



House Select Committee on Energy Policy Oversight
Chairman James M. Hoops
Opponent Testimony – House Bill 798
Testimony of Tyler M. Duvelius
Executive Director, Ohio Conservative Energy Forum
December 3, 2020

Chairman Hoops, Vice-Chairman Abrams, Ranking Member Leland, Members of the Committee: Thank you for the opportunity to testify before you today as an opponent of House Bill 798.

My name is Tyler Duvelius, I serve as the Executive Director of the Ohio Conservative Energy Forum (OHCEF). OHCEF was founded in 2015 to provide a forum for conservatives to discuss a diverse, all-of-the-above energy portfolio – one that includes not only existing sources of energy generation, such as coal and natural gas, but one that also seeks to expand the development of clean and renewable energy sources – like wind and solar energy. And yes, we also support nuclear energy. OHCEF believes that clean energy, of all stripes, can strengthen both our economy and our national security while providing unmatched opportunities for innovation, such as those that we are currently seeing in the Mahoning Valley – or as it has recently been referred to by Vice President Pence, the Voltage Valley.

Ohioans deserve an energy policy that is liberated from even a whiff of corruption. When a former aide to Representative Householder and a lobbyist for FirstEnergy Solutions pled guilty to federal racketeering charges on October 29, their admissions of guilt changed indictments into de facto convictions. I am here today as an opponent of House Bill 798 because it merely delays the implementation of the subsidies – and the subsequent billion-plus dollar payment from Ohio ratepayers – that were enacted in House Bill 6. Should House Bill 798 pass, and without any further legislative action, Ohioans would still have the burden of paying for a massive utility bailout that was passed amidst allegations of corruption and scandal. There must be consequences for corruption that equate to more than just a timeout. We cannot allow crime to pay in Ohio.

While my testimony could be focused on re-litigating the reasons that my organization was originally opposed to House Bill 6 and the policies that it contained, I believe it would be more beneficial to offer our opinion to this committee on what a repeal of House Bill 6 should look like. In Governor

DeWine's own words, House Bill 6 "is forever tainted by how we created it. The process, looking back, is clearly tainted and we have to start over. ... We need to wipe the slate clean and figure out a different way to do this."

Any legislative response to the House Bill 6 scandal must address the underlying corporate utility culture that contributed to this scandal and provide the oversight needed to prevent and detect future issues before they escalate. Both House Bill 746, sponsored by Representatives Lanese and Greenspan, and House Bill 772, sponsored by Representative Romanchuk, offer better paths toward such a response than House Bill 798.

House Bill 746 would wipe the slate clean and give Ohioans a fresh opportunity to figure out a path toward something we all want – a cleaner, more prosperous future. In fact, a bipartisan poll conducted by Brian Tringali of The Tarrance Group and EMC Research found that nearly two thirds of Ohioans want to see House Bill 6 fully repealed. Even when given a generous buffer for polling inaccuracy, the poll results show a clear majority of Ohioans who want to see the full repeal of House Bill 6.

Similarly, House Bill 772 would fully repeal – not delay – all of the subsidies enacted in House Bill 6. While it does stop short of a full repeal of House Bill 6, it contains several good provisions – particularly on decoupling and ratepayer protection. It should also be noted that House Bill 772 terminates the OVEC riders created in House Bill 6 – something that House Bill 798 fails to address. In my organization's view, House Bill 772 represents an interesting starting point for a discussion on repeal and replace.

To briefly summarize, I am opposed to House Bill 798 because rather than putting the bill on timeout by delaying the effective date of the subsidies enacted in House Bill 6, Ohio ratepayers should be free from the grip of a bill that has such a close association to corruption and scandal. I would strongly urge this committee to look toward repeal and replace options, such as those found in House Bill 746 and House Bill 772, and away from the delay that is found in House Bill 798.

Thank you for your time and consideration to my testimony. I greatly appreciate the opportunity to appear in front of this committee. I am happy to answer any questions the committee may have.