

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

Docket No. 20-035-34

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

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**SURREBUTTAL TESTIMONY OF JUSTIN D. WILSON**  
**ON BEHALF OF CHARGEPOINT, INC.**

**November 17, 2021**

**Table of Contents**

I. Introduction and Summary of Recommendations.....3  
II. Response Regarding RMP’s Proposal for Company-Owned Chargers.....4  
III. Response Regarding Proposed Schedule 120 Incentives.....15  
IV. Response to Greenlots’ Witness Thomas Ashley.....17  
V. Conclusion and Recommendations.....25

1 **I. Introduction and Summary of Recommendations**

2 **Q: Please state your name.**

3 A: My name is Justin D. Wilson.

4 **Q: Are you the same Justin D. Wilson who filed Direct Testimony on behalf of**  
5 **ChargePoint, Inc. (ChargePoint) in this docket on October 19, 2021 and Rebuttal**  
6 **Testimony on behalf of ChargePoint on November 4, 2021?**

7 A: Yes, I am.

8 **Q: What is the purpose of your Surrebuttal Testimony?**

9 A: The purpose of my Surrebuttal Testimony is to respond to the rebuttal testimony of Rocky  
10 Mountain Power's witnesses James Campbell and Robert Meredith, Utah Clean Energy  
11 (UCE) witness Thomas Kessinger and Greenlots' witness Tom Ashley.

12 **Q. Are you sponsoring any Exhibits?**

13 A: No.

14 **Q: Please summarize your recommendations to the Commission.**

15 A: I continue to support the recommendations I made in my Direct and Rebuttal Testimony.  
16 Given the accelerated timeline of this docket, my Surrebuttal Testimony does not address  
17 all aspects of the rebuttal testimony of other parties. My silence with respect to any  
18 particular recommendation of another party should not be construed as agreement with that  
19 recommendation.

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23 **II. Response Regarding RMP’s Proposal for Company-Owned Chargers.**

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

25 A: In this section of my testimony, I will address the rebuttal testimony of RMP witnesses Mr.  
26 Campbell and Mr. Meredith with respect to RMP’s Company-owned Charger proposal. I  
27 will first address Mr. Campbell’s arguments with respect to program design and then turn  
28 to Mr. Meredith’s arguments with respect to pricing.

29 **Q: In responding to the Division’s arguments that the EVIP focuses too heavily on utility**  
30 **charging stations and that the discounts RMP proposes to provide to ratepayers are**  
31 **excessive, Mr. Campbell states: “Utility ownership of infrastructure and charging**  
32 **service within the Program is not just a component of the statute, it is the primary**  
33 **purpose of the statute.”<sup>1</sup> Similarly, Mr. Campbell later states: “Ultimately, Section**  
34 **54-4-41 of Utah Code is about utility-owned infrastructure and charging service not**  
35 **non-utility owned infrastructure and charging service.”<sup>2</sup> How do you respond?**

36 A: While I am not an attorney, I disagree that utility ownership of *chargers* is the primary  
37 purpose of the statute. HB 396 defines “utility-owned vehicle charging infrastructure” to  
38 mean “all facilities, equipment, and electrical systems owned and installed by a large-scale  
39 electric utility: (a) on the customer’s side of the large-scale electric utility’s side of the  
40 electricity metering equipment; and (b) to facilitate utility vehicle charging service or other  
41 electric vehicle charging service.”<sup>3</sup> Further, HB 396 authorizes up to \$50 million in

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<sup>1</sup> Campbell Rebuttal, p. 9.

<sup>2</sup> Campbell Rebuttal, p. 11.

<sup>3</sup> Utah Code Section 54-2-1(36)

42 spending for “(i) the deployment of utility-owned vehicle charging infrastructure; and (ii)  
43 utility vehicle charging service provided by the large-scale electric utility.”<sup>4</sup> In other words,  
44 HB 396 requires EVIP spending to cover both make-ready infrastructure (for chargers  
45 owned by site hosts and RMP) and chargers owned by RMP. Mr. Campbell’s contention  
46 that the *primary* purpose of HB 396 is to support chargers owned by RMP finds no support  
47 in the statute. Rather, HB 396 directs the Commission to evaluate RMP’s EVIP proposal  
48 according to the public interest criteria listed in Section 54-4-41(7), which does not include  
49 any preferences for utility-owned chargers over chargers owned by site hosts.

50 **Q: Mr. Campbell argues that RMP’s proposed discounted charging prices for RMP**  
51 **customers is consistent with the statutory criteria to promote “low-cost services” for**  
52 **EV drivers and that “to artificially force the EVIP to conform with other third-party**  
53 **business models may be in direct violation of the section because the third-party**  
54 **business models may not be promoting low-cost services.”<sup>5</sup> How do you respond?**

55 A: The criteria of promoting “low-cost services” must be balanced with the first part of  
56 subsection (4)(d), which requires that the EVIP “enables competition, innovation, and  
57 customer choice in electric vehicle charging services.” Given that many site hosts compete  
58 for EV drivers on price (as well as other factors), the Commission should look first to  
59 whether the EVIP programs enable competition. As I discussed in my Direct Testimony, it  
60 will be extremely difficult for site hosts to compete with RMP’s proposed discounted prices  
61 because they are comparable to or below the rates that site hosts pay for electricity.<sup>6</sup>

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<sup>4</sup> Utah Code Section 54-4-41(2)(a).

<sup>5</sup> Campbell Rebuttal, p. 10.

<sup>6</sup> Wilson Direct, pp. 48-50.

62 Accordingly, the Commission should not promote low-cost prices at RMP’s Company-  
63 owned Chargers at the expense of competition.

64 RMP argues that it meets this statutory provision by *providing* deeply discounted  
65 charging prices to its own ratepayers, but the statutory provision uses the phrase “while  
66 *promoting* low-cost services.” Providing low-cost services is different from promoting  
67 low-cost services. The most effective way for RMP to *promote* low-cost charging services  
68 is to promote competition among EV charging providers, not for RMP to undercut the  
69 competitive market. Accordingly, it is a red-herring for Mr. Campbell to suggest that  
70 “third-party business models may not be promoting low-cost services.” It is not up to third  
71 parties to promote low-cost services; rather, market competition will promote low-cost  
72 services as site hosts compete for EV drivers on the basis of price and other factors. The  
73 best way for RMP to promote competition is to ensure that there is a level playing field  
74 between the Company-owned Charger program and the make-ready investments,  
75 consistent with the recommendations I made in my Direct Testimony.

76 **Q: Mr. Campbell further argues that shifting more capital spending to make-ready**  
77 **investments as ChargePoint and the Department recommend “could prevent the**  
78 **Company from meeting the prudence requirement envisioned by the Legislature.”<sup>7</sup>**  
79 **How do you respond?**

80 **A:** Mr. Campbell bases this assertion on subsection (7)(b), which states that RMP can  
81 demonstrate the prudence of its EVIP investment by showing that it can be anticipated to

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<sup>7</sup> Campbell Rebuttal, p. 11.

82 provide RMP’s customers with “significant benefits that may include revenue from utility  
83 vehicle charging service that offsets the large-scale electric utility’s costs and expenses.”<sup>8</sup>  
84 Mr. Campbell’s argument confuses RMP’s evidentiary burden with programmatic  
85 modifications that the Commission may require in its final order in this proceeding.  
86 ChargePoint and the Division both recommend that the Commission direct RMP to allocate  
87 2/3 of its capital spending to make-ready investments for chargers owned by site hosts. If  
88 the Commission approves the EVIP with this modification, then RMP’s burden of  
89 demonstrating prudence will have been met. It simply does not make sense for Mr.  
90 Campbell to argue that RMP would fail to meet the prudence requirement by complying  
91 with such a Commission directive.

92 Moreover, revenue at Company-owned chargers is only one way that RMP may  
93 demonstrate prudence under the statute. Under ChargePoint’s and the Division’s  
94 recommendation, RMP would still make a significant investment in Company-owned  
95 Chargers and revenue from those chargers would still offset the costs of the EVIP programs,  
96 consistent with the statute. The statute does not prescribe any specific amount that such  
97 revenues should offset to support the prudence demonstration.

98 **Q: Mr. Campbell argues that the “net effect” of ChargePoint’s recommended**  
99 **modifications to the Company-owned Charger program “would be to eliminate the**  
100 **utility-owned charger service.”<sup>9</sup> How do you respond?**

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<sup>8</sup> Utah Code Section 54-4-41(7)(b).

<sup>9</sup> Campbell Rebuttal, p. 14.

101 A: This assertion is inaccurate. Under ChargePoint’s recommendation to provide site hosts  
102 with at least two choices in hardware providers and network service providers and to allow  
103 site hosts the option of setting prices, RMP would still own the chargers. In my Direct  
104 Testimony, I provided a list of other utility programs in which the utility owns and operates  
105 the chargers but provides site hosts with these choices.<sup>10</sup> RMP provides no reason why it  
106 could not provide these choices in its Company-owned Charger program, other than its  
107 apparent preference not to do so. There is nothing in statute that requires RMP to only offer  
108 a single hardware solution and a single network solution through the Company-owned  
109 Charger program. Given the benefits that providing these choices provides to the  
110 competitive market and the statutory criteria that the EVIP programs enable competition,  
111 innovation, and customer choice, ChargePoint continues to recommend that the  
112 Commission ensure that customer choice be a design feature of the Company-owned  
113 Chargers program.

114 **Q: Mr. Campbell further states: “It is highly inappropriate for a company like**  
115 **ChargePoint to try and influence that process through this proceeding since it could**  
116 **be a potential bidder or in direct competition with potential bidders.”<sup>11</sup> How do you**  
117 **respond?**

118 A: ChargePoint takes exception to RMP’s suggestion that ChargePoint’s advocacy in this  
119 proceeding is inappropriate in any way. ChargePoint’s recommendations with respect to  
120 the Company-owned Charger program have not been designed to benefit ChargePoint at

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<sup>10</sup> Wilson Direct, pp. 56-57.

<sup>11</sup> Campbell Rebuttal, p. 14.



121 the expense of other charging providers, but to ensure that RMP supports the existing  
122 competitive market, without distorting or undercutting that market. Mr. Campbell does not  
123 specify which part of my Direct Testimony he refers to when he states, “Mr. Wilson  
124 attempts to shape the Company’s RFP process,” but shaping the RFP process itself is not  
125 a primary concern for ChargePoint. Rather, ChargePoint’s primary concern with the  
126 proposed RFP process is that RMP proposes a “one-size, fits-all” solution that would not  
127 allow site hosts to determine their preferred solution. As a participant in the existing  
128 competitive market, there is nothing inappropriate about ChargePoint recommending that  
129 the Commission require RMP to ensure that competitive market dynamics are a feature of  
130 the Company-owned Charger program. In ChargePoint’s experience, the most effective  
131 way to ensure that utility programs enable competition, innovation, and customer choice,  
132 as required by statute, is to ensure that site hosts can choose their preferred charging  
133 hardware provider and network service provider through the program, just as they can do  
134 in the absence of the utility program.

135 **Q: Turning to Mr. Meredith’s arguments, Mr. Meredith first argues that ChargePoint**  
136 **is incorrect that its proposed charging prices are so low that they will incentivize**  
137 **customers to charge away from home and points out that the cost of an average DC**  
138 **fast charging session at a Company-owned Charger “is basically right at the level of**  
139 **the Company’s second tier energy charges.”<sup>12</sup> How do you respond?**

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<sup>12</sup> Meredith Rebuttal, pp. 16-17.

140 A: While I agree with Mr. Meredith that there is a convenience factor in favor of charging at  
141 home for many customers, charging the same price per-kilowatt-hour for DC fast charging  
142 as customers pay for electricity at their homes is a significant market distortion. DC fast  
143 charging is a significantly different service from charging at home and the only reason  
144 RMP could offer cost parity between the two services is that ratepayers will cover much of  
145 the cost of the Company-owned Chargers. Given the vastly different operational  
146 characteristics of DC fast charging versus residential charging, drivers should not be cost-  
147 neutral with respect to charging at a Company-owned DC fast charger versus charging at  
148 home.

149 Further, while Mr. Meredith downplays the role that Level 2 chargers will play at  
150 its Company-owned Charger locations, Mr. Meredith's own analysis demonstrates that the  
151 cost for EV drivers to charge at home will be 3-4 times the 3 cents RMP proposes to charge  
152 at a Company-owned Level 2 charger during off-peak hours (which comprise about 85  
153 percent of the hours of the year). These facts, combined with RMP's rebuttal proposal to  
154 revoke the existing residential Schedule 120 incentives, indicates that RMP intends to use  
155 its pricing proposals to drive utilization at Company-owned Chargers instead of  
156 encouraging drivers to charge where they park.

157 **Q: Mr. Meredith disagrees with ChargePoint's argument that site host-owned DC fast**  
158 **chargers are likely to take service on Schedule 6A and argues that the cost of**

159           **electricity for chargers deployed behind a customer’s existing meter can be much less**  
160           **than taking service on Schedule 6A.<sup>13</sup> How do you respond?**

161    A:       First of all, I expect that most site host-owned DC fast chargers will be separately metered  
162           and not installed behind an existing meter as Mr. Meredith assumes. The most likely rate  
163           schedule a site host will select for separately metered DC fast chargers is Schedule 6A.  
164           Accordingly, I stand behind my analysis.<sup>14</sup>

165                   Even assuming that there will be some site hosts that install DC fast chargers behind  
166           their existing meter, the electricity costs for such chargers will only be less than the  
167           effective \$/kWh rate of Schedule 6A if charging does not coincide with the site host’s peak  
168           kW usage, as Mr. Meredith acknowledges. However, there is very little reason to assume  
169           that charging will not coincide with a site host’s peak demand or that a site host would be  
170           able to control when charging occurs at a publicly available charger. Using Mr. Meredith’s  
171           example of a grocery or big box store that hosts DC fast chargers behind its existing meter,  
172           the store’s peak demand is likely to occur on a hot summer day when the store is busy. The  
173           store’s DC fast chargers are also most likely to be used when the store is busy, with the  
174           effect that the chargers will cause incremental demand charges. Estimating approximate  
175           \$/kWh costs quickly gets complex and requires making many other assumptions, but Mr.  
176           Meredith’s suggestion that site hosts are likely to only pay incremental electricity (\$/kWh)  
177           costs under their existing rate structure does not withstand scrutiny.

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<sup>13</sup> Meredith Rebuttal, pp. 17-18.

<sup>14</sup> Wilson Direct, pp. 48-49.

178 **Q: Mr. Meredith argues that RMP provided justification for its proposed 75 percent**  
179 **discount for RMP customers, stating: “The justification for the 75 percent discount**  
180 **for RMP customers is that it produces prices that compare favorably to gasoline and**  
181 **also reflects the fact that customers are paying for the cost of the stations through a**  
182 **surcharge on their bill.”<sup>15</sup> How do you respond?**

183 A: When Mr. Meredith presented these “justifications” in his Direct Testimony, he pointed  
184 out that RMP’s proposed discount was equivalent to paying \$1.50 per gallon for gasoline,  
185 “which compares favorably to gasoline, which presently costs about \$3.16 per gallon in  
186 Utah.”<sup>16</sup> The fact that RMP’s proposed 75 percent discount results in a gasoline-equivalent  
187 price that is less than half the cost of gasoline is not a justification for a 75 percent discount.  
188 Discounts of 50 percent and 25 percent would also “compare favorably” to the price for  
189 gasoline. RMP provided no explanation for proposing a 75 percent discount as opposed to  
190 a smaller discount.

191 Similarly, the fact that customers will be paying for the cost of the stations through  
192 a surcharge may justify a discount (consistent with statute), but that fact by itself does not  
193 specifically justify a 75 percent discount. As I discussed in my Rebuttal Testimony in  
194 response to the Division, if anything this fact justifies a discount that is roughly equivalent  
195 to the average contribution that a residential customer will make to the Company-owned  
196 Chargers through Schedule 198.<sup>17</sup>

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<sup>15</sup> Meredith Rebuttal, p. 18.

<sup>16</sup> Meredith Direct, p. 7.

<sup>17</sup> Wilson Rebuttal, pp. 11-12.

197 **Q: Mr. Meredith argues that RMP’s proposed five cents per kWh off-peak credit is**  
198 **supported by the difference between average on-peak and off-peak Energy Imbalance**  
199 **Market (EIM) prices.<sup>18</sup> How do you respond?**

200 A: I understand that there is a five-cent difference between RMP’s average EIM costs, but that  
201 does not mean that same differential should be applied to RMP’s charging prices to provide  
202 a five-cent discount during 85 percent of the hours of the year. Mr. Meredith states that  
203 EIM average prices are used “to yield the marginal cost of service for Schedule 6,” but  
204 RMP has not proposed to charge cost-based prices to EV drivers in this proceeding. Rather,  
205 RMP has proposed to offer charging prices to its own ratepayers that are deeply discounted  
206 against its competitive market “benchmark.” RMP then proposes to offer further discounts  
207 on these discounted charging prices during off-peak hours.

208 Accordingly, ChargePoint’s concern is not with the five-cent differential between  
209 on-peak and off-peak EIM prices but with RMP’s proposal to offer a discount on already-  
210 discounted prices. That is why ChargePoint continues to recommend that the Commission  
211 direct RMP to charge an adder during on-peak periods, rather than provide a further  
212 discount during off-peak periods. Contrary to Mr. Meredith’s assertion that this would  
213 “effectively increase the Company’s pricing by five cents per kWh,” this adder would only  
214 apply to 15 percent of the total hours of the year.<sup>19</sup> It makes far more sense for the  
215 Commission to establish the price that will be charged during the vast majority (85 percent)  
216 of the year and then approve an on-peak adder, rather than establish a price that only applies

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<sup>18</sup> Meredith Rebuttal, pp. 18-19.

<sup>19</sup> Meredith Rebuttal, pp. 20-21.

217 to a small minority (15 percent) of the year and approve a discount that will apply the rest  
218 of the time.

219 **Q: Finally, Mr. Meredith opposes ChargePoint’s recommendation for a 10 percent**  
220 **discount for RMP ratepayers, stating: “Mr. Wilson’s proposed discount would not at**  
221 **all be meaningful to customers and would not reflect the significant contribution they**  
222 **have made through Schedule 198 rates.”<sup>20</sup> How do you respond?**

223 A: As I discussed in my Rebuttal Testimony responding to the Division, the value of RMP’s  
224 proposed discount to an average EV driver is many times greater than the contribution an  
225 average EV driver will make through Schedule 198.<sup>21</sup> HB 396 allows RMP’s discount “to  
226 reflect” ratepayers’ contributions to the EVIP investments. As I argued in my Rebuttal  
227 Testimony, there is no reason that the discount RMP ratepayers receive should reflect the  
228 contributions of *other* ratepayers, which is essentially what RMP’s proposal would do.  
229 Accordingly, ChargePoint continues to support the Division’s recommendation that the  
230 discount for RMP ratepayers be set at a level that is roughly equivalent to the average  
231 ratepayer’s contribution through Schedule 198.<sup>22</sup> There is no reason to think that such a  
232 discount would not be “meaningful” to customers as Mr. Meredith asserts.

233 **Q: Do you have any modifications to your prior recommendations on the Company-**  
234 **owned Charger program in response to the rebuttal testimony of RMP’s witnesses?**

235 A: No. ChargePoint’s recommendations regarding the Company-owned Charger proposal  
236 remain the same as set forth in my Direct Testimony and Rebuttal Testimony.

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<sup>20</sup> Meredith Rebuttal, p. 21.

<sup>21</sup> Wilson Rebuttal, pp. 11-12.

<sup>22</sup> Wilson Rebuttal, pp. 11-12.

237 **III. Response Regarding Proposed Schedule 120 Incentives.**

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

239 A: In this section of my testimony, I will respond to the Rebuttal Testimony of RMP witness  
240 Mr. Campbell and UCE witness Mr. Kessinger regarding RMP's proposal to continue  
241 providing Schedule 120 incentives through the EVIP.

242 **Q: Mr. Campbell states that RMP disagrees with all suggestions regarding the Schedule**  
243 **120 incentives, except for OCS' recommendation to limit the incentives to two or three**  
244 **years, and remove the residential incentives until after an education component is**  
245 **implemented and the residential incentives are demonstrated to be in the public**  
246 **interest.<sup>23</sup> How do you respond?**

247 A: I continue to disagree with OCS' recommendations regarding the Schedule 120 incentives,  
248 as discussed in my Rebuttal Testimony.<sup>24</sup> As detailed in my Direct Testimony, residential  
249 charging programs are effective at increasing EV adoption, providing grid benefits, and  
250 providing valuable data regarding residential charging behavior to the utility. Continuing  
251 the Schedule 120 residential charger incentives is an important component of the EVIP.<sup>25</sup>  
252 I therefore recommend that the Commission reject RMP's rebuttal proposal to remove the  
253 residential charger incentives.

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<sup>23</sup> Campbell Rebuttal, p. 19.

<sup>24</sup> Wilson Rebuttal, pp. 26-27.

<sup>25</sup> Wilson Direct, pp. 31-32.

254 **Q: Mr. Kessinger recommends that Schedule 120 residential incentives be increased to**  
255 **\$500, or in the alternative, maintain the incentives at \$200 and provide an increased**  
256 **incentive of \$500 for certain income qualified customers?<sup>26</sup> How do you respond?**

257 A: ChargePoint continues to recommend that the incentives for residential Level 2 chargers  
258 be increased to \$500 and allow the incentives to be applied to all aspects of the charger  
259 installation, including panel upgrades.

260 If the Commission does not adopt my recommendation, I support UCE’s alternative  
261 recommendation to maintain the Schedule 120 residential incentives at \$200 and provide  
262 an increased incentive of \$500 to income qualified customers.

263 **Q: Mr. Kessinger recommends a smart charger requirement for Schedule 120 residential**  
264 **incentives but disagrees with ChargePoint’s recommendation that “the residential**  
265 **portion of the Schedule 120 should be extended to networked chargers.” Mr.**  
266 **Kessinger further states that networked chargers differ from smart chargers due to**  
267 **their ability to connect to a network of chargers, and allows for the owner to require**  
268 **payment for charging.<sup>27</sup> How do you respond?**

269 A: To clarify, ChargePoint’s recommendation for “smart or networked” residential chargers  
270 simply refers to the ability of the charger to connect to the internet and manage the charging  
271 of the electric vehicle. ChargePoint often utilizes these terms interchangeably for  
272 residential chargers, but recognizes that the term “networked” has a different connotation  
273 for commercial chargers, which may be connected to a larger network of publicly available

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<sup>26</sup> Kessinger Rebuttal, pp. 5-6.

<sup>27</sup> Kessinger Rebuttal, pp. 6-7.



274 chargers and allows site hosts to require payment for EV charging services. ChargePoint  
275 support's Mr. Kessinger's recommendation to require smart chargers and did not intend to  
276 propose that chargers have additional functionalities in recommending that chargers be  
277 "smart or networked."

278 **Q: Do you have any modifications to your prior recommendations on the Schedule 120**  
279 **incentives in response to the rebuttal testimony?**

280 A: ChargePoint's recommendations regarding the Schedule 120 incentives remain the same  
281 as set forth in my Direct Testimony and Rebuttal Testimony. However, if the Commission  
282 does not adopt my recommendation for the Schedule 120 residential incentives, I support  
283 UCE's alternative recommendation to maintain the Schedule 120 residential incentives at  
284 \$200 and provide an increased incentive of \$500 to income qualified customers.

285 **IV. Response to Greenlots' Witness Thomas Ashley.**

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

287 A: In this section of my testimony, I will respond to the Rebuttal Testimony of Greenlots  
288 witness Thomas Ashley.

289 **Q: In response to ChargePoint's recommendations for program modifications to the**  
290 **EVIP, Mr. Ashley asserts that ChargePoint's recommendations are intended to**  
291 **redesign the program in the image of ChargePoint's business model and**  
292 **ChargePoint's recommendations would result in program design homogenization by**

293 **having the plan conform to the needs of a specific business model or market ideal.**<sup>28</sup>

294 **How do you respond?**

295 A: ChargePoint takes exception to many of Mr. Ashley's statements regarding the intent of  
296 our recommendations, namely his suggestion that ChargePoint is not participating in this  
297 proceeding in good faith, and that ChargePoint is attempting to redesign the program "in  
298 our image." I find Mr. Ashley's contentions that ChargePoint is not operating in good faith  
299 to be defamatory in nature, and his contentions rely on inaccurate statements regarding  
300 ChargePoint's business operations, which I will detail later in this section.

301 When participating in Commission proceedings, ChargePoint seeks to foster a  
302 collaborative approach between parties. ChargePoint recognizes that stakeholders may  
303 maintain positions that do not align with ChargePoint's, but these perspectives are valuable  
304 and produce a collaborative stakeholder process that results in more robust TE programs.  
305 It is clear that Greenlots has a very different perspective on the EV charging market from  
306 ChargePoint and has aspects of its business model that differ from ChargePoint's. However,  
307 while ChargePoint does not agree with Greenlots as to what is best for RMP ratepayers or  
308 what will serve the public interest in the best possible way, we respect Greenlots' outlook  
309 on the EV charging market as a difference in philosophy and do not jump to the conclusion  
310 that Greenlots, or any other party which advocates for a position that ChargePoint does not  
311 agree with, is not operating in good faith.

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<sup>28</sup> Ashley Rebuttal, p. 8.

312 In fact, some of the positions in Greenlots’ testimony could be similarly construed  
313 as advocating to “shape the program in its image.” For example, Greenlots is a network  
314 service provider that operates EV charging software, but not hardware. By advocating for  
315 a requirement for chargers to communicate via an open communication protocol that  
316 allows for network switching,<sup>29</sup> Greenlots is advocating for a requirement that would align  
317 with its business model and would allow its network to be placed on any hardware  
318 supported by the program. Additionally, Mr. Ashley specifically advocates for the Open  
319 Charge Point Protocol (OCPP), a charger-to-network communication protocol that  
320 Greenlots utilizes,<sup>30</sup> which I further discussed in my rebuttal testimony.<sup>31</sup> OCPP is a  
321 voluntary communication protocol, developed by the Open Charge Alliance, that has not  
322 been adopted or approved by any standards body.<sup>32</sup> While these recommendations, if  
323 adopted, could advantage Greenlots in the program ChargePoint does not make the  
324 assumption that Greenlots is trying to “shape the program in its image” to advantage itself  
325 over other charging providers, but rather assumes that these recommendations stem from  
326 Greenlots’ philosophy on the EV charging market and what it believes will best support  
327 the EV charging market in Utah. Similarly, the recommendations included in my testimony  
328 are simply reflective of what ChargePoint believes best supports the public interest and the  
329 competitive charging market in Utah and are not intended to shape the program in our  
330 image or advantage ChargePoint over other EV charging business models within the EVIP.

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<sup>29</sup> Ashley Rebuttal, p. 14.

<sup>30</sup> *Id.*

<sup>31</sup> Wilson Rebuttal, pp. 22-25.

<sup>32</sup> <https://www.openchargealliance.org/about-us/organization/>.

331 **Q: What are the intentions of your recommendations in this proceeding?**

332 A: ChargePoint’s recommendations in this case, and all cases in which we participate, align  
333 with our company’s philosophy that the competitive EV charging market should be  
334 stimulated and supported by replicating competitive market dynamics as much as possible  
335 within utility transportation electrification programs. This stems from concerns regarding  
336 the impact of utility companies, which normally operate in a *monopoly-based* market to  
337 provide electrical distribution services, expanding their operations into a *competitive*  
338 market to provide services that are not a part of traditional utility services. In other words,  
339 we believe utility programs should be designed in the image of the competitive market, not  
340 in the image of our business. In fact, our recommendations are intended to increase  
341 competition between EV charging service providers within transportation electrification  
342 programs and level the playing field between monopoly utility-owned stations and third-  
343 party providers. Our recommendations in this proceeding will serve to preserve  
344 competitive market dynamics, and are not intended to limit the programs, exclude certain  
345 business models from participating in the programs, or give certain business models  
346 advantages within the EVIP programs.

347 **Q: Mr. Ashley states that Greenlots does not agree with ChargePoint’s recommendation**  
348 **for site hosts to be given a choice of at least two options of hardware and network**  
349 **providers in the utility-owned DCFC program, and that Greenlots has “seen directly**  
350 **and has heard from multiple utilities that integration of multiple networks for DCFC**  
351 **can increase program implementation time and add to program costs” and “[t]o these**  
352 **utilities, separately integrating with each EV charging provider’s specific network**

353 **offering is one of the most challenging aspects of EV pilots and programs, and has at**  
354 **times led to utilities opting against pursuing deeper network integrations.”<sup>33</sup> How do**  
355 **you respond?**

356 A: While I don’t purport to know what Greenlots may have seen regarding utility-owned  
357 DCFC programs, or know what has been said in conversations between Greenlots and  
358 “multiple utilities,” these statements are unsubstantiated hearsay, as Mr. Ashley does not  
359 provide any support for these statements.

360 Conversely, a recent example from Maryland demonstrates the importance of  
361 providing multiple hardware and network options within utility-owned EV charging  
362 programs.<sup>34</sup> In 2019, Baltimore Gas and Electric (BGE) received approval for a utility-  
363 owned DCFC program that provided only one option for the EV charging hardware and  
364 network provider. BGE is experiencing significant reliability issues with its utility-owned  
365 DCFCs that BGE states “can create unpleasant driver experiences for customers,” and is  
366 currently requesting an additional \$1 million in additional ratepayer funds to enable its  
367 single EV network provider to provide the necessary maintenance and repair services to  
368 “ensure an industry-leading reliability factor.”<sup>35</sup> This provides real world proof of the  
369 potential perils utility ratepayers may face when a utility chooses to put “all its eggs in one  
370 basket.” Here again, the facts simply do not support Mr. Ashley’s contention that multiple

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<sup>33</sup> Ashley Rebuttal pp. 11-12.

<sup>34</sup> See p. 127 of the Petition for Implementation of Statewide Electric Vehicle Portfolio, filed on January 22, 2018, for the initial petition, and Order No. 88997, filed on January 14, 2019, for the Commission Decision, in Maryland PSC Case No. 9478.

<sup>35</sup> See p. 33-34 of BGE’s Semi-Annual Progress Report and Mid-Course EV Program Evaluation Report, filed on September 15, 2021, in Maryland PSC Case No. 9478.

371 hardware and network providers increase costs or add complexity. For these reasons,  
372 ChargePoint stands by its initial recommendation to require RMP to offer site hosts on  
373 whose property company-owned Chargers will be deployed at least two choices of EV  
374 charging equipment vendors and at least two choices of network service providers.

375 **Q: Did Mr. Ashely provide any other statements in response to ChargePoint’s**  
376 **recommendation to that site hosts be given a choice to have at least two hardware and**  
377 **network choice options in the utility-owned DCFC program?**

378 A: Yes. Mr. Ashley states that “Greenlots finds it ironic that ChargePoint is taking issue with  
379 site hosts being locked into a particular charging solution without the opportunity to select  
380 more innovative solutions beyond the initial procurement event, as this describes exactly  
381 ChargePoint’s long-standing approach to the market,”<sup>36</sup> and “ChargePoint is the only  
382 major EV charging services provider in the country that still uses hardware and software  
383 operating on proprietary communication protocols, where its charging hardware can only  
384 work with its own software and network services.”<sup>37</sup>

385 **Q: Does Mr. Ashely’s accurately characterize ChargePoint’s technology and business**  
386 **practices?**

387 A: No. ChargePoint is dedicated to providing an open, secure, and robust network. One of  
388 ChargePoint’s primary goals is to get everyone behind the wheel of an EV and make it  
389 easy to charge wherever they go, even if a station is not on the ChargePoint network.  
390 Accordingly, ChargePoint’s charging stations, and network management software, utilize

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<sup>36</sup> Ashley Rebuttal, p. 13.

<sup>37</sup> Id.

391 open communication protocols including OCPP, OpenADR, and the Open Charge Point  
392 Interface (OCPI). ChargePoint's network and hardware offerings are primarily OCPP-  
393 compliant, and the ChargePoint Network Cloud services supports all the standard  
394 functionality within the OCPP v1.6 protocol specification, including authentication,  
395 authorization, and accounting.<sup>38</sup> Additionally, ChargePoint has entered into peer-to-peer  
396 roaming agreements with various charging networks - including Greenlots - allowing  
397 drivers to access charging stations on other networks without the need to sign up for  
398 additional accounts.<sup>39</sup>

399 All of this information is readily available on our website and can be found with a  
400 simple Google search,<sup>40</sup> suggesting that Mr. Ashley did not perform even the most basic  
401 of research prior to making these claims.

402 **Q: If ChargePoint's charging stations and network management software support**  
403 **OCPP why does ChargePoint advocate against requirements for charging stations to**  
404 **operate on OCPP?**

405 A: As stated in my rebuttal testimony, OCPP is has not been adopted by or approved by any  
406 standards making body, and it is therefore premature to require the utilization of OCPP  
407 within utility programs. Further, some charging companies utilize alternatives to OCPP for  
408 a variety of reasons.

409 For example, OCPP supports an extremely limited set of network management  
410 functionality, and in order to provide more advanced features that drivers and site hosts

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<sup>38</sup> <https://www.chargepoint.com/about/news/chargepoint-adopts-ocpp-its-charging-stations/>.

<sup>39</sup> <https://www.chargepoint.com/products/network/>

<sup>40</sup> [https://www.google.com/search?q=chargepoint+ocpp&rlz=1C5GCEA\\_enUS959US959&oq=chargepoint+ocpp.](https://www.google.com/search?q=chargepoint+ocpp&rlz=1C5GCEA_enUS959US959&oq=chargepoint+ocpp.)

411 desire (e.g., mobile app, sharing power between stations to limit potential grid impacts and  
412 increase port deployments, advanced cyber security, etc.) EV charging station  
413 manufacturers and network service providers may choose to utilize alternative  
414 communication protocols, or in the case of ChargePoint, create extensions to the baseline  
415 OCPP functionality. ChargePoint’s stations support advanced features through extensions  
416 to the OCPP protocol, including offline reliability, advanced power management, and  
417 waitlist (driver queueing allowing more efficient use of EVSEs).

418 Mandating specific software or communications protocols for charger-to-network  
419 communications, prior to a true standard being approved, would needlessly limit the ability  
420 for EV charging companies to effectively provide innovative consumer-facing software  
421 features, including load management and cybersecurity features, that drivers and site hosts  
422 want. Counter to what Greenlots claims, ChargePoint believes that such a requirement  
423 would not “amplify the potential for competition,”<sup>41</sup> but rather shut out certain EV charging  
424 station providers from the EVIP, provide an advantage to certain business models, and limit  
425 site host choice within the EVIP.’. This would not preserve the competitive market  
426 dynamics, in which customers are free to choose products and services regardless of the  
427 specific communication protocols that are utilized, and is contrary to the legislative  
428 declaration that the Commission must consider whether a program “[e]nables competition,  
429 innovation, and customer choice in EV charging services” when approving programs under  
430 Section 54-4-41.<sup>42</sup>

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<sup>41</sup> Ashley Rebuttal, p. 14.

<sup>42</sup> Utah Code Section 54-4-41(4).



431 **Q: What do you recommend?**

432 A: I stand by the recommendation included in my Rebuttal Testimony that the Commission  
433 not modify the EVIP to require charging stations to support OCPP.

434 **V. Conclusion and Recommendations.**

435 **Q: Please summarize your recommendation for the Commission.**

436 A: As stated at the beginning of my testimony, ChargePoint continues to support the  
437 recommendations I made in my Direct and Rebuttal Testimony.

438 **Q: Does this conclude your testimony at this time?**

439 A: Yes.