August 6, 2025

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RE: Docket No. 20250011 - FPL Rate Case / EV Charging Program

Dear Commissioners:

On February 28th, 2025, Florida Power & Light Company (FPL) submitted a petition for a permanent base rate increase that includes a request to make its utility-owned public electric vehicle (EV) charging program permanent. The Charge Ahead Partnership (CAP) respectfully submits the following comments opposing FPL's proposed continuation of its utility-owned, ratepayer-funded EV charging network.

CAP urges the Florida Public Service Commission ("FPSC" or "Commission") to reject this portion of the proposal. The continued expansion of FPL's public EV charging stations using ratepayer dollars distorts competitive markets, deters private investment, and shifts long-term costs and risks onto captive customers. Florida is already seeing healthy private sector growth in EV infrastructure deployment. There is no demonstrated need for monopolistic intervention-particularly in a service that is inherently competitive.

About Charge Ahead Partnership

Charge Ahead Partnership is a national coalition of businesses, organizations, and individuals committed to expanding EV charging access through competitive, market-based solutions. Our members include fuel marketers, convenience stores, restaurants, retailers, and other businesses that own or operate properties ideally suited for EV infrastructure. Many are already investing in EV chargers in Florida and across the country.

Our mission is to ensure that EV charging remains a dynamic and competitive marketplace - one in which infrastructure is developed efficiently, profitably, and in response to consumer demand. This vision requires fair market access, not a public utility leveraging guaranteed rate recovery to compete with private operators.

Comments on FPL's Proposed EV Charging Program

FPL's proposal to make its EV charging program permanent would further perpetuate the use of ratepayer funds to build, own, and operate public EV charging stations. This is a competitive service that should not be supported by the general body of ratepayers, many of whom may

never use these services. It would constitute a long-term transfer of wealth from all utility customers - including those who do not own EVs - to support services used by a select segment of the population.

Rate-basing competitive infrastructure has serious implications. First, it creates an unfair advantage for monopoly utilities over private competitors. Unlike FPL, private charging providers must raise capital, assume operating risk, respond to market forces, and recover costs directly from the user. By contrast, FPL's proposal would insulate it from market dynamics by ensuring cost recovery through regulated rates, regardless of station utilization or performance. As Grid Strategies has written:

> "Allowing monopoly utilities to own public EV charging stations will provide less efficient, lower-quality service and choice to EV owners, resulting in unfair cost shifting to other electricity consumers. Regulators should ban or disfavor utility ownership of charging stations."[1]

Second, FPL's use of a regulated charging rate - set at 35 cents per kilowatt-hour - poses a direct and unfair threat to the private EV charging market. Private providers must charge significantly more to cover equipment, maintenance, electricity, site leasing, and transaction costs. By offering a below-market rate subsidized by ratepayers, FPL undercuts private providers who operate without guaranteed cost recovery. This pricing distortion suppresses competition, discourages private investment, and signals to would-be market entrants that Florida prefers monopoly-controlled infrastructure over private-sector innovation.

Third, this model increases the risk of stranded assets. As EV charging technology and consumer behavior evolve rapidly, utility-owned charging stations could become obsolete before their costs are fully recovered. Utilities are not designed to respond quickly to changes in consumer demand, site utilization, or charging platform upgrades.

Fourth, publicly funded utility networks tend to suffer from inferior performance in terms of functionality and access to amenities. Independent studies in Maryland observed that despite generous ratepayer support, utility-owned chargers were frequently underutilized and failed to provide the amenities that drivers expect such as bathrooms and food vendors. In one survey, only 31% – 33% of utility-operated fast chargers were operational, compared to 99.6% uptime for privately-owned fast chargers.[2] These findings reinforce that utility ownership of charging stations often leads to underperforming charging experiences for EV drivers.

The Florida Market Is Competitive and Growing

Florida's EV charging market should not be dominated by monopoly electric utilities. EV adoption in Florida is rapidly growing with nearly 250,000 registered EVs in the state.[3] Additionally, Florida ranks third nationally in the number of publicly available EV charging

[1] Rob Gramlich & Devin Hartman, *Electric Vehicle Charging Infrastructure and the Role of Utilities*, Grid Strategies LLC (May 2023), https://gridstrategiesllc.com/wp-content/uploads/2023/05/GS_EV-Paper.pdf.
[2] Lanny Hartmann, "Time to pull the plug on utility-run EV charger program," *Maryland Matters* (Apr. 19, 2025)
[3] U.S. Dept. of Energy, Alternative Fuels Data Center, *EV Registrations by State,* https://afdc.energy.gov/data/10962

ports, with over 6,000 as of early 2024.[4] This network includes Level 2 and DC fast chargers, many of which are provided by private-sector companies that are deploying infrastructure in response to increasing demand. What is needed now is make-ready programs, favorable rate structures, and regulatory support for private businesses not a permanent expansion of utility-owned chargers.

Florida Law and National Trends Favor Market-Driven EV Infrastructure

Florida's current statutory framework, as amended by House Bill 1645 (2024), places restrictions on investor-owned utilities' ability to rate-base EV charging infrastructure. While earlier proposals like Senate Bill 920 sought to require utilities to use unregulated affiliates, HB 1645 did not go that far. However, it does limit cost recovery by requiring that utility EV infrastructure serve a grid benefit and disallows ratepayer recovery for charging stations that compete directly in the retail EV charging market. This reflects a policy direction that acknowledges the competitive nature of EV charging and aims to avoid cross-subsidization that could distort private investment.

Other states have adopted similar policies:

- In Maryland, the Commission issued Order No. 91297, requiring utilities to halt development of new utility-owned stations and to begin evaluating non-ratepayer funding options for existing chargers.[5]
- In South Carolina, Duke Energy's public EV charging program is being phased out. Operating and maintenance costs are now recovered exclusively through charging revenues, not general rates.[6]
- In Georgia, Charge Ahead Partnership supported the passage of Senate Bill 146 (2023), which ensured EV charging remains a deregulated retail service by specifying that entities selling electricity by the kWh for EV charging are no longer classified as utilities. This legislation limits utility ownership of charging stations to a narrowly defined "community charger" program, restricts ratepayer funding, and gives private providers the right of first refusal on proposed charger sites, safeguarding private investment and ensuring fair competition.[7]

These policy shifts recognize that utility monopolization of EV infrastructure is not sustainable, particularly as the private sector proves ready and able to meet growing demand.

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[4] U.S. Dept. of Energy, Alternative Fuels Data Center, *EV Charging Station Counts by State* – Q1 2024, https://afdc.energy.gov/fuels/electricity_locations.html.
[5] Maryland PSC, *Order No. 91297*, Case No. 9478 (Aug. 23, 2024).
[6] *Public Service Commission of South Carolina Denies Duke Energy EV Program Expansion*, Charge Ahead Partnership Press Release (Jan. 25, 2024), https://www.chargeaheadpartnership.com/sites/default/files/2024-01/CAP%20press%20release%20on%20SC%20decision%201.25.2024.pdf.
[7] *Georgia State Activity – Charge Ahead Partnership*, "Georgia becomes national leader in protecting competitive EV charging market with passage of SB146," Charge Ahead Partnership (May 8, 2023), available at: https://www.chargeaheadpartnership.com/state-activity/ga

The Appropriate Role of Utilities

This is not to say utilities have no role in EV infrastructure deployment. Utilities are well-positioned to manage make-ready infrastructure, upgrade distribution systems, and help facilitate interconnection for new chargers. These are appropriate monopoly functions tied to core grid services. However, EV charging services are different in that they are inherently competitive and not well suited for regulated monopoly control.

As a 2022 report from the Georgetown Climate Center and MJ Bradley concluded:

"The best use of utility involvement in EV infrastructure is to support investments that complement, not compete with, the private market. This includes make-ready infrastructure, time-of-use rates, and capacity upgrades-not direct ownership of retail-facing chargers."[8]

Conclusion

CAP urges the Commission to reject FPL's proposal to make its EV charging program permanent. Ratepayer-funded, utility-owned charging infrastructure poses long-term risks to both market fairness and financial accountability. Private investment is active and growing in Florida, making utility monopolization both unnecessary and harmful.

Instead, the Commission should continue to foster a level playing field where private providers can thrive and utilities are incentivized to support-not supplant-the competitive EV charging market. Thank you for the opportunity to submit these comments.

Sincerely,

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[8] Georgetown Climate Center & MJ Bradley, *Utility Investment in Electric Vehicle Charging Infrastructure* (2022), https://www.georgetownclimate.org/files/report/GCC-MJBA_Utility-Investment-in-EV-Charging-Infrastructure.pdf