



Filing Receipt

Received - 2023-01-13 02:26:27 PM

Control Number - 53719

ItemNumber - 449

**SOAH DOCKET NO. 473-22-04394
P.U.C. DOCKET NO. 53719**

APPLICATION OF ENTERGY	§	BEFORE THE STATE OFFICE
TEXAS, INC. FOR AUTHORITY	§	OF
TO CHANGE RATES	§	ADMINISTRATIVE HEARING

CHARGEPOINT, INC'S INITIAL BRIEF

JANUARY 13, 2023

TABLE OF CONTENTS

I.	Introduction	1
II.	Preliminary Order Issue No. 68. Is it appropriate for an electric utility in a vertically integrated area to own vehicle-charging facilities or other transportation electrification and charging infrastructure, or should the ownership of such facilities be left to competitive providers?	3
	A. Utility ownership of make-ready infrastructure can positively impact the competitive EV charging market.	4
	B. The competitive EV charging market is unlikely to be distorted by ETI’s participation so long as site-host choice is included.	6
	C. Site hosts should be allowed to set pricing and pricing policies for EV charging.	7
III.	Preliminary Order Issue No. 69. Should Entergy be allowed to own transportation electrification and charging infrastructure-including vehicle-charging facilities-in the manner it has proposed in its application, or should such ownership be wholly left to customers or third parties?	8
	A. Transportation Electrification and Charging Infrastructure (“TECI”) Rider	8
	1. There is the potential for ETI’s proposed Rider TECI to create competition concerns. .	9
	2. It is essential that site hosts can choose the charging equipment and network service provider that best meets their needs and preferences.	10
	B. Transportation Electrification and Charging Demand Adjustment (“TEDCA”) Rider	11
	1. ETI’s analysis on the impact that demand charges can have on providers of EV charging services is correct.	11
	2. The Commission should remove the five-year limitation on customer participation. .	13
	3. Rider TEDCA should not be limited to the first 30,000 kW of electric load that enrolls and becomes operational.	14
	4. Rider TEDCA should be available to all separately metered charging sites that meet the load requirements, regardless of when the charging site became operational.....	15
	5. Other methods exist that ETI could pursue in the future to reduce the challenges that demand charges pose to high demand EV charging sites.....	15
IV.	Conclusion	17

SOAH DOCKET NO. 473-22-04394
P.U.C. DOCKET NO. 53719

APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARING
---	-------------	--

CHARGEPOINT, INC'S INITIAL BRIEF

ChargePoint, Inc. (ChargePoint) respectfully files this initial brief pursuant to the Public Utility Commission of Texas' (Commission) SOAH Order No. 14, filed on December 28, 2022 in the above-captioned proceeding.

I. Introduction

Entergy Texas, Inc. (ETI or the Company) filed this general rate case on July 1, 2022.¹ ETI's application made several EV-related proposals, including new Rider TECI and Rider TEDCA. Under Rider TECI, ETI proposes to partner with non-residential customers to install EV charging infrastructure and equipment on customers' property.² ETI would construct, own, operate, and maintain only the portion of the charging infrastructure and equipment that the customer does not want to own and/or maintain itself, up to and including the actual charging equipment.³ Under Rider TEDCA, ETI proposes to provide demand charge relief to customers with separately metered charging equipment taking service under Rate Schedule GS.⁴ Under Rate Schedule GS, with Rider TEDCA applied, the billed demand for a customer during a particular

¹ ETI Exh. 1.

² ETI Exh. 40, p. 8.

³ *Id.*

⁴ *Id.*, p. 27.

billing period would be the lesser of: (a) the measured demand (kW), as conventionally determined under Schedule GS; or (b) demand (kW) as calculated based on actual usage adjusted to a 15% load factor.⁵

The Commission’s August 4, 2022 Preliminary Order posed two questions for parties stemming from ETI’s proposed Rider TECI and Rider TEDCA.⁶ Specifically, Issue 68 asked whether it is “appropriate for an electric utility in a vertically integrated area to own vehicle charging facilities or other transportation electrification and charging infrastructure, or should the ownership of such facilities be left to competitive providers?”⁷ Issue 69 asked: “Should Entergy be allowed to own transportation electrification and charging infrastructure – including vehicle-charging facilities – in the manner it has proposed in its application, or should such ownership be wholly left to customers or third parties?”⁸ ChargePoint appreciates the opportunity to address these issues.

ChargePoint’s experience is that utility ownership of EV make-ready infrastructure has a positive impact on the competitive EV market, and limited utility ownership of EV chargers themselves can also support the market provided site hosts can choose the equipment and network that works best for them. While ChargePoint generally supports ETI’s proposed Rider TECI and Rider TEDCA, both proposals have room for improvement. Toward that end, ChargePoint offers several recommendations that, if adopted, will encourage faster EV charger deployment and support the competitive EV charging market in ETI’s service territory.

⁵ *Id.*

⁶ Preliminary Order, p. 15.

⁷ *Id.*

⁸ *Id.*

First, ChargePoint recommends that the Commission approve Rider TECI. This rider will support the competitive EV charging market because, under ETI's proposal, site hosts will be able to choose their preferred charging equipment and network service provider. This program feature should be an explicit condition of the Commission's approval of Rider TECI. Second, the Commission should direct ETI to ensure that all marketing and education materials for Rider TECI are vendor neutral. Third, the Commission should approve Rider TEDCA with modifications to (a) remove the five-year limitation on customer participation; (b) increase the proposed cap on participating EV charging load from 30,000 kW to 50,000 kW; and (c) allow all separately metered charging sites that meet the applicable load requirements to participate in Rider TEDCA, regardless of when the charging site became operational. Finally, the Commission should direct ETI to propose a long-term EV charging rate that provides an alternative to traditional demand-based rates as a part of its next rate case.

II. Preliminary Order Issue No. 68. Is it appropriate for an electric utility in a vertically integrated area to own vehicle-charging facilities or other transportation electrification and charging infrastructure, or should the ownership of such facilities be left to competitive providers?

The competitive EV charging market is unlikely to be distorted by ETI's participation, so long as site host choice remains a foundational element of the program. As ChargePoint witness Wilson explained, utility ownership of EV charging facilities or other transportation electrification and charging infrastructure is appropriate *under the right circumstances*. The make-ready model of utility ownership is perhaps the most effective type of utility investment in EV charging infrastructure.⁹

⁹ ChargePoint Exh. 1.0, pp. 7-8.

A. Utility ownership of make-ready infrastructure can positively impact the competitive EV charging market.

Utilities providing make-ready infrastructure for non-utility site hosts is a common and effective model of utility investment in transportation electrification.¹⁰ Under the make-ready model, the utility provides (either directly or through an incentive payment) all of the wiring, conduit, trenching, and civil construction work on both the customer-side and the utility-side of the meter needed to provide power to the EV chargers, which are owned and operated by the site host.¹¹

ChargePoint witness Wilson emphasizes that a make-ready model provides several advantages over direct utility ownership of chargers.¹² First, by significantly reducing the cost of installing chargers, a utility make-ready program encourages site hosts to deploy chargers for the benefit of EV drivers.¹³ Second, because site hosts share in the total cost of installing chargers, site hosts are invested in the chargers' success.¹⁴ Third, because the utility is not paying the total cost of deployment, a given budget can support a larger total number of chargers.¹⁵ Fourth, a make-ready model avoids the market distortions that arise from a utility offering a competitive service while recovering revenue shortfalls from ratepayers discussed earlier.¹⁶ Finally, by providing site hosts with a choice of equipment and network service provider, make-ready programs stimulate

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

competition, innovation, and increased customer choices in EV charging services, which benefits EV drivers.¹⁷

Make-ready incentive programs are common around the country and have proven effective at encouraging deployment of public EV charging, as well as the deployment of Level 2 chargers and DCFCs designed for other use cases such as fleets, workplaces, and multi-family housing.¹⁸ ChargePoint witness Wilson notes several examples, including Consumer's Energy and DTE in Michigan, Atlantic City Electric and Public Service Electric and Gas in New Jersey, Eversource and National Grid in Massachusetts, and AEP in Ohio.¹⁹ Additionally, the states of New York and Connecticut implemented statewide make-ready programs for all utilities doing business in their states.²⁰ The make-ready model has worked for utilities in other states to support transportation

¹⁷ *Id.*, pp. 8-9.

¹⁸ *Id.*, pp. 7-8

¹⁹ *See, e.g.*, I/M/O the Application of Consumers Energy Company for the Authority to Increase its Rates for the Generation and Distribution of Electricity and for Other Relief. MI PSC Case No U-20134 (Jan. 9, 2019); I/M/O the Application of Consumers Energy Company for Authority to Increase Its Rates for the Generation and Distribution of Electricity and for Other Relief. MI PSC Case No. U-20697 (Dec. 17, 2020); I/M/O the Application of DTE Electric Company for Authority to Increase Its Rates, Rate Schedules and Rules Governing the Distribution and Supply of Electric Energy, and for Miscellaneous Accounting Authority; I/M/O the Petition of Atlantic City Electric Company for Approval of a Voluntary Program for Plug-In Electric Vehicle Charging, BPU Docket No. EO18020190 (Feb. 17, 2021); I/M/O the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future – Electric Vehicle and Energy Storage Program on a Regulated Basis, BPU Docket No. EO18101111 (Feb. 3, 2021); Case No. U-20162 (May 2, 2019); Massachusetts Department of Public Utilities. Docket 17-05. “Order Establishing Eversource’s Revenue Requirement.” Nov. 30, 2017; Massachusetts Department of Public Utilities. “Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, for Approval of its Electric Vehicle Market Development Program, and of its Electric Vehicle Market Development Program Provision, pursuant to G.L. c. 164, §§ 76, 94, and Acts of 2016, c. 448.” Docket 17-13 (Sep. 10, 2018); I/M/O the Application of Ohio Power Company for Authority to Establish A Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan, PUCO Docket 16-1852-EL-SSO (Apr. 25, 2018);

²⁰ *See*, Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs, NYPSC Case 18-E- 0138 (Jul. 16, 2020); Docket No. 17-12-03RE04, PURA Investigation into Distribution System Planning of the Electrical Distribution Companies – Zero Emission Vehicles, Decision (Jul. 14, 2021).

electrification without risk of distorting the competitive EV charging market. This model has the same potential in Texas, so long as site hosts are able to choose their charging equipment and service provider.

B. The competitive EV charging market is unlikely to be distorted by ETI's participation so long as site-host choice is included.

EV charging is typically a service provided by non-utilities, including both dedicated EV charging service providers and other commercial site hosts²¹ that offer charging services to complement their primary businesses, such as convenience stores, restaurants, and retailers. As competitive businesses, site hosts must recover the cost of providing EV charging services either through the charges paid by EV drivers or by supporting sales of their primary products or services, such as a coffee shop that attracts more patrons by installing EV chargers in its parking lot, or both.²²

Many aspects of a site host's deployment decisions, including how many chargers to install, where to install them, which equipment vendor and network service provider to use, and how much to charge EV drivers are influenced by these competitive pressures. This in turn fosters competition between EV charging equipment vendors and network service providers, who are pushed to provide more innovative products and services, along with a variety of choices to site hosts at competitive prices.²³

²¹ "Site host" refers to the owner or lessor of the property on which an EV charging station is located. Site hosts include residential customers; owners of multifamily housing units (MFH); commercial customers that offer charging to the public, their customers, and/or their employees; fleet owners; and government entities.

²² ChargePoint Exh. 1.0, pp. 6-7.

²³ *Id.*

The same competitive pressures do not exist for electric utilities, because as regulated monopolies they can recover all or a portion of the cost of providing EV charging stations and infrastructure from their rate-payers.²⁴ Absent site host choice being a feature of a utility program, the utility could procure a single equipment and/or network services provider, which in turn would limit the choices available to the site host to meet their needs and preferences.²⁵ Indeed, allowing site hosts to choose their own charging equipment and network service provider is pivotal to fostering competitive dynamics and avoiding market distortions with a utility program. Customer choice is the critical program design element that allows customers to enjoy the benefits of competition, including innovation, cost-competitiveness, and a variety of products and services to satisfy the needs and preferences of various site hosts.²⁶ The Commission should ensure that site host choice remains a foundational part of ETI's proposed Rider TECI program.

C. Site hosts should be allowed to set pricing and pricing policies for EV charging.

Allowing site hosts to determine the prices to charge EV drivers and to set pricing policies (such as dwell charges that apply after a vehicle is finished charging) is also critical to empowering site hosts to achieve their unique goals.²⁷ For example, a big box retailer may want to offer free charging for the first hour to encourage EV drivers to visit the store and do some shopping and then begin charging a nominal fee to encourage them to make the charger available to other EV drivers. Or a multi-family housing owner may want to offer free charging to tenants but charge a

²⁴ *Id.*

²⁵ *Id.*, p. 7.

²⁶ *Id.*, p. 10.

²⁷ *Id.*, p. 11.

fee to visitors. Similarly, a school may want to charge a low fee during school hours for teachers and staff and a higher fee during other hours for visitors using the school's soccer field. Site hosts have diverse goals. To support these needs and preferences, site hosts must be able to set the prices charged to EV drivers, even if the utility owns the EV charging station.²⁸

For the reasons explained above, the Commission should find that it is appropriate for utilities to own make-ready infrastructure to support EV chargers. Further, the Commission should find that it is appropriate for utilities to have limited ownership of EV chargers, provided that site hosts may choose their preferred EV charging equipment and network service provider and set the prices charged to EV drivers.

III. Preliminary Order Issue No. 69. Should Entergy be allowed to own transportation electrification and charging infrastructure-including vehicle-charging facilities-in the manner it has proposed in its application, or should such ownership be wholly left to customers or third parties?

A. Transportation Electrification and Charging Infrastructure (“TECI”) Rider

ETI is proposing to offer non-residential customers the flexibility to choose the desired level of investment in TE infrastructure and equipment, up to the option of a utility “turn-key” TE solution, through proposed TECI Rider.²⁹ According to ETI, it plans to partner with non-residential customers to plan TE-related infrastructure and equipment on customer property for their own, or public, use.³⁰ ETI states that it would construct, own, and maintain the portion of the infrastructure and equipment that the customer does not want to own and maintain. In addition, ETI would add

²⁸ ChargePoint Exh. 1.0, pp. 6-7.

²⁹ ETI Exh. 40, p. 8.

³⁰ *Id.*

the cost for the equipment, installation, and ongoing O&M to each customer's monthly electric bill as a fixed payment.³¹

According to ETI, percentage-based rates under Rider TECI were developed by calculating level monthly payment percentages to be applied to the investment made by the Company using its pre-tax weighted-average cost of capital along with insurance and property tax.³² ETI calculated the level monthly payment percentage for the Recovery Term period between 1 year and 10 years.³³ Further, ETI notes that the Recovery Term and associated percentage would apply monthly to the infrastructure investment made by the Company net of any adjustments.³⁴ ETI also states that project-specific inputs such as O&M expenses will be addressed separately for each installation.³⁵

1. There is the potential for ETI's proposed Rider TECI to create competition concerns.

Through Rider TECI, ETI proposes to provide make-ready infrastructure and potentially charging equipment to interested customers and charge customers for the cost of the infrastructure and equipment ETI installs through a new fixed monthly charge on participating customers' bills. The potential problem is, as ChargePoint witness Wilson points out, ETI's proposal to provide infrastructure and potentially charging equipment is equivalent to a turn-key installation service already offered by many non-utility service providers.³⁶

³¹ *Id.* at 9.

³² *Id.* at 17.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ ChargePoint Exh. 1.0, p. 14.

ETI's proposal to recover the costs it incurs to install a customer's desired amount of infrastructure and equipment through an on-bill fixed charge over a term chosen by the customer (between 1-10 years) is functionally equivalent to a financing offering also offered by many non-utility service providers. So, under ETI's proposal, the customer would not own the charging equipment at the end of the payment term (unless the Customer Agreement is terminated after the initial ten year term and ETI decides to abandon the equipment in place).

Even though the competitive market already offers the services ETI would provide through Rider TECI, ChargePoint does not object to ETI providing such services, *if* the Commission ensures that site hosts can choose the equipment and network service provider for any chargers that ETI installs on a site host's property, consistent with ETI's intentions.

2. It is essential that site hosts can choose the charging equipment and network service provider that best meets their needs and preferences.

As discussed above with respect to a vertically integrated electric utility's ownership of EV chargers and infrastructure, it is essential that site hosts can choose the charging equipment and network service provider that best meets their needs and preferences. Based on discovery responses from ETI, customers choosing to participate in Rider TECI will have the option to select vendors from a prequalified list for the charging equipment installed.³⁷ This is key, because the site hosts that might be interested in Rider TECI, such as fleet owners, retailers, local governments, and employers, have unique needs and preferences. Under ETI's proposal, such site hosts would be able to choose the charging equipment and network service provider that best fit those needs and preferences. To ensure that Rider TECI supports competition, the Commission should approve

³⁷ ChargePoint Exh. 2.0.

Rider TECI with the explicit requirement that ETI allow site hosts that participate to choose their preferred charging equipment and network services provider from a list of prequalified vendors.

B. Transportation Electrification and Charging Demand Adjustment (“TEDCA”) Rider

ETI is proposing Rider TEDCA to provide demand charge relief to customers with separately metered charging equipment taking service under Rate Schedule GS.³⁸ Under Rate Schedule GS, with Rider TEDCA applied, the billed demand for a customer during a particular billing period would be the lesser of (a) the measured demand (kW), as conventionally determined under Schedule GS; or (b) demand (kW) as calculated based on actual usage adjusted to a 15% load factor.³⁹ Customers would automatically revert back to the standard rates under Schedule GS if the charging site’s load factor goes above the monthly 15% load factor threshold. ETI states that this allows Rider TEDCA to self-correct over time and is expected to “phase out” as load factor increases.⁴⁰ ETI witness Hill states that other than the adjustments to the billing demand, all other rates and charges under Schedule GS would remain the same.⁴¹

1. ETI’s analysis on the impact that demand charges can have on providers of EV charging services is correct.

As ETI explains, demand charges can represent a significant share of the electric bill for an EV charging station, particularly at low utilization levels, where high demand charges can result in a high effective cost per kWh.⁴² Further, ETI asserts that this can lead to prohibitively expensive

³⁸ ETI Exh. 40, p. 27.

³⁹ *Id.*

⁴⁰ *Id.*, p. 34.

⁴¹ *Id.*

⁴² *Id.*, p. 31.

costs to operate an EV charging station during the early phase of EV market growth, and lead to unpredictable electricity bills where the electricity rate far exceeds the revenue a station can receive from drivers.⁴³ Accordingly, ETI intends Rider TEDCA to limit these potential negative impacts of demand charges on customers providing separately metered EV charging services to facilitate investment in EV charging infrastructure.⁴⁴

As discussed by ChargePoint witness Wilson, ETI's analysis on the impact that demand charges can have on providers of EV charging services is correct.⁴⁵ For public charging sites, conventional commercial rate design often makes otherwise viable and desirable projects uneconomic. As witness Hill notes, traditional demand-based electricity rates were designed to recover costs from non-residential customers that have consistently high load factors.⁴⁶ Moreover, many EV charging sites have sporadic sessions of high demand resulting in unpredictable utilization and lower load factors. This leads to situations where the demand-based (per kW) component of an EV charging site host's electricity bill is far higher than the volumetric (per kWh) component, driving up the effective cost per kWh for the site host.⁴⁷

In some markets, demand charges can account for as much as 90% of a site host's electricity costs.⁴⁸ Under these circumstances it is incredibly difficult, if not impossible, for site hosts to recover their cost of providing EV charging services and even more difficult for a site host

⁴³ *Id.*, p. 31.

⁴⁴ *Id.*, pp. 38-39.

⁴⁵ ChargePoint Exh. 1.0, pp. 18-19.

⁴⁶ ETI Exh. 40, p. 32.

⁴⁷ ChargePoint Exh. 1.0, pp. 18-19.

⁴⁸ Rocky Mountain Institute, 2017. "EVgo Fleet and Tariff Analysis." Available at: https://rmi.org/wp-content/uploads/2017/04/eLab_EVgo_Fleet_and_Tariff_Analysis_2017.pdf.

to create revenue from their investment. This can result in a large disincentive for potential site hosts to invest in EV charging infrastructure.⁴⁹

If approved, Rider TEDCA would provide meaningful relief from demand charges to site hosts and encourage greater investment in EV charging infrastructure. But, the effectiveness of Rider TEDCA would increase with some slight modifications, which in turn would ensure that the proper level of support is provided to meet the future demand for EV charging.

2. The Commission should remove the five-year limitation on customer participation.

The proposed five-year limitation on customer participation on Rider TEDCA should be removed because the Rider is designed in such a way that the benefits to participating customers are balanced with the potential impact to non-participants without the proposed five-year limitation. As Witness Hill describes, ETI has designed the Rider to be “self-correcting” with customers automatically reverting to the unadjusted Rate Schedule GS when a load factor of 15% is reached.⁵⁰ As such, this design ensures that customers who require demand charge relief through Rider TEDCA will continue to receive support, while sites that are experiencing sufficient utilization to reduce the effective price per kWh to reasonable levels will naturally drop off the rider.⁵¹ Notably, as ChargePoint witness Wilson discusses, even without the five-year limitation, the number of customers participating on the rider may naturally decrease over time, ensuring any potential impact to non-participating customers remains minimal while continuing to provide

⁴⁹ ChargePoint Exh. 1.0, pp. 18-19.

⁵⁰ *Id.*

⁵¹ *Id.*, p. 20.

demand charge relief to customers that need it.⁵² Because it has no evident benefit, the Commission should do away with the proposed five-year limitation.

3. Rider TEDCA should not be limited to the first 30,000 kW of electric load that enrolls and becomes operational.

ChargePoint witness Wilson cautions that the Commission should be concerned that capping participation to 30,000 kW would not provide enough support to meet the demand for EV charging services.⁵³ The Electric Reliability Council of Texas (ERCOT) estimates that there will be one million EVs on the road in Texas by 2028,⁵⁴ a dramatic increase compared to the 134,000 EV registered in the state as of July 5, 2022.⁵⁵ This rapid increase of EV adoption will result in a sizable increase in the demand for EV charging services and necessitate rapid deployment of charging sites within the State. Using the National Electric Vehicle Infrastructure Formula Program (NEVI) site requirements of 600 kW of connected charging per site as a benchmark,⁵⁶ Rider TEDCA would cap enrollment at just 50 NEVI-compliant charging sites.

While the EV charging load at a particular site will vary depending on the number and power level of the charging stations located at the site, this demonstrates that relatively few sites could cause the 30,000 kW limit to be reached. Accordingly, the Commission should increase the proposed 30,000 kW limit to at least 50,000 kW to ensure that customer needs are properly met.

⁵² *Id.*

⁵³ *Id.*, p. 21.

⁵⁴ See <https://ftp.txdot.gov/pub/txdot/get-involved/statewide/EV%20Charging%20Plan/TexasElectricVehicleChargingPlan.pdf>, p.22.

⁵⁵ ChargePoint Exh. 1.0, p. 19.

⁵⁶ *Id.*, p. 12.

4. Rider TEDCA should be available to all separately metered charging sites that meet the load requirements, regardless of when the charging site became operational.

ETI proposes that Rider TEDCA would only be available to a new, separately metered electric vehicle charging installation that becomes operational after the rider's effective date.⁵⁷ This is problematic because there are already "several DC fast charging stations in ETI's service area that are separately metered."⁵⁸ As proposed, none of these charging sites would be eligible to take service under the Rider TEDCA. As a result, those charging sites deployed prior to the Rider's effective date would be at a significant competitive disadvantage. This, in turn, will lead to market distortions due to an unnecessary barrier to rider participation.⁵⁹

Site hosts that have proactively deployed charging sites face the same challenges as those who will deploy sites after Rider TEDCA goes into effect, so they should have the same opportunity to participate.⁶⁰ To prevent this discriminatory and unequitable result, the Commission should order ETI to modify the Rider TEDCA so that all separately metered charging sites that meet the load requirements will be eligible to participate, regardless of when the charging site became operational.

5. Other methods exist that ETI could pursue in the future to reduce the challenges that demand charges pose to high demand EV charging sites.

Rider TEDCA represents a strong start in providing demand charge relief to customers who offer EV charging services. But, in order to provide *long-term* demand-charge alternative rate

⁵⁷ See ETI Exh. 40, p. 38.

⁵⁸ *Id.*, p. 29.

⁵⁹ ChargePoint Exh. 1.0, pp. 22-23.

⁶⁰ *Id.*, p. 22.

options for EV charging stations, rather than limited rate offerings, additional rates must be developed.⁶¹ There are plenty of alternatives to traditional demand-based rate structures that are currently in effect. Some of these are “technology neutral,” which enable any commercial and industrial customer to take service on the applicable rate structure whether the customer operates an EV charging station or not.⁶²

For example, Dominion provides a Low Load Factor Rate in Virginia that provides an all-volumetric, technology-neutral, low-load factor rate applicable to non-residential customers with load factors below 200 kWh per kW.⁶³ This rate was designed to recover the cost of service, including capacity costs that may traditionally be recovered through demand charges on an all-volumetric basis.⁶⁴ Evergy also offers a Business EV Charging Service rate that provides a three-period time-of-use (TOU) rate option for non-residential customers for the exclusive use of charging electric vehicles. This rate eliminates the demand charge and has been designed to recover the majority of costs through volumetric energy charges but does include a small kW-based facility charge (\$2.32/kW).⁶⁵

Accordingly, ChargePoint recommends that the Commission follow suit and direct ETI to propose a long-term EV charging rate that provides an alternative to traditional demand-based rates as a part of its next rate case.

⁶¹ *Id.*, pp. 22-23.

⁶² *Id.*, p. 23.

⁶³ *Id.*

⁶⁴ See Schedule GS-2, available at <https://cdn-dominionenergy-prd-001.azureedge.net/-/media/pdfs/virginia/business-rates/schedule-gs2.pdf?la=en&rev=65c74050107549f299d48689f738e948&hash=7CBE70107AE10C66B8EB5C5A1E248D12>.

⁶⁵ See https://www.evergy.com/-/media/documents/billing/kansas-central/other/bevcs-business-ev-charging-service-12062021_03282022.pdf.

IV. Conclusion

For the foregoing reasons, ChargePoint respectfully urges the Commission to adopt the following recommendations, as set out in this initial brief:

- With respect to Issue 68, the Commission should find that it is appropriate for utilities to own make-ready infrastructure to support EV chargers. The Commission should also find that limited utility ownership of EV chargers is appropriate provided that site hosts may choose their preferred EV charging equipment and network service provider.
- With respect to Issue 69, approve Rider TECI with the explicit requirement that, consistent with ETI's intentions, ETI allow site hosts that participate in Rider TECI to choose their preferred charging equipment and network services provider.
- Direct ETI to ensure that all marketing and educational materials for Rider TECI are vendor neutral.
- Approve Rider TEDCA with the following modifications:
 - Remove the five-year limitation on customer participation.
 - Increase the proposed cap on participating EV charging load from 30,000 kW to 50,000 kW.
 - Allow all separately metered charging sites that meet the load requirements to participate in Rider TEDCA, regardless of when the charging site became operational.
- Direct ETI to propose a long-term EV charging rate that provides an alternative to traditional demand-based rates as a part of its next rate case.

Respectfully submitted on January 13, 2023,

/s/ Lucas A. Fykes
Lucas A. Fykes
Ohio Bar No. 98471
Keyes & Fox LLP
1580 Lincoln St., Suite 1105
Denver, CO 80203
614-285-8565
lfykes@keyesfox.com

Scott F. Dunbar
Colorado Bar No. 44521
Keyes & Fox LLP
1580 Lincoln St., Suite 1105
Denver, CO 80203
949-525-6016
sdunbar@keyesfox.com

Counsel to ChargePoint, Inc.

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record on January 13, 2023:

/s/ Alicia Zaloga