

AMENDMENTS TO HOUSE BILL NO. 1446

Sponsor: REPRESENTATIVE M. QUINN

Printer's No. 1916

1 Amend Bill, page 1, lines 1 through 6, by striking out all of
2 said lines and inserting

3 Amending Title 66 (Public Utilities) of the Pennsylvania
4 Consolidated Statutes, in restructuring of electric utility
5 industry, providing for transportation fueling infrastructure
6 development.

7 Amend Bill, page 1, lines 9 through 19; pages 2 through 8,
8 lines 1 through 30; page 9, lines 1 through 18; by striking out
9 all of said lines on said pages and inserting

10 Section 1. Title 66 of the Pennsylvania Consolidated
11 Statutes is amended by adding a section to read:

12 § 2816. Transportation fueling infrastructure development.

13 (a) Transportation electrification opportunity assessment.--

14 (1) Within 180 days of the effective date of this
15 section, the Governor or a designee of the Governor shall
16 establish a Statewide goal for the expansion of
17 transportation electrification in this Commonwealth based
18 upon a Statewide transportation electrification opportunity
19 assessment. The goal shall be no less than a 50% expansion of
20 annual transportation electrification usage above current
21 market forecasts for December 31, 2030, as of the effective
22 date of this section.

23 (2) At the time the Statewide goal is established, the
24 Governor or a designee of the Governor may also establish
25 regional goals for each group of priority alternative
26 transportation infrastructure counties that are served, in
27 whole or in part, by an electric distribution company.

28 (b) Commission guidelines.--No later than one year after the
29 effective date of this section, the commission shall issue
30 transportation electrification infrastructure development plan
31 guidelines for electric distribution companies addressing the
32 following:

33 (1) The establishment of strategically located public
34 electric vehicle charging stations, including utility-owned
35 electric vehicle charging stations and non-utility-owned

1 stations participating in a utility incentive program.

2 (2) The electrification of public transit and medium and
3 heavy-duty fleets.

4 (3) The deployment of non-utility-owned electric vehicle
5 charging stations.

6 (4) Requirements to ensure that electric distribution
7 company development plans with utility-owned charging
8 stations and incentive programs are implemented in a
9 competitive and nondiscriminatory manner and do not limit
10 public access to charging stations owned by third parties not
11 participating in utility incentive programs.

12 (5) Standards for technical interoperability of electric
13 vehicle charging stations and flexible payment options,
14 including credit cards, to facilitate electric vehicle travel
15 across the Commonwealth.

16 (6) The procedures for approval of transportation
17 electrification infrastructure development plans.

18 (c) Revised guidelines.--No later than one year before each
19 updated transportation electrification infrastructure
20 development plan filing required under subsection (h), the
21 commission may issue revised guidelines to reflect technological
22 developments and changes in market conditions.

23 (d) Transportation electrification infrastructure regional
24 framework.--

25 (1) An electric distribution company serving one or more
26 priority alternative transportation infrastructure counties
27 shall contract with a qualifying independent transportation
28 analyst to develop a transportation electrification
29 infrastructure regional framework for those counties.

30 (2) The regional framework development process shall
31 include representatives from the Department of
32 Transportation, the Department of Environmental Protection,
33 county and municipal governments of the priority alternative
34 transportation infrastructure counties served by the electric
35 distribution company, public transit organizations and the
36 electric distribution company. Electric distribution
37 companies shall invite representatives of regional planning
38 commissions, school districts, owners of vehicle fleets,
39 transportation network companies, experts in transportation
40 electrification charging infrastructure, manufacturers of
41 transportation electrification equipment and other
42 participants and stakeholders in the transportation
43 electrification market to participate in the regional
44 framework development process.

45 (3) If multiple electric distribution companies serve a
46 single priority alternative transportation infrastructure
47 county, the electric distribution companies may elect to
48 collaborate on the selection of a qualifying independent
49 transportation analyst for the county and allocate framework-
50 related costs proportionally based upon the number of
51 customers served in the county or by another mutually

1 agreeable method.

2 (4) A regional framework shall provide the following
3 information for the priority alternative transportation
4 infrastructure counties served by the electric distribution
5 company:

6 (i) The extent of ownership, leasing and usage of
7 battery electric vehicles, including heavy-duty battery
8 electric vehicles, as well as projected ownership,
9 leasing and usage through December 31, 2030, or 15 years
10 after the effective date of this section, whichever is
11 later.

12 (ii) The extent of nonroad transportation
13 electrification usage and transportation electrification
14 charging infrastructure.

15 (iii) The additional transportation electrification
16 charging infrastructure that is reasonably necessary to
17 achieve the applicable regional goal established in
18 accordance with subsection (a) or, if no regional goal is
19 established, the Statewide goal established in accordance
20 with subsection (a) as applied to the priority
21 alternative transportation infrastructure counties served
22 by the electric distribution company.

23 (iv) Recommendations regarding the geographic
24 distribution and general specifications of transportation
25 electrification charging infrastructure identified in
26 accordance with subparagraph (iii), including
27 recommendations specific to the deployment of electric
28 vehicle charging infrastructure to serve low-income
29 communities, multiunit commercial, residential and mixed-
30 use buildings and single-family residential homes.

31 (e) Transportation electrification infrastructure
32 development plan.--

33 (1) An electric distribution company serving one or more
34 priority alternative transportation infrastructure counties
35 shall, consistent with the guidelines established pursuant to
36 subsection (b) and (c), file a transportation electrification
37 infrastructure development plan with the commission within 18
38 months of the establishment of a Statewide goal under
39 subsection (a) (1). The electric distribution company shall
40 provide its transportation electrification infrastructure
41 regional framework as part of the infrastructure development
42 plan filing.

43 (2) The infrastructure development plan shall describe
44 the company's proposal to achieve deployment of the
45 transportation electrification infrastructure reasonably
46 necessary to achieve the applicable regional goal established
47 in accordance with subsection (a) or, if no regional goal is
48 established, the Statewide goal established in accordance
49 with subsection (a) as applied to the priority alternative
50 transportation infrastructure counties served by the electric
51 distribution company. The infrastructure development plan

1 shall include strategies to optimize the use of the electric
2 distribution grid and provide opportunities for the reduction
3 of electric charging costs for customers, including time-of-
4 use rates.

5 (3) Subject to the guidelines established pursuant to
6 subsections (b) and (c), the infrastructure development plan
7 may include transportation electrification charging stations
8 owned and operated by the electric distribution company and
9 third parties, incentives for customers and third-party
10 charging station owners and customer education programs
11 related to installing or using transportation electrification
12 charging stations.

13 (f) Commission approval.--

14 (1) The commission shall, after reasonable notice and
15 hearing and within 270 days of submission, approve or
16 disapprove each infrastructure development plan filed under
17 subsection (e).

18 (2) If the commission does not approve a plan, the
19 commission shall describe in detail the reasons for
20 disapproval, and the electric distribution company shall have
21 60 days to file a revised plan to address the deficiencies
22 identified by the commission.

23 (3) A revised plan shall be approved or disapproved by
24 the commission within 60 days.

25 (g) Recovery.--An electric distribution company shall
26 recover, in distribution rates established under section 1308
27 (relating to voluntary changes in rates), all reasonable and
28 prudent costs incurred in the implementation of this section,
29 including the costs of transportation electrification
30 infrastructure regional frameworks and infrastructure
31 development plans, transportation electrification
32 infrastructure, including annual depreciation costs, capital
33 costs over the life of transportation electrification charging
34 technology and required distribution system upgrades, incentives
35 and education provided in accordance with an infrastructure
36 development plan approved under subsection (f). The commission
37 may determine the appropriate rate structure and cost allocation
38 for the just and reasonable recovery of prudently incurred
39 costs, which may include any payments by customers related to a
40 specific electric vehicle charging station or other
41 transportation electrification infrastructure.

42 (h) Additional regional frameworks and infrastructure
43 development plans.--An electric distribution company shall
44 contract for an update of the regional framework required under
45 subsection (d) and file an updated transportation
46 electrification infrastructure development plan required under
47 subsection (e) every four years. Additional regional frameworks
48 and infrastructure development plans shall be developed after
49 December 31, 2026, as directed by the commission.

50 (i) Voluntary development of transportation electrification
51 infrastructure development plans.--An electric distribution

1 company may file a transportation electrification infrastructure
2 development plan for commission approval in accordance with this
3 section for counties within the company's service territory that
4 do not qualify as priority alternative transportation
5 infrastructure counties. The commission approval requirements of
6 subsection (f) do not apply to plans filed under this
7 subsection.

8 (j) Open access for public electric vehicle charging
9 stations.--

10 (1) An electric vehicle operator who chooses to use a
11 public electric vehicle charging station installed or
12 operated with incentives authorized under a transportation
13 electrification infrastructure development plan or by an
14 electric distribution company shall not be required to enroll
15 in a club, association or membership organization or pay a
16 subscription fee as a condition to use the station. Nothing
17 in this section shall prevent nonutility owners and operators
18 of electric vehicle charging stations that are installed or
19 operated without incentives authorized under a transportation
20 electrification infrastructure development plan from
21 including those stations in a subscription or membership
22 network with variable rate structures.

23 (2) The owner or lessee of a publicly available parking
24 space, whose primary business is not electric vehicle
25 charging services, may restrict the use of that parking
26 space, including by limiting use to customers and visitors of
27 the business.

28 (3) The owner or operator of a public electric vehicle
29 charging station installed or operated with incentives
30 authorized under a transportation electrification
31 infrastructure development plan or by an electric
32 distribution company shall disclose the station's geographic
33 location, hours of operation, charging level, hardware
34 compatibility, schedule of fees, accepted methods of payment
35 and the amount of network roaming charges for nonmembers, if
36 any, on an ongoing basis to the commission, the Department of
37 Revenue and the United States Department of Energy National
38 Renewable Energy Laboratory.

39 (k) Publicly funded charging infrastructure.--Any publicly
40 funded charging infrastructure using ratepayer or taxpayer funds
41 should adhere to the technical interoperability standards
42 adopted or guided by the commission and be smart chargers, that
43 is, networked and submetered.

44 (l) Natural gas and hydrogen-fueled transportation
45 infrastructure assessment.--

46 (1) Within one year of the effective date of this
47 section, the Governor or a designee of the Governor shall
48 complete a Statewide assessment of current natural gas and
49 hydrogen-fueled vehicle usage and fueling infrastructure in
50 this Commonwealth. The assessment shall identify
51 opportunities and goals for the expansion of natural gas and

1 hydrogen-fueled vehicle usage and fueling infrastructure in
2 this Commonwealth and make recommendations to the General
3 Assembly and the commission to support the expansion.

4 (2) The Governor or a designee of the Governor shall
5 transmit the assessment and recommendations to the commission
6 for posting on the commission's publicly accessible Internet
7 website.

8 (m) Alternative fuels tax.--An electric distribution company
9 or third party which owns a transportation electrification
10 charging station shall be subject to the alternative fuels tax
11 under 75 Pa.C.S. § 9004 (relating to imposition of tax,
12 exemptions and deductions).

13 (n) Penalties.--No electric distribution company shall be
14 subject to penalties for failure to meet the applicable goal
15 established under subsection (a) if the electric distribution
16 company is otherwise in compliance with its commission-approved
17 infrastructure development plan.

18 (o) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Battery electric vehicle." A motor vehicle that is powered
22 partly or solely by a battery that can be recharged wirelessly
23 or by plugging it into an external source of electricity and
24 which motor vehicle meets the applicable Federal and State
25 safety standards for on-road vehicles.

26 "Electric vehicle charging station." A facility or equipment
27 designed to charge batteries within battery electric vehicles by
28 permitting the transfer of electric energy to a battery or other
29 storage device in a battery electric vehicle.

30 "Priority alternative transportation infrastructure county."
31 A county in this Commonwealth including all or part of a
32 metropolitan statistical area with a population of at least
33 500,000 people as defined by the United States Census Bureau.

34 "Public electric vehicle charging station." An electric
35 vehicle charging station located at a publicly available parking
36 space.

37 "Publicly available parking space." A parking space that has
38 been designated by a property owner or a lessee to be available
39 to and accessible by the public, including on-street parking
40 spaces and parking spaces in surface lots or parking garages.
41 The term shall not include a parking space that is part of or
42 associated with a private residence or a parking space that is
43 reserved for the exclusive use of an individual driver or
44 vehicle or for a group of drivers of vehicles including
45 employees, tenants, visitors or residents of a common interest
46 development or residents of an adjacent building.

47 "Qualifying independent transportation analyst." A regional
48 planning commission established in accordance with the laws of
49 this Commonwealth or an independent analyst with demonstrated
50 expertise in transportation modeling and forecasting.

51 "Transportation electrification." The use of electricity

1 from external sources of electrical power, including the
2 electrical grid, for all or part of vehicles, vessels, trains,
3 boats or other equipment that are mobile sources of air
4 pollution and greenhouse gases and the related programs and
5 charging and propulsion infrastructure investments to enable and
6 encourage this use of electricity.

7 Section 2. This act shall take effect in 60 days.