

Amendment - 1st Reading/2nd House-blue - Requested by: Christopher Pope - (H) Energy, Technology and Federal Relations

- 2023

68th Legislature 2023

Drafter: Trevor Graff, 406-444-4975

SB0255.002.001

1 SENATE BILL NO. 255

2 INTRODUCED BY C. POPE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTRIC VEHICLE CHARGING STATION LAWS;
5 ALLOWING ELECTRIC VEHICLE SERVICE PROVIDERS TO PURCHASE POWER FROM WHOLESALE
6 MARKETS; AMENDING SECTIONS 69-8-801, 69-8-802, AND 69-8-803, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 69-8-801, MCA, is amended to read:

12 **"69-8-801. Definitions.** As used in this part, the following definitions apply:

13 (1) ~~"Electric vehicle charging station service provider" means a commercial charging station~~
14 ~~including all required equipment for the provision of power and fueling of electric vehicles. the entity responsible~~
15 ~~for operating one or more units of networked or nonnetworked electric vehicle supply equipment FOR THE~~
16 ~~PROVISION OF COMMERCIAL CHARGING SERVICES. Operating includes but is not limited to:~~

- 17 ~~(a) sending commands or messages to networked electric vehicle supply equipment;~~
18 ~~(b) receiving commands or messages from networked electric vehicle supply equipment; or~~
19 ~~(c) providing billing, maintenance, reservations, or other services to networked or nonnetworked~~
20 ~~electric vehicle supply equipment.~~

21 ~~(2) "Entity" means any party procuring power for the commercial purpose of electric vehicle charging.~~

22 ~~(2) "Electric vehicle supply equipment" means the unit controlling the power supply to one or more~~
23 ~~vehicles during a charging session.~~

24 ~~(3) "COMMERCIAL CHARGING SERVICES" MEANS CHARGING SERVICES AVAILABLE TO THE PUBLIC, BUT~~
25 ~~DOES NOT INCLUDE PRIVATE RESIDENTIAL, PRIVATE MULTI-DWELLING, OR PRIVATE HOME CHARGING."~~

26
27 **Section 2.** Section 69-8-802, MCA, is amended to read:

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1 **"69-8-802. Electric vehicle charging stations supply equipment -- rate approval.** (1) A public
2 utility ~~may shall~~ provide electric service to an electric vehicle charging station supply equipment under a rate
3 approved by the commission. A public utility ~~electing to provide such service shall apply to the commission for~~
4 ~~an approved rate before agreeing to provide the service to a customer.~~

5 (2) Any rate for providing electric service to an electric vehicle charging station supply equipment
6 must be designed by the commission to fully recover from the electric charging station customer the full cost of
7 providing the service without subsidization from other customers or customer classes consistent with Title 69,
8 chapter 3, part 3.

9 (3) SUBSECTION (2) DOES NOT APPLY TO RATES CHARGED BY ELECTRIC VEHICLE SERVICE PROVIDERS NOT
10 OTHERWISE SUBJECT TO 69-3-102, INCLUDING PUBLIC UTILITIES THAT RATE BASED ELECTRIC VEHICLE SUPPLY
11 EQUIPMENT."

12
13 **Section 3.** Section 69-8-803, MCA, is amended to read:

14 **"69-8-803. Electric vehicle charging stations supply equipment -- service entity requirements.**

15 (1) A public utility ~~may shall~~ allow an electric vehicle charging station service provider that meets the
16 requirements in subsection (2) to be interconnected to its distribution system.

17 (2) A public utility may sell power to an ~~entity~~ electric vehicle service provider to service electric
18 vehicle charging stations supply equipment that:

19 (a) ~~procure~~ procures power supplied by the public utility for the purpose of electric vehicle
20 charging; and

21 (b) ~~service~~ services electric vehicle charging stations supply equipment within the public utility's
22 service territory.

23 (3) ~~Entities~~ Electric vehicle service providers operating electric vehicle charging stations supply
24 equipment are not public utilities.

25 (4) ~~Charges pertaining to fueling electric vehicles may not be based on the cost of electricity.~~

26 (4) Public utilities may operate as an electric vehicle service provider.

27 (5) An electric vehicle service provider may designate another entity to act as the electric vehicle

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1 service provider for the purposes of this chapter.

2 (6) A state agency or public utility is considered an electric vehicle service provider when it is
3 responsible for operating one or more units of electric vehicle supply equipment."

4

5 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

6

- END -

AMENDED