



**Ohio House Select Committee on Energy Policy and Oversight  
Opponent Testimony House Bill 798  
Neil Waggoner - Sierra Club**

Chairman Hoops, Vice Chairwoman Abrams, Ranking Member Leland, and members of the House Select Committee on Energy Policy and Oversight. My name is Neil Waggoner and I am the Ohio Senior Campaign Representative for the Sierra Club's Beyond Coal Campaign. Thank you for the opportunity to submit written opponent testimony on House Bill 798.

Let us be clear, House Bill 6 must be repealed.

Last year, the Sierra Club strongly opposed HB6. Our members, supporters, and myself testified in both the House and the Senate against it, raising concerns and questions over why electric customers should be forced to bail out uneconomic generation while gutting effective energy policies and goals. This position was echoed by thousands of emails, calls, and social media posts from our members and supporters in opposition to HB6. When the Legislature and Governor DeWine failed to heed our concerns and passed HB6 anyway, we called it the most regressive energy law in the country, a sentiment shared by many.

Now, just over a year since HB6 became law, we have learned that it is not just the most regressive energy law in the country but also one of the most corrupt. When now former Speaker Larry Householder was arrested 136 days ago by the FBI, US Attorney Devillers noted the process behind the passage of, and ballot opposition efforts on, HB6 "is likely the largest bribery, money-laundering scheme ever perpetrated against the people in the state of Ohio."

HB6 is not salvageable. The corruption behind the law is a stain upon this esteemed legislative body. The process by which it was passed and the efforts to misinform and intimidate the public in the subsequent ballot initiative have cheapened our democracy.

HB798 does nothing to alleviate the terrible amoral burden HB6 has placed upon this legislative body.

It's been 136 days since the FBI arrested Larry Householder. In that same period, two of those indicted on charges arising from the HB6 have already pleaded guilty, the CEO of FirstEnergy

was fired along with multiple members of the Company's leadership, and multiple entities including the State of Ohio itself have filed suit to block full implementation of HB6. In the past three weeks, the now former Chairman of the PUCO resigned after the FBI executed a search warrant on his home and SEC filings suggested he received \$4 million from FirstEnergy immediately before his appointment. Multiple bills have been introduced in the House and Senate to fully repeal HB6 with a bipartisan majority of each Chamber not just supporting that legislation but signing on as co-sponsors.

And yet, HB6 remains law.

In contrast, HB6 was introduced and sent to the Governor by the Legislature in only 96 days in 2019

What is the delay? Why seek to perpetuate this indefensible inaction for another year with HB798?

HB798 merely kicks the can down the road. Instead of confronting the corruption that now plagues this body, HB798 codifies inaction and sends a clear signal to those grifters that would swindle the people of Ohio that bribery, illegality, and malfeasance are rewarded as long as one sticks to the scheme.

HB798 also codifies PUCO's abject failure to hold three of Ohio's regulated electric utilities to account on their continued investment in and refusal to divest from the OVEC contract. HB798 includes the same laughably vague and unenforceable requirement the utilities make "good-faith efforts" to divest from the OVEC contract that PUCO had already stipulated in its approval of bailout proceedings. This requirement, if one can even call it that, has resulted in nothing more than an occasional filing from each utility at PUCO stating, unsurprisingly, no other contract holder or outside group is interested in acquiring the contract for debt laden 1950s coal plants that continue to lose money month in and month out.

HB798 doesn't fix a problem. HB798 perpetuates and worsens multiple problems.

Instead, Sierra Club supports passage of either of the pending House bills--HB738, HB746--that contain a full, clean repeal of HB6. The Senate should similarly take immediate action to pass either or one of these House bills or its own repeal bill, SB346, to Governor DeWine and the Governor, for his part, should make good on his stated support for the repeal of HB6. The people of Ohio need to have faith in the integrity and accountability of their Legislature and elected officials. Repeal of HB6 is a critical component of restoring that trust.

Once we clean the foul stain of corruption that is HB6 from the Ohio Revised Code, we can and should have a full, vigorous, and fact-driven discussion to create a comprehensive energy policy for Ohio.

Ohio has not had a comprehensive, consistent energy policy for years. Through a process driven by research, reality, and consensus building, this body can and should take steps to address that deficiency. This body should pursue an energy policy that focuses on reducing carbon emissions, not bailing out bankrupt companies. A policy that reduces energy waste and energy need. Furthermore, Ohio demands an energy policy that is transparent and holds those in power to account, so we don't have another HB6 scandal in the future.

Finally, Ohio needs an energy policy that centers equity and support for Ohioans that need it the most. The economic challenges that have come with the ongoing COVID19 pandemic have once again made it clear we need more support and policy abilities to keep the lights on for low-income and economically challenged Ohioans. As clean energy takes off here in Ohio, we must make sure all Ohioans have access to the benefits provided from its development and deployment. Additionally, Ohio leads the nation in coal generation retired or announced for retirement, a trend that will continue. We need an energy policy that takes a holistic approach to supporting communities where fossil fuel generation has retired and will retire in the future to ensure those communities survive and succeed.

Sierra Club would also add that as additional hearings are scheduled on HB6 repeal efforts and other bills and topics, the Legislature must allow for online hearings so the public can participate safely. As COVID19 cases skyrocket and the weather turns cold, it is frankly not safe, advisable, or defensible to allow only for in person participation at public hearings. It is also not consistent with what other Ohio government institutions are doing as courts and administrative bodies, like the PUCO, have all implemented procedures for online hearings to protect the public but still allow members of the public to engage directly with decisionmakers.

To conclude, HB6, a law built on corruption, bailouts, and gutting effective clean energy and efficiency programs is not a comprehensive energy policy, it is an insult to the Legislature and the people of Ohio. HB798 continues that insult and does nothing to correct the issue. This Committee and the larger body should instead take immediate action to pass a full, clean repeal of HB6 and set a new agenda for Ohio.

I am happy to answer any questions or provide followup information as would be helpful to the Committee.