

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

On November 7, 2022, the Commission issued an Order¹ initiating this proceeding in response to the Infrastructure Investment and Jobs Act (IIJA)² that 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 (PURPA).³ In relevant part, 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;

¹ Order (Ky. PSC Nov. 7, 2022).

² H.R. 3684, 117th Cong. (2021).

³ 16 U.S.C. § 2621(d).

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

(D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.⁴

Under the PURPA amendments, the Commission must, “commence consideration . . . or set a hearing date for consideration, with respect to the standard established by [the PURPA amendment” within one year of November 15, 2021.⁵

The November 7, 2022 Order establishing this matter made all jurisdictional utilities a party 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.

After considering the comments filed from jurisdictional utilities, the Commission, by Order⁶ issued November 15, 2023, declined to implement any standards regarding the establishment of rates and measures to promote electrification of the transportation sector. Because the characteristics of the customer base, service area, and anticipated growth of demand for electric vehicle (EV) charging vary widely from utility to utility, the Commission found it impossible to implement a one-size-fits-all approach to address utilities when they come to the Commission with EV-charging issues. Therefore, the Commission found that it is the responsibility of each utility to come to the Commission

⁴ 16 U.S.C. § 2621(d)(21).

⁵ 16 U.S.C. § 2622(b)(8)(A).

⁶ Order (Ky. PSC Nov. 15, 2023).

for any tariff changes necessary to meet the needs of its customers as it relates to electrification of transportation because each jurisdictional utility is in the best position to understand its own system as well as the current and anticipated needs of its customers. The Commission encouraged utilities to consider developing time of use rate structures to minimize the impact of EV charging on peak load and the Commission emphasized that the burden is on each utility to prepare for increased fleet electrification. Lastly, the Commission kept the docket open to further develop the record and further consider and address issues concerning the increased electrification of the transportation fleet.

Now, the Commission, being sufficiently advised, finds that no further action is necessary in this matter and that this case should be dismissed and removed from the Commission's docket.

IT IS THEREFORE ORDERED that this case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

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