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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF ITS ELECTRIC VEHICLE INFRASTRUCTURE PROGRAM	Docket No. 20-035-34
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**REBUTTAL TESTIMONY OF THOMAS ASHLEY
FOR ZECO SYSTEMS, INC. d/b/a GREENLOTS**

November 4, 2021

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INTRODUCTION AND PURPOSE OF TESTIMONY

Q. Please state your name and business address.

A. My name is Thomas Ashley. My business address is Zeco Systems, Inc. d/b/a Greenlots (Greenlots), 767 S. Alameda Street, Suite 200, Los Angeles, CA 90021.

Q. By whom are you employed and in what capacity?

A. I am employed by Greenlots and serve as Vice President of Policy & Market Development. In this role, I am responsible for regulatory and policy strategy and engagement to grow the market for EVs and EV charging products and services, including supporting efforts to expand integration of electric vehicles and the grid.

Q. On whose behalf are you testifying in this docket?

A. I am testifying on behalf of Greenlots.

Q. Have you previously testified before this Commission?

A. I provided opening testimony in this proceeding, and I and Greenlots have been actively involved in utility regulatory proceedings concerning transportation electrification before many other Commissions across North America.

Q. What is your education, training, and employment background?

A. I have over ten years of experience working in the policy and regulatory space, including over eight specifically on EV related issues. Prior to joining Greenlots in 2015, I served as the Director of Utility and Regulatory Affairs at PlugShare, where I focused on vehicle-grid integration policy

1 and I also have consulted for the Electric Drive Transportation Association. I previously was
2 employed by, or interned with the California Public Utilities Commission, the United States Senate
3 Committee on Environment and Public Works, the Office of Energy and Environmental Industries
4 of the U.S. Department of Commerce's International Trade Administration, and the Vermont
5 Department of Public Service's Energy Efficiency Division. I hold a Juris Doctor and Master of
6 Studies in Environmental Law from Vermont Law School and a bachelor's degree in Fine Arts
7 from the University of Southern California. A description of my qualifications is attached as
8 Attachment A.
9

10
11 **Q. Does Greenlots support Rocky Mountain Power's filing?**

12 A. Yes, Greenlots continues to broadly support Rocky Mountain Power's (the Company) proposed
13 Electric Vehicle Charging Infrastructure Program (the Program) as filed, as it would help catalyze
14 the market for EVs and EV charging products and services in the Company's service territory,
15 while generating significant benefits for the Company's ratepayers and current and future EV
16 drivers and supporting effective grid integration of EV charging load.
17

18
19 **Q. What is the purpose of your testimony?**

20 A. The purpose of my testimony is to respond to the opening testimony of other EV market
21 participants, namely EVgo and ChargePoint, regarding their various proposals to limit, constrain,
22 or otherwise significantly modify the Company's proposals for ownership of certain EV charging
23 equipment. I also respond to select recommendations of the Utah Department of Commerce
24 Division of Public Utilities (Division) as they relate to utility ownership, competitiveness
25 concerns, and the state of the EV charging marketplace.
26
27
28

1 **Q. Please summarize your recommendations for the Commission in this proceeding.**

2 A. I recommend the Commission reject calls by market participants to significantly overhaul the
3 program in their image, and dismiss other arguments that seek to reduce the scope, or constrain or
4 delay the expeditious development of the utility owned DCFC chargers the Company has proposed
5 over misplaced and inaccurate concerns that the Program does not satisfy the statutory requirement
6 that it “enables competition, innovation, and customer choice in electric vehicle battery charging
7 services, while promoting low-cost services for electric vehicle battery charging”.¹
8

9
10 I am open-minded regarding revisions to the rate to be offered to EV drivers at utility owned DCFC
11 stations, the extent to which this addresses competitiveness concerns, however I strongly disagree
12 that delaying or reducing the scope and scale of this program is either warranted or beneficial to
13 drivers or the development of the marketplace.
14

15 **I. The market for providing public charging services is not truly competitive in Utah.**

16
17 **Q. EVgo witness Ms. Rafalson² and ChargePoint witness Mr. Wilson³ described the EV
18 charging market in Utah as “competitive”. Do you share these views?**

19
20 A. No. A competitive market for deploying public charging infrastructure does not exist at present
21 in Utah. Greenlots expects this dynamic will change in time as EV adoption increases. Once EVs
22 become plentiful enough in Utah to support a business case for private parties to profitably deploy
23 and operate public charging infrastructure, the market can be plausibly described as competitive.
24

25
26 ¹ Utah Code Ann. § 54-4-41(4)(d)

27 ² Direct Testimony of Sara Rafalson at p. 3, 12, 22, filed in this docket on October 19,
2021.

28 ³ Direct Testimony of Justin Wilson at p. 10-11, filed in this docket on October 19, 2021.

1 Greenlots sees the instant filing as a critical step to help mature the market to that point sooner
2 rather than later. At present a competitive market is aspirational, outside of very limited
3 circumstances where a motivated buyer at scale of charging products and services may exist.
4

5 In my opening testimony, I further described the reasons why there currently is not a competitive
6 market for providing these services in the Company's service area, a market failure the Program
7 is designed to help address. Indeed, regardless of the number of suppliers or robustness of a certain
8 supply chain, a market cannot be "mature" or "competitive" in the absence of a sufficiently large
9 number of motivated buyers. This is something the EV market currently lacks, especially in
10 traditionally underserved communities. For example, while there is market competition between a
11 relatively small field of sellers of EV charging products and services to motivated investors/site
12 hosts in some market segments, such as residential and business Level 2 charging, those motivated
13 buyers are relatively few and far between. For public charging, we have not seen a truly
14 competitive market for offering these services directly to drivers, or for offering infrastructure to
15 third-party operators beyond relatively narrow cases. This is despite significant private investment
16 in a variety of companies engaged in transportation electrification across technology,
17 infrastructure, and services.
18

19
20 There is a parallel to other nascent markets. For example, there were renewable energy companies
21 operating before the passage of renewable energy standards, but that did not obviate the need to
22 jumpstart the renewable energy market.
23

24
25 **Q. How are these market conditions different or specific to the market for offering DC fast**
26 **charging services directly to EV drivers?**
27
28

1 A. These underlying market conditions are compounded and heightened all the more in the context
2 of DC fast charging infrastructure, which is the most expensive charging infrastructure to develop
3 for light duty vehicles. We have not yet seen a competitive market for offering these services
4 directly to drivers, or for offering infrastructure to third-party operators beyond narrow cases
5

6 This reality is exemplified by the fact that the two primary companies engaged in the owner-
7 operator business model for public DC fast charging, EVgo and Electrify America, were seeded
8 or aided by millions and billions of dollars, respectively, of negotiated spending stemming from
9 legal settlements. Characterizing this as true “private investment” would be misleading. The fact
10 that no other EV charging company of scale known to Greenlots operates in the U.S. with this
11 owner-operator business model using solely naturally motivated and seeded private capital or even
12 other forms of public funding in developing DC fast charging infrastructure, is very telling of the
13 true competitiveness of this market.
14

15
16 These companies’ investments have been of tremendous benefit to the market as a whole, and to
17 EV drivers and the development of the EV charging marketplace specifically, just as utility
18 investment – including that proposed by the Company – helps to move the market forward. Indeed,
19 beyond the investment controlled by Electrify America which has flowed to providers of products
20 and services Electrify America has procured, other components of that settlement have flowed as
21 funding benefitting still further drivers and market participants. However, this need not obscure
22 the economic realities of those investments, or mischaracterize the nature of this “private
23 investment.” For these additional reasons, the Commission should not make program
24 modifications purely in the image of this specific business model, in which there are no market
25 players known to Greenlots existing off of and developing charging infrastructure with true, pure-
26 play private investment. This would be especially inappropriate as it would act to solidify the hold
27
28

1 these developers already have on this activity, while reducing the market opportunity for those
2 parts of the industry that were originated with and are operating purely with true private
3 investment.

4
5 **Q. How should the Commission consider competitiveness in the EV charging products and**
6 **services market when evaluating the Company’s proposed investments?**

7
8 A. Greenlots expects that the approval of the Program will lead to a large uptick in the deployment
9 of EV charging infrastructure in a short period of time. This purposeful approach will help address
10 early market issues – i.e. the trough between early adopters and broader adoption of EVs. It is a
11 classic “chicken and egg” problem that the Program seeks to address. Indeed, the perceived lack
12 of available charging infrastructure poses a barrier to widespread EV adoption, and thus prevents
13 the utilization needed for EV charging projects to yield a positive return on investment as described
14 above. Utility programs and investments in transportation electrification are thus vitally needed to
15 catalyze a virtuous cycle whereby the increased visibility of EV charging stations leads to more
16 EV adoption, which in turn creates more station utilization, which in turn improves the business
17 case for EV charging and reduces the need for incentives over the long term. The proposed
18 Program is a critical step necessary to help mature the market to that point sooner rather than later.
19 So, the fact that there are companies competing does not rise to the level of a “competitive” market
20 such that the Company’s investments in DC fast charging is not needed to scale the market to a
21 meaningful level for purposes of electrification of transportation as an economic sector.
22
23

24
25 **II. The Commission Should Ignore Calls from Market Participants to have the Company**
26 **Redesign the Plan or its Components in their Image**

1 **Q. In opening testimony, ChargePoint offers extensive program design modification**
2 **recommendations⁴ that would erode the utility owned and procured DC fast charging**
3 **program, and have it redesigned as a site host-focused program. Do you agree with these**
4 **recommendations?**

5
6 A. Greenlots respects the market views and business models of all market participants, and indeed,
7 those of Greenlots' customers, and recognizes that there are a diversity of approaches and
8 objectives. We also recognize that different program components proposed by the Company may
9 be more or less commercially advantageous for or aligned with a particular company's business
10 model. That said, Greenlots strongly opposes ChargePoint's recommendations, and asserts that it
11 would be wholly inappropriate to redesign the program in the image of what a single market
12 participant advocates, especially, for example, one with a self-purported majority market share⁵.
13 Many market participants, including Greenlots, do not have business models specifically centered
14 around selling directly to site hosts, focusing instead on larger business-to-business opportunities,
15 and larger scale procurement programs. The Commission should resist recommendations that
16 would result in program design homogenization by having the plan conform to the needs of a
17 specific company's customers or a company's specific business model or market ideal.
18
19

20 While site hosts certainly are an important part of the EV charging ecosystem, they represent just
21 one (key) part of it. There are other important considerations when designing programs that will
22

23
24 ⁴ Id. at p. 39-45; 54-61.

25 ⁵ See ChargePoint Releases List of Top 10 Regions for Electric Vehicle Growth,
26 <https://www.chargepoint.com/about/news/chargepoint-releases-list-top-10-regions-electric-vehicle-growth/> (last visited October 28, 2021) ("ChargePoint is the largest and most open electric vehicle (EV)

27 charging network in the world, with more than 15,000 charging locations and a 70%+
28 market share.")

1 most effectively grow the market. Principal among these considerations are driver needs, as they
2 are the ones actually making the critical decision whether to drive electric, or not. Except in some
3 fleet situations, site hosts usually aren't the party that is electrifying their vehicle(s).
4

5 **Q. Why is this distinction between site host interest and driver interests important?**

6 A. This is critical because supporting driver decisions to electrify and ensuring their
7 experience is positive once driving electric is one of the most important considerations when
8 designing programs to support and accelerate transportation electrification. Site hosts and their
9 needs are an intermediary element of this equation, and it also turns out that many site hosts can
10 be equally well served, if not better served in some instances, when a utility provides a seamless,
11 turn-key program and takes care of all the procurement, installation, operation, maintenance and
12 ownership details associated with EV charging stations. Especially for DC fast charging, site hosts
13 being presented with a large number of charging technologies, choices and options where they
14 have to make decisions and handle a multitude of details on matters where they may hold no
15 particular technical or procurement expertise, does not necessarily better serve their needs.
16 Moreover, especially for DCFC, it doesn't necessarily lead to a better EV driver experience using
17 that charging infrastructure when these various critical considerations are being handled by an
18 entity that may hold no particular core competencies in these areas (unlike a utility, for example).
19
20
21

22 **Q. How do private entities that offer charging services directly to drivers procure charging**
23 **solutions?**
24

25 The efficacy of utility wholesale procurement is illustrated by the fact that private market EVSE
26 owner-operators (such as Electrify America and EVgo) bulk procure their hardware and software
27 solutions. These companies could choose to give these sorts of choices to the sites that host their
28

1 chargers, or procure their equipment and solutions via smaller retail transactions rather than in
2 bulk. But for obvious reasons, this is not how they conduct their business. They want to provide a
3 relatively consistent and unified experience to drivers, and realize the efficiency benefits bulk
4 procurement provides. Rocky Mountain Power should be able to do the same for chargers it owns
5 and operates, enabling it to provide these same benefits to drivers and its ratepayers, and the
6 Commission should at this time ignore recommendations to the contrary.
7

8 **Q. ChargePoint proposes several modifications to the utility owned DC fast charge program,**
9 **including to allow for site hosts to have at least two hardware and network choice options in**
10 **the DCFC program and to give site hosts the flexibility to become the customer of record**
11 **and set their own pricing for EV drivers.⁶ Do you agree with this recommendation?**
12

13
14 A. No, I don't. Greenlots supports the design of the company-owned DC Fast Charging offering
15 and disagrees with ChargePoint's position that these two aspects of the program should be
16 modified.
17

18 I do not agree with this position because Greenlots believes that decisions about operating
19 software, including the choice of an EV charging network provider, are the province of the
20 infrastructure asset owner – in this case, the Company. The asset owner is best positioned to
21 determine network requirements and standards, implementation considerations, and program
22 management strategies. Additionally, the core expertise of an electric distribution utility is the
23 delivery of electricity, which inherently includes utilizing software to manage load. Accordingly,
24 within the context of a decision to select a software platform to manage EV charging, Greenlots
25
26
27

28 ⁶ Direct Testimony of Justin Wilson at p. 54-61.

1 believes the utility is best positioned to make an expert decision. Indeed, these decisions about
2 software are critical to successful program implementation and program management.

3
4 Moreover, the infrastructure owner is the party responsible for the equipment, its upkeep, and the
5 driver charging experience, and importantly, the asset owner is not necessarily the site hosting the
6 equipment. At this stage, putting sites which happen to host charging equipment in control of this
7 decision-making, when they are not the asset owner, would result in a serious misalignment of
8 responsibilities and critical gaps in accountability not aligned with the prudent stewardship of
9 ratepayer investments or maximizing the benefit and charging experience of drivers. It is
10 inherently reasonable on its face that the asset owner should be able to make any asset procurement
11 decisions, including what hardware and software to use, and how many different solutions it may
12 wish to procure, when it will be responsible for the asset's operation, maintenance, and customer
13 satisfaction.
14

15
16 Recommendations that attempt to obscure this will rarely be cost effective, in alignment with
17 procurement best practices, or ultimately be supportive of true customer choice. Instead, to actually
18 provide for this, utilities require procurement flexibility and choice especially when they are the
19 asset owner, and the ability to set procurement requirements and make procurement decisions that
20 are cognizant of these realities, and can best serve their customers and EV drivers. As discussed
21 above, private entities that offer charging services directly to drivers procure charging solutions in
22 this manner, and the Company's program, current and future EV drivers, and ratepayers should
23 have the same benefit.
24

25
26 **Q. Does providing site hosts with a choice of at least two network providers in the utility**
27 **owned DCFC program present other potential issues and challenges?**
28

1 A. Yes, it does. Greenlots has seen directly and has heard from multiple utilities that integration
2 of multiple networks for DCFC can increase program implementation time and add to program
3 costs. According to these utilities, it can also result in increased consumer protection and security
4 concerns with respect to the flow of customer data, and outside entry points into back-end utility
5 billing systems. To these utilities, separately integrating with each EV charging provider’s specific
6 network offering is one of the most challenging aspects of EV pilots and programs, and has at
7 times led to utilities opting against pursuing deeper network integrations.
8

9
10 **Q. ChargePoint further asserts that “RMP’s proposal to select a single network service**
11 **provider and a single equipment provider is inconsistent with Section 54-4-41(4)(d)’s**
12 **requirement that RMP’s proposal enable ‘competition, innovation, and customer choice in**
13 **electric vehicle battery charging services.’”⁷ Do you agree?**

14
15 A. No, I do not. To support this contention, ChargePoint describes its own site-host focused market
16 ideal, which as described earlier is an incomplete picture of the market, and then characterizes this
17 as “the competitive marketplace”. To my view, this contention is emanates from how ChargePoint
18 wishes the program be designed, rather than from the statute. In Greenlots’ view the ultimate end
19 “customer” within the Company’s Program is the driver, not the site host. Developing more
20 charging infrastructure clearly increases driver/customer “choice in electric vehicle battery
21 charging services”. However, the Company, the envisioned asset owner, would certainly be a
22 customer of market participants competing with others to win the Company’s business.
23

24 ChargePoint further asserts that this “...offers no opportunities for innovation because there is a
25 single procurement event – the RFP. Site hosts that participate in RMP’s Company-owned Charger
26
27

28 ⁷ Id. at p. 54.

1 program will be locked into the solution RMP selects in the RFP and have no opportunity to select
2 more innovative solutions.”⁸ This assertion again misunderstands who the customer is when
3 developing public charging to offer charging services directly to drivers. As discussed earlier, it
4 is the driver, not the site which happens to host the charger, and the responsibility of making these
5 procurement choices must be with the asset owner, the Company in this case. As is the case when
6 EVgo or Electrify America develops public DC fast charging, the site host is only an intermediary
7 in the infrastructure development process, and in many cases isn’t doing anything more than
8 leasing the space for the chargers.
9

10
11 Accordingly, ChargePoint’s concerns are misplaced. Even so, Greenlots finds it ironic that
12 ChargePoint is taking issue with site hosts being “locked into” a particular charging solution
13 without the opportunity “to select more innovative solutions” beyond the initial “procurement
14 event”, as this describes exactly ChargePoint’s long-standing approach to the market. ChargePoint
15 is the only major EV charging services provider in the country that still uses hardware and software
16 operating on proprietary communication protocols, where its charging hardware can only work
17 with its own software and network services, or is only allowed to, contractually. Accordingly,
18 ChargePoint’s own customers become locked into using its particular software and network
19 services, and there is no opportunity for other providers to compete for that site host’s business,
20 without replacing the hardware, after the initial purchase point. Indeed, proprietary technologies
21 prevent the marketplace from being able to continuously compete for a given operator’s or site
22 host’s business, instead confining competition to just the upfront purchase decision. This hampers
23 competition more so than anything the Company is proposing.
24
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28 ⁸ Id. at p. 55.

1 **Q. With respect to the utility owned DCFC program, how does utility procurement of the**
2 **software management platform in fact foster increased competition?**

3
4 A. Utility procurement enables and can ensure a software management platform that is
5 interoperable, meaning it can speak to many makes, models and brands of EV chargers, provided
6 those chargers communicate via an open communication protocol, such as Open Charge Point
7 Protocol (OCPP). Indeed, interoperability of the software management platform amplifies the
8 potential for competition. Hardware – the physical charging station – is typically a one-time
9 expense that has an expected useful life of five to ten years. Indeed, it is generally a one-time
10 purchase, and vendors compete at the beginning of the program based on existing products at that
11 time. However, competition for hardware can continue as programs are expanded and/or if key
12 feature development warrants competitive replacement of already deployed hardware.
13

14
15 By contrast, a software management platform is both a product and a service that is continually
16 evolving and can be improved upon by the network providers. This creates a market environment
17 in which the network operators are continuously competing to offer the best product and service.
18 For the utility to take advantage of this competitive market landscape, however, the software must
19 be built upon a foundation of interoperability that enables seamless network switching. Without
20 interoperability, network competition is significantly diminished or rendered infeasible. With
21 interoperability, network competition is maximized, not only at the initial point of procurement
22 but throughout the duration of a program or asset management.
23

24
25 **Q. Are there examples or analogies to other industries where interoperability supports**
26 **increased competition, program efficiency, and a better user experience?**

1 A. Yes, there are. Cell phone networks enjoy a high level of interoperability, meaning that any
2 user can technologically easily choose and switch between different networks (like T-Mobile,
3 Verizon, AT&T, etc.), without having to change their cell phone hardware. The cell phone
4 customer experience exists precisely because there are standards that allow all those different
5 "edge solutions" to interoperate (i.e., the edge solutions interface into a cell backbone that is highly
6 standardized).
7

8 For these reasons, expecting utilities to support multiple software or network service platforms for
9 DCFC solutions they procure, own and operate, each with significant integration costs, isn't
10 scalable, cost effective, in alignment with procurement best practices, or ultimately even
11 supportive of true customer choice and switching ability. Instead, to actually provide for this,
12 utilities require procurement flexibility and choice, and the ability to set procurement requirements
13 and make procurement decisions that are cognizant of these realities.
14

15
16 **Q. ChargePoint asserts that there can, or should be, parity and "...a level playing field**
17 **between the utility-ownership and third-party ownership elements of the program."**⁹ **Do you**
18 **agree?**

19
20 A. While it is unclear if ChargePoint is doing this deliberately, this assertion appears to attempt to
21 compare and create parity between apples and oranges with respect to these programs, their
22 objectives, and the customers they intend to serve. As ChargePoint attempts to illustrate,
23

24 ...under the Company-owned Charger proposal, RMP would select, procure, install and
25 maintain Company-owned chargers at locations throughout its service territory. Site hosts
26

27
28

⁹ Id. at p. 39.

1 on whose property RMP installs Company-owned Chargers would receive the charging
2 stations, 100% of the make ready, *plus* free maintenance and free network services for the
3 life of the charging station.
4

5 By contrast, a site host that chooses to own their EV chargers and participate in RMP's
6 proposed make-ready infrastructure program and Schedule 120 incentives would receive
7 only partial make-ready incentives and a partial rebate for the charging station. That site
8 host would be required to pay for any additional cost above the rebate amount of the
9 charging equipment and its installation, including the full cost of maintenance and network
10 fees. This tilted playing field strongly favors RMP's proposed Company-owned Charger
11 program and will significantly undermine the overall success of the EVIP because the
12 Company-owned Charger program and make-ready programs will be competing with one
13 another, rather than complementing one another.¹⁰
14
15

16 As discussed extensively earlier, the company-owned DC fast chargers are intended to serve
17 current and future EV drivers by directly offering public charging services to them. While
18 ChargePoint may wish this were not the case, this public charging use case, market segment, and
19 this program is not about site hosts, in contrast to the proposed make-ready infrastructure program
20 and Schedule 120 incentives. The sites hosting this public charging equipment are more than likely
21 only leasing or otherwise granting access for the Company to install chargers, and have no concern
22 or interest with respect to the specifics of what is installed other than that it is well-maintained by
23 the Company. Nor should they, as they are not responsible for its operation or upkeep. The fact
24 that the Company is approaching these market segments with different approaches is a feature, not
25
26
27

28 ¹⁰ Id. at p. 40.

1 a defect, as different market segments and different potential customers deserve different, tailored
2 offerings.

3
4 While respecting ChargePoint's site host-focused lens, the assertion here seems misplaced. Indeed,
5 the examples ChargePoint provides of other commission decisions from other jurisdictions that
6 attempted to create a sort of parity between utility-owned and customer-owned offerings, are not
7 comparable or applicable to this situation. The two examples provided involved offerings
8 addressing the same market segment and target customers, and in neither situation was the utility
9 proposing to offer public charging services directly to drivers (one involved offerings to multi-unit
10 dwellings, and the other to schools) in contrast to the Company's proposal to offer services directly
11 to drivers. ChargePoint's premise and contention with this suggestion, therefore, lacks merit.

12
13 **III. The Company's proposed utility-owned DC fast charging offering is critically needed**
14 **to accelerate EV adoption and support current and future EV drivers, and should not be**
15 **delayed or reduced in size or scope.**

16
17 **Q. ChargePoint¹¹ and the Utah Department of Commerce Division of Public Utilities (the**
18 **Division) witness Mr. Williams¹² propose reducing the budget of the utility-owned DC fast**
19 **charger program in relation to other program components. Do you agree?**

20
21 A. No, I do not. This key centerpiece of the Company's filing is derived directly from the
22 authorizing statute, and as the legislature clearly recognized, is critically needed to support EV
23 drivers and EV adoption. For the same reasons and arguments made earlier, reducing the scope
24 of this offering will not better support competition, and may, in fact, reduce competition and the
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¹¹ Id. at p. 39.

28 ¹² Direct Testimony of David Williams at p. 12-14 filed in this docket on October 19, 2021.

1 development of a competitive EV charging market, while slowing EV adoption by failing to
2 maximize the utility of these investments to EV drivers. This will also likely exacerbate
3 inequitable results by failing to quickly and directly support as many drivers in geographies that
4 have proven harder to serve by the private market.
5

6 It is worth noting that even by the Division's own analysis, "...the Company's proposed 20-25
7 Company-owned DCFC stations will likely be a small percentage of the new DCFC stations in the
8 next ten years." Its argument to reduce the scope of this program component on the premise that it
9 "...does not enable competition"¹³ therefore does not appear to follow or be internally consistent.
10 Greenlots agrees with the Division's assertion that this investment will be small in relation to the
11 size of the market in the next 10 years, and therefore further asserts that this market seeding
12 investment to directly serve EV drivers should not be reduced in scale.
13

14
15 **Q. How would you respond to arguments that utility-owned public charging, DC fast**
16 **charging in particular, and especially in metro areas, may hamper private market**
17 **development and market opportunities?**
18

19 Concerns about the Company controlling too large a market share such that utilization of other
20 networks is eroded¹⁴ misses the point of the investment that the Legislature called for. First, this
21 concern significantly underestimates the ultimate size of the market which this program is designed
22 to help support. Second, this type of concern mistakenly portrays the market as being fixed in size.
23 In reality, private market EVSE development and utility EVSE development is not a zero-sum
24 game, and it behooves no one to view any charger owned by a utility as one not owned by the
25

27 ¹³ Id. at p. 13.

28 ¹⁴ For example, Direct Testimony of Sara Rafalson for ChargePoint at p. 12.

1 private market. Not understanding the additive nature of utility investment, and that the market is
2 not fixed in size, fundamentally misconstrues both the state of the market, and the dynamics that
3 influence market development.

4
5 Instead of viewing the EV charging market narrowly or of such a size that utility investments will
6 crowd out market investment, the Commission should take the long view, as the Legislature did.

7 The market for EVs can be viewed as over time ultimately replacing existing and future non-EVs.
8 In this long-range view, the EV charging infrastructure market will be as widespread as the current
9 deployment of gas stations, except that instead of being on every major corner, its range can extend
10 to every parking lot and home. Thus, while other EV charging providers may testify regarding the
11 ability of the utility to take away market opportunity, they miss the forest for the trees. A rising
12 tide to lift all boats is the purpose of the program. Indeed, utility investments now in public EV
13 charging will provide more opportunity for all down the road while addressing critical investment
14 gaps today.

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17 **Q. EVgo¹⁵ and ChargePoint¹⁶ argue that the Commission should delay or postpone**
18 **Company-owned DCFC development, the former for 2.5 years from the effective date of the**
19 **program, in metropolitan locations, and the latter for two years in all locations. Do you agree**
20 **with these suggestions?**

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22 A. No, I do not, and it is worth noting that combining ChargePoint's suggestion with its other
23 suggestions that "...developers should be given one year from the date RMP identifies a given
24 location to provide notice to RMP that they intend to deploy chargers at that location, after which
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¹⁵ Id. at p. 18-19.

28 ¹⁶ Direct Testimony of Justin Wilson at p. 42-43.

1 they should be given 18 months to begin development” would seemingly create the completely
2 absurd result of delaying these investments for at least 4.5 years in total. Even if ChargePoint’s
3 recommended delays run concurrently, it is extremely difficult to see how drivers, or indeed,
4 market participants such as ChargePoint, would be better served by these delays that would result
5 in less capital being invested in infrastructure and fewer charging options for drivers.
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7 Indeed, the utility-owned public DCFC component is likely the most critical element of the
8 Company’s program in directly advancing equitable access to transportation electrification.
9 Accordingly, a sense of urgency is not only appropriate but also necessary in addressing these
10 market gaps. These recommendations collectively would seem to relegate these fundamental
11 equity gaps and driver and market needs into a secondary role and give priority to the specific
12 corporate interests of certain developers and a particular business model. This would be at the
13 expense of other business models, and the clear needs of EV drivers, all while delaying benefits to
14 areas that already are underserved, which certainly includes metropolitan areas, perpetuating and
15 compounding the inequities the program would otherwise make significant strides in addressing.
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18 **Q. Do you have competitive interest concerns with these collective recommendations by EV**
19 **charging providers?**
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21 A. Yes. The collective program design modifications proposed by EVgo and ChargePoint would
22 seem to give particular business models successive “bites at the apple” across the different program
23 components. After being able to use Schedule 120 incentives and proposed make ready offerings,
24 and significantly delaying the utility-owned DCFC program in both scenarios, ChargePoint
25 seemingly also asserts that other market participants be given an additional right of first refusal at
26 developing those stations/locations. These recommendations collectively represent an
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1 impermissible overreach while disadvantaging other business models and segments of the
2 industry, including that of Greenlots, and should accordingly be rejected.

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4 **IV. The Commission should consider stakeholder recommendations to adjust the Company’s**
5 **pricing proposal for utility-owned public chargers.**

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7 **Q. A variety of stakeholders propose various recommendations to adjust the Company’s**
8 **pricing proposal for utility-owned public chargers, with the overarching ambition of better**
9 **supporting private market competition. What does Greenlots recommend?**

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11 A. Greenlots encourages the Commission to consider these stakeholder recommendations. The
12 extent to which the Commission sees the need for the program to better align than it does as filed
13 with the statutory directive that it “enables competition, innovation, and customer choice in electric
14 vehicle battery charging services, while promoting low-cost services for electric vehicle battery
15 charging,”¹⁷ Greenlots encourages a focus on this element of the Company’s proposal. While the
16 legislation clearly calls for providing cheaper charging options, and it authorizes the Company to
17 propose different charging prices for its customers and non-customers, there may be opportunity
18 to adjust the rates to still achieving these goals while addressing various stakeholder concerns
19 about the rate and the program more generally.

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22 Addressing the disparity between the cost to charge an EV at home, and the cost to do so outside
23 of home charging, something many customers do not have access to, is an important challenge to
24 address in advancing transportation electrification, and something this specific program

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¹⁷ Utah Code Ann. § 54-4-41(4)(d).

1 component is uniquely situated to do. Greenlots appreciates the Company's approach while
2 recognizing there is also likely merit to various stakeholder suggestions related to this rate.

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4 **Q. Does Greenlots support the use of time-of-use price signals to drivers in the context of**
5 **public charging, as the Company has proposed?**

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7 A. Yes, Greenlots supports the use of price signals and other means to manage charging to support
8 the efficient and effective grid integration of EV charging. While this has generally had broad
9 stakeholder support in residential, workplace, and to a lesser extent, fleet charging contexts, there
10 has been an unfortunate industry trend towards unmanaged public charging, especially for DC fast
11 charging, despite technology options that can support driver and site host cost and experience
12 management. Greenlots is encouraged that the Company has taken steps to ensure that customers
13 see price signals associated with serving this load that reflect system and/or local conditions. All
14 too often, in DCFC contexts in particular, price signals are not seen by drivers and asset owners
15 "eat" energy costs not borne by drivers, contributing to a less attractive investment case. Ratepayer
16 benefits associated with transportation electrification are directly linked to effective load
17 management and grid integration considerations, and therefore sending appropriate price signals
18 with rate design, or bringing technology solutions to bear for a similar purpose should be a central
19 consideration.
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22 **V. Conclusion.**

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24 **Q. Please summarize your testimony.**

25 A. Greenlots finds that Rocky Mountain Power's proposed Electric Vehicle Charging
26 Infrastructure Program meets industry best practices and norms and is aligned and compliant with
27 the statutory direction provided by the Legislature in Utah House Bill (HB) 396 (2020), in
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1 particular that it “enables competition, innovation, and customer choice in electric vehicle battery
2 charging services, while promoting low-cost services for electric vehicle battery charging”.¹⁸ The
3 program offerings will spur market development in Utah, providing expanded charging access for
4 current and future drivers, and expanded commercial opportunities for the EV charging industry,
5 all while buoying the growth of the market over time.
6

7 It would be unhelpful and ultimately short sighted, to mortgage long-term market growth and
8 transformation for short term concerns derived from the mistaken view that the EV marketplace is
9 already mature, or inaccurate concerns over the perceived fragility of the near-term market.
10 Critically, this concern and any proposed delay or further compartmentalization of utility
11 investment in public DC fast charging would instead slow the growth of the market while both
12 limiting near-term and long-term opportunities for private market participants. Moreover, it would
13 be inappropriate to redesign aspects of the program in the image of, or to the benefit of any specific
14 business interest or market participant.
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17 **Q. Does this conclude your testimony?**

18 A. Yes it does, thank you.
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¹⁸ Utah Code Ann. § 54-4-41(4)(d).

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I, Thomas Ashley state that the answers in the foregoing written testimony are true and correct to the best of my knowledge, information and belief. The exhibit attached to this testimony was prepared by me or under my direction and supervision, and it is true and correct to the best of my knowledge, information and belief.



Thomas Ashley