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MEMORANDUM

To: Senate Committee on Utilities
From: Office of Revisor of Statutes
Date: February 11, 2025
Subject: Senate Bill 167 – As Introduced

Senate Bill 167 would enact new laws to specify how electric public utilities, defined as retail electric suppliers in the bill, shall treat utility-owned and privately owned electric vehicle charging stations. Generally, SB 167 would prohibit any electric public utility from recovering from retail ratepayers any costs associated with utility-owned electric vehicle charging stations and would require each electric public utility to establish uniform rate schedules for the provision of electric service to privately-owned electric vehicle charging stations.

Section 1

Section 1 of SB 167 would define certain terms that are used throughout SB 167, including "direct-current fast charging station," "electric vehicle," "electric vehicle charging station," "electric vehicle charging station operator," "level 2 charging station," "make-ready infrastructure," "retail electric service" and "retail electric supplier."

Section 2

Section 2(a) of SB 167 would prohibit any electric public utility from recovering from retail ratepayers any costs to construct, install, operate, own or maintain an electric vehicle charging station. Additionally, subsection (a) would prohibit any electric public utility from directly or indirectly using any revenue received from retail ratepayers to subsidize investment in electric vehicle charging stations.

Section 2(b) of SB 167 would require that if an electric public utility desires to construct, install, operate, own or maintain an electric vehicle charting station for public use, the utility shall:

- Undertake such actions under a separate nonregulated private business enterprise that is maintained on a separate accounting system from the electric public utility's books; and
- Offer the electric vehicle charging services on an equitable and nondiscriminatory basis and under the same terms and conditions that the utility has established for private providers of electric vehicle charging services.

Section 2 (c) would provide that the provisions of the section shall not be construed to prohibit an electric public utility from providing make-ready electric service infrastructure to serve a privately owned electric vehicle charging station or from providing electric vehicle charging service for the utility's own vehicle fleet if such service is not otherwise open to the public.

Section 3

Section 3 of SB 167 would require each electric public utility to establish electric vehicle charging tariffs or rate schedules for the provision of electric service to electric vehicle charging stations. Each electric public utility would be required to establish a commercial direct-current fast charging station rate schedule that:

- Utilizes alternatives to traditional demand-based rate structures;
- Establishes the terms and conditions for the provision of electric service to the charging station; and
- Charges based on kilowatt-hours of electricity consumed and not on the basis of electricity demand.

If an electric public utility is regulated by the Kansas corporation commission, the utility must file such electric vehicle charging rate schedule with the commission by October 1, 2025. The commission would then be required to issue an order to approve or amend the proposed rate schedule within 120 days. If an electric public utility is not subject to commission jurisdiction, the utility must publish such electric vehicle charging station rate schedule by October 1, 2025.

If enacted, SB 167 would take effect on July 1, 2025, upon publication in the statute book.