

Kansas House Energy, Utilities and Telecommunications Committee
Testimony of Citizens' Utility Ratepayer Board
Testimony in Support of
HB 2585
February 13, 2020

Mr. Chairman and members of the House Energy, Utilities and Telecommunications Committee. My name is Joseph R. Astrab. I am an attorney with the Citizens' Utility Ratepayer Board (CURB). I am furnishing testimony in support of House Bill (HB) 2585.

HB 2585 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 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. At that time, CURB recognized that the EV charging infrastructure does not exhibit natural monopoly characteristics. The cost of EV stations is relatively low and entering the market is not difficult. Since 2017, that dynamic is unchanged. However, HB 2585 is different than HB 2166 in that HB 2585 protects retail electric suppliers in their own certified service territory. CURB believes this change to be in accord with good policy at this time. Yet, HB 2585 frees companies providing EV charging services from unnecessary rate regulation by the KCC. For the reasons outlined below, CURB believes this also to be good policy.

As market conditions and technology change, consumers will have more options available for transportation. CURB hopes that this bill will shift EV infrastructure and electricity costs away from customers who have no use for EV charging. CURB believes that HB 2585 properly places the costs associated with EV charging into the open market and prevents ratepayers who may not drive electric vehicles from subsidizing such costs. Ultimately, the future of electric vehicles should be determined by market forces, rather than regulatory apportionment to all of a utility's ratepayers. CURB provides its support for HB 2585.