

Horse Hollow

Developer: FPL Energy

Location: Taylor & Nolan Counties, Texas

Prepared August, 2008

For updates, see www.macalester.edu/windvisual

BACKGROUND

Phase one of the Horse Hollow Energy Center was built in 2005, with phases two and three completed the following year. It is the world's largest wind development with 421 turbines spread across roughly 60,000 acres outside Abilene, Texas. Most of the development is in Taylor County, though it extends into Nolan County, as well. Taylor County has a population of 126,555 or 138 people per square mile. It has a median household income of \$39,825.

This project is one of a dozen Texas wind developments owned by FPL Energy. FPL Energy is the renewable energy subsidiary of the FPL Group, one of the country's largest utilities, operating in 27 states. FPL Energy operates over 5000 MW of wind energy in 16 states.

The economy of Texas has long been based on energy extraction. In the last ten years, the state has dramatically expanded its wind industry. Texas now has more wind capacity installed than any other state. There are 5604 MW installed—4724 MW of that capacity installed since 1999. Wind projects now under construction will add another 2992.85 MW. This boom represents an unprecedented expansion of wind energy, facilitated by a lax regulatory environment, tax abatements and state investment in transmission.

POLICY CONTEXT

Unlike many states, Texas does not require an Environmental Impact analysis of wind projects. There is, therefore, no public document assessing environmental or social impacts and no visual impact analysis for this project. This lax regulatory environment is one of several policies which encourage wind development in the area. There are also state incentives, such as the Solar and Wind Energy Device Franchise Tax Deduction



and the Solar and Wind Energy Business Franchise Tax Exemption. There are also often local incentives on top of the state tax incentives. In 2004 and 2006, Taylor County gave tax abatements worth between \$5 million and \$10 million to three wind developers, including FPL Energy.

The state first passed a Renewable Portfolio Standard in 1999. While the state has surpassed its RPS goals, the law calls for continued expansion at this rate. The 2005 version called for 10,000 MW of renewable energy installed by 2025.

PUBLIC RESPONSE

The response to wind development in Taylor County, and to Horse Hollow, in particular, has been mixed. On one hand, it is clear to many that the developments have had huge economic benefits for the area. A 2008 study estimated wind projects would generate \$315 million that year and provide 1,124 jobs in Nolan County alone. There also seems to be a sense of pride for Texas' position at the forefront of wind development. In an article in the Abilene Reporter-News about wind's economic benefits, one reporter wrote, "if anyone knows how to do something in a big way, it's a Texan, and West Texans are definitely going big into wind energy production." Even the lawyer representing the opposition in a lawsuit against the project agreed, "The county's residents are also pleased to be part of the wind energy capital of the world."

On the other hand, local residents who are angry about the new turbines on their landscape have mounted court challenges that aim not only at the project in their back yard, but at Texas' entire wind industry. Horse Hollow opponents have an organization called Protect Our West Texas Landscape (POW-TL). That organization, led by one Dale Rankin, challenged the Horse Hollow project in a June 2005 lawsuit. They aimed to prevent the construction of the project at that point, arguing that the turbines would drastically change their views. When the judge ruled that there was no law in Texas that regulates wind

OTHER WIND PROJECTS IN TAYLOR & NOLAN COUNTIES:

Project	Location	Developer	Turbines	Status
Trent Mesa	Sweetwater	AEP	100	Operating
Sweetwater Wind	Sweetwater	DKR Development	390	Operating
Callahan Divide Wind	Abilene	FPL Energy	76	Operating
Buffalo Gap	Abilene	AES Seawest	222	Operating
Inadale	Nolan Co.	Airtricity	197	Construction
South Trent Mesa	Taylor Co.	Babcock & Brown	44	Construction



Photo of Horse Hollow Wind Energy Center courtesy of Flickr user ninjawil

aesthetics, the plaintiffs overhauled their case to emphasize the sound pollution the turbines produced.

The first phase of Horse Hollow had been built by this point, so the plaintiffs were suing for damages rather than to halt construction. They argued that noise from the turbines had affected their quality of life and property values. FPL Energy hired a consultant who took measurements of the sound levels at 24 sites, including the homes of some of the plaintiffs. He concluded that the sound produced by the turbines was comparable with that produced by wind in the trees, with the highest reading at 44 decibels. “The average public library,” he said, “is 37 decibels.” The plaintiffs also hired a consultant who played a recording he made to the court that “precisely calibrated the noise level as we would hear it on that property.”

The plaintiffs tried unsuccessfully to have the trial moved out of the county, fearing that the turbines were too popular, due to local publicity that “has not included enough information about the negative aspects of wind energy.”

In December, 2006, the jury found FPL Energy not-guilty, awarding the plaintiffs nothing. The case had been closely watched by developers across the state, concerned that a decision against FPL Energy would make further development much riskier. The plaintiffs considered appeal options.

Having failed to stop the construction of Horse Hollow or collect damages from FPL Energy, Rankin and others sued the Taylor County Commissioners Court in April 2008, claiming the tax abatements given to wind farms were illegal. Rankin dropped the suit in June 2008, for procedural reasons and vowed to refile. Rankin claims that wind farms would be unprofitable without tax breaks and subsidies, so he views this suit as an attack against the viability of wind in Texas. He acknowledged that if his suit were successful, the state legislature would likely pass a law to make the abatements legal.

Debate about the wind farm has bubbled up outside the courtroom as well. Rankin and POWTL argue that Texas’ unique scenes are being ruined by greedy corporations. Believing they are fighting to save Texas, Rankin compared their suit to defend-

ing the Alamo, a comparison that drew fire on the letters page of the local paper. One reader asked, “a lawsuit seeking money from a company that’s helping the area, the region and even the state over a little noise and wind turbines somehow compares to the lives lost in 1836?” Rankin defended his rhetoric, saying “We are fighting for our state against a well-organized enemy that is determined to overrun us.”

POWTL’s website aims to “prevent the further destruction of scenic areas” by spreading information about wind energy and their fight against it. It includes a gallery of before and after photographs of Horse Hollow, taken from the homes of two of the plaintiffs. They share goals, tactics and information with other groups opposed to wind, such as National Wind Watch and the North Texas Wind Resistance Alliance.

SUMMARY

Because Texas lacks an Environmental Impact Analysis process for wind development, there is little information about expected impacts and mitigation approaches. The only recourse for community members who feel wronged by the process is litigation. Suits may force the developers to do piecemeal analyses—as FPL Energy did when they examined the impact of noise on neighbors—but this is clearly an inefficient means of doing so. Some of Rankin’s claims may be hyperbolic, but given the scale of wind development in Texas there is astoundingly little opportunity for citizens to be involved in the planning process.

For more information on this case, and on others, go to www.maclester.edu/windvisual

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