

2. In 2011, the Commission approved a Stipulation and Agreement in the 11-GBEE-624-COC Docket, specifically limiting Grain Belt's Certificate to constructing and operating a high voltage, direct current (HVDC) line and AC Collector System.⁴ Grain Belt agreed to condition its Certificate upon no Project or AC Collector System cost recovery would be allocated to or collected from Kansas ratepayers, other than *de minimis* costs ancillary to any needed interconnection to SPP.⁵ On November 7, 2013, in Docket No. 13-GBEE-803-MIS, the Commission granted Grain Belt's Application for a siting permit to construct the Kansas DC Facilities, conditioned upon: (1) obtaining the requisite state or federal siting approval required by law to begin construction on the entirety of the HVDC Project outside of Kansas; and (2) the cost of the Project and any AC Collector System owned by Grain Belt was not to be recovered through the SPP cost allocation process or from Kansas ratepayers.⁶

3. On July 9, 2024, Sunflower Electric Power Corporation (Sunflower) was granted intervention. Dr. Al Tamimi, Sunflower's Senior Vice President and Chief Operations Officer Transmission, filed Direct Testimony on behalf of Sunflower, to address the economic impact of the proposed transmission lines on Kansas, including the member-owners of Sunflower.⁷ Dr. Tamimi expressed concern that absent a commitment from Grain Belt to pay for the costs associated with the AC Collector Lines, Sunflower's customers may be responsible for the costs of studying and mitigating issues created by the location of the AC Collector Lines.⁸

4. On July 16, 2024, the Commission granted intervention to Bradley B. Boyd and Sandra A. Boyd, Co-Trustees of the Bradley B. Boyd Revocable Trust dated August 23, 2011;

⁴ Staff's Closing Brief, Sept. 6, 2024, ¶¶ 3-4.

⁵ *Id.*, ¶ 4.

⁶ *Id.*, ¶ 6.

⁷ Direct Testimony of Dr. Al Tamimi, July 3, 2024, p. 4.

⁸ *Id.*, pp. 8-9.

Sandra A. Boyd and Bradley B. Boyd, Co-Trustees of the Sandra A. Boyd Revocable Trust dated August 23, 2011; Bradley B. Boyd and Ellen L. Verell, Co-Trustees of the Ellen L. Verell Revocable Trust dated January 24, 2012, Down Home, Inc.; and Boyd Farms, Inc. (collectively, the Boyds).⁹ The Boyds intervened because the proposed Meade-Dodge City Line would traverse across their land.¹⁰ The Boyds proposed an alternative route that instead of turning north at Highway 23/Road 18 and tracks Road 18 north approximately ten miles before turning back to the east, would 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 CC Road.¹¹

5. On July 3, 2024, Paul Owings, Deputy Chief Engineer of the Utilities Division of Commission Staff (Staff) filed direct testimony, explaining the potential benefits the project may deliver to Kansas consumers, including reliability of electricity and future rate savings are sufficient to conclude the project is beneficial.¹² Owings states because Staff believes this transmission project is necessary and the route is reasonable, it recommends the Commission conditionally approve the Application.¹³ Owings also testified the project has a high probability of providing economic benefits in Kansas and apparently provides benefits to consumers outside of Kansas based on findings of other public utility commissions.¹⁴ Owings explained that the Grain Belt Project is a “merchant” transmission line, so generation projects seeking to interconnect into its HVDC Line rather than Kansas retail customers will pay for the cost of the Project.¹⁵ Also, Owings testified that Staff recommends Grain Belt complete a power quality study to evaluate the

⁹ Order Granting the Boyd Intervenors’ Petitioner to Intervene, July 16, 2024, ¶ 7.

¹⁰ *Id.*, ¶ 4.

¹¹ Direct Testimony of Bradley B. Boyd, July 3, 2024, pp. 3-4.

¹² Direct Testimony of Paul Owings, July 3, 2024, p. 7.

¹³ *Id.*, p. 33.

¹⁴ *Id.*, pp. 8-9.

¹⁵ *Id.*, p. 6.

potential for decreased power quality in Kansas service areas resulting from the Project and to propose measures to mitigate those decreases in power quality.¹⁶

6. On July 9, 2024, on behalf of Grain Belt, Emily Hyland, Communications Manager with HDR Engineering, Inc., submitted an affidavit attesting legal notices of the public hearing were published in newspapers in Ford, Gray, and Meade Counties. That same day, on behalf of Grain Belt, Karen Cash, owner of KC Creative Services, submitted an affidavit attesting a notice letter was sent to landowners of record for property located within 1,000 feet of the centerline of the proposed route by certified mail on June 20, 2024, informing them of the public hearing and the corresponding public comment period, and including a copy of the Application with a map of the Bucklin-Dodge City and Meade-Dodge City Proposed Routes.

7. On July 10, 2024, the Commission held a public hearing in Dodge City. The public hearing was also accessible to the public through video-conferencing and was live-streamed online. During the public hearing, the Commission received oral public comments on Grain Belt's Application in this proceeding.

8. On July 23, 2024, the Presiding Officer filed Notice of Filing of Public Comments, noting the Commission received 13 written comments during the public comment period, which ran from May 31, 2024-July 15, 2024. The Commission issues this Order with due consideration of those comments.

9. On July 26, 2024, Grain Belt filed rebuttal testimony from David Gelder, Kevin Chandler, Jamie Precht, and Carlos Rodriquez. Chandler testified that Grain Belt agreed to several conditions proposed by Staff, including returning possession of any easement acquired by eminent domain if it fails to execute an interconnection agreement or agreements with a generator or

¹⁶ *Id.*, p. 15.

generators in the vicinity of the relevant AC Collector Line origination point within five years of recording the easements rights.¹⁷ Chandler also proposes an alternative route (Grain Belt Alternative) that turns north just north of the intersection of 16 Road and C Road in Meade County, and continues north for approximately one mile before making a slight angle to the northeast, ultimately continuing east again through Mr. Boyd's property until it reaches Highway 23 approximately one mile north of Mr. Boyd's residence.¹⁸ Precht testified that both Boyd alternative routes should be rejected because they are inconsistent with routing principles.¹⁹ Rodriquez explained that the Southwest Power Pool (SPP) has completed a Feasibility Study, a Planning Study, specifying the technical requirements of the HVDC project, is underway, and a Design Study will begin at the conclusion of the Planning Study.²⁰ Rodriquez states any mitigation required to ensure reliability and power quality of the system, including for loads in the Sunflower system will be identified in the upcoming Planning Study.²¹ Since SPP is studying the reliability of the Grain Belt system, Rodriquez believes a power quality study as recommended by Staff would be duplicative and unnecessary.²²

10. On August 2, 2024, Chandler, Brad Fine, Gelder, and Precht filed testimony on behalf of Grain Belt in response to public comments. Precht disputes Boyd's claimed benefits of Boyd Alternative Route 2. Specifically, she claims Boyd Alternative 2 has just two fewer residences within 500 feet of the centerline compared to Grain Belt's Proposed Route, not five fewer, as Boyd claims.²³ Precht explains Grain Belt's Proposed Route for the Meade Line is still

¹⁷ Rebuttal Testimony of Kevin Chandler, July 26, 2024, pp. 9-10.

¹⁸ *Id.*, p. 15.

¹⁹ Rebuttal Testimony of Jamie Precht, July 26, 2024, pp. 4, 8.

²⁰ Rebuttal Testimony of Carlos Rodriquez, July 26, 2024, p. 8.

²¹ *Id.*

²² *Id.*, p. 12.

²³ Testimony of Jamie Precht in Response to Public Comments, Aug. 2, 2024, p. 4.

the best option because the routing process is designed to select the route with the least overall impacts, not merely the least impacts on individual landowners.²⁴

11. On August 7, 2024, Owings filed testimony expressing a preference for Boyd Alternative Route 2 over Boyd Alternative Route 1, and recommending denying Boyd Alternative Route 1.²⁵ But Owings voiced concerns that Boyd Alternative Route 2 may impact landowners beyond 1,000 feet of the proposed route's centerline and who would not have received notice of the proposed line siting.²⁶ Owings believes Boyd Alternative Route 2 may be viable if accepted by affected property owners.²⁷ Ultimately, Owings testifies that the original proposed route, Boyd Alternative Route 2, and the Grain Belt Alternative Route all appear reasonable, and the route with the least impact on property owners should be selected.²⁸ Since Boyd Alternative Route 2 appears to affect new property owners while the Grain Belt Alternative Route does not, Owings recommends approving the Grain Belt Alternative Route.²⁹

12. In response to Sunflower's concerns that large industrial loads may be interrupted by transient events, Owings clarified that his initial recommendation that Grain Belt perform a power quality study to evaluate the potential for decreased power quality in Kansas service areas and provide equipment necessary to mitigate any power quality impacts³⁰ was not intended to force Grain Belt to perform multiple studies and duplicative efforts.³¹ Instead, he explained that requiring the SPP interconnection studies to be filed in a compliance docket will provide appropriate transparency.³²

²⁴ *Id.*, p. 7.

²⁵ Testimony of Paul Owings in Response to Public Comments, Aug. 7, 2024, p. 13.

²⁶ *Id.*, p. 15.

²⁷ *Id.*, p. 16.

²⁸ *Id.*, p. 17.

²⁹ *Id.*

³⁰ *Id.*, p. 23.

³¹ *Id.*, p. 24.

³² *Id.*

13. Owings suggests when approving the route, the Commission should require Grain Belt to: (1) consider large combines and grain carts for the anticipated vehicle height when calculating minimum wire clearances and allow for the height of a large combine or the property owner's equipment, whichever is greater clearance; (2) file SPP studies (Feasibility, Planning, Design, etc.) relating to local power quality in a compliance docket associated with this Docket; (3) propose a Kansas version of a Land Owner Protocol to be filed in a compliance docket associated with this Docket; (4) measure the electric and magnetic field (EMF) emissions at the edge of the right of way (ROW) after the line is operational. If future studies determine EMF exposure is a concern, solutions to mitigate its effects can be determined at that time; and (5) provide the property owner at the southwest corner of Saddle and 115 Road a detailed map showing the position of the AC Collector Line relative to the home. If the landowner indicates plans for future building, Grain Belt should modify its route to accommodate the future home according to the routing principles stated in the Application.³³

14. On August 14, 2024, Chandler, Gelder, and Fine filed rebuttal testimony on behalf of Grain Belt in response to Staff's response to public comments. In his rebuttal testimony, Chandler discussed a potential alternative route to Grain Belt's original route proposal, but reiterates that Grain Belt's initial Proposed Route is the best route.³⁴ Fine's testimony addresses Paul Owings' suggestion that Grain Belt propose a Kansas version of Landowner Protocols.³⁵ Fine believes the Landowner Protocols, Code of Conduct, and Ag Protocol it submitted goes beyond the requirements of K.S.A. 66-1,183, and formalizes Grain Belt's commitment to treating landowners with respect, providing clear communication, and negotiating voluntary agreements.³⁶

³³ *Id.*, p. 35.

³⁴ Rebuttal Testimony of Kevin Chandler to Staff Response to Public Comment, Aug. 14, 2024, p. 4.

³⁵ Rebuttal Testimony of Brad Fine to Staff Response to Public Comment, Aug. 14, 2024, p. 4.

³⁶ *Id.*, pp. 4-5.

15. On August 15, 2024, the Boyds filed a Motion to File Supplemental Testimony of Bradley B. Boyd to express their concerns over the Grain Belt Alternative.³⁷ The Boyds explained that the Grain Belt Alternative is unacceptable.³⁸ The Commission granted the Boyds' Motion on August 22, 2024.

16. On August 19, 2024, the Parties submitted their list of contested issues. The Boyds identified three issues: (1) Is Grain Belt's original route or Boyd Alternative Route 2 more reasonable;³⁹ (2) Is it reasonable to defer a decision until the Commission holds a second public hearing for landowners impacted by Boyd Alternative Route 2;⁴⁰ and (3) Did Grain Belt ignore a promise to not build a transmission line on the Boyds' property without consent?⁴¹ Staff, Grain Belt, Sunflower, and CMS Electric Cooperative, Inc. (CMS)⁴² filed a Joint List of Disputed and Resolved Issues: (1) recognizing the Boyds dispute the reasonableness of the location of the portion of the Meade Line that crosses their property;⁴³ and (2) identifying the issues of whether Grain Belt should be required to pay costs associated with a power quality study commissioned by Sunflower, and any mitigative actions suggested by the power quality study.⁴⁴

17. Staff, Grain Belt, Sunflower, and CMS agree that the following issues are resolved:
- (a) Grain Belt will file relevant Feasibility, Planning, and Design Studies required by SPP in a compliance filing with the Commission;⁴⁵
 - (b) Grain Belt will continue to engage with Engie Renewables NA LLC, Iron Star Wind Project, LLC, Horse Thief Wind Project, LLC, Sante Fe

³⁷ Motion to File Supplemental Testimony, Aug. 15, 2024, ¶ 1.

³⁸ *Id.*, ¶ 2.

³⁹ The Boyd Intervenor's List of Contested Issues, Aug. 19, 2024, ¶ 1.

⁴⁰ *Id.*, ¶ 2.

⁴¹ *Id.*, ¶ 3.

⁴² CMS was granted intervention on July 30, 2024.

⁴³ Joint List of Disputed and Resolved Issues, Aug. 19, 2024, ¶ 4(1)(b).

⁴⁴ *Id.*, ¶ 4(2).

⁴⁵ *Id.*, ¶ 5.

Wind Project, LLC, and Midway Wind Project, LLC (ENGIE)⁴⁶ on the location of existing infrastructure and on safe installation during the construction period;⁴⁷

(c) Grain Belt's Landowner Protocols, a Code of Conduct and Agricultural Impact Mitigation Protocols satisfies Staff's recommendation that Grain Belt file a Kansas version of the Landowner Protocols that Grain Belt filed in Missouri;⁴⁸

18. As part of the Joint List of Disputed and Resolved Issues, Staff and Grain Belt agree that the Commission should condition approval of the Application upon:⁴⁹

(1) Grain Belt shall develop an AC Collector System master plan showing the anticipated location, quantity, and length of AC Collector lines, to be submitted as a compliance filing at least ninety days in advance of its next AC Collector line siting application;

(2) Grain Belt shall limit future AC Collector line construction to the geographic area identified in the AC Collector line master plan. If any future AC Collector line extends beyond the geographic area identified in the AC Collector line master plan, Grain Belt shall include an updated master plan in the line siting application for any such AC Collector line(s) and explain why the geographic area was modified;

⁴⁶ ENGIE was granted intervention on July 30, 2024.

⁴⁷ Joint List of Disputed and Resolved Issues, ¶ 6.

⁴⁸ *Id.*, ¶ 7.

⁴⁹ *Id.*, ¶ 8.

(3) Grain Belt will make a compliance filing in this docket prior to construction detailing whether the Bucklin-Dodge City Line will be single or double circuit;

(4) Grain Belt will file the SPP's Feasibility Study, Planning Study and Design Study when they are available via a compliance filing with the Commission, subject to appropriate confidentiality and critical energy infrastructure information (CEII) protections;

(5) Grain Belt shall not install transmission facilities on easement property in Kansas until it has executed an interconnect agreement or agreements with a generator or generators in the vicinity of the relevant AC Collector Line origination points;

(6) If Grain Belt does not execute an interconnection agreement or agreements with a generator or generators in the vicinity of the relevant AC Collector Line origination point within five years, any involuntary easements (eminent domain) will be returned to the landowner within 60 days and record the dissolution of the easement without requirement of any reimbursements payments by the landowner;

(7) Grain Belt will measure EMF emissions at the edge of the right of way after the line is operational in order to establish a reference point if such measurement is requested by the landowner; and

(8) Grain Belt shall consider large combines and grain carts for the anticipated vehicle height when calculating minimum wire clearances. Grain Belt shall contact property owners to determine the height of

equipment used on their property and, unless engineering constraints require otherwise, account for such heights when calculating minimum wire clearances.

19. On August 21, 2024, Owings responded to Boyds' Supplemental Testimony, explaining that he was unaware of the Boyds' opposition to the Grain Belt Alternative and the basis for their opposition when he recommended approval of the Grain Belt Alternative Route.⁵⁰ After he reviewed the Boyds' Supplemental Testimony, Owings concludes neither Grain Belt nor the Boyds favor the Grain Belt Alternative Route.⁵¹ Based on the factors presented in the Boyds' Supplemental Testimony, Owings believes the Grain Belt Alternative Route is unworkable and should be rejected.⁵² Owings states Staff believes there has not been enough evidence currently in the record to establish the reasonableness of Boyd Alternative Route 2,⁵³ and it appears that insufficient time remains under K.S.A. 66-1,178(d) to complete the public notice and meetings needed to fully evaluate Boyd Alternative Route 2.⁵⁴ Since he believes the initial proposed route has met the burden of proof to demonstrate its reasonableness, Owings recommends approving the route proposed in the Application.⁵⁵

20. On August 23, 2024, Grain Belt and the Boyds submitted a Joint Motion for Approval of Settlement Agreement. The Joint Motion explains it is undisputed that the AC Collector Lines are necessary, and the only remaining dispute among the parties regarding the location of the line is whether the Boyd Alternative 2 or the original route proposed in Grain Belt's

⁵⁰ Staff's Response to Supplemental Testimony of Bradley B. Boyd Prepared by Paul Owings, Aug. 21, 2024, pp. 2-3.

⁵¹ *Id.*, p. 3.

⁵² *Id.*

⁵³ *Id.*, p. 4.

⁵⁴ *Id.*, p. 5.

⁵⁵ *Id.*, p. 4.

Application is the best route.⁵⁶ Thus, Grain Belt and the Boyds (Joint Movants) request that the Commission condition the siting permit on deferring the question of whether Boyd Alternative 2 is reasonable until after the close of the current proceeding, to allow (i) Grain Belt to develop a routing analysis comparing the Bifurcated Route Options; (ii) legal notice to all landowners impacted by the Boyd Alternative 2 route; (iii) a second public hearing on Boyd Alternative 2 and the relevant portion of the Meade Proposed Route; and (iv) additional procedures necessary for the Commission to make a decision regarding the Bifurcated Route Options.⁵⁷

21. The Joint Movants also agree that the Commission should condition Grain Belt's siting permit on the following:

- i. Grain Belt will develop a routing analysis comparing the Boyd Alternative 2 and the portion of the Proposed Route for the Meade-Dodge City Line that would be avoided if the Boyd Alternative 2 is used (the Proposed Route Segment).⁵⁸ Together, the Boyd Alternative 2 and the Proposed Route Segment are referred to as the Bifurcated Route Options;
- ii. Grain Belt will file its routing analysis comparing the Bifurcated Route Options (Routing Analysis) with the Commission by January 15, 2025. Grain Belt agrees to submit itself to the jurisdiction of the Commission under K.S.A. 66-1,177 even though the Bifurcated Route Options, by themselves, are less than 5 miles in length. Grain Belt agrees that the Bifurcated Route Options are a portion of a Meade-Dodge City Line, which

⁵⁶ Joint Motion for Approval of Settlement Agreement, Aug. 23, 2024, ¶ 5.

⁵⁷ *Id.*, ¶ 7.

⁵⁸ Together, the Boyd Alternative 2 and the Proposed Route Segment are referred to as the Bifurcated Route Options.

is over 5 miles, and therefore, application of K.S.A. 66-1,177 *et seq.* is appropriate and waives any rights to claim otherwise;

- iii. At least 15 days before filing the Routing Analysis, Grain Belt, the Boyds, and Staff will discuss a procedural schedule, with the goal of filing a jointly proposed procedural schedule simultaneously with the Routing Analysis.

At a minimum, the procedural schedule will include:

- (A) Staff and intervenor testimony in response to the Routing Analysis;
- (B) A local public hearing pursuant to the requirements of K.S.A. 66-1,178(b);
- (C) A public comment period to run at least through the day of the local public hearing;
- (D) A public comment report from the Commission's Office of Public Affairs and Consumer Protection;
- (E) An opportunity for Grain Belt, Staff, and intervenors to file testimony in response to public comment and testimony filed by other parties;
- (F) Rebuttal testimony from Grain Belt; and
- (G) An evidentiary hearing, if requested by the parties.

22. Joint Movants acknowledge that the Commission will decide which route is most reasonable, and agree not to contest the Commission's determination of the ultimate route.⁵⁹ Staff does not oppose the proposed Settlement Agreement.⁶⁰

23. On August 26, 2024, the Commission held an evidentiary hearing on Grain Belt's Application. CMS did not participate in the hearing, but all other parties appeared by counsel.

⁵⁹ Joint Motion for Approval of Settlement Agreement, ¶ 8(v).

⁶⁰ *Id.*, ¶ 10.

The Commission heard live testimony from Kevin Chandler, Jamie Precht, David Gelder, and Carlos Rodriguez on behalf of Grain Belt; Dr. Al Tamimi on behalf of Sunflower; and Paul Owings on behalf of Staff. The witnesses were subject to cross-examination by the Parties and the Commissioners.

24. At the evidentiary hearing, in response to Commissioner questions about the proposed preliminary national interest electric transmission corridor (NIETC), Owings clarified that the AC collector lines, for the most part, are not in the preliminary NIETC corridors, and the portions that are within the proposed NIETC corridors are relatively *de minimis*.⁶¹

25. On September 6, 2024, the Boyds filed testimony in support of the settlement. The Boyds explain bifurcation is necessary because the statutory deadlines do not provide sufficient time to provide notice to a few additional landowners of Boyd Route 2 and for the Commission to hold a second hearing to review the reasonableness of Boyd Route 2.⁶² The Boyds contend K.S.A. 66-1,180 allows the Commission to condition its siting permit on bifurcating the approximately five-mile portion of the AC Collector Lines that cross the Boyd farm and holding a second hearing on the reasonableness of Boyd Alternative Route 2.⁶³ The Boyds assert Boyd Alternative Route 2 will be less intrusive than the Grain Belt Route because Boyd Alternative Route 2 passes very close to just two addresses, compared to the Grain Belt Route which passes very close to eight addresses.⁶⁴ Of the two addresses closest to the Boyd Alternative Route, one is located greater than 600 feet from the route, and the second is owned by an out-of-state resident.⁶⁵

⁶¹ Transcript of August 26, 2024 Hearing (Transcript), Aug. 26, 2024, pp. 153-54.

⁶² The Boyd Intervenors' Initial Brief in Support of Settlement, Sept. 6, 2024, ¶ 8.

⁶³ *Id.*, ¶ 15.

⁶⁴ *Id.*, ¶ 10.

⁶⁵ *Id.*

26. Also on September 6, 2024, Grain Belt, Staff, and Sunflower filed their initial post-hearing briefs. Grain Belt explains both the Bucklin-Dodge City Line and the Meade-Dodge City Line are necessary to gather output from renewable generation in Kansas to bring such generation to markets farther east.⁶⁶ Additionally, Grain Belt notes the lines will promote the development of wind generation facilities in Kansas,⁶⁷ and improve reliability and resiliency in Kansas during emergency conditions.⁶⁸ Grain Belt also claims the proposed route is reasonable, subject to bifurcation of Boyd Alternative 2 and the relevant portion of the Meade-Dodge City Proposed Route.⁶⁹ In response to the questions posed by the Commission, Grain Belt states there is no reasonable basis to mandate a specific protocol for working with oil and gas lease owners and operators as a condition to approve its Application.⁷⁰ Grain Belt contends it should not be required to pay for Sunflower's proposed power quality study or any resulting mitigative actions, and if Sunflower wishes to conduct a study outside of the standard planning criteria, it can properly raise that within the SPP Transmission Working Group (TWG).⁷¹ Grain Belt will compensate Sunflower for mitigation required on an existing Sunflower line, to the extent the mutual induction study demonstrates that the required mitigation is directly caused by the placement of Grain Belt Express facilities, but will not reimburse for costs for upgrades or additional work on the Sunflower line which are not directly attributable to the Grain Belt Express.⁷²

27. Staff is neutral on the proposed Settlement Agreement between Grain Belt and the landowners.⁷³ Staff believes the AC Collector System is necessary and Grain Belt's proposed

⁶⁶ Grain Belt Express, LLC's Initial Post-Hearing Brief, Sept. 6, 2024, ¶ 22.

⁶⁷ *Id.*, ¶ 23.

⁶⁸ *Id.*, ¶ 25.

⁶⁹ *Id.*, ¶ 31.

⁷⁰ *Id.*, ¶ 70.

⁷¹ *Id.*, ¶ 80.

⁷² *Id.*, ¶ 81.

⁷³ Staff's Closing Brief, Sept. 6, 2024, p. 2.

route for each of the interrelated lines is reasonable pursuant to K.S.A. 66-1,178.⁷⁴ But Staff acknowledges Boyd Alternative 2 may also be reasonable with more time to study.⁷⁵ After reviewing Rodriguez's rebuttal testimony, Staff dropped its initial recommendation that Grain Belt complete a power quality study.⁷⁶ Staff believes SPP's ongoing studies will be comprehensive and adequate to address and mitigate any potential risks to the local distribution system.⁷⁷ Staff's opinion is any resulting issues or mitigation efforts identified as necessary to the interconnection point should be addressed at the RTO or FERC level.⁷⁸ Because Staff does not believe the Commission has jurisdiction over the interconnection point, Staff states the Commission lacks authority to condition Grain Belt's siting permit on further requirements related to the interconnection point in excess of the necessary federally-jurisdictional studies, requirements, and approvals.⁷⁹

28. Sunflower is concerned with having to bear the cost of studying and mitigating currently unknown reliability impacts of the AC Collector Lines.⁸⁰ Because Sunflower believes Grain Belt's testimony has been somewhat vague with respect to cost recovery of the AC Collector Lines, Sunflower requests that the Commission condition the approval of the Application to require Grain Belt to pay for costs (i) associated with a power quality study commissioned by Sunflower, and (ii) mitigative actions resulting from the Sunflower study.⁸¹

29. On September 13, 2024, Grain Belt and Sunflower filed their post-hearing reply briefs. Grain Belt argues Sunflower's request to condition approval of the siting of the AC

⁷⁴ *Id.*, ¶ 36.

⁷⁵ *Id.*

⁷⁶ *Id.*, ¶ 49.

⁷⁷ *Id.*, ¶ 50.

⁷⁸ *Id.*, ¶ 57.

⁷⁹ *Id.*, ¶ 58.

⁸⁰ Post Hearing Brief of Sunflower Electric Power Corporation, Sept. 6, 2024, ¶ 3.

⁸¹ *Id.*, ¶¶ 45-46.

Collector Lines on requiring Grain Belt to pay for costs (1) associated with a power quality study commissioned by Sunflower; and (2) mitigative actions resulting from the Sunflower study is unnecessarily duplicative of the well-established study process at the SPP through the TWG, where Sunflower is a participant.⁸² Grain Belt cites Staff in asserting Sunflower has not provided sufficient evidence that the existing processes at SPP are inadequate.⁸³ Grain Belt agrees with Sunflower that requiring them to jointly coordinate and submit mutually agreeable study scopes may present practical problems and is not necessary.⁸⁴ Lastly, Grain Belt states the Boyds' assertions that Boyd Alternative 2 is the better or less intrusive route are premature, and should be deferred until after the evidentiary record is completed.⁸⁵

30. Sunflower presents three main arguments: (1) FERC jurisdiction does not preempt the disputed issues in this proceeding; (2) the disputed issues do not dictate the SPP interconnection process and are not preempted by FERC; and (3) it is impossible to demonstrate that studies that have not been completed are inadequate.⁸⁶ Sunflower argues the Commission has authority under K.S.A. 66-101 to enforce the conditions in Grain Belt's certificate of convenience and necessity that,

[t]he cost of the Project and AC Collector System owned by Clean Line *shall not be recovered* through the SPP cost allocation process *or from Kansas ratepayers*.⁸⁷ ... the granting of the certificate should be conditioned upon Clean Line's representation that there will be no Project or AC Collector System cost allocation to the SPP or recovery of costs from Kansas ratepayers, other than de minimis costs ancillary to any needed interconnection to the SPP.⁸⁸

⁸² Grain Belt Express, LLC's Post-Hearing Reply Brief, Sept. 13, 2024, ¶ 10.

⁸³ *Id.*, ¶ 15.

⁸⁴ *Id.*, ¶ 22.

⁸⁵ *Id.*, ¶ 26.

⁸⁶ Rebuttal Post Hearing Brief of Sunflower Electric Power Corporation, Sept. 13, 2024, ¶ 1.

⁸⁷ *Id.*, ¶ 4.

⁸⁸ *Id.*

31. Pursuant to K.S.A. 66-1,178(a), before beginning site preparation for or construction of an electric transmission line, or exercising the right of eminent domain to acquire any interest in land in connection with the site preparation for a construction of any such line, an electric utility must acquire a siting permit from the Commission. The Commission shall decide 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.⁸⁹ The Commission may condition such permit as it deems just and reasonable to best protect the rights of all interested parties and the general public.⁹⁰

The AC Collector Lines are Necessary

32. Before granting a siting permit, the Commission must determine the necessity of the proposed transmission line.⁹¹ In previous line siting dockets, the Commission determined the overriding factor in determining the necessity of a proposed transmission line is whether the facility promotes the public interest.⁹² The Commission considers the benefits to consumers in Kansas and outside of the state, as well as economic development benefits in Kansas when determining if the proposed transmission line is necessary.⁹³

33. When the Commission granted Grain Belt a siting permit to construct its HVDC line, the Commission explained it was necessary because the line would provide benefits to electric customers both inside and outside of Kansas and economic development benefits in Kansas.⁹⁴

⁸⁹ K.S.A. 66-1,180.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Order Granting Siting Permit, Docket No. 09-ITCE-729-MIS, July 13, 2009, ¶ 39.

⁹³ K.S.A. 66-1,180.

⁹⁴ Order Granting Siting Permit, Docket No. 13-GBEE-803-MIS, Nov. 7, 2013, ¶ 37.

Specifically, the Commission found the evidentiary record established “the need for this line to address wind energy development in Kansas”, and that “without this project, hundreds of millions of economic development dollars would not be spent in Kansas, and the potential for large scale wind farm development would be lost.”⁹⁵

34. As Grain Belt⁹⁶ and Staff⁹⁷ note, those same benefits associated with Grain Belt’s previously approved HVDC line are present here. In fact, without the AC Collector lines, the HVDC line and its associated facilities, including a converter station, an AC switchyard, and AC Collector lines would not be successful, and a significant influx of economic development in the form of wind exportation will have been lost.⁹⁸ Grain Belt advises that the transmission line will improve reliability and resiliency in Kansas during emergency conditions because during emergency events, it can import power east to west to stabilize energy prices.⁹⁹ Grain Belt speculates that had the transmission line been in operation during Winter Storm Uri in 2021, it could have saved SPP participants millions in costs.¹⁰⁰

35. Here, none of the Parties challenge the necessity of the proposed transmission line.¹⁰¹ Based on the uncontroverted evidence in the record, the Commission finds the proposed transmission line would provide benefits to electric customers both inside and outside of Kansas and economic development benefits in Kansas. Thus, the Commission finds the proposed transmission line is necessary.

⁹⁵ *Id.*, ¶ 36.

⁹⁶ Grain Belt Express, LLC’s Initial Post-Hearing Brief, ¶ 23.

⁹⁷ Staff’s Closing Brief, ¶ 42.

⁹⁸ *Id.*

⁹⁹ Grain Belt Express, LLC’s Initial Post-Hearing Brief, ¶ 25.

¹⁰⁰ *Id.*

¹⁰¹ Staff’s Closing Brief, ¶ 40.

The AC Collector Routes, Subject to the Boyds' Challenge are Reasonable

36. K.S.A. 66-1,180 also requires the Commission to determine the location of the proposed transmission line is reasonable. The Commission has previously recognized that its task is not to identify a perfect route, but instead to determine whether the method used to select the route and the route proposed are reasonable.¹⁰² Thus, while there could be other reasonable alternatives among the 6,152 alternate routes for the Meade Line and 696 alternative routes for the Bucklin Line, as identified in the Routing Study,¹⁰³ that does not indicate that the proposed route is unreasonable.

37. Grain Belt performed an extensive Routing Study that evaluated hundreds of potential routes to arrive at the Proposed Routes, and incorporated information obtained through an extensive public outreach process, which included six in-person open houses, direct mailings, and outreach to local and state officials.¹⁰⁴ Both Staff and Grain Belt believe Grain Belt's Routing Study was comprehensive, that the study area selection was reasonable, and the methodology used to select a proposed route was reasonable.¹⁰⁵ The Commission agrees. The Commission finds Grain Belt's Routing Study was comprehensive, that the study area selection was reasonable, and the methodology used to select a proposed route was reasonable.

38. The only dispute involving the reasonableness of the route concerns a roughly 5-mile stretch of the AC Collector lines that run through the Boyds' property.¹⁰⁶ However, Grain Belt and the Boyds advise the Commission that K.S.A. 66-1,180 allows the Commission to include a condition in its siting permit on the route of the AC Collector Lines that bifurcates and sets a

¹⁰² See Order Granting Siting Permit, Docket No. 10-ITCE-557-MIS, June 30, 2010, ¶ 41; See also Order Approving Siting Application, Docket No. 13-WSEE-676-MIS, Aug. 29, 2013, ¶ 19.

¹⁰³ Grain Belt Express, LLC's Initial Post-Hearing Brief, ¶ 32.

¹⁰⁴ *Id.*, ¶ 34.

¹⁰⁵ *Id.*, ¶¶ 35-36.

¹⁰⁶ The Boyd Intervenors' Initial Brief in Support of Settlement, ¶ 3.

second hearing on the question of whether the Boyd Alternative Route 2 is reasonable.¹⁰⁷ Likewise, Staff states the Commission has wide latitude to impose conditions on a transmission line siting permit that the Commission deems just and reasonable and will best protect the rights of all interested parties.¹⁰⁸ The Commission agrees the plain language of K.S.A. 66-1,180 grants the Commission broad authority to impose conditions on an approved siting permit, if just and reasonable to best protect the rights of all interested parties and the general public. In this case, the requested condition deferring a decision on the approximately 5-mile stretch that crosses the Boyds' property for additional proceedings allows landowners affected by the Boyd Alternative Route 2 to receive notice of its consideration, allows Grain Belt to develop a routing analysis comparing the two route options, and accommodates a new public hearing and public comment period. The Commission finds this outcome, enabled by the Settlement, is just and reasonable to best protect the rights of all interested parties and the general public. As the Boyds explain, the public interest is best served when the Commission has obtained and considered all necessary information to evaluate the best route for a transmission line.¹⁰⁹ The Settlement will allow the Commission additional time to obtain and consider all necessary information before selecting the location of the portion of the proposed transmission line crossing the Boyds' farm.¹¹⁰ Thus, the Commission approves the Joint Motion to Approve Settlement Agreement.

39. Since there is no dispute that the route of the remainder of the proposed lines are reasonable, the Commission finds the proposed routes for the Bucklin-Dodge City Line and the Meade-Dodge City Line -- subject to bifurcation of Boyd Alternative -- are reasonable.

¹⁰⁷ Joint Motion for Approval of Settlement Agreement, ¶ 7; The Boyd Intervenors' Initial Brief in Support of Settlement, ¶ 15.

¹⁰⁸ Staff's Closing Brief, ¶ 47.

¹⁰⁹ The Boyd Intervenors' Initial Brief in Support of Settlement, ¶ 21.

¹¹⁰ *Id.*

The Agreed Upon Conditions are Approved

40. In its Application, Grain Belt requested flexibility to continue to micro-site the proposed route, consistent with Commission precedent to provide flexibility in working with affected landowners.¹¹¹ Staff agrees that micro-siting is appropriate, provided that it is limited to route modifications within 660 feet of the approved-routing centerline.¹¹² Grain Belt's request for micro-siting authority is uncontested and consistent with past Commission practice in line siting permits. Thus, the Commission grants routing flexibility to micro-site the proposed routes within 660 feet of the approved-routing centerline as necessary to minimize impact to landowners and to address engineering and environmental constraints.

41. As Gelder explained, during construction, there may temporary impacts to land covering the entire 150-foot Right-of-Way, but permanent impacts to land will typically be limited to the actual structure footprint (typically 6-12 feet), required access, and vegetation clearing, and permanent access roads (if required) may be up to 16-feet wide.¹¹³ While not a formal commitment, the Commission expects Grain Belt to minimize its impact to the land consistent with its testimony.

42. In the Joint List of Disputed and Resolved Issues, Grain Belt, Sunflower, CMS, and Staff agreed to a series of conditions, detailed in paragraph 18 of this Order. In the Settlement Agreement, the Boyds and Grain Belt agreed to additional conditions, detailed in paragraph 21 of this Order. None of the conditions in either document are contested. K.S.A. 66-1,180 authorizes the Commission to condition the siting permit to "best protect the rights of all interested parties and those of the general public." The Commission believes the conditions outlined in both the

¹¹¹ Grain Belt Express, LLC's Initial Post-Hearing Brief, ¶ 48.

¹¹² Direct Testimony of Paul Owings, p. 30.

¹¹³ Direct Testimony of David Gelder, May 31, 2024, pp. 13-14:

Joint List of Disputed and Resolved Issues and the Settlement Agreement protect the rights of all interested parties and the general public. Accordingly, the Commission conditions its approval of Grain Belt's Application upon the conditions agreed to in both the Joint List of Disputed and Resolved Issues and the Settlement Agreement.

43. Grain Belt has agreed to Staff's recommendation that Grain Belt file Landowner Protocols, a Code of Conduct and Agricultural Impact Mitigation Protocols.¹¹⁴ In response to Commissioner questions, Owings testified that it would be beneficial to establish a similar protocol between Grain Belt and oil and gas lease operators.¹¹⁵ The Commission agrees and finds it just and reasonable to condition the siting permit on requiring Grain Belt to submit detailed, Kansas-specific protocols governing its relationships with affected oil and gas lease production operators.¹¹⁶ Grain Belt is directed to submit these protocols by October 30, 2024, for Commission approval.

Additional Studies Requested by Sunflower are Unnecessary

44. After finding the proposed line is necessary, and the proposed routes for the Bucklin-Dodge City Line and the Meade-Dodge City Line (subject to bifurcation of Boyd Alternative) are reasonable, one disputed issue remains: whether Grain Belt should pay for additional studies requested by Sunflower, and whether Grain Belt should be financially responsible for any mitigative work recommended by those studies.

45. The Commission first recognizes there is an existing interconnection process at SPP, intended to study the impact of interconnections to the transmission system, identify upgrades needed to mitigate negative impacts, and assign the costs of those upgrades to the responsible

¹¹⁴ Joint List of Disputed and Resolved Issues, Aug. 19, 2024, ¶ 7.

¹¹⁵ Transcript, pp. 151-52.

¹¹⁶ See Joint List of Disputed and Resolved Issues, ¶ 7.

entity (in this case, Grain Belt.) The dispute in this case seems to be Sunflower's uncertainty that the SPP interconnection studies will be sufficiently scoped to identify potential negative impacts. Before the post-hearing briefs, the Commission requested the parties address a potential compromise, which would have required Grain Belt and Sunflower to jointly coordinate and submit mutually-agreeable study scopes to relevant SPP working groups responsible for coordinating the interconnection studies. Both utilities rejected the Commission's suggestion to coordinate on study scopes. Sunflower stated since it elected to exempt itself from Commission regulation under K.S.A. 66-104d, the Commission lacked the authority to require it to coordinate with Grain Belt to submit mutually-agreeable study scopes to relevant SPP working groups.¹¹⁷ Additionally, Sunflower argued that requiring two parties to reach an agreement is impractical.¹¹⁸ Grain Belt agrees with Sunflower that the Commission lacks authority to condition its approval of the siting permit with additional requirements related to the interconnection of the Project to the SPP grid.¹¹⁹ Grain Belt explains the SPP Tariff does not provide for a state commission to impose any conditions on how SPP conducts its interconnection studies or SPP determination of whether any mitigation measures are required.¹²⁰ Instead, Grain Belt advises that if Sunflower wishes to conduct a study using inputs and assumptions outside of the standard planning criteria, the SPP TWG is the proper forum.¹²¹

46. While the parties both find the suggested compromise unworkable, the Commission strongly suggests Sunflower and Grain Belt work collaboratively to ensure Kansas customers are protected in the SPP interconnection study process. The Commission will not impose additional

¹¹⁷ Post Hearing Brief of Sunflower Electric Power Corporation, ¶ 39.

¹¹⁸ *Id.*, ¶ 40.

¹¹⁹ Grain Belt Express, LLC's Initial Post-Hearing Brief, ¶ 76.

¹²⁰ *Id.*, ¶ 78.

¹²¹ *Id.*, ¶ 80.

studies and costs outside the existing SPP interconnection process. The Commission agrees with Staff and Grain Belt that an additional power quality study would be duplicative and unnecessary because Grain Belt has already completed a Feasibility Study for the interconnect with the SPP, and has two other pending studies: (1) a Planning Study to specify the technical requirements of the HVDC Project, and a (2) Design Study, which will include dynamic and electromagnetic transient analysis.¹²² The Feasibility Study, which has been accepted by the SPP TWG, is required to determine if the transfer is achievable.¹²³ Mr. Rodriquez’s testimony explaining the concerns expressed by Dr. Tamimi will be analyzed in detail in the Planning Study and shared with SPP, where it can be reviewed by Sunflower,¹²⁴ is instrumental in convincing the Commission that the additional studies sought by Sunflower would be duplicative. Staff also found Mr. Rodriquez’s rebuttal testimony “particularly compelling,” and reversed its earlier recommendation that Grain Belt complete a power quality study.¹²⁵ Staff believes SPP studies will be comprehensive and adequately address and mitigate any potential risks to the local distribution system.¹²⁶ The Commission agrees and believes the existing processes at the SPP are adequate, and provide Sunflower with an opportunity to raise concerns within the SPP stakeholder process, and, if necessary, seek further relief from SPP’s regulator, FERC. Thus, the Commission denies Sunflower’s request that the Commission require Grain Belt pay for the additional studies requested by Sunflower.

47. As Mr. Rodriquez acknowledges, under the SPP Tariff, Grain Belt will pay for all necessary capital costs of the interconnection to ITC Great Plains’ system, including any identified

¹²² Rebuttal Testimony of Carlos Rodriquez, pp. 8-9.

¹²³ *Id.*, p. 8.

¹²⁴ *Id.*

¹²⁵ Staff’s Closing Brief, ¶ 49.

¹²⁶ *Id.*, ¶ 50.

upgrades associated with the SPP analyses to ensure stable and reliable operation of the regional grid in Kansas.¹²⁷ The Commission believes that legally-binding cost allocation requirement is sufficient to protect Sunflower and its customers from costs related to reliability concerns resulting from the Project.

THEREFORE, THE COMMISSION ORDERS:

A. Grain Belt's Application for a sting permit is granted, conditioned on the agreed-upon conditions outlined in paragraphs 18 and 21, and the additional requirement to submit detailed, Kansas-specific protocols governing its relationships with affected oil and gas lease production operators, as outlined in paragraph 43.

B. A map of the Commission-sited route, indicating the location of the bifurcated section, is attached as Attachment A. Attachment B shows both the Boyd Alternative Route 2 and the corresponding segment of Grain Belt's original proposal that remain in dispute.

C. The Settlement Agreement is approved in its entirety.

D. The parties have 15 days from the date of electronic service of this Order to petition for reconsideration.¹²⁸

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 09/26/2024



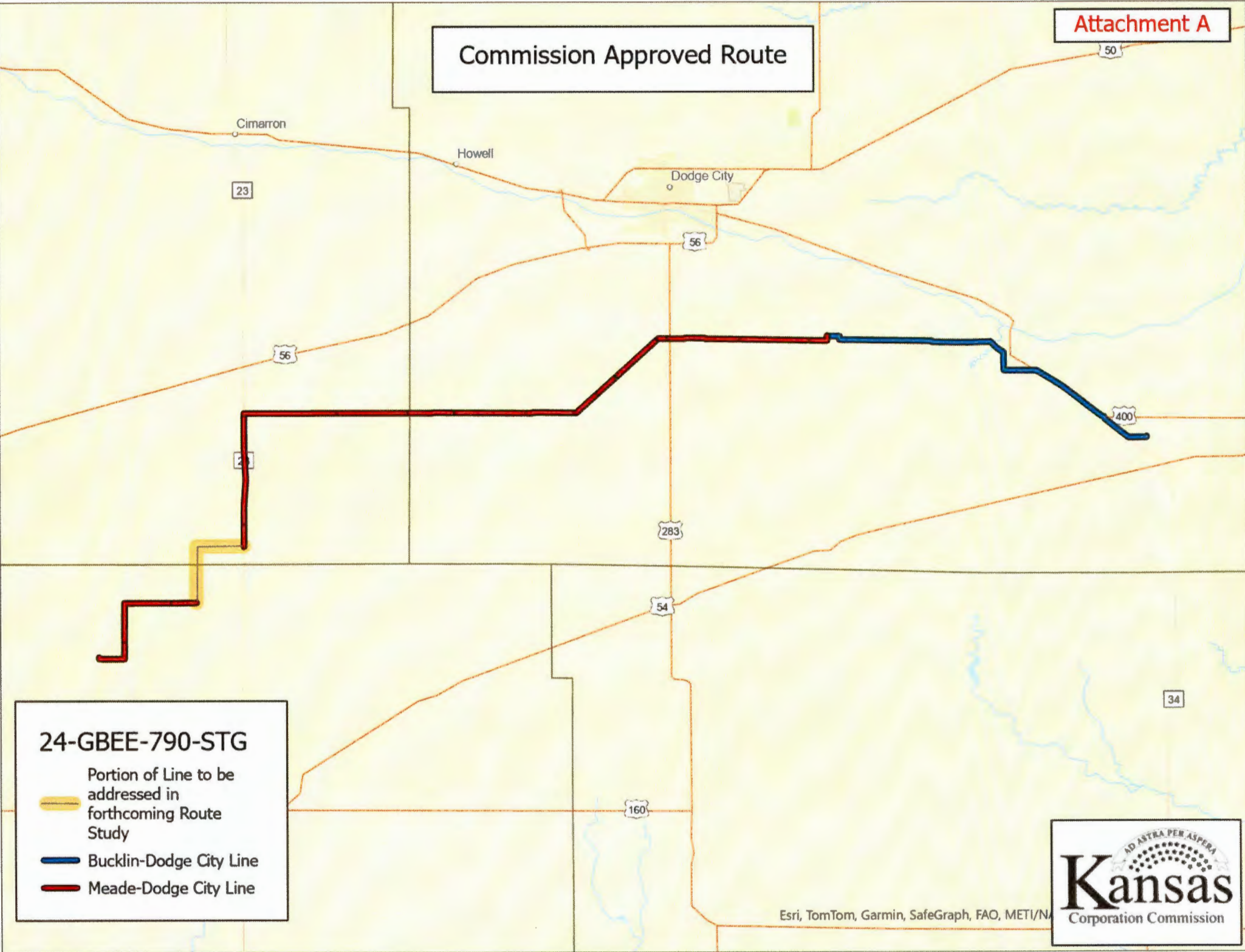
Lynn M. Retz
Executive Director

BGF

¹²⁷ Rebuttal Testimony of Carlos Rodriquez, p. 12.

¹²⁸ K.S.A. 77-607(b)(2).

Commission Approved Route



24-GBEE-790-STG

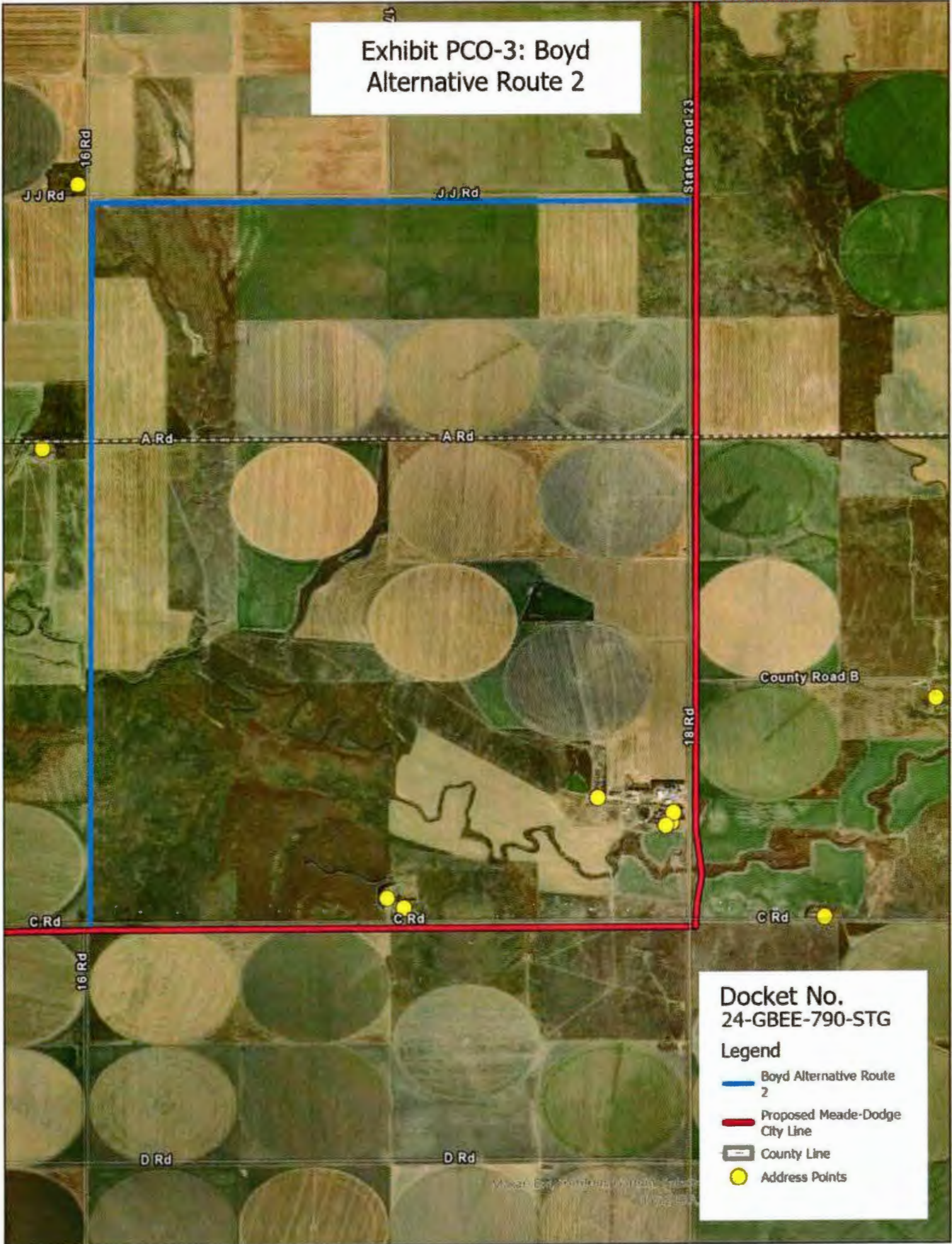
Portion of Line to be addressed in forthcoming Route Study



- Bucklin-Dodge City Line
- Meade-Dodge City Line







Exhibit PCO-3: Boyd Alternative Route 2



Docket No.
24-GBEE-790-STG

Legend

-  Boyd Alternative Route 2
-  Proposed Meade-Dodge City Line
-  County Line
-  Address Points

CERTIFICATE OF SERVICE

24-GBEE-790-STG

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 09/26/2024.

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