



Ohio House Public Utilities Committee
June 24, 2021

Opposition Testimony on Sub. Senate Bill 52 of Andrew Gohn, Eastern Region Director
of State Affairs, on Behalf of the American Clean Power Association

Chairman Hoops, Vice Chair Ray, Ranking Member Smith, and members of the Committee, thank you for the opportunity to offer testimony to Substitute Senate Bill 52.

I am Andrew Gohn, Eastern Region Director of State Affairs for the American Clean Power Association (ACP), formerly known as the American Wind Energy Association (AWEA).

ACP works to champion policies that will transform the U.S. power grid to a low-cost, reliable, and renewable power system. Clean energy is set to become America's dominant power source. Harnessing our world-class clean energy resources will play an essential role in strengthening the country's economy, boosting U.S. manufacturing, and reducing power sector emissions.

While we appreciate the good faith negotiations that resulted in major improvements to Substitute SB 52, we must still oppose the bill for the simple reason that it unfairly singles out wind and solar energy and imposes on only them additional regulatory processes from which other forms of energy infrastructure are exempt. There is no reasonable justification for requiring that some energy technologies be subject to multiple overlapping forms of local and state control while others are promoted and protected from local input.

Substitute Senate Bill 52 additionally puts Ohio in a category of its own: layering more than one local veto authority on top of the most robust, thorough, time-intensive, and expensive state siting board processes in the country. This regulatory burden – unique to only renewables – is likely to make development in Ohio more difficult than any other state. When local control is layered on top of state regulatory processes for wind and solar while other energy technologies are protected from local input, the result is government picking winners and losers by putting their thumb on the scale against renewable energy.

Substitute SB 52 also gives county commissioners the authority to approve or veto individual projects and then, *on top of that authority*, provides them the ability to ban renewable power development in all or parts of the county. That is not only unnecessary, but also creates two layers of local processes on top of the OPSB approval process. The "zoning" process also injects the extreme uncertainty of referenda. The bill creates a situation whereby a project being developed in a properly zoned area must still go through individual project approval and can be rejected. These multiple, layered local and state processes make future development in Ohio untenable.



ACP asks the Committee to better define the rules and guardrails around the timing and duplicity of county rulings, referenda processes, and requirements around project application to OPSB to ensure that projects do not face an endless regulatory loop. If lawmakers want to promote development of good projects that have the support of communities, it is critical to do so in a way that provides a realistic path to success. Substitute SB 52 simply places too many potential hurdles in front of project developers and if passed, will impose a regulatory risk that will stifle business investment in Ohio.

Again, ACP voices sincere appreciation to those on both sides of this issue who worked together to dramatically improve the legislation from its initial form. But as a national trade association, with member equities in all 50 states, ACP cannot support the type of energy regulatory framework established by SB 52. For this reason, ACP joins a broad coalition of stakeholders in asking this Committee to ensure that regulation of generating facilities be applied in a tech-neutral fashion and reject the overly burdensome, multi-layered local and state regulatory approach of SB 52.