

FREDERICK H. HOOVER, JR.
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PUBLIC SERVICE COMMISSION

Chair Brian Feldman
Education, Energy and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

RE: SB 913 – Information - Department of Agriculture - Public Electric Vehicle Supply Equipment - Registration, Regulation, and Oversight

Dear Chair Feldman and Committee Members:

The Maryland Public Service Commission (“Commission”) files these informational comments with items for the committee’s consideration. SB 913 requires the Maryland Department of Agriculture (“MDA”) to consult with the Commission regarding the implementation of certain provisions of the proposed legislation related to electric vehicle supply equipment reliability and reporting standards, as well as establishing consumer standards. The Commission can provide advice and recommendations to MDA on these topics as it has previously implemented reliability standards for utility-owned electric vehicle supply equipment as required by HB834 (2023). It is the Commission’s interpretation that non-utility EVSE will not be subject to the jurisdiction established and thus will not require resources to oversee this industry.

The Commission poses several considerations for the members. The Commission interprets the bill language to make utility owned EVSE exempt from all requirements of SB913. This includes testing weights and measures standards established under handbook 44 as described in section 11-503 of the proposed legislation. It is the Commission’s understanding that currently utility owned EVSE is subject to this type of requirement by MDA.¹ The Commission does not have the equipment nor Staff to conduct this type of testing if utility owned EVSE does not fall under the authority of the MDA program. It is recommended the legislature not exempt utility EVSE from weights and measures standards established under handbook 44 that has historically been the purview of MDA.

While the Commission is not the implementing agency, the Commission is required to consult with MDA on the development of their regulations. The proposed legislation requires approved regulations by December 1, 2025. The Commission notes it is typically a nine-twelve-month process to establish regulations and thus this timeline may be slightly aggressive.

It should be noted that the proposed legislation appears to be modeled upon certain recommendations put forward in a work group report that was filed with the legislature on November 1, 2024.² The proposed

¹ All EVSE that is used in commercial transactions is currently covered by law as described in this JCR report (https://dlslibrary.state.md.us/publications/JCR/2024/2024_99.pdf).

² Electric Vehicle Supply Equipment Work Group Final Report, Nov. 1, 2024. <https://www.psc.state.md.us/wp-content/uploads/EVSE-Report-Final-11-1-24.pdf>

legislation aims to improve the customer electric vehicle charging experience through ensuring higher quality operations of new stations and from existing ones that choose to come into compliance with the legislation. There is a tension though that EVSE owners may view the proposed legislation as burdensome and choose not to install EVSE or existing station may stop operating. The tension between these themes can be gleaned through the afore mentioned work group report previously required by SB951/HB1028 (2024). It should be noted that SB913 only imposes negative financial consequences for poor reliability on EVSE that is constructed or purchased with public funds and thus limits the exposure of private companies that completely fund EVSE with their own money. To help ensure a smoother transition for existing stations into the new paradigm the legislature could consider establishing grace periods like those discussed in the work group report for compliance or vest MDA with the authority to set those timelines.³ Additionally, the legislature could consider allowing the implementing agency to have flexibility for different technology types such as Level 2 vs Direct Current Fast Charging or Networked vs Non-Networked chargers for various reasons discussed in the report.⁴

Section 11-505 (B)(3)(III) requires the establishment of customer standards that require an EVSE owner to make publicly available the real time availability and accessibility of the charging station. This was discussed in the previously mentioned working group where it was recommended that the implementing agency be given two – four years to develop a plan and implement such a requirement and that a phase-in may be necessary for existing charging stations due to some complexities surrounding it.⁵ As there are no current government applications to publish this information, the legislature could clarify that posting or making this information available on their party platforms available to the general public without a membership could help lead to faster implementation.

Finally, section 11-508 (A)(2)(I) requires the established regulations be consistent with the National Electric Vehicle Infrastructure Formula Program (“NEVI”) to the extent practicable. The Commission notes that there is some uncertainty regarding this program at the federal level.⁶ As the rules for reliability and certain consumer standards are based on regulations associated with NEVI, there could be some uncertainty regarding these standards in the future. The legislature may wish to include other caveats such as MDA is to consider other national standards or standards from jurisdictions with large EV penetration to help mitigate some risk that may be associated with NEVI standards in the future. The reason other national standards or jurisdictions with large EV penetration are recommended is provide consistency for EVSE businesses. This desire was highlighted in a report to the Commission: “the charging industry is concerned with different jurisdictions setting different reliability standards such this can lead to more expensive and unique solutions for companies operating in different locations and ultimately dissuade private investment.”⁷

The Public Service Commission appreciates the opportunity to provide testimony for your consideration for bill SB 913. We request a favorable report with support for the amendments detailed above. Please contact Christina Ochoa, Director of Legislative Affairs at christina.ochoa1@maryland.gov if you have any questions.

³ *Ibid.* pp. 22 – 23.

⁴ *Ibid.* pp. 26 – 28.

⁵ *Ibid.* pp. 38 - 39.

⁶ Issued Feb. 6, 2025. <https://www.fhwa.dot.gov/environment/nevi/resources/state-plan-approval-suspension.pdf>

⁷ Public Conference 44 Electric Vehicle Work Group Reliability and Reporting Standards, Case No. 9478, Jul. 28, 2023. p. 11.

Sincerely,

A handwritten signature in blue ink that reads "Frederick H. Hoover". The signature is written in a cursive style with a large, stylized 'F' and 'H'.

Frederick H. Hoover, Chair
Maryland Public Service Commission