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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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> Specifically, the Work Group Report recommended that both existing and new EVSE should be subject to reliability<sup>4</sup>. 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.<sup>5</sup>

## 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.<sup>6</sup> Despite this market share in publicly available EVSE, there are ongoing concerns about the reliability of utility-owned charging stations.<sup>7</sup> The Work Group Report also noted general dissatisfaction with public charger

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<sup>1</sup> 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.

<sup>2</sup> Work Group Final Report at 1.

<sup>3</sup> Work Group Report at 2.

<sup>4</sup> Work Group Report at 24-25.

<sup>5</sup> Work Group Report at 24-25.

<sup>6</sup> 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.

<sup>7</sup> Work Group Report at 10.

reliability among EV drivers.<sup>8</sup> 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.<sup>9</sup>

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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<sup>8</sup> 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."

<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> Today, utilities do not report to the PSC on the payment options available at their EVSE, and although utilities are required to file<sup>12</sup> 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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<sup>10</sup> See [Comments on “Guest User Fees” and Unexplained “Local Tax” on Utility-Owned EV Charging Stations](#). Case No. 9478 (Feb. 12, 2025).

<sup>11</sup> 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.”

<sup>12</sup> 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.