



Kansas Senate Committee on Utilities
February 11, 2025
Oral Testimony in Support of Senate Bill 167
By Americans for Affordable Clean Energy

Mr. Chairman and members of the Committee, my name is Robert Baratta and I am here today in support of Senate Bill 167 on behalf of Americans for Affordable Clean Energy (AACE). AACE is a coalition of the most forward-thinking fuel retailers in the nation. Our interest is in providing our customers, the traveling public, transportation fuel that they require in a convenient, safe and affordable manner.

Senate Bill 167 will give our members and anyone else that wants to install public electric vehicle fast chargers in Kansas the statutory certainty that their investments will not be subject to unfair competition from electric utilities. Investments in electric vehicle fast charging infrastructure should be made by the private sector and not be subsidized by electric utility rate payers. But businesses will only invest if it is clear that an electric utility cannot use ratepayer capital to build electric vehicle fast chargers to unfairly compete with private sector fuel retailers.

Previous actions taken by the Kansas Corporation Commission has prevented costs for constructing utility-owned EV fast charging stations from being included in rate base – for now. But Kansas electric utilities can continue to ask the Commission with each rate case and the answer could change. Additionally, there is nothing to prevent electric utilities from billing private charging providers more for electricity than they bill for their own utility-owned chargers. Many Kansas fuel retailers lack the resources to intervene in Commission proceedings as they would have to do every time a Kansas electric utility includes requests to build electric vehicle fast chargers at the expense of ratepayers. Enacting Senate Bill 167 effectively would take care of this problem.

Finally, I want to remind you that Kansas occupies an important location along the national transportation corridor. Trucks and cars powered by electricity transit through Kansas that need a reliable network to refuel. Our members want to make the necessary investments to build that network that will be self-sustaining, without ongoing government subsidies and paid for by electric vehicle drivers rather than Kansas electric ratepayers. Senate Bill 167 will help us do that. We urge you to pass Senate Bill 167. Thank you for your kind consideration.

Contact information for myself and AACE's local lobbyist is as follows:

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SUPPORT PRIVATE INVESTMENT IN EV CHARGING (SB 167)

Dear Members of the Kansas Legislature:

Our companies and associations write in **strong support of SB 167**. It is essential that Kansas build a reliable, convenient and customer-driven electric vehicle (EV) charging market that is based upon fairness and a competitive, level playing field. The most efficient and effective way to build out this market is by embracing private investment and the inherent competition and innovation that comes with it. Several of the undersigned businesses are those who want to be a part of this expanding market. Many own and operate fuel outlets, convenience stores, grocery stores and restaurants in Kansas, each serving a vital role in their communities.

Passing this legislation will break down major barriers to private investment, which is needed to build out an EV charging network that will best meet the needs of drivers throughout Kansas. **We respectfully ask you to pass SB 167.**

This legislation allows for free market competition and improved pricing transparency by:

- **Preventing electric utilities from using ratepayer funds to cover the costs of owning and operating publicly available EV chargers;**
- **Establishing a level playing field by setting a standard set of rules and rates for all EV charging competitors; and**
- **Requiring electric utilities to establish a fair and transparent rate for electricity used for EV charging.**

Private businesses that would like to install EV charging stations are hesitant to invest due to the prospect of competing with electric utilities, which have the ability to invest in EV charging stations while passing the costs along to their ratepayers. This affords utilities a competitive edge over private businesses that do not have access to this type of risk-free capital. Additionally, electric utilities typically do not bill themselves the same rates for electricity for their own charging stations that they bill for charging stations owned by private businesses.

This bill would prevent electric utilities from using ratepayer funds to compete in the EV charging market and require them to do so through a separate, unregulated subsidiary subject to the same rates, terms, and conditions as private entities. This will level the playing field and empower private entities to invest in this emerging market. Additionally, this legislation will ensure that electric utilities create rates for EV charging providers based on how much electricity their chargers consume rather than demand charges, which are unpredictable and costly fees based on the highest level of energy consumed in a given month.

Successful passage of SB 167 will ensure that Kansas' EV charging market develops in a competitive manner. Additionally, it will send an extraordinary signal to many of the industries below that it is safe to invest in EV charging stations in the state of Kansas.

Charge Ahead Partnership

