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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **HARRISBURG, PA 17120** |  |
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|  | Public Meeting held June 13, 2019 |
| Commissioners Present: |  |

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| |  |  | | --- | --- | | Gladys Dutrieuille Brown, Chairman | Gladys M. Brown, Chairman | | David W. Sweet, Vice Chairman  Norman J. Kennard | Andrew G. Place, Vice Chairman  Norman J. Kennard | | Andrew G. Place  John F. Coleman, Jr. | David W. Sweet  John F. Coleman, Jr. | |
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| UGI Utilities, Inc. – Electric Division Supplement No. 7 to Tariff Electric Pa. P.U.C. No. 6 | Docket Number:  R-2019-3010049 |

# ORDER

**BY THE COMMISSION:**

On May 15, 2019, UGI Utilities, Inc. - Electric Division (UGI Utilities), Utility Code 111100, filed Supplement No. 7 to Tariff Electric Pa P.U.C. No. 6 (Supplement No. 7), to become effective June 14, 2019.

UGI Utilities proposed Supplement No. 7 to add language stating that third-party owned Electric Vehicle (EV) charging stations are excluded from the pricing requirements of 66 Pa. C.S. § 1313 and to add rules for owners and operators of third-party EV charging services regarding notifying the company of planned installations.

UGI Utilities submitted that the tariff supplement is a direct result of the Commission’s Final Policy Statement Order (FPS Order)[[1]](#footnote-1) entered November 8, 2018. The FPS Order instructed EDCs to add tariff language providing clarity to its rules regarding third-party owned and operated EV charging stations to address: 1) that third-party EV charging stations are excluded from the pricing requirements of 66 Pa.

C.S. § 1313 (as described in § 69.3501(b) and the FPS Order) and 2) when and how owners and operators of third-party EV charging services are to notify the EDC of a planned installation of an EV charging station and what information the EDC will need in advance.

UGI Utilities’ proposed tariff supplement adds language which states that electricity sales by person, corporation, or other entity, not a public utility, owning and operating an EV charging facility for the sole purpose of recharging an EV battery for compensation are not construed to be sales to residential consumers and therefore do not fall under the pricing requirements of 66 Pa. C.S. § 1313. UGI Utilities’ proposed tariff supplement defined an EV as any vehicle licensed to operate on public roadways that is propelled in whole or in part by electric energy stored on-board for the purpose of propulsion and that the types of EVs include, but are not limited to, plug-in hybrid EVs and battery EVs. UGI Utilities further stated that the EV station must be designed to protect against back flow of electricity to the company’s electrical distribution circuit as required by company rules. UGI Utilities also stated that for stations dedicated solely for the purpose of charging EVs wherein a third party owns the charger and allows an EV owner to use their facility to charge an EV, the owner of the charging facility shall notify the company at least one hundred twenty (120) days in advance of the planned installation date and may be required to install metering for the station as determined by the company.

The proposed tariff supplement is in the public’s interest because it clarifies the tariff rules regarding third-party owned EV charging stations. UGI Utilities stated that the tariff supplement is consistent with the Commission’s FPS Order. UGI Utilities further stated that the tariff supplement will have no impact on customer bills or on UGI Utilities’ revenues and expenses.

UGI Utilities’ proposed Tariff Supplement requested an effective date of the Tariff Supplement of June 14, 2019. Ordering Paragraph No. 3 of the FPS Order stated that the Commission will waive the 60-day public notice requirement for tariff changes and reduce that notice period to 30 days pursuant to Commission regulations at 52 Pa. Code  § 53.31.

UGI Utilities serves approximately 62,252 customers. UGI Utilities served the proposed tariff changes on the Commission’s Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Attorney General - Bureau of Consumer Protection, the Office of Small Business Advocate, Advanced Energy Economy, ChargePoint, Inc., Industrial Energy Consumer of Pennsylvania, the Pennsylvania Department of Environmental Protection, and the Sierra Club. No complaints have been filed and no hearings held.

Upon review of Supplement No. 7, we agree that UGI Utilities’ tariff supplement is consistent with the Commission’s Final Policy Statement Order entered November 8, 2018.

Accordingly, we permit Supplement No. 7 to become effective on June 14, 2019. However, approval of this filing does not constitute a determination that this filing is lawful, just, or reasonable, but only that further investigation or suspension does not appear to be warranted at this time; **THEREFORE,**

**IT IS ORDERED:**

1. That UGI Utilities, Inc. - Electric Division Supplement No. 7 to Tariff Electric Pa. P.U.C. No. 6 is hereby permitted to become effective on June 14, 2019.

2. That this Order is without prejudice to any issues that may be raised by any party with respect to the tariff changes implemented by Supplement No. 7 to Tariff Electric Pa. P.U.C. No. 6 in future proceedings.

3. That a copy of this Order be served on the Commission’s Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Attorney General - Bureau of Consumer Protection, the Office of Small Business Advocate, Advanced Energy Economy, ChargePoint, Inc., Industrial Energy Consumer of Pennsylvania, the Pennsylvania Department of Environmental Protection, and the Sierra Club.

4. That the proceeding at Docket No. R-2019-30010049 be closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: June 13, 2019

ORDER ENTERED: June 13, 2019

1. M-2017-2604382, *Policy Statement of Third-Party Electric Vehicle Charging – Resale/Redistribution of Utility Service Tariff Provisions* [↑](#footnote-ref-1)