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NEWS RELEASE – BCUC Welcomes Ministerial Approval to Grant Regulatory Exemption to Electric Vehicle Charging Service Providers

VANCOUVER – The British Columbia Utilities Commission (BCUC) has received approval from the Honourable Michelle Mungall, Minister of Energy, Mines and Petroleum Resources, to make electric vehicle (EV) charging service providers who are not otherwise public utilities, as well as landlords and strata corporations, exempt from Part 3 of the *Utilities Commission Act*, other than sections 25 and 38 which pertain to safety. This approval has been outlined in [Ministerial Order No. M104](#).

This exemption was the result of a BCUC recommendation to the Government of BC outlined in the BCUC EV Charging Service Inquiry (Inquiry) Phase 1 Report, which requested the Minister of Energy, Mines and Petroleum Resources issue an exemption with respect to the BCUC's regulation of EV charging services but retain oversight on safety. The exemption applies to EV charging service providers who are not existing public utilities, which includes but is not limited to some landlords, strata corporations, private companies and parkade owners.

The Panel found that the public EV charging market, including landlords and strata corporations did not exhibit monopoly characteristics. With this exemption, the exempt EV charging service provider will not need BCUC approval to set rates for EV charging services in British Columbia. Competition in the EV charging market could incentivize providers to ensure rates are competitive, and less regulatory oversight may encourage greater participation in the market.

To review the Panel's detailed findings and recommendations please refer to the Electric Vehicle Charging Service Inquiry Phase 1 Report [here](#). The Inquiry is now in Phase 2 which focuses on the regulatory framework for EV charging service providers that are otherwise public utilities and have not been recommended for exemption (e.g. BC Hydro and FortisBC).

Background

In January 2018, the BCUC established an inquiry to review the regulation of EV charging services in British Columbia. The Inquiry aimed to explore the potential regulatory issues, including the level of regulation necessary in the EV charging services market and the rates for EV charging service.

The BCUC determined a phased approach would be an appropriate way forward for the Inquiry, with the first phase addressing the following issues:

- Does a person who does not expressly require customers to pay for EV charging services but instead recovers the cost from other services, meet the definition of a “public utility”?
- Should there be any regulation of persons that provide charging services if they are not already a regulated utility such as FortisBC or BC Hydro?

After reviewing the evidence and submissions received in Phase 1, the Panel made several key findings and recommendations, outlined below and included in its Phase 1 Report.

Recommendation to Government

We recommend that the Minister of Energy, Mines and Petroleum Resources issue an exemption with respect to BCUC’s regulation of EV Charging Services but retain oversight on safety.

Market Monopoly	<ul style="list-style-type: none">• The public EV charging market, including landlords and strata corporations, does not exhibit monopoly characteristics.
Public Utility Status	<ul style="list-style-type: none">• The broad definition of “compensation” in the <i>Utilities Commission Act</i> encompasses many forms of direct and indirect compensation rendering most EV charging stations to be public utilities.
Economic Regulation	<ul style="list-style-type: none">• Economic regulation of any aspect of the EV market is not required to protect consumers from potential abuse of monopoly power. This means there is no need to regulate price and terms of service. We recommend an exemption from BCUC regulation.• This recommendation also applies to landlords and/or strata corporations and any person not otherwise a public utility that provides EV charging services for compensation (e.g. Tesla, Chargepoint, Parkades, etc.).

Further, the Panel stated that further clarity is needed on whether public utilities such as BC Hydro and FortisBC are permitted to invest in EV charging stations as a “prescribed undertaking” under section 18 of the *Clean Energy Act* and section 4 of the Greenhouse Gas Reduction Regulation.

The Inquiry is ongoing and currently in Phase 2 focussing on the regulatory framework for EV charging service providers that are otherwise public utilities (e.g. BC Hydro and FortisBC).

About the BCUC

The BCUC is a regulatory agency responsible for oversight of energy utilities and compulsory auto insurance in British Columbia. It is the BCUC’s role to balance the interests of customers with the interests of the businesses it regulates. The BCUC carries out fair and transparent reviews of matters within its jurisdiction and considers public input where public interest is impacted.

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