

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF	)	
COMMISSION JURISDICTION OVER	)	CASE NO. 2018-00372
ELECTRIC VEHICLE CHARGING STATIONS	)	

ATTORNEY GENERAL’S RESPONSE TO COMMISSION’S ORDER

Comes now, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), and provides a response to the Commission’s November 29, 2018 Order (“Order”). The Order requests comments regarding whether the Commission has jurisdiction and regulatory oversight over Electric Vehicle Charging Stations (“EVCS”), and as to whether EVCSs violate the Electric Territorial Boundary Act. As the Order states, to be a utility an EVCS would need to meet the following criteria:

1. An EVCS must be a “facility used or to be used for or in connection with” the “generation, production, transmission, or distribution of electricity”;
2. An EVCS must be a “facility” that provides electricity “for lights, heat, power, or other uses”; and
3. An EVCS must be a facility that provides electricity “to or for the public, for compensation.”

The Attorney General appreciates the opportunity to provide comments regarding the Commission’s inquiry. There are no bright line answers to the questions the Commission poses. Although the preferable method of providing clarity on the issue would be a statutory change, a

cursory review of the General Assembly's website makes clear that it is unlikely this subject will be addressed during the 2019 legislative session.

Although the Attorney General appreciates the opportunity to participate in this matter and applauds the Commission's interest and intent on the subject, he has chosen not to provide initial comments. As the issue invokes questions of both law and fact, and given the Attorney General's statutory obligation to represent consumers, providing initial comments could serve to preclude his ability to later fully represent consumers in matters related to this issue. Further, the Attorney General's ability to provide initial comments in this matter is further complicated by his obligation to provide legal opinions submitted by certain public agencies.<sup>1</sup> Therefore, the Attorney General looks forward to reviewing the initial comments filed by other interested parties and should the situation arise, reserves his right to file response comments as provided by the Order.

Respectfully submitted,

Andy Beshear  
Attorney General



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<sup>1</sup> See KRS 15.025.