



**SENATE ENERGY & PUBLIC UTILITIES COMMITTEE – Proponent Testimony, Senate Bill 10,  
February 9<sup>th</sup>, 2021**

Chairman Peterson, Vice Chair Schuring, Ranking Member Williams, and members of the committee, thank you for holding this hearing and for the opportunity to provide testimony.

My name is Micah Derry, and I am the State Director for Americans for Prosperity – Ohio. As one of the largest grassroots organizations in the country, Americans for Prosperity (AFP) is driving long-term solutions to some of the country’s biggest problems. Our organization, and its thousands of activists across Ohio, are dedicated to breaking barriers that stand in the way of people realizing their full potential. Removing these barriers, in whatever forms they take, helps move our society toward one of mutual benefit, where people succeed by helping others improve their lives and by transforming their communities. Accordingly, I urge you to support Senate Bill 10.

AFP activists support SB 10 because it repeals unnecessary revenue decoupling for the state’s electric utilities that have chosen to make themselves [recession-proof](#) on the backs of hard-working Ohioans. We deserve better, and the embarrassing experience of HB 6 shows that consumers have been left out. We need to do much more to create real competition and avoid top-down political preferences. This legislation is an important step in restoring trust in how the General Assembly and the PUCO oversee electricity, and could set the stage for more aggressive reforms to create truly competitive markets, eliminate barriers to market entry, avoid top-down political preferences, ensure a regulatory framework that achieves reliability and efficiency in a fuel- and technology-neutral manner, and remove perverse, anti-consumer monopoly utility incentives.

SB 10 takes several important steps to counteract utility handouts in past legislation and better benefit the people of Ohio, including:

- Terminating the unnecessary revenue decoupling mechanism of HB 6. The removal of mandatory energy efficiency requirements eliminated the need for this provision.
- Modifying the significantly excessive earnings determination for an electric security plan. The current system unfairly allows certain utilities to game the system by

averaging among their operating companies. This change will return transparency to these determinations and return significant excess profits in an equitable manner. While we support real competition, including the elimination of legislative or regulatory determinations on acceptable profits, until the underlying monopoly utility structure is reformed it should be applied equally to all and without carveouts for crony companies.

- Providing refunds to retail electric customers in the state, including low-income Ohio families that are disproportionately impacted by energy poverty.

HB 6 was bad policy, adopted through a rotten process. We cannot sit by and allow the people of Ohio to bear the nearly \$1 billion cost over the next six years. For years, Ohio consumers have been ignored when it comes to major legislative and regulatory energy market changes. These top-down policies are contrary to consumer choice and exacerbate energy poverty. [According to one estimate](#), over 300,000 Ohio households have incomes of 50 percent or more below the federal poverty level and pay 30 percent of their annual income simply for their home energy bills. COVID-19 has [further deepened](#) energy poverty in the U.S., underscoring the need for this bill.

The passage of SB 10 would eliminate the unnecessary electric utility bailout that has placed a financial burden on our communities. Americans for Prosperity is supportive of the passage of this legislation as a critical step to restoring institutional trust and the livelihoods of Ohioans.

Thank you for the opportunity to testify today and I will answer any questions you may have.

Sincerely,

Micah Derry  
Ohio State Director  
Americans for Prosperity