

STATE OF NEW YORK

Public Service Commission

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ELECTRIC VEHICLE CHARGING STATIONS ENCOURAGED

— PSC Removes Obstacle to New Investments in Charging Stations —

Albany, NY—11/14/13— In keeping with Governor Andrew M. Cuomo’s initiative to encourage further growth of the use of electric vehicles in New York, the New York State Public Service Commission (Commission) today removed a potential impediment to investment by declaring that, after careful review, it does not have jurisdiction over publicly available electric vehicle charging stations. By reducing regulatory barriers, the Commission’s decision will encourage the development of electric vehicle charging stations, and the use of electric vehicles overall.

The automobile industry and charging station operators have been seeking such regulatory clarification in states across the country as they plan for increased electric vehicle sales.

“The Commission’s determination that it does not have jurisdiction ensures that our regulations and policies help promote the continuing evolution of the market for electric vehicles and for supporting services,” said PSC Chair Audrey Zibelman.

In May 2013, Governor Cuomo announced a review of the State’s electric regulations and policies to support the expansion of New York’s market for electric and plug-in hybrid vehicles to support the Governor’s Charge NY initiative to create a statewide network of up to 3,000 charging stations over the next five years. As part of this effort, the Commission was directed to review existing policies to ensure that regulations promote the evolution of the electric vehicle market in New York.

Following the Governor's directive, the Commission issued a notice seeking comment on the potential impact of the Commission's determination that the Public Service Law does or does not provide the Commission with jurisdiction over publicly available electric vehicle charging stations and related issues. Based upon its analysis, and a review of comments received, the Commission determined that since a charging station is providing a service distinct from the provision of electricity, it is not an electric plant, and the owners or operators of charging stations do not fall within the definition of an electric corporation. The Commission's determination, however, does not diminish its ability to respond to changes in the market in which charging stations operate.

Under the Public Service Law (PSL), this Commission's jurisdiction extends to the manufacture, conveying, transportation, sale or distribution of electricity for light, heat or power, to electric plant and to the entities owning, leasing or operating electric plant. Charging stations do not fall within the definition of "electric plant" because charging stations are not used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light heat or power. Instead, charging stations simply provide a service. This service requires the use of specialized equipment and allows the customer to do only one thing, charge a battery. The primary purpose of the transaction between charging station owners/operators and members of the public is the purchase of this service and the use of this specialized equipment. Parties that commented in the proceeding generally agreed that the Commission should not assert jurisdiction over charging stations, the owners or operators of charging stations, or the transaction between charging station owners or operators and members of the public.

The Commission's decision that publicly available charging stations will not fall under the Public Service Law does not diminish other regulatory requirements that might exist for electric vehicle charging stations. Some municipalities, for instance, have a permitting and inspection process for installing electric vehicle charging equipment. This permitting and inspection process will help to ensure that such equipment is installed safely. In addition, there is an ongoing effort by the National Institute of Standards and Technology, a bureau of the U.S. Department of

Commerce, to develop guidelines for the oversight of devices, such as meters, used in the provision of charging services.

The Commission's ruling today, when issued, may be obtained by going to the Commission Documents section of the Commission's Web site at www.dps.ny.gov and entering Case Number 13-E-0199 in the input box labeled "Search for Case/Matter Number." Many libraries offer free Internet access. Commission orders may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.