



**25 States, DC and Austin, Allow Third-Parties to Include per-kWh Fee in Pricing to Driver
(aka, “Charge for Charging”)**

(Current as of April 2019)

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.
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...”
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
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 No. U-17990 Final PSC Order <i>Only applies to Consumer Energy service territory</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.”
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	PENDNG	The Missouri Court of Appeals has reversed a May 2017 PSC decision that it lacks authority to regulate utility-owned EV-charging stations. The court ruled that the PSC erred in finding that KCP&L's EV-charging stations did not fall within the statutory definition of "electric plant," and therefore reversed that portion of the PSC's decision and remanded the case to the PSC for further review.
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 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 Declaratory Ruling on Jurisdiction	NY State Public Service Commission declaratory ruling finds that the PSC does not have jurisdiction over (1) charging stations; (2) owners or operators of charging stations; or (3) the transaction between such owners or operators and members of the public.
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."
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 of the Public Utility Code) (a) Section 1313 of the Public Utility Code, 66 Pa. C.S. § 1313 (relating to price upon resale of public utility services), applies restrictions on the resale of utility service to residential customers. (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).

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.
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	SHB 1571, Chapter 28 Laws 2011 Rev. Code of Wash. 80.28.320	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
West Virginia	W.Va. Code §24- 2D-3	PSC has no jurisdiction over ultimate sale by non-utilities of alternate fuel used for motor vehicles.