



Ohio Senate Energy and Natural Resources Committee
Testimony of Seth Kaplan
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Proponent Testimony on Substitute House Bill 114
Wednesday, June 6, 2018

Chairman Balderson, Vice Chair Jordan, Ranking Member O'Brien, and members of the Ohio Senate Energy and Natural Resources Committee, thank you for the opportunity to submit written testimony today. My name is Seth Kaplan, Senior Manager of Government Affairs for EDP Renewables. I am here today to testify in support of substitute H.B. 114.

EDPR is one of the largest developers of commercial scale wind farms in the country. Our fleet of operational projects includes the Timber Road Wind Farm and the adjacent Amazon Wind Farm, both located in Paulding County, Ohio. Permitted in 2010, these wind farms have generated millions of dollars in tax payments to local schools and governments, producing enormous benefits to the surrounding community. They have also created hundreds of new jobs, and have delivered millions of dollars in lease payments to landowners. Unfortunately, language added to a 2014 budget bill nearly tripled the state's minimum wind turbine setback requirement, which has made it practically impossible to initiate additional wind energy projects in Ohio. This stands in sharp contrast with our initiation and development of projects in Indiana where new wind energy projects have met the needs of commercial customers like Cummins and Nestle, as well as rural electric cooperatives and utilities.

While substitute HB 114 contains numerous provisions that are detrimental to Ohio's clean energy future – such as reducing the state's renewable portfolio standard – we support the bill's inclusion of meaningful wind setback reforms. The sub bill actually increases the original property line setback from 1.1 to "1.2 times the height of a turbine," creating an additional 25 acre buffer between a property line and turbine. And in order to ensure the state affords the maximum protection for non-participating property owners, the sub bill restores the habitable structure setback in the Ohio Revised Code, actually increasing the original distance from 1,125 to 1,225 feet plus blade length.

One cautionary note that the bill contains what appears to be a drafting error, which creates significant ambiguity regarding projects permitted prior to 2013 under the original (reasonable) setback distances (also known as "grandfathered" wind projects). The sub bill appears to apply the post-2014 restrictive setbacks to grandfathered projects that amend their OPSB certificate.¹ In essence, this means a brand new project could utilize the revised HB 114 setbacks, but a grandfathered project that amends a certificate could not. Such a result would not make sense from a practical or policy standpoint, and does not appear to be the intent of the

¹ Sub. H.B. 114, Page 7-9, Lines 192-198, 225-231.

legislature. Therefore, we would recommend modest revisions to this section of the sub bill to eliminate any future ambiguity.

While we would prefer the bill not reduce Ohio's already modest RPS, we believe the revised legislation would allow wind energy to once again move forward where appropriate in Ohio—an overall positive result.

We appreciate the opportunity to submit written testimony to the committee today. Thank you for your consideration.