



Testimony Provided To
House Energy & Utilities Committee
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In Support of Senate Bill 49

Chairman Delperdang, Vice-Chairman Turner, Ranking Member Ohaebosim, and members of the committee,

This morning, I appear before you on behalf of the Advanced Power Alliance and the forty-plus members of our organization which represent a diverse cross section of the world's leading energy companies, energy investors, energy consumers in the advanced power industry. Most of these organizations have business interests in Kansas via operating renewable energy projects or those under development, purchase power agreements, development headquarters or manufacturing facilities. Our member assets in Kansas span the state from the most densely populated to the least, from the fastest growing to those with the most rapid population decline. Since the first wind farm came online in 2001, the wind energy industry has invested more than \$15 billion private dollars in Kansas and created more than 20,000 direct and indirect jobs in both rural and urban Kansas with several billion dollars of new renewable energy projects in the pipeline. The State is home to the nation's first wind turbine technician certification program which has a 100% job placement rate. **The Advanced Power Alliance stands in support of SB 49.**

Senate Bill 49 passed the Senate 39-1. It is an outgrowth of the conversation started regarding light mitigation technologies in 2022. Through several hearings, experts have articulated the process by which light mitigation technology is deliberated. The process is driven by the Federal Aviation Administration (FAA) and they are the federal agency with ultimate authority over the safety of the airspace. The FAA makes lighting determinations through a variety of factors; proximity to airports, flight routes – commercial and military, and overall pilot and passenger safety being the principal reasons behind the lighting required on each individual turbine as well as all other structures fifty feet or taller.

SB 49 blends the requirement to apply to the FAA for light mitigation technologies with the understanding that the FAA is the final arbiter of whether light mitigation technology can be installed, if so, what type of technology could be employed and on what towers. SB 49 requires all new wind farms to apply to the FAA for approval for installation of light mitigation technologies on new wind farms, but would also allow wind farms to commence operation if they were still required by the FAA to have conventional lighting systems.

The legislation is retroactive for all existing wind farms operating in the State of Kansas. Key to the bill is that within six months of a signing a new long-term, "anchor tenant", power offtake agreement the industry must apply to the FAA for consideration of light mitigation technology to be installed on the wind farm. There have been numerous conversations about how to determine at what point existing projects need to apply for FAA approval for light mitigation technologies. Other determinations, including at the point of repowering and upgrades, are unfortunately too confusing and indecisive. All existing wind farms operate with a power offtake agreement with a defined endpoint. Furthermore, tying the possibility of installing light mitigation technology to a new power offtake agreement is also the most

appropriate time because that is the time the economics of the project will change and can be adjusted for an additional cost. As we learned in testimony, on average, costs for a 200MW wind farm is approximately \$2 million in today's dollars for system installation with at least \$100,000 in annual ongoing costs (also using today's dollars). Current power offtake agreements are fixed, making the economics of current projects also fixed. The Kansas Legislature has been slow to force industries from any sector of the economy to incur a cost retroactive to their investment, and we would agree with that general policy principle.

As discussed in Senate Select Committee on Wind Turbine Lighting, there are currently few companies (two) that manufacture and install FAA approved light mitigation technology, if for some reason the vendor cannot install the Light Mitigation technology in the initial two-year window, the vendor shall submit a notice every three-months to the Kansas Department of Transportation Aviation Division until the light mitigation technology is installed.

The good faith put forward by those on the committee that helped draft this legislation will be borne out immediately. The two newest wind farms under construction in Kansas have both applied to the FAA for light mitigation technology. At least one has received FAA approval for such installation. The two projects announced for construction will be applying with the FAA to install light mitigation technology. We appreciate the work of the Senate Select Committee on Wind Turbine Lighting and the lawmakers that brought this bill to fruition.

The clean energy industry has proudly worked with state legislators, regulators and policymakers to work through important issues including the Flint Hills Box and its doubled expansion, moving to a voluntary renewable portfolio standard in 2015 and shifting tax policy as well as clarification on native intact prairie. Applying retroactivity to roughly 40 wind operational wind farms does not come without considerable cost to developers and our projects. We believe in being finding common ground to continue to make Kansas' clean energy story a truly successful one. We appreciate the Senate Select Committee's deliberation on wind turbine lighting and hope that this committee appreciates the effort involved in crafting this legislation and the commitment made on the part of the companies investing in Kansas. Thank you and I will stand for questions. **We hope you can support this strong public policy.**

Below are several of the key points of the bill which we hope you can support as well:

1. PROSPECTIVE - Effective July 1, 2023 all new wind farms seeking to operate in Kansas must apply with the Federal Aviation Administration (FAA) for light mitigation technology. If approved, light mitigation technology would be installed on wind turbines within 24 months.
2. RETROACTIVE - Effective January 1, 2026, when a new long-term "anchor tenant" power contract is executed, within six months of execution, the operating wind farm must apply to the FAA for installation of light mitigation technology. Technology must be installed on all approved turbines.
3. In the event of a market condition or supply chain challenges, the light mitigation technology vendor will submit a notification to the Kansas Department of Transportation every three months, if there is a delay beyond the initial 24 months.
4. While not naming a specific technology type, the intent of the bill is for light mitigation technology not light dimming.