

The House Committee on Energy, Utilities and Telecommunications offers the following substitute to HB 1322:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to provide for the deployment of electric vehicle charging
3 equipment; to provide that the authority and jurisdiction of the Public Service Commission
4 over public utilities shall not extend to persons not otherwise subject to the jurisdiction of the
5 commission that provide electric vehicle charging services; to provide for definitions; to
6 confirm the commission's authority over electric suppliers that supply electricity to premises
7 that provide electric vehicle charging services; to confirm that the provision of such
8 electricity is a retail sale; to provide for legislative findings and declarations; to require any
9 electric light and power company subject to regulation by the Public Service Commission
10 to file tariffs with the commission for electricity rates for privately owned electric vehicle
11 charging equipment; to allow such electric supplier to provide electric vehicle charging
12 equipment directly to the public through a separate, unregulated entity under certain
13 conditions; to prohibit such electric supplier from discrimination between electric vehicle
14 charging providers; to encourage other electric suppliers to develop such tariffs; to prohibit
15 electric vehicle charging equipment of any electric light and power company subject to
16 regulation by the commission from inclusion in the rate base; to provide for the promulgation
17 of rules and regulations; to provide for related matters; to repeal conflicting laws; and for
18 other purposes.

H. B. 1322 (SUB)

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 SECTION 1.

21 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
22 transportation, is amended by adding a new Code section to read as follows:

23 "46-2-20.1.

24 (a) As used in this Code section, the term:

25 (1) 'Electric vehicle' means a vehicle that is propelled by one or more electric motors
26 using energy stored in the form of a rechargeable battery.

27 (2) 'Electric vehicle charging equipment' means any publicly available charging station
28 that delivers electricity from a source outside an electric vehicle into one or more electric
29 vehicles that is separate and distinct from make-ready infrastructure.

30 (3) 'Electric vehicle charging provider' means the owner of electric vehicle charging
31 equipment.

32 (4) 'Electrical vehicle charging services' means the charging of electric vehicles from
33 electrical vehicle charging equipment.

34 (5) 'Make-ready infrastructure' means the electrical infrastructure required to service an
35 electrical load up to, but not beyond the electric supplier's side of the electric vehicle
36 charging equipment; provided, however, that such term shall not include electric vehicle
37 charging equipment.

38 (6) 'Premises' shall have the same meaning as provided in Code Section 46-3-3.

39 (b) Notwithstanding any other provision of law, the provision of electric vehicle charging
40 services to the public by a person not otherwise subject to the jurisdiction of the
41 commission shall not be considered a service of a public utility subject to the authority and
42 jurisdiction of the commission. The supply of electricity by electric suppliers subject to
43 Part 1 of Article 1 of Chapter 3 of this title, to premises that provide electric vehicle
44 charging services shall constitute the furnishing of service under Part 1 of Article 1 of

45 Chapter 3 of this title and shall be deemed to be a sale at retail within the meaning of Code
46 Section 48-8-2. The provision of electric vehicle charging services solely on an electric
47 vehicle charging provider's single premises solely to electric vehicles located on such
48 premises does not violate Part 1 of Article 1 of Chapter 3 of this title."

49 **SECTION 2.**

50 Said title is further amended by adding a new chapter to read as follows:

51 "CHAPTER 3B

52 46-3B-1.

53 The General Assembly finds that it is in the best interests of this state to establish a
54 framework designed to encourage private sector investment in the deployment of electric
55 vehicle charging equipment. Such a framework is essential to foster the rapid installation
56 and widespread use of such equipment on real property whose owners or tenants desire to
57 make such an investment. To provide for such deployment, the General Assembly declares
58 that it is necessary to:

59 (1) Implement competitively neutral policies to encourage private sector investment in
60 electric vehicle charging equipment deployment;

61 (2) Develop and implement competitively neutral electricity tariffs aimed at and
62 optimized for the low cost operation of electrical vehicle charging equipment while
63 ensuring transparency in pricing;

64 (3) Encourage private investment, ownership, and operation of publicly available electric
65 vehicle charging equipment, including equipment that allows for fast charging;

66 (4) Stimulate innovation, competition, and private investment in the electric vehicle
67 charging market;

68 (5) Develop mechanisms to incentivize and support the short-term and long-term
69 efficient and cost-effective use of the electric grid in a manner that supports the operation
70 of electric vehicle charging equipment;

71 (6) Provide investment or incentive resources to support private investment in the
72 operation of electric vehicle charging equipment; and

73 (7) Prohibit the ability of an electric supplier to recover the cost of deploying, owning,
74 or operating electric vehicle charging equipment from its ratepayers.

75 46-3B-2.

76 As used in this chapter, the term:

77 (1) 'Electric supplier' means any electric light and power company that provides electric
78 service to the public and whose rates, charges, and service rules and regulations are
79 subject to regulation by the commission.

80 (2) 'Electric vehicle' shall have the same meaning as provided in Code Section 46-2-20.1.

81 (3) 'Electric vehicle charging equipment' shall have the same meaning as provided in
82 Code Section 46-2-20.1.

83 (4) 'Electric vehicle charging provider' shall have the same meaning as provided in Code
84 Section 46-2-20.1.

85 (5) 'Electric vehicle charging services' shall have the same meaning as provided in Code
86 Section 46-2-20.1.

87 (6) 'Premises' shall have the same meaning as provided in Code Section 46-2-20.1.

88 46-3B-3.

89 (a) An electric supplier that provides, owns, operates, and maintains electric vehicle
90 charging equipment directly to the public shall do so through a separate, unregulated entity
91 and must do so on the same rates, terms, and conditions offered to private providers of
92 electric vehicle charging equipment.

93 (b) On or before September 1, 2022, an electric supplier shall file a tariff with the
94 commission which sets forth the rates, terms, and conditions for the sale of electricity to
95 electric vehicle charging providers for the operation of electric vehicle charging equipment.

96 (c) The rates, terms, and conditions of the electric supplier's tariff shall not discriminate
97 between electric vehicle charging providers, and the same rates, terms, and conditions
98 thereof shall apply to every electric vehicle charging provider, including the electric
99 supplier's separate, unregulated entity.

100 46-3B-4.

101 After August 31, 2022, no electric supplier shall allocate to or recover from the ratepayers
102 of the electric supplier the cost to provide, own, operate, or maintain electric vehicle
103 charging equipment.

104 46-3B-5.

105 The commission shall not approve any electric supplier's tariff setting forth the rates, terms,
106 and conditions for the sale of electricity to electric vehicle charging providers unless such
107 tariff complies with the policies of this state enumerated in Code Section 46-3B-1. The
108 commission shall adopt any rules and regulations necessary to implement and administer
109 the provisions of this chapter.

110 46-3B-6.

111 All electric membership corporations and municipalities that furnish electric service in this
112 state are strongly encouraged to develop a tariff for private electric vehicle charging
113 providers that complies with the spirit of this chapter.

114 46-3B-7.
115 The provision of electric vehicle charging services solely on an electric vehicle charging
116 provider's single premises solely to electric vehicles located on such premises as provided
117 under this chapter does not violate Part 1 of Article 1 of Chapter 3 of this title."

118 **SECTION 3.**

119 All laws and parts of laws in conflict with this Act are repealed.