



SWTCH Energy Inc.
Greentown Labs
444 Somerville Ave
Somerville, MA 02143
swtchenergy.com

February 14, 2025

The Honorable Brian Feldman and Committee Members
Senate Education, Energy, and the Environment Committee

Submitted electronically

Re: SWTCH testimony in OPPOSITION to **SB 913 – Department of Agriculture – Public Electric Vehicle Supply Equipment – Registration, Regulation, and Oversight**

Dear Chair Feldman and Members of the Committee:

SWTCH respectfully offers this testimony in OPPOSITION to SB 913.

Comments

SWTCH appreciates Senator Hettleman's support for electric vehicles (EVs) and EV charging across Maryland. SWTCH also appreciates her interest in hearing from EV charging industry stakeholders, as reflected by her willingness to amend last year's SB 951 to establish an EV supply equipment workgroup. Senator Hettleman, SWTCH, and other EV charging providers all share common goals of achieving widespread deployment of consistently reliable public charging across Maryland.

This bill seeks to enact into law several recommendations from last year's EVSE Workgroup, as transmitted to the legislature in its Nov. 1 report.¹ Broadly speaking, the Workgroup Report's recommendations fall into two categories: reliability and reporting, and consumer protection.

Though we share common goals, we differ on how to achieve those goals from a policy standpoint. This is not the time for this bill. Despite its good intentions, it will establish a regulatory environment that makes the economics of EV charging ownership and operation even more challenging and will dampen private sector deployment of chargers. Ironically, if enacted, this bill will be counterproductive to its goal of achieving more consistently reliable and operational chargers.

The National Conference on Weights and Measures (NCWM) recognizes the challenges that states around the country are encountering regarding the EVSE provisions of the National Institute of Standards and Technology (NIST) Handbook 44. The relatively few states that have begun to implement these provisions (found in Section 3.40) have experienced a multitude of challenges that has prompted NCWM to hold a first-ever training and technical conference this August focused on EV charging equipment.² Until regulators and industry stakeholders are able to address gaps in implementation as the regulatory environment matures, SWTCH urges Maryland to refrain from acting too quickly

¹ Final Report. Nov. 1, 2024. Maryland Electric Vehicle Supply Equipment Workgroup. Maryland Public Service Commission, Public Conference 62. <https://www.psc.state.md.us/wp-content/uploads/EVSE-Report-Final-11-1-24.pdf>

² <https://www.ncwm.com/evse-training-for-wm-inspectors-and-service-agents>

and investing scarce resources into this matter when a lighter-touch approach may be sufficient.

Summary of Recommendations

1. **State agency responsibility for EV charging standards:** State agency oversight and tracking of EV charging-related issues such as reliability and uptime should primarily rest with an agency that has experience and expertise in this space, such as the Public Service Commission or Maryland Energy Administration, instead of the Maryland Department of Agriculture's Weights and Measures program.
2. **Reliability mandates for privately funded chargers:** Any government-mandated reliability and reporting requirements should apply only to publicly financed chargers.
3. **Weights and Measures:** The bulk of the bill about Weights and Measures should be stricken. It is premature because MDA does not yet have regulations, staffing, or resources to implement the bill's requirements. It is burdensome and will drive up expenses for the charging industry. It will add delays to getting chargers back online and available for public use. Moreover, it is unnecessary because there is no widespread concern about EV charger metering accuracy that warrants such a statutory approach.

Comments

1. **State agency responsibility for EV charging standards** The state will benefit from a consistent set of reliability and reporting standards for publicly financed chargers. To date, a mix of ratepayer, taxpayer, and grant-funded chargers have been deployed through programs led or administered by the Public Service Commission, Maryland Energy Administration, Maryland Department of the Environment, and Maryland Department of Transportation. Aligning the reliability and reporting requirements for these various programs will benefit drivers and industry alike.

The EVSE Workgroup's Report was inconclusive about which agency is best positioned to lead this effort for consistent EV charging standards. The bill proposes to place that responsibility with the Maryland Department of Agriculture. MDA's Weights and Measures Program inspects and regulates devices associated with measurement of commodities such as food products and fuel oils, but has no current expertise in the range of reliability and other standards associated with EV charging. SWTCH recommends that the Public Service Commission, or, alternatively, the Maryland Energy Administration or Maryland Department of Transportation be designated as the primary agency for promulgating statewide EV charging standards for publicly funded chargers.

2. **Reliability mandates for privately funded chargers:** Much of the attention on EV charger reliability in Maryland over the past several years has largely been driven by early, first-generation deployments, including several of the utility-owned chargers first authorized by the Public Service Commission in its 2018 Phase I charging pilot.

A key lesson learned across the industry from its earlier deployments is the need to plan and budget for ongoing operations and maintenance (O&M). Fortunately, the industry as a whole has learned from and evolved its products and services to regularly include O&M plans to ensure ongoing uptime and reliability. This is an example of how the competitive market in a nascent industry has evolved to improve service for its customers.

The business case to deploy EV charging remains challenging, whether a company's business model is to be an owner/operator or as a solutions provider to customers, as SWTCH is. Although mass-market EVs have been around for 15 years, it is not hyperbole to describe the industry as still nascent and focused on scaling effectively. Over just the past few months, several well-known charging providers have gone out of business, terminated network service for its customers, and/or executed layoffs. Imposing heavy administrative burdens even on chargers that receive no public funding, as this bill would do, would be counterproductive to supporting increased charger deployment. Moreover, opening the door to civil penalties for charger owners who fail to meet certain standards would make it an easy "no" for any prospective customers or site hosts who otherwise would have been receptive to installing chargers.

To add to the industry's headwinds, with the new presidential administration in Washington, D.C., neither Maryland nor the charging industry can count on federal leadership to support EV charging. The state has the prerogative to attach standards for uptime and performance of chargers that it incentivizes with public dollars. However, this is not the time for the State to enact new burdensome legislation that would only increase financial and compliance burdens on privately-funded chargers.

3. **Weights and Measures:** Maryland has adopted NIST Handbook 44 which includes Section 3.40 on EV charging metering accuracy, tolerances, and related subjects. MDA's Weights and Measures Program is the appropriate agency to implement and enforce this section. While it has begun the process, there remains a great deal of uncertainty about how MDA intends to carry out its responsibilities and implement HB44.

By MDA's own estimates, its successful implementation of HB44 would require increasing its budget to pay for new staff positions, procure expensive field testing devices, and stand up a new regulatory procedure that will involve education, training and certification of industry stakeholders.

To establish an effective date for new regulations, as this bill would do, before MDA has even promulgated draft regulations, and without MDA have clear budget authority to staff up and procure the resources it would need to implement the regulations, is a recipe for a bureaucratic nightmare.

Ironically – given the bill's goal to improve the consistent reliability and uptime of EV chargers – its proposed statutory commencement of Weights & Measures implementation would lead to more chargers being out of commission and unable to be used by drivers for longer periods of time. This is because a key aspect of such regulations is to require field testing and reporting of chargers by registered

service agents (RSAs) before the charging provider can make the charger available for public use. Maryland lacks even a small amount of qualified RSAs who can perform this work. Moreover, given the uncertainty about the details of the forthcoming regulation, it is unclear how the field inspection process would work, what its additional cost would be, and how MDA proposes to ensure that it does not detract from the state's goal of ensuring uptime.

Now is not the time for the state to statutorily impose a new expensive and time-consuming regulatory burden on the EV charging industry when the MDA has yet to develop the proposed regulations and lacks the budget and resources to smoothly commence implementation.

About SWTCH

SWTCH is a leading provider of electric vehicle (EV) charging and energy management solutions for multifamily, commercial, and workplace properties across Maryland and North America. SWTCH's end-to-end solution optimizes EV charging usage and manages load to benefit drivers, property owners, and the grid. SWTCH has deployed more than 10,000 charging stations, with a particular focus on ensuring equitable access to EV charging. SWTCH's charging management platform is built upon a foundation of open communication standards and interoperability to ensure future flexibility, scalability, and innovation even after purchase and installation.

In Closing

SWTCH respectfully urges opposition to this bill. Thank you for your consideration of these comments. If you have questions or if I can provide more information, please contact me at josh.cohen@swtchenenergy.com or 202.998.7758.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Josh Cohen', with a long horizontal flourish extending to the right.

Josh Cohen
Head of Policy