

# SENATE BILL REPORT

## SB 5440

---

---

As Reported by Senate Committee On:  
Environment, Water & Energy, February 8, 2011

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

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

**Sponsors:** Senators Rockefeller, Nelson, Ranker, Honeyford, Chase, Delvin, Fraser, Morton, Kastama, Holmquist Newbry and Kline; by request of Utilities & Transportation Commission.

**Brief History:**

**Committee Activity:** Environment, Water & Energy: 2/01/11, 2/08/11 [DPS].

---

### SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

**Majority Report:** That Substitute Senate Bill No. 5440 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Nelson, Vice Chair; Honeyford, Ranking Minority Member; Chase, Delvin, Fraser, Holmquist Newbry, Morton and Ranker.

**Staff:** William Bridges (786-7416)

**Background:** Washington Utilities and Transportation Commission (WUTC). The WUTC is a three-member commission that has broad authority to regulate the rates, services, and practices of investor-owned utilities and transportation companies. The WUTC regulates these utilities under a rate-of-return system, where a utility is generally allowed to charge rates that cover its costs, plus an opportunity to make a fair profit. Unless a legal exception applies, the retail sale of electricity is generally subject to regulation by the WUTC.

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 a comprehensive act promoting the development of an electric vehicle infrastructure, including the deployment of stations to charge electric vehicle batteries.

---

*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.*

Under the act, a battery charging station generally means a code-compliant electrical assembly designed to charge electric vehicle batteries. Rapid charging station is generally defined as a code-compliant industrial grade electrical outlet for faster recharging of electric vehicle batteries.

WUTC Work Session on Electric Vehicles. In October 2010 the WUTC held a work session to consider its role in the development of electric vehicle infrastructure and other regulatory issues relating to electric vehicles. Presentations included regulatory issues relating to the resale of electricity at public charging stations and whether the activity should be subject to economic regulation.

**Summary of Bill (Recommended Substitute):** Prohibiting the WUTC From Regulating Electric Vehicle Charging Stations. The WUTC is prohibited from regulating the rates, services, facilities, and practices of an entity that offers battery charging facilities to the public for hire if that entity is not regulated by the WUTC as an electrical company. The prohibition also applies to rates, services, facilities and practices of an electrical company regulated by the WUTC if its battery charging facilities and services are not subsidized by any regulated service. However, an electrical company regulated by the WUTC may offer battery charging facilities as a regulated service, subject to WUTC approval.

Incorporating Definitions. Current definitions of battery charging station and rapid charging station are incorporated in the RCW Title governing the WUTC's regulation of investor-owned utilities.

**EFFECT OF CHANGES MADE BY ENVIRONMENT, WATER & ENERGY COMMITTEE (Recommended Substitute):** An electrical company regulated by the WUTC may offer battery charging facilities as a regulated service, subject to WUTC approval.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: The bill promotes an emerging sector that should not be subject to WUTC regulation. The bill will help place charging stations on privately-owned property, which will further develop the infrastructure required for electric vehicles. The WUTC favors the bill because it does not want to hinder the deployment of a charging infrastructure. The bill allows investor-owned utilities to expand the charging infrastructure using shareholder money, not ratepayer money. This bill does not deal with weights and measures or consumer protection issues. PacifiCorp proposes that investor-owned utilities be allowed to use ratepayer money to develop charging stations as a public service, subject to WUTC approval.

**Persons Testifying:** PRO: Senator Rockefeller, prime sponsor; Ann Rendahl, WUTC; Kathleen Collins, PacifiCorp.