### 2nc overview

**Counterplan solves 100% of the case, the only evidence they have is about why incentives are key to reach cost parity they have no evidence that those incentives should be guaranteed and extended beyond that. Once the tech reaches cost parity incentives aren’t needed because the tech is already competitive.**

**Even if they win that the tech normally wouldn’t be competitive either way that doesn’t assume the cp, 1nc hayward evidence indicates that including termination of incentives cause companies to innovate and lower prices so that they stay afloat after incentives are removed causes better tech than the aff and widespread adoption.**

### 2nc CP solvency

### AT: Perm – do the CP

**1. Severs the plan – the plan provides incentives even if recipients don’t take measures to implement cost reduction. There isn’t an explicit termination clause in the plan, and it isn’t conditioned on cost competitiveness. An explicit termination clause must be offered at the outset – that’s Jenkins and Hayward, and there is no possible interpretation of the plan as written that does that**

**Any interpretation that allows them to interpret the way the incentive that they give outside of the vaccum of the plan text is a voting issue because it makes them conditional and allows them to spike all mechanism or cp based offense.**

#### 2. Normal means for energy incentives is that they are unconditional – they’re flat and must increase each year to adjust for inflation

**Jenkins et al, 12** - Director of Energy and Climate Policy at the Breakthrough Institute (Jesse, “Beyond Boom & Bust: PUTTING CLEAN TECH ON A PATH TO SUBSIDY INDEPENDENCE” April,

[http://assets.nationaljournal.com/Beyond%20Boom%20and%20Bust\_Embargoed\_4\_17.pdfhttp://assets.nationaljournal.com/Beyond%20Boom%20and%20Bust\_Embargoed\_4\_17.pdf](http://assets.nationaljournal.com/Beyond%20Boom%20and%20Bust_Embargoed_4_17.pdfhttp%3A//assets.nationaljournal.com/Beyond%20Boom%20and%20Bust_Embargoed_4_17.pdf))

Reducing the cost of clean energy technologies will require continuous innovation and improvement even after technologies are commercialized and launched into the marketplace. Yet, by and large, today’s energy subsidies do not do enough to support America’s innovators, and they have not yet succeeded in driving down the costs of clean energy far enough to compete with fossil fuels. The government, however, has a long history of successfully driving innovation and price declines in emerging technologies by acting as a demanding customer to spur the early commercialization, largescale deployment, and steady improvement of cutting-edge technology. 91

Unfortunately, clean tech deployment policies today often closely resemble crop supports, offering a flat production subsidy for any clean energy produced, rather than the demanding military procurement policies that delivered steady improvements and the eventual mass-adoption of everything from radios, microchips, and jet engines, to gas turbines, lasers, and computers. 92

Many of today’s clean energy subsidies are focused primarily on supporting the deployment of existing energy technologies at current prices, and most provide no clear pathway to subsidy independence. The federal renewable electricity PTC, for example, has provided the same level of subsidy to wind power and closed-loop biomass-fueled power plants since initial enactment in 1992 and to geothermal and other qualifying renewable electricity sources since 2004, when it was first extended to them. Subsidy levels increase each year at the rate of inflation, keeping per MWh subsidy levels constant in real dollar terms and providing no clear incentive for continual cost declines or pathway to eventual subsidy independence.

If not designed with care, deployment policies can also lock out more promising but higher risk technologies from markets, slowing their development. Renewable portfolio standards, for example, which require utilities to purchase a certain percentage of electricity generation from renewable sources, encourage deployment of the lowest-cost renewable energy technology available—generally wind power or biomass. But they do little to drive down the price of other, clean energy technologies, such as solar or advanced nuclear power designs, that may have higher costs now but hold the potential to become much cheaper in the long-run. 93

The intermittent and haphazard nature of US energy policy also wreaks havoc with the business confidence necessary for the long-term investments required to develop new and improved products. 94 The PTC for wind power, for example, was first enacted in 1992, but has since expired three times, and has been renewed a total of seven times, often with less than a month to spare before pending expiration. Other clean tech subsidies, including key tax credits for solar, biofuels, energy efficient products, and other segments have experienced similarly erratic expirations. The market effects are chilling, and many private firms are forced to focus principally on ramping-up production for subsidized markets while they last, rather than pioneering next-generation designs and manufacturing processes for the long-term.

In the worst cases, maintaining lucrative, blunt subsidies over prolonged periods can even create a disincentive for firms to innovate 95 or can support “dead end” technologies that have no viable path to long-term competitiveness. 96

**3. the CP radically alters the normal means of incentives- it decreases the incentive every year, instead of increasing it – it takes the opposite direction of implementation the plan does.**

**4. Prefer our theory of competition to allow debates over normal means of implementing incentives:**

**a. the alternative is vague plans that bypasses all topic literature over the design and implementation of incentive programs. Allowing a permutation means the aff will never have to research the particulars incentive design and implementation**

**b. this kills topic education – the specifics of incentive design are vital to debates over their effectiveness**

**Arvizu, 7** - Director National Renewable Energy Laboratory (Dan, CQ Congressional Testimony, “ENCOURAGING SOLAR ENERGY,” 6/19, lexis

We applaud the Committee for its continuing examination of solar and other sources of renewable electricity and fuels. If we are to ensure the nation receives the full range of benefits that renewable energy technologies can provide, we will need a carefully balanced blend of new technology, market acceptance and government policies. It is not a question of whether to rely solely on the market, or on new research, or on government action, as we work to solve our energy problems. To accelerate deployment of renewable energy technologies, we need to effectively combine all three. It's also crucial that this mix of technology, markets and policies be crafted so that each works in conjunction with the others. The reality is that distinct renewable energy technologies - be they solar photovoltaic, solar thermal, wind, biomass power, biofuels or geothermal - are in different places in terms of their economics, technological maturity and market acceptance. While a broad range of policies are needed to spur on these varied technologies, the specifics of policies and incentives to be enacted ideally must be tailored to fit the unique requirements of each of the systems and devices we are seeking to deploy.

**c. it crushes negative ground and shields ridiculous affirmative solvency claims from scrutiny – avoiding these debates means you should vote neg on presumption because the aff is unlikely to solve**

**Azurin 8** [Rene B., Business World, "Strategic Perspective: Renewable Energy Barriers," February 7th, Lexis]

Chatting at the just-concluded Energy Summit with the very charming Dr. Nandita Mongia, regional coordinator for the Energy Program for Poverty Reduction in Asia and the Pacific of the UNDP, I learned that Indonesia mobilizes funding for renewable energy for the poor through taxes on fossil fuels. That, to me, is an example of a logical public finance policy: Penalize, through taxes, what you wish to discourage and use the funds raised to help develop what you wish to encourage. It is also a manifestation of a strategic perspective, the kind of system-wide thinking and long-run view we need to see exhibited by more of our own government's finance and economic managers. One of the things our highest officials sometimes seem to be unconscious of is a principle I drum repeatedly into the minds of my strategy students: Outcomes are the product of the prevailing structure of incentives; if you want a particular outcome, you must first design the incentive system to lead to it. Exhortations and directives without an accompanying incentive structure consistent with the desired outcomes are no more than expressions of wishful thinking.The exhortations are simply ignored and the directives simply make people waste time and, uh, energy inventing ways to avoid complying while vigorously pretending to be absolutely, completely in favor of the announced action. Filipinos are particularly creative in this regard.

We say - or, more precisely, our public officials say - that the country's energy strategy should be to develop more renewable and alternative energy sources - solar, wind, geothermal, ocean, hydro, biomass - that, because they are indigenous and climate friendly, will reduce our country's dependence on imported fossil fuels that pollute our environment. Currently (according to Department of Energy figures), power plants using renewable energy have an installed capacity of 5,260 megawatts, or 33.5% of total power generating capacity in the country. This is broken down into hydro (3,257 MW), geothermal (1,978 MW), and wind (25 MW). The DOE, according to the hardworking director of DOE's Energy Utilization Bureau, Mr. Mario Marasigan, launched in August 2003 an aggressive Renewable Energy Policy Framework that targeted the doubling of renewable energy capacity by 2013. This proposed Renewable Energy Bill, says Mr. Marasigan, will "provide incentives and remove some major market and financial barriers to renewable energy development [and] should create a better investment environment for private proponents." Unfortunately, the bill remains stuck in Congress. A workshop participant wryly commented that congressional energy is naturally directed more toward increasing congressional pork barrel allocations than achieving energy independence for the country.

The principal barrier to renewable energy development is the fact that the energy it produces is still generally more costly than the energy produced by conventional fossil fuels. One estimate indicates that electric power from renewable or alternative fuels is 25% to 50% more expensive than electric power from oil or coal. The higher costs stem in large measure from the site-specific nature of renewable energy projects - you cannot set up a windmill farm where there is no wind or a mini-hydro plant where there is no water - which leads to high construction costs and, later, high transmission costs. Moreover, the modern imported technologies required to build efficient renewable energy plants are hardly cheap.

This is why the structure of incentives needs to be modified as proposed in the RE Bill. The RE Bill provides for the usual tax-break incentives but complement these with the setting up of an RE Trust Fund that can finance research and development, help pay for preparatory studies, and provide loan guarantee facilities. Non-fiscal, market development-directed incentives are also provided, like the mandating of a 1% bio-diesel mix which increases to 2% by 2009, and a 5% bio-ethanol gasoline blend in 2009 which increases to 10% by 2011. Similarly, for electric utilities, it will be mandated that the electric power produced from renewable energy sources must constitute 7% to 12% of the total electric power mix and, further, that such power must be dispatched as soon as it is made available.

#### d.Process education is more important than substance on this topic – implementation is the KEY ISSUE in energy policy

**Nolan, 11** - Associate Professor of Law and Dispute Resolution Program Director, Vermont Law School (Seth, “Negotiating the Wind: A Framework to Engage Citizens in Siting Wind Turbines” Negotiating the Wind: A Framework to Engage Citizens in Siting Wind Turbines, SSRN)

Despite demonstrated need and available technology, the promise of wind energy has yet to live up to its potential. As a society, we see the benefits of renewable sources of energy but struggle to implement our vision through siting of new facilities. In some instances, this gap results from opposition caused by applicants’ and regulators’ emphasis (read: overemphasis) on the substance rather than the process of decision-making. Applicants often enter an approval process expecting that doling out concessions will adequately address citizen opposition. The resulting opposition is often as much a product of what was proposed as how it was proposed.210 Attending to procedural needs as well as substantive needs can offer some solace to weary and suspicious citizens and provide the substrate on which a satisfactory solution can be reached.

#### Severs “should” – it means “must” and requires immediate legal effect

**Summers 94** (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287" \l "marker3fn16)

[CONTINUES – TO FOOTNOTE]

[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or *immediately effective*, as opposed to something that *will* or *would* become effective *in the future [in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

#### Severs substantially

**Words and Phrases** 19**64** (40 W&P 759) (this edition of W&P is out of print; the page number no longer matches up to the current edition and I was unable to find the card in the new edition. However, this card is also available on google books, Judicial and statutory definitions of words and phrases, Volume 8, p. 7329)

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; **real at present time**, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive. Bass v. Pease, 79 Ill. App. 308, 318.

#### Severance is a voting issue – no counterplan would ever be competitive if it were legitimate, it destroys all neg ground

### PROLIF

### 2NC Exts – Exports Not Solve Safety

#### Deploying SMRs in countries with inadequate infrastructures backfires -- Fukushima proves.

Lyman, ‘11

[Dr. Edwin, Senior Scientist -- Union of Concerned Scientists, “AN EXAMINATION OF THE SAFETY AND ECONOMICS OF LIGHT WATER SMALL MODULAR REACTORS: HEARING before a SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE ONE HUNDRED TWELFTH CONGRESS FIRST SESSION, SPECIAL HEARING, JULY 14, 2011--WASHINGTON DC,” http://www.gpo.gov/fdsys/pkg/CHRG-112shrg72251/html/CHRG-112shrg72251.htm]

UCS believes that SMRs are only suitable for deployment where there is an established infrastructure to cope with emergencies, and if sufficient numbers of trained operator and security staff can be provided. It is unrealistic to assume the near-term availability of SMRs that are so safe they can be shipped around the world without the need to ensure the highest levels of competence and integrity of local regulatory authorities, plant operators, emergency planning organizations, and security forces. Fukushima has demonstrated the importance of timely offsite response in the event of a severe accident, so the accessibility of reactors in remote locations also must be a prime consideration. Even within the United States, small utilities with little or no experience in operating nuclear plants need to fully appreciate the unique challenges and responsibilities associated with nuclear power and should not expect that small modular reactors will provide any relief in this regard.

### 2nc accidents link block

#### Lynman evience from the 1nc indicates SMRs increase the llikely hood of meltdowns – it’s a question of the safety of the sites, not the size of the reactors

#### Lax NRC regulations mean you should ignore every pro-SMR claim – it assumes theoretical potential of the technology – not actual implementation

**Lyman, 11** - A physicist, Edwin S. Lyman is a senior staff scientist in the Global Security Program at the Union of Concerned Scientists in Washington. (Edward, “An Examination of the Safety and Economics of Light Water Small Modular Reactors” Congressional Testimony, 7/14, <http://www.ucsusa.org/assets/documents/nuclear_power/lyman-appropriations-subcom-7-14-11.pdf>)

Proponents of small modular reactors (SMRs) claim that their designs have inherent safety features compared to large reactors, and some even argue that their reactors would have been able to withstand an event as severe as Fukushima. We find these claims to be unpersuasive. For any plant, large or small, the key factor is the most severe event that the plant is designed to withstand—the so-called maximum “design-basis” event. Unless nuclear safety requirements for new reactors are significantly strengthened, one cannot expect that either small or large reactors will be able to survive a beyond-design-basis event like Fukushima. Although some light-water SMR concepts may have desirable safety characteristics, unless they are carefully designed, licensed, deployed and inspected, SMRs could pose comparable or even greater safety, security and proliferation risks than large reactors.