

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

Received  
on

**AUG 29 2013**

In the matter of the Application of Grain )  
Belt Express Clean Line LLC for a Siting )  
Permit for the Construction of a High )  
Voltage Direct Current Transmission Line )  
in For, Hodgeman, Edwards, Pawnee, )  
Washington, Marshall, Nemaha, Brown )  
and Doniphan Counties Pursuant to K.S.A. )  
66-1,177 et seq. )

by  
State Corporation Commission  
of Kansas

Docket No. 13-GBEE-803-MIS

**PETITION TO INTEREVE NE  
FILED ON BEHALF OF  
THE BOARD OF MARSHALL COUNTY COMMISSIONERS**

The Board of Marshall County Commissioners ("Marshall County") hereby moves the Commission to issue an order allowing Marshall County to intervene in these proceedings. In support said petition, Marshall County asserts and alleges the following:

1. On July 15, 2013. Grain Belt Express Clean Line LLC (Grain Belt Express) filed its application for a siting permit pursuant to K.S.A. 66-1,177, *et seq.* to construct a high voltage direct current (HVDC) transmission line in the above-referenced counties in Kansas, including in particular Marshall County, Kansas. Grain Belt Express is proposing to construct the HVDC transmission line in order to deliver energy from renewable resources in Kansas to load centers in Missouri, Illinois, Indiana and other eastern states. The proposed route begins in western Kansas and continues along the northern portion of the state to the Missouri border.

2. The proposed route crosses portions of Marshall County. The proposed route crosses several roads in Marshall County in some twenty-eight (28) locations, not including crossings over state and U.S. highways 99, 87 and 77.
3. Marshall County is one of the 105 counties in the State of Kansas. K.S.A. 18-101 *et seq.* Marshall County is a political subdivision of the State of Kansas, and as a county is a body described as both "corporate and politic." *Jaggers v. Green*, 90 Kan. 153 (1913). The State of Kansas has granted each county broad powers to administer the business of the county. K.S.A. 19-101 (corporate powers) and K.S.A. 19-212 (administrative powers). A board of county commissioners has the power "to represent the county and have the care of the county property, and the management of the business of the county." Atty. Gen. Op. 91-11. The board of county commissioners has the power to "to make all contracts and do all other acts in relation to the property and concerns of the county." K.S.A. 19-101. The board of county commissioners has the power "To represent the county and have the care of the county property, and the management of the business and concerns of the county, in all cases where no other provision is made by law." K.S.A. 19-212 *Sixth*.
4. Marshall County is aware that CURB would properly represent its interests at a typical rate base hearing or similar routine action before the KCC. However, the matter at hand involves the power and effect of eminent domain, the taking of property in Marshall County and the placement and construction of massive electric poles and lines in Marshall County. In that regard, only Marshall County can adequately represent its own unique interests.

Marshall County's Concerns:

5. Marshall County is concerned about the impacts of the proposed HVDC line and the proposed route on both the safety of the county and the economic welfare of the county.
6. From a safety perspective, the line will cross several public roads in the county and proposes to transport a voltage level of electricity that is rare, if not unprecedented, in the State of Kansas. Other entities have expressed concerns about proper construction, location and maintenance of said lines, and the county shares those concerns. If an incorrectly placed or installed transmission fails during an ice storm, a tornado, or due to another environmental factor, it could damage anything in its path. Marshall County desires the opportunity to participate so it can ensure its public roads are properly protected. Furthermore, the construction of the transmission lines will have substantial impact on roads and bridges, and Marshall County's ability to provide direct route fire and police protection while construction is underway. Proper planning and accommodations will be necessary to protect the public while construction is underway.
7. Marshall County further shares the safety concerns expressed by Marshall County property owners at the August 12, 2013, public hearing in Seneca, Kansas. One question posed at the hearing that was not been answered is this—are there any public safety studies of the actual impact of specifically addressing 600 kilovolt HVDC transmission lines capable of delivering a total of 3,500 megawatts of power?

8. Marshall County is concerned the route may change again and be shifted to areas further south in the county, which may pose significant safety issues given there is a Georgia Pacific mine in that location.
9. Marshall County is also concerned about the county's economic welfare. Currently, the county enjoys economic benefits that will be negatively impacted by the proposed project:
  - a. Currently, the county benefits from the fact that it has some of the best producing soil in the State of Kansas, both cropland and pastureland. An easement of the magnitude proposed will deprive Marshall County of its productive ground potentially forever, unless there are safeguards including, but not limited to:
    - i. A requirement that the land revert back to the landowner or adjoining landowners if the project is abandoned;
    - ii. Limitations in allowing the easement to be sold or transferred for other uses/easements;
    - iii. A requirement to establish a decommission fund to safely take down the poles and lines if the endeavor fails;
    - iv. Appropriate provisions for temporary construction easements, post-construction land restoration and damage payments;
    - v. Analysis to determine pole placement to leave the maximum amount of cropland available for continued production; and
    - vi. Location of lines and poles with appropriate drop zones to avoid damaging nearby structures.
  - b. Currently, Marshall County benefits from the potential development of a wind farm of its own, which in this early stage of development appears to be in the path of the Grain Belt Express project.
  - c. Currently, Marshall County does not have to bear the cost of police, ambulance and fire protection related to 600 kilovolt HVDC transmission lines.

- d. Currently, Marshall County does not have any potential liability issues associated with attempting to put out an electrical fire in the middle of someone's private cropland or pastureland. If the route adhered to roads and property lines, it would certainly alleviate some of this risk.
- e. Currently, Marshall County does not have to maintain roads and bridges necessary to assure crews in heavy trucks can properly construct and maintain 600 kilovolt HVDC transmission lines throughout the county.
- f. Currently, Marshall County benefits from having a variety of property in its tax base that is not adversely affected by being located by 600 kilovolt HVDC transmission lines, nor hindered by restrictions associated therewith. See K.S.A. 79-503a.
- g. Currently, Marshall County farmers can utilize RTK and GPS equipment while farming without disruption from 600 kilovolt HVDC transmission lines; if there is interference with this equipment from the lines, it will adversely affect grain production, and in turn, adversely impacts the economics of Marshall County.
- h. Currently, Marshall County farmers have cattle in fields not subject to constant electricity generated overhead by 600 kilovolt HVDC transmission lines. Again, if the electricity or any stray voltage affects the productivity of the livestock, it in turn adversely affects the economics of Marshall County.

10. Furthermore, Marshall County does not obtain any real economic benefit from the proposed project:

- a. The proposed transmission lines will likely be exempt from ad valorem property taxes during construction, and then exempt for ten (10) years after construction pursuant to K.S.A. 79-259. In ten (10) years: (1) the property will suffer considerable depreciation; and (2) the company will have built more lines outside the State of Kansas. Both factors result in a lower value allocable to Kansas, and in turn, Marshall County. See K.S.A. 79-5a04 and K.S.A. 79-5a25. Furthermore, the predisposition of the Kansas Legislature to exempt property from ad valorem taxes raises the real possibility this property may never be taxable.
- b. At the August 12, 2013, public meeting, Grain Belt Express stated *off the record* that it would provide a one-time \$7,500 per mile payment; however, it is unclear what the company meant by that statement.
  - i. A one-time payment of \$7,500 per mile to the county would not compensate for the ongoing, annual cost and risk of this project that will be borne by Marshall County.

- ii. Furthermore, Grain Belt Express would not state on the record whether this was a payment in lieu of paying the actual cost of damages or improvements of roads necessary for: (1) construction; and/or (2) ongoing upkeep to assure access to the lines.
- iii. If Grain Belt Express intended the payment to go to landowners, a one-time payment of \$7,500 per mile would be an unacceptably low percentage of the high value of local farmland, and fails to compensate for the ongoing, indefinite occupation of space by large utility poles.
- c. Marshall County will not be able to utilize the transmission lines to transport any electricity it can produce from its own planned wind farm; in fact, the proposed project route has a detrimental affect on Marshall County's plans for economic development via a wind farm. Additional transmission lines or upgrades will likely be necessary to transport the energy produced by the local wind farm, essentially creating a duplication of facilities.
- d. It is highly unlikely that Grain Belt Express will hire any Marshall County people to perform the specialized work that needs to be done to construct the massive, specialized HVDC lines. It is equally unlikely that Grain Belt Express's presence will be sufficient to provide any substantive revenues to local businesses to mitigate its other negative economic impacts.

As explained, the Board of Marshall County Commissioners' has a unique interest in the project that cannot be adequately represented by any other party. Marshall County's participation in the hearing will be in furtherance of the justice of proceedings and will not cause any undue delays. Marshall County has reasonable concerns that should be addressed, and desires only an opportunity to be heard at a fair hearing, so that the Kansas Corporation Commission may have a comprehensive record upon which to make a fully informed decision.

WHEREFORE, the Board of Marshall County Commissioners requests that the Commission issue its order granting the Board's petition to intervene in this matter, with limiting instructions if necessary, and for such other relief as may be appropriate.

MARSHALL COUNTY  
BOARD OF MARSHALL COUNTY COMMISSIONERS

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VERIFICATION

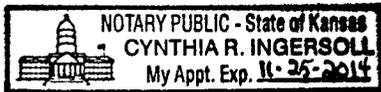
STATE OF KANSAS,        )  
  )  
MARSHALL COUNTY,     )

I, Laura Johnson-McNish, of lawful age, being first duly sworn upon my oath states:  
That I am the attorney for the Board of Marshall County Commissioners; that I have  
read the above Petition; that I know the contents thereof; and that all the statements therein  
made are true and correct to the best of my knowledge and belief.

Laura E. Johnson-McNish  
Laura Johnson-McNish

SUBSCRIBED AND SWORN TO before me this 30<sup>th</sup> day of August 2013.

(Seal)



Cynthia R. Ingersoll  
Notary Public

My Appointment Expires: 11-25-2014

CERTIFICATE OF SERVICE

I, Laura Johnson-McNish, do hereby certify that on August 30, 2013, I faxed filed (to  
[785] 271-3303) the Petition of the Board of Marshall County Commissioners to Intervene  
and caused the original and seven copies of said Petition to be filed by mailing in the U.S.  
postal service to:

Kim Christiansen

Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
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and delivered one copy electronically to all parties of record:

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