

## Recommendation for Council Action

**Council Date:**

October 18, 2018

**Posting Language:**

Approve an ordinance amending City Code Chapter 15-9 to allow the remetering and resale of electric service for the purpose of electric vehicle charging.

**Fiscal Note:**

There is no financial impact for this item.

**Prior Council Action:****For More Information:**

Jeff Vice, Director, Local Government Relations (512) 322-6087; Karl Popham, Manager, Electric Vehicles & Emerging Technologies (512) 322-6005.

**Council Committee, Boards and Commission Action:**

September 17, 2018 – To be reviewed by the Electric Utility Commission. September 18, 2018 – To be reviewed by the Resource Management Commission.

**Additional Backup Information:**

This action will amend City Code Section 15-9-121 to allow third parties to deploy, own, and operate electric vehicle (EV) charging stations for compensation. Specifically, this change amends the code to state that restrictions on the remetering and resale of energy do not apply to the provision of retail electric-vehicle charging service at the point of remetering or resale.

The existing City Code language was adopted prior to availability of electric vehicles and is a barrier to third party investment in Austin's electric vehicle charging infrastructure, limiting investment by private businesses, multifamily residential communities, and EV manufacturers.

The proposed City Code amendment demonstrates Austin's support of third-party EV charging infrastructure investment by allowing private partnerships. This model for third-party EV infrastructure investment minimizes costs and risks to Austin Energy while still providing the utility the opportunity to sell the energy at established rates.

This request supports Council Resolution No. 20150604-048, Austin Community Climate Plan to achieve net-zero community-wide greenhouse gas emissions by 2050 and Council Resolution No. 20170817-061 Austin Energy Climate Protection and Resource Management Plan to 2027.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CITY CODE CHAPTER 15-9 RELATING TO REMETERING AND RESALE OF SERVICE FOR THE PURPOSE OF ELECTRIC VEHICLE CHARGING.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Code Section 15-9-121 (*Remetering and Resale of Service*) is amended to add a new subsection (E) as follows:

(E) Subsections (B) and (C) do not apply to the remetering or resale of electric service for the sole purpose of providing retail electric-vehicle charging service at the point of remetering or resale.

**PART 2.** This ordinance takes effect on \_\_\_\_\_, 2018.

**PASSED AND APPROVED**

\_\_\_\_\_, 2016 § \_\_\_\_\_  
§ \_\_\_\_\_  
§ \_\_\_\_\_  
Steve Adler  
Mayor

**APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
Anne L. Morgan Jannette S. Goodall  
City Attorney City Clerk

**Posting Language:**

Approve an ordinance amending City Code Section 15-9-121 (Remetering and Resale of Service) to allow third party investments to deploy and operate public electric vehicle (EV) charging stations.

**TITLE 15. - UTILITY REGULATIONS.**

**§ 15-9-121 - REMETERING AND RESALE OF SERVICE.**

Link to § 15-9-121: [https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT15UTRE\\_CH15-9UTSERE\\_ART8REUSUTSE\\_S15-9-121RERESE](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT15UTRE_CH15-9UTSERE_ART8REUSUTSE_S15-9-121RERESE)

- (A) A customer shall comply with the regulations adopted by the Texas Public Utility Commission and the Texas Commission on Environmental Quality if the customer resells utility services.
- (B) A customer may not remeter or resell utility service provided by the City except as authorized by the City.
- (C) A retail customer may not remeter or resell utility service provided by the City at a higher price than the price charged to the customer by the City.
- (D) After notice, the City may disconnect utility service to a customer who is remetering or reselling utility service in violation of this section.
- (E) Subsections (B) and (C) do not apply to the remetering or resale of electric service for the sole purpose of providing retail electric vehicle charging service at the point of remetering or resale.

*Source: 2003 Code Section 15-9-36; 1992 Code Section 18-4-055; Ord. 040805-02.*