



Ohio Environmental Council

[Action Fund]

February 10, 2026
Opposition Testimony - Senate Bill 294
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 provide opponent testimony on Senate Bill 294 (SB 294). My name is Nolan Rutschilling, I serve as the Managing Director of Energy Policy for the Ohio Environmental Council Action Fund (OEC AF). The OEC Action Fund's mission is to protect the environment and health of all Ohio communities. We share the goal of ensuring Ohio has affordable, reliable, and clean energy to meet growing demand, support economic development, and protect Ohio households and businesses.

As written, SB 294 limits Ohio's energy generation options unnecessarily, in a time when quickly deployed generation is crucial. SB 294 can be strengthened so that it better reflects how today's electric grid works, avoids unnecessary exclusions, and ultimately delivers on the bill's stated promise to Ohioans.

SB 294 seeks to guide energy siting decisions by defining what counts as "affordable," "reliable," and "clean." These are important principles to define. Definitions matter, especially when they are embedded in statute and can be applied to every Ohio Power Siting Board (OPSB) decision.

Ohio has long relied on competitive markets and innovation to deliver affordable and reliable electricity. To preserve those benefits, energy policy should avoid unintentionally pre-selecting winners and losers before the market has a chance to compete on cost, performance, and system value.

This discussion is particularly important at a time when energy costs are rising nationally and regionally, and affordability remains a top concern for households, businesses, and policymakers alike. Long-term energy affordability is not just about today's prices, but also about protecting customers from cost volatility driven by fuel-prices and constrained resource options. Policies that preserve flexibility and competition are among the most effective tools for stabilizing rates over time.

As drafted, SB 294's definitions risk narrowing Ohio's options, rather than expanding them, at a time when the state faces rising electricity demand, rapidly evolving technology, and the need for cost stability over the long term. The below changes can make this policy more effective, more durable, and more consistent with market-based outcomes.



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1. Clarify “Affordability” to Reflect Long-Term Customer Value

The bill currently evaluates affordability using a short, five-year cost comparison.

We recommend:

- Judging affordability over a resource’s useful life, not a short window.
- Removing the five-year cost comparison, which can skew results against long-lived, zero-fuel-cost resources.

These updates better reflect how utilities, regulators, and customers actually experience costs, over decades, not just a few years, and allow the market to determine which resources provide the best long-term value for Ohioans.

2. Refine the Clean Energy Definition for Clarity and Consistency

Using the term “clean energy” to encompass resources with widely different emissions profiles risks confusion, legal ambiguity, and inconsistent application in siting decisions. For example, two projects with fundamentally different emissions characteristics could both qualify as “clean” under the same definition, despite having very different long-term environmental and cost implications.

We recommend keeping the term “clean energy” focused on genuinely low, or zero-emission sources, while continuing to allow OPSB to evaluate all resources based on affordability, reliability, and overall system needs. This approach maintains clarity, avoids semantic disputes, and provides more transparent guidance for decision-makers.

3. Explicitly Recognize Storage

Energy storage will be increasingly critical to grid reliability and cost control, yet is not clearly recognized in the bill’s definitions.

Explicitly including these resources ensures OPSB has the full toolbox needed to evaluate projects that can deliver reliability without increasing fuel-price volatility or long-term customer costs.

4. Promote Certainty and Future-Proof the Policy

Energy technology, markets, and supply chains evolve rapidly. Ohio’s energy policy should promote resilience without creating unnecessary uncertainty that could deter investment or delay projects that otherwise meet state and federal standards.



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We recommend:

- Requiring a periodic review of the definitions of affordability, reliability, and cleanliness.
- Encouraging OPSB to consider grid diversification, which studies consistently show helps protect customers from fuel-price spikes and supply disruptions.

These additions help ensure the policy remains relevant and effective for Ohioans over time.

SB 294 sets out an important objective: ensuring Ohio's energy future is affordable, reliable, and clean. As written, the bill picks winners and losers in the energy market, and could limit Ohio's options in a time when all energy options can help reduce utility costs and ensure reliability. We respectfully urge the Committee to consider significant changes before moving the bill forward.

Thank you for the opportunity to provide testimony. I am happy to answer any questions.