



**Ohio House Public Utilities Committee
Opponent Testimony House Bill 128
Neil Waggoner - Sierra Club**

Chairman Hoops, Vice Chairwoman Ray, Ranking Member Smith, and members of the House Public Utilities Committee. My name is Neil Waggoner and I am the Ohio Senior Campaign Representative for the Sierra Club's Beyond Coal Campaign. Thank you for the opportunity to submit written opponent testimony on House Bill 128.

HB128 is inadequate as it does not fully and completely repeal HB6, a lasting policy that brings shame and harm to this body and Ohio as a whole.

In 2019, the Sierra Club strongly opposed HB6. Our members, supporters, and myself testified in both the House and the Senate against it, raising concerns and questions over why electric customers should be forced to bail out uneconomic generation while gutting effective energy policies and goals. This position was echoed by thousands of emails, calls, and social media posts from our members and supporters in opposition to HB6. When the Legislature and Governor DeWine failed to heed our concerns and passed HB6 anyway, we called it the most regressive energy law in the country, a sentiment shared by many.

Now, a year and a half since HB6 became law, we have learned that it is not just the most regressive energy law in the country but also one of the most corrupt. When now former Speaker Larry Householder was arrested 218 days ago by the FBI, US Attorney Devillers noted the process behind the passage of, and ballot opposition efforts on, HB6 "is likely the largest bribery, money-laundering scheme ever perpetrated against the people in the state of Ohio."

HB6 is not salvageable. The corruption behind the law is a stain upon this esteemed legislative body. The process by which it was passed and the efforts to misinform and intimidate the public in the subsequent ballot initiative have cheapened our democracy.

HB128 takes the approach of picking and choosing what some consider "bad" with HB6 and only repealing parts. To fully restore public trust in this body, and to create a sustainable long term energy policy based on reality and not politics, HB6 must be repealed in its entirety.

It's been 218 days since the FBI arrested Larry Householder. In that same period, two of those indicted on charges arising from the HB6 have already pleaded guilty, as has the dark money group associated with the scheme. The CEO of FirstEnergy was fired along with multiple members of the company's leadership, and multiple entities including the State of Ohio itself have filed suit to block full implementation of HB6. Last Fall, the now former Chairman of the PUCO resigned after the FBI executed a search warrant on his home and SEC filings suggested he received \$4 million from FirstEnergy immediately before his appointment, a payment FirstEnergy itself has acknowledged there may be ethical issues with.

Finally, by the end of last year, multiple bills were introduced in the House and Senate to fully repeal HB6. There was a bipartisan majority in each Chamber not just supporting that legislation but signing on as co-sponsors.

And yet, HB6 remains law.

In contrast, HB6 was introduced and sent to the Governor by the Legislature in only 96 days in 2019.

The Sierra Club and others continue to ask this simple question; what is the delay? Why continue to debate what is "salvageable" and what is not?

The Sierra Club is pleased to see steps in HB128 to repeal at least parts of HB6 but it still leaves many issues in place. Notably, the significant cuts to Ohio's energy efficiency goals which have resulted in the end of successful electric utility programs to reduce energy waste with no clear path forward to create new programs as well as the reduction and ultimate sunset of Ohio's renewable energy goals. HB128 also leaves in place the absurd bailout of the OVEC coal plants, which HB6 significantly extended and expanded. Ohio electric utilities have made no realistic "good-faith efforts" to divest from the OVEC plants, despite being ordered to by PUCO, and as these plants continue to lose money year after year, it is reasonable to assume no other company would be foolish enough to buy out Ohio utility shares and as a result, Ohioans will be on the hook for OVEC costs for the next decade.

With these glaring policy issues that were implemented by HB6 still in place, the Sierra Club cannot support HB128.

As already noted, the Sierra Club continues to call for a full, clean repeal of HB6 such as would be implemented with HB18 or HB57. It is our hope the House and Senate move quickly to pass either one of these bills, or matching legislation, quickly and Governor DeWine, for his part, make good on his stated support for the repeal of HB6. The people of Ohio need to have faith in the integrity and accountability of their Legislature and elected officials. Repeal of HB6 is a critical component of restoring that trust.

Once we clean the foul stain of corruption that is HB6 from the Ohio Revised Code, we can and should have a full, vigorous, and fact-driven discussion to create a comprehensive energy policy for Ohio.

Ohio has not had a comprehensive, consistent energy policy for years. Through a process driven by research, reality, and consensus building, this body can and should take steps to address that deficiency. This body should pursue an energy policy that focuses on reducing carbon emissions, not bailing out bankrupt companies. A policy that reduces energy waste and promotes energy conservation. Furthermore, Ohio demands an energy policy that is transparent and holds those in power to account, so we don't have another HB6 scandal in the future.

Ohio must have an energy policy that centers equity and support for Ohioans that need it the most. The economic challenges that have come with the ongoing COVID19 pandemic have once again made it clear we need more support and policy abilities to keep the lights on for low-income and economically challenged Ohioans. As clean energy takes off here in Ohio, we must make sure all Ohioans have access to the benefits provided from its development and deployment. Additionally, Ohio leads the nation in coal generation retired or announced for retirement, a trend that will continue. We need an energy policy that takes a holistic approach to supporting communities where fossil fuel generation has retired and will retire in the future to ensure those communities survive and succeed.

Finally, the Sierra Club continues to note that as additional hearings are scheduled on HB6 repeal efforts and other bills and topics, the Legislature must allow for online hearings so the public can participate safely. While every day, more Ohioans are vaccinated against this awful virus, it still remains a constant presence in all our lives, especially as many still refuse to participate in basic health and safety protections like mask wearing. It is frankly not safe, advisable, or defensible to allow only for in person participation at public hearings. It is also not consistent with what other Ohio government institutions are doing as courts and administrative bodies, like the PUCO, have all implemented procedures for online hearings to protect the public but still allow members of the public to engage directly with decisionmakers.

To conclude, HB6, a law built on corruption, bailouts, and gutting effective clean energy and efficiency programs is not a comprehensive energy policy. HB6 must be repealed in its entirety and HB128 is woefully short of accomplishing that necessity. This Committee and the larger body should instead take immediate action to pass a full, clean repeal of HB6 and set a new agenda for Ohio.

I am happy to answer any questions or provide followup information as would be helpful to the Committee.