

July \_\_\_\_, 2017

Dear \_\_\_\_\_:

**Re: Electric and Gas Vehicle Charging Stations**

With the increasing growth of electric and gas vehicles across the nation, the Delaware Public Service Commission (“PSC”) can certainly understand the potential business opportunities that are afforded by this growth. The PSC Staff applauds the entrepreneurial efforts to conveniently locate electric and gas charging stations for customer use in Delaware.

Pursuant to Delaware law,<sup>1</sup> the \_\_\_\_\_ Corporation (“Corporation”) is operating as a “Public Utility” when providing electricity or natural gas to the general public. Furthermore, 26 *Del. C.* §203A requires a Public Utility to secure a Certificate of Public Convenience and Necessity (CPCN) from the PSC and to apply for approval of the rates to be charged to the public. In addition, as a Public Utility, the Corporation may become responsible for an annual regulatory assessment if gross regulated Delaware revenues are \$10,000 or more in any calendar year as noted in 26 *Del. C.* §115.

The PSC Staff recently requested the Delaware General Assembly approve legislation that would exempt charging stations in Delaware from this requirement; unfortunately, the draft legislation did not pass. While the PSC Staff believes an exception is appropriate to continue these types of business opportunities, we do not have the liberty to pick and choose which Delaware laws to follow. The continued billing of customers for electric or gas charging services without Commission approval may result in fines and penalties.

By this letter and copy of attached public notice, the PSC is informing all known entities providing a public electric or gas charging service of the need to secure a CPCN and to seek approval of rates to be charged to customers.

Sincerely,

Rajnish Barua, Ph.D.  
Executive Director

Attach: Public Notice

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<sup>1</sup> “Public utility” includes every individual, partnership, association, corporation, joint stock company ... that now operates or hereafter may operate for public use within this state ... any natural gas, electric ... service, system, plant or equipment. See 26 *Del. C.* §102(2).

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

**PUBLIC NOTICE**

**TO: EVERY INDIVIDUAL, PARTNERSHIP, ASSOCIATION, CORPORATION, JOINT STOCK COMPANY, AGENCY OR DEPARTMENT OF THE STATE, THEIR LESSEES, TRUSTEES OR COURT APPOINTED RECEIVERS THAT NOW OPERATE ELECTRIC OR GAS VEHICLE CHARGING STATIONS FOR PUBLIC USE IN DELAWARE.**

The growth of new electric and compressed natural gas vehicles has prompted a need for electric and gas charging stations to support these new modes of transportation. To meet this need some businesses are installing vehicle charging equipment and billing the public for the energy used in charging their vehicle. Pursuant to Delaware law, any individual, partnership, association, corporation, joint stock company, agency or department of the State, their lessees, trustees or court appointed receivers that now operate any electric or natural gas service, system plant or equipment for public use in Delaware are defined as a public utility (26 *Del. C.* §102(2)). As a public utility, they are required to apply for a Certificate of Public Convenience and Necessity (CPCN) with the Delaware Public Service Commission (“Commission”) prior to offering any electric or gas vehicle charging services. As a public utility, they are also required to apply for Commission approval of any rates to be charged to the public for the charging service. Public utilities are also required to file annual reports with the Commission and may be subject to an annual assessment if regulated revenues are \$10,000 or more in any one calendar year.

By virtue of this notice and other individual company notifications, the Commission is informing all known charging service entities of the need to secure a CPCN from the Commission and to seek approval of rates to be charged to customers. Continued operation and billing of

charging services in Delaware without obtaining a CPCN or rate approval may result in fines or penalties

This notice can also be found on the PSC Website at <http://depsec.state.de.us>. If you have questions about this matter you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by Internet e-mail addressed to [psc@state.de.us](mailto:psc@state.de.us), including “Vehicle Charging Stations” in the subject line.