

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)¹ was signed into law on November 15, 2021. The IIJA, *inter alia*, amended Section 111(d) of the Public Utility Regulatory Policies Act of 1978² (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

¹ H.R. 3684, 117th Cong. (2021).

² 16 U.S.C. § 2621(d).

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

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]”⁴ within one year of November 15, 2021. If prior state actions were taken to address the standard, the requirements do not apply.

On November 7, 2022, the Commission issued an order initiating this proceeding. The Order made all jurisdictional utilities parties to the proceeding, established a deadline for requests for intervention, and established a December 16, 2022 deadline for comments to be filed. The jurisdictional utilities were directed to provide comments in response to specific questions.

There were no motions to intervene in this proceeding. In addition to the comments received by the jurisdictional utilities, the Commission also received comments from: (1) Charge Ahead Partnership; (2) Kentucky Petroleum Marketers Association; (3) Alliance for Transportation Electrification; (4) the Alliance for Transportation Electrification; (5) Electrify America, LLC; (6) Energy Marketers of America; (7) EVgo Services, LLC; (8) Kentucky Retail Federation and Kentucky Grocers and Convenience Store Association; and (9) Chargepoint, Inc.

The Commission has considered the comments filed and has reviewed the record before it. The Commission notes that it has addressed issues relating to EV charging on a utility-by-utility basis. The characteristics of the customer base, service area, and

³ 16 U.S.C. § 2621(d)(21).

⁴ 16 U.S.C. § 2622(b)(8)(A).

anticipated growth of demand for EV charging vary widely from utility to utility. It is therefore impossible for a one-size-fits-all approach to apply to all utilities when they come to the Commission with EV-charging issues. The Commission, therefore, finds that the responsibility is on each utility to come to the Commission for any tariff changes necessary to meet the needs of its customers as it relates to electrification of transportation. Each jurisdictional utility is in the best position to understand its system and the current and anticipated needs of its customers regarding electrification of transportation.

The Commission encourages utilities to consider developing, if they have not already done so, time of use rates structures and incentives to minimize the impact of EV charging on peak load. Finally, the Commission emphasizes that the burden is on each utility to prepare for increased fleet electrification. Utilities must be proactive and not reactive in their planning of their systems and be mindful that any investments do not lead to wasteful duplication.

The Commission, being sufficiently advised, finds that it should decline to implement any standards regarding the establishment of rates and measures to promote electrification of the transportation sector as established by the Infrastructure Investment and Jobs Act, pursuant to Section 111(d) of the Public Utility Regulatory Policies Act of 1978. The Commission, however, will keep this docket open to further develop the record and further consider and address issues concerning the increased electrification of the transportation fleet.

IT IS THEREFORE ORDERED that:

1. The Commission declines to implement any standards regarding the establishment of rates and measures to promote electrification of the transportation sector as established by the Infrastructure Investment and Jobs Act, pursuant to Section 111(d) of the Public Utility Regulatory Policies Act of 1978.
2. This case shall remain open to further develop the record.

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Vice Chairman


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ENTERED
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