

# HOUSE BILL REPORT

## SHB 1571

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**As Passed House:**  
February 14, 2011

**Title:** An act relating to electric vehicle battery charging facilities.

**Brief Description:** Limiting regulation of electric vehicle battery charging facilities.

**Sponsors:** House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy, McCoy, Crouse, Frockt, Kelley, Short, Jacks, Fitzgibbon and Billig; by request of Utilities & Transportation Commission).

**Brief History:**

**Committee Activity:**

Technology, Energy & Communications: 2/4/11, 2/8/11 [DPS].

**Floor Activity:**

Passed House: 2/14/11, 93-0.

**Brief Summary of Substitute Bill**

- Specifies that the Utilities and Transportation Commission (UTC) may not regulate battery charging facilities offered by an entity if that entity: (1) is not subject to the UTC's jurisdiction; or (2) is subject to the UTC's jurisdiction but is not subsidizing its battery charging facilities with any regulated service.

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### HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives McCoy, Chair; Jacks, Vice Chair; Crouse, Ranking Minority Member; Short, Assistant Ranking Minority Member; Anderson, Billig, Carlyle, Dahlquist, Eddy, Frockt, Haler, Harris, Hasegawa, Kelley, McCune and Morris.

**Staff:** Kara Durbin (786-7133).

**Background:**

Utilities and Transportation Commission.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Utilities and Transportation Commission (UTC) is a three-member commission that has broad authority to regulate in the public interest the rates, services, and practices of privately-owned utilities and transportation companies. The UTC regulates these utilities under a "rate of return" system, in which a regulated utility is generally allowed to charge rates to cover its costs, plus reasonable compensation for the services rendered. The retail sale of electricity is generally subject to regulation by the UTC, unless a legal exception applies.

#### Electric Vehicles.

Electricity can be used as a transportation fuel to power electric vehicles. Electric vehicles are propelled by an electric motor powered by rechargeable battery packs. These vehicles typically have limited energy storage capacity, which must be replenished by plugging the vehicle into an electrical source to recharge the battery.

#### Battery Charging Stations.

In 2009 the Legislature passed an act to support the planning for, and development of, electric vehicle infrastructure in the state, including the deployment of stations to charge electric vehicle batteries. Under this act, a battery charging station generally refers to a code-compliant electric assembly designed to charge electric vehicle batteries. A rapid charging station is generally defined as a code-compliant, industrial grade electrical outlet that provides faster recharging of electric vehicle batteries.

#### The Utilities and Transportation Commission Electric Vehicles Work Session.

In October of 2010, the UTC held a work session to consider its regulatory role related to electric vehicles. The work session included discussion of regulatory issues relating to the resale of electricity at public charging stations and whether such activity should be subject to economic regulation by the UTC.

#### **Summary of Substitute Bill:**

The Utilities and Transportation Commission (UTC) may not regulate the rates, services, facilities, and practices of any entity that offers battery charging facilities to the public for hire if that entity: (1) is not otherwise subject to the UTC's jurisdiction as an electrical company; or (2) is otherwise subject to the UTC's jurisdiction as an electrical company, but its battery charging facilities are not subsidized by any regulated service. An electrical company may offer battery charging facilities as a regulated service, if the UTC approves.

The bill incorporates definitions of "battery charging station" and "rapid charging station" that are used in current law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

#### **Staff Summary of Public Testimony:**

(In support) This is another step in moving our energy landscape towards electrification of our transportation system. The amendment simply clarifies that if an electric utility wishes to provide this as a regulated service, it may do so subject to the UTC's approval. This bill clarifies that the UTC has no jurisdiction over electric vehicle charging infrastructure or over the sale of electricity at those facilities. The purpose is to not hinder the development of electric vehicle infrastructure.

(Opposed) None.

**Persons Testifying:** Representative Eddy, prime sponsor; and Ann Rendahl, Utilities and Transportation Commission.

**Persons Signed In To Testify But Not Testifying:** None.