

2022 Regular Session

SENATE BILL NO. 460

BY SENATOR WARD

COMMERCIAL REGULATIONS. Provides relative to a statewide electric vehicle charging technology and equipment network. (gov sig)

1 AN ACT

2 To enact Chapter 15 of the Title 51 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 51:1501 through 1504, relative to electric vehicle charging
4 equipment networks; to provide for a rate structure and limits; to provide for
5 exceptions; to provide for terms and requirements; to provide for an effective date;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 15 of Title 51 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 51:1501 through 1504, is hereby enacted to read as follows:

10 **CHAPTER 15. CHARGE AHEAD ACT**

11 **§1501. Short Title**

12 **This Chapter shall be known and may be cited as the "Charge Ahead**
13 **Act".**

14 **§1502. Purpose; legislative intent**

15 **A. The Louisiana Legislature hereby finds it necessary and in the best**
16 **interest of the state, to promote rapid development of a statewide electric**
17 **vehicle charging network by doing the following:**

1 (1) Improving the quantity, quality, and variety of electric vehicle
2 charging amenities and consumer experience services available in the state.

3 (2) Directing the Public Service Commission to establish an electric
4 vehicle charging rate structure that promotes long-term alternative fuel market
5 competition by encouraging transparent pricing, stable operating costs, private
6 investment, innovation, and a widespread implementation of publicly available
7 fast charging, electric vehicle charging technology and equipment.

8 (3) Encouraging public electric utility providers, retailers, and other
9 private investors to collaborate in developing alternative fuel corridors to
10 proactively address an increasing demand for charging stations and issues with
11 charging station congestion.

12 (4) Urging electric vehicle charging providers and electric public utilities
13 to consider and strictly comply with the Americans with Disabilities Act of 1990,
14 42 U.S.C. §12101 et seq.

15 (5) Promoting policy encouraging industry best practices regarding
16 electric vehicle charging cybersecurity, privacy protection, and workforce
17 training and development.

18 §1503. Definitions

19 As used in this Chapter, the following terms are defined as and mean the
20 following:

21 (1) "Commission" means the Public Service Commission.

22 (2) "Direct current fast charging equipment" means an electric vehicle
23 charging system capable of delivering electricity at a minimum of fifty kilowatts
24 or greater direct current to a rechargeable battery at a voltage of four hundred
25 volts or greater.

26 (3) "Electric public utility" means any person or entity furnishing
27 electric service within this state, including but not limited to any electric
28 cooperative transacting business in this state. "Electric public utility" shall not
29 include any person or entity owning, leasing, or operating an electric generation

1 facility provided such person is not primarily engaged in the generation,
2 transmission, distribution, or sale of electricity, and provided that such person
3 does any of the following:

4 (a) Consumes all electric power generated by the facility for its own use
5 at the generation site.

6 (b) Consumes all electric power generated by the facility at another
7 location if agreed upon with each electric public utility whose transmission
8 facilities would be utilized. Nothing herein shall impose an obligation or duty,
9 expressed or implied, on an electric public utility to purchase, sell, transport, or
10 engage in any other type of transaction regarding the electric power or energy
11 generated by such person, except as otherwise required by the commission or
12 applicable law.

13 (c) Consumes only a portion of the electric power generated by the
14 facility and sells the entire remaining portion of such electric power generated
15 to an electric public utility.

16 (d) Sells the entire production of electric power and energy generated by
17 such facility to an electric public utility.

18 (4) "Electric vehicle" means an automobile propelled by one or more
19 electric motors using energy stored in a rechargeable battery.

20 (5) "Electric vehicle charging equipment" means any publicly available,
21 Level 2 charging station or direct current fast charging station, that is capable
22 of delivering electricity from a source outside an electric vehicle into one or
23 more electric vehicles separate and distinct from make-ready infrastructure.

24 (6) "Electric vehicle charging provider" means any natural or juridical
25 person who provides electric vehicle charging equipment and sells electricity
26 exclusively to recharge an electric vehicle. An "electric vehicle charging
27 provider" shall not include an "electric public utility" solely due to that
28 provider's ownership, operation, or maintenance of electric vehicle charging
29 equipment.

1 **(7) "Level 2 charging station" means any electric vehicle charging**
2 **system capable of delivering electricity at a minimum of three kilowatts or at**
3 **a maximum of fifty kilowatts alternating current to a rechargeable battery at**
4 **a voltage between two hundred eight and two hundred forty volts.**

5 **(8) "Make-ready infrastructure" means electric infrastructure required**
6 **to service an electric load up to, but not exceed, an electric public utility's**
7 **electric meter but shall not include electric vehicle charging equipment.**

8 **§1504. Electric vehicle charging rates; limits; exception**

9 **A.(1) An electric public utility that owns, operates, or maintains electric**
10 **vehicle charging equipment may provide publicly available electric vehicle**
11 **charging directly to consumers but only when provided through a separate,**
12 **unregulated entity and when the electric public utility is subject to the same**
13 **electric vehicle charging rates and regulations established by the commission,**
14 **which are imposed on or incurred by other electric vehicle charging providers.**

15 **(2) An electric public utility that owns, operates, or maintains electric**
16 **vehicle charging equipment shall not establish a guaranteed rate base or other**
17 **guaranteed rate of return by passing its costs relating to the ownership,**
18 **deployment, operation, or maintenance of electric vehicle charging technology**
19 **or equipment through the utility's consumers.**

20 **(3) Nothing in this Chapter shall be construed to restrict an electric**
21 **public utility from recovering costs associated with make-ready infrastructure**
22 **in a manner authorized by the commission.**

23 **B. On or before December 1, 2022, the commission shall do all of the**
24 **following:**

25 **(1) Establish an electric vehicle charging rate structure, based solely on**
26 **energy consumed and pursuant to the provisions of this Section, which**
27 **establishes the terms and conditions for the sale of electricity to electric vehicle**
28 **charging providers.**

29 **(2) Promulgate and implement the least restrictive regulations necessary**

1 to implement the provisions of this Chapter.

2 (3) Provide a detailed, initial report to the House Committee on
3 Commerce and the Senate Committee on Commerce, Consumer Protection and
4 International Affairs, showing consideration and implementation of the stated
5 intent and purposes of this Chapter, including but not limited to specific
6 consideration of alternatives to demand-based electric vehicle charging rates.

7 C. Beginning March 1, 2023, the commission shall conduct an audit in
8 accordance with R.S. 45:1163. Beginning in 2024 and thereafter, the commission
9 shall submit an audit report for the preceding calendar year to the House
10 Committee on Commerce and the Senate Committee on Commerce, Consumer
11 Protection and International Affairs not later than March first of each year.

12 The audit report shall include all of the following:

13 (1) The initial rate structure established by the commission in
14 accordance with the provisions of this Section.

15 (2) Each action, investigation, complaint, rate request, decision, and
16 order of the commission relating to electric vehicle charging, including but not
17 limited to each final decision or order resolving an electric vehicle charging rate
18 adjustment request.

19 (3) Each administrative regulation or policy adopted or amended by the
20 commission, regarding its procedure for the review, fixing, regulation,
21 enforcement, and changing of electric vehicle charging rates, including but not
22 limited to the procedure for filing an electric vehicle charging rate adjustment
23 request.

24 Section 2. This Act shall become effective upon signature of the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 460 Original 2022 Regular Session Ward

Proposed law creates the "Charge Ahead Act" for the purposes of establishing a statewide electric vehicle charging technology and equipment network.

Proposed law provides that it is the intent of the legislature that proposed law promote a rapid development of a statewide electric vehicle charging network.

Proposed law defines terms, including "commission", "direct current fast charging equipment", "electric public utility", "electric vehicle", "electric vehicle charging equipment", "electric vehicle charging provider", "Level 2 charging station", and "make-ready infrastructure".

Proposed law provides that an electric public utility owns, operates, or maintains electric vehicle charging equipment may provide electric vehicle charging directly to consumers through a separate, unregulated entity and the electric public utility is subject to the same rates and regulations as other electric vehicle charging providers.

Proposed law provides that an electric public utility that owns, operates, or maintains electric vehicle charging equipment shall not establish a guaranteed rate or guaranteed rate of return by passing costs relating to the ownership, development, operation, or maintenance of electric vehicle charging technology or equipment to the utility's consumers.

Proposed law provides that an electric public utility shall recover costs associated with make-ready infrastructure in any manner authorized by the commission.

Proposed law provides that on or before, December 1, 2022, the commission shall establish an electric vehicle charging rate structure to establish terms and conditions for the sale of electricity to electric vehicle charging providers, promulgate and implement regulations, and provide a detailed initial report to the legislature.

Proposed law provides that beginning March 1, 2023, the commission shall conduct an annual audit pursuant to R.S. 45:1163 and provides that beginning in 2024, an audit report be submitted to the legislature on or before March 1st of each year.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 51:1501-1504)