



November 28, 2022

The Honorable Rob McColley
Chairman, Senate Energy and Public Utilities Committee
Senate Building
1 Capitol Square
Columbus, OH 43215

Dear Chairman McColley:

The undersigned fuel retailers and fuel supply chain organizations appreciate the opportunity to provide written testimony regarding SB 307. We have had the opportunity to engage with the bill sponsor, Sen. Rulli and other interested stakeholders to discuss potential amendments and the path forward for Ohio's electric vehicle (EV) fast charging business. As the Senate Energy and Public Utilities Committee (Committee) continues to evaluate this legislation we encourage you to consider amendments to SB307 that will provide private businesses with a pathway to participate in the EV charging business in Ohio.

Fuel retailers across Ohio provide an essential service to customers by ensuring the availability of automotive refueling services in safe, convenient locations at competitive, transparent prices. Additionally, these locations provide a myriad of secondary services and amenities that consumers have come to expect when they refuel. The undersigned retailers and organizations represent thousands of retail stores in Ohio, without which drivers could not freely travel throughout the state without risk of running out of fuel. Retail fuel stations in Ohio have a long history of meeting customer refueling needs by allowing consumers to refuel in convenient locations at competitive prices. We are eager to continue that mission as the state's transportation sector transitions to EVs.

We support the development of a robust EV fast charging network in Ohio. In order to achieve this, we support amendments to SB 307 that will ensure Ohio is well positioned to maximize the benefits of the approximately \$140 million awarded to Ohio over five years through the National Electric Vehicle Infrastructure (NEVI) program. By amending SB 307, we are confident Ohio can lay the ground work for a competitive, self-sustaining EV fast charging market that is better and more economical for consumers, and does not require ongoing government or ratepayer subsidies. In order to give private businesses the certainty needed to invest in EV charging stations and grow Ohio's fast charging network, we offer the following amendments:

- **Amendment No. AM_134_3321:** Adds a representative from the fueling industry to the Automotive Industry Task Force. This would bring a valuable perspective to the task force as fuel retailers are already located in prime locations for travelers to stop, and they offer many of the secondary services that drivers expect such as food and beverages, restrooms, 24/7 service and security. Additionally, these are the same type of amenities that the NEVI program guidance prioritizes when siting NEVI compliant EV charging stations.
- **Amendment No. AM_134_3322-2:** Codifies the Ohio Public Utilities Commission ruling which allows non-utilities to sell EV charging services by the kilowatt hour without being regulated as an electric utility¹ and supports the partnership between electric utilities and private, unregulated businesses through the make-ready model. This model will allow utilities to recover the costs of make-ready infrastructure to prepare charging sites for EV chargers. Ohio’s electric utilities will play a critical role in ensuring Ohio’s grid infrastructure is prepared to support a statewide fast charging network. Indeed, this effort will require cooperation among all of Ohio’s electricity providers and many other stakeholder groups. However, unregulated businesses that compete on price and quality of service are better suited to own and operate publicly available EV fast charging stations, while regulated electric utilities should focus on preparing the grid for increased electrification of the transportation sector. This partnership will provide benefits to all electric utility ratepayers rather than only those who drive EVs. Additionally, this amendment ensures that if a regulated electric utility chooses to own and operate EV chargers it must do so on the same terms and conditions as any other provider of EV charging services.
- **Amendment No. AM_134_3323:** Seeks to address the challenge of demand charges which are costly fees charged by electric utilities based on spikes in electricity usage at a particular location. These charges pre-date electric vehicles and currently hinder private investment in EV fast chargers across the country. These demand charges make the economics of EV charging unprofitable for private businesses and creates an unfair advantage for electric utilities which do not impose the same costs on their own EV charging services provided directly to the public.²

We urge the Committee to include these amendments in SB 307. If these amendments are adopted, we would aggressively support the legislation, as it would then provide private businesses with a pathway to participate in the EV charging infrastructure solution in Ohio. Private investment is essential to a consumer-focused EV charging network as evidenced by the current refueling

¹ Ohio Public Utilities Commission, Docket No. 20-434-EL-COI, Finding & Order July 1, 2020

² Watters, David, “To ensure Biden’s EV evolution, states must allow private sector to participate,” The Hill, (10/09/2022) available at <https://thehill.com/opinion/congress-blog/3680450-to-ensure-bidens-ev-evolution-states-must-allow-private-sector-to-participate/>

network and NEVI program guidance which instructs states to use the funding to catalyze additional private investment.³ Private charging station operators with their own capital at risk will be motivated by market and competitive forces to offer consumers attractive pricing, better amenities and a more reliable customer experience than is currently available.⁴

Thank you for your leadership on this important issue. We look forward to continuing to engage with you and all other interested stakeholders to enact rational public policy on this important issue.

Sincerely,

Casey's Retail Company
Circle K Stores, Inc.
Get Go
The Love's Family of Companies
Ohio Energy and Convenience Association
Pilot Travel Centers, LLC
TravelCenters of America LLC

³ See the NEVI program guidance, page 25:

https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/nominations/90d_nevi_formula_program_guidance.pdf

⁴ See, e.g., Niraj Chokshi, "A Frustrating Hassle Holding Electric Cars Back: Broken Chargers," The New York Times, (Aug. 16, 2022) available at <https://www.nytimes.com/2022/08/16/business/energy-environment/electric-vehicles-broken-chargers.html>