

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION  
DOCKET NO. E-2, SUB 1197  
DOCKET NO. E-7, SUB 1195**

|  |   |                                  |
|--|---|----------------------------------|
| <b>In the Matter of:</b>                       | ) |                                  |
| <b>Application by Duke Energy Carolinas,</b>   | ) | <b>NCSEA’S INITIAL COMMENTS</b>  |
| <b>LLC and Duke Energy Progress, LLC</b>       | ) | <b>ON PROPOSED CUSTOMER</b>      |
| <b>for Approval of Electric Vehicle Supply</b> | ) | <b>OPERATED ELECTRIC VEHICLE</b> |
| <b>Equipment Program</b>                       | ) | <b>SUPPLY EQUIPMENT TARIFFS</b>  |

Pursuant to the North Carolina Utilities Commission’s (Commission) *Order Requesting Comments on the Proposed Customer Operated Electric Vehicle Supply Equipment Tariff* issued on August 23, 2022 (Order), the North Carolina Sustainable Energy Association (NCSEA), an intervenor in the above-captioned proceedings, offers the following initial comments on *Duke Energy Carolinas, LLC’s and Duke Energy Progress, LLC’s Joint Petition for Approval of Electric Vehicle Supply Equipment Programs* (Application) filed by Duke Energy Progress, LLC (DEP) and Duke Energy Carolinas, LLC (DEC, and collectively with DEP, Duke or the Companies) on August 15, 2022, which proposes the Companies’ Electric Vehicle Supply Equipment (EVSE) tariffs for Commission approval (EVSE Programs).

The EVSE Programs were originally filed as part of Duke’s Phase II Electric Transportation Pilot Programs, filed May 24, 2021, in the above-captioned dockets. As part of that filing, the Companies proposed a Phase II Public Level 2 Charging program, a Multi-Family Level 2 Charging program, and a Highway Fast Charging program that contained “components that are specifically dedicated to expanding equity and access to electric transportation mobility to low- and moderate-income customers or customers in

more rural areas.”<sup>1</sup> NCSEA appreciates the Companies’ efforts to develop programs that remove some of the upfront costs associated with electric vehicle (EV) adoption, which the “charging as a service” model adopted in the Companies’ proposed EVSE tariffs attempts to do. While the EVSE Programs present customers an option for installing charging infrastructure without a one-time large upfront investment, the program is not tailored to address existing market failures that are limiting deployment of charging infrastructure in low-income and rural areas. Additionally, many of the concerns NCSEA raised with respect to the EVSE Program as part of the Companies’ Phase II Electric Transportation Pilot Program remain unresolved.

**I. NCSEA’S PREVIOUSLY PROPOSED PROGRAM MODIFICATIONS**

First, the EVSE Program enables more Duke-owned charging infrastructure. The Companies should follow best practices established in other states,<sup>2</sup> where the utility enables the market rather than dominates it. In initial comments, NCSEA stated that allowing utility-owned charging infrastructure to dominate the landscape will prevent the development of a robust, competitive EV charging infrastructure marketplace which would otherwise drive down costs for ratepayers. Instead, utility investment should be directed towards programs that enable a marketplace for EV supply equipment to flourish, such as robust make-ready programs that enable a competitive marketplace, targeting utility ownership of EV charging infrastructure in underserved low and moderate income communities where installation of chargers has not yet materialized, or data-driven

---

<sup>1</sup> Joint Request by Duke Energy Carolinas, LLC and Duke Energy Progress, LLC For Approval of Phase II Electric Transportation Pilot Programs, at 14 (May 24, 2021).

<sup>2</sup> See NCSEA’s Initial Comments on Phase II Pilot Proposals, at 4-6 (July 29, 2021) (sharing details of the collaborative relationship established between utilities and third-party market participants to enable the buildout of market infrastructure in certain states).

strategic placement of utility-owned charging infrastructure to bridge gaps in existing third-party owned networks without allowing overlap.

NCSEA also stressed the importance of tariff design that provides customers the ability to manage their costs through customer incentives for charging at lower prices during off-peak times. NCSEA also commented that Duke should be making data-based decisions on where to site chargers and which level and type of charger is appropriate to provide needed service to low-income and rural customers so that charging infrastructure is located within the Companies' service territories in areas that are currently underserved by the private market.

Refiling the EVSE Programs as commercial programs as opposed to pilot programs heightens these concerns. NCSEA commends Duke for agreeing to make certain program modifications to incorporate intervenor feedback, including (i) removing the required deposit of 40% of contract revenue, (ii) shortening the length of customer contracts, and (iii) reporting on participation in the program to the Electric Transportation Stakeholder Group after three years to ensure that the Companies do not over-recover during the term length of customer's contracts.<sup>3</sup>

## II. RECOMMENDATIONS

Although Duke is now seeking approval of full-scale programs as opposed to pilot programs, the need for transparency through quarterly or otherwise regular reporting on data gathered through the EVSE Program, particularly as to the location of utility-owned charging infrastructure, is necessary in order to evaluate if the Companies' investments are filling market gaps in rural and low-income communities. The Commission should require

---

<sup>3</sup> Joint Reply Comments by Duke Energy Carolinas, LLC and Duke Energy Progress, LLC on Phase II of the Pilots, at 27-28 (September 13, 2021)

regular reporting from the EVSE program, despite the program no longer being constituted as a pilot. NCSEA further requests that the Commission direct the Companies to revise its proposed tariff to incentivize off-peak charging to enable customer choice and control. NCSEA supports the Companies exploring an alternative tariff-on bill program design, to which the Companies are open,<sup>4</sup> with the Electric Transportation Stakeholder Group.

The monthly rates presented in Duke's tariffs do not cover charges resulting from the Company's Service Regulations, Line Extension Plan, any required electrical panel or wiring make-ready costs, costs for work on the Company's side of the meter, non-standard equipment, or other customer contributions the Companies require.<sup>5</sup> It is unclear from this language what potential costs will be allocated to site-hosts. To the extent site-hosts are required to pay for grid upgrades under the proposed tariff design, this unfairly burdens site hosts based on the status of the Companies' local grid.

NCSEA is encouraged by the alignment of the Make Ready Credit Program with the EVSE Program to further defray the cost of installing EVSE and to accelerate EV adoption across the state. The Commission should direct Duke, through the continued work of the Electric Transportation Stakeholder Group, to identify additional make-ready infrastructure programs to develop a complete make-ready approach in accordance with the Commission's directive in its order approving the Companies' Make Ready Credit Programs.<sup>6</sup>

---

<sup>4</sup> *Id.* at 25 (“The Companies are open to such an arrangement [on-tariff financing] based on future discussions with stakeholders, but that would be a very different proposal with different standards”).

<sup>5</sup> Application, Attachment A at 1 and Attachment B at 1.

<sup>6</sup>Order Approving Make Ready Credit Programs with Conditions, at 19 (February 18, 2022).

**III. CONCLUSION**

For the reasons set forth herein, NCSEA respectfully requests that the Commission approve a modified version of Duke's EVSE Program that incorporates the recommendations included herein.

Respectfully submitted, this the 21<sup>st</sup> day of November, 2022.

/s/ Taylor M. Jones  
Taylor M. Jones  
Regulatory Counsel for NCSEA  
N.C. State Bar No. 58831  
4800 Six Forks Road, Suite 300  
Raleigh, NC 27609  
taylor@energync.org

**CERTIFICATE OF SERVICE**

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing document by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 21<sup>st</sup> day of November, 2022.

/s/ Taylor M. Jones  
Taylor M. Jones  
Regulatory Counsel for NCSEA  
N.C. State Bar No. 58831  
4800 Six Forks Road, Suite 300  
Raleigh, NC 27609  
taylor@energync.org