

Senate Utilities Committee
Testimony of Citizens' Utility Ratepayer Board
Neutral Testimony HB 2145 (Written Only)
March 15, 2021

Mr. Chairman and members of the Senate Utilities Committee. My name is David Nickel. I am the Consumer Counsel for the Citizens' Utility Ratepayer Board (CURB). I am furnishing neutral testimony regarding House Bill (HB) 2145.

HB 2145 seeks to amend K.S.A. 66-104 by carving out an exception for entities that provide services toward charging electric vehicles (EV) from regulation by the Kansas Corporation Commission (KCC or Commission). Specifically, the bill excludes from the definition of "public utility" entities that provide EV charging services if the electricity is purchased solely for that purpose through a retail electric supplier in the certified territory of such retail electric supplier as defined by K.S.A. 66-1,170. Deregulation of EV charging stations is akin to how gas stations that sell compressed natural gas are not regulated by the KCC.

CURB testified in support of HB 2145 before the House Energy, Utilities and Telecommunications Committee. CURB has previously testified as a proponent of deregulation of EV charging stations from the provisions of K.S.A. 66-101, et seq., regarding HB 2166 when it was introduced in the House Energy, Utilities and Telecommunications Committee in 2017, and as a proponent of HB 2585 (which is very similar to HB 2145) last year. HB 2145 appears to be virtually identical to Senate Bill (SB) 133 that this Committee heard earlier this session.

HB 2145 frees companies providing EV charging services from unnecessary rate regulation by the KCC. CURB believes this to be good policy. As market conditions and technology change in the EV market, CURB believes it to be important that consumers have competitive options available for their transportation needs. In these regards, CURB hopes that this bill will shift EV infrastructure and electricity costs away from utility customers who have no use for EV charging. CURB believes that HB 2145 may help to place the costs associated with EV charging into the open market and prevent ratepayers who do not drive electric vehicles from subsidizing such costs.

However, CURB noted that when SB 133 was heard before the Senate Utilities Committee this session, a number of Committee members asked very good questions, including questions surrounding the need for electric vehicle users to pay a fair share for their use of Kansas roads. Since SB 133 appears to be virtually identical to HB 2145, these questions are applicable here and may remain unanswered. CURB believes that these questions should be answered to the satisfaction of the Senate Utilities Committee before HB 2145 is considered favorable for passage. In the event that these questions are answered to the Committee's satisfaction, CURB would stand in support of the bill. Therefore, CURB is neutral on HB 2145 at this time.