

January 25, 2023

Senate Bill 46

Written and In-person Testimony

Proponent

Jonathan Sill a Kansas Citizen and Taxpayer

620-200-1706

To the Senate Utilities Committee,

I am speaking to you today as a proponent for Senate Bill 46. This legislation would force the owners of existing and currently commercial operating wind farms to install a form of light mitigating technology on all the towers. I cannot begin to describe to you how needed this legislation is. The night sky surrounding the town I live in has forever been tarnished due to the construction of the Irish Creek Wind farm owned and operated by NextEra Energy. From dusk until dawn 109 red aviation hazard lights flash every 3 seconds and they are supposed to do this until the wind farm ceases operations and the lease agreements are for 90 years. The Aircraft Detection Lighting System (ADLS) is a safe, FAA approved upgrade that will drastically reduce the amount of time these lights will flash at night and NextEra had the opportunity to install these on this facility but chose not to. I have received differing stories as to the reasoning why they are not able to install a system on this facility over the years. From it was due to military airspace concerns, to we applied for them and was told no, to it was an internal decision so we didn't even apply for them, and the last version I was told was they chose not to do this because there are no state statutes requiring them to. I got this from a NextEra representative over a year ago.

Now this is my story from my corner of Kansas. Imagine how many other stories there are out there similar to mine? My wife and I intend on staying in the town we live and send our two younger children through the school system here, but it saddens me that they will never know what a night sky will look like without the constant flashing of 109 red lights from the wind farm surrounding us. With the passage of this legislation, they will be able to get a glimpse of what a true Kansas night sky will look like.

While I wholeheartedly agree with the merit of this legislation, I do feel it needs massive improvement to prohibit its twisting by the wind industry to benefit them over the citizens of Kansas. Some improvements to this bill I would suggest include but are not limited to:

- A hard date as to when the retrofit must be completed by and that date be no later than 2026
- A real-world process giving the various wind companies time to develop plans to upgrade their facilities, apply to the FAA, and if approved install the technology on the facilities.
- A waiver process to allow the older facilities where it is not economically viable to upgrade the facilities time to develop a way to upgrade them beyond the hard deadline.

- A requirement that not only install this technology but to maintain it, and if the technology were to not work for a period of 6 months the facility shall cease commercial operation until such time it has been repaired and back to fully operational.
- The authority of this legislation be set to the county commissioners of the county the facility is located in and given the clear authority to require said facility to cease commercial operations should the wind company fail to comply.
- Transparency, include language that ALL correspondence between the wind company/developer, any subcontractors, and the FAA be given to the County commissioners showing the results of the application process be it approved or denied.
- If the application for this technology is denied, then the wind facility has a certain amount of time to run out the clock so to speak on the commercial viability on their current towers and then has to shut down and remove the facility or upgrade or modify it to a manner the FAA approves the use of a light mitigating technology.
- That ALL facilities that went online within the past 4 years have no choice to wait and must apply immediately to the FAA for the installation of a light mitigating technology.
- I also cannot stress enough that the Senate Bills 46 and 49 be merged into one bill. Senate Bill 49 deals with all future wind facilities and they apply for and operate a form of Light mitigating technology. I wholeheartedly agree with his too and feel these issues should be in one bill.

I submitted several amendments to this committee last year for the then iteration of a light mitigation bill. I implore this committee to look them up and implement them to the current form we are discussing. Please write and pass a commonsense piece of legislation that will give the citizens of Kansas their night sky back.

Regards,

Jonathan Sill