



House Energy & Environment

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Opposition Testimony HB 2233

Dorothy Barnett, Executive Director Climate + Energy Project on behalf of Kansans for Clean Energy

Mr. Chairman and members of the committee, thank you for this opportunity to submit testimony in opposition to House Bill 2233. My name is Dorothy Barnett; I'm the director of the Climate + Energy Project, a Kansas non-profit. I'm here today representing a coalition of energy, agriculture, faith and environment organizations, Kansans for Clean Energy.

Our coalition brings together Climate + Energy Project, Kansas Farmers Union, Kansas Interfaith Power & Light, Kansas Natural Resource Council, Kansas Rural Center and Kansas Sierra Club. Each group advocates for clean energy, the natural environment, agriculture, addressing climate change, clean and plentiful water, and the economic interests of rural Kansans. We work in coalition on issues we believe affect all Kansans – particularly the development of the clean energy sector, which has economic, ecological, and health benefits for all Kansans.

We stand united in opposition to HB 2233. We are concerned that it limits the State of Kansas' flexibility to implement a state-level regulation to comply with the Clean Power Plan, and thereby increases the likelihood that we will be subjected to a federal implementation plan. Our opposition falls under five bullet points.

Point 1: Until the EPA rule is finalized this summer, this new law is premature.

The proposed rule requires Kansas to submit a plan to limit carbon pollution from existing power plants to a target level provided by EPA. The KDHE comments provided to the EPA expressed concerns regarding the proposed Kansas target of 1,499 pounds of carbon dioxide per MWh of electricity by 2030, and we agree that adjustments may be needed.

In presentations before this committee we have heard concerns from all stakeholders that the interim 2020 goal of 1,578 pounds of carbon dioxide per MWh of electricity could cause a host of issues including unreasonable cost and impacts to reliability. On Thursday, February 12th, Acting Assistant U.S. EPA Administrator Janet McCabe told the Senate Environmental and Public Works Committee that "a lot of the anxiety is about meeting an interim goal in that time period. That is something that we're looking very, very closely at. We are looking, very, very closely at changing those requirements".¹ Basing a state plan or new law on an interim goal that sounds likely to change is premature.

Point 2: As written, HB 2233 creates an unnecessary amount of state government interference in a process that should be driven by Kansas utilities and the Kansas Department of Health and Environment in an open and transparent stakeholder process, which should include the Kansas Corporation Commission, Citizen Utility Ratepayer Board and Kansans concerned about clean air and water.

Point 3: Kansas can cost-effectively meet our CO2 target by utilizing state policies like the Renewable Portfolio Standard, which has given us a head start in reducing carbon emissions from our power plants. By integrating wind energy and upgrading existing coal plants, Kansas utilities have decreased emissions by over 19% since 2005. Increasing the RPS would create additional economic benefit, while decreasing emissions.

Point 4: While renewable resources like wind and solar, emit no carbon when producing electricity, energy efficiency measures also displace power from existing fossil fuel plants. The fourth building block of the Clean Power Plan, energy efficiency, is woefully underutilized in this state despite passage of the Kansas Energy Efficiency Act last session. Kansas is consistently among the five lowest-rated states in the nation when it comes to energy efficiency programs. Yet the cleanest and cheapest watt of energy is that watt that isn't used. We have a huge opportunity for utilities to make investments that will save customers money on their utility bills while at the same time helping Kansas to meet our

¹ <http://www.eenews.net/stories/1060013345>

emission reduction target. Furthermore, there is a lack of comprehensive data and analysis available to our state agencies for potential in energy efficiency gains statewide. Investments in energy efficiency create local jobs for HVAC, insulation and weatherization companies, while improving the safety and comfort in Kansas's homes. We ask the Legislature to establish an interim joint committee to analyze the energy efficiency investment potential for Kansas.

Point 5: We disagree with the idea, expressed numerous times over the past few weeks, that the Clean Power Plan amounts to a federalization of Kansas' energy sector. Rather, the Plan simply gives us targets, and then it is up to us, as Kansans, in a clear and transparent process, to decide how to meet those goals. It is more likely to be legislative interference of the type typified by HB 2233 that will lead to the imposition of a federal plan. In other words, by this legislation you may trigger the very result you are trying to prevent.

By evaluating the full suite of options available to us when the rule becomes final this summer, and by not prematurely tying our own hands as we face the challenges ahead, we can ensure a future in which all Kansans have affordable access to vital energy services while protecting the health and well-being of our kids and grandkids, and being good stewards of the land, air, and water we all depend on.

