STG (“24-790 Docket”).⁶² Ultimately, Staff recommended the protocols be included

⁵⁵ *Id.*

⁵⁶ Final R&R, p. 5.

⁵⁷ *Id.*, pp. 16-17.

⁵⁸ *Id.*, p. 16.

⁵⁹ *Id.*, pp. 14-14; Guidance Document, pp. 3-4.

⁶⁰ See Kansas Farm Bureau’s Post-Workshop Comments, ¶ C (Nov. 8, 2024).

⁶¹ Final R&R, p. 14 (*quoting* Evergy’s Comments in Response to Staff’s Strawman Proposal, ¶ D (Nov. 8, 2024)).

⁶² *Id.*; *see* Order Granting Siting Permit with Conditions, Docket No. 24-GBEE-790-STG (Sept. 26, 2024).

in a line siting application, but not dictated as to form.⁶³ Staff noted that EKOGA and KIOGA advocated for standardized Oil and Gas Industry protocols that would include various additional requirements above and beyond what was approved in the 24-790 Docket, but that the protocols approved in the 24-70 Docket “could be viewed as a minimum standard for Oil and Gas Protocols and used as a basis for future protocols generated by other utilities.”⁶⁴

AUTHORITY AND ANALYSIS

35. K.S.A. 66-1,178(a) provides that an electric utility must acquire a siting permit from the Commission prior to “site preparation for or construction of an electric transmission line, or exercise the right of eminent domain to acquire any interest in land” relating to such construction/project by filing an application for the same. This application must provide: (a) the proposed location of the proposed line; (b) the names and addresses of the “landowners of record whose land or interest therein is proposed to be acquired in connection with the construction of or is located within 600 feet of the centerline” of the proposed easement for the line; and, “such other information as may be required by the [C]ommission.”⁶⁵

36. Once the siting application is filed, the Commission has 120 days to issue a final order on the application.⁶⁶ In considering the application, the Commission must consider the “necessity” and “reasonableness” of the proposed line, taking into consideration the benefit for Kansas and out-of-state consumers as well as the “economic development benefits in Kansas.”⁶⁷

⁶³ *Id.*, p. 15.

⁶⁴ *Id.*

⁶⁵ K.S.A. 66-1,178(a)(1)-(3).

⁶⁶ K.S.A. 66-1,178(d).

⁶⁷ K.S.A. 66-1,180.

37. Further, the Commission “shall issue or withhold the permit applied for and may condition such permit as the [C]ommission 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.”⁶⁸

38. Based on the record, input of the Parties and Staff’s Final R&R, the Commission finds the adoption of the Guidance Document will benefit the line siting process by allowing more input and consideration of stakeholders’ interests earlier in the siting process.⁶⁹ The Guidance Document offers several benefits. First, the Guidance Document will provide utilities an early opportunity to address and consider the unique characteristics of a proposed transmission line project, given that each criterion is common to any given line siting process.⁷⁰

39. Second, the Guidance Document allows sufficient flexibility as an applicant may request a deviation from any of the default criteria and/or weighting, or add additional criterion and weight, as long the applicant demonstrates the reasonableness for the deviation.⁷¹

40. Third, the Guidance Document will greatly assist the Commission in effectuating its statutory duty to determine the “reasonableness” and “necessity” for a proposed transmission line project by giving an applicant a proverbial roadmap of issues and factors to consider when obtaining a routing study.⁷² This process will help promote the interests of the general public⁷³ — and address many issues raised by the advocacy groups — as well as enhance the efficiency of planning and determining a proposed transmission line route for an applicant.

41. The Commission finds that protocols should be included with a line siting application, but declines to adopt specific universally-applicable protocols in this proceeding.

⁶⁸ *Id.*

⁶⁹ See ¶ 1, *supra*.

⁷⁰ See ¶¶ 1, 31, *supra*.

⁷¹ See ¶¶ 31, 36, *supra*; see also K.S.A. 66-1,180.

⁷² See ¶¶ 36-37, *supra*; see also K.S.A. 66-1,180.

⁷³ See K.S.A. 66-1,180.

Therefore, while a utility must submit protocols, those protocols need not comply with a one-size-fits-all form and can be tailored to the specific conditions of a given project. While not previously required, this Commission finds Agricultural Impact Mitigation Protocols; Landowner Protocols; and, Oil and Gas Industry Protocols assist in evaluating a reasonable route and are a warranted permit condition to “best protect the rights of all interested parties and those of the general public.”⁷⁴

42. As evidenced above, the Guidance Document was a collaborative effort by the Parties, with each party giving valuable and insightful input during this process. The Commission has considered all the input from the Parties during this investigation, which is greatly appreciated, and finds the Guidance Document sufficiently distills the interests and concerns of the Parties, as well as the general public. Further, the Commission gives great weight to a collaborative effort from stakeholders, such as the case here.

THEREFORE, THE COMMISSION ORDERS:

A. The Guidance Document (attached as “Exhibit A” hereto) is adopted. An applicant for a proposed transmission line project shall utilize the Guidance Document when obtaining a routing study, and adhere to the priorities, principles, Standard Routing Criteria and Weights contained therein; provided, however, that an applicant may request a deviation by showing the reasonableness of any such deviation, as ultimately determined by the Commission.

B. An applicant shall include a routing study addressing the priorities, principles, and Standard Routing Criteria and Weights contained in the Guidance Document with any line siting

⁷⁴ See K.S.A. 66-1,180. Also, we agree with Staff that the Oil and Gas Industry protocols approved in the 24-790 Docket should be viewed as a “minimum standard” and that utilities are free to propose additional provisions in the future, but the additional items advocated by EKOGA and KIOGA to be contained in the Oil and Gas Industry Protocols are too rigid, or too broad. See ¶ 34, *supra*. Staff’s recommended adoption of “Avoid direct impacts to oil and gas wells” to the Guidance Document’s routing principles should address many of these concerns while allowing sufficient flexibility. See Final R&R, p. 9.

application submitted pursuant to K.S.A. 66-1,178. An applicant shall also submit proposed Agricultural Impact Mitigation Protocols, Landowner Protocols, and Oil and Gas Industry Protocols with any such application.


C. Pursuant to K.S.A. 77-415(b), paragraphs A and B contained in the ordering clause of this Order are designated precedential. Accordingly, this Order will be included in the Commission's index of precedential orders, published on the Commission's website.

D. The Parties have 15 days from the date of electronic service of this Order to file a petition for reconsideration.⁷⁵

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 01/23/2025



Lynn M. Retz
Executive Director

ARB

⁷⁵ K.S.A. 66-118b; K.S.A. 77-529(a)(1).



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**DOCKET 24-GIME-102-GIE
GUIDANCE TO KANSAS ELECTRIC TRANSMISSION LINE SITING
PRINCIPLES AND PRIORITIES**

Applicability:

Line siting guidelines and priorities presented herein apply to electric utilities filing line siting applications pursuant to K.S.A. 66-1,177 et seq. in rural areas.

Definitions:

Utility(ies) has the same meaning as “electric utility” as defined in K.S.A. 66-1,177.

Rural means 1-mile outside of the corporate limits of a municipality or 1-mile outside of non-incorporated areas with housing densities of 3 dwelling units per acre or more.

Agricultural Structures means any structure designed and constructed to house hay, grain, poultry, livestock or other horticultural products, or farming implements; and any lot, pen, pool or pond: which is used for the confined feeding of animals or fowl for food, fur or pleasure purposes. Agricultural structures do not include derelict structures, temporary structures, or easily relocatable structures.

Residential Proximity refers to the criterion that assesses the distance between the proposed transmission line and a residence. Routes should be compared based on the number of houses within certain distances of the centerline of the transmission line. The criterion should be evaluated on a tiered basis utilizing multipliers to account for growing impacts as a given route approaches a residence. Residences within 0-150 feet, 150 to 300 feet, and 300 to 500 feet should be factored by 3, 2, and 1 to account for greater impact of routes nearer residences.

Cultivated Crop Impact refers to the potential effects of a transmission line on agricultural lands used for growing crops. Routes should be compared based on the area of cultivated cropland within the right of way of the transmission line.

Length along Existing Transmission Lines refers to the potential effects of routing a new transmission line parallel to existing transmission lines. Routes should be compared based on the length of proposed line which parallels an existing transmission line and considered an unfavorable impact. Location of a proposed transmission line within existing right-of-way, such that another easement is not required, need not be considered as an unfavorable impact under this criterion and could be considered a positive impact.

Length not along Parcel Boundaries refers to the portion of a transmission line route that does not follow existing property or parcel boundaries or bifurcates a contiguous agricultural area which happens to lie on two properties. Routes should be compared based on the length of proposed line which does not follow parcel boundaries or bifurcates a contiguous agricultural area.

Public Facility Proximity refers to the criterion that assesses the distance between the proposed transmission line and a public facility (i.e. church, school, community building, other buildings used by the public for congregation). Routes should be compared based on the number of public facilities within 300 feet of the centerline of the proposed electric transmission line.

Length not along Roads refers to the portion of a transmission line route that does not follow roads. Route centerlines should be compared based on the length of the proposed line which does not follow within 200' of the edge of road right-of-way.

Woodland Impacts refers to the potential effects of a transmission line on woodland areas. Routes should be compared based on the area of woodland within the transmission line right of way.

Center Pivot Irrigation Impact refers to the potential effects of a transmission line within agricultural areas which are irrigated utilizing center pivot equipment. Routes should be compared based on the number (each) of center pivot irrigation system whose operation would be negatively impacted or impeded by the transmission line. If the Center Pivot Irrigation system can operate normally following construction, the impact would be a Cultivated Crop Impact.

Total Length refers to the potential impact associated with the length of the transmission line. Routes should be compared based on their length.

Pasture Impact refers to the potential effects of a transmission line on agricultural lands used for livestock grazing or agricultural purposes other than cultivation of crops. Routes should be compared based on the area of pasture within the right of way of the transmission line.

Agricultural Structure Impact refers to the impacts of an electric transmission line associated with the distance of the electric transmission line from a permanent agricultural structure. Routes should be compared based on the number of agricultural structures within 300 feet of the centerline of the proposed electric transmission line.

Oil and Gas Well Impacts refer to direct impacts on a production, injection disposal or other well used in connection with oil, gas or other hydrocarbon related operation that negatively affect the operation or maintenance of the well.

Recommendation 1 – Routing Principles:

Routing principles are high-level priorities intended to serve as a guide for the overall routing process. At times, routing principles may conflict and under certain circumstances a utility may need to deviate from a principle. Utilities should adhere to principles and only deviate when necessary and reasonable.

The routing study should propose a reasonable route selected based on routing principles. Criteria weights within the routing study must be established based on the routing principles and/or public opinion informed through public meetings and open houses in the area of the proposed transmission line, subject to any applicable federal and state environmental, cultural, and state historical preservation consultations and requirements. Staff recommends the Commission adopt the following routing principles:

- Maximize the distance of the transmission line from residences and businesses.
- Minimize crossing through cultivated land and avoid direct impact to center pivot irrigation arms.

- Maximize the distance of the transmission line parallel to existing roads, and/or parcel boundaries when practical.
- Maintain a reasonable length and a reasonable quantity of angles.
- Avoid direct impacts to oil and gas wells.

Recommendation 2 – Standard Criteria and Weighting:

All routing studies should consider the standard criteria listed below. Items without established weights should be weighted by the developer on a case-by-case basis, based on routing principles, verifiable public preferences established during routing meetings, legal requirements, and project-specific needs and considerations.

Applicants can modify the routing criteria, including any Commission predetermined weights; however, Applicants should provide an explanation in their Application as to why it is reasonable to modify or eliminate routing criteria. Applicants must demonstrate reasoning for modification of criteria based on the interest of the public, legal obligations, and/or routing principles.

The utility may add criteria to the routing study and weight criteria without Commission approval. However, the utility should follow routing principles when weighting any additional criteria. Criteria weights which do not follow routing principles may be considered unreasonable.

Table 1: Standard Routing Criteria and Weights.

No.	Criteria	Units	Staff's Weight
1	Residential Proximity	Each	10
2	Cultivated Crop Impact	Acres	Established by Applicant
3	Length along Existing Transmission Lines	Miles	Established by Applicant
4	Length not along Parcel Boundaries	Miles	9
5	Public Facility Proximity	Each	Established by Applicant
6	Length not along Roads	Miles	8
7	Woodland Impacts	Acres	Established by Applicant
8	Center Pivot Irrigation Direct Impacts	Each	7
9	Total Length	Miles	3
10	Pasture Impact	Acres	Established by Applicant
11	Agricultural Structure Proximity	Each	Established by Applicant

Recommendation 3 – Required Documentation

Routing Study:

Utilities submitting a line siting application should submit a routing study with the application.

Protocols:

Utilities submitting a line siting application should submit with the application the following protocols or have a previously accepted protocols on file with the Commission (protocols may be consolidated into one document):

1. Agricultural Impact Mitigation Protocols.
2. Landowner Protocols.
3. Oil and Gas Industry Protocols.

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24-GIME-102-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 01/23/2026.

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