6

Retrenchment by a Thousand Cuts

Koch Industries and Allies Drive Polarization on Clean Energy in Kansas

In 2009, Kansas passed its first clean energy law. As a much later actor, the fog of enactment was less central to driving this policy. By this point, the likely consequences of passing a renewable portfolio standard (RPS) policy were clear. Instead, the RPS was enacted at the urging of the wind industry in exchange for a coal plant permit. These wind energy companies existed because of policy feedback in other states. Hence, advocates enabled by policies passed in other states spilled into Kansas to lobby for the law. The policy was well implemented and faced little resistance. The wind energy industry in Kansas grew rapidly.

But uncertainty still played an important role—albeit not for the clean energy policy. Instead, it was the coal plant that unexpectedly faced implementation resistance. Environmental advocates used the courts as an indirect strategy to block the plant's permit. There were also delays from regulators, and in the interim federal policy changed, undermining the coal plant's viability. Here we see how interactions between policies across scales can fuel uncertainty. The way a policy was negotiated can also affect how feedback unfolds. If the policy was traded in a quid pro quo negotiation, it may have had more opposition than was clear at the time of enactment. If parts of the negotiated deal are never implemented, this failure to follow through may engender significant resentment and opposition.

By 2011, a movement to repeal renewable energy laws was underway across the country, led by groups with ties to fossil fuel companies—most prominently the American Legislative Exchange Council (ALEC). This campaign targeted Kansas as a strategic opportunity. If they could flip the policy there, the opponents reasoned, it might create a cascade across the country. Perhaps other states would follow in weakening their laws—or at least fail to increase their

Short Circuiting Policy. Leah Cardamore Stokes, Oxford University Press (2020). © Oxford University Press.
DOI: 10.1093/oso/9780190074265.001.0001

clean energy targets after they were surpassed. If this campaign was successful, it could slow down society's move away from fossil fuels.

In Kansas, networked opponents worked directly to undermine the clean energy law, lobbying politicians in the legislature and executive branch. Although a number of groups participated in targeting politicians, they all had links to one company: Koch Industries. This company is headquartered in Wichita and is extremely influential in the state and across the country. The company and its two executives at the time—Charles G. Koch and David H. Koch—had been active in funding climate denial for more than two decades.[1] In Kansas, Koch Industries used a variety of other groups to mask its lobbying against clean energy, including its affiliated network, Americans for Prosperity (AFP). Through ALEC, AFP and other groups, Koch worked to get anti-clean energy bills onto the legislative agenda in Kansas.

It is also likely that Koch Industries played a role in convincing the governor to appoint a climate-denying, ALEC-affiliated fossil fuel consultant—Representative Dennis Hedke—to a vacant seat in the House.[2] This appointee quickly became well positioned in the legislature as the head of the relevant energy committee. Opponents must have had the ear of important politicians and party members to secure this central position for an ally.[3] The assignment gave Koch Industries a direct line into policymaking. Why might they have had such influence to appoint an ally to the chamber and, later, a key committee? Koch Industries was a major funder of Republicans in Kansas. It channeled its contributions both directly and indirectly, through the Republican Party and the Chamber of Commerce. At the time, Koch was likely *the most critical* source of campaign funding in governor and statehouse races. As research has shown, interest groups often focus their campaign spending on influencing committee assignments, since well placed allies can facilitate policymaking (Fouirnaies & Hall 2018).

Still, clean energy advocates mounted a significant defense. By 2012, wind companies had grown through policy feedback—both inside and outside the state. Working through their own network, the Wind Coalition, advocates succeeded in holding off retrenchment for several years. Both sides expanded the scope of conflict, bringing the public into the debate. Working in coordination with grassroots NGOs, the wind energy's industry association launched a broad campaign to defend Kansas's policy. This effort included public mobilization, public opinion, and research. Opponents launched a countercampaign, creating fake grassroots ads and reports that estimated higher policy costs. Both sides used ideas—highlighting costs and benefits, respectively—to try to persuade politicians to support their view. Initially, the advocates had the upper hand. Over the first 3 years, the advocates were able to maintain bipartisan support for Kansas's clean energy law.

But the opponents did not stop trying to drive polarization. They leaned on Republican legislators and the governor. They returned annually with new strategies to expand the scope of conflict and weaken the policy. Through their networks, they made the issue a high priority for campaign funding. Koch threatened to withdraw campaign contributions and fielded well-resourced primary opponents against Republicans who resisted their agenda. In the 2014 elections, these threats came to fruition, with many renewable energy supporters facing tough races. While the advocates supported some Republicans through a wind energy political action committee (PAC), their funds could not compete with lost money from the party. By the end of 2014, the opponents had made inroads with the governor, who appointed a vocal anti-renewables legislator with ties to Koch Industries to the state public utility commission (PUC). Eventually, the opponents' efforts succeeded and polarization grew. Fewer and fewer Republicans were voting to keep the clean energy law intact. The advocates were losing a war whose fronts were expanding every year.

By 2015, the opponents had managed to get *taxing* renewable energy on the agenda. This forced advocates into the unexpected position of shifting their strategy from pushing for policy *expansion* to managing a policy *repeal*. They now judged that the RPS policy was more of a liability than an asset. The wind industry surrendered, negotiating a bargain in 2015 that avoided new taxes on wind but also repealed the RPS law and eliminated favorable tax exemptions. The clean energy industry had grown to the point that it had enough political influence to get a seat at the table—but not enough influence to set the terms for the discussion. Thus, while policy feedback was happening, it was still nascent. The advocates eventually lost the war against a much more established opponent.

Policy Feedback Spillovers Enable Kansan Clean Energy Policy

Dorothy immortalized Kansas's windiness. Given the state's abundant resources, it was an early leader in wind technology, if not clean energy policy. Beginning in 2001, large-scale modern wind farms were completed in the state, before Kansas had any comprehensive clean energy policy.[4] Slowly, the industry began to develop, and new advocates emerged. Despite the growing wind industry, there was a general sense that Kansas would not pass a clean energy goal, given the state's conservative bent.

Still, the state government started to focus more on this budding industry. In 2005, Democratic governor Kathleen Sebelius directed the state PUC—the

Kansas Corporation Commission (KCC)—to look at the "full range" of renewable energy's benefits and consider additional investments in this area. She envisioned a voluntary challenge of 1,000 MW of wind by 2015. Given that the KCC has three governor-appointed commissioners, it listened to the governor's direction. The KCC began working on a report on the benefits and costs of wind in Kansas.

While waiting for the final report from the regulator, Governor Sebelius continued to push for a voluntary clean energy goal. She found some support for her policy idea in an unlikely place—some electric utilities were open to increasing renewable energy in the state.[5] By this point, wind energy had started to become competitive in Kansas, given the high quality resources that existed. As long as the utilities were able to build new infrastructure and receive rate increases to cover their costs through the PUC, wind energy would make sense for their bottom line. Given the governor's support for renewables, utilities believed the regulator would approve rate increases resulting from new projects.

In 2007, the governor negotiated a voluntary utility target of 10% renewable energy by 2010 and 20% by 2020. Given the structure of the electricity sector in Kansas, she only had to negotiate with two major private utilities: Westar Energy, which supplies almost 50% of the state's power, and Kansas City Power & Light (KCP&L), which supplies nearly the other half. In response to this policy direction, Westar built three large wind farms.[6] The legislature attempted to follow the governor's lead. That same year there were bills to create a legal RPS policy in Kansas; but these bills died in committee.[7] Overall, while the wind industry was gaining momentum, the state struggled to create policies that would support it.

Surprisingly, early opposition to wind energy in Kansas came from within the environmental community.[8] In 2007, a bill was proposed (HB 2492) that would halt some wind developments. Two conservation groups, the Kansas Audubon Society and the Nature Conservancy, opposed a wind project called Smoky Hills in central Kansas. These groups were concerned about development in areas where the greater prairie chicken, a vulnerable species, is found. Governor Sebelius had opposed wind farm development there, calling for a voluntary ban on a large part of the relevant area in 2004.[9] But this bill would change the process surrounding wind farm siting altogether. It would allow for greater public hearings and create a new petition mechanism that could stall developments. In short, it would likely enable local "not in my backyard" (NIMBY) resistance to wind energy. The Kansas Sierra Club chapter, the Kansas Farm Bureau, and several county rancher associations opposed these measures. With the environmental groups divided and the wind industry opposed, the bill ultimately died in committee.

In early 2008, Governor Sebelius became more ambitious, calling on the legislature to pass a binding RPS policy. It was a fortuitous time for the state to ramp up its policy. The KCC's report had finally come out, and it concluded that Kansas was an excellent place for wind development.[10] At the time, Siemens—a large industrial company with significant wind energy business—was considering creating a major manufacturing center for wind turbines in Hutchison, Kansas. The governor was aware of this and likely thought that creating policy certainty through a mandatory clean energy goal would improve the state's chances of receiving the jobs and investment.[11]

When framing the RPS policy for the legislature, Governor Sebelius specified the same targets as the voluntary agreement she had already negotiated with the utilities: 10% by 2010, 20% by 2020. Even though this first target was only 2 years away, the state had made enough progress that 10% was reachable. But the utilities saw a large difference between a voluntary agreement and a mandatory policy. They resisted codifying the idea in law. KCP&L stated that a mandatory target was unnecessary. Westar was comparably less opposed, given that it had acted early to start building wind energy, but it still resisted.[12] With the utilities in opposition, no RPS bill passed in the 2008 session.

Instead, progress on clean energy policy came from an unlikely place: a utility reliant on coal power. At the time Sunflower Electric Power—the third largest utility in the state, serving around one-tenth of Kansas's electricity—was working to move a bill through the legislature to expand its Holcomb coal plant. This rural electric cooperative had been trying to expand its coal power capacity since 2001, proposing first a new plant and later an expansion at its existing plant. In 2007, the utility had attempted to get an air quality permit from the Kansas Department of Health and Environment but was denied. Consequently, new legislation was necessary to move the project forward. Overall, there was broad support for the coal plant among legislators. In 2008, three versions of a bill that would grant Holcomb the necessary permits passed the legislature, some with "green" add-ons like tree planting.[13] However, the governor vetoed all three bills. And there were not enough votes in the legislature to override her veto. In April 2009, Governor Sebelius left to become the US Secretary of Health and Human Services, leaving no resolution to the Holcomb permit or her plan for a mandatory clean energy target.

When Democratic governor Mark Parkinson took office on April 28, 2009, he made passing an RPS policy a first priority. He knew that Siemens was still interested in locating wind energy manufacturing in the state. To seal the deal, he had to show the company that the state was serious about supporting renewables. According to one interview subject privy to the negotiations, "it would have been next to impossible [for Siemens] to locate in a state without an RPS because so much of their business was predicated on selling wind turbines to states trying to fulfill their RPS. [Siemens was] having extensive conversations with both governors [Sebelius and Parkinson]."[14]

Governor Parkinson decided to use Sunflower's interest in expanding the Holcomb coal plant as leverage, negotiating a package with its chief executive officer and president, Earl Watkins.[15] The two parties came to a settlement agreement in the first week of his governorship, on May 4, 2009. In exchange for the governor not vetoing the air quality permit, the utility would have to enact a mandatory RPS and a net metering policy.[16] The proposed RPS had the same targets as Governor Sebelius's voluntary agreement, albeit with a new interim target of 15% by 2016. Behind the scenes, the governor was also meeting with Siemens. This became clear when, the day after the binding RPS agreement with Sunflower was announced, Siemens announced its intention to build a wind turbine manufacturing plant in Kansas.[17] Since the governor was negotiating with all the parties simultaneously, these announcements were clearly linked. Here we see how policy feedback can spillover, across borders. Advocates enabled through policies in other states had worked to expand a policy in a later acting state.

Once this deal was negotiated with Sunflower, the governor's office reached out to the other utilities to see if they would also agree to a binding RPS. With one utility on board, it would be more "fair" if all the utilities had the same requirements.[18] To persuade the two major private utilities to sign on, his plan included a very low-cost cap of 1%. The governor's office likely had a specific interpretation of what that provision would look like: if a utility could demonstrate its rates increased by more than 1% as a result of the clean energy requirements, it would be exempt from complying further. The first target would also be easy—by 2009 the utilities were already on track to reach the first 10% target in 2010.[19] Given their significant progress on wind energy, the utilities agreed to the package and continued to provide input during the bill drafting.

The idea quickly moved from a deal with the governor's office to a bill (HB 2369). The legislature was keen to finally approve the coal plant and advanced the bill briskly. The bill also established net metering up to 1% of utilities' peak demand. That said, when the deal was translated into legislation, some changes were made that weakened its stringency. Compared to an executive branch negotiation, the legislative process is more visible and includes more parties. In this case, a broader set of opponents was now participating in conflict over the proposal. In the legislature, the utilities likely pushed to make the definition of what counted as "renewable" more generous. The Senate committee broadened the renewables definition to include existing hydropower, new small-scale hydropower, landfill gas, and crop residue biomass. This would increase utilities' ease in meeting the goals. This bill also included an "in-state sweetener"[20]—every 1 MW installed in Kansas would count for 1.1 MW in compliance with the policy. Along with the cost cap, these provisions weakened the policy's potential impact. But it also got the utilities to sign on the dotted line. And the in-state requirements might grow the local advocates necessary to ensure that the policy could be expanded in the future.

Despite the fact that the proposed legislation weakened the Governor's plan, many advocates supported the bill. As a result of earlier policies in other states, as well as the state's excellent in-state resources, a wind energy lobby already existed in Kansas. Earlier RPS policies in states like Texas had grown the wind industry in the United States, allowing policy feedback to spillover to other states. These interest groups had organized in a network, called the Wind Coalition, which represented wind companies across seven southern and Midwest states. Given their experience with existing clean energy targets, these networked interest groups knew that an RPS in Kansas would greatly benefit wind. The Kansas Rural Center also gave its support, understanding the economic benefits for rural areas. However, environmental groups, including the Sierra Club, did not support the deal—they vehemently opposed the coal plant expansion. And the Citizens' Utility Ratepayer Board—the public ratepayer advocate—opposed the policy, arguing it could increase ratepayer costs.

On May 22, 2009, with broad support from the utilities and the wind energy industry, the clean energy policy passed the Senate 37–2 and the House 103–18. In fact, more Republicans than Democrats supported the bill: in the House, 99% of the Republicans voted in favor compared to only 64% of Democrats. Implementing the law at the KCC was simple and straightforward. Unlike other states' RPS policies, many of the details the opponents wanted were worked out in advance in the legislature. The policy seemed poised for success. In 2011, a bill made one small change to the policy (SB 224), but it only strengthened the law by requiring utilities to report progress toward meeting the targets more regularly. Overall, the utilities were on board with wind energy and were ahead of their targets, having installed almost 3,000 MW in the state by 2012.

Advocates Use the Courts, Regulators, and Federal Policy to Delay the Coal Plant's Implementation

The RPS policy was implemented well, with little resistance from opponents. But, the same could not be said for the coal plant expansion. The necessary state-level permit was not issued for more than 18 months, in part because one bureaucrat who personally opposed the projet decided to delay issuing it. Once the developer had the permit in hand, advocates attacked the policy using the courts. In December 2010, the Sierra Club and Earthjustice mounted a legal challenge against the coal plant expansion. They argued that the Clean Air Act required the state government to consider greenhouse gas emissions in the permitting process. Furthermore, they suggested that Kansas had rushed permitting, without considering other air pollutants like mercury and particulate matter.[21] Since the federal rules had not been in place when the coal plant was negotiated a year and a half earlier, it is understandable that the Kansan statehouse didn't anticipate the problem. This is a more subtle version of the fog of enactment: overlapping jurisdictions can change rules over time, which can impede implementation. In this case, both the utilities and politicians had a poor understanding of the broader economic and environmental context for coal power.

The Holcomb project remained tied up in a legal battle that would make its way to the Kansas Supreme Court. Although the court eventually ruled in favor of the coal plant's expansion, by 2017 the project was doomed. The economics of renewables had improved to such an extent that the investment no longer seemed viable. In hindsight, this outcome does not seem surprising. Since 2008, new coal plants have almost never been permitted due to stricter federal air quality regulations, public protests, and lawsuits from environmental groups.[22] But in 2009, the utility and many Kansas politicians thought coal still had a long future ahead. They believed that the project would eventually be built. Holcomb's failure during implementation angered some politicians. They now believed they had made an unfair agreement: trading the RPS and a net metering policy for a coal plant expansion that failed to materialize.[23] This resentment would prove important when opponents began to attack Kansas's clean energy laws.

Meanwhile, after Governor Parkinson's term expired in January 2011, Republican governor-elect Sam Brownback assumed office. Despite this partisan shift in the executive branch, there was reason to believe that Kansas would continue to support clean energy. As a senator in Congress, Brownback had backed renewables: supporting a 10% national RPS policy in 2005 and even cosponsoring a 25% by 2025 renewable energy goal in 2007.[24] In his first State of the State address, he enthusiastically supported renewables:

> We will expand and start new wind energy projects in the state. If we do this right, we will see the development of a renewable energy corridor between Wichita and Salina that will provide jobs for rural Kansas and clean energy for the world. I want Kansas to be known not only as the Wheat state—but as the Renewable State.[25]

Later in 2011 Governor Brownback wrote a letter to Congress, along with 22 other governors, calling for an extension to the federal production tax credit (PTC)—a letter that, for example, Ohio governor John Kasich did not sign.[26] Brownback's support continued until at least 2013, when he had his own Jimmy Carter moment, installing solar panels on his Topeka home. With this strong record, there was reason to believe that he would continue to support renewable energy in Kansas, leading to further policy expansion.

But Governor Brownback also made other decisions that put renewable energy development at risk. In his first year in office, he more than doubled the area in the Flint Hills protected from wind farm development, raising it to almost 11,000 square miles. That said, Brownback was not driving this policy but merely formalizing a voluntary agreement between the wind industry and local landowners. In fact, Brownback stated when the plan was finalized that he did not wish to convey any negativity toward wind developments. The area already included two wind farms, which could continue being built and operated but could not expand.[27] Thus, it was far from a radical departure from the status quo.

Clean energy opponents, however, were not pleased with the status quo. They began to resist the Kansas RPS policy, using rising electricity rates to advance a narrative that clean energy was costly. The state's electricity rates had increased from the mid-2000s onward. Between 2005 and 2015, the commercial price jumped from 5.95 cents per kilowatt hour (¢/kWh) to 9.67 ¢/kWh, an increase of 60%.[28] Opponents used this upward trajectory in electricity prices to their advantage. In 2012, two conservative think tanks—the Kansas Policy Institute and the Beacon Hill Institute—jointly released a report on the RPS's economic impacts.[29] Among other claims, they argued that electricity rates would rise 45% by 2020 as a result of the RPS law. They concluded by calling for its repeal. The arguments in these reports found a receptive audience with conservative politicians in the state.

It did not matter that renewables were playing little role in electricity rates' rise. In truth, price increases occurred more quickly in Kansas than other places because the state used very little natural gas. Consequently, they did not benefit as much as other states where newly abundant shale gas resources reduced electricity's cost.[30] Nor was it acknowledged that there was already a stringent cost cap in place for the clean energy law, limiting its ability to increase electricity prices. Opponent interest groups constructed a version of the facts, irrespective of whether their argument was based in reality. After these reports, the legislature passed a bill in 2012 (HB 2526), requiring the KCC to issue reports on the RPS policy's rate impacts. Renewable energy opponents likely thought this law would reveal how costly the clean energy target was, eroding politicians' support and fueling retrenchment. They were trying to undermine the policy, to roll it back.

Opponents and Advocates Use Direct Strategies, Working With Legislators on Clean Energy Policy

By 2013, opponents began trying to retrench Kansas's clean energy laws. The first bills were introduced in parallel to the House and the Senate (HB 2241 and SB 82). In February, the chair of the House Standing Committee on Energy and Environment, Republican representative Dennis Hedke, began leading one repeal bill. Representative Hedke was a geoscientist, running an oil and gas consulting company, and a climate change denier.[31] He had published a book in 2011, *The Audacity of Freedom*, which directly criticized Kansas's RPS policy, drawing on Heritage Foundation studies to make his claims (Hedke, 2011, 81).[32] He was not elected to office, but appointed. Just after his book came out, the governor appointed him to an open seat for the district just east of Wichita, where Koch Industries is headquartered. Hedke was also a member of the ALEC. Although we cannot be certain, it would be reasonable to assume that the Kochs played a role in this appointment. Underscoring their close relationship, Koch Industries met with Hedke about the bill behind closed doors.[33]

Two years after taking his seat, before ever facing the public in an election, Hedke became chair of the energy committee—an excellent placement if fossil fuel companies hoped to influence energy policy. In this role, he introduced the bill which would weaken the RPS by pushing the 15% target further out in time and dropping the final 20% goal altogether. This was an interest group-driven attempt to directly retrench the law. Opponents now had a politician who would push their agenda on the inside.

Unsurprisingly, committee hearings on Hedke's bill centered on climate change. By this time, fossil fuel companies had been lobbying and running public campaigns to deny the climate science for many decades (Oreskes & Conway 2010). These denial campaigns were successful at changing both elites' and the public's perceptions. By 2010, public opinion on climate change had become polarized along partisan lines across the country (Mildenberger & Leiserowitz 2017). The same thing was happening at the elite level, with fewer right-wing politicians supporting climate action. Fossil fuel companies, in concert with conservative activists, had succeeded in driving a wedge between the Republican Party and facts by attacking climate science (Brulle 2018; Farrell 2015; Layzer 2012; Oreskes & Conway 2010).

In a pattern we will see again in Ohio (Chapter 8), many important opponents working to undermine Kansas's clean energy laws came from outside the state, brought into the conflict through right-wing interest group networks. Key opponents included the Kansas Policy Institute, the Beacon Hill Institute, AFP, the Heartland Institute, ALEC, and Americans for Tax Reform. These conservative interest groups maintained strong ties with Republicans politicians in Kansas. For example, the Speaker of the Kansas House, Ray Merrick, and the president of the Kansas Senate, Susan Wagle, served on ALEC's board at the time. Grover Norquist, president of Americans for Tax Reform and a prominent conservative, lobbied the Kansas legislature to weaken the clean energy target. Many of these groups were allied with Koch Industries and other fossil fuel companies. Behind the scenes, a Koch Industries–affiliated lobbyist met with Representative Hedke. With a fossil fuel champion on the inside, Koch Industries did not need to publicly testify on the bill. They could keep quiet and still be heard loud and clear by the legislators who mattered.[34]

But by 2013, there were also many clean energy advocates who wanted to keep the RPS policy in place. Through policy feedback, the clean energy industry had grown in Kansas, and it now planned to defend the policy that created the foundation for its own growth. Like their opponents, some of these advocates were networked across state lines, for example through the Wind Coalition. This group gave testimony against Hedke's bill. In addition, several wind energy companies—Vestas, BP Wind Energy, Iberdrola, and NextEra—all gave oral or written testimony opposing the bill. The presence of these large wind companies was a direct result of RPS policies in Kansas and other states, which had spurred dramatic growth in the industry. And their views carried weight in the Capitol: the job creation from wind energy in rural, conservative districts in Kansas could not be discounted.[35]

The clean energy industry was not the only group of advocates ready to defend the existing law. A broader grassroots coalition emerged called Kansans for Clean Energy. This campaign linked several organizations including the Climate + Energy Project, the Kansas Farmers Union, the Kansas Rural Center, the Kansas Sierra Club, and Kansas Interfaith Power & Light. Like the renewable energy companies, these groups attended committee hearings and gave testimony in support of the RPS policy.

Notably, the Kansas utilities did not support a repeal, having already met the standards ahead of schedule. Instead, they stayed neutral and did not give testimony.[36] The fact that Kansan utilities saw an ability to profit off of building new wind capacity greatly reduced the opponents' rhetorical points. Even some of the typically conservative local chambers supported the RPS policy, such as the Hays Area Chamber of Commerce in western Kansas. Together, the Kansas-based industry and grassroots organizations formed a formidable coalition against repealing the RPS policy. Policy feedback was starting to take hold.

Advocates also began using campaign contributions as a tool to increase their influence. The RPS policy had enabled the wind industry to grow to the extent that they could now afford to financially back politicians who shared their views. The case of Republican representative Russ Jennings shows this fact clearly. Jennings was from Lakin in western Kansas and was a member of the Energy and Environment Committee. He was newly elected in 2013, having served in various government roles over the previous few decades. He emerged as the greatest Republican champion in the House working against the RPS repeal. Unlike some of his colleagues, he did not receive money from the Koch-linked Kansas Chamber of Commerce, which strongly supported the rollback. Instead, a wind company—NextEra—was Jennings's largest donor. The Wind Coalition's PAC, the Kansas New Energy Economy, and the American Wind Energy Association likewise contributed to his campaign.[37] He also received smaller donations from two utilities: Sunflower and Westar. Through policy feedback, the growing clean energy industry was able to support politicians, allowing them to challenge their fossil fuel opponents who had long spent significant amounts on politics.

Using campaign contributions to increase their influence with specific politicians helped the advocates in the battle over the bill.[38] In 2013, Representative Jennings worked alongside his colleagues from western Kansas to communicate the benefits of wind energy for their local communities. Like Hedke, Jennings sat on the relevant House committee. He used this position to help delay and undermine the bill. After the bill made its way to the floor, it was referred back to committee, where he was able to leverage his influence to kill it. The second time the bill was to be voted out of the committee, another Republican, Representative Scott Schwab, switched his vote. Consequently, HB 2241 died in committee in 2013.[39]

Although the repeal attempt in the House failed, the advocates were not yet home free. That same year, the Senate Standing Committee on Utilities sponsored another bill that aimed to repeal the clean energy target (SB 82). The chair and vice chair of this committee were Republican senators Pat Apple and Forrest Knox, respectively. Senator Apple, who began serving in 2005, was from a district south of Kansas City, near the KCP&L Lacygne coal plant. Over the years, Senator Apple received significant campaign donations from utilities and fossil fuel companies, including KCP&L, Sunflower, Koch Industries, and ExxonMobil, as well as from the Kansas Chamber of Commerce.[40] Senator Forrest Knox was from the same area as Dennis Hedke, east of Wichita, near Koch Industries' headquarters. He was a newly elected senator in 2013, having served in the Kansas House of Representatives from 2005 to 2012. Similarly, his top sector for campaign contributions was energy, with donors including Koch Industries, Westar, Sunflower, and KCP&L, as well as the Kansas Chamber of Commerce. Both politicians had spoken out against renewable energy "mandates."[41]

Like the failed House bill, the Senate proposal sought to undermine the policy feedback the clean energy law was creating. It aimed to delay progress: the 15% target would be pushed back from 2016 to 2018, and the 20% target would shift from 2020 to 2024. Their aim was to slow down growth in clean energy companies and thereby undermine the advocates. Cutting off resources to the advocates would make it easier for the opponents to further retrench the law in the future. The bill also aimed to enable implementation resistance, with a provision that allowed the PUC to waive compliance if the utility showed "good cause . . . [which] includes, but is not limited to, availability of firm transmission service or excessive costs to retail electric customers."[42] This kind of vague language would provide significant latitude to weaken the policy during implementation.

The bill had the same supporters and opponents as the House bill, and it was voted out of committee. But it failed to pass the Senate floor, with a vote of 17 to 23 at the end of February 2013. Interestingly, while all 17 of the bill's supporters were Republicans, nearly as many Republicans—15—opposed the bill. This suggested that policy feedback was working. Republican districts were seeing the benefits of wind energy for economic development. By 2014, one advocate, Kansans for Wind Energy, estimated that the industry had invested $8 billion in capital and generated 13,000 jobs in the state.[43] The advocates had succeeded in fending off the attacks.

Advocates and Opponents Bring the Parties and the Public Into the Conflict

After the repeal bills both failed in 2013, advocates and opponents remained in a standoff. In the lead-up to the next Kansas legislative session, the interest groups changed some of their tactics. Both sides decided to expand the scope of conflict, drawing the parties and the public into the debate.[44] The opponents started by working through the parties. They aimed to polarize the issue by defining the existing policy as against Republican principles and by threatening to pull support from politicians who were off side. Meanwhile, the advocates brought in the public, through a grassroots campaign.

First the opponents tried to influence Governor Brownback's thinking on the issue. There is evidence they were successful—anti-renewable energy statements began to crop up in the governor's speeches. In early 2014, at an informal press conference, Governor Brownback said he supported phasing out the RPS over 4 years, a stark change from his earlier comments. But that evening, his office claimed this was an error. They argued that the governor meant to say he favored phasing out the *federal* PTC, a policy he had championed just 3 years earlier and when he was a member of Congress. It did not make sense for the governor to change his position—this policy gave the Kansas economy significant federal tax credits. Even the Kansas Chamber of Commerce was surprised at the governor's remarks on the PTC.[45]

If we take the governor's initial statement on the RPS at face value, we could note that this shift in position brought him in line with Koch Industries and the Kansas Chamber of Commerce, which were gearing up to aggressively challenge the RPS. Notably, the governor would later appoint Pat Apple to the state's PUC—an RPS opponent who had received significant backing from the Chamber of Commerce and Koch Industries. Taken together, these facts suggest a web of important relationships between the governor, the Koch brothers, and the Kansas Chamber of Commerce. Still, by 2014, Governor Brownback had received *more* money from wind company NextEra than from the chamber, likely accounting for his quick about-face on the RPS. He was being cross-pressured on this issue.

Opponents also used ideas in their campaign to try to drive polarization on clean energy, framing renewable energy "mandates" as overly costly. In 2014, the state PUC issued a report—required by the 2012 law—that estimated that the cost of utilities complying with the RPS was less than 2.2% of electricity rates.[46] By this time, renewables accounted for 15% of the supply, and utilities were actually beating their required RPS targets. With these facts it was difficult for the opponents to frame the policy as costly—but they nevertheless continued to try.

An out-of-state group, networked with opponents in Kansas, intervened in the debate over the likely cost of the state's clean energy law. The Heartland Institute—a major national player in climate denial, funded by fossil fuel companies—produced its own cost estimates in an article from climate skeptic James M. Taylor. This article attributed the larger rise in Kansas's electricity prices since 2009, compared to the national trend, to the state's RPS, stating: "The rise in the state's electricity prices closely tracks and is directly attributable to the increasing generation of costly renewable power."[47] Here, we see opponents using ideas to try to drive polarization—no matter that they had to deny facts along the way. Even the utilities knew this fossil fuel–funded report was poorly done. As one utility executive put it, "The RPS rate impact has been minimal. The KCC cost estimates are within the range that we think they are. There have been other reports that have made bolder claims as far as how costly it is. I don't see that they're really valid."[48] The point was not truth: opponents were just interested in making Republicans believe that renewable energy was expensive and that PUC's cost estimates could not be trusted.

It is unclear why the Heartland Institute, an out-of-state group, decided to intervene in the Kansas case. Notably, the organization had strong ties to the Koch brothers. Around that time, Charles Koch had begun funding Heartland again after a hiatus, and the organization started working on climate disinformation campaigns targeted at the K–12 level.[49] The Heritage Foundation has also received millions of dollars from the Koch-affiliated Claude R. Lambe Charitable Foundation.[50]

Just as the opponents were mobilizing ahead of the 2014 session, advocates also used the legislative break to develop new strategies to counter the effort to rollback the clean energy law. Both public mobilization and public opinion were key tools advocates drew on to resist retrenchment. Two organizations co-led the campaign: the Climate + Energy Project (an NGO) and the Wind Coalition (an industry association). As we saw in the first Texas case, these organizations divided responsibilities. The NGO took the lead on organizing the public through a grassroots campaign, while the association led on fundraising, lobbying, public opinion polls, and testimony.[51]

The Climate + Energy Project aimed to mobilize the public through a "Wind Works for Kansas" campaign launched at the state fair in September 2013. It created a postcard petition and collected over 2,000 pieces of mail to deliver to statehouse representatives. Through its campaign website, citizens could also record personalized voicemails for their legislators. Overall, nearly 1,000 voice messages were sent to legislators in support of the RPS policy, in addition to 1,200 emails.[52] Given Kansas is a small state with only a semi-professionalized legislature, this represented a significant public response. The campaign also actively recruited people to write letters to the editor supporting the RPS policy. Through these strategies, the Climate + Energy Project built an effective grassroots campaign, similar to the Public Citizen campaigns described in chapter 4.

Getting the public involved in Kansan policymaking was a challenging undertaking for the advocates. The Kansas legislature is notorious for its secrecy and lack of public involvement in the legislative process. For example, in 2017, committees introduced 94% of the bills that passed, leaving policies without identifiable sponsors.[53] This made it difficult to target specific legislators with public campaigns. Kansas is also one of the few states that allow "gut and go" legislating, whereby a bill passed in one chamber can be replaced with something completely unrelated.[54] These institutional rules make it harder for the public to organize against controversial bills. Hence, the fact that the clean energy advocates were organizing rural Republicans to contact their legislators represented an important grassroots mobilization.

While the NGO took the lead on increasing public participation, the Wind Coalition funded a public opinion poll.[55] The January 2014 poll found that 75% of Kansans supported the RPS policy and only 16% opposed it.[56] Support was very high among Republicans, at 73%.[57] In sharp contrast with opponents' repeal agenda, majorities of the public also supported *increasing* the RPS. Almost 40% of respondents indicated they would be *more* likely to vote for a politician who supported a new clean energy goal.[58] In news reports, the independent firm that conducted the poll was usually cited, rather than the poll's funder, the Wind Coalition. This lent the poll an air of objectivity. Of course, the advocates were not the only group savvy enough to try to shape and strategically communicate public opinion. Around the same time, the Kansas Chamber of Commerce conducted its own poll, finding rising energy costs were a significant concern for Kansan business owners. In this way, both advocates and opponents were attempting to construct public opinion to shape politicians' views ahead of another conflict in the legislature.

When the 2014 legislative session began, the opponents worked through the parties and their interest group networks to drive polarization and ensure that they had the votes for repeal. Unlike earlier retrenchment efforts, which would only delay the policy, the most prominent bill that year proposed repealing the RPS policy outright (HB 2014).[59] Three closely linked organizations—ALEC, the Kansas Chamber of Commerce, and Koch Industries—applied pressure to move this bill. That year the Republican leadership in both the Senate and House was affiliated with ALEC, as we will see was also the case in Ohio when they moved to repeal their RPS.[60] These majority party leaders made retrenching the clean energy law a priority. They pressured members to support the bill, threatening to withdraw campaign support via the Kansas Republican Party if politicians dissented. This was no small threat—the party was many politicians' largest source of funds. The chamber, another big source of campaign funding, similarly threatened members. As one Republican politician stated,

> The leadership was leaning on people. But it wasn't just the leadership in the chambers. The outside influence was the Kansas Chamber of Commerce. They were very engaged and made it very clear that this was an important issue for them. And that more than anything began to move some votes.[61]

This was a big threat. Republicans who bucked the party line would likely lose their three largest sources of campaign funding. They might even find themselves with well-funded primary challengers from the right. Since 2014 was an election year, many members were worried.

Likely, Koch Industries was the underlying driver of this effort to repeal the clean energy law.[62] The key groups pushing the idea all had links to the Koch empire. The Koch brothers were early funders of ALEC, which awarded them the Adam Smith Free Enterprise Award in 1994. Between 1999 and 2014, Koch Industries gave more to the Kansas Republican Party than any other party committee in the country.[63] Koch Industries was also a platinum member of the chamber at the time. Thus, Koch Industries gave campaign funding both directly to candidates and funneled it through the Republican Party and the chamber. Together, these groups represented the main sources of campaign funding for right-wing Kansan politicians. In the 2012 election, the chamber was the second largest contributor, and Koch Industries was the fourth largest.[64] Here we see a clear example of how interest groups can use campaign contributions to drive polarization and affect policy. Funding can be used to pressure legislators to vote in a certain way for fear of retribution through lost funding or well-financed primary challengers.

As the legislative session continued, both sides redoubled their efforts to use the public as a weapon in their combat over the future of Kansan policy. Opponents focused their efforts on building an astroturf campaign. It is likely that the Kansas Chamber of Commerce, AFP, and Koch Industries funded the Kansas Senior Consumer Alliance, a shell organization that aimed to look like it was grassroots. Although this group purported to represent the views and interests of fixed-income seniors, it was not a spontaneous public movement—it never even had a website or a list of members. The group was able to raise money and send out mailers in one week, making it highly unlikely the effort was truly a public outcry.[65] Instead, the group's founder was a family member of the Kansas Chamber of Commerce's chair. The group's lobbyist had previously worked as AFP's state director and as a lobbyist for Koch Industries. When asked, the lawyer who registered the group told a reporter from the *Topeka Capital-Journal* he worked for AFP, not for a senior's group.[66] When these facts came to light, Representative Don Hineman (R) stated, "That's just further evidence of the kind of dark money campaigning that goes on in Kansas politics these days. Well-funded special interest groups try to hide behind sham organizations in order to try to influence the electorate."[67] Without journalists working to uncover these facts, the campaign might have passed for a true grassroots effort rather than an astroturf shell organization.

This AFP- and chamber-linked group worked to lobby and mobilize the public. They ran numerous television and radio ads and sent targeted postcards to elderly people telling them their electricity bills would rise as a result of the clean energy policy. Records suggest that AFP and other opponents spent at least $445,000 on the effort—around seven times as much as advocates spent.[68] Through mailers and other ads, they were trying to sway parts of the public by constructing an inaccurate view of the policy and its consequences. From the opponents' view, this was an indirect strategy to influence legislators and other politicians, aiding their efforts to repeal the law.

But the advocates were also aware that the public could be a valuable ally. They staged a large "Wind Works for Kansas" day in February 2014, bringing almost 200 people to the Capitol. These in-person participants brought along a giant sign filled with messages collected over the past 6 months showing support for wind energy from across the state.[69] Unsurprisingly, this was not just a grassroots uprising—members from the industry also attended the event.[70] Like the opponents, these advocates were trying to shape the public to influence legislators. They also wielded ideas about the policy's likely effects.[71] For example, the Wind Coalition lobbyist focused her messaging on jobs, highlighting that wind energy had created 13,000 jobs in the state.

As these public campaigns continued, the legislature moved the repeal bill forward. The bill passed the Senate 25 to 15. While all the supporters were

Republicans, seven Republican senators still opposed the bill. When the bill made it to the House, however, it proved much more difficult to pass, failing by a vote of 44 to 77. In one of the final floor votes, as many Republicans supported the bill as opposed it: 44 to 44. Feedback was working: there were simply too many Republicans from the western part of the state where wind energy had benefited rural areas. Using public pressure, political contributions, and ideas, advocates once again kept the clean energy policy stable.

Undeterred, the Republican leadership tried again in May to pass a new RPS repeal bill. This attempt also failed to pass the House. But it raised concerns for the wind industry. The margin was narrower: 60 voted to repeal the RPS and only 63 voted to keep it. An election was imminent in the fall for every member of the House. Behind the scenes, the chamber and Koch Industries were likely warning Republicans that supporting the RPS would cost them campaign funds. They might even find themselves with a primary challenger. The chamber had a history of supporting challengers to Republican House members who did not vote for their repeal efforts.[72] Indeed, Representative Scott Schwab argued that he lost the chamber's endorsement in his 2014 election because he questioned Koch Industries' involvement in the renewables fight, detailing confrontations with their lobbyist.[73] While they left the 2014 session with a legislative win, the advocates were losing ground against a full-scale assault from Koch-backed organizations. The wind was no longer in the advocates' sails.

The Thousandth Cut: Opponents' Efforts to Drive Polarization Pay Off and Kansas's Clean Energy Law Is Repealed

After both the House and Senate repeal bills failed in 2014, there were consequences for some of the politicians who voted against these proposals. Opponents used the primary system to try to drive polarization on the issue. During the fall 2014 state election, the Kansas Chamber of Commerce's PAC targeted several Republican members. This included prominent wind energy champions: Representatives Russ Jennings, Kent Thompson, and Tom Sloan. These legislators had spoken in favor of RPS and voted against the repeal bills. They found themselves with chamber-backed primary opponents. The chamber also pulled funds from other politicians running for re-election.

It became clear that Koch Industries was central to this effort when one Republican representative, Scott Schwab, sent a campaign email that was leaked to the press. Schwab had switched his vote the year prior, preventing an anti-RPS bill from leaving a committee. In 2014, he asserted in an email that the Kansas

Chamber of Commerce did not support him in his race because Koch Industries wanted the RPS repealed, and he had stood in the way. Specifically, he wrote,

> After the meeting [in 2013 on HB 2241], Jonathan Small [a lobbyist affiliated with Koch Industries] asked if I was supportive of the [RPS repeal] bill. I responded by asking who was pushing it, and he admitted it was Koch Industries. I told him if he wanted me to vote for the bill, then we needed some Kansas businesses to advocate it because right now it looked as an anti-business vote. He told me at the time only Koch wanted the measure. I recommended that Koch testify then. Jon said if they did that, people would not like them. My response was that people don't like them anyway, so just be honest.[74]

But the opponents were not the only interest group using the party system to try to sway policy in their preferred direction. The advocates were trying to resist polarization on clean energy. The Wind Coalition helped some threatened Republicans win re-election, including Jennings, Thompson, and Sloan, fielding their New Energy Economy PAC.[75] With this new support—and despite the loss in campaign funding Koch-linked groups—these Republican incumbents were able to defeat their primary challengers and win re-election. However, many Democrats did poorly in the 2014 election, in a statewide shift that was unrelated to this specific policy fight. These election results would alter the political terrain, making it harder for the clean energy interest groups. The advocates were now fighting an uphill battle. After the 2014 election, it did not seem likely that they would retain enough political influence over the legislature to withstand another retrenchment attempt.

The opponents' repeated attempts to influence the executive branch were also starting to bear fruit. The 2014 election was a tough one for the governor. He faced a primary challenger and ran in a tight general election race against a Democratic candidate, winning by less than 4%. Some Republicans had even defected, endorsing the Democrat. Clearly, Brownback needed whatever support he could muster. Losing funds from Koch Industries—a longtime supporter—because of his support for renewable energy would not be ideal. Dependent on this funding, the governor began to grow increasingly hostile toward renewable energy in the lead-up to the election.

Koch Industries' growing influence over the executive branch can be seen in the decisions made in 2014 at the state utility regulator. In March 2014, the governor appointed Republican state Senator Pat Apple to the KCC. When he was a senator, Pat Apple's top donors included Koch Industries. In addition, he received significant funding from the Kansas Chamber of Commerce and the Kansas Republican Senatorial Committee—entities that Koch Industries was also a top donor to. Hence, both directly and indirectly, Koch Industries supported Senator Apple.[76] Given that Senator Apple had sponsored the RPS repeal legislation in his role as chair of his Senate committee for the past 2 years, the choice signaled that the governor was updating his stance on clean energy policy. Advocates were losing influence with the executive branch and, through it, the regulator. They could expect greater challenges to clean energy laws during implementation.

In 2015, the opponents tried once again to repeal Kansas's clean energy target through a new bill (HB 2373). This was the fourth consecutive year the issue was on the legislative agenda. By this time, the fossil fuel industry had managed to polarize the issue and influence both chambers' leadership and the governor. They had helped put anti-renewables champions in all the key positions. In 2015, the climate denier Representative Hedke once again led the effort to repeal Kansas's renewable energy policy in his capacity as chair of the House Energy and Environment Committee. In the other chamber, Senator Robert Olson, chair of the Senate Utilities Committee, led another repeal bill (SB 91). When the energy committees in both chambers took this up as a high-priority issue, advocates knew it would be extremely difficult to keep it off the agenda.

By this point, the comparatively less influential advocates were worn down. Even after the last binding clean energy target was met ahead of schedule in 2015, opponents continued to attack the policy. Why would opponents attack a law that no longer had teeth? First, opponents saw a strategic opportunity in Kansas. If they could repeal the policy there, it might start a chain reaction, encouraging other states to act. It could also change the advocates' behavior. Previously, these groups might have tried to *increase* the RPS policy after an initial target was met. But with the law repealed, it would be even harder to expand.

In 2015, another bill proposed to create a 4.33% excise tax on the sale of renewable energy (HB 2401). At the time, the state was facing a severe budget shortfall due to large income tax cuts Brownback had implemented for the wealthy in mid-2012. Many ideas were being debated to increase government revenue, and opponents were more than happy to put renewable energy taxes on the agenda. The proposed tax would represent a significant burden for renewable energy projects. The Wind Coalition estimated it would cost a medium-sized wind project $5.2 million annually.[77] Putting a tax on renewable energy sales would also be a dramatic departure from the status quo. At the time, renewable energy developments benefited from a permanent property tax *exemption* for the operating life of the project.[78] It is likely Koch Industries did not like that renewable energy projects had longer tax exemptions than fossil fuel projects.[79]

The Wind Coalition began to worry that the RPS was more of a liability than an asset for the industry. As a lightning rod for opponents' attacks, it created uncertainty rather than stability. Even more extreme tactics to stop wind energy were now being trialed in other states, like Ohio, with devastating impacts for the industry. As that case shows (Chapter 8), in 2014, Ohio buried a setback rule in a budget bill, bringing their wind industry to a complete standstill. Likely these networked advocates working across state lines understood what was at stake. If the fight continued, it would undermine the entire industry.

As a result, the interest group advocates decided to sit down with their opponents to negotiate a deal to quell the attacks. In a closed-door meeting in early 2015, the Wind Coalition met with an AFP representative and the president of the Kansas Chamber of Commerce, along with Representative Hedke. The fact that the wind industry was able to craft a negotiation table was a testament to the sector's maturity as a result of policy feedback. Their professional lobbyist had cultivated sufficient political influence to be able to set some of the terms. Notably, other groups without these relationships—such as the solar industry and environmentalists—were not included in the talks.[80] These groups had not benefited as much from existing clean energy policy. Consequently they did not have the same level of influence.

At this meeting, the Wind Coalition's goal was to eliminate the RPS as a contentious issue and focus on creating stability for the industry, particularly on taxes. They agreed to eliminate the RPS law and to phase out property tax exemptions for wind energy projects after 10 years. The latter was a major concession—at the time wind projects had permanent tax exemptions for the project's operating life. But the change put wind and fossil fuels on equal ground where taxes were concerned. The wind industry's lobbyist was also able to secure a compromise date of December 31, 2016, for the phase-out of the tax exemptions. This would protect seven wind energy projects already under development. Although the terms would all be losses for the industry, the lobbyist no doubt viewed this as an attempt to stem the bleeding. According to Jeff Clark, executive director of the Wind Coalition, "This isn't bad. This is long-term tax certainty for us. . . . [Though] it's a step back from what we have now."[81] It was an effort to secure policy stability and avoid an even worse outcome.

In 2015, the governor unveiled this compromise bill, which was tabled in the House and passed the chamber 107–11. Many of the former RPS advocates now found themselves in the odd position of supporting the law's repeal. The opponents had managed to expand the scope of conflict and secure influence throughout the government. When this bill was signed, the lobbyist from the Wind Coalition, alongside a lobbyist who had represented both Koch Industries and AFP, and the president of the Kansas Chamber of Commerce were all at the governor's press conference.[82] It was quite a picture, and it was the end of the road for the clean energy law in Kansas.

Conclusion

In another telling of this story, Kansas is not a failure. The state exceeded its clean energy target ahead of schedule. The wind industry grew dramatically, and so did its political influence. Advocates were able to field a PAC, hold back polarization, and withstand policy retrenchment for many years. They successfully expanded the scope of conflict, investing in public opinion polls that showed support for renewables was high in Kansas, communicating these results to legislators and through the media. The NGOs were also well organized, running public campaigns that mobilized the public against anti-renewables legislation. These organizations received part of their funding from the renewables industry. Thus, we see the clear marks of policy feedback.

But such a telling of this story would neglect the ending. The advocates ultimately lost to their opponents. Koch Industries led an effort to polarize clean energy in Kansas. They used ideas, crafting a narrative that renewables were expensive and that "mandates" were bad policy. They ran a fake public campaign. They also threatened, removed funding from, and primaried politicians who opposed their efforts. They made supporting the RPS policy's repeal a litmus test for Republicans, successfully driving polarization on the issue. Using these tactics year after year, the opponents made progress with the Republican leadership in both chambers and the governor, convincing them that supporting renewable energy was bad policy.

Over time, the opponents managed to shift the agenda from weakening the policy to repealing it and putting a tax on renewable energy. In 2015, the advocates were forced to admit defeat and sit down to work out a compromise. While they framed it as a win for the wind industry, it was actually the avoidance of a worse outcome. As Boog Highberger, a Democratic representative in the state house, described it, the deal was similar to the one made when being robbed at gunpoint: "You get your life, and they get your money. . . . It's kind of a compromise, I guess."[83] The opponents had managed to shift the terms of the negotiation to the extent that policy retrenchment seemed to be in the best interests of the clean energy industry.

The consequences of these tax changes and the policy's repeal have been significant. From 2013 to 2015, the wind energy industry grew 17%; from 2015 to 2016 it grew 28%. But after these policy changes were implemented, the industry's growth rate fell precipitously to 2% from 2017 to 2018. At the Siemens factory that opened as a result of the original RPS policy, more than half of the workers had been laid off as of 2017.[84]

As hard as the repeal has proven for the wind industry, it will likely be even harder on less mature technologies, like solar. Despite having high solar potential, Kansas underperforms—it is near the bottom in the nation in solar generation.[85] In 2014, net metering also came under attack in Kansas from ALEC. A compromise was reached where customers would be credited on a monthly basis rather than a yearly basis. In the 2018 session, bills to restore net metering to its 2009 origins were quickly defeated in committee. With the KCC approving Westar Energy's demand charge at the end of 2018, solar customers in the biggest utility in the state are now receiving less compensation for their energy. The future of solar energy in Kansas does not look bright.

And repealing the state's clean energy law was not just bad for Kansas. When repeal efforts succeed in some states, it can send a message to other states. Ultimately, Kansas was the second to last state to pass its first RPS bill and one of the first to repeal it. Thus, this story also shows the collapse of a policy idea under the weight of concerted, cross-state opposition from incumbent opponents. Clean energy laws are increasingly falling victim to fossil fuel corporations' attacks.

It is true that in 2018 Kansas had the third highest renewable energy penetration in the country. But given the wind resources available in Kansas, we should expect even more development than has occurred. For example, by the end of 2016 Iowa had more than 1.5 times as much installed wind than Kansas, despite Kansas's larger wind resources.[86] The state, like Texas, consistently surpassed its RPS targets, suggesting weak policy ambition from the start. And despite a strong wind industry, Kansas never increased its RPS target, as we would expect from policy feedback. Instead, the opponents were able to retrench the policy after wearing down the advocates over many years.

Ultimately, policy feedback is not a magic bullet. Ensuring policy lock-in requires sufficient time to shift power toward advocates and away from opponents. When policy feedback begins to take hold, it can threaten incumbents. Once threatened, these opponents can work to undermine feedback if they retain greater power and political influence than advocates. While advocates may effectively thwart retrenchment for a time, they can be worn down when opponents have greater resources to invest in driving polarization and attacking the policy over many years.