



## Filing Receipt

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

**CHARGEPOINT MOTION FOR LEAVE  
TO INTERVENE OUT OF TIME**

ChargePoint, Inc. (ChargePoint) files this Motion to Intervene Out of Time in the above-captioned proceeding pursuant to 16 Tex. Admin. Code §§ 22.103 and 22.104.

**I. Authorized Representatives**

Pursuant to 16 TAC §§ 22.101, 22.103, and 22.104, ChargePoint seeks to intervene in this proceeding. The names, addresses, and telephone numbers of ChargePoint's authorized representatives are as follows:

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ChargePoint requests that all documents (motions, orders, discovery requests, discovery responses, etc.) be served on its authorized representatives.

Scott F. Dunbar is an attorney in good standing licensed in Colorado, with Colorado Bar No. 44521. Mr. Dunbar is not under suspension or disbarment by any court. Lucas A. Fykes is an

attorney in good standing licensed in Ohio, with Ohio Bar No. 98471. Mr. Fykes is not under suspension or disbarment by any court. Commission Procedural Rule § 22.101(a) indicates that any natural person may serve as a representative of a party and does not require a party to be represented by an attorney. ChargePoint understands this rule to permit a non-attorney to serve as a representative of a party and therefore relieves the requirement for an attorney representing ChargePoint to seek to be admitted as a non-resident attorney pro hac vice.

## **II. Standing to Intervene**

ChargePoint is a world leading electric vehicle (EV) charging network, providing scalable solutions for every charging scenario from home and multifamily to workplace, parking, hospitality, retail, and transport fleets of all types. ChargePoint's cloud subscription platform and software-defined charging hardware is designed to enable businesses to support drivers, add the latest software features and expand fleet needs with minimal disruption to overall business.

ChargePoint's hardware offerings include Level 2 (L2) and DC fast charging (DCFC) products, and ChargePoint provides a range of options across those charging levels for specific use cases including light duty, medium duty, and transit fleets, multi-unit dwellings, residential (multi-family and single family), destination, workplace, and more. ChargePoint's software and cloud services enable EV charging station site hosts to manage charging onsite with features like Waitlist, access control, charging analytics, and real-time availability. With modular design to help minimize downtime and make maintenance and repair more seamless, all products are also UL-listed and CE (EU) certified, and Level 2 solutions are ENERGY STAR® certified.

ChargePoint's primary business model consists of selling smart charging solutions directly to businesses and organizations while offering tools that empower station owners to deploy EV charging designed for their individual application and use case. ChargePoint provides charging

network services and data-driven, cloud-enabled capabilities that enable site hosts to better manage their charging assets and optimize services. For example, with those network capabilities, site hosts can view data on charging station utilization, frequency and duration of charging sessions, set access controls to the stations, and set pricing for charging services. These features are designed to maximize utilization and align the EV driver experience with the specific use case associated with the specific site host. Additionally, ChargePoint has designed its network to allow other parties, such as electric utilities, the ability to access charging data and conduct load management to enable efficient EV load integration onto the electric grid.

Primarily, ChargePoint seeks intervention to address three related issues raised in the Commission's Preliminary Order dated August 4, 2022<sup>1</sup>:

67. Has Entergy proposed any rate riders? If so, should any of the proposed riders be adopted? If so, what are the appropriate costs to be recovered through the riders, and what are the appropriate terms and conditions of the riders?

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?

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?

ChargePoint has a justiciable interest in these issues. With respect to Issue 67 cited above, ChargePoint would be directly impacted by Entergy's proposed Transportation Electrification and Charging Infrastructure (TECI) Rider and Transportation Electrification and Charging Demand Adjustment (TECDA) Rider, both of which are also implicated in Issues 68 and 69. ChargePoint's

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<sup>1</sup> See Preliminary Order dated August 4, 2022, at Paragraphs 68 and 69.

primary business model consists of selling EV charging solutions directly to businesses and organizations and offering network services and other tools that empower station owners to deploy EV charging designed for their individual application and use case. As a provider of Level 2 EV chargers, DCFCs, and EV charging network services in Texas, who has existing customers as well as prospective customers seeking to install EV charging stations in ETI's service territory, ChargePoint would be directly impacted by Entergy's proposed TECI Rider and TECDA Rider.

Specifically, the Company's proposal in the TECI Rider to partner with interested nonresidential customers to plan, construct, own, operate, and maintain transportation electrification related infrastructure and equipment, including electric vehicle charging, on customer-owned property at no cost to the site hosts<sup>2</sup> on whose property the chargers are located will directly impact ChargePoint's ability to sell its products and services to prospective customers in the Company's service territory. Further, Entergy's proposed TECDA Rider would directly impact the cost of operating EV charging stations and therefore directly impact the value proposition of ChargePoint's products and services. For these reasons, the Commission's approval, denial, or modification of ETI's application will directly impact ChargePoint's property, financial, and business interests.

Absent intervention, ChargePoint's justiciable interest may be adversely affected by the outcome of this case within the meaning of 16 Tex. Admin. Code § 22.103(b)(2). For ChargePoint to properly protect its interests with respect to Issues 67, 68, and 69, it should be granted leave to intervene in this matter to participate in resolution of these issues. Thus, ChargePoint has a direct

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<sup>2</sup> The term "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.

justiciable interest in the outcome of this case and will be directly affected by the Commission's action.

Moreover, no other entity can represent ChargePoint's interests in this proceeding. The nature of ChargePoint's interests and the manner in which the outcome of this proceeding will affect those interests are specific to ChargePoint's business model, its operations, and its customers in the Company's service territory. Representing ChargePoint's interest in this proceeding requires direct knowledge of ChargePoint's unique business model and the national experience and expertise that ChargePoint possesses. ChargePoint's interests in this proceeding would not be adequately represented if ChargePoint were denied intervenor status. While other EV charging companies may be parties to this proceeding and may address similar issues as ChargePoint, these other potential parties would be unable to represent ChargePoint's unique business model or provide ChargePoint's unique expertise. ChargePoint is the only entity that can represent its substantial interests in this proceeding. Because of ChargePoint's unique product and service offerings and its unique business model, ChargePoint's interest in this case is different from that of the general public.

### **III. Request for Leave to Intervene Late**

Pursuant to 16 Tex. Admin. Code § 22.104(d), ChargePoint submits this motion to intervene after the August 15, 2022 deadline set by the Commission's July 29, 2022 scheduling Order. In deciding whether to allow a late intervention the presiding officer may consider, among other things, (a) whether there is good cause for late intervention, (b) whether allowance would prejudice the existing parties, (c) whether the proceeding might be disrupted from permitting late intervention, and (d) whether the late intervention is likely to serve the public interest. *See* 16 Tex. Admin. Code § 22.104(d). ChargePoint meets each of these factors.

First, ChargePoint has good cause for not intervening by the deadline, as it did not receive notice of this case. ChargePoint is neither a statutory party nor is it a typical intervenor in Entergy cases in Texas. Nevertheless, decisions in this case will likely affect ChargePoint's rights for the reasons discussed. Because ChargePoint did not receive notice of this proceeding, it was unaware of the procedural schedule and deadline for intervention. After ChargePoint became aware of this case and the procedural schedule, ChargePoint had some difficulty finding local Texas counsel with experience practicing before this Commission, which further delayed ChargePoint's intervention. Therefore, there is good cause to allow ChargePoint's intervention.

Second, none of the existing parties will be adversely affected by ChargePoint's participation in this case. ChargePoint's motion is being filed only a few weeks after the intervention deadline and well in advance of the October 26, 2022 deadline for written discovery and intervenor direct testimony. Granting ChargePoint's late intervention will not have any impact on existing parties.

Third, permitting ChargePoint to intervene will not disrupt the proceedings as ChargePoint does not object to the existing procedural schedule and will comply with all deadlines moving forward.

Finally, allowing ChargePoint's intervention will serve the public interest. As a leading provider of EV charging infrastructure and network services that has participated in numerous proceedings before public service and public utility regulatory commissions around the country, ChargePoint will offer a valuable and informative perspective to the Commission through its participation in this docket. ChargePoint's participation would therefore assist the Commission in the development of a more complete record. The public interest will be served by allowing a

diversity of parties to address these discrete issues in this proceeding. Accordingly, granting ChargePoint's intervention is in the public interest.

#### **IV. Conclusion**

ChargePoint has a justiciable interest which may be adversely affected by the outcome of this proceeding within the meaning of 16 Tex. Admin. Code § 22.103(b)(2) and thus has standing to intervene in this matter. Accordingly, ChargePoint should be granted leave to intervene in this matter.

For the foregoing reasons, ChargePoint respectfully requests the Commission grant this Motion for Leave to Intervene Out of Time, along with any further relief the Commission deems proper.

Respectfully submitted on September 7, 2022,

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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 September 7, 2022.

/s/ Alicia Zaloga