

FORUM

EDITORIAL

A promising start in restoring energy-efficiency programs

Before going home for the summer, the Republican-run Ohio House of Representatives, by the narrowest possible margin, agreed to let electric utilities offer Ohio consumers optional energy efficiency plans. Ohio's Senate, also GOP-run, should pass the proposal and send it to Gov. Mike DeWine's desk.

The prime sponsors of the bipartisan measure, Substitute House Bill 79, are Reps. William J. Seitz, a suburban Cincinnati Republican, and Bride Rose Sweeney, a Westlake Democrat.

As cleveland.com's Jake Zuckerman explained, the measure would allow electric utilities to voluntarily offer, and Ohio consumers to accept or reject, an energy-efficiency option with monthly charges capped at \$1.50 per residential ratepayer, \$7.50 per nonresidential ratepayer.

Specific terms of the pertinent programs would depend on what a utility chose to offer, but Zuckerman cited as possible examples consumer rebates for "free or discounted smart thermostats, refrigerators, air conditioners, LED light bulbs, and other power saving devices and appliances."

According to legislative analysts, under the bill, an electric utility's energy-efficiency options must include at least one benefiting "low-income residential customers with an annual income at or below 200% of the federal poverty level."

Ohio law for a time offered utility energy-efficiency programs, but they were repealed in 2019 as part of that session's corrupt House Bill 6, the pro-utility bailout — signed by DeWine — aimed in part at underwriting nuclear plants then owned by a subsidiary of Akron-based FirstEnergy Corp.

The ensuing scandal, the biggest in Ohio Statehouse history, led to the federal conviction and imprisonment of former Ohio House GOP Speaker Larry Householder and former Republican State Chair Matthew Borges.

On June 26, HB 79 passed the House by only the narrowest of tallies, garnering 50 "yes" votes — the constitutional minimum for passing a bill in that chamber — to 46 "noes."

Many House Republicans present voted "no," while almost all House Democrats voted "yes," including Minority Leader Allison Russo, of Upper Arlington, as did Republican Speaker Jason Stephens, of Lawrence County's Kitts Hill.

As with many Statehouse votes recently, the split among House GOP members reflects divisions in their caucus between pro- and anti-Stephens factions.

All told, a majority of the House's 67 Republicans opposed the measure, while the bill drew 22 "yes" votes from the GOP caucus. Also voting "yes" were 28 of the House's 33 Democrats. The bill faces uncertain prospects in the state Senate, which won't return to the Statehouse until sometime in the fall and would have to pass HB 79 by Dec. 31 for it to become law.

Among those opposing passage of the Seitz-Sweeney bill is Ohio's unit of Amer-

According to the OEC Action Fund, "The (HB 79 bill) emphasizes smart technologies and measures that reduce both usage and peak demand."

icans for Prosperity, an organization founded by the conservative billionaire Koch brothers, whose family fortune originated in the oil business.

In counterpoint, among those supporting the bill are the Ohio Environmental Council Action Fund, the Sierra Club and allied environmental organizations, Zuckerman reported.

According to the OEC Action Fund, "The (bill) emphasizes smart technologies and measures that reduce both usage and peak demand. HB 79 includes additional consumer protections and Public Utilities Commission of Ohio oversight to ensure utilities implement the programs in ways that benefit consumers."

That said, as Zuckerman pointed out, while HB 79 does cap what utilities can charge participating customers monthly for the program, it also allows utilities to charge customers for "lost distribution revenue" — the money utilities would have made if efficiencies weren't "tamping down electricity demand."

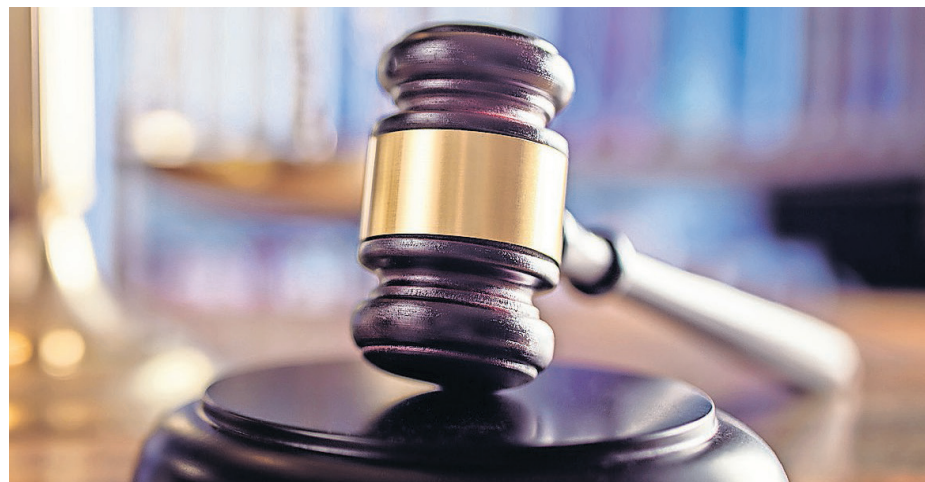
That's among concerns, including the automatic residential ratepayer opt-in (customers would then have to act to opt out), cited by the Ohio Office of Consumers' Counsel (OCC) for its opposition to HB 79.

In talking points provided to the editorial board, OCC said the legislation "defies common sense because it allows utilities to charge consumers for the electricity (energy) that the consumers did not use (so) the more an Ohio consumer can reduce electricity usage (through energy efficiency on their own or through the utility energy efficiency programs), the more the consumer will be paying for [utilities'] lost distribution revenues"

That's a keen point, and why HB 79's potential ratepayer savings shouldn't be overstated. As OCC points out, a full repeal of HB 6 would most benefit ratepayers by eliminating the coal subsidies that tainted legislation is still charging Ohioans.

Nonetheless, House passage of HB 79 with bipartisan support represents another step away from HB 6, and a long-needed step toward giving Ohio's ratepayers options.

Limited HB 79 may be, but by the standards of the incumbent General Assembly and its environmental marauders, it's a start.



Advance media

COMMENTARY FROM THE COMMUNITY

Are lawyers disregarding their oaths and constitutional duty?

William K. Weisenberg

When I became an attorney 53 years ago, I raised my right and stated: "I, William K. Weisenberg, will support the Constitution and laws of the United States and the Constitution and laws of Ohio and I will abide by the Code of Professional Responsibility [now titled the Ohio Rules of Professional Conduct]."

Cleveland State University College of Law Dean Lee Fisher, in a May 1 Cleveland Magazine column, related what he tells his law students from day one — "to think of themselves as more than aspiring lawyers, I ask them to think of themselves as future custodians of civility, defenders of democracy and guardians of justice."

Lawyers have a unique responsibility and special duty to protect, support, preserve and defend the Constitution and rule of law. We are duty bound to perform these obligations as thrust upon us by the special and sacred license granted to us.

We serve as the guardians of this sacred trust and covenant between those who govern and the governed that is established in the Constitution. It is our calling and fulfills our oath to the Constitution and rule of law, not to a person or political party.

Today, our country faces significant challenges, as there are those who seek to blatantly undermine the foundational structure of our democracy and the rule of law.

In today's society, hateful ideologues who were once marginalized and relegated to handing out pamphlets on street corners are now being hailed as "good people."

Antisemitism is on the rise, and billionaires are bankrolling candidates who would have previously been eliminated through regional primaries. Gerrymandering has created a political landscape where pandering to the most extreme and irrational elements within a party is the key to winning primaries.

When did it become acceptable to disregard a congressional subpoena? When

did it become permissible for lawyers to file frivolous lawsuits without facing consequences?

Today, we witness the alarming erosion of democratic guardrails. Despite the overwhelming dismissal of court challenges to ballot counts, including by judges affirming the absence of widespread election tampering, state legislatures are passing bills that interfere significantly with election administration.

The most extreme of these "election sabotage" bills would allow partisan officials to reject election results outright. Others undermine fair election administration by targeting election officials with new criminal and civil penalties for facilitating voter access and placing partisan actors in charge of election administration and vote counting. Some states are considering legislation allowing for reviews of election results or practices without basic security measures for the ballots or clear guidelines for how results are reviewed.

While the establishment of "election integrity" committees may seem benign, their proliferation under the guise of preventing voter fraud perpetuates election denialism. There should be no debate: Casting a vote and having confidence that it will be counted is the bedrock of democracy.

It is with anguish that I watch as the craven pursuit of power is paved by lawyers violating the oaths they took, unopposed by some bar associations that fear losing members.

History shows us what happens when the rule of law becomes the rule of man. Lawyers have powers not granted to those without legal degrees. With those powers come enormous responsibilities.

As attorneys, we have taken an oath to uphold the rule of law and protect our Constitution. In these turbulent times, it is crucial that we honor this commitment.

Our responsibility extends beyond serving our clients; we are also the guardians of democracy's foundations. But we can't do it alone. Good people who believe in the preservation of democracy also need to speak out.

Weisenberg is a retired Cleveland attorney.

COMMENTARY FROM THE COMMUNITY

Cancer Moonshot requires more than money

Gabi Hanna

Few challenges loom larger for humanity than the fight against cancer. Cancer is an adversary that demands an approach that harnesses the latest technology and the best instincts of the human spirit — on a global scale.

In February 2016, then-Vice President Joe Biden hosted the first meeting of the "Cancer Moonshot Task Force." Now, he has pledged billions to realize the task force's vision. The president's goal of reducing mortality by 50% over the next 25 years is bold and achievable.

However, it will take more than money. Winning the fight against cancer requires a cultural shift in how industry, academia and government tackle the innovation process. We must rely on a "team of teams" approach, implementing principles of collaboration to accelerate the innovation that can cure more patients. Companies and researchers with different expertise must be willing to partner globally to create more effective treatments.

The COVID-19 pandemic showed that the world can unite in a health care crisis. We must learn from this experience and

apply the same collaborative approach with similar urgency to non-communicable diseases. When it comes to cancer, we can do it again.

Obstacles remain to fighting the various cancers that constitute a global health threat, including equitable access to the latest treatments plaguing rural communities, the urban poor, and the developing world. Limited access to telemedicine and to other high-tech tools prevents patients from fully benefiting from the strides in treatment made over the last 50 years.

Developing therapies that meet the needs of diverse populations who have often lacked representation in clinical trials also requires our attention.

However, realizing the full potential of today's more effective, personalized medicine necessitates integrating cutting-edge technologies like genomics, transcriptome, and artificial intelligence into clinical practice. These tools enable oncologists to analyze vast amounts of data and develop targeted therapies that are more effective, faster, and less invasive.

Data-sharing initiatives between the public and private sectors are therefore crucial for accelerating the pace of cancer

research and translating scientific discoveries into clinical practice.

Biotech and pharmaceutical companies, as well as academic researchers, are understandably protective of their intellectual property. Territoriality between these verticals must soften to allow for data-sharing that leads to innovation, approval and deployment of cutting-edge treatments.

On the public sector side, regulatory barriers and bureaucratic hurdles impede progress. Overcoming these obstacles requires a culture of transparency and collaboration that often leads to accelerated progress.

Breaking down barriers to data-sharing and collaboration should be the goal of industry and government, particularly the White House as it drives public policy to get the cancer treatment rocket off the launchpad.

Recent FDA approval of clinical human trials for SA53-OS, which seeks to target metastatic cancers resistant to conventional treatments, is an example of global cooperation that involves the U.S. government; my firm, Lamassu Biotech; the Cleveland Clinic; and Adamed, one of big-

gest pharmaceutical companies in Poland. The level of public-private data-sharing and cooperation has accelerated the opportunity to test a potentially transformative approach to treating metastatic cancer.

The rapid development of treatments during the COVID pandemic serves as a testament to the power of collective action. The wealth of real-time data available to companies to try and meet patients' needs was pivotal to the success in understanding and treating the virus.

Applying lessons learned during the pandemic to cancer research can accelerate progress and overcome longstanding challenges in the fight against the various forms of the disease.

The battle against cancer requires a united front that transcends borders, disciplines, and sectors. By leveraging the collective expertise of researchers, clinicians, policymakers, and industry leaders, we can usher in a new era of hope and healing for cancer patients worldwide. The moon shot can finally be a success.

Dr. Hanna is the CEO of Cleveland-based Lamassu Biotech and an internationally recognized leader in the biotech field.

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