



State of Utah

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July 3, 2023

Ms. Jana Saba
Rocky Mountain Power
1407 West North Temple, Suite 330
Salt Lake City, UT 84116

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

Dear Ms. Saba,

The Public Service Commission of Utah (PSC) has reviewed Rocky Mountain Power's (RMP) inaugural Electric Vehicle Infrastructure Program (EVIP or "Program") report filed on April 3, 2023 for the 2022 calendar year ("2022 EVIP Report").

The 2022 EVIP Report

The 2022 EVIP Report includes two attachments and three appendices. Attachment A details monthly balance account information for EVIP activities for the 2022 calendar year. Attachment B includes a written status update of RMP's EVIP activities, subdivided into sections addressing company-owned charging stations, "make ready infrastructure" and rebate incentives, partnerships with state and federal agencies, and educational and outreach efforts. The 2022 EVIP Report also includes three appendices related to RMP's request for proposals on EV supply equipment and related services, the Program's Plug-in Electric Vehicle Make-Ready Project Funding application process and application form, and application forms for AC Level 2 or DC Fast Chargers for non-residential and multi-family residences.

Agency and Stakeholder Comments

On May 3, 2023, the Division of Public Utilities (DPU), Office of Consumer Services (OCS), and ChargePoint independently filed comments, and Western Resource Advocates (WRA) jointly filed comments with Utah Clean Energy (collectively, "WRA/UCE").

The OCS recommended the PSC acknowledge the 2022 EVIP Report meets the requirements the PSC has established and suggested RMP endeavor to improve certain outreach efforts and to implement a public survey component in its outreach efforts. DPU similarly recommended the PSC acknowledge the 2022 EVIP Report and made recommendations as to the contents of future annual reports.

WRA/UCE proposed additional detail be required in future annual reports and proposed certain changes to the underlying EVIP Program, including conditions for residential rebates and numerous aspects of RMP-owned charging stations. ChargePoint's comments requested the PSC direct RMP to regularly update its website with the amount of funding available under the EVIP Program, require RMP modify its specifications to include future versions of the Open Charge Point Protocol (OCPP), and prohibit RMP from seeking any funding available under the National Electric Vehicle Infrastructure (NEVI) program administered by the Utah Department of Transportation.

On May 18, 2023, RMP filed Reply Comments, agreeing to implement numerous suggestions raised in the comments, including supplementing future reports with additional categories of customers, discussing certain issues in future stakeholder meetings, updating its website monthly to indicate available Program funding, clarifying its specification as to the eligibility of future versions of the OCPP, and considering improvements to its marketing and outreach efforts.¹ RMP also filed a revised Attachment A to the 2022 EVIP Report, correcting several mistakes the DPU had noted.

The PSC Acknowledges the 2022 EVIP Report

Consistent with Utah Code Ann. § 54-4-41(8), the PSC issued an order in late 2021 approving the Program and requiring RMP (i) file an annual report in a form to be approved by the PSC; (ii) host annual stakeholder meetings; and (iii) file a proceeding every three years to conduct a Program review.² In June 2022, after receiving stakeholder input, the PSC issued an order adopting a form for the annual report ("Approved Form of Report").³

¹ WRA/UCE and ChargePoint also filed reply comments on May 18, 2023, generally supporting various recommendations voiced by each other, the DPU, or OCS in their respective earlier comments.

² *Application of RMP for Approval of EVIP*, Docket No. 20-035-34 (Order Approving Settlement Stipulation issued December 20, 2021).

³ *Application of RMP for Approval of EVIP*, Docket No. 20-035-34 (Order issued June 15, 2022).

As a general matter, when the PSC issues a Notice of Filing and Comment Period after a utility files a periodic report, the PSC is soliciting stakeholder feedback as to whether the report satisfies existing reporting requirements. In most such cases, as here, the PSC does not issue a Notice of Agency Action, hold a scheduling conference, set any other adjudicative deadlines, or schedule a hearing date. Therefore, comments filed in response to a regularly filed report are not an appropriate mechanism through which to seek an order from the PSC that modifies existing reporting requirements or material parameters of the underlying program. The procedurally appropriate mechanism to seek such changes is by filing a Request for Agency Action under Utah Code Ann. § 63G-4-102, which will initiate an adjudicative proceeding to resolve any contested issues.

That said, the PSC certainly has no desire to discourage stakeholders and utilities from capitalizing on dockets such as these to discuss issues or to discourage utilities from agreeing to supplement future reports based on stakeholder feedback, as has occurred here. The PSC merely advises stakeholders that, in the future, if they earnestly wish to compel changes to existing requirements or programs, especially where other stakeholders or the utility oppose them, they should file a Request for Agency Action that initiates an appropriate adjudicative process for the PSC to evaluate the merits of their evidence and arguments.

With respect to the 2022 EVIP Report, no stakeholder has disputed the 2022 EVIP Report satisfies existing reporting requirements as established in the Approved Form of Report. Similarly, the PSC has reviewed the 2022 EVIP Report and acknowledges the filing as consistent with existing reporting requirements. While this letter does not modify any prior order of the PSC, the PSC expects RMP to honor the good faith representations it made to other stakeholders in its Reply Comments.

Sincerely,

/s/ Gary L. Widerburg

PSC Secretary

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