

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMMISSION'S
INVESTIGATION INTO THE
IMPLEMENTATION OF THE FEDERAL
INFRASTRUCTURE INVESTMENT AND
JOBS ACT'S ELECTRIC VEHICLE
CHARGING PURPA STANDARD.

CASE NO. 22-1025-AU-COI

ENTRY

Entered in the Journal on November 14, 2022

{¶ 1} In this Entry, the Commission opens this proceeding to consider the standard established by the amendment of the federal Infrastructure Investment and Jobs Act (IIJA), Pub. L. No. 117-58, 135 Stat. 429, to the federal Public Utility Regulatory Policy Act (PURPA) of 1978, Pub. L. No. 95-617, 92 Stat. 3117, regarding electric-vehicle charging (EVC), as codified in 16 United States Code (U.S.C.) 2621(d)(21).

{¶ 2} On August 10, 2022, the Commission opened a proceeding in Case No. 22-755-AU-COI to review the implementation of the IIJA.

{¶ 3} In the Entry opening that proceeding, the Commission noted that the IIJA amended PURPA by adding to the list of standards that require state regulatory authorities to determine for implementation. There were two PURPA standards added by the IIJA, one relating to demand-response practices and one relating to EVC programs.

{¶ 4} While the August 10, 2022 Entry in Case No. 22-755-AU-COI invited comments on IIJA provisions generally, the Commission expressed its intent to address the PURPA requirements in subsequent entries to be filed in that docket. On November 2, 2022, the Commission opened this docket and a docket in Case No. 22-1024-AU-COI to address the PURPA EVC and demand-response standards, respectively.

{¶ 5} The IIJA's amendments to PURPA require that each state regulatory authority consider each PURPA standard and make a determination concerning whether or not it is appropriate to implement the standard to carry out the purposes outlined in PURPA, which supplement state law. PURPA allows for a state regulatory authority to determine that it is

not appropriate to implement any PURPA standard, pursuant to its authority under otherwise applicable state law. (21 U.S.C. 2621(a).)

{¶ 6} The considerations required under PURPA must be made after public notice and hearing. The determinations must be in writing, based upon findings included in the determination and upon the evidence presented at a hearing, and available to the public. (21 U.S.C. 2621(b)(1).)

{¶ 7} The IJA requires that a state regulatory authority must, with respect to each electric utility for which the state has ratemaking authority, commence consideration, or set a hearing date for consideration, of the EVC standard not later than November 15, 2022. The IJA also requires that the consideration be completed not later than November 15, 2023. (16 U.S.C. 2622(b)(7).)

{¶ 8} The IJA provides that the requirements for consideration and determination on the EVC standard do not apply if: (1) the state has implemented for the electric utility the standard (or a comparable standard); (2) the state regulatory authority for the state has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or (3) the state legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility during the three-year period ending on November 15, 2021 (16 U.S.C. 2622(h)).

{¶ 9} While noting that the Commission has opined in its July 1, 2020 Finding and Order in Case No. 20-0434-EL-COI that an entity providing EVC service in this state is not a public utility as defined in state law, the Commission now finds that none of the exemptions outlined in Paragraph 8 of this Entry apply in the case of Ohio regarding the PURPA EVC standard.

{¶ 10} Therefore, at this time, the attorney examiner finds it appropriate to schedule a hearing on the PURPA EVC standard for February 22, 2023, at 2:30 p.m., to occur at the offices of the Public Utilities Commission of Ohio, 180 E. Broad Street, Hearing Room 11-B,

11th Floor, Columbus, Ohio 43215. The parties should register at the building's lobby desk and then proceed to the 11th floor to participate in the hearing.

{¶ 11} Interested persons may offer their perspectives either at the public hearing or through filing written comments in this docket, or both. Initial comments shall be filed in this docket no later than February 1, 2023, reply comments shall be filed in this docket no later than February 16, 2023.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That initial comments concerning the PURPA EVC standard be filed by February 1, 2023, and that reply comments be filed by February 16, 2023, consistent with Paragraph 11 of this Entry. It is, further,

{¶ 14} ORDERED, That a hearing be scheduled in this case to occur on February 22, 2023, in accordance with Paragraph 10 of this Entry. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all electric distribution utilities, the electric listserv, and all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

JRJ/mef

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in

Case No(s). 22-1025-AU-COI

Summary: Attorney Examiner Entry scheduling a public hearing for February 22, 2023, at 2:30 p.m., at the offices of the Public Utilities Commission of Ohio, Hearing Room 11-B; and asking all comments on the matter be filed by February 1, 2023 with reply comments due February 16, 2023 electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio