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APPLICATION OF EL	§	
PASO ELECTRIC COMPANY	§	BEFORE THE STATE OFFICE
FOR APPROVAL OF ITS TEXAS	§	OF
ELECTRIC VEHICLE -READY	§	ADMINISTRATIVE HEARING
PILOT PROGRAMS AND TARIFFS	§	

**EV.ENERGY CORP. MOTION FOR
LEAVE TO INTERVENE OUT OF TIME**

EV.ENERGY CORP. (ev.energy) files this Motion for Leave to Intervene Out of Time in the above-captioned proceeding pursuant to 16 Tex. Admin. Code §§ 22.103 and 22.104.

I. Authorized Representative

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

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

II. Standing to Intervene

ev.energy is a software platform that operates across all 50 U.S. states, including Texas. ev.energy's mission is to accelerate the decarbonization of transportation through its software platform, which enables utilities to implement managed charging (V1G) and bidirectional charging (V2X) programs. ev.energy has a significant number of EV drivers in Texas – through individual enrollment and in partnership with retail energy providers – who already manage their charging each day using the ev.energy mobile app.

ev.energy provides an end-to-end solution for utilities to directly control EV load – at both network and local distribution levels – and deliver measurable grid benefits, such as shifting charging to off-peak hours, dynamically optimizing load to specific network constraints at the feeder or transformer level, and aligning charging with periods of high renewable generation. ev.energy's software utilizes a hardware-agnostic approach through a suite of application programming interfaces (APIs) that connect to both vehicle telematics systems and Electric Vehicle Supply Equipment (EVSE). Due to our hardware-agnostic solution, as well as the broad range of auto original equipment manufacturers (OEMs) and networked EVSE that our software integrates with, ev.energy's platform is compatible with over 90% of light-duty EV drivers nationwide. EV drivers can also utilize our mobile app outside of utility programs to individually schedule their charging around time-of-use rates and lower-carbon generation hours to enjoy a cheaper, greener charge.

In this proceeding, El Paso Electric Company (EPE or Company) has proposed to implement the EV Smart Rewards Pilot Program, through which it will provide incentives to

residential customers for allowing EPE to manage their EV charging behavior.¹ ev.energy has a justiciable interest in the Commission's evaluation of EPE's proposed EV Smart Rewards Pilot Program. Specifically, as the vendor selected to implement this proposed program through EPE's Request for Proposals (RFP) process, ev.energy has a tangible business interest in supporting EPE's request for Commission approval of the EV Smart Rewards Pilot Program.

Absent intervention, ev.energy'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 ev.energy to properly protect its interests, as explained above, it should be granted leave to intervene in this matter to participate in resolution of these issues. ev.energy has a direct justiciable interest in the outcome of this case and will be directly affected by the Commission's action.

Moreover, no other entity can represent ev.energy interests in this proceeding. The nature of ev.energy's interests and the manner in which the outcome of this proceeding will affect those interests are specific to ev.energy's business model, its operations, and its status as the selected vendor for the EV Smart Rewards Pilot Program. Representing ev.energy's interest in this proceeding requires direct knowledge of ev.energy's unique business model and the national experience and expertise that ev.energy possesses. ev.energy's interests in this proceeding would not be adequately represented if ev.energy were denied intervenor status. While other EV charging companies may be parties to this proceeding and may address similar issues as ev.energy, these other potential parties would be unable to represent ev.energy's unique business model or provide ev.energy's unique expertise. ev.energy is the only entity that can represent its substantial interests

¹ EPE Application, p. 4.

in this proceeding. Because of ev.energy's unique service offering and its unique business model, ev.energy's interest in this case is different from that of the general public.

III. Request for Leave to Intervene Out of Time

Pursuant to 16 Tex. Admin. Code § 22.104(d), ev.energy submits this motion to intervene after the March 17, 2023 deadline set by the Commission's Order No. 2 on March 3, 2023. 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 granting intervention 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). ev.energy meets each of these factors.

First, ev.energy has good cause for not intervening by the deadline. Specifically, ev.energy received confirmation of its selection as the vendor for EPE's Smart EV Rewards Pilot program after the above-mentioned deadline.

Second, none of the existing parties will be adversely affected by ev.energy's participation in this case. ev.energy's motion is being filed prior to any deadlines being established for written discovery or intervenor testimony. Granting ev.energy's late intervention will not have any impact on existing parties.

Third, permitting ev.energy to intervene will not disrupt the proceedings because there is not currently a procedural schedule for testimony and a hearing.

Finally, allowing ev.energy's intervention will serve the public interest. As the largest EV charging load management platform in North America as measured by the number of electric vehicles under management, ev.energy will offer a valuable and informative perspective to the Commission through its participation in this docket. ev.energy'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 ev.energy's intervention is in the public interest.

IV. Conclusion

ev.energy 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 therefore has standing to intervene in this matter. Accordingly, ev.energy should be granted leave to intervene in this proceeding. For the same reasons explained above, ev.energy believes that an evidentiary hearing is necessary in this proceeding and recommends that the Commission conduct such a hearing. For the foregoing reasons, ev.energy 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 November 2, 2023,

/s/ Scott F. Dunbar

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Counsel to EV.ENERGY CORP.

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record on November 2, 2023.

/s/ Alicia Zaloga