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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
Date: May 2, 2025
Re: **Docket No. 25-035-23**, Annual Report of Rocky Mountain Power's Electric Vehicle Infrastructure Program

Recommendation (Acknowledge with Recommendations)

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 following recommendations:

- 1) The Division recommends the Commission direct RMP to file Attachment A, EVIP Annual Program Accounting, separately in Excel format with intact formulae in future reports as agreed upon by RMP in its May 17, 2024, Reply Comments filed in Docket No. 24-035-17.
- 2) The Division also recommends RMP file an exhibit in Excel format that illustrates the annual revenues and expenses since inception of the EVIP program and expected future revenues and expenses. The exhibit should also include allocated incentives and make ready expenses which would provide a more complete and transparent view of the program status.



Division of Public Utilities

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Issue

On April 1, 2025, RMP filed its 2024 EVIP Report (Report). On the same day, the Commission asked the Division to review RMP's Report for compliance and make recommendations by May 1, 2025. On April 2, 2025, the Commission issued its Notice of Filing and Comment Period, asking any interested person to submit comments before May 2, 2025.

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

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

⁴ *Settlement Stipulation*, Docket No. 20-035-34, November 17, 2021, at 9, <https://pscdocs.utah.gov/electric/20docs/2003534/321212StlmntStpltn11-17-2021.pdf>.

⁵ *Id.* at 9.

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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 in PDF format containing the accounting information for the EVIP activities for calendar year 2024, and Attachment B containing the written status update.⁹ Despite the Commission's acknowledgement letter issued on May 30, 2024,¹⁰ and RMP's reply comments filed with the Commission on May 17, 2024,¹¹ RMP failed to file Attachment A, EVIP Accounting, in Excel format with intact formulae. RMP responded to DPU DR 1.2¹² and provided the EVIP accounting in Excel format with intact formulae.

The EVIP report for calendar year 2024 continues to be centered around charger planning, outreach activities, make-ready, and charger incentive allocations. The Division notes that four RMP owned charging sites became operational during 2024 with an additional six sites under development that are planned to be operational in 2025. Two of the six planned sites became operational in the first quarter of 2025.¹³

⁶ *Rocky Mountain Power's Proposed Report*, Docket No. 20-035-34, March 21, 2022, <https://pscdocs.utah.gov/electric/20docs/2003534/323087RMPPrpsdRprt3-21-2022.pdf>.

⁷ *Commission's Notice of Filing and Comment Period*, Docket No. 20-035-34, March 23, 2022, <https://pscdocs.utah.gov/electric/20docs/2003534/3231072003534nofacp3-23-2022.pdf>.

⁸ *Commission's Order Approving Proposed Report*, Docket No. 20-035-34, June 15, 2022, <https://pscdocs.utah.gov/electric/20docs/2003534/3245182003534oapr6-15-2022.pdf>.

⁹ *Rocky Mountain Power's 2024 Electric Vehicle Infrastructure Program Report*, Docket No. 25-035-23, April 1, 2025, [hereinafter Report] <https://pscdocs.utah.gov/electric/25docs/2503523/3390462024AnlRprt4-1-2025.pdf>.

¹⁰ *Acknowledgement Letter from the Public Service Commission*, Docket No. 24-035-17, May 30, 2024, <https://pscdocs.utah.gov/electric/24docs/2403517/333981AckLtrfromPSC5-30-2024.pdf>.

¹¹ *Rocky Mountain Power's Reply Comments*, Docket No. 24-035-17, May 17, 2024, at 2, <https://pscdocs.utah.gov/electric/24docs/2403517/333820RMPRplyCmnts5-17-2024.pdf>.

¹² 25-035-23 – DPU to RMP Data Request Set 1 – 4-3-2025, Docket No. 25-035-23, April 3, 2025, Attachment 1.

¹³ Report, Attachment B, Section 1a - Company Owned Charging Stations, pages 1-2.

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The Division reviewed RMP's Attachments A and B in consideration of the Parties' Stipulation, Commission Orders, and Section 54-4-41 of the Utah Code. The Division also reviewed RMP's Appendices 1-8.¹⁴ The Division recognizes that this is RMP's third annual report of the EVIP, which remains in development. It is anticipated there will be further development of the report in succeeding years as more data becomes available and RMP presents its first Program status report later this year. The Division asked RMP to respond to several data requests regarding this year's report.¹⁵

The Division's review of Attachment A concludes that RMP is following the Commission's and Parties' request to produce an accurate accounting of the progress of the EVIP. As with last year, the Division continues to have concerns with the over-collection of revenues under Schedule Nos. 198 and 60, 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. 198.¹⁶ RMP reports 2024 revenues of \$6,711,840. The Division asked RMP to clarify the overage in collections in Docket No. 24-035-17, DPU DR 1.2. RMP responded.

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.¹⁷

Paragraph 41 of the Settlement Stipulation allows stakeholders the opportunity to evaluate the prudence of the investments and make any recommendations to the Program. The Division may make recommendations on any over-collection as part of its annual prudence review of the Program.

Due to the timing of approval for expenditures and actual implementation, having an accounting of the program since inception would be more transparent. The Division recommends the Commission direct RMP to provide this level of accounting, along with Attachment A, in Excel format with intact formulae.

¹⁴ Confidential Appendix 2 was provided in DPU DR 1.1 CONF.

¹⁵ Docket No. 25-035-23, *supra* note 12.

¹⁶ Docket No. 20-035-34, *Supra* note 4, ¶ 32 at 7.

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

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The Division's review of Attachment B concludes 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 - RMP Owned Charging Stations; (2) Section 1b - Make Ready Infrastructure; (3) Section 1c - Innovation and Partnerships; and (4) Section 1d - Educational Outreach/Marketing. This report is RMP's third annual report of the EVIP program, which is well within the development and implementation phase. RMP added Section 1e to summarize allocated funds. RMP's third report continues to focus on the development of RMP's Charging Infrastructure, Make-Ready awards, Outreach, and its continued efforts to engage partners to develop electrification of transportation in the state of Utah.

Section 1a — RMP-Owned Charging Stations

RMP reports that four sites became operational during 2024. Those sites are Moab, Vernal, Kimball Junction, and Millcreek City.¹⁸ Additionally, RMP reports three sites under construction at Ogden, Coalville, and Orem. Draper is under engineering design. Layton and Ivie Creek Rest Area became operational during the first quarter of 2025.¹⁹ The Division notes that these charger ports are not included in the 2024 report.

RMP's installed chargers have a total of 22 charging ports: Moab (8), Vernal (6), Kimball Junction (4), and Millcreek City (4). These chargers became operational mid-way through 2024 and began to provide operational data. RMP reports that its 22 charging ports have a [REDACTED] average charging port availability.²⁰ The Division's analysis of Confidential RMP Appendix 1 confirms a slightly higher charger availability at [REDACTED].²¹ The Division appreciates RMP's efforts to provide operational metrics and revenue streams.

EV chargers can have large impacts to grid infrastructure and operation, including reliability issues. RMP conducted a preliminary power utilization and charging behavior analysis of the four sites. The analysis was performed by Electric Power Engineers LLC, and is

¹⁸ Report, *supra* note 13.

¹⁹ *Id.*

²⁰ Confidential RMP Appendix 1 – 2024 Availability and Outage 4-1-2025, Docket No. 24-035-23, May 1, 2025.

²¹ Division Confidential Attachment 2 _Availability and Outage_ 5-2-25, Docket No. 25-035-23.

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contained in RMP's report as Appendix 3, RMP DCFC Analysis. The analysis is preliminary based on six months of operational data and contains little seasonality. RMP plans to conduct another report after a full year's data is observed. The limited data concludes with an average load factor of 10% across the four sites' 22 charging ports.²² Table 3 of RMP's report illustrates an average off-peak usage of 73%.²³ The Division is not clear to what peak this usage refers to or if it's simply off-peak regardless of the time of day or year as a general statement. The Division notes that while off-peak usage helps to mitigate grid issues, the 10% load factor has room for improvement and hopefully will improve as the chargers are utilized more frequently. Because of the limited data, the Division has no recommendation at this time.

RMP reports the four operating charging locations generated \$154,703 in revenue. From that revenue, 33% was deposited into the Utah Energy Balancing Account (EBA) and 67% deposited into the EVIP balancing account collected under Schedule No. 60. The Division's analysis indicated that \$103,651 (67% of \$154,703) should have been included in the EVIP balancing account. RMP's Attachment A reported \$62,010. The Division asked RMP to explain the \$41,641 discrepancy in DPU DR 1.4. RMP's response explains the discrepancy as being due to the timing between the development of Attachment A, which excludes November and December of 2024, while Table 3 of the report includes all revenue earned for the twelve months of 2024. This also had an impact on the recording of the EBA revenues.²⁴ Using two different reporting periods is confusing and does not allow a clear evaluation and review. The Division recommends this should be corrected in future filings.

Section 1b — Make-Ready Infrastructure

RMP began offering incentives and rebates to non-residential and residential customers including multi-family dwellings during 2022. Customers cannot claim both an incentive and a rebate for the same project. To be eligible for a make-ready incentive or rebate, RMP

²² Report, Attachment B, Table 3, at 4.

²³ Id.

²⁴ Docket No. 25-035-23, *supra* note 12, DPU DR 1.4.

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requires customers to choose electric vehicle supply equipment (EVSE) that meets open standards and interoperability.²⁵

RMP reports that infrastructure projects continue to take a significant amount of time to complete due to nationwide industry challenges, similar to last year. Projects are rarely completed in the year the applications are submitted.

In Section 1b, RMP reports awarding \$5,903,434 for make-ready infrastructure incentives and rebates during 2024 in Table 3, Total 2024 Applications. The \$5,903,434 total is comprised of \$5,352,474 for make-ready incentives, \$186,592 for DCFC rebates, \$327,202 for AC Level 2 rebates, and \$37,166 for residential rebates.²⁶ Table 3 illustrates that \$2,284,625 of these incentives and rebates were paid in 2024 and included in attachment A. The Division understands from prior reports that the difference will be accounted for in future years due to the timing issues stated above. The Division finds it difficult to track the variances year-over-year between paid out and awarded funds. In this year's report the \$3,618,809 difference is expected to be reported in next year's annual report as awards are paid.

In comparison, during 2023, RMP reported a total awarded amount of \$5,784,518 and paid out \$1,393,348 for make-ready infrastructure incentives and rebates comprised of \$746,485 for make-ready infrastructure, \$385,578 for DCFC rebates, \$221,885 for AC Level 2 rebates, and \$39,400 for residential rebates.²⁷ The 2023 amounts paid versus amounts awarded leaves a difference of \$4,401,170. The Division has no way of reconciling these allocated awards year-over-year.²⁸ RMP should reconcile this in its reply comments.

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

²⁵ Docket No. 20-035-34, *supra* note 4, ¶ 31, *Elements of the EVIP*, pages 5-7.

²⁶ Report, *Supra* note 9, Section 1b, Table 3, at page 6. The Division notes that the table number is off from this point on throughout the report.

²⁷ Docket No. 24-035-17, *Supra* note 11, Table 3, at page 11 of 54.

²⁸ Docket No. 25-035-23, *supra* note 12, DPU DR 1.7, Tab Customer Incentives. The Division notes that numbers presented in DPU DR 1.7 do not match those numbers in Section 1b, Table 3, for either 2023 or 2024 as reported by RMP.

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expenditures would be allocated as 45 percent RMP-owned chargers, 45 percent make-ready investments, and 10 percent to innovative projects and partnerships. Table 1 illustrates the percentage of Company Owned to Make Ready Incentives from 2022 through 2024. Note that \$3,100,000 in innovative incentives were awarded in 2024 but not paid as explained below.²⁹

Table 1

Company Owned vs Make Ready Awards					
Category	2022	2023	2024	Total	%
Company Owned	\$ 382,448	\$ 5,405,921	\$ 4,152,269	\$ 9,940,638	45%
Make Ready Awards	\$ 2,373,725	\$ 4,269,810	\$ 5,352,474	\$ 11,996,009	55%
Innovation	\$ -	\$ -	\$ -	\$ -	0%
Total	\$ 2,756,173	\$ 9,675,731	\$ 9,504,743	\$ 21,936,647	

In Section 1e, RMP summarizes that Attachment A includes the expenditures for the prior year and the ongoing net balance of the EVIP Balancing Account. RMP states that the Balancing Account only reflects actual payments and actual revenues (Schedule Nos. 198 and 60) but does not include allocated commitments.

RMP's, Section 1e, Summary, Table 7, Allocated Funds, raise concerns. The allocated \$33,657,087 sum of Company Owned, Customer Incentive Awards, and Innovative Projects compared to the approved \$50,000,000 in the first three years of a ten-year program is troubling.

In response to the Division's data request DPU DR 1.7, RMP provided a table illustrating the breakdown of total allocated funds from 2022 through 2024. Table 2 is reproduced from RMP's response to DPU DR 1.7.

²⁹ Docket No. 25-035-23, DPU Analysis of RMP's Tabel 3, Total Applications, Section 1b, page 7, and RMP Attachment A, EVIP Accounting, Total Expense RMP Chargers.

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Table 2

Allocated Funds

Category	2022	2023	2024	Total	%	% (w/make-ready only)
Company owned sites		\$6,263,676	\$8,895,467	\$15,159,143	45%	49%
Customer Incentive Awards						
AC Level 2	\$95,214	\$291,202	\$364,368	\$750,785		
DC Fast	\$429,710	\$1,215,075	\$186,593	\$1,831,378		
Make Ready	\$3,309,415	\$4,153,892	\$5,352,474	\$12,815,781		41%
Total incentives	\$3,834,339	\$5,660,170	\$5,903,435	\$15,397,944	46%	
Total Innovation Projects			\$3,100,000	\$3,100,000	9%	10%
Total	\$3,834,339	\$11,923,846	\$17,898,902	\$33,657,087	100%	
Total w/ Make Ready only				\$31,074,924		100%

The Division has concerns that the EVIP, only having completed its third reporting period, is putting pressure on the ability to prudently manage the program through the remaining years given the balancing account CY 2024 year ending balance deficit of \$3,934,271 (Attachment A Total Balancing Account), potential allocated funds of \$33,657,087, and annual expenses around \$1,000,000 offset by allowed annual revenue collections of \$5,000,000. The Division has concerns about the sustainability of the current spending levels.

Section 1c — Partnerships

The Utah Legislature passed Senate Bill 125, Transportation Infrastructure Amendments, as noted in RMP's 2023 annual report, which established an electrification of transportation infrastructure steering committee to create a strategic plan for a fully electric transportation system in Utah chaired by the Utah Department of Transportation (UDOT) and supported by the Advancing Sustainability through Powered Infrastructure for Roadway Electrification (ASPIRE) Center.³⁰ RMP serves on the steering committee. Other members of the steering committee are the Governor's Office of Economic Opportunity, the Governor's Office of

³⁰ Advancing Sustainability through Powered Infrastructure for Roadway Electrification, <https://aspire.usu.edu/>.

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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.³¹

In response to the Division's data request DPU DR 1.8, RMP explains that in cooperation with its partners, three innovative projects (SuperCharge, Intelligent Integration, and REVIVE) were developed in 2024. Two of the three projects were allocated funds. The SuperCharge project was allocated \$1,000,000 and the Intelligent Integration project was allocated \$2,100,000. The REVIVE project relies on partial funding from the U.S. Department of Energy (DOE). The DOE paused the release of matching funds, putting the REVIVE project on hold.³² RMP reports that no EVIP funds were used for the REVIVE project.³³

Section 1d — Educational Outreach/Marketing

RMP continues to use its educational outreach and marketing plan to inform the public about electric vehicles highlighting the importance of charging during off-peak hours. RMP spent \$46,849 of EVIP funds on marketing, outreach, and education. RMP plans to continue to market the EVIP program and highlight RMP's Company owned EV charging sites along with informing customers on how to take advantage of discounts available at its chargers. RMP also plans to continue to educate customers about off-peak charging and time of use (TOU) rates.³⁴ RMP plans to spend a total of \$40,000 in EVIP funds in 2025 for TOU education.³⁵

Conclusion

The Division is tasked with reviewing programs like this for prudence under Utah Code Annotated Sections 54-4a and 54-4-41. The Division appreciates RMP's efforts to make the

³¹ Docket No. 24-035-17, *Supra* note 9, page 13 of 54.

³² Report, Section 1c, *Innovation and Partnerships*, pages 9-11.

³³ Docket No. 25-035-23, *supra* at 12, DPU DR 1.8.

³⁴ Report, Section 1d, *Educational Outreach/Marketing*, page 13.

³⁵ *Id.* at 14.

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annual EVIP report informative and provide the necessary metrics for the Division to meet its task of evaluating the program.

The Division has reviewed RMP's EVIP CY 2024 Attachment A – EVIP Accounting, and Attachment B, Program Status. The Division notes that 2024 is the third year of the EVIP implementation and RMP is making progress toward the operation of RMP owned charging infrastructure throughout Utah. The 2024 Report offers limited performance data as chargers become operational. Progress continues on the development of charger locations and site design, award incentives and rebates for make-ready infrastructure, and outreach. The Division appreciates RMP's efforts to expand the report to cover operational metrics as the EVIP program progresses. As agreed upon, RMP committed to provide reports and charger operational data in its reply comments in Docket No. 24-035-17. The Division anticipates this reporting in future reports and discussions.

The Division recommends that RMP file an exhibit in Excel format that illustrates the annual revenues and expenses since inception of the EVIP program, and expected future revenues and expenses, including allocated incentives and make ready expenses, so the reader has a transparent view of the program status.

The Division appreciates RMP's reporting of the operational metrics for its chargers in this year's report and anticipates RMP will continue to report this in future reports as more 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