

Senate Committee on Utilities  
Testimony of Citizens' Utility Ratepayer Board  
Written and Oral Testimony  
Neutral Testimony on SB 380  
February 5, 2026

Chairman Fagg and members of the Senate Committee on Utilities, thank you for this opportunity to testify regarding Senate Bill (SB) 380. My name is Joseph Astrab and I am the Consumer Counsel for the Citizens' Utility Ratepayer Board (CURB). CURB is the advocate for residential and small commercial ratepayers before the Kansas Corporation Commission (Commission or KCC) and the Kansas Legislature. I am here to furnish neutral testimony on SB 380.

SB 380 creates new language that would require retail electric suppliers that own, operate, or maintain a fast charging station for public electric vehicle ("EV") charging to offer fair, reasonable, and nondiscriminatory rates and services to all other charging stations and prohibits such utilities from acting in a manner that provides an unreasonable competitive advantage to its own charging stations. The bill would also prohibit utilities from including in their rate base any costs or expenses incurred to construct, own, or maintain any charging station. The provisions would apply to investor-owned, cooperative-owned, and municipality-owned utilities engaged in retail electric service. The bill would apply prospectively and exclude any pre-existing charging stations and those not available for public use.

CURB is neutral to SB 380 because it believes that regulation of the EV market and charging stations is a public policy issue that warrants legislative guidance. If it is envisioned that EV charging will develop into a system like gas stations, coordination at higher levels helps ensure effective and consistent standards. CURB finds the purpose of supporting fair market conditions in a burgeoning industry to be a reasonable goal. The utility, who sets the prices and rules for electric service, has an inherent advantage over other end users who also wish to operate fast charging stations. CURB sees SB 380 as a way to preserve free-market conditions and mitigate that advantage in the EV charging industry. To that end, SB 380 appears to be a reasonable step in that process.

However, CURB would draw attention to how SB 380 may impact rural and underserved areas. Those areas do not have the same free-market interests in EV charging as densely populated or traveled areas. Nonetheless, some utilities are interested in using the regulatory certainty of their rate base to build and operate public charging stations in those locations. While CURB believes that ratepayer funds should not be used to give the regulated entity an unfair competitive advantage in another private industry, the Commission has addressed the issue of utility-operated charging stations.

In docket No. 21-EKME-320-TAR, the Commission reviewed an Evergy request to use ratepayer funds to support a network of charging stations across Kansas. In that docket, CURB and other parties explored the market conditions for EV charging needs in Kansas, especially in rural areas. Several counties were identified as “underserved” that lacked free-market interest in EV charging stations. The Commission ruled that expansion of EV charging by regulated utilities was not per-se impermissible. A utility could have a path to including a charging station in its rate base after a review of factors, including whether the charging station locates in an underserved county, the company gave the free market a meaningful opportunity to serve the county, the county’s EV charging needs are not being served, and the company explored but otherwise cannot use alternative means (e.g. federal or private funding) to fund the charging station.

Subsection (c) prohibits retail electric suppliers from including in rate base any costs associated with owning and operating any fast charging stations. CURB is not opposed to the language here because it is a policy determination whether to grant or remove ratemaking authority on the recovery of costs as it relates to impacting a specific industry. However, if the policy considerations from the 21-320 docket are still relevant today, it may be prudent to review this interaction and reconcile any conflicts. This subsection raises questions about whether a utility would be able to build a charging station in an underserved area and whether the Commission would have authority over the recovery of those costs from ratepayers. This subsection does not allow for any exemptions due to inadequate free-market intervention in underserved areas or reference Commission authority. If free market activity still results in underserved areas, then there may not be a viable alternative to establish EV charging in those locations.

For a potential way to address the underserved community issue, the Committee could explore whether to exempt rural cooperatives and municipalities from the bill. Texas and Oklahoma have passed similar laws that ban rate base inclusion of EV charging station costs. Texas exempts cooperatives and municipalities, while Oklahoma also exempts municipalities but regulates cooperatives. *Compare* Tex. Util. Code Ann. § 42.0104 *with* § 31.002(6); Okla. Stat. tit. 17 § 160.33 *with* § 160.32. These exemptions are designed to spur local investment in EV infrastructure by providing the incentive of ratepayer-backed recovery from entities that may be more in tune with the needs of the area. If adapted for SB 380, it could signal to other utilities that they can consider looking at these investments themselves if the private market has not filled in the gaps. This would provide more local control of those solutions and their consideration of their place in a larger statewide network. For communities that are interested in municipal or cooperative utilities providing EV charging services, a robust customer engagement and input process is vital to ensure that reasonable investments are made to address a tangible need.

For the reasons stated above, CURB submits neutral testimony on SB 380 for the Committee’s consideration.