

MINUTES OF THE HOUSE ENERGY AND ENVIRONMENT COMMITTEE

The meeting was called to order by Chairperson Dennis Hedke at 9:00 am on Wednesday, January 13, 2016, 582-N of the Capitol.

All members were present except:

Representative Kasha Kelley – Excused
Representative Mike Kiegerl – Excused

Committee staff present:

Matt Sterling, Office of Revisor of Statutes
Erica Haas, Legislative Research Department
Cindy Lash, Legislative Research Department
Patricia Kready, Kansas Legislative Committee Assistant
Nick Myers, Office of Revisor of Statutes

Conferees appearing before the Committee:

Susan Mosier, MD, Secretary, Kansas Department of Health and Environment
Jeff McClanahan, Director of Utilities, Kansas Corporation Commission

Others in attendance:

[See Attached List](#)

Welcome

Chairman Hedke opened the meeting, welcomed everyone, as well as introduced the newest committee member, Rep. Adam Lusker, who replaced Rep. Harold Lane.

Bill introductions

Clare Gustin, Sunflower Electric Cooperatives, introduced a bill related to incumbent transmission owners right of first refusal for transmission line construction.

Rep. Kuether moved to accept the bill, Rep. Whitmer seconded, motion passed.

Update on Clean Power Plan Activities

Secretary Susan Mosier, MD, Director of Kansas Department of Health and Environment, presented an overview of the Clean Power Plan. ([Attachment 1](#)) Following the presentation, questions were answered.

Chairman Hedke indicated a copy of KDHE letter regarding the petition for reconsideration sent to the EPA on or about 12/20/15 will be sent to committee members. He also requested a two minute version of the petition for reconsideration. Tom Gross, Chief, Air Monitoring & Planning, KDHE, responded there were several issues that were included in the petition request for a stay. Some of them were more legalistic with the issue of whether the final rule constituted a new rule because of the significant

CONTINUATION SHEET

MINUTES of the Committee on Energy and Environment at 9:00 am on Wednesday, January 13, 2016 in Room 582-N of the Capitol.

changes that were made in the proposal; and whether this should have been an opportunity for states and other parties to comment on those changes in a second proposal. Another is the issue of stranded assets; multiple Kansas utilities have spent billions of dollars installing pollution control equipment for sulfur dioxide, nitrogen dioxide upgrades in the very recent past, or some ongoing at present.

Kate Gleason, legal counsel for KDHE, also commented that another issue raised in the petition for reconsideration were the calculations that were made for the renewable energy. In the state of Kansas, there is obviously a great potential for renewable energy. However, the way the EPA calculated that, we have issues with. If the wind energy is calculated for the State of Kansas, but other states use our wind energy, which happens and will continue to happen, as the wind energy is exported to other states, it seems inconsistent that the State is not credited for that renewable energy.

Jeff McClanahan, Director, Utilities Division, Kansas Corporation Commission (KCC) gave a presentation on the Current Efforts Regarding EPA's Clean Power Plan. ([Attachment 2](#)) Following his presentation, he stood for questions.

Rep. Kuether mentioned a letter sent by utilities to KDHE regarding the Clean Power Plan. Chairman Hedke indicated this letter will be provided to the committee and staff.

Chairman Hedke announced the next meeting will be on Wednesday, January 20, 2016, at 9:00 am.

Chairman Hedke adjourned the meeting at 10:15 am.