OPC Testimony HB1039.pdf
Uploaded by: David Lapp
Position: FWA

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BILL NO.: House Bill 1039 – Department of Agriculture – Public Electric Vehicle Supply Equipment – Registration, Regulation, and Oversight

COMMITTEE: Environment & Transportation

HEARING DATE: February 26, 2025

SPONSOR: Delegate Allen

POSITION: Favorable with amendments

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The Maryland Office of People's Counsel ("OPC") supports House Bill 1039 with an amendment to extend the same standards to utility-owned and non-utility owned electric vehicle supply equipment ("EVSE"). HB 1039 would require the owner of public EVSE to register with the Secretary of Agriculture, require the Secretary to establish a program to test the weight and measure of public EVSE, and establish key reliability, reporting, and consumer standards for public EVSE. OPC has participated in the electric vehicle ("EV") charging pilot program and associated work groups run by the Public Service Commission ("PSC"), and OPC is aware that inaccurate and unreliable charging stations remain a barrier to widespread EV adoption. OPC supports the accountability that HB1039 would impose on EVSE owners. Although utility-owned EVSE currently accounts for a significant percentage of all publicly available EVSE in the State, utility-owned EVSE is mostly exempt from complying with the requirements of HB 1039 as written. This exemption makes it harder to compare the performance of utility-owned and non-utility-owned EVSE, and to ultimately to ensure ratepayer funds are being prudently spent on utility-owned EVSE. For these reasons, OPC recommends removing the language that exempts utility-owned EVSE from the requirements for all publicly accessible EVSE under sections 11-503 through 11-508.

Background

On May 9, 2024, Senate Bill 0951/House Bill 1028 was signed into law, establishing the Electric Vehicle Supply Equipment Work Group ("Work Group") and directing the Work Group to submit a report ("Work Group Report") to the legislature by November 1, 2024.[1] SB0951/HB1028 required the Work Group to address three topics: (1) a framework for reliability and reporting standards for EV charging stations; (2) recommendations regarding which government entities have responsibility for ensuring accountability regarding EV charging stations; and (3) recommendations regarding adopting and implementing regulations for several topics listed within the legislation.[2] The Work Group failed to reach a consensus regarding which State agency should have responsibility for implementing a reliability and reporting framework, but did propose a framework for registering EVSE, implementing data reporting and tracking standards, and enforcing the framework.[3] Specifically, the Work Group Report recommended that both existing and new EVSE should be subject to reliability[4]. The Work Group Report also specified that publicly funded EVSE should be required to comply with reliability and reporting standards and face potential consequences for failing to meet standards.[5]

Comments

1. Utility-owned EVSE should not be exempt from the legal standards that apply to all other public EVSE.

Utility-owned and operated EVSE account for a significant percentage of all publicly available EVSE in the State.[6] Despite this market share in publicly available EVSE, there are ongoing concerns about the reliability of utility-owned charging stations.[7] The Work Group Report also noted general dissatisfaction with public charger

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[1] Electric Vehicle Supply Equipment Work Group Final Report, Prepared for the Senate Education, Energy, and Environment Committee and the House Economic Matters Committee ("Work Group Final Report") (Nov. 1, 2024), at 1.
[2] Work Group Final Report at 1.
[3] Work Group Report at 2.
[4] Work Group Report at 24-25.
[5] Work Group Report at 24-25.
[6] *See* Work Group Report at 4. As of July 31, 2024, the Maryland utilities were authorized to own and operate: (a) 664 Level 2 charging stations, which accounted for 17 percent of all Level 2 charging ports in the State; and (b) 150 Direct Current Fast Charging ("DCFC") stations, which accounted for 15 percent of all DCFC charging ports in the State.
[7] Work Group Report at 10.

reliability among EV drivers.[8] The Work Group report did not identify utility-owned EVSE as being more reliable or having a greater uptime than non-utility-owned EVSE. Without a clear distinction between the reliability of utility-owned EVSE and non-utility-owned EVSE, the report did not recommend holding these two categories of EVSE to different legal standards. Yet, as currently written, HB 1039 creates two different regulatory standards. Section 11-503 exempts utility-owned EVSE from field testing for the weight and measure of public EVSE. Currently, the PSC does not have the capability to conduct field testing or perform on-site inspection for public EVSE. Sections 11-504 and 11-505 explicitly exempt utility-owned EVSE from the reliability, reporting, and consumer standards to be promulgated by the Department of Agriculture. And section 11-506 may be interpreted as exempting utility-owned EVSE from inspection after the Secretary of Agriculture receives a consumer complaint.[9]

In their capacity as owners and operators of EVSE, public utility companies are operating in an otherwise competitive market. To appropriately evaluate the public utilities' participation in this market and whether costs to ratepayers are prudently incurred, utility-owned EVSE must be held to the same standards and their performance must be publicly comparable. Exempting utility-owned EVSE from the requirements of HB 1039 in favor of similar, but not fully comparable, requirements under PSC regulation makes this evaluation more challenging.

2. Exempting utility-owned EVSE from HB 1039 would result in regulatory gaps between the PSC's oversight of utility-owned public EVSE and the Department of Agriculture's oversight of non-utility-owned public EVSE.

HB 1039 exempts utility-owned EVSE because they are regulated by the PSC, but the bill does not clearly identify how reliability and reporting data should be shared and reported between the PSC and the Secretary of Agriculture. For example, utilities are required to report to the PSC their EVSE "uptime" and the EV network to which their

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[8] Work Group Report at 5. "In another a report by Plug In America regarding survey data from March 2024 found that about 40 percent of respondents claimed they were unsatisfied with public charger reliability."

[9] Section 11-506 states, "The Secretary shall develop procedures for inspecting Public Electric Vehicle Supply Equipment when a complaint is received." Although utility owned EVSE is not exempt from "public electric vehicle supply equipment" as it is used in 11-506, utility owned EVSE is exempt from registering with the Secretary under section 11-502. Therefore, it is unclear how the Secretary would conduct inspections of utility owned EVSE if it is not registered with the Secretary or subject to the other requirements in HB 1039.

EVSE belongs—also required as part of HB 1039—but this information is only reported on a semi-annual basis, and the PSC does not maintain a centralized database for this information. HB 1039 places no obligation on the utilities or the PSC to centrally locate or provide this data to the Secretary of Agriculture. Additionally, some data required to be reported to the Secretary of Agriculture is not reported by the utilities to the PSC. For example, utilities do not report the fee to use their EVSE or the payment methods accepted by the EVSE. Exempting utility-owned EVSE from the payment-method reporting requirement would make it harder to assess the reliability and revenues of utility-owned publicly available EVSE in the State—both key considerations for PSC determinations of whether utility-owned EVSEs, which are subsidized by ratepayers, are being operated in the public interest.

The bill's exemption of utilities from the usage-fee reporting requirement will also create consumer confusion about different fees at public EVSE. Such confusion over utility EVSE fees was evident on February 12, 2025, when a consumer filed a complaint with the PSC over inconsistent "guest user fees" and an unexplained fee for "local tax" at different utility-owned charger stations in Maryland.[10]

Section 11-505 also exempts utility-owned EVSE from complying with certain consumer standards to be established by the Department of Agriculture, including standards governing the type of payment options that must be available at public EVSE. This exemption from consumer standards governing payment options at EVSEs would explicitly contradict the recommendation of the Work Group Report.[11] Today, utilities do not report to the PSC on the payment options available at their EVSE, and although utilities are required to file [12] with the PSC the uptime of their stations, these reports have yet to be finalized. Among other standards, section 11-505 would require utilities—if not exempted—to report the real-time availability and accessibility of their EVSEs. By exempting utility-owned EVSE from the consumer standards in section 11-505, including payment option and real-time availability and accessibility requirements, HB 1039 would

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[10] *See* Comments on "Guest User Fees" and Unexplained "Local Tax" on Utility-Owned EV Charging Stations. Case No. 9478 (Feb. 12, 2025).

[11] Work Group Report at 37. "The EVSE Work Group recommends that the Implementing Agency have authority to set consumer standards around payment methods and should strive to be consistent with NEVI [National Electric Vehicle Infrastructure formula program]. . . The EVSE Work Group recommends that standards developed for payment methods should apply to publicly funded stations." *See also* Section 11-501(e) defining "Public Funds" as "any financial compensation from the Federal Government, the State, or a local government or utility ratepayers."

[12] *See* Public Utilities Article § 7-904 (effective Oct. 1, 2023).

make utility-owned EVSE subject to less transparency and fewer consumer protections than non-utility-owned EVSE. Exemption of utilities from both the payment option and real-time availability and accessibility requirements also will make it more challenging for the PSC to assess whether ratepayer funds are being prudently spent on utility-owned EVSE.

For the reasons stated above, HB 1039 should be amended to apply equally to utility-owned EVSE and non-utility-owned EVSE.

Recommendation: OPC requests a favorable Committee report on HB 1039 with the amendments described above.

Testimony HB1039 - ChargePoint.pdf
Uploaded by: Emily Kelly
Position: FWA

February 26, 2025

The Maryland House
Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

Dear Chair Korman and Vice Chair Boyce:

ChargePoint appreciates the opportunity to provide comments on HB1039, which is related to various regulations, standards, and requirements for electric vehicle (EV) charging stations.

By way of background, ChargePoint is a market leader in EV charging and has helped pioneer networked fueling, offering one of the industry's most comprehensive portfolios of hardware, software and services for commercial, fleet, and residential customers. We have enabled more than 330,000 places to charge in North America and Europe, and through the ChargePoint app, a driver can find over 800,000 places around the world to charge through our roaming integration with other networks. In Maryland alone, there are over 1,000 ports on our network owned by a variety of customers including, but not limited to retailers, cities, utilities, and hotels.

We applaud the state of Maryland for their ambitious goals that will support the transition to a cleaner transportation sector. The combination of The Maryland Climate Pollution Reduction Plan goals to achieve 60% climate pollution reductions by 2031 and be on track to net zero emissions by 2045, plus the adoption of Advanced Clean Cars II[1] (ACC II) last year puts Maryland in a position to be a national leader on reducing greenhouse gas emission and advancing the adoption of zero emission vehicles and related charging infrastructure. According to the Alternative Fuels Data Center, Maryland has just over 4,000 public charging ports, and given the zero emission vehicle goals that the state has committed to, there will be a need for many more chargers to allow drivers to charge at home, work, and on the go.

HB1039, while well-intentioned, as drafted, will discourage charger installation growth, deter private investment in charging, and cost the state millions of dollars to implement. Because of this, we are taking a position of favorable if amended and have outlined various amendments below that we think will streamline the requirements and timelines and reduce costs for the state to implement while keeping consumers protected.

NIST Handbook 44 for EV Charging Stations (Sections 501-503)

ChargePoint supports the state's enforcement of NIST Handbook 44, which creates a national standard for pricing transparency and meter accuracy for EV chargers. ChargePoint has helped to shape Handbook 44, and we are very confident in our meter accuracy. While the national rules are still nascent and states have various implementation challenges to work through, we are ready to support MDA to get its program started.

With that said, we believe HB1039 should be amended to include two important changes related specifically Section 501 and 502, which cover Handbook 44 implementation:

[1] https://mde.maryland.gov/programs/air/MobileSources/Pages/Clean-Energy-and-Cars.aspx

1. The definition of private shared chargers in Section 501 should be amended to include those chargers that charge a fee, which may include chargers at a multiunit dwelling or in a workplace setting. Private chargers in a multiunit dwelling will be critical for drivers who do not have access to a home charger, and applying those chargers to the Handbook 44 requirements will raise costs for property owners and those who do not live in single family homes. Test equipment to enforce metering standards of Handbook 44 runs $50,000-$100,000 per unit. Considering limited testing resources, the number of chargers, and the expected continued growth of new chargers, it makes sense to focus enforcement resources on publicly accessible chargers only. The states of VT, NY, and TX have all exempted pay per use private chargers from Handbook 44 enforcement and we believe Maryland should follow that as a best practice.

2. The enforcement date of October 2025 in Section 502 is unrealistic. We propose deferment to MDA on when implementation and enforcement of the program should begin. They will know best once they have staff and other resources in a place when it is appropriate to begin enforcement. If implementation of this program is rushed and underfunded, we put the consumer even more at risk.

Uptime Reporting Standards and Penalties for All Public Chargers in Maryland (Sections 504 and 505)

HB1039, as drafted, proposes uptime reporting standards on all public chargers installed in Maryland, penalties for those that are publicly funded, and tasks MDA to create said uptime standard, which may or may not align with the uptime standard in the NEVI guidance. Many other states have implemented uptime reporting standards for stations installed partially or in whole by taxpayer dollars. We recognize that companies should be held accountable for public funds and those chargers should provide reliable experience for drivers. ChargePoint is supportive of uptime reporting standards on a go forward basis for publicly funded chargers and believes the bill should be amended to reflect that in the following ways:

1. The definition of "public funds" in Section 501 should be changed to include charging stations and read as "publicly funded publicly available charging stations" and those stations should be required to meet an uptime reporting standard. This is in line with how other states including NY, CA, and NJ have implemented uptime reporting standards.

2. Any uptime standard the state implements should align with the NEVI uptime definition and formula for uptime. We firmly believe that now is not the time for states to create a patchwork of uptime reporting standards. This will raise unnecessary costs and cause confusion for site hosts, many of which are Maryland businesses like retailers, cities, and hotels. The Maryland Department of Transportation is leading the NEVI program and using the uptime standard set forth in that guidance. Creating another uptime standard would mean that some public chargers in Maryland would use the NEVI uptime guidance and others could use a different standard. This is not helpful for anyone involved. Section 504 should be amended to align the uptime standards in Maryland with the NEVI definition of uptime and formula for uptime, excluded downtime, and reporting mechanisms. If the state wants to revisit this standard after ample data has been collected and then change it, they should be applied to do so. However, for now, one standard and reporting mechanism is sufficient.

It's critical to keep in mind that MDA estimated it will need $2 million in upfront costs to implement uptime reporting standards for all stations and a yearly budget of an additional $1 million. If the state

wants to implement consumer protection standards another option is to start with implementation of Handbook 44 and then decide if additional uptime standards are needed. According to MDA, the cost to implement Handbook 44 itself is much lower than creating an uptime reporting program.[2]

Additional Consumer Standards (Section 508)

Section 508 outlines additional consumer standards for all public charging stations to be set by MDA and the PSC. While we think many of these have merit, we recommend that they also be applied specifically to publicly funded stations as the state sees necessary. The reality is that many public chargers already have existing standard payment options for drivers, have been installed safely by licensed electricians and are providing real time data through mobile apps. If the state wants to move forward by discussing these consumer standards in more detail and understanding the best practices, we suggest amending the language to include a working group composed of MDA, PSC, EV drives, and the private sector to discuss the goals further before any final decision or requirements are made in statute.

In conclusion, we thank the Committee for the opportunity to provide comments on HB1039 and look forward to working with you and the sponsors of the bill on amendments that balance consumer protection with industry's existing best practices. We believe ChargePoint and the state share the goals of protecting the consumer and creating reliable charging experience for EV drivers, and we need to work together to figure out how to do that in a way that keep costs down for Maryland taxpayers and take into consideration the important nuances to various regulations in this bill. Please do not hesitate to contact me if you have any questions.

Sincerely,

Emily Kelly
Senior Manager, Public Policy
ChargePoint

[2] https://www.psc.state.md.us/wp-content/uploads/EVSE-Report-Final-11-1-24.pdf

HB1039_2025_Hartmann.pdf
Uploaded by: Lanny Hartmann
Position: FWA

HB 1039 — Department of Agriculture - Public Electric Vehicle Supply Equipment - Registration, Regulation, and Oversight
Position: **Favorable With Amendments**

February 26, 2025

The Honorable Marc Korman
Chair, Environment and Transportation Committee
House Office Building
Annapolis, MD 21401

Dear Chair Korman and Members of the Committee:

I was among 13 EV drivers who evaluated nearly every fast charger in Maryland in late December, early January. We went to 304 sites and assessed over 1,000 charging ports. Our findings revealed a stark divide: Tesla and Rivian, operating just over half the fast chargers in Maryland, delivered near-perfect reliability, with only two offline. Among the rest, 31% were nonfunctional — dead, offline, or unresponsive.

Tesla, as an automaker, ties charging reliability to vehicle sales, which explains their robust Supercharger network. The underperforming chargers, however, belong to a mix of owners and charging network providers, many supported by state grants or ratepayer funds.

Maryland already mandates 97% uptime for utility-owned chargers under HB 834 of 2023. Yet, when this standard isn't met, the Public Service Commission imposes no penalties. Instead, utilities seek more ratepayer funds for contractors and equipment replacements — expenditures that, since the law's enactment, have not meaningfully improved uptime.

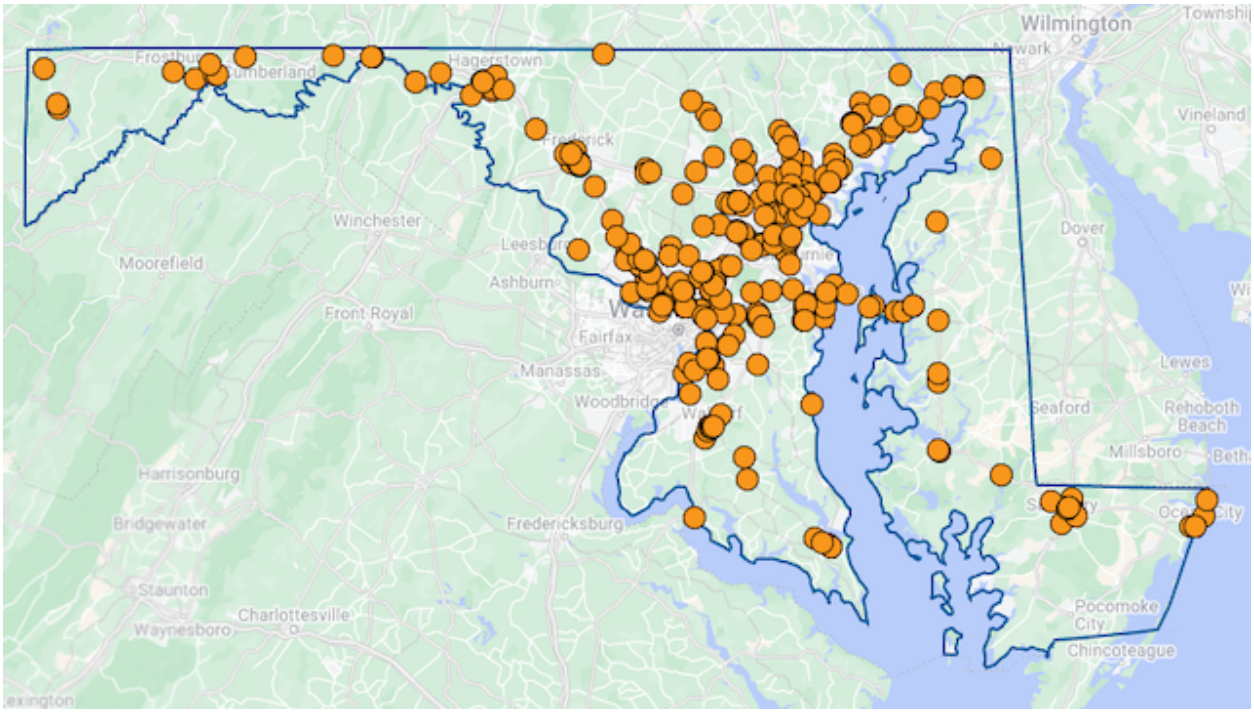
Rather than expansive regulations, I propose embedding service level agreements (SLAs) into state grant contracts for publicly funded chargers. This targeted approach would drive accountability and performance without expanding bureaucracy or straining the state's budget.

Thank you for your consideration.

Sincerely,

Lanny Hartmann
Columbia, Maryland

2025 Survey of Maryland's Public Fast Chargers



MD Fast Charger Operability

Owner Operator	Ports	# Down	% Up
Potomac Edison	20	0	100%
Rivian	12	0	100%
Tesla	543	2	99.6%
Government Owned	17	1	94%
Electrify America	91	8	91%
Royal Farms	36	4	89%
Other	13	3	77%
EVgo	95	22	77%
ChargePoint Owned	12	4	67%
Pepco	20	8	60%
SMECO	4	2	50%
EV Institute	53	27	49%
BGE	90	60	33%
Delmarva Power	13	9	31%

12/23/24-1/4/25

View the Spreadsheet: Explore the full list of sites visited.
Interactive Map: Access an interactive map of all the fast charging sites visited.

MD HB1039 Tesla Testimony.pdf
Uploaded by: Mal Skowron
Position: FWA

1 Tesla Road, Austin TX 78725
www.tesla.com/contact

February 24, 2025

Environment and Transportation Committee
Maryland General Assembly

RE: Tesla Testimony on HB 1039: Favorable with Amendments

Thank you for the opportunity to provide testimony on House Bill 1039. Tesla[1] views HB1039 as containing two distinct parts: the implementation of Weights and Measures requirements to EV chargers and the application of uptime standards and information reporting to all public chargers in Maryland.

Section 503 - Weights & Measures

Tesla has engaged for many years on the development of NIST Handbook 44 as it applies to EV chargers. Handbook 44 includes specifications for meter accuracy, price transparency, and labeling requirements for charging equipment. Many other states, including California, Vermont, Texas, and Michigan, have started to acquire test equipment and train staff to enforce Handbook 44. While the national standards are still nascent and states have run into various practical implementation challenges while establishing enforcement programs, we stand at the ready to support the Maryland Department of Agriculture (MDA) to get its program started to ensure commercial transactions at EVSE are fair and equitable.

Tesla's experience in other states indicates that successful implementation of any Handbook 44 enforcement program depends on proper resourcing to the implementing agency, a practical, step-by-step approach to enforcement, and a focused scope of chargers subject to regulation.

Recommendation: The definition of private shared chargers in Section 501 should be amended to include chargers at workplace and multifamily housing that charge a fee for use.

- A testing program to enforce Handbook 44 will be difficult to implement and enforce for behind-the-fence charging. Many workplaces and multifamily properties make Level 2 chargers available only to employees or tenants through site restrictions—locked gates and garages. For public chargers, MDA inspectors may appear on site and test immediately, but it's not clear how MDA would coordinate with property managers to get access to restricted-access areas with chargers installed.
- Test equipment to enforce meter accuracy standards in Handbook 44 runs $50,000-$100,000 per unit. According to AFDC, there are over 4,000 public charge ports at over 1,500 locations in Maryland.[2] There are likely hundreds of behind the fence shared private chargers. Considering limited testing resources, the number of chargers, and the

[1] Tesla's mission is to accelerate the world's transition to sustainable energy. To accomplish its mission, Tesla designs, develops, manufactures, and sells high-performance fully electric vehicles and energy generation and storage systems, installs, and maintains such systems, and sells solar electricity. Tesla has also invested in its growing network of retail stores, vehicle service centers, electric vehicle charging stations, and advanced manufacturing facilities. Tesla operates 60 Supercharger Stations with 546 individual connectors in Maryland, representing 55% of the state's fast charging ports. Tesla's charging network in Maryland also includes over 50 Level 2 Destination Charging locations with over 100 ports.

[2] https://afdc.energy.gov/stations#/analyze?tab=fuel&fuel=ELEC&region=US-MD

expected continued growth of new chargers, it makes practical sense to focus enforcement resources on publicly accessible chargers.

- Access to shared private Level 2 chargers is critical to unlock EV adoption for drivers who don't live in single family homes. Tesla's experience in California is that when applied to workplace and multifamily sites, placed-in-service requirements may increase projects costs as much as 30% in these hard-to-reach segments. High per-port costs come from the per-port field test time (30 min to 1.5 hours) and test equipment for registered service agencies (RSAs) to place chargers into service.
- Several states, including Texas, New York, and Vermont, have exempted private shared chargers from state-administered testing programs to enforce Handbook 44.

Recommendation: Defer to MDA to set a date for compliance with direction to establish extended timeline for existing stations.
It is premature to set a specific date for EVSE compliance with Handbook 44 in statute, especially when MDA may not have resources to enforce. We encourage HB 1039 to defer authority to MDA to determine a reasonable date for compliance and enforcement for EVSE, with grandfathering to give existing stations reasonable time to comply.

- There are practical challenges of field testing for DCFC and significant business impacts to retrofit existing stations. We strongly recommend that Maryland adopt a ten-year grace period for legacy chargers to comply with metering requirements.
- This would align with rules in other states. For example, Oklahoma exempts existing equipment until 2041. California extends compliance until 2033 for DCFC stations deployed before January 1, 2023.

<u>Sections 504, 505, and 508 - Uptime Reporting and Consumer Standards</u>
HB 1039 establishes uptime requirements, reporting mandates, and consumer standards that EVSE must follow to operate in the state of Maryland. We understand the intent is to provide consistency of experience for EV drivers. However, Tesla has significant concerns with these sections due to the negative impact they will have on charger deployment in Maryland. Maryland-specific reporting would not improve driver experience or charger reliability.

Recommendation: Sections 504, 505, and 508 should be limited to public EVSE that receive public funds.

- Reporting and uptime requirements are reasonable if focused to publicly funded chargers on a go-forward basis and administered by the funding entity.
- Reporting requirements include information like uptime and pricing information that would have to be updated regularly. Managing and transmitting such data would be burdensome and costly for both the implementing agency (MDA) and private network providers.
- No jurisdiction has applied uptime requirements to privately funded chargers as HB1039 proposes. Uptime reporting standards for privately funded chargers are not necessary to deliver good EV driver experience and will consume resources that could otherwise be invested in network expansion, reduced costs to drivers, and direct service.
- State centralization of information, such as pricing and payment, does not provide value to drivers. Drivers access pricing information directly from charging network providers, which is also how they find chargers and initiate sessions.

Thank you for the opportunity to submit testimony. We stand at the ready to work to ensure this bill serves EV drivers in Maryland and accelerates deployment of chargers in the state.

Sincerely,
Mal Skowron
Sr. Policy Analyst, North American Charging
Tesla

2025 HB10393DOAEVSERegulation.pdf
Uploaded by: Paul Verchinski
Position: FWA

Testimony to the House Environment and Transportation Committee
HB 1039 Department of Agriculture - Public Electric Vehicle Supply Equipment - Registration, Regulation, and Oversight
Position: Favorable with Amendment

26 February 2025

The Honorable Marc Korman, Chair
Room 251, Taylor House Office Building
Annapolis, MD 21401

Honorable Chair Korman and Members of the House Environment and Transportation Committee:

This is why I support HB 1039
My name is Paul Verchinski. I am a member of the Maryland Zero Emissions Electric Vehicle Infrastructure Council (ZEEVIC) and I represent the Public. I was also appointed by the Maryland Public Service Commission to the Electric Vehicle Supply Equipment (EVSE) Work Group (WG) that issued its Final Report (Report) on November 1,2024 as required by SB951/HB1028 to your Committee. I am therefore very familiar with the Report conclusions and potential impacts on EV drivers and EVSE providers.

Favorable with Amendment

I request a Favorable Report for the following reasons:
The Report did not identify which Maryland State Agency should be the responsible party to regulate EVSEs. However, the Department of Agriculture (DOA) currently has responsibility for EVSEs under its Weights and Measures oversight for Maryland consumers. Its oversight would now extend to Uptime and Reliability. This places the responsibility in one state agency which makes it understandable to consumers such as I. (Gas stations will eventually close and this new area will replace current DOA activities). This bill will require funding from the State budget beginning July 1, 2025. Eventually, fees should defray needed DOA funding for EVSE oversight.

After reviewing HB1039, I suggest that on page 4. Lines 20 and 21 be deleted **((3) Electric Vehicle Supply Equipment that is registered with the Comptroller or the Public Service Commission**). I am unaware of any EVSEs registered with either nor was this registration brought up in discussions in the WG.

Otherwise, I agree with the proposed language contained in HB1039

I ask that the committee report out the bill Favorably with this minor change.

Paul Verchinski
5475 Sleeping Dog Lane
Columbia, MD 21045

SB913_HB 1039 - MDA FWA.docx.pdf
Uploaded by: Rachel Jones
Position: FWA

Maryland
Department of Agriculture
Office of the Secretary
Wes Moore, Governor
Aruna Miller, Lt. Governor
Kevin Atticks, Secretary
Steven A. Connelly, Deputy Secretary

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Maryland Department of Agriculture

Legislative Comment

DATE: February 18, 2025

BILL NUMBER: SB 913/HB 1039

SHORT TITLE: Department of Agriculture - Public Electric Vehicle Supply Equipment - Registration, Regulation, and Oversight

MDA POSITION: FAVORABLE WITH AMENDMENTS

This legislation requires the Maryland Department of Agriculture (MDA) to require registration by owner/operator of public electric vehicle supply equipment. It establishes within the Weights and Measures (W&M) division of MDA a program specifically for the testing of specifications of public electric vehicle charging stations.

The MDA through its W&M unit regulates and inspects various devices in our State for consumer protection. We follow National Institute of Standards and Technology (NIST) standards for weights and measures devices. Across the U.S., State Departments of Agriculture have W&M divisions tasked with this responsibility. MDA W&M regulates weighing and measuring devices, instruments, elements, and systems, used or employed in establishing the measurement or in computing any basic charge or payment for services rendered on the basis of weight or measure.

Devices that are used in commercial transaction currently regulated by MDA W&M include retail motor fuel devices (gas pumps), bulk motor fuel devices (fuel trucks and loading racks), liquified petroleum gas meters (vehicle mounted and stationary propane meters), grain moisture meters, small, medium, large capacity scales, vehicle scales, belt conveyor scales, rail scales, and point of sale software.

NIST Handbook 44 Section 3.40. Electric Vehicle Fueling Systems sets the standards for EVFS chargers. This section sets the application, specifications, test procedures, tolerances, and user requirements for EVFS chargers. Since Maryland adopts NIST Handbook 44 by reference in statute, the standards set forth in Section 3.40. are the standards that MDA W&M will enforce.

MDA W&M will inspect and certify EVFS chargers to ensure the device is accurate and correct and will conduct investigations in response to consumer complaints. Registration of the EVFS chargers will be required to offset the costs associated with testing and inspecting these devices, as W&M is entirely specially funded, there is no general fund appropriation for the program.

MDA has met with the bill sponsor and proposed amendments that will continue to allow MDA W&M to have jurisdiction on the registration, specifications, tolerances, and user requirements for commercial EVFS chargers. The amendments alter the bill to specify that the PSC shall establish consumer protection standards for public EV charging stations, and that the PSC in coordination with MDA shall establish reliability and uptime reporting standards, among other things. They would require the PSC to establish training and certification standards for persons who install or perform maintenance on EV chargers. Lastly, the amendments require MDOT and the PSC to coordinate with MDA to provide reporting on NEVI funding.

MDA respectfully requests a favorable report with the above amendments.

If you have additional questions, please contact Rachel Jones, Director of Government Relations, at rachel.jones2@maryland.gov or 410-841-5886.

Wilson HB 1039 FWA.pdf
Uploaded by: Scott Wilson
Position: FWA

Testimony to the House Environment and Transportation Committee
HB 1039 Department of Agriculture - Public Electric Vehicle Supply Equipment - Registration, Regulation, and Oversight
Position: Favorable With Amendment

The Honorable Marc Korman, Chair 24 Feb 2025
Room 251, Taylor House Office Building, Annapolis, MD 21401

Honorable Chair Korman and Members of the House Environment and Transportation Committee:

My name is Scott Wilson, and I drive a 2017 Chevy Bolt EV and a 2013 Nissan Leaf. I serve on the Maryland Zero Emission Electric Vehicle Infrastructure Council, and I'm Vice President of the Electric Vehicle Association of Greater Washington DC. The following remarks are entirely on my behalf.

As of Jan 31 of this year, Maryland has 128,894 EV registrations, which includes plug-in hybrids. This is about 3% of total registrations. I estimate that roughly 25% are vehicles unable to charge at home and must rely on either workplace or public charging. We are thus at an early stage in the public charging landscape.

As an EV driver, I naturally support accurate billing at reliable public chargers. I've seen a handful of cases in which charger billing is incorrect in my favor, and vice versa. This bill assigns the Dept of Agriculture (MDA) to enforce accurate billing by applying NIST Handbook 44 standards, however, MDA has estimated around $650k for staff and equipment to do so, including specially trained registered service agents, required by HB44.

Given that we are in a still-developing public charging regime, I would suggest deferring HB 44 standards until we are closer to around 10% EV penetration, which would be around 450k registrations. This would allow the charger population to grow enough to justify the inspection costs, by which time robust market forces will also have emerged to improve reliability. I am also concerned that since registration would apply to public chargers, we would begin finding more and more once-public chargers becoming private within the definitions of this bill. Timeliness of inspections might also influence the rate of deployment, which needs to be as high as possible in our current early stage. Once the charging picture is more mature, these would both become less of an issue, especially since MDA could then focus effort primarily on chronic "problem chargers".

Thank you for your time,

Scott Wilson

NEMA Written Testimony MD HB 1039 2-24-2025 Final.
Uploaded by: Steve Griffith
Position: FWA

National Electrical Manufacturers Association
1812 North Moore Street
Suite 2200
Arlington, VA 22209
www.nema.org

Written Testimony of the National Electrical Manufacturers Association (NEMA)
House Bill 1039: Department of Agriculture – Public Electric Vehicle Supply Equipment – Registration, Regulation, and Oversight

Dear House Environment and Transportation Committee:

The National Electrical Manufacturers Association ("NEMA"), on behalf of its members, respectfully submits the following written testimony on Maryland House Bill 1039 concerning the Department of Agriculture Registration, Regulation, and Oversight of Public Electric Vehicle Supply Equipment.

About NEMA

NEMA represents over 300 electrical equipment manufacturers that make safe, reliable, and efficient products and systems. Together, our members contribute 1% of U.S. GDP and directly provide nearly 460,000 American jobs, contributing more than $250 billion to the U.S. economy. Our members produce goods for the grid, industrial, built environment, and mobility sectors. The electroindustry is a key driver of infrastructure development and future economic growth. NEMA members are leading producers of equipment for the mobility market, including electric vehicle ("EV") chargers and charging infrastructure, motors, inverters, and power control and distribution components.[1]

NEMA's Electric Vehicle Charging Equipment Manufacturers represents companies that are currently selling, manufacturing, and operating in North America. Electric vehicle charging infrastructure is not comprised of hardware alone. Rather, it represents a combination of hardware, software, cables and cable management, and analytics integrated into a network that delivers energy safely, reliably, and efficiently to a vehicle.

NEMA is strongly in favor of the efforts to deploy and sustain a nationwide electric vehicle charging infrastructure to support the increasing number of consumers who are choosing EVs. This deployment should strive towards standardization and interoperability and allow for communication and coordination between the vehicle, the charging station, and grid operator to maximize the benefit and convenience for vehicle owners, while not putting undue stress on the distribution system.

NEMA recognizes and supports the increased focus across states to provide uniformity in respective weights & measures laws, regulations, and standards to achieve equity between buyers and sellers in the marketplace and how this applies to public EV charging infrastructure. NEMA has been an active participant in the ongoing development and maintenance of the NIST Handbook 44: Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.

[1] Additional information about NEMA may be found at https://www.nema.org/.

General Comments

NEMA is supportive of the Maryland Department of Agriculture establishing a program to test the weight and measure of public electric vehicle supply equipment and ensure the equipment conforms to certain standards. Best practices for implementing these have already been identified in the NIST Handbook 44 which sets a national standard for ensuring accuracy and transparency of EV charging commercial transactions. Many other states have adopted the Handbook and some, including California, Vermont, Texas, and Michigan, have started to train staff to enforce Handbook 44.

NEMA is offering here are a few specific recommendations on the proposed bill text for the Maryland Department of Agriculture (MDA) to consider as it develops its program.

The definition of private shared chargers should be amended to include chargers that are limited to exclusive use by certain individuals such as residents or employees.

NIST Handbook 44, Section 3.40 is clear that only EVSEs used in commercial applications are subject to the regulation. All charging stations unavailable to the public, including residential and workplace chargers, and private shared chargers, should not be considered commercial applications in Maryland and should be exempt from any EVSE rules.

This important distinction will allow MDA to focus their resources on enforcement for publicly available stations. Also, as shared private Level 2 chargers are critical to unlock EV adoption for drivers who don't live in single family homes, these additional requirements could create regulatory burden in these harder-to-reach segments potentially discouraging adoption.

Uptime reporting should not be applied to privately funded chargers.

Section 504, 505, and 508 establish reliability/reporting requirements and consumer standards that EVSE must follow to operate in the state of Maryland. NEMA understands the intent behind this requirement in providing EV driver consistency but has concerns regarding the application to privately funded chargers.

NEMA agrees that these requirements have value when focused on publicly available chargers on a going forward basis. However, some of the Maryland standard requirements are duplicative of those already described in national standards such as NIST Handbook 44. That Handbook already provides standards for price transparency, and device power output labeling information.

NEMA agrees that information like date placed in service, power output, and number of output ports are reportable and would likely align with MDA's existing process for placing devices into service. However, reporting requirements like uptime percentages and pricing information would need to be updated regularly in order to have any meaningful value and this places an extreme burden on both the implementing agency and equipment providers. NEMA questions how centralizing this type of information would provide any direct value to EV drivers.

With respect to public charger uptime reporting requirements NEMA is aware that California has been developing similar regulations for over two years which have still not been finalized due to their complexity. Uptime reporting requirements for privately funded chargers have not been proposed in California and we encourage Maryland to focus its oversight on publicly funded chargers to ensure chargers built with state funds meet driver expectations for performance.

Conclusion

NEMA respectfully requests consideration of our recommendations as this bill progresses, and we look forward to working with the MDA to ensure its effective implementation. Should you have any questions or need any additional information, please contact me at (703) 307-7847 or steve.griffith@nema.org.

Sincerely,

Steve Griffith
Executive Director, Regulatory & Industry Affairs, Mobility

HB 1039 - MML - UNF.pdf
Uploaded by: Bill Jorch
Position: UNF

Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 26, 2025

Committee: House Environment and Transportation Committee

Bill: HB 1039 - Department of Agriculture - Public Electric Vehicle Supply Equipment - Registration, Regulation, and Oversight

Position: Unfavorable

Reason for Position:

The Maryland Municipal League (MML) opposes House Bill 1039. The bill mandates that the owner of public electric vehicle supply equipment register that equipment with the State annually, subject to a fee, and comply with reliability and reporting requirements for its equipment. Many municipalities would qualify as an owner under the bill and be subject to its provisions.

Throughout the State, electric vehicle (EV) charging equipment is being installed as demand for EV cars continues to grow. As such, many municipalities have determined that their residents and businesses would benefit from publicly owned charging facilities. Municipal governments understand the value of recording the equipment with the State to better understand where there may be gaps in the EV charging landscape.

However, the bill requires annual registration with a fee associated with it. While the individual registration fee may, or not, be nominal, if a municipality needs to register several pieces of equipment the fees start to add up. In addition, reliability and reporting standards that will be established under this bill may result in additional costs incurred by the local government to meet the standards and comply with the reporting, especially if they fall out of compliance and incur a civil penalty.

In a time of tight budgets at the local level, this is an additional cost burden placed on local governments that are helping to expand the scope of EV chargers in the State. Feedback from some municipalities that currently do not have public electric vehicle supply equipment is that the process in the bill may keep them from moving forward with installing such devices.

For these reasons, the Maryland Municipal League respectfully requests an unfavorable report on House Bill 1039. For more information, please contact Bill Jorch, Director, Public Policy and Research at billj@mdmunicipal.org. Thank you in advance for your consideration.

2025.02.24 SWTCH Testimony HB1039.pdf
Uploaded by: Josh Cohen
Position: UNF

SWTCH Energy Inc.
Greentown Labs
444 Somerville Ave
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February 24, 2025

The Honorable Marc Korman and Delegates
Maryland House Environment and Transportation Committee

Submitted electronically

Re: SWTCH testimony in OPPOSITION to **HB 1039 – Department of Agriculture – Public Electric Vehicle Supply Equipment – Registration, Regulation, and Oversight**

Dear Chair Korman and Members of the Committee:

SWTCH respectfully offers this testimony in OPPOSITION to HB 1039.

Comments

SWTCH shares HB 1039's goal of widespread deployment of consistent and reliable public EV charging across Maryland. However, this bill is not the way to achieve it. If enacted, it will burden Maryland businesses and will dampen EV adoption in Maryland.

The business case for deploying, owning, and operating EV chargers remains challenging. For most owners and managers of multifamily, commercial, and workplace properties — e.g., apartment and condominium buildings, shopping centers, office buildings, parking garages, and similar properties — EV charging is not core to their mission. When they decide to purchase and deploy chargers, it is usually because they want to offer charging as an optional amenity for tenants or guests.

Adding new regulatory, reporting, compliance, and financial burdens to EV charging – as HB 1039 would do – will discourage Maryland businesses from deploying chargers. If enacted, this bill will undercut the state's efforts to achieve its ambitious EV adoption, climate change, and emission reduction commitments.

For background, HB 1039 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. I served on the Workgroup on behalf of SWTCH. Although I appreciated the thoughtful and collaborative nature of the Workgroup, I differed on several of the Report's recommendations, as did my counterpart at another EV charging company who also served on the Workgroup. He will not be testifying on this bill because his company recently reduced several positions including his. I feel comfortable speaking for both of us in stating that, while we appreciated the Workgroup members' widespread support for EV charging, not enough consideration was given to the very real challenges associated with private sector deployment, ownership, and operation of chargers. If implemented, the Report's recommendations would make Maryland one of

[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

the most – if not the most – heavily regulated states when it comes to EV charging. This is not the way for Maryland to encourage new charger deployments and accelerate EV adoption at this time.

Relatively few states have begun to implement the EVSE provisions of the National Institute of Standards and Technology (NIST) Handbook 44, Section 3.40. Many of these states are experiencing significant challenges when it comes to implementation. This has prompted the National Council on Weights and Measures (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 these implementation challenges as the regulatory environment matures, SWTCH urges Maryland to refrain from acting too quickly 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 (PSC), or alternatively the Maryland Department of Transportation (MDOT) or Maryland Energy Administration (MEA), 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 PSC, MDOT, MEA, and the Maryland Department of the Environment (MDE). 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 broad range standards associated with EV charging. SWTCH recommends that the PSC, or,

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

alternatively, MDOT or the MEA, 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.

The state has the prerogative to establish uptime and performance standards for chargers that it incentivizes with public dollars. However, this is not the time for the State to impose new regulations on privately funded chargers that would add costly compliance requirements and disincentive private deployment and ownership of EV 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 having 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@swtchenergy.com or 202.998.7758.

Respectfully,

Josh Cohen
Head of Policy

Alliance for Transportation Electrification Positi

Uploaded by: Michael Krauthamer

Position: UNF

Alliance for Transportation Electrification

Contact:
Phil Jones, Executive Director
phil@EVtransportationalliance.org
Michael Krauthamer, Senior Advisor (Md.)
michael@EVadvisors.com

Position Paper on Maryland Senate Bill 913 / House Bill 1039 (2025)

Overview

SB 913 / HB 1039 will, if enacted:

- Impose burdensome costs on Maryland's business community, including small businesses and homeowners' associations;
- Reduce the number of EV chargers and reduce the number of electric vehicle miles driven;
- Slow the transition from gasoline to electricity for driving;
- Impose unnecessary enforcement costs on the state at a time of budgetary stress;
- Increase the cost of servicing and maintaining EV charging infrastructure;
- Exacerbate charger outages by diminishing the pool of eligible technicians;
- Open the door to additional taxation on EV drivers, thereby increasing costs to EV drivers;
- Provide little to no meaningful consumer benefit;
- Position Maryland as one of the least friendly states in the region for building out and operating EV charging infrastructure for businesses and host sites; and
- Run counter to the principles of balanced regulation that both protects consumers (EV drivers) and infrastructure owners and is not consistent with Maryland's public policy goals in climate, clean energy, and clean transportation.

In summation, the bill should be rejected and the Department of Agriculture should be directed to refrain from enforcing NIST Handbook 44 as it relates to EV charging.

Discussion

EV chargers fall into two broad categories (specifications vary but these are relatively common):

	Level 2	DC Fast
Power type Power level (typical) Miles delivered per hour	Alternating current 7.2 kW ~ 25	Direct current 150 kW ~ 250
Cost per port (EVSE only)	$1,500 to $3,000	$75,000 to $150,000
Typical session length	Medium/long-term (>30 min)	Short (<30 minutes)
Ownership	Site host (e.g., retail, office, apartment, hotel)	National network (e.g., Electrify America, EVgo, Tesla)
Typical cost per 30 min.	$1	$25

Level 2 chargers should be exempt

Our objection to SB 913 / HB 1039 centers on the bill's application to Level 2 chargers, although we believe the requirements on DC Fast are also premature given the nascent state of the market. The motivation behind the bill appears to be predicated on a belief that EV chargers are in poor disrepair and are owned and operated by large companies with deep financial resources who neglect their assets.

We recognize that in this early period of EV charger deployment there are growing pains. But the charging infrastructure ecosystem, particularly Level 2, is not a centrally-owned network by one company but instead dispersed among many sites and different owner-operators. While chargers may bear the name of a larger network, in fact full responsibility for the charger is with the landlord

or “site host” in the industry vernacular. The vast majority of EV chargers are installed and maintained by local retailers and landlords for the convenience of their customers. Site hosts do their best to provide superior service; while there is room for improvement, the answer is to let the market evolve organically and not impose a regulatory regime which is burdensome, expensive, intrusive, and ultimately will be counter-productive by deterring rather than promoting good infrastructure.

Marylanders who will be most affected have not been consulted

Critical stakeholders, specifically commercial real estate owners and small businesses who pay the bills for EV chargers, as well as electrical service contractors who would face new training and hardware costs, were absent from the multiagency workgroup which gave rise to SB 913 / HB 1039.

These businesses, many of them small and with no expertise in EV charging and lacking resources necessary to comply with the burdensome requirements of the bill, voluntarily have invested in EV chargers for their customers’ convenience and to support Maryland’s decarbonization goals.

The cost to purchase and install a Level 2 charger in a commercial or multifamily setting typically ranges from $3,000 to $6,000 per port. For the most part, chargers are not profitable and after installation continue to incur monthly fees such as those required to accept payment and for service and maintenance. While we anticipate Level 2 chargers becoming profitable as the industry matures and EV sales continue to increase, most EV charging providers are not generally profitable today. Placing additional costs on both the services providers and the site hosts at this nascent stage of development would undeniably have a negative impact on its development. Some of these costs will include additional state registration fees, the cost of hiring specialized technicians or Registered Service Agents as the Department of Agriculture proposes, and the associated time and resources devoted to compliance with such regulations per SB 913 / HB 1039. This could not only deter the installation of new Level 2 and DC fast charging station but may result in the removal of existing, likely underutilized yet important Level 2 chargers. We illustrate the difficult economics of a public charging focused on a typical Level 2 charger in the following table:

Monthly Revenue	kWh / hour		6
	Hours / day		2
	Total kWh		360
	Margin / kWh	$	0.10
	Total margin	$	36.00
Monthly Costs	Networking fee	$	(25.00)
	Maintenance plan	$	(30.00)
Monthly Net	Profit (Loss)	$	(19.00)

Enforcement costs are disproportionate to the benefits

- Section 11-503 directs the Secretary of Agriculture to establish a program to test the weight and measure of EV chargers consistent with NIST Handbook 44.
- EV charger meters are not designed to be field-adjustable, therefore applying the same process as for traditional devices is not logical. California, for example, recognizes this and is developing a process for EVSE meters to be tested and certified long before being installed and placed into service. This change recognizes the need to treat EV chargers differently from the measuring devices used by gas pumps and grocery store scales.
- Based on a survey of five state agencies in the workgroup established by the PSC, enforcement is projected to cost between $1,000,000 and $3,000,000 to start-up, and

between $600,000 and $1,700,000 per year to maintain. We note that the agency most likely to be tasked with enforcement, the Department of Agriculture, projects both the highest start-up costs ($2,000,000) and the highest annual recurring costs ($1,700,000).

- According to the U.S. Department of Energy's Alternative Fueling Station Locator, there are 3,290 Level 2 charging ports spread across 1,309 locations in Maryland. Assuming each charger is inspected every three years, the annual enforcement cost will be $1,824 per port.
- According to CLEAResults' EV Watts dashboard, in the Middle Atlantic region the average utilization for a public Level 2 port is 0.45 times per day for 3 hours. Assuming the driver pays $0.25/kWh, each charger will collect a total of about $862 per year.
- **Maryland will be spending $1,824 to inspect a Level 2 charger which collects a total of only $862 per year. Even if a charger is miscalibrated by 10 percent, which is far outside the expected tolerance (and there is no evidence of this happening), the error would be around $85. We do not believe this justifies the spending of nearly $2,000.**

Numerous requirements of SB 913 / HB 1039 are burdensome and inappropriate

Section 11-504 directs the Secretary and the Public Service Commission to develop reporting requirements and Section 11-505 would establish "consumer standards." We note first that the price of EV charging is explicitly excluded from jurisdiction on rate regulation by the Public Service Commission as is true in most states in the country (although rates and terms are regulated by the Commission where the regulated utility owns and operates EV chargers). Therefore, since it is generally regarded as a competitive business, the regulatory framework is generally considered to be more "light-touch" and focused on issues such as full disclosure and deceptive marketing practices. At a more practical level, however, the consumer is generally considered to have choices to move from one provider to another if not satisfied with the level of service. Accordingly, we don't believe that the bill's "consumer standards," and burdensome reporting requirements should be applied to site hosts or EV service providers operating in the private sector.

We reiterate that Level 2 site hosts' main business is not EV charging; instead, in most cases, they offer this as an amenity to customers. To the extent any regulatory burden is imposed on site hosts, this will act as a deterrent to more chargers being deployed. Moreover, we question the appropriateness of imposing reliability and other requirements for a service which private businesses offer voluntarily and which continues to evolve rapidly. It should be noted that Maryland businesses cannot simply shift the burdens of SB 913 / HB 1039 to network operators; multiple EV charging networks have shut down in recent months and now is not the time to impose additional burdens on this struggling industry. In any event, the state has no compelling need for this information which justifies the burden.

<u>Conclusion</u>

To be clear, ATE supports clear and robust requirements for the safety and reliability of public EV charging, as well as consumer protection standards. But such standards and requirements must be crafted in a balanced and reasonable way that recognize the nascent development of this industry as well as the ambitious climate and energy goals of Maryland.

If the General Assembly desires for Maryland to be an EV-friendly state, promote infrastructure, and promote important beneficial electrification and carbon reduction, we urge the rejection of SB 913 / HB 1039 and further propose that the Department of Agriculture be prohibited from enforcing the EV charging provisions of NIST Handbook 44.

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Uploaded by: Frederick Hoover
Position: INFO

STATE OF MARYLAND

PUBLIC SERVICE COMMISSION

Chair CT Wilson
Economic Matters Committee
Room 231 House Office Building
Annapolis, MD 21401

RE: HB 1039 – Information - Department of Agriculture - Public Electric Vehicle Supply Equipment - Registration, Regulation, and Oversight

Dear Chair Wilson and Committee Members:

The Maryland Public Service Commission ("Commission") files these informational comments with items for the committee's consideration. HB 1039 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 full 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 Fact 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 this informational testimony for your consideration for bill HB 1039. Please contact Christina Ochoa, Director of Legislative Affairs at christina.ochoa1@maryland.gov if you have any questions.

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[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,

Frederick H. Hoover, Chair
Maryland Public Service Commission