

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 266

Senator Reineke

A BILL

To enact sections 4933.51, 4933.53, 4933.54, 1
4933.55, 4933.57, and 4933.59 of the Revised 2
Code to regulate the ownership of electric 3
vehicle charging stations. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4933.51, 4933.53, 4933.54, 5
4933.55, 4933.57, and 4933.59 of the Revised Code be enacted to 6
read as follows: 7

Sec. 4933.51. As used in sections 4933.51 to 4933.59 of 8
the Revised Code: 9

(A) "Area of last resort" means an area within an electric 10
distribution utility's designated service territory that is 11
located in a county of this state with a population of not more 12
than fifty thousand, but excluding any areas of the county that 13
are within a ten-mile radius of another publicly available 14
electric vehicle charging station or any areas of the county 15
that are within one mile of an alternative fuel corridor 16
designated by the federal highway administration. 17

(B) "Direct current fast charging station" means an 18
electric vehicle charging system capable of distributing 19

electricity at fifty kilowatts or more of direct current to an 20
electric vehicle's rechargeable battery at a voltage of two 21
hundred volts or more. 22

(C) "Electric distribution utility" has the same meaning 23
as in section 4928.01 of the Revised Code. 24

(D) "Electric vehicle" means a vehicle that is powered 25
wholly by a system that can be recharged via an external source 26
of electricity, including a vehicle for public or private use 27
that is a passenger car, commercial car or truck, a vehicle used 28
for public transit, a vehicle used in a vehicle fleet, a vehicle 29
used in construction work, and a vehicle used in industrial or 30
warehouse work. 31

(E) "Electric vehicle charging provider" means the owner 32
or operator of an electric vehicle charging station. "Electric 33
vehicle charging provider" excludes either of the following that 34
owns or operates an electric vehicle charging station: 35

(1) An electric distribution utility; 36

(2) An affiliate or subsidiary of an electric distribution 37
utility. 38

(F) "Electric vehicle charging station" means any 39
nonresidential electric vehicle charging system that is both of 40
the following: 41

(1) Capable of distributing electricity from a source 42
outside an electric vehicle to the electric vehicle; 43

(2) A direct current fast charging station or level two 44
charging station. 45

(G) "Level two charging station" means any electric 46
vehicle charging system capable of distributing electricity at a 47

minimum of three or a maximum of twenty kilowatts of alternating 48
current to an electric vehicle's rechargeable battery at a 49
voltage of two hundred volts or more. 50

(H) "Make-ready infrastructure" means electrical 51
infrastructure required to accommodate the electric load of an 52
electric vehicle charging station. "Make-ready infrastructure" 53
excludes an electric vehicle charging station. 54

Sec. 4933.53. (A) No electric distribution utility may own 55
or operate publicly available electric vehicle charging stations 56
except through a separate affiliate or subsidiary that is not 57
subject to public utilities commission jurisdiction, except as 58
provided in division (C) of this section and notwithstanding 59
section 4933.55 of the Revised Code. This division does not 60
prohibit the commission from approving a program, funded by 61
revenues from electric distribution utility rates, to promote 62
the creation of electric vehicle charging stations by electric 63
vehicle charging providers or the purchase of any equipment used 64
to charge an electric vehicle by residential customers. 65

(B) (1) No electric distribution utility may charge its 66
affiliate or subsidiary a subsidized rate, fee, or charge for 67
electric service distributed to the affiliate's or subsidiary's 68
publicly available electric vehicle charging stations. 69

(2) An electric distribution utility affiliate or 70
subsidiary that owns or operates an electric vehicle charging 71
station shall be subject to the same rates, terms, and 72
conditions that apply to electric vehicle charging providers 73
located in the electric distribution utility's certified 74
territory. 75

(C) (1) If, five or more years after the effective date of 76

this section, an electric distribution utility is able to 77
demonstrate that there is not at least one publicly available 78
electric vehicle charging station in an area of last resort, the 79
electric distribution utility may petition the commission for 80
approval of the installation and ownership of a publicly 81
available electric vehicle charging station solely in the area 82
of last resort. 83

The commission may approve, modify and approve, or reject 84
an electric distribution utility's installation and ownership of 85
such a charging station in an area of last resort, provided that 86
any approval shall include a finding that the requirements of 87
this section and section 4933.54 of the Revised Code have been 88
met. 89

(2) No electric distribution utility shall be obligated to 90
deploy equipment for a publicly available electric vehicle 91
charging station without timely and adequate cost recovery. 92

(D) (1) If an electric distribution utility files a 93
petition under division (C) of this section, the electric 94
distribution utility also shall file a proposal with the 95
commission that includes a description of the area of last 96
resort, a statement certifying that there is not at least one 97
publicly available electric vehicle charging station in the area 98
of last resort, and a description of the publicly available 99
electric vehicle charging station it proposes to construct at 100
the location. 101

(2) An electric distribution utility, concurrently with 102
the filing made under this division, shall provide conspicuous 103
public notice on the electric distribution utility's web site 104
and to each dealer of transportation fuel within a ten-mile 105
radius of the location of the electric distribution utility's 106

proposed publicly available electric vehicle charging station. 107

Such notice shall contain at least both of the following: 108

(a) The date the electric distribution utility filed a 109
proposal with the commission to provide a publicly available 110
electric vehicle charging station under this division; 111

(b) The date by which a person may file a proposal to 112
provide a publicly available electric vehicle charging station 113
within a ten-mile radius of the proposed location as described 114
in section 4933.54 of the Revised Code. 115

(E) Prior to approving an electric distribution utility's 116
installation and ownership of an electric vehicle charging 117
station under division (C) of this section, the commission shall 118
conduct a right of first refusal process. The commission shall 119
not conduct a right of first refusal process if there is a 120
publicly available electric vehicle charging station within a 121
ten-mile radius of the site where an electric distribution 122
utility proposes to locate such a charging station. 123

(F) If, within ninety days after notice is provided under 124
division (D) of this section, no electric vehicle charging 125
providers are identified within ten miles of the location 126
proposed by an electric distribution utility in a proposal filed 127
under division (D) of this section, an electric distribution 128
utility may submit to the commission a notice of intent to 129
proceed with installation of a publicly available electric 130
vehicle charging station. 131

(G) Not earlier than one hundred eighty days after the 132
commission's finding of public interest and approval of the 133
proposal and installation, an electric distribution utility may 134
proceed with the construction and operation of its proposed 135

publicly available electric vehicle charging station. The 136
construction and operation of the charging station shall not 137
proceed if the commission determines that the construction and 138
operation unreasonably duplicates a publicly available electric 139
vehicle charging station operated, or under construction, by 140
another person. 141

Sec. 4933.54. Not later than ninety days after the filing 142
and notice described in division (D) of section 4933.53 of the 143
Revised Code, any person, except an electric distribution 144
utility, an electric cooperative, or a municipal electric 145
utility, may submit a notice to the public utilities commission 146
stating that it intends to provide a publicly available electric 147
vehicle charging station within a ten-mile radius of the 148
location proposed by an electric distribution utility under 149
section 4933.53 of the Revised Code and intends to request the 150
necessary make-ready infrastructure from the electric 151
distribution utility. The notice shall include the person's firm 152
commitment to place the charging station into service before the 153
later of the following dates: 154

(A) Eighteen months after the date the person submits the 155
notice to the commission; 156

(B) Twelve months after the date of completion of the 157
installation of the necessary make-ready infrastructure. 158

Sec. 4933.55. Revenues received by an electric 159
distribution utility for providing electric distribution service 160
shall not, directly or indirectly, subsidize investments in the 161
ownership or operation of electric vehicle charging stations, 162
except as part of a program approved by the public utilities 163
commission consistent with sections 4933.51 to 4933.59 of the 164
Revised Code. 165

Sec. 4933.57. Nothing in sections 4933.51 to 4933.59 of 166
the Revised Code prohibits an electric distribution utility from 167
recovering the costs of make-ready infrastructure through rates 168
or charges authorized under the electric distribution utility's 169
distribution rate case under section 4909.18 of the Revised 170
Code, so long as such subsidies for make-ready infrastructure 171
are offered to electric vehicle charging providers on a 172
nondiscriminatory basis. 173

Sec. 4933.59. Nothing in sections 4933.51 to 4933.59 of 174
the Revised Code shall be construed to prohibit an electric 175
distribution utility from operating, leasing, installing, or 176
otherwise procuring service from an electric vehicle charging 177
station on its own premises for the sole purpose of serving its 178
own electric vehicles. 179