

Florida gas station owners square off against utilities over EV charging network

BY BRUCE RITCHIE | 12/29/2021 05:00 AM EST



Parking spots with charging stations for electric vehicles are pictured at a public park in Orlando, Fla. | John Raoux/AP Photo

TALLAHASSEE — Florida's gas station owners want more say — and for the state's power utilities to have less — in how a network of electric vehicle recharging stations develops as more EVs hit the road.

The issue is focused on legislation filed by Sen. Keith Perry (R-Gainesville) that would bar utilities from recovering from customers the cost of installing charging stations. The measure, [FL SB920 \(22R\)](#), has won the backing of the Florida Petroleum Marketers Association.

Perry's bill, filed in November, follows Public Service Commission approval earlier this year of utility plans to charge customers for helping expand into the nascent vehicle recharging marketplace.

The owners of gas stations and convenience stores see those approvals as giving utilities

an unfair advantage in the emerging marketplace, said Ned Bowman, executive director of the Florida Petroleum Marketers Association.

"You've got monopoly [utility] ratepayers funding EV," he told POLITICO recently. "Our private members don't have that kind of investment. They have to go to the bank for that."

The Florida Petroleum Marketers Association has helped create the new [Charge Ahead Partnership](#), which backs the legislation and likewise argues that existing gas stations and convenience stores already are better situated than utilities to serve the recharging and refueling needs of all motorists.

The legislation would prohibit utilities from paying for electric vehicle charging stations through the customer rates and directs the Public Service Commission to propose rules further restricting the role of utilities by Jan. 1, 2023 and to adopt those rules within a year.

Florida Power & Light Co. and Duke Energy Florida, the state's two largest electric utilities, declined to comment on the legislation.

But Florida Power & Light, the state's largest utility, and other electric vehicle advocates have previously said the state's recharging network still is in its infancy and that power providers have an important role to play.

During a Senate transportation committee workshop in September, Florida Power & Light's Matt Valle argued that utilities play a "critical" role and that homes will become "your new gas station" for electric vehicle owners.

"Your car is full every morning," he said. "You don't necessarily need a retail gas station unless you're taking a longer trip."

The Public Service Commission this past year took votes approving a \$205 million expansion of Florida Power & Light electric vehicle charging programs.

The utility's customers can be tapped for \$155 million of that amount while owners of residential and commercial electric vehicles would directly pay another \$50 million.

In May, the Public Service Commission approved a Duke Energy Florida rate case settlement that allows the utility to collect \$63 million from customers for electric vehicle programs. The commission also approved a Tampa Electric Co. pilot program to install 200 charging ports and recover up to \$2 million.

Perry did not respond to phone calls and emails requesting comment on his legislation.

But he told the Senate transportation committee workshop that the public was paying for charging stations even if they didn't own electric vehicles.

Perry, the committee's vice chair, also questioned the role of utilities in developing the

state's charging network, arguing they should only "sell electricity."

The American Legislative Exchange Council similarly [drafted a model resolution](#) earlier this year for Legislatures to direct their utility commissions to forbid utilities from using customer funds to build charging stations. ALEC is a conservative organization that advocates for anti-regulation, pro-business legislation.

Some electric vehicle supporters say it's too early in the deployment of electric vehicles to be concerned about the role of utilities and that the legislation could restrict the expansion of a needed charging network.

"I believe this is a battle between the private EV charger suppliers and the public energy suppliers," Leighanne Boone of the ReThink Energy Florida Action Fund told POLITICO in mid-December. "However, as a renewable energy non-profit we will be watching closely."

Matt Alford, former executive director of Drive Electric Florida, said in an interview that doing anything to stifle the expansion of a charging network could hurt Florida's tourism industry as electric vehicle use grows.

"It is going to take a variety of different business models, a variety of different owners and a variety of deployments to get to where we are going and see mass adoption" of electric vehicles, he said.

Drive Electric Florida, which includes utilities in its membership, has not taken a position on the legislation. Alford recently left Drive Electric Florida to join EY, a firm within Ernst & Young Global Limited, as its electric mobility manager.

The Charge Ahead Partnership created by the Florida Petroleum Marketers Association and other groups is concerned that utilities, while installing their own charging stations, also are applying high "demand" fees that make those same systems uneconomical at gas stations, said Jay Smith, the partnership's executive director.

The legislation would direct the Public Service Commission to write rules that encourage competition and allow "fair and reasonable" pricing for the electricity.

Smith said gas stations and convenience stores are "fuel agnostic" and that keeping them out of the EV charging marketplace is a disservice to customers.

He said power companies play an important role in developing a charging network but they shouldn't be granted monopoly status.

"There's not a law that says they have a monopoly but the [regulatory] structure has created a monopoly," Smith said. "And as long as that structure is in place that will continue to exist."