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H.191

Introduced by Representatives Sullivan of Burlington, Burke of Brattleboro,  
McCarthy of St. Albans City, and White of Hartford

Referred to Committee on

Date:

Subject: Motor vehicles; energy; electric vehicle charging stations; electricity;  
Public Utility Commission; Public Service Department

Statement of purpose of bill as introduced: This bill proposes to clarify that  
the Public Utility Commission and Department of Public Service do not have  
jurisdiction over a company just because of its involvement with an electric  
vehicle charging station, which will permit the company to charge for  
electricity.

An act relating to the Public Utility Commission and Department of Public  
Service's lack of jurisdiction over electric vehicle charging stations

It is hereby enacted by the General Assembly of the State of Vermont:

\* \* \* Electric Vehicle Definitions \* \* \*

Sec. 1. 23 V.S.A. § 4(85)–(87) are added to read:

(85) “Electric vehicle” means a personal car that is powered by an  
electric motor drawing current from rechargeable storage batteries or other

1 portable electrical energy storage devices where the recharge energy must be  
2 drawn from a source off the vehicle, such as residential electric service.

3 (86) “Plug-in hybrid electric vehicle” means an electric vehicle that also  
4 includes an on-board method of charging, such as an on-board engine and  
5 generator.

6 (87) “Electric vehicle charging station” means an instrument or device  
7 used to charge electric and plug-in hybrid electric vehicles.

8 \* \* \* Public Utility Commission and  
9 Department of Public Service Jurisdiction \* \* \*

10 Sec. 2. 30 V.S.A. § 203 is amended to read:

11 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

12 The Public Utility Commission and the Department of Public Service shall  
13 have jurisdiction over the following described companies within the State, their  
14 directors, receivers, trustees, lessees, or other persons or companies owning or  
15 operating such companies and of all plants, lines, exchanges, and equipment of  
16 such companies used in or about the business carried on by them in this State  
17 as covered and included herein. Such jurisdiction shall be exercised by the  
18 Commission and the Department so far as may be necessary to enable them to  
19 perform the duties and exercise the powers conferred upon them by law. The  
20 Commission and the Department may, when they deem the public good

1 requires, examine the plants, equipment, lines, exchanges, stations, and  
2 property of the companies subject to their jurisdiction under this chapter.

3 (1) A company engaged in the manufacture, transmission, distribution,  
4 or sale of gas or electricity directly to the public or to be used ultimately by the  
5 public for lighting, heating, or power and so far as relates to their use or  
6 occupancy of the public highways.

7 (2) That part of the business of a company ~~which~~ that consists of the  
8 manufacture, transmission, distribution, or sale of gas or electricity directly to  
9 the public or to be used ultimately by the public for lighting, heating, or power  
10 and so far as relates to their use or occupancy of the public highways.

11 \* \* \*

12 (7) Notwithstanding subsections (1) and (2) of this section, the  
13 Commission and Department shall not have jurisdiction over a company  
14 otherwise not regulated by the Commission that is engaged in the siting,  
15 construction, ownership, operation, or control of a facility that sells or supplies  
16 electricity to the public exclusively through an electric vehicle charging station  
17 as defined in 23 V.S.A. § 4. Retail electric distribution companies that are  
18 regulated by the Commission may provide electric vehicle charging stations to  
19 the public on an unregulated basis through a separate unregulated affiliate  
20 company.

1           \* \* \* Ability to Charge by the kWh and Recommendations \* \* \*

2           Sec. 3. ABILITY TO CHARGE BY THE kWh AND

3                   RECOMMENDATIONS

4           (a) All electric vehicle charging stations as defined in 23 V.S.A. § 4 may  
5           charge by the kWh and are not subject to 9 V.S.A. chapter 73 (weights and  
6           measures).

7           (b) The Department of Public Service shall, after consultation with the  
8           Agency of Agriculture, Food and Markets, make recommendations on what  
9           oversight and enforcement of electric vehicle charging stations is necessary to  
10           the House Committees on Energy and Technology and on Transportation and  
11           the Senate Committees on Natural Resources and Energy and on  
12           Transportation on or before January 30, 2020.

13                                   \* \* \* Effective Date \* \* \*

14           Sec. 4. EFFECTIVE DATE

15           This act shall take effect on passage.