

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1197

DOCKET NO. E-7, SUB 1195

In the Matter of Application by Duke Energy)	
Carolinas, LLC and Duke Energy Progress, LLC)	REPLY COMMENTS OF
For Approval of Proposed Electric Transportation)	CHARGEPOINT, INC.
Pilot)	

Consistent with the May 28, 2021, Order of the North Carolina Utilities Commission (“Commission”) in these proceedings, as extended by this Commission’s Order dated July 21, 2021, ChargePoint, Inc. (“ChargePoint”) thanks the Commission for the opportunity to provide these reply comments regarding the proposed transportation electrification Make Ready Credit Programs (“MRC Programs”) submitted by Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (together, the “Companies”) on April 30, 2021.¹ On July 8, 2021, ChargePoint submitted initial comments on the Companies’ MRC Programs. The main points of ChargePoint’s initial comments can be summarized as:

- 1) ChargePoint supported the goals and objectives of the Companies’ proposed MRC Programs and offered several recommendations that would achieve the goals of advancing transportation electrification while ensuring a healthy and competitive market for EV charging services.
- 2) The Commission should direct the Companies to require EV chargers installed through the MRC Programs to meet the following eligibility requirements: be smart and capable of connecting to a charging network; have managed charging capabilities; be ENERGY STAR certified (Level 2); and, be certified for safety by UL or another Nationally Recognized Testing Laboratory.
- 3) The Commission should require the Companies to clarify that site hosts receiving incentives under the MRC Program have the ability to establish the prices and pricing policies for EV charging services located on their property.

¹ See Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's Request for Approval of Make Ready Credit Program Docket Nos. E-2, Sub 1197 and E-7, Sub 1195 (April 30, 2021) (“Application”).

REPLY COMMENTS

I. The proposed MRC Programs are generally supported by all parties

In ChargePoint's initial comments, we explained that utility investment in make ready infrastructure is among the most efficient and effective ways for utilities to support transportation electrification.² This is because well-defined make ready infrastructure programs accelerate private capital investments for businesses, governments and other site hosts looking to install, own and operate charging stations, by leveraging utility investment in the equipment necessary to connect EV charging equipment to the grid thereby reducing the upfront installation costs. This matching of utility funded make ready and private capital funded charging equipment helps to spread funding further, leading to increased port deployment, which benefits all ratepayers.³ Further, site hosts that make a financial contribution to the charging station are far more likely to actively support the successful installation and ongoing operation and preventive maintenance of the charging station because they have "skin in the game."⁴

ChargePoint is not alone in its position. There is general support for the Companies' MRC Programs. For example:

- CCEEBA supports the "MRC programs as a complement to the competitive EV charging market in order to accelerate third-party investment in EVSE, provide a wide variety of technological choices in the market, allow MRC participants to effectively operate EVSE deployed on their premises, and leverage private investment."⁵
- CALSTART offers that "[m]ake-ready infrastructure and distribution system upgrades necessary to meet a customer's need for electricity service is a foundational role of utilities. Make-ready EV programs implemented across the country have expanded utility contributions to line extensions and bring electrical equipment on the customer's side of the meter into the utility scope, while generally leaving charger equipment, siting, ownership, marketing, customer service, and network operation in the hands of

² ChargePoint initial comments, p. 6.

³ Id, pp. 6-7.

⁴ Id, p. 7.

⁵ CCEBA Initial Comments, p. 3.

experienced EVSPs or independent site hosts that own and operate EVSE on their premises.”⁶

- The Alliance for Transportation Electrification (“the Alliance”) states that “[t]his program builds upon the success of make-ready programs by utilities approved by Commissions in many states in the country”... and that... “the meter should no longer be regarded as a demarcation point between the utility and customer side of the meter for the design, operating, and perhaps ownership of make-ready.”⁷
- NC Justice Center and Southern Alliance for Clean Energy (“SACE”) support “the Make Ready Credit Programs because they have the potential to further accelerate EV adoption in North Carolina. The credits will help offset the upfront costs that many customers will face when seeking to install EVSE. They have the potential to bring increased private capital in additional EV charging infrastructure by... reducing overall project costs for consumers. The Make Ready Credit Programs also have the potential to leverage and expand the availability of VW Settlement funds and other public funding sources as demand for EV charging infrastructure continues to increase.”⁸
- NC Justice Center and SACE further offer that “customers will retain choice of the actual charging equipment that will ultimately be installed, providing for competition in the market for EVSE.”⁹
- Public Staff, “generally supports the MRC Request, as it is a measured step based on long standing policies already in place...[t]he MRC Request also incentivize[s] customer owned and operated charging stations. The Public Staff believes that the MRC Request is a beneficial way to enable the build out of the infrastructure necessary to promote EV adoption in North Carolina without sanctioning Duke’s general participation in the EV charging market and will provide useful information for possible future program development.”¹⁰

This conformity in opinion is particularly meaningful because the stakeholders themselves represent diverse interest – varied industry, environmental, and consumer concerns. As a result, ChargePoint urges the Commission to approve the Companies’ MRC Programs with the recommended modifications in ChargePoint’s initial comments, and as further outlined below.

⁶ CALSTART Initial Comments, p. 3.

⁷ The Alliance Initial Comments, p. 2.

⁸ NC Justice Center and SACE Initial Comments, p. 4.

⁹ Id, p. 4

¹⁰ Public Staff Initial Comments, p. 5.

II. Future rate designs or load management programs could increase the effectiveness of the MRC Programs and provide grid optimization benefits

In their initial comments, NC Justice Center and SACE recommend that as the Companies develop future EV specific rate designs and load management programs, the Companies should consider tying the Make Ready Credit to participation in one of those options, or providing an additional incentive for customers opting to participate in one of those options.¹¹

ChargePoint takes no position in this proceeding whether the Commission or the Companies should require customers participating in the MRC Program to take service under a specific (current or future) rate design or participate in load management programs as a condition for receiving make ready credits. However, should the Commission or the Companies require customers to take service on specific rates or participate in load management programs ChargePoint recommends that the installation of a second utility meter to implement any future rate design or load management programs should not be required.

Utility commissions traditionally require the installation of separate utility meters to implement EV-specific rates. However, requiring a second utility meter unnecessarily adds costs and fails to take advantage of existing capabilities in smart EV chargers. For example, the Minnesota Public Utilities Commission has required utilities to evaluate “options to reduce the upfront cost burden for customers looking to opt into [EV-specific tariffs] and a discussion of submetering technologies available.”¹²

There are a range of methods available on the market that can facilitate the implementation of EV-specific rates and load management programs without the added cost of secondary utility meters or sub-meters. ChargePoint urges the Commission to avoid adding unnecessary costs to the

¹¹ NC Justice Center and SACE Initial Comments, p. 3.

¹² Minnesota Public Utilities Commission Docket Nos. M-15-111, M-15-112, M-15-120: Order Accepting 2017 Annual Reports And Establishing Requirements For Next Annual Reports.

proposed MRC Programs by requiring the installation of a second utility meter should it require the Companies to implement any specific rate design or load management programs.

III. The MRC Program should define minimum technical requirements for EVSE.

In their Application, the Companies propose certain minimum technical requirements for EVSE to qualify for the MRC Program. To be eligible for revenue credits under the MRC Program, “each Level 2 EVSE installed at the customer’s premises must feature at least one SAE J1772 charging plug and each Level 3 (DC Fast Charging) EVSE installed at the customer’s premises must feature at least one SAE J1772 CCS1 charging plug.”¹³

In initial comments NCSEA recommends that customers with all types of EVSE should be eligible to participate in the Make Ready Credit program.¹⁴ NCSEA argues that the proposed tariff would 1) prevent customers from installing proprietary charging ports and 2) exclude customers from adopting newer, emerging standards, such as the SAE J3068 standard being used by some heavy-duty vehicles.

ChargePoint continues to support the Companies’ focus on incentivizing the deployment of standard, non-proprietary charging ports. EV charging stations that offer standard plug types encourage EV adoption generally, because any EV driver can use them. By contrast, proprietary ports only encourage purchase of a specific vehicle type. However, ChargePoint agrees with NCSEA that the tariff, as currently proposed, could prohibit customers from installing a standard, non-proprietary plug outside of those explicitly listed in the tariff. Therefore, ChargePoint recommends the Companies modify the tariff to require the installation of standard, non-proprietary plugs, rather than requiring specific plug types. This modification to the tariff would

¹³ Application, Attachment A, p. 1; Application, Attachment B, p. 1.

¹⁴ NCSEA Initial Comments, p. 4.

enable the MRC Program to adapt to potential future market changes without requiring the Companies to file a tariff modification with the Commission.

Further, ChargePoint continues to recommend that the Companies also establish certain additional standard eligibility criteria for EV charging stations to be included in the MRC Program. The Commission should direct the Companies to require EV chargers installed through the MRC Programs to meet the following eligibility requirements: be smart and capable of connecting to a charging network; have managed charging capabilities; have ENERGY STAR certification (Level 2); and, be certified for safety by UL or another Nationally Recognized Testing Laboratory.¹⁵ By placing appropriate requirements on EV charging hardware and networks services, the Companies can ensure that charging equipment will provide site hosts with a range of charging options that will safely and securely meet the needs of the site host and enable the Companies, third-party providers, vendors, and customers to manage EV charging to maximize the efficiency of the electric grid.

IV. Make ready infrastructure should be sized to meet current and future charging needs.

NC Justice Center and SACE recommend that the Commission direct the Companies to evaluate the appropriate sizing of customer-sited infrastructure (panel capacity, transformer, and conduit) for the Non-Residential Program so that additional EV chargers could be added at minimal expense as EV penetration increases.¹⁶

ChargePoint supports the recommendation to future-proof EVSE deployments in order to avoid significant, and unnecessary, future retrofit costs. To prepare for current and future needs, while minimizing future retrofit costs, the Companies should consider allowing the make-ready

¹⁵ ChargePoint Initial Comments, pp. 10-12.

¹⁶ NC Justice Center and SACE Initial Comments, p. 3.

infrastructure at each location to be sized beyond the immediate needs of that site and capable of supporting additional EVSE in the future.

V. Transparency of the MRC

NCSEA suggests that the Companies “should be more transparent with customers, particularly residential customers, about the value of the Make Ready Credit that they will receive.”¹⁷ Further, CALSTART explains that the “proposed incentive amount is quite opaque and difficult to ascertain” and that “without more guidance...it is hard to understand how much each customer is likely to receive and how this will compare to actual costs.”¹⁸

CALSTART recommends that the Companies provide additional clarity into the proposed make ready credits by publishing estimated customer credits or a customer calculator with a revised filing.¹⁹ ChargePoint supports the recommendations by parties seeking increased transparency into the determination of customer make ready credits. ChargePoint recommends the Companies provide the requested clarity by publishing a customer credit calculator for all customer segments, along with an explanation of any calculations, to each Company’s public website.

CONCLUSION

ChargePoint thanks the Commission for the opportunity to offer reply comments on the Companies’ proposed MRC Programs, and for its consideration of transportation electrification programs generally. ChargePoint respectfully requests the Commission’s consideration of ChargePoint’s proposed amendments to the MRC Programs recommended herein and in its initial comments and the adoption of programs that will support a long-term sustainable and competitive market for the installation and operation of electric vehicle charging infrastructure in North

¹⁷ NCSEA Initial Comments, p. 1.

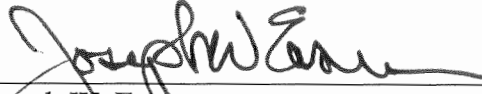
¹⁸ CALSTART Initial Comments, pp 3 - 4.

¹⁹ CALSTART Initial Comments, p. 4.

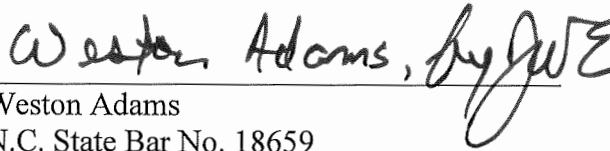
Carolina. ChargePoint looks forward to participating and contributing to future discussions with other interested parties and stakeholders on how to effectively use competitive market forces to achieve beneficial transportation electrification.

Respectfully submitted this 2nd day of August, 2021.

NELSON MULLINS RILEY & SCARBOROUGH LLP



Joseph W. Eason
N.C. State Bar No. 7699
joe.eason@nelsonmullins.com
4140 Parklake Avenue, Suite 200
Raleigh, North Carolina 27612
Phone: (919) 329-3800
Fax: (919) 329-3799



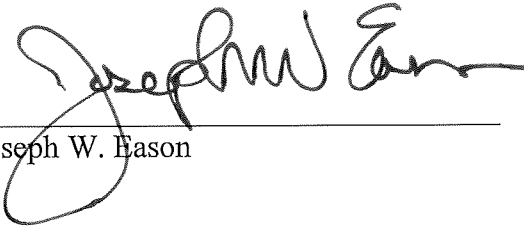
Weston Adams
N.C. State Bar No. 18659
weston.adams@nelsonmullins.com
1320 Main Street
Meridian 17th Floor
Columbia, SC 29201
Phone: (803) 799-2000
Fax: (803) 256-7500

Counsel for ChargePoint, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments of ChargePoint, Inc. filed in Docket Nos. E-2, Sub 1197 and E-7, Sub 1195 was served electronically or via U.S. mail, first-class postage prepaid, upon all parties of record.

This the 2nd day of August, 2021.



Joseph W. Eason