

This document has been prepared as part of the implementation project of Legal Pathways to Deep Decarbonization (Michael B. Gerrard and John C. Dernbach, eds. Environmental Law Institute [2019]) (LPDD). For background information on the project, see <https://lpdd.org>

Section 1. Findings

The legislature finds and declares that:

- a. Electric vehicle technology is improving, with the result that electric vehicles are now feasible alternatives for serving the transportation needs of the citizens of the State.
- b. Motor vehicle manufacturers are offering an increasing variety of electric vehicles for sale or lease in the State. Accordingly, the number of such vehicles is expected to proliferate over the next few years, and such growth is expected to continue for decades into the future.
- c. The widespread deployment of electric vehicles is consistent with the public policy of the State, due to the energy security, and environmental and health benefits that the expanded use of such vehicles provides by reducing the consumption of fossil fuels and the emission of street-level air pollutants and carbon dioxide.
- d. It is of critical importance that a statewide system of accessible, available and reliable infrastructure be put into place to charge such vehicles, as necessary for the safety and convenience of the traveling public, at a pace commensurate with the rapidly increasing demand for, and operation of, electric vehicles in the State.
- e. The imposition of traditional demand charges by electric companies may not be appropriate under current conditions for electric vehicle charging stations providing direct current fast charging services to consumers, and may impede the development of a robust network of such charging stations in the State.

Section 2. Definitions

“Commission” means the Public Utility Commission [*or Insert Name for the Commission*] of the State.

“Direct Current Fast Charging” means providing an electric charge to a Plug-in Electric Vehicle by means of electric vehicle service equipment that provides at least 50 kilowatts of direct current electrical power through a standardized connector, which is approved for installation for this purpose under the National Electric Code through Underwriters Laboratories Certification or equivalent.

“Electric Company” means an entity subject to regulation by the Commission under [*cite Public Utility Law section relating to the regulation of electric companies.*]

“Plug-in electric vehicle” or **“PEV”** means any vehicle that includes a battery or equivalent energy storage device that can be charged from an electricity supply external to the vehicle through an electric plug. PEVs include pure battery electric vehicles and plug-in hybrid vehicles that can be charged from a source of electricity external to the vehicle, but shall not include hybrid vehicles that do not include a plug for charging from an external source. PEVs may be light duty, medium duty, or heavy duty vehicles.

Section 3. Development of Alternatives to Demand Charge Tariffs

The [Public Utilities Law] is amended to add the following:

- I. Innovative Electric Rates and Tariffs for Electric Vehicle Direct Current Fast Charging Stations
 - a. No later than sixty days from the date of enactment, each Electric Company shall file with the Commission a proposed commercial tariff utilizing alternatives to traditional demand-based rate structures to facilitate Direct Current Fast Charging for Plug-in Electric Vehicles. Each tariff shall evaluate the relative costs, benefits and ancillary related benefits associated with various Direct Current Fast Charging rate designs and do so for multiple scenarios where each tariff or program predicts a different rate of electric vehicle adoption.
 - b. The Commission shall, after notice and opportunity for public comment, approve, modify, or reject the proposed tariff. If the Commission rejects the proposed tariff, the Commission shall direct the Electric Company to submit a new proposal that addresses the issues giving rise to such rejection. The Electric Company shall submit such new proposal within thirty days after the Commission’s rejection of the initial proposal, unless the Commission establishes a different schedule for such submittal in its decision.
 - c. Within thirty days of Commission approval of an Electric Company’s proposed tariff filed under this section, such company shall make such tariff available to customers.
 - d. Not more than once in any three-year period an Electric Company may propose revisions to a tariff approved under this section, based upon changed costs or conditions. The application for revisions under this subsection must include a description of the changed costs or conditions necessitating the proposed revision. The Commission shall, after notice and opportunity for public comment, approve, modify, or reject the proposed revisions. If the Commission rejects the proposed revision, the Electric Company may submit a new application that addresses the issues giving rise to such rejection, and the Commission shall review such application in accordance with the procedures set forth herein.

- e. Each Electric Company providing a tariff under this section shall submit a report to the Commission on an annual basis or such other time frame as may be established by the Commission, providing the following information: (i) the number of customers who have arranged to have electricity delivered under the tariff; and (ii) the total amount of electricity delivered under the tariff.

Section 4. Effective Date

This act shall take effect on the date of its enactment.