

22 March 2021

**RE: Written Testimony on SB 279**

Dear Chairman Thompson and Members of the Committee,

EDP Renewables North America (EDPR) appreciates the opportunity to provide testimony to the Senate Utilities Committee regarding SB 279. EDPR stands respectfully in opposition of this bill.

EDPR and its subsidiaries develop, construct, own, and operate wind farms and solar parks throughout North America. Headquartered in Houston, Texas, with 53 wind farms, 8 solar parks, and 7 regional offices across North America (including in Overland Park, Kansas), EDPR has developed more than 7,500 megawatts (MW) and operates more than 7,200 MW of renewable energy projects. EDPR has over 800 employees across North America, including a substantial number in Kansas.

EDPR owns and operates the 201 MW Meridian Way Wind Farm in Cloud County (selling the electricity to both Evergy and Empire District/Liberty Utilities through power purchase agreements), the 199 MW Waverly Wind Farm in Coffey County (selling the electricity to Evergy through a power purchase agreement), and the 199 MW Prairie Queen Wind Farm in Allen County (selling the electricity to Evergy through a power purchase agreement). EDPR has other projects in development throughout the state, including potential expansions of existing wind farms.

EDPR's capital investment in Kansas is over \$1 billion; Kansas county governments have received nearly \$5.2 million in cumulative payments from EDPR through 2019; landowners in EDPR wind farms in Kansas have been paid more than \$15.4 million cumulatively through 2019. Over 800 construction jobs and over 70 permanent jobs have been supported and created, respectively, by EDPR wind farms in Kansas.

EDPR maintains its Kansas development pipeline from our Overland Park Regional Office. EDPR values its presence in Kansas and its relationships with landowners, community leaders, state officials, and power customers, and we look forward to maintaining a strong presence in the state.

SB 279 would effectively kill a job-creating industry in Kansas that has invested billions in rural parts of the state. The setback restrictions and siting limitations are grossly excessive, devoid of any supportive safety or scientific basis, and could be interpreted as a punitive intent to cripple a growing and beneficial industry in the state. While this bill singles out wind energy and wind turbines with no logical or factual basis, the enactment of this bill and these onerous requirements would and should send an ominous message to any industry or investment looking to expand in Kansas.

Perhaps most alarmingly, this bill constitutes an unacceptable infringement on the property rights of rural landowners across the state and would deny the rights of landowners throughout the state to participate in an otherwise lawful activity, resulting in an unfair and unreasonable limitation on the rights of those landowners to enjoy opportunities for additional income.

County commissions and planning boards across the state have successfully regulated the siting of wind energy projects through reasonable ordinances and evaluation processes. This structure has served county residents' interests while also protecting and enabling the property rights of individual landowners. This proposed legislation strips those local government entities of the ability to put in place appropriate siting ordinances and then enforce those ordinances to the will of the local community.

EDPR, along with the rest of the renewable energy industry, has willingly and graciously worked with the Kansas Legislature and the Governor's Office for the better part of 20 years to inform legislators and the governor, address concerns of legislators and constituents, enable responsible and effective policy, and better the lives and opportunities of Kansans across the state.



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We gladly will continue to work with legislators and the governor to address concerns and improve processes wherever possible; however, no business can handle or thrive in an environment where legislation of a crippling nature is actively entertained by legislators from session to session, with no logical reason, and no opportunity to provide input during a fact-finding process.

The benefits rural communities have realized because of wind energy development across the state are readily apparent. SB 279 would undermine the business-friendly stability that a pro-development state like Kansas promotes, and it sends a warning signal to potential investors that the state might arbitrarily and unjustifiably alter regulatory and permitting regimes every legislative session. For these reasons, EDPR respectfully opposes SB 279.

Sincerely,

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