

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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|---|---|---|---|---|---|--|---|---|--|
| 1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected | 2. Date 02/17/2025 | | | | | | | | |
| 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) ATCP 92 | | | | | | | | | |
| 4. Subject Weights and Measures RE: Commercial Electric Vehicle Supply Equipment | | | | | | | | | |
| 5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S | 6. Chapter 20, Stats. Appropriations Affected | | | | | | | | |
| 7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table> | | <input type="checkbox"/> No Fiscal Effect | <input type="checkbox"/> Increase Existing Revenues | <input type="checkbox"/> Increase Costs | <input type="checkbox"/> Decrease Costs | <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget | |
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| <input type="checkbox"/> Indeterminate | <input type="checkbox"/> Decrease Existing Revenues | <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget | | | | | | | |
| 8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input checked="" type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table> | | <input type="checkbox"/> State's Economy | <input checked="" type="checkbox"/> Specific Businesses/Sectors | <input type="checkbox"/> Local Government Units | <input type="checkbox"/> Public Utility Rate Payers | <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) | | | |
| <input type="checkbox"/> State's Economy | <input checked="" type="checkbox"/> Specific Businesses/Sectors | | | | | | | | |
| <input type="checkbox"/> Local Government Units | <input type="checkbox"/> Public Utility Rate Payers | | | | | | | | |
| <input type="checkbox"/> Small Businesses (if checked, complete Attachment A) | | | | | | | | | |
| 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0.00 | | | | | | | | | |
| 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | |
| 11. Policy Problem Addressed by the Rule Regulation of Electric Vehicle Supply Equipment (EVSE) | | | | | | | | | |

Section 9 of 2023 Wisconsin Act 121 created Wis. Stat. s. 196.01 (5) (b) 8. effective March 22, 2024. Under the newly created Wis. Stat. s. 196.01 (5) (b) 8., the term "public utility" does not include a person who supplies electricity through the person's EVSE to fuel electric vehicles and imposes a fee that is based on the amount of kilowatt-hours of electricity consumed, provided that it is the only electricity the person sells to the public and the person only sells electricity received as a retail customer of a public utility or retail electric cooperative. Because a person who operates any such EVSE is not a "public utility" per Wis. Stat. s. 196.01 (5) (b) 8., the meter for measuring the amount of kilowatt-hours consumed by a purchaser at such a charging station now falls within the Wis. Stat. s. 98.01 (7) definition of "weights and measures" devices subject to Wis. Stat. ch. 98. Therefore, under Wis. Stat. s. 98.07 (4), in order to prevent consumer deception, the Wisconsin department of agriculture, trade and consumer protection (department) must prescribe, by rule, standards for determining and declaring the measure of kilowatt-hours (kWh) of electricity consumed at such EVSE, including the conspicuousness of quantity declarations.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

The rule would impact owners, operators, manufacturers, installers, testers, and those who service commercial electric vehicle charging stations as they would be subject to regulations that incorporate the new standard. Individuals who do not currently have a license related to weights and measures may be required to obtain such a license. Weights and Measures installers, service companies, and their employees who engage in activities governed by rules adopted under Wis. Stat. s. 98.18 (2) may be affected.

The department maintains a list of interested stakeholders in updates to Wis. Admin. Code ch. ATCP 92 as it relates to commercial EVSE. These stakeholders are notified at steps throughout the process to date. The list includes stakeholders from industries such as utilities, EVSE supply companies, currently regulated communities, and local governments

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

including at the state, city, and county level.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.

NA

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

NIST Handbook 44 is available at no cost on the NIST website. Businesses subject to the law will need to comply with nationally recognized standards in NIST Handbook 44, Section 3.40. Current fees applicable under Wis. Stat. ch. 98 would also be imposed upon commercial EVSE and would be parallel to those seen by gasoline dispensers. As with other regulated weights and measures devices, EVSE that violate Wis. Stat. ch. 98 and Wis. Admin. Code ch. ATCP 92 may incur a re-inspection fee to the violating business.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

Benefits of implementing the rule include utilizing nationally recognized standards to regulate commercial EVSE infrastructure in Wisconsin. The alternative would be to have no standards in place to regulate commercial EVSE.

16. Long Range Implications of Implementing the Rule

Regulated commercial electric vehicle charging infrastructure in Wisconsin consistent with nationally recognized standards. This may positively impact consumer confidence similar to other regulated fuels.

17. Compare With Approaches Being Used by Federal Government

The standard being proposed is the National Institute of Standards and Technology (NIST) which is a section of the U.S. Department of Commerce.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois

Illinois adopts the most recent version of NIST Handbook 44 in Title 8, Chapter 1, Subchapter p, Part 600, Section 600.330 National Institute of Standards and Technology Handbook 44.

Iowa

Iowa's Administrative Code Chapter 85: Weights and Measures, 21.85.50 Electric vehicle charging stations was effective January 17, 2024, and prescribes EVSE testing procedures for the state. In this administrative code, Iowa adopts an older version of NIST Handbook 44 but still adheres to the EVSE testing procedures within the handbook. This is also upheld in Iowa Administrative Code, s. 452A.41.

Michigan

Michigan incorporates, by reference, NIST Handbook 44 (2023 edition) which includes similar EVSE requirements to the 2025 edition in the Weights and Measures Act, Public Act 283.

Minnesota

Minnesota Administrative Rule s.7601.1000 incorporates NIST Handbook 44 (2019 edition). This edition includes EVSE requirements as optional and not as a required part of the handbook.

19. Contact Name

David A. Woldseth

20. Contact Phone Number

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This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No
