

1 **ELECTRIC VEHICLE BATTERY CHARGING SERVICE**
2 **AMENDMENTS**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Patrice M. Arent**

6 Senate Sponsor: Ralph Okerlund

8 **LONG TITLE**

9 **Committee Note:**

10 The Public Utilities and Technology Interim Committee recommended this bill.

11 **General Description:**

12 This bill amends Title 54, Public Utilities.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ provides that the ~~H→~~ ~~[definition]~~ definitions ~~←H~~ of ~~H→~~ "electrical corporation"

15a and ~~←H~~ "public utility" ~~H→~~ [does] do ~~←H~~ not include certain entities that
16 sell electric vehicle battery charging services.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **54-2-1**, as last amended by Laws of Utah 2010, Chapters 302 and 390

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **54-2-1** is amended to read:

27 **54-2-1. Definitions.**



28 As used in this title:

29 (1) "Avoided costs" means the incremental costs to an electrical corporation of electric
30 energy or capacity or both that, due to the purchase of electric energy or capacity or both from
31 small power production or cogeneration facilities, the electrical corporation would not have to
32 generate itself or purchase from another electrical corporation.

33 (2) "Cogeneration facility":

34 (a) means a facility that produces:

35 (i) electric energy; and

36 (ii) steam or forms of useful energy, including heat, that are used for industrial,
37 commercial, heating, or cooling purposes; and

38 (b) is a qualifying cogeneration facility under federal law.

39 (3) "Commission" means the Public Service Commission of Utah.

40 (4) "Commissioner" means a member of the commission.

41 (5) (a) "Corporation" includes an association and a joint stock company having any
42 powers or privileges not possessed by individuals or partnerships.

43 (b) "Corporation" does not include towns, cities, counties, conservancy districts,
44 improvement districts, or other governmental units created or organized under any general or
45 special law of this state.

46 (6) "Distribution electrical cooperative" includes an electrical corporation that:

47 (a) is a cooperative;

48 (b) conducts a business that includes the retail distribution of electricity the cooperative
49 purchases or generates for the cooperative's members; and

50 (c) is required to allocate or distribute savings in excess of additions to reserves and
51 surplus on the basis of patronage to the cooperative's:

52 (i) members; or

53 (ii) patrons.

54 (7) ~~H~~→ (a) ←~~H~~ "Electrical corporation" includes every corporation, cooperative
54a association, and
55 person, their lessees, trustees, and receivers, owning, controlling, operating, or managing any
56 electric plant, or in any way furnishing electric power for public service or to its consumers or
57 members for domestic, commercial, or industrial use, within this state, except independent
58 energy producers, and except where electricity is generated on or distributed by the producer

59 solely for the producer's own use, or the use of the producer's tenants, or for the use of
 60 members of an association of unit owners formed under Title 57, Chapter 8, Condominium
 61 Ownership Act, and not for sale to the public generally, and except where the electricity
 62 generated is consumed by an owner, lessor, or interest holder, or by an affiliate of an owner,
 63 lessor, or interest holder, who has provided at least \$25,000,000 in value, including credit
 64 support, relating to the electric plant furnishing the electricity and whose consumption does not
 65 exceed its long-term entitlement in the plant under a long-term arrangement other than a power
 66 purchase agreement, except a power purchase agreement with an electrical corporation.

66a **H→ (b) "Electrical corporation" does not include an entity that sells electric vehicle battery**
 66b **charging services, unless the entity conducts another activity in the state that subjects the**
 66c **entity to the jurisdiction and regulation of the commission as an electrical corporation. ←H**

67 (8) "Electric plant" includes all real estate, fixtures, and personal property owned,
 68 controlled, operated, or managed in connection with or to facilitate the production, generation,
 69 transmission, delivery, or furnishing of electricity for light, heat, or power, and all conduits,
 70 ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying
 71 conductors used or to be used for the transmission of electricity for light, heat, or power.

72 (9) "Gas corporation" includes every corporation and person, their lessees, trustees, and
 73 receivers, owning, controlling, operating, or managing any gas plant for public service within
 74 this state or for the selling or furnishing of natural gas to any consumer or consumers within the
 75 state for domestic, commercial, or industrial use, except in the situation that:

76 (a) gas is made or produced on, and distributed by the maker or producer through,
 77 private property:

78 (i) solely for the maker's or producer's own use or the use of the maker's or producer's
 79 tenants; and

80 (ii) not for sale to others;

81 (b) gas is compressed on private property solely for the owner's own use or the use of
 82 the owner's employees as a motor vehicle fuel; or

83 (c) gas is compressed by a retailer of motor vehicle fuel on the retailer's property solely
 84 for sale as a motor vehicle fuel.

85 (10) "Gas plant" includes all real estate, fixtures, and personal property owned,
 86 controlled, operated, or managed in connection with or to facilitate the production, generation,
 87 transmission, delivery, or furnishing of gas, natural or manufactured, for light, heat, or power.

88 (11) "Heat corporation" includes every corporation and person, their lessees, trustees,
 89 and receivers, owning, controlling, operating, or managing any heating plant for public service