## T

### Must read 2NC violation Extension Ev

#### Business Energy Investment Tax Credit (ITC) contextually proves reauthorization of the SQ tax credit is not an increase, just an extension—only an increase if you add a bunch of stuff to it

DSIRE ’11 (Database of state incentives for renewables and efficiency)

<http://dsireusa.org/incentives/incentive.cfm?Incentive_Code=US02F&re=1&ee=0>

The federal business energy investment tax credit available under 26 USC § 48 was expanded significantly by the Energy Improvement and Extension Act of 2008 (H.R. 1424), enacted in October 2008. This law extended the duration -- by eight years -- of the existing credits for solar energy, fuel cells and microturbines; increased the credit amount for fuel cells; established new credits for small wind-energy systems, geothermal heat pumps, and combined heat and power (CHP) systems; allowed utilities to use the credits; and allowed taxpayers to take the credit against the alternative minimum tax (AMT), subject to certain limitations. The credit was further expanded by The American Recovery and Reinvestment Act of 2009, enacted in February 2009.

#### Unlike the aff, HR 1424 extended the old incentives, but added substantially to those incentives AND this ev. distinguishes between an increase and an extension

### Extension distinct from increase

#### Extension is distinct from increase—bond authority

Dwyer ‘09

Bill http://www.oakpark.com/News/Articles/06-16-2009/River\_Forest\_Parks\_discusses\_Oilily\_purchase\_plans

Throughout that process, he said, the park board will actively solicit public comment. If strong public support is there, they say, they will ask voters in a Feb., 2010 referendum for permission to extend a current bonding authority, which is set to expire next year.¶ The Oilily building, Jones said, is "uniquely suited for our needs," and available at an advantageous time.¶ "It's for sale, by a motivated buyer, real estate prices are very attractive, and interest rates are at an historic low," said Jones.¶ Executive Director Mike Sletten added that the move would extend, not increase taxes. "We'll seek to continue the bond authority for the purpose of purchasing these facilities," he said.

#### Sales tax

City of Wheat Ridge Colorado ‘04

<http://weblink.ci.wheatridge.co.us/WebLink8/DocView.aspx?id=79091&page=35&dbid=0>

The Scientific and Cultural Facilities District (SCFD) was approved by the Colorado State Legislature and endorsed by voters in regional elections in 1988 and 1994. The SCFD provides funding from a one-tenth of one percent sales tax in the seven-county Denver Metro area. The funding was provided to more than 300 small and large metropolitan arts and science organizations with minimal regulation and overhead. In 2003, the SCFD granted the City of Wheat Ridge funds to install a mural art at the Wheat Ridge Recreation Center. The SCFD must be reauthorized by voters on or before 2006, and voters will be asked to extend, not increase, the tax for an additional 12 years. This is a resolution to support the reauthorization of the Scientific and Cultural Facilities District (SCFD) and to urge legislative and voter support for the renewal of the District.

#### Foreign debt relief

NASH (LEICH) ‘97

Marian 91 A.J.I.L. 697

The Department of State summarized the Agreement's provisions in letters dated May 22, 1997, from Assistant Secretary for Legislative Affairs Barbara Larkin to Chairman Bob Livingston of the House Committee on Appropriations; to Congressman David Obey, ranking minority member of that committee; to Chairman Benjamin A. Gilman of the House Committee on International Relations; to Congressman Lee Hamilton, ranking minority member of that committee; to Senator Ted Stevens, Chairman of the Senate Committee on Appropriations; to Senator Robert C. Byrd, ranking minority member of that committee; to Senator Jesse Helms, Chairman of the Senate Committee on Foreign Relations; and to Senator Joseph E. Biden, Jr., ranking minority member of that committee. The major portion of the Department's letter follows: ¶ Vietnam agreed to pay the United States 92 percent of debt identified by the United States at the Paris Club as debt incurred by the former Republic of Vietnam. However, Vietnam consistently refused to pay back four PL-480 loans, arguing that references in the original loan agreements to local currency programs "for the common defense" and the repayment terms of the four loans showed that they were not for social and economic purposes. Given the Vietnamese declaration at the 1993 Paris Club in which Vietnam confirmed its responsibility to repay the social and economic debts of the former Republic of Vietnam, as well as the terms of the original loans, the Executive branch concluded that these four PL-480 agreements were uncollectible.¶ The bilateral agreement reschedules principal and interest in arrears as of December 31, 1993 (Arrears). Repayment of the amounts rescheduled will be made in eighteen (18) semi-annual installments beginning on July 15, 2010, and ending on January 15, 2019.¶ . . . .¶ The bilateral agreement reflects the prevailing view of participating creditors that a rescheduling of Vietnam's debts is essential to ensure the repayment of outstanding credits and to help improve Vietnam's economic viability. U.S. participation via this agreement protects our interest in assuring equitable burden-sharing among creditors and in maintaining efficient international procedures for the extension of debt relief. Such rescheduling will not increase the cost to the U.S. Government as defined by the Federal Credit Reform Act of 1990. n1

Colorado Supreme Court Ruling on tax extension

Collins ’97 (Pf. Law U. of Colorado)

Richard 78 U. Colo. L. Rev. 1265

A 2003 Colorado Springs city election to extend a dedicated sales tax was challenged for TABOR violations. n365 The main issue was whether extension of an existing tax constitutes a "tax increase" for TABOR notice purposes. TABOR section (4) expressly requires an election for "extension of an expiring tax," n366 and the city did hold the required election. Section (3) imposes detailed requirements for mailing an election notice to voters, wording of the notice, and wording of the ballot title. n367 These require that the mailed notice and the ballot title use specified wording to describe a "tax increase." The city's notice and title did not comply; the city argued that a tax extension was not an "increase" for section (3) purposes. n368 The district court disagreed and held that a tax extension is an increase for section (3) purposes, but the supreme court reversed and sustained the extension. n369

### A2 counter Interp: The aff reduces a restriction

#### The aff reduces a condition that makes production more costly—that’s NOT A RESTRICTION

Priebe ’99 (Director of Agricultural Economic Law, European Commission)

Rhinehard, *Production Rights in European Agriculture* p.200

The milk quota system, to quote the prime example, is a levy imposed on production in¶ excess of reference quantities, or 'quotas' . The Community does not prohibit surplus production,¶ but it does make it subject to a very dissuasive tax. An 'overproduction tax' as high as¶ that under the milk quota system is tantamount, in economic terms at least, to a prohibition on¶ large-volume production above the limits laid down. The beet quota system, on the other¶ hand, is of a different legal nature. This is based on production limits that are governed in¶ practice by delivery contracts between growers and sugar companies.¶ In other industries, limits exist as conditions for the granting of direct aid. In such cases,¶ this is not a direct restriction on production, in a strictly legal sense. The farmer is free not to¶ comply with these conditions if he chooses not to accept the aid offered. Economically, s/he¶ often has no choice. Accordingly, in order to obtain Community aid, he has to comply with¶ the conditions that apply. For instance, under the support scheme for arable crop growers, aid¶ applications cannot be submitted in respect of land which was used for permanent pasture,¶ permanent crops, forest or non-agricultural uses4 as at 31 December 1991. Such a provision,¶ designed to avoid speculation in arable crops triggered purely by the introduction of the direct¶ aid system in 1992, divides agricultural land into two: land which is eligible for arable land¶ support and ineligible land. This is a permanent division. The set-aside obligation, signifYing¶ each producer's individual contribution to the disciplining of production under the same¶ system, is another example of this form of restriction. **This ev. gender paraphrased**

## CP

### 2NC Solves-Natural Gas

#### Wind will be competitive in six years- cost of natural gas

E&E News 6-12

“Building a bridge to zero -- questions swirl around design of wind incentive phaseout,” <http://www.eenews.net/public/EEDaily/2012/06/12/2>

Determining a definite endpoint for the PTC is difficult because a number of variables are at play -- primarily the price of natural gas, as well as the pace of advancements in turbine technology, the cost of credit for wind developers and the broader, economywide demand for energy.¶ Spurred by massive new supplies unlocked by hydraulic fracturing, gas prices that have been trading as low as $2 per million British thermal units (MMBtu) in recent months have complicated wind producers' ability to compete with natural gas-fired power plants, even though the costs of wind energy also have been falling substantially in recent years.¶ Graham said wind will be better able to compete as the price rebounds in the coming years. He said his company could thrive without government support if gas is trading around $5 to $6 per MMBtu in the next five to six years.¶ "If you look at the forward curve for gas, I think it's $5 to $6 in five-plus years' time. I think that's viewed in the U.S. as reasonable," he said. "That's what most of the industry would like it to be, around that sort of level. That sort of level, we're kind of in the pack."¶ Other analysts have a similar view. Zindler of Bloomberg New Energy Finance predicted that wind would be competitive on an unsubsidized basis in many parts of the world by 2016, predicting that gas prices would rebound to somewhere in the range of $4 to $5 per MMBtu by that time.¶ Without the shale gas revolution, wind may already have been competitive in the United States, he added.¶ "In short, if we had the natural gas prices that we had three to four years ago today, wind would actually be in many places quite competitive, back when natural gas was up at $10 to $12 per million Btu," Zindler said in an interview.¶

#### Phasing out solves predictability

Wolf 8-6

Tom is Executive Director of the Energy Council Illinois Chamber of Commerce, “Tax Policy Creates Yo-Yo Effect in Industry,” <http://energy.nationaljournal.com/2012/08/should-wind-tax-credit-stay-or.php>

Now let’s talk about what they did wrong. In the past, when Congress has let the wind component of the PTC to expire, installations have decreased by 73 to 93 percent the next year. This sharp decrease means a parallel cut in job openings, property tax payments and lease payments in just this industry alone.¶ This back and forth status of the PTC enjoyed by wind companies has had a yo-yo effect on the production and supply chain. People get tired of hearing this, but the business community wants predictability (or as much as possible) from its government. What has happened with the PTC has been the exact opposite.¶ So what should Congress do? It should extend the PTC four years with a ramp down to zero by the end of the fourth year. That will allow the market to prepare for a predictable and reasonable end to tax credits and they will plan and react accordingly. The wind industry has come so far in such a short time. Manufacturers believe they can get to grid parity with other forms of energy in those four years and would rather have a ramp down and predictability than simply another year-long extension with yet another battle looming on the horizon.¶ We’re at the cusp of something special in this industry and, certainly, an on-again, off-again yearly battle filled with economic uncertainty cannot result in the ultimate maturity of this important new economic and energy resource.

#### Phasing out draws broad GOP support- insiders confirm

Trembath 4-19

Alex is a Staffer at the Breakthrough Institute, “Support Grows for Clean Tech Subsidy Reform,” <http://thebreakthrough.org/blog/2012/04/support_grows_for_clean_tech_s.shtml>

Support is building for policies to encourage the growth of a globally competitive, subsidy independent clean tech sector in the United States, as moderate Republicans, industry insiders and analysts expressed keen interest in reforms that would drive production of cheaper, more innovative forms of energy.¶ "I think that there could be quite a lot of Republican support for a reform policy," Neil Brown, an aide to Senator Richard Lugar (R-IN), told National Journal. "It's really only a recent phenomenon that renewable energy has been seen to be a partisan issue. It's a much more regional issue at the base of it. There are going to be Republicans that are against any subsidy. The concern we have is corporate welfare -- the degree to which a program can be reformed and it can be shown that it will eventually phase out."¶ Pressure is on the industry to become cost competitive with fossil fuels and foreign-produced energy technologies as federal investment in clean energy is set to drop 75 percent between 2009 and 2014, according to a new report by analysts at the Breakthrough Institute, Brookings Institution and World Resources Institute called "Beyond Boom and Bust: Putting Clean Tech on a Path to Subsidy Independence." ¶ The report - released this week to widespread media coverage, including in Time magazine, the Washington Post, the New York Times, the Los Angeles Times, the San Jose Mercury News, Nature, Grist, the Financial Times, Bloomberg, Forbes, and CNN - counsels the adoption of a suite of new clean tech deployment policies that will simultaneously drive both market demand and continual innovation.¶ McKie Campbell, the Republican staff director of the Senate Energy and Natural Resources Committee, signaled openness to re-tooling federal subsidies. "You basically have to make things cost competitive or they aren't going to work," the Wall Street Journal quoted him as saying. "It's clearly against our national interest to engage in long-term subsidies where the moment you pull the subsidy," businesses fail, he added.¶ Amid recent gains in clean tech sectors, business insiders also expressed interest this week in subsidy reforms that could make the industry more competitive.¶ Jon Goldstein, the director of public affairs for the American Wind Energy Association told ClimateWire that the industry is planning for a future that is not tethered to ongoing subsidies. "We just want to get to the point where we can finish the job we've begun," Goldstein said.¶ Ben Higgins, the director of public affairs for solar company REC Solar, said the report's authors were "simply proposing to do at the federal level precisely what many state governments are already doing -- and what the solar industry has actively supported in dozens of venues -- incentives which are high initially (to encourage investment and growth of industry scale) but then decline to account for (and encourage) cost reduction."¶ The recent comments follow earlier support expressed by some Republicans and industry groups for energy subsidy reform.¶ Senator John Thune (R-SD) voiced support last month for a gradual phase out of the production tax credit (PTC) for wind, a reform that would encourage the industry to bring down costs. "I think anybody that can come forward with a specific proposal that would have that sort of a wind-down in it is going to be well placed relative to those discussions about tax reform," he said. The American Energy Innovation Council, a group of business leaders, including former Microsoft Chairman Bill Gates and GE's Jeffrey Immelt, called last fall for robust public R&D investment paired with limited subsidies that would "allow new technologies to scale up while driving down costs."¶ The ideas are gaining traction among the environmental community as well. Cai Steiger, a policy analyst at the Natural Resources Defense Council, called the new report "insightful and thought-provoking," commending its efforts to explore "ways to boost deployment of renewables in the most cost effective and efficient manner." David Robert's, Grist.org's prolific climate and energy blogger, lauded the report's "welcome and much-needed attempt to put some numbers behind the debate over federal cleantech support."¶ Just as clean energy technology has achieved record setting cost improvements, federal support is headed for a cliff while global competition has intensified. The clean tech sector is at an inflection point, and now is not the time to walk away from these emerging industries, report co-authors Jesse Jenkins, Letha Tawney, and Mark Muro wrote in The Hill. If policy makers instead pursue smart reforms to federal subsidies that bring further improvements in cost and performance, a globally competitive, subsidy independent industry is within reach.¶ "Beyond Boom and Bust" recommends an integrated suite of policies, including expanded investment in research, development, and commercialization of advanced energy technologies as well as smarter deployment subsidies and policies designed to phase out over time while demanding - and rewarding - declining technology costs.

#### Temporary extension leads to more wind development- desire to get it while it lasts

Brown ’12

Philip is a Specialist in Energy Policy and has authored reports for the Congressional Research Service, “U.S. Renewable Electricity: How does the Production Tax Credit (PTC) Impact Wind Markets?” <http://www.fas.org/sgp/crs/misc/R42576.pdf>

By the end of 2012, Congress will either allow the PTC incentive to expire or it may choose to ¶ extend or modify the incentive. Should Congress decide to extend the availability of wind PTC ¶ incentives, the duration (e.g., two years, four years, permanent) of such an extension will likely ¶ be part of the policy debate. Generally, the shorter the extension the greater the short-term ¶ economic and employment activity as developers and investors accelerate development plans in ¶ order to qualify for the PTC incentive. However, this development acceleration is likely to reduce ¶ future RPS-driven demand. A permanent PTC is also a policy option that may be considered, and ¶ EIA estimates indicate that such a policy may actually reduce near-term wind capacity additions, ¶ with annual installations peaking at 4 GW in the 2030 timeframe. Higher natural gas prices, more ¶ aggressive RPS policies, and increased U.S. electricity demand could change this outlook.

## Environment

#### Wind systems don’t solve warming- backup power

Pavlak 2/9/12

(Alex, Professional Engineer with 40 years’ experience managing a variety of R&D programs. His core competencies are systems architecture, energy systems and combining systems engineering with fact-based policy making. He received his Ph.D. in mechanical engineering from Stevens Institute of Technology “Wind energy is clean, but wind energy systems are not” <http://articles.baltimoresun.com/2012-02-09/news/bs-ed-clean-energy-20120209_1_offshore-wind-wind-turbines-wind-energy>)

But my main complaint about offshore wind is not the cost but the fact that even though wind turbines are clean, wind systems are not. Wind turbines require polluting fossil-fuel backup to provide most of the power. This dilemma can be explained with a simple thought experiment: Consider a model electric power system — say, the state of Maryland — with no electricity imports or exports across state borders. Assume a constant load with no daily or seasonal variation. Assume that load is being met with natural gas generators, and we will add wind farms to the grid. Add a few wind turbines, and whenever the wind blows, the grid operator can throttle back the generators, save some natural gas and reduce emissions. A little bit of wind on a high-carbon system reduces emissions a little bit. But we can't discard the natural gas generators, because we need them when there is no wind. On adding more wind, the system reaches a "wind penetration limit" when, on windy days, the system gets all of its electricity from wind and all of the natural gas generators are shut down. If we installed still more wind turbines, the grid operator would have to shut them down just when they were most productive. Because the amount of wind is variable, the natural gas generators provide no power on windy days, all of the power on calm days, and, say, 75 percent of the power on average. But a system that derives three-quarters of its power from natural gas is not a clean system. In an effort to increase wind penetration beyond 25 percent, advocates have explored compressed-air storage, plug-in electric vehicle storage, long-distance transmission, overbuilding with wind curtailment, demand management and wind-plus-hydro subsystems. All of this helps a little, but none of it changes the game. Most of the energy in a wind system that must deliver energy on demand comes from fossil fuel backup. The main justification for offshore wind has been that it is the only way to meet the state Renewable Portfolio Standard (RPS). That is true. But the RPS is based on two false assumptions. It assumes that clean generators produce clean systems; our model shows that is not true for wind. The RPS also assumes that if we get a 20 percent emission reduction with intermittent renewables, we can get the other 80 percent some other way. How does that work exactly? We cannot start and stop nuclear power plants to back up wind. At the executive level, the Department of Energy understands these nuances. This is why President Barack Obama has advocated clean energy standards — not renewables — in his past two State of the Union addressees. It is time for Maryland to rethink the RPS. A reasonable plan is to replace the RPS with a clean energy standard that includes natural gas and nuclear power.

#### Wind ineffective at carbon reduction

Lea 12

(Ruth, Director of the Centre for Policy Studies from 2004 to 2007 and Director of Global Vision from 2007 to 2010. Governor of the London School of Economics. She has been Economic Adviser to the Arbuthnot Banking Group, with whom she is a Non-Executive Director, since 2005. Economic Adviser to Global Vision. “Electricity Costs: The folly of windpower” <http://www.civitas.org.uk/economy/electricitycosts2012.pdf>)

The main conclusions may be drawn for the MM data are:  Excluding carbon costs, coal-fired power stations would be the cheapest form of generation for both the near-term and medium-term projects.  Including carbon costs, gas-fired power stations are the cheapest option for the nearterm projects, but nuclear power is the least expensive in the medium-term. Other things being equal this would suggest that investment should be concentrated in gas and nuclear technologies. A mix of technologies is preferable for operational reasons. Coalfired power stations become relatively uneconomic, reflecting the heavy carbon costs, especially in the medium-term.  Onshore wind looks a relatively attractive proposition on the MM data, but once allowance is made for the additional costs associated with wind-power, the attraction fades. For both near-term and medium-term projects, onshore wind ceases to be a competitive technology. The only rationale for Britain’s current “rush for wind” is the Government’s attempt to meet its renewables target under the EU’s Renewables Directive. There is no economic case for wind-power. Moreover, there is not even a CO2cutting case for wind-power, as is discussed in chapter 3.  Offshore wind, even before allowing for additional costs, and CCS technologies are inordinately expensive.