



March 28, 2023

112 West Street
Annapolis, MD 21401

Favorable with Amendments- House Bill 834 – Electric Vehicle Charging Infrastructure – Requirements (Electric Vehicle Charging Reliability Act)

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) support with amendments *House Bill 834 – Electric Vehicle Charging Infrastructure – Requirements (Electric Vehicle Charging Reliability Act)*. House Bill 834 requires the Public Service Commission (PSC) to expand the existing Electric Vehicle (EV) Pilot Program to allow participating companies to install EV charging stations in multifamily dwellings in underserved communities, establish reliability standards for the availability of EV chargers and require additional reporting requirements for those reliability standards.

Maryland has adopted a goal of 300,000 zero-emission vehicles on the road by 2025 to help in achieving state greenhouse gas reduction goals. Naturally, the expansion and reliability of the EV charging systems is necessary to support that zero-emission vehicle target.

This legislation requires a utility operating an EV charging network have stations with an average annual uptime of 97% or greater. The Maryland Public Service Commission's (PSC) Electric Vehicle Working Group has agreed to adopt the new National Electric Vehicle Infrastructure (NEVI) standards. Pepco and Delmarva Power feel the legislation should set performance standards that are aligned with federal NEVI standards and respectfully ask that this provision be amended. Amending this language would align Maryland's uptime standards with federal standards, provide flexibility to continue following the standards as they evolve, and grant the Commission the authority to make alterations that benefit Maryland.

Additionally, utilities are currently required by the PSC to report on its EVsmart program on a semi-annual basis. Increasing the frequency of this reporting would be burdensome and, in our opinion, provide no real value to the goal of electric charger reliability improvement. Pepco and Delmarva Power respectfully request to allow the semi-annual reporting to continue.

Further, as written, the legislation terminates existing EV programs in 2025. Pepco and Delmarva Power have concerns that utilities with existing EV programs would only have two years to install chargers at multifamily properties. We ask that the language be amended to clarify that a utility with an existing program or approved program would be able to continue its current programs going forward.

Lastly, House Bill 834 requires that utility companies submit a corrective action plan when a charging network station fails the uptime requirement. Pepco and Delmarva Power request that the legislation require a utility to submit a report on the number of failed stations and the cause of the failure. A corrective action report would not provide the results intended because the charging station would likely have been repaired prior to the time the corrective action plan is filed. Also, the legislation would authorize the Commission to impose a penalty on a utility when the network charging stations fell below the uptime requirement. Pepco and Delmarva Power recommend striking this language as there is existing statutory language that authorizes the PSC to impose a penalty on a utility.

Pepco and Delmarva Power welcome the opportunity to continue working with the sponsor on this legislation, and respectfully requests that the Committee issue a favorable vote with the following amendments:

Amendment No. 1.

On page 3, after line 20, insert:

(3) THE TERMINATION OF THE EV PILOT PROGRAM EXPANSION REQUIRED UNDER ITEM (1) SHALL NOT BE CONSTRUED TO:

(I) TERMINATE AN ELECTRIC COMPANY'S AUTHORITY TO OPERATE EV CHARGING STATIONS UNDER A PROGRAM APPROVED BY THE COMMISSION ON OR BEFORE MARCH 1, 2023;

(II) LIMIT AN ELECTRIC COMPANY'S EFFORTS TO OPERATE AND MAINTAIN EV CHARGING STATIONS INSTALLED UNDER THE EV PILOT PROGRAM; OR

(III) IMPACT THE COST RECOVERY BY AN INVESTOR-OWNED ELECTRIC COMPANY FOR THE LIFETIME OF AN EV CHARGING STATION INSTALLED UNDER THE EV PILOT PROGRAM.

Interlineated Amendment No. 1

(2) TERMINATE THE EV PILOT PROGRAM EXPANSION REQUIRED UNDER ITEM (1) OF THIS SECTION ON DECEMBER 31, 2025.

(3) THE TERMINATION OF THE EV PILOT PROGRAM EXPANSION REQUIRED UNDER ITEM (1) SHALL NOT BE CONSTRUED TO:

(I) TERMINATE AN ELECTRIC COMPANY'S AUTHORITY TO OPERATE EV CHARGING STATIONS UNDER A PROGRAM APPROVED BY THE COMMISSION ON OR BEFORE MARCH 1, 2023;

(II) LIMIT AN ELECTRIC COMPANY'S EFFORTS TO OPERATE AND MAINTAIN EV CHARGING STATIONS INSTALLED UNDER THE EV PILOT PROGRAM; OR

(III) IMPACT THE COST RECOVERY BY AN INVESTOR-OWNED ELECTRIC COMPANY FOR THE LIFETIME OF AN EV CHARGING STATION INSTALLED UNDER THE EV PILOT PROGRAM.

Rationale: As written, the bill would provide only two years for electric utilities to install chargers at multifamily properties. The proposed language clarifies that a utility with an existing program or program approved would be able to continue its current programs going forward.

Amendment No. 2

On Page 3, beginning with "shall" in line 24, down through "greater" in line 25, and substitute "**SHALL MAINTAIN UPTIME STANDARDS IN ACCORDANCE WITH FEDERAL NEVI STANDARDS OR ALTERNATIVE STANDARDS APPROVED BY THE COMMISSION**".

Interlineated Amendment No. 2

~~7-904.~~

(A) ~~(1) AN EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ELECTRIC COMPANY OPERATING AN EV CHARGING NETWORK SHALL ENSURE THAT EV CHARGING STATIONS IN THE EV CHARGING NETWORK HAVE AN AVERAGE ANNUAL UPTIME OF 97% OR GREATER.~~ **SHALL MAINTAIN UPTIME STANDARDS IN ACCORDANCE WITH FEDERAL NEVI STANDARDS OR STANDARDS APPROVED BY THE COMMISSION.**

Rationale: The proposed language would align Maryland's uptime standards with federal standards, provide flexibility to continue following the standards as they evolve, and grant the Commission the authority to make alterations that benefit Maryland.

Amendment No. 3

On page 4, strike “**QUARTERLY**” and substitute “**SEMI-ANNUAL**”.

Interlineated Amendment No. 3

(2) AN ELECTRIC COMPANY THAT OPERATES AN EV CHARGING NETWORK OR EV CHARGING STATION SHALL SUBMIT THE FOLLOWING EV CHARGING STATION DATA TO THE COMMISSION ON A **SEMI-ANNUAL BASIS** ~~QUARTERLY BASIS~~:

Rationale: Utilities currently report to the PSC on a semi-annual basis. The proposed language makes this reporting requirement consistent with current reporting requirements.

Amendment No. 4

On page 4, strike beginning with “**AND**” in line 15, down through “**COMPLETION**” in line 16.

Interlineated Amendment No. 4

(II) FOR EACH EV CHARGING STATION:

1. CHARGING SESSION START AND END TIMES ~~AND RATE OF SUCCESSFUL COMPLETION~~;

Rationale: The language, as drafted, is unclear as to what constitutes a successful completion. Currently, the utility receives information related to when the charge session starts, ends, and the percent of charge.

Amendment No. 5

On page 5, strike beginning with “**A**” in line 24, down through “**OCCURRED**” and substitute, “**, IN A REPORT REQUIRED UNDER §7-904(B) OF THIS SUBTITLE, THE NUMBER OF EV CHARGING STATIONS THAT FAILED TO MEET THE UPTIME REQUIREMENTS AND THE REASON THE EV CHARGING STATIONS FAILED TO MEET THE UPTIME REQUIREMENTS**”.

Interlineated Amendment No. 5

~~(2)~~ AN ELECTRIC COMPANY PARTICIPATING IN THE EV PILOT PROGRAM THAT, ACCORDING TO THE DATA SUBMITTED BY THE ELECTRIC COMPANY TO THE COMMISSION UNDER § 7–904 OF THIS SUBTITLE, FAILS TO SATISFY THE UPTIME REQUIREMENTS UNDER § 7–904 OF THIS SUBTITLE SHALL FILE WITH THE COMMISSION, **A CORRECTIVE ACTION PLAN IN A REPORT REQUIRED UNDER §7-904(B), THE NUMBER OF EV CHARGING STATIONS THAT FAILED TO MEET THE UPTIME REQUIREMENTS AND THE REASON THE EV CHARGING STATIONS FAILED TO MEET THE UPTIME REQUIREMENTS. FEBRUARY 1 OF THE CALENDAR YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE FAILURE OCCURRED.**

Rationale: The suggestion of a corrective action plan will not provide the results intended because the charging station would like have been repaired prior to the time the corrective action plan is filed. The new language proposes that the utility submit a report on the number of failed stations and the cause of the failure. This would give the Commission the necessary information to determine if there are properly functioning EV stations available.

Amendment No. 6

On page 5, strike “AS APPROPRIATE” in line 28, and substitute “**SUBJECT TO §13-201 OF THE PUBLIC UTILITIES ARTICLE**”

Interlineated Amendment No. 6

(C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, THE COMMISSION MAY; **SUBJECT TO §13-201 OF THE PUBLIC UTILITIES ARTICLE**, ~~AS APPROPRIATE~~, IMPOSE A PENALTY ON OR TAKE ADDITIONAL REMEDIAL ACTION AGAINST AN ELECTRIC COMPANY THAT FAILS TO SATISFY THE UPTIME REQUIREMENTS UNDER § 7–904 OF THIS SUBTITLE.

Rationale: This language incorporates the existing statutory language that authorizes the PSC to impose a penalty on a utility.

Pepco and Delmarva Power understand that House Bill 834 is well-intentioned and if the Committee is inclined to pursue this legislation, we respectfully ask to continue conversations with the bill sponsor. Pepco and Delmarva Power respectfully request a favorable report on House Bill 834, if amendments are included to address the reliability and reporting requirements.

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