



National Interest Electric Transmission Corridor
Tri-County Meeting, 6:00 p.m., Tuesday, October 1, 2024
Barton, Pawnee and Russell Counties
Barton Community College, 245 NE 30 Road, F123, Fine Arts Auditorium,
Great Bend, Kansas 67530

September 24, 2024 – Prior to the NIETC Tri-County Meeting (Barton, Pawnee and Russell Counties), the following questions are being submitted to the following:

Department of Energy
Kansas Corporation Commission

Representative Tracey Mann
Senator Roger Marshall
Senator Jerry Moran

Representative Tory Marie Blew
Representative Bill Clifford
Representative Brett Fairchild
Representative Troy Waymaster
Senator Elaine Bowers
Senator Alicia Straub

Kansas Association of Counties
Kansas Natural Resource Coalition

Questions are being provided in three parts –

Barton County Questions
Barton County Citizen Questions
Pawnee County Questions

We respectfully request that answers be remitted to Barton County by noon, Monday, September 30, 2024. We request that the DOE, KCC and federal legislators answer all questions. If state legislators would like to answer those questions within purview.

Invitation to the tri-County meeting included with your email.



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Pawnee - Bob Rein, Jr. Chairman; Mike Burdett, Philip Hammeke, Commissioners
Russell - John W Strobel (Duke), Chairman; Steve Reinhardt, Daron Woelk, Commissioners

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Barton County Questions

1. How can GBE transmit power if the Midcontinent Independent System Operator (MISO) excludes GBE from its grid and the Federal Energy Regulatory Commission (FERC) upholds MISO's exclusion of the power?

GBE has an active interconnection agreement with MISO, titled the Transmission Connection Agreement, which was approved by FERC on February 29, 2024. The Docket number where the TCA was approved by FERC was ER24-715. GBE is working with MISO through the Stakeholder process to allow for a limited operation of the line, until the system improvements necessary for full operation in MISO can be completed, estimated to be completed around 2029-2030.

2. The Illinois federal court ruling against GBE jeopardizes Phase II of the Project (in Missouri and Illinois). Will this affect Phase I? If so, how?

Phase 1 and Phase 2 of the GBE project are separate and independent. Phase 1 is not dependent on the eventual completion of Phase 2.

3. When will Invenergy prove that it has secured the Department Of Energy (DOE) loan, and when will GBE receive its Certificate of Convenience to verify the loan?

GBE is currently involved in the Federal Loan Guarantee Review and the Associated Federal Environmental Reviews. A timeline for the expected dates associated with that process can be found here:

<https://www.permits.performance.gov/permitting-project/fast-41-covered-projects/grain-belt-express-transmission-phase-1>

4. Invenergy has stated in negotiations with landowners threatened with eminent domain that it has separate financing that would allow the Project to begin construction.
 - a) What is the "separate financing"?
 - b) Who pays for the 20% of the Project not covered by the DOE?
 - c) Is the "separate financing" enough to complete all or part of the Project?

One of the conditions that the KCC has placed on GBE's Certificate of Convenience and Public Necessity is that Invenergy is required to prove



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that it has raised sufficient financing to construct Phase 1 of the line before it begins construction in Kansas. Because the GBE line is a Merchant HVDC line, customers who seek to reserve transmission capacity on the line will ultimately pay for the financing costs of the project. The KCC is not directly involved in the environmental review or financing review being undertaken by the Department of Energy.

5. Landowner compensation is based solely on short-term land use and habitation, which forces many farmers and landowners to relocate when the property becomes unusable or unlivable. Why are landowners subject to eminent domain not compensated for the anticipated **long-duration** of the HVDC line placement?

Eminent Domain proceedings in Kansas require that landowners are compensated at fair market value for property easements received through the legal process. Our understanding is that in voluntary negotiations with landowners, (before any condemnation proceedings begin in District Court) GBE offers landowners 110% of the Fair Market Value for property easements, plus an additional payment for any tower that is placed on the property. Despite being paid for the entire easement, the landowner still retains title to the land, and can farm or ranch the land, or use the land for anything that does not interfere with the ability to operate and maintain the transmission line. The only land taken out of farming operations is typically the area right around the tower, which is a 40' by 40' area of land, every 1000 feet or so along the path of the line. The KCC is not aware of any homeowner along the approved route in Kansas that will have to be displaced from their residence. The KCC would not site a transmission line in a fashion that required a homeowner to lose their home.

6. Why is the corridor five miles wide in Kansas and what activities will GBE perform in this expanded area? How does the five mile corridor work?

The easement area of the GBE project is 150-200 feet wide. The route and easement area have already been approved by the KCC and are not five miles wide.

The United States Department of Energy (DOE) has proposed several preliminary National Interest Electric Transmission Corridors (NIETCs). One of those NIETCs is the Midwest Plains corridor, which follows the currently approved route of the GBE, and which is preliminarily proposed to be five miles wide. The KCC plans to engage with the DOE during the Public



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Engagement phase of the DOE process (expected to be this Fall) to request a substantial narrowing of the proposed corridor, so that the only line built in the corridor is the GBE line. The KCC also worked with Invenergy to request a reduction of the width of the corridor to .5 miles wide, or 1300 feet on each side of the centerline of the GBE. 1300 feet is the maximum amount of deviation that GBE has experienced in the siting process within the KCC-approved route. Invenergy has stated publicly that a narrowing of the corridor to .5 miles wide would not allow another transmission line to be built within the corridor, given pinch points and routing restrictions along its current KCC-approved route.

If the Midwest-Plains NIETC is approved as a ½ mile wide corridor, the KCC believes it is highly unlikely that an additional transmission line could be built in that corridor. The KCC has not seen any evidence that an additional line, other than the GBE line, is needed in the corridor.

The designation of an area as a NIETC allows access to Federal financing and permitting tools, including the potential of a federal backstop siting authority and federally authorized eminent domain. This federal backstop siting authority only kicks in if a State denies an application for a transmission line or siting permit. Because GBE already has a state siting permit approval from the KCC, the granting of a NIETC in this area should not result in federal backstop siting authority or federal eminent domain, barring some change in the legal status of the existing state approvals that GBE already holds.

7. What is the “national emergency” for this region, currently not in need of surplus electricity, that has been declared by the DOE’s National Interest Electric Transmission Corridor (NIETC) designation?

The KCC is not aware of any national emergencies that have been declared for this area. The DOE said the following when it proposed the preliminary NIETC for the Midwest Plains area:

The Midwest-Plains potential NIETC encompasses a geographic area where there is a significant need for increased interregional transfer capacity to maintain and improve reliability and resilience, lower congestion and consumer costs, meet future generation and demand growth, and increase clean energy integration. These preliminary findings are based on the 2023 Needs Study as well as other relevant information and are consistent with DOE’s preliminary



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finding in the NIETC Guidance regarding the particular value of NIETC designation where there is need for increased interregional transfer capacity.

The DOE also focused on the reliability value of the ability to transfer power between regions during extreme weather events:

Further, recent experience with extreme weather events, such as Winter Storms Uri and Elliott, demonstrate the value additional interregional transfer capacity would have for consumers in ensuring reliability and resilience and lowering costs by ensuring that energy can be delivered from where it is available to where it is needed during these extreme events. During Winter Storm Uri in February 2021, Needs Study findings show the Plains region was unable to import additional available generation capacity during the cold weather event, which negatively impacted resource adequacy and introduced high price spikes. Needs Study findings also demonstrate significant value of interregional transmission between the Plains and Midwest regions, as well as between the Mid-Atlantic and its neighbors, during Winter Storm Elliott in 2022. Increased transfer capacities between the Plains, Midwest, and Mid-Atlantic regions would improve system reliability during extreme weather events.

8. Can a map with the exact location and landowner's names be provided? If so, when will the map be available?

The Grain Belt Express Kansas Route Selection Study that details the Project route is posted on GrainBeltExpress.com and is available at the following KCC link:

<https://estar.kcc.ks.gov/estar/ViewFile.aspx/20130715113501.pdf?id=38498745-d235-4d94-b1af-e0df28d45b33>

Grain Belt Express does not release landowner names out or respect for landowner privacy and in accordance with the Project Code of Conduct.

DOE has released the following information about map availability and timing related to the NIETC program:



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The most detailed maps available at this time are in Appendices A-J of the preliminary list document that DOE released in May 2024. Available here:

<https://www.energy.gov/sites/default/files/2024-05/PreliminaryListPotentialNIETCsPublicRelease.pdf>

These maps show the rough geographic area of each potential NIETC, existing electrical infrastructure, and environmental surroundings and should be viewed as rough approximations. DOE will provide more detailed maps of the potential NIETCs that advance to Phase 3 in fall 2024. This includes making geographic information system (GIS) data available to the public. Note that the geographic boundaries of a NIETC are not final until DOE issues a final NIETC designation report.

9. Can the lines be buried to take away the health issues and potentially ruining the value of the properties involved:

The KCC did examine the issue of burying the HVDC line in 2013 when the siting certificate was first granted to GBE. The Commission found: “the record evidence demonstrates burying Grain Belt Express’s proposed transmission line would be both technically impracticable and economically infeasible.” While burying the line would result in less visual obstruction to the land, it would also likely cause more ground compaction which would have a larger impact on agricultural land use in the State.

The KCC has found that there has never been an established causal relationship between EMF and health effects. A June 2002 study from the National Institute of Environmental Health Studies, available here:

https://www.niehs.nih.gov/sites/default/files/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf

showed that common household appliances like vacuum cleaners, refrigerators, and microwaves can produce a higher level of EMF exposure than a house 200-300 feet away from a 500kV transmission line.

The KCC has required GBE to measure the EMF exposure at the edge of the right of way of the GBE line, to form a baseline measurement should additional studies suggest that EMF exposure presents a more acute health risk than existing studies have found.



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Russell County Citizen Questions

1. Will homeowners be able to opt out and retain their residence?

The DOE provided the following information in its [NIETC FAQ](#) website:

“A NIETC is not the same as a transmission right-of-way. Any NIETC designation is expected to be wider than a typical right-of-way and it does not confer any right-of-way authorization or permit to construct a transmission project within the NIETC. Before a right-of-way can be authorized within a designated NIETC for a specific transmission project, a transmission developer must apply for permits from the appropriate authority, whether federal, state, or local, as they would for any transmission project.”

The GBE Project is the only interregional transmission line planned within the preliminary proposed Midwest-Plains NIETC corridor. The KCC has already issued the necessary certificate and siting permit for the GBE Project, and GBE has secured over 97% of the right of way required for the Phase 1 main line in Kansas and Missouri.

Accordingly, the location of the GBE Project in Kansas is known and—other than minor modifications as the result of final engineering and landowner-requested micro-siting—will not be changing. The GBE routing and siting process included extensive public input related to potential residential impacts, and the approved route does not cause any project landowners to be displaced from a primary residence.

2. The Great Bend Municipal Airport may be located near the transmission line. Can you specify the project’s distance from the airport?

The airport is approximately 4 miles from the Grain Belt Express Project centerline at its nearest point. Our understanding is that Invenergy has begun coordination with the FAA about the GBE project.



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3. Can you specify the height of the towers? Over 200'? If it is going to be towers, how tall?

Typical tower heights for the GBE project will be 150 to 170 feet tall.

4. Do you plan to apply to the Federal Aviation Administration for this project near the airport to avoid interference with published aircraft approaches or traffic patterns?

Our understanding is that GBE is in discussions with the FAA about the project.

5. Do we know for sure these will be towers, or is the corridor going to be underground?

The KCC is not aware of any transmission lines other than GBE that are planned to be located in the corridor, if it is finalized by the DOE. The GBE line is an overhead line.

6. Eminent domain refers to the power of the government to take private property and convert it into public use. What public use will the public living in Kansas receive from this project?

The KCC has previously found the GBE project to be in the public interest of the state of Kansas. These benefits include: improving the reliability of the transmission system in the state of Kansas, including the potential in the future that the flow of the line may be reversed during extreme conditions; increased economic development in Kansas, including royalty payments to landowners associated with additional wind and solar generation, construction jobs to build the line, additional energy generation enabled as a result of the line, and maintenance jobs to maintain the line. Studies have also shown that increased interregional transfer capability between SPP and MISO will potentially reduce power costs for customers in both Kansas and Missouri, due to decreased congestion of the wholesale power grid and wholesale power markets.

7. Why are we only hearing about this after the public comment period (Phase II) has passed?

The preliminary NIETC designations were made on May 8, 2024. The initial 45-day comment period was only for phase 2 of the process. The DOE is anticipated to begin the "Public Engagement" portion of the process in



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the Fall of 2024. The DOE has said the following about what is expected in the public engagement process: [NIETC FAQ](#)

“DOE will also develop a public engagement plan for each potential NIETCs that it is continuing to consider in Phase 3. This plan will provide ample opportunities for comment by potentially impacted communities and landowners. This may include a series of virtual and/or in person public meetings near the proposed action, informal workshops, and dissemination of information via local newspaper and via other public engagement tools, all to ensure that public involvement is incorporated in a meaningful manner. DOE is also open to suggestions from the public at any time about how and where DOE should engage the public for those potential NIETCs that proceed to Phases 3 and 4.

To date, DOE announced Phases 1 and 2 of the NIETC designation process in the Federal Register, via a DOE press release, with Congressional, state-level, and stakeholder organization briefings and notifications, on the DOE website, and through DOE newsletters and social media. DOE has engaged in stakeholder meetings and provided briefings upon request throughout Phases 1 and 2 as well.”

8. If it is designated, how long after that before we see work begin – is this a decades-long process, a years-long process or a months-long process?

As noted in earlier responses, the GBE Project is the only interregional transmission line planned within the preliminary proposed Midwest-Plains NIETC corridor, and land acquisition for the Phase 1 Project main line is already 97% complete. Designation of the corridor would not impact the location or the schedule of the Project, which is set to begin construction as soon as 2026.

9. Will all landowners be treated the same? Some have several hundred acres prime farm ground; others have residential homes only.

At this time, there is no evidence to suggest that any transmission line other than the GBE will be built in the proposed corridor, especially if the corridor is narrowed to ½ mile in width. GBE has already acquired 97% of the easements needed to begin construction and has made contact with



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every landowner that would be impacted by the GBE line. The KCC is not aware of any residential homeowners who are losing their home over the GBE line. The KCC would not site a transmission line that resulted in a Kansas resident losing their home.

10. Is Eminent Domain the first action to be taken if the proposed corridor is designated? Or is there a period where landowners have an opportunity to negotiate a deal for their vested interests?

Assuming a new transmission line were to be considered in addition to the GBE line (for which there is no indication or evidence at this point), and if the NIETC receives final designation, then Federal Eminent Domain could not happen unless the KCC denied a siting permit for that future transmission line. Then, FERC would have to approve a siting permit for that future transmission line, and the constructing transmission company would have to initiate federal Eminent Domain proceedings. Because transmission companies try to avoid Eminent Domain proceedings as a matter of course, the KCC presumes that voluntary negotiations would occur before any Federal Eminent Domain would occur. The short answer is no, Eminent Domain would not be the first action taken if the DOE finalizes the NIETC.

11. Will communities along the corridor benefit by having access to power transported along the corridor?

Because this is an HVDC line, power can only be put on or taken off at an AC/DC conversion station, currently planned for just north of Dodge City, and Monroe County Missouri. So, while not all communities along the path of the line will be able to receive power directly from the line, it will strengthen the interregional ties between SPP, MISO and AECI (Phase 1) and eventually between those three regions and PJM (Phase 2). Even though the GBE line is expected to export power out of Kansas during normal conditions, there is an over-abundance of electric generation (primarily renewables) in Western Kansas today compared to local needs, and that causes congestion and reliability issues in Kansas. Allowing that power to be exported and flow more freely into other regions (and the ability to reverse the flow on that line during emergency conditions) will improve the reliability of the electric grid in Kansas and surrounding states.

12. Has an Environmental Impact Study (EIS) been completed? If so, has it been evaluated by the Federal Law National Environmental Police Act? (NEPA)?



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If DOE moves the Midwest-Plains NIETC corridor forward to the next phase, the corridor would be evaluated in an EIS pursuant to NEPA prior to designation. An EIS is currently being prepared for Grain Belt Express Phase 1.

Pawnee County Citizen Questions

1. The NIETC project seems to be moving quickly. Is there a national emergency that requires immediate designation?

The DOE is in Phase 2 of a 4 Phase process, with the Public Engagement process (Phase 3) to begin this fall. There has not been a full timeline presented for the NIETC designation process, so it's hard to say whether this process is moving quickly. See also Barton County Question No. 7.

2. How many acres of land would be affected in Kansas, specifically in Barton, Pawnee and Russell counties?

Answering this question would require a detailed mapping analysis, which we have not had the time to complete. The total area of easement would be 150 feet wide, multiplied by the number of miles of the GBE project traversing each county.

Invenergy has told the KCC that they would work with the Counties to determine the total amount of easement area being sought in the County for the GBE project. As for the preliminary NIETC, that would depend on whether the DOE accepts the comments to narrow the corridor to ½ mile in width, and whether there will be any additional transmission lines proposed or built in the corridor, of which the KCC is not aware of any projects today.

3. What would be the economic impact of a transmission line in the corridor? Specifically to the owner of the line, the State of Kansas, the affected Counties and property owners?

The GBE project is the only line that the KCC is aware of that is contemplated or likely to be constructed in the Corridor, if it is approved, especially if it is narrowed to ½ mile wide. Economic impacts of the line to the State of Kansas would be additional investment in wind farms in Southwest Kansas, royalty payments to Kansas landowners that support the wind projects, jobs for construction and maintenance of the transmission



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line, as well as wind projects or other energy generation facilities enabled by the line. In addition to the direct economic impacts, there are anticipated wholesale power market savings and reliability benefits associated with improving the strength of the interregional connections between SPP, MISO, and AECI.

4. Is there any potential for the proposed corridor or future transmission line project to negatively impact property values?

The KCC has not seen evidence that the existence of a transmission line on or near a property has resulted in a reduction of property values, beyond the loss of use value landowners are being compensated for through lease agreements. The KCC is not in a position to speculate on the question of whether the proposed corridor negatively impacts property values.

5. What would be the impact to homeowners and people living inside of the proposed corridor or any future transmission line projects? Would there be any potential for homeowners to lose their homes or be negatively affected from a health aspect? What about crops and livestock?

At this time, there is no evidence to suggest that any transmission line other than the GBE will be built in the proposed corridor, especially if the corridor is narrowed to ½ mile in width. GBE has already acquired 97% of the easements needed to begin construction and has made contact with every landowner that would be impacted by the GBE line. The KCC is not aware of any residential homeowners who are losing their home over the GBE line. The KCC would not approve a siting application that required a homeowner to lose their home.

The KCC has found that there has never been an established causal relationship between EMF and health effects. A June 2002 study from the National Institute of Environmental Health Studies, available here:

https://www.niehs.nih.gov/sites/default/files/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf

showed that common household appliances like vacuum cleaners, refrigerators, and microwaves can produce a higher level of EMF exposure than a house 200-300 feet away from a 500kV transmission line.

The U.S. electric transmission network consists of about 700,000 circuit miles of lines, including over 200,000 miles of high-voltage transmission lines (230



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kilovolts (kV) and above) that people live, work, and play around each day. National Electrical Safety Code (NESC) requirements ensure safe line operations and personnel safety.

All transmission lines produce electromagnetic fields (EMF). The balance of scientific evidence indicates EMF from transmission lines are not harmful to humans, and we are not aware of any studies that show adverse effects to crops or livestock from EMF exposure.

6. Would the specifics of any potential easements or agreements with property owners be made public?

Invenergy has told the KCC that GBE uses a form-standard easement agreement and does not disclose property owner records out of respect for landowner privacy and in accordance with the Project Code of Conduct.

7. How many projects does DOE expect to be placed inside the NIETC destination?

The KCC cannot answer for the DOE, but we have worked with Invenergy to submit supplemental comments to the DOE calling for a ½ mile wide corridor, which in our opinion would render it impractical that another line other than the GBE line could be developed within the corridor.

8. Does the DOE anticipate any further necessity beyond the already sited Grain Belt Express project?

The DOE would have to answer this, but from the KCC's perspective, we have seen no evidence that anything other than the GBE line is currently needed in the area of the Midwest-Plains NIETC. Similar to the GBE project, any future proposed transmission lines in the area would be subject to KCC proceedings on necessity and siting.

9. Would any potential easements under the NIETC designation be available to be enrolled in natural asset companies or national capital accounts in the future?

If a future transmission line were to be proposed and built in the corridor, then any easement agreement would occur with a future transmission developer, not the federal government.



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10. Is the federal government overriding existing state siting processes?

If the Midwest-Plains NIETC is approved, FERC would only be able to consider a transmission line siting permit in the event that the KCC denies the permit or declines to issue a ruling on the permit within one year. See also the answer to Russell County Question No. 10.

11. Is the federal government overriding the constitutional rights of its citizens by exercising eminent domain?

The DOE has this to say about its congressional authority to designate a NIETC, and what that means as far as siting permits, FERC authority, etc. From the DOE [NIETC FAQ](#):

“NIETC designation does not confer any permits or authorizations to construct a transmission project, nor does designating an area as a NIETC result in any immediate transmission construction, use of eminent domain to acquire land, or impacts to existing land uses without further process. NIETC designation also does not guarantee that a developer within a NIETC will either be eligible to apply for a federal permit nor that the developer will receive a federal permit.”

“Overall, the federal government’s authority to issue permits and to grant eminent domain authority for transmission projects is limited. DOE does not have this authority. Siting and permitting authority for all transmission facilities, including those located within NIETCs, begins with state and local siting authorities. The Federal Energy Regulatory Commission (FERC) has authority to issue federal permits for transmission facilities located within NIETCs, under Section 216(b) of the FPA, though FERC’s authority is further limited to where a state does not have authority to site a transmission project or a state siting authority has not acted on an application to site a transmission project for over one year or has denied an application.”

“This means that transmission developers within a NIETC can only apply for a permit from FERC after state and/or local processes, and their ensuing public communication requirements, have been initiated. Once a permit is granted then a court has to allow the exercise of eminent domain.”



Barton - Barb Esfeld, Chairman; Shawn Hutchinson, Duane Reif, Tricia Schlessiger, Donna Zimmerman, Commissioners
Pawnee - Bob Rein, Jr, Chairman; Mike Burdett, Philip Hammeke, Commissioners
Russell - John W Strobel (Duke), Chairman; Steve Reinhardt, Daron Woelk, Commissioners

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