

43 States, D.C., and Puerto Rico Allow EV Charging per kWh

(July 2022)

STATE	CITATION	URL	SUMMARY
Alabama	Docket No. 32694 June 6, 2018 Order	https://www.pscpublicaccess.alabama.gov/pscpublicaccess/PSC/PSCDocumentDetailsPage.aspx?DocumentId=7a8be751-8e39-410a-b215-811efd182024&Class=Order	A person who owns, operates, leases or controls EV charging stations in Alabama is not a utility under *Code Section 37-4-1*, and thus is not subject to the jurisdiction of the Commission, pursuant to Title 37, *Code of Alabama*.
Alaska	Docket No. U-21-022 October 25, 2021 Order #2	http://rca.alaska.gov/RCAWeb/ViewFile.aspx?id=f0743b4c-0bbd-43e4-80d5-23d59812380e	"the nature of the service provided by an EV charging stations differs from traditional electric service and should not be considered generation, transmission, or distribution to the public within the meaning of AS 42.05.990(6)(A)."
Arkansas	A.C.A. § 23-1-101(9)(I)(ii)		The term "public utility" as defined does not include a person or corporation that purchases electricity from a utility, furnishes electricity exclusively to charge EVs and PHEVs for compensation, and is not otherwise a public utility.
Arizona	Docket No. RU-00000A-18-0284 Decision No. 77289	https://docket.images.azcc.gov/0000199128.pdf?i=1652807638016	Arizona Corporation Commission finds "the service engaged by companies to charge batteries for electric vehicles does not qualify electric charging providers as public service corporations under the Arizona Constitution." In the Commission's view, "electric charging providers do not 'furnish' electricity used for 'power.'" Further, the Commission concludes "based on our constitutional mandate and case law that electric charging providers should not be considered public service corporations."
California	Cal Pub Util Code § 216(i);		Statute provides: "The ownership, control, operation, or management of a facility that supplies electricity to the public

	CPUC Decision 20-09-025 September 24, 2020, R.18-12-006 (Conclusions of Law, ¶ 12)	https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M347/K774/347774886.PDF	only for use to charge light duty plug-in electric vehicles does not make the corporation or person a public utility within the meaning of this section solely because of that ownership, control, operation, or management." The Commission concludes: "It is reasonable to exclude medium- and heavy-duty EV charging service providers, and charging service providers for off-road electric vehicles or off-road electric equipment, from classification as public utilities … ."
Colorado	C.R.S. § 40-1-103.3(2)		"persons generating electricity for use in alternative fuel vehicle charging …, [or] persons reselling electricity supplied by a public utility … to governmental entities or to the public for use as fuel in alternative fuel vehicles or buying electricity stored in such vehicles for resale are not subject to regulation as a public utility."
Connecticut	Conn. Gen. Stat. § 16-1(c)		"An owner of an electric vehicle charging station, as defined in section 16-19f, as amended by this act, shall not be deemed to be a utility, public utility or public service company solely by virtue of the fact that such owner is an owner of an electric vehicle charging station."
DC	D.C. Code § 34-207 and D.C. Code § 34-214		The term "electric company" "excludes a person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles." "The term 'public utility' excludes a person or entity that owns or operates electric vehicle supply equipment but does not sell or distribute electricity, an electric vehicle charging station service company, or an electric vehicle charging station service provider."

Delaware	PSC Docket No. 19-0377 Order No. 9516	https://delafile.delaware.gov/AdvancedSearch/AdvancedSearchDocket.aspx?CNo=MTktMDM3Nw==	"The ownership, control, operation, or management of a facility that supplies electricity to the public only for use to charge plug-in electric vehicles does not make the entity, corporation or person a public utility under 26 *Del. C* § 102 solely because of that ownership, control, operation, or management."
Florida	Fla. Stat. § 366.94(1)		"The provision of electric vehicle charging to the public by a nonutility is not the retail sale of electricity for the purposes of this chapter. The rates, terms, and conditions of electric vehicle charging services by a nonutility are not subject to regulation under this chapter."
Hawaii	HRS § 269-1(2)(L)		"Public utility" shall not include "Any person who owns, controls, operates, or manages plants or facilities primarily used to charge or discharge a vehicle battery that provides power for vehicle propulsion."
Idaho	Idaho Code § 61-119		Exempts electricity purchased from a public utility to charge the batteries of an electric motor vehicle from the definition of "electrical corporation."
Illinois	220 ILCS 5/3-105(c)		"An entity that furnishes the service of charging electric vehicles does not and shall not be deemed to sell electricity and is not and shall not be deemed a public utility notwithstanding the basis on which the service is provided or billed. If, however, the entity is otherwise deemed a public utility under this Act, or is otherwise subject to regulation under this Act, then that entity is not exempt from and remains subject to the otherwise applicable provisions of this Act."
Indiana	Burns Ind. Code Ann. § 8-1-2-1.3		Provides that the owner, operator, or lessee of EV supply equipment that resells electricity exclusively for charging EVs may charge based on the kilowatt-hours sold and is not a public utility.

Iowa	199 IAC Rule 20.20 (adopted in Docket No. RMU-2020-2020, April 7, 2021 Order)	https://wcc.efs.iowa.gov/cs/idcplg?IdcService=GET_FILE&allowInterrupt=1&RevisionSelectionMethod=latest&dDocName=2055695&noSaveAs=1	"A commercial or public electric vehicle charging station is not a public utility under Iowa Code 476.1 if the charging station receives all electric power from the electric utility in whose service area the charging station is located. If an electric vehicle charging station obtains electric power from a source other than the electric utility, the determination of whether the commercial or public electric vehicle charging station is a public utility shall be resolved by the board."
Kansas	K.S.A § 66-104(d)		The term "public utility" shall not include any activity of an entity as to the marketing or sale of "electricity that is purchased through a retail electric supplier in the certified territory of such retail electric supplier … for the sole purpose of the provision of electric vehicle charging service to end users."
Kentucky	Case No. 2018-00372 June 14, 2019 Order	https://psc.ky.gov/pscscf/2018%20Cases/2018-00372//20190614_PSC_ORDER.pdf	"An EVCS that receives electric service from a jurisdictional electric utility or that obtains electricity from a behind the meter source is not an electric utility as defined by KRS 278.010(3)(a), is not subject to the certification requirements of KRS 278.020(1), and is not subject to the Commission's jurisdiction."
Maine	35-A M.R.S. § 3201		" 'Competitive electricity provider' means a marketer, broker, aggregator or any other entity selling electricity to the public at retail, but does not include an electric vehicle charging station … ."
Maryland	Md. Public Utility Companies Code Ann. § 1-101(l)(3)(iii) and (z)(2)(ii)		Excludes EV charging station operators from the definitions of "electricity supplier" and "public service company" as defined in law and regulated by the Maryland Public Service Commission.
Massachusetts	Case D.P.U. 13-182-A	https://fileservice.eea.comacloud.net/FileService.Api/file/FileRoom/9233599	Massachusetts Department of Public Utilities order (August 4, 2014) determines that "owners and operators of EVSE are not

	August 4, 2014 Order		subject to the Department's jurisdiction under the current statutory structure either as distribution companies, electric companies, or otherwise."
Michigan	Case Nos. U-17990 (February 28, 2017 Order) U-20162 (May 2, 2019 Order) ***Consumers & DTE service areas***	Consumers - https://mi-psc.force.com/sfc/servlet.shepherd/version/download/068t0000001URKlAAO DTE - https://mi-psc.force.com/sfc/servlet.shepherd/version/download/068t0000004SM3yAAG	"The proposal indeed appears to be non-controversial, and the Commission agrees with the Staff that the sale of electricity by charging station owners should not be treated as a resale of electricity under the tariff, or as a sale by regulated utilities. This is a necessary change to the tariff language which the Commission approves." "The Commission...finds that DTE Electric should be required to file amended tariffs allowing sale-for-resale for commercial EV charging site hosts."
Minnesota	Minn. Stat. § 216B.02 Subd. 4(3)		The definition of a public utility does not include "a retail seller of electricity used to recharge a battery that powers an electric vehicle, as defined in section 169.011, subdivision 26a, and that is not otherwise a public utility under this chapter."
Missouri	§ 386.020 R.S.Mo.(15)		"The term 'electrical corporation' shall not include: … (c) Persons or corporations not otherwise engaged in the production or sale of electricity at wholesale or retail that sell, lease, own, control, operate, or manage one or more electric vehicle charging stations."
Nevada	Nev. Rev. Stat. Ann. § 704.021(12)		The definition of a "public utility" or "utility" does not include: "Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles."
New Jersey	N.J. Stat. § 48:25-10		"Unless otherwise provided …, an entity owning, controlling, operating, or managing electric vehicle service equipment shall not be deemed an electric public utility solely because of such

			ownership, control, operation, or management. The charging of a plug-in electric vehicle shall be deemed a service and not a sale of electricity by an electric power supplier or basic generation service provider… .”
New Mexico	N.M. Stat. Ann. § 62-3-4(A)		“The term ‘public utility’ or ‘utility,’ when used in the Public Utility Act, shall not include: (1) any person not otherwise a public utility … who engages in the retail distribution of natural gas or electricity for vehicular fuel.”
New York	Case 13-E-0199 NY PSC Declaratory Ruling on Jurisdiction November 22, 2013 Order	https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=13-E-0199&CaseSearch=Search	NY State Public Service Commission declaratory ruling finds that the PSC does not have jurisdiction over (1) charging stations; (2) owners or operators of charging stations; or (3) the transaction between such owners or operators and members of the public.
North Carolina	N.C. Gen. Stat. § 62-3		“The term ‘public utility’ shall not include a person who uses an electric vehicle charging station to resell electricity to the public for compensation … .” (Some conditions apply).
North Dakota	N.D. Cent. Code, § 49-03-01.5		The term “electric public utility” “does not include a person that uses an electric vehicle charging station to resell electricity to the public if the reseller has procured electricity from an electric service provider that is authorized to engage in the retail sale of electricity within the service area in which the electric vehicle charging service is provided, and the resale is for the charging of electric vehicles exclusively.”
New Hampshire	RSA 236:133(IV)		“An owner of an electric vehicle charging station shall not be deemed to be a ‘utility,’ ‘public utility,’ or ‘public service company’ solely by virtue of the fact that such an owner is an owner of an electric vehicle charging station. All electricity distribution companies shall make available in tariffs terms

			and rates for electronic vehicle charging stations and offer such information to the public."
Ohio	PUCO Case No. 20-434-EL-COI July 1, 2020 Order	https://dis.puc.state.oh.us/ViewImage.aspx?CMID=A1001001A20G01B43144B00409	"The Commission finds that any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated, which is providing electric vehicle charging service in this state, is not engaged in the business of supplying electricity for light, heat, or power purposes to consumers within this state, and, therefore, does not qualify as an 'electric light company' or public utility pursuant to R.C. 4905.02 and 4905.03. Consequently, the Commission's jurisdiction does not extend to an entity's provision of electric vehicle charging service."
Oklahoma	OAC 165:35-13-1(c)		"Sales of charging services from an electric vehicle charging station, not owned by a regulated utility, for the purpose of fueling an electric vehicle, including the ability to sell on a kWh basis, shall not be considered resale of retail electricity, and such sales from electric vehicle charging station shall not be subject to rate regulation by the Commission. Utility service to an electric vehicle charging station shall be provided subject to the utility's terms and conditions."
Oregon	ORS § 757.005(1)(b)(G)		The definition of "public utility" shall not include: "Any corporation, company, partnership, individual or association of individuals that furnishes … electricity … to any number of customers for use in motor vehicles and does not furnish any utility service … ."
Pennsylvania	Final Policy Statement Order, M-2017-2604382	http://www.puc.state.pa.us/pcdocs/1593187.doc	52 Pa. Code § 69.3501 (Section 1313 – Public Utility Code) (b) It shall be the policy of the Commission that a person, corporation or other entity, not a public utility, electric cooperative corporation, municipal authority or municipal corporation, owning and operating an electric vehicle charging facility that is open to the

	November 8, 2018 Order		public for the sole purpose of recharging an electric vehicle battery should not be construed to be a sale to a residential consumer and should therefore not fall under the pricing requirements of 66 Pa. C.S. § 1313 (relating to price upon resale of public utility services).
Puerto Rico	Resolution and Order Case No. NEPR-MI-2021-0013 (June 2022)	https://energia.pr.gov/wp-content/uploads/sites/7/2022/06/20220603-MI20210013-Resolution-and-Order.pdf	"...[A]s a matter of law, entities shall not be deemed to be an 'Electric Service Company' under Regulation 8701 or as a 'Electric Power Service Company or Electric Power Company' under statute solely by the ownership or operation of EV charging equipment, regardless of the method used to charge EV owners and operators for the services."
Rhode Island	R.I. Gen. Laws Section 39-1-2(a)(20)		"the ownership or operation of a facility by a company that dispenses alternative fuel or energy sources at retail for use as a motor vehicle fuel or energy source, and the dispensing of alternative fuel or energy sources at retail from such a facility, does not make the company a public utility within the meaning of this title solely because of that ownership, operation, or sale."
South Carolina	S.C. Code Ann. § 58-27-1060(A)		"A person or corporation who uses an electric vehicle charging station to resell electricity to the public for compensation is not an electric utility if: (1) the person or corporation has procured the electricity from an electrical utility, municipality, consolidated political subdivision, the Public Service Authority, or an electric cooperative that is authorized to engage in the retail sale of electricity within the territory in which the electric vehicle charging service is provided; (2) the person or corporation furnishes electricity exclusively for the charging of plug-in electric vehicles; and (3) the charging station is immobile."
South Dakota	SB 80 (2022)	https://mylrc.sdlegislature.gov/api/Documents/231947.pdf	"A person that owns or operates an electric vehicle charging station to resell or provide electricity to the public exclusively

			for electric vehicle charging is not an electric utility if the person has purchased the electricity from an electric utility that is engaging in the retail sale of electricity within the utility's assigned service area."
Texas	Tex. Utilities Code §§ 31.002(6)(J)(iv) and (17), 37.001(3)		31.002 (6): The term "electric utility" does not include: … "(j) a person not otherwise an electric utility who … (iv) owns or operates equipment used solely to provide electricity charging service for consumption by an alternatively fueled vehicle … ." 31.002 (17): The term "retail electric provider" "does not include a person not otherwise a retail electric provider who owns or operates equipment used solely to provide electricity charging service for consumption by an alternatively fueled vehicle … ." 37.001(3): "A person who owns or operates equipment used solely to provide electricity charging service for consumption by an alternatively fueled vehicle … is not for that reason considered to be a retail electric utility."
Utah	Utah Code Ann. §§ 54-2-1(9)(c) and (23)(i)		Statutory definitions of "electrical corporation" and "public utility" do not include an entity that sells electric vehicle battery charging services.
Vermont	30 V.S.A. § 203(7)		"(7) … the Commission and Department shall not have jurisdiction over persons otherwise not regulated by the Commission that is engaged in the siting, construction, ownership, operation, or control of a facility that sells or supplies electricity to the public exclusively for charging a plug-in electric vehicle … . These persons may charge by the kWh for owned or operated electric vehicle supply equipment … but shall not be treated as an electric distribution utility just

			because electric vehicle supply equipment charges by the kWh.”
Virginia	Va. Code Ann. §§ 56-1.2 and 56-1.2:1		§ 56-1.2 provides that a person not otherwise a public service corporation and who provides electric vehicle charging service at retail is not designated as a public utility, public service corporation, or public service company. § 56-1.2:1 (effective July 1, 2022) provides that electric vehicle charging service does not constitute the retail sale of electricity.
Washington	Rev. Code Wash. (ARCW) § 80.28.320		“The commission shall not regulate the rates, services, facilities, and practices of an entity that offers battery charging facilities to the public for hire; if: (1) That entity is not otherwise subject to commission jurisdiction as an electrical company; or (2) that entity is otherwise subject to commission jurisdiction as an electrical company, but its battery charging facilities and services are not subsidized by any regulated service. An electrical company may offer battery charging facilities as a regulated service, subject to commission approval.”
West Virginia	W.Va. Code § 24-2D-3		“Notwithstanding any provision of this chapter to the contrary, the Public Service Commission shall have no jurisdiction over the ultimate sale by nonutilities of alternative fuel to be utilized solely as fuel for motor vehicles.”
Wyoming	Wyo. Stat. § 37-1-101(a)(vi)(H)(X)		None of the statutory provisions governing public utility regulation shall apply to: “the retail sale of electricity for charging electric vehicles by a person that is not otherwise regulated under this title.”