



*Opponent Testimony Provided to the
Senate Local Government Committee
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In Opposition to Senate Bill 325

Good afternoon, Madam Chairwoman, Vice-Chair and Ranking Member,

Introduction:

Enel North America, through its subsidiary, Enel Green Power, is a leading developer, owner and operator of renewable energy projects and currently has the largest wind capacity of any wind operator in the state of Kansas.

Position on SB 325:

Enel Green Power opposes the passage of SB 325 because it will create uncertainty in developing new wind resources and undermine Kansas' commitment to affordable and reliable energy, resulting in a loss of jobs and economic opportunity. Failure to record lease agreements because of the 30-day timing restrictions proposed in the bill to acquire a building permit or conditional use permit creates several problems for developers:

1. A developer cannot proceed to obtain a building or conditional use permit unless it can demonstrate that it has site control. If a lease is not recorded, then the site control is in question.
2. Obtaining a building permit or a conditional use permit in 30 days, without demonstrated site control is impossible. But, obtaining these permits with site control in 30 days is also not usually possible. The developer does not control the timing of the process to obtain these permits and would prefer to defer to the local authority as to its processes for considering the application for the permit(s). As such, 30 days is an arbitrary and, in Enel's experience, inordinately limited timeframe.

Value of the Resources:

Wind and solar generation are not intended to be a substitute for other generation, but instead play an important role in diversifying the generation fleet and reducing the exposure to volatile fuel supply costs while meeting the electricity needs of Kansans. Local officials and residents should have the ability to decide whether a wind or solar development project is a good fit for their community.



Enel Green Power operates six wind power plants in Kansas, representing over \$2.7 billion in total investment and has created 210 full-time, permanent jobs in the state. Enel Green Power is invested in Kansas and committed to the long-term health and viability of the communities where it operates. This support comes in the form of supporting native Tallgrass Prairie habitat from invasive species and supporting local education and scholarship programs.

Enel Green Power's most recent 199 MW addition to the Cimarron Bend wind farm in Clark County, Kansas resulted in over 250 temporary jobs and 5-10 permanent operations and maintenance positions. The \$281.4 million expansion is estimated to generate an additional \$49 million in lease payments to local landowners and over \$18 million in new revenue to fund schools and public services over its lifetime. That is in addition to existing local landowner payments of \$12.5M (2020).

Enel Green Power will provide more than \$144M in PILOT payments over a 20-year period to the counties that host its wind projects. Over \$36.5M has already been paid through PILOT payments, and another \$107.5M will be paid over the next 20 years. The projected \$107.5M in PILOT payments assumes no new development in the state, even though Enel Green Power is pursuing an active growth strategy in the US. If SB 325 passes, it will cause Enel, and companies like it, to consider investing in other communities in other states, leaving these communities with less economic opportunities than they have today.

Conclusion:

Planning and zoning are crucial to balance energy needs with other community goals and concerns and are best left to county leaders. Counties should be able to create their own procedures for approving or overturning approval for renewable energy projects. County leaders can thoughtfully consider the interests of community residents and businesses, while establishing specific standards and processes for developing renewable energy systems.

It is imperative to consider all the costs and benefits of SB 325, which will result in lost economic opportunity to Kansas and its communities. Kansas leaders had the foresight to make the state a leader for wind power. If SB 325 passes, landowners, counties, construction workers, businesses, and schools will not continue to reap the benefit of a vibrant and diverse energy system.

Thank you for your consideration and we urge your opposition to SB 325.