

House Bill 307

By: Representatives Powell of the 33rd, Parsons of the 44th, Gullett of the 19th, Dickey of the 145th, Martin of the 49th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and
2 public transportation, so as to exclude the provision of electricity to propel motor vehicles
3 through electric vehicle charging equipment from the regulatory authority of the Public
4 Service Commission; to provide for definitions; to provide for legislative intent and purpose;
5 to confirm the commission's authority over electric suppliers that supply electricity to
6 premises that provide electric vehicle charging services; to confirm that the provision of such
7 electricity is a retail sale; to provide for limitations upon the ownership, operation, and
8 maintenance of electric vehicle charging equipment by electric suppliers; to provide for
9 designation of community charging equipment to be owned, operated, and maintained by
10 electric suppliers; to require the submission of a tariff and provide standards for approval;
11 to prohibit electric suppliers from discriminating between electric vehicle charging providers;
12 to prohibit recovery of certain costs; to provide for applicability; to provide for related
13 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

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Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by adding a new Code section to read as follows:

"46-2-20.1.

(a) As used in this Code section, the term:

(1) 'Electric supplier' shall have the same meaning as set forth in Code Section 46-3B-2.

(2) 'Electric vehicle' means a vehicle that is propelled by one or more electric motors using energy stored in the form of a rechargeable battery.

(3) 'Electric vehicle charging equipment' means any device or group of devices that delivers electricity from a source outside an electric vehicle into one or more electric vehicles that is separate and distinct from make-ready infrastructure.

(4) 'Electric vehicle charging provider' means the owner of electric vehicle charging equipment.

(5) 'Make-ready infrastructure' means the electrical infrastructure required to service an electric vehicle charging equipment's electrical load on the electric utility's or customer's side of the meter. Such term shall not include electric vehicle charging equipment.

(b) Notwithstanding any other provision of law to the contrary, the supply of electricity by a person not otherwise subject to the jurisdiction of the commission shall not be considered a service of an electric utility subject to the authority and jurisdiction of the commission. The supply of electricity by an electric supplier subject to Part 1 of Article 1 of Chapter 3 of this title, the 'Georgia Territorial Electric Service Act,' to electric vehicle charging equipment shall constitute the furnishing of service under such part, and any such supply of electricity shall be a sale at retail within the meaning of Code Section 48-8-2. The provision of electricity through electric vehicle charging equipment to an electric vehicle shall not violate Part 1 of Article 1 of Chapter 3 of this title, the 'Georgia Territorial Electric Service Act,' so long as the provision of electricity occurs upon the same parcel of property as the electric vehicle charging equipment."

42 **SECTION 2.**

43 Said title is further amended by adding a new chapter to read as follows:

44 "CHAPTER 3B45 46-3B-1.

46 The General Assembly finds that it is in the best interests of this state to establish a
47 framework designed to encourage private sector investment in the deployment of electric
48 vehicle charging equipment. Such a framework is essential to foster the rapid installation
49 and widespread use of such equipment on real property whose owners or tenants desire to
50 make such an investment. To provide for such deployment, the General Assembly declares
51 that it is the intent and purpose of this chapter to:

52 (1) Implement competitively neutral policies to encourage private sector investment in
53 electric vehicle charging equipment deployment;

54 (2) Develop and implement competitively neutral electricity tariffs for the operation of
55 electric vehicle charging equipment while ensuring transparency in pricing;

56 (3) Encourage private investment, ownership, and operation of publicly available electric
57 vehicle charging equipment, including equipment that allows for fast charging;

58 (4) Stimulate innovation, competition, and private investment in the electric vehicle
59 charging market;

60 (5) Develop mechanisms to incentivize and support the short-term and long-term
61 efficient and cost-effective use of the electric grid in a manner that supports the operation
62 of electric vehicle charging equipment;

63 (6) Provide investment or incentive resources to support private investment in the
64 operation of electric vehicle charging equipment; and

65 (7) Prohibit the ability of an electric supplier to recover the cost of deploying, owning,
66 or operating electric vehicle charging equipment from its ratepayers, except for
67 community charging equipment.

68 46-3B-2.

69 As used in this chapter, the term:

70 (1) 'Assigned area' shall have the same meaning as set forth in Code Section 46-3-3.

71 (2) 'Community charging equipment' means electric vehicle charging equipment
72 operating in authorized locations pursuant to Code Section 46-3B-3.

73 (3) 'Electric supplier' means any electric light and power company that provides
74 electricity to the public and whose rates, charges, and service rules and regulations are
75 subject to regulation by the commission.

76 (4) 'Electric vehicle' shall have the same meaning as set forth in Code Section 46-2-20.1.

77 (5) 'Electric vehicle charging equipment' shall have the same meaning as set forth in
78 Code Section 46-2-20.1.

79 (6) 'Electric vehicle charging provider' shall have the same meaning as set forth in Code
80 Section 46-2-20.1.

81 46-3B-3.

82 (a) On and after January 1, 2026, no electric vehicle charging equipment that is publicly
83 available shall be provided, owned, operated, or maintained by an electric supplier unless
84 such electric vehicle charging equipment is provided, owned, operated, and maintained by
85 a separate legal entity not subject to regulation by the commission.

86 (b) The electric supplier's rates, terms, and conditions of service for any electric vehicle
87 charging provider shall be the same as the rates, terms, and conditions of service for
88 electric vehicle charging equipment operated pursuant to subsection (a) of this Code
89 section.

90 46-3B-4.

91 Until December 31, 2025, the commission shall designate locations within an assigned area
92 where community charging equipment may be operated by an electric supplier. Any such
93 community charging equipment shall be operated under the same rates, terms, and
94 conditions of service as offered to electric vehicle charging providers that are operated by
95 any entity other than an electric supplier. The commission shall consider the following in
96 making such determinations:

97 (1) The location of the community charging equipment would fulfill a public policy
98 objective to health, safety, or public welfare needs or respond to a unique transportation
99 necessity; and

100 (2) Availability of electric vehicle charging equipment in a given location would not
101 otherwise be available through the competitive market.

102 46-3B-5.

103 On or before July 1, 2023, an electric supplier shall file a tariff with the commission that
104 sets forth the rates, terms, and conditions for the sale of electricity to electric vehicle
105 charging providers for the operation of electric vehicle charging equipment. Such tariff
106 shall comply with the requirement of subsection (b) of Code Section 46-3B-3 and provide
107 for the recovery of costs in providing electric service to an electric vehicle charging
108 provider through a volumetric rate structure designed to be billed on a kilowatt hour basis.

109 46-3B-6.

110 The commission shall not approve any tariff of an electric supplier that sets forth the rates,
111 terms, and conditions for the sale of electricity to electric vehicle charging providers unless
112 such tariff complies with the purpose and intent of this chapter.

113 46-3B-7.

114 No electric supplier shall allocate to or recover from the ratepayers of the electric supplier
115 the cost to provide, own, operate, or maintain electric vehicle charging equipment;
116 provided, however, that the costs incurred for community charging equipment may be
117 allocated to and recovered from ratepayers until December 31, 2025.

118 46-3B-8.

119 The provision of electricity through electric vehicle charging equipment to an electric
120 vehicle shall not violate Part 1 of Article 1 of Chapter 3 of this title, the 'Georgia Territorial
121 Electric Service Act.'

122 **SECTION 3.**

123 This Act shall become effective upon its approval by the Governor or upon its becoming law
124 without such approval.

125 **SECTION 4.**

126 All laws and parts of laws in conflict with this Act are repealed.