

Before the
STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation into the Principles and Priorities to be Established for Evaluating the Reasonableness of the Location of a Proposed Transmission Line in Future Line Siting Proceedings.

Docket 24-GIME-102-GIE

INTERVENOR KANSAS FARM BUREAU'S INITIAL COMMENTS ON STAFF'S CRITERIA LIST

The Kansas Farm Bureau ("KFB" or "Intervenor") submits the following initial comments to Staff's criteria list.

A. Intervenor's Initial Comments on Staff's Suggested Standard Line Siting Criteria:

Intervenor appreciates the items suggested by Staff as siting criteria, and generally agrees with their importance in line-siting matters. Intervenor will, however, take this opportunity to call out the importance of a couple matters that may not be sufficiently addressed.

1. Residential Proximity: KFB has questions about the origination and sufficiency of the 300' distance in the criteria for Residential Proximity.

a. How was it determined that a 300' distance was sufficient from residential structures, while the proximity to a cultural site is factored into the route selection if the proposed route is within 1,320' of the cultural site? We want to be certain these are not arbitrary numbers.

b. While there are many reasons why proximity to residential structures is important (visual aesthetics, negative impacts to property valuation, interference with technology, etc.), we believe that health and safety is an important factor that should not be assumed or overlooked. Comprehensive

health studies should be required to prove that the distance to residential structures is sufficient to prevent any adverse health effects from the radiation emitted by a proposed electric transmission line.

- c. Additionally, while the proposed factors may be a great way to balance things like the number of residential structures located within close proximity to a proposed line, with the cost of selecting a different route that could avoid them, minimum siting standards should be established with setbacks for residences and agricultural structures. These minimum standards should be informed by, among other things, comprehensive health and safety studies.

2. Center Pivot Irrigation Impacts: We appreciate the inclusion of Center Pivot Irrigation Impacts in staff's list of factors, but believe that does not go far enough. When a company's route study results in a proposed line that will have impacts to center pivot irrigation, the company should be required to state how they will work with impacted irrigators to have minimal impacts to their ongoing operations. We recommend a requirement that transmission companies adopt Agricultural Impact Mitigation Protocols to address mitigation of irrigation impacts, along with other agricultural impacts, like soil compaction and restoration. More discussion of this and other proposed criteria can be found in the next section of these comments.

B. Additional Proposed Criteria

1. Perhaps one criteria that is missing from Staff's list, is proximity to agricultural structures (which would include things such as outbuildings, grain bins, and feedlots). These are areas on farms where large equipment is often stored and operated, and where livestock can be housed and worked. They are generally more active than other areas on the farm and that

increases health and safety concerns with the placement of transmission lines. While many agricultural structures are located near residences, that is not always the case, resulting in some of these areas being inadequately accounted for with Staff's suggested criteria list. Additionally, we would support a minimum setback from such structures.

2. Once route studies are performed, and prioritization factors are weighted, there should be additional steps put in place to help ensure that a given line-siting is, in fact, reasonable.

- a. As stated above, we believe a comprehensive study of the health and safety impacts of a project should be required in each line-siting case. Clear answers have not been provided about the health impacts of power lines,¹ and we believe rural landowners deserve to know what is a proven safe distance from their homes and agricultural structures to locate an electric transmission line. Furthermore, these health studies, along with post-construction EMF measurements, should be required in all line-siting matters, without obligation of impacted landowners to request them.
- b. Weighting of the important factors set forth by KCC Staff does not, in all cases, result in routes that avoid impacts to homeowners and agricultural landowners.

¹ See *In the Matter of the Application of Grain Belt Express, LLC for a Siting Permit for the Construction of Two 345 kV Transmission Lines and Associated Facilities through Gray, Meade, and Ford Counties, Kansas*, Docket No. 24-GBEE-790-STG, Staff Direct Testimony Prepared By Paul Owings, Aug 7, 2024, at pp 18-22 (available at <https://estar.kcc.ks.gov/estar/ViewFile.aspx/S202408071600384841.pdf?Id=5662527c-9f00-4b49-abd6-0a5d3dd617f7>). Additionally, the U.S. EPA recognizes that some studies have provided limited evidence that shows an association with extremely low frequency electromagnetic fields (EMF) and childhood leukemia, while other studies have not consistently shown whether exposure to EMF increases the risk of cancer. See the EPA website on *Electric and Magnetic Fields from Power Lines*, available at <https://www.epa.gov/radtown/electric-and-magnetic-fields-power-lines>. The EPA suggests that if individuals are concerned about the possible health risks from EMF, they should increase the distance between themselves and EMF sources, as well as limit the time spent around EMF sources. *Id.* That advice is difficult to follow for individuals living and working near electric transmission lines for which they have minimal to no control over placement and proximity to their home and farm.

When weighting does not result in avoidance, transmission companies should be required to adopt appropriate standards and protocols to mitigate its impact.

- i. The Commission should adopt and impose Landowner Protocols that set forth the policies and procedures by which transmission companies work with landowners in the acquisition of transmission line easements, or in the alternative, the Commission should require transmission companies to adopt their own Landowner Protocols and file them in each future line-siting docket. When transmission companies are transparent and consistent with their approach to landowner negotiations, the relationship between the parties is normalized and costly litigation to determine just compensation is often avoided. An example of Landowner Protocols can be found in another current docket before the Commission.²
- ii. The Commission should adopt and impose a Code of Conduct for transmission companies in future line-siting dockets, or in the alternative, require transmission companies to do so, and file their Code of Conduct in each future line-siting docket. Doing so would require transmission companies to operate in truth and deal fairly with landowners. An example of a Code of Conduct can be found in another current docket before the Commission.³ The Code of Conduct could also lay out certain items of

² *In the Matter of the Application of Grain Belt Express, LLC for a Siting Permit for the Construction of Two 345 kV Transmission Lines and Associated Facilities through Gray, Meade, and Ford Counties, Kansas*, Docket No. 24-GBEE-790-STG, *Rebuttal Testimony of Brad Fine In Response to Public Comment on Behalf of Grain Belt Express LLC*, Aug 14, 2024, at Exhibit BF-3 (available at <https://estar.kcc.ks.gov/estar/ViewFile.aspx/S202408141628477214.pdf?Id=1c7dd836-4882-4633-921a-f2da84945925>).

³ *Id.* at Exhibit BF-4.

information that transmission companies are required to disclose to landowners upon initial contact, similar to FERC's Landowner Bill of Rights.⁴

- iii. When agricultural land is not avoided, Agricultural Impact Mitigation Protocols can work to reduce the impact to those lands (e.g. by preventing work during rainy or wet conditions), and require thorough restoration of the land (e.g. like separating topsoil and replacing it at the end of construction). The Commission should adopt and impose Agricultural Impact Mitigation Protocols for transmission companies in future line-siting dockets, or in the alternative, require transmission companies to do so, and file their protocols in each future line-siting docket. Examples of Agricultural Impact Mitigation Protocols can be found in at least one current docket before this Commission,⁵ and on the Illinois Department of Agriculture's website.⁶
- iv. Included in these protocols could be micro-siting standards by which transmission companies will commit to working directly with landowners to find agreeable solutions, for example, when a line is sited near a

⁴ *Landowner Bill of Rights in Federal Energy Regulatory Commission Electric Transmission Proceedings*, which can be found at Appendix A of *Applications for Permits to Site Interstate Electric Transmission Facilities*, 187 FERC ¶ 61,069 (2024) at page 257, available at <https://www.ferc.gov/media/e-2-rm22-7-000>.

⁵ See *In the Matter of the Application of Grain Belt Express, LLC for a Siting Permit for the Construction of Two 345 kV Transmission Lines and Associated Facilities through Gray, Meade, and Ford Counties, Kansas*, Docket No. 24-GBEE-790-STG, *Rebuttal Testimony of Brad Fine In Response to Public Comment on Behalf of Grain Belt Express LLC*, Aug 14, 2024, at Exhibit BF-5 (available at: <https://estar.kcc.ks.gov/estar/ViewFile.aspx/S202408141628477214.pdf?Id=1c7dd836-4882-4633-921a-f2da84945925>).

⁶ The Illinois Department of Agriculture, Bureau of Land and Water Resources, negotiates Agricultural Impact Mitigation Agreements with energy companies prior to construction of projects. Standard forms of those agreements, including forms for Electric Lines, can be found at: <https://agr.illinois.gov/resources/aima.html>.

residence, or the line height may interfere with farming operations, or to determine a landowner's desired distance between the transmission line and road rights-of-way to help accommodate the movement of farm equipment.

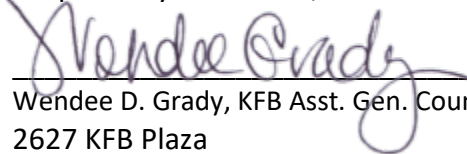
3. These additional criteria help lessen the burden on landowners who may or may not support the use of their land for a project which the Commission deems necessary, and increases the reasonableness of said project by addressing some of the most often-sited landowner concerns with regard to transmission projects.

C. Conclusion

KFB policy, adopted by its grassroots members, recognizes the importance of reliable, low-cost electricity, along with the buildout of electric transmission to meet growing demands for electricity. However, with much of the burden of transmission lines falling on rural landowners, we encourage the Commission, and the parties participating in this matter, to work to find ways that future transmission projects can be built in a reasonable manner with less impact to landowners and agricultural operations.

WHEREFORE, Intervenor thanks the Commission and other parties for their consideration of the issues and factors set forth herein, and we look forward to workshopping these issues in more detail on November 1.

Respectfully submitted,



Wendee D. Grady, KFB Asst. Gen. Counsel, #22652
2627 KFB Plaza
Manhattan, KS 66503-8116
Fax (785) 587-6879
Phone (785) 587-6000
gradyw@kfb.org

CERTIFICATE OF SERVICE

On this 20th day of September, 2024, I hereby certify that a true and correct copy of the foregoing Intervenor Kansas Farm Bureau's Initial Comments On Staff's Criteria List was furnished, by means of electronic service, to the following parties:

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
jflaherty@andersonbyrd.com

JOSEPH R. ASTRAB, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
joseph.astrab@ks.gov

TODD E. LOVE, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
todd.love@ks.gov

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
david.nickel@ks.gov

SHONDA RABB
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
shonda.rabb@ks.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
della.smith@ks.gov

DIANA CARTER, DIRECTOR OF LEGAL SERVICES
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE
JOPLIN, MO 64801
Diana.Carter@libertyutilities.com

CATHRYN J. DINGES, SR DIRECTOR & REGULATORY
AFFAIRS COUNSEL
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Cathy.Dinges@evergy.com

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
carly.masenthin@ks.gov

LESLIE WINES, Sr. Exec. Admin. Asst.
EVERGY KANSAS CENTRAL, INC
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
leslie.wines@evergy.com

TERRY M. JARRETT, Attorney at Law
HEALY LAW OFFICES, LLC
306 MONROE STREET
JEFFERSON CITY, MO 65101
terry@healylawoffices.com

HEATHER H STARNES, ATTORNEY
HEALY LAW OFFICES, LLC
12 Perdido Circle
Little Rock, AR 72211
heather@healylawoffices.com

KEVIN CHANDLER
INVENERGY LLC
ONE SOUTH WACKER DRIVE SUITE 1800
CHICAGO, IL 60606
kchandler@invenergy.com

NICOLE LUCKEY
INVENERGY LLC
ONE SOUTH WACKER DRIVE SUITE 1800
CHICAGO, IL 60606
nluckey@invenergy.com

BRAD PNAZEK
INVENERGY LLC
ONE SOUTH WACKER DRIVE SUITE 1800
CHICAGO, IL 60606
bpnazek@invenergy.com

BRIAN G. FEDOTIN, GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
brian.fedotin@ks.gov

LEE TAFANELLI, CEO
KANSAS ELECTRIC COOPERATIVE, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
ltafanelli@kec.org

REBECCA FOWLER, MANAGER, REGULATORY AFFAIRS
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
rfowler@kepco.org

PAUL MAHLBERG, GENERAL MANAGER
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
MAHLBERG@KMEA.COM

DARREN PRINCE, MANAGER, REGULATORY & RATES
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
prince@kmea.com

COLIN HANSEN, CEO/GENERAL MANAGER
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
chansen@kpp.agency

CINDY WILSON, DIRECTOR, RATES & REGULATORY
AFFAIRS
LIBERTY UTILITIES - EMPIRE DISTRICT
602 South Joplin Avenue
Joplin, MO 64801
cindy.wilson@libertyutilities.com

AARON BAILEY, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 Sw Arrowhead Rd
Topeka, KS 66604
aaron.bailey@ks.gov

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

SUSAN B. CUNNINGHAM, SVP, Regulatory and
Government Affairs, General Counsel
KANSAS ELECTRIC POWER CO-OP, INC.
600 SW CORPORATE VIEW
PO BOX 4877
TOPEKA, KS 66604-0877
scunningham@kepco.org

JACQUELINE GARAGIOLA, Associate Counsel
KANSAS LIVESTOCK ASSOCIATION
6031 SW 37TH
TOPEKA, KS 66610
jackie@kla.org

TERRI J PEMBERTON, GENERAL COUNSEL
KANSAS MUNICIPAL ENERGY AGENCY
6300 W 95TH ST
OVERLAND PARK, KS 66212-1431
pemberton@kmea.com

JAMES GING, DIRECTOR ENGINEERING SERVICES
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
jging@kpp.agency

LARRY HOLLOWAY, ASST GEN MGR OPERATIONS
KANSAS POWER POOL
100 N BROADWAY STE L110
WICHITA, KS 67202
lholloway@kpp.agency

ANGELA CLOVEN, PLANNING AND REG SPECIALIST
LIBERTY UTILITIES CORP
602 S JOPLIN AVE
PO BOX 127
JOPLIN, MO 64802-0127
angela.cloven@libertyutilities.com

JAMES BRUNGARDT, MANAGER, REGULATORY
RELATIONS
MID-KANSAS ELECTRIC COMPANY, LLC
301 W 13TH ST
PO BOX 980
HAYS, KS 67601
jbrungardt@sunflower.net

TRACY C DAVIS, SENIOR ATTORNEY
NEXTERA ENERGY TRANSMISSION, LLC
5920 W WILLIAM CANNON DR, BLDG 2
AUSTIN, TX 78749
TracyC.Davis@nexteraenergy.com

ALAN CLAUS ANDERSON
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
aanderson@polsinelli.com

FRANK A. CARO, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
fcaro@polsinelli.com

ANDREW O. SCHULTE, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
aschulte@polsinelli.com

MONICA A SEIB, CORPORATE PARALEGAL SUPERVISOR
SUNFLOWER ELECTRIC POWER CORPORATION
301 W. 13TH
PO BOX 1020
HAYS, KS 67601-1020
mseib@sunflower.net

J.T. KLAUS, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
jtklaus@twgfirm.com

TIMOTHY E. MCKEE, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
TEMCKEE@TWGFIRM.COM

WILLIAM P. COX, Senior Attorney
NEXTERA ENERGY TRANSMISSION, LLC
700 Universe Blvd
Juno Beach , FL 33408
will.p.cox@nexteraenergy.com

JOHN DILLON, EXECUTIVE DIR., REG. MGMT.
NEXTERA ENERGY TRANSMISSION, LLC
700 Universe Blvd
Juno Beach , FL 33408
John.Dillon@nexteraenergy.com

ANNE E. CALLENBACH, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
acallenbach@polsinelli.com

JARED R. JEVONS, ATTORNEY
POLSINELLI PC
900 W 48TH PLACE STE 900
KANSAS CITY, MO 64112
JJEVONS@POLSINELLI.COM

SEAN PLUTA
100 S. Fourth
Suite 1000
St. Louis, MO 63102
spluta@polsinelli.com

AL TAMIMI, VICE PRESIDENT, TRANSMISSION
PLANNING AND POLICY
SUNFLOWER ELECTRIC POWER CORPORATION
301 W. 13TH
PO BOX 1020
HAYS, KS 67601-1020
atamimi@sunflower.net

KACEY S MAYES, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
ksmayes@twgfirm.com

KENDRA D STACEY, ATTORNEY
TRIPLETT, WOOLF & GARRETSON, LLC
2959 N ROCK RD STE 300
WICHITA, KS 67226
kstacey@twgfirm.com

TAYLOR P. CALCARA, ATTORNEY
WATKINS CALCARA CHTD.
1321 Main St Ste 300
PO Drawer 1110
Great Bend, KS 67530
TCALCARA@WCRF.COM

LINDA SIDERS, PARALEGAL
FOULSTON SIEFKIN LLP
1551 N. Waterfront Parkway
Suite 100
Wichita, KS 67206
lsiders@foulston.com

HOLLY FISHER, COUNSEL
ITC GREAT PLAINS, LLC
3500 SW Fairlawn Rd Ste 101
Topeka, KS 66614-3979
hfisher@itctransco.com

JAMES W. BIXBY, COUNSEL-REGULATORY &
LEGISLATIVE
ITC HOLDINGS CORP
601 13th Street
Suite 701S
Washington, DC 20005
jbixby@itctransco.com

REAGAN F MCCLLOUD, Mgr. of Govt. Relations
KANSAS ELECTRIC COOPERATIVE, INC.
7332 SS 21st Street
PO Box 4267
Topeka, KS 66604-0267
rmccloud@kec.org

PATRICK PARKE, CEO
MIDWEST ENERGY, INC.
1330 Canterbury Rd
PO Box 898
Hays, KS 67601-0898
patparke@mwenergy.com

TESSIE KENTNER, ATTORNEY
SOUTHWEST POWER POOL, INC.
201 Worthen Dr
Little Rock, AR 72223
tkentner@spp.org

JACOB G HOLLY, ATTORNEY
FOULSTON SIEFKIN LLP
822 S Kansas Avenue
Suite 200
Topeka, KS 66612-1203
jholly@foulston.com

C. EDWARD WATSON, ATTORNEY
FOULSTON SIEFKIN LLP
1551 N Waterfront Pkwy Ste 100
Wichita, Ks 67206-4466
cewatson@foulston.com

PATRICK WOODS, DIRECTOR, BUSINESS AFFAIRS
ITC GREAT PLAINS, LLC
3500 SW Fairlawn Rd Ste 101
Topeka, KS 66614-3979
cwoods@itctransco.com

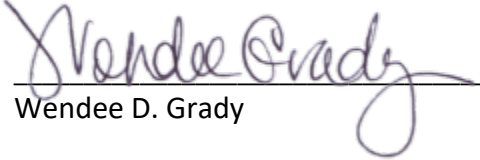
THEODORE J. HILMES, EXECUTIVE VICE PRES & CEO
KAMO ELECTRIC COOPERATIVE, INC.
500 S Kamo Dr
PO Box 577
Vinita, OK 74301-0577
thilmes@kamopower.com

WILLIAM DOWLING, VP ENGINEERING & ENERGY
SUPPLY
MIDWEST ENERGY, INC.
1330 Canterbury Drive
PO Box 898
Hays, KS 67601-0898
BDOWLING@MWENERGY.COM

JUSTIN A. HINTON, Attorney
SOUTHWEST POWER POOL, INC.
201 Worthen Dr
Little Rock, AR 72223
jhinton@spp.org

ANGELA MARTIN, PARALEGAL
SOUTHWEST POWER POOL, INC.
201 Worthen Dr
Little Rock, AR 72223
amartin@spp.org

MADISEN HANE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW Arrowhead Rd
Topeka, KS 66604
Madisen.Hane@ks.gov


Wendee D. Grady