BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Docket No. 20-035-34

Application of Rocky Mountain Power for Approval of Electric Vehicle Infrastructure Program

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REBUTTAL TESTIMONY OF JUSTIN D. WILSON ON BEHALF OF CHARGEPOINT, INC.

November 4, 2021

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I. Introduction and Summary of Recommendations

Q: Please state your name.

A: My name is Justin D. Wilson.

Q: Are you the same Justin D. Wilson who filed Direct Testimony on behalf of ChargePoint, Inc. (ChargePoint) in this docket on October 19, 2021?

A: Yes, I am.

Q: What is the purpose of your Rebuttal Testimony?

A: The purpose of my Rebuttal Testimony is to respond to the Direct Testimony regarding PacifiCorp's, dba Rocky Mountain Power (RMP or the Company), application for approval (Application) of its proposed Electric Vehicle Infrastructure Program (EVIP), filed by EVgo Services, LLC (EVgo), Utah Clean Energy (UCE), Zeco Systems, Inc. d/b/a Greenlots (Greenlots), the Utah Department of Commerce – Division of Public Utilities (Division), the Utah Office of Consumer Services (OCS), and the Western Resource Advocates (WRA).

Q. Are you sponsoring any Exhibits?

A. Yes, I have attached three discovery responses to my Rebuttal Testimony, which are labeled Attachments JDW-5, JDW-6, and JDW-7.

Q: Please summarize your recommendations to the Commission.

A: With one exception, ChargePoint's recommendations are the same as I set forth in my Direct Testimony. In response to the Division's testimony, ChargePoint now supports the Division's position with regard to the ratio of capital spending budgeted for the Company-owned Charger program and make-ready investments for charging stations owned by customers and third parties. For convenience, these recommendations to the Commission are as follows:

Make-ready:

- Increase the budget for make-ready infrastructure to support third party-owned EV charging stations, as detailed below;
- Establish a separate budget for the innovative projects and partnerships by reducing the Company-owned Charger budget;
- Include make-ready investments on the customer side of the meter as a standard practice rather than in "some circumstances," to further incentivize investment in EV Charging stations from the competitive market;

Schedule 120 Incentives

- Increase the incentives for residential AC Level 2 chargers to $500 per charger, and allow the incentives to be applied to all aspects of the charger installation, including costs for necessary panel upgrades in addition to the cost of the charging equipment;
- Adopt a requirement for all chargers funded through Schedule 120 incentives to be "smart" or networked, and ENERGY STAR certified;

Company-Owned Chargers

- Consistent with the Division's recommendation, ChargePoint now recommends that the Commission direct RMP to reallocate the capital spending budget so that the total capital spend for Company-owned Chargers (including charging equipment and make-ready infrastructure needed to support Company-owned Chargers) is 1/3 of the total capital spend and that the capital spend for the make-ready infrastructure program equal 2/3 of the total capital spend;[1]

- Establish a parity rebate that covers the total cost of EV charging equipment, maintenance, and network fees to ensure that the value a site host[2] choosing to own and operate their own charging stations is equivalent to the value provided by the Company-owned Charger proposal.
    - As an alternative to a parity rebate, the Commission can ensure that the competitive market has the opportunity to deploy charging stations with support from the make-ready infrastructure program before RMP deploys its Company-owned Charger by:
        - Requiring RMP to begin offering the make-ready infrastructure program for a full two years from launch of the EVIP before deploying any Company-owned Chargers, and
        - Directing RMP to identify specific locations where it intends to deploy Company-owned Chargers and share that information publicly with the Commission and any stakeholder that asks to receive such information. Developers should be given an opportunity for one year from the date RMP identifies a given location to provide notice to RMP that they

[1] Williams Direct, p. 14, ll. 236-238. Through counsel, RMP agreed that the redacted information that appears in these lines of Mr. Williams' testimony is not confidential.
[2] "site host" refers to the owner or lessor of the property on which an EV charging station is located. Site hosts include residential customers; owners of multifamily housing units (MFH); commercial customers that offer charging to the public, their customers, and/or their employees; fleet owners; and government entities.

intend to deploy chargers at that location, after which the developer should have 18 months to begin development;

- Reject RMP's pricing proposal and direct RMP to develop charging prices as follows:
    - Annually survey the prices of public EV charging in its service territory and set the price for DC fast charging at the median rate for DCFCs in its service territory and set the price for Level 2 charging at the median rate for Level 2 charging in its service territory;
    - Establish a $0.05/kWh surcharge during on-peak hours;
    - Any discount for RMP customers should be not exceed ten percent and should decline by one percentage point each year to allow RMP to transition to cost-based prices over a reasonable period of time;
- Require RMP to allow site hosts on whose property Company-owned Chargers will be deployed the option of becoming the utility customer-of-record and establishing prices to drivers;
- Require RMP to offer site hosts on whose property Company-owned Chargers will be deployed at least two choices of EV charging equipment vendors and at least two choices of network service providers.

<u>Innovative Projects and Partnerships</u>

- Require RMP to create clear delineations between the funding set aside for the various components of the EVIP, including the Innovation and Partnerships component to provide certainty that funds set aside for make-ready infrastructure investments will be protected from being greatly diminished by directing them towards other programs;

Extension of Schedule No. 2E

- Approve RMP's proposal to extend Schedule No. 2E until June 30, 2022, and require RMP to develop a formal stakeholder process to allow parties to collaboratively review the final report and discuss the future of the program;

Programmatic Design, Reporting Requirements, and Stakeholder Processes

- Require RMP to submit annual reports for Commission and stakeholder review containing the specific information listed in my testimony.
- Provide an opportunity for stakeholders to provide comments regarding the program performance and propose potential modifications as a part of the annual reporting process.

In addition to these recommendations, my Rebuttal Testimony further recommends as follows:

- As an alternative to ChargePoint's recommendation not to allow RMP to provide a discount on charging prices of more than 10 percent, ChargePoint tentatively recommends that the Commission approve the Division's proposal to allow RMP to provide a discount equivalent to residential customers' average contribution to the EVIP investments through Schedule 198 (pending RMP providing a specific $/kWh proposal based on the Division's recommendation).
  - ChargePoint's support for this concept is also contingent on the Commission directing RMP to establish a surcharge for on-peak charging rather than RMP's proposed $0.05/kWh discount for off-peak charging, which would undercut the competitive market during 85 percent of the hours in a year;

- Approve the Division's recommendation be limited to five years and require RMP to meet with stakeholders at least annually prior to the five-year mark;
- As stated above, approve the Division's recommendation to budget 1/3 of the total capital spending for the Company-owned Charger program;
- Approve WRA's recommendation to use revenue from Company-owned Chargers first to ensure continued funding of Schedule 120 rebates if the rebates do not have adequate funding and second to split the revenues between additional make-ready investments and additional Schedule 120 rebates;
- If the Commission does not adopt ChargePoint's recommendation for a parity rebate, the Commission should at the very least require RMP to allow site hosts to receive both make-ready investments and Schedule 120 incentives;
- If the Commission does not adopt ChargePoint's recommendation for a parity rebate, the Commission should approve EVgo's recommendation to require RMP to wait 2.5 years before building Company-owned Chargers in metro areas;
- Reject Greenlots' recommendation to approve RMP's Company-owned Charger proposal without any modifications to RMP's pricing proposal or proposed capital spending budget;
- Reject Greenlots' recommendation that RMP require charging stations to support OCPP;
- Reject OCS's recommendation to remove residential incentives from Schedule 120, and instead consider directing RMP to provide educational information to residential EV drivers through its website or directly to residential rebate recipients;

- Approve WRA's recommendation to allocate 30% of the Schedule 120 funding to residential Level 2 rebates, 30% to non-residential and multi-family housing Level 2 rebates, 30% to non-residential and multi-family DCFC rebates and 10% to customer projects rebates, with the ability for RMP to spend 10% of the total Schedule 120 budget flexibly between rebate types;
- If the Commission requires residential customers that receive Schedule 120 rebates to take service on a TOU rate, customers should have the ability to opt out of such a requirement;
- Reject RMP's proposal to require site hosts that receive make-ready incentives to report charging data.

Given the accelerated timeline of this docket, my Rebuttal Testimony does not address all aspects of the testimony of other parties. My silence with respect to any particular recommendation of another party should not be construed as agreement with that recommendation.

II. Response to RMP's Proposal for Company-Owned Chargers.

Q: What will you address in this section of your testimony?

A: In this section of my testimony, I will address the concerns raised by other parties with respect to the impact RMP's Company-owned Charger proposal is likely to have on the competitive market for EV charging services. The Division of Public Utilities (Division), EVgo, Utah Clean Energy, and Western Resource Advocates (WRA) all express competition-related concerns with the Company-owned Charger proposal.

Q: Did ChargePoint also raise concerns with RMP's Company-owned Charger proposal?

A: Yes, I raised similar concerns in my Direct Testimony, both with respect to RMP's proposal to allocate two-thirds of the capital spending budget to its Company-owned Chargers and its proposal to provide deeply discounted charging to its own ratepayers.

Q: What is the Division's position with respect to RMP's pricing proposal?

A: Division witness Dr. Abdulle argues that RMP's proposal to provide its own ratepayers with a \$0.25/kWh discount on its proposed \$0.40/kWh price for DC fast charging (a discount of 62.5 percent) is "equivalent to predatory dumping."[3] While I am not an economist, I agree that this is an apt comparison. RMP is only able to sell EV charging services to its ratepayers at such a low price because it does not need to recover its costs from EV drivers. As the monopoly utility, RMP has the unique ability to recover its costs from all ratepayers. This fact makes RMP's proposal even more concerning than the practice of predatory dumping because in a competitive market a company that engages in predatory dumping will incur losses as a result of selling products or services below cost. Here, RMP will not incur any losses from offering DC fast charging at such low rates and will not face any competitive pressure to stop undercutting the market.

ChargePoint does not oppose RMP recovering the cost of its EV charging programs from all ratepayers, but RMP should use this unique ability to *support* the competitive market, not to undercut the competitive market.

[3] Abdulle Direct, pp. 6-7.

Q: The Division recommends that RMP analyze how much a typical EV driver would pay in surcharges through Schedule 198 and use that as a starting point for calculating a discount for RMP ratepayers.[4] How do you respond?

A: I appreciate the Division raising this suggestion. RMP has stated that it proposed the discounted charging prices "to reflect the customers' contributions to the investments."[5] But as Division witness Mr. Williams estimates, a typical RMP ratepayer that is also an EV driver would contribute only about $2.66 per year to RMP's EVIP investments but receive discounts equal to about $172.50 per year. In other words, the discount an EV driver receives does not "reflect" that driver's contribution to the EVIP investments. Rather, the discount an EV driver receives greatly exceeds that driver's contributions because it reflects the contributions made through rates by many other non-EV drivers.

As I explained in my Direct Testimony, ChargePoint recommends that the Commission not allow RMP to provide a discount of more than 10 percent to its own ratepayers. Starting with a 10 percent discount would allow RMP to reduce the discount by one percent per year and allow it to establish cost-based prices at the end of a ten-year period.[6] As an alternative, ChargePoint tentatively supports the Division's proposal to allow RMP to provide a discount equivalent to residential customers' average contribution to the EVIP investments through Schedule 198. I say "tentatively supports" because ChargePoint hopes that RMP produces the analysis the Division recommends in its rebuttal testimony and provides a more concrete $/kWh proposal based on the Division's

[4] Williams Direct, p. 11-12.
[5] Campbell Direct, p. 15.
[6] Wilson Direct, p. 53.

recommendation. Conceptually, however, I agree that the average RMP ratepayer should not enjoy a discount on DC fast charging that is greater than the average amount they pay in Schedule 198 surcharges. Providing a ratepayer with a discount many times greater than the amount they pay in Schedule 198 surcharges runs counter to RMP's proposal that the discount should "reflect" ratepayers' contribution to the investment in Company-owned Chargers.

I would add that ChargePoint's support for this concept is also contingent on the Commission directing RMP to establish a surcharge for on-peak charging rather than RMP's proposed $0.05/kWh discount for off-peak charging, which would undercut the competitive market during 85 percent of the hours in a year.[7]

Q: Would ChargePoint's proposal to allow site hosts to be the customer-of-record and set pricing at Company-owned Chargers[8] also address the predatory dumping concerns?

A: Yes. Under ChargePoint's proposal, site hosts would be responsible for paying for the electricity costs at Company-owned Chargers and setting charging prices themselves, which allows them to set prices in a way that supports their own business goals. Allowing site hosts to set prices will help ensure that the competitive dynamics that exist in the absence of utility investment – in which site hosts compete for EV drivers on the basis of price and other factors such as other on-site services – are also at play within the context of the Company-owned Charger program. While some site hosts may offer charging as a

[7] Wilson Direct, p. 48.
[8] Wilson Direct, p. 60.

"loss leader" to support other lines of business, this is different from predatory pricing because site hosts will need to find some way to recover their costs from EV drivers through the sale of other goods and services. Because site hosts do not have the ability to recover their costs from ratepayers like RMP does, prices set by site hosts will not raise the same anticompetitive concerns that RMP's proposed discounted pricing creates.

Q: Division witness Dr. Abdulle also recommends that RMP continuously monitor pricing at Electrify America stations and report to the Commission on a regular basis and that the Commission consider a process to allow parties to comment on whether changes in pricing are warranted.[9] How do you respond?

A: I appreciate the Division making this recommendation. However, it is not appropriate for RMP to benchmark its prices to a single DCFC provider. As I recommended in my Direct Testimony, RMP should survey DCFC prices at all public DCFCs (50 kW and larger) in its service territory and set its prices at the median price available in the competitive market.[10] Further, while I appreciate Dr. Abdulle suggesting an additional process for parties to comment on RMP's prices, it would be more efficient for the Commission to establish a process for setting and updating charging prices – such as the annual survey process ChargePoint recommends – so that the issue does not need to be continually relitigated. However, consistent with ChargePoint's recommendation on this point, I support Division witness Mr. Davis's recommendation that the Commission adjust RMP's charging prices annually to account for changes in the market.[11]

[9] Abdulle, pp. 3-4.
[10] Wilson Direct, p. 52.
[11] Davis Direct, p. 5.

Q: The Division also recommends that the EVIP program be limited to five years due to the rapidly evolving EV charging market, which will allow the Commission and stakeholders time to evaluate the program and determine whether to set it on a path to full cost-of-service, end the program, or make other modifications.[12] How do you respond?

A: ChargePoint supports this recommendation. I agree that RMP's proposed ten-year timeline is too long, especially if the Commission allows RMP to undercut the competitive market with its charging prices contrary to the recommendations of ChargePoint and several other parties. Five years is an appropriate amount of time for the Commission, with input from stakeholders, to evaluate RMP's EVIP programs and determine which programs should continue, end, or be modified. ChargePoint further agrees that the Commission should require RMP to meet with stakeholders prior to the end of the five-year period and suggests that holding stakeholder meetings at least annually prior to the five-year mark would be appropriate and valuable for all stakeholders, including RMP.

Q: Division witness Mr. Williams also argues that the proportion of proposed spending is weighted too heavily toward Company-owned Chargers.[13] Do you agree?

A: Yes, ChargePoint strongly agrees with the Division on this point. As I discussed in my Direct Testimony, RMP's proposal to allocate only a third of its capital spending to make-ready investments for site hosts and two-thirds of its capital spending to the Company-

[12] Davis Direct, pp. 16-17.
[13] Williams Direct, p. 3.

owned Charger program sends a signal to prospective site hosts and charging station developers that Utah prefers utility-owned charging stations over privately owned stations.[14] While RMP's Company-owned Charger proposal will primarily benefit RMP, make-ready investments will benefit both RMP and the competitive charging market.[15] Further, because site hosts contribute private capital to the total cost of installing and hosting charging stations, the make-ready investments will support more charging station deployments for the same amount of utility funding.[16]

For these reasons, ChargePoint supports the Division's recommendation that RMP should dedicate 1/3 of its total capital spending on Company-owned Chargers, with the other 2/3 budgeted for make-ready infrastructure to support EV charging stations owned by third-parties. [17] ChargePoint also agrees with WRA witness Ms. Kapiloff's recommendation that RMP should not use revenue from Company-owned Chargers to reinvest in additional Company-owned Chargers, as doing so would effectively increase the budget for Company-owned Chargers and allow RMP to further undercut the competitive market.[18] ChargePoint supports WRA's recommendation to use revenue from Company-owned Chargers first to ensure continued funding of Schedule 120 rebates if the rebates do not have adequate funding and second to split the revenues between additional make-ready investments and additional Schedule 120 rebates.[19]

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[14] Wilson Direct, p. 37.
[15] Wilson Direct, p. 37.
[16] Wilson Direct, p. 37.
[17] Williams Direct, pp. 3, 13, and 14.
[18] Kapiloff Direct, p. 25-26.
[19] Kapiloff Direct, pp. 25-26.

Related to this recommendation, I appreciate that both WRA witness Ms. Kapiloff and UCE witness Mr. Kessinger express concern that RMP's proposal to use the make-ready investment budget for the Innovative Projects and Partnerships program could significantly decrease the funding available for other EV charging station deployments.[20] ChargePoint shares these concerns and continues to recommend that the Commission establish a separate budget for the Innovative Projects and Partnerships program and reduce the Company-owned Charger budget to establish this separate budget.[21]

Q: To address competitive issues, EVgo recommends that the Commission allow RMP to build Company-owned Chargers in corridor gaps in rural areas not currently served by DCFCs but require RMP to postpone developing Company-owned Chargers in metro locations for 2.5 years.[22] How do you respond?

A: EVgo's recommendation is similar to one of the alternative recommendations that I made in my Direct Testimony for how to level the playing field between Company-owned Chargers and charging stations developed by third-parties supported by RMP's proposed make-ready investments. ChargePoint stands by its primary recommendation that the Commission direct RMP to establish a parity rebate for site hosts that covers the cost of EV charging stations, maintenance costs, and network fees.[23] The most effective way to ensure that Company-owned Chargers and competitive market providers can compete on

[20] Kapiloff Direct, pp. 38-39 and Kessinger Direct, pp. 7-8.
[21] Wilson Direct, pp. 28-29.
[22] Rafalson Direct, p. 19-24.
[23] Wilson Direct, p. 42.

a level playing field is to ensure that the total value to site hosts of the non-utility-ownership option is the same as the utility-ownership option.

I would add that ChargePoint's recommendation for a parity rebate is even more important given a discovery response from RMP that ChargePoint received after the deadline for Direct Testimony, which is attached as Attachment JDW-5. In RMP's response to ChargePoint 2-2, RMP stated that it "does not intend for customers to utilize both Schedule 120 incentives and make-ready investments; however, the Company will not prohibit customers from applying for both custom project incentives and make-ready investments." In other words, RMP proposes that site hosts be required to choose between receiving make-ready incentives and Schedule 120 incentives, meaning that they will be responsible for the entire cost of either make-ready or charging equipment (not to mention network fees) – unless they choose the Company-owned Charger option.

RMP provides no rationale for not allowing site hosts to take advantage of both make-ready investments and Schedule 120 incentives. The Commission should find that this proposal is unreasonable given that RMP will pay the entire cost of make-ready, charging equipment, and network fees if a site host selects the Company-owned Charger option. Accordingly, if the Commission does not adopt ChargePoint's recommendation for a parity rebate, it should at the very least require RMP to allow site hosts to receive both make-ready investments and Schedule 120 incentives.

As stated in my Direct Testimony, as an alternative to ChargePoint's parity rebate recommendation, ChargePoint recommends that the Commission direct RMP to offer its proposed make-ready infrastructure investments for at least two years before it begins developing Company-owned Chargers and to identify the locations where it intends to develop Company-owned Chargers to give the competitive market an opportunity to serve those locations first.[24] This alternative recommendation is similar to EVgo's recommendation to require RMP to delay Company-owned Charger development for 2.5 years in metro areas but allow RMP to develop along corridors in rural areas. Again, ChargePoint supports the parity rebate recommendation primarily, but as an alternative would also support EVgo's recommendation. I agree with EVgo witness Ms. Rafalson's argument that RMP can maximize ratepayer benefits by complementing private market activities, not duplicating them,[25] and agree that requiring RMP to wait 2.5 years before building Company-owned Chargers in metro areas would be an effective way to achieve that goal.

Q: Does any party argue that RMP's Company-owned Charger proposal would enable competition, innovation, and customer choice?

A: Only one party makes this argument: Greenlots. I will address each of Greenlots' arguments on this issue in turn.

Q: Greenlots' witness Mr. Ashley supports RMP's proposal to make bulk purchases of EV charging solutions for its Company-owned Charger proposal in part because RMP can "serve as a motivated buyer that spurs market competition" in a market in which "buyers remain relatively few and far between in the market more broadly."[26] How do you respond?

[24] Wilson Direct, p. 43.
[25] Rafalson Direct, p. 9.
[26] Ashley Direct, p. 7.

A: The facts do not support Mr. Ashley's argument that the EV charging market lacks a sufficient number of motivated buyers to support competition. As I stated in my Direct Testimony, the Alternative Fuels Data Center reports that there are at least 1,272 public Level 2 charging ports and 96 public DCFC ports in Utah that use standard connector types.[27] These figures do not include non-public chargers such as at workplaces and multifamily locations.[28] Accordingly, Mr. Ashley's suggestion that there is a "void" of buyers in the EV charging market is simply inaccurate. To the contrary, these figures demonstrate that there is a robust competitive market for EV charging services in Utah. It is essential that the Commission ensures that RMP's EVIP programs support, and do not undercut, this competitive market.

Q: Mr. Ashley further argues that retail competition "has led to less sophisticated purchasing and planning decisions by customers" but, by contrast, "competition in utility procurement ensures that products and services are selected based on factors such as features, function, value, and organizational expertise that allows market participants of all shapes and sizes to compete on a level playing field, ultimately benefiting the customers."[29] How do you respond?

A: Mr. Ashley's assertion that non-utility site hosts make "less sophisticated purchasing and planning decisions" is unsubstantiated. Many non-utility site hosts, such as fueling centers and big-box retailers for example, are national or regional companies with sophisticated

[27] Wilson Direct, p. 9.
[28] *Id*.
[29] Ashley Direct, p. 7.

purchasing departments that have both "technical knowledge [and] meaningful negotiating leverage."

Further, Mr. Ashley does not explain the basis for this unsupported assertion. There is nothing in the record of this proceeding that indicates RMP will select EV charging products and services based on "features, function, value, and organizational expertise." RMP provided no details at all in its application regarding how it would conduct its proposed RFP for vendors to provide charging stations and network services for the proposed Company-owned Charger program. When ChargePoint asked RMP in discovery to describe its proposed RFP process, RMP responded that it "is still developing the specifications" for the RFP.[30] Accordingly, Mr. Ashley's assumptions about how products and services will be selected in RMP's procurement process are simply that: assumptions.

Q: Mr. Ashley further argues that RMP's Company-owned Charger proposal "will help move the market beyond its current stage characterized by low driver demand and limited deployment of stations – especially evident in underserved areas – towards an inflection point at which widespread demand for charging will support more profitable ownership and operation of stations by private operators."[31] How do you respond?

A: I agree that the right type of utility investment can encourage EV adoption and lead to widespread demand for charging, which will in turn support additional charging station deployment by the private market. However, utility investment can only achieve this goal

[30] Attachment JDW-6 (RMP Response to ChargePoint 2.8).
[31] Ashley Direct, p. 9.

if it complements and *supports* the competitive market. Utility investment that undercuts the competitive market, as RMP has proposed to do with its Company-owned Charger proposal, will fail to encourage additional deployments from the competitive market. As I discussed in my Direct Testimony, site hosts will not be able to compete with RMP Company-owned Chargers on price because RMP has proposed to charge prices that are less than the price that site hosts pay for electricity.[32] As a result, even if the Company-owned Chargers create "widespread demand for charging," competitive providers are very unlikely to step up to meet that demand if the Commission approves RMP's pricing proposal (unless they can afford to sell charging services at a loss).

By contrast, significant utility investments in make-ready infrastructure and rebates for EV charging equipment can help move the market and will encourage significant charging station deployment without concerns that RMP is using its position as the monopoly utility to undercut the market. Accordingly, ChargePoint continues to recommend that the Commission direct RMP to reallocate its capital spending budget so that the total capital spend for Company-owned chargers (including charging equipment and make-ready infrastructure to support Company-owned Chargers) is equal to the capital spend for the make-ready infrastructure program.

[32] Wilson Direct, pp. 47-50.

III. Response to Proposed Charging Station Technical Requirements.

Q: What will you address in this section of your testimony?

A: In this section of my testimony, I respond to recommendations made by Greenlots' witness Mr. Ashley regarding his proposals for technical requirements for EVSE funded through the proposed EVIP.

Q: What technical requirements does Mr. Ashley recommend for charging stations procured or funded through the EVIP?

A: Mr. Ashley encourages the Company to consider the use and requirement for charging stations procured and incentivized through the program to be compatible with and use open standards and protocols, including Open Charge Point Protocol (OCPP), OpenADR – for smart charging/demand response signals to network operators – and Open Charge Point Interface for payment interoperability used to facilitate roaming agreements between charging providers. In support of the OCPP recommendation, Mr. Ashley states OCPP is the "de facto" standard for charger-to-network communication and interoperability and that OCPP is necessary to promote interoperability, protect site hosts from being locked into a particular provider's network service offering, and help avoid stranded assets.[33]

Q: What is OCPP?

A: OCPP stands for "Open Charge Point Protocol" but has no relationship to ChargePoint, despite the name. OCPP is a voluntary communication protocol for communication

[33] Direct Testimony of Thomas Ashley, pp. 12-13.

between an EV charging station and a Charging Management System or network, developed by the Open Charge Alliance, a Netherlands-based organization.

Q: Do you agree with Mr. Ashley's characterization of OCPP?

A: No. I disagree that OCPP is a "de facto" standard for charger-to-network communication and interoperability, and Mr. Ashely has provided no evidence to support this claim. OCPP has not been adopted or approved by any standards body, and there are alternative protocols to OCPP that are utilized for communications between charging stations and the charging network.

Q: Do you have other concerns with Greenlots' proposed OCPP requirement?

Yes. An OCPP requirement would favor certain business models and companies that utilize OCPP over those that do not. An OCPP requirement would also favor charging companies that provide only hardware or only software and would limit site hosts' ability to choose products from EV charging companies that provide an integrated hardware and software solution. Such a result would be contrary to the statutory requirement that the EVIP programs enable competition, innovation, and customer choice in EV charging services.[34] In fact, by shutting out many charging station manufacturers from the EVIP, this requirement would not only reduce customer choice within the program, but also reduce competition within the State of Utah. The Commission should decline to pick winners and losers at this time and should instead create a level playing field for the competitive market to compete for EVIP funds.

[34] Utah Code Subsection 54-4-41(4).

In short, an OCPP requirement would create an advantage for certain charging station manufacturers and network service providers, while damaging the competitive EV charging market in Utah without providing any benefit to ratepayers, contrary to the statutory requirements. Further, it would be premature and inappropriate for RMP to require EV chargers to support a specific EV charger-to-network communications protocol, which would severely limit customer choice for EV charging stations in the EVIP, until a nationally recognized or internationally recognized standard exists.

Additionally, OCPP supports an extremely limited set of network management functionality, such as starting/stopping sessions, basic pricing, and limited access controls. In order to provide drivers and site hosts with innovative software features (e.g., mobile app, sharing power between stations to limit potential grid impacts and increase port deployments, cyber security, etc.) EV charging station network service providers create extensions to the baseline OCPP functionality. Mandating specific software or communications protocols (such as OCPP) may limit the ability for EV charging companies to effectively provide innovative consumer-facing software features, including load management and cybersecurity features, that drivers and site hosts want. Such a result is contrary to the legislative declaration that the Commission must consider whether a program "[e]nables competition, innovation, and customer choice in EV charging services" when approving programs under Section 54-4-41.[35]

[35] Utah Code Subsection 54-4-41(4).

Accordingly, the Commission should reject Greenlots' proposal to require OCPP, which would provide an unfair advantage to some business models over others and may limit the ability for EV charging companies to provide innovative software features.

Q: Based on this discussion, what do you recommend?

A: ChargePoint recommends that the Commission not modify the EVIP to require charging stations to support OCPP. ChargePoint supports requiring EV charging stations and network software to comply with ***existing*** standards. Mandating compliance with voluntary protocols like OCPP would get ahead of the established standards making process, which provides careful and critical examination of technical issues while enabling hardware and software manufacturers to align with requirements in timelines appropriate for market development.

IV. Response to Proposed Schedule 120 Incentives.

Q: What will you address in this section of your testimony?

A: In this section of my testimony, I will discuss RMP's proposed Schedule 120 incentives, and respond to recommendations made by other parties regarding these incentives.

Q: What were ChargePoint's recommendations regarding the Schedule 120 incentives?

A: As stated in my Direct Testimony, ChargePoint recommends that the Commission allow Schedule 120 incentives to continue as part of the EVIP with increased incentives for residential AC Level 2 chargers of $500, instead of $200, and allow the residential incentives to cover costs for necessary panel upgrades in addition to the cost of the charging equipment. Additionally, ChargePoint recommends that the Commission adopt a requirement for all charging stations funded through the program to be "smart" or networked and ENERGY STAR certified.

Q: OCS Witness Ware recommends the removal of incentives for residential chargers through Schedule 120 due to a lack of an educational component, and the phase out of Schedule 2E TOU rates, and further recommends that the Commission require a specific demonstration that residential incentives are in the public interest prior to their inclusion in Schedule 120. [36] **Do you agree with OCS witness Ware's recommendation to remove incentives for residential chargers from Schedule 120?**

A: No. While I agree RMP customers would benefit from educational materials regarding best practices for residential charging (e.g., managed charging, off-peak charging, etc.) this can easily be accomplished by RMP adding this additional information to its existing Electric Vehicle webpage,[37] or the addition of a new webpage providing this information. The Commission could also direct RMP to provide educational materials directly to residential rebate recipients. Additionally, the Schedule 2E TOU rates are not guaranteed to end, and in fact RMP has proposed to extend the deadline for the Schedule 2E rates for the very reason of allowing additional time to review the impact of the current rate schedule and determine a path forward for TOU rates.[38] As detailed in my Direct Testimony, residential charging programs are effective at increasing EV adoption, providing grid benefits, and providing valuable data regarding residential charging behavior to the utility. [39]

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[36] Ware Direct, pp. 12-15.
[37] https://www.rockymountainpower.net/savings-energy-choices/electric-vehicles.html.
[38] Initial Application for approval of EVIP, p. 10.
[39] Wilson Direct pp. 31-32.

Additionally, most personal vehicles are stationary for 22 or more hours daily, which means there is a massive potential to manage residential charging. Further, studies have already demonstrated that residential charging is beneficial to the grid and in the public interest.[40]

Q: What do you recommend for RMP's residential charger incentives available through Schedule 120?

A: I continue to support my original recommendation that the Commission direct RMP to increase the incentives for residential Level 2 chargers to $500 per charger and allow the incentives to be applied to all aspects of the charger installation, including costs for necessary panel upgrades and wiring, in addition to the cost of the charging equipment. ChargePoint recommends this increase to incentivize customers to purchase chargers that support additional functionality (e.g., networked chargers with demand response and managed charging capabilities) and to offset some of the costs related to panel upgrades and wiring that customers may incur. Additionally, a $200 rebate for residential chargers is well below the $600 median residential charger rebate for program participants with a single-family home.[41] By adopting my recommendation to increase the Schedule 120 rebates for residential chargers, the Commission would better align the program with other utility rebate programs and further incentivize residential charging through the purchase of feature-rich chargers that can provide additional data to RMP and benefits to the grid.

[40] https://sepapower.org/resource/managed-charging-incentive-design/.
[41] https://sepapower.org/resource/managed-charging-incentive-design/, p. 9.

Q: WRA witness Kapiloff's recommends the Commission direct RMP to allocate 30% of the Schedule 120 funding to residential Level 2 rebates, 30% to non-residential and multi-family housing Level 2 rebates, 30% to non-residential and multi-family DCFC rebates and 10% to customer projects rebates, with the ability for RMP to spend 10% of the total Schedule 120 budget flexibly between rebate types.[42] **Do you support this recommendation?**

A: Yes. I agree that there should be some structure within the Schedule 120 budget to ensure that a single rebate type does not dominate the Schedule 120 incentives that are available to customers, and to provide an opportunity for all types of customers to benefit from the program. Additionally, I agree that allowing budget flexibility of 10% between rebate types is appropriate and will allow RMP to reasonably respond to customer demand for the program, without a single rebate type depleting a majority of the Schedule 120 budget.

Q: WRA witness Ms. Kapiloff recommends that RMP and the Commission encourage "smart charging" behaviors, or alternatively evaluate an amendment to the program that ties Schedule 120 rebates to participation in a TOU rate.[43] **UCE witness Mr. Kessinger also recommends the Commission consider tying Schedule 120 incentives to opt-out TOU rates, once a non-pilot residential TOU rate is available.**[44] **Do you agree with these recommendations?**

A: ChargePoint would support a requirement that residential customers take service on a TOU rate if they receive a Schedule 120 rebate, provided customers can opt out of this

[42] Kapiloff Direct, p. 16.
[43] Kapiloff Direct, pp. 18-19.
[44] Kessinger Direct, p. 17.

requirement, consistent with Mr. Kessinger's recommendation. In my Direct Testimony I discussed the importance of "smart" or networked chargers and accordingly recommended that chargers funded through Schedule 120 incentives be required to be networked.[45] One of the advantages of smart chargers is that they can be programed to charge during off-peak hours, regardless of when an EV driver plugs in their vehicle. Most residential rebate recipients that charge overnight will want to take service on a TOU rate. However, taking service on a TOU rate can be burdensome to some customers, such as customers who need to charge their vehicle during on-peak hours because they work night shifts or customers with significant electric loads that they cannot shift to off-peak hours, such as an electric oven and range. These customers should be permitted to opt-out of the TOU rate if it is not working for them.

Q: Based on this discussion, what do you recommend?

A: In addition to the recommendations outlined in my Direct Testimony, I further recommend the Commission:

- Reject OCS' recommendation to remove the residential incentives through Schedule 120;
- Approve WRA's recommendation to allocate 30% of the Schedule 120 funding to residential Level 2 rebates, 30% to non-residential and multi-family housing Level 2 rebates, 30% to non-residential and multi-family DCFC rebates and 10% to customer

[45] Wilson Direct, p. 33.

projects rebates, with the ability for RMP to spend 10% of the total Schedule 120 budget flexibly between rebate types; and

- If a TOU rate is tied to Schedule 120 residential incentives, customers should have the ability to opt-out of the TOU rate.

V. Response to Proposed Data Reporting Requirements.

Q: What will you address in this section of your testimony?

A: In this section of my testimony, I will discuss RMP's proposed data sharing requirements for site hosts that receive make-ready investments or incentives.

Q: Please describe RMP's proposed data sharing requirements for site hosts that receive make-ready investments.

A: In a discovery response that ChargePoint received after the deadline to file direct testimony, attached as Attachment JDW-7, RMP states that it intends to require data sharing from customers who receive make-ready investments through the EVIP. Specifically, RMP proposes to require site hosts to include charging event information (location, date and time, duration, number of charging events) and charging energy information (kilowatt-hours (kWh) and kilowatts (kW)), at a minimum.[46]

Q: Do you have any concerns regarding these proposed data sharing requirements for site hosts?

A: Yes. RMP included a Motion for Protective Order (Motion) in its initial application. In the Motion RMP requested that the Commission enter a Protective Order denying intervening

[46] See RMP's response to ChargePoint Data Request 2.11.

parties access to information and materials designated as Confidential. RMP's stated justification for this request was that, if disclosed, this information "could be used to put the Company at a competitive disadvantage," and that the intervening parties "may use the information to compete directly with Rocky Mountain Power as a provider of charging station locations."[47]

RMP clearly intends to position itself as a *competitor* in the EV charging market. This is different from the role of market *facilitator* that most utilities choose to play and that ChargePoint generally advocates for RMP to play. As RMP has chosen to position itself as a competitor and denied competitive EV charging companies access to data and information that it deems could place it at a competitive disadvantage. Other EV charging providers and site hosts who participate in the EVIP should be afforded the same confidentiality. Simply put, competitive companies should not be required to provide confidential and commercially sensitive information to their competitors. Accordingly, site hosts should not be required to provide RMP with the charging event and charging energy data that RMP intends to require. Consistent with the reasoning that RMP used in its Motion, providing this information to a direct *competitor* for EV charging services would place site hosts (*i.e.*, RMP's own customers) and other EV charging providers at a competitive disadvantage to RMP. Such a result is fundamentally unfair and contrary to the statutory requirement that the EVIP programs enable competition, innovation, and customer choice.[48]

[47] Initial Application for approval of EVIP, p. 15.
[48] Utah Code Section 54-4-41(4)(d).

Q: Based on this discussion, what do you recommend?

A: I recommend that the Commission reject RMP's proposal to require site hosts to report charging data because such a requirement would place site hosts and other EV charging providers at a competitive disadvantage.

VI. Conclusion and Recommendations.

Q: Please summarize your recommendation for the Commission.

A: As stated at the beginning of my testimony, ChargePoint supports the recommendations made in my Direct Testimony, which were as follows:

Make-ready:

- Increase the budget for make-ready infrastructure to support third party-owned EV charging stations, as detailed below;
- Establish a separate budget for the innovative projects and partnerships by reducing the Company-owned Charger budget;
- Include make-ready investments on the customer side of the meter as a standard practice rather than in "some circumstances," to further incentivize investment in EV Charging stations from the competitive market;

Schedule 120 Incentives

- Increase the incentives for residential AC Level 2 chargers to $500 per charger, and allow the incentives to be applied to all aspects of the charger installation, including costs for necessary panel upgrades in addition to the cost of the charging equipment;
- Adopt a requirement for all chargers funded through Schedule 120 incentives to be "smart" or networked, and ENERGY STAR certified;

Company-Owned Chargers

- Consistent with the Division's recommendation, ChargePoint now recommends that the Commission direct RMP to reallocate the capital spending budget so that the total capital spend for Company-owned Chargers (including charging equipment and make-ready infrastructure needed to support Company-owned Chargers) is 1/3 of the total capital spend and that the capital spend for the make-ready infrastructure program equal 2/3 of the total capital spend;
- Establish a parity rebate that covers the total cost of EV charging equipment, maintenance, and network fees to ensure that the value a site host choosing to own and operate their own charging stations is equivalent to the value provided by the Company-owned Charger proposal.
    - As an alternative to a parity rebate, the Commission can ensure that the competitive market has the opportunity to deploy charging stations with support from the make-ready infrastructure program before RMP deploys its Company-owned Charger by:
        - Requiring RMP to begin offering the make-ready infrastructure program for a full two years from launch of the EVIP before deploying any Company-owned Chargers, and
        - Directing RMP to identify specific locations where it intends to deploy Company-owned Chargers and share that information publicly with the Commission and any stakeholder that asks to receive such information. Developers should be given an opportunity for one year from the date

RMP identifies a given location to provide notice to RMP that they intend to deploy chargers at that location, after which the developer should have 18 months to begin development;

- Reject RMP's pricing proposal and direct RMP to develop charging prices as follows:
    - Annually survey the prices of public EV charging in its service territory and set the price for DC fast charging at the median rate for DCFCs in its service territory and set the price for Level 2 charging at the median rate for Level 2 charging in its service territory;
    - Establish a $0.05/kWh surcharge during on-peak hours;
    - Any discount for RMP customers should be not exceed ten percent and should decline by one percentage point each year to allow RMP to transition to cost-based prices over a reasonable period of time;
- Require RMP to allow site hosts on whose property Company-owned Chargers will be deployed the option of becoming the utility customer-of-record and establishing prices to drivers;
- Require RMP to offer site hosts on whose property Company-owned Chargers will be deployed at least two choices of EV charging equipment vendors and at least two choices of network service providers.

<u>Innovative Projects and Partnerships</u>

- Require RMP to create clear delineations between the funding set aside for the various components of the EVIP, including the Innovation and Partnerships component to provide certainty that funds set aside for make-ready infrastructure investments will be protected from being greatly diminished by directing them towards other programs;

<u>Extension of Schedule No. 2E</u>

- Approve RMP's proposal to extend Schedule No. 2E until June 30, 2022, and require RMP to develop a formal stakeholder process to allow parties to collaboratively review the final report and discuss the future of the program;

<u>Programmatic Design, Reporting Requirements, and Stakeholder Processes</u>

- Require RMP to submit annual reports for Commission and stakeholder review containing the specific information listed in my testimony.
- Provide an opportunity for stakeholders to provide comments regarding the program performance and propose potential modifications as a part of the annual reporting process.

In addition to these recommendations, my Rebuttal Testimony further recommends as follows:

- As an alternative to ChargePoint's recommendation not to allow RMP to provide a discount on charging prices of more than 10 percent, ChargePoint tentatively recommends that the Commission approve the Division's proposal to allow RMP to provide a discount equivalent to residential customers' average contribution to the EVIP investments through Schedule 198 (pending RMP providing a specific $/kWh proposal based on the Division's recommendation).
    - ChargePoint's support for this concept is also contingent on the Commission directing RMP to establish a surcharge for on-peak charging rather than RMP's

proposed \$0.05/kWh discount for off-peak charging, which would undercut the competitive market during 85 percent of the hours in a year;

- Approve the Division's recommendation be limited to five years and require RMP to meet with stakeholders at least annually prior to the five-year mark;
- As stated above, approve the Division's recommendation to budget 1/3 of the total capital spending for the Company-owned Charger program;
- Approve WRA's recommendation to use revenue from Company-owned Chargers first to ensure continued funding of Schedule 120 rebates if the rebates do not have adequate funding and second to split the revenues between additional make-ready investments and additional Schedule 120 rebates;
- If the Commission does not adopt ChargePoint's recommendation for a parity rebate, the Commission should at the very least require RMP to allow site hosts to receive both make-ready investments and Schedule 120 incentives;
- If the Commission does not adopt ChargePoint's recommendation for a parity rebate, the Commission should approve EVgo's recommendation to require RMP to wait 2.5 years before building Company-owned Chargers in metro areas;
- Reject Greenlots' recommendation to approve RMP's Company-owned Charger proposal without any modifications to RMP's pricing proposal or proposed capital spending budget;
- Reject Greenlots' recommendation that RMP require charging stations to support OCPP;

- Reject OCS's recommendation to remove residential incentives from Schedule 120, and instead consider directing RMP to provide educational information to residential EV drivers through its website or directly to residential rebate recipients;
- Approve WRA's recommendation to allocate 30% of the Schedule 120 funding to residential Level 2 rebates, 30% to non-residential and multi-family housing Level 2 rebates, 30% to non-residential and multi-family DCFC rebates and 10% to customer projects rebates, with the ability for RMP to spend 10% of the total Schedule 120 budget flexibly between rebate types;
- If the Commission requires residential customers that receive Schedule 120 rebates to take service on a TOU rate, customers should have the ability to opt out of such a requirement;
- Reject RMP's proposal to require site hosts that receive make-ready incentives to report charging data.

Q: Does this conclude your testimony at this time?

A: Yes.