

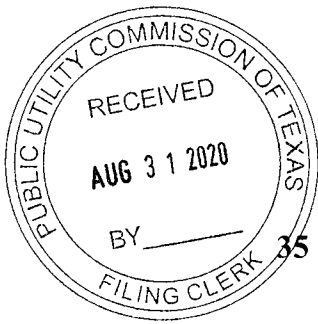


Control Number: 49125



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35 States, D.C., and Austin Allow EV Charging per kWh
(Current as of July 2020)

STATE	CITATION	SUMMARY
Alabama	Docket No. 32694	A person who owns, operates, leases or controls EV charging stations in AL is not a utility under <i>Code Section 37-4-1</i> , and thus is not subject to the jurisdiction of the Commission, pursuant to Title 37, <i>Code of Alabama</i> .
Arkansas	SB 272 (2017) Arkansas Code § 23-1-101(9)	The term “public utility” as defined does not include a person or corporation that purchases electricity from a utility, furnishes electricity exclusively to charge EVs and PHEVs for compensation, and is not otherwise a public utility.
Arizona	Docket No. RU-00000A-18-0284	Arizona Corporation Commission finds “the service engaged by companies to charge batteries for electric vehicles does not qualify electric charging providers as public service corporations under the Arizona Constitution.” Further the Commission concludes “based on our constitutional mandate and case law that electric charging providers should not be considered public service corporations.”
California	AB 631 PU Code § 216(i)	Amends section 216 of the PUC Code and places into law CPUC decision 09-08-009 exempting electric vehicle charging equipment or providers from regulation as a utility.
Colorado	House Bill 12-1258 Col. Rv. Stats Ch. 40 § 101-104	Persons selling electricity...to the public for use as a fuel in alternative fuel vehicles ...are not subject to regulation as a public utility and are not subject to the jurisdiction, control, and regulation of the Commission or any other public regulatory body
Connecticut	HB 5510 (2016) Section 16-1 of the 2016 supplement to gen. statutes	(c) An owner of an electric vehicle charging station, as defined in section 16-19f, as amended by this act, shall not be deemed to be a "utility", "public utility" or "public service company" solely by virtue of the fact that such owner is an owner of an electric vehicle charging station.
DC	Council Bill 19-749	Energy Innovation and Savings Amendment Act of 2012”: Public Utility excludes a person or entity that owns or operates electric vehicle supply equipment but does not sell or distribute electricity...”
Delaware	PSC Docket No. 19-0377 – Order No. 9516	“The ownership, control, operation, or management of a facility that supplies electricity to the public only for use to charge plug-in electric vehicles does not make the entity, corporation or person a public utility under 26 <i>Del. C</i> § 102

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		solely because of that ownership, control, operation, or management.”
Florida	Fl. Rev. Stat. § 27-366.94	Passed into law in 2012, Chapter 27-366.94 is amended to specify that provision of electric vehicle charging to the public by a nonutility is not considered a retail sale of electricity. In addition rates, terms and services of electric vehicle charging services are not subject to regulation by the Florida Public Service Commission
Hawaii	Ha.Rev. Stat. § 269-1	Hawaii Revised Statutes states that owners and operators of facilities used primarily to charge vehicle batteries for electric vehicles are exempt from the definition of utility
Idaho	Idaho Code Section 61-119	Exempts electricity purchased from a public utility to charge the batteries of an electric motor vehicle
Illinois	220 ILCS 5/3-105 cha 1112/3 par 3-104 enacted 1-24-12	Amends Public Utilities Act. Provides that a company that owns or operates a facility that furnishes or sells electricity to the public for the purpose of charging electric vehicles is not and shall not be deemed a public utility
Kentucky	Case No. 2018-00372	“An EVCS that receives electric service from a jurisdictional electric utility or that obtains electricity from a behind the meter source is not an electric utility as defined by KRS 278.010(3)(a), is not subject to the certification requirements of KRS 278.020(1), and is not subject to the Commission's jurisdiction.”
Iowa	Docket No. RMU-2018-0100	“Electric energy sold for the purpose of electric vehicle charging at a commercial or public electric vehicle charging station constitutes neither the furnishing of electricity to the public nor the resale of electric service.” “A rate-regulated public utility shall not, through its filed tariff, prohibit electric vehicle charging or restrict the method of sale of electric vehicle charging at a commercial or public electric vehicle charging station.
Maine	LD 593 Sec. 1. 35 -A MRSA § 313-A	“ ‘Competitive electricity provider’ means a marketer, broker, aggregator or any other entity selling electricity to the public at retail, but does not include an electric vehicle charging station provider.”
Maryland	SB 997, HB/1280, Chapters 631 and 632, Acts 2012 State Govt. Code 1-101(j)	Electric Vehicle Users and Charging Stations-Exclusions Provides regulatory clarification for owners and operators of PEV Charging Stations and PEV Charging station service companies or provider by excluding them from the definition of “electricity supplier” or a “public service company” as defined in law and regulated by the Maryland Public Service Commission.

Massachusetts	Case D.P.U. 13-182-A	Massachusetts Department of Public Utilities order (August 4, 2014) determines that owners and operators of EVSE are “not subject to the Department’s jurisdiction under the current statutory structure either as distribution companies, electric companies, or otherwise.”
Michigan	Case Nos. U-17990 & U-20162 Final PSC Order <i>Consumers & DTE service areas</i>	“The proposal indeed appears to be non-controversial, and the Commission agrees with the Staff that the sale of electricity by charging station owners should not be treated as a resale of electricity under the tariff, or as a sale by regulated utilities. This is a necessary change to the tariff language which the Commission approves.” “The Commission...finds that DTE Electric should be required to file amended tariffs allowing sale-for-resale for commercial EV charging site hosts.”
Minnesota	Minn. Stat. § 216B.02 Subdivision 4.[3])	Minnesota Statute states that the definition of a public utility does not include a retail seller of electricity used to recharge a battery that powers an electric vehicle and that is not otherwise a public utility
Missouri	HB 355 (2019) RSMo 386.020	Term “electrical corporation” shall not include: Persons or corporations not otherwise engaged in the production or sale of electricity at wholesale or retail that sell, lease, own, control, operate, or manage one or more electric vehicle charging stations.
Nevada	SB145, NRS 704.021 (11.)	Nevada statutory definition of a “public utility” or “utility” does not include: “Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.”
New Jersey	S. 2252 (c. 362, 2019)	Unless otherwise provided in Title 48 of the Revised Statutes, or any other federal or State law, an entity owning, controlling, operating, or managing electric vehicle service equipment shall not be deemed an electric public utility solely because of such ownership, control, operation, or management. The charging of a plug-in electric vehicle shall be deemed a service and not a sale of electricity by an electric power supplier or basic generation service provider.
New Mexico	HB 521 (2019)	A. The term "public utility" or "utility", when used in the Public Utility Act, shall not include: (1) any person not otherwise a public utility who furnishes the service or commodity only to that person or that person's employees or tenants, when such service or commodity is not resold to or used by others, or who engages in the retail distribution of natural gas or electricity for vehicular fuel.”
New York	Case 13-E-0199 NY PSC	NY State Public Service Commission declaratory ruling finds that the PSC does not have jurisdiction over (1)

	Declaratory Ruling on Jurisdiction	charging stations; (2) owners or operators of charging stations; or (3) the transaction between such owners or operators and members of the public.
North Carolina	HB 329	The term "public utility" shall not include a person who uses an electric vehicle charging station to resell electricity to the public for compensation [...]. (Some conditions apply).
New Hampshire	RSA 236:133 as amended by SB 575 of 2018	"IV. An owner of an electric vehicle charging station shall not be deemed to be a "utility," "public utility," or "public service company" solely by virtue of the fact that such an owner is an owner of an electric vehicle charging station. All electricity distribution companies shall make available in tariffs terms and rates for electronic vehicle charging stations and offer such information to the public."
Ohio	PUCO Case No. 20-434-EL-COI	"The Commission finds that any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, which is providing electric vehicle charging service in this state, is not engaged in the business of supplying electricity for light, heat, or power purposes to consumers within this state, and, therefore, does not qualify as an 'electric light company' or public utility pursuant to R.C. 4905.02 and 4905.03. Consequently, the Commission's jurisdiction does not extend to an entity's provision of electric vehicle charging service."
Oklahoma	OAC 165:35-13-1(c)	"Sales of charging services from an electric vehicle charging station, not owned by a regulated utility, for the purpose of fueling an electric vehicle, including the ability to sell on a kWh basis, shall not be considered resale of retail electricity, and such sales from electric vehicle charging station shall not be subject to rate regulation by the Commission. Utility service to an electric vehicle charging station shall be provided subject to the utility's terms and conditions."
Oregon	Or. Stats. § 757.005(1)(b)(G)	The statutory definition of "public utility" does not include any corporation, company, partnership, individual or association of individuals that furnishes electricity for use in motor vehicles as long as the entity is not otherwise a public utility.
Pennsylvania	Final Policy Statement Order, M-2017-2604382	52 Pa. Code § 69.3501 (Section 1313 – Public Utility Code) (b) It shall be the policy of the Commission that a person, corporation or other entity, not a public utility, electric cooperative corporation, municipal authority or municipal corporation, owning and operating an electric vehicle charging facility that is open to the public for the sole purpose of recharging

		an electric vehicle battery should not be construed to be a sale to a residential consumer and should therefore not fall under the pricing requirements of 66 Pa. C.S. § 1313 (relating to price upon resale of public utility services).
Rhode Island	R.I.G.L. Section 39-1-2(20)	"Public utility" means and includes every company that is an electric distribution company . . . provided that the ownership or operation of a facility by a company which dispenses alternative fuel or energy sources at retail for use as a motor vehicle fuel or energy source, and the dispensing of alternative fuel or energy sources at retail from such a facility, does not make the company a public utility within the meaning of this title solely because of that ownership, operation, or sale; and provided further that this exemption shall not apply to presently regulated public utilities which sell natural gas or are dispensers of other energy sources . .
Utah	H.B. 19 (2014) Utah Code § 54-2-1	Statutory definitions of “electrical corporation” and “public utility” do not include an entity that sells electric vehicle battery charging services.
Texas <i>Austin Energy Territory Only</i>	City Code Section § 15-9-121	This action amends City Code Section § 15-9-121 to allow third parties to deploy, own, and operate electric vehicle (EV) charging stations for compensation. Specifically, this change amends the Code to state that restrictions on the remetering and resale of energy do not apply to the provision of retail EV charging service at the point of remetering or resale.
Vermont	Sec. 39. 30 V.S.A. § 203 <i>as amended by Act No. 59 of 2019</i>	“(7) Notwithstanding subdivisions (1) and (2) of this section, the Commission and Department shall not have jurisdiction over persons otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging a plug-in electric vehicle, as defined in 23 V.S.A. § 4(85). These persons may charge by the kWh for owned or operated electric vehicle supply equipment, as defined in 30 V.S.A. § 201, but shall not be treated as an electric distribution utility just because electric vehicle supply equipment charges by the kWh.”
Virginia	Va. Code Ann. § 56-1.2 and 56.1.2:1	Virginia Code makes several stipulations stating that a person not otherwise a public service corporation and who provides electric vehicle charging service at retail is not designated as a public utility, public service corporation, or public service company. In addition, the statute stipulates that electric vehicle charging service does not constitute a retail sale of electricity.

Washington	<p style="text-align: center;">SHB 1571, Chapter 28 Laws 2011</p> <p style="text-align: center;">Rev. Code of Wash. 80.28.320</p>	<p>The 2011 legislation established that the Washington Utilities and Transportation Commission shall not regulate the rates, services, facilities, and practices of an entity that offers battery charging facilities to the public for hire if (1) that entity is not otherwise subject to commission jurisdiction as an electrical company; (2) that entity is otherwise subject to commission jurisdiction as an electrical company, but its battery charging facilities and services are not subsidized by any regulated service. An electrical company may offer battery charging facilities as a regulated service, subject to commission approval</p>
West Virginia	<p style="text-align: center;">W.Va. Code § 24-2D-3</p>	<p>PSC has no jurisdiction over ultimate sale by non-utilities of alternate fuel used for motor vehicles.</p>