



House Public Utilities Committee
Chairman Hoops, Vice Chair Ray, and Ranking Member Smith
Proponent Testimony on House Bill 351
Testimony of Melissa K. English
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Chairman Hoops, Vice Chair Ray, Ranking Member Smith, and Members of the Public Utilities Committee, my name is Melissa English and I'm the Deputy Director of Ohio Citizen Action. I thank you for the opportunity to present our support for House Bill 351.

This testimony is presented on behalf of Ohio Citizen Action's 32,000 members and all Ohio utility ratepayers who have a stake in the decision before you.

While we acknowledge that portions of House Bill 6, the bill at the center of a \$61 million bribery scandal, have been revoked, the repeal is incomplete without a full reversal of the bailout for two dirty coal plants operated by the Ohio Valley Electric Corporation or OVEC.

OVEC is owned by Ohio's major electric utilities and consists of two large coal plants – Kyger Creek in Cheshire, Ohio and Clifty Creek in Madison, Indiana. OVEC was formed in 1952 by utilities to provide electric services in the Ohio River Valley to provide power for uranium enrichment facilities then under construction by the U.S. Atomic Energy Commission in Portsmouth. Many of those who support the OVEC bailout will often point out the fact that the plants were a national security resource as they powered the factory making the atomic bomb materials at the heart of the U.S. Cold War strategy. That was true once but has not been for decades. And it was not true when the utilities in question negotiated their latest intercompany power agreement that is in effect until June 30, 2040.

Before the passage of House Bill 6, the Public Utilities Commission of Ohio (PUCO) had already approved bailouts for AEP, Duke, and Dayton Power & Light's shares of the OVEC coal plants through the mid-2020s with an argument that the plants could be profitable if power prices were to increase significantly. Instead, the plants have lost money every single year and been a financial drain and environmental burden on Ohioans.

Rather than retiring these two dirty, inefficient, expensive 1950s coal plants, these corporations made decisions that led to bailout charges on the electric bill of Ohio consumers. We must not

lose sight of the fact that the OVEC coal bailout was added to House Bill 6 after three of Ohio's electric utilities – AEP, Duke, Dayton Power & Light – opposed First Energy and Energy Harbor getting a bailout for the Davis Besse and Perry nuclear power plants. It was only after the legislature provided these other utilities a bailout for the OVEC that those companies changed their position to one of support for the anti-consumer bill steeped in corruption. House Bill 6 extended the bailout of the OVEC plants to 2030.

Ohio Citizen Action fully supports the provision in House Bill 351 that refunds dollars already collected for the OVEC bailout under House bill 6 to be refunded to Ohio electric customers. Those dollars were obtained under a piece of legislation that FirstEnergy now admits was passed through millions of dollars in bribes, and Ohio consumers must be made whole.

Originally marketed as Ohio's "Clean Air Program" when introduced in 2019, House Bill 6 now only contains the OVEC coal bailout and the removal of the renewable energy and efficiency standards. These provisions will result in an increase in harmful emissions, a lack of reliability for our energy future, and a black eye on Ohio in the clean energy market. It is time to be proud of Ohio again, to embrace innovation and reject the culture of corporate greed and government corruption. To do this, we must repeal ALL of House Bill 6 for Ohio ratepayers. We urge your support of the OVEC repeal contained in House Bill 351 and thank you for your consideration.