*Session of 2025*

# SENATE BILL No. 167

By Committee on Utilities

2-3

AN ACT concerning electric public utilities; relating to electric vehicle charging services; prohibiting electric public utilities from recovering from ratepayers the costs associated with electric vehicle charging stations; requiring electric public utilities that provide electric vehicle charging services to offer such services under a nonregulated private enterprise and on an equitable and nondiscriminatory basis just as such utility offers to private entities providing such services; requiring electric public utilities to establish electric vehicle charging rate schedules for the provision of electric vehicle charging services by private entities.

*Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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