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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

Matthew Pernichele, Utility Technical Consultant

Imran Mohammed, Utility Analyst

**Date:** April 29, 2026

**Re:** **Docket No. 26-035-19**, Annual Report of Rocky Mountain Power's Electric Vehicle Infrastructure Program for Calendar Year 2025.

## Recommendation (Acknowledge with Recommendation)

The Division of Public Utilities (Division) recommends that the Public Service Commission of Utah (Commission) acknowledge Rocky Mountain Power's (RMP) 2025 Annual Report (2025 Report) for the Electric Vehicle Infrastructure Program (EVIP or Program)<sup>1</sup> with the following recommendations:

- **Cumulative Allocation Reporting:** The Division recommends the Commission direct RMP to include in each future annual report a cumulative table illustrating EVIP fund allocation across Company-owned chargers, make-ready investments, Schedule 120 incentives, education and outreach, and innovative projects — measured against the funding categories established in the 2025 Stipulation.
- **Schedule 60 Cost-of-Service Glide Path Reporting:** The Division recommends the Commission direct RMP to include in each future annual report a status update on the Schedule 60 cost-of-service glide path approved by the Commission on

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<sup>1</sup> *Rocky Mountain Power, 2025 Annual Report for the Electric Vehicle Infrastructure Program, Docket No. 26-035-19, 2025 Annual Report, March 31, 2026.*



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December 29, 2025, including the actual percentage of cost of service recovered and any deviations from the schedule. The Division is concerned about how the cost of service will be calculated once Schedule 198 expires in 2031.

- **Schedule 198 Collection Trajectory:** The Division recommends that the Commission direct RMP to include in each future annual report a Schedule 198 collection trajectory analysis demonstrating that cumulative collections are tracking within the \$50 million statutory cap established by Utah Code § 54-4-41(2)(a).

## Issue

On March 31, 2026, RMP filed its 2025 Annual Report for the EVIP.<sup>2</sup> On April 1, 2026, the Commission issued a Notice of Filing and Comment Period in Docket No. 26-035-19, with comments due on or before May 1, 2026.<sup>3</sup> The Division's task is to review the 2025 Annual Report for completeness, consistency with the EVIP enabling statute,<sup>4</sup> and compliance with the 2021 Settlement Stipulation<sup>5</sup> as modified by the 2025 Settlement Stipulation approved by the Commission<sup>6</sup> on December 29, 2025.

## Background

The EVIP was established under Utah Code § 54-4-41 to authorize RMP to invest up to \$50 million in utility-owned electric vehicle charging infrastructure, make-ready investments for customer-owned charging, and related innovative projects. The Program is funded through the Schedule 198 surcharge collected across customer classes and supplemented by a portion of revenues collected at Company-owned charging stations under Schedule 60. The total dollar amount is to be spent over a ten-year period.

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<sup>2</sup> Id.

<sup>3</sup> Notice of Filing and Comment Period, Docket No. 26-035-19 (issued Apr. 1, 2026).

<sup>4</sup> Utah Code § 54-4-41.

<sup>5</sup> *Application of Rocky Mountain Power for Approval of Electrical Vehicle Infrastructure Program*, Docket No. 20-035-34, Settlement Stipulation, November 17, 2021, approved by the Commission in Docket No. 20-035-34, Order Approving Settlement Stipulation, December 20, 2021.

<sup>6</sup> *Application of Rocky Mountain Power for Approval of Electrical Vehicle Infrastructure Program*, Docket No. 20-035-34, Order Approving Settlement Stipulation, December 29, 2025.

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On November 17, 2021, the Commission approved a settlement stipulation (2021 Stipulation)<sup>7</sup> establishing the operational framework for the EVIP. Pursuant to Paragraph 41 of the 2021 Stipulation, RMP filed a Program Review on July 25, 2025, in Docket No. 20-035-34. Following testimony from the Division, the Office of Consumer Services, Utah Clean Energy, and Western Resource Advocates, the parties executed a successor settlement on November 6, 2025 (2025 Stipulation),<sup>8</sup> which the Commission approved (2025 Order) December 29, 2025.<sup>9</sup> The 2025 Stipulation made substantive changes to the EVIP, including discontinuing make-ready incentives, reallocating the remaining \$12.6 million in unallocated EVIP funds, establishing a glide path for Schedule 60 to transition to full cost of service by 2031, decreasing the Schedule 198 collection rate, introducing an idling fee, and adjusting the allocation of Schedule 60 revenues between the EVIP balancing account and the Energy Balancing Account.

The 2025 Annual Report covers calendar year 2025 — the final year under the 2021 Stipulation's original terms before the 2025 Stipulation's amendments took effect on January 1, 2026. Accordingly, the Division's review of the 2025 Annual Report is the final review under the original Program framework. Future annual reports will be reviewed against the modified Program structure approved on December 29, 2025.

## **Discussion**

The Division reviewed the 2025 Report and Attachments A and B for compliance with the 2021 Stipulation, the 2025 Stipulation, and the Commission's 2025 Order. The Division also issued data requests DPU-RMP-1.1 through 1.7, (DPU DR) on April 9, 2026, to which RMP responded on April 20, 2026.<sup>10</sup>

The Division's discussion is organized into four areas: (A) accounting and revenue performance; (B) Make-Ready and Schedule 120 program wind-down; (C) Company-owned

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<sup>7</sup> Docket No. 20-035-34, Settlement Stipulation, November 17, 2021.

<sup>8</sup> Docket No. 20-035-34, 2025 Settlement Stipulation, November 6, 2025.

<sup>9</sup> Docket No. 20-035-34, Order Approving Settlement Stipulation, December 29, 2025.

<sup>10</sup> DPU Exhibit 1.1 - RMP Response to DPU Data Request Set 1

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charging operational metrics; and (D) implementation of changes required by the 2025 Stipulation.

### **A. Accounting and Revenue Performance**

The Division inquired about “Incentive Admin” expenditures of approximately \$2.7 million in 2025, up from \$381,485 in 2024.<sup>11</sup> The Company’s response<sup>12</sup> clarifies that this category reflects payments for previously authorized make-ready and rebate projects completed during 2025 — not administrative overhead. The Division recommends that the Commission direct RMP to clarify the labeling of this line item in future filings to avoid mischaracterization, given that the 2025 Stipulation closes Make-Ready incentives effective January 1, 2026, and remaining payments for pre-authorized projects will continue to flow through this category for some time.

DPU Data Request 1.2<sup>13</sup> asked the Company to explain why 2025 Schedule 198 revenues were \$7,874,871 against O&M expenses of \$7,241,731, yielding net positive Program revenue of approximately \$633,140 before allocated capital and incentive commitments. The Division accepts RMP’s explanation that O&M costs are predominantly fixed in the near term — driven by network service fees, maintenance contracts, payment processing, and customer support — and that the relationship between sales volume and O&M is therefore weak in the current operational phase.<sup>14</sup>

The Division notes, however, that 2025 Schedule 198 revenues again exceeded the original \$5 million annual collection target established under Paragraph 32 of the 2021 Stipulation. This recurring over-collection — noted by the Division in Docket Nos. 24-035-17 and 25-035-23 — has now been addressed prospectively through the 2025 Stipulation, which reduces the Schedule 198 surcharge effective January 1, 2026, with the express purpose of preventing collections from exceeding the \$50 million statutory cap by the end of the ten-year Program term. The Division finds RMP’s 2025 collection levels consistent with the

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<sup>11</sup> RMP Attachment A, EVIP Accounting Summary by Year.

<sup>12</sup> DPU Exhibit 1.1 - RMP Response to DPU Data Request Set 1 - 1.1.

<sup>13</sup> DPU Exhibit 1.1 - RMP Response to DPU Data Request Set 1 - 1.2.

<sup>14</sup> *Id.*

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2021 Stipulation as it operated through year-end 2025 and finds the prospective rate reduction approved on December 29, 2025, to be a reasonable corrective measure.

The tariff changes required by the 2025 Stipulation were acknowledged<sup>15</sup> by the Commission on January 30, 2026.

### **B. Make-Ready and Schedule 120 Wind-Down**

The 2025 Annual Report reflects the orderly wind-down of the Make-Ready Incentive program and the original Schedule 120 program structure consistent with the 2025 Stipulation.<sup>16</sup> RMP reports that 66 paid applications totaling approximately \$2.7 million were disbursed in 2025 for projects that received pre-authorization before Schedule 120's January 1, 2025, expiration. No new Schedule 120 applications were accepted in 2025.<sup>17</sup>

Pursuant to the 2025 Stipulation, Schedule 120 reopened January 1, 2026, in modified form: residential AC Level 2 charger incentives are eliminated; only non-residential and multi-family commercial charging incentives remain; and the Schedule 120 program has been capped at \$3.4 million through 2031.<sup>18</sup> Make-Ready incentives are permanently discontinued. The Division finds the 2025 Annual Report's description of the wind-down consistent with the Commission-approved framework. Any forfeited Make-Ready or Schedule 120 funds will be allocated equally between Company-owned chargers and Schedule 120 incentives per the 2025 Stipulation.<sup>19</sup>

### **C. Company-Owned Charging Operational Metrics**

The 2025 Stipulation provides a schedule intended to gradually adjust Schedule 60 EVIP charging revenues until they meet the Program's full cost of service in 2031.<sup>20</sup> The Division

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<sup>15</sup> Rocky Mountain Power's Filing in Compliance with the PSC's Order Issued on December 29, 2025 in Docket No. 20-035-34, Application of Rocky Mountain Power for Approval of Electrical Vehicle Infrastructure Program; Docket No. 26-035-T01, Tariff Acknowledgement Letter from the PSC, January 30, 2026.

<sup>16</sup> Docket No. 20-035-34, 2025 Settlement Stipulation at 4, November 6, 2025.

<sup>17</sup> DPU Exhibit 1.1 - RMP Response to DPU Data Request Set 1 - 1.1.

<sup>18</sup> Docket No. 20-035-34, 2025 Settlement Stipulation at 5, November 6, 2025.

<sup>19</sup> *Id.* at 4.

<sup>20</sup> Docket No. 20-035-34, 2025 Settlement Stipulation at 6, Schedule 60 Rates.

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has two concerns about this process; the Company's cost of service methodology and the Company's understanding of the DCFC market rate.

First, in response to DPU-RMP DR 1.3<sup>21</sup> the Company described the EVIP's cost of service calculation as "through EVIP-specific balancing accounts and tariffs authorized by the UPSC."<sup>22</sup> All of the EVIP expenses and capital expenditures are paid for by Schedule 60 and Schedule 198 revenues via a balancing account with a carrying charge. Thus, none of the program costs should be included in the Company's rate base or otherwise require further support from ratepayers. Schedule 198 accounts for 98% of the revenue to date with Schedule 60 revenues accounting for 2%. The Division recommends that once Schedule 198 expires, EVIP spending, except for operations and maintenance, taxes, and energy costs, should be determined by program revenues. As the EVIP is currently configured, Program expenses and capital expenditures (cost of service) will determine charging rates. This risks the program being committed to charging rates that don't make commercial sense. If EVIP rates are higher than those of non-company owned charging stations, the Company will lose market share and thus revenue. If EVIP rates are significantly lower than competing EV charging stations, it will discourage competitors and lead to underinvestment in the market. Either outcome would subvert the Legislature's purposes for permitting the program.<sup>23</sup>

Second, the Division believes that the Company's understanding of current DCFC rates may be inaccurate. The Company asserted in response to DPU DR 1.5 that its study of DCFC stations competing with the EVIP charged between \$.58/KWh and \$.69/KWh. The Division's preliminary investigation into Utah DCFC rates showed competing rates between \$.31/KWh and \$.37/KWh. Similarly, the American Automobile Association (AAA) website lists the average charging price for Utah at \$.327/KWh.<sup>24</sup> This calculation includes

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<sup>21</sup> DPU Exhibit 1.1 - RMP Response to DPU Data Request Set 1 - 1.3.

<sup>22</sup> Id.

<sup>23</sup> Utah Code Ann. § 54-4-41(4).

<sup>24</sup> American Automobile Association, Fuel Prices, EV Charging Prices, (last visited April 23, 2026) <https://gasprices.aaa.com/ev-charging-prices/>.

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commercially available Level 1 chargers, that are not relevant to this issue, but it is unclear how many commercial Level 1 chargers are available in Utah for public use.

Similarly, [REDACTED] of RMP's DCFC KWh sold were at the maximum program price of \$.45/KWh in 2025,<sup>25</sup> indicating that customers may not be discouraged by the current pricing. And RMP's busiest charger stations in 2025 were [REDACTED]  
[REDACTED]<sup>26</sup> all of which have ample nearby competition.<sup>27</sup>

The Division recommends that in future proceedings to change Schedule 60 rates, the Company have a thorough and accurate understanding of the rates charged by other DCFC chargers in the state and ensure that the Company's rates are within the range of its competitors' rates.

With respect to non-Company-owned commercial charging stations, RMP's response to DPU-RMP-1.3(b) confirms that those stations take service under the Company's standard commercial and industrial schedules (Schedules 6, 6A, and 23) and that no separate program-specific cost-of-service calculation is performed.<sup>28</sup> Cost recovery for non-Company-owned stations follows standard class cost-of-service methodology established in general rate cases.<sup>29</sup> The Division flags this asymmetry — between EVIP-funded utility-owned stations and standard-rate third-party stations — not as a compliance issue, but as a structural feature of the Program that warrants continued attention as the Schedule 60 transition to cost of service progresses.

The 2025 Report included a detailed list of equipment outages at each charging location.<sup>30</sup> The details of this list are Confidential, but the Division is encouraged by the Company's charger uptime, which exceeds the minimum required under the Federal Government's NEVI program.<sup>31</sup>

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<sup>25</sup> See, Confidential RMP Exhibit 2 – 2025 Revenue Summary.

<sup>26</sup> *Id.*

<sup>27</sup> See, Docket No. 20-035-04, DPU Exhibit 4.03, October 3, 2025.

<sup>28</sup> DPU Exhibit 1.1 - RMP Response to DPU Data Request Set 1 - 1.3(a).

<sup>29</sup> DPU Exhibit 1.1 - RMP Response to DPU Data Request Set 1 - 1.3(b).

<sup>30</sup> Confidential RMP appendix 1.

<sup>31</sup> National Electric Vehicle Infrastructure Standards and Requirements, 23 U.S.C. § 680.116

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#### **D. Implementation of the 2025 Stipulation Amendments**

The 2025 Annual Report does not yet reflect implementation of the 2025 Stipulation's amendments, which took effect January 1, 2026. The Division anticipates that the 2026 Annual Report (due April 1, 2027) will reflect: (1) the reallocation of the \$12.6 million in remaining EVIP funds across the new categories (\$4.8 million for Company-owned chargers, \$3.4 million for modified Schedule 120, and \$0.5 million for targeted education/outreach); (2) the new Schedule 60 revenue split (65% to the EBA, 35% to the EVIP balancing account through 2028, and 100% to the EBA from 2029 forward); (3) the reduced Schedule 198 surcharge collection level (targeted at approximately \$4.2 million annually); (4) the introduction of the \$0.40-per-minute idling fee; and (5) progress on the Schedule 60 cost-of-service glide path.

The Company continues to site new charging stations in dense, high traffic areas and remote areas where other chargers may not be available. For example, the planned station in Cove Fort is at the intersection of I-70 and I-15, a high traffic area remote from other charging networks. This productive approach furthers the goals of the EVIP and should provide sufficient revenue to continue the program.

#### **Conclusion**

The Division has reviewed RMP's 2025 Annual Report for the Electric Vehicle Infrastructure Program in light of the 2025 Stipulation, the Commission's 2025 Order,<sup>32</sup> and applicable provisions of Utah Code § 54-4-41. The Division finds that the 2025 Annual Report is complete and fairly reflects Program operations during the final year under the original 2021 Stipulation framework. The recurring Schedule 198 over-collection identified in prior reporting periods has been prospectively addressed through the rate reduction approved on December 29, 2025. The Make-Ready and original Schedule 120 wind-downs have proceeded consistent with the 2025 Stipulation. No new compliance concerns are raised by the 2025 Annual Report itself.

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<sup>32</sup> *Application of Rocky Mountain Power for Approval of Electrical Vehicle Infrastructure Program*, Docket No. 20-035-34, Order Approving Settlement Stipulation, December 29, 2025.

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The Division recommends that the Commission acknowledge RMP's 2025 Annual Report with the recommendations stated above. The recommendations are designed to ensure that future annual reports provide the Commission and stakeholders with the information necessary to evaluate RMP's implementation of the substantial Program modifications taking effect January 1, 2026, and track Program performance against the cost-of-service glide path and statutory funding cap as the EVIP enters its final phase.

cc: Max Backlund, Rocky Mountain Power  
Michele Beck, Office of Consumer Services