



*Opponent Testimony Provided to the
Senate Utilities Committee
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In Opposition to Senate Bill 279

Good afternoon Mr. Chairman, Vice-Chair and Ranking Member,

Thank you for the opportunity to provide testimony opposing SB 279, a bill which amounts to nothing less than a complete forfeiture of Kansas's role in America's domestic energy future.

RWE Renewables is part of RWE AG, one of the world's largest energy companies, with a true all-of-the-above energy mix of coal, natural gas, nuclear, hydro, and renewable generation in our portfolio. We have developed, own, and operate more than 30 renewable energy projects across the United States, including utility-scale wind and solar energy projects, as well as grid-scale battery energy storage. We have invested billions of dollars in rural communities, including here in Kansas, and we employ more than 800 people across the country.

Our company has been developing projects in Kansas since 2019 in Labette and Cherokee Counties. Working with farmers, ranchers, and other landowners in Labette County, our most advanced project location in the state, we have successfully signed up nearly 20,000 acres of land to participate in the planned wind farm and have already invested more than \$1 million in developing the project, including more than \$320,000 in lease payments to Kansas landowners. These landowners have entrusted us with their most valuable possession – their land – because they know and trust our proven track record as a renewable energy project developer and operator. In exchange, those Kansans will receive thousands of dollars a year in stable, reliable lease payments which they can use to reinvest in their businesses, build up savings, or help keep their farm in the family for future generations.

But it isn't just project participants who benefit from a renewable energy project. By increasing the local tax base through planned infrastructure investment, our Labette County wind farm is projected to generate millions of dollars in tax payments for the county. That's money Labette County can use to buy new books and keep teachers in the classroom, update public safety equipment or buy a new police car, or help fund any number of other local priorities. However, all those potential benefits of a project and the hopes of all those Kansans who have entrusted us with their land could amount to nothing if SB 279 is passed and signed into law.

SB 279 contains many extremely onerous provisions, any one of which would be enough to completely stop renewable energy project development. Taken together, they would make it impossible to develop wind energy projects in Kansas. For example, the bill mandates a one mile setback distance from nonparticipating property lines, a one and a half mile setback from all residential property, and that turbine density shall not exceed one per square mile. Those are among the most restrictive setback distances in the entire nation. That would be like telling Kansan farmers they can grow all the corn they want in the state, it just has to be under three feet tall. Sure, technically they could grow as much corn they want, but realistically it would make it impossible for them to do business in Kansas; same for wind projects if SB 279 passes and is signed into law.

While some individual provisions of the bill would be workable, for example conducting sound modelling as part of a project application is a normal part of business, the tangled web of poison pill provisions throughout the bill would functionally make it impossible for us to continue doing business in Kansas. If SB 279 is passed and signed into law, RWE will almost certainly have to cancel our projects in the state. SB 279 would deprive Kansans participating in wind energy projects like ours of a steady source of income and tell Kansas's county governments that they can't benefit from the increased tax revenue projects like ours generate.

It is, of course, up to Kansas to set its own course for how it wishes to make public policy, but it seems self-defeating to functionally ban wind energy development in the state at a time when its neighbors are taking steps to invite more wind and renewable energy development. SB 279 would make Kansas's neighbors richer and their people better off thanks to lease payments and increased local tax revenues, while Kansans pay to import energy from projects in those states it could have generated at home if not for passing SB 279.