

LOUISIANA DEPARTMENT OF NATURAL RESOURCES
PUBLIC MEETING ON ACT 182 OF THE 2021 REGULAR
SESSION

Held on JUNE 29, 2021

At the Lasalle Building

In the Labelle Room

617 N. 3rd Street

Baton Rouge, Louisiana

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1 P R O C E E D I N G S

2 CHAIRMAN LANCLOS:

3 All right. Good afternoon again. I just
4 wanted to welcome everyone to this meeting for
5 our Solar Development on Senate Resolution
6 182, 2021 Regular Session. We have a couple
7 of folks up front and I'll kind go over just
8 the format for the meeting and kind of plan
9 for the afternoon.

10 First of all, I just want to thank all of
11 you for being here at the Department of
12 Natural Resources. We had a fantastic meeting
13 this morning and looking forward to continuing
14 the conversation this afternoon. I look
15 forward to all the testimony. What we're
16 planning on doing today is to ask folks to
17 fill out a witness card where you give people,
18 hopefully, five to ten minutes to provide
19 testimony. I'm looking forward to hearing
20 comments, questions, et cetera. We are not,
21 as a rule, going to respond individually to
22 comments. We want you to make your testimony.
23 This is a listening phase for DNR to start the
24 process on all the different things going on
25 with solar in the State of the Louisiana.

1 With us today, we have Brandon Frey from
2 the Public Service Commission; Blake Canfield,
3 our Executive Counsel for the Department of
4 Natural Resources; Senator Beth Mizell, and
5 also, we have Mr. Todd Parker from the
6 Department of Ag and Forestry. So looking
7 forward to a very open meeting. I will also
8 say that we -- this is going to be the first,
9 I think we have other meetings planned for the
10 other resolution that was filed. You will
11 continue to have a voice to file comments,
12 concerns, and other things related to solar
13 industry in Louisiana. So we would encourage
14 you to send those comments in to DNR.

15 As of right now, we have an email
16 address. We've gotten quite a few comments
17 already. We have a folder printed with all of
18 them. We're not going to read those into the
19 record because they've already been filed via
20 email. But looking forward to hearing from
21 all of you today. So, with that, I will turn
22 it over to Senator Mizell. And thank you so
23 much for your being here.

24 SENATOR MIZELL:

25 Thank you. I just want to thank you all,

1 first of all, for being here and the interest
2 you're showing. This is a game changer. I
3 mean, I know, in my area, we've never seen an
4 industry come in -- there are industries
5 there, but those decisions were all made
6 before we showed up.

7 And I think the challenge that I feel and
8 that I see, is that, I see industries in my
9 area and I see some locals here who have grown
10 up with the paper mill in the middle of the
11 town and we jokingly laugh at the smell, but
12 that paper mill was there before we were. In
13 Franklinton, we have a feed mill in the middle
14 of town that stinks every day at midday. And
15 I often think, if I had been a person able to
16 make the decision a generation ago of where to
17 put that feed mill, I hope I wouldn't have put
18 it in the middle of town. And that's where we
19 are right now. We have an opportunity to
20 decide what is best for the longterm; not
21 what's best to put money in our pocket right
22 now.

23 And Lord knows, I'm at the Capitol and
24 we're squeezing money every session, but to do
25 it in a way that we can be proud of a

1 generation or two generations for now. I
2 mean, nobody is against solar, I don't
3 believe. I believe we know it's an accepted
4 form of energy that we need to somehow bring
5 into our State in a way that is not
6 incompatible with all of us. So I think
7 that's what we're here to listen to ideas,
8 find out how we do that.

9 I want to thank DNR for their time and
10 their willingness to do that. And I think the
11 challenge is to keep the conversation going,
12 so that as the regulations come out, we can
13 all work together for the good of the whole --
14 we're rural. And I think it's really hard for
15 people who are not rural to realize what we're
16 giving in order for power to be sent to the
17 urban areas. And I really hope that you all
18 leave here today with the better understanding
19 of the tradeoff that rural people are feeling
20 with what's happening with solar. So I thank
21 you for your time and I appreciate the
22 conversation.

23 CHAIRMAN LANGLIS:

24 Thank you, Senator Mizell. And we'll
25 also turn it over to Mr. Brandon Frey from the

1 Public Service Commission to talk a little
2 about the PSC's role in solar development in
3 Louisiana.

4 MR. FREY:

5 Good afternoon, everyone. I was at the
6 morning hearing and I know there were some
7 things discussed about our jurisdiction; and
8 given the time we had there, I didn't really
9 weigh in too much. But for those of you who
10 don't know, the PSC regulates the bulk of the
11 electric utilities in Louisiana, among other
12 things. There are exceptions to that
13 regulatory authority. We do not regulate
14 energy in New Orleans, which is regulated by
15 exception by the City Council of New Orleans.
16 And we don't regulate a number of
17 municipalities and own and operate their own
18 electric system.

19 The biggest example would be Lafayette.
20 They own their own system. So they make the
21 decisions that I'm going to talk about that we
22 have authority over would be made by those
23 entities in that respect; not us. So we don't
24 cover everyone.

25 That being said, as part of the

1 regulatory process, any utility, whether it be
2 Entergy, CLECO, SWEPCO, you've heard all the
3 electric cooperatives would regulate which is
4 to purchase power from any type of generator.
5 It has to be certified by the Commission.
6 Typically, the way that comes through to us is
7 the utility issues or requests for proposals
8 for power. They may be general and generic in
9 that capacity. They may be specific.

10 And what I mean by that is, Entergy might
11 say, we're looking at 500 megawatts of power
12 with a 2025 end service date. They may take
13 any power that's available, market power, gas
14 generated anything; or they may be more
15 specific and say, we're looking at 50
16 megawatts renewable power. Through that
17 process, the Commission is involved in
18 potential bidder submit bids to them. They
19 rank those bids. They come to us ultimately
20 for certification.

21 There was one RFP that was just finalized
22 by a group of coops and I'm waiting to get
23 back the numbers. But I believe there were
24 over 90 proposals made for all different types
25 of power sources in that particular RFP; maybe

1 50 were solar, maybe more than that. I'm
2 trying to get a handle on that number. But
3 what ultimately was brought to the Commission
4 for a certification, you heard the term PPA
5 earlier, the PPA would be the contract
6 assuming the Commission certifies was about
7 1,000 megawatts, and I think 30 percent of
8 that was solar. So about 300 megawatts was
9 solar. I think it's two projects, maybe
10 three, but I'm going to get the answer on
11 that.

12 So there are lots of potential projects,
13 but what actually ultimately comes through the
14 queue at the very end is small. But that's
15 where the Commission's role is. We're kind of
16 at the back end of it when that utility comes
17 seeking us to certify their contract.

18 What are we looking at? We're looking at
19 reliability and price are the two main factors
20 to make sure you, as electric consumers, are
21 paying the lowest costs for the most reliable
22 power source. And that's kind of a simplistic
23 way of looking at it. But I'll end with
24 saying, I'm here on behalf of the Commission,
25 but I'm not here on behalf of the

1 Commissioners. Those five guys are the ones
2 who ultimately make all the decisions so they
3 get to disagree with anything I just said.
4 So, don't hold me to it.

5 But I'm looking forward to hearing your
6 comments. I took copious notes this morning
7 listening. Thanks, Senator Mizell. We've
8 worked on other issues before and thanks DNR.
9 And I'm looking forward to hearing what you
10 have to say.

11 CHAIRMAN LANCLOS:

12 All right. Sorry about the mic. I just
13 wanted to mention real quick, and some
14 housekeeping, my understanding is that the
15 only mic for public comment that's working is
16 the one at this first table to the right-hands
17 side toward the center of the aisle. So when
18 you come up to address folks, please speak at
19 that mic.

20 So I just wanted to mention a couple of
21 the folks who were included in this
22 Legislation, the Police Jury Association,
23 Louisiana Municipal Association, Louisiana
24 Farm Bureau Federation, and Louisiana
25 Landowners Association. And we'll list some

1 of those other parties as well as we go
2 forward. So thank you, Senator Mizell and
3 Brandon for those opening remarks.

4 And to start us off, I will call to the
5 table Don Caffery and Jeffrey Peters from the
6 Louisiana Landowners Association to start us
7 off. While they're getting set up, just to
8 let you know as well, we have a court reporter
9 who is recording all of the public comments in
10 addition to the emails that we received. So
11 Jeff and Don, the floor is yours.

12 MR. PETERS:

13 Good afternoon, I'm Jeff Peters. I'm
14 Executive Vice President with the Rathborne
15 Companies and a Board Member of the Louisiana
16 Landowners Association. Don is the Executive
17 Director of the Louisiana Landowners
18 Association.

19 As you are aware, the Landowners
20 Association represents the private landowners,
21 both large and small, about three million
22 acres of Louisiana landowners. Our position
23 on solar, and really all development, is that
24 the landowners are in the best position to
25 develop that property. The landowners' power

1 is sophisticated. Landowners have the ability
2 to negotiate contracts and address some of the
3 issues that we will hear today that you heard
4 this morning. And our position is that is a
5 private contract right. Obviously, we
6 understand that there is some reasonable
7 government regulation that needs to be in
8 place. But, ultimately, the decision is
9 between the solar developer and the landowner
10 as the best use of the property.

11 That's, you know, generally our position.
12 We certainly will welcome comment and the
13 input from regulators and from the government
14 and from our public. But, ultimately, the
15 landowner is the best person to determine the
16 use of his property.

17 MR. CAFFERY:

18 Good afternoon, Don Caffery. Just to
19 clarify a few points we heard this morning
20 around drainage, particularly, and several of
21 the other issues that the interested parties
22 had this morning, those are things that we
23 didn't speak of this morning but that are also
24 taken care of in contracts. For instance, a
25 sugarcane field that may be owned by a LAA

1 member that has historically had proper
2 drainage as part of a larger agricultural
3 network, those provisions would be put into a
4 contract. And so they don't want to see
5 anything happen to their property that
6 negatively impacts their own property or their
7 neighbor's property. Many of these properties
8 are multi-generation and have full boards and
9 family members that certainly watch this
10 property, monitor it, and want to make sure
11 it's conserved to pass on to the future
12 generations. Thank you. Happy to answer any
13 questions.

14 SENATOR MIZELL:

15 Thank you. You know, this is -- this
16 appears to be the line in the sand. I live on
17 a farm. I have -- just to give you -- I'm not
18 talking about somebody that lives in the City.
19 I understand. I am a landowner. But the
20 comment was made in Parish Council a week and
21 a half, two weeks ago that we're looking out
22 for all landowners; not just the landowners
23 who's making the lease. The landowners are
24 going to make the lease. The arrangements
25 will be made. I think that the thought here

1 is to create a set of regulations where it's
2 not at odds with every neighbor who is also a
3 landowner.

4 MR. CAFFERY:

5 Senator, we completely agree with you.
6 And that was the gist of my comments. And I
7 apologize if I wasn't clear. I was trying to
8 make it known that we are the stewards of both
9 our land and our local communities.

10 SENATOR MIZELL:

11 Right. And I think that somehow that's
12 gotten muddled in the conversation that, if
13 you're for one landowner, you're ignoring the
14 welfare of the other landowners. And I think
15 for the good of all the rural areas that we
16 care about, if we do this right, it will be
17 accepted by all and, frankly, still only
18 benefit a very narrow number of the people
19 leasing and only, that's the only benefit.
20 But it's the toleration of the other side that
21 we're working on. So anyway.

22 MR. CAFFERY:

23 Yeah, absolutely.

24 SENATOR MIZELL:

25 Thank you.

1 MR. CAFFERY:

2 Senator, we appreciate the opportunity.

3 SENATOR MIZELL:

4 I just wanted to make that comment.

5 Thank you.

6 MR. CAFFERY:

7 Yes, ma'am. Thank you.

8 CHAIRMAN LANCLOS:

9 Thank you, Mr. Caffery and Mr. Peters.

10 All right.

11 MR. CAFFERY:

12 All right. Thank you.

13 MR. PETERS:

14 Thank you.

15 CHAIRMAN LANCLOS:

16 Thank you so much. I just want to -- I
17 was reading through the agencies earlier, just
18 to give you guys an opportunity, I'll go
19 through them one more time just to make sure
20 that if there's a representative here who
21 wishes to speak, please come up and fill out a
22 card. The Police Jury Association, the
23 Louisiana Municipal Association, the Louisiana
24 Farm Bureau Federation, the Louisiana
25 Cattlemen's Association, Investor-owned

1 Utilities, Privately-owned Utilities, and Gulf
2 States Renewable Energy Industries
3 Association.

4 And with that, I will call Stephen Wright
5 to the table with Gulf States Renewable Energy
6 Industries Association. Stephen, the floor is
7 yours.

8 MR. WRIGHT:

9 Good afternoon, Senators, Members.
10 Stephen Wright, the Executive Director with
11 Gulf States Renewable Energy Industries
12 Association. At the risk of being a little
13 redundant from this morning, I just want to
14 copy a few of the things that we discussed.
15 The first off being, that Gulf States
16 Renewable Energy represents a large swath of
17 utility scale and distributed generation level
18 solar providers. Our developers are a mix of
19 local and national companies and those
20 companies have worked in many different
21 markets. They supported Senator Allain's
22 rule-making Legislation. And we did so
23 because we do think it's a great idea.

24 We think there should be rules of the
25 road. We think that there should be some

1 common sense rule-making around things like
2 vegetative barriers, around offsets, around
3 decommissioning bonds, around foliage that has
4 been dealt with in other areas. One thing
5 I'll bring up is we discussed things like
6 pollination and the effects on the ground
7 earlier. There's a lot of studies being done
8 right now, and there's a lot of areas that are
9 now mandating that native plants from those
10 areas have to be used underneath solar panels;
11 that way, you actually promote the pollination
12 instead of doing the opposite.

13 The one thing that we do want to make
14 clear is, we do want productive rule-making.
15 There's some good practices and there's bad
16 practices, as we've all seen in the regulatory
17 scheme. This is something that it's not only
18 paired with that industry; but as many of you
19 seen, many major corporations that Louisiana
20 often works very hard to recruit to our State
21 now have -- now have corporate goals that
22 require them to bring in renewable energy with
23 those projects. We want to make sure that we
24 are open for business. And I think we can do
25 that and be good stewards of the land.

1 I think this is an opportunity where we
2 can educate -- we can educate stakeholders and
3 alleviate concerns. And I would actually -- I
4 would offer that any locality, any group that
5 has -- wants questions on anything to do with
6 the panels, anything to do with development,
7 anything to do with the developer potentially,
8 let's put in that area, please let me know.
9 We would love -- Senator Mizell, I'm a local
10 boy from Sabine Parish. I'm pretty rural
11 myself, so I do care about what goes on in
12 Louisiana. I do care about what we do
13 locally. And so I hope that people will take
14 that opportunity and bend our ear.

15 SENATOR MIZELL:

16 I think, yeah, you were there this
17 morning and I appreciate it. And I just am
18 curious, because, and the people that I've
19 spoken to in different parishes, is your
20 group, are all the members of the solar
21 industry that is participating in buying and
22 leasing in Louisiana, are they all members of
23 your -- of the Gulf States Renewable?

24 MR. WRIGHT:

25 I know we have a terrible acronym. No,

1 they are not actually. I would say a large
2 portion of them are. But, like the Commission
3 pointed out, there's lots of proposals from
4 lots of potential different developers. So I
5 do not speak for the whole of the industry. I
6 just speak for my membership.

7 SENATOR MIZELL:

8 And, among your membership, are most of
9 the companies pretty consistent in their
10 regulations or -- and I'm, you know, just out
11 of -- I'm trying to understand the variable,
12 because sometimes saying, I'm told, oh, our
13 company would never have done --

14 MR. WRIGHT:

15 Uh-huh.

16 SENATOR MIZELL:

17 -- this thing or, you know, our standards
18 are higher, do you see a pretty consistent
19 standard across the industry or do you see a
20 wide variation in that?

21 MR. WRIGHT:

22 When we talk about it from -- I've
23 certainly heard what I would call a
24 substandard requirement. But for the most
25 part, I will say most contracts are

1 boilerplate for these large international
2 companies. I have companies that do
3 businesses in different states. So there is a
4 lot of uniformity to what they do. And they,
5 like I said this morning, they're not
6 reinventing the wheel; they're actually using
7 the same language that they use to deal with
8 permitting and regulations in other states and
9 carbon copying that here.

10 SENATOR MIZELL:

11 Thank you. I appreciate it.

12 CHAIRMAN LANCLOS:

13 Thanks very much, Mr. Wright.

14 MR. WRIGHT:

15 Thank you.

16 CHAIRMAN LANCLOS:

17 I appreciate your testimony. Any of the
18 other groups that I mentioned earlier who are
19 present who wish to speak?

20 Okay. So, with that, we'll turn it over
21 to Mr. Mike Harper representing Beauregard
22 Parish.

23 MR. HARPER:

24 Thank you. It's a pleasure to be here
25 today. We happen to have a potential project

1 in Beauregard Parish. It will be about 2,000
2 acres used by 1800 acres, I understand, in
3 panels, and it would be in an area that's
4 normally unseen. It's a cutover pine area
5 where there's nothing but stumps and
6 leftovers.

7 And so in different areas of the State,
8 the opinions will vary. So I would ask that,
9 as you move forward with your discussions,
10 don't simply lock every parish down to what
11 one or two or three parishes would be affected
12 by because some parishes have different needs,
13 of course. And what I look at when I think of
14 solar energy is, whenever we had power outages
15 after the hurricanes, there probably would
16 have been onstream time backup with
17 electricity sooner as we would have had this
18 solar field near where I live. We probably
19 wouldn't have been down so long without
20 electricity, possibly, even during the winter
21 storms. And I would imagine it would probably
22 be less stress on the high transmission lines
23 that take these for miles and miles.

24 There's a lot terrain variation across
25 the State. And one of the other issues that I

1 would like to see y'all add to whatever you
2 do, is to let the local governments have the
3 decision on this, you know. Whatever you do
4 can be the umbrella, but allow the local
5 governments that decision making on what's
6 going to happen in their parish. Because, as
7 I mentioned, the terrain is very different
8 across the State and that's a place where the
9 individual farmers and ranchers and so forth,
10 they can come and speak to their local
11 officials. And just like we talked about
12 whatever we do is going to affect the future,
13 well, we all won't always be elected
14 officials.

15 So leave it open so that whoever is
16 serving at that time can make the best
17 decision while they're there. But in the
18 future, if the need changes, if the opinion
19 changes, then local government can change with
20 that. I'll give you an example, like
21 Beauregard Parish is largely pine timber and
22 that's usually what we're marketed as is a
23 tree parish. And that's very different than
24 an agricultural land that depends on the
25 farms, you know, growing products. But if you

1 look at what solar power would generate
2 compared to a patch of pine trees, over 50
3 years, you'd probably have two cuttings of
4 pine trees. So at two times during that 50
5 years, someone would wreak benefit from that
6 land and tear up the roads by the way. And
7 this is something that will continually pay
8 out every year into the local government, into
9 the State's economy. It's a constant source
10 of income.

11 And kind of touching again on the
12 decisions that y'all will make moving forward,
13 Senator Mizell and I were in a broadband
14 meeting. And years ago, broadband was allowed
15 for LUS fiber and immediately shut down by the
16 Legislature so that no one else could do it.
17 We would like to do a project like that, but
18 the people who were serving in those seats
19 back then locked us down so that we can't do
20 that. So I'm just asking, whatever you do,
21 please make it so that it's not uniform across
22 the State, just a rubber stamp and something
23 that can't be changed by the local government
24 because that's the first vehicle for the
25 farmers, the ranchers, the landowners is their

1 local government. That's the ones who is
2 going to listen, you know. So please just
3 keep that in mind as you move forward. Thank
4 you.

5 CHAIRMAN LANCLOS:

6 Thank you, Mr. Harper.

7 Next up, we have Mr. Mark Yates and
8 Mr. Jeffrey Clark with the Advanced Power
9 Alliance.

10 MR. CLARK:

11 Good afternoon. And thank you again for
12 the opportunity to speak with you twice today.
13 And I may be a little bit redundant, but I'll
14 try to be quick. And, Senator, I appreciate
15 your words earlier and appreciate this
16 opportunity. And I think it's been
17 informative and it's helpful for us, as an
18 industry, to hear concerns because sometimes
19 there are things that we can speak to that
20 will alleviate some of those concerns. And,
21 of course, we do have work together going
22 forward.

23 My name is Jeffrey Clark. I'm President
24 of the Advanced Power Alliance. We're an
25 organization that represents power developers

1 who are building winds, solar, energy storage,
2 and hydrogen projects around the United
3 States. Our members also own coal facilities,
4 nuclear facilities, so they're a very diverse
5 set of investors in utilities and developers.
6 And I do, while I don't speak for every
7 company in the industry, I can speak, I think,
8 for the companies that are responsibly
9 developing. And I can tell you that we do
10 want to work with you on decommissioning
11 Legislation that is responsible, that's fair
12 to the industry, but most importantly,
13 protects communities and taxpayers from the
14 potential for having to clean up the site of a
15 project that failed. We don't want to see
16 that happen.

17 There's an energy transition happening in
18 America. And I think you said it well, we
19 don't want to look back later and have
20 regrets. We see that every day around all of
21 our states in this country. We look at
22 facilities that we say, you know, why on earth
23 did that get built there? And that's
24 something we want to have a responsible
25 conversation about, while at the same time

1 acknowledging the private property rights from
2 free enterprise are a big part of what has
3 made our country so great and has made our
4 economy so strong. The transition that's
5 happening, we don't want to look back and have
6 regrets that we didn't thoughtfully regulate
7 or didn't thoughtfully set some guidelines.
8 But we also, I think, don't want to look back
9 in 20 years and say, why did we miss out on
10 the economic opportunity that could have been
11 brought by expanding and diversifying our
12 energy system when we had that opportunity?

13 I've heard people suggest that you have
14 to make a choice, that we're going to be oil
15 and gas states or we're going to be renewable
16 energy states. And I would put to you that
17 the answer is to be that your oil and gas
18 industry can be enhanced by renewable energy.

19 And I'd point to carbon neutral natural
20 gas, which is the popular project in Asia
21 right now where we can decarbonize our
22 production, we can decarbonize distribution,
23 decarbonize our LNG export terminals and send
24 to the world the oil and gas products that
25 they want and make those products more

1 competitive by decarbonizing. The additional
2 diversification in energy has a lot of
3 benefits. It's not just for the landowner.
4 And I will say, for farmers who struggle with
5 commodity prices and weather, that having an
6 additional source of revenue that's not
7 dependent on either of those factors is a
8 relief. But communities also benefit from tax
9 revenue. Customers benefit. Every energy
10 consumer in the State benefits from lower
11 energy prices.

12 And what we are seeing around the
13 country, and I point to Iowa as an example,
14 Iowa is now a hub for data center investments
15 because they embrace renewable energy. They
16 now market the State. Their economic
17 development is centered around renewable
18 energy. And they attract data centers to that
19 State. It's not a state you would think of as
20 a data center hub. But because of the
21 availability of cheap, renewable energy,
22 they've become a hub for data centers in that
23 state.

24 As I've said, we want to work with you on
25 decommissioning. We do have some language

1 from other states. Oklahoma comes immediately
2 to mind where the decommissioning statute we
3 wrote for wind energy is being used by that
4 state today to shut down a project that is
5 problematic. We want to make sure, again,
6 that we find something that has teeth but is
7 fair to the industries and is fair and, most
8 importantly, protects the taxpayer. And I do
9 want to work with you going forward on the
10 signing issues.

11 And I'd share one last thought with you
12 because I've seen it in other places that
13 there is a lot of excitement and activity
14 around solar development or wind development
15 or whatever is coming into an area. And
16 communities understandably become concerned
17 because of the level of activity, the volume
18 of activity. There is a misconception that
19 all of those projects are going to be built.
20 And I appreciate the comments earlier about,
21 you know, you will see a lot of projects
22 proposed. But the reality is, the
23 transmission system, the demand from
24 consumers, the investment community, not all
25 of those projects are going to get built. In

1 reality, a small fraction of those projects
2 get built. And so I do understand the
3 concerns of folks who are -- if every project
4 got built, that would dramatically change the
5 community. I would suggest to you that not
6 every project that's being talked about is
7 ultimately going to come to fruition. But we
8 understand the concerns. And, again, Senator,
9 appreciate the dialogue and look forward to
10 working with you.

11 MR. YATES:

12 Senator, thank you. Mark Yates with the
13 Advanced Power Alliance. And I am based out
14 of Oklahoma, and previously to this role,
15 worked for the Oklahoma Farm Bureau. So, you
16 know, kind of the unique lens in seeing the
17 growth of the industry in my state and how
18 it's impacted local communities and rural
19 communities or landowners. And I very much do
20 see some similarities in our state in the
21 sense that we are legacy oil and gas. You
22 know, it is an oil and gas state in Oklahoma.
23 It is in Louisiana. We're also a big Ag
24 state. And so, you know, I look at it as, you
25 know, we feed America and we power America

1 with our resources and our crops that we grow.

2 And there's a complimentary nature to all
3 of this. And I think that, you know, the
4 discussion this morning was illuminating in
5 the sense that it's good to hear the various
6 concerns, and I think it's good for us from an
7 industry standpoint so that we can speak
8 better to those concerns and help educate.
9 Because I do think it comes down to
10 collaboration, communication at the local
11 level and at the state level. And so, you
12 know, I applaud this process and we're very
13 happy to be a part of this.

14 In my home state of Oklahoma, we've now
15 seen over the past 20 years renewables grow.
16 And we have 77 counties equivalent to
17 parishes, and we are the top taxpayer in 16 of
18 those counties. And we're in the top three
19 taxpayer in nearly 30 of our 77 counties. And
20 so we've seen a tremendous economic impact
21 into the areas in which these investments have
22 gone in.

23 Yes, there is direct landowner lease
24 payments. We now total over \$50 million per
25 year in landowner lease payments across the

1 state of Oklahoma. It has been a tremendous
2 tax advantage for the local school districts
3 to be able to bond against these projects and
4 increase and upgrade their facilities.

5 And then, I think, from a macro-level at
6 the state, what we have seen is that the
7 evolution of becoming an oil and gas state to
8 an energy state has really changed, I think,
9 the economic development opportunities across
10 our state. We are now starting to see data
11 centers come to Oklahoma. We just announced
12 an EPA manufacturing facilities that brought
13 2,000 jobs to another rural community. And so
14 we're starting to see the economy build around
15 a growth of renewables in our state. And so I
16 just want to convey on a positive note, I do
17 see the similarities in the opportunities that
18 exist for the State of Louisiana, but we do
19 want to do this in a responsible manner. And
20 we want to be a part of this conversation and
21 a collaborative partner at both the parish
22 level and the state level. So thank you for
23 the opportunity to be engaged with you.

24 SENATOR MIZELL:

25 I just have a -- and I don't know who

1 wants to answer it. I think, when we're
2 looking at this, well, it's something that
3 maybe others were aware, but I'm not, is what
4 is our limitation? What determines or who
5 determines how many projects we can have, how
6 many acres will be allocated?

7 I mean, I've heard it depends on the
8 load, you know, it depends -- so but, as you
9 referenced Oklahoma, what determines that? Is
10 that an industry standard that is set that
11 every state could go into follows the same
12 formula for that or how is that set?

13 MR. CLARK:

14 And are you, Senator, are you meaning in
15 terms of the size of the project?

16 SENATOR MIZELL:

17 Well, the number -- if you could, say,
18 2,000 in my parish, is that typical, and then
19 are you going to, like, do we have room in
20 Louisiana to put 2,000 in every parish or is
21 the 2,000 your total for the whole state? You
22 know, like, what determines how much power
23 will be generated in the state?

24 MR. CLARK:

25 Ultimately, the biggest driver is demand

1 for that --

2 SENATOR MIZELL:

3 Demand?

4 MR. CLARK:

5 Demand for that electricity. And is
6 there -- three things that have to exist for a
7 project to go forward. Of course, there has
8 to be demand. There has to be a customer.

9 SENATOR MIZELL:

10 Right.

11 MR. CLARK:

12 And you hear references to power purchase
13 agreements. There are very few, if any,
14 projects that are built today without a
15 customer, an offtaker for that power. So the
16 days of building a solar project and just
17 hoping that somebody is going to buy that
18 electricity, those are behind us. You need to
19 have the transmission available. And so there
20 are limitations on the system.

21 So one of the things that goes on is that
22 folks will go around and talk to landowners --
23 to what I was speaking to earlier, they'll
24 talk to landowners and say, hey, we'd like to
25 get a group of landowners together because we

1 hope we can build a solar project here. The
2 reality is that's an early step before you go
3 to the transmission organization to find out
4 if you can even connect a project there. So,
5 there's some, to my point earlier, there's
6 some discussion that takes place that maybe
7 sometimes raises concerns. But the
8 transmission may not be there. But you have
9 to have the customer, you have to have the
10 resource, the land available, and you have to
11 have that transmission. Those limitations are
12 really what drives --

13 SENATOR MIZELL:

14 But --

15 MR. CLARK:

16 -- development.

17 SENATOR MIZELL:

18 But is the formula for the end need the
19 same? So if we're creating energy rurally to
20 go into New Orleans or Baton Rouge or
21 Shreveport, so is that -- are we looking for
22 that same number to go in or are we -- does
23 that -- do we see --

24 MR. CLARK:

25 It's a --

1 SENATOR MIZELL:

2 -- more in summer, for instance, then?

3 Are you going to generate more in the summer
4 than you would the rest of the year and you
5 have that in reserve somewhere else?

6 MR. CLARK:

7 Right. I think that the question -- I'm
8 trying to make sure I answer the question
9 correctly. The -- you build to try to make
10 sure we can cover the maximum demand on the
11 system. And then the cheapest resources are
12 those for the consumer's sake that are
13 dispatched early and first. And so there are
14 times of year that there are resources that
15 are not the cheapest resources, say in the,
16 you know, a spring day where, you know, it's
17 70 degrees outside --

18 SENATOR MIZELL:

19 Right.

20 MR. CLARK:

21 -- and we're not running our air
22 conditioner and demand is low, then there's
23 not as much need for those resources. A solar
24 facility would typically run, if it's -- it's
25 going to run every time the sun is available

1 because it's the cheapest resource that's
2 available to the system. But you -- I think
3 to answer your question about how much do you
4 build, it's a system-wide demand. So if it's
5 built here, it won't be built, you know, in
6 another -- in another parish. You build to
7 serve the system as a whole.

8 SENATOR MIZELL:

9 Yes. So once you get that number of
10 kilowatts generated in, say, Washington
11 Parish, you don't need to go to Tangipahoa to
12 feed the same in --

13 MR. CLARK:

14 That --

15 SENATOR MIZELL:

16 -- the --

17 MR. CLARK:

18 That could be correct.

19 SENATOR MIZELL:

20 Yeah, okay.

21 MR. CLARK:

22 You're building to -- and that's one of
23 the things that does happen is that you have
24 parishes competing with one another --

25 SENATOR MIZELL:

1 Right.

2 MR. CLARK:

3 -- and in a integrated system. You also
4 have states. And to my point about not having
5 regrets later is that the power could very
6 well be serving Louisiana customers, but
7 generated in another state.

8 SENATOR MIZELL:

9 So when you said that about a
10 problematic -- a project that was problematic,
11 what was the problem with the project?

12 MR. CLARK:

13 There was a wind project that was
14 built -- and I would -- I raise it as a point
15 where we, as an industry, supported a
16 decommissioning statute to require -- to get
17 some teeth to making sure exactly the scenario
18 didn't happen. And I will say it's being
19 handled now by the Oklahoma Corporation
20 Commission. You know, and so, I probably
21 should be careful what I say, but it's a
22 project in the panhandle. It was built by a
23 developer. They used some equipment that was
24 proprietary and they had technical problems
25 with that equipment. They've allowed that

1 project. It's been -- it's traded hands.
2 There was another company trying to redevelop
3 it. And the Corporation Commission has
4 decided to intervene with that company.

5 SENATOR MIZELL:

6 And what --

7 MR. CLARK:

8 And to make sure that --

9 SENATOR MIZELL:

10 -- Commission? I'm sorry, but --

11 MR. CLARK:

12 It's the --

13 SENATOR MIZELL:

14 -- I want you to back up. When you said
15 that it was handled, it was addressed
16 basically by --

17 MR. CLARK:

18 It's the --

19 SENATOR MIZELL:

20 -- an entity in Oklahoma?

21 MR. CLARK:

22 Correct.

23 SENATOR MIZELL:

24 It's an agency?

25 MR. CLARK:

1 Their Utility Commission.

2 SENATOR MIZELL:

3 Okay.

4 MR. CLARK:

5 The Oklahoma Corporation Commission.

6 SENATOR MIZELL:

7 Okay.

8 MR. CLARK:

9 Yes, ma'am.

10 SENATOR MIZELL:

11 So that was handled by government
12 officials with the cause of the standards --

13 MR. CLARK:

14 Based on the --

15 SENATOR MIZELL:

16 -- by the government; right?

17 MR. CLARK:

18 Yes, ma'am.

19 SENATOR MIZELL:

20 It wasn't handled within the industry?

21 MR. CLARK:

22 Right.

23 SENATOR MIZELL:

24 So the -- I think that validates
25 everything we're trying to do.

1 MR. CLARK:

2 Yeah. And I've very proud to say that
3 what makes that statute work is that the
4 industry was at the table and helped write
5 that statute so that everyone is held
6 responsible without being overly burdensome,
7 but at the same time, making sure it had
8 enough teeth to protect the taxpayer.

9 SENATOR MIZELL:

10 Right, which is why --

11 MR. CLARK:

12 And we want to do that --

13 SENATOR MIZELL:

14 -- a good car salesman --

15 MR. CLARK:

16 We want to help you do that here.

17 SENATOR MIZELL:

18 -- want the bad salesman out of the way.

19 MR. CLARK:

20 That's absolutely right. And like I
21 said, I do feel comfortable on behalf of the
22 industry saying that we're here to bring ideas
23 to share what we have seen in other places and
24 to help you develop a decommissioning
25 structure that will continue to make Louisiana

1 attractive for investment while making sure
2 that no taxpayer is ever on the hook to take
3 down a project that is abandoned.

4 SENATOR MIZELL:

5 And I appreciate your patience. But the
6 variable from state to state on something as
7 just as straightforward as setbacks, how wide
8 do you see the variance from state to state?

9 MR. CLARK:

10 You know, there's some general -- I think
11 the best thing we can do is bring you some
12 examples from other states on that. The
13 competitiveness is, you know, there are a lot
14 of different factors that go into, you know,
15 where a project would be sited. You know,
16 power prices, you know, there are a lot of
17 different things that when a company sits down
18 to commit an investment to a state that they
19 look at, you know, decommissioning is one of
20 the -- the good companies are doing this
21 today. So I would suggest to you that what we
22 would like to explore with you is something
23 responsible companies are already doing. And
24 we want to formalize it to make sure that
25 people do that going forward. But that's --

1 SENATOR MIZELL:

2 And I just want to -- the philosophy, I
3 mean, we all know, I mean, the industry is
4 there to make a profit. You want to make
5 money. You want to have more product. We get
6 that. And I respect that. And I understand
7 it. But is it -- what I've seen on local
8 governments, is that they have a fear that if
9 they put in rules that support neighboring
10 landowners' concerns as far as, like, a wider
11 setback, that we're going to, it's almost
12 that, oh, we're going to lose our opportunity.
13 I mean, I know that you all have states that
14 have -- just to keep on the setbacks' idea,
15 that have the wider setbacks and can you
16 still -- for instance, I've visited the local
17 solar project in my area, there were no green
18 spaces, there was no buffer. And when I asked
19 the manager, do you do this at other places
20 like this? And he comes smiling, like, no, we
21 should have a buffer.

22 We are -- and this is my fear of being
23 taken advantage of, you know, when the
24 Landowners Association says the landowners are
25 very sophisticated, they may be sophisticated,

1 but this is new. This is very new. I
2 don't -- my fear is that we don't ask enough,
3 even though you would yield it, and I mean, I
4 know that's part of the game we're playing,
5 you know, we've got the bluff going back and
6 forth. But in order to do this in a way that
7 doesn't have a bitter taste in all of our
8 mouths, I think, to be very forthcoming, you
9 know, you're going to be here. As I see it,
10 you're going to be here and we can do it with
11 a 50-foot setback or we can ask you for a
12 200-foot setback and have neighbors feel much
13 better about it, but we're still going to have
14 solar projects.

15 MR. CLARK:

16 I think you -- there is competition --

17 SENATOR MIZELL:

18 Right.

19 MR. CLARK:

20 -- between parishes. There's competition
21 between parishes. There's competition between
22 states. And I think that finding the sweet
23 spot --

24 SENATOR MIZELL:

25 Sweet spot.

1 MR. CLARK:

2 -- and it's, you know, frankly, I'm a
3 terrible poker player. I tell you we want to
4 help you find something reasonable, this
5 conversation and the fact that you've convened
6 this conversation early in the industry's
7 development here in the state is exactly what
8 will help identify this -- you know, this is
9 my first meeting with you, but this is what
10 helps identify those best practices: What are
11 you doing in other places, and how can we
12 make, you know, how can you as a lawmaker
13 ensure that the citizens end up with projects
14 they can be proud of?

15 We have a longterm -- and this is --
16 these relationships, if we build a project in
17 an area, and I don't know the project in your
18 community, but, you know, we would love to
19 explore that with you, but if we build a
20 project in the community where it creates
21 unease, it's very difficult to go to another
22 community and build a project. We have a
23 30-year plus relationship with the landowner,
24 with the community, with the school district,
25 and we want that to be a positive

1 relationship. And so we want to find those
2 things that make it work, because having a
3 community upset with the tax -- you can be the
4 biggest taxpayer in town, but if everybody is
5 upset with you, it's not a healthy way to
6 operate. And so we do want to have this
7 conversation with you. And I appreciate, you
8 know, the chance --

9 SENATOR MIZELL:

10 Yes, just the --

11 MR. CLARK:

12 -- or opportunity to be here.

13 SENATOR MIZELL:

14 -- few conversations, I appreciate it.

15 Thank you.

16 MR. CLARK:

17 Yes, ma'am. Thank you.

18 CHAIRMAN LANCLOS:

19 And Mr. Frey is going to make a comment.

20 MR. FREY:

21 And this is to some of your questions. I
22 think I might be able to answer a little
23 better than they did about what is too much
24 and how we determine what's needed. I'm going
25 to throw a bunch of acronyms out, so I'm going

1 to try to explain what they are for everyone.
2 Our industry is acronym heavily. But the
3 utilities, particularly the investor-owned
4 utilities would be the three big ones that we
5 regulate, Entergy, CLECO, and SWEPCO are
6 required under PSC rules to follow what we
7 call an Integrated Resource Plan, an IRP. And
8 we look at that plan. Essentially, what
9 they're doing is they're looking at their
10 existing customer load, so that's their
11 industrial commercial residential customers,
12 what their current fuel -- or current electric
13 use is, not fuel use, but what they anticipate
14 coming on in the way of growth, and what their
15 existing generation mix is, what's out there
16 for power and market and determine, going
17 forward what the plan is. So that's more of a
18 longterm planning. And like I said, all three
19 of those are doing that.

20 MISO is more of a short-term planning.
21 You heard MISO mentioned earlier. What MISO
22 is and what it stands for, it's an acronym,
23 Midcontinent Independent System Operator.
24 It's an RTO. What's an RTO? An RTO is a
25 Regional Transmission Organization. There are

1 a number of those in the country. But,
2 essentially, what an RTO does is, rather than
3 Entergy or CLECO determine, I'm going to run
4 this whole plan, MISO looks at what's
5 available. It's a next-day market. Every
6 generator in Louisiana, Mississippi, most of
7 Arkansas, part of southeast Texas is part of
8 MISO South. And they plan the next day. And
9 they'll say, all right, Entergy, you're going
10 to run these generators. Calpine, you have a
11 merchant plant, you're running that one. We
12 know we're going to have so much solar,
13 potentially, based on the weather forecast.
14 And they determine what runs.

15 Obviously, as these gentlemen said, you
16 can't turn the switch on and off on solar.
17 That's more dependent upon the sun itself.
18 But because of that, it's my appreciation, and
19 MISO really gets confusing to me. I'm an
20 attorney, not an engineer. But there is a
21 saturation point for solar. You can only have
22 so much solar because it doesn't have that
23 reliability. Let's say that, when you turn on
24 the natural gas generators, if it's 900
25 megawatts, it's going to run 900 megawatts,

1 assuming it can run. With solar, you may not
2 get that full production depending on the
3 cloud cover, rain, et cetera. So there's only
4 a certain amount that can be in there. But I
5 think this might make that -- drive that point
6 home.

7 For those of you who are bored or
8 interested like I am, MISO has an app that's
9 available on any smart phone, so whether it be
10 Apple or Android, and it shows the real time.
11 Now, this is all MISO. MISO North includes
12 parts of the Midwest going into Michigan,
13 Wisconsin, I believe, Minnesota as well.
14 There are about 101,000 megawatts online right
15 now generating power in MISO. And it breaks
16 it down as to the fuel mix. So what's online
17 right now producing power right now as we
18 speak in MISO is 43 percent coal, 40.2 percent
19 natural gas, 11.2 percent nuclear, 2.45
20 percent wind, 2.50 percent other, and that
21 other would likely be hydro, geothermal, maybe
22 some demand side management, and then solar is
23 .54 percent right now what's generating, it's
24 540 megawatts out of the 101,000 megawatts
25 that's online MISO right now. Now, whether

1 that's the max, but just to give you an idea.
2 It's -- we're not talking anything. It's a
3 small amount right now.

4 And I did get confirmation, I want to
5 circle back, on those projects that are out
6 there right now for that coop. There were a
7 total of -- and there were 39 projects
8 submitted that had a solar component set for
9 exclusively solar, there were three projects
10 ultimately selected as part of the portfolio
11 for the coops. And then like I said, it's
12 about 30 percent of the portfolio for a total
13 of 343 megawatts. It's 98 in Morehouse
14 Parish; 150 in Evangeline, and 95 in St. Mary.
15 The total acreage for those 343 megawatts of
16 power is 2585 acres, 2500 acres.

17 CHAIRMAN LANCLOS:

18 Thank you, Mr. Frey, and Mr. Yates, and
19 Mr. Clark for your testimony. I appreciate
20 you being here.

21 MR. CLARK:

22 Thank you.

23 CHAIRMAN LANCLOS:

24 Next up, we're going to call Dr. Jim
25 LaCour for the Louisiana Department of

1 Wildlife and Fisheries.

2 DR. LACOUR:

3 Good afternoon. I'm Dr. Jim LaCour,
4 Louisiana Department of Wildlife and
5 Fisheries, and the state wildlife Veterinarian
6 for the Department. So our department is
7 responsible for the conservation of wildlife
8 and to make it available to the citizens of
9 Louisiana. We are neutral on the subject of
10 solar power. We don't really have a dog in
11 the hunt either way, no pun intended. We're
12 here basically to speak for the wildlife.

13 Wildlife, in the absence of human
14 pressures, needs habitat and genetic
15 recombination. They need to move. We have
16 some concerns with some of these large
17 enclosures, thousands of acres that they will
18 effectively act as a barrier to the movement
19 of some wildlife. And so we're simply asking
20 for considerations and some concessions, if
21 you will, to leave some rock area or maybe
22 wooded corridors within some of these larger
23 enclosures for the movement of wildlife so
24 that we don't effectively stop them like a
25 wall.

1 Additionally, we sent the request that
2 the newest technologies are used in solar
3 panels themselves to ameliorate any bird
4 strike or a bird strike can happen. We see
5 from some of the literature that much of it is
6 done in the desert, that there are bird
7 strikes, particularly water birds. We are a
8 state that has a lot of water birds. So just,
9 there is technology out there that can help
10 with that.

11 We are there as a department. We are
12 full of experts in multiple fields. If
13 consideration is needed, if help is needed, if
14 an opinion is needed, we are there to offer
15 that opinion. And that's all I have. Thank
16 you.

17 CHAIRMAN LANCLOS:

18 Thank you, Dr. LaCour. We appreciate you
19 being here.

20 Next up, Mr. David Rogers with NuQuest
21 Energy.

22 MR. ROGERS:

23 Thank you for this opportunity to speak.
24 I'm David Rogers. I work for NuQuest Energy.
25 We are Louisiana-based solar developer,

1 headquarters in Metairie. And just a little
2 bit of my background, I'm a third generational
3 gas supporter. My mom was from Minden, and,
4 actually, McIntyre. And so I know a lot of
5 people doesn't think Minden has a suburb, but
6 McIntyre was actually a suburb. My dad was
7 off of Corney Creek and Three Creek, so he
8 really was rural. And he had to walk to
9 Summerville. So I have a deep-seated respect
10 for our rural areas for both industry and for
11 the natural resources and communities. And
12 I'd like to talk about those three generations
13 of energy and about pivots that came after a
14 significant hardship.

15 When the depression crushed our family
16 farm, our grandfather took a job walking from
17 Houma to Shreveport looking for a lease on a
18 pipeline. And that put food on the table.
19 And then when my dad came back from World War
20 II, he worked for Shell Pipeline. And the
21 pivot they made as oil and gas depleted in
22 north Louisiana, it was offshore. And so we
23 had innovation to get those pipelines to the
24 refineries in Norco and that was a great
25 opportunity. And my daddy didn't have one,

1 but gave all four of us kids a college
2 education. And I used mine to get in energy.
3 And then my life was squashed when Enron
4 collapsed, and I needed a job badly. And
5 along came the wind industry.

6 And I got into developing wind farms in
7 Nebraska, upstate New York, and Texas. And it
8 was a great energy value, at the same time,
9 protecting farms and pivots and ranchers and
10 all the people involved with that energy
11 development so that we could all coexist. And
12 I think that was a great lesson we can learn
13 now. And now, as I am trying to bring that
14 energy to Louisiana, I want people to realize
15 that, there's opportunity to do it right. And
16 there's investment there, because I think our
17 grandkids would want to have a job, and they
18 want to know that they're investing in the
19 future.

20 And so all I ask is that you think about
21 this as this is a great opportunity for us to
22 benefit, to embrace it so we can bring
23 renewable energy in and develop it right, but
24 then also support what is the lowest carbon
25 intensive basin behind Saudi Arabia, and I

1 think Finland. Louisiana is that place. So
2 we know energy that's doing all of it because
3 we're good at doing more than one thing at a
4 time. Thank you.

5 CHAIRMAN LANGLIS:

6 Thank you, Mr. Rogers.

7 Next up, we have Ms. Jennifer Brown from
8 the Louisiana Beekeepers Association.

9 MS. BROWN:

10 Hi, everyone, and thank you, again, for
11 your time today, and I appreciate you
12 listening to me twice. Again, I represent the
13 Louisiana Beekeepers Association. I'm the
14 President for the state. And we are the
15 forgotten agriculture. The concern here is
16 we're all pollinator habitat, but specifically
17 for our honeybees because Louisiana provides
18 forage nearly year-round for the bees and all
19 pollinators. But two of the large nation's
20 largest commercial beekeeping operations
21 utilize the farm ground in Louisiana to build
22 up these colonies before -- in the spring
23 before going out with the pollination rounds.
24 That's 80 plus thousand colonies or more going
25 through this state, relying on this

1 pollination to be able to go on and pollinate
2 the rest of the foods across the United
3 States, starting in California going to
4 cranberries and almonds and apples and other
5 fruit and nut industries across the entire
6 United States, but they come back here to
7 forage on our ground.

8 So my concern is the large tracts of land
9 being changed to the solar power plants.
10 Typically, for the monoculture crops that are
11 available now, at least provide something for
12 the solar farm so that -- something for them
13 to eat. But the solar farms don't allow
14 hardly anything. They sterilize and they
15 strip the land and they remove vast acres of
16 any pollinator resource for foraging.

17 Second, overall, they reduce biodiversity
18 of an environment, which results in the
19 decline of pollination in general, not just
20 our honey bees. I recommend that, in
21 completing -- I recommend that we complete the
22 environmental impact study at each site to
23 seriously take a look at the real
24 environmental impact and that we learn the
25 land size involved in these leases. And the

1 distance between solar panel plants is
2 limited.

3 For example, within a five-mile radius of
4 my location, there will be two solar tracks,
5 one on the east, and one on the west. The one
6 on the east side will be 1,000 acres. The one
7 on the west side is proposed for 3,000 acres.

8 Honeybees fly three to five miles for
9 foraging. Every time they have to go the
10 three to five miles to find forage, it
11 decreases their lifespan, which increases the
12 stress on the colonies, which results in the
13 decline of the population. So in looking at
14 all this, I'd like to ask that you also look
15 at the regulation of any of the chemical
16 applications used on these sites. We're
17 looking at also a mandatory request for
18 replanting the pollinator habitat as the best
19 practice management program, which can easily
20 be done with the native pollinator plants that
21 meet the height regulation required. And I
22 know I've had a lot of the solar company
23 representatives look at me when I suggest the
24 environmental impact study that you go through
25 the (indiscernible). It's a three-year

1 program, but these contracts are being
2 contracted out three years in advance.
3 There's plenty of time to complete these
4 particular environmental assessments, not just
5 the phase on assessment that they require at
6 this point in time. Thank you again for your
7 time.

8 CHAIRMAN LANCLOS:

9 Thank you, Ms. Brown.

10 Next up, we have Mr. Wilson LaGraize, Jr.

11 MR. LAGRAIZE:

12 Thank you, Mr. Chairman and Members, and,
13 of course, Senator Mizell. I want to
14 especially thank all of you all for giving us
15 the opportunity to come and share our views.
16 We represent individuals, taxpayers, and
17 citizens of our Parish. Respectfully, I am
18 one of them. Actually, my name is Wilson
19 LaGraize, for the record, and I live on Kat
20 Kaw Road. And I'm here with a group of other
21 citizens. And I want to thank Senator Mizell
22 for listening to her neighbors about this
23 problem.

24 I've heard people talk about the
25 excitement of these solar projects. Well, I

1 can tell you the excitement that we had was
2 not positive because, basically, the project
3 sort of came in the backdoor. You know, we
4 heard nothing about it before. It all of a
5 sudden began to pop up. I live actually a
6 half a mile from the project and I really
7 didn't know anything about it until I started
8 to see the equipment and the project began.

9 So, basically, it kind of left a bad
10 taste in my mouth. Where we're coming from
11 now is we've got some concerns that, you know,
12 we really, really want to see some really good
13 regulations and standards coming out of the
14 state. Up until now, there's been no
15 regulation on the Federal level. And there's
16 been no regulation of the state level. We got
17 involved in this because some of our local
18 councilmen asked for our help in their
19 drafting of an ordinance, which really becomes
20 standards and regulations for solar energy
21 companies developed in our parish. Well, you
22 know, we really shouldn't be doing that.
23 That's not really our expertise or our role in
24 government per se. We should be maintaining
25 our own parish and our own business; but yet,

1 we got involved in it.

2 So we were elated when we heard about
3 Senator Allain's Bill and, of course, Senator
4 Mizell's Bill to come here and be able to talk
5 and let the representatives from these
6 industries hear what we have to say. And so
7 for that, I'm extremely grateful.

8 Environmental impact, I won't really
9 spend a whole lot of time on it. There's a
10 lot of fear, you know, life is full of
11 uncertainties. There is fear about the
12 unknown. Citizens don't know what these
13 hazards that are potentially advertised and
14 promoted on the internet, for instance.
15 You'll find as many arguments against solar on
16 the internet as you will find for solar on the
17 internet. So people don't know. We think
18 that the state, at their level, should provide
19 for an environmental impact study. We can't
20 do one on each parish's level.

21 Now maybe the study should be, you know,
22 related to the particularities of the state
23 where there are differences. However, we
24 think that that would be a function that
25 should be done at the state level. It should

1 be public. It should be, of course,
2 independent. And let them, the experts, come
3 back and tell us, what are the risks? What
4 should we be afraid of? If there is no fear,
5 we have to dispel them. I think that's really
6 important, number one -- number two rather.

7 Number three, we have a lot of residents
8 who feel that their property value is going to
9 suffer. Like I stated this morning about one
10 resident landowner who had sold 15 acres of
11 land, the buyers came back to her and said,
12 look, we just found out that there's a solar
13 energy plant going to be developed right here
14 next to our property so we'd like our money
15 back. The lady gave them their money back.
16 So I think there's a little concern that
17 property owners could lose value.

18 One of my neighbors actually has solar
19 power energy plants all around his property
20 and he's like right in an island in the middle
21 of it all. He's going to have suffering.
22 He's going to definitely suffer diminution of
23 his value. So we would like to pose the idea
24 of setting up a vehicle, a process by which
25 property owners don't have to sue. There is a

1 mechanism that's placed in law that will allow
2 them to be able to sell agreements directly in
3 the form of an arbitration with the solar
4 energy company. And I'm not going to go into
5 details like I did this morning, but a couple
6 of our independent appraisers can get together
7 average, you know, if a third was required,
8 then sobeit. And those appraisers would
9 decide what is, what we call the Average
10 Diminution Value, ADV. Just a thought, guys.

11 I mean, as a profession, I'm a CPA or a
12 forensic accountant. So, you know, we kind of
13 get involved in the numbers and we kind of
14 like to figure out these complicated things.
15 But, seriously, just -- I think the concept is
16 valid and it deserves some merit.

17 I know a lot of folks have talked about
18 the decommissioning. And, you know, all over
19 the world, the United States, everybody is
20 worried about not the decommissioning, it's
21 worried about where there are going to be
22 funds available; because the chain of
23 responsibility goes from the landowner. Now,
24 the landowner has got the right to do what he
25 wants with his land. But the problem is, he

1 also has a responsibility to his neighbors not
2 to do something that's going to, in some way,
3 devalue or have an adverse impact on his
4 neighbors. So, basically, we want a situation
5 where a fund could be created, because if the
6 owner gets all of his money back, he's being
7 paid exorbitant rates, in a few years, he gets
8 all of the value of his money back. I mean,
9 thousand dollars, 900, I don't know what
10 they're leasing for per acre, but the land
11 isn't worth more than four or five thousand
12 acres. So within a few period -- a few years,
13 maybe five, 10, or eight years, they've gotten
14 all of their money back.

15 So 20 years from now, if they're faced
16 with the fact that the LLC, single LLC with no
17 capital structure fails for whatever reason,
18 and five, 10, 15 years is a lifetime away from
19 where we are today. So we're making decisions
20 that far out. There's got to be some way for
21 those funds to be set aside to guarantee that
22 that decommissioning will take place.

23 We know it's going to take place. If it
24 doesn't happen by the owner of the industry
25 plant, it's going to happen by the landowner.

1 And if the landowner walks away, the local
2 parish has got to be responsible for it. So
3 somehow, I think that's got to be addressed.

4 Senator Allain told me something this
5 morning I didn't know about the oil industry
6 has a concept called Site-Specific Funds and
7 that sounds like a great alternative. And if
8 it works for the oil industry, I'm sure it
9 would be something that you guys would want to
10 consider. I'm sure you would anyway
11 naturally.

12 The last point I want to mention is the
13 fact that, when we talk about the financial
14 impact, we really need to know what the
15 economic impact of these solar energy plants
16 are in our various parishes, you know. We
17 speak about Louisiana, well we're Washington
18 Parish first. I mean, we think about our
19 homes and that's a normal human
20 characteristic. So we're thinking about our
21 parish. What we found is that the revenue
22 that we're going to derive from property taxes
23 is almost nonexistent for the first 10 years.
24 It's going to be a very small amount per year,
25 something like \$90,000 from one of our first

1 projects that's already been implemented,
2 okay.

3 So Washington Parish is going to give up
4 its land. It's going to subject itself to a
5 lot of disharmony within our residents because
6 they are unsightly. Now, they can do
7 something to, you know, mitigate that risk.
8 But the bottom line is, what is Washington
9 Parish getting out of it? Very little.

10 Now, of course, if the powers that be
11 don't -- they reject the ITEP, the Industrial
12 Tax Credit, then we do get some funds. But
13 that's still up in the air, you know, whether
14 or not we get them. Just yesterday, I think
15 the commerce industry voted on Morehouse
16 Parish. And I bring that up because Senator
17 Allain, this morning, alluded to it. And in
18 that case, there were actually 13 jobs that
19 were advertised as being part of what was
20 going to be gained, and it was about a \$3.4
21 million 20 percent tax revenue that the entity
22 of the energy company was going to pay. Well,
23 that's only 20 percent. Look at the other 80
24 percent, which represents what the parish is
25 not collecting.

1 So you see, if you break it down per job,
2 you're looking at a situation where you're
3 foregoing more property taxes than the value
4 of the job. So I question whether or not --
5 and I know this is not the purview of this
6 Committee -- but I think if this is brought
7 out and picked up in our conversation, maybe
8 something will happen from it.

9 I think that the emphasis, if you want to
10 attract industry, I think the investment tax
11 credit -- the industrial tax credit is great
12 because they're bringing in big manufacturing
13 that has trucks going, employees all over the
14 place. Solar panels are a different animal.
15 There's only one job associated with our solar
16 panel at LSU. And the other one across the
17 street that they're proposing has only one
18 job. I think that these should not be the
19 burden of the local taxing authorities who
20 provide the normal services. These should
21 really be the burden of maybe Louisiana
22 Revenue Department, and do like the Revenue
23 Department did years ago with automobile
24 industries -- or, rather automobile retailers,
25 car dealers. They switched the property tax,

1 and they said, okay, you pay your property
2 tax, but we're going to give you a credit on
3 your income tax return for the amount of
4 payroll tax you're paying. So I just throw
5 that out there as something you might want to
6 consider. Okay.

7 Again, solar energy is bigger than all of
8 us. I mean, we're not -- the debate is not
9 about whether or not we have it. The debate
10 is how it happens and whether we protect
11 citizens, whether we protect our repairing
12 landowners, and how it's conducted. So, based
13 on that, without being too redundant about
14 what I said this morning, I tried to change it
15 up a little bit, and so I'll be happy to
16 answer any questions, please.

17 CHAIRMAN LANCLLOS:

18 Thank you, Mr. LaGraize. I appreciate
19 you being here.

20 MR. LAGRAIZE:

21 No questions, that's good. I did a good
22 job. Thank you very much.

23 CHAIRMAN LANCLLOS:

24 Next up, we're going to call Mr. Jim
25 Simon from the American Sugar Cane League.

1 And while Mr. Simon is coming up, I'll
2 just -- we do have blank cards up here. If
3 you do wish to speak, to the people that have
4 come in later, please fill those out and we'll
5 get them and make sure we get to you.

6 Mr. Simon, the floor is yours.

7 MR. SIMON:

8 Thank you. And you got my name right,
9 Simon.

10 CHAIRMAN LANCLOS:

11 I was going to say it the first way this
12 morning, Simon. So we got it now.

13 MR. SIMON:

14 Great, thanks. So I'm Jim Simon with the
15 American Sugar Lane League. We're the trade
16 organization that represents the 450 Louisiana
17 family cane farming operations and the 11 raw
18 sugar mills in our state. Sugar cane provides
19 a \$2.7 billion economic impact and it supports
20 16,000 Louisiana direct and indirect jobs. So
21 we certainly appreciate the opportunity to
22 come before you today.

23 Many of my comments are the same comments
24 that I made this morning. And those, I take
25 it, are registered in the record. So I'll

1 change up and make a few other comments in
2 addition to these.

3 First, as we stated this morning, the
4 American Sugar Cane League has always stood
5 for property owners and property owner rights.
6 So we understand the rights of property
7 owners. Some of our farmers are property
8 owners but many are not. Only 25 percent of
9 the land farmed in sugar is actually owned by
10 the farmers. So we are tenant farmers and we
11 farm at the mercy and the wishes of our
12 landowners.

13 We understand sustainability.
14 Sustainability is what gets us to where we are
15 today. We've been growing sugar cane for some
16 220 years. And without a sustainable
17 approach, we wouldn't exist. So producing a
18 clean, reliable of food, fiber, and energy is
19 at the very essence of what we do.

20 About 570,000 acres of sugar cane are in
21 production in Louisiana. The average farm
22 size is about 1300 acres. The average mill
23 processes cane from about 45,000 acres. What
24 is our concern? What brings us here today?

25 You know, we've heard that only

1 one percent of Louisiana's land may be
2 converted into solar plants. And based
3 upon -- but based upon the activity and
4 prospecting that we've heard in the cane belt,
5 it seems as though it's much more significant
6 than that. How many acres? We don't know,
7 but we are concerned that significant acreage
8 in sugar cane could be displaced by solar
9 plants.

10 We -- there's a unique balance in sugar
11 cane production. A farm size and mill size is
12 set to optimize the efficiency. And this
13 unknown, there's been a lot of discussion
14 about unknown amounts of acreage going into
15 production. With all of these prospectors out
16 there hunting deals and looking for the path
17 of least resistance and finding the easiest
18 deal to make, it creates a lot of uncertainty
19 in the industry. Just, you know, if you've
20 got a 1300-acre cane farm and you lose
21 300 acres to a solar operation, that doesn't
22 seem like a terribly significant amount, but
23 that reduction in acreage is certain to cause
24 the collapse of that farming operation. It
25 takes certain efficiencies and certain sizes

1 for folks to be able to plan accordingly and
2 be successful.

3 In sugar mill operations, it's the exact
4 same thing. Forty-five thousand acres may
5 support a mill. If you lose five or six
6 thousand acres of cane to that one mill, it
7 loses its critical mass and becomes
8 inefficient. Its whole operation is set and
9 planned to process a certain amount of cane.
10 So that balance is very, very important.
11 Small, incremental losses can amount to
12 significant problems for the solvency of our
13 farmers and millers.

14 So what do we ask? We simply ask that
15 the state and local regulators completely
16 understand the long-term effects of providing
17 any kind of tax relief or financial incentives
18 to any industrial operation including solar.
19 One acre of sugar cane supports almost \$5,000
20 in annual economic activity. And if you
21 multiply that times 570,000 acres, you get to
22 that \$2.7-billion number. Thirty acres of
23 sugar cane supports one local job in our small
24 towns. And does solar do that? Based upon
25 the numbers that we're hearing, solar doesn't

1 provide that kind of employment.

2 Now, we don't know, but we'd ask that
3 state and local leaders diligently seek and
4 find out answers to these problems before we
5 sacrifice any of our sugar cane. So with
6 that, I'll wrap up my comments. I'm certainly
7 available to take any questions. But
8 Louisiana's sugar industry, we're proud of
9 what we do.

10 I like to remind folks that it's such an
11 important part of our state that we have a
12 football game named after our industry every
13 year called the Sugar Bowl. And so we want to
14 be good partners. We understand the need to
15 provide clean renewable resources, including
16 sugar. And we don't stand exactly against
17 solar or any kind of new activities, but we
18 want to make sure it's done in ways that
19 protect Louisiana citizens and farming
20 communities.

21 Sure, Senator Mizell?

22 SENATOR MIZELL:

23 I just want to thank you.

24 MR. SIMON:

25 Certainly.

1 SENATOR MIZELL:

2 I want to appreciate -- I appreciate you
3 coming up here and the pride you have in your
4 industry. And, you know, with Senator Allain,
5 we talk a lot about sugar. So I just really
6 appreciate it. And I think we all are very
7 protective of those industries that identify
8 who we are as a region.

9 MR. SIMON:

10 Right.

11 SENATOR MIZELL:

12 So and we've dealt with the loss of dairy
13 farming, you know, we still love our
14 Washington Parish melons. So there's -- there
15 is -- you know, our identifies are kind of
16 wrapped up in that. So I appreciate you
17 sharing your thoughts on that.

18 MR. SIMON:

19 Sure.

20 SENATOR MIZELL:

21 I really do.

22 MR. SIMON:

23 Thank you, Senator.

24 CHAIRMAN LANCLOS:

25 Thank you, Mr. Simon.

1 Next up, Mr. Wayne Hughes. Did I get
2 that name correct?

3 MR. HUGHES:

4 Yeah. Good afternoon. I appreciate
5 Senator Mizell bringing this forum together so
6 that we can talk about the issues that are
7 before us because solar energy has been kind
8 of thrust upon us. I live in Tangipahoa
9 Parish, born and raised there. My family has
10 been there since 1805. So we have supported
11 this area continuously with generations of
12 Hughes. We've had dairy farms. We've had
13 farms. I now raise some timber. It's a small
14 farm. It's only 125 acres. It's my part of
15 the old dairy farm. I'm thankful for it and I
16 want to keep it the way it is as much as I
17 can.

18 It provides some income for me, though
19 it's not big enough to make it my sole income,
20 but it also provides habitat. I am a -- I
21 take care of my wild animals. I provide for
22 them with crops I plant. The gentleman from
23 the Wildlife Fisheries noted the impact on
24 wildlife traversing these areas where they
25 have these extended fences. I'm concerned

1 about that.

2 I'm also very concerned about the loss of
3 land value. I've looked on the internet, and
4 the best thing I could find about solar
5 panels, it says there's no loss, no net loss
6 of property value. But many of them do say,
7 depending on how close you are, that you can
8 have anywhere from, if you're a mile and a
9 half away or so, you can have maybe as little
10 as three percent land loss. But if you're
11 next to it, you'll have as much as 20 percent
12 valued loss. Me, I'm -- I will be a quarter
13 of a mile from this proposed solar plant. And
14 from the projections I read, I'm apt to lose
15 around six percent. Figured that out on what
16 my land is worth. I went back out and I moved
17 back out to where I was born and raised and
18 built about a \$300,000 house. I have
19 125 acres. I'm not exactly sure how much it's
20 worth, but I was just using 5,000 an acre and
21 threw in my house, and come up somewhere
22 around 8 or 900,000 perhaps, if I'm -- and I'm
23 standing to lose around \$40,000 in value.
24 That doesn't -- that doesn't compute, in my
25 mind, that we can talk so positively about,

1 well, this landowner is going to get this
2 money, and that's going to be great and this
3 solar power is clean and green and -- it's not
4 clean and green. There's many issues, as seen
5 in Washington Parish. They've been the canary
6 in the coalmine for this situation. And they
7 are suffering a great deal. And I certainly
8 don't want that to come down on our area.

9 It was -- I was kind of late to the table
10 with this because I didn't know anything about
11 it. One of my neighbors called me to inform
12 me. And I'm not against solar panels or
13 power, but I am against a project, any project
14 that would come into our area, brought in by
15 the local landowners, who, I've been told by
16 one of them, he didn't give a GD about his
17 neighbors what they think. And so if we have
18 that kind of attitude and it depreciates my,
19 then I have to stand up for my rights as a
20 landowner.

21 And I want this to be thought about by
22 these people who are propagating these rules,
23 that to consider not just what the parish may
24 get, or what the state may get, or what the
25 solar panel companies may get, and the power

1 company, but think about the negative effects
2 it's going to have on the local folks. Nobody
3 is in support of this thing, as far as I know,
4 except the ones who are going to get money.

5 And the Federal government is the one
6 that's really behind all of this with the
7 money, it seems like, with incentives and so
8 forth. Because from what I can read, you
9 cannot generate enough power from a solar
10 plant to pay for the operation and the expense
11 of putting it in. So it's -- if that's true,
12 you know, you can read anything you want on
13 the internet unfortunately, sometimes; but
14 from everything I can find out, there's not a
15 lot of benefit except to a very few. And our
16 government is pushing this upon us, and
17 it's -- it kinds of comes like in the night.
18 And the next thing you know, you wake up, and
19 you look nextdoor and there's a panel --
20 there's a solar panel plant next to you. And
21 there's so many questions coming out of this.
22 And then there's always the unknown factors
23 that will come about later.

24 We're suffering on my farm and I've spent
25 a lot of money on clearing areas that were

1 inundated by Tung nuts. This area that
2 they're proposing, a great deal of it was Tung
3 nut trees at one time. Now, nobody has
4 collected as far as I know with Tung nuts in
5 many a year, but those things wash down the
6 creek onto our property, and we are still
7 having to contend with Tung nut trees. I'm
8 sure the operators didn't plan for that to
9 happen to us, but that's the unknown
10 consequences of something.

11 This -- Mr. Wilson, by the way, I think
12 did a very good job of pointing out issues
13 that the landowners, the small landowners,
14 it's not just the big guys that's making the
15 money, but it's all of us. And that's all I
16 have to say. And I thank y'all for the
17 opportunity. If y'all want to say anything or
18 ask any questions, I'll be glad to.

19 CHAIRMAN LANCLOS:

20 Thank you, Mr. Hughes.

21 MR. HUGHES:

22 Thank you, sir. I appreciate it.

23 CHAIRMAN LANCLOS:

24 Next up, we're going to call Mr. Henry
25 Capdeboscq.

1 MR. CAPDEBOSCQ:

2 Good afternoon. Hello, Senator. Can you
3 hear me? My name is Henry Capdeboscq. I live
4 in Tangipahoa Parish, Husser, Louisiana, on
5 Highway 445. And I'm one of the last dairy
6 farmers in this -- well, we're only -- we're
7 down to about 75 in the state, but I bought
8 land over the years. And that's part of what
9 you need to do to do your farming operation.
10 I also have beef cows.

11 I really love my land. I like looking at
12 it. I appreciate what it does for me. It's
13 earned me a good living most of the time.
14 But, as we know with farming, it's a very up
15 and down industry. My neighbors also like
16 looking at my land, and they like the view
17 that they receive riding by and everything
18 else. But, as you get older, you start
19 looking down the road, what are you going to
20 do?

21 So when the solar people approached,
22 there was a financial decision to be made
23 whether to join them and participate in the
24 project. And, you know, there's a lot of
25 opposition to this project, or all the

1 projects. I mean, we don't have any zoning.
2 We try, as landowners, to do what's best, be
3 good stewards of the land, be good stewards of
4 the community. You just try and do what's
5 best.

6 And, like I said, the project, it seems
7 all right. There's a lot of unknowns about
8 what can happen, but you're just trying to do
9 what's best for you, your family, whatever. I
10 mean, participate in this project, I'm
11 securing that the land that I purchased, I
12 bought it to keep it from being developed and
13 made subdivisions out of. By participating in
14 this project, you're looking at 30 years that
15 it will be secured into that. My grandkids,
16 whenever the project is over, then they can
17 determine what to do with it. Probably once
18 you take all the panels off of it, it will be
19 probably farmable again.

20 I mean, we're -- in our parish, they're
21 trying to do the ordinances to where you're
22 not going to spray any herbicides, so that
23 shouldn't cause any down-the-line problems.
24 And so that's what you're trying to look at,
25 what's the future? I mean, I've been here my

1 whole life. And I've seen a lot of things
2 change. And a lot of it is, the big tracts of
3 land get chopped up into little tracts. And
4 then -- so I'm trying to preserve the bigger
5 tracts of land. And so that's about it.

6 CHAIRMAN LANCLOS:

7 Thank you. Senator Mizell for comment.

8 SENATOR MIZELL:

9 Is that -- I don't want to ask too much.

10 MR. CAPDEBOSCQ:

11 Go ahead.

12 SENATOR MIZELL:

13 I appreciate you coming.

14 MR. CAPDEBOSCQ:

15 Uh-huh.

16 SENATOR MIZELL:

17 And just because you're the first person
18 I've talked to that has considered or is in
19 the process of considering the transaction
20 you've talked about, did they ask you if they
21 wanted to buy it and did you discuss purchase
22 or did it go right to lease? Was there any
23 interest in purchasing your land?

24 MR. CAPDEBOSCQ:

25 I wasn't selling my land.

1 SENATOR MIZELL:

2 Oh, okay. So it was -- you wouldn't --
3 but was that part of the discussion, or you
4 just?

5 MR. CAPDEBOSCQ:

6 (Shakes head.)

7 SENATOR MIZELL:

8 Okay. Okay. And how many acres are you
9 talking about?

10 MR. CAPDEBOSCQ:

11 I have about 350 under lease.

12 SENATOR MIZELL:

13 All right. I'll just -- I drive by and
14 I'm one of those people that likes to look at
15 it.

16 MR. CAPDEBOSCQ:

17 Right.

18 SENATOR MIZELL:

19 So I do appreciate it. And, you know
20 what -- the question has been thrown back at
21 me when I say we need regulations, oh, if
22 somebody came to you to buy your land, what do
23 you do? And I get it. I absolutely get it.
24 You and I have talked a long time about dairy
25 farming.

1 MR. CAPDEBOSCQ:

2 Uh-huh.

3 SENATOR MIZELL:

4 I know the grief you've had with that.
5 So I appreciate you sharing your thoughts on
6 that. I really do.

7 MR. CAPDEBOSCQ:

8 Okay. Let me just say this, we all
9 remember when we were younger, we were in
10 grade school and Columbus was getting ready to
11 sail off to go look for the new world;
12 correct?

13 SENATOR MIZELL:

14 I'm old, but I'm not that old.

15 MR. CAPDEBOSCQ:

16 Well, anyway, what I was going to say is,
17 they had the naysayers that were going to tell
18 him he was going to sail off the edge of the
19 Earth; correct? Well, there is unknowns out
20 there with everything. And unless you have an
21 explorer mentality and want to go see what's
22 on the other side, nothing is good --
23 there's -- good can come out of this. And
24 unless we try it or monitor it well, we will
25 never know.

1 SENATOR MIZELL:

2 Right. I think what we'd want are life
3 preservers on that boat before it goes off the
4 side.

5 MR. CAPDEBOSCQ:

6 Well.

7 SENATOR MIZELL:

8 And that's what we're trying -- we're
9 just trying to put in some safety measures so
10 that we -- exactly what you're talking about.
11 I mean, 20 years ago, we're looking at things
12 in this world that we would never have
13 considered. So we're in a new place. But,
14 again, I don't want to look back like you're
15 talking about, if my children are on my
16 property and living in our area, I don't want
17 them to say, why didn't Grams do something?
18 She was there when they were talking about it.

19 And that's how I feel about it. We've
20 all got a responsibility to look at every
21 angle of this for the long term. So I really,
22 I do appreciate it.

23 MR. CAPDEBOSCQ:

24 Okay. Thank you very much.

25 CHAIRMAN LANCLOS:

1 Thank you, Mr. Capdeboscq.

2 Next up, we have Ms. Mary Watts from
3 Tangi homeowners.

4 MS. WATTS:

5 Good afternoon again. Good to see you.
6 I am one of the direct impact homeowners
7 that's going to be affected by these solar
8 panels. It will be directly across the street
9 from me on Highway 445. So my depreciation
10 value on my home is going to go down greatly.

11 I also have health concerns. I have
12 livestock on my land that drink. I'm going to
13 have direct drainage running straight from 445
14 culvert through my land. So and I also have a
15 water well that is approximately 400 feet from
16 this direct drainage. So I have a lot of
17 strong concerns about my health, my livestock,
18 my property value. And I'm asking the state
19 to protect the adjacent property owners to
20 these solar farms because we are definitely
21 being affected by this.

22 These companies that are coming in to do
23 these solar farms, they need to be held
24 accountable for protecting the adjacent
25 property owners too. We had a man at the

1 meeting last night that talked about how hard
2 he had worked for his property. You know,
3 well, I've worked hard to get my property,
4 too. I'm sure everybody in this room has
5 worked hard for everything they have. So what
6 makes him any different from me? I've spent
7 years working to where I'm at now in my life.

8 We just built a home a few years ago on
9 that property, and that was supposed to be our
10 last home. Well, now with the solar panel
11 farm moving straight across the street from
12 us, we don't know because we're going to have
13 to look at that. And then we're going to have
14 to worry about the water we're drinking, you
15 know, is this really good? Is this safe? And
16 then, you know, there's so many what-ifs.
17 I've heard a lot of what-ifs in this, and
18 maybe, and probably.

19 And, you know, there's so much
20 uncertainty in this. There definitely needs
21 to be environmental studies, economic studies.
22 I mean, like you said, we're -- this is all
23 new to us. We're all trying to figure it out.
24 And we want what's best for everyone. And I
25 think everybody should be involved in the

1 decisions. And no one should be left out no
2 matter how big a tract of land they got or how
3 small of a tract of land they got. If it
4 affects them, they should be helped.

5 So, and also for landmarks, we have a
6 landmark on our property. Everybody in the
7 parish knows about it. It needs to be
8 protected, whether those solar panels are
9 mandatory to go back so many feet from that
10 landmark. But I just ask the state to protect
11 the small tract owners that are surrounded by
12 these solar farms because we are being
13 affected in a lot of ways. Thank you for your
14 time.

15 CHAIRMAN LANCLOS:

16 Thank you, Ms. Watts.

17 Next up, Betty Rainy, representing
18 herself.

19 MS. RAINY:

20 Hi. I think, like y'all, I've learned
21 way more about solar than I want to know.
22 I've been called Karen, a whiner, a
23 not-in-my-back advocate. And I get that. But
24 in this whole thing, I've got lots of feelings
25 and one of them is frustrated, one of them is

1 invisible. You know, I think we say all these
2 concerns and I just feel like sometimes it
3 falls on deaf ears and that we're just little
4 people, you know. And so that makes me very
5 sad.

6 I get that -- I don't fault the
7 landowners at all for trying to make a profit.
8 And I understand the solar companies have a
9 job to do, but I think they're scavenging our
10 state looking for opportunities because we're
11 unregulated. And they are taking advantage
12 and looking for all that open farm land along
13 the electrical transmission lines that they
14 can snatch up. And it's coming at a cost to
15 the residents because I also feel, you know,
16 we all have an agenda in this room. Everybody
17 is here with an agenda.

18 So my agenda is the EMF dirty electrical
19 stuff. That's one of the things that gets
20 overlooked in this conversation. And so it's
21 my understanding that the solar panels
22 themselves do not emit EMF; but when the
23 transmission is occurring, that that's when
24 the dirty electricity is coming through our
25 homes during the day. So from sunrise to

1 sunset, we're going to be experiencing dirty
2 EMF.

3 And my son works from home. There's a
4 big push by the Governor and Senator Mizell to
5 put broadband in these rural areas. What's
6 that going to do to that incentive?

7 You know, there's people who have medical
8 devices. I have a shunt that was placed in my
9 head two years ago that's controlled by a
10 magnet. I'm not allowed to go have an MRI
11 without a doctor present. And y'all are --
12 and they're going to put thousands of acres of
13 magnets. The sun is a giant magnet. We are
14 collecting that energy and putting it out in
15 areas that are considered residential. So
16 that just makes me feel that, you know, there
17 needs to be environmental studies done.

18 The solar companies have gone and asked
19 these, you know, farm owners for their land,
20 but nobody knocked on my door. Nobody stopped
21 and asked me do I have concerns? Nobody
22 wanted to know, you know, do you work from
23 home? You know, there was nothing done. So
24 we need an environmental impact study. What's
25 it going to do to the residents that are

1 around these things? How is their life going
2 to be impacted by this? And, you know, who's
3 going to monitor it?

4 There are sites that are up and active.
5 What's being done to monitor some of these
6 concerns that we're having at those sites? Is
7 there water quality studies being done? Are
8 there EMF studies being done? How does it
9 impact the radio interference there? You
10 know, so we have all these questions, and I
11 know it's an unknown. But we just ask that,
12 you know, you set forth some regulations and
13 some standards and that you limit the amount
14 that's put in an area.

15 There should be some consideration to how
16 many residents live within this acreage that
17 they're proposing. We have 1,000 acres on one
18 side and about 2,000 on another side. And it
19 is highly populated. So that should not --
20 there needs to be a ratio of
21 residents-to-acreage that's being put forth.
22 So and there needs to be mandates across the
23 state. So we're just asking that they hold
24 off approval at the parish levels until some,
25 you know, states get some mandates in place.

1 When these owners signed this lease, they
2 forego their rights. And by doing that, that
3 property has now turned commercial. And so
4 they should be subject to all Federal, State,
5 and Parish regulations that are set forth for
6 commercial properties, regardless of the
7 zoning. By signing the lease, they forego
8 their rights. So we're just asking y'all to
9 help us protect the residents and to protect
10 the state. Thank you.

11 CHAIRMAN LANCLOS:

12 Thank you, Ms. Rainy.

13 Next up, we have Mr. Rodney Wood
14 representing himself and his family.

15 MR. WOOD:

16 Well, this is my fourth meeting in the
17 past week, three of those being yesterday and
18 today. And I think I should start out by
19 saying something I have not said in the last,
20 the meetings yesterday and today; and that is,
21 I'm not at all opposed to renewable energy. I
22 can't imagine that someone would be. That
23 doesn't -- I am -- and that certainly includes
24 solar power, but there are two questions that
25 we as Louisianians and as Americans have to

1 ask; one is where, and the second one is how?
2 Where and how? And we've got to ask those
3 questions really carefully.

4 As a number of you know, a fair number
5 here with us today, I'm never seen testifying
6 at any Committee or Board meeting. It's not
7 what God called me to do 28 years ago when he
8 brought me here to the Capitol. And by the
9 way, not at the invitation or no entree from
10 anyone here, but He called me here to do what
11 I do. However, the prospective establishment
12 of solar panel facilities is not a mere matter
13 of public policy to me. It is a very personal
14 matter.

15 I come to you as a private landowner
16 because many of you have seen me in my present
17 attire all the time. I actually thought about
18 putting on my jeans and my boots and the
19 things I work in out there in Washington
20 Parish so you'll understand, I come here in a
21 very personal way as a lover of this state and
22 of my parish. My earliest forbearers came
23 into western Washington parish in the late
24 1700s and began adding to the beauty of the
25 timberland they found by clearing out pastures

1 and row crop fields that, to this day, cause
2 me to almost stop my truck and just gaze,
3 especially, in the evenings after a long day
4 of working at the farm.

5 Our family home was built in 1850. And
6 my wife Becky and I are presently engaged in
7 the restoration of our 170-year-old family
8 home. A friend of mine, who is a contractor,
9 a few years ago said, Brother Rodney, he said,
10 if I were you, I would just push this out in
11 that front pasture and I would burn it.
12 You're going to always have trouble with it.
13 And I looked at him and I said, I can't do
14 that; I can't do that. There's a sense in
15 which that's a metaphor for the reason I'm
16 here today. There are some things you just
17 can't do.

18 It costs a lot of money. It costs a lot
19 of time in order to restore something like
20 that. It also may be that, economically, it
21 might not be the best thing for all parties
22 who are here and maybe many in our state. But
23 there are some things you just can't do and
24 you have to try as best you can to do the
25 right thing. But even if Becky and I were not

1 restoring our old home, even if we were not
2 farmland owners, I would be equally passionate
3 in my effort to prevent the destruction of the
4 beauty of our state's farmland.

5 The economic and environment impact on
6 our state seems to be in grave question. In
7 the last week, I have heard words like, lot of
8 unknowns, lot of unknowns. When a question
9 was asked of a representative about
10 environmental impact, a leading representative
11 of this industry, the answer was: I have no
12 crystal ball; I have no crystal ball. Someone
13 said: Probably farmable again; probably
14 farmable again. We need to really think about
15 that.

16 It's the severity of the consequences
17 that determines your decision, not the
18 likelihood of the event. And we know that the
19 social, psychological, and cultural impact is
20 certain, it would be devastating. Recently, I
21 was in a situation in which a person who stood
22 to make money said to me, just make a
23 decision; you ask too many questions. To
24 which I replied, I have to ask questions if
25 I'm going to make a good decision.

1 Through the course of my life, I've
2 learned what all of you have learned; and that
3 is, when someone is in a position to make
4 money, especially a lot of money, they don't
5 want you to ask too many questions, less you
6 reduce their financial gain or even render
7 their project unviable. I know those are
8 harsh sounding words.

9 I was able to speak with Mr. Clark and
10 Mr. Yates earlier today. And I know that
11 these -- and I don't think they'll mind if an
12 almost 71-year-old call them young men. They
13 probably will like that. But I know that
14 these young men are seeking to do their job,
15 and their job is to make the best profit that
16 they can in whatever states they choose to do
17 business.

18 Mr. Clark earlier said something to the
19 effect, I'm not going to show you my poker
20 hand. Mr. Clark, I'm not looking for a poker
21 game; because in a poker game, somebody is
22 wanting to win as much as he can and he
23 doesn't feel bad about raking to his side of
24 the table all that money. That's what happens
25 in a poker game; right? This isn't a poker

1 game. And if we approach it that way, we are
2 in it. And I say in just Washington Parish
3 talk, we are in a world of hurt.

4 That's not what this is about. We cannot
5 pit people and land against profit. It's
6 people and land that must be preserved, their
7 beauty and their health, the people and the
8 land.

9 Now, as I said, I have questions. I have
10 questions that I have to ask. When I was in
11 Washington Parish, I learned that what was
12 proposed were that 20 acres would qualify for
13 this participation in this project and that
14 properties could be combined, one acre, two
15 acres, eight acres, whatever, just get it up
16 to 20 together with your neighbors, and you
17 can qualify. Interestingly, it seems that
18 that might be negotiable to some. That's an
19 interesting point; isn't it? No standards.
20 This has been done in state after state, I am
21 told. And, yet, there's not a standard
22 package.

23 I like for people to show up and talk to
24 me that want to show me the best they have to
25 offer for me and for my people; don't you? I

1 quite honestly won't even do business with
2 someone that I have to ask too many questions
3 about because they are the ones that should be
4 asking the questions and that they should be
5 giving me the answers because they care about
6 me and my people. So beware when you have to
7 ask too many questions. That's dangerous
8 business.

9 Y'all please forgive me, I really don't
10 mean to sound, I want to say this
11 appropriately, but I must say it directly.
12 Setbacks, there were absolutely minimal, the
13 setbacks that I saw last, I think it was
14 Monday night, minimal. People were talking
15 about putting bamboo in front of their
16 properties. I cannot imagine in front of our
17 property, a row of bamboo, and some of y'all
18 know where our farm is. Can you imagine
19 passing by there and you get to see bamboo
20 instead of our pastures and our old house back
21 there?

22 And then just after you go by there, you
23 get to see all these little aluminum panels.
24 Well, there are other things that I could
25 mention that concern me that I heard the

1 people of my parish and then I heard people
2 today having to ask questions and then they
3 would get answers, well, we'll have to
4 negotiate this and well maybe we can do this
5 much of that. But we have to consider
6 economic feasibility. We have to consider how
7 much money we'll be making. They didn't say
8 that second thing. That's just putting it
9 plain talk.

10 I ask myself, why is it that I heard a
11 Louisiana attorney this morning say that he
12 was having to insert language to protect our
13 land? Why is he having to do that? Why does
14 he have to study these documents that are
15 being given to our people; analyze those
16 documents and insert things to protect us?
17 Why is that? Why are they not protecting us
18 to start with as they say they are?

19 Someone spoke earlier today about writing
20 a decommissioned agreement. Do you remember
21 that? Some of you on the panel heard it,
22 writing the decommissioned agreement. I wrote
23 on this folder here, why now? You're
24 experienced at this. Why are you now writing
25 a decommissioned agreement? Is it so that you

1 can get one that is least requiring for our
2 poor parishes, which are the ones by the way,
3 if you leave it to the parishes, I can tell
4 you the ones that are going to latch onto it,
5 the ones that are struggling, they're
6 desperate, they're poor and they need
7 something. And so they're going to approve
8 it. Isn't that the way it happens? The
9 poorest.

10 I found myself thinking about the
11 clearcutting of timber. And not replanting
12 but, no, this morning, it was replacing all
13 this beautiful timber with panels all over our
14 state. What's going to happen when the ITEPS
15 go away? You know how long those are going to
16 last? No.

17 I found myself wondering, why -- and this
18 may -- you may say this is not pertinent at
19 all, but I wonder, well, why has Bill Gates
20 now bought -- he has 242,000 acres of, what,
21 farmland. The number one state in the country
22 where he has ownership is Louisiana at
23 69,000 acres. Arkansas is second, I think, at
24 47, I think New Mexico at 25, and then it
25 trails off; 69,000 acres. What's going on

1 here?

2 I ask these questions, why not on the
3 roofs of existing structures, both commercial
4 and residential? Why not? And why not in
5 some remote semidesert or desert area? And I
6 understand, I've spoken with a gentleman and
7 with others, and they talk about the costs
8 that would be involved or whether they
9 actually could transmit it from certain areas,
10 I get all that. But, hey, we went to the moon
11 in 1969. So we've got questions to ask about
12 where and about how.

13 I may ask you this two more times, but to
14 everyone here who is in any way represented,
15 representing, or is in favor of going forward
16 with this project, please forgive me, I would
17 not -- I am sorry that I may be offending
18 someone, I don't want to do that. I'll close
19 with this, I have lived in England twice
20 during my adult life. And everywhere I -- and
21 by the way, many, many, many other times, over
22 the course of lots of years, I've spent time
23 in England, on my way to various parts of the
24 world in my work. And everywhere I look, I
25 saw what any of you have seen if you've gone

1 there, beauty; beauty. I could walk out of
2 the place where I lived and I could walk
3 forever and see nothing but beauty because
4 people were thinking long term. They were
5 thinking about the land and about the people
6 because those two things are inseparably
7 connected; the health and the beauty of the
8 land, and the health and the beauty of the
9 people.

10 When I was little boy at Franklinton
11 Elementary School, I learned to sing America
12 the Beautiful. And when I would walk out the
13 door and go home and I would saddle my horse
14 and I would start riding and riding and
15 riding, everywhere I looked, I saw America the
16 Beautiful. I plead with you, I plead with all
17 my dear friends, all of them who are behind
18 me, please, please preserve the beauty and the
19 health of our land and our people. Thank you.

20 CHAIRMAN LANCLOS:

21 Thank you, Mr. Wood. I appreciate you
22 being here.

23 Next up, Mr. Emory Belton.

24 MR. BELTON:

25 That's a tough act to follow. Good

1 afternoon, Madam Senator, Members. As you
2 know, I spoke this morning at the meeting.
3 And while I believe that Senator Mizell's SR
4 is here to cast a little wider net than
5 Senator Allain's Bill, I wanted to address a
6 few other issues, I think, that at least may
7 be of interest to the Panel and to the folks
8 in the audience. I'm not sure how much
9 they'll factor into the DNR regs, but I think
10 that it would be helpful nonetheless.

11 My name is Emory Belton. I'm an attorney
12 here in Baton Rouge. I've practiced law for a
13 little over 30 years. Time flies when you're
14 having fun. My practice involves mostly
15 energy-related things; although, that's not
16 the only thing I do. But I mean, I've cut my
17 teeth in oil and gas. My first job out of law
18 school, I was a company land man for Exxon,
19 and then I served as the general counsel for
20 the State Mineral Board for 10 years, then I
21 served as regulatory counsel for Entergy, and
22 ultimately ended by career as a lobbyist for
23 Entergy. I started my own practice about 10
24 years ago, and I do a good deal of work before
25 the Public Service Commission representing

1 regulated entities. I have a lobbying
2 practice at the Capitol, which some of you
3 know. I represent folks before DNR, DEQ,
4 Union even. I'm not a go-to-court lawyer.
5 I'm a, you know, more of a transactional-type
6 legal practice.

7 So with that being said, throughout the
8 course of my career, you know, I probably
9 negotiated or been involved in, I don't know,
10 well over 1,000 oil and gas leases, I would
11 say. Starting my own -- when I started my own
12 practice 10 years ago, I developed my own
13 lease form that I use to advise clients, and
14 it's a derivative of the state lease form,
15 which I feel is a very balanced document that
16 balances the interest of Industry as well as
17 the interest of the state to make sure that
18 Industry has the certainty that it needs to
19 make investments that it wants to do and the
20 public interests are protected, you know. And
21 I figure if the document is good enough for
22 the state, it's good enough for my clients,
23 too. So that's kind of where I come from on a
24 lot of this stuff.

25 As I mentioned this morning, we're very

1 much, from a historical standpoint, we're very
2 similar to where landowners were and the state
3 was 100 years ago dealing with oil and gas
4 companies. Not quite as that new, but I mean,
5 but, you know, solar power is a brand new
6 technology here. It's complicated by the fact
7 that you have this overlay of the Public
8 Service Commission, MISO, Federal regulations,
9 State law, you're dealing with utility
10 companies, Purchase Power Agreements, and all
11 this kind of stuff. I mean, it's a brand new
12 day, you know, for a lot of us.

13 The knowledge that I gather, quite
14 frankly, was just happenstance from my career
15 path, you know, understanding how the utility
16 side mixes with the land side and
17 understanding that, in an effort to educate my
18 clients as to the type of risks that they were
19 being asked to sign off on or agree to.
20 These -- I've -- in the course -- in the last
21 10 years, I've represented, not only
22 landowners, but I've represented renewable
23 power providers as well; not dealing with
24 landowners, more so as someone to help them
25 understand the regulatory terrain in Louisiana

1 to meet with the various utility companies,
2 you know, to begin a dialogue for them in that
3 regard.

4 So I'm not antisolar by no means. I know
5 a lot of those folks. The first big project I
6 worked on was a proposed wind farm near
7 Eunice. And as Mr. Frey can attest to, I
8 mean, you know, a lot of this utility stuff, I
9 mean, it's just a function of price, you know.
10 I mean, the Commission wants to make sure that
11 the utilities require the lowest reasonable
12 cost power resource, like he was saying, in
13 this integrated resource plan. And the
14 Commission is very good at that. And they're
15 very active in that. And as a result,
16 Louisianians, and I'm not sure this month, but
17 I know, within the last year, Louisiana has
18 enjoyed the lowest electricity rates in
19 America, literally. So it is a very robust
20 regulatory environment here.

21 So with that being said, you know, these
22 solar companies enter the scene. In the last
23 five years, I've represented and consulted
24 with probably a dozen different landowners;
25 and, fortunately, none of which were

1 Mr. Caffery's members, but all over the state,
2 West Baton Rouge Parish, Iberville, New
3 Iberia, Ville Platte, Eunice. I have a client
4 currently in Point Coupee. So, I mean, I've
5 been pretty involved in it and dedicated a lot
6 of thought to it as well.

7 In my judgment, generally speaking, I
8 mean, the state, you know, we do -- in
9 Louisiana, you know, we take a lot of -- we
10 criticize ourselves for a lot of things, but
11 there's one thing that we really do well here
12 is develop property for energy production. We
13 are really, really good at it; I'll let you
14 know that right now. I mean, we have laws and
15 jurisprudence. We have, you know,
16 governmental officials who are very
17 knowledgeable and engaged. We have
18 knowledgeable landowners. We have
19 knowledgeable legal community. We have
20 geologists, engineers, and all this kind of
21 stuff. I mean, so we are really, really good
22 at it, you know; probably better than maybe
23 some of these solar folks expected when they
24 came walking in here. Okay. So, now, that
25 knowledge has come at a price.

1 Okay. And, you know, people laugh at me
2 because I bring a book with me. But I mean,
3 this is State Mineral Code. Okay. This is
4 100 years of hard-earned lessons that the
5 Legislature in the 1970s reviewed and passed
6 statutes to address certain issues that were
7 the result of a litigation. It doesn't
8 determine -- the Mineral Code doesn't dictate,
9 you know, a company has to offer this or has
10 to pay this or it has to do that. What it
11 does is it establishes the standards of
12 conduct between the parties. That's what it
13 does. And, for instance, they have a
14 provision in there that says that lessees must
15 act in good faith and as a reasonably prudent
16 developer for the mutual benefit of the lessor
17 and the lessee. That's a very comforting
18 statement; right?

19 When oil companies first showed up here,
20 that wasn't there. And that doesn't apply to
21 the solar industry. So there are a number of
22 homegrown comforting things that are in law
23 that landowners have become accustomed to
24 because they've dealt with oil and gas or
25 they've dealt with pipeline companies or

1 they've dealt with whatever, but people need
2 to understand that doesn't apply to the solar
3 industry. So there should not be this
4 misconception that there is this legal safety
5 net out there. Okay. We're starting from
6 scratch on a lot of this stuff.

7 As a result, the negotiations that I have
8 been successful in, I've essentially had to
9 take the forms that the solar companies had
10 provided, which quite frankly are just
11 terrible, okay; but, nonetheless, that's what
12 they start with, and I've to just mold them
13 after a lot of time and effort and sweat and,
14 you know, everything, mold them into something
15 that at least I'm more comfortable with in
16 terms of the obligations of the parties to the
17 contract, which is basically similar to the
18 oil and gas side, which most people are
19 familiar with.

20 These contracts that they propose don't
21 start out that way. Now, the problem that I
22 have, and you know, this has upset me from the
23 getgo, is that, I mean, I represent -- I mean,
24 you know, you got to have a pretty good amount
25 of property before, you know, you even get on

1 their radar screen in terms of development,
2 but I don't represent rich families. I mean,
3 it's a lot of families, you know, farmers,
4 what have you. And what has to happen is, is
5 that these people, these solar companies come
6 in with a contract that I, you know, they'd
7 have to put -- if you put a gun to my head, I
8 wouldn't sign it. Okay. So they have to pay
9 me. And, usually, these things take about a
10 year to eventually hammer this stuff out, you
11 know, at least some of the worst issues. Some
12 of the real bad ones, they still don't give up
13 on. But my clients are having to pay me to go
14 in and kind of try to revamp this thing with
15 the understanding that; number one, as you've
16 heard here, the speculative nature of these
17 things getting built. Okay. All these -- all
18 this price-per-acre stuff that people keep
19 throwing around that they're paying, that's
20 just promises. Okay. That's not actual money
21 in hand. That's just if they get their MISO
22 interconnect and they get a purchase
23 agreement. You know, all this stuff has to
24 fall in line.

25 Okay. So kind of like an oil and gas

1 lease, you know, these -- all these solar
2 companies want a three- to five-year option on
3 the front end. Okay. So they come to the
4 landowner and they say, well, we'll pay you
5 25, 50,000, 75, 100,000, whatever it is,
6 whatever they're paying for this option.
7 Well, the problem with that is, is that the
8 option is tied to the lease that they
9 ultimately want to option into. So you've got
10 to negotiate the whole enchilada.

11 Now if three or four months into this
12 very laborious and technical negotiation, my
13 client decides, you know, this just isn't for
14 me, you know, or I'm just not willing to
15 accept this risk that they're asking me to,
16 then they, you know, they end it. They still
17 have to pay me and they get nothing. Okay.

18 So having -- creating some type of legal
19 safety net will help all landowners, you see,
20 because lawyers won't be forced like me in the
21 future to have to start from zero to get all
22 the way to something that's hopefully
23 reasonable. So, you know, keep that in mind.
24 There are some key provisions -- well, before
25 I get to that, a lot has been said about

1 what's going on in other states.

2 I as I mentioned this morning, I've done
3 some research, you know, the State of
4 Louisiana has regs passed in 2008. I did a
5 lot of work talking to the folks in New
6 Mexico. This is the packet of information
7 that New Mexico requires and has already
8 promulgated and passed, including a lease form
9 and very extensive decommissioning
10 regulations. So, I mean, there's a lot of
11 stuff. The good news is for Louisiana is I
12 think that there's a lot of examples out there
13 that hopefully you folks can borrow from. And
14 I met with solar company representatives here.

15 And you have to understand, what I found,
16 and I think other attorneys who've worked on
17 this have found too is that what you have in
18 your room here are developers, okay. They're
19 either working for, like, one of my clients
20 are currently negotiating with Lightsource BP,
21 which is a, you know, bigger, well-established
22 company; or other clients I've had negotiated
23 with kind of speculative developers who were
24 trying to, you know, put together a land
25 picture and then turn that to a developer who

1 might want to build on it. But the party
2 that's not in the room, never has been in the
3 room, and isn't showing their face here are a
4 group of entities called third-party financing
5 entities. Those are the hedge funds and
6 others that the solar companies go to to get
7 their money. Okay. And by far, the most
8 dangerous and egregious terms of these solar
9 leases are the terms that are mandated and
10 required by those third-party financing
11 entities. And each and every time that I have
12 highlighted that language and pushed back on
13 it and said, this is ridiculous, this is an
14 overreach, you're putting landowners at risk,
15 you're putting them on their knees, they said,
16 well, we can't get financed if we don't -- if
17 we don't get that language.

18 So in a sense, the developers are kind of
19 caught in the same trap that the landowners
20 are. Okay. They've got this third-party
21 financing entity sitting out there who is
22 financing deals all over the country, huge
23 packages of these solar developments and, I
24 mean, hundreds of millions of dollars; right?
25 And they want a cookie-cutter contract that

1 they know that they have. Well, that's what
2 we're dealing with.

3 Some of the most egregious language I've
4 seen that I have never seen in any oil and gas
5 lease, any pipeline right-of-way, or any or
6 kind of land lease is language in these leases
7 that require landowners to unilaterally, and I
8 mean, just a one-way commitment to these
9 unnamed third-party financing entities to take
10 away their own rights to self-protect
11 themselves in terms of lease cancellation, in
12 terms of forcing them to remove facilities
13 from their property and forcing, in terms of
14 going into bankruptcy court and trying to, you
15 know, make sure that they get paid.

16 And, you know, what happens is, is that,
17 all these leases have this provision in there
18 that says, you know, land, you know, lessor
19 hereby agrees, you know, talks about these
20 third-party financing entities, third-party
21 benefits, yada, yada, yada, and they want you
22 to sign all these rights away. So at the end
23 of the day, the worse case scenario for the
24 landowner is -- and I've talked to many of
25 these people, you know, I mean, developers

1 about it. I mean, when I was working for the
2 developers, I talked to them about it. The
3 worst case scenario for the landowner being,
4 the project goes into bankruptcy, okay,
5 something happens, a storm comes along and
6 blows them all down, whatever their renewable
7 energy credits, you know, Trump gets reelected
8 and those go away, I mean, you know, who knows
9 what, it's only unreasonable for a scenario
10 where a facility would go into bankruptcy,
11 okay, so the landowner is not getting paid.
12 He has eliminated his ability to force them to
13 cancel the lease to force them off. Okay. So
14 he's got all this stuff on his property and he
15 can't use the property for anything else. So
16 he's just stuck with no revenue and no ability
17 of self-help.

18 Okay. I was outraged when I first saw
19 that. I said, this -- and I'd tell them, I'm
20 like, look, whatever deal you have with your
21 third-party financing partner, that's your
22 business. That's not my business. I got -- I
23 mean, I'm taking care of other stuff over
24 here. You go deal with your people. If your
25 commitment and your obligations or sureties or

1 whatever that you are entering into with this
2 third-party financing entity is not
3 sufficient, then I think it's wrong and
4 inappropriate to require the landowner to step
5 up and step in that gap and expose themselves.

6 Again, same answer, well, we can't get it
7 financed if that's the deal with it. And the
8 reason I'm telling you this, is that, my job,
9 as I view it, when I'm representing landowners
10 is not to, as Mr. Caffery pointed out, I mean,
11 it's America, you know, people should have the
12 freedom, I guess, within reason to utilize
13 their property and develop it like they want
14 to. My job is to analyze a proposal that has
15 been given them and help do my best to educate
16 them on the risk that they're being asked to
17 assume. So that's what I've done.

18 And I've gone through these leases and
19 I've, you know, changed and moved and objected
20 to stuff. And some of these terms, you just
21 can't change. And until -- and I don't know
22 how it would happen, but until the Legislature
23 or DNR or somebody gets ahold of these
24 third-party financing entities and gets them
25 to the table, the developers have their hands

1 tied too. I'm just letting you know that.

2 The -- I'm trying to think what else. Do you
3 have any questions? Does anybody? No.

4 SENATOR MIZELL:

5 Yeah. I mean, I'm not a lawyer. Okay.
6 So I followed you as best as I could. But I'm
7 understanding, from what you said, that no
8 matter what the lease says at the point of
9 signing, that the lessee is at the mercy of,
10 not so much the developer, but the third-party
11 financing entity?

12 MR. BELTON:

13 Well, both. I mean, they have
14 obligations to the developer.

15 SENATOR MIZELL:

16 Right.

17 MR. BELTON:

18 But even if the developer would do
19 something egregious that the landowners say,
20 that's it, I'm going to go to court and I'm
21 going to cancel this lease and throw you off
22 my property, these leases all provide, give
23 the third-party financing entity, and require
24 the landowner to enter into a subsequent lease
25 with them for the rest of the initial lease

1 term.

2 SENATOR MIZELL:

3 And is that across the country, that's
4 how it's being done or is that --

5 MR. BELTON:

6 I don't know.

7 SENATOR MIZELL:

8 -- unique to what you're seeing?

9 MR. BELTON:

10 I don't know. I just know what's
11 happened with what I've seen. I mean, early
12 on, I thought it was maybe just the developer
13 I was dealing with on a particular deal, but
14 it's been everyone I've seen. And the
15 responses have been the same.

16 You know, same thing with the -- and this
17 is a favorite topic of mine too people are
18 tired of hearing about, same thing with
19 payments based on a royalty. I mean, I think
20 that the landowner should be paid on a
21 royalty. That's the only way that they can
22 truly be ensured to receive the fair market
23 value or current market value of what's going
24 on on their property.

25 SENATOR MIZELL:

1 Instead of a monthly lease?

2 MR. BELTON:

3 Right. And the pushback has been, well,
4 that doesn't fit the third-party financing
5 entities' financing model, so that's a no-go.
6 Well, the funny thing is, on the New Mexico
7 state lease, they got to pay a royalty. And
8 on the regs promulgated by DNR for Louisiana
9 state lease, they'd have to pay a royalty.
10 So, you know, take that for what its worth.

11 And the last thing I'll leave you with
12 is, you know, there's -- there's been a lot
13 of, you know, we've discussed a lot about
14 Purchase Power Agreements and MISO and all
15 that stuff, I'm currently representing a
16 client in Point Coupee parish up in Ventress,
17 who's actually the project was referred to in
18 the newspaper article today, and I've been
19 dealing with them. We've been -- you know, I
20 mean, we've been negotiating this thing for
21 about a year. And I've been, primarily
22 because of my background and I worked for the
23 PSC, I've been, you know, pushing these people
24 to find out the status of their PPA, okay. I
25 say, do you got your PPA? Have you negotiated

1 it? Because, as a landowner's royalty, aside
2 from all the other risks that are out there,
3 if a solar developer gets a PPA with a utility
4 company, and Mr. Frey, I think can confirm
5 this, or certainly correct me or add whatever
6 you think, once a PPA is approved by the
7 Public Service Commission, that contract has
8 the force and effect of law. Okay. They are
9 used to -- parties sell bonds on those things.
10 I mean, it's like Willy Wonka's golden ticket,
11 you know. I mean, it's -- within its sandbox,
12 the Public Service Commission has equal
13 authority as the Legislature. So it would be
14 just the same as if the Legislature passed the
15 statute saying, you know, CLECO must buy from
16 X, Y solar company. You know, that's a big
17 deal. Now, not all states are like that. I
18 think we're one of less than half. I mean,
19 we're just one of the states that have -- the
20 PSC has that power.

21 So from a landowner's standpoint, I know
22 if they have a PPA, then at least for 20 years
23 or so, there's going to be a robust cash flow
24 coming out of that solar farm. And chances
25 are, my guy probably will get paid. And the

1 chance of bankruptcy is less than maybe, it
2 might be -- there are no guarantees. But so
3 as long as that PPA is there, you know, I've
4 got a certain level of comfort.

5 Well, on this other project, you know,
6 I'm talking to the developer, I'm like, what's
7 the status of your PPA? What's the status of
8 your PPA? He's, like, well, we're not going
9 to do a PPA. We're going to do what they call
10 a virtual PPA. I said, well, I don't even
11 like the sound of that. Okay. All right.
12 But I did some research.

13 And, basically, as I understand it,
14 there's two ways that a solar developer here
15 in Louisiana can gain access to the grid to
16 sell us power; one is by virtue of a PPA with
17 the utility company; or the other is they
18 can -- and Mr. Frey, you may want to chime in
19 with the terminology, but they can sell into
20 MISO at the wholesale market, okay, which is
21 the interstate wholesale market, which is a
22 complicated formula about how they arrive at
23 that, but it's a -- it's an option available
24 to them that they can sell. Now, it's at a
25 much, much lower price, I believe, typically

1 than the PPA, but it is there for them.

2 Now, as was pointed out earlier, you
3 know, the Commission of wisdom was, is that, a
4 developer wouldn't build a facility if they
5 didn't have a PPA with a guaranteed revenue
6 stream. But, in this particular instance, the
7 way these virtual PPAs work is, they build the
8 facility; and, apparently, by Federal law, for
9 every megawatt hour of renewable power they
10 develop, they earn one Federal renewable
11 energy credit. And I don't know anything
12 about tax law and all that. But, I mean, they
13 create these renewable energy credits. Now,
14 so as long as they flow in the power into the
15 line, and that can be at one cent or two cents
16 or whatever the wholesale interstate price is,
17 their generator is running, so they're
18 building up these renewable energy credits.

19 Well, and you know, by virtue of Federal
20 tax incentives and other things and corporate
21 America's desire to certain, you know, certain
22 companies want to say that they have a zero
23 carbon footprint, these developers, they
24 generate these renewable energy credits and
25 they sell them, you know, to the likes of

1 Amazon or Google or whoever. Now, that has
2 nothing to do with the way the electricity is
3 flowing. That's just like a side deal. Okay.
4 So they're deriving apparently huge sums of
5 money from that. Because in this particular
6 contract, or this development up in Ventress,
7 that's how they're going to make their money.

8 Now, that -- those virtual PPA's don't go
9 before the Public Service Commission, you
10 know. I mean, as I understand it, I mean, the
11 PSC, they would -- they would have no
12 knowledge of that. They may know something
13 about the insertion, I guess, through MISO.
14 But, I mean, in terms of the power going into
15 the grid, they have no regulatory authority
16 over that, over that contract, the prudence of
17 it or what have you. You know, so as a
18 landowner, you know, I've lost this, what I
19 thought was a guaranteed 20-year revenue
20 stream, and they've shifted me over here to
21 this revenue stream that may be robust, must
22 be, but if something changes at the Federal
23 level, if they do away with the tax credits or
24 whatever, something, you know, I mean, then
25 the economic is definitely going to tank.

1 So, you know, those, as I've educated
2 myself and tried my best to represent my
3 clients, those are the kind of things that
4 I've learned, you know, that are going on out
5 there. I don't think that there's anything
6 the state can do or should do or can do about
7 virtual Purchase Power Agreements or anything
8 like that. But I think it's -- I wouldn't
9 want y'all to leave here with the
10 understanding that, well, you know, they're
11 going to do these PPAs and it's going to go to
12 the PSC and they're going be reviewed and, you
13 know. That may be for maybe most of the
14 deals, but apparently not all of them. So I
15 just wanted to -- you know, that's all I had.
16 And, like I said, I don't know if any of the
17 things I've mentioned really factor into the
18 potential regulatory stuff y'all are looking
19 at, but I thought you'd want to know about it.

20 SENATOR MIZELL:

21 I'd love to know what all those tabs are
22 in that stack you have.

23 MR. BELTON:

24 Well --

25 SENATOR MIZELL:

1 No, don't tell me now. Don't tell me
2 now.

3 MR. BELTON:

4 Well, page one says: Decommissioning
5 surety.

6 SENATOR MIZELL:

7 Right. Right. Yeah, but I find it very
8 interesting, those tabs.

9 MR. BELTON:

10 Yeah.

11 SENATOR MIZELL:

12 I appreciate it because, you know, you're
13 sharing things that, frankly, have not crossed
14 my mind. But I think that's all part of
15 what's going to have to be talked about, so
16 thank you.

17 CHAIRMAN LANCLOS:

18 Thank you, Mr. Belton.

19 Mr. Frey?

20 MR. FREY:

21 Emory, I don't know if you wanted me
22 answer that or not. I can try.

23 MR. BELTON:

24 Yeah.

25 MR. FREY:

1 I have recently heard that term, virtual
2 PPA for the first time. And, I guess, to back
3 up and look at it more holistically, there's
4 nothing that stops anybody from building any
5 kind of generator or using any type of power
6 source. You can go build, assuming you had
7 your permits in place, a coal plant right now,
8 and you're at the mercy of the market. I
9 mean, there's got to be a need for that power,
10 and you've got to be okay with taking whatever
11 the market is going to pay on for that. It's
12 a wholesale generator is regulated by FERC.
13 But any wholesale generator still has to go
14 through the MISO process. It's got to be
15 integrated into the grid. It can't be an
16 island.

17 So if you're going to build a facility,
18 then there's got to be adequate transmission
19 place, there's got to be adequate transmission
20 flows. Through that MISO process, the
21 Commission is actively involved as a MISO
22 state as are a number of utilities. So we're
23 going to be involved in any process that may
24 be tips that scale the wrong way with too
25 solar or too much of any resource. So while

1 we wouldn't specifically be approving a
2 virtual PPA, I think we definitely would be
3 looking at it and know it's out there. But
4 until it actually gets in the queue, we
5 wouldn't see it.

6 CHAIRMAN LANCLOS:

7 Thank you, Mr. Frey. Just in terms of a
8 time check, we've got three more comments to
9 get through, so we'll try to get those done.

10 So Ms. Kim Coates, Tangipahoa Parish
11 Council, you're up next.

12 MS. COATES:

13 Hi, good afternoon. Thank you for
14 letting me speak again. This morning, you
15 know, I mentioned some of our concerns and we
16 had been working on our own ordinances. But
17 there are just a few other things I just kind
18 of wanted to mention.

19 Drainage, again, is very important. Just
20 to kind of put it in a little bit of
21 perspective, I spoke about the Water
22 Initiative Agency this morning. Well, Region
23 7 is made up of 13 parishes which includes
24 Tangipahoa Parish. And out of those 13
25 parishes, there is around eight water sheds.

1 Five of those water sheds runs through
2 Tangipahoa Parish. So, like I said this
3 morning, water has no political boundaries.
4 So we definitely want to make sure that, you
5 know, if we're doing what we can in our
6 parish, we just want to make sure that our
7 neighbors don't affect us as well.

8 And it may not be local flooding right
9 there at the site, but when land is clearcut
10 or graded and the topography changes, it could
11 also have downstream effects. But one of the
12 other things that I kind of wanted to bring
13 up, we've, you know, many people has been
14 talking about the decommissioning plan all
15 day. And another thing that we were a little
16 concerned with and weren't sure how to handle
17 it, we've been doing a lot of research, but if
18 a lease is in place and the permit is in place
19 and the site is even built, but then the lease
20 is sold and the company changes, and making
21 sure that new company has their own
22 decommissioning plan, to make sure that the
23 parish, the local governments are made aware
24 of that before all of that starts to happen,
25 and then it all kind of just slips in and then

1 we don't have all the proper plains.

2 So I've been told that other solar
3 plants, you know, leases have been sold, you
4 know, four and five times. So that was just a
5 concern, and I just wanted to bring it to your
6 attention. So thank you so much.

7 CHAIRMAN LANCLOS:

8 Thank you, Ms. Coates. I appreciate your
9 testimony.

10 Next, we have Dr. Terrence Chambers
11 representing the University of Louisiana at
12 Lafayette. Dr. Chambers, the floor is yours.

13 DR. CHAMBERS:

14 I'm Terry Chambers, a Mechanical
15 Engineering professor from the University of
16 Louisiana at Lafayette. And I'm the Director
17 of the Energy Efficiency and Sustainable
18 Energy Center, which is part of the Energy
19 Institute of Louisiana in UL Lafayette. And I
20 am the owner/operator of the 1.1 megawatt
21 photovoltaic solar farm at the University.

22 And what I want to do is to remind
23 everyone here, both our public officials and
24 members of the public, that your universities
25 and institutions of higher education can help

1 you with the questions that you're struggling
2 with. We stand ready as a resource, and we
3 have lots of people who know a lot about
4 solar.

5 For example, I've been doing solar energy
6 research for over 11 years. And I've been
7 hearing a lot of -- I've been hearing a lot of
8 comments today: There are so many unknowns,
9 there's so much uncertainty. Yes, there are
10 some unknowns. But most of the questions that
11 I've been hearing, the answers are known.
12 Okay.

13 Are solar panels going to pollute the
14 ground water? No, they're not. That is known
15 already. This is -- this is a mature
16 technology that's new to Louisiana, but it's
17 not new in the United States and it's not new
18 in the world. Is a solar farm going to create
19 problems with people's medical devices? No,
20 it's not. These things are known. Okay. And
21 there -- it's understandable that there would
22 be concerns when people don't know what's
23 going to happen and if they go out and they
24 find something on the internet that alarms
25 them.

1 But I would like to remind everyone that
2 we have excellent -- we have people at the
3 Energy Institute at LSU that are experts in
4 economics and law and policy. And at Tulane,
5 the same thing and then also at UL Lafayette
6 where I'm a faculty member. We focus more on
7 the technology, the technological questions,
8 but we are ready to answer these kinds of
9 questions for the benefit of the public. And
10 by the way, if anyone wants to know what a
11 solar farm is like, I invite them to come
12 visit our facility.

13 CHAIRMAN LANCLOS:

14 Thank you, Dr. Chambers. I appreciate
15 your testimony.

16 And our last testimony today is Mr. Joe
17 Mapes, Louisiana Farm Bureau.

18 MR. MAPES:

19 Good morning, Mr. Chair, Members -- good
20 afternoon, I'm sorry. We started solar day
21 Sunday today at 8:30, so good to see y'all all
22 again. And I'll be brief because some of my
23 comments are repetitive. Farm Bureau
24 Federation has 142,000 members strong. We
25 support -- we're the biggest user of natural

1 resources. We support natural resources.
2 We've been using the sun since day one and we
3 use it to produce all of our crops that we
4 harvest.

5 One of our number one issues has been
6 setbacks. Again, in Washington Parish,
7 they're right up next to the road with
8 loggers. Our loggers will leave a stand of
9 trees between the interstate, say, and they're
10 clearcut, and you look over to the side, you
11 see a nice thick stand of trees. You can't
12 see them through them. You can't see the
13 clearcut. Maybe if we had had some setback
14 provisions like this in place prior to these
15 solar plants going up, maybe we wouldn't be
16 sitting here talking today. We still do need
17 to be sitting here talking today, however,
18 about these issues.

19 One of them is possible zoning. You
20 know, we talked -- when the solar industry
21 talks about the amount of land that's being
22 used or affected by this, they say it's one
23 percent. And we don't disagree with that, but
24 if it's one percent of the most coveted land,
25 for instance, land close to a sugar cane mill,

1 100 percent of that one percent means a lot.
2 Because with each sugar cane farmer that loses
3 land and is not able to farm with the family
4 farm, that is X amount of tonnage that goes
5 down in that mill. And without that tonnage,
6 the integrity is compromised. And sooner or
7 later, the mill can go out of business.

8 That's our concern about the one percent
9 is that it's prime land and the solar
10 companies need it because they need to be near
11 the electrical grid. They need to be -- they
12 don't want to have to construct and maintain
13 as many roads as they might have to otherwise
14 if they were further back on the property.
15 That's all understandable. But, again,
16 setbacks are a big deal to us. Zoning is a
17 big deal to us. And decommissioning is as
18 well.

19 We have the oil and gas industry to look
20 at from the early 1900s when we did -- when we
21 didn't put regulations in place, and we're
22 dealing with orphaned wells here 110 years
23 later. They're dangerous. They kill people.
24 They kill the ecology. We don't want that to
25 happen with this industry.

1 Mr. Clark said earlier that they would
2 restore the land as close as possible. And
3 that's one of our concerns is, what does that
4 mean? Is that a complete restoration? No,
5 it's as close as possible. And why isn't it
6 complete? Is it not complete because it's not
7 economically feasible? Is it not complete
8 because it's environmentally impossible? So
9 that's our question.

10 I mean, 20 years from now, if there's a
11 farm -- I'm sorry I said that -- solar plant.
12 I don't like the misappropriation of the term
13 farm for solar, solar plants, but we're not
14 able to take a crescent wrench and take these
15 things apart, bring them to the curb and
16 Allied Waste picks them up. It's going to
17 take a structural engineer to formulate a
18 decommissioning plan. And that's one of our
19 concerns is, why can't -- you know, if we've
20 got some land that's going to be reverted back
21 to agricultural land for the grandchildren or
22 the children to use the farm, the family farm,
23 we'd like it back in its original state.

24 This industry is moving so fast. It's
25 the wild, wild west. And so when you're

1 talking about landowners being sophisticated,
2 it's not -- they don't have the ability to be
3 sophisticated because it's a brand new
4 industry, and it's a brand -- and it's moving
5 so fast. And so there's not even attorneys
6 out there that are really adept at drafting
7 these contracts because it's so new. So if
8 the attorneys don't exist out there in a large
9 group to help the people, the people can't be
10 sophisticated enough to do it on their own.

11 So we want to work with Senator Mizell,
12 and you are to be commended. Thank you so
13 much for bringing this together, all of this
14 today, all of the efforts that you've made,
15 the departments too, thank you for that.
16 We're here to work with y'all to work with the
17 solar industry to get the best possible
18 industry standards and guidelines for our
19 landowners. Thank you.

20 CHAIRMAN LANCLOS:

21 Thank you, Mr. Mapes, for your testimony.
22 And thank you, Senator Mizell, for putting
23 this together and calling this meeting. We
24 have a report due -- DNR's report due in 30
25 days related to this resolution. And I want

1 to give you an opportunity to speak to close
2 related to that.

3 SENATOR MIZELL:

4 Thank you. Just in brief, and I talked
5 to some of my neighbors today, and I think the
6 challenge to you all that frankly is my
7 concern, is nobody wants you to hurry, but we
8 need it real quick. And the concern of my
9 local parishes have a two-month moratorium.
10 It's even been mentioned this morning it could
11 take him six months. We're going to have four
12 months of absolute madness until something is
13 in place. So therein lies a challenge.

14 I don't know exactly what can be done.
15 I'm hoping that the Industry lets things
16 simmer a little bit so that we can get some
17 good guidelines. And I'm -- I know everybody
18 that testified today is available. I'm
19 available. I know Senator Allain is
20 available. So I just want to thank everybody
21 who came and spoke because this conversation,
22 I think, was really important. But thank you
23 all.

24 CHAIRMAN LANCLOS:

25 So with that, that's -- we're going to go

1 ahead and wrap up the meeting for today.
2 Thanks so much for taking the time to provide
3 testimony for us. Thank you.

4 (WHEREUPON, THE MEETING ADJOURNED.)
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1 R E P O R T E R ' S C E R T I F I C A T E

2 I, KELLY S. PERRIN, a Certified Court
3 Reporter, Certificate #23035, in good standing with
4 the State of Louisiana, as the officer before whom
5 this meeting was taken, do hereby certify that the
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