

SENATE BILL No. 167

By Committee on Utilities

2-3

1 AN ACT concerning electric public utilities; relating to electric vehicle
2 charging services; prohibiting electric public utilities from recovering
3 from ratepayers the costs associated with electric vehicle charging
4 stations; requiring electric public utilities that provide electric vehicle
5 charging services to offer such services under a nonregulated private
6 enterprise and on an equitable and nondiscriminatory basis just as such
7 utility offers to private entities providing such services; requiring
8 electric public utilities to establish electric vehicle charging rate
9 schedules for the provision of electric vehicle charging services by
10 private entities.
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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. As used in this section and sections 2 and 3, and
14 amendments thereto:

15 (a) "Direct-current fast charging station" means an electric vehicle
16 charging system capable of delivering electricity at 50 kilowatts or greater
17 direct current to an electric vehicle's rechargeable battery at a voltage of
18 200 volts or greater.

19 (b) "Electric vehicle" means a vehicle that is powered by an electric
20 motor that draws electricity from a rechargeable battery that is primarily
21 recharged from a source of electricity that is external to the vehicle.
22 "Electric vehicle" includes a vehicle that is powered by an internal
23 combustion engine and an electric motor if such electric motor draws
24 electricity from a rechargeable battery that is primarily recharged from a
25 source of electricity that is external to the vehicle.

26 (c) "Electric vehicle charging station" means any level 2 charging
27 station or direct-current fast charging station that delivers electricity to an
28 electric vehicle and such electricity is from an external source that is not
29 otherwise a part of the electric vehicle. "Electric vehicle charging station"
30 does not include make-ready infrastructure.

31 (d) "Electric vehicle charging station operator" means any person or
32 entity that operates an electric vehicle charging station. "Electric vehicle
33 charging station operator" does not include any retail electric supplier that
34 operates an electric vehicle charging station.

35 (e) "Level 2 charging station" means any electric vehicle charging
36 system capable of delivering electricity at a minimum of three kilowatts or

1 at a maximum of 50 kilowatts alternating current to an electric vehicle's
2 rechargeable battery at a voltage of 200 volts or greater.

3 (f) "Make-ready infrastructure" means the customer-specific
4 electrical infrastructure required to service an electric vehicle charging
5 station's electrical load on the retail electric supplier's side of the electric
6 meter.

7 (g) "Retail electric service" means retail electric service furnished to a
8 retail electric consumer for end use. "Retail electric service" does not
9 include the provision of electricity to the public exclusively for the
10 provision of electric vehicle charging services.

11 (h) "Retail electric supplier" means any person, firm, corporation,
12 municipality, association or cooperative corporation engaged in the
13 furnishing of retail electric service.

14 Sec. 2. (a) Costs to construct, install, operate, own or maintain any
15 electric vehicle charging station shall not be included in the rate base of a
16 retail electric supplier. Revenue received by a retail electric supplier for
17 providing retail electric service shall not, directly or indirectly, subsidize
18 investments to construct, install, operate, own or maintain electric vehicle
19 charging stations.

20 (b) Any retail electric supplier that constructs, installs, operates, owns
21 or maintains an electric vehicle charging station for public use shall do so
22 through a separate nonregulated private enterprise. Such nonregulated
23 private enterprise shall be maintained on a separate accounting system that
24 shall include the costs and revenues associated with the provision of the
25 electric vehicle charging service. Such provision of electric vehicle
26 charging services shall be offered on an equitable and nondiscriminatory
27 basis pursuant to the same fees, terms, rates, charges and conditions that
28 the retail electric supplier offers to private providers of electric vehicle
29 charging stations in the designated service territory of the retail electric
30 supplier.

31 (c) Nothing in this section shall be construed to:

32 (1) Limit the ability of a retail electric supplier to provide the make-
33 ready infrastructure required to serve the electrical load of electric vehicle
34 charging stations or to furnish electricity to electric vehicle charging
35 station operators for charging electric vehicles; or

36 (2) prohibit a retail electric supplier from constructing, installing,
37 operating, owning, maintaining or otherwise procuring service from an
38 electric vehicle charging station on the retail electric supplier's own
39 premises for the sole purpose of serving the retail electric supplier's
40 electric vehicle fleet if such service is not open to the public.

41 Sec. 3. (a) Each retail electric supplier shall maintain a commercial
42 direct-current fast charging station rate schedule that:

43 (1) Utilizes alternatives to traditional demand-based rate structures;

1 (2) establishes the fees, terms, rates, charges and conditions for the
2 sale of electricity to electric vehicle charging station operators for the
3 operation of electric vehicle charging stations; and

4 (3) assesses charges on the basis of the kilowatt-hours of electricity
5 consumed and not on the basis of electricity demand.

6 (b) (1) On or before October 1, 2025, each retail electric supplier that
7 is subject to the jurisdiction of the state corporation commission shall file
8 with the commission an initial electric vehicle charging rate schedule that
9 complies with the requirements of this act. The commission shall issue an
10 order approving or amending the retail electric supplier's rate schedule
11 within 120 days of a retail electric supplier's submission of such rate
12 schedule.

13 (2) Any other retail electric supplier that is not subject to commission
14 jurisdiction shall publish an initial electric vehicle charging station rate
15 schedule that complies with the requirements of this section and section 2,
16 and amendments thereto, by October 1, 2025.

17 (3) Each retail electric supplier's electric vehicle charging station rate
18 schedule that is filed or published in accordance with this section shall
19 remain in effect until a successor rate schedule is filed or published in
20 accordance with the requirements of this section.

21 Sec. 4. This act shall take effect and be in force from and after its
22 publication in the statute book.