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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **HARRISBURG, PA 17120** |  |
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|  | Public Meeting held March 14, 2019 |
| Commissioners Present: |  |

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| |  |  | | --- | --- | | Gladys M. 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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| Duquesne Light Company Supplement No. 195 to Tariff Electric Pa. P.U.C. No. 24 | Docket Number:  R-2019-3007873 |

# ORDER

**BY THE COMMISSION:**

On February 13, 2019, Duquesne Light Company (Duquesne Light), Utility Code 110150, filed Supplement No. 195 to Tariff Electric Pa. P.U.C. No. 24 (Supplement No. 195), to become effective March 15, 2019.

Duquesne Light proposed Supplement No. 195 to clarify language stating that third-party owned Electric Vehicle (EV) charging stations will not be considered resale of electricity as set forth in 66 Pa. C.S. § 1313.

Duquesne Light 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.

Duquesne Light’s proposed tariff supplement adds language which states that electricity sales by a person, corporation, or other entity, not a public utility, owning and operating an electric vehicle charging facility for the sole purpose of recharging an electric vehicle 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. Duquesne Light’s current tariff already includes language directing when and how owners and operators of third-party EV charging stations are to notify the EDC of a planned installation.

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

Duquesne Light’s proposed Tariff Supplement, filed February 13, 2019, requests an effective date of the Tariff Supplement of March 15, 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.

Duquesne Light serves approximately 600,247 customers. Duquesne Light 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. 195, we agree that Duquesne Light’s tariff supplement is consistent with the Commission’s Final Policy Statement Order entered November 8, 2018.

Accordingly, we permit Supplement No. 195 to become effective on March 15, 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 Duquesne Light Company Supplement No. 195 to Tariff Electric Pa. P.U.C. No. 24 is hereby permitted to become effective on March 15, 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. 195 to Tariff Electric Pa. P.U.C. No. 24 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-2019-3007873 be closed.

**** **BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: March 14, 2019

ORDER ENTERED: March 14, 2019

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