



OPPOSITION TESTIMONY TO SB 279
Senate Utilities Committee
March 23, 2021

Presented by:
Michele T. Wheeler
VP, Regulatory & Political Affairs
NextEra Energy Resources, LLC

Chairman Thompson and committee members: Thank you for the opportunity to present information opposing SB 279. NextEra Energy Resources (NEER) is the largest generator of renewable energy from the wind and sun in the world. As of December 31, 2020, affiliates of NextEra Energy Resources own and operate approximately 26,000 MW of capacity including wind, solar, and energy storage. NEER owns and operates 138 wind energy projects in 20 states with more than 18,000 MWs of capacity. In Kansas, NEER owns and operates eight wind energy centers totaling about 1,535 MW capacity.

The first wind project in Kansas was built by NEER in Gray County in 2001. NEER has been developing wind projects in Kansas because it is a great business for Kansas and possibly one of the best economic development tools for rural Kansas. This has led NEER to invest over \$2.3 Billion of private money in Kansas.

NEER's 20 year history of operating safe wind energy centers in Kansas speaks to the positive track record of the overall industry. The proposed heavy-handed measures in this bill regarding sound, setback distances, shadow flicker, health impacts, etc., are typical talking points that are raised prior to the development of a wind energy facility to attempt to halt development. NEER prides itself on meeting with members of the community, including, but not limited to, landowners, elected officials, Chambers of Commerce and the Legislators representing the district, prior to development. NEER makes good faith efforts to address the concerns raised by members of the community. NEER engages with communities early and often and transparently discusses all potential impacts with community members as the project progresses. We have found over the years that education on our siting processes and guidelines alleviates most community members concerns regarding overall development

NEER developers work with landowners throughout the state and consider it a privilege to stand up for these landowners. Each wind energy project we develop requires a local partnership. This partnership is between NEER as the developer and those who own the ground we build on – the landowner. Our projects in Kansas represent over 2,000 individual participating landowners and over \$8 million in payments to these individual landowners each year. Many provisions in this bill would prevent this partnership and the opportunity for landowners to earn income off of the ground they own. Our projects are compatible with agricultural businesses and afford the farming community an additional source of revenue. Especially taking into consideration the events of this past year concerning the pandemic, we feel our partnerships with landowners around the state provide an additional source of cash flow in a time of great need.



The property rights of landowners to earn this income from their own ground is often forgotten as those concerned about the view shed proclaim their rights as property owners. Specifically, the proposed setbacks give an opposing landowner the ability to dictate what a neighbor can or cannot do with their land. Where else do we allow this to occur? While our projects are built on an agreement between ourselves and participating landowners, we understand that there are landowners who choose not to participate in a project. In these situations, as stated above, we work in good faith to address the specific concerns. We at the very least we often approach landowners near our proposed infrastructure and communicate with about the projects expected lack of impacts on their specific properties.

The other area where NEER forges relationships is with the elected county officials and other local officials. SB 279 demonstrates a disregard for these officials, the existing planning and zoning processes they oversee, and their right to site projects in the manner they deem best for their counties and communities. More than 40 wind projects have been built in Kansas honoring this conservative principle of local control and governance at the level closest to the people. Hundreds of Kansas citizens have been afforded the opportunity to speak at the public hearings which are part of this local process.

SB 279 also contains a very prescriptive proposal for measuring the sound produced by commercial wind turbines. (See pages 4-6 of the bill). To give some perspective, trains with their horns have been measured at 116 dB from 100 feet away. Some other common sounds in our lives measure at 95 dB for a lawn mower and 80 dB for a garbage disposal. Conversation is considered to be 60 dB and a quiet room is 40 dB. Wind turbine sound with a typical setback averages about 45 dB. This section of the bill appears to be solving a problem which does not exist with commercial wind turbines. NEER often collaborates with industry groups and has vetted the best practices for siting wind farms appropriately with industry experts throughout the world.

SB 279 would eliminate any future wind energy investment in Kansas. It appears to be a biased attack on a safe, healthy, productive, market driven industry that is injecting billions of dollars in private investment into our rural areas where it is needed most. It should be rejected as an outrageous compilation of prescriptive regulations which cannot be justified.

NEER asks that you please consider the harm that this bill will cause Kansas. There are billions of dollars at stake. As stated above, this bill would essentially kill off any future investment of wind energy in Kansas. Not only will this reduce capital investment from wind energy, but there will undoubtedly be a reduction in other investments in Kansas, as companies that are looking to procure their energy needs via renewable energy will choose another state that is more favorable to renewable development. NEER values its standing as a good neighbor to communities across Kansas and would ask to be afforded the ability to continue to support economic growth both with individuals and communities throughout the state.