



**OHIO CHAMBER
OF COMMERCE**

February 10, 2026

The Honorable Brian Chavez
Chairman, Senate Energy Committee
Ohio Senate Building
1 Capitol Square, 1st Floor
Columbus, OH 43215

Dear Chairman Chavez:

Unfortunately, this hearing is taking place while I am at the Ohio Chamber's Energy Symposium. I had hoped to appear in person to address any questions about this testimony and to highlight the recency bias applied to tax code treatment regarding fuel sources used in the United States. But, not knowing if there will be further hearings on SB 294, I wanted the Ohio Chamber of Commerce to at least be on the record opposing the legislation.

SB 294 at its best clouds the goals of the recently enacted HB 15 and SB 103. At its worst, it also adds more delay and litigation into the process as the Ohio Power Siting Board (OPSB) goes about its work post HB 15 and SB 103.

Instead of letting the various rules dockets work through the process to implement the legislative goals of HB 15 and SB 103, this legislation overlays onto the certificate application statute criteria that either supplements or adds new criteria to the application process. Are applicants now required to file new materials or information in the application? Is there now a new queue for facilities covered by this legislation or just a preference to site these facilities over others? What if the preferred facilities fail to meet the other criteria of ORC 4906.06, are those elements of ORC 4906.06 simply ignored?

The Ohio Chamber of Commerce has for years championed an all of the above strategy when it comes to energy generation as a strategy of reducing Ohio's reliance on electricity generation from outside of Ohio. Ohio currently imports roughly a quarter of its electricity needs. SB 294 would likely cause confusion in the facility siting process. This uncertainty in the process could chase investment and innovation away from Ohio and not attract it.

HB 15 should be given more time to mature and let the market react to the new priority investment areas and shorter timelines for new energy projects. We would urge the General Assembly to not pick winners or losers but let the market develop solutions to

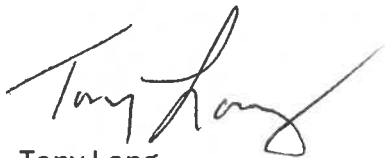
meet the electricity demands of Ohioans. We have already seen several announcements concerning nuclear generation, battery storage and pipeline projects to feed fuel cells. These market decisions should be allowed to play out under the structures this legislative body created when it passed HB 15 and SB 103.

Additionally, the definition section of SB 294 need some review. For example, 42 USC Sec. 15852(b) defines renewable energy and biomass for renewable energy consumption goals. And when I pulled that section it lists marine energy, solar, wind, biomass, landfill gas, geothermal, municipal solid waste and new hydroelectric generation capacity. I did not see the use of the term clean energy source. I only raise this point to ask if SB 294 requires the OPSB to prioritize clean energy sources that references back to definitions in 42 USC Sec. 15852(b) above other generation sources?

Finally, as an old tax policy person, I always find it interesting when subsidies are mentioned to exclude or separate out types of energy production, but embedded tax provisions are always skipped over. I assume those legacy benefits will be added in the calculation of direct or indirect payment if SB 294 is enacted.

Thank you for the opportunity to present this testimony on SB 294. We would urge the legislation to not move forward and let the market develop under HB 15 and SB 103. If there are further hearings I would be happy to appear before the committee to answer any questions.

Cordially,

A handwritten signature in black ink, appearing to read "Tony Long", with a stylized flourish at the end.

Tony Long
General Counsel &
Director of Energy & Environmental Policy
Ohio Chamber of Commerce
tlong@ohiochamber.com