

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Received  
on

AUG 30 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 )  
Ford, 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 INTERVENE OF  
NEMAHA-MARSHALL ELECTRIC COOPERATIVE, INC.**

Nemaha-Marshall Electric Cooperative, Inc. ("Nemaha-Marshall Electric Cooperative") requests that the Kansas Corporation Commission (Commission) issue an order allowing Nemaha-Marshall Electric Cooperative to intervene in these proceedings. In support of the petition, Nemaha-Marshall states:

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 Nemaha County and 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 states to the east. The proposed route begins in western Kansas and continues along the northern portion of the state to the Missouri border. The proposed route crosses portions of Nemaha-Marshall Electric Cooperative's certified territory and is close to

many of its distribution facilities. The proposed route crosses facilities of Nemaha-Marshall Electric Cooperative in at least twenty-six (26) locations.

2. Nemaha-Marshall Electric Cooperative is a member-owned rural electric cooperative, providing affordable, reliable electricity to 3,356 homes, farms and businesses in Northeast Kansas. Nemaha-Marshall Electric Cooperative was incorporated in 1938 by rural residents to serve rural consumers in all of Nemaha and Marshall Counties and in parts of Washington, Pottawatomie and Jackson Counties in Northeast Kansas. Nemaha-Marshall Electric Cooperative borders Nebraska to the North and the Blue River to the West. Nemaha-Marshall Electric Cooperative builds and maintains over 1,500 miles of electric distribution line with only 2.17 electric meters per mile. Nemaha-Marshall Electric Cooperative currently has 20 employees who live near and work with the member owners of the cooperative. Nemaha-Marshall Electric Cooperative is governed by a democratically elected Board of Trustees who also live and work locally in Nemaha and Marshall Counties. Nemaha-Marshall Electric Cooperative participates, supports and volunteers in many community activities and pays property taxes in Nemaha, Marshall, Washington, Pottawatomie and Jackson Counties which pays for costs of police, ambulance and fire protection. Finally, Nemaha-Marshall Electric Cooperative participates in rural economic development programs that bring and support businesses and employment in the counties its serves.
3. As a retail service provider in Marshall and Nemaha Counties, Nemaha-Marshall Electric Cooperative is concerned about the impacts of the proposed HVDC line and the proposed route on the safety and reliability of its distribution system. Nemaha-Marshall Electric Cooperative understands that Grain Belt Express will be required to submit a filing

pursuant to the Wire Stringing Rules found at K.A.R. 82-12-1 through 82-12-9. However, the Wire Stringing Rules address the safety standards for the installation of the HVDC; the instant proceeding regarding the actual siting permit addresses the actual route through which the HVDC will be constructed. In other words, the Wire Stringing Rules will not adequately address the issues raised by the specific facts of this particular case, specifically with regard to the reasonableness of the siting location and the necessity of the project at the proposed locations. Nemaha-Marshall Electric Cooperative is concerned that the docket will not address what is in the specific path of the proposed line through, across and over the facilities of Nemaha-Marshall Electric Cooperative.

4. Nemaha-Marshall Electric Cooperative is also concerned that, absent Commission oversight, the safety and reliability of not only the proposed transmission lines, but also of local distribution lines in the path of the HVDC, will not be adequately addressed. Grain Belt Express has indicated that, because it will be answering to the Southwest Power Pool, Inc. (SPP) in developing its lines, any safety or reliability concerns are mitigated. This, however, is an overstatement of the SPP's authority. Once a transmission line is installed, reliability concerns are addressed only when they become an issue or are discovered via a local electric reliability organization audit. Problems are examined at the regional electric reliability organization level, which is answerable to the electric reliability organization for North America (North American Electric Reliability Corporation (NERC)), which is accountable, within the United States at least, to the Federal Energy Regulatory Commission (FERC). Any suggestion that power pools are the godsends to guarantee reliability and safety is weak. Power pools, as well as regional and continental electric reliability organizations, are private entities, and are simply not

an adequate substitute for direct, local government oversight in this context where public interest determination must be made for the citizens of the state of Kansas.

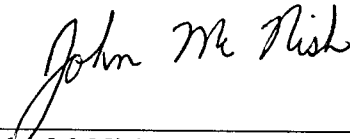
5. Nemaha-Marshall Electric Cooperative is further concerned about the encroachment on property rights held by Nemaha-Marshall Electric Cooperative and its member-owners. Nemaha-Marshall Electric Cooperative has a duty to serve its member-owners, and the use of its property rights is integral to its ability to serve. If an incorrectly placed or installed transmission line fails during an ice storm, a tornado, or due to another environmental factor, it could damage anything in its path, including local utility distribution lines. To assume the location of Grain Belt Express cannot affect reliability and safety is basically to assume, if you will forgive the pun, that a perfect storm of dramatic Kansas weather and fallible installation of facilities will never coincide. Facilities are designed to withstand a variety of extreme conditions, but design and installation are not always perfect.
6. Nemaha-Marshall Electric Cooperative should be granted the opportunity to participate so it can ensure its distribution facilities, and the interests of its member-owners, can be properly protected. For example, Nemaha-Marshall Electric Cooperative can provide insights regarding the locations where the proposed route crosses its existing distribution facilities, and suggest appropriate requirements on Grain Belt Express's HVDC construction that will protect these existing distribution facilities. As Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) has stated in its Petition to Intervene, Grain Belt Express should not be permitted to route its line in a location that crosses any existing structure (i.e., pole, substation). Additionally, when the proposed route crosses an existing line, Grain Belt Express should be required to cross above the existing line

and place dead-end structures on either side of the crossing to ensure that if the line is damaged, it does not fall on the existing facility below. Nemaha-Marshall Electric Cooperative has the same concern; however, the location of Nemaha-Marshall Electric Cooperative's facilities is unique from Westar's, and will require individual review.

7. In addition, Nemaha-Marshall Electric Cooperative is concerned about the burden on its member owners, who are landowners, from the construction of a high voltage line across their properties. Nemaha-Marshall Electric Cooperative has the obligation to maintain its existing facilities and continue to construct new distribution lines as necessary to serve its member owners. The route ultimately approved for Grain Belt Express and Grain Belt Express's interaction with landowners should not be allowed to prejudice and interfere with Nemaha-Marshall Electric Cooperative's ability to reasonably complete future distribution lines. Unlike Grain Belt Express, Nemaha-Marshall Electric Cooperative hires its personnel from the local community and pays property taxes to the local units of government. The local interests in this project should be appropriately represented.
8. Finally, Nemaha-Marshall Electric Cooperative's intervention in this matter will not impair the interests of justice or orderly and prompt conduct of this proceeding. Rather, Nemaha-Marshall Electric Cooperative's participation will promote the justice to the local entities affected by this proposed route, and will provide a full and complete record in an orderly manner. Indeed, the Commission held a public hearing in Seneca, Kansas in which 400 persons attended, many of which were member owners of Nemaha-Marshall Electric Cooperative. If this is a type of intervention not permissible to make the record complete, the Commission should have told the 400 in Seneca that their voices will not be heard in Topeka.

9. As a result of its interest as described above, Nemaha-Marshall Electric Cooperative has a direct interest in Grain Belt Express's Application that cannot be represented by any other party. Nemaha-Marshall Electric Cooperative respectfully requests that it be granted intervention so that it may present its unique perspective to the Commission for a complete record in this matter.

WHEREFORE, Nemaha-Marshall Electric Cooperative requests that the Commission issue its order granting its petition to intervene in this matter and for such other relief as may be appropriate.



---

John McNish, S.Ct. #11049  
Bolton & McNish LLC  
916 Broadway, P.O. Box 386  
Marysville, KS 66508  
Ph. (785) 562-5388  
Fax (785) 562-2124  
[jmcnish@bluevalley.net](mailto:jmcnish@bluevalley.net)

Attorney for Nemaha-Marshall  
Electric Cooperative, Inc.

VERIFICATION

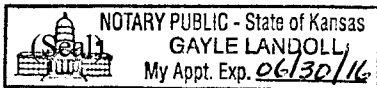
STATE OF KANSAS,        )  
                                  )  
MARSHALL COUNTY,        )

I, John McNish, of lawful age, being first duly sworn upon my oath states:

That I am the attorney for Nemaha-Marshall Electric Cooperative, Inc.; 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.

*John McNish*  
\_\_\_\_\_  
John McNish

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



*Gayle Landoll*  
\_\_\_\_\_  
Gayle Landoll, Notary Public

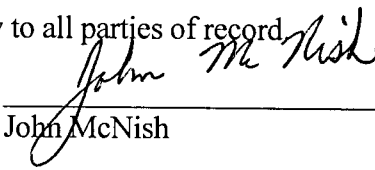
My Appointment Expires: 6-30-2016.

CERTIFICATE OF SERVICE

I, John McNish, do hereby certify that on August 30, 2013, I faxed filed the Petition of Nemaha-Marshall Electric Cooperative, Inc. to Intervene and caused the original and seven copies of said Petition to be filed with:

Kim Christiansen  
Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604

and that one copy was delivered electronically to all parties of record.

  
\_\_\_\_\_  
John McNish