

**BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA**

IN THE MATTER OF A PERMANENT  
RULEMAKING OF THE OKLAHOMA  
CORPORATION COMMISSION ADOPTING  
**OAC 165:14, ELECTRIC VEHICLE  
CHARGING STATIONS**

CAUSE NO. RM 202100005

**FILED**  
DEC 01 2021

**RULE IMPACT STATEMENT**

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

Pursuant to 75 O.S. § 303(D) of the Oklahoma Administrative Procedures Act, the Public Utility Division ("PUD") of the Oklahoma Corporation Commission ("Commission") submits the following Rule Impact Statement for its proposed rules regarding Title 165, Chapter 14 of the Oklahoma Administrative Code ("OAC").

**I. Brief description of the purpose of the proposed rules:**

The purpose of the proposed rules is to establish a new chapter, OAC 165:14, due to implementation of House Bill 2234, effective November 1, 2021, of 68 O.S. § 6509 of the Driving on Road Infrastructure with Vehicles of Electricity (DRIVE) Act of 2021. The proposed rules will standardize record keeping requirements, require submission of contact information, an annual report, and regular reporting requirements, determine that public charging stations are not public utilities, establish requirements for charging station equipment and testing standards, establish consumer protection measures including a mediation process and requiring charging station operators to retain records of service complaints and investigations, and clarify that the Commission may assess costs and fines after notice and a hearing in certain situations.

**II. Description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:**

The persons most likely to be affected by the proposed rules are public charging station operators in Oklahoma, the Commission's PUD, and members of the general public who use the services provided at public charging stations. Compliance costs are anticipated for public charging station operators due to these rules, but no detailed cost impact information has been provided at this time from any private or public entity. The PUD anticipates a significant increase in its costs to administer the requirements of 68 O.S. § 6509 and is considering requesting a new fee in the Commission's Chapter 5 rules in a separate future rulemaking. No new or increased fees are proposed in these rules.

**III. Classes of persons who will benefit from the proposed rules:**

The persons benefiting from the proposed rules are members of the general public who use the services provided at public charging stations.

**IV. Description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:**

While the proposed rules implementing 68 O.S. § 6509, will economically impact public charging station operators, no detailed information regarding economic impact has been provided to PUD at this time. It is anticipated that the public charging station operators will incur costs to test the equipment, submit annual and regular reporting requirements, and ensure that the equipment meets the safety requirements in the proposed rules. The proposed rules are proposed as the least restrictive means to achieve compliance with the requirements of 68 O.S. § 6509. The Commission will incur increased costs due to the requirements of 68 O.S. § 6509 and these rules. The proposed rules do not propose any fee changes and will not affect other political subdivisions.

**V. Probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:**

The PUD expects increased costs to administer the requirements of 68 O.S. § 6509. The PUD is considering a request to the Commission for a new fee in the Commission's Chapter 5 rules in a separate future proceeding; however, no fee is being proposed in this rulemaking. There is no anticipated effect on state revenue.

**VI. Determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:**

It is not anticipated that implementation and enforcement of the proposed rules will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules.

**VII. Determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:**

The proposed rules are not anticipated to have an adverse economic effect on small businesses, as defined in the Oklahoma Small Business Regulatory Flexibility Act.

**VIII. Explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:**

Pursuant to 68 O.S. § 6509, public charging station operators are required to comply with certain testing and calibration requirements. The rules, implement, clarify, and provide a more descriptive process of the requirements. The PUD has attempted to minimize compliance costs by

permitting self-testing with random inspection performed by the PUD, with provision for initial certifications from the manufacturer allowed for compliance for the first three (3) years. Requirements to submit information were set forth to be as least burdensome as possible. Non-regulatory methods or less intrusive methods are not currently available for implementing the purpose of 68 O.S. § 6509 through these proposed rules.

**IX. Determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:**

The proposed rules are designed to ensure the accuracy of the amount of electricity transferred during the charging process and protect members of the public by ensuring that public charging stations are properly calibrated and safely maintained. The proposed rules require frequent testing and standardize safety measures for all public charging stations.

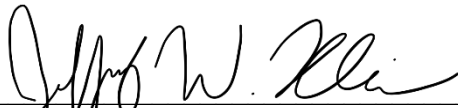
**X. Determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented:**

If the proposed rules are not implemented, potential detrimental effects to the public safety could result, as described above. The proposed rules ensure that public charging stations are calibrated correctly and are safely installed. It is not anticipated that there will be a detrimental effect on the public health or environment if these proposed rules are not implemented.

**XI. Date of preparation of Rule Impact Statement:**

This Rule Impact Statement was prepared on the 1st day of December, 2021.

Prepared by:



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