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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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SURREBUTTAL TESTIMONY OF THOMAS ASHLEY

FOR ZECO SYSTEMS, INC d/b/a GREENLOTS

November 17, 2021

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1 **Introduction and Purpose of Testimony**

2
3 **Q. Please state your name and business address.**

4 A. My name is Thomas Ashley. My business address is Zeco Systems, Inc. d/b/a Greenlots
5 (Greenlots), 767 S. Alameda Street, Suite 200, Los Angeles, CA 90021.
6

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

8 A. I am employed by Greenlots and serve as Vice President of Policy & Market Development. In
9 this role, I am responsible for regulatory and policy strategy and engagement to grow the market
10 for EVs and EV charging products and services, including supporting efforts to expand integration
11 of electric vehicles and the grid.
12

13
14 **Q. On whose behalf are you testifying in this docket?**

15 A. I am testifying on behalf of Greenlots.
16

17
18 **Q. Have you previously testified before this Commission?**

19 A. I provided opening and rebuttal testimony in this proceeding, and I and Greenlots have been
20 actively involved in utility regulatory proceedings concerning transportation electrification before
21 many other Commissions across North America.
22

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

24 Yes, Greenlots broadly supports Rocky Mountain Power's (the Company) proposed Electric
25 Vehicle Charging Infrastructure Program (the Program) as modified by the Company in its rebuttal
26 testimony, as it would catalyze the market for EVs and EV charging products and services in the
27

1 Company's service territory, while generating significant benefits for the Company's ratepayers
2 and current and future EV drivers while supporting effective grid integration of EV charging load.
3

4 **Q. What is the purpose of your testimony?**

5 A. The purpose of my testimony is to respond to the rebuttal testimony of other parties, regarding
6 various proposals to limit, constrain, or otherwise significantly modify the Company's proposals
7 for ownership of certain EV charging equipment, while illustrating how this would erode HB 396's
8 public interest requirements. I also address contentions around the state of the EV charging
9 marketplace, while lending support for the Company's intention to support interoperability
10 through the use of open standards and protocols.
11

12
13 **Q. Please summarize your recommendations for the Commission in this proceeding.**

14 A. As articulated in my rebuttal testimony I recommend the Commission reject calls by market
15 participants to significantly overhaul the program in their image, and dismiss other arguments that
16 seek to reduce the scope, constrain or delay the expeditious development of the utility owned
17 DCFC chargers the Company has proposed over misplaced and inaccurate concerns that the
18 Program does not satisfy select statutory requirement.¹
19

20
21 I remain open-minded regarding revisions to the rate to be offered to EV drivers at utility owned
22 DCFC stations, provided that the statutory provisions related to EV charging cost are satisfied, and
23 the extent to which this addresses competitiveness concerns. However, I strongly disagree that
24 delaying or reducing the scope and scale of this program is either warranted or beneficial to drivers
25

26
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¹ Utah Code Ann. § 54-4-41(4)(d)
28

1 or the development of the marketplace.

2
3 I am encouraged by the Company's intention as articulated in rebuttal testimony to encourage and
4 support interoperability through the use of open standards and protocols within these programs.
5

6
7 Recommendations to delay or reduce in size or scope the Company's proposed utility-owned DC
8 fast charging stations run counter to HB 396's public interest requirements.

9
10 **Q. Several parties, including ChargePoint², EVgo³, Western Resource Advocates⁴, and the**
11 **Utah Department of Commerce Division of Public Utilities⁵ recommend reducing and/or**
12 **delaying the Company-owned DC fast charger component of the filing and increasing other**
13 **elements. Do you agree?**
14

15
16 A. No. These suggestions would frustrate the public benefit and public interest thrust of the
17 Company's filing, while directly eroding the clear, core statutory public interest requirement that
18 the program promote "...low-cost services for electric vehicle battery charging customers"⁶ and
19 the core prudence requirement that the program provide the Company's customers "...significant
20 benefits that may include revenue from utility vehicle charging service that offsets the large-scale
21

22
23
24 ² Rebuttal at p. 4-5.

25 ³ Rebuttal at p. 6.

26 ⁴ Rebuttal at p. 6-7.

27 ⁵ Williams Direct at p. 12-14.

28 ⁶ Utah Code Ann. § 54-4-41(4)(d)

1 electric utility's costs and expenses.”⁷

2
3 **Q. How do recommendations to reduce and/or delay the Company-owned DC fast charger**
4 **component of the filing frustrate and erode the public benefit and public interest**
5 **requirements of Utah Code Ann. § 54-4-41(4)?**
6

7
8 A. As the Company Witness Campbell describes, “...to artificially force the EVIP to conform with
9 other third-party business models may be in direct violation of the section because the third-party
10 business models may not be promoting low-cost services. The Legislature clearly intended for the
11 Company to own and operate EV charging services, with a transitional rate, with a discount for
12 Company customers, and that promotes low-cost services for charging customers.”⁸ Greenlots
13 agrees with these sentiments. The legislature clearly intended for this program to result in EV
14 charging for drivers that is cheaper than the current offerings of the private market. The more this
15 program supports those offerings by other market participants, as opposed to the Company’s own
16 offerings expressly designed to meet this statutory requirement, the more strained the program as
17 a whole becomes with respect to satisfying its statutory public interest requirements.
18

19
20 Moreover, as I described in my previous testimony,⁹ utility-owned and procured programs in fact
21 enhance and support “...competition, innovation, and customer choice in electric vehicle battery
22 charging services...”, as well as the other public interest requirements in Utah Code Ann. § 54-4-
23
24

25 _____
⁷ Utah Code Ann. § 54-4-41(6)(b)

26 ⁸ Campbell Rebuttal at p. 10.

27 ⁹ Rebuttal at p. 7; Direct at p. 6-8.

1 41(4)(d), by getting reliable and prominent chargers in the ground quickly using efficient
2 competitive procurement mechanisms utilizing scale of economy to the benefit of the Company’s
3 ratepayers, resulting clearly and directly in increased customer and driver choices in battery
4 charging services.

5
6
7 Additionally, constraining or delaying these investments would clearly frustrate the first two public
8 interest conditions specified by the legislature, that the investments “increas[e] the availability of
9 electric vehicle battery charging service in the state”¹⁰ and “enabl[e] the significant deployment of
10 infrastructure that supports electric vehicle battery charging service and utility-owned vehicle
11 charging infrastructure in a manner reasonably expected to increase electric vehicle adoption”.¹¹
12

13
14 **Q. How do recommendations to reduce and/or delay the Company-owned DC fast charger**
15 **component of the filing frustrate and erode core prudence requirements of Utah Code Ann.**
16 **§ 54-4-41(6)(b)?**
17

18 A. By directing funds and program scope away from the utility owned DCFC investments, this
19 directly erodes the ability of the program as a whole to provide “...benefits that may include
20 revenue from utility vehicle charging service that offsets the large-scale electric utility's costs and
21 expenses”, as only this program component has any revenue reinvestment mechanism as
22 envisioned by the Legislature. As Company witness Campbell correctly notes, “[i]f the number of
23
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25 _____
26 ¹⁰ Utah Code Ann. § 54-4-41(4)(a)

27 ¹¹ Utah Code Ann. § 54-4-41(4)(b)

1 utility-owned chargers is significantly altered as suggested by parties then it could prevent the
2 Company from meeting the prudence requirement envisioned by the Legislature. Ultimately,
3 section 54-4-41 of Utah Code is about utility-owned infrastructure and charging service not non-
4 utility owned infrastructure and charging service.”¹²
5

6
7 **Q. Should Schedule 120 incentives be increased in funding, as suggested in varying forms by**
8 **multiple parties, in some cases at the expense of utility-owned DCFC investments?**
9

10 A. No, they should not, as this would directly counter the explicit direction of the legislature with
11 respect to the design and allocation of the program and funding. Utah Code Ann. § 54-4-41(2)
12 states that:
13

14
15 The commission shall authorize a large-scale electric utility program that:

16 (a) allows for funding from large-scale electric utility customers for a maximum of
17 \$50,000,000 for all costs and expenses associated with:

18 (i) the deployment of utility-owned vehicle charging infrastructure; and

19 (ii) utility vehicle charging service provided by the large-scale electric utility;
20

21
22 The \$50M authorization is quite clearly specific to utility-owned investments. The statute in fact
23 does not direct or authorize any other types of investments, and Schedule 120 incentives, or EV
24 charging infrastructure incentives for third-parties of any kind are not mentioned or referenced in
25 the program’s authorizing statute.
26

27 ¹² Rebuttal at p. 11.

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Q. Do you have other public interest-related concerns associated with delaying, reducing or deemphasizing the proposed utility-owned DCFC investments in favor of make ready investments?

A. Yes, I do. The Company is accountable to specific and tangible public interest requirements, as discussed, in the development, execution and cost recovery of these public charging investments. Although Greenlots strongly supports the private market, the third-party private market lacks the same public interest obligation, or accountability to this Commission in this regard. The more this program as a whole is shifted to serving the specific interests of third-party private market companies, as opposed to directly and accountably serving the Company’s customers and current and future EV drivers, the less control this Commission has over the results and its ability to ensure these investments best serve the public interest and its related statutory mandate.

In detailing why “[t]he PSC should reject proposals by ChargePoint and EVgo to delay RMP’s implementation of Company-owned chargers for two and two and a half years respectively”¹³, the Office of Consumer Services (OCS) Witness Ware describes concerns “...that private EV charging station companies are seeking subsidies for prime locations through the make-ready incentives while at the same time proposing to limit RMP’s ability to begin station development”¹⁴ and that “[a] wholesale delay in Company-owned charger deployment while private entities utilize make-

¹³ OCS Rebuttal at p. 15.

¹⁴ Id. at p. 4.

1 ready funds would not...”¹⁵ ”...strike an appropriate balance between enabling competition and
2 ensuring significant benefits to ratepayers.”¹⁶ Greenlots agrees, and notes that these public interest
3 concerns shared by several parties can and should be addressed by maintaining the primary focus
4 of this proposed program on utility-owned DC fast charging where there is a clear accountability
5 and public benefit reinvestment mechanism for charging revenue.
6

7
8 **Q. Company Witness Meredith, in summarizing the provisions of HB 396 and responding to**
9 **other’s contentions, describes how with the proposed utility-owned DC fast charging**
10 **investments “...the expectation is that in the long run, the stations will pay for themselves**
11 **and indeed bring net benefits for customers as a result of the charging revenue”, adding that**
12 **“[i]t is therefore more appropriate to think of RMP’s customers as investing in the**
13 **infrastructure rather than subsidizing it.”¹⁷ Do you agree?**
14

15
16 A. Yes, I do. These investments will entirely and directly serve the current and future EV driving
17 public and the Company’s customers, and the Company’s proposed program, cost recovery and
18 charging revenue investment proposal would function as a sort of public EV charging cooperative.
19 On the other hand, the Schedule 120 incentives, including suggestions such as that by ChargePoint
20 that site hosts in this program should be able to charge EV drivers whatever prices and rates they
21 desire would strain the ability of the Commission or the Company to directly and accountably
22 ensure the prudence of these investments. For these various reasons the Commission should be
23

24
25 _____
¹⁵ Id. at p. 6.

26 ¹⁶ Id.

27 ¹⁷ Rebuttal at p. 13.
28

1 supportive of and want to maximize the amount of funding directed to public charging owned and
2 operated by the Company rather than compartmentalizing or diminishing it.

3
4 **Q. Certain parties have suggested that the prospect of Federal infrastructure funding for EV**
5 **charging flowing to Utah obviates the need for utility investment, or justifies delaying that**
6 **investment.^{18 19} Do you agree?**

8
9 A. I do not. Federal funding for public charging infrastructure deployment will not obviate the
10 need for utility investments such as what the Company has proposed. As an example, researchers
11 estimate that \$87 billion, including \$39 billion for public fast charging, is needed by 2035 to grow
12 the passenger EV market.²⁰ Federal investments are not big enough to meet the need. The just
13 enacted Infrastructure Investment and Jobs Act allocates \$5 billion to agencies to provide to states
14 to facilitate the deployment of EV charging infrastructure and allocates \$2.5 billion for federal
15 grants for alternative fuel infrastructure, including EV charging. This means only a portion of that
16 \$2.5 billion will be used for EV charging, and those funds are meant to meet the needs of both
17 passenger vehicles and commercial medium and heavy-duty vehicles. The estimates of the
18 investment needed to close the charging infrastructure gap as detailed above is exclusively for
19 light-duty passenger vehicles, meaning potential federal dollars that are already insufficient
20 relative to the documented need for light-duty vehicle charging are even more insufficient relative
21 to the combined need for light-, medium-, and heavy-duty vehicle charging.

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23
24
25 ¹⁸ ChargePoint Direct at p. 14, 38.

26 ¹⁹ EVgo Rebuttal at p. 6, 13-14.

27 ²⁰ Atlas Public Policy, U.S. Passenger Vehicle Electrification Infrastructure Assessment,
28 available at: <https://bit.ly/3jv70t2>

1
2 For these reasons, the limited funds the federal government may provide Utah are a much-needed,
3 but far-from-sufficient investment. Utility programs and other investments will be needed to close
4 a growing charging infrastructure gap, and delaying or reducing the size or scope of these
5 investments is therefore not supported by the implications of federal support. Indeed, the more
6 complementary programs and planning Utah can develop, the more impactful federal investment
7 can be.
8

9
10 The existence of market actors and deployed chargers does not mean there is a robust competitive
11 market in Utah for EV charging and related services, or that these actors are best able to meet
12 driver needs or solely accelerate the market.
13

14
15 **Q. In response to your assertion that the market lacks a significant number of motivated**
16 **buyers, ChargePoint points to there being 1,272 public Level 2 and 96 public DCFC ports in**
17 **Utah according to the Alternative Fuels Data Center, saying that your “...suggestion that**
18 **there is a ‘void’ of buyers in the EV charging market is simply inaccurate” and that “[t]o the**
19 **contrary, these figures demonstrate that there is a robust competitive market for EV**
20 **charging services in Utah.”²¹ How do you respond?**
21

22
23 A. As Company Witness Meredith states, “[m]any of the stations in Utah that presently exist took
24 advantage of the Company’s Schedule 120 incentives that can provide up to 75 percent of the cost
25

26
27 ²¹ ChargePoint Rebuttal at p. 18-19.
28

1 of total charger and installation costs for DC fast charging.”²² The fact that a relatively modest
2 amount of chargers have been deployed in Utah using ratepayer and public funding does not mean
3 there is anything close to there being a “robust competitive market” in the state, in that there is
4 significant natural demand for owning and operating charging and providing charging services to
5 drivers. I stand by these assertions, as I elaborate on in my rebuttal at p. 4-7. While I appreciate
6 the optimism in ChargePoint’s position, and share the ambition that such a market environment
7 arrives sooner rather than later, something the Company’s proposed program would help
8 accomplish, from a policy-making standpoint such doe-eyed enthusiasm can be dangerous if
9 leading to policy prescriptions not based on market realities.
10

11
12 **Q. In your direct testimony you state that retail competition “has led to less sophisticated**
13 **purchasing and planning decisions by customers” but, by contrast, “competition in utility**
14 **procurement ensures that products and services are selected based on factors such as**
15 **features, function, value, and organizational expertise that allows market participants of all**
16 **shapes and sizes to compete on a level playing field, ultimately benefiting the customers.”²³**
17 **ChargePoint calls this an “assumption” and an “unsupported assertion”, stating that**
18 **“[m]any non-utility site hosts, such as fueling centers and big-box retailers for example, are**
19 **national or regional companies with sophisticated purchasing departments that have both**
20 **“technical knowledge [and] meaningful negotiating leverage.”²⁴ How do you respond?**
21
22
23
24

25 _____
26 ²² Meredith Rebuttal at p. 13-14.

27 ²³ Direct at p. 7.

28 ²⁴ ChargePoint Rebuttal at 19-20.

1 A. I agree that there are many non-utility enterprise and fleet scale buyers with the purchasing
2 sophistication of a utility. That however misses my point entirely, as these are exactly the sort of
3 non-utility clients that would also be procuring in wholesale and via negotiated contracts, as I
4 contrast to one-by-one retail procurement and competition. While it is unclear if ChargePoint is
5 missing or conflating this point deliberately, it contrasts the virtues of wholesale procurement and
6 competition, as a utility or other large buyer would do, to retail procurement and competition, not
7 utility procurement versus all other types of procurement.
8

9
10 **Q. In your direct testimony you state that the Company’s utility-owned DC fast charger**
11 **proposal “will help move the market beyond its current stage characterized by low driver**
12 **demand and limited deployment of stations – especially evident in underserved areas –**
13 **towards an inflection point at which widespread demand for charging will support more**
14 **profitable ownership and operation of stations by private operators.”²⁵ ChargePoint**
15 **responds by saying that “[u]tility investment that undercuts the competitive market, as RMP**
16 **has proposed to do with its Company-owned Charger proposal, will fail to encourage**
17 **additional deployments from the competitive market,” adding that “...site hosts will not be**
18 **able to compete with RMP Company-owned Chargers on price because RMP has proposed**
19 **to charge prices that are less than the price that site hosts pay for electricity.”²⁶ How do you**
20 **respond?**
21
22

23
24 A. While it again is unclear if this is intentional, this assertion clearly conflates two discrete issues
25

26 ²⁵ Direct at p. 9.

27 ²⁶ ChargePoint Rebuttal at p. 21.

1 in this proceeding, (1) Company ownership of public charging infrastructure, and (2) the rates to
2 be offered to drivers at these chargers. Regarding the second issue, Greenlots has stated that “[t]he
3 Commission should consider stakeholder recommendations to adjust the Company’s pricing
4 proposal for utility-owned public chargers”²⁷ and notes that ChargePoint’s concern is with the
5 design of the rate as the legislature prescribed it, expressly stating that it be “low-cost”.²⁸
6

7
8 Regarding the first point, ChargePoint’s contention is reflective of a profoundly short-sighted view
9 of the market, focusing on the immediate and short term at the expense of longer-term market
10 growth. As stated in my rebuttal testimony²⁹, concerns about the Company controlling too large
11 of a market share or crowding out other market participants both underestimate the ultimate size
12 of the market that this program is designed to support attainment of, and misunderstand the market
13 as being fixed in size. In reality, private market EV charging development and utility EV charging
14 development is not a zero-sum game, in that any charger owned by a utility is one not owned by
15 the private market. This failure to understand the additive nature of utility investment, and that the
16 market is not fixed in size, fundamentally misconstrues both the state of the market not being
17 binary, and dynamics that influence market development. This unfortunately myopic market view
18 stands to mortgage long-term market growth and transformation, and the needed support of EV
19 drivers and their purchasing decisions, for unsupported and misplaced concerns over the perceived
20 fragility of the market. Critically, this concern and the proposed course of action would instead
21 slow the growth of the market while both limiting near term and long-term opportunities for private
22
23

24
25 ²⁷ Rebuttal at p. 21.

26 ²⁸ Utah Code Ann. § 54-4-41(4)(d)

27 ²⁹ At p. 18-19.

1 market participants, compounding the market conditions it critiques.

2
3 **Q. Do other experts in this proceeding share your market view, positioning and**
4 **recommendations with respect to market acceleration?**

5 A. Yes. This market view and corresponding policy recommendation is shared in the testimony
6 offered by Professor Regan Zane, Director of the ASPIRE Center at Utah State University, a
7 federally funded engineering research center on electric transportation infrastructure. As he
8 describes:

9
10 Utility-owned charging stations support reaching a broader group of early adopters by
11 instilling trust and confidence through a company where consumers already have a
12 relationship and that they consider trustworthy. Consumers will consider the Company's
13 investment and the availability of low-cost services for public EV charging as signals that
14 indicate now is the time to make the transition to electric and that the EV wave has now
15 reached them in their local town. The utility-owned stations will also provide flexibility to
16 make strategic decisions on locations to best serve broader EV adoption across the region.
17 The ability of utility-owned charging stations to expand the availability of public fast
18 charging is expected to significantly accelerate adoption and regional market growth for
19 EVs and charging demand.³⁰

20
21
22 Professor Zane adds that the program will beneficially impact the:

23 ...growth of the overall market for EV charging by accelerating adoption of EVs in the
24 region. In particular, the additional charging stations and proposed RMP discount will spur
25 growth in EV adoption by instilling confidence in consumers that EVs can meet their needs

26
27 ³⁰ Zane Direct at p. 2-3.

1 now without fear of high costs for public fast charging. This is especially important in these
2 early years leading to widespread adoption, when EVs and third-party charging stations
3 will both have a higher cost due to low volumes and utilization. As the Company's Program
4 helps stir new market growth in EVs and charging demand, opportunities will grow quickly
5 for third-party investment into charging infrastructure and EV costs will continue to come
6 down as volumes increase and factory and supply chain capabilities are expanded.³¹
7

8 Professor Zane concludes by stating that:

9 ...our models predict that the proposed EVIP will significantly increase EV adoption and
10 create more demand for EV charging. These impacts will support growth in competition
11 and innovation in the marketplace as the demand rises along the accelerated adoption
12 curve. The EVIP is expected to be a key catalyst to early market growth in EVs in Utah.
13 Without the EVIP, it is expected that growth of EVs in Utah will be delayed, with other
14 states receiving the benefits of early market growth.³²
15

16 Greenlots agrees.

17
18 Supporting and requiring open protocols and standards enhances the public interest and protects
19 the prudence of public investments.
20

21
22 **Q. The Company in its rebuttal testimony agreed with Greenlots' suggestion in opening**
23 **direct testimony³³ that it require "...of EV charging solutions it procures and incentivizes**
24

25 ³¹ t p. 6.

26 ³² Id. at p. 7-8.

27 ³³ Campbell Rebuttal at p. 19-20.

1 **through its proposed program offerings, to be compatible with and use open standards and**
2 **protocols.”³⁴ While no party objected to Greenlots’ recommendations regarding OpenADR**
3 **and Open Charge Point Interface (OCPI), ChargePoint objected quite strongly to the use**
4 **and requirement of Open Charge Point Protocol (OCPP). How do you respond?**

5
6
7 A. Firstly, Greenlots appreciates the Company’s incorporation of these important considerations
8 and requirements. As I noted, standardization and interoperability are critical considerations in the
9 development of charging infrastructure, in creating positive customer charging experiences with
10 EV drivers, in guarding against stranded assets, and in supporting competition and innovation in
11 the EV charging product and services market.

12
13
14 Second, ChargePoint’s response is predictable. It is the only major EV services provider in the
15 country that has largely refused to support OCPP to date, and while such business decisions are
16 certainly its own prerogative, it is also the prerogative and responsibility of regulators, utilities,
17 and charging infrastructure developers and funders to make and support prudent procurement
18 decisions that are in the best interests of the public. If there are clear requirements that are in the
19 public interest, they should be utilized. Use of OCPP is one such requirement. While “buyer
20 beware” certainly reflects consumer choices in the marketplace, and ChargePoint is certainly
21 entitled to market its products and services however it chooses, when there is public funding
22 associated with the purchase or development of charging infrastructure, there becomes a
23 responsibility to support prudent procurement decisions that are in the public interest.
24

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³⁴ Id. at p. 12-13.

1 Despite ChargePoint's assertion to the contrary³⁵, OCPP is the de facto standard for charger-to-
2 network communication and interoperability, and this is widely acknowledged in the market.³⁶ It
3 is the only open and royalty free protocol for this use case, is widely used globally, and the
4 existence of other proprietary protocols that select companies may choose to use instead does not
5 change that fact. Therefore, when public funding is involved, it is a perfectly reasonable
6 expectation for there to be such prudency requirements.
7

8
9 **Q. Can you elaborate on why supporting and providing for charger-to-network**
10 **interoperability, as facilitated by OCPP, is important to ensure the prudent investment of**
11 **ratepayer dollars that are in the public interest?**

12
13
14 A. Providing for EVSE-to-network interoperability, also considered hardware-software
15 interoperability, is critically important to provide safeguards to consumers and protect site hosts
16 more generally, ensuring that they have the ability to freely select the network provider of their
17 choice, and be able to do so past the initial purchase point and in an ongoing manner. When site
18 hosts or charger owners are locked into the network services of a specific vendor, that stifles
19

20 ³⁵ ChargePoint Rebuttal at p. 23.

21 ³⁶ See these resources, all of which refer to OCPP as a de facto standard:

22 <https://ieeexplore.ieee.org/document/6700020>

23 <https://www.chademo.com/chademo-and-open-charge-alliance/>

24 [https://www.openchargealliance.org/uploads/files/OCA-
25 EN_whitepaper_OCPP_vs_proprietary_protocols_v1.0.pdf](https://www.openchargealliance.org/uploads/files/OCA-EN_whitepaper_OCPP_vs_proprietary_protocols_v1.0.pdf)

26 [http://www.current.eco/resources/articles/why-you-should-choose-ocpp-and-
27 independent-payment-and-management-services](http://www.current.eco/resources/articles/why-you-should-choose-ocpp-and-independent-payment-and-management-services)

28 <https://www.switch-ev.com/news-and-events/ocpp-standardisation-via-oasis-and-iec>

<https://www.virta.global/blog/how-to-select-backend-partner-for-a-charging-network>

1 competition for that organization’s business, and means that in order to switch networks the
2 customer most likely must replace the charging hardware as well. In the context of public charging,
3 in particular that which has been supported by public funds, this can also create a stranded asset
4 risk that can become absolute should the vendor go out of business or choose to no longer support
5 the customer or the specific market. As the industry has developed, this unfortunately has
6 happened multiple times with high-profile charging deployments, including as recently as last
7 year,³⁷ creating uncertainty for drivers and infrastructure owners and necessitating costly charger
8 replacements.
9

10
11 **Q. ChargePoint asserts that requirements around OCPP would limit site host choice, and be**
12 **counter to statutory requirement that the program support “...competition, innovation, and**
13 **customer choice in electric vehicle battery charging services...”³⁸ as the enabling statute calls**
14 **for.³⁹ Is this true?**
15

16
17 A. No. Such a requirement would enhance these virtues as it would enable ongoing competition
18 past the initial charger purchase point, and support innovation in network services by creating
19 competition for providing these services in an ongoing fashion. It would also directly enable
20 ongoing customer choice as customers would have the ability to choose network services in on
21 ongoing fashion and not be locked into the services of whoever they initially procured charging
22 hardware and services from.
23

24
25 ³⁷ [https://thedriven.io/2020/07/21/confusion-reigns-as-chargepoint-quietly-pulls-support-](https://thedriven.io/2020/07/21/confusion-reigns-as-chargepoint-quietly-pulls-support-from-australian-ev-chargers/)
26 [from-australian-ev-chargers/](https://thedriven.io/2020/07/21/confusion-reigns-as-chargepoint-quietly-pulls-support-from-australian-ev-chargers/)

27 ³⁸ Utah Code Ann. § 54-4-41(4)(d)

28 ³⁹ ChargePoint Rebuttal at p. 23, 24.

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Q. ChargePoint says that OCPP supports a limited feature set and would cap functionality and innovation, while favoring certain business models.⁴⁰ Is this true?

A. No, this isn't true either. Utilizing OCPP imposes no ceiling whatsoever in adding additional functionality or features on top of it; instead it represents a foundation upon which more can be built should a particular vendor choose to or market segment demand it. Accordingly, the select few providers that still choose to not support OCPP are making a deliberate and strategic business decision not to that is unrelated to these contentions.

Conclusion

Q. Please summarize your testimony.

A. As articulated in my rebuttal testimony I recommend the Commission reject calls by market participants to significantly overhaul the program in their image, and dismiss other arguments that seek to reduce the scope, constrain or delay the expeditious development of the utility owned DCFC chargers the Company has proposed, over misplaced and inaccurate concerns that the Program does not satisfy select statutory requirement.⁴¹

Greenlots remains open-minded regarding revisions to the rate to be offered to EV drivers at utility owned DCFC stations, provided that the statutory provisions related to EV charging cost are satisfied, and the extent to which this addresses competitiveness concerns, however I strongly

⁴⁰ I.d. at p. 24.

⁴¹ Utah Code Ann. § 54-4-41(4)(d)

1 disagree that delaying or reducing the scope and scale of this program is either warranted or
2 beneficial to drivers or the development of the marketplace.

3
4 I am encouraged by the Company's intention as articulated in rebuttal testimony to encourage and
5 support interoperability through the use of open standards and protocols within these programs,
6 something the Commission should support to protect the prudence of these investments and have
7 them best serve the public interest.
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10 **Q. Does that conclude your testimony?**

11 A. Yes it does, thank you.
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Affirmation

I, Thomas Ashley, affirm that the answers in the foregoing written testimony are true and correct to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read 'Thomas Ashley', written in a cursive style.

Thomas Ashley

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