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RE: Written Testimony on HB 2273

February 19, 2019

Dear Chairman Seiwert and Members of the Committee,

EDP Renewables North America LLC (“EDPR”) appreciates the opportunity to provide testimony to the House Committee on Energy, Utilities and Telecommunications regarding HB 2273. EDPR respectfully stands in opposition of this bill.

EDPR is the third-largest wind energy developer/owner/operator in the United States. EDPR develops, constructs, owns, and operates wind farms and solar projects throughout North America; with over 600 employees, 13 offices, and 53 renewable energy projects across the United States, EDPR operates over 6,100 MW of renewable energy generation. This includes a substantial investment in Kansas.

EDPR owns and operates the 201 MW Meridian Way Wind Farm in Cloud County. Evergy, Inc. and The Empire District Electric Company (“Empire”) purchase clean, renewable electricity from Meridian Way through power purchase agreements (Evergy, Inc.: 96 MW; Empire: 105 MW). EDPR also owns and operates the 199 MW Waverly Wind Farm in Coffey County. Evergy, Inc. purchases clean, renewable electricity from Waverly through a power purchase agreement. Finally, EDPR is constructing the Prairie Queen Wind Farm in Allen County, which is scheduled to complete construction and commence commercial operation in May 2019. Evergy, Inc. has entered into a power purchase agreement with EDPR for the purchase of clean, renewable electricity from Prairie Queen.

In sum, EDPR has invested over \$800 million in Kansas via these three projects. We have made considerable additional investment in Kansas via EDPR’s development portfolio across the state, and EDPR maintains its Kansas development pipeline from our Overland Park Development Office. EDPR values its presence in Kansas and its relationships with landowners, community leaders, state officials, and power customers. We look forward to maintaining a strong presence in the state.

For over 15 years, wind energy developers have worked successfully with counties and local communities to responsibly site wind farms in Kansas. In the absence of local zoning or siting regulations, developers maintain siting protocols and setbacks that represent good industry practice with respect to safety and the minimization of undesired impacts. While wind developers consistently demonstrate an adherence to these best practices within the wind industry, financiers and power purchasers also routinely require developers to adhere to these industry standards. No situation or issue has arisen in Kansas that has demonstrated a need to deviate from this common practice, and there is no justifiable basis to strip counties of their local control regarding siting requirements and regulations.

HB 2273 includes setback requirements that egregiously exceed industry standards and established siting requirements in Kansas counties and in other states. This bill, as drafted, is tantamount to a prohibition of wind energy development in the state. There is no safety, economic, and impacts-based evidence to support setback requirements of this magnitude.

Wind energy development has increased in eastern Kansas for numerous reasons, including advancements in wind turbine technology, and the desire of our electric utilities and other customers to secure renewable electricity generation closer to major load centers and outside of significant transmission constraints in central and western portions of the state. Wind energy development has occurred for years in communities similar to those in eastern Kansas, in states such as Iowa, Minnesota, Indiana, Illinois, and Ohio. Adherence to the same industry-standard setback guidelines has resulted in a successful co-existence of rural communities and wind energy development in these states, and there is absolutely no reason to expect a different result in eastern Kansas. To treat wind energy development in eastern Kansas communities (and similar communities elsewhere) as a new phenomenon warranting concern is intellectually dishonest.

Kansas electricity customers benefit from an increased wind energy portfolio in the state. Furthermore, wind energy development and operation across the state has created local jobs and provided billions of dollars in economic investment in rural Kansas. Enactment of discriminatory legislation not rooted in evidence is harmful to this continued investment, and we respectfully urge the committee to reject HB 2273.

Rorik F. Peterson
Director of Development, Central Region
EDP Renewables North America