**Ohio Senate Energy and Public Utilities Committee**

**Sub. House Bill 6**

Opponent Testimony

7th Hearing

Thursday, June 27, 2019

Chairman Wilson, Vice-Chairman McColley, Ranking Member Williams, members of the Energy and Public Utilities Committee, I now write in opposition to the revised Substitute House Bill 6 as introduced by this Committee on Wednesday, June 26, 2019. I oppose the current bill due to the deliberate omission of the provision added by Representative Reineke known as the “Reineke Referendum”.

It has been nearly a decade since the wind companies first started preying on landowners in Seneca County. Unbeknownst to the general citizenry in the county, the companies secured land leases and even persuaded several of our local elected officials to sign agreements. It was only after the company formally filed its application, the first step in the current Ohio Power Siting Board “Standard Application Process”, whereby the general public was made aware of the projects. Citizens quickly discovered the details and have since dissented to the current proposed projects for a variety of reasons.

In an effort to express their dissent, citizens first turned to their township trustees only to discover their trustees were powerless in the process. The only recourse these townships presently have is to use precious township taxpayer monies, hire legal counsel, and file as interveners in a pending legal battle. In an even greater insult to the democratic process, several townships in Seneca County have, by a 2-to-1 (or more) majority, trustees who are leaseholders, preventing any action by these townships under the direct threat of legal consequences by the wind corporations against these trustees. Since the citizens were not aware of the wind projects at the time they elected their township trustees, the citizens did not know they needed to inquire a candidate’s position as it pertained to wind projects.

Seneca County citizens next turned to the Seneca County Commissioners. The citizens have gathered several thousand signatures and petitioned the county commissioners, only to be met with a 2-to-1 majority in favor of the proposed wind projects. One commissioner has repeatedly allowed a wind lobbying organization to submit official testimony on her behalf to the Ohio General Assembly. A second commissioner has an immediate family member as a leaseholder in a project. Once again, in an insult to the democratic process, the commissioners used county taxpayer monies and hired counsel, known to have repeatedly represented the wind industry, to now represent the county’s official position as it files as interveners in a pending legal battle. Since the citizens were not aware of the wind projects at the time they elected their commissioners, the citizens did not know they needed to inquire a candidate’s position as it pertained to wind projects.

The only recourse left for individuals affected is to spend their own hard earned money, hire their own legal counsel, and file as interveners in a pending legal battle. The wind companies have cleverly maneuvered their proposed turbine sites and project boundary outlines so as to further silence the objections to their projects. Citizens intervening have been forcefully removed from the process at the request of the wind companies since their homes are not officially within or adjacent to the project boundary; even though turbines will be placed less than a mile away and the project is still within their township. Likewise, it is appalling that citizens, especially those with limited or fixed incomes, must now be further disenfranchised in the process by having to spend their own monies, hire legal counsel, and fight in court to express dissent to something they may have never wanted in the first place.

The story of Seneca County’s struggle with the wind companies is repeated over and over throughout the State of Ohio. Every project has ended in a legal battle and often before the Ohio Supreme Court. All of the discontent and resulting destruction in community civility is secondary to the presently unchecked behavior of the wind companies and the absence of local control in the process.

An opportunity to correct the present utter denial of local control is now before this very committee. The Reineke Referendum remedies what the Ohio General Assembly took away from the citizens of Ohio; the right of the citizens to have a voice when it comes to the cost versus benefit analysis of proposed wind projects for their communities. The referendum has the added and overlooked benefit of requiring accountability on behalf of the wind companies to their host communities. An opportunity for referendum is the citizenry’s insurance policy that the companies will be transparent and accountable from the very moment they step foot into a community. No longer will the companies be given the opportunity to force projects where they are unwanted. No longer will the companies be given the privilege to conspire without citizens knowing. No longer will the companies be able to pit neighbor against neighbor. No longer will the companies be able to limit a local voice in the process by ensuring elected officials are leaseholders. No longer will the companies be able to lie about the payment-in-lieu-of-taxes (PILOT) programs. No longer will the companies be given the current state-endorsed free reign to ride roughshod throughout Ohio communities.

My opposition to the current bill and its deliberate omission of the referendum is joined by countless Ohio citizens. The current bill makes it abundantly clear that this body is willing to yet again place the interests of corporations and their lobbyists above the interests of the very citizens it was elected to represent.

Return the Reineke Referendum language to Substitute House Bill 6 and return the right of the citizens of Ohio to determine the fate of their own communities.

Sincerely,

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