

History of Renewable Portfolio Requirements in Kansas and Selected Dates Regarding the Sunflower Air Quality (PSD) Permit

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2008 Session	SB 148 required that by 2012 the nameplate capacity of renewables included in each public utility's (excluding municipal utilities) generation portfolio must be at least 10% of the utility's 3-year average peak load. The requirement would increase to 15% by 2016 and to 20% by 2020. The bill also established maximum nitrogen oxides and sulfur dioxide emissions levels for the proposed Sunflower expansion; placed additional requirements on electric public utilities and cooperatives; required Sunflower to request that SPP determine whether transmission upgrades would be needed to deliver electricity to municipal or cooperative utilities; established energy efficiency standards for state buildings and equipment; enacted net metering; provided tax incentives for energy efficiency improvements in residential rental property; established the KS Electric Generation Science and Technology Commission; required certain electric generation facilities to use carbon dioxide capture or reduction technologies; amended existing law regarding regulation of air quality and certain utilities; required reduction of mercury emissions from certain generating units; provided for deregulation of large electric cooperatives; and required KCC and KDHE annually to identify utilities with coal-fired generating capacity greater 350 MW in KS that had carbon dioxide emissions in excess of 110% of the statewide average emissions from coal-fired facilities at least that size.	Vetoed by Governor on 4/17/08
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2/6/2006	<i>Sunflower Electric Power Corporation applied for a permit to construct three new 700 MW coal-fired generating units at its Holcomb site. The request was later reduced to two new generating units.</i>	
2007 Session	HB 2479 required electric public utilities to make a good faith effort to generate or procure sufficient electricity from renewable sources so that beginning CY 2009, at least 1.25% of total retail electric sales to KS customers would be generated by renewable sources. The amount increased by 1.25% of total retail sales each year until 2012.	Died in House committee
10/18/2007	<i>KDHE Secretary Bremby denied Sunflower's permit.</i>	
2008 Session	SB 327 required that by 2012 the nameplate capacity of renewables included in each public utility's (excluding municipal utilities) generation portfolio must be at least 10% of the utility's 3-year average peak load. The requirement would increase to 15% by 2016 and 20% by 2020. The bill also established energy efficiency standards for state buildings, vehicles and equipment; enacted net metering, provided tax incentives for energy efficiency improvements in residential rental property; provided for deregulation for large electric cooperatives; created the KS Electric Generation Science and Technology Commission; required certain electric generation facilities to use carbon dioxide capture technologies; amended existing law regarding regulation of air quality and certain utilities; and required reduction of mercury emissions from certain generating units.	Vetoed by Governor on 3/21/08

2008 Session	SB 148 required that by 2012 the nameplate capacity of renewables included in each public utility's (excluding municipal utilities) generation portfolio must be at least 10% of the utility's 3-year average peak load. The requirement would increase to 15% by 2016 and to 20% by 2020. The bill also established maximum nitrogen oxides and sulfur dioxide emissions levels for the proposed Sunflower expansion; placed additional requirements on electric public utilities and cooperatives; required Sunflower to request that SPP determine whether transmission upgrades would be needed to deliver electricity to municipal or cooperative utilities; established energy efficiency standards for state buildings and equipment; enacted net metering; provided tax incentives for energy efficiency improvements in residential rental property; established the KS Electric Generation Science and Technology Commission; required certain electric generation facilities to use carbon dioxide capture or reduction technologies; amended existing law regarding regulation of air quality and certain utilities; required reduction of mercury emissions from certain generating units; provided for deregulation of large electric cooperatives; and required KCC and KDHE annually to identify utilities with coal-fired generating capacity greater 350 MW in KS that had carbon dioxide emissions in excess of 110% of the statewide average emissions from coal-fired facilities at least that size.	Vetoed by Governor on 4/17/08
2008 Session	HB 2412 combined the the RPS provisions of SB 148 with amendments to the IMPACT Act and the intermodal transportation revolving fund to create the Economic Stimulus Act of 2008. It also contained most other provisions of SB 148 as well as requirements for housing efficiency loan funding and weatherization funding.	Vetoed by Governor on 5/16/08
2009 Session	HB 2014 contained the RPS provisions of 2008 SB 148, along with new incentives that each renewable MW generated in KS would count as 1.25 MW for purposes of compliance and each MW generated in KS using equipment manufactured in KS would count as 1.5 MW for purposes of compliance. The bill also enacted energy efficiency requirements for state space and vehicles; authorized deregulation of large electric cooperatives, enacted net metering; amended existing law regarding regulation of air quality; established a timeframe for KCC action on certificates of convenience, enacted the Compressed Air Energy Storage Act, required purchase of Kansas coal under some circumstances; created the KS Energy Resources Commission; and facilitated access of cooperative and municipal utilities to new baseload generation capacity.	Vetoed by Governor on 4/13/09
2009 Session	HB 2013 contained the RPS provision of 2008 SB 148. This was one of a series of bills that considered individual elements of HB 2014.	Died in committee
4/28/2009	<i>Governor Sebelius resigned and was confirmed as Secretary of Health and Human Services; Governor Parkinson was sworn in.</i>	
5/4/2009	<i>Settlement Agreement signed between Sunflower and the State of Kansas.</i>	
2009 Session	HB 2369 - Handout from Matt Sterling	Enacted
1/13/2010	<i>Sunflower submitted a new permit application for a facility consistent with the terms of the Settlement Agreement.</i>	
12/16/2010	<i>KDHE Acting Secretary Mitchell issued the Sunflower air quality permit.</i>	
1/14/2011	<i>The Sierra Club filed an appeal; the case is currently under consideration by the Kansas Supreme Court.</i>	