

**State of Kansas  
House of Representatives**



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**Gail A. Finney**  
Representatives, 84<sup>th</sup> District

March 19, 2019

**Informational Hearing HB 2317 – Urban Transmissions Lines**

Mr. Chairman Seiwert and Members:

Thank you Chairman Seiwert and Committee for this opportunity to present what I believe is an egregious overreach of the property rights of some the City of Wichita's most marginalized citizens.

HB 2317 redefines urban electric transmission lines to address infringements upon economic liberty committed by Westar (now Evergy) an out-of-state investor-owned utility company in 2018. The legislation, further, mandates that utility companies obtain a siting permit, conduct public hearings, and be held regulated by the Kansas Corporation Commission prior to placing electric transmission within the corporate limits of a city (aka urban neighborhoods) and that is at least ¼ mile in length and designed for transfer of 69 kilovolts or more of electricity.

Last summer through fall, 57, 105 ft tall concrete and metal transmission line poles were installed in the small front yards of many property owners, and closely placed within a 2.8-mile distance in an economically disadvantaged neighborhood that I represent in northeast Wichita by Westar. There was no formal public notification for the community-at-large regarding the gargantuan poles, nor was there any oversight of the project by the Kansas Corporation Commission (KCC), the City of Wichita or Sedgwick County.

The property owners were specifically told that they were getting nicer oblong wooden poles, that were a little larger than the current distribution line poles. Some of the residents were even driven around to see the similar poles around Wichita. The property owners that agreed to the poles in their yards received a few hundred dollars for the inconvenience of what they thought was just a little bit larger pole in their front

yards. For those that disagreed, the condemnation/eminent domain process was utilized against them to take a prime part of their property. In addition, sadly, the property owners are still required to pay the full amount of the annual property taxes despite having to share their yards with the Westar poles.

Once the poles started being erected, it was obviously clear to the property owners and the neighbors that what they were given was totally different than what was offered and agreed upon. The whole community was enraged at the sight of the new commercial grade and sized transmission lines. It appeared to many that Westar pulled a fast one on the community with this terrible bait and switch behavior.

Westar's unabashed misrepresentation and lack of consideration for a community has damaged the equity of an entire neighborhood, displaced homeowners and renters, and will extend for the rest of everyone else's natural lives as their property values are destroyed surrounding the placement of the poles. Elderly are being forced to move from homes that have been in their families for generations. Nearby neighbors with no poles in their yards are without financial resources, no compensation from Westar, and are literally stuck with nowhere to go or turn to.

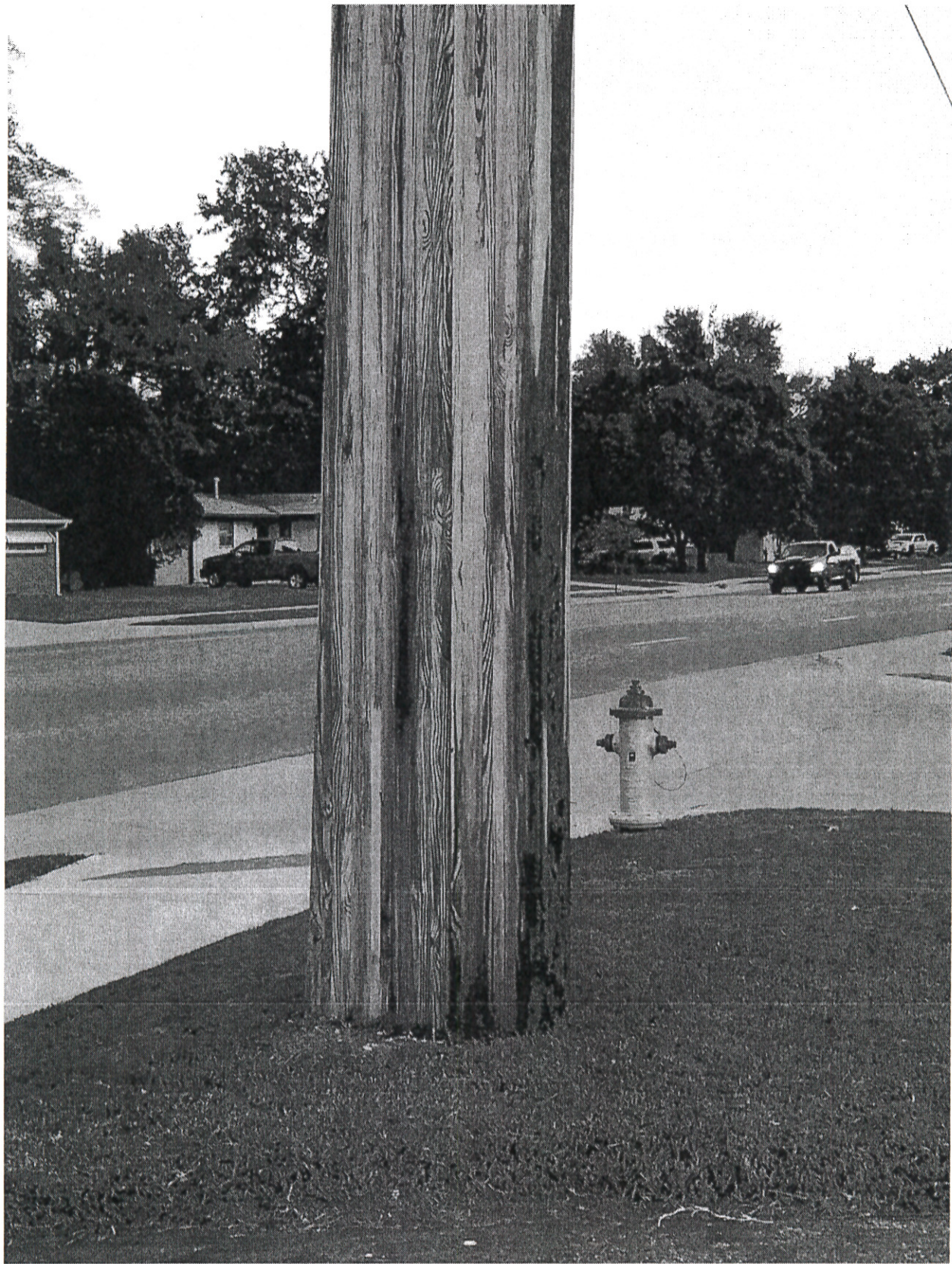
When most people think of our government, we generally expect a modicum of protection for our lives and property. No one expects to be deprived of their life, liberty or property, without due process or law, or have their property taken for public use, without just compensation. **It is imperative that our legislature move to protect the property rights of Kansans in situations like this example with Westar's Poles.** Kansas law should not allow utility companies this unlimited and self-regulated power that has gone on for over 40 years without some type of oversight and accountability.

No one should have to come home and find a 105 ft tall transmission line pole in the middle of their small front yard or be forced to look at one from your front door or bedroom window from across the street or directly next door to you without fair and just compensation. Please work and pass out HB 2317 favorably.

Sincerely,

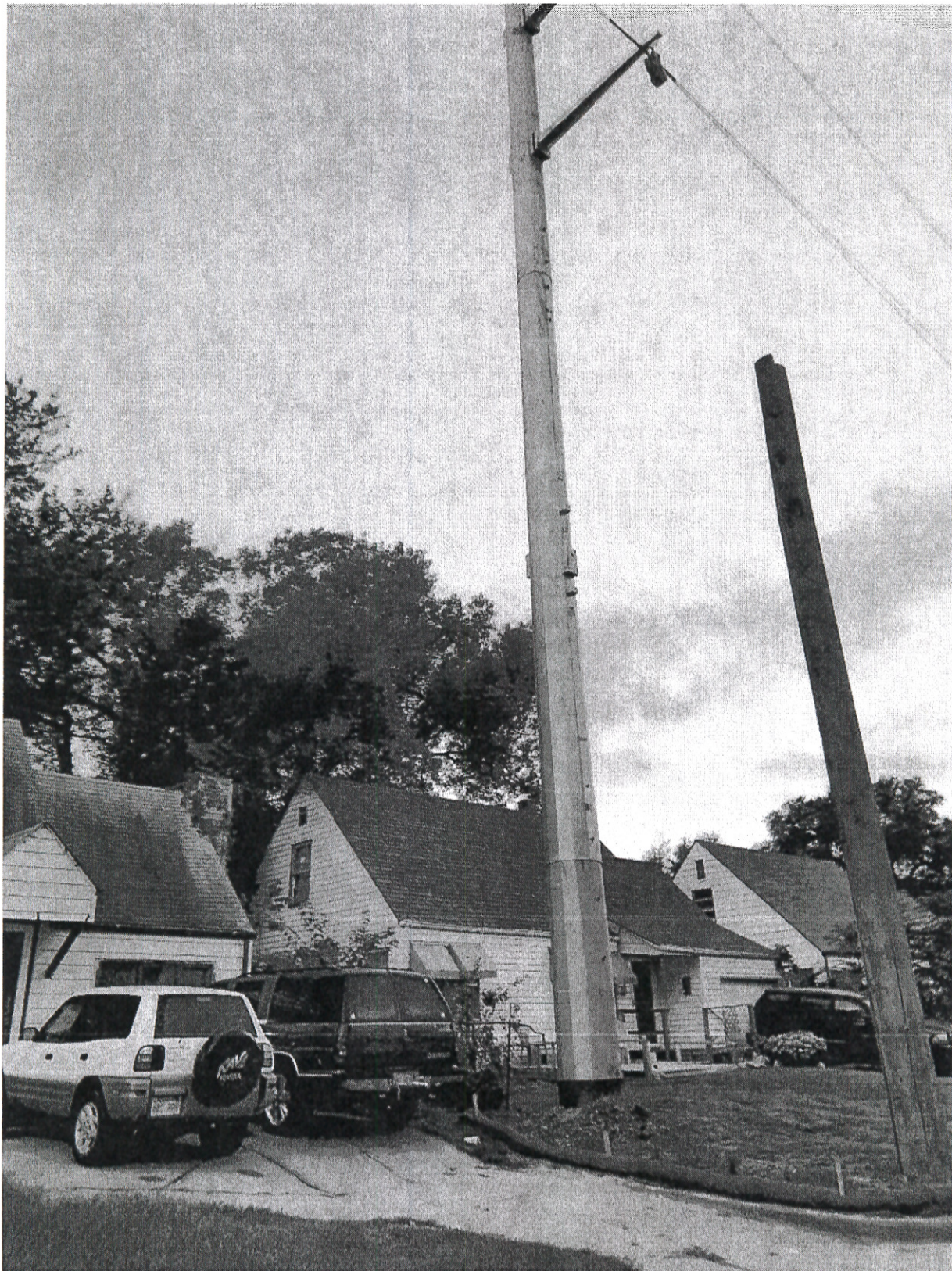
Rep. Gail Finney  
Kansas 84<sup>th</sup> District





Wooden oblong pole that property owners were told by Westar they were getting.

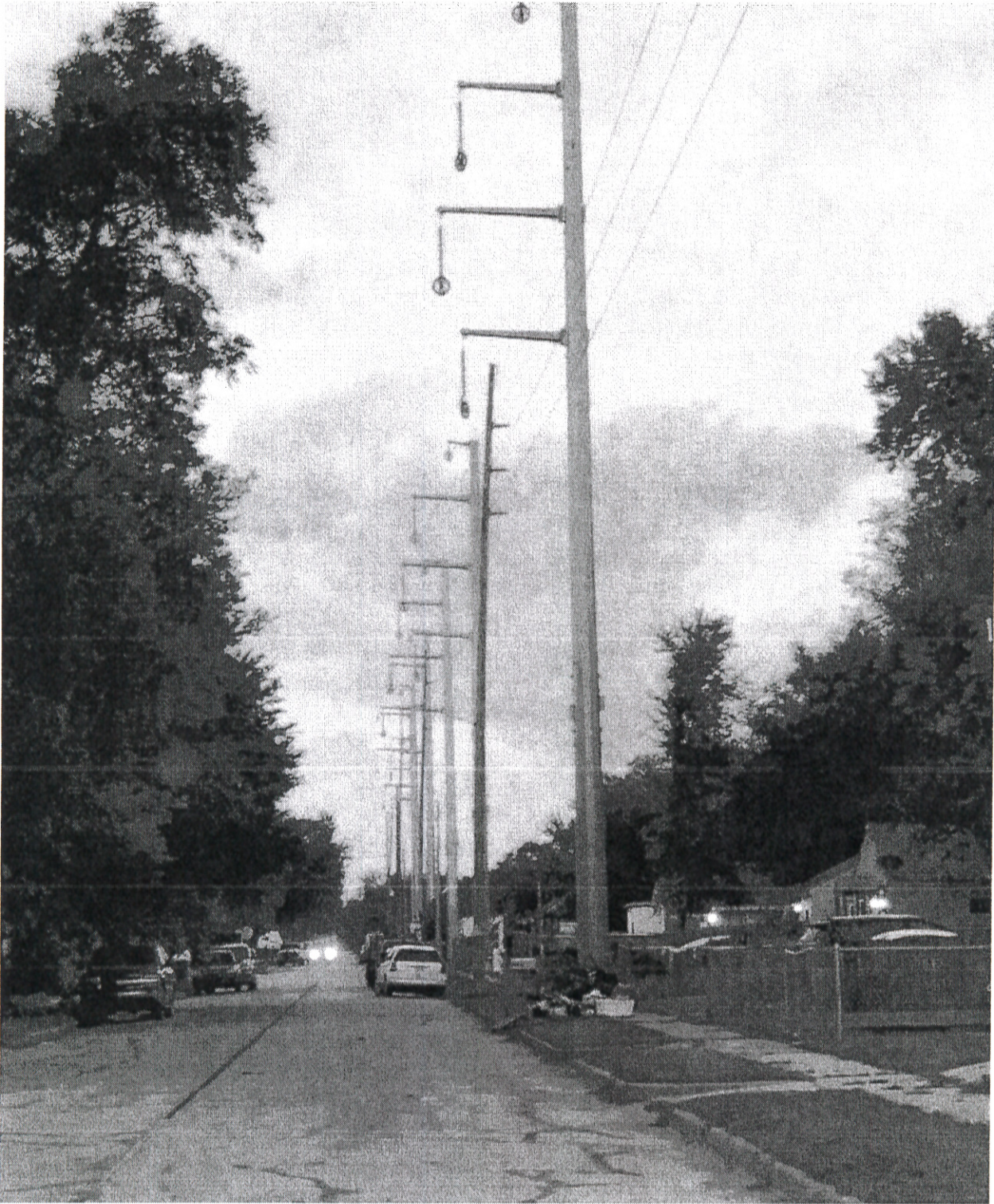




105 ft metal pole placed in property owner's small front yard.



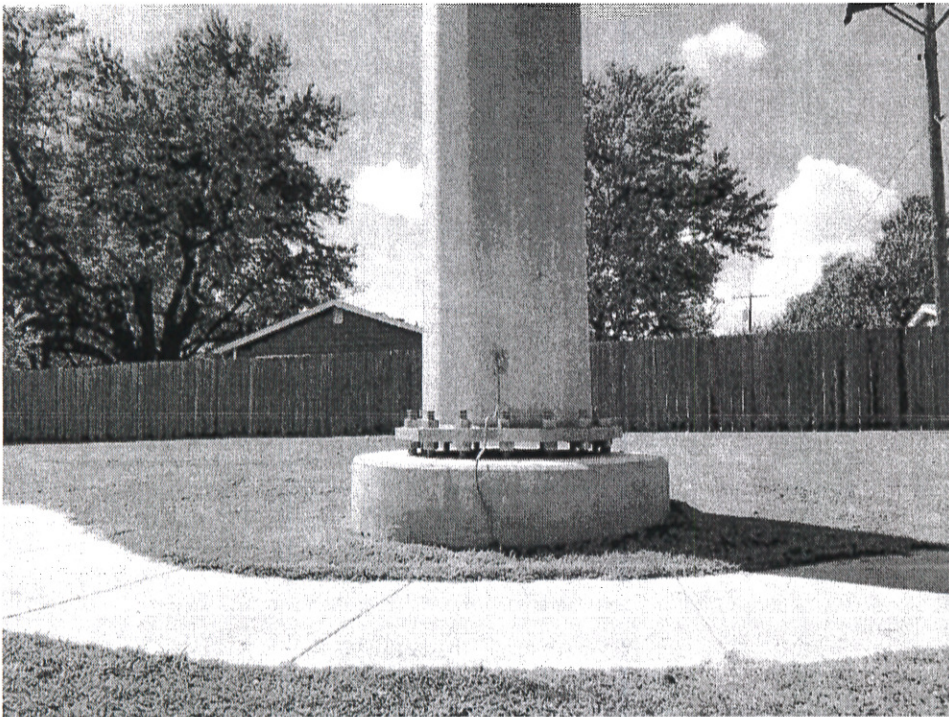
One block view of how condensed the 105 ft tall poles look on north Green Street in northeast Wichita.







Top: Transmission tower (far left/far right) note relationship to blue Habitat home; though neither is “on” the 50 X 150 foot (7500 sf) property. Front yard set backs are 25 feet; concrete pad circumference 27’, 9’ diameter ).



Bottom: Transmission tower relative to a home in West Wichita, 357 N. Tyler Road. A four lane street is ‘behind’ the photographer; the blue home in the background received compensation for an easement. The residential lot is 150 X 256 (38,400 s.f.) Larger lots and less dense neighborhoods make a significant different in intrusion of the tower.