**As Introduced**

**136th General Assembly**
**Regular Session**
**2025-2026**

**S. B. No. 106**

**Senator Reineke**

# A BILL

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

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

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

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

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

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

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

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

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

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

(1) An electric distribution utility;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

proposed publicly available electric vehicle charging station. Such notice shall contain at least both of the following:

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

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

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

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

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

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

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

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

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

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

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

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