

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF	)	
AMENDMENTS TO THE PUBLIC UTILITY	)	CASE NO.
REGULATORY POLICIES ACT OF 1978 AND	)	2022-00369
ELECTRIFICATION OF TRANSPORTATION	)	

ORDER

The Infrastructure Investment and Jobs Act (IIJA)<sup>1</sup> was signed into law on November 15, 2021. The IIJA, *inter alia*, amended Section 111(d) of the Public Utility Regulatory Policies Act of 1978<sup>2</sup> (PURPA). The amendments added the following standard:

(21) Electric vehicle charging programs

Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that—

(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;

(B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;

(C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and

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<sup>1</sup> H.R. 3684, 117th Cong. (2021).

<sup>2</sup> 16 U.S.C. § 2621(d).

(D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.<sup>3</sup>

The Commission, under the PURPA amendments, must, “commence consideration . . . or set a hearing date for consideration, with respect to the standard established by [the PURPA amendments]”<sup>4</sup> within one year of November 15, 2021. The Commission must complete its consideration and make a final determination as to the new standards established by the PURPA amendments no later than November 15, 2023.<sup>5</sup>

The amendments to PURPA do not specify the procedure that the Commission must follow in considering the standards established by the PURPA amendments. The Commission therefore finds as an initial matter it will first elicit comments from interested parties and that all Kentucky jurisdictional electric utilities will be made parties to this proceeding as it is possible that they may all be required to comply with any eventual Commission decision. The Commission further finds that the electric utilities shall file written comments that provide the following:

1. A report of existing measures used to promote electrification of the transportation sector by the electric utility.
2. Existing rate mechanisms that:
  - a. promote affordable and equitable electric charging options, if any;
  - b. improve customer experience associated with charging, if any;

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<sup>3</sup> 16 U.S.C. § 2621(d)(21).

<sup>4</sup> 16 U.S.C. § 2622(b)(8)(A).

<sup>5</sup> 16 U.S.C. § 2622(b)(8)(B).

- c. accelerate third-party investment, if any; and
- d. appropriately recover the marginal costs of delivering electricity to

electric vehicles and electric vehicle infrastructure, if any.

3. Appropriate measures to promote greater electrification of the transportation sector.

The Commission also encourages interested stakeholders to participate, either by intervening or filing suggested guidelines or comments. A courtesy copy of this Order will be sent to groups that either are known to typically intervene in administrative cases or are known to have an interest.

IT IS THEREFORE ORDERED that:

1. This proceeding is opened to permit the Commission to consider the IJA amendments to PURPA.
2. All jurisdictional electric utilities are made parties to this proceeding.
3. All jurisdictional electric utilities shall file comments as directed by this Order no later December 16, 2022.
4. All requests for intervention shall be filed by November 18, 2022.
5. Comments from the public and interested parties shall be filed no later than December 16, 2022.

PUBLIC SERVICE COMMISSION

  
Chairman

Vice Chairman

  
Commissioner



ATTEST:

  
Executive Director

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