



OEC [Action Fund]

**Senate Energy and Public Utilities Committee
OPPONENT TESTIMONY
House Bill 201 (Stephens)
June 8, 2021**

Chair McColley, Vice Chair Schuring, Ranking Member Williams, and members of the Senate Energy and Public Utilities Committee; I am Randi Leppla, Vice President of Energy Policy for the Ohio Environmental Council Action Fund. Our organization works to secure healthy air, land and water for all who call Ohio home. Thank you for allowing me to submit opponent testimony on House Bill 201 (HB 201).

OEC Action Fund is opposed to House Bill 201. This bill, along with others currently introduced of similar nature (Senate Bill 127 and House Bill 192), is a solution in search of a problem. HB 201 would limit local governments from passing resolutions or making changes to city building and zoning codes that would limit or prohibit access to natural gas, despite the fact that no city in Ohio has passed a ban of this nature through resolution or building code updates. Proponents of this legislation specifically point to these types of bans on the coasts as the reasoning for passing such legislation, not because of any need here in Ohio.

In addition, individual residents and businesses are permitted to shop for their energy supplier in Ohio, and can choose the type of energy source their energy is coming from so a bill of this nature is unnecessary in Ohio. And just as Ohioans can make those choices, communities can choose where their energy comes from as well. We appreciate that the bill was amended in the House to ensure it does not limit authority for municipal aggregation, however this bill still isn't right for Ohio. Ohio communities are moving toward 100% clean energy goals, because they recognize the dangers and impacts that climate change will impose on their communities and they've been doing this through community choice aggregation. These communities have the right to make that choice because Ohio is an energy choice state. Further, if a community member does not wish to be part of the aggregated block, they are permitted to opt out and choose their energy supplier for themselves.

Unfortunately, HB 201 and the other pending bills appear to be another backdoor route to block Ohioans and Ohio communities from choosing to move toward renewable energy as their chosen energy source. While proponents of this legislation talk about HB 201 merely being a means to ensure access to natural gas, Ohio still has a long way to go to create a truly level playing field for all forms of generation as an energy choice state. Right now, there are two

bills pending (SB 52 and HB 118) that would permit local communities to reject solar and wind generation, exclusively -- yet HB 201 and the similar bills are written to ensure local communities cannot ban or limit natural gas. If Ohio truly wants to have a competitive, free market for energy, then this body needs to remove the artificial barriers it has placed on renewable energy and stop meddling in the free market. Instead it should be up to the agencies that have been given the authority and have the expertise to oversee statewide energy planning and approvals. The legislature should remove artificial barriers for renewables, which includes restoring the long-term intent of the state's renewable portfolio standard, making the payment in lieu of tax or PILOT (PILOT) permanent for renewable energy projects, and removing overly burdensome regulations that are blocking Ohio's wind potential in place because of a last minute budget bill amendment that received no public testimony in 2014. The legislature should not be picking winners and losers in the energy generation business, and it certainly should not be in the business of singling out clean energy for unnecessary and burdensome regulation while at the same time passing legislation like HB 201 that ensures our state is tethered to fossil fuels even longer. The need to shift toward cleaner sources of energy is more critical for our health and environment than ever.

Further, if we want to ensure lower energy costs, something proponents of this bill pointed to as a reason to pass this legislation, we should not just be talking about ensuring access to different types of generation--we should be talking about ensuring Ohioans have access to energy waste reduction and efficiency services and programs so that homeowners and small businesses can save money. These programs were ended as part of House Bill 6, and will cause Ohioans' air to be dirtier and bills to increase as a result if we don't reinstate programming that helps Ohioans reduce their energy consumption.

The OEC Action Fund looks forward to the opportunity to discuss what a balanced, competitive energy framework looks like for Ohio. Thank you again for the opportunity to submit testimony, and our team looks forward to working with you.