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**APPLICATION OF EL
PASO ELECTRIC COMPANY
FOR APPROVAL OF ITS TEXAS
ELECTRIC VEHICLE -READY
PILOT PROGRAMS AND TARIFFS**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARING**

**CHARGEPOINT MOTION FOR
LEAVE TO INTERVENE**

ChargePoint, Inc. (ChargePoint) files this Motion for Leave to Intervene in the above-captioned proceeding pursuant to 16 Tex. Admin. Code §§ 22.103 and 22.104 and Order No. 2.¹

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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¹ Order No. 2, pp. 1-2 (March, 3, 2023).

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

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.

In this proceeding, El Paso Electric Company (EPE or Company) proposes to establish four new Texas Electric Vehicle (EV)-Ready Pilot Programs and Tariffs. First, EPE proposes the EV Smart Rewards Pilot Program, to provide “incentives to residential customers for enrolling and participating in EPE’s utility-managed EV charging program.”² Second, EPE proposes the Whole House EV (WHEV Pilot Incentive Credit Rider) to encourage “residential customers who own EVs to charge their EVs during the overnight/early morning hours by providing an incentive credit on electricity usage from midnight to 8 am.”³ Third, EPE proposes the PowerConnect Pilot Program to provide “non-residential customers who are installing EV charging infrastructure on their premises with a rebate credit to reduce the customer’s upfront cost for utility distribution-system improvements that are needed to support the EV charging infrastructure.”⁴ Finally, EPE proposes the Take Charge TX Pilot Program, to provide “non-residential customers with the opportunity to request that EPE arrange, in whole or part, for the purchase, installation, and

² EPE Application, p. 4.

³ *Id.*, p. 5.

⁴ *Id.*

maintenance of EV charging infrastructure selected by the customer for EV charging on the customer's premises.”⁵ EPE’s proposed budgets for these programs are as follows follows:⁶

Program	Total Estimated Costs
EV Smart Rewards Pilot Program	\$804,947
PowerConnect Pilot Program	\$3,095,950
Take Charge TX Pilot Program	\$7,382,650
Total 2-year Texas EV-Ready Pilot Program Costs	\$11,283,547

ChargePoint has a justiciable interest in the outcome of these proposed programs. As a provider of EV charging station hardware and network services, including existing EV charging stations in EPE’s service territory, the Commission’s approval, denial, or modification of the Company’s proposed EV programs and proposed investments in EV charging facilities and infrastructure upgrades will directly impact ChargePoint’s property and business interests. Moreover, the outcome of this proceeding will directly impact the cost of operating EV charging stations in EPE’s service territory, including stations operated by ChargePoint’s customers and prospective customers. This, in turn, will directly impact the value proposition for ChargePoint’s products and services in EPE’s service territory. Also, the nature and amount of EPE’s investments in EV charging facilities and infrastructure upgrades will directly impact ChargePoint’s ability to sell its products and services to prospective customers in EPE’s service territory.

⁵ *Id.*

⁶ Direct Testimony of George Novela, p. 16.

ChargePoint's 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 the Company's service territory, ChargePoint would be directly impacted by EPE's proposed EV Smart Rewards Pilot Program, Whole House EV, PowerConnect Pilot Program, and Take Charge TX Pilot Program.

Specifically, the Company's Take Charge TX pilot program proposal would allow EPE to partner with interested nonresidential customers for those customers to "choose the desired utility-side EV infrastructure (e.g., transformer, switch gear, etc.) and customer-side equipment (e.g., panel, charging station, etc.) that could be purchased, installed, and operated by EPE, in whole or part, including a fully turnkey solution Customers will be responsible for a monthly fixed fee added to their bill during the term of the pilot program agreement."⁷ This would be paid for by a monthly fixed fee charged directly to the customer.⁸ EPE's proposal to plan, construct, own, operate, and maintain transportation electrification related infrastructure and equipment, including EV chargers, on customer-owned property as well as ChargePoint's ability to qualify its products and services for inclusion in the Take Charge TX pilot will directly impact ChargePoint's ability to sell its products and services to prospective customers in the Company's service territory. Further, EPE's proposed investments in these programs would directly impact the cost of installing and operating EV charging stations and therefore directly impact the value proposition of

⁷ *Id.*, pp. 18-19.

⁸ *Id.*, p. 19.

ChargePoint's products and services. For these reasons, the Commission's approval, denial, or modification of EPE's EV program proposals 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, as explained above, it should be granted leave to intervene in this matter to participate in resolution of these issues. Thus, ChargePoint has a direct justiciable interest in the outcome of this case and will be directly affected by the Commission's action.

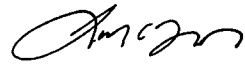
Moreover, no other entity can represent ChargePoint's interests in this proceeding. The nature of ChargePoint's interests and the manner in which the outcome of this proceeding will affect those interests are specific to ChargePoint's business model, its operations, and its customers in the Company's 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. 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 proceeding. For the same reasons explained above, ChargePoint believes that an evidentiary hearing is necessary in this proceeding and recommends that the Commission conduct such a hearing. For the foregoing reasons, ChargePoint respectfully requests the Commission grant this Motion for Leave to Intervene, along with any further relief the Commission deems proper.

Respectfully submitted on March 17, 2023,



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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record on March 17, 2023.

/s/ Alicia Zaloga
Alicia Zaloga