

February 10, 2022

RE: **Written Testimony on SB 353**

Dear Chairman Thompson and Members of the Committee,

EDP Renewables North America (EDPR NA) appreciates the opportunity to provide testimony to the Senate Committee on Local Government regarding SB 325. EDPR NA stands respectfully in opposition of this bill.

EDPR NA, its affiliates, and its subsidiaries develop, construct, own, and operate wind farms and solar parks throughout North America. Headquartered in Houston, Texas, with 58 wind farms, 9 solar parks, and 7 regional offices across North America, EDPR NA has developed more than 8,800 megawatts (MW) and operates more than 8,200 MW of onshore utility-scale renewable energy projects. EDPR NA has more than 950 employees, including a substantial number in Kansas.

EDPR NA owns and operates the 201 MW Meridian Way Wind Farm in Cloud County (selling the electricity to both Evergy and Empire District/Liberty Utilities through power purchase agreements), the 199 MW Waverly Wind Farm in Coffey County (selling the electricity to Evergy through a power purchase agreement), and the 199 MW Prairie Queen Wind Farm in Allen County (selling the electricity to Evergy through a power purchase agreement). EDPR NA has other projects in development throughout the state, including potential expansions of existing wind farms.

EDPR NA's capital investment in Kansas is over \$1 billion. Kansas county governments have received over \$5 million in cumulative payments from EDPR NA; landowners in EDPR NA wind farms in Kansas have been paid more than \$15 million. Over 800 construction jobs and over 70 permanent jobs have been supported and created, respectively, by EDPR NA wind farms in Kansas.

EDPR NA maintains its Kansas development pipeline from our Overland Park Regional Office. EDPR NA values its presence in Kansas and its relationships with landowners, community leaders, state officials, and power customers, and we look forward to maintaining a strong presence in the state.

SB 353 would effectively kill a job-creating industry in Kansas that has invested billions in rural parts of the state.

- The setback restrictions and siting limitations are grossly excessive, devoid of any supportive safety or scientific basis, and could be interpreted as a punitive intent to cripple a growing and beneficial industry in the state.
- The provisions tied to decommissioning – particularly, the inability to account for salvage value in the estimated cost of decommissioning and the requirement that any provision of financial security be in an amount equal to 25 percent of the cost to construct the wind farm – are wholly inconsistent with common requirements and ignorant of the realities of wind farm decommissioning.
- Any opposing party or entity could claim the establishment of private airstrips (often referred to as “shamports”) as a means to unreasonably restrict wind turbine siting.

While this bill singles out wind energy and wind turbines with no logical or factual basis, the enactment of this bill and these onerous requirements would and should send an ominous message to any industry or investment looking to expand in Kansas.



Perhaps most alarmingly, this bill constitutes an unacceptable infringement on the property rights of rural landowners across the state and would deny the rights of landowners throughout the state to participate in an otherwise lawful activity, resulting in an unfair and unreasonable limitation on the rights of those landowners to enjoy opportunities for additional income.

County commissions and planning boards across the state have successfully regulated the siting of wind energy projects through reasonable ordinances and evaluation processes. This structure has served county residents' interests while also protecting and enabling the property rights of individual landowners. This proposed legislation strips those local government entities of the ability to put in place appropriate siting ordinances and then enforce those ordinances to the will of the local community.

EDPR NA, along with the rest of the renewable energy industry, has willingly and graciously worked with the Kansas Legislature and the Governor's Office for the better part of 20 years to inform legislators and the governor, address concerns of legislators and constituents, enable responsible and effective policy, and better the lives and opportunities of Kansans across the state. We gladly will continue to work with legislators and the governor to address concerns and improve processes wherever possible; however, no business can handle or thrive in an environment where legislation of a crippling nature is actively entertained by legislators from session to session, with no logical reason, and no opportunity to provide input during a fact-finding process.

The benefits rural communities have realized because of renewable energy development across the state are readily apparent. SB 325 would undermine the business-friendly stability that a pro-development state like Kansas promotes, and it sends a warning signal to potential investors that the state might arbitrarily and unjustifiably alter regulatory and permitting regimes every legislative session. For these reasons, EDPR respectfully opposes SB 325.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rorik F. Peterson".

Rorik F. Peterson, Director of Development
EDP Renewables North America