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# UTAH DEPARTMENT OF COMMERCE

## Division of Public Utilities

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## Action Request Response

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director  
Brenda Salter, Assistant Director  
Doug Wheelwright, Utility Technical Consultant Supervisor  
Bob Davis, Utility Technical Consultant  
David Williams, Utility Technical Consultant  
Trevor Jones, Utility Technical Consultant

**Date:** May 3, 2023

**Re:** **Docket No. 23-035-18**, Annual Report of Rocky Mountain Power's Electric Vehicle Infrastructure Program

## Recommendation (Acknowledge with Recommendation)

The Division of Public Utilities (Division) recommends the Public Service Commission (Commission) acknowledge Rocky Mountain Power's (RMP) Electric Vehicle Charging Infrastructure Program (EVIP) report with revisions. The Division recommends that RMP file a revised Attachment A to reconcile some improperly recorded expenses that occurred during the 2022 reporting period. Also, the Division suggests that RMP provide the average uptime, or the available time each charging port is available over the reporting period, in future reports as data becomes available.

## Issue

On April 3, 2023, RMP filed its annual report (Report) for its EVIP for 2022. On the same day, the Commission issued an action request to the Division asking it to review RMP's Report for compliance and make recommendations. The Commission asked the Division to report back by April 27, 2023. On April 5, 2023, the Commission issued its Notice of Filing

Division of Public Utilities

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and Comment Period asking any interested person to submit comments before May 3, 2023, and reply comments by May 18, 2023.

## Background

The Utah Legislature passed House Bill 396, Electric Vehicle Charging Infrastructure Amendments (HB 396), during the 2020 legislative session. HB 396 was codified in Utah Code Annotated Section 54-4-41 authorizing RMP to create its EVIP. Among other things, Subsection 54-4-41(8) requires RMP to submit an annual report of the EVIP's activities for the previous calendar year to the Legislature's Public Utilities, Energy, and Technology Interim Committee (PUETIC) by June 1st of each year.<sup>1</sup>

RMP filed its proposed EVIP with the Commission on August 23, 2021.<sup>2</sup> In accordance with the Commission's Scheduling Order,<sup>3</sup> interested parties filed direct testimony on October 19, 2021, with various recommendations for the EVIP. Notably, all parties who filed testimony expressed interest in and offered suggestions regarding additional reporting of the EVIP beyond the required reporting to the PUETIC. Paragraph 39 of the Settlement Stipulation addresses the reporting requirements of the EVIP and requires RMP to submit annual reports to the Commission for the duration of the EVIP.<sup>4</sup>

On March 21, 2022, RMP filed its Proposed Report for its EVIP.<sup>5</sup> On March 23, 2022, the Commission issued its Notice of Filing and Comment period for any interested person to file comments on RMP's proposed reporting template.<sup>6</sup> On June 15, 2022, the Commission

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<sup>1</sup> Utah Code Ann. § 54-4-41, [https://le.utah.gov/xcode/Title54/Chapter4/54-4-S41.html?v=C54-4-S41\\_2020051220200512](https://le.utah.gov/xcode/Title54/Chapter4/54-4-S41.html?v=C54-4-S41_2020051220200512).

<sup>2</sup> Docket No. 20-035-34, *Rocky Mountain Power's EVIP Application* filed August 23-2021, <https://pscdocs.utah.gov/electric/20docs/2003534/320055RMPpplctn8-23-2021.pdf>.

<sup>3</sup> Docket No. 20-035-34, *Commission's Scheduling Order and Notice of Hearing*, <https://pscdocs.utah.gov/electric/20docs/2003534/3202722003534soanoh9-14-2021.pdf>.

<sup>4</sup> Docket No. 20-035-34, *Settlement Stipulation* filed November 17, 2021, at 9, <https://pscdocs.utah.gov/electric/20docs/2003534/321212StlmtStpltn11-17-2021.pdf>.

<sup>5</sup> Docket No. 20-035-34, *Rocky Mountain Power's Proposed Report* filed March 21, 2022, <https://pscdocs.utah.gov/electric/20docs/2003534/323087RMPPrpsdRprt3-21-2022.pdf>.

<sup>6</sup> Docket No. 20-035-34, *Commission's Notice of Filing and Comment Period* issued March 23, 2022, <https://pscdocs.utah.gov/electric/20docs/2003534/3231072003534nofacp3-23-2022.pdf>.

issued its order approving RMP's proposed report with several recommended changes.<sup>7</sup> This filing is RMP's first annual report for the EVIP.

## Discussion

In accordance with the Commission's Orders approving the settlement stipulation and reporting template, RMP submitted Attachment A containing the accounting information for the EVIP activities for calendar year 2022, and Attachment B containing the written status update.<sup>8</sup> The EVIP report for calendar year 2022 was mostly centered around charger planning, outreach activities, and make-ready and charger incentive allocations.

The Division has reviewed RMP's Attachments A and B considering the Parties' Stipulation, Commission Orders, and Section 54-4-41. The Division recognizes that this is RMP's first annual report of the EVIP, which is not fully developed and implemented, further development of the report in succeeding years as more data becomes available is advisable. The Division offers the following comments and recommendations.

The Division's review of Attachment A concluded that RMP is following the Commission's and Parties' request to produce an accurate accounting of the progress of the EVIP. The Division's review found some minor discrepancies between the write-up in Attachment B and the accounting detail reported in Attachment A. Specifically, the write-up in Attachment B discussed partnership expenses that were not accounted for as expenses in Attachment A.<sup>9</sup> The Division asked RMP to clarify these omissions in DPU DR 1.6. RMP's response to DPU DR 1.6 was that there is no omission of expenses but rather some Schedule 198 fund expenditures that occurred during 2022 were recorded in January 2023 due to the timing of

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<sup>7</sup> Docket No. 20-035-34, *Commission's Order Approving Proposed Report* issued June 15, 2022, <https://pscdocs.utah.gov/electric/20docs/2003534/3245182003534oapr6-15-2022.pdf>.

<sup>8</sup> Docket No. 23-035-18, *Annual Report of Rocky Mountain Power's Electric Vehicle Infrastructure Program* [hereinafter EVIP] filed April 3, 2023, <https://pscdocs.utah.gov/electric/23docs/2303518/3274842022AnIRprt4-3-2023.pdf>.

<sup>9</sup> *Id.* In reference to Section 1c – Partnerships, Department of Energy Grants, page 12, RMP indicates that no EVIP funds were spent on partnerships or innovative projects. However, Section 1d – Educational Outreach/Marketing, Sponsored Event, page 20, indicates that RMP leveraged WestSmartEV@Scale funding.

invoicing the expenditures and will be included in next year's reporting. Other outreach activities utilized WestSmartEV@Scale project funds and not Schedule 198 funds.

The Division's review of Attachment B concluded that RMP's report complies with the Commission's order and includes information available for this reporting period. RMP agreed to provide information on four main topics: (1) Section 1a covers Company Owned Charging Stations; (2) Section 1b covers Make Ready Infrastructure; (3) Section 1c covers Partnerships; and (4) Section 1d covers Educational Outreach/Marketing. Since this is RMP's first annual report of the EVIP program, which is still in its development and implementation phase, the Division recognizes that there is limited information for most of the required topics. The majority of this first report focuses on the Partnerships and Outreach/Marketing parts of the program's development.

#### *Section 1a — Company-Owned Charging Stations*

RMP has completed an RFP process, which included five local and national companies and has chosen to partner with Electrify America.<sup>10</sup> In Appendix 1 of its filing, RMP included a copy of the scope of work with technical specifications for potential bidders. RMP states that Electrify America was selected primarily for three reasons: low price, experience operating high-powered direct current fast chargers (DCFC), and timely access to equipment. The Division is concerned with the lead times reported by many of the bidders and RMP for charger dispensers, switchgear, and utility transformers. RMP states that it has pre-ordered utility transformers for its planned build-out and included it as a capital expense on Attachment A. The Division submitted several data requests to RMP asking for additional information regarding the RFP process and site location details.<sup>11</sup>

RMP also reported that it had begun its pre-selection site evaluations with potential site hosts that included cities, counties, universities, state agencies, and private landowners. RMP states that the model site will be approximately 54 feet by 18 feet, comprising two 350 kilowatt (kW) and two 150 kW chargers, with one of four stalls being ADA compliant. However, RMP's response to DPU DR 1.3 clarifies that RMP will conduct feasibility studies

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<sup>10</sup> DPU DR 1.1.

<sup>11</sup> DPU DRs 1.2-1.4 & 1.9

of interconnecting one megawatt (MW) of load at each of its charging locations and adjust the site capacity as needed. The Division is concerned that having only a high-load site configuration may exclude potential charging locations in some areas of the state. This concern is supported by RMP's elimination of the proposed site in Panguitch, Utah. RMP stated that having a charging station in the Panguitch area was not feasible due to load capacity constraints. The Division recommends that RMP consider other site configurations, such as single-charger configurations, which may allow interconnection of a smaller load so communities like Panguitch can have access to EV charging stations. It may be that smaller configurations are not feasible; however, RMP could elaborate more on this in future reports.<sup>12</sup>

The Division notes that 11 of the proposed 20 charging locations are along the Wasatch Front. The Division has concerns that the allocation of RMP owned chargers may focus too much on areas of higher EV penetration, leaving the less populated areas with insufficient charging locations. The Division is not aware of any third-party operator plans to install charging locations and does not know how many charging ports will be made available throughout the rest of Utah, other than those provided by RMP in DPU DR 1.4 and other charging location map apps on the Internet.<sup>13</sup> The Division realizes that the program is in its initial phase and does not expect RMP to immediately solve the issue of rural remote charging, but it may be beneficial to start exploring and testing alternate charger site configurations or other options that address this issue.

The Division understands that RMP-owned charging stations will adhere to the National Electric Vehicle Infrastructure (NEVI) program administered by the Utah Department of Transportation (UDOT).<sup>14</sup> The Division concludes that RMP's charger ports will offer support for Combined Charging System (CCS) connection technology, which is the most common connection type in North America, except for Tesla.<sup>15</sup>

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<sup>12</sup> *Id.* DPU DR 1.4.

<sup>13</sup> *Id.*

<sup>14</sup> Fed. Highway Admin., U.S. Dep't of Transp., Press Release (Feb. 10, 2022), <https://highways.dot.gov/newsroom/president-biden-usdot-and-usdoe-announce-5-billion-over-five-years-national-ev-charging>.

<sup>15</sup> DPU DR 1.2. Tesla chargers use a different port connection technology and interoperability that do not comply with open standards.

Since the program is new and RMP's chargers are not anticipated to be functional before the third quarter of 2023, the Division recognizes that there is no usage and maintenance related data to report.

*Section 1b — Make-Ready Infrastructure*

RMP began offering incentives and rebates to non-residential and residential customers including multi-family dwellings. Customers cannot claim both an incentive and a rebate for the same project. To be eligible for a make-ready incentive or rebate, RMP requires customers to choose electric vehicle supply equipment (EVSE) that meets open standards and interoperability.<sup>16</sup>

RMP states that it started to offer incentives and rebates for make-ready infrastructure during 2022. RMP reports that it received requests for \$2,746,461 of incentive applications, composed of 19 applications supporting 203 charging ports, and it has awarded \$2,373,725 of incentives, none of which have yet been paid.<sup>17</sup>

RMP reports that it has received requests for \$1,081,617 of non-residential rebates, comprising 30 applications supporting 151 charging ports. It has awarded \$441,619 in non-residential rebates and paid \$93,144 of the awarded rebates. Residential rebates consisted of 222 applications, with \$13,600 in rebates paid.<sup>18</sup> The Division notes that RMP does not show any expenses in its Attachment A relating to the \$106,744 of non-residential and residential rebates paid out to customers. The Division asked RMP to clarify this expense in data request DR 2.1. RMP's response to DPU DR 2.1 clarifies that the \$106,744 of non-residential and residential infrastructure rebate amount is recorded under Incentive Administrative Expense instead of under Make Ready Infrastructure Capital Spend on Attachment A.

In DPU DR 1.7, the Division asked RMP to break down the \$393,246 capital expenditure reported in Attachment A. RMP's response was that this expense included a \$10,799

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<sup>16</sup> EVIP, *supra* note 8, at 5-6.

<sup>17</sup> *Id.* at 8.

<sup>18</sup> *Id.* at 9.

allowance for funds used during construction which should not have been applied. RMP plans to revise its Attachment A and refile it with its reply comments.

*Section 1c — Partnerships*

RMP reports that it continues to work with UDOT and the steering committee that includes representatives from the Governor’s Office of Planning and Budget, Utah Department of Environmental Quality, Utah Division of Construction and Facilities Management, Utah Department of Government Operations, Utah Governor’s Office of Energy Development, Division of Utah State Parks, and the Utah Division of Tourism. In addition to the steering committee, RMP continues to work with the Utah Inland Port Authority and the electric truck project led by Utah State University and Stadler Rail. Finally, RMP reports on the two grants it has with the U.S. Department of Energy through the WestSmartEV@Scale and Electrification Mosaic (eMosaic) projects.

The objective of the WestSmartEV@Scale project is to identify and accelerate the use of EVs. RMP reports that project funds were used to fund experts from Utah State University, University of Utah, National Renewable Energy Laboratory, and Electric Vehicle Infrastructure Advisors who assisted in evaluating infrastructure gaps, developing technical specifications for open source and interoperability, and conducting pre-selection site assessments.<sup>19</sup> RMP reports that the WestSmartEV@Scale project will conclude on December 31, 2024.

The objective of the eMosaic project is to research, develop, and demonstrate a scalable and resilient eMosaic platform to provide localized and bulk grid services and smart charge management for a variety of charging destinations and load types. ABB Inc. is leading this project that includes Utah State University and Idaho National Laboratory. RMP plans to utilize this project to pilot and evaluate a demand response program for EV charging at workplaces and multifamily dwellings. RMP plans to design the demand response program in 2023 and evaluate it in 2024. The eMosaic project is scheduled to sunset in February of 2025.<sup>20</sup>

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<sup>19</sup> *Id.* at 12.

<sup>20</sup> *Id.*

The Division appreciates RMP's partnership with many state agencies, Utah State University, University of Utah, and the national laboratories in the adoption of EVs and EV charging infrastructure in the State of Utah.

RMP states that no EVIP funds were spent on partnerships or innovative projects during 2022. However, under the Educational Outreach/Marketing section, RMP claims that it was able to leverage WestSmartEV@Scale funding for a sponsored event. RMP does not record any expenses for Marketing or Partnerships in Attachment A. The Division asked RMP in data request DPU DR 1.6 for clarification of this potential expense. It is unclear to the Division how the accounting of these government grants is treated in the EVIP. Even with RMP's response to DPU DR 1.6 noted above, the Division is uncertain how RMP accounts for the funds provided by WestSmartEV@Scale, eMosaic, and other state and federal funding for its EVIP, as those funds are not included in the EVIP accounting.

#### *Section 1d — Educational Outreach/Marketing*

The Division concludes that RMP's website and multi-touch integrated outreach/marketing plan using paid, owned, earned, and direct communication channels is effectively putting the word out to educate its customers and the general public about EVs and EV charging. RMP reports that there was no customer feedback on the EVIP in 2022. As mentioned above, RMP does not include any marketing expenses in Attachment A.

Based on the foregoing conclusions, the Division recommends the Commission direct RMP to provide an updated Attachment A, which includes all expenses to account for the rebates, partnerships, and marketing activities that occurred during the 2022 reporting period. Also, the Division recommends that RMP report on the available uptime (average percent of time available for use out of the year) of its chargers in future reports in addition to those listed in response to DPU DR 1.9.

## **Conclusion**

The Division has reviewed RMP's first annual EVIP Attachment A – EVIP Accounting, and Attachment B, Program Status. The Division concludes that 2022 is the first year of the EVIP, which is still in its initial stages. Therefore, this first annual report offers little if any measurable data other than expenses relating to development of charger locations and site



design, awarding incentives and rebates for make-ready infrastructure, and outreach as the program continues to progress.

The Division recommends that the Commission direct RMP to file a revised Attachment A to reconcile some improperly recorded expenses that occurred over the 2022 reporting period. Also, the Division recommends that RMP report on the average uptime of its chargers in future reports as data becomes available.

The Division recommends the Commission acknowledge RMP's first annual EVIP report with the Division's recommendations.

cc: Jana Saba, RMP  
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Service List