

The Kansas Supreme Court got rid of extra fees for solar families thanks to the Sierra Club, Bob Eye, Vote Solar and Earthjustice:

After the 1970's energy crisis, the United States enacted laws to protect homegrown renewable energy from utility companies who wanted to charge discouraging extra fees. The need for these laws became even more important when climate change issues became apparent and Kansas and other states followed with their own laws protecting us solar folks. But recently (2014), Kansas passed another law which allowed Evergy to charge solar distributed generators "differently". So Evergy added the confusing and dreaded demand fees to all new DG customers. The Sierra Club's law suit contended that the old law should still be active. Evergy's argument was that the new law supersedes the old law. The Kansas Supreme Court said on April 3, 2020 that the two laws co-exist! Evergy is allowed to charge their solar customers "differently" but NOT MORE!! (see the decision below) Was this the original intent of the law or was this a loophole? We are trying to find out.

Also in the decision are suggestions to solve the "free rider" solar customer problem. The judge reminded Evergy that DG customers provide peak power and that Time of Use rate structures would work to take advantage of solar peak power.

Take a deep breath and enjoy the victory! What will happen next? Evergy has 3 weeks to appeal the decision but congratulations are surely in order. The decision will buy time, but it is a mistake to believe that a \$26 billion corporation will not take this to the next step of legislating their actual intent of corraling renewable energy under their control. They are now seeking (with disappointing results) to get subscribers to build a massive utility scale 5 MW array, thus proving that solar contributes positively to their generation mix. But why build massive arrays on valuable land when there are so many available roofs and parking lots?

In the next legislative session, Evergy can be expected to introduce more specific language to attempt to discourage rooftop solar. Any legislation has to pass both the Senate and House with enough margin to override a veto by Gov. Kelly; it will buy us time before they go to the KCC which will, by then, have an additional commissioner appointed by Kelly.

The lawsuit against Sunflower's coal plant is an example of a victory that was caused by a delay. Over the long battle against approval, coal became recognized as economically nonviable against wind or solar. In this case however, the distinction is only who owns the same technology and where it is located on the grid. In other words, the argument is not if solar power is viable. The debate is whether we the people have the right to put up solar panels on our side of the electric meter.

We need to clarify that residential solar is not a "free rider" (Judge Caleb Stegall's words) but actually contributes to the benefit of all rate payers. There are compelling arguments that distributed peak generation will save ratepayers large sums in distribution and transmission investments. By Westar load profiles, hardware to carry peak loads are 2.3 x that needed to distribute baseload. If the peak can be generated where it is used, then the distribution system can be sized closer to baseload.

But what is good for ratepayers is distinct from what is good for Evergy's stockholders. Given Evergy's over investment in generation, their investors can't afford efficiencies in distribution. Evergy's 2019 Investor's Presentation projects that in 2024, distribution and transmission will give investor opportunities of over \$1 billion where generation will only provide \$260 million. Evergy's value as a company depends on expensive infrastructure. They need to prop up their rate base by assuring that the peak will be centrally generated and distributed via their lines. That's why they can't afford customers generating their own peak. Their business model is out of date and inefficient.

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https://earthjustice.org/sites/default/files/files/ksct_opinion_4-3-20.pdf

<https://www.sierraclub.org/press-releases/2020/04/victory-for-renewable-energy-kansas-supreme-court>

<https://www.cjonline.com/news/20200403/kansas-supreme-court-balks-at-price-discrimination-against-home-solar-producers>