



Liberty Utilities[®]
EMPIRE DISTRICT

OPPOSITION TESTIMONY

House Committee on Energy, Utilities & Telecommunications

HB 2273

An Act concerning energy; establishing the wind generation permit and property protection act; relating to certain electric generation facilities; setbacks from certain property; boards of county commissioners, approval.

Whitney Damron
On behalf of Liberty Utilities – Empire District

February 19, 2019

Chairman Seiwert and Members of the Committee:

On behalf of Liberty Utilities – Empire District, I respectfully submit these comments on HB 2273 regarding the siting of wind generation facilities.

Liberty Utilities is headquartered in Joplin, Missouri and provides electric, natural gas, water and wastewater service to nearly 320,000 customers across six states, including Missouri, Kansas, Oklahoma, Arkansas, Iowa and Illinois. The company has approximately 10,000 electric customers in Kansas in the southeast corner of the state.

In Kansas, Liberty Utilities – Empire District owns and operates a 286-megawatt natural gas power plant in Riverton, Kansas and has purchase power agreements with two Kansas windfarms: Elk River Wind Farm in Butler County and Meridian Way Wind Farm in Cloud County. In addition, the company has contracted with Apex Clean Energy to purchase an approximately 300-megawatt renewable wind energy project in Neosho County, Kansas, once the project is operational, which is scheduled for late 2020.

Once the Neosho Ridge project is completed, Liberty Utilities – Empire District will be receiving electricity from more than \$1 billion of wind farm investments made in Kansas, joining with literally billions of dollars of additional wind energy investment made throughout the state.

The Elk and Cloud County projects and many more wind farms in Kansas have been sited through agreements successfully negotiated between developers, local governments and landowners without the need for a one-size fits all state approach to siting as proposed in HB 2273.

HB 2273 impacts property and contract rights and imposes arbitrary standards on wind development in Kansas. These restrictions can conflict with the state's renewed interest in working with rural Kansas on economic development opportunities as demonstrated by the Kansas House' creation of a new committee this year, the House Rural Revitalization Committee and Governor Kelly's Lt. Governor Lynn Rogers has been charged to lead a strategic plan for rural economic development.

Wind energy development in Kansas has produced billions of dollars of investment in our state, millions of dollars in revenue for local governments with PILOT agreements, jobs, career and educational opportunities for our younger citizens and a substantial source of low-cost power from a renewable resource. No other single industry comes close to making the impact wind investment has made in Kansas over the past decade nor will anything compete for the foreseeable future.

Included with my testimony is an informational fact sheet on the Neosho Ridge Wind Farm, which highlights the benefits that wind energy project will generate for that part of the state. The scenario described in the attachment have been replicated throughout our state time and time again during the past decade.

The siting of a development the size and scope of a wind farm requires collaboration between all parties concerned. Liberty Utilities would hope this legislation leads to a dialog that can resolve differences in the project or projects that led to the introduction of this bill making this bill unnecessary.

On behalf of Liberty Utilities — EmpireDistrict, we thank you for consideration of our concerns with HB 2273.

Thank you.

Whitney Damron

www.empiredistrict.com

www.libertyutilities.com

Whitney Damron
Whitney B. Damron, P.A.
919 South Kansas Avenue
Topeka, Kansas 66612-1210
(785) 224-6666
wbdamron@gmail.com

Attachment