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The K-SEC Model

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My name is Eileen M. Smith, M.Arch. I represent the Kansas Solar Electric Co~operatives founded in 2005 with the goal to evolve The K-SEC Model of 1,000 MWp Building-Integrated Photovoltaic [BI-PV] Solar in Kansas by 2020. Please refer to the two-page \$3.5 B K-SEC Business Plan Summary attached.

Through participatory processes and systemic methodologies, we build, enhance, and transform the capacity of ourselves, other people, and organizations to address complex societal issues and realize their highest aspirations for a greater social good. We focus our efforts through applied research and development, basic research, documentation/writing, and education.

Strategic Clarity Institute

First, I want to thank Secretary Bremby for his responsible decision to deny the Sunflower Coal Plant. There are several reasons that his decision is important and will go down in history as one of the turning points in energy industry regulation. First, Kansas legislators must take responsibility for putting Secretary Bremby in that position where they repealed the Siting Act in 2000 for all electric generation plants except nuclear energy. Please refer to the Minutes of the Senate Utilities Committee for the meeting held at 1:30 pm on February 3, 2000 in Room 531-N of the Capitol. Those minutes were approved on February 10, 2000 and I quote, "He [Mr. Hamilton] stated that repeal of the Generation Siting Act does not repeal environmental or zoning requirements, which leaves the responsibility to local authorities and requires development be treated like manufacturing plants, with lower property taxes and competitive economic development incentives. He also urged repeal of the Generating Siting Act and quick action, as there is a stampede to build plants now, and it may be sometime before additional plants are built." He also stated that ". . . building a grid to Western Kansas, which would be very costly and the Holcomb experience of fifteen years ago, would scare off developers. Major power markets are either east or southeast of the state and Kansas can't sell into the Western Interconnection or most of Texas."ⁱ

"Sen. Steffes discussed building on top of the source of energy and inquired about coal plants, and if that was a consideration. Mr. Hamilton replied that coal plants are not environmentally friendly, that all merchant power plants will have to be gas powered; that declining costs can be credited to the costs of electrical power generation."

At the time of those hearings I was an intervener in the California Public Utilities Commission rulemaking into the role of the Utility Distribution Company in Distributed Generation. We were just bracing for a spike in rates from what they called deregulation in an alleged

competitive market dominated by monopolies. Energy Crisis began about three months later. It was terrible. I went to the hearings and heard of numerous people losing their businesses and homes due to their electric bill tripling in one month. There is no such thing as a deregulated and truly competitive market. It is like a football game ---where you put the seasoned pros and the small local businesses together in competition, you had best have excellent regulatory enforcement in place to succeed.

In addition to the need to regulate the Siting of coal plants due to the Senate's own testimony regarding their being environmentally unfriendly, there is no statement in K.S.A. 65-3012 that states the regulatory authority must only be issued in a crisis situation. However, it could be argued that the world is in a crisis and truly an emergency situation where everyone in the world from banker to peasant is scrambling to reduce CO2 emissions and the risk of related increased global warming. That emergency exists upon the wings of one alleged natural disaster after another with fourteen hurricanes in one year, unprecedented Tsunamis, the melting of icebergs, the first alleged global warming war in Sudan and extremely hot weather that you know is going to create a dust bowl in Kansas without extremely sensitive mitigation.

Secretary Bremby did not impose authority without gaining the consensus of statutory, judicial and other agency authority. April 2, 2007 the US Supreme Court issued a ruling in Massachusetts versus EPA stating that the EPA must enforce green house gases under the Clean Air Act first passed in 1963. Where before the vague requirement was for opponents of polluting coal plants had to prove that their plant would not pollute before a permit was provided, now businesses proposing coal plants must prove they are not going to add to the CO2 challenge driving global warming. For those that do not believe in global warming I would be glad to provide a bibliography of articles quoting numerous scientific and academic experts around the world that have no known connection or financial benefit for stating their case. However, even with the US Supreme Court decision to rely upon, Secretary Bremby still cautiously pursued an opinion by the Kansas Attorney General Morrison who stated per Attorney General Opinion No. 2007-31 that Secretary Bremby does in fact and did have on October 17, 2007 the authority under K.S.A. 65-3012 to deny or modify an air quality permit, or place a stay on issuance of an air quality permit until state or federal regulations are enacted that address the pollutant. Attorney General Paul J. Morrison indicated that the secretary may *' . . . deny the application pursuant to K.S.A. 65-3008b for specified reasons.'* The US Supreme Court gave him not only the reasons to deny, but the responsibility to deny the coal plant permit. It is not only the environmental and health of Kansas people that are at stake, but it is the dignity and the economic stability that are jeopardized by those that want to ramrod these coal plants upon Kansas without proper authority or rational to do so. I would state that this is not a hearing for a coal plant this is a lynch mob in denial. Thereby, I would highly recommend that there be a cooling off period of six months to a year whereby the matter can be more responsibly considered where the stacks are very high from every perspective.

In the meantime, I would suggest that the other projects proposed be furthered along with a solar chimney, wind energy and a cooperative alliance with the Kansas Solar Electric

Co-operatives to assure 10% BI-PV Solar in Kansas by 2020. In addition to the 1,000 MWp solar K-SEC is proposing for Kansas, there is an opportunity for Sunflower Cooperatives to provide diversity to the energy mix in Kansas by the development of two or three 200 MWp Solar Chimneys and Wind Energy in Western Kansas. See the prototype developed in Spain and the proposed project being built in Australia at this time. The solar chimney creates a vacuum with a plexi glass surface over an open space about four feet deep.

There is a deadline to become a coal sequestration demonstration project that is due March 3, 2008. Apply for funding via that avenue to install the sequestration demonstration upon the existing coal plant in Holcomb. When we see that it works effectively, then we can consider using it for a larger coal resource, but not until then. We have too much CO2 emissions as it is.

In 2004, the KDHE issued warnings for the women and children not to eat the fish in Kansas lakes and rivers due to coal mercury accumulation. We are not giving up coal by cutting back in this case. Kansas already depends on coal-fired power for 80% of the electricity we consume. Use this crisis as an opportunity to justify the evolution of a new mix of renewable energy into the Kansas marketplace. Kansans spent substantial time testifying Fall 2007 and in 2005 related to the KCP&L coal plant being built in Missouri. In the meantime, we have not had any review to investigate and further The K-SEC Model while the media and community groups, academic speakers and scientific experts are holding one forum after another related to their concerns with CO2 emissions. This is not a personal battle to squelch Sunflower Corporation's aspirations, this is an appeal to assure they are making sound, safe and healthy decisions environmentally and economically.

For more information about The K-SEC Model please refer to the February BI-PV N.E.W.S. Letter linked on the K-SEC website listed herein with K-SEC's address and phone number and see the 8" x 10" photograph included for you of the historic 30,000 SF BI-PV Solar Roof installed on the Georgetown University Intercultural Center in Washington, DC in 1984. This roof generates a MWh of demand-site fuel-free non-polluting solar electricity a day in the dense urban center of Washington, DC. Amoco Oil took over Solarex and their patents that year. PV production fell from 10,000 kWp to 3,000 kWp. From 1992 to 1995, the German States initiated a 1,000 Solar Roofs Program and the industry has grown since then to over 5,000 MWh globally. BI-PV is affordable, however like any other product it will be less expensive when deployed on a large scale basis.

Demand-side fuel free solar electricity is now a necessity due to its unique ability to the tremendous dependency on electricity, today and the volatility in the world. 10% BI-PV Solar in Kansas will increase Homeland Security, Emergency Preparedness, Environmental Integrity, Technology Expertise and it will bring 1,000 jobs to Kansas. K-SEC renewable cooperatives will produce, install, monitor, maintain and manage the solar resource from the 1,000 MWp BI-PV of generators for fifty years. Thus, it is also an excellent research and development program using the consumer lab which is far more effective and economic.

Renewable technology is no longer a partisan issue. Everyone in the world needs to be and wants to be involved in furthering sustainable technology. Please see the two pages attached from the SEPA Record [Solar Electric Power Association] entitled "The Integration of Solar Electric into Buildings Solar Electric at the White House and Around the World." The article is written by Steven Strong, AIA an architect from Cambridge, Massachusetts. He founded the Solar Design Associates in the 1970s and is a BI-PV solar energy guru.

The primary hurdle we are facing in this proceeding is the need to make a decision regarding complex consequential issues in an impossibly short time-frame to influence a time-span of fifty to one hundred years or more. There is no immediate emergency need for the electricity resource being proposed. It will not harm the proposal to give it a six to twelve month hiatus for further consideration to encourage the use of more renewable energy in Sunflower's generation portfolio. However, there are emergency conditions related to the impact of CO2 emissions from coal-fired power plants on global warming and health hazards.ⁱⁱ

Conclusion - Time Frame is impossibly short to make well-informed decision
Recommendation - Table Decision-Making Process Pending Further Review

In an attempt to provide the greatest good in relation to the 360 seconds I am allotted to speak, I skimmed Senate Bill 515 and House Bill 2711. I think this bill is too complicated and important to be used as retaliation for The Bremby Decision that was issued on sound legal authority with a far more cautious position than the legislators who drafted this bill in an attempt to overstep the authority of the Kansas Attorney General, Secretary Bremby, the US Supreme Court and the EPA. We hear your concern, and that is another reason to wait.

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ⁱⁱ EPA Announces Preliminary Enforcement Priorities for Fiscal Years 2008, 2009, and 2010, Technical Resources, Air Pollution Consultant, Aspen Publishers, Inc. 2007 websites provided for references:

www.epa.gov/compliance/data/planning/priorities/index.html Information on OECA at <http://www.epa.gov/compliance>

U.S. EPA, 2006-2011 EPA Strategic Plan: Charting Our Course; Sept. 30, 2006 www.epa.gov/ocfo/plan/plan.htm