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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
Matthew Pernichele, Utility Analyst

Date: May 2, 2024

Re: **Docket No. 24-035-17**, 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 of Utah (Commission) acknowledge Rocky Mountain Power's (RMP) Electric Vehicle Charging Infrastructure Program (EVIP) Report with the Division's following recommendations:

- 1) The Division recommends that the Commission direct RMP to file its Attachment A, EVIP Accounting, for the calendar year separately in Excel format with intact formulae in future reports.
- 2) The Division recommends that the Commission direct RMP to file a comparison of RMP's owned chargers including make-ready, Make-Ready Awards, and Innovation separately in Excel format with intact formulae.
- 3) The Division recommends that the Commission direct RMP to provide the average time each charging port is available for customer use over the reporting period in future reports as data becomes available.

Division of Public Utilities

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Issue

On April 1, 2024, RMP filed its 2023 EVIP Report (Report). On the same day, the Commission asked the Division to review RMP's Report for compliance and make recommendations. The Commission asked the Division to report back by May 1, 2024. On April 2, 2024, the Commission issued its Notice of Filing and Comment Period asking any interested person to submit comments before May 2, 2024, and reply comments by May 17, 2024.

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.¹

RMP filed its proposed EVIP with the Commission on August 23, 2021.² In accordance with the Commission's Scheduling Order,³ 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.⁴ Paragraph 41 of the Settlement Stipulation requires RMP to file a "Program Review" after the Program has been in effect for three years and every three years thereafter until the EVIP concludes.⁵

¹ Utah Code Ann. § 54-4-41(8), https://le.utah.gov/xcode/Title54/Chapter4/54-4-S41.html?v=C54-4-S41_2020051220200512.

² 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>.

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

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

⁵ *Id.*, at 9.

On March 21, 2022, RMP filed its Proposed Report for its EVIP.⁶ 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.⁷ On June 15, 2022, the Commission issued its order approving RMP's proposed report with several recommended changes.⁸

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 2023, and Attachment B containing the written status update.⁹ The EVIP report for calendar year 2023 continues to be centered around charger planning, outreach activities, make-ready, and charger incentive allocations. The Division notes that RMP has four sites under construction with operation dates during the 2nd quarter of 2024.¹⁰

The Division has reviewed RMP's Attachments A and B considering the Parties' Stipulation, Commission Orders, and Section 54-4-41 of the Utah Code. The Division recognizes that this is RMP's second annual report of the EVIP which is not fully developed and implemented. It is anticipated there will be further development of the report in succeeding years as more data becomes available. 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 has some concerns with the over-collection of revenues under Schedule No. 198, which is set by Paragraph 32 of the Settlement Stipulation. RMP is allowed to collect \$5M over the course of 10 years under Schedule No. 198.¹¹ RMP reports \$5,905,778 in revenue

⁶ 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>.

⁷ 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>.

⁸ 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>.

⁹ Docket No. 24-035-17, *Rocky Mountain Power's 2023 Electric Vehicle Infrastructure Program Report*, April 1, 2024, <https://pscdocs.utah.gov/electric/24docs/2403517/3331172023AnlRprt4-1-2024.pdf>.

¹⁰ *Id.*, *Status of RMP Owned Charging Stations*, page 9 of 54.

¹¹ Docket No. 20-035-34, *Supra* note 4, ¶ 32 at 7.

collection during 2023. The Division asked RMP to clarify the overage in collections in DPU DR 1.2 (attached to this report as Appendix A). RMP responded that the *Schedule 198 rate was designed to collect about \$5 million annually based on the sales and revenues from the forecast period 12 months ending December 2021 established in the RMP's last general rate case (GRC), Docket 20-035-04. The actual annual collection may be more or less than the \$5 million amount depending on the actual annual sales and revenues.*¹² Paragraph 41 of the Settlement Stipulation allows stakeholders the opportunity to evaluate the prudence of the investments being made and make any recommendations to the Program. The Division may make recommendations on the potential over-collection as part of the prudence review of the Program and completion of RMP's general rate case expected to be filed on April 30, 2024.

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 RMP Owned Charging Stations; (2) Section 1b covers Make Ready Infrastructure; (3) Section 1c covers Partnerships; and (4) Section 1d covers Educational Outreach/Marketing. This report is RMP's second annual report of the EVIP program, which is still in its development and implementation phase. RMP's second report continues to focus on the development of RMP's Charging Infrastructure, Make-Ready awards, and its application for potential National Electric Vehicle Infrastructure (NEVI) funding.

Section 1a — RMP-Owned Charging Stations

RMP reports that it finalized its contract terms with Electrify America on March 15, 2023.¹³ The Division notes that RMP has implemented a design change to the charging equipment and increased the default number of chargers at each location from four to six, subject to the specific conditions of each site. The design change mostly encompasses the capability of each charging cabinet. Each cabinet will have an output of 350 kW shared between the

¹² Docket No. 24-035-17, *DPU Data Request Set 1 to RMP*, April 4, 2024.

¹³ Docket No. 24-035-17, *Supra* note 9, page 6 of 54.

ports. The Division asked RMP to clarify how this would work with more than one EV at a charging station in DPU DR 1.6 (attached to this report as Appendix A).

RMP reports four sites under construction that are expected to be operational in the 2nd quarter of 2024. Those sites are Moab, Vernal, Kimball Junction, and Millcreek City.¹⁴ Additionally, RMP reports three sites under engineering design at Ogden, Layton, and Orem.¹⁵

The Division understands that RMP-owned charging stations will adhere to the guidelines of the National Electric Vehicle Infrastructure (NEVI) program administered by the Utah Department of Transportation (UDOT).¹⁶ RMP reports that on August 23, 2023, UDOT initiated a call for applications to construct EV charging locations across fifteen designated locations in Utah. RMP notes that eleven of these locations fall within RMP's service territory. RMP applied for eight of these locations that met its strategic objectives and was awarded seven of the eight applied for.¹⁷ RMP notes that the NEVI funds will be issued after installation and are expected to contribute to the on-going operation and maintenance costs for the sites. Table 1 in RMP's Report lists the awarded NEVI sites.¹⁸ These sites coincide with RMP's sites already planned, under construction, or under engineering review. The Division plans to review Attachment A for proper accounting of the use of the NEVI funds in future reports.

The program continues its ramp-up period with some charging sites expected to become operational during 2024. Therefore, the Division recognizes that there is no usage and maintenance related data to report in this year's filing.

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

¹⁴ *Id.* page 9 of 54.

¹⁵ *Id.*

¹⁶ 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>.

¹⁷ Docket No. 24-035-17, *Supra* note 9, page 8 of 54.

¹⁸ *Id.*

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.¹⁹

RMP started offering incentives and rebates for make-ready infrastructure during 2022. RMP reports twice as many incentive requests this year over last year's report from 61 to 126. RMP reports that infrastructure projects are taking a significant amount of time to complete due to nationwide industry challenges. With shortages and lead times for equipment, projects are rarely completed in the year the applications are submitted. RMP reports that it awarded \$1,383,348 for make-ready infrastructure and rebates comprising \$746,485 for make-ready infrastructure, \$385,578 for DCFC rebates, \$221,885 for AC Level 2 rebates, and \$39,400 for residential rebates.²⁰

In comparison, during 2022, RMP awarded \$2,373,725 for non-residential make-ready applications but did not pay out any funds for 2022 make-ready applications. RMP awarded \$441,619 in non-residential rebates and paid \$93,144. Residential rebates consisted of 154 applications of which 68 were awarded totaling \$13,600 in paid rebates.²¹

The Stipulation signed by the parties in Docket No. 20-035-34, November 17, 2021, specifically Paragraph 33 Budget and Expenditures, Section (a), stipulated that capital expenditures would be allocated as 45 percent RMP-owned chargers, 45 percent make-ready investments, and 10 percent to innovative projects and partnerships. The Division asked RMP in DPU DR 1.5 (attached to this report as Appendix A) to breakdown its capital expenditures in light of its Attachment A, CY 2023 Accounting.²² The following table represents the Division's understanding of the table provided by RMP in its response to DPU DR 1.5 broken down into years for 2022 and 2023.

¹⁹ EVIP, *supra* note 4, ¶ 31, *Elements of the EVIP*, pages 5-7.

²⁰ Docket No. 24-035-17, *Supra* note 9, Table 3, at page 11 of 54.

²¹ Docket No. 23-035-18, *Annual Report of Rocky Mountain Power's Electric Vehicle Infrastructure Program*, April 3, 2023, Attachment B, pages 8 and 9, <https://pscdocs.utah.gov/electric/23docs/2303518/3274842022AnIRprt4-3-2023.pdf>.

²² Docket No. 24-035-17, *Supra* note 9, Appendix A.

RMP Owned vs Make Ready Awards						
Category	2022	%	2023	%	Total	%
RMP Owned	\$ 393,246	14%	\$5,405,921	56%	\$ 5,799,167	47%
Make Ready Awards	\$2,373,725	86%	\$4,269,810	44%	\$ 6,643,535	53%
Innovation	\$ -	0%	\$ -	0%	\$ -	0%
Total	\$2,766,971		\$9,675,731		\$ 12,442,702	

While RMP, in its response to DPU’s data request, suggests that it is complying with the stipulation with its year-over-year percentages of RMP owned versus make-ready to the totals, the above table demonstrates that yearly percentages may not be conforming to those stipulated. The Division finds it prudent to monitor these capital expenditures going forward due to the reported lags in awarding of applications and re-evaluate when the Program review is filed next year. RMP does not report any innovative projects underway in this year’s Report.

Section 1c — Partnerships

RMP reports that in 2023, the Utah Legislature passed Senate Bill 125, Transportation Infrastructure Amendments, which establishes a steering committee to create a strategic plan for a fully electric transportation system in Utah chaired by UDOT. The Governor of Utah has appointed RMP to serve on the steering committee. Other members of the steering committee are: the Governor’s Office of Economic Opportunity, the Governor’s Office of Energy Development, Utah Department of Environmental Quality, and the Utah Transit Authority. The steering committee meets quarterly and discusses strategies for how to expand transportation electrification in the state including within the Utah Inland Port Authority and The Point Development.²³ The Division looks forward to the reporting of these discussions in future reports.

RMP reports that it continues to manage 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 no project funds were used to fund experts from Utah State University, University of Utah, National Renewable Energy Laboratory, and Electric Vehicle

²³ Docket No. 24-035-17, *Supra* note 9, page 13 of 54.

Infrastructure Advisors who assisted in evaluating infrastructure gaps, developing technical specifications for open source and interoperability, and conducting pre-selection site assessments.²⁴ 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 with the help of 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 will conclude on December 31, 2024.²⁵

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.

Section 1d — Educational Outreach/Marketing

The Division concludes that RMP put forth ample effort through its educational outreach and marketing plan to inform the public about electric vehicles. RMP hired Elevate Campaign Strategies to provide it with recommendations and strategies. Embold Research surveyed 647 of Rocky Mountain's customers, followed by ten follow-up, in-depth interviews, of current and future electric vehicle owners, to understand customers' awareness of and willingness to participate in time-of-use programs. The Division concludes that the survey resulted in mixed points of view when it comes to time-of-use rates and correlation to use of solar panels and net metering as obstacles to participating in at-home electric vehicle time-of-use programs.²⁶ The Division has no recommendation of the statistical validity of the survey or its results.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*, at page 14 of 54.

The Division notes that RMP recorded \$25,200 of EVIP funds used for the survey in its CY 2023 Program Accounting, Attachment A. RMP also expensed \$2,400 of EVIP funds to host a car show for its educational outreach.²⁷

The Division appreciates RMP's efforts to make the annual EVIP report informative and provide the necessary metrics for the Division to meet its task of evaluating the program for prudence.

Conclusion

The Division has reviewed RMP's EVIP CY 2023 Attachment A – EVIP Accounting, and Attachment B, Program Status. The Division notes that 2023 is the second year of the EVIP implementation and RMP is making progress toward the operation of an owned charging infrastructure throughout Utah. The Report does not offer any measurable operations 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 the Commission direct RMP to file Attachment A in Excel format with intact formulae separately in future reports to help the reader better understand the accounting for the program. The Division also recommends that RMP file an exhibit in Excel format to demonstrate the annual ratios of RMP-owned capital expenses to make-ready and innovative capital expenses. Finally, 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 Report with the Division's recommendations.

cc: Jana Saba, RMP
Michele Beck, OCS
Service List

²⁷ *Id.*, pages 14-16 of 54.

Appendix A

24-035-17 / Rocky Mountain Power April 12, 2024 DPU Data Request

DPU Data Request 1.1 Revised

In reference to Attachment A, please provide the EVIP Accounting in Excel format with intact formulae and continue to provide the attachment separately in Excel format with intact formulae in future reports.

1st Revised Response to DPU Data Request 1.1

Further to the RMP's response to DPU Data Request 1.1 dated April 10, 2024, the RMP has become aware of an error within the response document. The RMP's response inadvertently referred to "Attachment DPU 1.3" instead of referring to "Attachment DPU 1.1". The RMP provides this 1st Revised response to correct that error. Note: other than correcting this error, the attachment provided with the RMP's original response (Attachment DPU 1.1) remains valid and unchanged.

The RMP assumes that the reference to "Attachment A" is intended to be a reference to Rocky Mountain Power's (RMP) 2023 Electric Vehicle Infrastructure Program (EVIP) annual report filed in this proceeding on April 1, 2024, specifically Attachment A (EVIP Accounting). Based on the foregoing assumption, the RMP responds as follows:
Please refer to Attachment DPU 1.1.

DPU Data Request 1.2

In reference to Attachment A, please explain the variance between the \$5,905,778 collected through Schedule No. 198 during 2023 to the \$5,000,000 allowed in the Stipulation under paragraph 32.

Response to DPU Data Request 1.2

The RMP assumes that the reference to "Attachment A" is intended to be a reference to Rocky Mountain Power's (RMP) 2023 Electric Vehicle Infrastructure Program (EVIP) annual report filed in this proceeding on April 1, 2024, specifically Attachment A (EVIP Accounting). Based on the foregoing assumption, the RMP responds as follows:

The Schedule 198 rate was designed to collect about \$5 million annually based on the sales and revenues from the forecast period 12 months ending December 2021 established in the RMP's last general rate case (GRC), Docket 20-035-04. The actual annual collection may be more or less than the \$5 million amount depending on the actual annual sales and revenues.

DPU Data Request 1.3

In reference to Attachment A, please provide a breakdown in Excel format with intact formulae, for the \$4,927,085 expenditure for RMP Chargers under Capital Spend.

Response to DPU Data Request 1.3

The RMP assumes that the reference to "Attachment A" is intended to be a reference to Rocky Mountain Power's (RMP) 2023 Electric Vehicle Infrastructure Program (EVIP) annual report filed in this proceeding on April 1, 2024, specifically Attachment A (EVIP Accounting). Based on the foregoing assumption, the RMP responds as follows:

Please refer to Confidential Attachment DPU 1.3.

Confidential information is provided subject to Public Service Commission of Utah (UPSC) Rules R746-1-601-606.

DPU Data Request 1.4

In reference to Attachment A, please provide an explanation for the \$703,564 Warranty expense under RMP Chargers.

Response to DPU Data Request 1.4

The RMP assumes that the reference to “Attachment A” is intended to be a reference to Rocky Mountain Power’s (RMP) 2023 Electric Vehicle Infrastructure Program (EVIP) annual report filed in this proceeding on April 1, 2024, specifically Attachment A (EVIP Accounting). Based on the foregoing assumption, the RMP responds as follows:

The \$703,564 warranty expense is for a two-year extended warranty on the dispensers. The original purchase had a product warranty that was built into the purchase price. The original warranty is booked as capital, whereas an extended warranty is booked as an expense.

Response to DPU Data Request 1.5

The RMP assumes that the reference to “Attachment A” is intended to be a reference to Rocky Mountain Power’s (RMP) 2023 Electric Vehicle Infrastructure Program (EVIP) annual report filed in this proceeding on April 1, 2024, specifically Attachment A (EVIP Accounting). Based on the foregoing assumption, the RMP responds as follows:

RMP’s 2023 EVIP annual report contains the amounts that have been booked and paid for; RMP-owned chargers, make-ready investments and innovative projects. The process for make-ready projects is for the requestor to apply for funding through an application, then the RMP selects and awards the project. The awardee then completes the project and payment is made after the project is completed and verified. The payment is then booked and included in RMP’s 2023 EVIP annual report, Attachment A (EVIP Accounting). Since many projects are taking significant amounts of time to complete, there is a significant lag between a project being awarded and the project being completed. Once the RMP awards the project, the funds are “reserved” even if they are not booked. A better measure to assess if the program is conforming to the ratio’s agreed upon in the November 17, 2021 Settlement Stipulation executed by the parties in Docket No. 20-035-34, is to compare the amounts awarded. The awarded amounts for the make-ready projects are listed in Attachment B of RMP’s 2023 EVIP annual report. Please refer to the table below which lists the funds for RMP-owned chargers, make-ready awards and innovation projects:

Category	2022	2023	Total	%
RMP owned	393,246	5,405,921	5,799,167	47%
Make Ready Awards	2,373,725	4,269,810	6,643,535	53%
Innovation	0	0	0	
Total	2,766,971	9,675,731	12,442,702	

The RMP notes that paragraph 33 of the November 17, 2021 Settlement Stipulation states the ratios are approximate and that “These allocations will be monitored through the Program Review discussed in paragraph 41 below; however, on an annual basis, the RMP will have flexibility to make expenditures as necessary, and confirmation that the expenditures are consistent with the percentages described above will be assessed in the Program Review proceedings.” Based on the ratios above, the RMP believes that the program is on track with the November 17, 2021 Settlement Stipulation.

DPU Data Request 1.6

In reference to Section 1a, please provide further detail how the new equipment design will distinguish the 350kW between the two ports, when for example an EV is already charging at 350 kW and another pulls in to charge.

- (1) Will the charger adjust accordingly between the two EVs.
- (2) Will the charger alert the EV owner of the change.
- (3) Will the charger adjust the rate?

Response to DPU Data Request 1.6

The RMP assumes that the reference to “Section 1a” is intended to be a reference to Rocky Mountain Power’s (RMP) 2023 Electric Vehicle Infrastructure Program (EVIP) annual report filed in this proceeding on April 1, 2024, specifically Attachment B, Section 1a (RMP Owned Charging Stations). Based on the foregoing assumption, the RMP responds as follows:

It is important to note that electric vehicle (EV) charging rates are controlled by the vehicle, which is done to protect the vehicle’s battery system. Vehicle models charge at different rates with some vehicles charging as low as 50 kilowatts (kW) and as high as 350 kW; with most current vehicles charging in the 100 kW range. By having power sharing, it allows for the flexibility of accommodating vehicles with different charging rates at the same time.

- (1) Yes. The charger will adjust accordingly between the two EVs. The chargers will supply the maximum amount of charging rate requested by the vehicle up to the combined output of 350 kW. If one vehicle is requesting 100 kW then the other vehicle can receive up to 250 kW, if it is requested. If both vehicles are requesting over 175 kW, then the chargers will only provide 175 kW each.
- (2) The EV owner will have access to real-time charger rates on the charger and on their App, but alerts will not be sent when changes occur. Many times the charging rate is altered by the vehicle based on the battery condition.
- (3) Yes. The charger will adjust the rate depending on how many kW the vehicle is “requesting”.