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SB 68 -Right of First Refusal to Construct Transmission Lines

Oral In-Person

Proponent

From:

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To Senate Utilities Committee:

Mr. Chairman and Members of the Committee:

Kansas Farm Bureau has a long history of protecting the private property rights of landowners. Our members recognize, appreciate, and benefit from affordable, reliable, and resilient supplies of energy delivered by electric transmission lines.

Over the past few weeks, we have watched closely the testimony of the Kansas Corporation Commission, the Southwest Power Pool, and utilities projecting increased development of transmission lines to meet expected growth of renewable energy projects. Kansans through hearings before this Committee have learned about the complex and intricate planning process of the Southwest Power Pool and its plans for regional transmission lines that will impact the state. We have learned the role of the KCC and the vision of some of the largest developers in the world. Even a casual observer, will quickly conclude that big changes are underway.

We want to assure that the private property rights of all landowners in areas developed for energy generation and transmission are protected. Information is critical to communities and especially to landowners who will be most affected by construction. For the general public, accessing information through the SPP is a major task. Most Kansans will not follow seven working groups and four study groups to track long term plans of transmission. Most Kansans rely on the KCC, their legislator or their local utility to provide them information on major projects such as construction of transmission lines.

To protect property rights, landowners must have timely easy public access to information regarding the location of a proposed transmission line and a list of landowners with an interest in impacted parcels. Landowners should not have to wait until a "land manager" knocks on their door or a perfunctory public meeting to receive information regarding their property.

K.S.A. 66-1,178 requires electric utilities to obtain a site permit from the KCC prior to preparation for or construction of an electric transmission line or exercise the right of eminent domain to acquire any interest in land in connection with such proposed line. To obtain this permit, an electric utility must file an application with the KCC setting forth 1. the proposed location of the proposed transmission line; 2. The names and addresses of landowners of record whose land or interest in land is proposed to be acquired in connection with the construction of or is located within 600 feet of the center line of the easement where the line is proposed to be located and 3. Such other information as the KCC may require (Statute paraphrased for brevity).

Last week, Landowners Darren McGhee and Rochelle McGhee Smart petitioned for intervention in KCC Docket No. 23-NETE-585-STG In the Matter of the Application of NextEra Energy Transmission Southwest, LLC for a Siting Permit for the Construction of a 345 kV Transmission Line Through Coffey, Anderson, Bourbon, and Crawford Counties, and filed a memorandum in opposition to the proposed procedural schedule arguing the application was deficient because the potentially affected landowner list was confidential, and offered other points. The KCC found that NextEra properly filed the application and that it is not a legal requirement that the list of potentially affected landowners be accessible to the public.

We believe this provision in K.S.A. 66-1,178 should be strengthened to ensure that impacted landowners have adequate notice at the earliest possible opportunity and the ability to know the proposed route and other information to adequately participate in the siting process.

We are supporting SB 68 because we believe that incumbent Kansas utilities regulated by the KCC or governed by member elected boards of cooperatives will provide landowners with critical information regarding transmission projects. Electric utilities with long-term connections to our communities, and in some cases governed by our neighbors, have and will likely work with landowners and respect their land. Kansas companies understand Kansas agricultural practices and generally seek to avoid long term damages to land, or agricultural structures and often schedule construction to avoid crop loss. Landowners may not always agree with the utility, but we know who to contact.

Our members are also customers who are concerned with reliability and affordability. We support local control. Accessing the KCC, the board of a cooperative, or the legislature is our only realistic avenue to manage the change that is already underway.