

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 502

By: Hall

AS INTRODUCED

An Act relating to electric vehicles; creating the Oklahoma Electric Vehicle Charging Act; providing short title; establishing legislative intent; defining terms; requiring certain retail electric supplier to provide electric vehicle charging stations within certain conditions subject to certain approved tariffs; prohibiting certain electric vehicle charging stations from subsidization; providing that certain electric vehicle charging providers not be considered a public utility or retail electric supplier under certain provisions; construing provision; requiring retail electric supplier to maintain certain tariff; prohibiting discrimination in certain provisions of tariff; requiring certain tariff exclude certain provisions and be billed on certain metric; requiring compliance with act; requiring certain retail electric suppliers to file initial tariff with the Corporation Commission by certain date; requiring Commission to issue certain order by certain date; requiring certain non-rate-regulated retail electric suppliers publish initial tariff by certain date; requiring certain tariff remain in effect until certain time; directing Corporation Commission to promulgate rules; providing for codification; and providing an effective date.

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

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

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

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

9 A. The Legislature finds that:

10 1. It is in the best interest of this state to establish a
11 framework designed to encourage private sector investment in the
12 deployment of electric vehicle charging stations. Such framework is
13 essential to ensure that this state is prepared for increased
14 adoption of electric vehicles and to ensure equitable provisions for
15 all electric vehicle charging providers;

16 2. Widespread deployment of electric vehicle charging
17 infrastructure is consistent with the public policy of this state;
18 and

19 3. Electric vehicle charging infrastructure has the potential
20 to expand infrastructure investment, improve economic conditions,
21 and develop this state to be a leader in new and innovative
22 technologies.

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

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

5 2. Develop and implement competitively neutral electricity
6 tariffs aimed at and optimized for fair and robust competition while
7 ensuring transparency in pricing and compliance with 16 U.S.C.
8 2621(d) (21);

9 3. Encourage private investment, ownership, and operation of
10 publicly available electric vehicle charging stations, including
11 equipment that allows for fast charging;

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

14 5. Develop mechanisms to incentivize and support the short-term
15 and long-term efficient and cost-effective use of the electric grid
16 in a manner that supports the operation of electric vehicle charging
17 stations; and

18 6. Ensure that the cost of the deployment of electric vehicle
19 charging stations, including, but not limited to, the costs set
20 forth in this act, is borne solely by the providers and consumers of
21 electricity used to charge electric vehicles, and is not subsidized
22 by other classes of electric utility ratepayers; provided, utilities
23 may offer incentives to reduce costs of make-ready infrastructure.
24

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

4 As used in this act:

5 1. "Commission" means the Corporation Commission;

6 2. "Direct current fast charging station" means an electric
7 vehicle charging system capable of delivering electricity at a
8 minimum of fifty (50) kilowatts direct current to an electric
9 vehicle's rechargeable battery at a minimum voltage of two hundred
10 (200) volts;

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

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

16 a. a 100%-electric motor vehicle originally equipped so
17 that the vehicle:

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

22 (2) is manufactured primarily for use on public
23 streets, roads, and highways, but does not
24

1 include a vehicle operated exclusively on a rail
2 or rails, and

3 (3) which has at least four wheels,

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

6 (1) draws propulsion energy from:

7 (a) an internal combustion engine, and

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

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

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

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

20 5. "Charging station" means equipment by which electric current
21 is transferred to the power system of an electric vehicle together
22 with the real property upon which such equipment is located or
23 affixed;

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

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

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

11 9. "Retail electric service" means electric service furnished
12 to a consumer for ultimate consumption.

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

16 A. A retail electric supplier or a subsidiary or affiliate
17 thereof that provides, owns, operates, or maintains an electric
18 vehicle charging station directly to the public shall do so only
19 through a separate, unregulated entity and must do so on the same
20 fees, terms, charges, and conditions offered to private providers of
21 electric vehicle charging stations pursuant to the retail electric
22 supplier's approved tariffs.

23 B. After December 31, 2023, any electric vehicle charging
24 station that is provided by, owned, operated, or maintained by a

1 retail electric supplier, or a subsidiary or affiliate thereof,
2 shall not, directly or indirectly, be subsidized by any fee or
3 charge associated with the retail electric service provider's
4 regulated service offerings.

5 C. An electric vehicle charging provider shall not be
6 considered to be a public utility pursuant to the provisions of
7 Section 151 of Title 17 of the Oklahoma Statutes or a retail
8 electric supplier pursuant to the provisions of this act or Section
9 158.22 of Title 17 of the Oklahoma Statutes.

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

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

19 A. Each retail electric supplier shall be required to maintain
20 a commercial direct current fast charging station tariff utilizing
21 alternatives to traditional demand-based rate structures which sets
22 forth the fees, terms, and conditions for the sale of electricity to
23 electric vehicle charging providers for the operation of electric
24 vehicle charging stations.

1 B. The fees, terms, and conditions of the retail electric
2 supplier's tariff shall not discriminate among electric vehicle
3 charging providers, and the same fees, terms, and conditions thereof
4 shall apply to every electric vehicle charging provider, including
5 the retail electric supplier's separate, unregulated entity,
6 subsidiary, or affiliate.

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

11 D. Each retail electric supplier's commercial tariff shall
12 comply with the objectives of this act, including, but not limited
13 to, the requirement that an electric vehicle charging station not be
14 subsidized, directly or indirectly, by regulated services offered by
15 a retail electric service provider except as otherwise provided in
16 this act.

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

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

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

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

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

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

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