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**SOAH DOCKET NO. 473-22-04394  
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<b>APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES</b>	<b>§ § §</b>	<b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>
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**CROSS-REBUTTAL TESTIMONY**

**OF**

**EVAN D. EVANS**

**ON BEHALF OF THE**

**OFFICE OF PUBLIC UTILITY COUNSEL**

**November 16, 2022**

**SOAH DOCKET NO. 473-22-04394  
PUC DOCKET NO. 53719**

**CROSS-REBUTTAL TESTIMONY OF EVAN D. EVANS**

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## ACRONYMS AND ABBREVIATIONS

ETI	Entergy Texas, Inc.
EV	Electric Vehicle
EVSE	Electric Vehicle Supply Equipment
EVSP	Electric Vehicle Service Providers
HHI	Herfindahl–Hirschman Index
OPUC	Office of Public Utility Counsel
PUCT	Public Utility Commission of Texas
SPS	Southwestern Public Service Company
Staff	Public Utility Commission Staff
TE	Transportation Electrification

1                   **I.       WITNESS IDENTIFICATION AND SCOPE OF TESTIMONY**

2   **Q.     PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

3   A.     My name is Evan D. Evans. My business address is 101 Merlot Drive, Abilene, Texas  
4           79602.

5   **Q.     BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

6   A.     I am a principal and a consultant with Integrity Power Consulting, LLC.

7   **Q.     ARE YOU THE SAME EVAN D. EVANS WHO FILED DIRECT TESTIMONY IN**  
8           **THIS PROCEEDING?**

9   A.     Yes, I am.

10  **Q.     ON WHOSE BEHALF ARE YOU PRESENTING TESTIMONY IN THIS**  
11           **PROCEEDING?**

12  A.     I am presenting testimony on behalf of the Office of Public Utility Counsel ("OPUC").

13                   **II.     PURPOSE AND SCOPE OF TESTIMONY**

14  **Q.     WHAT IS THE PURPOSE OF YOUR CROSS-REBUTTAL TESTIMONY IN THIS**  
15           **PROCEEDING?**

16  A.     In this testimony, I will address the following issues that were raised in testimony filed by  
17           certain intervenor parties in this docket:

- 18           • Entergy Texas, Inc.'s ("ETI") ownership of make-ready transportation electrification  
19           ("TE") infrastructure and charging equipment; and  
20           • Proposed changes to ETI's proposed TECDA-1 Rider.

1   **Q.     PLEASE SUMMARIZE YOUR TESTIMONY AND RECOMMENDATIONS IN**  
2   **THE AREAS LISTED ABOVE.**

3   A.    I make the following recommendations based upon my review of the filed testimony of the  
4   PUCT Staff and other intervenors in this docket:

- 5       • If the Commission determines it is appropriate for ETI to own make-ready TE  
6       infrastructure and charging equipment, the Commission should at a minimum ensure  
7       the following:
  - 8       ○ Appropriate safeguards are established that ensures ETI's participation in the  
9       competitive markets does not hinder the development and expansion of the  
10      competitive market for TE infrastructure and charging equipment or unduly limits  
11      a TE site host's ability to choose their preferred TE infrastructure and charging  
12      equipment;
  - 13     ○ Appropriate allocations of ETT's overhead costs are assigned to ETT's investment  
14      in make-ready transportation electrification infrastructure and charging equipment,  
15      ETT's activities to market these services, and ETT's operation and maintenance of  
16      associated equipment. These overhead costs should include investment in general  
17      and intangible rate base, administrative and general expenses, wages and salaries,  
18      property insurance, property taxes, payroll taxes, etc.;
  - 19     ○ ETT's non-participant retail electric service customers are adequately compensated  
20      for the fact that they financially support ETI, which enables ETI to compete from  
21      the advantageous position of being the certificated public utility in its service area  
22      and possess immense customer information; and

1           ○ Adequate steps and procedures are instituted that fully protect ETI's non-  
2           participant retail electric service customers from bearing any costs or risk  
3           associated with ETI's investment and efforts to provide make-ready transportation  
4           electrification infrastructure and charging equipment, including protection from the  
5           risk of default by TECI-1 or TECDA-1 customers.

6           • Because ChargePoint did not provide any evidence supporting their recommended  
7           changes to ETI's proposed TECDA-1 rider their recommended changes should be  
8           rejected;

9           • Because no party has provided evidence supporting the argument that the demand  
10          discount contained in the proposed TECDA-1 Rider will have little to no impact on  
11          other customers, that demand discount should be rejected;

12          • Pursuant to Public Utility Regulatory Act ("PURA") § 36.007(d), any demand charge  
13          discounts associated with the demand cap contained in ETI's proposed TECDA-1 Rider  
14          constitute discounted rates which should not be borne by ETI's other customers.

15   **Q.   IF YOU DO NOT ADDRESS AN ISSUE OR TAKE A POSITION ON ANY ISSUE**  
16   **IN YOUR CROSS-REBUTTAL TESTIMONY, SHOULD THAT BE**  
17   **INTERPRETED AS SUPPORTING THE POSITION TAKEN BY OTHER**  
18   **PARTIES ON THAT ISSUE?**

19   **A.   No.**



1           **III.     ETI'S OWNERSHIP OF TE INFRASTRUCTURE AND EQUIPMENT**

2   **Q.     PLEASE IDENTIFY THE WITNESSES WHO FILED TESTIMONY**  
3       **CONCERNING THIS ISSUE.**

4   A.     The following witnesses filed testimony on this issue:

- 5           • Justin D. Wilson, on behalf of ChargePoint Inc. ("ChargePoint");
- 6           • Matthew McCaffree, on behalf of FlashParking, Inc. ("FlashParking");
- 7           • Jeremiah W. Cunningham, on behalf of Southwestern Public Service Company
- 8           ("SPS"); and
- 9           • William B. Abbott, on behalf of the Staff of the Public Utility Commission of Texas
- 10          ("Staff").

11 **Q.     PLEASE SUMMARIZE THE POSITIONS TAKEN AND THE ARGUMENTS**  
12 **MADE BY EACH WITNESS CONCERNING UTILITY OWNERSHIP OF TE**  
13 **INFRASTRUCTURE AND EQUIPMENT.**

14 A.     Below are summaries for each witness:

15       Justin Wilson of ChargePoint –

- 16           • Recommends the Commission find it is appropriate for utilities to own make-ready
- 17           infrastructure to support EV chargers and to have limited ownership of EV chargers
- 18           may be appropriate if certain conditions are in place;<sup>1</sup>
- 19           • Asserts certain checks and balances are necessary to prevent harm to the
- 20           competitive market;<sup>2</sup> and

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<sup>1</sup> Direct Testimony of Justin Wilson at 4:3 – 7.

<sup>2</sup> *Id.* at 5:11 – 20.

- 1           • Contends the EV charging site host must be permitted to choose their preferred EV  
2           charging equipment and network service provider.<sup>3</sup>

3           Matthew McCaffree of FlashParking –

- 4           • Supports ETI’s ownership of TE infrastructure and equipment through their support  
5           for ETI’s TECI-1 Rider;<sup>4</sup>
- 6           • Recommends that ETI inform customers exploring the TECI Rider that installers  
7           and service providers exist that may offer EV charging services that accommodate  
8           a customer’s specific needs at a competitive price;<sup>5</sup> and
- 9           • Recommends the installation and maintenance of electric vehicle supply equipment  
10          (“EVSE”) ports not be limited to electric vehicle service providers (“EVSP”)  
11          approved solely by ETI.<sup>6</sup>

12          Jeremiah Cunningham of SPS –

- 13          • Contends vertically integrated utilities should not be precluded or prohibited from  
14          owning charging infrastructure;<sup>7</sup> and
- 15          • Asserts that, based on private market activity to date, SPS believes it appears likely  
16          that market economics in at least some, if not all, areas of Texas, may predicate the

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<sup>3</sup> *Id.* at 16:5 – 9.

<sup>4</sup> Direct Testimony of Matthew McCaffree at 10:17 – 11:2.

<sup>5</sup> *Id.* at 8:4 – 10.

<sup>6</sup> *Id.*

<sup>7</sup> Direct Testimony of Jeremiah W. Cunningham at 8:9 – 10.

1 need for vertically aligned utilities to consider providing EV charging infrastructure  
2 where other vendors opt not to pursue opportunities to install such facilities.<sup>8</sup>

3 William Abbott of Staff –

- 4 • Recommends ETI's proposed TECI-1 and TECDA-1 Riders and ETI's proposal to  
5 be allowed to own TE and charging infrastructure, including vehicle charging  
6 facilities, be rejected.<sup>9</sup>

7 **Q. PLEASE SUMMARIZE THE CONCERNS EXPRESSED BY MR. WILSON**  
8 **ABOUT THE IMPACT ETI'S PARTICIPATION COULD HAVE ON**  
9 **COMPETITION.**

10 A. Mr. Wilson expressed the following concerns that ETI's participation could have on  
11 competition:

- 12 • Utilities are regulated monopolies that have a competitive advantage over other  
13 competitors since they can recover all or a portion of the cost of providing EV  
14 charging stations and infrastructure from their ratepayers;<sup>10</sup>
- 15 • A utility may procure a single equipment provider and single network service  
16 provider for all chargers that the utility will own and operate, regardless of the site  
17 host's needs and preferences. When a utility removes a site host's ability to choose  
18 their preferred equipment and network service provider, it significantly dampens  
19 competition and innovation;<sup>11</sup>

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<sup>8</sup> *Id.* at 9:6 – 9.

<sup>9</sup> Direct Testimony of William B. Abbott at 7:7 - 21.

<sup>10</sup> Direct Testimony of Justin Wilson at 6:14 – 16.

<sup>11</sup> *Id.* at 6:17 – 7:8.

- ETI's proposal to provide infrastructure and potentially charging equipment is equivalent to the turn-key installation service offered by many non-utility service providers;<sup>12</sup> and
- ETI's proposal to recover the costs to install a customer's desired amount of infrastructure and equipment through an on-bill fixed charge over a term chosen by the customer is functionally equivalent to financing offers that are offered by many non-utility service providers.<sup>13</sup>

**Q. ARE THE CONCERNS CHARGEPOINT RAISED ABOUT THE POTENTIAL IMPACT ON COMPETITION REASONABLE?**

A. Yes, they are reasonable concerns. If these concerns are not adequately addressed, ETI's participation in the competitive market could hamper the development and expansion of the competitive market for TE infrastructure and charging equipment.

**Q. SPS'S WITNESS, JEREMIAH CUNNINGHAM, ASSERTED THE CURRENT COMPETITIVE MARKET STATUS FOR FAST CHARGING STATIONS IN TEXAS AND SPS'S SERVICE AREA REVEALS THE NEED FOR UTILITY OWNED EV CHARGING INFRASTRUCTURE. DO YOU AGREE?**

A. I do not completely agree with Mr. Cunningham's assertion. He asserts that SPS has calculated that Texas's fast charging market is highly concentrated with a Herfindahl-Hirschman Index ("HHI") of 5,785 points.<sup>14</sup> HHI is a measure of market concentration

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<sup>12</sup> *Id.* at 14:6-8.

<sup>13</sup> *Id.* at 14:8 – 14.

<sup>14</sup> Direct Testimony of Jeremiah W. Cunningham at 22:13 – 18.

1 and is used to determine market competitiveness. In proceedings before the PUCT, the  
2 HHI has most commonly been reviewed in merger and acquisition filings to evaluate the  
3 impact of mergers on the power market in Texas.

4 However, HHIs do not tend to be static, but will change as the market size and the  
5 number of competitors in the market increases. Mr. Cunningham noted the EV adoption  
6 has experienced large growth and stated, “In Texas, year over year growth in EV  
7 registrations from 2020 to 2021 was more than 55%.”<sup>15</sup> Furthermore, ETI’s witness,  
8 Samantha Hill also provided an extensive discussion of the recent and projected growth in  
9 EVs, stating, “With both legacy and start-up vehicle manufacturers setting ambitious goals  
10 for EV production and making significant investments in vehicle and battery production,  
11 it is expected that the number of EV models that will be available to consumers will more  
12 than triple in the next four years, and increase by seven-fold in the next five years.”<sup>16</sup>

13 This growth in the market for EVs should attract additional competitors in the  
14 market for fast charging EV stations. Both the growth in the EV market and the expected  
15 growth in the number of competitors offering fast charging services would impact the HHIs  
16 for the EV charging infrastructure market in Texas.

17 Furthermore, Mr. Cunningham did not provide any estimates or projections of the  
18 impact of allowing large, regulated utility monopolies to participate in the EV charging  
19 infrastructure market in their certificated service territories. Mr. Cunningham did not  
20 discuss whether allowing utility monopolies with their competitive advantages would

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<sup>15</sup> *Id.* at 13:15 – 18.

<sup>16</sup> Direct Testimony of Samantha F. Hill at 4:5 – 6:11.

1 promote more competitive markets in Texas or deter smaller competitors from entering the  
2 markets.

3 **Q. PLEASE DISCUSS THE POINTS RAISED BY MR. ABBOTT IN HIS**  
4 **OPPOSITION OF UTILITY OWNERSHIP OF TE INFRASTRUCTURE AND**  
5 **CHARGING EQUIPMENT.**

6 A. Mr. Abbott's opposition to utility ownership of TE Infrastructure and charging equipment  
7 appears to be primarily based on the following contentions:

- 8 • It is not appropriate for an electric utility in a vertically integrated area to own  
9 vehicle-charging facilities or other transportation electrification and charging  
10 infrastructure. The ownership of such facilities should be left to competitive  
11 providers;<sup>17</sup>
- 12 • ETI should not be allowed to own TE and charging infrastructure—including  
13 vehicle-charging facilities—in the manner it has proposed in its application. Such  
14 ownership should be wholly left to customers or third parties;<sup>18</sup>
- 15 • ETI's requested Rider TECI would inappropriately allow a regulated monopoly to  
16 provide a competitive service, contrary to PURA § 11.002 and 16 Texas  
17 Administrative Code ("TAC") § 25.1;<sup>19</sup> and

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<sup>17</sup> Direct Testimony of William B. Abbott at 7:14 – 17.

<sup>18</sup> *Id.* at 7:18 – 21.

<sup>19</sup> *Id.* at 8:5 – 11.

- The TECI rider would likely result in harm to other ratepayers in addition to the potential shifting of costs to other customers if the TECI-1 costs and revenues do not reasonably match up.<sup>20</sup>

**Q. WHAT IS YOUR POSITION CONCERNING ETI'S OWNERSHIP OF TE INFRASTRUCTURE AND EQUIPMENT?**

A. The concerns expressed by Mr. Wilson of ChargePoint about the potential negative impact that ETI's participation could have on a competitive market should be strongly considered in the Commission's decision on this issue. The concerns raised by Mr. Abbott are valid and I do not oppose his recommendations. However, if the Commission determines that it is appropriate for ETI to own electric vehicle-charging facilities or other TE and charging infrastructure, at a minimum the Commission should ensure the following:

- Appropriate safeguards are established to ensure ETI's participation in the competitive markets does not hinder the development and expansion of the competitive market for TE infrastructure and charging equipment or unduly limit a TE site host's ability to choose their preferred TE infrastructure and charging equipment;
- Appropriate allocations of ETI's overhead costs are assigned to ETI's investment in make-ready transportation electrification infrastructure and charging equipment, ETI's activities to market these services, and ETI's operation and maintenance of associated equipment. These overhead costs should include investment in general and intangible rate base, administrative and general expenses, wages and salaries, property insurance, property taxes, payroll taxes, etc.;

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<sup>20</sup> *Id.* at 9:13 – 16.

- ETI's non-participant retail electric service customers are adequately compensated for the fact that they financially support ETI, as this enables ETI to compete from the advantageous position of being the certificated public utility in its service area and possess immense customer information; and
- Adequate steps and procedures are instituted that fully protect ETI's non-participant retail electric service customers from the risk of bearing any costs associated with ETI's investment and efforts to provide make-ready transportation electrification infrastructure and charging equipment, including protection from the risk of default by TECI-1 or TECDA-1 customers.

#### IV. PROPOSALS RELATED TO THE TECDA-1 RIDER

**Q. PLEASE SUMMARIZE THE PROPOSALS BY OTHER PARTIES AND STAFF CONCERNING ETI'S PROPOSED TECDA-1 RIDER.**

A. Below is a summary of the proposals by the other parties and the Staff:

Justin Wilson - ChargePoint

- Approve the TECDA-1 Rider with the following modifications:
  - Remove the five-year limitation on customer participation<sup>21</sup>;
  - Increase the proposed cap on participating EV charging load from 30,000 kW to 50,000 kW<sup>22</sup>; and

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<sup>21</sup> Direct Testimony of Justin Wilson at 4:12 – 18.

<sup>22</sup> *Id.*



- 1           ○ Allow all separately metered charging sites that meet the applicable load  
2           requirements to participate in the TECDA-1 Rider, regardless of when the  
3           charging site became operational.<sup>23</sup>

4           Matthew McCaffree - FlashParking

- 5           • Approve the TECDA-1 Rider without any changes.<sup>24</sup>

6           William Abbott – PUCT Staff

- 7           • Reject ETI's proposed TECDA Rider based on a finding that it is unreasonably  
8           preferential and discriminatory, is inequitable, and grants an unreasonable  
9           preference concerning rates to certain persons in a classification and is not just and  
10          reasonable.<sup>25</sup>

11   **Q.   WHAT REASON DID MR. WILSON PROVIDE FOR HIS PROPOSAL TO**  
12   **INCREASE THE FIVE-YEAR LIMITATION ON THE TECDA-1 RIDER?**

13   A.   Mr. Wilson asserted that the five-year limitation was not necessary to mitigate the impact  
14       of the rider on other customers because the design of the rider ensures the benefits to  
15       participating customers is balanced with the potential impact to non-participant  
16       customers.<sup>26</sup> Mr. Wilson relies on the claim by ETI witness, Samantha Hill, that the Rider  
17       was designed to be “self-correcting.”<sup>27</sup> Finally, Mr. Wilson asserts, “Even without the  
18       five-year limitation, the number of customers participating in the Rider may naturally

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<sup>23</sup> *Id.*

<sup>24</sup> Direct Testimony of Matthew McCaffree at 8:18 – 9:5.

<sup>25</sup> Direct Testimony of William B. Abbott at 7:8 – 10.

<sup>26</sup> Direct Testimony of Justin Wilson at 20:9 – 13.

<sup>27</sup> *Id.* at 20:13 – 15.

1 decrease over time **ensuring** any potential impact to non-participating customers remains  
2 minimal while continuing to provide demand charge relief to customers that need it.”<sup>28</sup>

3 (Emphasis added)

4 **Q. DID MR. WILSON PROVIDE ANY ANALYSIS SUPPORTING HIS ASSERTION**  
5 **THAT THE POTENTIAL IMPACT ON ETI’S NON-PARTICIPATING**  
6 **CUSTOMERS WOULD BE MINIMAL?**

7 A. No, Mr. Wilson provided nothing more than the assertion that the impact would be  
8 minimal. Because no analysis supporting this assertion has been provided, it is not possible  
9 for this Commission to accurately verify the actual impact on ETI’s non-participating  
10 customers. It would be valuable for non-participating customers to know the yearly costs  
11 associated with adopting Mr. Wilson’s proposal to eliminate the five-year limit on the  
12 TECDA-1 Rider.

13 **Q. DO YOU AGREE WITH MR. WILSON’S ASSERTION THAT THE RIDER IS**  
14 **“SELF-CORRECTING?”**

15 A. No. According to Merriam-Webster, the definition of “self-correcting” is “correcting or  
16 compensating for one’s own errors or weaknesses.”<sup>29</sup> The proposed TECDA-1 Rider is  
17 not “self-correcting.” The rider simply provides a demand charge discount to customers  
18 by capping their billing demand in any month in which their load factor falls below 15%.  
19 However, the TECDA-1 Rider does not recover the discount in those months in which the  
20 customer’s load factor is above 15%.

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<sup>28</sup> *Id.* at 20:18 – 21.

<sup>29</sup> <https://www.merriam-webster.com/dictionary/self-correcting>.

1 **Q. DID MR. WILSON PROVIDE OTHER REASONS FOR SUPPORTING THE**  
2 **DEMAND CHARGE DISCOUNT CONTAINED IN THE PROPOSED TECDA-1**  
3 **RIDER?**

4 A. Mr. Wilson also stated,

5 “Many EV charging sites have sporadic sessions of high demand resulting in  
6 unpredictable utilization and lower load factors. This leads to situations where the  
7 demand-based (per kW) component of an EV charging site host’s electricity bill is  
8 far higher than the volumetric (per kWh) component, driving up the “effective cost  
9 per kWh” for the site host. In some markets, demand charges can account for as  
10 much as 90% of a site host’s electricity costs.”<sup>30</sup>

11 **Q. DID MR. WILSON PROVIDE ANY DATA OR EVIDENCE SUPPORTING HIS**  
12 **CLAIMS THAT MANY EV CHARGING SITES HAVE LOWER LOAD FACTORS**  
13 **AND THAT DEMAND CHARGES CAN ACCOUNT FOR AS MUCH AS 90% OF**  
14 **A SITE’S ELECTRICITY COSTS?**

15 A. No. Mr. Wilson provided no data supporting his claim that many EV charging sites have  
16 lower load factors. Mr. Wilson also provided no supporting analysis to show that demand  
17 charges for any EV charging site served under ETI’s standard tariffs could be reasonably  
18 expected to account for 90% of the site’s electricity costs.

19 **Q. DID MR. WILSON PROVIDE ANY ANALYSIS OR ESTIMATES OF THE**  
20 **IMPACT OF HIS PROPOSAL TO INCREASE THE AVAILABILITY OF THE**  
21 **TECDA-1 RIDER FROM 30,000 KW TO 50,000 KW?**

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<sup>30</sup> Direct Testimony of Justin Wilson at 18:17 – 19:2.

1 A. No. Mr. Wilson did not provide any analysis or estimates of the cost impact of his proposal  
2 to increase the availability by 67% over ETI's proposal. It would be valuable for the  
3 Commission and the non-participating customers to know the amount of cost that  
4 Mr. Wilson is proposing to be transferred to the non-participating customers. Without that  
5 information, the Commission would not be able to determine that it would be reasonable  
6 to require non-participating customers to bear these undefined costs.

7 **Q. WHAT IS YOUR RECOMMENDATION CONCERNING MR. WILSON'S AND**  
8 **CHARGEPOINT'S RECOMMENDED CHANGES TO ETI'S PROPOSED**  
9 **TECDA-1 RIDER?**

10 A. Because Mr. Wilson did not provide any evidence supporting the recommended changes  
11 to ETI's proposed TECDA-1 rider, ChargePoint Inc.'s recommended changes should be  
12 rejected.

13 **Q. DO YOU AGREE WITH MR. ABBOTT'S POSITION THAT THE TECDA-1**  
14 **RIDER WOULD BE UNREASONABLY PREFERENTIAL, DISCRIMINATORY,**  
15 **AND INEQUITABLE, AS IT GRANTS AN UNREASONABLE PREFERENCE**  
16 **CONCERNING RATES TO CERTAIN CUSTOMERS?**

17 A. I agree that the TECDA-1 Rider would be unreasonably preferential and discriminatory,  
18 is inequitable and grants an unreasonable preference concerning rates to certain customers  
19 in a classification if the unrecovered demand charges are recovered from non-participating  
20 customers. As stated in my direct testimony, "The under-recovered demand revenues that

1 result from the application of the billing demand cap in the TECDA-1 Rider should not be  
2 borne by other customers.”<sup>31</sup>

3 If the TECDA-1 Rider is approved by the Commission, the proposed load factor-  
4 based billing demand cap would be a discounted rate pursuant to PURA § 36.007(a). No  
5 other customers within the General Service, Large General Service or Industrial Power  
6 Service rates are provided similar demand caps and the intent of this demand cap is to  
7 promote expansion of EV infrastructure. Consequently, PURA 36.007(d) states,  
8 “Notwithstanding any other provision of this title, the commission shall ensure that the  
9 electric utility’s allocable costs of serving customers paying discounted rates under this  
10 section are not borne by the utility’s other customers.”

## 11 V. CONCLUSION

### 12 Q. PLEASE SUMMARIZE YOUR RECOMMENDATIONS.

13 A. In this testimony, I made the following recommendations:

- 14 • If the Commission determines it is appropriate for ETI to own make-ready TE  
15 infrastructure and charging equipment, the Commission should at a minimum ensure  
16 the following:
  - 17 ○ Appropriate safeguards are established that ensures ETI’s participation in the  
18 competitive markets does not hinder the development and expansion of the  
19 competitive market for TE infrastructure and charging equipment or unduly limits

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<sup>31</sup> Direct Testimony and Workpapers of Evan D. Evans at 11:6 – 7.

1 a TE site host's ability to choose their preferred TE infrastructure and charging  
2 equipment;

3 ○ Appropriate allocations of ETI's overhead costs are assigned to ETI's investment  
4 in make-ready transportation electrification infrastructure and charging equipment,  
5 ETI's activities to market these services, and ETI's operation and maintenance of  
6 associated equipment. These overhead costs should include investment in general  
7 and intangible rate base, administrative and general expenses, wages and salaries,  
8 property insurance, property taxes, payroll taxes, etc.;

9 ○ ETI's non-participant retail electric service customers are adequately compensated  
10 for the fact that they financially support ETI, which enables ETI to compete from  
11 the advantageous position of being the certificated public utility in its service area  
12 and possess immense customer information; and

13 ○ Adequate steps and procedures are instituted that fully protect ETI's non-  
14 participant retail electric service customers from bearing any costs or risk  
15 associated with ETI's investment and efforts to provide make-ready transportation  
16 electrification infrastructure and charging equipment, including protection from the  
17 risk of default by TECI-1 or TECDA-1 customers.

- 18 • Because ChargePoint did not provide any evidence supporting their recommended  
19 changes to ETI's proposed TECDA-1 rider, their recommended changes should be  
20 rejected;

- Because no party has provided evidence supporting the argument that the demand discount contained in the proposed TECDA-1 Rider will have little to no impact on other customers, that demand discount should be rejected;
- Pursuant to Public Utility Regulatory Act (“PURA”) § 36.007(d), any demand charge discounts associated with the demand cap contained in ETI’s proposed TECDA-1 Rider constitute discounted rates which should not be borne by ETI’s other customers.

Q. **DOES THIS CONCLUDE YOUR TESTIMONY?**

A. Yes, it does.