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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **HARRISBURG, PA 17120** |  |
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|  | Public Meeting held February 28, 2019 |
| Commissioners Present: |  |

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| |  | | --- | | Gladys M. Brown, Chairman | | David W. Sweet, Vice Chairman  Norman J. Kennard | | Andrew G. Place  John F. Coleman, Jr. | |
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| Pennsylvania FirstEnergy Companies’ Tariff Changes to the Rules to Include Electric Vehicle Charging | Docket Nos:  R-2019-3007069  R-2019-3007070  R-2019-3007071  R-2019-3007072 |

# ORDER

**BY THE COMMISSION:**

On January 11, 2019, Metropolitan Edison Company (Met-Ed), Utility Code: 110300, filed Supplement No. 62 to Tariff Electric Pa. P.U.C. No. 52, Pennsylvania Electric Company (Penelec) , Utility Code: 110400, filed Supplement No. 69 to Tariff Electric Pa. P.U.C. No. 81, Pennsylvania Power Company (Penn Power), Utility Code: 110450, filed Supplement No. 55 to Tariff Electric Pa. P.U.C. No. 36; and West Penn Power Company (West Penn) (collectively FirstEnergy), Utility Code: 111250, filed Supplement No. 51 to Tariff Electric Pa. P.U.C. No. 40 and Supplement No. 33 to Tariff Electric Pa. P.U.C. No. 38 to become effective March 1, 2019.

FirstEnergy proposed Supplement Nos. 62, 69, 55, 51, and 33 to add language to each tariff regarding the following: third-party owned Electric Vehicle (EV) charging stations, definition of an EV and an EV charging station, the types of permitted EVs, and the EV charging station construction and installation policies.

FirstEnergy submitted that the tariff supplements are a direct result of the Commission’s Final Policy Statement Order (FPS Order)[[1]](#footnote-1) entered November 8, 2018, ordering electric distribution companies (EDCs) to file tariff amendments to address third-party EV charging stations. The FPS Order instructed EDCs to add tariff language providing definitions and clarity to its rules regarding third-party owned and operated EV charging stations addressing the following two issues: 1) third-party EV charging stations being 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.

FirstEnergy’s proposed tariff supplements state that EV charging at third-party owned EV charging stations will not be considered resale of electricity. FirstEnergy’s proposed tariff supplements define 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 electric vehicles and battery electric vehicles. FirstEnergy further states that the EV charging stations shall be constructed in accordance with the National Electric Code, the Company’s service installation policies, and 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. FirstEnergy avers that the customer, who may be either the owner or the host of the third-party owned EV charging stations, will 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 and that the customer is responsible for all applicable tariff rates, fees, and charges.

FirstEnergy stated that the proposed tariff supplements are in the public interest because it clarifies the tariff rules regarding third-party owned EV charging stations. FirstEnergy further stated that the tariff supplements are consistent with the Commission’s FPS Order. FirstEnergy submitted that the tariff supplements will have no effect on customer bills or on FirstEnergy’s revenues and expenses.

FirstEnergy’s proposed Tariff Supplements, filed January 11, 2019, request an effective date of the Tariff Supplements of March 1, 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.

FirstEnergy serves approximately 2,043,675 customers (Med-Ed 569,765, Penelec 582,167, Penn Power 166,230, and West Penn 725,513). FirstEnergy 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 Nos. 62, 69, 55, 51, and 33, we agree that FirstEnergy’s tariff supplements are consistent with the Commission’s Final Policy Statement Order entered November 8, 2018, which ordered EDCs to file tariff amendments with the Commission to address third-party EV charging stations.

Accordingly, we permit Supplement Nos. 62, 69, 55, 51, and 33 to become effective on March 1, 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 Metropolitan Edison Company Supplement No. 62 to Tariff Electric Pa. P.U.C. No. 52 is hereby permitted to become effective on March 1, 2019.

2. That Pennsylvania Electric Company Supplement No. 69 to Tariff Electric Pa. P.U.C. No. 81 is hereby permitted to become effective on March 1, 2019.

3. That Pennsylvania Power Company Supplement No. 55 to Tariff Electric Pa. P.U.C. No. 36 is hereby permitted to become effective on March 1, 2019.

4. That West Penn Power Company Supplement No. 51 to Tariff Electric Pa. P.U.C. No. 40 and Supplement No. 33 to Tariff Electric Pa. P.U.C. No. 38 are hereby permitted to become effective on March 1, 2019.

5. 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.

6. That these proceedings at Docket Nos. R-2019-3007069, R-2019-3007070,

R-2019-3007071, and R-2019-3007072 be closed.

 **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: February 28, 2019

ORDER ENTERED: February 28, 2019

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