



February 10, 2020

Testimony in Support of Senate Bill 133

Members of the Senate Utilities Committee:

Thank you for the opportunity to speak today about a narrow, but important, update to Kansas statutes to allow for an expansion of electric vehicle charging stations in Kansas.

My name is Justin Wilson and I am a Director of Public Policy at ChargePoint, the largest electric vehicle charging network in the U.S. Since 2007, ChargePoint has been a leader in the development of electric vehicle charging equipment and network services, allowing our customers to charge their vehicles at home, work, around town, and on the go.

It is my pleasure to be here today to request your support for Senate Bill 133. SB 133 seeks to clarify that the term “public utility” does not apply to electric vehicle charging stations. As more and more Kansans and Americans choose to drive electric vehicles, it is important that Kansas take steps to enable businesses such as traditional fueling stations, workplaces, retail stores, and others, to offer electric vehicle charging services in a manner that fosters competition and innovation. Kansas links the East and West coast of the US via Interstate 70, as well as our northern and southern borders via the Interstate 35 system. Kansas’s traditional fueling stations will benefit from the changes in this bill by having regulatory certainty to provide electric vehicle charging services.

As we have seen the growth of electric vehicles across the country, a question that has arisen in other states is “are electric vehicle charging stations delivering power and therefore a public utility?” Kansas is not unique in needing to update state statutes to provide specific guidance on how electric vehicle charging stations should be treated by utility regulators. 35 states and the District of Columbia have looked at this issue and come to the same conclusion, that electric vehicle charging stations are providing a service, not power, and therefore should not be considered a public utility. This as a critical step in setting up a robust, competitive marketplace for electric vehicle charging services.

Charging Stations are not regulated as public utilities in 35 States and DC



As you can see from SB 133 (page 1, line 8), K.S.A. 66-104 defines public utility in this way: *“as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the... the production, transmission, delivery or furnishing of heat, light, water or power.”*

This is not the first time that Kansas has modified the definition of “public utility” to meet the needs of new transportation technologies. In previous sessions, the legislature exempted the fueling equipment used for compressed natural gas (CNG) vehicles. As you can also see in the text of SB 133 (page 2, line 17) K.S.A. 66-104 (d) states *“The term “public utility” does not include any activity of an otherwise jurisdictional corporation, company, individual, association of persons, their trustees, lessees or receivers as to the marketing or sale of: (1) compressed natural gas for end use as motor vehicle fuel”* Today, we are asking you to add electric vehicle charging services to this exemption.

By passing SB 133, the legislature will enable any business who would like to install a charging station the ability to do so with the regulatory certainty necessary and to price those services in the manner they see fit, creating a competitive market for charging services that will spur innovation and expand the access to charging equipment.

Importantly, SB 133 is very narrow in scope and will not further impact EV charging stations owned and operated by non-utility businesses, this will give them regulatory certainty that they will not be treated as a public utility simply for offering EV charging services. This legislation will allow them to price their services in a competitive manner and in the way that makes most

sense for their business (ex. By the minute, by the charging session, by the kWh, or a combination of two or more factors). For EV charging services operated by public utilities, it makes no changes to their regulatory status at the Kansas Corporation Commission.

SB 133, is a narrow, but necessary update to Kansas statutes. We are excited about the new opportunities the passage of SB 133 will bring to Kansas by allowing our traditional fueling stations, workplaces, retailers, and businesses of all shapes and sizes to install electric vehicle charging stations to serve Kansas residences and interstate travelers.

Finally, I want to thank the stakeholders in Kansas who have been engage in developing the language included in SB 133. By working collaboratively together, I hope we have created language that works for all parties and will create a strong foundation for businesses in Kansas to provide electric vehicle charging services as EV adoption grow in Kansas and across the US.

Thank you for your time and attention to this important issue. I am available via the contact information below to answer any question you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Wilson". The signature is fluid and cursive, with a large initial "J" and "W".

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