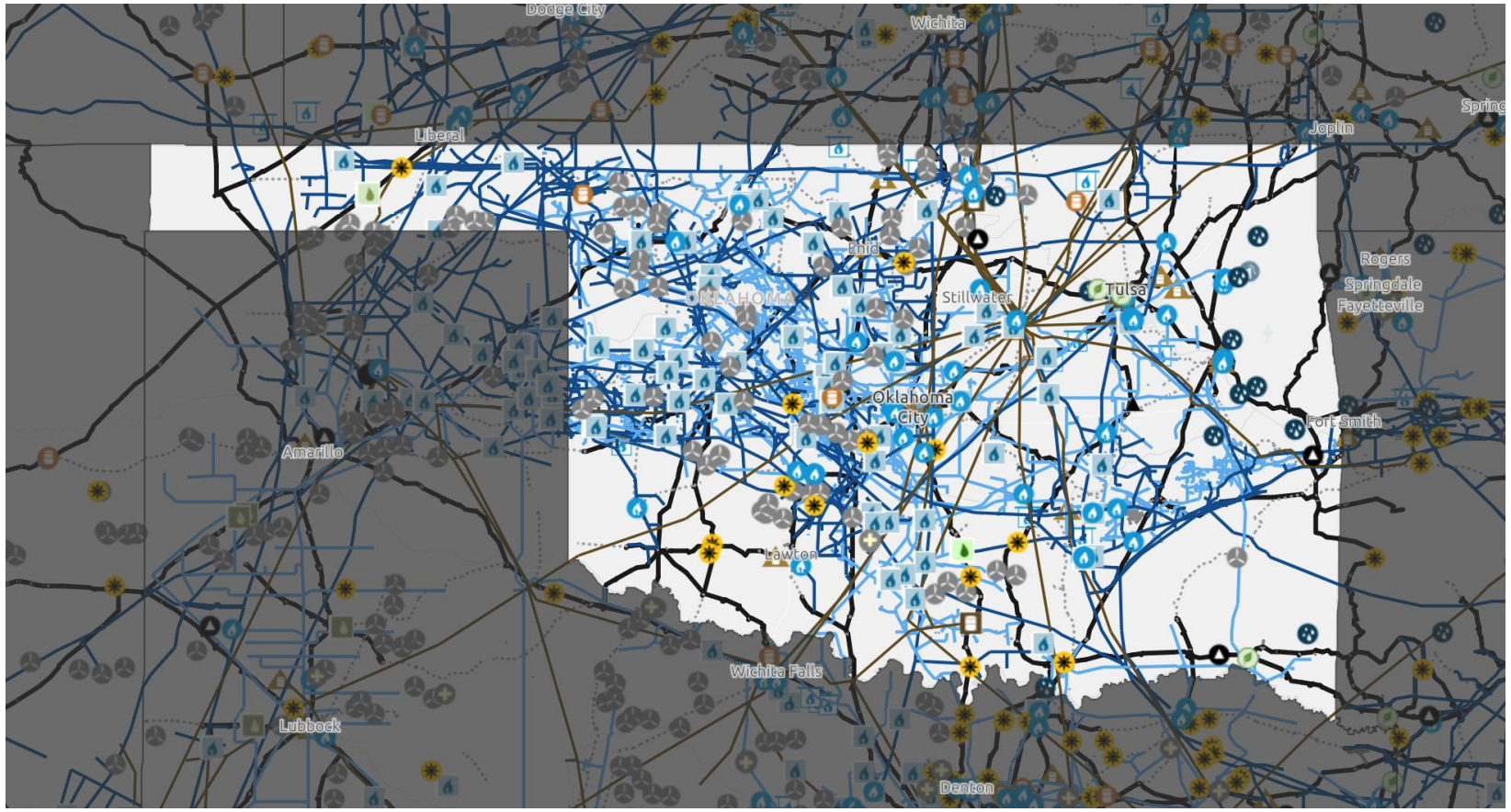
WIND & SOLAR SETBACKS INTERIM STUDY 25-061

3 Perspectives: Former OK Corp. Commissioner | Energy Attorney | Law Dean Emeritus

Jim Roth, A New Energy and Phillips Murrah



OKLAHOMA'S ENERGY FOOTPRINT TODAY

* Oil & Gas Refining & Processing

* Transmission (electric and pipeline)

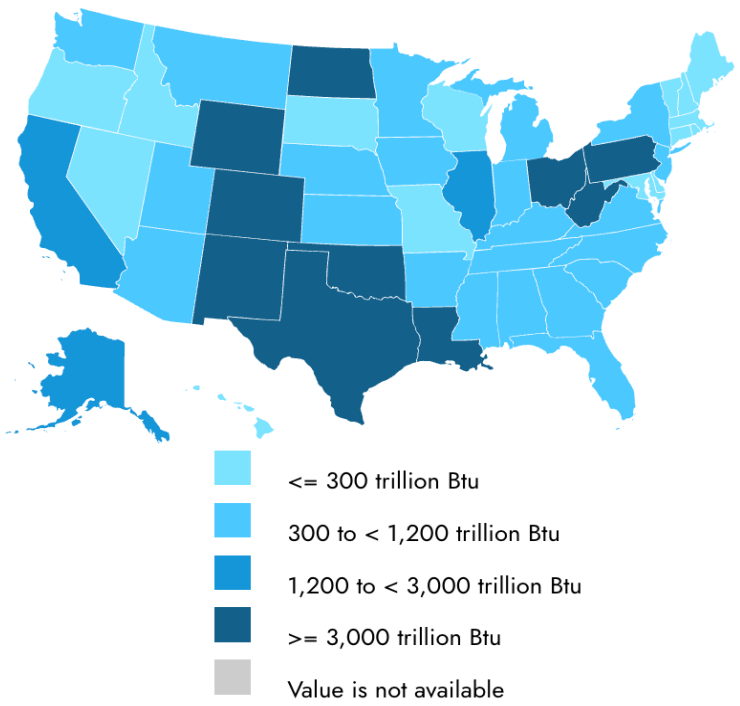
* Electric Generation/ Power Plants

OKLAHOMA'S TOTAL ENERGY PRODUCTION

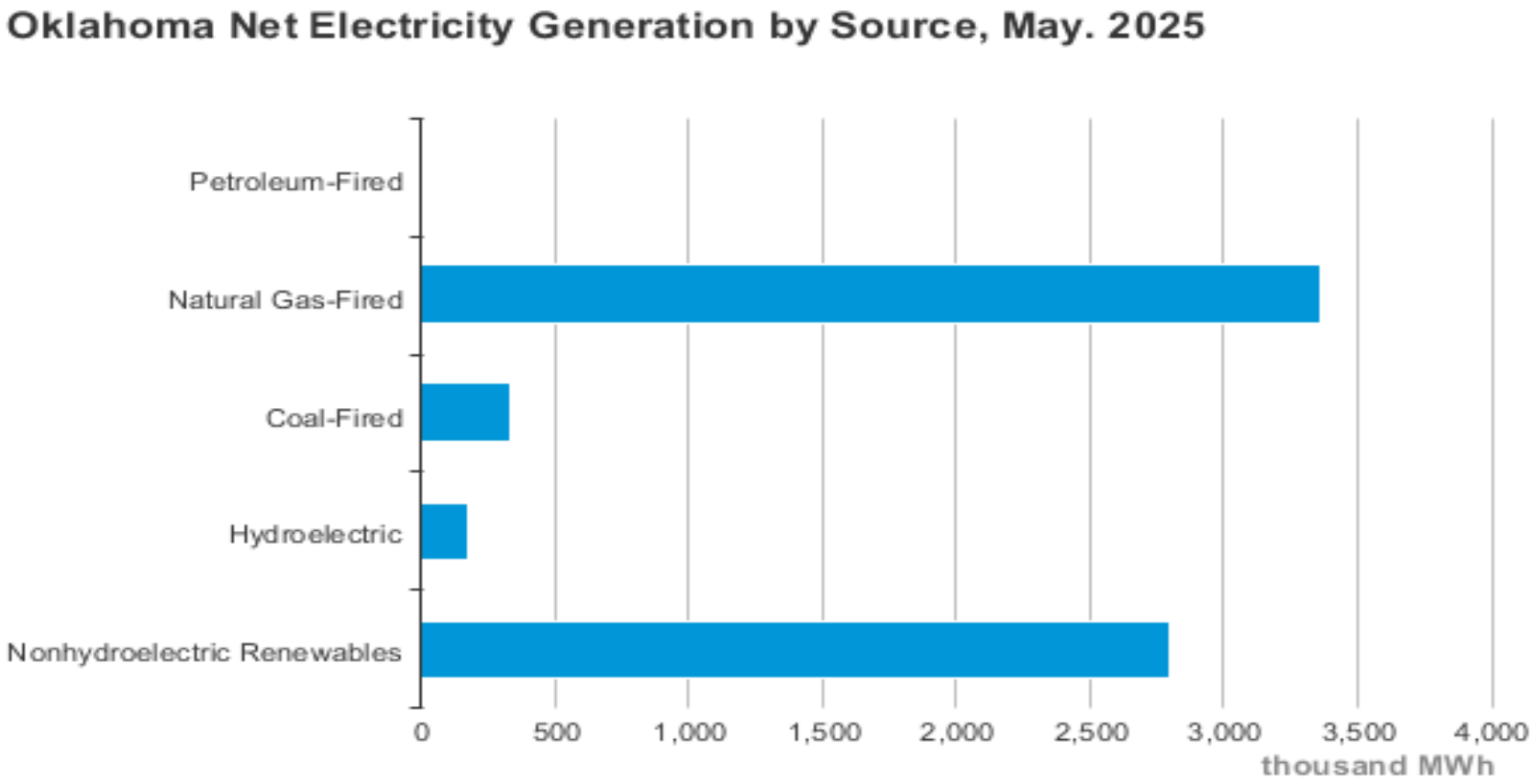
Rankings: Total Energy Production, 2023 (trillion Btu)

Download Table Data as CSV

Rank	State	Total Energy Production (trillion Btu)
1	Texas	27,105
2	Pennsylvania	10,102
3	New Mexico	7,652
4	West Virginia	6,090
5	Wyoming	5,846
6	Louisiana	4,998
7	North Dakota	4,492
8	Oklahoma	4,394
9	Colorado	3,559
10	Ohio	3,001



Additional State Rankings



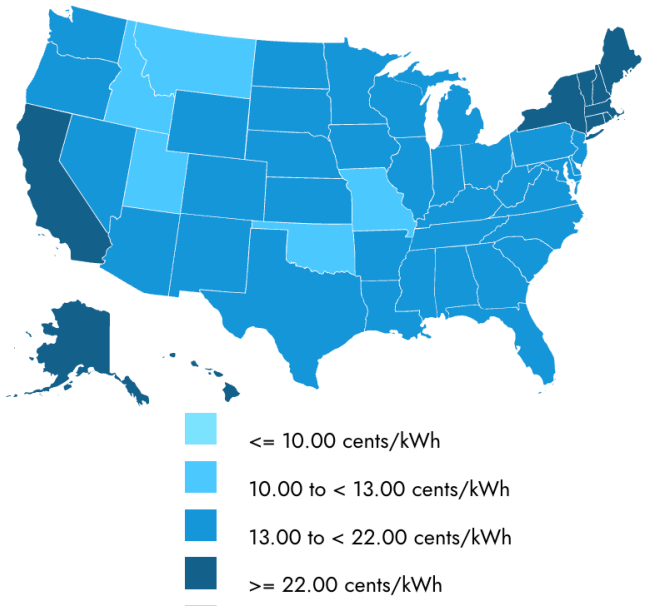
OKLAHOMA'S ELECTRICITY MIX

May, 2025

Rankings: Average Retail Price of Electricity to Residential Sector, May 2025 (cents/kWh)

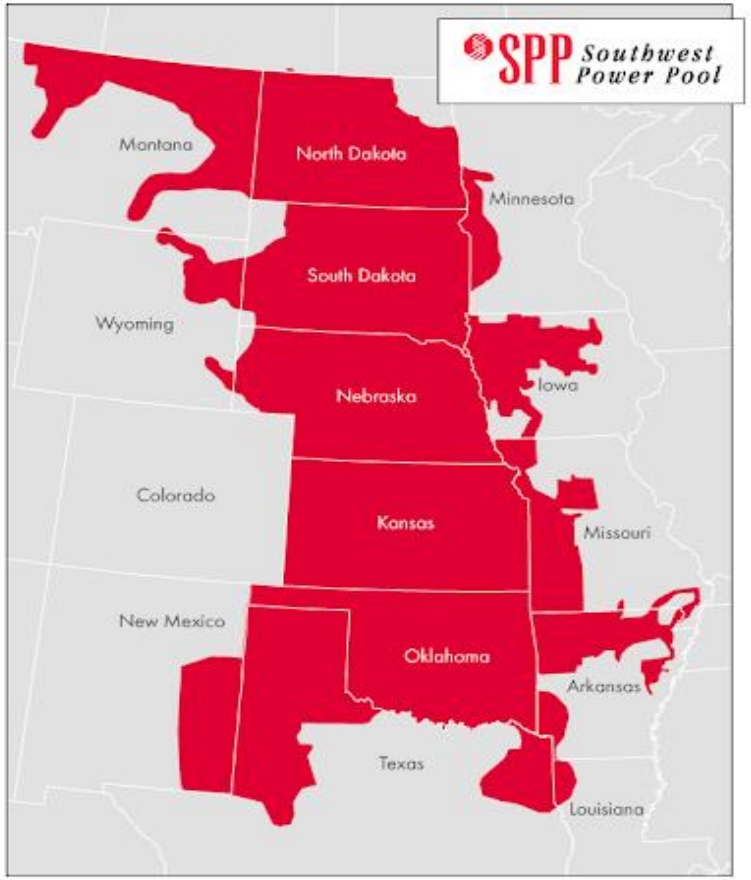
Download Table Data as CSV

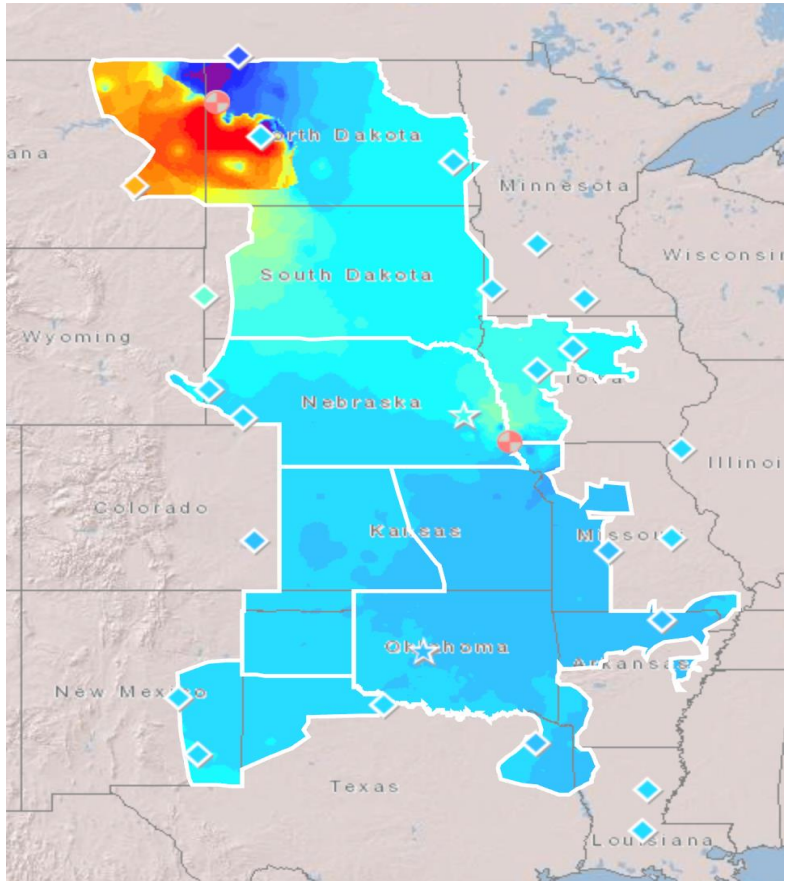
Rank	State	Average Retail Price of Electricity to Residential Sector (cents/kWh)
1	Hawaii	41.03
2	California	35.03
3	Connecticut	31.64
4	Massachusetts	29.94
5	Rhode Island	29.00

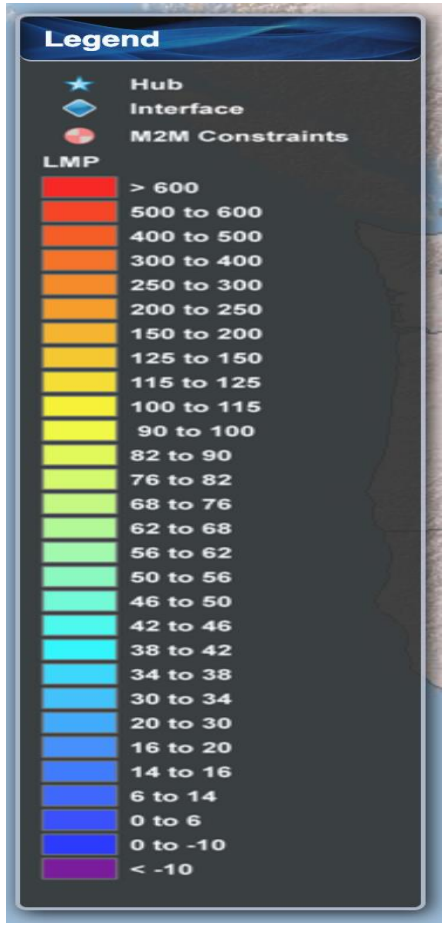


46	North Dakota	13.07
47	Missouri	12.97
48	Oklahoma	12.94
49	Montana	12.90
50	Utah	12.63
51	Idaho	11.88

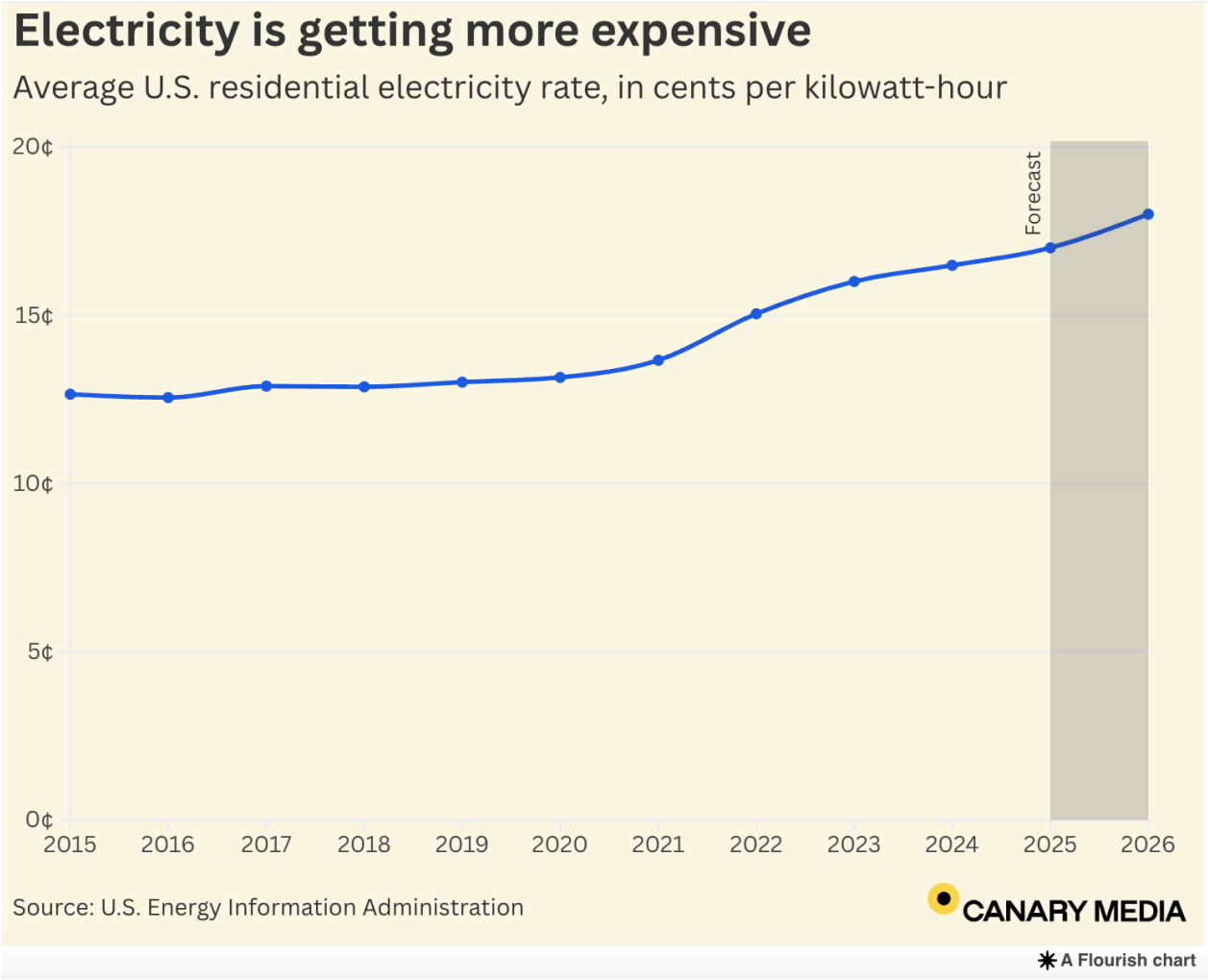
OKLAHOMA'S ELECTRICITY MARKET







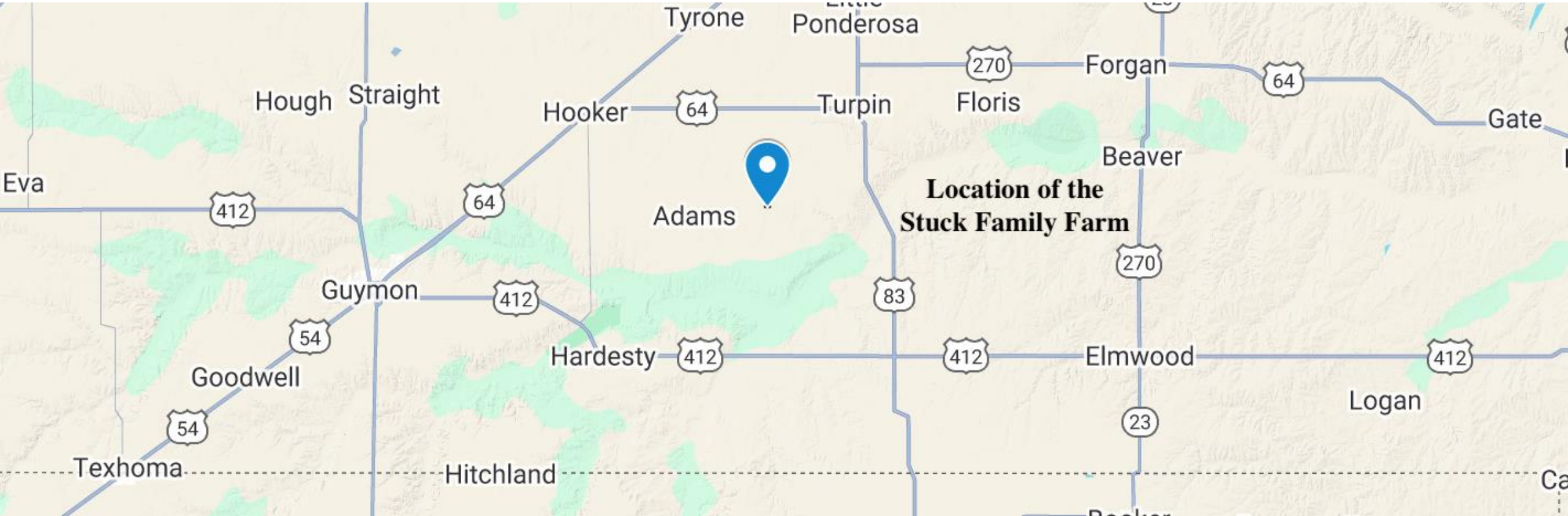
THE FUTURE IS LIKELY TO BE MORE EXPENSIVE FOR UTILITY CUSTOMERS; WOULD BE MADE EVEN WORSE BY FEWER ELECTRICITY OPTIONS



- Prohibitions on inexpensive energy sources like wind, solar, and BESS result in higher electricity costs
- Mandating energy to one half of the state will result in spikes in power costs because of transmission limitations
- Power Generation sources that have zero fuel cost are an important ‘hedge’ against commodity price fluctuations (e.g. Uri)

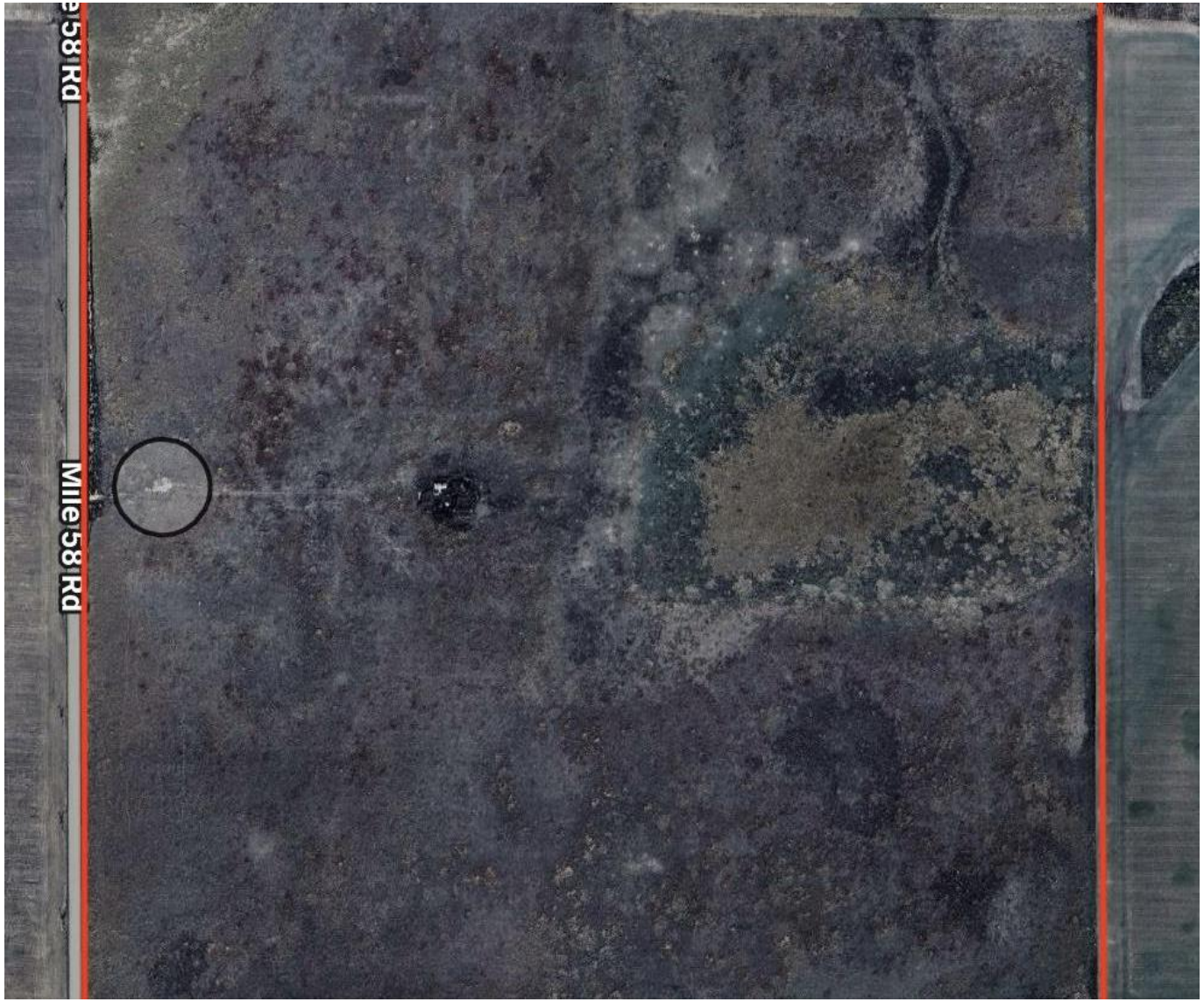
STUCK FAMILY FARM

- The blue pin shows the location of property in Texas County owned by the Stuck Family between 1914 and 2022. It was operated as “TK Farms” before being sold. This farm is used as a real-world example of how setbacks would affect a farm.



OIL AND GAS SETBACK

- O.S. 22 § 320.1 prohibits habitable structures from being built within 150 feet from an oil and gas well. This circle, located where the owners of TK Farms lived shows a 150-foot setback

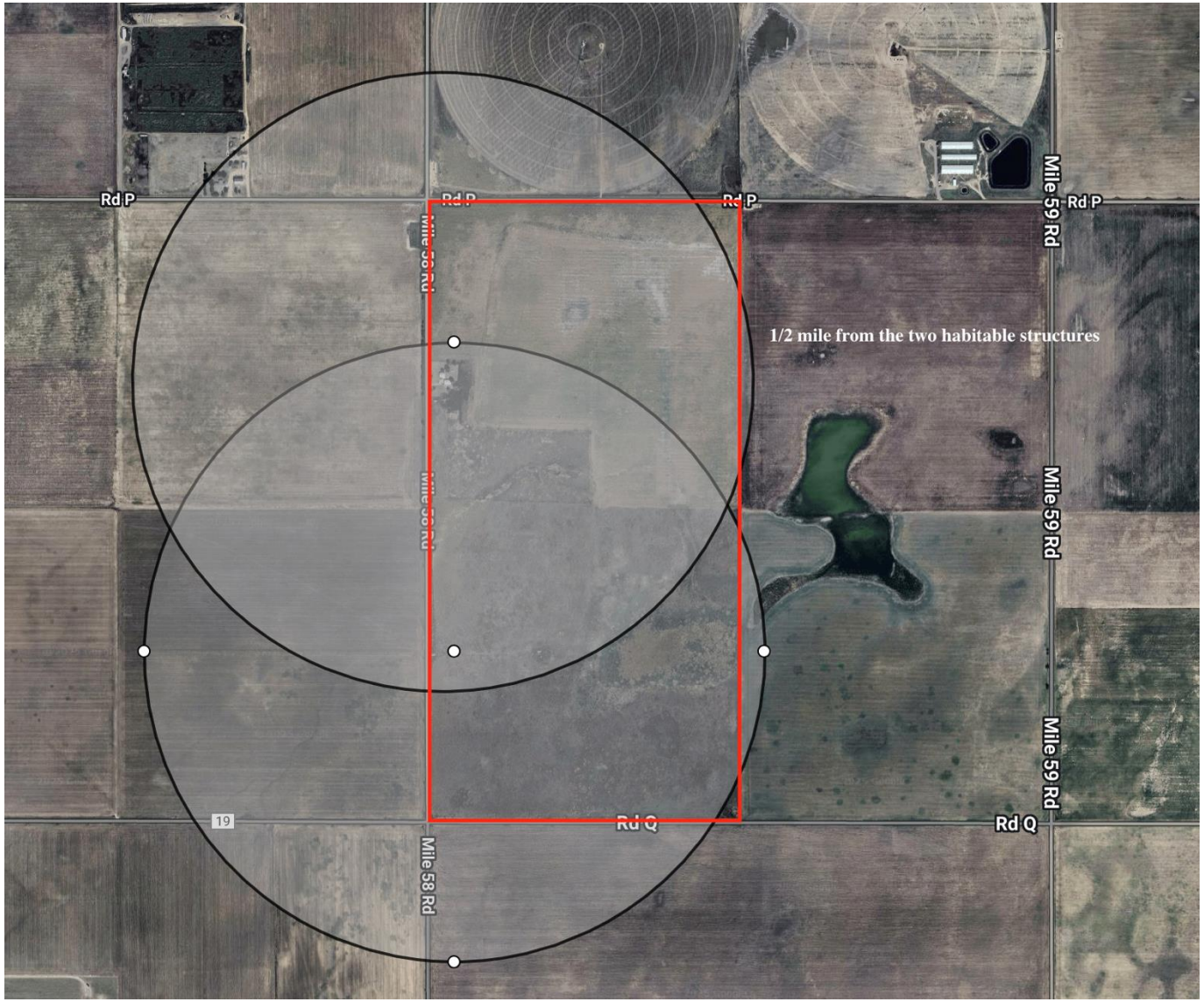


1/4-MILE SETBACK

- A 1/4-mile setback from habitable structures would prohibit wind turbines in the western half of TK Farms and the eastern portion of the farmland to the west.

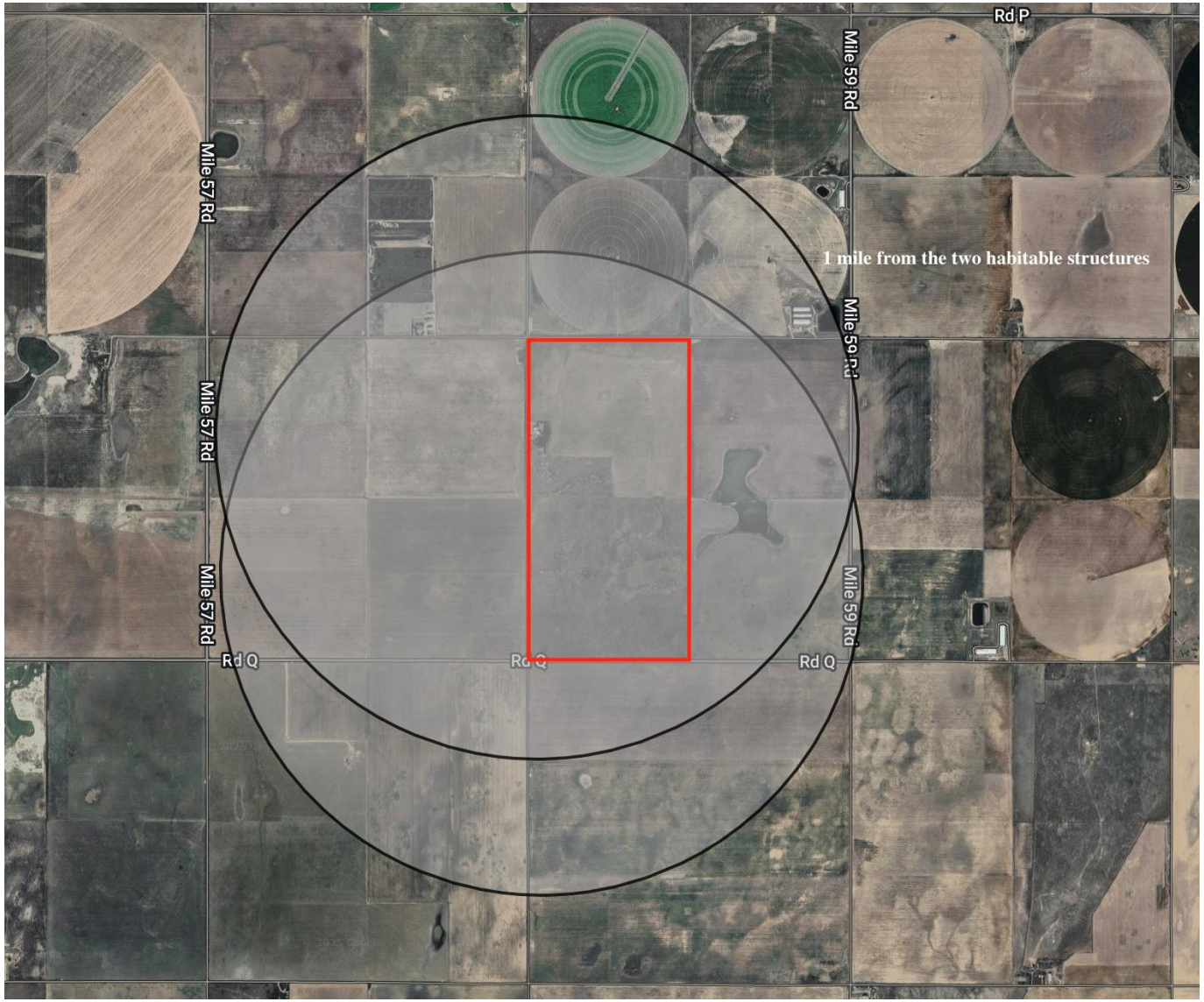
1/2-MILE SETBACK

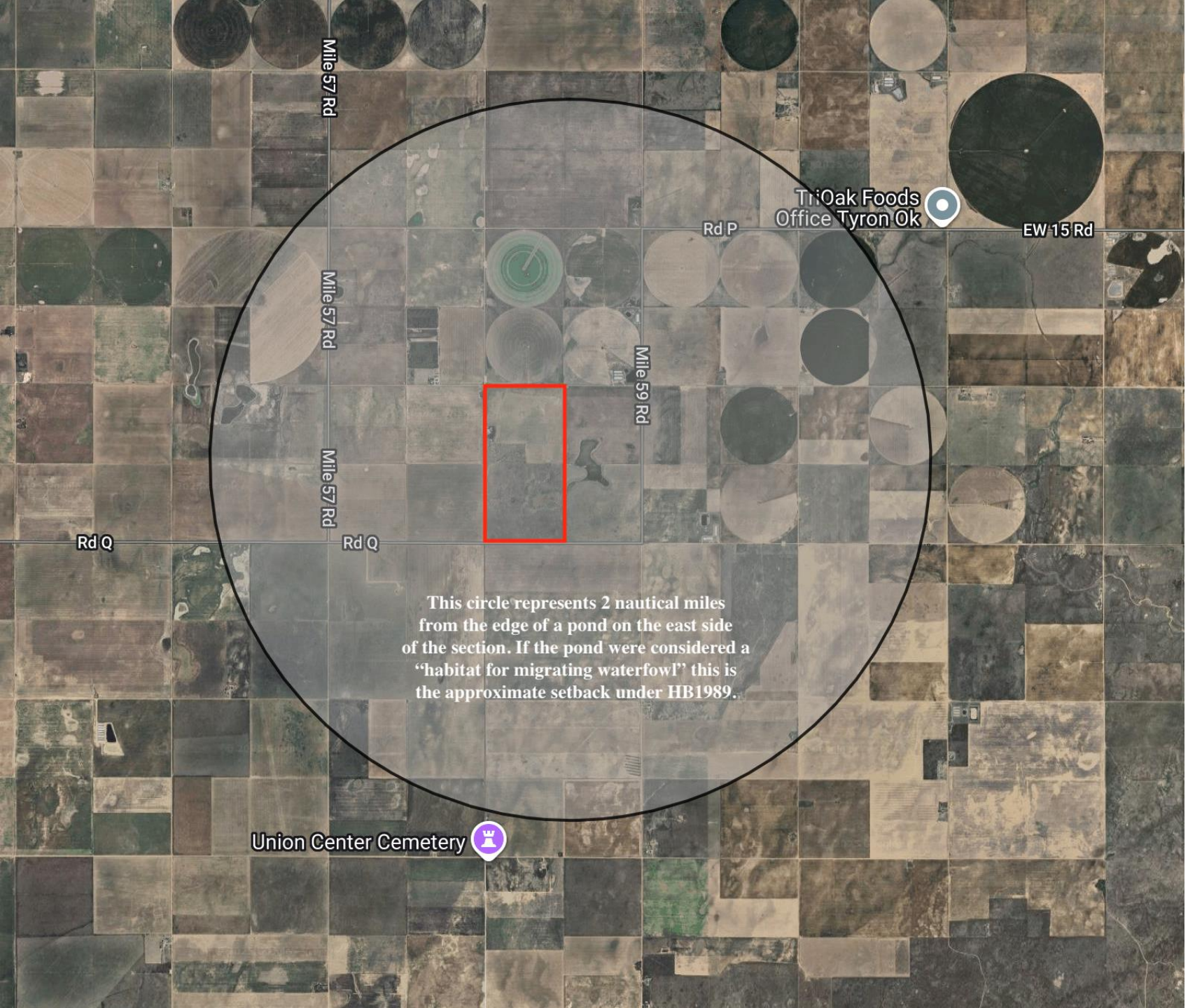
- A 1/2-mile setback from habitable structures would prevent wind turbines throughout the farm and prevent turbines in the two quarter sections to the west.



1-MILE SETBACK

- Should a one-mile setback be imposed, the two owners inside the red rectangle could prohibit wind development within these two circles.



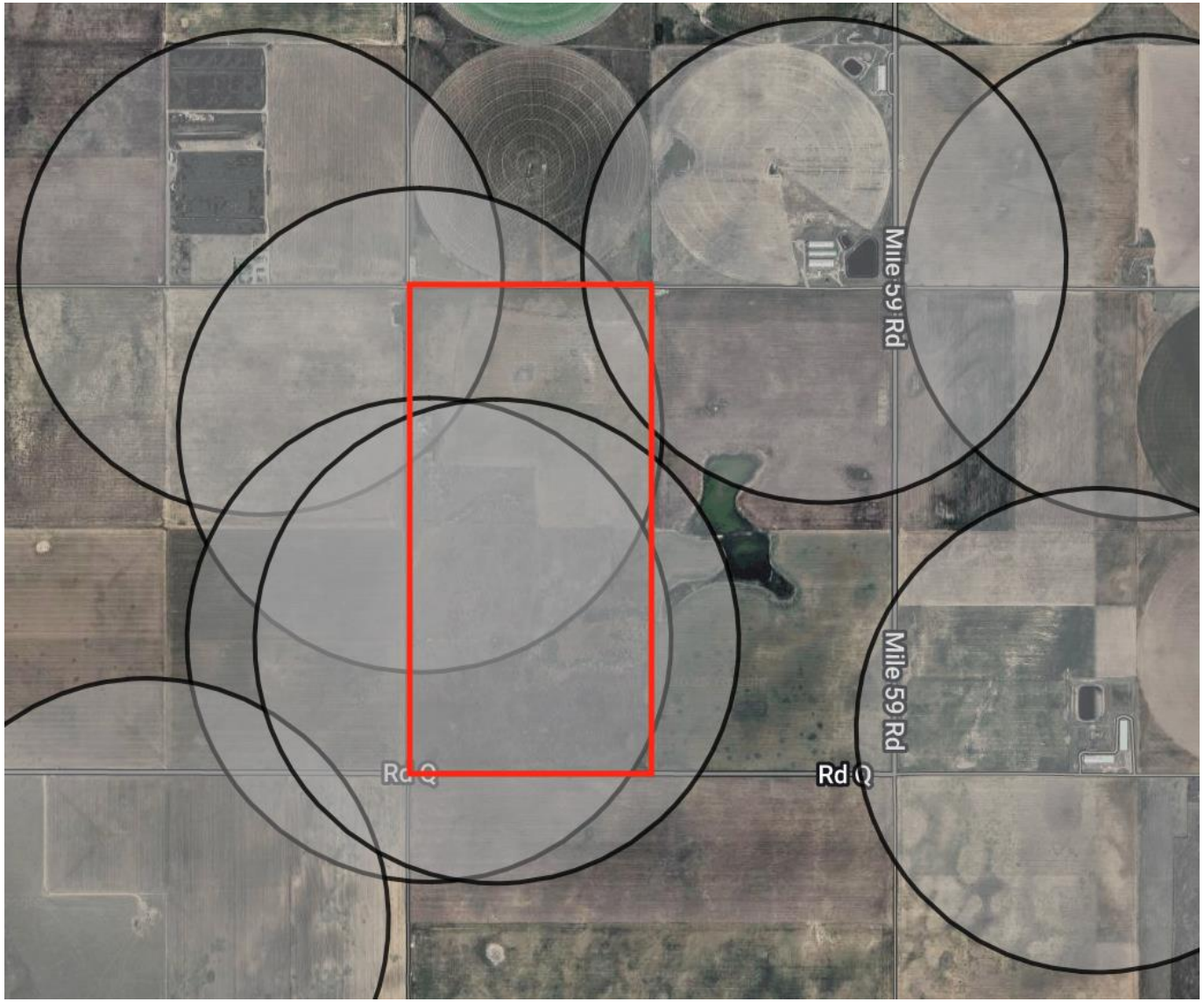


2 NAUTICAL MILE SETBACK

- HB1989 proposed a 2-mile setback from any "habitat for migrant waterfowl." If the pond east of TK Farms qualified as such a habitat, no wind turbines could be built in this area.

1/2-MILE SETBACK FROM ALL STRUCTURES

- One proposal considered by the House was a half-mile setback from any habitable structure or any structure used by a business. If such a setback were imposed, no wind turbines could be built inside these circles.



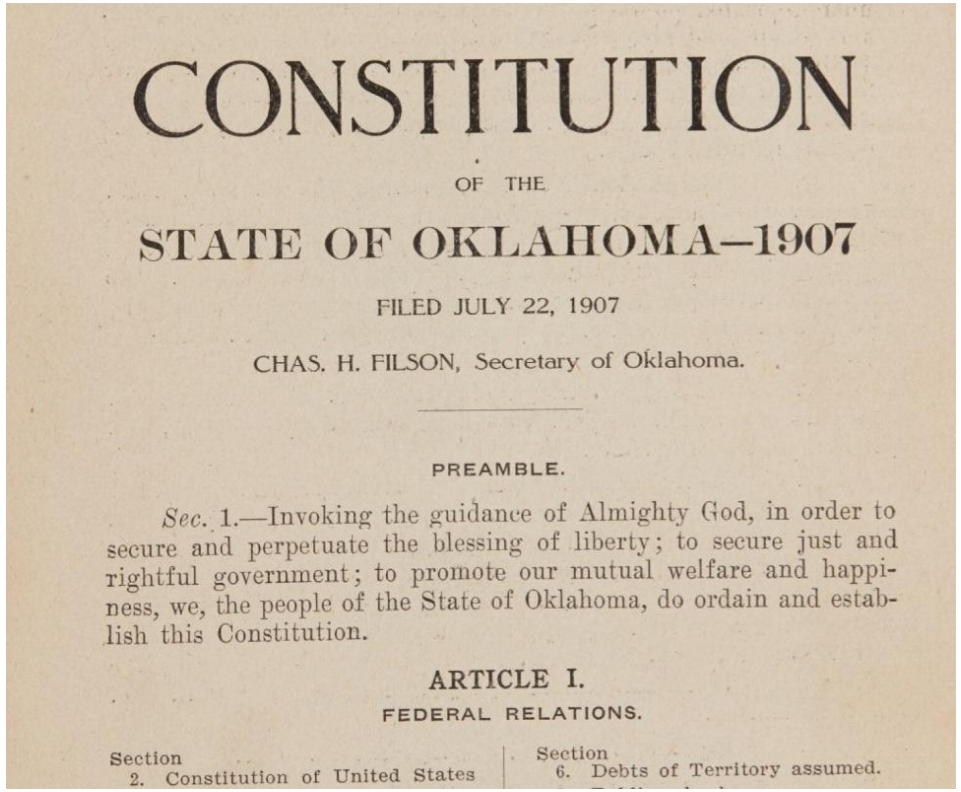
TK CATTLE IN LINCOLN COUNTY (EAST OF I-35)

- Terry and Kathy Stuck operated a cattle ranch in Lincoln County north of Chandler: TK Cattle. If a half-mile setback from any “structure”(habitable or used for commercial purposes) were imposed, no wind turbine could be constructed in this area.

LEGAL ISSUES: PRIVATE PROPERTY RIGHTS VS. GOVERNMENT REGULATIONS

Oklahoma State Constitution
Art. II, Sect. 24

"Private property shall not be taken or damaged for public use without just compensation."



CONSTITUTION

OF THE

STATE OF OKLAHOMA—1907

FILED JULY 22, 1907

CHAS. H. FILSON, Secretary of Oklahoma.

PREAMBLE.

Sec. 1.—Invoking the guidance of Almighty God, in order to secure and perpetuate the blessing of liberty; to secure just and rightful government; to promote our mutual welfare and happiness, we, the people of the State of Oklahoma, do ordain and establish this Constitution.

ARTICLE I.

FEDERAL RELATIONS.

Section
2. Constitution of United States

Section
6. Debts of Territory assumed.