



June 30, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy:

The undersigned organizations represent the hundreds of thousands of businesses across the country, located in every congressional district, that provide motor fuel and convenience items to consumers.¹ Together, our organizations sell approximately 90 percent of the motor fuel sold in America. While that is predominantly liquid motor fuel today, our industry is integral to the future development of a robust, consumer-friendly and competitive electric vehicle (EV) charging marketplace. Unfortunately, the Moving Forward Act includes provisions that will deter private sector investment in charging infrastructure, which will result in fewer charging options and less competition for the consumer.

Infrastructure spending is a top priority for our members, and should be aggressively pursued by anyone serious about ensuring American competitiveness in the 21st Century. We remain eager to work with Congress to explore policies that, as part of an infrastructure package, would encourage existing off-highway businesses to expand the full range of transportation energy offerings for consumers. In its current form, however, the Moving Forward Act will restrict those offerings.

For the reasons expressed below, NACS, NATSO, and SIGMA strongly oppose this legislation.

First, the Moving Forward Act would allow states to provide electric charging options on the Interstate right-of-way. This will mean that private businesses located immediately off highway exits will not invest in charging infrastructure because they cannot compete with an on-highway option. The short-sighted desire to build charging infrastructure as rapidly as possible without regard for the long-term implications for EV charging availability undermines the legislation's environmental objectives. It will lead to a small number of chargers located on the right-of-way and no additional investment off the highway. This will mean fewer options for the consumer and less competition in pricing.

Second, the legislation encourages investor-owned utilities to raise rates on all of their customers to subsidize EV charging infrastructure. As drafted, the bill would provide grants to utility companies that engage in this activity. This "double-dipping" will inevitably discourage the private sector from investing in the technology and thus hamper the growth in EV charging infrastructure. It will also harm electricity

¹ NACS, the leading global trade association dedicated to advancing convenience and fuel retailing, serves as a trusted advisor to over 1,500 retailer and 1,600 supplier members from more than 50 countries. NATSO currently represents approximately more than 3,000 travel plazas and truck stops nationwide, comprised of both national chains and small, independent locations. SIGMA represents a diverse membership of approximately 260 independent chain retailers and marketers of motor fuel.

customers, particularly low-income consumers, by imposing a regressive “tax” on them to fund the deployment of EV charging infrastructure. While it is inappropriate for a utility to use ratepayer financing to invest in EV charging infrastructure, it is indefensible for Congress to supplement this financing with federal grants. Utilities should only receive grant money to deploy charging infrastructure if it does not use ratepayer funds to make that investment.

Taken together, these provisions send precisely the wrong policy signal to existing fuel retailers, an industry that is in the opening phase of investing in additional EV charging infrastructure. The bill will stifle the market’s transition to EVs.

The inclusion of these provisions from the House Transportation and Infrastructure Committee stand in stark contrast to the provisions relating to EV charging provided by the House Energy and Commerce Committee. The approach taken by the Energy and Commerce Committee reflects a thorough understanding of the importance of private businesses in building out a competitive and consumer-friendly refueling network. We applaud the work of that Committee; it is unfortunate that Congressional Democrats did not follow their lead on issues relating to the provision of fuel to American consumers.

Similarly, after many months of painstaking negotiations between the Committee’s Democrats and Republicans, the Senate Environment and Public Works Committee unanimously passed legislation that includes grants for EV charging infrastructure along highway corridors similar to the Moving Forward Act. Notably, however, the Senate legislation does not permit EV charging at Interstate rest areas, nor does it place its thumb on the scales in favor of investor-owned utilities. It is ironic that the bipartisan Senate bill creates a regulatory framework that is far *more* compatible with increasing investment in EV charging infrastructure than the House bill.

Our organizations have been committed to working to support a surface transportation bill that would foster a level playing field with respect to transportation energy infrastructure, expand options for the consumer, and create jobs. Commercializing rest areas and allowing utilities to access grant money while charging their customers higher electricity bills is not the way to achieve those goals. Due to the inclusion of these two provisions, the undersigned organizations urge members to oppose the Moving Forward Act.

Sincerely,

National Association of Convenience Stores (NACS)
NATSO, Representing America's Travel Centers and Truckstops
Society of Independent Gasoline Marketers of America (SIGMA)

cc: Members of the U.S. House of Representatives