

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the Application of Rocky  
Mountain Power for Approval of Electric  
Vehicle Infrastructure Program (EVIP)

)  
) **Docket No. 20-035-34**  
)  
) **Rebuttal Testimony of**  
) **Alex Ware**  
) **On behalf of the**  
) **Office of Consumer Services**  
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November 4, 2021

1 **INTRODUCTION AND BACKGROUND**

2 **Q. WHAT IS YOUR NAME, OCCUPATION AND BUSINESS ADDRESS?**

3 A. My name is Alex Ware. I am a utility analyst with the Utah Office of  
4 Consumer Services (OCS). My business address is 160 East 300 South,  
5 Salt Lake City, Utah 84111.

6

7 **Q. DID YOU PREVIOUSLY FILE DIRECT TESTIMONY IN THIS**  
8 **PROCEEDING?**

9 A. Yes.

10

11 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

12 A. My rebuttal testimony will respond to various recommendations or  
13 conclusions made in the direct testimonies filed by other parties in this  
14 case. In summary, my rebuttal will respond to:

15

16 1. Proposals made by Chargepoint and EVgo to delay the Rocky  
17 Mountain Power (RMP)-owned charging stations aspect of the  
18 Electric Vehicle Infrastructure Program (EVIP) for at least two years  
19 while private industry utilizes the make-ready infrastructure  
20 subsidies to fund the construction of private charging stations.

21

- 22           2. Recommendations made by the Division of Public Utilities (DPU),  
23           ChargePoint, and EVgo for RMP to change its proposed Company-  
24           owned charging station rates under Schedule 60.
- 25
- 26           3. Recommendations made by DPU, Utah Clean Energy (UCE),  
27           Western Resource Advocates (WRA), and Chargepoint for RMP to  
28           establish EVIP reporting requirements.
- 29
- 30           4. Recommendations made by UCE and WRA to extend current  
31           funding levels for Schedule 120 incentives through the full 10 years  
32           of the proposed EVIP and recommendations by UCE and  
33           ChargePoint to increase funding of individual incentives.
- 34
- 35           5. Summary of my recommendations and a general response  
36           regarding the many critical concerns raised by parties in their direct  
37           testimonies.

38

39    **The EVIP Must Provide Ratepayers Significant Benefits for Funding the**  
40    **Program**

41    **Q.    PLEASE PROVIDE AN OVERVIEW OF PROPOSALS BY**  
42    **CHARGEPOINT AND EVGO TO WHICH YOU WILL RESPOND?**

43    A.    In direct testimony of ChargePoint witness Justin D. Wilson, he  
44    recommends that the PSC should consider requiring RMP to postpone the

45 deployment of Company-owned charging stations for two years.<sup>1</sup> Similarly,  
46 EVgo witness Sara Rafalson proposes that the deployment of RMP-  
47 owned chargers should be postponed for two and a half years.<sup>2</sup> Both  
48 witnesses make these recommendations with the intent to allow the  
49 private market to utilize the ratepayer-funded EVIP make-ready  
50 infrastructure incentives to build privately-owned charging stations before  
51 RMP is permitted to pursue Company-owned charging stations. Both  
52 witnesses indicate this will allow the private market to be able to select  
53 station locations with the most use and revenue potential. ChargePoint  
54 even contends that it should be privy to RMP's station location analysis  
55 when making its own location selections during its recommended two-year  
56 pause of Company-owned stations.<sup>3</sup>

57 In addition, ChargePoint and EVgo's witnesses both express  
58 concerns that RMP's EVIP as proposed is anticompetitive due to the  
59 significant rate discount given to Company customers at Company-owned  
60 charging stations. I will address concerns with rates later in my rebuttal  
61 testimony.

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<sup>1</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 796, October 19, 2021.

<sup>2</sup> 20-035-34, Direct Testimony of Sara Rafalson for EVgo, p. 19, October 19, 2021.

<sup>3</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 800, October 19, 2021.

63 **Q. HOW DO YOU RESPOND TO THESE PROPOSALS?**

64 A. I have concerns about these proposals. First, I oppose an EVIP framework  
65 that could potentially harm the ability of RMP-owned charging stations to  
66 be sustainable in the long-term by operating at cost-of-service rates.  
67 These proposals provoke concerns that if private entities are given total  
68 station location priority, RMP-owned charging stations may be relegated to  
69 locations where customer visitation is low and business unprofitable. The  
70 result would be ratepayer investment in Company-owned stations that  
71 struggle to operate at cost-of-service. Also, I am concerned that private  
72 EV charging station companies are seeking subsidies for prime locations  
73 through the make-ready incentives while at the same time proposing to  
74 limit RMP's ability to begin station development

75

76 **Q. WHY ARE YOU CONCERNED WITH RMP-OWNED STATION**  
77 **REVENUE POTENTIAL?**

78 A. The EVIP's enabling legislation specifically states that approval is  
79 contingent on the program providing "significant benefits" to ratepayers.<sup>4</sup>  
80 Also, the consideration of benefits to ratepayers is an important part of all  
81 aspects of the proposed EVIP; not just RMP-owned charging stations. It  
82 should not be ignored that the make-ready infrastructure element of the  
83 EVIP is essentially a subsidy from ratepayers to private charging station

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<sup>4</sup> Utah Code 54-4-41(7)(b).

84 providers. These funds must also be determined to be in the public  
85 interest by providing benefits to customers.

86

87 **Q. WHY ARE YOU CONCERNED ABOUT EV CHARGING COMPANIES**  
88 **SEEKING SUBSIDIES FOR PRIME LOCATIONS?**

89 A. In my opinion, these ratepayer subsidies, in the form of make-ready  
90 infrastructure funds, should not be used to maximize profits of third party  
91 companies. Rather, subsidies should be used to promote development of  
92 EV charging stations in locations that might not otherwise be served to  
93 promote the public interest. The make-ready aspect of the EVIP could be  
94 enhanced by RMP establishing requirements that those funds must be  
95 invested in ways that maximize benefits to the public, such as addressing  
96 gaps in charging infrastructure.

97 I also acknowledge that the statute requires that this program  
98 “enables competition, innovation, and customer choice in electric vehicle  
99 battery charging services, while promoting low-cost services for electric  
100 vehicle battery charging customers.”<sup>5</sup> Appropriately addressing these  
101 various goals requires a careful design of the EVIP, and the number of  
102 questions raised regarding program design in direct testimony suggests  
103 that additional work is necessary by RMP before PSC approval is  
104 warranted.

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<sup>5</sup> Utah Code 54-4-41(4)(d)

105

106 **Q. WHAT DO YOU RECOMMEND?**

107 A. I believe it is important for the EVIP to be designed to strike an appropriate  
108 balance between enabling competition and ensuring significant benefits to  
109 ratepayers. A wholesale delay in Company-owned charger deployment  
110 while private entities utilize make-ready funds would not strike this  
111 balance. Therefore, I recommend that the PSC reject ChargePoint and  
112 EVgo's recommendations

113           However, I note that the concerns raised by these entities support  
114 one of my other recommendations from direct testimony: that the PSC  
115 should require periodic review of the overall performance of the EVIP.  
116 Such review would allow stakeholders to provide evidence of how the  
117 program is operating in actuality and whether competition and innovation  
118 is being enabled. This periodic review would also create a forum for the  
119 PSC to give guidance on how the program might need to evolve over time  
120 to maintain consistency with the statutory mandates and support the  
121 public interest.

122

123 **Concerns that RMP's Proposed Charging Station Rates are Anticompetitive**

124 **Q. PERTAINING TO THE ISSUE OF RMP'S PROPOSED CHARGING**  
125 **STATION RATES UNDER SCHEDULE 60, PLEASE IDENTIFY THE**  
126 **PARTIES YOU WILL RESPOND TO IN THIS TESTIMONY?**

127 A. Witnesses for the DPU,<sup>6</sup> ChargePoint,<sup>7</sup> and EVgo<sup>8</sup> all made  
128 recommendations to reduce the proposed RMP-customer discount at  
129 Company-owned charging stations. All three parties agree that a seventy-  
130 five percent discount from charging station market rates for RMP  
131 customers is not justified and creates an uneven playing field that would  
132 discourage competition by private entities.

133

134 **Q. PLEASE DESCRIBE SPECIFIC CONCERNS ABOUT THE RMP**  
135 **CUSTOMER DISCOUNT RAISED BY THE DPU.**

136 A. DPU Witness David Williams provides compelling evidence that RMP's  
137 proposed charging station rate needs to be changed. First, he identifies  
138 through a data request (DR) from the DPU to RMP that the Company  
139 performed no particular analysis in its selection of a seventy-five percent  
140 discount for RMP customers.<sup>9</sup> Second, Mr. Williams presents analysis  
141 showing that RMP's proposed rates do not correlate to the surcharge to  
142 be collected from ratepayers to fund the EVIP, making them  
143 anticompetitive.<sup>10</sup> Third, Mr. Williams expressed concern that if initial rates  
144 are set too low at RMP-owned charging stations, Company customers will  
145 experience rate shock as the discount is removed on the pathway toward

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<sup>6</sup> 20-035-34, Direct Testimony of David Williams for DPU, line 174, October 19, 2021.

<sup>7</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 100, October 19, 2021.

<sup>8</sup> 20-035-34, Direct Testimony of Sara Rafalson for EVgo, p.5, October 19, 2021.

<sup>9</sup> 20-035-34, Direct Testimony of David Williams for DPU, line 117, October 19, 2021.

<sup>10</sup> IBID line 130.

146 cost-of-service.<sup>11</sup> Ultimately, Mr. Williams indicates that the DPU expects  
147 a more appropriate discount for RMP customers would be \$0.35 per kWh,  
148 but recommends that RMP “be required to produce analysis regarding  
149 how much an average or typical EV customer might pay in surcharge per  
150 year, and use that as a starting point for a discount.”<sup>12</sup>

151

152 **Q. WHAT IS YOUR RESPONSE TO THE DPU’S ANALYSIS AND**  
153 **RECOMMENDATION REGARDING RMP’S PROPOSED CUSTOMER**  
154 **DISCOUNT?**

155 A. I find Mr. Williams’ analysis compelling and support his recommendation  
156 that more analysis is necessary to establish reasonable RMP-owned  
157 station rates. It would be contrary to the policy underlying the EVIP  
158 program for it to favor RMP over potential private charging station owners.  
159 It would not be in the public interest to make the vehicle charging market  
160 dependent on RMP or to limit customer choice to only Company-owned  
161 charging infrastructure which would be the result if rates inhibit private  
162 participation. Yet, it would also not be in the public interest to design the  
163 EVIP such that the market becomes dependent on ratepayer subsidies.  
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<sup>11</sup> IBID line 154.

<sup>12</sup> IBID line 178.

165 **Q. ARE THERE ADDITIONAL CONCERNS RAISED IN DIRECT**  
166 **TESTIMONY ABOUT SCHEDULE 60 THAT YOU WOULD LIKE TO**  
167 **RESPOND TO?**

168 A. Yes. Witnesses for DPU,<sup>13</sup> ChargePoint,<sup>14</sup> and EVgo<sup>15</sup> all make  
169 recommendations that RMP should be required to assess the entirety of  
170 the private charging market in Utah when establishing rates; not just on  
171 the pricing of Electrify America. Witness Mr. Wilson for ChargePoint  
172 identified in his direct testimony that there are six charging networks in  
173 Utah that utilize standard connectors.<sup>16</sup> In addition, DPU witness Mr.  
174 Williams indicated he hoped to hear from other witnesses in direct  
175 testimony regarding rates from other third party providers before finalizing  
176 the DPU's position.<sup>17</sup>

177  
178 **Q. DO YOU AGREE WITH THESE RECOMMENDATIONS?**

179 A. Yes. Overall, I agree with recommendations made that RMP's charging  
180 station rates require a more comprehensive market study. I note that  
181 depending on the method that is adopted by the PSC to establish initial  
182 rates, RMP may need to revise the language of Special Condition #5

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<sup>13</sup> IBID line 164.

<sup>14</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 101, October 19, 2021.

<sup>15</sup> 20-035-34, Direct Testimony of Sara Rafalson for EVgo, p.5, October 19, 2021.

<sup>16</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 154, October 19, 2021.

<sup>17</sup> 20-035-34, Direct Testimony of David Williams for DPU, line 170, October 19, 2021.

183 within proposed tariff Schedule 60 that outlines how RMP will update its  
184 station rates.

185

186 **EVIP Reporting Requirements**

187 **Q. IN REGARDS TO RECOMMENDATIONS IN DIRECT TESTIMONY FOR**  
188 **RMP TO ESTABLISH EVIP REPORTING REQUIREMENTS, TO WHICH**  
189 **PARTIES WILL YOU RESPOND?**

190 A. Witnesses for DPU,<sup>18</sup> UCE,<sup>19</sup> WRA,<sup>20</sup> and ChargePoint<sup>21</sup> all made  
191 recommendations that the PSC should require RMP to establish reporting  
192 requirements for the EVIP program before approval should be considered.

193

194 **Q. HOW DO YOU RESPOND TO THE RECOMMENDATIONS MADE BY**  
195 **THESE PARTIES?**

196 A. After review of the direct testimonies in this docket, I note that there is  
197 some overlap in the EVIP reporting requirements recommended by these  
198 witnesses, but there is also quite a variety. This makes me question if it  
199 would be better to finalize reporting requirements after this immediate  
200 proceeding. The PSC could order that RMP meet with interested  
201 stakeholders to collectively discuss the issue and make a final  
202 recommendation to the PSC as part of a compliance filing after this initial

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<sup>18</sup> 20-035-34, Direct Testimony of Robert Davis for DPU, line 83, October 19, 2021.

<sup>19</sup> 20-035-34, Direct Testimony of Thomas Kessinger for UCE, line 48, October 19, 2021.

<sup>20</sup> 20-035-34, Direct Testimony of Deborah Kapiloff for WRA, line 81, October 19, 2021.

<sup>21</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 125, October 19, 2021.

203 phase of the proceeding. DPU witness Mr. Davis recommended in his  
204 direct testimony that “the Commission direct RMP to meet with the  
205 stakeholders within the first six-months of the program’s first year of  
206 operation, if approved, and determine a format of required information to  
207 be reported annually...”<sup>22</sup> I support his recommendation with the caveat  
208 that this meeting also be the venue to determine the requirements and not  
209 just the format for the report.

210 In addition to the requirements that will be determined to be  
211 reported annually by RMP, I reiterate that the EVIP should have more  
212 oversight than just annual reports. I recommend RMP should be required  
213 to periodically make filings, establish a comment period, and hold  
214 technical conferences to update interested parties on the progress of the  
215 overall program’s implementation and investments – including a prudence  
216 review. These periodic reviews are necessary to provide stakeholders the  
217 opportunity evaluate if the intent of the EVIP’s enabling legislation is being  
218 implemented in a rapidly changing electric vehicle market and to propose  
219 changes as needed.

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<sup>22</sup> 20-035-34, Direct Testimony of Robert Davis for DPU, line 312, October 19, 2021.

221 **Concerns Regarding Schedule 120 Incentives**

222 **Q. DID PARTIES MAKE RECOMMENDATIONS IN DIRECT TESTIMONY**  
223 **REGARDING SCHEDULE 120 INCENTIVES THAT YOU WOULD LIKE**  
224 **TO RESPOND TO?**

225 A. Yes. UCE<sup>23</sup> and WRA<sup>24</sup> made recommendations that Schedule 120  
226 incentives should be tied to a time-of-use rate (TOU). Also, UCE,<sup>25</sup>  
227 WRA,<sup>26</sup> and ChargePoint<sup>27</sup> all made recommendations to continue overall  
228 funding at current levels or to increase individual incentive amounts.

229

230 **Q. WHAT IS YOUR RESPONSE?**

231 A. While each party made various individual recommendations, my response  
232 centers around two principles I believe should be implemented at the  
233 outset of the EVIP:

234

235 1. I reiterate that without EVIP education and outreach associated  
236 with a TOU rate that encourages off-peak charging, the residential  
237 incentive should be removed at this time.

238

239 2. An increase in overall funding or changes to individual incentive  
240 amounts should not occur until current levels are reassessed and

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<sup>23</sup> 20-035-34, Direct Testimony of Thomas Kessinger for UCE, line 61, October 19, 2021.

<sup>24</sup> 20-035-34, Direct Testimony of Deborah Kapiloff for WRA, line 366, October 19, 2021.

<sup>25</sup> 20-035-34, Direct Testimony of Thomas Kessinger for UCE, line 301, October 19, 2021.

<sup>26</sup> 20-035-34, Direct Testimony of Deborah Kapiloff for WRA, line 251, October 19, 2021.

<sup>27</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 72, October 19, 2021.

241 RMP can demonstrate they remain in the public interest and are the  
242 best use of continued ratepayer support.

243

244 **Q. HOW DO YOU RESPOND TO RECOMMENDATIONS TO TIE**  
245 **INCENTIVES TO A TOU RATE?**

246 A. I agree with UCE witness Thomas Kessinger and WRA witness Deborah  
247 Kapiloff that Schedule 120 incentives should be tied to a TOU rate that  
248 encourages off-peak charging. However, at this time, there is technically  
249 not an active TOU rate that could be tied to the Schedule 120 residential  
250 incentive. The pilot TOU rate under Schedule 2E is no longer accepting  
251 new participants even with RMP's proposed program extension of six  
252 months with which I agree. Not until the PSC and stakeholders have the  
253 opportunity to review the results of the 2E pilot will we know the program's  
254 fate. If its decided that Schedule 2E will continue, then it can be retied to  
255 Schedule 120 incentives through a tariff filing if it's also determined to still  
256 be the best use of ratepayer funds. If it's decided that Schedule 2E will not  
257 continue, then a replacement TOU rate would need to be identified and  
258 the residential incentive reviewed before I could recommend its  
259 continuation under Schedule 120. Therefore, I continue to recommend  
260 that the residential Schedule 120 incentive should be removed at this time.

261

262 **Q. HOW DO YOU RESPOND TO RECOMMENDATIONS THAT**  
263 **SCHEDULE 120 SHOULD CONTINUE TO BE FUNDED AT CURRENT**  
264 **LEVELS OR INDIVIDUAL INCENTIVES SHOULD BE INCREASED?**

265 A. Witnesses for UCE and WRA both identify that RMP is only proposing  
266 funding of Schedule 120 incentives through the first five years of the  
267 proposed ten-year program. Therefore, they recommend current funding  
268 levels of these incentives should be continued through the full duration of  
269 the program. Also, UCE<sup>28</sup> and ChargePoint<sup>29</sup> recommend increases to  
270 individual incentives to accommodate the purchase of chargers with  
271 advanced features. Generally speaking, I do not support  
272 recommendations to continue current funding levels under Schedule 120,  
273 or to change individual incentive levels, until RMP can provide analysis  
274 that justifies this approach. Simply extending Schedule 120 incentives for  
275 the duration of the proposed 10-year EVIP without a review of the  
276 incentives' performance is not in the public interest. I reiterate my  
277 recommendation that it is reasonable for Schedule 120 to be extended at  
278 this time for only the first two to three years of the EVIP and then be  
279 subject to a full reevaluation before an extension is approved by the PSC  
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<sup>28</sup> 20-035-34, Direct Testimony of Thomas Kessinger for UCE, line 59, October 19, 2021.

<sup>29</sup> 20-035-34, Direct Testimony of Justin Wilson for ChargePoint, line 72, October 19, 2021.

281 **Recommendations**

282 **Q. BASED ON YOUR REVIEW OF THE DIRECT TESTIMONIES OF**  
283 **OTHER PARTIES, DO YOU HAVE REVISED RECOMMENDATIONS?**

284 A. Yes. After review of direct testimony in this proceeding, I make the  
285 following new recommendations:

286

287 1. The PSC should reject proposals by ChargePoint and EVgo to delay  
288 RMP's implementation of Company-owned chargers for two and two  
289 and a half years respectively.

290

291 2. The PSC should adopt the recommendation by DPU witness Mr.  
292 Williams that RMP "be required to produce analysis regarding how  
293 much an average or typical EV customer might pay in surcharge per  
294 year, and use that as a starting point for a discount."

295

296 3. The PSC should adopt the recommendations by DPU, ChargePoint,  
297 and EVgo requiring RMP to survey the entire EV charging station  
298 market during the process of setting its Company-owned station  
299 rates.

300

301 4. The PSC should require RMP to meet with interested stakeholders  
302 within the first six months of the EVIP to determine reporting

303 requirements for the program. RMP should then submit this  
304 reporting plan to the PSC for approval in a compliance filing.

305

306 5. The PSC should reject proposals by UCE, WRA, and ChargePoint  
307 to continue or increase Schedule 120 incentives without a full review  
308 of the schedule's performance. I continue to recommend that this  
309 review occur following the second or third year of the EVIP.

310

311 I also reiterate these unchanged recommendations from my direct  
312 testimony:

313

314 6. I recommend that RMP be required to include a robust vehicle  
315 charging education program for customers as part of the overall  
316 EVIP. Such a program should include an explanation of how  
317 different charging behaviors, such as on and off-peak charging,  
318 impact the grid. This explanation should include recommendations  
319 for best charging times and explain how certain patterns of  
320 charging behavior could drive the need for additional electric  
321 system investments, raising rates and harming non-participating  
322 customers. I further recommend that RMP be required to work with  
323 key stakeholders to evaluate if there is a need for additional  
324 education components to help ensure that the EVIP is a success.

325

326 7. I recommend that the residential incentive be eliminated from tariff  
327 Schedule 120 at this time. Following the implementation of a  
328 vehicle charging education program as part of the EVIP, a future  
329 filing should reevaluate if reinstating this residential incentive is in  
330 the public interest.

331

332 8. I recommend that Special Condition #1 in draft tariff Schedule 60  
333 should be reworded to be: "Customers are expected to make a  
334 charging station available immediately following session  
335 completion. If cause arises, the Company may seek approval from  
336 the Commission to institute a penalty policy."

337

338 In the alternative, RMP could propose (in its rebuttal testimony)  
339 specific rates, terms and conditions for penalties, along with  
340 evidence supporting its proposal to be evaluated in the remainder  
341 of this present docket.

342

343 9. I recommend that Special Condition #6 in draft tariff Schedule 60  
344 should be reworded to be: "The Company may at its discretion file a  
345 request with the Commission to change rates on this schedule as  
346 the need arises."

347

348 **Q. WHAT IS YOUR OVERALL RECOMMENDATION AT THIS TIME?**

349 A. Based on the concerns presented by other parties as well as the issues I  
350 raised in my direct testimony, I continue to believe that the EVIP as  
351 proposed by RMP needs several changes before it could be approved as  
352 being in the public interest. Further, I am more convinced that it is  
353 essential for the PSC to order a periodic review of the EVIP in addition to  
354 annual reporting requirements as I recommended in direct testimony. It  
355 could not be in the public interest for the PSC to approve any ten-year  
356 program without ongoing oversight. Everything about the EV market is  
357 anticipated to change significantly over the next decade – EV adoption,  
358 EV charging station availability, and costs of related equipment. The PSC  
359 must review whether the program design actually complies with the  
360 statutory mandates authorizing the program and provide course correction  
361 if found to be necessary. Stakeholders must be given an opportunity to  
362 give input into evolving program design as more details become known,  
363 such as the outcome of the review of Schedule 2E, the costs and details  
364 of program management after the RFP is conducted and a provider  
365 selected, and a variety of market changes that are likely to emerge over  
366 time. Some of the concerns that I and other parties have raised cannot be  
367 adequately addressed with a simple requirement for program change now  
368 with approval for ten full years. Ongoing review, likely every two to three  
369 years, and program evolution to incorporate new data is the only way to

370 ensure that it meets statutory requirements and remains in the public  
371 interest.

372

373 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

374 **A. Yes.**