

SD among states adding tons of wind energy - and suing over Obama's climate plans

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On Tuesday, the American Wind Energy Association posted a very interesting list of new records being set by U.S. wind energy this month.

For instance, in the power grid for the state of Texas - known as ERCOT, or the Electricity Reliability Council of Texas - wind generated 14,023 megawatts (or million watts) of electricity at one point on Feb. 18, a new record high. On the same day, wind's "penetration" within ERCOT temporarily reached 45.14 percent. In other words, at least for a moment, wind was supplying more than 45 percent of ERCOT's electricity - and ERCOT manages 90 percent of Texas's, supplying power to 24 million people.

These records reflect both favorable weather and also ever-increasing amounts of wind turbines installed in Texas, said Michael Goggin, AWEA's senior director of research. But what's so interesting is that this record was set in Texas, a state that is currently suing the Obama administration over the Clean Power Plan, which would of course favor the development of wind, solar and natural gas to the detriment of coal.

Texas, it turns out, is the currently the nation's leader in total wind energy generation, according to the U.S. Energy Information Administration. And in 2014, according to EIA data analyzed by AWEA, it generated just over 9 percent of its total electricity from this source that would be strongly favored by the Clean Power Plan. The state has also received more investment in wind - \$32 billion - than any other, according to AWEA.

And other states fit a similar pattern in many ways.

Take South Dakota, also among the states that are challenging the Clean Power Plan. In 2014 it generated 21.25 percent of its electricity from wind.

And then there's the Southwest Power Pool, or SPP, which stretches across Oklahoma, Kansas and Nebraska, as well as parts of Texas. All of these states are part of the group that, successfully, sought a stay of the Clean Power Plan from the Supreme Court. And the region saw two recent wind records, according to AWEA: Wind output reached 10,439 megawatts at one point on Feb. 17, and total wind penetration hit 43.9 percent two days later.

Zooming in closer, Kansas and Oklahoma in particular are wind leaders. Kansas generated 21.81 percent of its electricity from wind in 2014. Oklahoma tells a similar story: It was at 17 percent electricity generated from wind that year.

Another state signed on to these legal challenges against the Clean Power Plan, Colorado, generated just under 14 percent of its electricity from wind in 2014.

Overall, the numbers reinforce the idea that the U.S. Midwest is a place where a great wind resource, and conservative politics, intertwine.

"I think it is part of a long transition that's taking place, where people are only now starting to realize what the resources are in their states, and how fast they actually can make the transition," said Rob Gramlich, senior vice president of government and public affairs at the American Wind Energy Association.

"Wind is a new entrant in all of these places," Gramlich said. "Almost all of it has been developed in the last 10 years, it's relatively new, so, you know, and the utilities have been there for a hundred years or more, with their relationships with policymakers. That doesn't change in a few years when a new technology comes in and enters the market."

Granted, just because these states get a lot of power from wind doesn't mean they don't also still get a lot from coal, which would be punished by the Clean Power Plan, said Nathan Richardson, a professor at the University of South Carolina School of Law who focuses on environmental and energy law. Take Texas: According to ERCOT, while wind supplied 10.6 percent of electricity to its grid in 2014, coal supplied 36 percent.

And there's another factor to bear in mind. "Remember that the states' attorneys general leading the suits against the EPA are separate from and not necessarily aligned with the state environmental regulators and public service commissions that would be charged with implementing the CPP," Richardson said.

"Until the Clean Power Plan, the federal government has never said that states must shut down certain types of plants and build others to replace them. States such as Texas, Oklahoma, Kansas, and South Dakota believe that EPA has gone well beyond its statutory authority in ordering the construction of new wind and solar plants," said Jeffrey Holmstead, a former EPA assistant administrator and attorney with Bracewell, LLP who is representing industry groups challenging the rule. "Even if EPA is, to some extent, requiring them to do things they are doing anyway, they simply don't believe that EPA has this authority."

Nonetheless, the growth of wind in states such as Texas hints at the result of other analyses - namely, that Texas, if it wanted to, could comply with the Clean Power Plan relatively easily. For instance, a study by the Environmental Defense Fund recently found that the state is "exceptionally well-positioned to meet its Clean Power Plan target" due to abundant wind, solar and other resources.

All of which makes the politics around resistance to that plan pretty darn interesting - especially in the windy Midwest.