

HB 4066-6
(LC 224)
2/12/20 (MAM/ps)

Requested by HOUSE COMMITTEE ON ENERGY AND ENVIRONMENT (at the request of Representative Karin Power)

**PROPOSED AMENDMENTS TO
HOUSE BILL 4066**

1 In line 2 of the printed bill, after “Commission;” insert “creating new
2 provisions; amending ORS 757.357;”.

3 Delete lines 4 through 25 and insert:

4 **“SECTION 1.** ORS 757.357 is amended to read:

5 **“757.357. (1) As used in this section:**

6 **“(a) ‘Electric company’ has the meaning given that term in ORS 757.600.**

7 **“(b)(A) ‘Infrastructure measures’ includes, but is not limited to,
8 investments in, expenses related to or rebates for:**

9 **“(i) Distribution system infrastructure that supports transportation
10 electrification;**

11 **“(ii) Communication and control technologies that support trans-
12 portation electrification; and**

13 **“(iii) Behind the meter infrastructure that supports transportation
14 electrification and is owned by an electric company or by a customer.**

15 **“(B) ‘Infrastructure measures’ does not include investments in or
16 expenses related to education and outreach activities related to
17 transportation electrification, or other transportation electrification-
18 related activities determined by the Public Utility Commission to be
19 separate and distinct from the development of infrastructure.**

20 **“(c) ‘Retail electricity consumer’ has the meaning given that term
21 in ORS 757.600.**

1 “[*b*] (d) ‘Transportation electrification’ means:

2 “(A) The use of electricity from external sources to provide power to all

3 or part of a vehicle;

4 “(B) Programs related to developing the use of electricity for the purpose

5 described in subparagraph (A) of this paragraph; [*and*]

6 “(C) Infrastructure [*investments*] **measures** related to developing the use

7 of electricity for the purpose described in subparagraph (A) of this

8 paragraph[.]; **and**

9 **“(D) Programs related to supporting the adoption and service of**

10 **vehicles powered as described in subparagraph (A) of this paragraph.**

11 “[*c*] (e) ‘Vehicle’ means a vehicle, vessel, train, boat or any other

12 equipment that is mobile.

13 “(2) The Legislative Assembly finds and declares that:

14 “(a) Transportation electrification is necessary to reduce petroleum use,

15 achieve optimum levels of energy efficiency and carbon reduction, meet fed-

16 eral and state air quality standards, meet this state’s greenhouse gas emis-

17 sions reduction goals described in ORS 468A.205 and improve the public

18 health and safety;

19 “(b) Widespread transportation electrification requires that electric com-

20 panies increase access to the use of electricity as a transportation fuel;

21 “(c) Widespread transportation electrification requires that electric com-

22 panies increase access to the use of electricity as a transportation fuel in low

23 and moderate income communities;

24 “(d) Widespread transportation electrification should stimulate innovation

25 and competition, provide consumers with increased options in the use of

26 charging equipment and in procuring services from suppliers of electricity,

27 attract private capital investments and create high quality jobs in this state;

28 “(e) Transportation electrification and the purchase and use of electric

29 vehicles should assist in managing the electrical grid, integrating generation

30 from renewable energy resources and improving electric system efficiency

1 and operational flexibility, including the ability of an electric company to
2 integrate variable generating resources;

3 “(f) Deploying transportation electrification and electric vehicles creates
4 the opportunity for an electric company to propose, to the [*Public Utility*]
5 commission, that a net benefit for the customers of the electric company is
6 attainable; and

7 “(g) Charging electric vehicles in a manner that provides benefits to
8 electrical grid management affords fuel cost savings for vehicle drivers.

9 “(3) The [*Public Utility*] commission shall direct each electric company
10 to file applications, in a form and manner prescribed by the commission, for
11 programs to [*accelerate*] **support** transportation electrification. A program
12 proposed by an electric company may include prudent investments in or
13 customer rebates for electric vehicle charging and related infrastructure.

14 “(4) **The commission may allow an electric company to recover**
15 **costs from retail electricity consumers for prudent infrastructure**
16 **measures to support transportation electrification if the infrastructure**
17 **measures are consistent with and meet the requirements of subsection**
18 **(5) of this section.**

19 “(5) **If undertaken by an electric company, an infrastructure meas-**
20 **ure to support transportation electrification is a utility service and a**
21 **benefit to utility customers if the infrastructure measure can be rea-**
22 **sonably anticipated to:**

23 “(a) **Support reductions of transportation sector greenhouse gas**
24 **emissions over time; and**

25 “(b) **Benefit the electric company’s customers in ways that may**
26 **include, but need not be limited to:**

27 “(A) **Distribution or transmission management benefits;**

28 “(B) **Revenues to utilities from electric vehicle charging to offset**
29 **utilities’ fixed costs that may otherwise be charged to customers;**

30 “(C) **System efficiencies or other economic values inuring to the**

1 **benefit of customers over the long term; or**

2 **“(D) Increased customer choice through greater transportation**
3 **electrification infrastructure deployment to increase availability of**
4 **and access to public and private electric vehicle charging stations.**

5 **“[(4)] (6) When considering a transportation electrification program and**
6 **determining cost recovery for investments and other expenditures that are**
7 **not infrastructure measures and that are** related to a program proposed
8 by an electric company under subsection (3) of this section, the commission
9 shall consider whether the investments and other expenditures:

10 **“(a) Are within the service territory of the electric company;**

11 **“(b) Are prudent as determined by the commission;**

12 **“(c) Are reasonably expected to be used and useful as determined by the**
13 **commission;**

14 **“(d) Are reasonably expected to enable the electric company to support**
15 **the electric company’s electrical system;**

16 **“(e) Are reasonably expected to improve the electric company’s electrical**
17 **system efficiency and operational flexibility, including the ability of the**
18 **electric company to integrate variable generating resources; and**

19 **“(f) Are reasonably expected to stimulate innovation, competition and**
20 **customer choice in electric vehicle charging and related infrastructure and**
21 **services.**

22 **“(7) In undertaking infrastructure measures that involve the in-**
23 **stallation of one or more electric vehicle charging stations, an electric**
24 **company must allow for customer choice in the selection of the type**
25 **of electric vehicle charging station to be installed, subject to equip-**
26 **ment eligibility as determined by the electric company. An electric**
27 **company may prequalify multiple types of eligible electric vehicle**
28 **charging stations based on criteria determined by the electric com-**
29 **pany.**

30 **“(8) Nothing in this section restricts or prohibits a corporation,**

1 **company, partnership, individual or association of individuals exempt**
2 **from regulation under ORS 757.005 (1)(b)(G) from furnishing electricity**
3 **to any number of customers for use in motor vehicles.**

4 “[5)(a)] **(9)(a)** Tariff schedules and rates allowed pursuant to [subsection
5 (3)] **subsections (3) to (6)** of this section:

6 “(A) May allow a return of and a return on an investment made by an
7 electric company under [subsection (3)] **subsections (3) to (6)** of this section;
8 and

9 “(B) Shall be recovered from [all customers] **the retail electricity con-**
10 **sumers** of an electric company in a manner [that is similar to the recovery
11 of distribution system investments] **determined by the commission.**

12 “(b) A return on investment allowed under this subsection may be earned
13 for a period of time that does not exceed the depreciation schedule of the
14 investment approved by the commission. When an electric company’s invest-
15 ment is fully depreciated, the commission may authorize the electric company
16 to donate the electric vehicle charging infrastructure to the owner of the
17 property on which the infrastructure is located.

18 “[6)] **(10)** For purposes of ORS 757.355, electric vehicle charging
19 infrastructure provides utility service to the customers of an electric com-
20 pany.

21 “[7)] **(11)** In authorizing programs described in subsection (3) of this
22 section, the commission shall review data concerning current and future
23 adoption of electric vehicles and utilization of electric vehicle charging
24 infrastructure. If market barriers unrelated to the investment **or expendi-**
25 **tures** made by an electric company prevent electric vehicles from adequately
26 utilizing available electric vehicle charging infrastructure, the commission
27 may not permit additional investments in **or expenditures related to sup-**
28 **porting** transportation electrification without a reasonable showing that the
29 investments **or expenditures** would not result in long-term stranded costs
30 recoverable from the [customers] **retail electricity consumers** of electric

1 companies.

2 **“SECTION 2. Section 3 of this 2020 Act and ORS 757.357 are added**
3 **to and made a part of ORS chapter 757.**

4 **“SECTION 3. (1) As used in this section:**

5 **“(a) ‘Clean fuels program’ has the meaning given that term in ORS**
6 **468A.265.**

7 **“(b) ‘Credit’ has the meaning given that term in ORS 468A.265.**

8 **“(c) ‘Electric company’ has the meaning given that term in ORS**
9 **757.600.**

10 **“(d) ‘Multifamily housing’ means a structure or facility established**
11 **primarily to provide housing that provides four or more living units**
12 **and where the individual parking spaces that an electric vehicle**
13 **charger serves, and the charging equipment itself, are not deeded to**
14 **or owned by a single resident.**

15 **“(e)(A) ‘Residential charging’ means the use of electricity to charge**
16 **an electric vehicle at a residence.**

17 **“(B) ‘Residential charging’ does not mean the use of electricity to**
18 **charge an electric vehicle at a public access charging facility, a fleet**
19 **charging facility, a workplace private access charging facility or at**
20 **multifamily housing.**

21 **“(f) ‘Transportation electrification’ has the meaning given that**
22 **term in ORS 757.357.**

23 **“(2) Subject to subsection (4) of this section, an electric company**
24 **participating in the clean fuels program shall use revenues from the**
25 **sale of credits generated from the sale of electricity for residential**
26 **charging for programs to accelerate transportation electrification. An**
27 **electric company shall file with the Public Utility Commission pro-**
28 **posed programs consistent with the requirements of subsection (3) of**
29 **this section.**

30 **“(3) Programs to support the acceleration of transportation**

1 **electrification funded with revenues from the sale of credits described**
2 **in subsection (2) of this section must:**

3 **“(a) Support the goal of electrifying Oregon’s transportation sec-**
4 **tors;**

5 **“(b) Provide a majority of the benefits to residential electricity**
6 **customers;**

7 **“(c) Provide benefits to traditionally underserved communities;**

8 **“(d) Be designed to be independent from ratepayer support;**

9 **“(e) Be developed collaboratively and transparently; and**

10 **“(f) Maximize the use of clean fuels program revenues for imple-**
11 **mentation of the programs.**

12 **“(4) An electric company is not subject to this section if the electric**
13 **company receives a level of annual revenues through the sale of**
14 **credits under the clean fuels program that is below a threshold level**
15 **established by the commission by rule.**

16 **“(5) The commission may, by rule or order, adopt additional pro-**
17 **gram design guidance or a program selection process to guide electric**
18 **companies in the use of clean fuels program revenues.**

19 **“(6) The commission shall submit to the Legislative Assembly an**
20 **annual report on the programs to support acceleration of transporta-**
21 **tion electrification funded by electric companies with clean fuels pro-**
22 **gram revenues. The report shall be submitted in the manner provided**
23 **in ORS 192.245 and shall include an explanation of how the programs**
24 **align with the principles set forth in subsection (3) of this section.**

25 **“SECTION 4. (1) As used in this section:**

26 **“(a) ‘Clean fuels program’ has the meaning given that term in ORS**
27 **468A.265.**

28 **“(b) ‘Consumer-owned utility’ has the meaning given that term in**
29 **ORS 757.600.**

30 **“(c) ‘Credit’ has the meaning given that term in ORS 468A.265.**

1 “(d) ‘Credit aggregator’ has the meaning given that term in ORS
2 468A.265.

3 “(e) ‘Credit generator’ has the meaning given that term in ORS
4 468A.265.

5 “(f) ‘Transportation electrification’ has the meaning given that
6 term in ORS 757.357.

7 “(2) A consumer-owned utility must register as a credit aggregator
8 and a credit generator under the clean fuels program for credit gen-
9 eration from the sale of electricity used to charge an electric vehicle
10 within the consumer-owned utility’s service territory. Revenues re-
11 ceived by a consumer-owned utility through the sale of credits under
12 the clean fuels program must be used for programs to support the
13 acceleration of transportation electrification, as approved by the gov-
14 erning body of the consumer-owned utility.

15 “(3) Programs to support the acceleration of transportation
16 electrification funded with clean fuels program revenues must:

17 “(a) Support the goal of electrifying Oregon’s transportation sec-
18 tors;

19 “(b) Provide a majority of the benefits to residential electricity
20 customers;

21 “(c) Provide benefits to traditionally underserved communities;

22 “(d) Be designed, to the extent feasible, such that clean fuels pro-
23 gram revenues received by the consumer-owned utility are sufficient
24 to pay the costs of the programs;

25 “(e) Be developed collaboratively and transparently; and

26 “(f) Maximize the use of clean fuels program revenues for imple-
27 mentation of the programs.

28 “(4) The governing body of a consumer-owned utility subject to this
29 section shall submit to the Legislative Assembly an annual report on
30 the programs for transportation electrification funded by the

1 consumer-owned utility with clean fuels program revenues. The re-
2 port shall be submitted in the manner provided in ORS 192.245 and
3 shall include an explanation of how the programs align with the prin-
4 ciples set forth in subsection (3) of this section.

5 **“SECTION 5. Section 4 of this 2020 Act is repealed on January 2,**
6 **2026.**

7 **“SECTION 6. Sections 3 and 4 of this 2020 Act apply to clean fuels**
8 **program revenues collected and programs implemented on and after**
9 **January 1, 2021.”.**

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