



Testimony of Harrison T. Godfrey

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Interested Party Testimony Sub. H.B. 49

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Chairman Oelslager, Vice Chair Manning, Ranking Member Skindell, and Members of the Committee, thank you very much for the opportunity to testify today. My name is Harry Godfrey. I manage regional government affairs for Invenergy. I am here to testify in support of the amendment to Sub. H.B. 49 proposed by Senator Hite, which would move wind turbine setback requirements toward pre-2014 levels.

At Invenergy we develop, own, and operate utility-scale wind, solar, and natural gas generation projects, as well as large-scale battery storage facilities. As of today, we have 103 projects in operation and late stage development, totaling almost 16,000 megawatts, enough to power over 5.2 million homes.

Over our fifteen-year history, we have sought to develop wind projects throughout the region and across the globe. Today, you'll find our wind farms at work in Illinois, Michigan, West Virginia, and western New York, among many other states. These projects are a significant economic benefit to the communities where they operate. Operations and maintenance positions provide family-sustaining jobs for those without a four-year degree. Millions in recurring annual revenue bolster county budgets, helping local leaders support schools and avoid tax increases. And payments to landowners have played an important role in supporting family farms.

For the better part of the past decade, our team of developers has been working to develop utility-scale wind projects throughout Ohio. We have made some progress. I'm pleased to report this past winter we broke ground on a wind farm in Hardin County that will add upwards of 300 MW of renewable energy capacity in Ohio. However, what progress we have made has come *in spite* of the wind setback rules imposed in 2014.

As a responsible developer, we are committed to the health and safety of our staff, landowners, and the communities where we operate. We welcome reasonable setback requirements, but the setbacks imposed in 2014 are excessive and unnecessary. They expand the requirement from 550 feet from the property-line – which is broadly in accord with setbacks throughout the region – to approximately 1,300 feet, a 236-percent increase.

The practical effect of this increase? The non-participation of one land-owner – and there are a lot of reasons why a landowner may not participate in a project – often makes their neighbors ineligible for development. We may be able to find a spot for one turbine here, another five miles away, but plots are smaller in Ohio than in more western states, making this setback requirement a greater imposition. Without the ability to develop projects at scale, our economics don't work.

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The end result of that isn't that projects don't get built – they do, they simply get built elsewhere, in West Virginia or Pennsylvania for instance. Both of these states are part of the larger PJM electricity grid, the same grid as Ohio. As a result, a project in Pennsylvania can, in many cases, meet the same demand from a utility, data farm, or industrial consumer, as a project in the Buckeye State. Ohio's loss becomes Pennsylvania's gain.

Speaking strictly about Invenergy's portfolio, and not those of our fellow developers, we have over 250MW worth of projects in Ohio that we have put on hold to pursue more favorable wind development opportunities elsewhere. That's millions in tax revenues, landowner payments, and wages that are delayed *at best*, foregone at worst, flowing instead to other states in the region.

In spite of this unnecessary and excessive requirement, we have been able to move forward with one project: our Hardin Wind Farm, on which we broke ground late last year. We were able to do so *only* because, purely by chance, we submitted our site application to the Ohio Power Siting Board (OPSB) before the setbacks were enacted. As a result we were grandfathered under the old setback rules. However, even here, the revised setback requirement has proven to be a serious obstacle.

These revised setbacks have proven an obstacle because they've prevented us from moving our turbine locations so much as a yard from their proposed, grandfathered locations. At the outset of a permitting process we present regulators with a map of preferred locations for our turbines. These locations are generally negotiated and agreed upon by landowners and local authorities. However as construction progresses the locations may shift – perhaps we encounter an unexpected obstacle, or a farmer recently installed tiling they've like us to avoid.

Under normal circumstances, we would happily accommodate – moving a turbine a few yards here or there. But the revised setback requirements prevent us from doing. OPSB staff, bound by the letter of the 2014 law, have their hands tied. If we change the proposed locations, we lose our grandfathering, and the project is no longer viable. So when, for instance, our construction crews encountered a previously-undiscovered artisan well in a field while laying a foundation, we couldn't offer to shift our turbine a few yards so the farmer could use the well. Instead we had to undertake additional engineering work to cap the well and built on top of it. It shouldn't be that complicated.

Fundamentally, we want to develop in Ohio. The combination of wind resources, market opportunities, and predictable tax policy make the Buckeye State an attractive place to build wind projects. But the setback rules in place since 2014 make it practically impossible to build new projects, and – as our experience demonstrates – difficult even for existing ones. So we're compelled to develop elsewhere, creating jobs, generating tax dollars, and stimulating economic development in places like Pennsylvania, West Virginia, and Michigan.

It doesn't need to be this way. Enact Senator Hite's amendment and wind development will once again flow into Ohio. I appreciate your time and consideration today, thank you very much. I welcome any questions the committee may have.