



Ohio Select Committee on Data Centers

Written testimony submitted by Vistra Corp.

June 11, 2026

Chairman Chavez, Chairman Holmes and members of the Select Committee on Data Centers, Vistra appreciates the opportunity to provide this written testimony in reference to the committee's consideration of data center framework, especially in the light of the recently considered framework contained in the substitute to H.B. 646.

Vistra is a leading Fortune 500 integrated retail electricity and power generation company that provides essential power resources to customers, businesses, and communities from California to Maine. Vistra is one of the largest competitive power generators in the U.S., with a capacity of approximately 44,000 megawatts, or enough to power over 22 million homes, operating in all the major competitive wholesale markets in the country. Vistra is a combination of two words – Vision and Tradition – we are rooted in the tradition of providing reliable power to our customers while having the vision to meet the needs of an ever-changing future. We maintain a diverse portfolio of generation including natural gas, coal, nuclear, solar, and battery storage.

In Ohio, Vistra has more than 5,500 MW of capacity across our seven facilities in Ohio, which include natural gas, coal and our two nuclear facilities - the Perry and Davis-Besse nuclear plants. Vistra employs 1,550 Ohioans, has numerous retail offices in major metropolitan areas, and serves more than 1.5 million customers across our various retail brands. Davis-Besse generates over \$1.1 billion in annual economic output for Ohio (according to the most recent impact study), contributing hundreds of millions of dollars in tax revenue to local, state, and federal governments. Perry employs approximately 600 full-time staff and 200 permanent contractors in Lake County, and each refueling outage brings an additional 800 to 1,200 skilled workers into the region.

Vistra appreciates the legislature's work to bring clarity to the development of data centers in Ohio via H.B. 646. The work towards providing a fair and clear policy framework is important to the ability of companies, like Vistra, to make investment decisions and partner

with communities and data center owners and developers to bring these opportunities to Ohio.

As part of the legislature’s ongoing consideration of this policy framework, it is important to ensure that consumer protections are balanced against the economic and national security benefits that these facilities provide to Ohio and the nation. States and regions across the country are developing solutions-oriented policies to allow quick interconnection of new large loads while protecting consumers from unfair cost shifts.

The policy framework should also ensure that Ohio remains competitive, both nationally and globally, to win these opportunities for data center development, and that any such development is conducted in a thoughtful and responsible manner. Two of Vistra’s core principles are to “care about our key stakeholders” (including employees, customers, and communities where we live and do business) and to conduct business “the right way”; and we believe these are especially true with our efforts in this space.

The rapid growth of data center development in such a short time has tested the sufficiency of existing statutes and regulations that were developed to encourage economic development and to ensure a reliable and affordable electric grid. Vistra believes that tailoring these existing frameworks and customer protections to provide extra clarity in provisions pertaining to how data centers should be developed within states and regional markets provides the best path forward to balance competing needs.

As such, Vistra recognizes the work the legislature has already put into H.B. 646 and encourages further refinement of that framework to strengthen the aspects that already:

- Provide flexibility in the approaches to development and provision of electric service to data centers, with encouragements for developing data centers in a responsible manner:
 - Sec 4941.02 (A)(1-2)¹ is a good example, providing the customer with the ability to choose multiple eligible qualifying power supply arrangements to meet the requirements of the section.
- Keep the language technology neutral and focused on meeting a baseline of standards instead of specifying how those standards need to be met is important, especially given the rapid innovation of technology in this space:
 - Sec. 1521.301 (C) is a good example by providing a water performance standard but allowing a variety of “engineering, operational, or design measures” to meet that standard.

¹ The text available at the time of writing was the amended text released the evening of June 9, 2026. Testimony does not reflect subsequent amendments to H.B. 646 that may have occurred.

- Use of baseline standards to be met, with encouragements for meeting higher standards, rather than outright prohibitions and moratoriums.
- Ensure customers are protected, while continuing to enable data center development to support communities seeing a boon from the opportunity.

While the broad framework of H.B. 646 seeks to make progress towards ensuring customer protections and responsible data center development in Ohio, the amended text contains areas that are unclear and perhaps contrary to the greater interests of the legislative intent and, if not otherwise resolved, could create confusion. Examples include:

- Sec 122.175 (C), this language may be amended from the current draft text reviewed (see footnote 1 on page 2); however, the current iteration limits the encouragement of responsible development of data centers to a couple of particular generation supply choices for significant contract periods. Given the fast pace of innovation in this field, there is concern that these limits could ultimately prove counterproductive, trapping developers and the state into less efficient implementations rather than broadly rewarding responsible development.
- Sec. 4941.04, it is important to ensure that non-data center customers do not bear the financial burden of infrastructure dedicated to the support of these facilities but will need to ensure that cost allocation directives given to the PUCO provide the clarity needed to align Ohio's cost allocation principles with the efforts set forth by the White House and FERC, and already underway at PJM. For instance, FERC cost allocation principles recognize that transmission costs should be shared when multiple parties benefit from new transmission.

Creating a framework that is regulatory burdensome for all data center development, regardless of whether the development is using gold standard approaches, will make it harder for companies like Vistra to justify investing in Ohio compared to other states and jurisdictions. A framework that seeks to establish baseline standards, encourages responsible development, and lets the market work will provide the best opportunity for balance between customer protections and capturing the benefits of data center economic development.

As an example of the kind of investment capable under regulatory regimes that recognize responsible development, earlier this year, Vistra announced a 20-year Power Purchase Agreement (PPA) with Meta to provide more than 2,600 megawatts of zero-carbon energy from a combination of three different Vistra nuclear plants to support Meta's operations in the region. Through the agreements:

- Meta is purchasing 2,176 MW of nuclear energy and capacity from the operating Perry and Davis-Besse plants in Ohio;
- Meta is also purchasing 433 MW of incremental nuclear energy and capacity from equipment upgrades to increase generation output (called uprates) at the Perry (Ohio), Davis-Besse (Ohio), and Beaver Valley (Pennsylvania) nuclear plants – more than 15% of the contracted capacity will be new capacity added to the PJM region; and
- the electricity generated at the plants will continue to go to the grid for all electricity users.

Meta's purchases under the agreements will begin in late 2026, with additional capacity added to the grid through 2034, when the full 2,609 MW of power will be online. The agreements will also grow the local tax base, foster economic development in the region, and protect existing jobs while creating new ones. Over the life of the uprate projects, approximately 3,000 project-related jobs across engineering, construction, and planned outage work are expected, adding to the economic impact around these plants.

The ability to enter into agreements like this one is critical for independent power producers (IPPs), like Vistra, to have the financial certainty to invest in extending and upgrading our existing generation resources, as well as bring new generation to the grid. Said succinctly – **load growth is a requirement for generation growth**. Just a few short years ago, prior to Vistra's acquisition, these plants were on a path to retirement. Vistra saw their tremendous potential to offer carbon-free, reliable power to the grid, and it has been thanks to the tremendous work of our plant workers and nuclear team, alongside partners like Meta, that Vistra was able to invest in these plants and ensure they are operating and providing for Ohio long into the future.

Thanks to these deals and other sustained market signals, Vistra and other IPPs are making these investments: PJM, the grid operator for Ohio, is actively processing over 11,000 MW of new high-reliability generation through its Resource Reliability Initiative in order to respond to rapid demand growth in the region. Over 70% of selected projects in PJM's reliability resource initiative (RRI) were located in Ohio or Virginia. Of projects in PJM's reformed queue process, Ohio is second only to Virginia in projects with nearly 14 GW with agreements or with studies. Vistra knows that Ohioans love to compete and win as much as we do and it is great to see Ohio taking a leading position with these opportunities.

As affordability concerns continue to be at the top of Ohioans' minds, it is important that the risk and cost of building new generation is not placed on the shoulders of Ohio residents and businesses. Ohio should continue to ensure that the responsibility of bringing new generation to the grid belongs with IPPs, and not with rate-regulated utilities,

and place that burden where it belongs, on companies and their shareholders, not captive ratepayers. Further, it is important to recognize that Ohio transmission owners are planning and building new transmission in anticipation of need from new data centers. We must ensure that the new energy demand materializes as expected so that the cost of this new transmission is not borne by other customers.

Vistra appreciates your kind consideration of these written comments and looks forward to working with the committee and the legislature to finding the best framework that helps Ohio capture the full value of this amazing opportunity ahead to the benefit of Ohioans and the state. Vistra's Ohio Director of Government Affairs, Jay O'Bryant (jay.obryant@vistracorp.com // m. (419) 509-0516) can coordinate responses to any questions to Vistra pertaining to this testimony or data center policy.

Sincerely,



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