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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 596 Session of  
2019

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INTRODUCED BY MENSCH, KILLION, BOSCOLA, BROWNE, COSTA, YUDICHAK,  
FARNESE, SANTARSIERO, BREWSTER, FONTANA AND STREET,  
APRIL 30, 2019

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
APRIL 30, 2019

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AN ACT

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

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

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

9 § 2816. Transportation fueling infrastructure development.

10 (a) Findings and declarations.--The General Assembly finds  
11 and declares as follows:

12 (1) Rapid improvements in battery, fuel-cell, vehicle  
13 and equipment technologies are making electrified vehicles  
14 and equipment more competitive options for families,  
15 businesses, institutions and governmental organizations.

16 (2) Increased deployment of electric vehicles, equipment  
17 and infrastructure offers the opportunity to meet more of the  
18 Commonwealth's transportation needs with Pennsylvania-based

1 resources while reducing dependence on the importation of  
2 transportation fuels.

3 (3) Approximately 5.6 million Pennsylvanians live in  
4 counties that are classified as being in nonattainment status  
5 with Federal clean air requirements and increased deployment  
6 of electric transportation technologies can improve public  
7 health and support economic development.

8 (4) Deploying infrastructure to support transportation  
9 electrification will require coordinated planning of  
10 transportation systems and electric infrastructure networks.

11 (5) Pennsylvania is a large and diverse state, and  
12 planning for infrastructure investment should appropriately  
13 reflect differences in regions and communities.

14 (6) Natural gas and hydrogen vehicles and equipment  
15 offer additional opportunities to meet the Commonwealth's  
16 transportation needs while investing in new technologies and  
17 reducing environmental impacts.

18 (b) Transportation electrification opportunity assessment.--  
19 In order to support economic development opportunities arising  
20 from new transportation technologies, the Governor or a designee  
21 of the Governor shall conduct a Statewide transportation  
22 electrification opportunity assessment, including opportunities  
23 for hydrogen and other fuel-cell electric vehicles supported by  
24 electrical infrastructure, and establish a goal for Statewide  
25 expansion of transportation electrification that is 50% above  
26 current market forecasts for December 31, 2030, in the  
27 assessment. The assessment shall be based on the forecasts of no  
28 less than three independent, nationally recognized analysts with  
29 expertise in transportation and energy market forecasting. The  
30 goal shall be established within 60 days of the effective date

1 of this section. At the time the Statewide goal is established,  
2 the Governor or a designee of the Governor may also establish  
3 regional goals for each group of priority alternative  
4 transportation infrastructure counties that are served, in whole  
5 or in part, by an electric distribution company.

6 (c) Commission guidelines.--No later than 180 days after the  
7 effective date of this section, the commission shall issue  
8 transportation electrification infrastructure development plan  
9 guidelines for electric distribution companies addressing the  
10 following:

11 (1) The establishment of an essential public access  
12 network, including utility-owned electric vehicle charging  
13 stations and nonutility-owned stations participating in a  
14 utility incentive program.

15 (2) The electrification of public transit, school bus,  
16 port, freight, rail and airport infrastructure, and central  
17 charging facilities serving medium, heavy-duty and  
18 governmental fleets. For the purpose of this paragraph,  
19 infrastructure may include connective and inductive charging  
20 technologies and electric infrastructure supporting hydrogen-  
21 fueled vehicles and equipment.

22 (3) The deployment of nonutility-owned electric vehicle  
23 charging stations.

24 (4) Requirements to ensure that electric distribution  
25 company development plans with utility-owned charging  
26 stations and incentive programs are implemented in a  
27 competitive and nondiscriminatory manner and do not limit  
28 public access to charging stations owned by third parties not  
29 participating in utility incentive programs.

30 (5) Open standard communication protocols for electric

1 vehicle charging stations and flexible payment options,  
2 including credit card reader and mobile payment options, to  
3 facilitate electric vehicle travel throughout this  
4 Commonwealth.

5 (6) Policies to encourage the deployment of charging  
6 infrastructure for electric vehicles and equipment in low-  
7 income communities and transit serving these communities.

8 (7) The procedures for approval of transportation  
9 electrification infrastructure development plans.

10 (d) Revised guidelines.--No later than one year before  
11 filing an updated transportation electrification infrastructure  
12 development plan required under subsection (j), the commission  
13 may issue revised guidelines to reflect technological  
14 developments and changes in market conditions.

15 (e) Transportation electrification infrastructure regional  
16 framework.--

17 (1) An electric distribution company serving one or more  
18 priority alternative transportation infrastructure counties  
19 shall contract with a qualifying independent transportation  
20 analyst to develop a transportation electrification  
21 infrastructure regional framework for those counties.

22 (2) The regional framework development process shall  
23 include representatives from the Department of  
24 Transportation, the Department of Environmental Protection,  
25 county and municipal governments of the priority alternative  
26 transportation infrastructure counties served by the electric  
27 distribution company, public transit organizations and the  
28 electric distribution company. Electric distribution  
29 companies shall invite representatives of regional planning  
30 commissions, school districts, owners of vehicle fleets,

1 transportation network companies, nonprofit environmental  
2 organizations, experts in transportation electrification  
3 charging infrastructure, manufacturers of transportation  
4 electrification equipment and other participants and  
5 stakeholders in the transportation electrification market to  
6 participate in the regional framework development process.

7 (3) If multiple electric distribution companies serve a  
8 single priority alternative transportation infrastructure  
9 county, the electric distribution companies may elect to  
10 collaborate on the selection of a qualifying independent  
11 transportation analyst for the county and allocate framework-  
12 related costs proportionally based upon the number of  
13 customers served in the county or by another mutually  
14 agreeable method. An electric distribution company serving  
15 less than 50,000 customers in a county is not required to  
16 participate in the development of the framework for that  
17 county.

18 (f) Transportation electrification infrastructure  
19 development plan.--

20 (1) An electric distribution company serving one or more  
21 priority alternative transportation infrastructure counties  
22 shall, consistent with the guidelines established under  
23 subsections (c) and (d), file a transportation  
24 electrification infrastructure development plan with the  
25 commission within one year of the establishment of a  
26 Statewide goal under subsection (b). The electric  
27 distribution company shall provide its transportation  
28 electrification infrastructure regional framework as part of  
29 the infrastructure development plan filing.

30 (2) The infrastructure development plan shall describe

1 the company's proposal to support deployment of the  
2 transportation electrification infrastructure reasonably  
3 necessary to achieve the applicable regional goal established  
4 in accordance with subsection (b) or, if no regional goal is  
5 established, the Statewide goal established in accordance  
6 with subsection (b) as applied to the priority alternative  
7 transportation infrastructure counties served by the electric  
8 distribution company. The infrastructure development plan  
9 shall include strategies to optimize the use of the electric  
10 distribution grid and provide opportunities for the reduction  
11 of electric charging costs for customers, including time-of-  
12 use, demand management and other innovative rates.

13 (3) Subject to the guidelines established under  
14 subsections (c) and (d), the infrastructure development plan  
15 may include transportation electrification charging stations  
16 owned and operated by the electric distribution company and  
17 third parties, incentives for customers and third-party  
18 charging station owners and customer education programs  
19 related to installing or using transportation electrification  
20 charging stations.

21 (g) Commission approval.--

22 (1) The commission shall, after reasonable notice and  
23 hearing and within 270 days of submission, approve or  
24 disapprove each infrastructure development plan filed under  
25 subsection (f).

26 (2) If the commission does not approve a plan, the  
27 commission shall describe in detail the reasons for  
28 disapproval and the electric distribution company shall have  
29 60 days to file a revised plan to address the deficiencies  
30 identified by the commission.

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

3 (h) Recovery.--

4           (1) An electric distribution company shall recover, in  
5 distribution rates established under section 1308 (relating  
6 to voluntary changes in rates) or 1330 (relating to  
7 alternative ratemaking for utilities), all reasonable and  
8 prudent costs incurred in the implementation of this section,  
9 including the costs of transportation electrification  
10 infrastructure regional frameworks and infrastructure  
11 development plans, transportation electrification  
12 infrastructure, including annual depreciation costs, capital  
13 costs over the life of transportation electrification  
14 charging technology and required distribution system  
15 upgrades, incentives and education provided in accordance  
16 with an infrastructure development plan approved under  
17 subsection (g). The commission may determine the appropriate  
18 rate structure and cost allocation for the just and  
19 reasonable recovery of prudently incurred costs, which may  
20 include any payments by customers related to a specific  
21 electric vehicle charging station or other transportation  
22 electrification infrastructure.

23           (2) The costs recovered under paragraph (1) by an  
24 electric distribution company may not be otherwise  
25 recoverable from ratepayers.

26 (i) Limitation on costs.--The total annual costs charged to  
27 customers by an electric distribution company in implementing  
28 this section may not exceed 0.25% of the total annual customer  
29 bill amount for an electric distribution company, excluding bill  
30 amounts for electric energy, for the 12-month period ending

1 December 31, 2019, or the test year upon which distribution  
2 rates were established in the electric distribution company's  
3 most recent base distribution rate case proceeding.

4 (j) Additional regional frameworks and infrastructure  
5 development plans.--An electric distribution company shall  
6 contract for an update of the regional framework required under  
7 subsection (e) and file an updated transportation  
8 electrification infrastructure development plan required under  
9 subsection (f) after five years. Additional regional frameworks  
10 and infrastructure development plans shall be developed after  
11 December 31, 2025, as directed by the commission.

12 (k) Voluntary development of transportation electrification  
13 infrastructure development plans.--An electric distribution  
14 company may file a transportation electrification infrastructure  
15 development plan for commission approval in accordance with this  
16 section for counties within the company's service territory that  
17 do not qualify as priority alternative transportation  
18 infrastructure counties. The commission approval requirements of  
19 subsection (g) do not apply to plans filed under this  
20 subsection. Plans filed under this subsection must include an  
21 affirmative written statement of support by the majority of the  
22 elected county representatives for any county included in the  
23 plan.

24 (l) Open access for public electric vehicle charging  
25 stations.--

26 (1) An electric vehicle operator who chooses to use a  
27 public electric vehicle charging station installed or  
28 operated with incentives authorized under a transportation  
29 electrification infrastructure development plan or by an  
30 electric distribution company shall not be required to enroll

1 in a club, association or membership organization or pay a  
2 subscription fee as a condition to use the station. Nothing  
3 in this section shall prevent nonutility owners and operators  
4 of electric vehicle charging stations that are installed or  
5 operated without incentives authorized under a transportation  
6 electrification infrastructure development plan from  
7 including those stations in a subscription or membership  
8 network with variable rate structures.

9 (2) The owner or lessee of a publicly available parking  
10 space, whose primary business is not electric vehicle  
11 charging services, may restrict the use of that parking  
12 space, including by limiting use to customers and visitors of  
13 the business.

14 (3) The owner or operator of a public electric vehicle  
15 charging station installed or operated with incentives  
16 authorized under a transportation electrification  
17 infrastructure development plan or by an electric  
18 distribution company shall disclose the station's geographic  
19 location, hours of operation, charging level, hardware  
20 compatibility, schedule of fees, accepted methods of payment  
21 and the amount of network roaming charges for nonmembers, if  
22 any, on an ongoing basis to the commission, the Department of  
23 Revenue and the United States Department of Energy National  
24 Renewable Energy Laboratory.

25 (m) Publicly funded electric vehicle charging stations.--Any  
26 publicly funded electric vehicle charging station using electric  
27 distribution company ratepayer funds must use open standard  
28 communication protocols and be capable of being networked and  
29 submetered at the charging station or other on-site access  
30 location. A third-party owned and operated electric vehicle

1 charging station may not be subject to the requirements of this  
2 subsection solely because:

3 (1) the electric distribution company has completed or  
4 will complete a necessary line extension to provide  
5 distribution service to the station; or

6 (2) the station takes services under an electric vehicle  
7 incentive rate offered by the electric distribution company.

8 (n) Construction.--This section may not be construed to  
9 limit in any manner the establishment of third-party owned and  
10 operated electric vehicle charging stations or establish  
11 commission jurisdiction to regulate third-party owned and  
12 operated electric vehicle charging stations that are established  
13 without ratepayer funds.

14 (o) Natural gas and propane-fueled transportation  
15 infrastructure assessment.--

16 (1) Within one year of the effective date of this  
17 section, the Governor or a designee of the Governor shall  
18 complete a Statewide assessment of current natural gas and  
19 propane-fueled vehicle usage and fueling infrastructure in  
20 this Commonwealth. The assessment shall identify  
21 opportunities and goals for the expansion of natural gas and  
22 propane-fueled vehicle usage and fueling infrastructure in  
23 this Commonwealth and make recommendations to the General  
24 Assembly and the commission to support the expansion.

25 (2) The Governor or a designee of the Governor shall  
26 transmit the assessment and recommendations to the commission  
27 for posting on the commission's publicly accessible Internet  
28 website.

29 (p) Alternative fuels tax.--An electric distribution company  
30 or third party which owns an electric vehicle charging station

1 shall be subject to the alternative fuels tax under 75 Pa.C.S. §  
2 9004 (relating to imposition of tax, exemptions and deductions).

3 (g) Penalties.--No electric distribution company shall be  
4 subject to penalties for failure to meet the applicable goal  
5 established under subsection (b).

6 (r) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

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

14 "Electric infrastructure supporting hydrogen-fueled vehicles  
15 and equipment." Electric infrastructure and equipment used to  
16 produce hydrogen for hydrogen-fueled vehicles and equipment.

17 "Electric vehicle charging station." A facility or equipment  
18 designed to charge batteries within battery electric vehicles by  
19 permitting the transfer of electric energy to a battery or other  
20 storage device in a battery electric vehicle. The facilities and  
21 equipment may charge batteries through connective or inductive  
22 means. The term includes stations which provide hydrogen to  
23 fuel-cell electric vehicles.

24 "Essential public access network." A system of charging  
25 stations located on high-volume transportation corridors and in  
26 high-population density urbanized areas for the purpose of  
27 ensuring public-access charging in these areas.

28 "Priority alternative transportation infrastructure county."  
29 A county in this Commonwealth with at least 200,000 people that  
30 includes all or part of a metropolitan statistical area with a

1 population of at least 500,000 people as defined by the United  
2 States Census Bureau.

3 "Public electric vehicle charging station." An electric  
4 vehicle charging station located at a publicly available parking  
5 space.

6 "Publicly available parking space." A parking space or other  
7 location that has been designated by a property owner or a  
8 lessee to be available to and accessible by the public,  
9 including on-street parking spaces and parking spaces in surface  
10 lots or parking garages. The term does not include a parking  
11 space that is part of or associated with a private residence, a  
12 parking space provided as a service by a producer of electric  
13 vehicles or a parking space that is reserved for the exclusive  
14 use of an individual driver or vehicle or for a group of drivers  
15 of vehicles, including employees, tenants, visitors or residents  
16 of a common interest development or residents of an adjacent  
17 building.

18 "Qualifying independent transportation analyst." A regional  
19 planning commission established in accordance with the laws of  
20 this Commonwealth or an independent analyst with demonstrated  
21 expertise in transportation modeling and forecasting.

22 "Transportation electrification." The use of electricity  
23 from external sources of electrical power, including the  
24 electrical grid, for all or part of vehicles, vessels, trains,  
25 boats or other equipment that are mobile sources of air  
26 pollution and greenhouse gases and the related programs and  
27 charging and propulsion infrastructure investments to enable and  
28 encourage this use of electricity.

29 "Transportation electrification infrastructure regional  
30 framework." A framework that provides the following information

1 for the priority alternative transportation infrastructure  
2 counties served by the electric distribution company:

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

8 (2) The extent of nonroad transportation electrification  
9 usage and transportation electrification charging  
10 infrastructure.

11 (3) The additional transportation electrification  
12 charging infrastructure that is reasonably necessary to  
13 achieve the applicable regional goal established in  
14 accordance with subsection (b) or, if no regional goal is  
15 established, the Statewide goal established in accordance  
16 with subsection (b) as applied to the priority alternative  
17 transportation infrastructure counties served by the electric  
18 distribution company.

19 (4) Recommendations regarding the geographic  
20 distribution and general specifications of transportation  
21 electrification charging infrastructure identified in  
22 accordance with paragraph (3), including recommendations  
23 specific to the deployment of electric vehicle charging  
24 infrastructure to serve low-income communities, multiunit  
25 commercial, residential and mixed-use buildings and single-  
26 family residential homes.

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