

July 15, 2024

Submitted via email to kcc.public.affairs@ks.gov

Kansas Corporation Commission
Office of Public Affairs and Consumer Protection
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027

Re: Docket No. 24-GBEE-790-STG

Dear Commissioners,

Kansas Farm Bureau (KFB) is organized in Kansas under the Cooperative Marketing Act. Established in 1919, KFB's mission is to strengthen agriculture and the lives of Kansans through advocacy, education, and service. KFB has over 106,000 members in all 105 counties in Kansas, of which members, over 30,000 are farmers and ranchers, owning and operating on land in rural Kansas. KFB represents producers across all sectors of Kansas agriculture.

KFB serves the agricultural industry and is one of the main trade associations representing Kansas farmers and ranchers. The organization functions to advocate for its members in many different forums. In the energy space, specifically, KFB has participated in matters before the KCC, FERC, and the Kansas Legislature, and has intervened in Docket 24-GIME-102-GIE, the current transmission line-siting investigation.

In Kansas, there are 45,759,319 acres of farmland, which account for 87.5% of all Kansas land.¹ More than 21 million acres in Kansas is harvested for crops and over 16 million is pastureland for grazing animals.² As the largest class of landowners and operators in the state, Kansas' farmers and ranchers are greatly impacted by transmission lines crossing the countryside. On behalf of our impacted members, we submit these comments in the current matter.

While KFB appreciates the steps and factors that Grain Belt Express (GBE) has employed to minimize some of the impacts to agricultural land, we encourage these additional steps to lessen the negative impacts to agricultural land, and its owners and operators:

¹ *2017 Census of Agriculture*, by USDA National Agricultural Statistics Service, Table 8, available at https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Kansas/st20_2_0008_0008.pdf. Last accessed July 15, 2024.

² *2023 Kansas Farm Facts*, by the Kansas Department of Agriculture, page 26, available at <https://www.agriculture.ks.gov/home/showpublisheddocument/166/638441481201900000>. Last accessed July 15, 2024.

1. GBE should adopt, in Kansas, landowner protocol³ and agricultural impact mitigation protocol⁴ like it has done in Missouri. These protocols not only set some minimum standards for mitigating impacts to agricultural land and operations, but also create a clear path by which landowners can raise concerns with GBE about transmission operations on their land. If GBE adopts such protocols in Kansas, we would appreciate the opportunity to provide feedback to make them more impactful in their mitigative effects, such as shortening the timeframes for mitigative actions to be completed to much less than 45 days after completion of construction of the entire line in Kansas.
2. GBE has indicated that, where irrigation systems are impacted by transmission lines, GBE will do what is necessary to “make whole” the owners and operations of those lands. We encourage GBE to hold true to that, and to take actions necessary to avoid impacting irrigation systems when possible.
3. We appreciate that routing factors are weighted to maximize distances from residences and farm businesses. When those factors do not result in avoidance of close proximity to residences and business, and in the absence of state or county standards for setbacks, we encourage GBE to adopt and follow minimum siting standards for transmission lines, such as setback requirements from residential and agricultural structures that are sufficient to minimize health and safety risks, and other impacts to those living and working near the transmission lines.
4. We appreciate that routing factors are weighted to minimize crossing cultivated land and center pivot irrigation systems. When routes are chosen that ultimately involve crossing through cultivated land and center pivot irrigation systems, GBE should take steps to minimize the impacts by locating structures outside of the reach of irrigation systems, and elevating the transmission lines to a height that is safe for farming operations to occur underneath them.
5. Transmission lines should be situated on section lines or property lines when practical.
6. As a minimum contract standard, GBE should agree to indemnify landowners for liability associated with the utility structures located on their land.
7. To the extent contemplated in the projects, guyed transmission structures, requiring guy lines, should not be utilized on private land without landowner permission.
8. Property rights of all landowners in areas developed for energy generation and transmission should be protected (for example, those directly across the road and in close proximity to transmission lines).
9. GBE should work diligently with impacted landowners to find a feasible route for the AC Collector Lines that is least impactful to the land and operations they intersect.

³ Available at: <https://grainbeltexpress.com/wp-content/uploads/2023/12/Grain-Belt-Express-Landowner-Protocol-2023-Update.pdf>, last accessed July 11, 2024.


⁴ Available at: <https://grainbeltexpress.com/wp-content/uploads/2022/12/Missouri-Ag-Impact-Mitigation-Protocol-Rev-July-2020.pdf>, last accessed July 11, 2024.

10. With this docket, GBE should more precisely define the geographic region for future AC Collector lines, narrowing the region from “western Kansas” as originally contemplated in a previous docket.
11. Similar to conditions placed on the HVDC line for construction, construction of the AC Collector lines should not begin until sufficient interconnection agreements with generators have been finalized to warrant its necessity.

Additionally, in future line-siting cases for GBE’s AC Collector Lines, GBE could improve upon stakeholder engagement opportunities by, for example, providing more detailed maps with clearly marked roads, so that landowners can accurately identify their property and the potential impacts of varying proposed transmission line routes. And, while we appreciate the informal “open house” style of meetings to accommodate landowner schedules, we would encourage a presentation at the beginning of the open house, even if brief, similar to that of Kevin Chandler’s at the KCC public hearing in Dodge City. Doing so streamlines the delivery of the most basic information about the project, saving time and effort of all in attendance. It may also help landowners recognize potential issues or impacts of the project on their land and operations.

We appreciate the working relationship we have with the staff of the Kansas Corporation Commission, as well as GBE, and look forward to working together in the future as efforts are made to provide reliable, low-cost energy to Kansas consumers, while mitigating the impacts of transmission lines on agricultural land.

Sincerely,

A handwritten signature in blue ink that reads "Wendee Grady". The signature is fluid and cursive, with a long, sweeping tail on the letter "y".

Wendee Grady,
Assistant General Counsel &
Director of Legal Foundation