

Senate Bill 167

By: Senators Robertson of the 29th, Hufstetler of the 52nd, Ginn of the 47th, Summers of the 13th, Payne of the 54th 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:

15

**SECTION 1.**

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

18 "46-2-20.1.

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

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

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

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

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

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

31 (b) Notwithstanding any other provision of law to the contrary, the supply of electricity  
32 by a person not otherwise subject to the jurisdiction of the commission shall not be  
33 considered a service of an electric utility subject to the authority and jurisdiction of the  
34 commission. The supply of electricity by an electric supplier subject to Part 1 of Article 1  
35 of Chapter 3 of this title, the 'Georgia Territorial Electric Service Act,' to electric vehicle  
36 charging equipment shall constitute the furnishing of service under such part, and any such  
37 supply of electricity shall be a sale at retail within the meaning of Code Section 48-8-2.  
38 The provision of electricity through electric vehicle charging equipment to an electric  
39 vehicle shall not violate Part 1 of Article 1 of Chapter 3 of this title, the 'Georgia Territorial  
40 Electric Service Act,' so long as the provision of electricity occurs upon the same parcel  
41 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.