

1 Introduced by Committee on Transportation

2 Date:

3 Subject: Motor vehicles; energy; electric vehicle charging stations; electricity;  
4 Public Utility Commission; Public Service Department; distribution  
5 utilities; rate setting

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

7 (a) clarify that the Public Utility Commission has jurisdiction over  
8 companies that are not electric distribution utilities that own or operate electric  
9 vehicle charging stations but establish that such companies shall not be  
10 regulated in the same way as electric distribution utilities;

11 (b) create an electric vehicle charging tariff that includes a transportation  
12 efficiency fee and transportation infrastructure assessment and require electric  
13 distribution utilities with more than 17,000 customers to file a tariff proposal  
14 on or before January 15, 2020; and

15 (c) direct how monies raised through the transportation efficiency fee and  
16 transportation infrastructure assessment shall be spent.

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

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

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

1 Sec. 1. 23 V.S.A. § 4(85)–(86) are added to read:

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

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

11 \* \* \* Public Utility Commission and  
12 Department of Public Service Jurisdiction \* \* \*

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

14 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

15 (a) The Public Utility Commission and the Department of Public Service  
16 shall have jurisdiction over the following described companies within the  
17 State, their directors, receivers, trustees, lessees, or other persons or companies  
18 owning or operating such companies and of all plants, lines, exchanges, and  
19 equipment of such companies used in or about the business carried on by them  
20 in this State as covered and included herein. Such jurisdiction shall be  
21 exercised by the Commission and the Department so far as may be necessary

1 to enable them to perform the duties and exercise the powers conferred upon  
2 them by law. The Commission and the Department may, when they deem the  
3 public good requires, examine the plants, equipment, lines, exchanges, stations,  
4 and property of the companies subject to their jurisdiction under this chapter.

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

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

13 \* \* \*

14 (b) The Commission and Department shall have jurisdiction over a  
15 company not otherwise regulated by the Commission that is engaged in the  
16 siting, construction, ownership, operation, or control of a facility that sells or  
17 supplies electricity to the public exclusively through an electric vehicle  
18 charging station as defined in 23 V.S.A. § 4, but such company shall not be  
19 considered a utility. These companies may charge by the kWh for owned or  
20 operated electric vehicle charging stations, but shall not be treated as an  
21 electric distribution utility just because an electric vehicle charging station

1 charges by the kWh, nor be subject to 9 V.S.A. chapter 73 (weights and  
2 measures).

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

8 (2) The Commission shall, in consultation with the Department of  
9 Public Service, Agency of Agriculture, Food and Markets, and Agency of  
10 Transportation, set up through rules a registration system for electric vehicle  
11 charging stations that are not offered by an electric distribution utility. The  
12 Commission shall also, in consultation with the Department of Public Service,  
13 Agency of Agriculture, Food and Markets, and Agency of Transportation, set  
14 up through rules consumer protections that ensure that all publicly accessible  
15 electric vehicle charging stations in Vermont: display fees for charging; have  
16 universal plug-and-go technology so that a consumer can opt out of selecting a  
17 payment method each time he or she uses a public electric vehicle charging  
18 station; and provide specified information on the receipt, invoice, or bill for  
19 using the electric vehicle charging station.

20 (3) The Commission may, by rule, set standards under which  
21 Commission regulated electric distribution utilities can offer such charging

1 services to the public on a regulated basis and recover in part the costs thereof  
2 from ratepayers.

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

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

5 (iii) A bill credit for kWh generated by a net metering system shall  
6 not be assigned to a customer account that serves premises containing an  
7 electric vehicle charging station as defined in 23 V.S.A. § 4(86).

8 \* \* \* Public Utility Commission Tariff Setting \* \* \*

9 Sec. 4. 30 V.S.A. § 209(d)(6) is added to read:

10 (6) Transportation efficiency fee; electric vehicle charging.  
11 (A) There shall be a per-kWh transportation efficiency fee on  
12 electricity provided by an electric distribution utility for electric vehicle  
13 charging stations equal to the energy efficiency charge rate set by the  
14 Commission. The charge shall be known as the transportation efficiency fee,  
15 shall be shown separately on each customer's bill, and shall be paid to a fund  
16 administrator appointed by the Commission and deposited into the  
17 Transportation Efficiency Account within the Transportation Fund. When  
18 such a charge is shown, notice as to how to obtain information about  
19 transportation efficiency programs funded through the Transportation  
20 Efficiency Account shall be provided in a manner directed by the Commission.  
21 This notice shall include, at a minimum, a toll-free telephone number, and to

1 the extent feasible shall be on the customer’s bill and near the transportation  
2 efficiency fee. Monies in the Transportation Efficiency Account shall go  
3 towards electric vehicle incentive programs and increasing the following  
4 within the State: transportation efficiency; public transit and passenger transit  
5 by rail; electric vehicle charging infrastructure; and “last mile” transit options.  
6 Monies spent from the Transportation Efficiency Account shall not supplant  
7 monies that would have been spent from the general Transportation Fund as  
8 part of the Agency of Transportation’s annual budget and program. The  
9 Agency of Transportation shall file, on or before January 15 each year, an  
10 annual report with the House and Senate Committees on Transportation  
11 detailing the monthly balance in the Transportation Efficiency Account for the  
12 prior calendar year and projects or programs funded through the Transportation  
13 Efficiency Account in the prior calendar year.

14 (B) The energy efficiency charge established pursuant to subdivision  
15 (d)(3) of this section shall not apply to electric vehicle charging provided  
16 pursuant to an electric vehicle charging tariff as established in subsection (k) of  
17 this section.

18 Sec. 5. 30 V.S.A. § (d)(6) is amended to read:

19 (6) Transportation efficiency fee and transportation infrastructure  
20 assessment; electric vehicle charging.

21 \* \* \*

1           (C) There shall be a \$0.01 per-kWh transportation infrastructure  
2           assessment on electricity provided by an electric distribution utility for electric  
3           vehicle charging stations. The charge shall be known as the transportation  
4           infrastructure assessment, shall be shown separately on each customer’s bill,  
5           and shall be paid to a fund administrator appointed by the Commission and  
6           deposited into the Transportation Fund.

7           Sec. 6. 30 V.S.A. § (d)(6)(C) is amended to read:

8           (C) There shall be a ~~\$0.01~~ \$0.02 per-kWh transportation  
9           infrastructure assessment on electricity provided by an electric distribution  
10           utility for electric vehicle charging stations. The charge shall be known as the  
11           transportation infrastructure assessment, shall be shown separately on each  
12           customer’s bill, and shall be paid to a fund administrator appointed by the  
13           Commission and deposited into the Transportation Fund.

14           Sec. 7. 30 V.S.A. § 209(k) is added to read:

15           (k) Electric vehicle charging tariffs.

16           (1) Definitions. As used in this subsection:

17           (A) “Electric vehicle” has the same meaning as in 23 V.S.A. § 4.

18           (B) “Electric utility” has the same meaning as in section 209a of this  
19           title. “Electric utility” does not include a person that is not an electric  
20           distribution utility engaged in the siting, construction, ownership, operation, or

1 control of a facility that sells or supplies electricity to the public exclusively  
2 through an electric vehicle charging station as defined in 23 V.S.A. § 4.

3 (C) “Renewable energy” has the same meaning as in section 8002 of  
4 this title.

5 (2) Tariff.

6 (A) Electric utilities with more than 17,000 customers must, and all  
7 other electric utilities may, file with the Commission a tariff that allows a  
8 customer, including a company that owns and operates one or more electric  
9 vehicle charging stations, to purchase electricity solely for the purpose of  
10 recharging an electric vehicle.

11 (B) The tariff must:

12 (i) contain either a time-of-day or off-peak rate, as elected by the  
13 electric utility that:

14 (I) takes advantage of lower-cost electricity and minimizes  
15 adverse grid effects and investment costs, and reduces the negative  
16 environmental effects of burning fossil transportation fuels;

17 (II) manages electric vehicle charging to times when renewable  
18 energy resources are available; and

19 (III) provides safe and reliable access to the necessary fuel for  
20 electric transportation;



1                   (ii) be made available to the residential customer class and  
2 commercial customer class for the operation of an electric vehicle charging  
3 station;

4                   (iii) include the per-kWh transportation efficiency fee; and

5                   (iv) include the per-kWh transportation infrastructure assessment.

6           (C) The tariff may offer a customer the option to purchase electricity:

7                   (i) from the utility's current mix of energy supply sources; or

8                   (ii) entirely from renewable energy sources.

9           (D) The electric utility may, at its discretion, offer the tariff to other  
10 customer classes.

11           (E) The Commission shall, consistent with its regulatory and rate-  
12 setting authority pursuant to this section, sections 203, 209, 218d, and 225 of  
13 this title, and any Commission rules, and after notice and opportunity for  
14 public comment, approve, modify, or reject the tariff. The Commission may  
15 approve the tariff if the electric utility has demonstrated that the tariff:

16                   (i) appropriately reflects off-peak versus peak cost differences in  
17 the rate charged;

18                   (ii) includes a mechanism to allow the recovery of costs  
19 reasonably necessary to comply with this section, including costs to inform and  
20 educate customers about the financial, energy conservation, and environmental

1 benefits of electric vehicles and to publicly advertise and promote participation  
2 in the customer-optional tariff;

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

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

7 (v) is consistent with the general goals in subdivision (2)(B)(i) of  
8 this subsection.

9 (F) The electric utility shall make the tariff filed under subdivision  
10 (2)(A) of this subsection available to customers after the Commission approves  
11 the tariff.

12 (G) The electric utility may at any time file a revised tariff based on  
13 changing costs or conditions pursuant to subdivision (2)(A) of this subsection.

14 (3) Data reporting. Each electric utility providing a tariff under this  
15 section shall periodically report to the Commission, as established by the  
16 Commission and on a form prescribed by the Commission, the following  
17 information:

18 (A) program participation and impact highlights for the tariffed  
19 offerings including:

20 (i) participants that switch to tariff;

21 (ii) frequency of daily charging;

- 1                    (iii) length of daily charging; and  
2                    (iv) timing of daily charging;  
3                    (B) a list of the chargers installed by county;  
4                    (C) a highlight of the overall successes of the tariff, while also  
5 including any major changes or issues encountered during the period;  
6                    (D) a cost breakdown including the overall costs, broken down by  
7 cost categories such as capital costs and annual operations and maintenance  
8 costs; and  
9                    (E) other data required by the Commission.

10                    \* \* \* Required Tariff Proposal Filing \* \* \*

11 **Sec. 8. REQUIRED TARIFF PROPOSAL FILING**

12                    Each electric distribution utility with more than 17,000 customers shall file  
13 a tariff proposal indicating how it will comply the tariff requirements in 30  
14 V.S.A. § 209(k)(2) as added in Sec. 7 of this act with the Public Utility  
15 Commission on or before January 15, 2020.

16                    \* \* \* Rulemaking and Recommendations \* \* \*

17 **Sec. 9. REQUIRED RULEMAKING AND RECOMMENDATIONS**

18                    (a) The Public Utility Commission shall file proposed rules as required by  
19 30 V.S.A. § 203(b) as added in Sec. 2 of this act on or before January 1, 2021.  
20 Notwithstanding 3 V.S.A. § 843(c), such rules shall be adopted so as to take  
21 effect no later than July 1, 2021.

1       (b) The Commission, in consultation with the Agency of Agriculture, Food  
2       and Markets shall design a means to inspect, test, and ascertain if publicly  
3       accessible electric vehicle charging stations are accurately offering for sale  
4       measures of electricity on or before December 1, 2020 and incorporate such a  
5       system into any rules adopted pursuant to 30 V.S.A. § 203(b) as added in  
6       Sec. 2 of this act.

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

8       Sec. 10. 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 Sec. 11. 19 V.S.A. § 11 is amended to read:

11 § 11. TRANSPORTATION FUND

12 The Transportation Fund shall comprise the following:

13 \* \* \*

14 (8) other miscellaneous sources including the sale of maps, plans, ~~and~~  
15 reports, fees collected by the Travel Information Council, leases for property at  
16 State-owned airports and railroads, proceeds from the sale of State surplus  
17 property under the provisions of 29 V.S.A. §§ 1556 and 1557, ~~and~~ proceeds  
18 from the sale of recycled materials, and fees collected for use of electric  
19 vehicle charging stations at facilities owned or controlled by the Agency;

20 (9) revenue from the transportation infrastructure assessment; and

