

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 7:30 a.m. on February 19, 2009, in Room 545-N of the Capitol.

All members were present

Senator McGinn, excused
Senator Taddiken, excused.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Melissa Doebelin, Office of the Revisor of Statutes
Raney Gilliland, Kansas Legislative Research Department
Cindy Lash, Kansas Legislative Research Department
Mary Galligan, Kansas Legislative Research Department
Ann McMorris, Committee Assistant

Conferees appearing before the committee:

Stanley Rasmussen, U.S. Army
Stuart Lowry, Kansas Electric Cooperatives
David Springe, CURB
Larry Patton, Protect the Flint Hills, El Dorado
Walt Chappell, Renewable Energy Advocate
Tom Thompson, Sierra Club
Vaughan Flora, Kansas Rural Center
Nancy Jackson, Land Institute
Marilyn Gavin, Secy of Administration

Others attending:

See attached list.

Chair continued hearing on

SB 265 - Energy conservation and electric generation, transmission and efficiency and air emissions.

Proponents

Stanley Rasmussen, Regional Counsel, Department of Defense, Kansas City, Missouri, testified that the Department of Defense (DoD) has historically worked with organizations like the National Conference of Commissioners on Uniform State Laws, to develop model environmental legislation that brings consistency, clarity and stability to critical areas of the law. (Attachment 1)

Stuart Lowry, Kansas Electric Cooperatives, Inc., testified that KEC supports **SB 265**. He provided a balloon containing their proposed amendment concerning net metering. (Attachment 2)

Written testimony only from Garry Kemp, Kansas City Building Trades Council (Attachment 3)

Opponents

Larry Patton, President, Protect the Flint Hills, El Dorado, encouraged deletion of Section 6 from **SB 265**. Making Renewable Portfolio Standards (RPS) part of this bill sets a precedent for the legislature to impose artificial mandates on utilities that will in turn pass the increased financial costs on to taxpayers and the environmental costs on to our native prairies. (Attachment 4)

David Springe, Consumer Counsel, Citizens' Utility Ratepayer Board, expressed concern about two specific sections: (1) the level of renewable resources required; and (2) the timing of adding renewable resources to a utility's system, and therefore opposed the bill. (Attachment 5)

Walt Chappell, Renewable Energy Advocate, Wichita, spoke against **SB 265** and offered information on solar thermal generation as an alternative energy source. (Attachment 6)

Tom Thompson, Kansas Chapter of the Sierra Club, voiced their opposition to **SB 265** as it is inconsistent

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 7:30 p.m. on February 19, 2009, in Room 545-N of the Capitol.

with the Clean Air Act. (Attachment 7)

Vaughan Flora, Kansas Rural Center, noted KRC is interested in a strong rural economy, renewable energy and opportunities for those in rural areas to own renewable energy generation. KRC feels SB 265 is ineffectual on net metering and RPS. (Attachment 8)

Neutral

Nancy Jackson, Climate + Energy Project (CEP), commented on energy efficiency as our most important, least expensive, most available source to meet new demand. She provided graphs and maps on cost of new electricity resources, proposed and existing wind projects in Kansas, wind power manufacturing plants, and coal prices. Data on energy production, tax expenditures and research was discussed. (Attachment 9)

Marilyn Jacobsen, Department of Administration, offered an amendment to SB 265 by offering new language in New Sec. 3 regarding the secretary of administration conducting an energy audit at least every five years on all state-owned real property. (Attachment 10)

Chair opened for questions. Committee members asked about leases and auditing, net metering, costs of net metering, and amendments offered. More information was requested from the Department of Administration on federal energy efficiency dollars.

Chair announced cancellation of the February 20, 2009 meeting of the Senate Utilities Committee and continuation of the hearing on SB 265 to Wednesday, February 25, 2009 in Room 545-N at 1:30 p.m.

The next meeting is scheduled for February 24, 2009.

The meeting was adjourned at 9:00 a.m.

Respectfully submitted,

Ann McMorris
Committee Assistant

Attachments - 10

GUEST LIST
 SENATE UTILITIES COMMITTEE
 FEBRUARY 19, 2009

<u>NAME</u>	<u>COMPANY</u>
Dave Holtmans	KEC
STUART Lowry	KEC
Stanley Rasmussen	US Army
Marilyn Jacobson	DDA
Joe Duck	KCBPU
Maril Harlett	CEP
Nancy Jackson	CEP
Scott Jones	KCPK
LON STANTON	NORTHERN NATURAL GAS Co.
LARRY BEAG	MIDWEST ENERGY
Bob Johnson	SEPC
Carol McDowell	Tallgrass Ranchers
Ken Swabe	KARAPKAP/KGEA
Jack Salas	Sunflower
Stuart Lowry	KEC
Walt Chappell	RENEWABLE ENERGY
Vaughan L. Flora	Kansas Rural Center
Dech Hair	Hair Law Firm



**DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
INSTALLATIONS AND ENVIRONMENT
CENTRAL REGION ENVIRONMENTAL & GOVERNMENT AFFAIRS
601 EAST 12TH STREET, SUITE 647
KANSAS CITY, MO 64106-2896**

February 18, 2009

Re: Senate Bill 265

The Honorable Pat Apple
Kansas House of Representatives
Kansas State Capitol
300 SW 10th Street, Room 242-E
Topeka, KS 66612

Dear Senator Apple:

As the Department of Defense (DoD), Regional Environmental Coordinator for Federal Region VII, which includes the State of Kansas, I am writing to you in support of Senate Bill 265, which is currently before the Utilities Committee. Specifically, the DoD supports language in the bill that would require state air quality laws and regulations to be consistent with the federal Clean Air Act (see S.B. 265, Section 26--proposing amendments to K.S.A. 65-3005).

The Department of Defense has historically worked with organizations like the National Conference of Commissioners on Uniform State Laws (NCCUSL), to develop model environmental legislation that brings consistency, clarity, and stability to critical areas of the law. DoD has also worked with and is continuing to work with organizations like the Council of State Governments (CSG) and the National Conference of State Legislatures (NCSL) to support model legislation that will enhance long-term sustainability of our military installations. With major DoD forts, bases, camps, and training ranges located in nearly all 50 states, consistency by states when implementing major federal programs facilitates our compliance with environmental laws and regulations. Accordingly, we support this legislation.

I welcome the opportunity to work with you and your committee on this and any future matter that may affect Defense installations and agencies in the state of Kansas. If you have any questions, please feel free to contact me by telephone at (816) 389-3445, or e-mail at stephen.c.scanlon@us.army.mil. I thank you for the opportunity to comment on S.B. 265 and would appreciate it if you would share this letter with members of your committee.

Sincerely,

A handwritten signature in blue ink that reads "Stephen C. Scanlon".

Stephen C. Scanlon
DoD Regional Environmental Coordinator, Region VII

Senate Utilities Committee
February 19, 2009
Attachment 1-1



**Testimony of Kansas Electric Cooperatives, Inc.
Senate Bill 265**

February 19, 2009

Kansas Electric Cooperatives, Inc. supports SB 265.

Electric Cooperatives are disproportionately affected by net metering due to the vast rural territory we serve, but we certainly want to assist with efforts to support customer owned renewable generation.

This bill contains solar net metering only which we support. However, we have previously suggested to your Net Metering Sub. Committee that the cooperatives would support a Net Metering program for renewable generation that insures a mechanism to recover costs associated with supplying the infrastructure needed to make customer interconnection and net metering possible. That language would sweep monthly excess renewable generation to the utility to offset system costs. We are suggesting this same language be amended into SB 265. This language is also in H. Sub. for HB 2014.

Net Metering Facts

Net metering allows a customer to offset their metered electric usage with their own generation. The meter spins backward when customer generates and forward when customer consumes. Since the utility is required to make service available 24/7/365 the customer is using the electrical grid as a bank or battery, making deposits when they can and withdrawals when they want.

Net metering forces electric utilities to pay retail prices for a wholesale product.

- Electric service can be segmented into functions-generation, transmission, and distribution.
 - All functions have costs and all required to provide customer with reliable service.
 - The generation must be matched to the customer's load in real time.
 - The generation function can be further segmented into energy and capacity.
- Customer owned generation provides energy-one segment of the generation function. Since the generation is intermittent, it cannot be counted as capacity.

- Net metering rewards the customer-generator by crediting the customer's generation against his or her bill at retail price (the combined cost of generation, transmission, and distribution) in exchange for the customer providing the utility an energy only wholesale product. The utility still incurs the expenses of maintain the integrated generation, transmission and distribution system needed to provide reliable service to the customer.

The difference between the credit given to the customer generator (the rate for bundled retail service) and the value of the service provided (the wholesale energy segment) represents a subsidy meant to encourage the installation of renewable generation. Since the credit diminishes utility revenue, the cost of the subsidy is borne by the remaining utility ratepayers.

Again we support SB 265 and will stand for questions at the appropriate time.

SENATE BILL No. 265

By Committee on Ways and Means

2-12

9 AN ACT concerning energy; relating to conservation and electric gen-
10 eration, transmission and efficiency and air emissions; amending
11 K.S.A. 19-101a and 65-3012 and K.S.A. 2008 Supp. 65-3005, 65-3008a
12 and 66-1,184 and repealing the existing sections; also repealing K.S.A.
13 19-101m.
14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 WHEREAS, The federal government is currently contemplating the
17 regulation of certain emissions from stationary, mobile and area sources
18 not currently regulated by the United States environmental protection
19 agency, the form and requirements of which cannot be predicted at this
20 time, but which could include cap and trade regulations, national energy
21 taxes or a specific tax on one or more of such emissions that would pre-
22 empt state-specific programs intended to reduce the emission of green-
23 house gases and other emissions; and

24 WHEREAS, Any uncoordinated state regulatory initiative intended to
25 regulate such emissions may be inconsistent with subsequent congress-
26 sional determinations and with related federal legislation; and

27 WHEREAS, An individual Kansas response to the development of
28 new regulatory programs intended to regulate emissions not currently
29 regulated by the federal government is premature: Now, therefore,

30 New Section 1. As used in sections 1 through 5, and amendments
31 thereto:

32 (a) "ASHRAE" means American society of heating, refrigerating and
33 air-conditioning engineers, inc. standard 90.1-2004.

34 (b) "Energy star" means the joint program of the United States en-
35 vironmental protection agency and the United States department of en-
36 ergy which labels certain products that meet energy efficiency standards
37 adopted for such products.

38 (c) "IECC" means the 2006 international energy conservation code.

39 (d) "New state building" means any building or structure which is
40 constructed by the state or any agency of the state and the construction
41 of which commences on or after July 1, 2010.

42 New Sec. 2. The secretary of administration shall adopt rules and
43 regulations for state agencies for the purchase of products and equipment,

1 including, but not limited to, appliances, lighting fixtures and bulbs, and
2 computers, which meet energy efficiency guidelines which are not less
3 than the guidelines adopted for such products to qualify as an energy star
4 product if the projected cost savings for the useful life of such products
5 and equipment is equal to or greater than the additional cost compared
6 to functionally equivalent products and equipment of lower efficiency.

7 New Sec. 3. (a) The department of administration shall collect data
8 on energy consumption and costs for all state-owned and leased real prop-
9 erty and the secretary of administration shall submit a written report to
10 the legislature on or before the first day of the 2010 regular session of
11 the legislature and on or before the first day of each ensuing regular
12 session of the legislature identifying state-owned or leased real property
13 locations in which an excessive amount of energy is being used in ac-
14 cordance with rules and regulations adopted by the secretary of admin-
15 istration concerning energy efficiency performance standards for state-
16 owned or leased real property.

17 (b) The secretary of administration shall not approve a new lease or
18 a renewal or extension of an existing lease of non-state owned real prop-
19 erty unless the lessor has submitted an energy audit for such real property
20 that is the subject of such lease. The secretary of administration shall
21 adopt rules and regulations establishing energy efficiency performance
22 standards which shall apply to leased space and improvements which the
23 lessor shall be required to address based on such energy audit.

24 New Sec. 4. (a) Within the limitations of appropriations therefor, the
25 Kansas energy office of the state corporation commission shall develop
26 and increase the participation of school districts and local governments
27 in the facilities conservation improvements program (FCIP) pursuant to
28 K.S.A. 75-37,125, and amendments thereto.

29 (b) The state corporation commission shall strongly encourage state
30 agencies which operate and maintain state-owned buildings that are not
31 participating in the FCIP to participate in the FCIP pursuant to K.S.A.
32 75-37,125, and amendments thereto, on or before December 1, 2011.

33 New Sec. 5. The secretary of administration shall adopt rules and
34 regulations prescribing energy efficiency performance standards requir-
35 ing that all new construction and, to the extent possible, renovated state-
36 owned buildings, be designed and constructed to achieve energy con-
37 sumption levels that are at least 10% below the levels established under
38 the ASHRAE standard or the IECC, as appropriate, if such levels of
39 energy consumption are life-cycle cost-effective for such buildings and
40 also recommend that new and, to the extent possible, renovated school
41 and municipal buildings meet the same requirements.

42 New Sec. 6. (a) (1) By the year 2013, for each public utility, the
43 nameplate capacity of the renewable electric generation facilities included

1 in the public utility's generation portfolio, whether owned by the public
2 utility or contracted for energy purchase by the public utility, shall be no
3 less than 10% of the public utility's peak load, expressed in megawatts,
4 in the state of Kansas, for a three-year average for the 2009, 2010 and
5 2011 calendar years.

6 (2) By the year 2017, for each public utility, the nameplate capacity
7 of the renewable electric generation facilities included in the public util-
8 ity's generation portfolio, whether owned by the public utility or con-
9 tracted for energy purchase by the public utility, shall be no less than
10 15% of the public utility's peak load, expressed in megawatts, in the state
11 of Kansas, for a three-year average for the 2013, 2014 and 2015 calendar
12 years.

13 (3) By the year 2021, for each public utility, the nameplate capacity
14 of the renewable electric generation facilities included in the public util-
15 ity's generation portfolio, whether owned by the public utility or con-
16 tracted for energy purchase by the public utility, shall be no less than
17 20% of the public utility's peak load, expressed in megawatts, in the state
18 of Kansas, for a three-year average for the 2017, 2018 and 2019 calendar
19 years.

20 (b) The state corporation commission shall establish rules and regu-
21 lations to govern reporting requirements and prevention of duplication
22 of the application of the requirements of this section.

23 (c) As used in this section:

24 (1) "Public utility" means an electric public utility, as defined in
25 K.S.A. 66-101a, and amendments thereto, but does not include any por-
26 tion of any municipally owned or operated electric utility; and

27 (2) "renewable electric generation facilities" means facilities gener-
28 ating electricity utilizing renewable energy resources or technologies, as
29 defined in K.S.A. 79-201, and amendments thereto, and the capacity of
30 all net metering systems operating under the net metering and easy con-
31 nection act.

32 New Sec. 7. Sections 7 through 23, and amendments thereto, shall
33 be known and may be cited as the net metering and easy connection act.

34 New Sec. 8. As used in the net metering and easy connection act:

35 (a) "Avoided energy cost" means the current average cost of fuel and
36 purchased energy for the preceding 12 months for the utility, or in the
37 case of a non-generating utility, for such utility's wholesale power sup-
38 plier, as defined by the governing body with jurisdiction over any munic-
39 ipal electric utility, electric cooperative utility or electric public utility.

40 (b) "Commission" means the state corporation commission.

41 (c) "Customer-generator" means the owner or operator of a qualified
42 electric energy generation unit which:

43 (1) Is powered by ~~solar thermal sources or photovoltaic cells and~~

Renewable energy
resources as defined
in K.S.A. 79-201

1 panels;
 2 (2) has an electrical generating system with a capacity of not more
 3 than 100 kilowatts;
 4 (3) is located on a premises owned, operated, leased or otherwise
 5 controlled by the customer-generator;
 6 (4) is interconnected and operates in parallel phase and synchroni-
 7 zation with a retail electric supplier and has been approved by such retail
 8 electric supplier;
 9 (5) is intended primarily to offset part or all of the customer-gener-
 10 ator's own electrical energy requirements;
 11 (6) meets all applicable safety, performance, interconnection and re-
 12 liability standards established by the national electrical code, the national
 13 electrical safety code, the institute of electrical and electronics engineers,
 14 underwriters laboratories, the federal energy regulatory commission and
 15 any local governing authorities; and
 16 (7) contains a mechanism accessible by electric utility personnel that
 17 automatically disables the unit and interrupts the flow of electricity back
 18 onto the supplier's electricity lines in the event that service to the cus-
 19 tomer-generator is interrupted.
 20 (d) "Net metering" means using metering equipment sufficient to
 21 measure the difference between the electrical energy supplied to a cus-
 22 tomer-generator by a retail electric supplier and the electrical energy
 23 supplied by the customer-generator to the retail electric supplier over the
 24 applicable billing period.
 25 (e) "Retail electric supplier" means any municipal electric utility,
 26 electric cooperative utility or electric public utility which provides retail
 27 electric service in this state.
 28 New Sec. 9. A retail electric supplier shall:
 29 (a) Make net metering available to customer-generators on a first-
 30 come, first-served basis, subject to the following: (1) A supplier shall not
 31 be required to make net metering available in a calendar year if total
 32 rated generating capacity of all applications for interconnection already
 33 approved by the supplier in the calendar year equals or exceeds 1% of
 34 the supplier's single-hour peak load for the previous calendar year; and
 35 (2) a supplier shall not be required to make net metering available to a
 36 customer-generator if the total rated generating capacity of net metering
 37 systems equals: ~~(A) 5% of the supplier's Kansas single-hour peak load~~
 38 ~~during the previous year; or (B) such higher percentage as specified by~~
 39 ~~the commission, for a public utility, or the governing body, for any other~~
 40 ~~utility, once the total rated generating capacity of net metering systems~~
 41 ~~has reach 5% of the supplier's single-hour peak load during the previous~~
 42 ~~year;~~
 43 (b) offer to the customer-generator a tariff or contract that is identical

is sized appropriately for the customer - generators electrical load and

the connecting electric utility,

rate schedule

rate schedule

1 in electrical energy rates, rate structure and monthly charges to the con-
2 tract or tariff that the customer would be assigned if the customer were
3 not an eligible customer-generator but shall not charge the customer-
4 generator any additional standby, capacity, interconnection or other fee
5 or charge that would not otherwise be charged if the customer were not
6 an eligible customer-generator; and

7 (c) disclose annually the availability of the net metering program to
8 each of its customers with the method and manner of disclosure being at
9 the discretion of the supplier.

10 New Sec. 10. A customer-generator's facility shall be equipped with
11 sufficient metering equipment that can measure the net amount of elec-
12 trical energy produced or consumed by the customer-generator. If the
13 ~~customer-generator's~~ existing meter equipment does not meet these
14 requirements or if it is necessary for the electric supplier to install addi-
15 tional distribution equipment to accommodate the customer-generator's
16 facility, the customer-generator shall reimburse the retail electric supplier
17 for the costs to purchase and install the necessary additional equipment.
18 ~~At the request of the customer-generator, such costs may be initially paid~~
19 ~~for by the retail electric supplier and any amount equal to not more than~~
20 ~~the total costs plus a reasonable interest charge may be recovered from~~
21 ~~the customer-generator over the course of not more than 12 billing cycles.~~
22 Any subsequent meter testing, maintenance or meter equipment change
23 necessitated by the customer-generator shall be paid for by the customer-
24 generator.

25 New Sec. 11. The utility will supply, own and maintain all necessary
26 meters and associated equipment utilized for billing. In addition, and for
27 the purposes of monitoring customer generation and load, the utility may
28 install at its expense, load research metering. The customer shall supply,
29 at no expense to the utility, a suitable location for meters and associated
30 equipment used for billing and for load research.

31 New Sec. 12. Consistent with the provisions of the net metering and
32 easy connection act, the net electrical energy measurement shall be cal-
33 culated in the following manner:

34 (a) For a customer-generator, a retail electric supplier shall measure
35 the net electrical energy produced or consumed during the billing period
36 in accordance with normal metering practices for customers in the same
37 rate class, by employing a single, bidirectional meter that measures the
38 amount of electrical energy produced and consumed, by employing mul-
39 tiple meters that separately measure the customer-generator's consump-
40 tion and production of electricity or by employing an alternative
41 technology.

42 (b) If the electricity supplied by the supplier exceeds the electricity
43 generated by the customer-generator during a billing period, the cus-

1 tomer-generator shall be billed for the net electricity supplied by the
2 supplier in accordance with normal practices for customers in the same
3 rate class.

4 (c) If the electricity generated by the customer-generator exceeds the
5 electricity supplied by the supplier during a billing period, the customer-
6 generator shall be billed for the appropriate customer charges for that
7 billing period in accordance with section 9, and amendments thereto, and
8 shall be credited an amount at least equal to 150% of the avoided energy
9 cost for the excess kilowatt-hours generated during the billing period,
10 with this credit applied to the following billing period.

and/or demand

11 (d) Any credits granted pursuant to this section shall expire without
12 any compensation at the earlier of either 12 months after their issuance
13 or when the customer-generator disconnects service or terminates the
14 net metering relationship with the supplier.

and the excess electricity shall be retained by the supplier as a contribution to the fixed costs associated with owning and maintaining the facilities required to provide electric services when the customer-generator cannot meet its supply needs.

15 (e) For any electric cooperative utility or municipal electric utility,
16 upon agreement of the wholesale generator supplying electric energy to
17 the retail electric supplier, at the option of the retail electric supplier, the
18 credit to the customer-generator may be provided by the wholesale
19 generator.

20 New Sec. 13. (a) Each qualified electric energy generation unit used
21 by a customer-generator shall meet all applicable safety, performance,
22 interconnection and reliability standards established by any local code
23 authorities, the national electrical code, the national electrical safety code,
24 the institute of electrical and electronics engineers and underwriters lab-
25 oratories for distributed generation. No supplier shall impose any fee,
26 charge or other requirement not specifically authorized by the net me-
27 tering and easy connection act or the rules and regulations promulgated
28 under such act unless the fee, charge or other requirement would apply
29 to similarly situated customers who are not customer-generators, except
30 that a retail electric supplier may require that a customer-generator's
31 system contain a switch, circuit breaker, fuse or other easily accessible
32 device or feature located in immediate proximity to the customer-gen-
33 erator's metering equipment that would allow a utility worker the ability
34 to manually and instantly disconnect the unit from the utility's electric
35 distribution system.

the customer-generator shall, at its own expense, maintain in force general liability insurance without any exclusion for liabilities related to the interconnection. The amount of such insurance shall be sufficient to insure against all reasonably foreseeable direct liabilities given the size and nature of the generating equipment being interconnected, the interconnection itself, and the characteristics of the system to which the interconnection is made.

of this section.

36 (b) For systems of 10 kilowatts or less, a customer-generator whose
37 system meets the standards specified by subsection (a) shall not be re-
38 quired to install additional controls, perform or pay for additional tests or
39 distribution equipment or purchase additional liability insurance beyond
40 what is required under subsection (a) and section 10, and amendments
41 thereto.

42 (c) For customer-generator systems of greater than 10 kilowatts, the
43 commission for public utilities and the governing body for other utilities,

insurance

1 by rule or equivalent formal action by each respective governing body,
2 shall:

3 (1) Set forth safety, performance and reliability standards and
4 requirements; and

5 (2) establish the qualifications for exemption from a requirement to
6 install additional controls, perform or pay for additional tests or distri-
7 bution equipment or purchase additional liability insurance.

8 New Sec. 14. (a) Applications by a customer-generator for intercon-
9 nection of the qualified generation unit to the distribution system shall
10 be accompanied by the plan for the customer-generator's electrical gen-
11 erating system, including, but not limited to, a wiring diagram and spec-
12 ifications for the generating unit, and shall be reviewed and responded
13 to by the retail electric supplier within 30 days after receipt for systems
14 of 10 kilowatts or less and within 90 days after receipt for all other systems.
15 Prior to the interconnection of the qualified generation unit to the sup-
16 plier's system, the customer-generator will furnish the retail electric sup-
17 plier a certification from a qualified professional electrician or engineer
18 that the installation meets the requirements of subsection (a) of section
19 13, and amendments thereto. If the application for interconnection is
20 approved by the retail electric supplier and the customer-generator does
21 not complete the interconnection within one year after receipt of notice
22 of the approval, the approval shall expire and the customer-generator shall
23 be responsible for filing a new application.

24 (b) Upon the change in ownership of a qualified electric energy gen-
25 eration unit, the new customer-generator shall be responsible for filing a
26 new application under this section.

27 New Sec. 15. Each retail electric supplier regulated by the commis-
28 sion shall submit an annual net metering report to the commission and
29 each other retail electric supplier shall submit the same report to its re-
30 spective governing body. For data collection purposes only, non-regulated
31 electric suppliers shall submit the same report to the commission. The
32 report shall include the following information for the previous calendar
33 year: The total number of customer-generator facilities, the total esti-
34 mated generating capacity of its net-metered customer-generators and
35 the total estimated net kilowatt-hours received from customer-generators.
36 The supplier shall make such report available to any consumer of the
37 supplier upon request.

38 New Sec. 16. Within nine months after the effective date of the net
39 metering and easy connection act, the commission shall adopt rules and
40 regulations necessary for the administration of such act for electric public
41 utilities, which shall include rules and regulations ensuring that simple
42 contracts will be used for interconnection and net metering. For systems
43 of 10 kilowatts or less, the application process shall use an all-in-one

1 document that includes a simple interconnection request, simple proce-
2 dures and a brief set of terms and conditions.

3 New Sec. 17. Within nine months after the effective date of the net
4 metering and easy connection act, the governing body of an electric co-
5 operative utility or electric municipal utility shall adopt policies establish-
6 ing a simple contract to be used for interconnection and net metering.
7 For systems of 10 kilowatts or less, the application process shall use an
8 all-in-one document that includes a simple interconnection request, sim-
9 ple procedures and a brief set of terms and conditions.

10 New Sec. 18. For any cause of action relating to any damages to
11 property or person caused by the generation unit of a customer-generator
12 or the interconnection thereof, the retail electric supplier shall have no
13 liability absent clear and convincing evidence of fault on the part of the
14 supplier.

15 New Sec. 19. The estimated generating capacity of all net metering
16 systems operating under the provisions of the net metering and easy con-
17 nection act shall count towards accomplishment by the respective retail
18 electric supplier, or the wholesale generator supplying electric energy to
19 the retail electric supplier, of any renewable energy portfolio target or
20 mandate adopted by the Kansas legislature.

21 New Sec. 20. Any costs incurred under the net metering and easy
22 connection act by a retail electric supplier shall be recoverable in the
23 utility's rate structure.

24 New Sec. 21. No consumer shall connect or operate an electric gen-
25 eration unit in parallel phase and synchronization with any retail electric
26 supplier without written approval by such supplier that all of the require-
27 ments under subsection (a) of section 14, and amendments thereto, have
28 been met. For a consumer who violates this provision, a supplier may
29 immediately and without notice disconnect the electric facilities of such
30 consumer and terminate such consumer's electric service.

31 New Sec. 22. The manufacturer of any electric generation unit used
32 by a customer-generator may be held liable for any damages to property
33 or person caused by a defect in the electric generation unit of a customer-
34 generator.

35 New Sec. 23. The seller, installer or manufacturer of any electric
36 generation unit who knowingly misrepresents the safety aspects of an
37 electric generation unit may be held liable for any damages to property
38 or person caused by the electric generation unit of a customer-generator.

39 Sec. 24. K.S.A. 19-101a is hereby amended to read as follows: 19-
40 101a. (a) The board of county commissioners may transact all county
41 business and perform all powers of local legislation and administration it
42 deems appropriate, subject only to the following limitations, restrictions
43 or prohibitions:

1 (1) Counties shall be subject to all acts of the legislature which apply
2 uniformly to all counties.

3 (2) Counties may not affect the courts located therein.

4 (3) Counties shall be subject to acts of the legislature prescribing
5 limits of indebtedness.

6 (4) In the exercise of powers of local legislation and administration
7 authorized under provisions of this section, the home rule power con-
8 ferred on cities to determine their local affairs and government shall not
9 be superseded or impaired without the consent of the governing body of
10 each city within a county which may be affected.

11 (5) Counties may not legislate on social welfare administered under
12 state law enacted pursuant to or in conformity with public law No. 271—
13 74th congress, or amendments thereof.

14 (6) Counties shall be subject to all acts of the legislature concerning
15 elections, election commissioners and officers and their duties as such
16 officers and the election of county officers.

17 (7) Counties shall be subject to the limitations and prohibitions im-
18 posed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto,
19 prescribing limitations upon the levy of retailers' sales taxes by counties.

20 (8) Counties may not exempt from or effect changes in statutes made
21 nonuniform in application solely by reason of authorizing exceptions for
22 counties having adopted a charter for county government.

23 (9) No county may levy ad valorem taxes under the authority of this
24 section upon real property located within any redevelopment project area
25 established under the authority of K.S.A. 12-1772, and amendments
26 thereto, unless the resolution authorizing the same specifically authorized
27 a portion of the proceeds of such levy to be used to pay the principal of
28 and interest upon bonds issued by a city under the authority of K.S.A.
29 12-1774, and amendments thereto.

30 (10) Counties shall have no power under this section to exempt from
31 any statute authorizing or requiring the levy of taxes and providing sub-
32 stitute and additional provisions on the same subject, unless the resolution
33 authorizing the same specifically provides for a portion of the proceeds
34 of such levy to be used to pay a portion of the principal and interest on
35 bonds issued by cities under the authority of K.S.A. 12-1774, and amend-
36 ments thereto.

37 (11) Counties may not exempt from or effect changes in the provi-
38 sions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

39 (12) Except as otherwise specifically authorized by K.S.A. 12-1,101
40 through 12-1,109, and amendments thereto, counties may not levy and
41 collect taxes on incomes from whatever source derived.

42 (13) Counties may not exempt from or effect changes in K.S.A. 19-
43 430, and amendments thereto.

- 1 (14) Counties may not exempt from or effect changes in K.S.A. 19-
2 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.
- 3 (15) Counties may not exempt from or effect changes in K.S.A. 19-
4 15,139, 19-15,140 and 19-15,141, and amendments thereto.
- 5 (16) Counties may not exempt from or effect changes in the provi-
6 sions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-
7 1226, and amendments thereto, or the provisions of K.S.A. 12-1260
8 through 12-1270 and 12-1276, and amendments thereto.
- 9 (17) Counties may not exempt from or effect changes in the provi-
10 sions of K.S.A. 19-211, and amendments thereto.
- 11 (18) Counties may not exempt from or effect changes in the provi-
12 sions of K.S.A. 19-4001 through 19-4015, and amendments thereto.
- 13 (19) Counties may not regulate the production or drilling of any oil
14 or gas well in any manner which would result in the duplication of reg-
15 ulation by the state corporation commission and the Kansas department
16 of health and environment pursuant to chapter 55 and chapter 65 of the
17 Kansas Statutes Annotated, and amendments thereto, and any rules and
18 regulations adopted pursuant thereto. Counties may not require any li-
19 cense or permit for the drilling or production of oil and gas wells. Counties
20 may not impose any fee or charge for the drilling or production of any
21 oil or gas well.
- 22 (20) Counties may not exempt from or effect changes in K.S.A. 79-
23 41a04, and amendments thereto.
- 24 (21) Counties may not exempt from or effect changes in K.S.A. 79-
25 1611, and amendments thereto.
- 26 (22) Counties may not exempt from or effect changes in K.S.A. 79-
27 1494, and amendments thereto.
- 28 (23) Counties may not exempt from or effect changes in subsection
29 (b) of K.S.A. 19-202, and amendments thereto.
- 30 (24) Counties may not exempt from or effect changes in subsection
31 (b) of K.S.A. 19-204, and amendments thereto.
- 32 (25) Counties may not levy or impose an excise, severance or any
33 other tax in the nature of an excise tax upon the physical severance and
34 production of any mineral or other material from the earth or water.
- 35 (26) Counties may not exempt from or effect changes in K.S.A. 79-
36 2017 or 79-2101, and amendments thereto.
- 37 (27) Counties may not exempt from or effect changes in K.S.A. 2-
38 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
39 3001 through 65-3028, 65-1,178 through 65-1,199, and amendments
40 thereto.
- 41 (28) Counties may not exempt from or effect changes in K.S.A. 2007
42 Supp. 80-121, and amendments thereto.
- 43 (29) Counties may not exempt from or effect changes in K.S.A. 19-

1 228, and amendments thereto.

2 (30) Counties may not exempt from or effect changes in the wireless
3 enhanced 911 act, in the VoIP enhanced 911 act or in the provisions of
4 K.S.A. 12-5301 through 12-5308, and amendments thereto.

5 (31) Counties may not exempt from or effect changes in K.S.A. 2007
6 Supp. 26-601, and amendments thereto.

7 (32) (A) Counties may not exempt from or effect changes in the Kan-
8 sas liquor control act except as provided by paragraph (B).

9 (B) Counties may adopt resolutions which are not in conflict with the
10 Kansas liquor control act.

11 (33) (A) Counties may not exempt from or effect changes in the Kan-
12 sas cereal malt beverage act except as provided by paragraph (B).

13 (B) Counties may adopt resolutions which are not in conflict with the
14 Kansas cereal malt beverage act.

15 (34) Counties may not exempt from or effect changes in the Kansas
16 lottery act.

17 (35) Counties may not exempt from or effect changes in the Kansas
18 expanded lottery act.

19 (36) *Counties may neither exempt from nor effect changes to the em-*
20 *inent domain procedure act.*

21 (37) *Any county granted authority pursuant to the provisions of*
22 *K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be sub-*
23 *ject to the limitations and prohibitions imposed under K.S.A. 19-5001*
24 *through 19-5005, and amendments thereto.*

25 (38) *Except as otherwise specifically authorized by K.S.A. 19-5001*
26 *through 19-5005, and amendments thereto, counties may not exercise any*
27 *authority granted pursuant to K.S.A. 19-5001 through 19-5005, and*
28 *amendments thereto, including the imposition or levy of any retailers'*
29 *sales tax.*

30 (b) Counties shall apply the powers of local legislation granted in
31 subsection (a) by resolution of the board of county commissioners. If no
32 statutory authority exists for such local legislation other than that set forth
33 in subsection (a) and the local legislation proposed under the authority
34 of such subsection is not contrary to any act of the legislature, such local
35 legislation shall become effective upon passage of a resolution of the
36 board and publication in the official county newspaper. If the legislation
37 proposed by the board under authority of subsection (a) is contrary to an
38 act of the legislature which is applicable to the particular county but not
39 uniformly applicable to all counties, such legislation shall become effec-
40 tive by passage of a charter resolution in the manner provided in K.S.A.
41 19-101b, and amendments thereto.

42 (c) Any resolution adopted by a county which conflicts with the re-
43 strictions in subsection (a) is null and void.

1 Sec. 25. K.S.A. 2008 Supp. 66-1,184 is hereby amended to read as
2 follows: 66-1,184. (a) Except as provided in subsection (b), every public
3 utility which provides retail electric services in this state shall enter into
4 a contract for parallel generation service with any person who is a cus-
5 tomer of such utility, upon request of such customer, whereby such cus-
6 tomer may attach or connect to the utility's delivery and metering system
7 an apparatus or device for the purpose of feeding excess electrical power
8 which is generated by such customer's energy producing system into the
9 utility's system. No such apparatus or device shall either cause damage
10 to the public utility's system or equipment or present an undue hazard
11 to utility personnel. Every such contract shall include, but need not be
12 limited to, provisions relating to fair and equitable compensation on such
13 customer's monthly bill for energy supplied to the utility by such
14 customer.

15 (b) (1) For purposes of this subsection:

16 (A) "Utility" means an electric public utility, as defined by K.S.A. 66-
17 101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-
18 4603, and amendments thereto, or a nonstock member-owned electric
19 cooperative corporation incorporated in this state, or a municipally owned
20 or operated electric utility;

21 (B) "school" means Cloud county community college and Dodge City
22 community college; and

23 (C) "*avoided energy cost*" means the average cost of fuel and pur-
24 chased energy for the preceding ~~12 months~~ for the utility, or in the case
25 of a non-generating utility, such utility's wholesale power supplier, as
26 defined by the governing body with jurisdiction over any electric coop-
27 erative utility or electric public utility.

28 (2) Every utility which provides retail electric services in this state
29 shall enter into a contract for parallel generation service with any person
30 who is a customer of such utility, if such customer is a residential customer
31 of the utility and owns a renewable generator with a capacity of 25 kilo-
32 watts or less, or is a commercial customer of the utility and owns a re-
33 newable generator with a capacity of 200 kilowatts or less or is a school
34 and owns a renewable generator with a capacity of 1.5 megawatts or less.
35 Such generator shall be appropriately sized for such customer's antici-
36 pated electric load. A commercial customer who uses the operation of a
37 renewable generator in connection with irrigation pumps shall not request
38 more than 10 irrigation pumps connected to renewable generators be
39 attached or connected to the utility's system. At the customer's delivery
40 point on the customer's side of the retail meter such customer may attach
41 or connect to the utility's delivery and metering system an apparatus or
42 device for the purpose of feeding excess electrical power which is gen-
43 erated by such customer's energy producing system into the utility's sys-

1 tem. No such apparatus or device shall either cause damage to the utility's
2 system or equipment or present an undue hazard to utility personnel.
3 Every such contract shall include, but need not be limited to, provisions
4 relating to fair and equitable compensation for energy supplied to the
5 utility by such customer. Such compensation shall be not less than 100%
6 of the ~~utility's monthly system average cost of energy per kilowatt hour~~
7 *avoided energy cost* except that in the case of renewable generators with
8 a capacity of 200 kilowatts or less, such compensation shall be not less
9 than 150% of the ~~utility's monthly system average cost of energy per~~
10 ~~kilowatt hour~~ *avoided energy cost*. A utility may credit such compensation
11 to the customer's account or pay such compensation to the customer at
12 least annually or when the total compensation due equals \$25 or more.

13 (3) *A customer-generator, as defined by section 8, and amendments*
14 *thereto, shall have the option of entering into a contract pursuant to this*
15 *subsection (b) or utilizing the net metering and easy connection act. The*
16 *customer-generator shall exercise the option in writing, filed with the util-*
17 *ity and shall not be entitled to change the option once it is filed.*

18 (c) The following terms and conditions shall apply to contracts en-
19 tered into under subsection (a) or (b):

20 (1) The utility will supply, own, and maintain all necessary meters
21 and associated equipment utilized for billing. In addition, and for the
22 purposes of monitoring customer generation and load, the utility may
23 install at its expense, load research metering. The customer shall supply,
24 at no expense to the utility, a suitable location for meters and associated
25 equipment used for billing and for load research;

26 (2) for the purposes of insuring the safety and quality of utility system
27 power, the utility shall have the right to require the customer, at certain
28 times and as electrical operating conditions warrant, to limit the produc-
29 tion of electrical energy from the generating facility to an amount no
30 greater than the load at the customer's facility of which the generating
31 facility is a part;

32 (3) the customer shall furnish, install, operate, and maintain in good
33 order and repair and without cost to the utility, such relays, locks and
34 seals, breakers, automatic synchronizer, and other control and protective
35 apparatus as shall be designated by the utility as being required as suitable
36 for the operation of the generator in parallel with the utility's system. In
37 any case where the customer and the utility cannot agree to terms and
38 conditions of any such contract, the state corporation commission shall
39 establish the terms and conditions for such contract. In addition, the
40 utility may install, own, and maintain a disconnecting device located near
41 the electric meter or meters. Interconnection facilities between the cus-
42 tomer's and the utility's equipment shall be accessible at all reasonable
43 times to utility personnel. Upon notification by the customer of the cus-

- 1 tomer's intent to construct and install parallel generation, the utility shall
2 provide the customer a written estimate of all costs that will be incurred
3 by the utility and billed to the customer to accommodate the intercon-
4 nection. The customer may be required to reimburse the utility for any
5 equipment or facilities required as a result of the installation by the cus-
6 tomer of generation in parallel with the utility's service. The customer
7 shall notify the utility prior to the initial energizing and start-up testing
8 of the customer-owned generator, and the utility shall have the right to
9 have a representative present at such test;
- 10 (4) the utility may require a special agreement for conditions related
11 to technical and safety aspects of parallel generation; and
- 12 (5) the utility may limit the number and size of renewable generators
13 to be connected to the utility's system due to the capacity of the distri-
14 bution line to which such renewable generator would be connected, and
15 in no case shall the utility be obligated to purchase an amount greater
16 than 4% of such utility's peak power requirements.
- 17 (d) Service under any contract entered into under subsection (a) or
18 (b) shall be subject to either the utility's rules and regulations on file with
19 the state corporation commission, which shall include a standard inter-
20 connection process and requirements for such utility's system, or the cur-
21 rent federal energy regulatory commission interconnection procedures
22 and regulations.
- 23 (e) In any case where the owner of the renewable generator and the
24 utility cannot agree to terms and conditions of any contract provided for
25 by this section, the state corporation commission shall establish the terms
26 and conditions for such contract.
- 27 (f) The governing body of any school desiring to proceed under this
28 section shall, prior to taking any action permitted by this section, make a
29 finding that either: (1) Net energy cost savings will accrue to the school
30 from such renewable generation over a 20-year period; or (2) that such
31 renewable generation is a science project being conducted for educational
32 purposes and that such project may not recoup the expenses of the project
33 through energy cost savings. Any school proceeding under this section
34 may contract or enter into a finance, pledge, loan or lease-purchase agree-
35 ment with the Kansas development finance authority as a means of fi-
36 nancing the cost of such renewable generation.
- 37 (g) For the purpose of meeting the ~~governor's stated goal of produc-~~
38 ~~ing 10% of the state's electricity by wind power by 2010 and 20% by 2020,~~
39 ~~requirements of section 6, and amendments thereto,~~ the parallel genera-
40 tion of electricity provided for in this section shall be included as part of
41 the state's *renewable* energy generation ~~by wind power.~~
- 42 (h) *The provisions of the net metering and easy connection act shall*
43 *not preclude the state corporation commission from approving net me-*

1 *tering tariffs upon request of an electric utility for other methods of re-*
2 *newable generation not prescribed in subsection (c)(1) of section 8, and*
3 *amendments thereto.*

4 Sec. 26. K.S.A. 2008 Supp. 65-3005 is hereby amended to read as
5 follows: 65-3005. (a)The secretary shall have the power to:

6 ~~(a)~~ (1) Adopt, amend and repeal rules and regulations implementing
7 and consistent with this act.

8 ~~(b)~~ (2) Hold hearings relating to any aspect of or matter in the ad-
9 ministration of this act concerning air quality control, and in connection
10 therewith, compel the attendance of witnesses and the production of
11 evidence.

12 ~~(c)~~ (3) Issue such orders, permits and approvals as may be necessary
13 to effectuate the purposes of this act and enforce the same by all appro-
14 priate administrative and judicial proceedings.

15 ~~(d)~~ (4) Require access to records relating to emissions which cause
16 or contribute to air pollution.

17 ~~(e)~~ (5) Prepare and develop a comprehensive plan or plans for the
18 prevention, abatement and control of air pollution originating in Kansas
19 that affects air quality in Kansas or in other states or both.

20 ~~(f)~~ (6) Adopt rules and regulations governing such public notification
21 and comment procedures as authorized by this act.

22 ~~(g)~~ (7) Encourage voluntary cooperation by persons or affected
23 groups to achieve the purposes of this act.

24 ~~(h)~~ ~~(1)~~ (8) (A) Encourage local units of government to handle air
25 pollution problems within their respective jurisdictions and on a coop-
26 erative basis; ~~(2)~~ (B) provide technical and consultative assistance there-
27 for; and ~~(3)~~ (C) enter into agreements with local units of government to
28 administer all or part of the provisions of the Kansas air quality act in the
29 units' respective jurisdictions.

30 ~~(i)~~ (9) Encourage and conduct studies, investigations and research
31 relating to air contamination and air pollution and their causes, effects,
32 prevention, abatement and control.

33 ~~(j)~~ (10) Encourage air contaminant emission sources to voluntarily
34 implement strategies, including the development and use of innovative
35 technologies, market-based principles and other private initiatives to re-
36 duce or prevent pollution.

37 ~~(k)~~ (11) Determine by means of field studies and sampling the degree
38 of air contamination and air pollution in the state and the several parts
39 thereof.

40 ~~(l)~~ (12) Establish ambient air quality standards for the state as a whole
41 or for any part thereof.

42 ~~(m)~~ (13) Collect and disseminate information and conduct educa-
43 tional and training programs relating to air contamination and air

- 1 pollution.
- 2 ~~(14)~~ (14) Advise, consult and cooperate with other agencies of the
3 state, local governments, industries, other states, interstate or interlocal
4 agencies, and the federal government, and with interested persons or
5 groups.
- 6 ~~(15)~~ (15) Accept, receive and administer grants or other funds or gifts
7 from public and private entities, including the federal government, for
8 the purpose of carrying out any of the functions of this act. Such funds
9 received by the secretary pursuant to this section shall be deposited in
10 the state treasury to the account of the department of health and
11 environment.
- 12 ~~(16)~~ (16) Enter into contracts and agreements with other state agen-
13 cies or subdivisions, local governments, other states, interstate agencies,
14 the federal government or its agencies or private entities as is necessary
15 to accomplish the purposes of the Kansas air quality act.
- 16 ~~(17)~~ (17) Conduct or participate in intrastate or interstate emissions
17 trading programs or other programs that demonstrate equivalent air qual-
18 ity benefits for the prevention, abatement and control of air pollution in
19 Kansas or in other states or both.
- 20 ~~(18)~~ (18) Prepare and adopt a regional haze plan as may be necessary
21 to prevent, abate and control air pollution originating in Kansas that af-
22 fects air quality in Kansas or in other states or both. Any regional haze
23 plan prepared by the secretary shall be no more stringent than is required
24 by 42 U.S.C. 7491.
- 25 ~~(19)~~ (19) Participate in the activities of any visibility transport com-
26 mission established under 42 U.S.C. 7492. The secretary shall report to
27 the governor and the legislature on the activities of any such visibility
28 transport commission annually.
- 29 *(b) It is a policy of the state to regulate the air quality of the state*
30 *and implement laws and regulations that are applied equally and uni-*
31 *formly throughout the state and consistent with those of the federal*
32 *government.*
- 33 *(1) The secretary shall have the authority to promulgate rules and*
34 *regulations to establish standards to ensure that the state is in compliance*
35 *with the provisions of the federal clean air act, as amended (42 U.S.C.*
36 *section 7401 et seq.). The standards so established shall not be any more*
37 *stringent, restrictive or expansive than those required under the federal*
38 *clean air act, as amended, nor shall the rules and regulations be enforced*
39 *in any area of the state prior to the time required by the federal clean air*
40 *act. The restrictions of this section shall not apply to the parts of the state*
41 *implementation plan developed by the secretary to bring a nonattainment*
42 *area into compliance when needed to have a United States environmental*
43 *protection agency approved state implementation plan.*

1 (2) *For any application for a permit required by federal or state law,*
2 *the secretary shall not deny or delay the issuance of such permit when*
3 *the requirements of this act have been met.*

4 (c) *Any action by the secretary on any application filed after January*
5 *1, 2006, and before the effective date of this act, which seeks the issuance,*
6 *modification, amendment, revision or renewal of any approval or permit,*
7 *and which is still the subject of any administrative or judicial review*
8 *proceedings, shall be reconsidered by the secretary upon the applicant's*
9 *or permittee's timely written request, which shall be filed no later than*
10 *60 days after the effective date of this act. Within 15 days after the ap-*
11 *plicant or permittee files a written request pursuant hereto, the secretary*
12 *shall reconsider the secretary's decision, agency action or order and shall*
13 *determine in accordance with the provisions of this act, as amended,*
14 *whether the issuance, modification, amendment, revision or renewal of*
15 *any approval or permit requested by the permittee or applicant should*
16 *be issued, modified, amended, revised or renewed. If the applicant or*
17 *permittee is aggrieved by the secretary's determination hereunder, the*
18 *applicant or permittee shall be immediately entitled to judicial review of*
19 *such agency action by filing a petition for judicial review in the court of*
20 *appeals within 30 days from the date of the secretary's determination. If*
21 *the secretary fails to act within the 15 days, the applicant or permittee*
22 *immediately shall be entitled to seek a writ of mandamus compelling the*
23 *secretary to act by filing for such writ in the court of appeals. Such pro-*
24 *ceedings shall be conducted in accordance with K.S.A. 77-601 et seq., and*
25 *amendments thereto, however the applicant or permittee shall not be re-*
26 *quired to exhaust any other or additional administrative remedies avail-*
27 *able within the agency notwithstanding any other provision of law.*

28 Sec. 27. K.S.A. 2008 Supp. 65-3008a is hereby amended to read as
29 follows: 65-3008a. (a) No permit shall be issued, modified, renewed or
30 reopened without first providing the public an opportunity to comment
31 and request a public hearing on the proposed permit action. The request
32 for a public hearing on the issuance of a permit shall set forth the basis
33 for the request and a public hearing shall be held if, in the judgment of
34 the secretary, there is sufficient reason.

35 (b) The secretary shall affirm, modify or reverse the decision on such
36 permit after the public comment period or public hearing, *and shall af-*
37 *firm the issuance of any permit the terms and conditions of which comply*
38 *with all requirements established by rules and regulations promulgated*
39 *pursuant to the Kansas air quality act. Any person who participated in*
40 *the public comment process or the public hearing who otherwise would*
41 *have standing under K.S.A. 77-611, and amendments thereto, shall have*
42 *standing to obtain judicial review of the secretary's final action on the*
43 *permit pursuant to the act for judicial review and civil enforcement of*

1 agency actions in the court of appeals. Any such person other than the
2 applicant for or holder of the permit shall not be required to have ex-
3 hausted administrative remedies in order to be entitled to review. The
4 court of appeals shall have original jurisdiction to review any such final
5 agency action. The record before the court of appeals shall be confined
6 to the agency record for judicial review and consist of the documentation
7 submitted to or developed by the secretary in making the final permit
8 decision, including the permit application and any addenda or amend-
9 ments thereto, the permit summary, the draft permit, all written com-
10 ments properly submitted to the secretary, all testimony presented at any
11 public hearing held on the permit application, all responses by the ap-
12 plicant or permit holder to any written comments or testimony, the sec-
13 retary's response to the public comments and testimony and the final
14 permit.

15 (c) When determined appropriate by the secretary, the procedures
16 set out in subsection (a) may be required prior to the issuance, modifi-
17 cation, renewal or reopening of an approval.

18 Sec. 28. K.S.A. 65-3012 is hereby amended to read as follows: 65-
19 3012. (a) ~~Notwithstanding any other provision of this act, the secretary~~
20 ~~may take such action as may be necessary to protect the health of persons~~
21 ~~or the environment: (1) Upon receipt of information evidence that the~~
22 ~~emission of emissions from an air pollution source or combination of air~~
23 ~~pollution sources presents a (1) An imminent and substantial endanger-~~
24 ~~ment to the public health of persons or welfare or to the environment;~~
25 ~~or (2) for an imminent or actual violation of this act, any rules and reg-~~
26 ~~ulations adopted under this act, any orders issued under this act or any~~
27 ~~permit conditions required by this act or any permit conditions required~~
28 ~~by this act, the secretary may issue a temporary order not to exceed 72~~
29 ~~hours in duration, directing the owner or operator, or both, to take such~~
30 ~~steps as necessary to prevent the act or eliminate the practice.~~

31 (b) ~~The action the secretary may take under subsection (a) includes~~
32 ~~but is not limited to:~~

33 ~~(1) Issuing an order directing the owner or operator, or both, to take~~
34 ~~such steps as necessary to prevent the act or eliminate the practice. Such~~
35 ~~order may include, with respect to a facility or site, temporary cessation~~
36 ~~of operation.~~

37 ~~(2) Commencing (b) Upon expiration of the temporary order, the~~
38 ~~secretary may commence an action in the district court to enjoin acts or~~
39 ~~practices specified in subsection (a) or requesting request the attorney~~
40 ~~general or appropriate county or district attorney to commence an action~~
41 ~~to enjoin those acts or practices.~~

42 (c) Upon a showing by the secretary that a person has engaged in
43 those acts or practices *in violation of subsection (a)*, a permanent or tem-

1 porary injunction, restraining order or other order may be granted by any
2 court of competent jurisdiction. An action for injunction under this sub-
3 section shall have precedence over other cases in respect to order of trial.
4 ~~(3) Applying to the district court in the county in which an order of~~
5 ~~the secretary under subsection (b)(1) will take effect, in whole or in part,~~
6 ~~for an order of that court directing compliance with the order of the~~
7 ~~secretary. Failure to obey the court order shall be punishable as contempt~~
8 ~~of the court issuing the order. The application under this subsection for~~
9 ~~a court order shall have precedence over other cases in respect to order~~
10 ~~of trial.~~
11 ~~(c) In any civil action brought pursuant to this section in which a~~
12 ~~temporary restraining order or preliminary injunction is sought, it shall~~
13 ~~not be necessary to allege or prove at any stage of the proceeding that~~
14 ~~irreparable damage will occur should the temporary restraining order or~~
15 ~~preliminary injunction not be issued or that the remedy at law is inade-~~
16 ~~quate, and the temporary restraining order or preliminary injunction shall~~
17 ~~issue without such allegations and without such proof.~~
18 ~~(d) Any order of the secretary pursuant to subsection (b)(1) is subject~~
19 ~~to hearing and review in accordance with the Kansas administrative pro-~~
20 ~~cedure act.~~
21 *(d) The owner or operator, or both, aggrieved by an order of the*
22 *secretary issued pursuant to this section shall be immediately entitled to*
23 *judicial review of such agency action by filing a petition for judicial review*
24 *in district court. The aggrieved party shall not be required to exhaust*
25 *administrative remedies. A petition for review under this subsection shall*
26 *have precedence over other cases in respect to order of trial.*
27 New Sec. 29. The provisions of sections 1 through 29, and amend-
28 ments thereto, are declared to be severable and if any provision, word,
29 phrase or clause of the act or the application thereof to any person shall
30 be held invalid, such invalidity shall not affect the validity of the remaining
31 portions of this act.
32 Sec. 30. K.S.A. 19-101a, 19-101m and 65-3012 and K.S.A. 2008
33 Supp. 65-3005, 65-3008a and 66-1,184 are hereby repealed.
34 Sec. 31. This act shall take effect and be in force from and after its
35 publication in the Kansas register.

Greater Kansas City Building and Construction Trades Council, AFL-CIO

Affiliated With The Building and Construction Trades Department
400 SOUTH MAIN INDEPENDENCE, MISSOURI 64050



Conferee: Garry Kemp, Kansas City Building Trades Council

The building trades groups of Kansas (Greater Kansas City and Central and Western Kansas Councils) support SB 265 because it will be helpful to the economy and ensure long term stability for future electric generation projects in Kansas.

It's a challenging time for Kansas workers and their families. Our economy continues to struggle as the credit crisis deepens, unemployment rises, and construction spending declines.

While not the only reason for our state's economic decline, the handling of the Holcomb power plant issue was alarming for several reasons.

First, the 2007 decision by the Kansas Department of Health and Environment to deny the Holcomb expansion air permit -- in the absence of a steady, reliable regulatory framework -- set a terrible precedent for economic development in Kansas. Its decision called into question the confidence and stability of our state's regulatory system. A reliable regulatory framework on which businesses, industries and consumers can rely is essential to ensuring that Kansas remains a competitive place to work and to do business.

Second, the decision denied our state the opportunity to pursue the largest economic development project in Kansas' history. The \$3.8 billion Holcomb expansion would provide significant job opportunities throughout the state, including more than 2,400 jobs during the six-year construction period and more than 320 permanent jobs at the power plant. These are paychecks that those Kansans in the skilled trades could be receiving today.

This project's state-of-the-art technologies would enable it to meet all current federal regulations to protect public health and the environment. In fact, it will be one of the cleanest coal-fueled power plants in the entire country. KDHE's decision to arbitrarily deny the air permit denies our state jobs when unemployment is on the rise.

Third, the decision rejects the notion that clean, reliable and affordable energy is the backbone of our economy. A balanced, affordable and sensible energy policy is at the heart of our state's economy, our nation's economy and our national security. The proposed Holcomb Station project will provide reliable, low-cost electricity to more than 500,000 residents in central and western Kansas.

Like most Kansans concerned about the environment and energy independence, the Central and Greater Kansas City Building and Construction Trades Council supports the use of all domestic resources, including wind, solar, hydro, natural gas, renewables, nuclear, coal and others. We need better, not fewer, choices when considering how best to meet our growing energy demands.

On behalf of the council and its 10,000 members, I encourage our state's policymakers to quickly enact comprehensive energy legislation that will place Kansas on a level playing field with neighboring states, help create new jobs, ensure that existing jobs remain in Kansas and promote economic prosperity. Failure to do so will jeopardize the success of our state's businesses and workers.

Senate Utilities Committee
February 19, 2009
Attachment 3-1

Protect The Flint Hills

The Last Expanse of Tallgrass Prairie

5694 NW 50th, Eldorado, KS 67042

SB 265: RPS and the Flint Hills

Mandated Renewable Portfolio Standards increase the amount of "green" electricity on the grid, increase utility bills and taxes for homes and businesses, increase the need for regulatory bureaucracy, and can be responsible for damaging endangered ecosystems such as the Kansas Flint Hills. For these reasons, I encourage you to delete section #6 from SB 265.

Most Kansans acknowledge that the Flint Hills Tallgrass Prairie is a unique ranching region that should be protected from industrial development and fragmentation. It is the last significant expanse of Tallgrass Prairie in North America. The attached map illustrates that less than 4% of the original Tallgrass Prairie remains today.

Every potential location for industrial wind energy conversion systems is unique; however, the establishment of a Kansas RPS encourages developers and utilities to ignore all factors other than the existence of electric transmission lines. Unfortunately many transmission lines cross the Flint Hills, thus making the region a prime target for wind development. Some developers will respect the fact the Kansas Tallgrass Prairie is the last of an ecosystem but many will not.

Until we can insure that the vanishing Tallgrass Prairie ecosystem will not be a target for wind development, a Renewable Portfolio Standard should not be part of SB 265.

Making RPS part of this bill sets a precedent for the legislature to impose artificial mandates on utilities that will in turn pass the increased financial costs on to taxpayers and the environmental costs on to our native prairies. It also sets an energy agenda for the future, regardless of environmental or economic conditions.

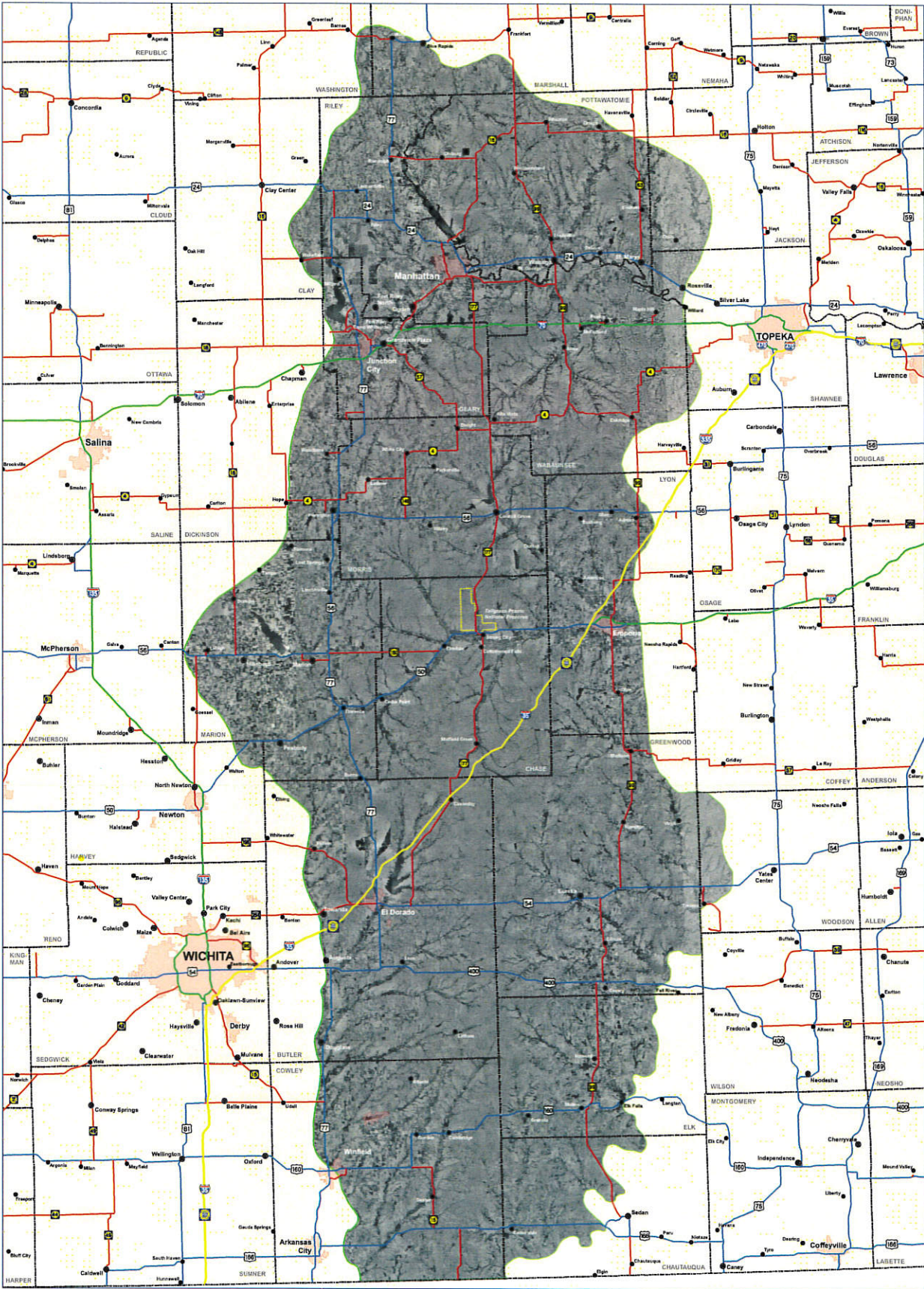
Please consider removing the Renewable Portfolio Standard from SB 265 and help preserve the Flint Hills Tallgrass Prairie ecosystem for future generations. Thank you.



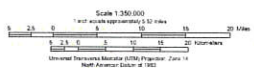
Larry R. Patton, President
Protect the Flint Hills
5694 N.W. 50th
Eldorado, Ks 67042
620-752-3455
protecttheflinthills@wheatstate.com

Senate Utilities Committee
February 19, 2009
Attachment 4-1

Flint Hills Ecoregion



Legend	
	Population over 10,000
	Population 1-10,000
	Population under 1,000
	Kansas Turnpike
	Interstate Highway
	U.S. Numbered Route
	State Numbered Route
	County Boundary
	Preserve Boundary
	Flint Hills Ecoregion



This map is a mosaic of digital orthophoto quarter quadrangles (DOQQs) created from 2002 0.5 aerial photography. Image areas outside the eco-region have been masked out. Photo scale is 1:40,000, but the digital images meet 1:50,000 scale National Map Accuracy Standards (1:12,000 scale control). The images were orthorectified using digital elevation model (DEM) data and were radiometrically balanced. Each image has 1 meter pixel resolution and covers one fourth the area of a 1:50,000 DOQQ (0.75 pixel overlap of approximately 400 meters).

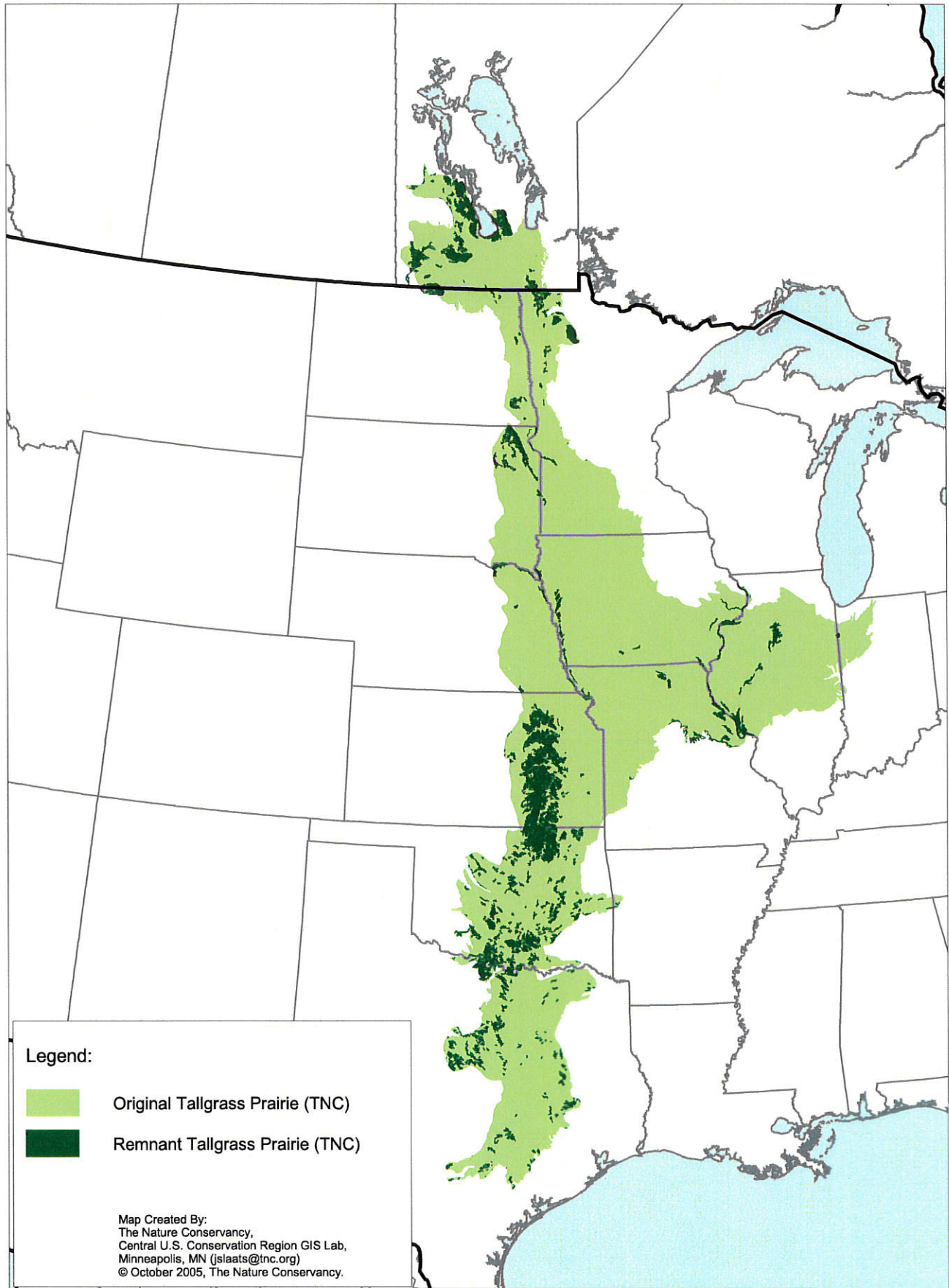
Map produced by the Data Access and Support Center (DASC), Kansas Geographic Survey. Map data from DASC.

Eco-region boundary from "Ecoregions of Nebraska and Kansas" (color poster with map, descriptive text, summary tables, and photographs). Revision, Virginia U.S. Geological Survey, map scale 1:500,000.

Second Edition, 9/04



4-2



Q:\apr\shared\Grasslands\APR+MXD\us_tallgrass_prairie.apr

4-3

Citizens' Utility Ratepayer Board

Board Members:
Gene Merry, Chair
Randy Brown, Vice-Chair
Carol I. Faucher, Member
Laura L. McClure, Member
A.W. Dirks, Member



State of Kansas
Kathleen Sebelius, Governor

David Springe, Consumer Counsel
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
Phone: (785) 271-3200
Fax: (785) 271-3116
<http://curb.kansas.gov>

~~HOUSE~~ **SENATE** UTILITIES COMMITTEE SB 265

Testimony on Behalf of the Citizens' Utility Ratepayer Board
By David Springe, Consumer Counsel
February 18, 2009

Chairman Apple and members of the committee:

Thank you for this opportunity to offer testimony on SB 265. SB 265 covers multiple subjects. The Citizens' Utility Ratepayer Board has concerns about two specific sections and is therefore opposed to this bill:

New Section 6 of SB 265 [Page 2, line 42] mandates that each electric public utility, except municipal utilities, acquire set levels of renewable energy by set dates in the future. CURB is supportive of the efforts made by Kansas electric utilities to increase the level of renewable electric generation resources in their generation portfolios. Each Kansas utility, to varying degrees, has added wind resources to its resource portfolio in the last few years.

However, CURB does not support a prescriptive mandate as to (1) the level of renewable resources required, or (2) the timing of adding renewable resources to a utility's system. Each utility system is different from a resource perspective and from a finance perspective. Arbitrarily dictating the level and timing of adding resources, regardless of cost, deliverability, financing or other considerations that will affect rates, is not in the interest of consumers. SB 265 is a prescriptive mandate that disregards what may be in the best interest of consumers. CURB has not supported other bills setting rigid renewable portfolio standards and does not believe that this bill offers anything to alleviate the agency's concerns.

New Section 7 through New Section 23 of the bill establishes the "net metering and easy connection act", mandating that each retail electric utility make net metering available to all customer generators. Customer generators are defined as solar thermal or photovoltaic cells with a generation capacity of 100 kilowatts or less.

Under the current law at K.S.A 66-1,184, a utility customer that also operates a small scale generator does not avoid paying the fixed costs necessary for the utility to remain ready, willing and able to supply power to the customer whenever the customer needs the utility's services. The customer pays normal retail rates for any energy used, and is paid the equivalent of 150% of the utility's fuel cost, for any energy placed on the grid. This 50% fuel subsidy is a cost to the utility that ultimately must be paid by the utility's other customers. After numerous debates the legislature has determined that a mechanism that compensates a small scale generator based on the utility's fixed costs is the wrong economic policy.

Senate Utilities Committee
February 19, 2009
Attachment 5-1

Net metering, as opposed to parallel generation, involves netting the energy delivered by the utility and used by the customer against the energy generated by the customer and delivered to the utility. In simple instances, the customer meter spins forward when the customer is using energy and spins backwards when energy is being delivered from the small scale generator to the utility grid. Consider an example where a customer works all day, but has a wind turbine or solar panel that generates 20 kilowatt hours of energy and places that energy on the grid, i.e., the meter spins backwards all day. Then the customer comes home for the evening, starts dinner, turns on the lights, turns on the television and uses 20 kilowatt hours of energy over the course of the night, i.e., the meter spins forward. At the end of the day, even though the customer relied on the utility for 20 kilowatt hours of service, the customer's meter shows zero usage. If the customer does this every day for a month, the customer's monthly utility bill will show zero usage, and the customer will not pay for any service, other than a small customer charge, even though the customer used the utility service each and every day of the month.

New Section 9(a) [page 4, line 29], makes this new net metering law available on a first come first serve basis, subject to some overall limits on total availability. New Section 9 (b), [page 4, line 43], requires the utility offer a tariff or contract "*identical in electric energy rates, rate structure and monthly charges*" as a normal customer and specifically precludes charging an additional "*standby, capacity, interconnection or other fee or charge that would not otherwise be charged if the customer was not an eligible customer-generator*". Finally, New Section 12(b) [page 5, line 42] requires, in the situation where the electricity supplied by the utility is in excess of the electricity supplied by the customer-generator the utility must bill the customer for the "*net electricity supplied*". New Section 12(c) [page 6, line] goes further to require that, where the customer-generator places more energy on the utility system than the customer uses, not only will the customer get a bill for only the small customer charge, but a credit to the customer's bill will be created "*in an amount at least equal to 150% of the avoided energy cost of the excess kilowatt-hours generated*", with this credit to be applied the following billing periods and any excess credits allowed to be carried for 12 months.

When these sections are combined, a framework is created that allows a small customer-generator to avoid paying the fixed cost of utility service, and will clearly make small photovoltaic systems more economically attractive. These same sections also insure that some amount of the utility's fixed costs will be shifted to those customers that cannot afford this type of generation system.

The economic reality is that a person that uses the utility system creates the need for generation to be available, transmission to be available, distribution, transformers, meters and service personnel all to be available. Further, as long as the customer remains connected to the grid, the utility still has to plan for and incur costs in a manner to be able to serve that customer in the event the wind or photovoltaic generator ceases working at any time. A customer should not be able to avoid these fixed costs simply because the customer has the means to afford a small generation system.

For these reasons, CURB does not support SB 265

Honorable Chairman Apple & Senate Utility Committee Members:

PLEASE don't let the coal lobbyists and a few politicians coerce you into voting to let Holcomb expand. The bills you are asked to support are deeply flawed public policy which will have a negative impact on our State for generations. Here is why.

1. Statewide polls show that Kansans support the KDHE Holcomb decision and are against burning more coal by a margin of 2:1. Citizens in all regions of our State are appalled that our Legislators are again considering such damaging legislation when we are in an economic crisis. Please don't let this fiasco consume the Legislative agenda again like it did last year.
2. Colorado said NO new coal plants and has plans to build a huge, utility-scale solar thermal project near Alamosa. Oklahoma recently denied a new coal permit and instead is developing its own wind energy industry. Texas investors cut 8 new coal plants and are putting in wind farms instead. In all, 59 new coal plants have been denied. So the coal companies are desperate and paid over 1 million dollars last year to lobby this legislature to get their way in tiny Holcomb, Kansas. Do they really think that Kansans are that DUMB???
3. The coal companies are trying to get you to give them a permit for Holcomb before new Federal regs go into effect. They know there is no such thing as "clean" coal. So, they are using false and misleading information to try to get your vote.
4. It took hundreds of thousands of years for plants to capture CO₂ and store it in coal. What makes any reasonable person think that humans can now burn huge amounts of that coal in just 150 years without heating up the climate of the earth? Thousands of species will become extinct plus vast coastal and semi-desert regions will become uninhabitable. Crop growing areas will be reduced to a small fraction of the earth surface. Do you really want to vote in favor of this type of world for generations to come—especially when Kansas has such outstanding renewable energy resources?
5. None of the carbon sequestration experiments have worked. After only an insignificant fraction of released carbon was actually captured, billions in Federal funding have been pulled from these projects due to huge cost over runs.
6. Algae does not grow at night or in months when it is cold in Western Kansas. So, a bribe of a \$2.5 million grant by Sunflower to KSU to do research over the next 10 years is just another desperate attempt to get your vote. In the meantime, Holcomb will have belched out 11 million tons of CO₂ greenhouse gases and used 8 billion gallons of precious Western Kansas water PER YEAR. This does not include the water pollution of the Ogallala aquifer in Western Kansas from the tons of Holcomb coal ash dumped on the ground.
7. Developing a renewable energy industry in Kansas will create 3,000 new jobs plus \$2 billion per year spread throughout our State's economy. All regions of Kansas will benefit—especially in Western Kansas.
8. Expanding Holcomb will only need +/-300 temporary construction workers. Nearly all of these workers and equipment manufacturers will come from OUT-OF-STATE!! Once built, only 50 jobs at Holcomb will be permanent. So, the economic benefits of expanding Holcomb will NOT BE FOR KANSAS.
9. Once 1,400 MW of new coal generated electrical capacity is online, the grid will be full. Utilities and Kansas customers will be forced to buy coal produced electricity rather than from the vast abundance of Kansas wind and solar thermal renewable energy. This fact will prevent investments in renewables as part of the energy and economic development mix for Kansas.
10. Please don't be coerced by the coal lobby and the politicians they have persuaded to do their dirty work. It is time for bold, decisive action to stop polluting our air, water and soil in the name of "economic development". Kansans have renewable energy choices which will create 10 times more manufacturing, construction and maintenance jobs throughout our State.

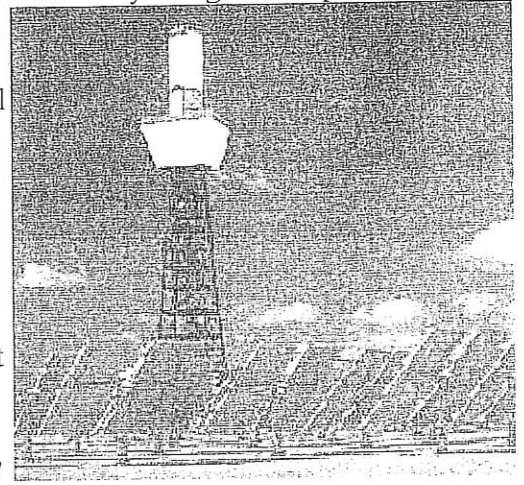
Please VOTE NO on the Holcomb giveaway bills and insist on sound energy policy which reduces the amount of carbon dioxide and other pollutants going into our air, water and soil.

Respectfully yours,
Walt Chappell, Ph.D.
3165 N. Porter, Wichita, KS 67204
(316)838-7900(P) / (316)838-7779(F)
chappells2u@cox.net

Senate Utilities Committee
February 19, 2009
Attachment 6-1

Solar: Solar Thermal: Making Electricity From The Sun's Heat

- Solar thermal electric power plant generates heat by using lenses and reflectors to concentrate the sun's energy. Because the heat can be stored, these plants are unique because they can generate power when it is needed, day or night, rain or shine.
- Solar thermal electric systems operating in the US today [Solar Parabolic Troughs] meet the needs of over 350,000 people (equal to the population of the city of Fresno, CA or Miami, FL) and displace the equivalent of 2.3 million barrels of oil annually.
- Solar thermal power plants create two and one-half times as many skilled, high paying jobs as do conventional power plants that use fossil fuels.
- A CEC (California Energy Commission) study shows that even with existing tax credits, a solar thermal electric plant pays about 1.7 times more in federal, state, and local taxes than an equivalent natural gas combined cycle plant. If the plants paid the same level of taxes, their cost of electricity would be roughly the same.



Big solar generator proposed by Xcel in Colorado

On **January 9, 2009**, Public Service Company of Colorado (Public Service) issued an All-Source solicitation seeking resources to serve the needs of its retail and wholesale customers. The All-Source solicitation seeks proposals for power purchase agreements for capacity and energy resources with in-service dates proceeding May 31, 2015. The solicitation is part of the most recent 2007 Colorado Resource Plan approved by the Colorado Public Utilities Commission in December.

Xcel Energy is seeking to add up to 700 megawatts of additional wind and solar generation through the All-Source RFP. In addition, the company will consider acquiring up to **600 megawatts from solar thermal** generation with storage capability or natural gas backup.

World's Largest Solar Power Plant Coming To CA Mojave Desert

by Mike Chino – April 10, 2008

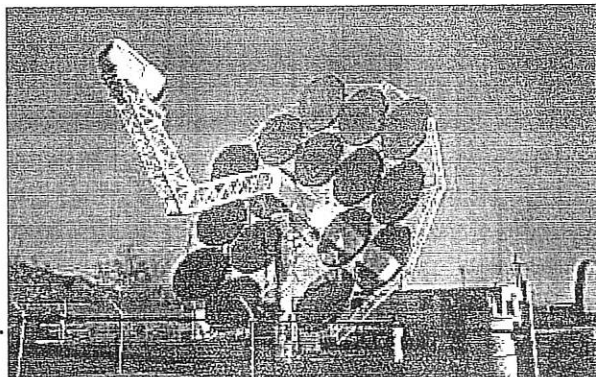
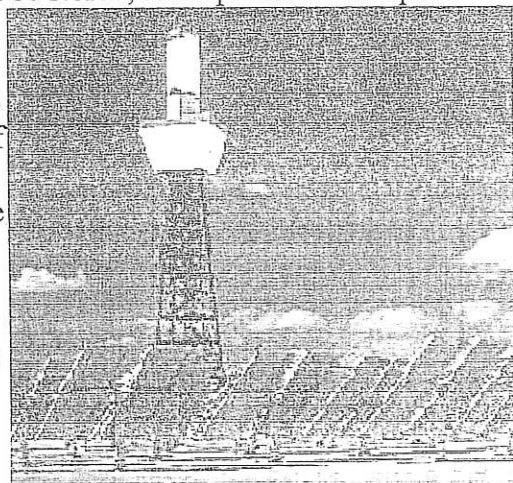
With California utilities expanding rapidly into renewables, the Mojave Desert is one of the hottest spots for solar energy. Last year, plans for the world's largest solar array got underway in this ideal energy harvesting setting and the latest news is just as groundbreaking. Pacific Gas and Electric recently signed the world's largest solar deal to date, teaming up with BrightSource Energy to produce three new solar-thermal electric plants for a whopping 500 megawatts of clean green power. The \$2 to \$3 billion dollar deal provides options for additional plants (up to **900 megawatts total**), which would be enough to power 375,000 Californian homes!

Solar Energy Fact Sheets

Informative Fact Sheets about Solar Thermal Energy

Solar: Solar Thermal: Making Electricity From The Sun's Heat

- Solar thermal electric power plant generates heat by using lenses and reflectors to concentrate the sun's energy. Because the heat can be stored, these plants are unique because they can generate power when it is needed, day or night, rain or shine.
- Solar thermal electric systems operating in the US today [Solar Parabolic Troughs] meet the needs of over 350,000 people (equal to the population of the city of Fresno, CA or Miami, FL) and displace the equivalent of 2.3 million barrels of oil annually.
- Solar thermal power plants create two and one-half times as many skilled, high paying jobs as do conventional power plants that use fossil fuels.
- A CEC (California Energy Commission) study shows that even with existing tax credits, a solar thermal electric plant pays about 1.7 times more in federal, state, and local taxes than an equivalent natural gas combined cycle plant. If the plants paid the same level of taxes, their cost of electricity would be roughly the same.
- Solar Two, a "power tower" electricity generating plant in California, is a 10-megawatt prototype for large-scale commercial power plants. It stores the sun's energy in molten salt at 1050 degrees F, which allows the plant to generate power day and night, rain or shine. Construction was completed in March 1996, and it is now in its three year operating and testing phase. (source: Southern California Edison)
- Over 700 megawatts of solar thermal electric systems should be deployed by the year 2003 in the U.S. and internationally. The market for these systems should exceed 5,000 megawatts by 2010, enough to serve the residential needs of 7 million people (larger than the state of Georgia) which will save the energy equivalent of 46 million barrels of oil per year.
- Utilizing only 1% of the earth's deserts to produce clean solar electric energy would provide more electricity than is currently being produced on the entire planet by fossil fuels.
- The sun's heat can be collected in a variety of different ways: Solar Parabolic Troughs consist of curved mirrors which form troughs that focus the sun's energy on a pipe. A fluid, typically oil, is circulated through the pipes which is used to drive a conventional generator to create electricity. Solar Parabolic Dish systems consist of a



parabolic-shaped concentrator (similar in shape to a satellite dish) that reflects solar radiation onto a receiver mounted at the focal point at the center. The collected heat is utilized directly by a heat engine mounted on the receiver which generates electricity. Solar Central Receivers or "Power Towers" consist of a tower surrounded by a large array of heliostats. Heliostats are mirrors that track the sun and reflect its rays onto the receiver, which absorbs the heat energy that is then utilized in driving a turbine electric generator.

Comparison of Major Solar Thermal Technologies (tower,dish, trough)

	Power Tower	Parabolic Dish	Parabolic Trough
Applications	Grid-connected electric plants; process heat for industrial use.	Stand-alone small power systems; grid support	Grid-connected electric plants; process heat for industrial use.
Advantages	Dispatchable base load electricity; high conversion efficiencies; energy storage; hybrid (solar/fossil) operation.	Dispatchable electricity, high conversion efficiencies; modularity; hybrid (solar/fossil) operation.	Dispatchable peaking electricity; commercially available with 4,500 Gwh operating experience; hybrid (solar/fossil) operation.

Carbon dioxide pollution kills hundreds a year: study

By Deborah Zabarenko, Reuters Environment Correspondent
Fri Jan 4, 2008

WASHINGTON (Reuters) - Climate-warming carbon dioxide spewed by coal-fired power plants and fossil-fueled vehicles has been causing hundreds of premature U.S. deaths each year over the several decades, a new study reported.

The deaths were due to lung and heart ailments linked to ozone and polluting particles in the air, which are spurred by carbon dioxide that comes from human activities, according to the study's author, Mark Jacobson of Stanford University.

As the planet warms due to carbon dioxide emissions, the annual death rate is forecast to climb, with premature deaths in the United States from human-generated carbon dioxide expected to hit 1,000 a year when the global temperature has risen by 1.8 degrees F (1 degree C).

When the planet gets that hot, which could happen this century, the world annual death rate is estimated to rise to 21,600, Jacobson said on Friday in a telephone interview.

Earth has warmed about 1.4 degrees F (0.8 degrees C) in the last 150 years, with most of that gain in the last three decades. Jacobson said about 700 to 800 U.S. annual deaths in the most recent years can be attributed to human-caused carbon emissions.

Greenhouse gas pollution has spurred the global warming that is result in a damaging rise in the sea level, droughts and possibly more severe storms this century. This is the first time a scientist has specifically linked one human-generated greenhouse gas to human mortality.

Carbon dioxide is one of several greenhouse gases blamed for climate change, but it is the one humans have the most ability to control through regulation of activities that burn fossil fuels like coal and oil. It is also emitted by natural processes.

Using a complex computer model and data on carbon emissions from the U.S. Environmental Protection Agency, Jacobson found the impact was worse in places that are populous and polluted.

"Of the additional ... deaths per year due to ozone and particles ... about 30 percent of those occurred in California, which has 12 percent of the (U.S.) population," he said, noting that California has six of the 10 most polluted U.S. cities.

"So it was pretty clear ... that climate change was affecting Californians' health disproportionately to its population," Jacobson said.

6-5

What happens in California is important, since this populous state has long been a testing ground for U.S. pollution regulation.

Jacobson's study, to be published in Geophysical Research Letters, was released soon after the U.S. Environmental Protection Agency rejected a bid by California and 15 other states to let them set higher standards for carbon emissions from cars, trucks and SUVs than the federal government does.

Jacobson's research was not available before the EPA's decision on December 19, but the EPA's rejection made points that Jacobson said are addressed by his study.

In turning down the states' request, EPA argued that California did not have a special circumstance warranting this change, that there were no studies isolating carbon dioxide's effects and none looking at health impacts.

"It's actually occurring right now, it's been occurring for the past 20 to 30 years," Jacobson said of the deaths related directly to human-generated carbon dioxide emissions.

He noted, however, that the deaths due to carbon dioxide are only a small fraction of annual premature deaths caused by air pollution overall: an estimated 50,000 to 100,000 in the United States and between 1.5 million to 2 million worldwide.

**Testimony before the Senate Utilities Committee
February 19, 2009, Opposing SB 265**

Chairperson Apple and Honorable Members of the Committee. my name is Tom Thompson and I represent the Kansas Chapter of the Sierra Club. I have come today to speak in opposition to S.B. 265.

The Sierra Club believes that the primary purpose of SB 265 is to allow more carbon dioxide to be emitted in Kansas so that the Sunflower Electric can build two coal fired power plants in Holcomb. The Sierra Club opposes the construction of coal-fired power plants because they add to the increasing amount of greenhouse gas in the atmosphere. In the case of the Holcomb plant, it will mean adding 11 million tons of carbon dioxide annually for the life of the facility. The Sierra Club believes climate change is real and it is time to do something about it. Instead SB 265 will contribute to climate change.

This destructive gas will be emitted at an extremely high rate by the Holcomb development. This is being done in Kansas where the wind is abundant allowing for a robust renewable energy potential that could create jobs throughout the state. The Sierra Club believes that building Holcomb will undercut the economic benefits that Kansas could have from renewable energy.

It is time to develop an energy plan that decreases the production of carbon dioxide and increases the production of clean renewable energy. A new coal plant cannot be part of this formula.

The Sierra Club does not support the net metering sections because it believes net metering should involve the use of a single meter running forward and backward with excess energy produced by the customer generator being compensated for at retail.

SB 265 usurps the KDHE Secretary's authority to consider matters not yet fleshed out by rules and regulations, as may be required, where there is a threat to human health or the environment and a new problem such as carbon dioxide. The US Supreme Court has ruled that carbon dioxide is an air pollutant that may be regulated under the Clean Air Act.

SB 265 is inconsistent with the Clean Air Act which does not require issuance of a permit under any circumstances, even when an applicant meets stated requirements, and reserves to states broad authority to reject any application based on any environmental, economic or energy related considerations.

The Sierra Club believes that requiring that state laws not be stricter than federal is a serious issue that can have unforeseen consequences. It is important to allow laws to be able to react to the needs for environmental protection in unforeseen situations.

Furthermore, the Sierra Club does not believe the RPS and energy efficiency aspects of SB 265 are enough to compensate for all the carbon dioxide that will be produced should Holcomb go on line.

The Sierra Club encourages the committee to oppose HB 265.

Sincerely
Tom Thompson, Sierra Club

Senate Utilities Committee
February 19, 2009
Attachment 7-1

Kansas Rural Center

www.kansasruralcenter.org

Testimony before the Senate Utilities Committee February 19, 2009, Opposing SB 265

Chairperson Apple and Honorable Members of the Committee. My name is Vaughn Flora and I am here representing the Kansas Rural Center in opposition to S.B. 265.

Among other things, KRC is interested in a strong rural economy, renewable energy, and opportunities for those in rural areas to own renewable energy generation. Certainly, at first glance, this bill would seem to encourage progress towards those goals. Other states have implemented effective net metering which provided enough economic incentive for private individuals to own renewable generation. Other states have also passed aggressive Renewable Portfolio Standards which required utilities to seek out locally owned electrical generation projects in order to comply. This bill as written, seems to be ineffectual on both counts. The proposed 150 percent of avoided energy costs is similar to what we have had in effect. We know it has not encouraged net metering. The proposed RPS standards appear to be less aggressive than some of the major utilities have already agreed to with the Governor. If there is no progress towards increased renewables, why are these provisions being promulgated?

Secondly, it seems the intent of a major portion of this bill is to force the construction of the Holcomb Power plants, and we are very worried, given the regulatory and economic climates both within and without Kansas, that electrical rates will be greatly increased in Western Kansas. Many coal plant projects around the country have been cancelled in the last few months, as construction prices have doubled. Fuel costs for coal have also greatly increased. Government sources of low cost financing for coal plants have been curtailed. And clearly, there will be increased regulation of CO2 emissions, which not only add increased doubt that the plants will ever be built, but could drastically effect the costs of electricity generated by the plants. The legislature should be taking steps to insure that this project does not saddle Western Kansas with fifty years of extremely expensive electricity. Moreover, the alternative, a strong and effective RPS, would bring the benefit of widespread wind development throughout many counties in Western Kansas, while providing lower cost electricity than that generated by fossil fuels.

It is said that this plant will emit 11,000,000 tons of CO2 every year for 50 years. It seems that would negate any decrease in green house gas dispersion into the atmosphere from this energy bill. The Colorado Energy office has already said they do not want energy from these plants. There needs to be some due diligence undertaken on all aspects of the project - construction costs, fuel costs, marketability of the energy and electrical rates.

Finally, there is the issue of water use in arid regions. Wind energy uses not one drop of water. Water available for irrigation and municipal use decreases as energy is generated in a coal plant. That same water has plenty of other uses in Western Kansas. Wind energy allows both to happen.

We urge the committee to oppose S.B. 265.

Dan Nagengast 785-748-0957; 785-312-1332 cell: nagengast@earthlink.net; www.kansasruralcenter.org

Senate Utilities Committee
February 19, 2009
Attachment 8-1



Mr. Chairman, members of the committee, good morning, and thank you for the opportunity to address you regarding SB 265.

Energy efficiency is our most important, least expensive, most available source to meet new demand. At an average 3 cents/kwh with no new pollution, efficiency should be the centerpiece of any comprehensive energy policy.

Investments in building envelopes and operations – responsible for 75% of U.S. energy use – provide “permanent” savings, available long after the improvements have paid for themselves. And local installers (of insulation, weather stripping, HVAC) and vendors (of furnaces, boilers, energy efficient appliances) benefit from these investments. In fact, industry analysts estimate that every \$1 million in energy efficiency investment generates more than \$3.5 million in economic output and over \$4 million in bill savings for customers.

FCIP provides a tremendous and proven service to the state of Kansas; full application of the program would be a boon to taxpayers, who appreciate your commitment to managing their money wisely.

Of note: IECC recently updated efficiency standards and ASHRAE will soon issue new standards. The committee might consider amending to allow flexibility to use updated standards, provided improvements are cost-effective over the life of the building.

Finally, **CEP requests that the committee consider providing this benefit to the state as a whole.** Opportunities to protect citizens from rising electric rates include minimum standards for all new buildings and allowing/encouraging utilities to provide services similar to those currently offered by FCIP.

Sources:

http://kec.kansas.gov/reports/KEC_DSM_Final_081108.pdf

http://www.energystar.gov/index.cfm?c=government.bus_government_state

<http://www.aceee.org/energy/facts.htm>

CEP supports a **Renewable Portfolio Standard** rising to 20% by 2021. Benefit for Kansas, based on 1,000 additional MW of wind energy:

- **Revenue.** Direct payments of over \$2 million/year to landowners and over \$2 million/year to counties that host turbines.
- **Jobs.** Over 150 permanent, local operations and maintenance jobs, following more than 900 short-term construction jobs. Every wind turbine requires hundreds of yards of concrete, miles of steel re-bar, copper wire, and highly skilled laborers to install it all. 425 Kansas companies are capable of manufacturing the 8,000 parts that make a modern wind turbine – REPP projects 11,000 jobs.
- **Levelized cost.** Zero fuel cost and no carbon liability provide a critical hedge against volatile fossil fuel prices and regulatory costs, lowering long-term rates.
- **No water.** Wind saves precious water for agricultural and domestic use.
- **Reduced pollution.** Wind emits no sulfur dioxide, nitrous oxide, particulates,

mercury, or carbon dioxide, improving Kansans' health.

- **Energy security.** Kansas resources reduce our dependence on imports, foreign and domestic, and decrease our vulnerability to supply disruption. Plug-in hybrid vehicles will allow us to drive on Kansas wind rather than Middle East oil.

For a modest short-term cost – no more than a 1% rate increase according to Lawrence Berkeley National Lab – we can lock in long-term benefits that include rate advantage.

Sources:

<http://www.nrel.gov/docs/fy08osti/41409.pdf>

http://epa.gov/CHP/state-policy/renewable_fs.html

<http://eetd.lbl.gov/ea/ems/reports/lbnl-154e.pdf>

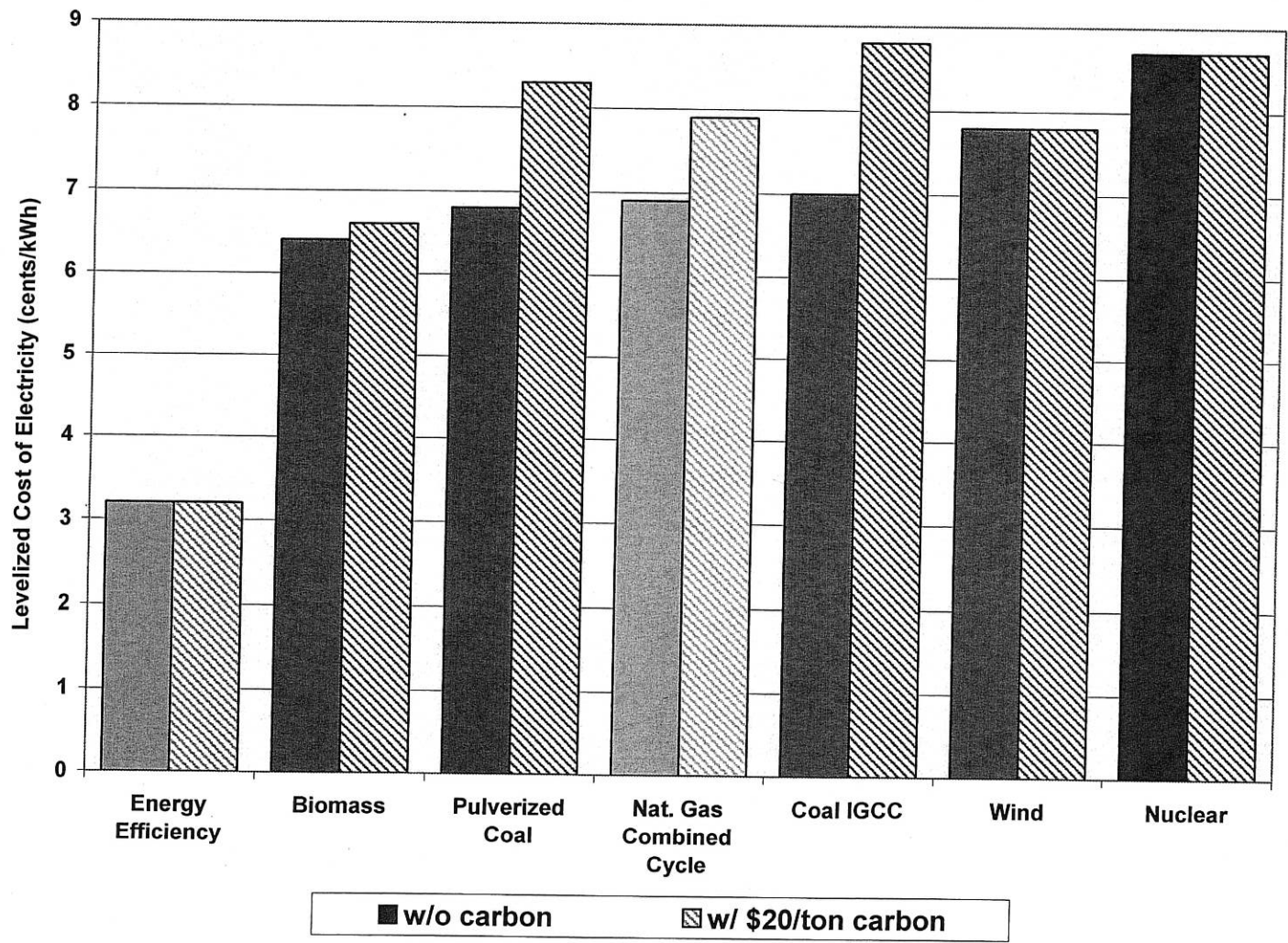
Net metering for solar: proponents will appreciate statewide availability from all utilities and consistent interconnection standards. 150% of avoided cost seems to provide low remuneration for solar energy, a high-value, peak-shaving renewable for which many utilities are willing to pay a premium. Given that bidirectional meters are not required, and that 1:1 credit is not offered, some may argue that this bill does not meet the definition of net metering.

Powers of the Secretary Under the Kansas Air Quality Act: As proponents of this section of the bill amply testified, this part of SB 265 is widely understood to offer a remedy for permits previously denied to build coal plants near Holcomb. That matter is outside the realm of CEP's expertise, and we take no position on it.

However, we would observe that "regulatory uncertainty" around carbon dioxide – an issue central to our expertise – resides firmly at the federal level.

Since the Supreme Court found that "greenhouse gases fit well within the Clean Air Act's capacious definition of air pollutant" in *Massachusetts v. EPA*, this matter has been in flux. Administrator Johnson declined to file his agency's endangerment finding, but President Obama's EPA is expected to do so within weeks, beginning a protracted (often 12-18 month) rulemaking process on carbon dioxide and other greenhouse gases. Until that process is concluded, uncertainty will remain.

Cost of New Electricity Resources



Source: ACEEE 2008, EPRI 2006 & UCS 2008

U.S. Wind Power Manufacturing Plants

Turbines

- 1 Acciona Energy - West Branch, IA
- 2 Clipper - Cedar Rapids, IA
- 3 Composite Technology/DeWind - Round Rock, TX
- 4 Fuhrlander AG - Butte, MT
- 5 Gamesa - Harrisburg, PA
- 6 GE Energy - Pensacola, FL
- 7 GE Energy - Greenville, SC
- 8 Nordic Windpower - Pocatello, ID

Towers

- 1 Aerisyn - Chattanooga, TN
- 2 Ameron International - Cucamonga, CA
- 3 Beaird - Shreveport, LA
- 4 Bergen - El Paso, TX
- 5 DMI - Tulsa, OK

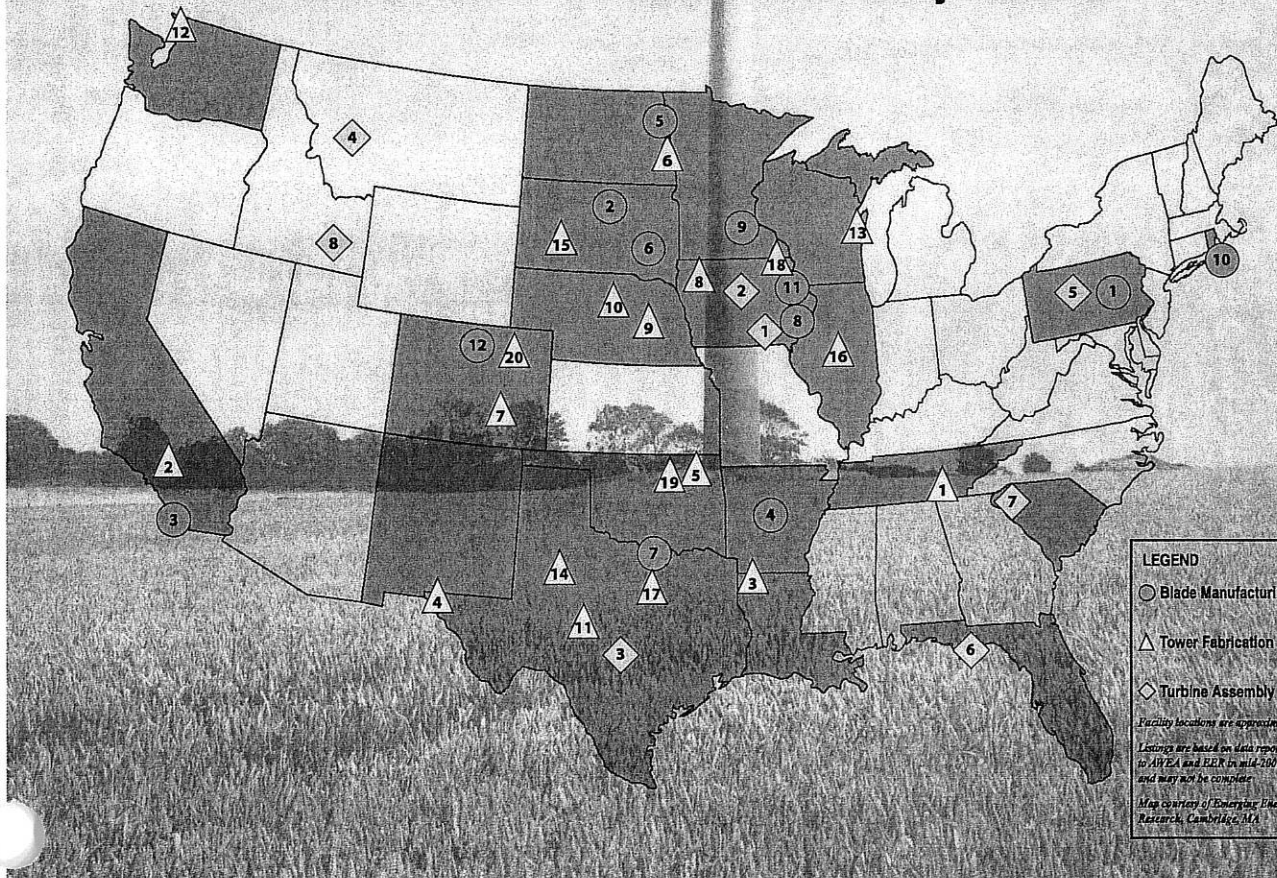
Towers (cont.)

- 6 DMI - West Fargo, ND
- 7 Dragon Wind - Lamar, CO
- 8 Hendricks Industries - Keokuk, IA
- 9 Katana Summit/TBailey - Columbus, NE
- 10 Northstar Wind Towers - Blair, NE
- 11 RTL Windtowers - MacGregor, TX
- 12 TBAiley, Inc. - Anacortes, WA
- 13 Tower Tech - Monitowac, WI
- 14 Tower Tech / Broadwind - Abilene, TX
- 15 Tower Tech / Broadwind - Sioux Falls, SD
- 16 Trinity Structural Towers - Clinton, IL
- 17 Trinity Structural Towers - Fort Worth, TX
- 18 Trinity Structural Towers - Newton, IA
- 19 Trinity Structural Towers - Tulsa, OK
- 20 Vestas #2 - Brighton, CO

Blades

- 1 Gamesa - Edensburg, PA
- 2 Knight & Carver - Howard, SD
- 3 Knight & Carver - National City, CA
- 4 LM Glasfiber - Little Rock, AR
- 5 LM Glasfiber - Grand Forks, ND
- 6 Molded Fiberglass - Aberdeen, SD
- 7 Molded Fiberglass - Gainesville, TX
- 8 Siemens - Fort Madison, IA
- 9 Suzlon - Pipestone, MN
- 10 TPI - Warren, RI
- 11 TPI - Newton, IA
- 12 Vestas - Windsor, CO

Large-Scale U.S. Wind Turbine Supply Chain Investments (as of 3Q, 2008)

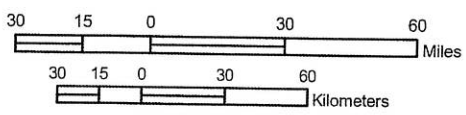
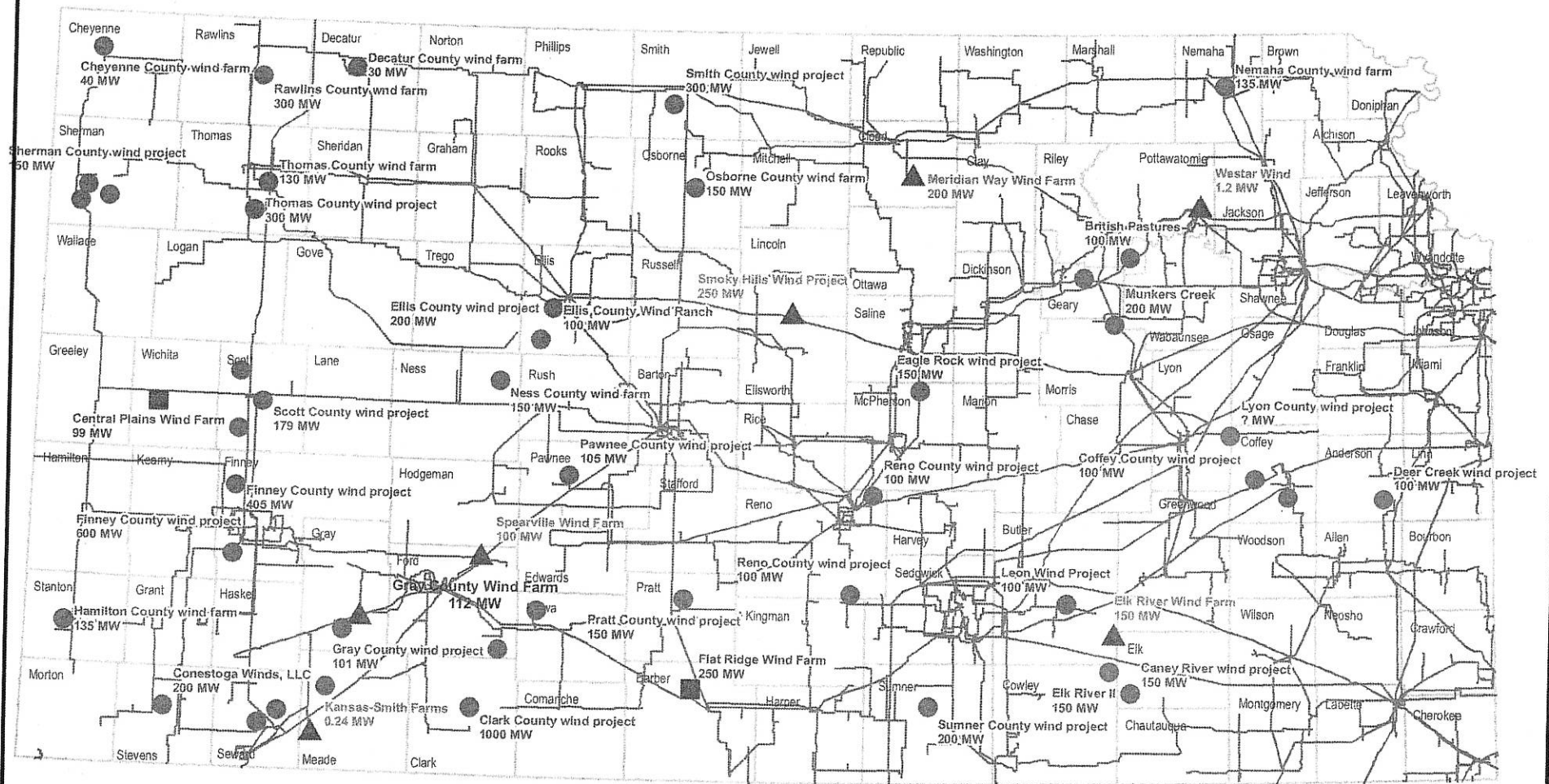


LEGEND
 ○ Blade Manufacturing
 △ Tower Fabrication
 ◇ Turbine Assembly
 Facility locations are approximate
 Listings are based on data reported to AWEA and EER in 1H-2008 and may not be complete
 Map courtesy of Emerging Energy Research, Cambridge, MA

PROPOSED and EXISTING WIND PROJECTS in KANSAS

January 2009

9-5



Projection Information:
 Name: Lambert Conformal Conic
 Datum: NAD83 Spheroid GRS 1980
 Distance Units: meters

Legend

Status

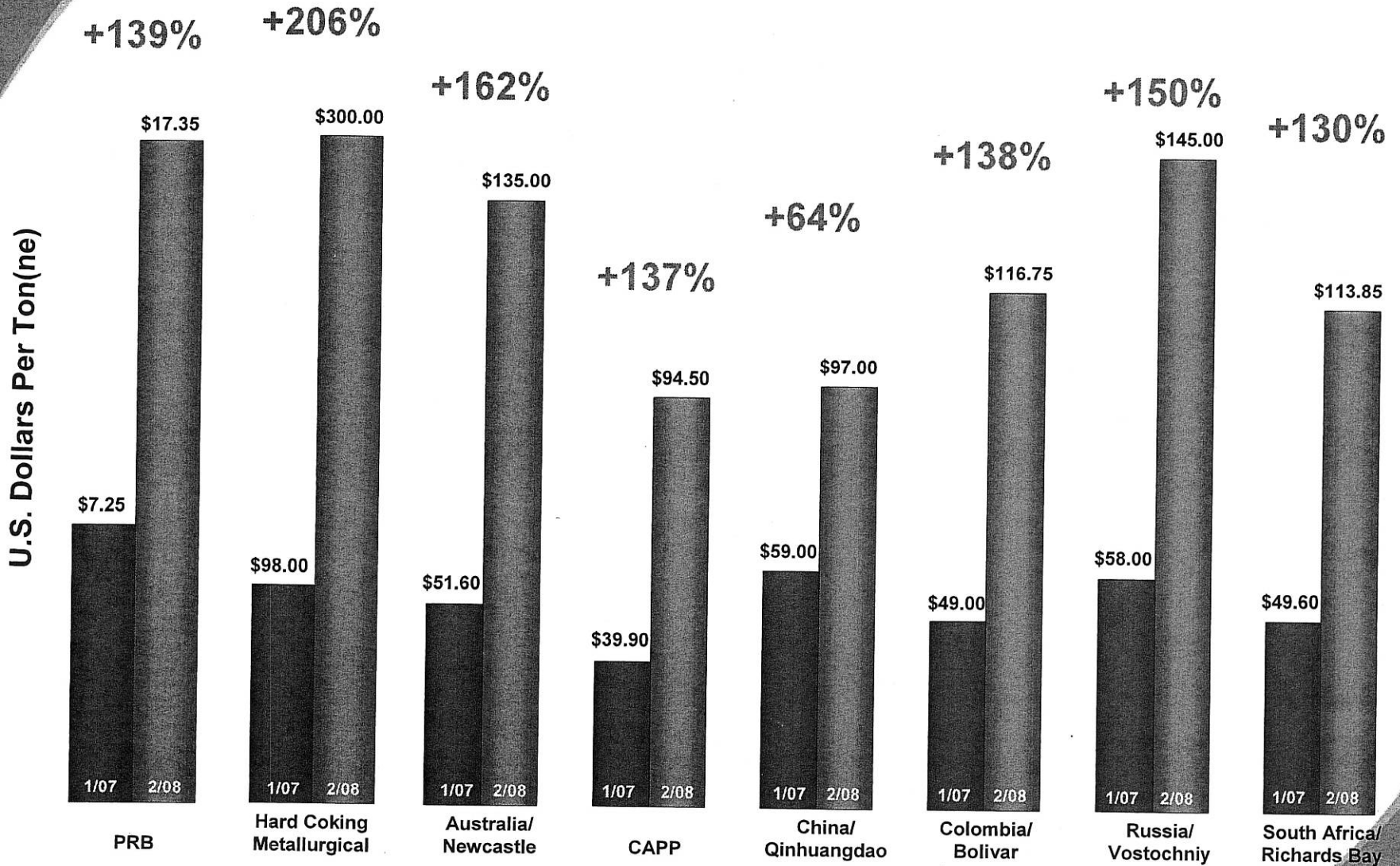
- ▲ Existing
- Under Construction
- Proposed

Electrical Transmission Lines also shown

For more information on individual wind projects, go to the Kansas Energy Information Network - Wind Projects page: www.KansasEnergy.org/wind_projects.htm



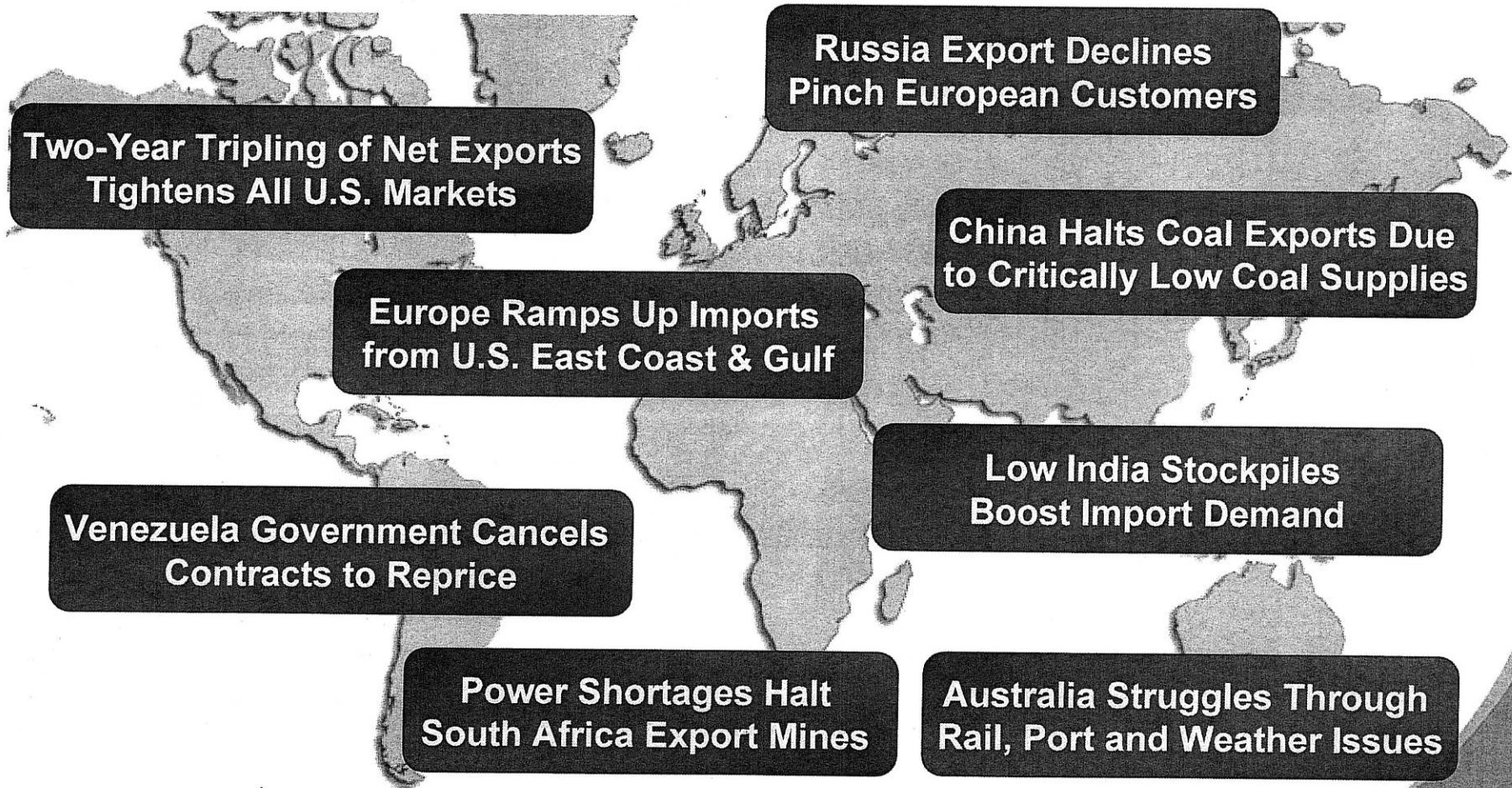
Coal Prices Reaching Record Highs in Current Markets



Source: Global Coal Newcastle Index; McCloskey's Coal Report; Industry Reports. (Updated February 29, 2008.)

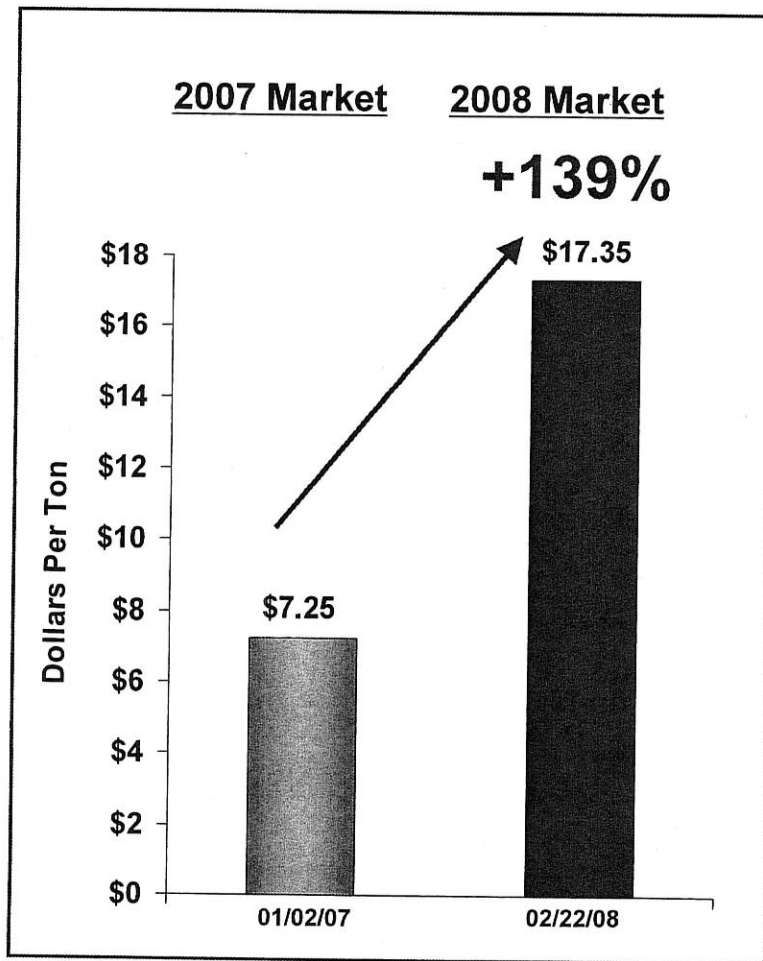
Roaring Global Coal Demand Growth Straining Supplies in All Markets

*Common Themes: Hyper-Growth; Straining Infrastructure;
Lack of Alternative Fuels; Cost Pressures*



PRB Markets Strengthen from Pull of Exports and Domestic Growth

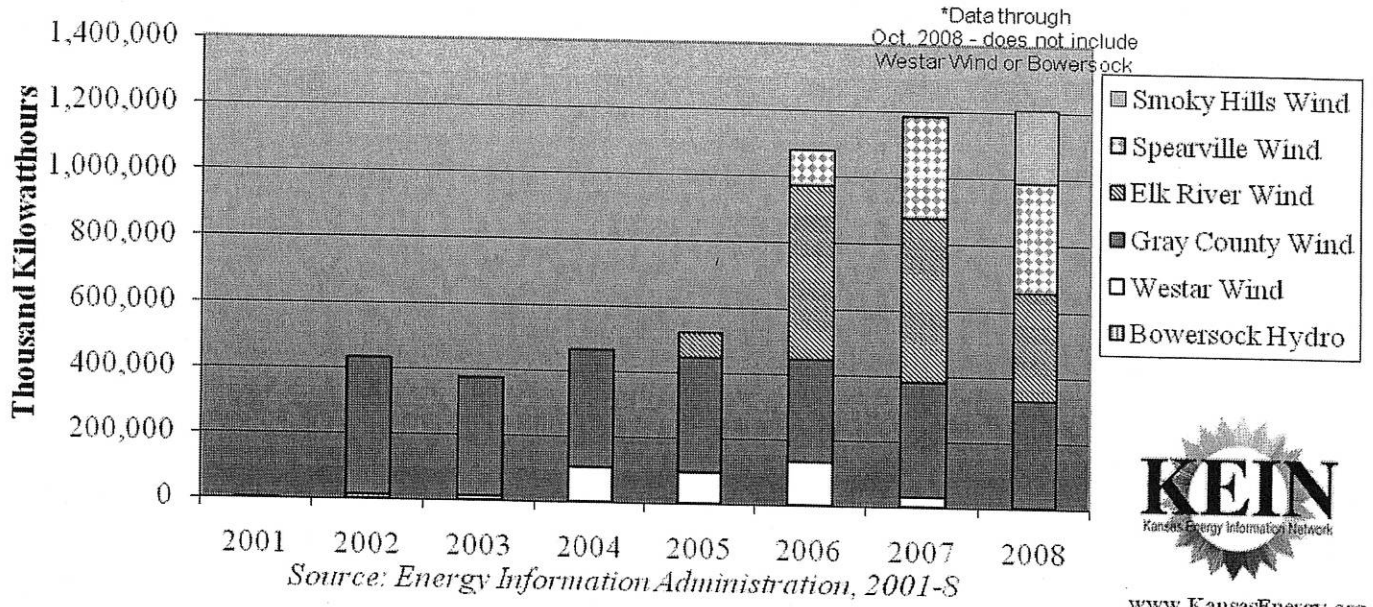
OTC PRB 8800 Prices



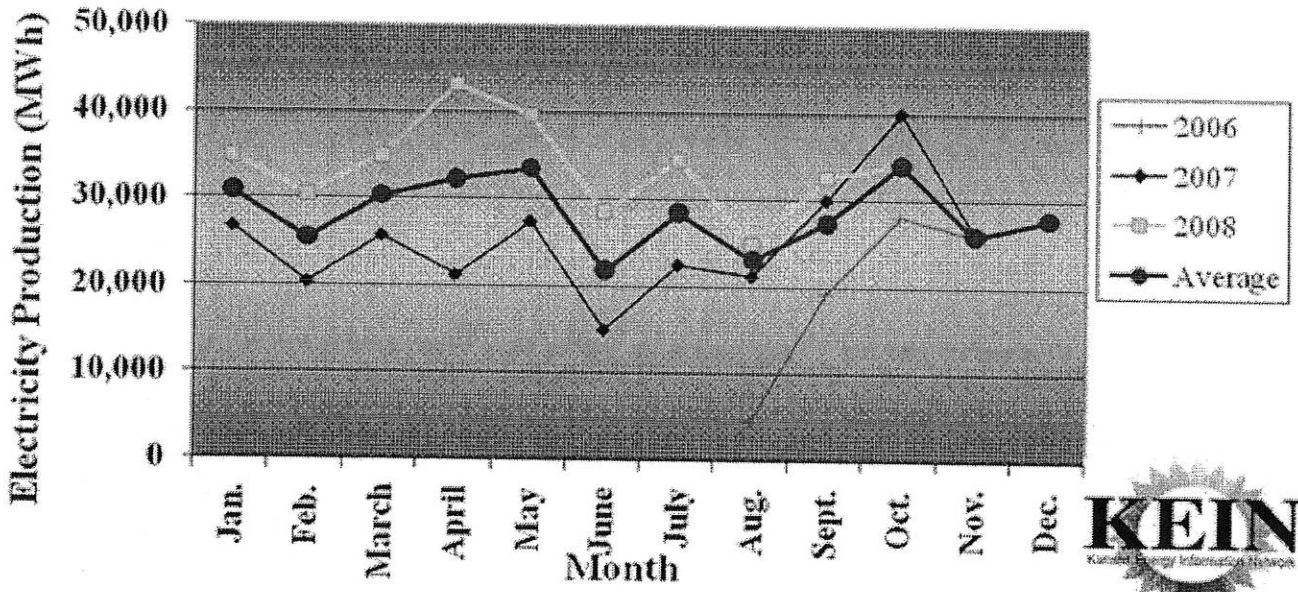
- PRB pricing doubles in one year
- Best U.S. volume leverage over next several years
- Unpriced U.S. volumes: **80 - 90 Million for 2009**
140 - 150 Million for 2010
- Peabody's 2007 realized premium PRB prices 29% higher than 2006

Source: Industry estimates for PRB 8,800 2008 delivery. Updated February 29, 2008. Unpriced U.S. volumes as of Dec. 31, 2007.

Kansas Electricity Production from Renewable Energy, 2001-2008



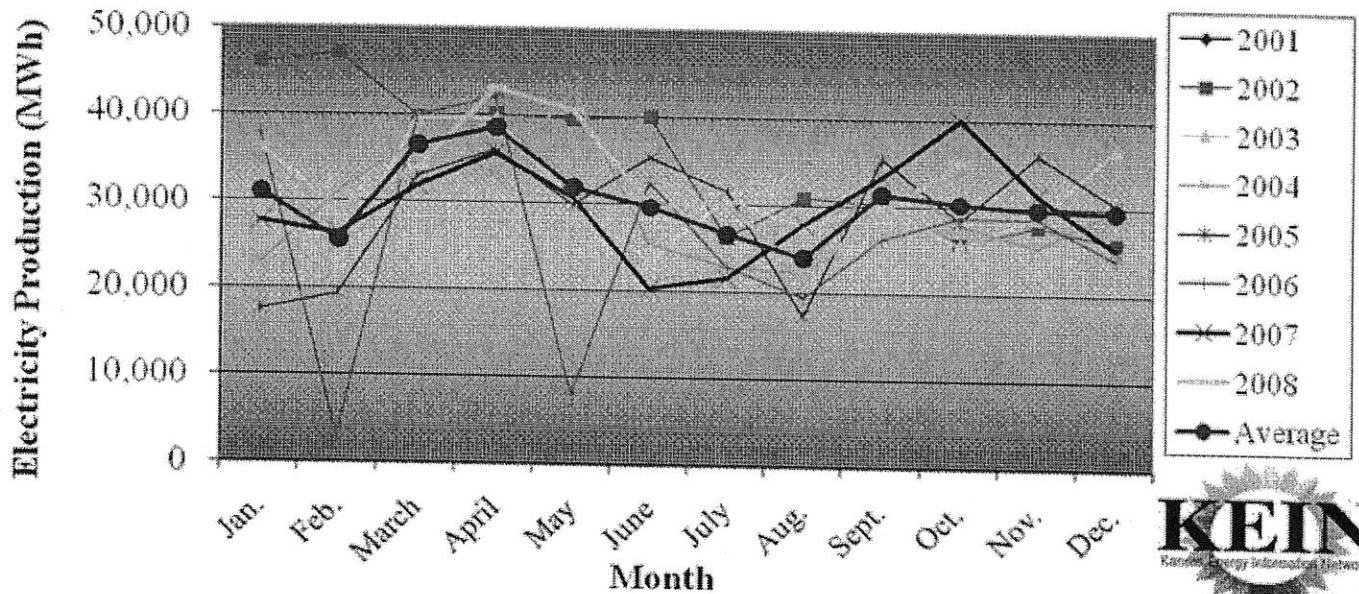
Spearville Wind Farm Monthly Production



Source: Energy Information Administration, 2008



Gray Co. Wind Farm Monthly Production

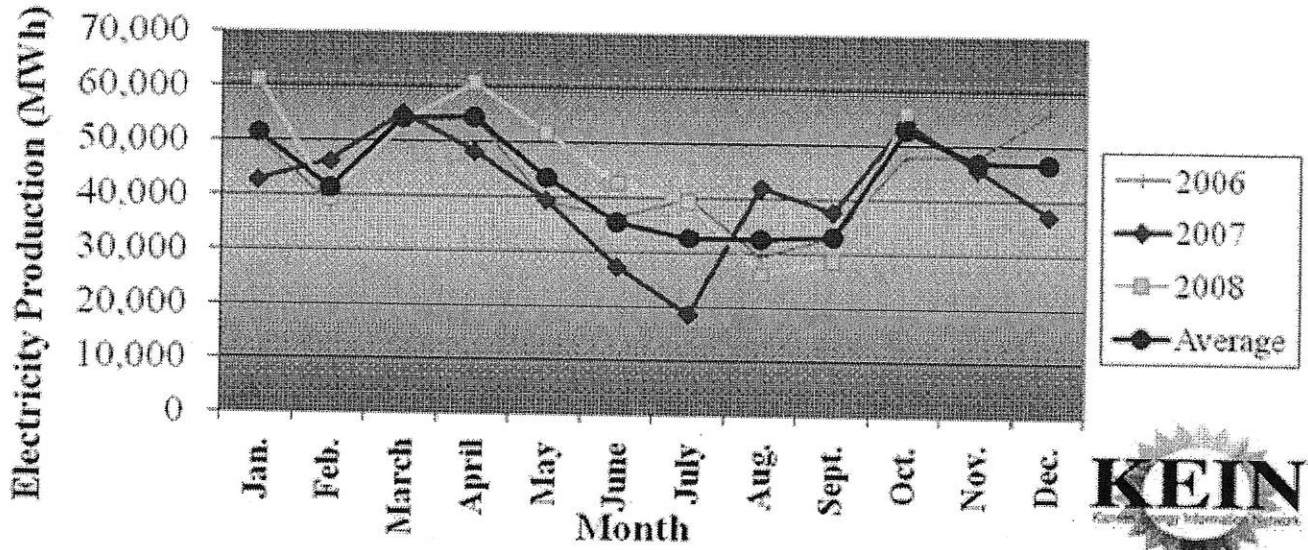


Source: Energy Information Administration, 2001-2008

www.KansasEnergy.org



Elk River Wind Farm Monthly Production



Source: Energy Information Administration, 2007



Tax Expenditures

Tax Expenditures are Large and Growing Support Provided to Electricity Production

We estimate electricity-related tax expenditures totaled \$18.2 billion from FY2002 to FY2007 (2007 dollars).³

- \$13.7 billion for fossil fuels
- \$2.8 billion for renewables
- \$1.7 billion for transmission
- None assigned to nuclear

Electricity-related tax expenditures increased from \$2.2 billion to \$4.1 billion (2007 dollars) from FY2002 to FY2007.

- Fossil fuels: \$1.9 billion to \$2.7 billion (43% increase)
- Renewables: \$238 million to \$790 million (232% increase)

Many tax expenditures applied to multiple fuels.

- We made assignments to fuels based, in part, on EIA data.

Many electricity-related tax expenditures created since 2005, others extended or expanded.

³Summing tax expenditures does not take into account interactions between individual provisions.



9-13

Tax Expenditures

FY2007 Electricity-Related Tax Expenditure Estimates

Tax expenditure related to electricity production in fiscal year 2007	Total tax expenditure estimate	Assigned to electricity
Credit for holding clean renewable energy bonds (CREBs)	\$60	\$60
Credit for investment in clean coal (power generation) facilities	30	27
Credit for alternative fuel production	2,370	2,095
Exclusion of interest on energy facility bonds	40	40
New technology credit	690	690
Amortize all geological and geophysical expenditures over 2 years	60	16
Exception from passive loss limitation for working interests in oil and gas properties	30	6
Excess of percentage over cost depletion, fuels	790	160
Expensing of exploration and development costs, fuels	860	224
Natural gas distribution pipelines treated as 15-year property	50	15
Partial expensing for advanced mine safety equipment	10	9
Exclusion of special benefits for disabled coal miners	50	44
Capital gains treatment of royalties on coal	170	150
Temporary 50% expensing for equipment used in the refining of liquid fuels	30	1
Deferral of gain from dispositions of transmission property to implement Federal Energy Regulatory Commission (FERC) restructuring policy	530	530
Sum of tax expenditure revenue loss estimates	\$5,770	\$4,067

Source: GAO analysis of tax expenditure data in OMB budget report for fiscal year 2008.

Note: Summing tax expenditure estimates does not take into account interactions between individual provisions.



9-14

9-15

Research and Development

DOE Electricity-Related R&D Funding Totals \$11.5 Billion (2007 dollars) from FY2002 to FY2007 and Increased by About 35% over this Period

We estimate that DOE electricity-related R&D funding totaled \$11.5 billion from FY2002 to FY2007.

- Nuclear: \$6.2 billion
- Fossil Fuels: \$3.1 billion
- Renewables: \$1.4 billion
- Transmission: \$0.7 billion

(Amounts for nuclear, fossil fuels, renewables and transmission do not add up to \$11.5 billion due to rounding.)

R&D funding across all fuel types increased by 35% from FY2002 through FY2007, from \$1.6 billion to \$2.2 billion, respectively.

- Nuclear: \$775 million to \$1,235 million (59% increase)
- Fossil Fuel: \$531 million in 2002 and 2007 (0% increase)
- Renewable: \$248 million to \$305 million (23% increase)²
 - Solar: increased from \$126 million to \$203 million (60% increase)
 - Geothermal: decreased from \$36 million to \$6 million (84% decrease)

²Funding for hydrogen increased 154%; however, this fuel type was not allocated to electricity since it is used primarily as an alternative fuel for transportation.



91-6



Energy Information Administration

Official Energy Statistics from the U.S. Government

[Home](#) > [Electricity](#) > [EPM](#) > Average Retail Price of Electricity to Ultimate Customers by End-Use Sector, by State

Average Retail Price of Electricity to Ultimate Customers by End-Use Sector, by State

Electric Power Monthly with data for November 2008
Report Released: February 13, 2009
Next Release Date: Mid-March 2009

Table 5.6.A. [xls](#) format [Electric Power Monthly](#)

Table 5.6.A. Average Retail Price of Electricity to Ultimate Customers by End-Use Sector, by State, November 2008 and 2007 (Cents per kilowatthour)

Census Division and State	Residential		Commercial ¹		Industrial ¹		Transportation ^[1]		All Sectors	
	Nov-08	Nov-07	Nov-08	Nov-07	Nov-08	Nov-07	Nov-08	Nov-07	Nov-08	Nov-07
New England	17.99	16.4	15.44	14.26	13.53	12.83	8.89	9.83	16.02	14.75
Connecticut	19.81	18.78	16.35	14.73	14.3	13.26	11.38	12.82	17.37	15.99
Maine	16.1	16.86	12.92	13.3	11.88	14.31	--	--	13.81	14.94
Massachusetts	17.74	15.57	15.46	14.61	14.46	13.03	7.58	8.21	16.05	14.62
New Hampshire	16.25	14.81	14.63	13.31	13.09	12.05	--	--	14.99	13.64
Rhode Island	19.49	14.65	16.95	13.08	15.42	11.96	--	--	17.67	13.47
Vermont	14.79	14.37	12.66	12.4	9.05	8.92	--	--	12.39	12.15
Middle Atlantic	14.29	13.82	13.03	12.88	8.23	7.6	11.32	8.73	12.47	11.94
New Jersey	15.55	13.51	13.44	12.34	12.38	10.33	13.98	11.46	14.04	12.43
New York	16.92	16.94	15.05	15.48	9.6	8.21	12.25	9.12	14.99	14.71
Pennsylvania	11.38	11.08	9.43	9.26	7.01	6.72	7.07	6.7	9.31	8.98
East North Central	10.84	9.95	8.95	8.52	6.6	5.85	9	6.74	8.78	7.94
Illinois	12.15	10.58	8.54	8.46	7.78	6.65	8.72	6.25	9.55	8.56
Indiana	9.47	8.83	8.24	7.5	5.88	4.97	10.54	10.35	7.56	6.65
Michigan	10.81	10	9.26	8.79	6.81	6.23	10.34	11.75	8.96	8.3
Ohio	10.21	9.6	9.43	8.77	6.47	5.73	11.33	10.88	8.57	7.79
Wisconsin	11.69	10.95	9.43	8.75	6.72	6.03	--	--	9.19	8.38
West North Central	8.56	8.07	6.84	6.4	5.14	4.74	6.23	6.83	6.87	6.39
Iowa	9.34	9.25	6.77	6.65	4.58	4.42	NM	--	6.47	6.28
Kansas	8.67	7.67	7.15	6.54	5.62	4.96	--	--	7.18	6.4
Minnesota	9.92	9.09	7.83	7.11	5.81	5.31	7.83	8.64	7.77	7.06
Missouri	7.77	7.37	6.15	5.72	4.79	4.33	4.61	4.99	6.46	5.99
Nebraska	7.57	7.27	6.32	6.02	4.69	4.33	--	--	6.15	5.79
North Dakota	7.5	7.38	6.86	6.76	5.37	5.24	--	--	6.67	6.5
South Dakota	8.21	8.2	6.75	6.71	5.24	5	--	--	7.02	6.9
South Atlantic	10.85	10.12	9.49	8.71	6.52	5.7	11.82	9.71	9.44	8.63
Delaware	14.57	13.68	11.97	11.34	9.4	9.33	--	--	12.11	11.46
District of Columbia	13	10.6	13.14	12.03	9.91	9.02	17.62	11.51	13.17	11.74
Florida	11.98	11.34	10.53	9.86	8.85	7.97	10.66	9.79	11.05	10.4
Georgia	9.61	8.62	9.08	7.84	6.63	5.22	6.73	5.6	8.65	7.41
Maryland	13.84	12.67	12.25	11.31	9.35	9.69	11.22	10.8	12.52	11.66
North Carolina	9.78	9.58	7.5	7.48	5.58	5.46	6.88	2.03	7.94	7.77
South Carolina	10.18	9.32	8.76	7.84	5.82	4.8	--	--	8.11	7.07
Virginia	10.02	8.64	8.11	6.54	6.54	5.26	8.82	7.24	8.58	7.08
West Virginia	7.26	7.06	6.47	6.13	4.41	4.13	5.28	5.55	5.82	5.52
East South Central	9.91	8.66	9.65	8.26	6.4	4.98	12.86	9.18	8.35	6.92
Alabama	10.89	9.41	10.55	8.68	7.12	5.22	--	--	9.26	7.35

Kentucky	8.24	7.76	7.49	6.93	5.14	4.34	--	--	6.43	5.71
Mississippi	10.6	9.49	10.23	9.05	7.51	5.8	--	--	9.34	7.95
Tennessee	10.09	8.37	10.14	8.49	7.06	5.23	12.86	9.18	9.02	7.23
West South Central	12.06	10.94	9.87	9.14	7.84	6.96	9.13	8.57	9.89	8.93
Arkansas	9.61	9.04	7.68	7	6.03	5.3	--	--	7.66	6.91
Louisiana	10.61	8.88	10.52	8.82	8.26	6.13	14.88	14.55	9.61	7.81
Oklahoma	9.11	8.84	7.31	7.13	5.93	5.47	--	--	7.51	7.2
Texas	13.23	12.03	10.36	9.79	8.26	7.66	8.71	8.31	10.65	9.74
Mountain	9.43	8.97	8.07	7.7	5.42	5.4	7.93	7.61	7.66	7.37
Arizona	9.53	9.08	8.42	8.1	5.89	5.8	--	--	8.34	8.03
Colorado	9.94	9.35	8.27	7.74	6.34	5.93	7.83	7.28	8.28	7.78
Idaho	7.25	6.54	6.08	5.28	4.13	3.57	--	--	5.95	5.25
Montana	8.95	8.42	8.19	8	5.65	5.18	--	--	7.47	6.96
Nevada	12.71	12.6	10.27	10.2	6.29	7.18	8.59	9.42	8.99	9.38
New Mexico	9.71	9.25	8.33	7.84	5.31	5.86	--	--	7.72	7.55
Utah	7.96	7.7	6.4	6.02	4.12	3.91	7.92	7.66	6.11	5.83
Wyoming	8.37	7.8	6.67	6.31	4.35	3.99	--	--	5.57	5.18
Pacific Contiguous	11.96	11.68	11.2	10.61	8.31	7.87	8.09	8.2	10.8	10.38
California	14.76	14.37	12.78	12	10.49	9.78	8.13	8.24	12.9	12.29
Oregon	8.41	8.57	7.32	7.18	5.61	5.53	6.66	6.78	7.31	7.33
Washington	7.74	7.52	7.06	6.78	4.99	4.74	6.09	6.21	6.78	6.59
Pacific Noncontiguous	25.88	21.78	22.63	18.87	23.01	18.47	--	--	23.77	19.67
Alaska	16.34	15.05	13.35	12.15	12.75	12.72	--	--	14.28	13.27
Hawaii	33.41	26.59	30.47	24.42	26.72	20.61	--	--	29.95	23.67
U.S. Total	11.47	10.7	10.13	9.5	7.06	6.28	10.61	8.76	9.73	8.94

[1] See Technical notes for additional information on the Commercial, Industrial, and Transportation sectors.

NM = Not meaningful due to large relative standard error or excessive percentage change.

Notes: See Glossary for definitions. Values for 2007 are final. Values for 2008 are preliminary estimates based on a cutoff model sample. See Technical Notes for a discussion of the sample design for the Form EIA-826. Utilities and energy service providers may classify commercial and industrial customers based on either NAICS codes or demands or usage falling within specified limits by rate schedule. Changes from year to year in consumer counts, sales and revenues, particularly involving the commercial and industrial consumer sectors, may result from respondent implementation of changes in the definitions of consumers, and reclassifications. Retail sales and net generation may not correspond exactly for a particular month for a variety of reasons (i.e., sales data may include imported electricity). Net generation is for the calendar month while retail sales and associated revenue accumulate from bills collected for periods of time (28 to 35 days) that vary dependent upon customer class and consumption occurring in and outside the calendar month. Totals may not equal sum of components because of independent rounding.

Source: Energy Information Administration, Form EIA-826, "Monthly Electric Sales and Revenue Report with State Distributions Report."

More Tables on the Average Retail Price of Electricity

Formats

Table ES. Summary Statistics for the United States	html	pdf	xls
Table 5.3. Average Retail Price of Electricity to Ultimate Customers: Total by End-Use Sector	html		xls
Table 5.6.B. Average Retail Price of Electricity to Ultimate Customers by End-Use Sector, by State, Year-to-Date	html		xls
Table ES1.A. Total Electric Power Industry Summary Statistics,	html		xls
Table ES1.B. Total Electric Power Industry Summary Statistics, Year-to-Date	html		xls
Average Price by State by Provider (EIA-861)			xls
Current and Historical Monthly Retail Sales, Revenues and Average Revenue per Kilowatthour by State and by Sector (Form EIA-826)			xls
Form EIA-861 Database			DBF
Table 7.4. Average Retail Price of Electricity to Ultimate Customers by End-Use Sector	html	pdf	xls
"Electric Sales, Revenue and Average Price"	html		

see also:
Electric Power Monthly

9-17

SENATE BILL No. 265

By Committee on Ways and Means

2-12

9 AN ACT concerning energy; relating to conservation and electric gen-
10 eration, transmission and efficiency and air emissions; amending
11 K.S.A. 19-101a and 65-3012 and K.S.A. 2008 Supp. 65-3005, 65-3008a
12 and 66-1,184 and repealing the existing sections; also repealing K.S.A.
13 19-101m.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 WHEREAS, The federal government is currently contemplating the
17 regulation of certain emissions from stationary, mobile and area sources
18 not currently regulated by the United States environmental protection
19 agency, the form and requirements of which cannot be predicted at this
20 time, but which could include cap and trade regulations, national energy
21 taxes or a specific tax on one or more of such emissions that would pre-
22 empt state-specific programs intended to reduce the emission of green-
23 house gases and other emissions; and

24 WHEREAS, Any uncoordinated state regulatory initiative intended to
25 regulate such emissions may be inconsistent with subsequent congress-
26 sional determinations and with related federal legislation; and

27 WHEREAS, An individual Kansas response to the development of
28 new regulatory programs intended to regulate emissions not currently
29 regulated by the federal government is premature: Now, therefore,

30 New Section 1. As used in sections 1 through 5, and amendments
31 thereto:

32 (a) "ASHRAE" means American society of heating, refrigerating and
33 air-conditioning engineers, inc. standard ~~90.1-2004~~.

34 (b) "Energy star" means the joint program of the United States en-
35 vironmental protection agency and the United States department of en-
36 ergy which labels certain products that meet energy efficiency standards
37 adopted for such products.

38 (c) "IECC" means the ~~2006~~ international energy conservation code.

39 (d) "New state building" means any building or structure which is
40 constructed by the state or any agency of the state and the construction
41 of which commences on or after July 1, 2010.

42 New Sec. 2. The secretary of administration shall adopt rules and
43 regulations for state agencies for the purchase of products and equipment,

1 including, but not limited to, appliances, lighting fixtures and bulbs, and
2 computers, which meet energy efficiency guidelines which are not less
3 than the guidelines adopted for such products to qualify as an energy star
4 product if the projected cost savings for the useful life of such products
5 and equipment is equal to or greater than the additional cost compared
6 to functionally equivalent products and equipment of lower efficiency.

7 New Sec. 3. (a) ~~The department of administration shall collect data~~
8 ~~on energy consumption and costs for all state-owned and leased real prop-~~
9 ~~erty and the secretary of administration shall submit a written report to~~
10 ~~the legislature on or before the first day of the 2010 regular session of~~
11 ~~the legislature and on or before the first day of each ensuing regular~~
12 ~~session of the legislature identifying state-owned or leased real property~~
13 ~~locations in which an excessive amount of energy is being used in ac-~~
14 ~~cordance with rules and regulations adopted by the secretary of admin-~~
15 ~~istration concerning energy efficiency performance standards for state-~~
16 ~~owned or leased real property.~~

17 (b) The secretary of administration shall not approve a new lease or
18 a renewal or extension of an existing lease of non-state owned real prop-
19 erty unless the lessor has submitted an energy audit for such real property
20 that is the subject of such lease. The secretary of administration shall
21 adopt rules and regulations establishing energy efficiency performance
22 standards which shall apply to leased space and improvements which the
23 lessor shall be required to address based on such energy audit.

24 New Sec. 4. (a) Within the limitations of appropriations therefor, the
25 Kansas energy office of the state corporation commission shall develop
26 and increase the participation of school districts and local governments
27 in the facilities conservation improvements program (FCIP) pursuant to
28 K.S.A. 75-37,125, and amendments thereto.

29 (b) The state corporation commission shall strongly encourage state
30 agencies which operate and maintain state-owned buildings that are not
31 participating in the FCIP to participate in the FCIP pursuant to K.S.A.
32 75-37,125, and amendments thereto, on or before December 1, 2011.

33 New Sec. 5. The secretary of administration shall adopt rules and
34 regulations prescribing energy efficiency performance standards requir-
35 ing that all new construction and, to the extent possible, renovated state-
36 owned buildings, be designed and constructed to achieve energy con-
37 sumption levels that are at least ~~10% below~~ the levels established under
38 the ASHRAE standard or the IECC, as appropriate, if such levels of
39 energy consumption are life-cycle cost-effective for such buildings and
40 also recommend that new and, to the extent possible, renovated school
41 and municipal buildings meet the same requirements.

42 New Sec. 6. (a) (1) By the year 2013, for each public utility, the
43 nameplate capacity of the renewable electric generation facilities included

The secretary of administration shall adopt rules and regulations for state agencies for the conduct of an energy audit at least every five years on all state-owned real property and