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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Approval of the Electrical Vehicle Infrastructure Program	DOCKET NO. 20-035-34

DIRECT TESTIMONY OF

DEBORAH KAPILOFF

ON BEHALF OF

WESTERN RESOURCE ADVOCATES

October 2, 2025

Table of Contents

List of Attachments

Exhibit WRA ___(DK-1)	Deborah Kapiloff Resume
Exhibit WRA___(DK-2)	PacifiCorp's Redacted Response to WRA Data Requests 3.2 & 3.3

I. INTRODUCTION AND QUALIFICATIONS

Q: Please state your name and business address.

A: My name is Deborah Kapiloff. My business address is 1536 Wynkoop Street, Suite 300, Denver, CO 80202.

Q: By whom are you employed and in what position?

A: I am employed by Western Resource Advocates (WRA) in its Clean Energy Program as a Policy Advisor. WRA is a regional nonprofit advocacy organization that fights climate change and its impacts to sustain the environment, economy, and people of the West. WRA's Clean Energy Program develops and implements policies to reduce the environmental impacts of utilities in the Interior West by advocating for a western electric system that provides clean, affordable, and reliable energy, reduces economic risks, and protects the environment through the expanded use of energy efficiency, renewable energy resources, and other clean energy technologies. WRA has offices in Salt Lake City, Utah; Boulder and Denver, Colorado; Reno, Nevada; Phoenix, Arizona; and Santa Fe, New Mexico.

Q: On whose behalf are you testifying in this proceeding?

A: I am testifying on behalf of Western Resource Advocates.

Q: Please describe your education and professional experience.

A: I provide policy analysis and regulatory support to WRA in electric-industry-related matters. I have a B.A. in political science and environmental studies from St. Olaf

College. From November 2020 to June 2021, I worked on WRA's Regional Markets team to develop a greenhouse gas accounting framework for wholesale power markets. From June 2021 to July 2025, I was employed with Western Resource Advocates as a Transportation Electrification Policy Advisor, providing policy analysis and expert testimony on topics including managed charging, utility EV infrastructure program design, rate design, and distribution system planning. Since July 2025, I have been employed with Western Resource Advocates as a Clean Energy Policy Advisor, where I work on transportation electrification and energy policy matters in Colorado, New Mexico, Arizona, Utah, and Nevada. A more detailed description of my qualifications is attached as Exhibit WRA__(DK-1).

Q: Have you previously testified before the Public Service Commission of Utah (Commission)?

A: Yes, I testified before the Commission in this same proceeding in 2021, submitting direct, rebuttal, and surrebuttal testimony concerning the Company's original Application for Approval of the Electric Vehicle Infrastructure Program (EVIP). I also participated in the informal conversations and settlement in Docket No. 21-035-70 concerning the Company's Evaluation of the Electric Time of Use Pilot Program. I have or currently participate in multiple stakeholder processes such as the DSM Steering Committee and DSM Advisory Group, RMP's Schedule 2E working group, and PacifiCorp's Residential Time-of-Use stakeholder workshops.

Q: Have you previously testified before a Public Service Commission in another jurisdiction?

A: Yes, I have submitted testimony in the following proceedings before the New Mexico Public Regulation Commission, the Colorado Public Utilities Commission, and the Public Utilities Commission of Nevada:

- New Mexico
  - 23-00195-UT Public Service Company of New Mexico Transportation Electrification Plan
  - 20-00241-UT El Paso Electric Transportation Electrification Plan
- Colorado
  - 21AL-0494E Public Service Company of Colorado Schedule S-EV Rates
  - 23A-0242E Public Service Company of Colorado 2024-2026 Transportation Electrification Plan
  - 24A-0547E Public Service Company of Colorado Distribution System Plan
- Nevada
  - 21-09004 NV Energy Transportation Electrification Plan
  - 24-05041 NV Energy Transportation Electrification Plan

Q: Please explain WRA's interest in this proceeding.

A: As described in my introduction, WRA is a conservation organization that advocates for an electric system that provides affordable and reliable energy, reduces economic risks, and protects the environment with expanded use of energy efficiency, renewable energy, and other clean energy technologies. Our broader mission is to sustain the people, economies, and environments of the West by addressing climate change. Because the transportation sector is the largest source of greenhouse gas emissions in the West, WRA is interested in ensuring that funds expended under EVIP are used in a manner that increases adoption of zero-tailpipe emissions electric vehicles.

Q: Please summarize your testimony.

A: In this proceeding, I address the Company's proposed EVIP modifications that request to focus on Company-owned charging for the duration of EVIP. My testimony presents an alternative, in which EVIP continues to fund both incentives for EV charging services as well as company-owned charging infrastructure. A more diverse set of charging use cases appropriately reflects the diversity of EV charging needs to facilitate the increased adoption of electrified transportation.

Q: Are other witnesses testifying for WRA?

A: Yes, there is one other witness testifying on behalf of WRA. Karl Boothman addresses the Company's cost of service analysis for Company-owned charging.

II. SUMMARY

Q: Please summarize your testimony and recommendations.

A: First, I describe the policies underpinning EVIP as expressed in Utah Code § 54-4-41. Then I discuss the Company's proposal and my recommendation with respect to Company-owned charging infrastructure and incentives for third-party provided direct current fast charging (DCFC) services. I then address the Company's proposals and my recommendations with respect to Schedule 120 non-residential incentives and residential incentives.

Q: Please summarize your recommendations.

A: I recommend the Commission:

- Reject the Company's proposal to use EVIP funds primarily for Company-owned charging stations and continue to fund make-ready incentives for third party fast charging.

- Direct the Company to retain Schedule 120 non-residential rebates for additional charging use cases.

- Direct the Company to continue providing Schedule 120 residential rebates and encourage the Company to develop a managed charging program.

III. POLICY BACKGROUND

Q: Please describe the statutory basis of the EVIP program.

A: The statutory basis of the EVIP program is U.C.A. § 54-4-41. The statute explicitly authorizes funds to be spent on both "the deployment of utility-owned vehicle charging infrastructure" and "utility vehicle charging service provided by the large-scale electric utility" in "a manner reasonably expected to increase electric vehicle adoption."[1] "Utility vehicle charging service" is defined as the *furnishing of electricity* to an EV charging station by the public utility in whose service area the charging station is located.[2]

Q: In your opinion, does EVIP's enabling legislation express that the program should include both utility-owned charging stations and third-party charging stations?

A: Yes. U.C.A. § 54-4-41(2)(c) authorizes the Commission to approve a utility program that includes a plan to promote *both* "the deployment of utility-owned vehicle charging infrastructure" *and* "the availability of utility vehicle charging service." Because "utility vehicle charging service" is defined as the utility furnishing electricity to an EV charging

[1] U.C.A. § 54-4-41(2).
[2] U.C.A. § 54-2-1(37) (emphasis added); *see also* H.B. 396, 63rd Gen. Assemb., Reg. Sess. (Ut. 2020), https://le.utah.gov/~2020/bills/static/HB0396.html.

station, regardless of ownership, my understanding is that the statute is designed to enable funding not only for utility-owned charging stations, but for increasing the availability of EV charging stations owned by non-utility actors as well (so long as the electricity is furnished within the utility's service area).

Q: What are the criteria the Commission must consider in deciding whether the program is in the public interest?

A: The Commission shall deem the program to be in the public interest if it meets the following criteria:

(a) increases the availability of electric vehicle battery charging service in the state;

(b) *enables the significant deployment of infrastructure that supports electric vehicle battery charging service <u>and</u> utility-owned vehicle charging infrastructure* in a manner reasonably expected to increase electric vehicle adoption;

(c) includes an evaluation of investments in the areas of the authority jurisdictional land, as defined in Section 11-58-102, and the point of the mountain state land, as defined in Section 11-59-102;

(d) *enables competition, innovation, and customer choice* in electric vehicle battery charging services, while promoting low-cost services for electric vehicle battery charging customers; and

(e) provides for ongoing coordination with the Department of Transportation.[3]

This direction provides additional support for approving a program that provides funding for both utility-owned and third-party charging infrastructure—in particular to enable competition and customer choice in EV charging services.

[3] U.C.A. § 54-4-41(4) (emphasis added).

Q: How is the Commission statutorily required to evaluate any amendments to the program?

A: To evaluate amendments to the program, the Commission may approve an amendment if it is prudent, will provide net benefits to customers, and is otherwise consistent with the requirements of subsection 2 of U.C.A. § 54-4-41,[4] which, as discussed above, allows funding for both utility-owned charging infrastructure and utility vehicle charging service.[5]

Q. Why is it important for EVIP to provide funding for both utility-owned and third-party charging infrastructure?

A: Improved charging access is needed for where people live, where they park their cars for extended periods of time, and where they want to travel. Lack of at-home charging access for renters, those living in multi-family housing complexes, and those in older homes will continue to discourage those populations from acquiring EVs. Lack of charging infrastructure in these key segments will inhibit the statutory directive for EVIP to deploy infrastructure in a manner reasonably expected to increase EV adoption.[6]

My recommendations are designed to ensure that EVIP continues to encourage increased EV adoption in Utah by addressing these barriers.

[4] U.C.A. § 54-4-41(5).
[5] U.C.A. § 54-4-41(4)(b).
[6] *See* Ge, Yanbo, et al., *There's No Place Like Home: Residential Parking, Electrical Access, and Implications for the Future of Electric Vehicle Charging Infrastructure*, NREL (Oct. 2021), at 1-2, https://docs.nrel.gov/docs/fy22osti/81065.pdf.

Q: Please review the settlement reached in this proceeding in 2021.

A: In November 2021 the Commission approved a settlement between Rocky Mountain Power, the Division of Public Utilities, the Office of Consumer Services, Western Resource Advocates, Utah Clean Energy, and Greenlots. The other parties in the proceeding did not oppose the settlement. The terms of the settlement included a provision to allocate capital expenditures so that 45% was spent on Company-owned chargers, 45% for make-ready investments and Schedule 120 incentives, and 10% on innovative projects and partnerships. The settlement also allowed for a program review, as is occurring in this docket, to provide an opportunity to adjust the percentage of expenditures allocated to the aforementioned categories.[7]

IV. COMPANY-OWNED CHARGERS AND THIRD PARTY DCFC

Q: What does the Company propose regarding Company-owned chargers and EVIP writ large?

A: The Company proposes to "focus primarily on Company-owned chargers for the remainder of the EVIP" and to discontinue incentives for make-ready and Schedule 120 rebates.[8]

[7] *Settlement Stipulation,* Docket No. 20-035-34 (filed November 17, 2021), 321212StlmntStpltn11-17-2021.pdf.
[8] *Direct Testimony of James A. Campbell for Rocky Mountain Power,* Docket No. 20-035-34 (filed July 25, 2025) at 17 [hereinafter *Campbell Direct Testimony*].

Q: Why does the Company propose the above?

A: The Company proposes the above for the reasons of increasing revenue generation, administrative challenges with incentives, maintenance issues with third-party incentive recipients, availability of other incentives, and statutory alignment.[9]

Q: Is public fast charging an important market segment for investment?

A: Yes. Over a third of current EV drivers cite a lack of sufficient public charging as a moderate or severe concern.[10] Furthermore, the availability and sufficiency of public fast charging is an important consideration for drivers considering adoption of EVs, as concern about the lack of publicly available charging stations has been cited as the number one perceived barrier for drivers to make the switch to EVs.[11]

Q: Please describe the policy landscape at the state and federal level for commercial DCFC.

A: At the state level, the Utah Department of Environmental Quality (UDEQ) has been awarded federal funding for its Beehive Emissions Reduction Plan (BERP) and will

[9] *Id.* at 19.
[10] Consumer Reports, *Battery Electric Vehicles & Low Carbon Fuel: A Nationally Representative Multi-Mode Survey* (2023 Results), at 6, https://article.images.consumerreports.org/image/upload/v1701451301/prod/content/dam/surveys/Consumer_Reports_BEV_LCF_National_June_July_2023.pdf. [hereinafter *2023 Results Consumer Reports Survey*].
[11] Consumer Reports, *Battery Electric Vehicles & Low Carbon Fuel: A Nationally Representative Multi-Mode Survey* (April 2022), at 13, https://article.images.consumerreports.org/image/upload/v1657127210/prod/content/dam/CRO-Images-2022/Cars/07July/2022_Consumer_Reports_BEV_and_LCF_Survey_Report.pdf ("**[N]ot enough public charging stations was the top charging-related logistical factor (59%)** holding Americans back from purchasing/leasing an EV.") (emphasis in original).

"create a proposed Electric Fleet Charger incentive program for the cost of chargers for government and commercial fleets" and "incentivize EV chargers at multi-family dwellings and workplaces throughout the state."[12] The fleet program will support deployment of 400 chargers, and the multi-family and workplace program will support deployment of 700 chargers.[13] The Utah Department of Transportation (UDOT) has been awarded funding for the National Electric Vehicle Infrastructure (NEVI) program and has identified fifteen sites for buildout of DCFC.[14] Of these fifteen total sites, five are operational, five are in construction, three are in planning phases, and two have been removed from the plan.[15] Federally, the Alternative Fuel Vehicle Refueling Property Credit, which provides a tax credit for deployment of charging equipment at commercial properties, has been terminated and is only applicable to property placed in service before June 30, 2026.

Q: The Company stated that "the two new state-wide incentive programs [from UDEQ and UDOT], with tens of millions of dollars of funding" are "sufficiently funded and

[12] Utah Department of Environmental Quality, *Climate Pollution Reduction Grants – Implementation Grants: Workplan*, at 6, https://lf-public.deq.utah.gov/WebLink/ElectronicFile.aspx?docid=454449&eqdocs=DAQ-2024-007647&dbid=0&repo=Public (last visited Sept. 29, 2025).
[13] *Id.* at 7.
[14] Utah Office of Energy Development & Utah Department of Transportation, *National Electric Vehicle Infrastructure (NEVI) Program: Utah Plan for Electric Vehicle Infrastructure* Deployment, at 3 (August 2025), Utah Nevi Plan Update_FY2026_Aug 2025_FINAL.pdf - Google Drive.
[15] *Id.* at 7.

should provide enough incentives for the market to support competition and EVIP funded incentives are no longer needed."[16] **Do you agree?**

A: No. The Company's statement ignores the fact that the NEVI program administered by UDOT provides funding for a very limited set of charging stations (now just 13), and most of the funding has already been awarded (including to the Company). Furthermore, UDEQ's programs do not provide *any* funding for *public* DCFC. As such, the Company's claim that availability of these incentives means the Company no longer needs to fund public DCFC to support competition is premised on a false basis; there are not meaningful incentives available for public DCFC at the state level and the federal tax credit has also been terminated.

Q: Do you think it is appropriate and in line with EVIP's statutory basis to exclusively fund Company-owned chargers, as proposed by the Company?

A: No. As stated previously, although I am not an attorney, my understanding of the statute is that the language supports funding for both third-party and Company-owned charging. Furthermore, the directive to enable "competition, innovation, and customer choice in electric vehicle battery charging services" is not served by funding only Company-owned charging. The Company states that "the governing statute emphasizes utility-owned infrastructure and does not mention incentives, suggesting they should not be the largest funded component of the EVIP,"[17] but this is an overly narrow reading of the statute, which specifically defines "utility vehicle charging service" (i.e. furnishing electricity) as

[16] *Campbell Direct Testimony*, *supra* note 8, at 24.
[17] *Id.* at 19.

distinct from "utility-owned vehicle charging infrastructure"[18] and specifically allows a program that includes both.[19]

While incentives are not mentioned by name, the direction for the Commission to consider whether the program enables "significant deployment of infrastructure that supports electric vehicle battery charging service *and* utility-owned vehicle charging infrastructure" clearly permits discretion to evaluate both company-owned charging as well as financial incentives for third parties "in a manner reasonably expected to increase electric vehicle adoption."[20] The same is true of the statutory direction to consider enabling "competition, innovation, and customer choice in electric vehicle battery charging services," as deploying only Company-owned chargers provides neither for competition nor customer choice; inherently, this suggests the provision of incentives to third parties is an element of EVIP.

Q: Have other utility commissions given consideration to balancing the interests of utility-owned and third party DCFC in utility transportation electrification programs?

A: Yes. Other utility commissions have had to balance investment in third party and utility-owned DCFC. For example, the Georgia commission approved a program that gives third parties the right of first refusal prior to utility investment in a specific location for DCFC. The approved program requires Georgia Power to file an annual report identifying sites at

[18] U.C.A. § 54-2-1(36) and (37).
[19] U.C.A. § 54-4-41(2) and (4).
[20] *See* U.C.A. § 54-4-41(4).

which they plan to install utility-owned public charging and allows third-party operators 60 days to claim a location within 15 miles of any identified sites, and then 18 months to break ground at their site.[21] If the private party fails to act within 18 months, they waive their right of first refusal and Georgia Power may install chargers.[22]

Q: Have other utilities' programs encouraged "uptime" from third party DCFC stations that receive utility funding?

A: Yes. Uptime is a measure of the time a charger is functional and able to provide charge expressed as a percentage and it provides a metric for evaluating the performance of a charger. Public Service Company of Colorado requires applicants for its DCFC program to agree that any stations receiving funding from the utility will meet an uptime requirement of 97% on a per-port basis.[23] To create a financial incentive for compliance with this requirement, one third of the incentive payment is withheld pending the second semi-annual report showing the necessary uptime requirement has been met.[24] Such a requirement for EVIP incentives could address the Company's concerns about the "long

[21] Georgia Public Service Commission, *Georgia Power Company's 2022 Rate Case*, Docket No. 44280, Order Adopting Settlement Agreement As Modified (issued December 30, 2022) at 44, https://services.psc.ga.gov/api/v1/External/Public/Get/Document/DownloadFile/192550/74324.
[22] *Id.*
[23] Colorado Public Utilities Commission, *In the Matter of the Application of Public Service Company of Colorado for Approval of its 2024-2026 Transportation Electrification Plan,* Proceeding No. 23A-0242E, Hearing Exhibit 121 Attachment A - Non-Unanimous Comprehensive Settlement Agreement, (filed December 13, 2023) at 12, https://www.dora.state.co.us/pls/efi/efi_p2_v2_demo.show_document?p_dms_document_id=1012333&p_session_id=.
[24] Colorado Public Utilities Commission, *In the Matter of the Application of Public Service Company of Colorado for Approval of its 2024-2026 Transportation Electrification Plan,* Proceeding No. 23A-0242E, Decision No. C24-0223 (issued April 10, 2024) at 25, https://www.dora.state.co.us/pls/efi/efi_p2_v2_demo.show_document?p_dms_document_id=1019002&p_session_id=.

durations in repairing or replacing malfunctioning equipment by some incentive recipients."[25]

Q: Could the Company impose additional requirements as a condition of third parties receiving funding for DCFC?

A: Yes. The Company states that at Company-owned stations, it has "contracted its vendor to have in-state staff dedicated to monitor and repair equipment in a timely manner."[26] The Company could require a similar commitment from third parties to ensure there is sufficient support for maintaining the availability of DCFC chargers, addressing some of the Company's concerns with third party station reliability.

Q: How has the Company evaluated the performance of third-party stations?

A: The Company admits that it "did not have access to the uptime of all third-party incentive recipients' chargers" and instead "conducted qualitative assessments of the sites by performing site visits and evaluating user comments from PlugShare."[27] PlugShare is an app that allows EV drivers to rate and review public charging stations. In its qualitative review, the Company found that 72 of the 155 funded projects were on Plugshare and had user evaluations.[28] This means that the Company was able to evaluate less than half the funded projects in drawing its conclusions on third party station reliability.

[25] *Campbell Direct Testimony*, *supra* note 8, at 24.
[26] *Id.* at 6.
[27] WRA Exhibit__DK-2, Response to WRA Data Request 3.2.
[28] *Id.*

Q: How did the Company evaluate the performance of its own stations compared to third party stations?

A: The Company directly compared the performance of the subset of funded projects on Plugshare, which had a 7.3 average score, to its four operational stations, which had an average score of 10.[29] Additionally, the Company submitted data on its charger availability (uptime) of Company-owned operational stations.

Q: Do you think the Company's evaluation metrics allow for a robust comparison between third party and Company-owned DCFC?

A: No. The Company is evaluating its own projects based on an incredibly small sample size and its evaluation of funded projects looks at less than half the funded stations. Furthermore, the Company cannot directly compare total uptime data of third-party stations to Company-owned stations, as it does not possess the requisite data to do so. As such, the Company's data should not be used to draw meaningful conclusions about the relative reliability and uptime of its own stations versus third party stations.

Q: How do you recommend the Company proceed with funding Company-owned and third-party DCFC?

A: I recommend that the Company complete its stations that are currently under construction and continue to fund third-party DCFC, through either make-ready incentives and/or Schedule 120 rebates, as discussed more below.

[29] *Id.*

Q: Are you supportive of the Company's proposal to introduce an idling fee at its Company-owned fast charging stations?

A: Yes. Idling fees are a standard practice among fast charging providers and they establish a clear signal that drivers should move their vehicles when charging is complete. An idling fee will allow for more charging to occur at Company-owned chargers as drivers will have an incentive to move their vehicles at the conclusion of charging to avoid being charged the idling fee, allowing for another vehicle's charging.

V. MAKE-READY AND SCHEDULE 120 NON-RESIDENTIAL REBATES

Q: Please describe the non-residential rebates offered through Schedule 120.

A: Until its termination in 2025, Schedule 120 offered up to $4,000 per a single port charger for Level 2 and up to $45,000 per a single port charger for DCFC.

Q: What types of projects have make-ready and Schedule 120 funding supported?

A: The Company has supported Level 2 and DCFC deployment of public charging and at commercial properties, car dealerships, fleets, lodging, multi-family residences, schools, and workplaces.[30]

[30] *Annual Report of Rocky Mountain Power's Electric Vehicle Infrastructure Program,* Docket No. 25-035-23, 2024 Annual Report - Attachment B (filed April 1, 2025) at 7 [hereinafter Annual Report Attachment B].

Q: Is it important for the Company to continue offering incentives to support charging deployment at multi-family housing?

A: Yes, even though approximately 31% of residences in the U.S. are multi-unit dwellings, less than 5% of home charging takes place at multi-unit dwellings.[31] This is because drivers are unlikely to purchase plug-in vehicles if they cannot plug-in at home or at a location which is convenient for them. Convenient charging options include charging directly at multi-family housing, at the workplace, or other locations where they park for significant periods of time. Installing level 2 charging at or near multi-family housing or at workplaces can ensure that even individuals without a garage can charge their vehicle. Company owned fast chargers fill an important service in enabling long distance EV travel, but without increasing reliable access to everyday charging, the Company will be unable to fully meet its statutory objective to "support electric vehicle battery charging service" in "a manner reasonably expected to increase electric vehicle adoption."

Q: Does the Company's current multifamily program show that the program has been successful and there is demand?

A: Yes. Per the Company's latest annual report, 301 charging ports have been deployed at multi-family residences through Schedule 120 rebates.[32]

[31] Jamieson, Gibson, Wood, & Owens, *Technological Barriers to Electric Vehicle Charging at Multi-Unit Dwellings in the U.S.,* FORTH (June 2022), https://forthmobility.org/storage/app/media/Reports/MUD%20EVS%20Paper.pdf.
[32] Annual Report Attachment B, *supra* note 30, at 7.

Q: Does the Company's provision of Schedule 120 rebates provide direct benefits to customers?

A: Yes. Despite the Company stating that it "does not anticipate make-ready and Schedule 120 incentives will provide significant direct benefits to its Utah customers" and that these programs are "simply funds provided to third parties," these programs provide direct benefits to customers by enabling them to access charging infrastructure.[33] For instance, it is a direct benefit to a Company customer when EVIP funds are used to deploy charging at their multi-family residence or workplace, increasing their access to charging infrastructure. Referring to the Schedule 120 rebates as "funds provided to third parties" mischaracterizes the fact that additional charging infrastructure does provide benefits to Company customers, in line with the statutory direction to increase "the availability of electric vehicle battery charging service in the state" and enable "significant deployment of infrastructure."

Q: What do you recommend regarding Schedule 120?

A: I recommend that the Commission direct the Company to reinstate Schedule 120 and allow for provision of rebates for the various use cases as outlined therein.

[33] *Campbell Direct Testimony*, *supra* note 8, at 20.

VI. SCHEDULE 120 RESIDENTIAL REBATES

Q: How many residential rebates has the Company awarded?

A: The Company awarded 452 Schedule 120 residential rebates, totaling $90,366 from 2022-2024.[34] The residential Schedule 120 rebates terminated on January 1, 2025.

Q: What is the Company proposing regarding residential Schedule 120 rebates?

A: The Company is proposing to "leave Schedule 120 closed to new applications."[35]

Q: Do you agree with the Company's proposal not to offer residential rebates through EVIP?

A: No. Residential rebates promote an important purpose of helping customers install EV charging at home, in line with the statutory directive to "support electric vehicle battery charging service" in "a manner reasonably expected to increase electric vehicle adoption." This is especially important considering that 46% of Americans stated that discounts to install a home charger were cited as a policy that would encourage them to buy or lease an EV, second only to tax rebates/discounts for vehicle purchase or lease.[36] Furthermore, the statutory directive for enabling "competition, innovation, and customer choice in electric vehicle battery charging services, while promoting low-cost services for electric vehicle battery charging customers" is supported by the provision of rebates for

[34] *Id.* at 10.
[35] *Id.* at 18.
[36] *2023 Results Consumer Reports Survey*, *supra* note 10, at 9.

residential charging as residential charging affords customers the lowest cost opportunity to charge their vehicles.

Q: Are there other tax credits, incentives, or rebates that customers may utilize for home charger purchase and installation?

A: Currently, the federal Refueling Property Tax Credit (30C) covers up to $1,000 of charger purchase and installation costs for residences in eligible census tracts. However, the tax credit has been repealed and charging infrastructure must be placed into service by June 30, 2026 to qualify for the tax credit. After that date, there will be no federal support for installing residential charging. At the state level, Utah does not offer a program for residential charging purchase or installation.

Q: Are you concerned that the Company is proposing to discontinue the residential rebates without understanding the policy landscape for residential incentives?

A: Yes. The Company states that EVIP funded incentives are no longer needed as there are sufficient incentives available, yet the Company has admitted it "does not know if DEQ or UDOT provide funding for EV charging for single family residences."[37] The Company states that incentives are no longer needed, despite not understanding the types of incentives available on the state level, which does not offer an incentive for single family residential charging. Furthermore, the Company posits that it does not "have any evidence that federal EV charging tax credits impacted the EVIP program. As such, the

[37] WRA Exhibit__DK-2, Response to WRA Data Request 3.3.

tax credit elimination did not affect the proposed modification."[38] The lack of consideration for a significant policy change at the federal level, and a general unawareness of what is available to customers on the state level suggests that the Company's decision to not continue offering residential rebates has not been duly considered.

Q: Are there other reasons to retain a residential charging rebate program?

A: Yes. Residential rebates help the Company identify EV drivers and can serve as a tool to develop and test innovative rate designs and managed charging programs and promote load flexibility and management.

Q: Please describe how residential charger rebates can promote load flexibility and management.

A: Residential Level 2 charging presents a ripe opportunity for managing the flexible load of EV charging. Given that vehicles tend to be parked at residences for long periods of time, shifting EV charging away from or into certain time periods can have various benefits to the distribution system and the electrical grid writ large. Among current EV drivers, home charging makes up a large component of charging time, with over 90% of EV owners charging at home on a daily or weekly basis and only 2.6% of EV owners reporting never charging at home[39] [OBJ] Offering residential charger rebates provides a

[38] *Id.*
[39] Plug In America, *The Expanding EV Market: Observations in a year of growth* (February 2022), https://pluginamerica.org/wp-content/uploads/2022/03/2022-PIA-Survey-Report.pdf.

hook for requiring enrollment in specific rates (e.g. time of use) or pilot programs, including managed charging.

Q: Did Schedule 120 require customers to participate in innovative rate structures?

A: Yes. Schedule 120 required customers receiving residential rebates to participate in Schedule 2E, Schedule 135 or Schedule 73.[40] This means that customers who were not participating in net metering or subscriber solar took service on Schedule 2E, the EV time of use pilot.

Q: Please describe the categories of managed charging.

A: Managed charging programs can take many forms but are broadly categorized as "active managed charging" or "passive managed charging." Active managed charging involves direct utility control of a customer's EV charging, where a utility communicates a signal to a plugged-in EV through a networked charger or through the vehicle's built-in telematics, allowing real-time or near real-time responsiveness to grid conditions. Active managed charging has the greatest long-term potential to utilize EV charging flexibility to benefit the grid. By contrast, passive managed charging relies on individual customers to adjust their charging behavior in response to price signals, like time-variant electricity rates. Passive managed charging programs are very important for near- and mid-term charging management, as they are simpler to implement, yet they lack the dynamic flexibility of active managed charging

[40] Rocky Mountain Power Electric Service Schedule No. 120, *Plug-in Electric Vehicle Incentive Pilot Program* (filed May 9, 2025), 120_Plug-in_Electric_Vehicle_Incentive_Pilot_Program.pdf.

Q: Please describe the Company's current rate and program offerings for EV drivers.

A: The Company currently offers an EV time of use rate (Schedule 2E), but it is currently closed to new enrollment.[41] Per the Phase II Settlement Stipulation in the 2024 General Rate Case, Schedules 2 and 2E will be consolidated and replaced by a new, optional time-of-use rate open to all residential customers including EV owners.[42] Existing Schedule 2E customers will be automatically assigned to the new Schedule 1 residential TOU pilot program on December 1, 2025.[43] Additionally, the Company offers Wattsmart Drive, a program EV drivers can enroll in to earn up to $100 in their first year and up to $50 in subsequent years when they opt in to pausing vehicle charging for up to five minutes during demand response events.[44]

Q: Could a residential rebate program with program participation conditions provide load management capabilities beyond the Company's current offerings?

A: Yes. The Company could develop an active managed charging pilot and require customers receiving a residential rebate to participate.

[41] Rocky Mountain Power, *Savings & Energy Choices: Plug into an electric vehicle*, https://www.rockymountainpower.net/savings-energy-choices/electric-vehicles.html (last visited September 30, 2025) ("The Utah EV Time of Use rate option is no longer open to new enrollment.").
[42] *Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations,* Docket No. 24-035-04, Phase II Settlement Stipulation (filed January 14, 2025), at 3-4, 337604PhsIIStlmntStpltn1-14-2025.pdf.
[43] *See* Rocky Mountain Power Electric Service Schedule No. 1, *Residential Service* (filed May 9, 2025), 001_Residential_Service.pdf.
[44] Rocky Mountain Power, *Wattsmart Drive,* https://www.rockymountainpower.net/savings-energy-choices/electric-vehicles/wattsmart-drive.html (last visited September 30, 2025).

Q: Have other utilities conditioned the receipt of residential incentives on participating in managed charging programs?

A: Yes. Public Service Company of Colorado requires customers receiving residential rebates to enroll in either a passive or active managed charging offering. The passive managed charging program, Optimize Your Charge, requires an 80% minimum of EV charging to occur during off-peak periods. Currently, Optimize Your Charge customers select either 9pm-6am, 12:30am-9:30am, or 6am-3pm as their off-peak charging window and were required to complete at least 80% of their charging in that window to receive an annual $50 bill credit.[45] However, on October 1, 2025, Optimize Your Charge will transition to a single off-peak charging window from midnight to noon.

Public Service Company of Colorado's active managed charging program, Charging Perks, has the EV driver input their desired state of charge and the time the state of charge is required by, then optimizes charging times based on when electricity prices will be low and renewable production will be abundant. The signals are communicated on a day ahead basis from the utility through a third-party aggregator to the original automotive equipment manufacturer (OEM) and then directly to the vehicle through its onboard telematics system. Additionally, El Paso Electric provides a residential rebate to offset costs of panel upgrade of up to $1,300 per standard customer and $1,800 per income-qualified customer on the condition of enrolling in their EV Smart Rewards NM program, which is "a managed charging program that rewards participants for allowing

[45]Xcel Energy, *Optimize Your Charge Pilot*, https://ev.xcelenergy.com/optimize-your-charge (last visited September 30, 2025).

their EV charging to be scheduled by El Paso Electric, to take advantage of charging during the cheapest, greenest time."[48] The provision of a residential rebate can be an important hook to get customers enrolled on managed charging programs which can leverage EVs' inherent load flexibility to use them as grid assets and create downward pressure on electricity rates for all the Company's customers.

VII. RECOMMENDATIONS

Q: Please summarize your recommendations.

A: I recommend the following:

- Reject the Company's proposal to use EVIP funds primarily for Company-owned charging stations and continue to fund make-ready incentives for third party DCFC.
- Direct the Company to retain Schedule 120 non-residential rebates for additional charging use cases.
- Direct the Company to continue providing Schedule 120 residential rebates and encourage the Company to develop a managed charging program.

Q: Does this conclude your testimony?

A: Yes.

I have read this filing and believe that it is supported in fact and in law.

Respectfully submitted,

WESTERN RESOURCE ADVOCATES

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