

**As Introduced**

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

**S. B. No. 266**

**Senator Reineke**

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**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