

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the Matter of the Investigation into the )  
Principles and Priorities to be Established for )  
Evaluating the Reasonableness of the Location ) Docket No. 24-GIME-102-GIE  
of a Proposed Transmission Line in Future )  
Line Siting Proceedings. )

**ORDER OPENING GENERAL INVESTIGATION**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings and conclusions:

1. On May 24, 2023, in Docket No. 23-NETE-585-STG, the Commission issued its Order on Siting Application (23-585 Order). In the 23-585 Order, the Commission granted the application of NextEra Energy Transmission Southwest (NEET SW) regarding a siting permit for the Wolf Creek to Blackberry project identified by the Southwest Power Pool's (SPP's) 2019 Integrated Transmission Planning process.<sup>1</sup> The 23-585 Order also stated the Commission's intent to open a general investigation into principles and priorities to be used in future line siting proceedings at a future date.<sup>2</sup> Accordingly, the Commission opens a general investigation into the principles and priorities to be used in future line siting proceedings.

2. The Order also noted that SPP will be made aware of both the Commission's concerns and the results of its general investigation to facilitate future cooperation.<sup>3</sup> On July 10, 2023, pursuant to the 23-585 Order, the Commission sent a letter to Lanny Nickell, Executive

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<sup>1</sup> Order on Siting Application, Docket No. 23-NETE-585-STG, May 24, 2023.

<sup>2</sup> *Id.*, ¶ 69.

<sup>3</sup> *Id.*

Vice President and Chief Executive Officer of SPP, advising him of the Commission's interest in "approaching SPP to allow states the opportunity to participate in developing routing parameters to include in a Request for Proposal for any future competitively bid transmission lines."<sup>4</sup> The Commission's letter suggested the transmission competitive solicitation process could be improved by incorporating input from state siting authorities early in the SPP review and evaluation processes. The Commission's letter also sought Mr. Nickell's views on the Commission's concerns, and SPP's willingness to review and revise its Request for Proposal (RFP) and Independent Expert Panel (IEP) processes for greater state regulatory involvement.<sup>5</sup> The Commission's letter is attached as Attachment A.

3. On July 24, 2023, Mr. Nickell responded to the Commission's letter, noting that the SPP staff has had preliminary conversations with KCC representatives about those concerns and is happy to continue the dialogue.<sup>6</sup> Mr. Nickell also expressed SPP's willingness to participate in any investigation the KCC deems appropriate in this matter.<sup>7</sup> Mr. Nickell's letter is attached as Attachment B.

4. Commission Staff (Staff) is directed to file a Report and Recommendation in this Docket suggesting the scope of this general investigation, including topics that should be addressed. Staff's Report and Recommendation is due by December 1, 2023.

5. The operations and processes of all Kansas utilities owning, operating, or otherwise controlling electric transmission infrastructure may be impacted by this proceeding. Therefore, all such entities, including SPP, are strongly encouraged to participate and will be automatically granted formal intervenor status upon the filing of an Entry of Appearance. Other

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<sup>4</sup> July 10, 2023 Letter from Commission to Mr. Nickell.

<sup>5</sup> *Id.*

<sup>6</sup> July 24, 2023 Letter from Mr. Nickell to Commission.

<sup>7</sup> *Id.*

interested parties may file Petitions to Intervene by January 2, 2024. The parties to this Docket shall collaborate to recommend a procedural schedule by February 12, 2024 (40 days after Staff files its Initial Report and Recommendation). Staff is directed to file the proposed schedule after consultation with all parties.

**THEREFORE, THE COMMISSION ORDERS:**

A. A general investigation into the principles and priorities to be established by the Commission for evaluating the reasonableness of the location of a proposed transmission line is opened.

B. Staff is directed to file a Report and Recommendation suggesting the scope of this general investigation and topics that should be addressed by December 1, 2023.

C. SPP and all electric public utilities owning, operating, or controlling electric transmission infrastructure in Kansas will be automatically granted intervention in this Docket upon the filing of an Entry of Appearance. Other interested parties may file Petitions to Intervene by January 2, 2024.

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 08/03/2023



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Lynn M. Retz  
Executive Director

BGF



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Susan K. Duffy, Chair  
Dwight D. Keen, Commissioner  
Andrew J. French, Commissioner

Laura Kelly, Governor

July 10, 2023

Lanny Nickell  
Executive Vice President and Chief Operating Officer  
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[lnickell@spp.org](mailto:lnickell@spp.org)

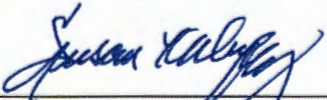
Mr. Nickell,

Recently, the Kansas Corporation Commission (“Commission”) issued a non-unanimous Order in the 23-NETE-585-STG Docket, approving the route of NextEra Southwest’s transmission line for the Wolfcreek to Blackberry project as recommended by SPP’s 2019 ITP. A copy of the Order and dissenting opinion are attached. This letter outlines specific concerns relating to SPP identified in the Commission’s Order.

First, in paragraph 68, the Order indicates that while SPP’s bidding and selection process was extensive, the decision of the Independent Expert Panel (IEP) lacked direct input from the Commission. The Commission agreed with the recommendation of Staff witness Leo Haynos that, “the Commission consider approaching SPP to allow states the opportunity to participate in developing routine parameters to include in a Request for Proposal for any future competitively bid transmission lines.” The Commission believes the transmission competitive solicitation process will be improved, potentially identifying better outcomes, if input from relevant state siting authorities is incorporated early in the SPP review and evaluation processes – specifically in the Request for Proposal and the IEP processes. Toward this end, the Commission would appreciate receiving your views about these concerns, and your assessment and acknowledgement of SPP’s willingness to review its RFP and IEP processes to determine what steps, if any, SPP would undertake to review and possibly revise the RFP and IEP processes to proactively seek and include greater state regulatory involvement.

Second, as noted in paragraph 69, the Commission intends to open a general investigation into principles and priorities to be used in future line siting proceedings. The Commission strongly encourages SPP participate in this forthcoming investigation as the Commission believes that your input would be invaluable.

Respectfully Submitted,  
KCC Commissioners:

  
Susan K. Duffy, Chair

  
Dwight D. Keen

  
Andrew J. French

July 24, 2023

Kansas Corporation Commissioners  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604

Dear Chair Duffy and Commissioners Keen and French,

Thank you for sharing your concerns regarding SPP's competitive transmission owner selection process (TOSP), including the Independent Expert Panel and request for proposal processes.

SPP staff has had preliminary conversations with KCC representatives about those concerns and is happy to continue the dialogue. We will also be happy to participate in any investigation the KCC deems appropriate in this matter.

We stand ready to work with all parties to ensure the TOSP is equitable while meeting the requirements of FERC's Order 1000.

Sincerely,



Lanny Nickell  
Executive Vice President and Chief Operating Officer  
501-614-3232 • [lnickell@spp.org](mailto:lnickell@spp.org)

**CERTIFICATE OF SERVICE**

24-GIME-102-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/03/2023.

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24-GIME-102-GIE

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