

Opposition Testimony – Sub House Bill 15
April 29, 2025
Ohio Senate Energy Committee

Chair Chavez, Vice Chair Landis, Ranking Member Smith, and Members of the Senate Energy Committee,

Thank you for the opportunity to give testimony on Sub House Bill 15. My name is Cathy Becker, and today I am testifying on my own behalf as a concerned citizen of Ohio.

On Friday I received the notice of this meeting and a copy of Sub House Bill 15 with a summary of changes. Thank you for sending that out so I could review it over the weekend. There are a number of significant changes from the version of HB 15 that passed the House – enough that I am back again to testify again as an opponent.

Here are three changes that I and others would like to see made to Sub HB15:

1. Solar Generation Fund

Sub House Bill 15 includes a program from SB 2, the School Energy Performance Contracting Loan Fund. This is great and something we asked for, but it now covers only energy efficiency upgrades such as insulation and weather-stripping. It would not include solar panels, which SB 2 did include. Solar panels should be added to the list of what this loan program covers, because they save significant money on energy costs. For example, my husband and I recently put solar panels on our home. Our April electricity bill dropped 77% from last April -- \$275 to \$63. The savings would be much greater for a school building. The school district could use those savings not just to pay back the loan, but for other upgrades that benefit students.

2. Community Energy Pilot Program

Sub House Bill 15 has quietly dropped the Community Energy Pilot Program. This program would allow construction of small generation facilities – 10MW to 20MW each – throughout the state, up to 1500 MW total. Of that amount, 500 MW would be constructed on distressed land or rooftops. People could subscribe to the energy generated by these facilities to meet their electricity needs. This would allow people to pool their energy use to achieve a lower price. The PUCO would certify the energy facilities, review the program, and submit a report to the General Assembly.

The Community Energy Pilot Program is a win-win for everyone. Consumers would save money, while small-scale energy generation is distributed across the state. It makes use of rooftops and brownfields instead of farmland to construct these facilities. And it allows for all types of energy sources. If the goal is to increase power generation and grid reliability, this program should be put back into Sub HB 15.

3. Ohio Power Siting Board Accelerated Review

Sub HB 2 again puts time limits on the Ohio Power Siting Board – 150 days for a standard application, which is 30 days less than the original HB 15 and 30 days more than SB 2.

That is a concern, but even more of a concern are the short times for accelerated review, especially on property that the applicant – again not defining who the applicant might be, but presumably a large energy user like a data center – owns or leases long term. Sub HB 15 give the OPSB only 60 days from receipt of the application to make a decision. Frankly, I do not see how this is workable.

Following my testimony is a flowchart of the OPSB [standard process](#). This outlines several phases of an application and their time frames:

- a) **Pre application**, which involved a meeting, a pre-application letter, and two public information meetings. The first meeting is 21 days after the pre-application letter is submitted, so this phase takes at least a month.
- b) **Submission of application**. This phase involves 60 days to ensure the application is complete. That's because these are extremely long and complex.
 - 1. For example, the [application](#) for the Ohio State University Combined Heat and Power Facility – a gas plant – was in 17 parts totaling 2709 pages.
 - 2. The [application](#) for the Pleasant Prairie Solar Energy Center in Franklin County was in 25 parts totaling 2094 pages.

In both cases, the OPSB made several requests for additional documentation, and did not certify the applications as complete for over 60 days.

- c) **Next, hearing dates are set, and OPSB staff conducts an investigation and issues a report**. By law, the staff must consider eight criteria ([full list here](#)):
 - 1. The basis of the need for the facility
 - 2. The nature of the probable environmental impact
 - 3. That the facility represents the minimum adverse environmental impact
 - 4. That the facility is consistent with regional plans for expansion of the electric power grid of the electric systems serving this state and interconnected utility systems
 - 5. That the facility will comply with Chapters 3704., 3734., and 6111. of the Revised Code and ... the board shall consult with the office of aviation of the division of multi-modal planning and programs of the department of transportation under section 4561.341 of the Revised Code
 - 6. That the facility will serve the public interest, convenience, and necessity

7. What its impact will be on the viability as agricultural land of any land in an existing agricultural district ... that is located within the site and alternative site of the proposed major utility facility.
8. That the facility incorporates maximum feasible water conservation practices

Further, during its investigation the OPSB consults with
 Public Utilities Commission of Ohio
 Ohio Department of Agriculture
 Ohio Department of Natural Resources
 Ohio Environmental Protection Agency
 Ohio Department of Health
 Ohio Development Services Agency
 Ohio Department of Transportation
 Ohio Department of Transportation – Aviation
 State Historic Preservation Office
 US Fish and Wildlife Service
 US Army Corp of Engineers

This phase of the OPSB process usually takes 60 to 90 days.

- d) Next is the **public hearing** – and if a project is controversial, I have seen cases that have held multiple public hearings
- e) Finally is the **adjudicatory hearing** in which parties present expert witnesses who can be cross-examined under oath, overseen by an administrative law judge who can issue subpoenas, examine witnesses, and require factual testimony. As in a courtroom trial, briefs and reply briefs are filed, which takes time. And again, if a project is controversial, several adjudicatory hearings may be held as both sides try to strike testimony from witnesses on the other side.

This is a long and thorough process that usually takes at least a year or longer.

1. For example, the application for the Ohio State gas plant was first received on 11/6/2019, with a decision rendered in 9/17/2020 – over 10 months later.
2. The Pleasant Prairie Solar application was first received on 2/19/2021, with a decision rendered in 10/20/2022 – or 20 months later.

Sub HB 15 sets a process in which a decision must be made only 60 days after first receipt of the application -- so my questions are:

1. How can you judge a 2000- to 3000-page application as complete in only a few days?
2. How can you conduct an investigation that covers all the criteria required by statute in just a few weeks?
3. How can you conduct adjudicatory hearings with subpoenas, briefs, and reply briefs in just a week?

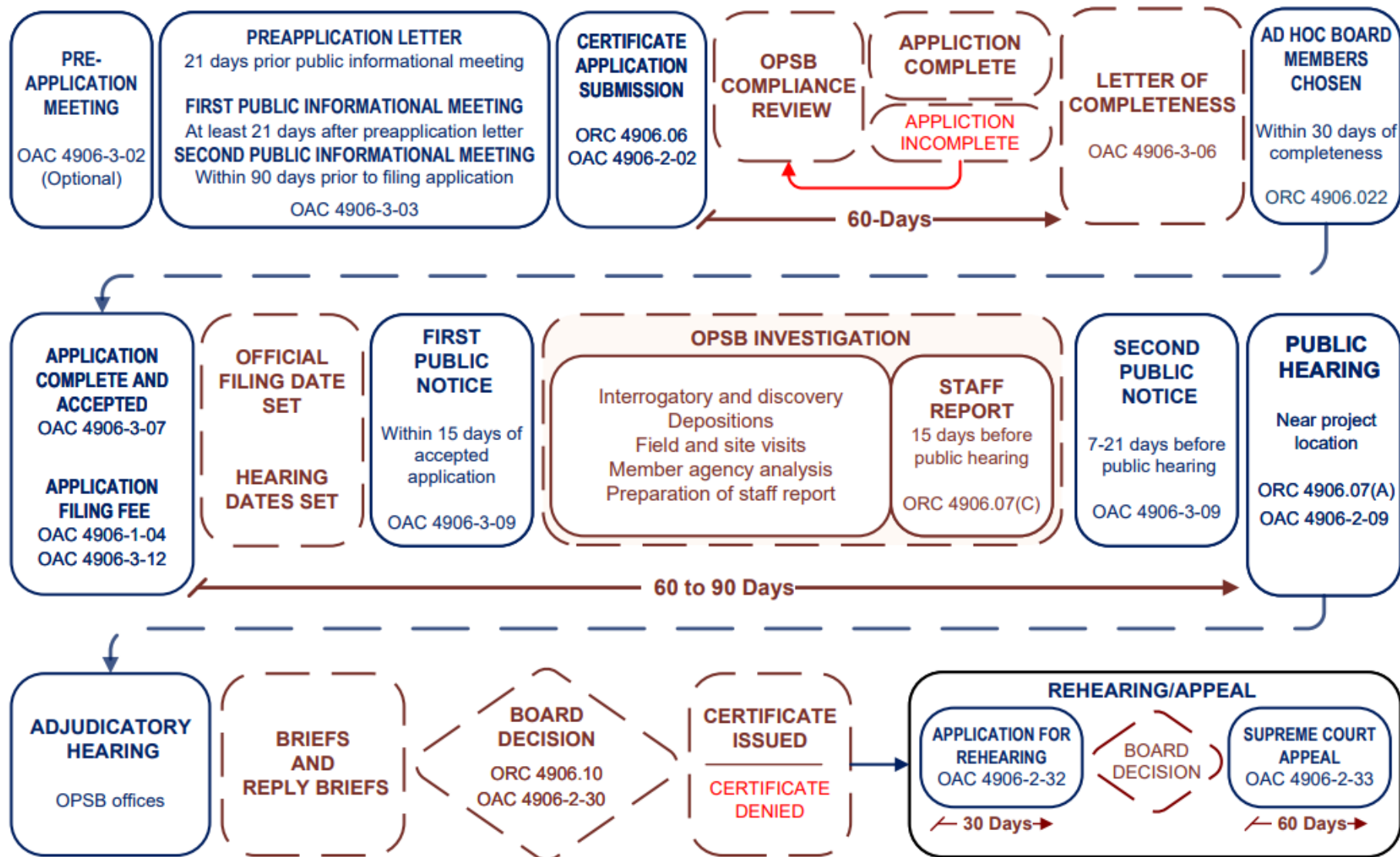
I just do not see how this process can be done in 60 days, unless you drop some of these pieces. Yet it is critical that the OPSB get this right.

As I've stated in previous testimonies, many data centers that may look to put a gas plant next door are in highly residential areas. The screenshot of a map of Hilliard shows the location of three large data center campuses surrounded by thousands of homes, apartments, businesses and neighborhoods.

All these people deserve time to find out what is happening, educate themselves about energy production, and provide public testimony and comment. And the OPSB must be given adequate time to do this right. I don't see that in Sub HB 15.

Thank you for your consideration of my testimony. I can try to answer any questions.

STANDARD APPLICATION PROCESS FLOWCHART *



LEGEND



Construction and operation are monitored by the OPSB

*For new wind and solar projects, a public meeting must occur at least 90-days before filing with the OPSB.

OPSB will consider applications where a county has not prohibited construction.

