

1 **SENATE FLOOR VERSION**

2 February 13, 2023

3 SENATE BILL NO. 502

By: Hall of the Senate

4 and

5 Hilbert of the House

6
7
8 [electric vehicles - legislative intent - charging
9 stations - tariff - rules - codification - effective
10 date]

11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 160.31 of Title 17, unless there
14 is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Oklahoma
16 Electric Vehicle Charging Act".

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 160.32 of Title 17, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Legislature finds that:

21 1. It is in the best interest of this state to establish a
22 framework designed to encourage private sector investment in the
23 deployment of electric vehicle charging stations. Such framework is
24 essential to ensure that this state is prepared for increased

1 adoption of electric vehicles and to ensure equitable provisions for
2 all electric vehicle charging providers;

3 2. Widespread deployment of electric vehicle charging
4 infrastructure is consistent with the public policy of this state;
5 and

6 3. Electric vehicle charging infrastructure has the potential
7 to expand infrastructure investment, improve economic conditions,
8 and develop this state to be a leader in new and innovative
9 technologies.

10 B. To facilitate investments in such stations by private
11 businesses, the Legislature declares that it is necessary to:

12 1. Implement competitively neutral policies to encourage
13 private sector investment in electric vehicle charging station
14 deployment on real property whose owners or tenants desire to make
15 such an investment;

16 2. Develop and implement competitively neutral electricity
17 tariffs aimed at and optimized for fair and robust competition while
18 ensuring transparency in pricing and compliance with 16 U.S.C.
19 2621(d) (21);

20 3. Encourage private investment, ownership, and operation of
21 publicly available electric vehicle charging stations, including
22 equipment that allows for fast charging;

23 4. Stimulate innovation, competition, and private investment in
24 the electric vehicle charging market;

1 5. Develop mechanisms to incentivize and support the short-term
2 and long-term efficient and cost-effective use of the electric grid
3 in a manner that supports the operation of electric vehicle charging
4 stations; and

5 6. Ensure that the cost of the deployment of electric vehicle
6 charging stations, including, but not limited to, the costs set
7 forth in this act, is borne solely by the providers and consumers of
8 electricity used to charge electric vehicles, and is not subsidized
9 by other classes of electric utility ratepayers; provided, utilities
10 may offer incentives to reduce costs of make-ready infrastructure.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 160.33 of Title 17, unless there
13 is created a duplication in numbering, reads as follows:

14 As used in this act:

15 1. "Commission" means the Corporation Commission;

16 2. "Direct current fast charging station" means an electric
17 vehicle charging system capable of delivering electricity at a
18 minimum of fifty (50) kilowatts direct current to an electric
19 vehicle's rechargeable battery at a minimum voltage of two hundred
20 (200) volts;

21 3. "Electric cooperative" means an electric cooperative
22 corporation organized under Section 437.1 of Title 18 of the
23 Oklahoma Statutes that provides electric service to the public;

24

1 4. "Electric vehicle" means a 100%-electric or plug-in hybrid
2 electric motor vehicle with the following characteristics:

3 a. a 100%-electric motor vehicle originally equipped so
4 that the vehicle:

5 (1) draws propulsion energy solely from a battery
6 with at least twenty (20) kilowatt hours of
7 capacity, which can be recharged from any
8 external source of electricity,

9 (2) is manufactured primarily for use on public
10 streets, roads, and highways, but does not
11 include a vehicle operated exclusively on a rail
12 or rails, and

13 (3) which has at least four wheels,

14 b. a plug-in hybrid electric motor vehicle which is
15 originally equipped so that the vehicle:

16 (1) draws propulsion energy from:

17 (a) an internal combustion engine, and

18 (b) a battery with at least five (5) kilowatt
19 hours of capacity, which can be recharged
20 from an external source of electricity,

21 (2) is manufactured primarily for use on public
22 streets, roads and highways, but does not include
23 a vehicle operated exclusively on a rail or
24 rails, and

1 (3) which has at least four wheels, and

2 c. for purposes of this paragraph, the term "electric
3 vehicle" does not include a vehicle that is
4 manufactured primarily for off-road use and that has a
5 maximum speed of thirty (30) miles per hour or less;

6 5. "Charging station" means equipment by which electric current
7 is transferred to the power system of an electric vehicle together
8 with the real property upon which such equipment is located or
9 affixed;

10 6. "Electric vehicle charging provider" means the owner of an
11 electric vehicle charging station operating in a retail electric
12 supplier's designated service area;

13 7. "Make-ready infrastructure" means the electrical
14 infrastructure required to service an electrical load, but shall not
15 include an electric vehicle charging station;

16 8. "Retail electric supplier" means any person, firm,
17 corporation, association, electric cooperative, municipal
18 corporations, or beneficial trusts thereof engaged in the furnishing
19 of retail electric service; and

20 9. "Retail electric service" means electric service furnished
21 to a consumer for ultimate consumption.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 160.34 of Title 17, unless there
24 is created a duplication in numbering, reads as follows:

1 A. A retail electric supplier or a subsidiary or affiliate
2 thereof that provides, owns, operates, or maintains an electric
3 vehicle charging station directly to the public shall do so only
4 through a separate, unregulated entity and must do so on the same
5 fees, terms, charges, and conditions offered to private providers of
6 electric vehicle charging stations pursuant to the retail electric
7 supplier's approved tariffs.

8 B. After December 31, 2023, any electric vehicle charging
9 station that is provided by, owned, operated, or maintained by a
10 retail electric supplier, or a subsidiary or affiliate thereof,
11 shall not, directly or indirectly, be subsidized by any fee or
12 charge associated with the retail electric service provider's
13 regulated service offerings.

14 C. An electric vehicle charging provider shall not be
15 considered to be a public utility pursuant to the provisions of
16 Section 151 of Title 17 of the Oklahoma Statutes or a retail
17 electric supplier pursuant to the provisions of this act or Section
18 158.22 of Title 17 of the Oklahoma Statutes.

19 D. Nothing in this section shall be construed to restrict a
20 retail electric supplier from subsidizing the costs of make-ready
21 infrastructure through fees or charges for services provided by its
22 regulated services so long as such subsidy is offered to electric
23 vehicle charging providers on a non-discriminatory basis between
24 such providers.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 160.35 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Each retail electric supplier shall be required to maintain
5 a commercial direct current fast charging station tariff utilizing
6 alternatives to traditional demand-based rate structures which sets
7 forth the fees, terms, and conditions for the sale of electricity to
8 electric vehicle charging providers for the operation of electric
9 vehicle charging stations.

10 B. The fees, terms, and conditions of the retail electric
11 supplier's tariff shall not discriminate among electric vehicle
12 charging providers, and the same fees, terms, and conditions thereof
13 shall apply to every electric vehicle charging provider, including
14 the retail electric supplier's separate, unregulated entity,
15 subsidiary, or affiliate.

16 C. Each retail electric supplier's commercial tariff filed
17 under subsection A of this section shall not include the application
18 of demand ratchet provisions and shall be designed to be billed on
19 the basis of kilowatt-hours or kilovolt-amperes.

20 D. Each retail electric supplier's commercial tariff shall
21 comply with the objectives of this act, including, but not limited
22 to, the requirement that an electric vehicle charging station not be
23 subsidized, directly or indirectly, by regulated services offered by
24

1 a retail electric service provider except as otherwise provided in
2 this act.

3 E. Retail electric suppliers who are rate regulated by the
4 Corporation Commission shall file an initial tariff with the
5 Commission that complies with the requirements of this act on or
6 before October 1, 2024. The Commission shall issue an order
7 approving or amending the retail electric supplier's commercial
8 tariff, in compliance with this act, within one hundred twenty (120)
9 days of the tariff submission. An appeal from a decision of the
10 Commission may be made as provided by law.

11 F. All other retail electric suppliers, who are not rate
12 regulated by the Commission, shall publish an initial tariff that
13 complies with the requirements of this act by October 1, 2024. The
14 tariff as published by the non-rate regulated retail electric
15 supplier may be challenged in court to enforce compliance with the
16 requirements of this act.

17 G. Each retail electric supplier's commercial tariff filed
18 under this section shall remain in effect until a successor tariff
19 is approved in accordance with the provisions of this act.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 160.36 of Title 17, unless there
22 is created a duplication in numbering, reads as follows:

23 The Corporation Commission may promulgate rules to implement and
24 ensure compliance with the provisions of this act.

1 SECTION 7. This act shall become effective November 1, 2023.

2 COMMITTEE REPORT BY: COMMITTEE ON FINANCE
3 February 13, 2023 - DO PASS

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