

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; energy; electric vehicle charging stations; electricity;

4 Public Utility Commission; Department of Public Service; electric

5 distribution utilities; tariff setting

6 Statement of purpose of bill as introduced: This bill proposes to:

7 (a) clarify that the Public Utility Commission does not have jurisdiction  
8 over companies that are not electric distribution utilities that own or operate  
9 electric vehicle charging stations and establish that such companies shall be  
10 regulated by the Agency of Agriculture, Food and Markets;

11 (b) require the Public Utility Commission to file a report on certain electric  
12 vehicle charging fees and tariff setting on or before January 1, 2020; and

13 (c) permit State agencies and departments to establish, set, and adjust fees  
14 for the use of electric vehicle charging stations owned or controlled by the  
15 State.

16 An act relating to the Public Utility Commission’s jurisdiction over electric  
17 vehicle charging stations and electric vehicle charging tariffs

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

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

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

1           (85) “Electric vehicle” means a motor vehicle that is able to be powered  
2           by an electric motor drawing current from rechargeable storage batteries, fuel  
3           cells, or other portable sources of electrical current, and meets or exceeds  
4           applicable regulations in 49 C.F.R. part 571 as amended and successor  
5           requirements. An “electric vehicle” includes a “plug-in hybrid electric  
6           vehicle” that includes an on-board method of charging, such as an on-board  
7           engine and generator.

8           (86) “Electric vehicle charging station” means an instrument or device  
9           used to charge electric vehicles.

10           (87) “Plug-and-go technology” means a feature on an electric vehicle  
11           charging station available for public use that allows a consumer to opt in for an  
12           automatic payment each time he or she uses an electric vehicle charging station  
13           that is available for public use.

14           \*\*\* Jurisdiction Over Electric Vehicle Charging Stations \*\*\*

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

16           § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

17           The Public Utility Commission and the Department of Public Service shall  
18           have jurisdiction over the following described companies within the State, their  
19           directors, receivers, trustees, lessees, or other persons or companies owning or  
20           operating such companies and of all plants, lines, exchanges, and equipment of  
21           such companies used in or about the business carried on by them in this State

1 as covered and included herein. Such jurisdiction shall be exercised by the  
2 Commission and the Department so far as may be necessary to enable them to  
3 perform the duties and exercise the powers conferred upon them by law. The  
4 Commission and the Department may, when they deem the public good  
5 requires, examine the plants, equipment, lines, exchanges, stations, and  
6 property of the companies subject to their jurisdiction under this chapter.

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

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

15 \* \* \*

16 (7) Notwithstanding subdivisions (1) and (2) of this section, the  
17 Commission and Department shall not have jurisdiction over a company  
18 otherwise not regulated by the Commission that is engaged in the siting,  
19 construction, ownership, operation, or control of a facility that sells or supplies  
20 electricity to the public exclusively for an electric vehicle charging station, as  
21 defined in 23 V.S.A. § 4. These companies may charge by the kWh for owned

1 or operated electric vehicle charging stations but shall not be treated as an  
2 electric distribution utility just because an electric vehicle charging station  
3 charges by the kWh. A meter used to measure the amount of electricity sold or  
4 to calculate charges at the point of charging shall not be considered a meter  
5 operated in a public utility system for the purposes of 9 V.S.A. § 2651(14).

6 (A) Electric distribution utilities that are otherwise regulated by the  
7 Commission may establish an affiliate company exclusively to provide electric  
8 vehicle charging stations to the public that shall be regulated as all other  
9 companies that exclusively provide electric vehicle charging stations to the  
10 public.

11 (B) The Agency of Agriculture, Food and Markets shall, in  
12 consultation with the Department of Public Service, Public Utility  
13 Commission, and Agency of Transportation, set up through rulemaking a  
14 registration system for electric vehicle charging stations that are available for  
15 public use and not offered by an electric distribution utility. The Agency of  
16 Agriculture, Food and Markets shall also, in consultation with the Department  
17 of Public Service, Public Utility Commission, and Agency of Transportation,  
18 set up through rulemaking consumer protections that ensure that all publicly  
19 accessible electric vehicle charging stations in Vermont: display fees for  
20 charging; have universal plug-and-go technology if commercially available;

1 and provide specified information on the receipt, invoice, or bill for using the  
2 electric vehicle charging station.

3 (C) The Commission may, by rule, set standards under which  
4 Commission regulated electric distribution utilities can offer such charging  
5 services to the public on a regulated basis and recover in part the costs thereof  
6 from ratepayers.

7 \* \* \* Net Metering at Electric Vehicle Charging Stations \* \* \*

8 Sec. 3. 30 V.S.A. § 8010(c)(2)(F)(iii) is added to read:

9 (iii) A bill credit for kWh generated by a net metering system shall  
10 not be assigned to a customer account that serves premises **exclusively**  
11 containing an electric vehicle charging station, as defined in 23 V.S.A. § 4(86),  
12 available for public use.

13 \* \* \* Public Utility Commission Tariff Setting **Report** \* \* \*

14 **Sec. 4. PUBLIC UTILITY COMMISSION TARIFF SETTING REPORT**

15 As a follow up to the report due on or before July 1, 2019, the Public Utility  
16 Commission, in consultation with Vermont electric distribution utilities,  
17 including all electric distribution utilities with more than 17,000 customers, the  
18 Agency of Transportation, the Department of Public Service, and Efficiency  
19 Vermont, shall report back to the Senate Committees on Transportation and on  
20 Natural Resources and Energy and the House Committees on Transportation  
21 and on Energy and Technology on or before January 1, 2020 on whether or not

1 electric distribution utilities should collect the energy efficiency charge for the  
2 sale of electricity to be used solely for charging electric vehicles, whether there  
3 should be multiple separate charges associated with the sale of electricity to be  
4 used solely for charging electric vehicles, and how best to implement the  
5 following:

6 (a) Transportation efficiency fee. A per-kWh transportation efficiency fee  
7 on electricity provided by an electric distribution utility for electric vehicle  
8 charging stations equal to the energy efficiency charge rate set by the  
9 Commission, and to be charged instead of an energy efficiency charge. The  
10 fee shall be known as the transportation efficiency fee and shall go towards  
11 State-wide initiatives such as electric vehicle incentive programs and  
12 increasing the following within the State: transportation efficiency; public  
13 transit and passenger transit by rail; electric vehicle charging infrastructure;  
14 “first/last mile” transit options; and other needs as identified. The  
15 transportation efficiency fee shall not supplant monies that would have been  
16 spent from the general Transportation Fund as part of the Agency of  
17 Transportation’s annual budget and program.

18 (b) Transportation infrastructure assessment. A per-kWh transportation  
19 infrastructure assessment on electricity provided by an electric distribution  
20 utility for electric vehicle charging stations. The charge shall be known as the  
21 transportation infrastructure assessment, shall be shown separately on each

1 customer's bill, and shall be paid to a fund administrator appointed by the  
2 Commission and deposited into the Transportation Fund.

3 (c) Electric vehicle charging tariff setting. The setting of an electric vehicle  
4 charging tariff for electric utilities with more than 17,000 customers, and other  
5 electric utilities at their discretion, that allows a customer, including a company  
6 that owns and operates one or more electric vehicle charging stations, to  
7 purchase electricity solely to charge an electric vehicle. The report should  
8 consider whether the tariff should:

9 (1) contain either a time-of-day or off-peak rate, as elected by the  
10 electric utility that takes advantage of lower-cost electricity and minimizes  
11 adverse grid effects and investment costs, and reduces the negative  
12 environmental effects of burning fossil transportation fuels;

13 (2) include the per-kWh transportation efficiency fee;

14 (3) include the per-kWh transportation infrastructure assessment;

15 (4) offer a customer the option to purchase electricity from the utility's  
16 current mix of energy supply sources or entirely from renewable energy  
17 sources;

18 (5) include a mechanism to allow the recovery of costs reasonably  
19 necessary to comply with electric vehicle charging tariff setting, including  
20 costs to inform and educate customers about the financial, energy

1 conservation, and environmental benefits of electric vehicles and to publicly  
2 advertise and promote participation in a customer-optional tariff;

3 (6) provide for clear and transparent customer billing statements  
4 including the amount of energy consumed under the tariff;

5 (7) incorporate the necessary costs of metering or submetering within  
6 the rate charged to the customer; and

7 (8) factor in other considerations as the Commission deems beneficial.

8 (d) Reporting by electric distribution utilities. A mandatory periodic report  
9 to the Commission, as established by the Commission and on a form  
10 prescribed by the Commission, on the following aspects of a separate electric  
11 vehicle charging tariff:

12 (1) participation and impact highlights including participants that switch  
13 to tariff, frequency of daily charging, length of daily charging, timing of daily  
14 charging, and new electric vehicle charging stations installed by county;

15 (2) the overall success of the tariff, including any changes or issues  
16 encountered during the reporting period;

17 (3) a total implementation cost breakdown by capital costs, operation  
18 costs, maintenance costs, and total costs; and

19 (4) other data required by the Commission.

20 \* \* \* Rulemaking for Meter Testing \* \* \*

21 Sec. 5. RULEMAKING FOR METER TESTING

1 Pursuant to 9 V.S.A. § 2633, the Agency of Agriculture, Food and Markets,  
2 in consultation with the Department of Public Service, shall adopt a means to  
3 inspect, test, and ascertain if publicly accessible electric vehicle charging  
4 stations with a fee are accurately offering for sale measures of electricity on or  
5 before January 1, 2021 and incorporate such a system into any rules adopted  
6 pursuant to 30 V.S.A. § 203(7)(B) as added in Sec. 2 of this act.

7 \* \* \* Fees for Use of Electric Vehicle Charging Stations \* \* \*

8 Sec. 6. 32 V.S.A. § 603 is amended to read:

9 § 603. FEE CREATION, AMOUNT, AND ADJUSTMENT OF AMOUNT

10 \* \* \*

11 (3) Fees for the following, unless otherwise specified by law, may be set  
12 by the agency or department providing the service or product, and shall be  
13 reasonably and directly related to their costs, as provided in subdivision (2) of  
14 this section:

15 \* \* \*

16 (4) Notwithstanding any other provision of this subchapter, any agency  
17 or department may establish, set, and adjust fees for the use of electric vehicle  
18 charging stations owned or controlled by the State. The agency or department  
19 may establish fees for electric vehicle charging at less than its costs, to cover  
20 its costs, or at the existing regional market rate. Electric vehicle charging  
21 stations owned or controlled by the state shall be subject to the same laws

1 specifically governing electric vehicle charging stations owned or controlled  
2 by private parties.

3 (5) Fees collected under ~~subdivision~~ subdivisions (3) and (4) of this  
4 section shall be credited to special funds established and managed pursuant to  
5 subchapter 5 of chapter 7 of this title, and shall be available to the charging  
6 departments to offset the costs of providing these services or products.

7 However, for purposes of fees established under this subdivision for copies of  
8 public records, the fees shall be calculated as provided in 1 V.S.A. § 316.

9 These fees shall be reported in accordance with section 605 of this title.

10 \* \* \* Effective Date \* \* \*

11 **Sec. 7. EFFECTIVE DATE**

12 This act shall take effect on passage.