

1 Introduced by

2 Referred to Committee on

3 Date:

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

5 Public Utility Commission; Public Service Department; distribution

6 utilities; rate setting

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

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

12 (b) create an electric vehicle charging tariff that includes a transportation  
13 efficiency fee and transportation infrastructure assessment, to be established by  
14 the Public Utility Commission by rule, and require electric utilities with more  
15 than 17,000 customers to file proposed tariffs with the Commission on or  
16 before December 1, 2019; and

17 (c) direct how monies raised through the transportation efficiency fee and  
18 transportation infrastructure assessment shall be spent by the Agency of  
19 Transportation.

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

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

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

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

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

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

15 \* \* \* Public Utility Commission and

16 Department of Public Service Jurisdiction \* \* \*

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

18 § 203. JURISDICTION OF CERTAIN PUBLIC UTILITIES

19 (a) The Public Utility Commission and the Department of Public Service  
20 shall have jurisdiction over the following described companies within the  
21 State, their directors, receivers, trustees, lessees, or other persons or companies  
22 owning or operating such companies and of all plants, lines, exchanges, and

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

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

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

16 \* \* \*

17 (b) The Commission and Department shall have jurisdiction over a  
18 company not otherwise regulated by the Commission that is engaged in the  
19 siting, construction, ownership, operation, or control of a facility that sells or  
20 supplies electricity to the public exclusively through an electric vehicle  
21 charging station as defined in 23 V.S.A. § 4, but such company shall not be

1 considered a utility. These companies may charge by the kWh for owned or  
2 operated electric vehicle charging stations, but shall not be treated as a retail  
3 electric distribution utility just because an electric vehicle charging station  
4 charges by the kWh, nor be subject to 9 V.S.A. chapter 73 (weights and  
5 measures).

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

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

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

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

7 \* \* \* Public Utility Commission Tariff Setting \* \* \*

8 Sec. 3. 30 V.S.A. § 209(d)(6) is added to read:

9 (6) Transportation efficiency fee and transportation infrastructure  
10 assessment; electric vehicle charging.

11 (A) There shall be a \$0.01 per-kWh transportation efficiency fee on  
12 electric utility provided electric vehicle charging and electricity provided to a  
13 non-electric utility for an electric vehicle charging station. The charge shall be  
14 known as the transportation efficiency fee, shall be shown separately on each  
15 customer's bill, and shall be paid to a fund administrator appointed by the  
16 Commission and deposited into the Transportation Efficiency Account within  
17 the Transportation Fund. When such a charge is shown, notice as to how to  
18 obtain information about transportation efficiency programs funded through  
19 the Transportation Efficiency Account shall be provided in a manner directed  
20 by the Commission. This notice shall include, at a minimum, a toll-free  
21 telephone number, and to the extent feasible shall be on the customer's bill and

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

13 (B) There shall be a \$0.01 per-kWh transportation infrastructure  
14 assessment on electric utility provided electric vehicle charging and electricity  
15 provided to a nonelectric utility for an electric vehicle charging station. The  
16 charge shall be known as the transportation infrastructure assessment, shall be  
17 shown separately on each customer’s bill, and shall be paid to a fund  
18 administrator appointed by the Commission and deposited into the  
19 Transportation Infrastructure Account within the Transportation Fund to be  
20 used for the rehabilitation, reconstruction, or replacement of State bridges,  
21 culverts, roads, railroads, airports, and necessary buildings which, after such

1 work, have an estimated minimum remaining useful life of 10 years; and the  
2 rehabilitation, reconstruction, or replacement of municipal bridges, culverts,  
3 and highways which, after such work, have an estimated minimum remaining  
4 useful life of 10 years.

5 (C) The energy efficiency charge established pursuant to subdivision  
6 (d)(3) of this section shall not apply to electric vehicle charging provided  
7 pursuant to an electric vehicle charging tariff as established in subsection (k) of  
8 this section.

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

10 (k) Electric vehicle charging tariffs.

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

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

13 (B) “Electric utility” has the same meaning as in section 209a of this  
14 title. “Electric utility” includes all “retail electric distribution companies” but  
15 does not include companies that are engaged in the siting, construction,  
16 ownership, operation, or control of a facility that sells or supplies electricity to  
17 the public exclusively through an electric vehicle charging station as defined in  
18 23 V.S.A. § 4.

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

21 (2) Tariff.

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

6           (B) The tariff must:

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

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

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

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

16           (ii) be made available to the residential customer class and  
17           commercial customer class for the operation of an electric vehicle charging  
18           station;

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

20           (iv) include the per-kWh transportation infrastructure assessment;

21           and

1                   (vi) offer a customer the option to purchase electricity:

2                   (I) from the utility’s current mix of energy supply sources; or

3                   (ii) entirely from renewable energy sources.

4                   (C) The electric utility may, at its discretion, offer the tariff to other  
5 customer classes.

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

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

13                   (ii) includes a mechanism to allow the recovery of costs  
14 reasonably necessary to comply with this section, including costs to inform and  
15 educate customers about the financial, energy conservation, and environmental  
16 benefits of electric vehicles and to publicly advertise and promote participation  
17 in the customer-optional tariff;

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

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

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

3                   (E) Within 31 days after Commission approval of an electric utility’s  
4                   tariff filed under subdivision (2)(A) of this subsection, the electric utility shall  
5                   make the tariff available to customers.

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

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

12                  (A) program participation and impact highlights for the tariffed  
13                  offerings including:

14                   (i) participants that switch to tariff;

15                   (ii) frequency of daily charging;

16                   (iii) length of daily charging; and

17                   (iv) timing of daily charging;

18                  (B) a list of the chargers installed by county;

19                  (C) a highlight of the overall successes of the tariff, while also

20                  including any major changes or issues encountered during the period;

1           (D) a cost breakdown including the overall costs, broken down by  
2           cost categories such as capital costs and annual operations and maintenance  
3           costs; and

4           (E) other data required by the Commission.

5                           \* \* \* Required Tariff Filing \* \* \*

6           Sec. 5. REQUIRED TARIFF FILING

7           Each electric utility with more than 17,000 customers must file tariffs with  
8           the Public Utility Commission pursuant to 30 V.S.A. § 209(k)(2) as added in  
9           Sec. 4 of this act on or before December 1, 2019.

10                           \* \* \* Rulemaking and Recommendations \* \* \*

11           Sec. 6. REQUIRED RULEMAKING AND RECOMMENDATIONS

12           (a) The Public Utility Commission must adopt rules as required by  
13           30 V.S.A. § 203(b) as added in Sec. 2 of this act on or before December 1,  
14           2020.

15           (b) The Commission, in consultation with the Agency of Agriculture, Food  
16           and Markets shall design a means to inspect, test, and ascertain if publicly  
17           accessible electric vehicle charging stations are accurately offering for sale  
18           measures of electricity on or before December 1, 2019 and incorporate such a  
19           system into any rules adopted pursuant to 30 V.S.A. § 203(b) as added in  
20           Sec. 2 of this act.



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

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

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

5 § 11. TRANSPORTATION FUND

6 The Transportation Fund shall comprise the following:

7 \* \* \*

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

14 (9) revenue from the transportation infrastructure assessment, which  
15 shall be deposited in the Transportation Infrastructure Account; and

16 (10) revenue from the transportation efficiency fee, which shall be  
17 deposited in the Transportation Efficiency Account.

18 \* \* \* Effective Date \* \* \*

19 Sec. 9. EFFECTIVE DATE

20 This act shall take effect on passage.