

Requested by Senator BEYER

**PROPOSED AMENDMENTS TO
HOUSE BILL 4036**

1 On page 1 of the printed bill, line 4, after “541.659,” insert “757.357,”.

2 On page 8, delete lines 30 through 45.

3 On page 9, delete lines 1 through 9 and insert:

4 **“SECTION 6.** 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 7. Section 7a of this 2020 Act and ORS 757.357 are added**
3 **to and made a part of ORS Chapter 757.**

4 **“SECTION 7a. (1) As used in this section ‘natural gas utility’ means**
5 **a natural gas utility regulated by the Public Utility Commission under**
6 **ORS chapter 757.**

7 **“(2) The commission may allow a natural gas utility to recover**
8 **costs from all retail natural gas customers for prudent investments in**
9 **or expenses related to infrastructure measures that support the**
10 **adoption and service of alternative forms of transportation vehicles if**
11 **the investments or expenses are consistent with and meet the re-**
12 **quirements of subsection (3) of this section. An investment or expense**
13 **by a natural gas utility may include an investment in or an expense**
14 **related to infrastructure behind the customer meter.**

15 **“(3) An investment in or expense related to infrastructure measures**
16 **that support the adoption and service of alternative forms of trans-**
17 **portation vehicles is a utility service and a benefit to retail natural**
18 **gas customers if the investment or expense can be reasonably antic-**
19 **ipated to:**

20 **“(a) Support the adoption of alternative vehicles that are powered**
21 **by compressed natural gas or hydrogen;**

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

24 **“(c) Benefit the natural gas utility system. Benefits may include,**
25 **but need not be limited to:**

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

27 **“(B) System efficiencies or other economic values inuring to the**
28 **benefit of retail natural gas customers over the long term; or**

29 **“(C) Revenues to utilities from fueling alternative forms of trans-**
30 **portation vehicles to offset utilities’ fixed costs that may otherwise be**

1 **charged to retail natural gas customers.”.**

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