

APPENDIX A
TO INITIAL BRIEF

**18 STATES (and D.C.) WITH STATUTORY AND/OR
REGULATORY EXEMPTIONS FOR EVSE
(Current as of May 2016)**

STATE	Citation	SUMMARY
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	An electric vehicle charging station provider, as defined in section 3201, subsection 8-B, may install an electrical submeter and may charge a submeter user only for kilowatt hours used.

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.”
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
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.
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 – Duquesne ONLY	Order R-2014-2430058	Pennsylvania PUC approves utility (Duquesne Light Company) tariff rule 18.1 “to clarify that charging is not considered redistribution of service”
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.
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>SHB 1571, Chapter 28 Laws 2011</p> <p>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	W.Va.Code §24-2D-3	PSC has no jurisdiction over ultimate sale by non-utilities of alternate fuel used for motor vehicles.