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Before the House Committee on Energy, Utilities, and Telecommunications

January 30, 2025

Proponent Testimony on House Bill 2040

Submitted by Justin Grady, *Deputy Director*, Utilities Division
On Behalf of The Staff of the Kansas Corporation Commission

Chair Delperdang, Vice Chair Wilborn, Ranking Minority Member Ohaebosim, and members of the Committee, thank you for the opportunity to provide testimony today on behalf of the Staff of the Kansas Corporation Commission (Commission).

The Staff of the Commission (Staff) is proposing a narrow change to K.S.A. 66-1,178(d) to increase the time allowed for the Commission to issue a final order in transmission line siting applications from 120 days to 180 days.

We believe this change will improve the Commission's evaluation of a transmission line siting application by allowing more opportunity for landowner input and involvement in the process. Because landowners along a potential transmission line route may be impacted by the line for many decades to come, we owe it to them to take the necessary time to hear and consider their concerns, and to evaluate potential alternative routes prior to the determination of the final line route.

The current statutory deadline of 120 days for a line siting application is the most expedited review period of any major proceeding that the KCC processes. For example, a Certificate of Public Convenience and Necessity proceeding has a 180-day timeline pursuant to K.S.A 66-131(b). Rate cases proceed on a 240-day timeline pursuant to K.S.A. 66-117. A merger or acquisition can take up to 300 days pursuant to K.S.A 66-131(c).

Transmission lines take several years to plan and construct. It takes 37 months for the Southwest Power Pool (SPP) to study the transmission system, determine which transmission lines need to be constructed, and issue a Notice to Construct (NTC). Construction timelines are often measured in multiple years once an NTC is issued. Adding 60 days to the Commission's timeline to evaluate the route of a proposed transmission line in Kansas will not materially affect these timelines.

The following procedural schedule, used in a recent line siting docket before the KCC, illustrates how condensed and expedited these proceedings are currently. This docket was filed on May 31, 2024.

Deadline for mailing notice of Local Public Hearing to Landowners	June 20, 2024
Staff and Intervenor Direct Testimony	July 3, 2024
Deadline for final newspaper notice of Local Public Hearing	July 5, 2024
Grain Belt Express Affidavit Regarding Notice	July 9, 2024
Local Public Hearing	July 10, 2024
Public Comment Period Ends	July 15, 2024
PACP Report on Public Comments	July 24, 2024
Grain Belt Express Rebuttal to Staff & Intervenor Testimony	July 26, 2024
Grain Belt Express Response to Public Comments (from public hearing and PACP Report)	August 2, 2024
Staff & Intervenor Response to Public Comments	August 7, 2024
Grain Belt Express Rebuttal to Staff/Intervenor Response to Public Comments	August 14, 2024
Prehearing motion and discovery cutoff; list of disputed issues due	August 19, 2024
Prehearing Conference	August 21, 2024
Evidentiary Hearing	August 26-28, 2024
Simultaneous Initial Briefs	September 6, 2024
Simultaneous Reply Briefs	September 13, 2024
Order Due	September 30, 2024

In this proceeding, many landowners learned about the possibility of a transmission line on their property on June 20, 2024, just eight business days before written testimony was to be filed, on July 3, 2024. The public hearing in this proceeding was held on July 10, 2024, 14 business days after notice was sent. The public was only allowed to comment on the Application for another five days after the public hearing, through July 15, 2024.

Many times impacted landowners have not spoken with representatives of Staff and they do not have a full understanding of the how they can participate in the docket until the public hearing. At the public hearing, Staff encourages landowners to participate in the process, and explains how

they can participate in the docket. In this case, only five days remained after the public hearing to submit public comments to the KCC, and the deadline for filing Direct testimony had already passed. We have heard from landowners that feel their interests are not being adequately considered, because Staff has already filed Direct Testimony by the time the public hearing is held.

The bottom line is that the expedited nature of these proceedings feels rushed to landowners, and we consistently hear from them that the process should be slowed down to accommodate more opportunity for meaningful input into the route selection process.

Under the current 120-day timeframe, it is very difficult, if not impossible, for the Commission to consider alternative routes other than those included in the original Application by the utility. If an alternative route is proposed which is outside of the 660-foot notification corridor, newly impacted landowners along an alternative route must be given due process including legal notice, ability to comment, and a public hearing. The reality is that there simply is not enough time within 120-days to complete these tasks for an alternative route. As a result, when alternative routes have previously been considered, this has required a follow-on line-siting proceeding to be filed. An example Settlement Agreement calling for this follow-on line siting proceeding, which was recently approved by the Commission in Docket No. 24-GBEE-790-STG, can be found here:

<https://estar.kcc.ks.gov/estar/ViewFile.aspx/S202408231645168878.pdf?Id=0181f9c6-e8eb-4014-997a-629c156c4ad0>

This example provides evidence that utilities do work with affected landowners and will willingly consider alternative routes that address landowner concerns, but the expedited nature of these proceedings simply does not allow enough time for these alternative routes to be fully considered. Staff contends that a 60-day extension in these proceedings would allow more opportunities for landowner input in the process, and could avoid instances like the above example where a utility agreed to file a follow-on line siting Application in order to properly consider an alternative route.

Thank you for the opportunity to offer our perspective on the proposed bill and the opportunity to appear before your committee.