

OFFICIAL COPY

Mar 15 2022

IN THE MATTER OF)	
CONSIDERATION OF THE)	INITIAL COMMENTS OF
FEDERAL FUNDING AVAILABLE)	CHARGEPOINT, INC.
UNDER THE INFRASTRUCTURE)	
INVESTMENT AND JOBS ACT)	
)	
)	
)	

IIJA contains several provisions that relate to the country’s infrastructure including electric generation and transmission, energy storage, access to clean water, improved cybersecurity, and the installation of EV charging infrastructure. ChargePoint’s comments focus on aspects of IIJA that will support increased investment in electric vehicle supply equipment (“EVSE”), and as such, identify “actions that may be appropriate for this Commission to consider taking in order to facilitate appropriate receipt and deployment of available federal funding within this state.”¹

¹ NCUC Feb 1, 2022, Order at 2.

- Utilities should be authorized to increase staffing that is dedicated to EV charging infrastructure to accommodate the anticipated influx of new service requests.
- The Commission should expand and enhance existing make ready programs.
- The Commission should direct the State's utilities to propose alternatives to traditional demand-based rates.

I. About ChargePoint

ChargePoint is a world-leading 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 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.

II. Infrastructure Investment and Jobs Act of 2021

On November 15, 2021, President Joe Biden signed into law H.R. 3684, the Infrastructure Investment and Jobs Act ("IIJA").² The IIJA will allocate \$5 billion to states through the National Electric Vehicle Infrastructure ("NEVI") Formula Program, which aims to develop a national highway charging system. In addition, \$2.5 billion in competitive grants administered by the federal government will support the deployment of Alternative Fuel Infrastructure, such as electric vehicle charging stations, both along highway corridors and in communities.

In 2022, funds authorized from IIJA will be released from the NEVI through state formula grants. States will receive annual funding on a proportionate basis, similar to the allocation for the federal highway formula funds. Based on current estimates, North

² H.R. 3684 became Pub. L. No: 117-58 on November 15, 2021, available at: <https://www.congress.gov/bill/117th-congress/house-bill/3684/text>.

Carolina is expected to receive \$109 million over 5 years to support the expansion of EV charging.³

III. Comments

The historic programs contained within IIJA underscore the need for complementary utility actions, such as make-ready and line extensions, a focus on streamlining new service requests/upgrades, and development of alternatives to traditional demand-based rates which will bolster the ability for North Carolina to make the most of one-time sources of funding dedicated to increasing access to electric transportation. North Carolina will put itself in the best position to take advantage of formula funds and competitive grants by ensuring that policies and regulations support and enable the competitive market for electric vehicle charging infrastructure, including expanding utility infrastructure programs.

a. Dedicate Utility Personnel to EV Charging Deployment

IIJA funding opportunities will result in significant increases in service requests for new EV infrastructure and it will be vitally important for the utilities to internally scale to meet the increased demand. A lack of staff at the utilities dedicated to EV charging infrastructure installations could potentially lead to delays in processing the influx of new service requests. Increased utility personnel will also enable NCDOT to better engage and consult with the utilities on EV planning in a timely manner that meets deadlines set out by the Federal Highway Administration/ United States Department of Transportation (“FHWA/USDOT”). ChargePoint encourages increasing the utility workforce dedicated to the topic of electric vehicle charging infrastructure, such as

³ https://www.whitehouse.gov/wp-content/uploads/2021/08/NORTH-CAROLINA_Infrastructure-Investment-and-Jobs-Act-State-Fact-Sheet.pdf.

identifying ways to accelerate utility system planning, investment, and deployment processes.

b. Utility Make Ready Programs

On February 18, 2022, the Commission approved, with modifications, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (together, the “Companies”) Make Ready Credit (“MRC”) programs. In approving the Companies’ MRC Programs, the Commission determined that “the MRC programs...will serve to expand EV adoption and increase EV infrastructure in North Carolina, are in the public interest, and should be approved.”⁴ ChargePoint generally supported the Companies’ MRC programs and believes that expansion and refinement of the existing MRC program will position North Carolina to effectively utilize forthcoming IIJA funds.

Make ready programs are designed to support increased deployment of EV charging stations by offsetting the costs of make ready infrastructure incurred by site hosts⁵ who wish to install, own and operate Level 2 (“L2”) and/or Direct Current (“DC”) Fast Charging (“DCFC”) stations on their property. Generally speaking, make ready infrastructure includes all the electrical and construction work necessary on both the utility’s side of the electric meter and the customer’s side of the electric meter to make a site ready to connect EV charging equipment. By conducting this work, a utility prepares a site for installation of the charging station itself, which is purchased and operated by a site host. It is important to note that the make-ready costs for the customer is typically the majority of total project costs and aligns with the utility’s key competency of installing and maintaining distribution assets.

⁴ MRC Order at 10.

⁵ Site host refers to the owner or lessor of the property on which an EV charging station is located. Site hosts include residential customers; owners of multifamily housing units (MFH); commercial customers that offer charging to the public, their customers, and/or their employees; fleet owners; and government entities.

Importantly, the goal of make ready programs is not to be a replacement for but rather be complementary to other available funding sources, such as IIJA and private third-party capital that support EV infrastructure deployment across North Carolina in this early market stage. As the Commission noted “the Commission is not persuaded that the MRC programs, alone, represent a complete “Make Ready Approach,” and encourages Duke to continue to work with stakeholders to identify additional ways to support MRI.”⁶ ChargePoint agrees and we believe that expansion and refinement of the Commission-approved MRC programs is a fundamental first step for the Commission, the Companies, and the competitive market to ensure North Carolina is well positioned to take advantage of available federal grants and loans under IIJA.

c. Line Extension Policies

ChargePoint submits that the Commission should provide long-term support to utility customers seeking to install EV infrastructure by creating permanent EV line extension policies. By doing so, the Commission would authorize the utilities to rate base the make-ready infrastructure on the utility side of the meter needed to supply EV charging stations. This would provide administrative and economic efficiencies, support the competitive EV charging market, enable customer choice and is consistent with the policies that have been adopted by several states that are leading on EV policies and deployment nationally.

Adoption of ChargePoint’s suggested line extension policies would make utility EV infrastructure a core utility function and put EV infrastructure on par with other utility distribution investments. This would echo the recent approval of New Jersey’s A2360/S3285 Law and of the EV Infrastructure Rules (“Rules”) enacted by the

⁶ MRC Order at 10.

California Public Utilities Commission (“CPUC”) in October 2021. These policies have ensured that customers seeking to deploy EV charging solutions will not be subject to the uncertainty of cost for utility-side make-ready investments.

On January 18, 2022, New Jersey Governor Phil Murphy signed A2360/S3285 into law (P.L.2021, c.441), establishing that electric public utilities are authorized to install any distribution infrastructure necessary to support the installation of L2 electric vehicle charging stations at multifamily properties. Further, the legislation has determined that, “prudent costs incurred by the electric public utility shall be deemed consistent with the provisions of R.S.48:2-27 governing the extension of public utility facilities,” and that the “utility shall be entitled to full and timely recovery of all such prudently incurred costs, provided that the cost of any electric vehicle charging station or installation thereof is not included.”⁷ This legislation created a clear pathway for New Jersey’s utilities’ ability to expand access to EV charging for multi-unit dwellings across the state. By streamlining the processes for the expansion of distribution infrastructure necessary to make multifamily properties EV ready, New Jersey will be ready to meet its transportation electrification goals efficiently, effectively, and promptly.

⁷ New Jersey A2360/S3285 P.L. 2021, c.441 requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces, available at: https://www.njleg.state.nj.us/Bills/2020/A2500/2360_R3.HTM Text of Sec. 1(e):

An electric public utility, upon the request of an applicant for electric service at a planned real estate development, shall install, up to the point of utility delivery, any distribution infrastructure necessary to facilitate the future installation of an electric vehicle charging station that provides Level 2 charging capability, under rates, terms and conditions as established by the board. Any prudent costs incurred by the electric public utility shall be deemed consistent with the provisions of R.S.48:2-27 governing the extension of public utility facilities, subject to any maximum cost as may be established by the board. The electric public utility shall be entitled to full and timely recovery of all such prudently incurred costs, provided that the cost of any electric vehicle charging station or installation thereof is not included.

Similarly, the CPUC's EV Infrastructure Rules have enabled California's investor-owned utilities to deploy all electrical distribution infrastructure on the utility side of the customer's meter for all EV charging station infrastructure. The CPUC's October 7, 2021, resolution established that,

Per the direction of the Public Utilities Code (PU Code) Section 740.19, these costs related to utility-side distribution infrastructure that support EV charging will be recovered through the IOUs' [general rate cases] GRCs...With the approval of this Resolution the IOUs will, moving forward, track these costs within a Memo Account and seek approval of these costs within a GRC.^{8,9}

Implementing a similar policy in North Carolina could significantly simplify and standardize EV infrastructure planning and development and encourage private investment in commercial EV charging infrastructure at the scale needed to meet the State's ambitious transportation electrification goals. In California, NRDC estimated that the CPUC's Rule will reduce the costs of installing EV charging stations by approximately 25%.¹⁰ Further, ChargePoint believes that establishing a rule to treat distribution infrastructure on a rolling basis through GRCs – rather than through sequential regulatory processes – will critically reduce deployment timelines and ensure the Company's ability to meet future demand for charging infrastructure.

⁸ *Resolution E-5167 Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric request approval to establish new Electric Vehicle (EV) Infrastructure Rules and associated Memorandum Accounts pursuant to Assembly Bill 841*, Public Utilities Commission of the State of California, Resolution E-5167 at 3 (Oct. 7, 2021).

⁹ California Public Utilities Code § 740.19 states:

The purpose of this section is to change the commission practice of authorizing the electrical distribution infrastructure located on the utility side of the customer meter needed to charge electric vehicles on a case by-case basis to a practice of considering that infrastructure and associated design, engineering, and construction work as core utility business, treated the same as other distribution infrastructure authorized on an ongoing basis in the electrical corporation's general rate case.

¹⁰ Miles Muller and Max Baumhefner, *CA Approves New Rules to Support EV Charging Infrastructure* (Oct. 2021), available at <https://www.nrdc.org/experts/miles-muller/ca-approves-new-rules-support-ev-charginginfrastructure>.

ChargePoint presents these line extension policies as models for consideration to accelerate and simplify the deployment of public charging across North Carolina. Enactment of line extension policies would also uniquely position North Carolina at the front of the line for IIJA funds once they become available.

d. Develop Alternatives to Traditional Demand-Based Rates

IIJA directs each state to consider “measures to promote greater electrification of the transportation sector,” including establishing rates that, among other things, promote affordable and equitable EV charging options for residential, commercial, and public EV charging infrastructure and accelerate third-party investment in EV charging.¹¹ Development of innovative rates will benefit state agencies such as NCDOT, NCDEQ, and the state police, among others, seeking to deploy EV charging equipment through grants or other funding sources that will benefit from demand charge reform.

Public and private entities that invest in EV charging stations typically take service on a commercial and industrial (“C&I”) electricity rate which may contain demand charges based on the customer’s highest measured demand in a month. Traditional demand-based rates can pose a significant challenge to the deployment of EV charging, particularly at commercial and public charging locations, because these charging sites can be dominated by relatively rare, yet very power-intensive, fast charging sessions. This impact is amplified for fleets and other customers that require charging multiple vehicles simultaneously at high power levels and/or that do not have flexibility to adjust the timing of charging sessions for multiple vehicles. Thus, for public charging sites, conventional commercial rate design often make otherwise viable and desirable projects uneconomic. In some markets, demand charges can account for as

¹¹ IIJA SEC. 40431.

much as 90% of a site host's electricity costs.¹² The most appropriate and sustainable solution to this problem would come in the form of non-discriminatory electricity rates that reflect cost-causation, send appropriate price signals to customers, and avoid artificially subsidizing otherwise misaligned electricity rates on an ongoing basis.

Furthermore, unlike traditional commercial customers on demand-based rates, public EV charging station site hosts have very limited ability to manage or mitigate the impact of demand charges without negatively impacting the EV driver experience. For example, a factory or large commercial facility may be able to avoid turning on several large loads at the same time to avoid higher demand charges. By contrast, if a public DCFC site host offers four charging ports, the site host could only avoid significant demand charges by limiting the number of ports in use simultaneously or by restricting the amount of power to each port, or both. Either action could negatively impact the driver experience and thus defeat the purpose of expanding public DCFC infrastructure. Simply put, high demand charges coupled with low utilization can be an impediment to the widespread deployment of EV charging stations.

There is no "one-size-fits-all" alternative to traditional demand-based rates, and utilities should have flexibility in developing appropriate solutions for its customers. ChargePoint believes that it is critical for the Commission to ensure the development of long-term, sustainable, tariff-based solutions that reflect actual costs and benefits to the grid of EV load. We urge the Commission to initiate a separate proceeding to consider such long-term sustainable rate designs that more precisely allocate costs and benefits of

¹² Rocky Mountain Institute, 2017. "EVgo Fleet and Tariff Analysis." Available at: https://rmi.org/wp-content/uploads/2017/04/eLab_EVgo_Fleet_and_Tariff_Analysis_2017.pdf

EV load. This type of long-term, sustainable tariff-based EV rate design is necessary to attract private investment in EV charging infrastructure, especially at the DCFC level.

In evaluating the alternatives to demand charges that are more appropriate for different vehicle use cases, the state's utilities can adopt or modify models established by utilities in other states. Models that have been employed by utilities in other states include:

- **Eversource Energy (Connecticut)** offers customers an EV Rate Rider (EVRR) which converts any demand charges that might otherwise apply to an equivalent \$/kWh charge.¹³
- **PECO (Pennsylvania):** EV DCFC Pilot Rider: A monthly bill credit representing a percentage of the nameplate demand associated with installed charging stations behind a commercial customer's metered service.¹⁴
- **Dominion (Virginia):** GS-2 rate is a technology-neutral, low-load factor rate applicable to customers with a load factor below 200 kWh per kW.¹⁵
- **Pacific Power (Oregon):** Schedule 45 which provides a demand charge transition discount paired with an on-peak energy charger transition discount.¹⁶

¹³ See

[http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/78a25b4e83776981852583b50057c9d1/\\$FILE/171046RE01-030619.pdf](http://www.dpuc.state.ct.us/dockcurr.nsf/8e6fc37a54110e3e852576190052b64d/78a25b4e83776981852583b50057c9d1/$FILE/171046RE01-030619.pdf) This rate rider was approved by the Connecticut Public Utilities Regulatory Authority in a decision dated March 6, 2019 in Docket No. 17-10-46RE01, available at (approving rate available to all public EV charging stations for a term of 3 years) ("In the EV RATE Rider, the rate calculation for EV charging stations is based on a per-kWh equivalent to the demand charges applicable to the Company's general service rate schedule that would otherwise apply to the load being served."). This is a successor rate to the EVRR Pilot rate originally approved in Docket No. 13-12-11, by decision dated June 4, 2014. The current Eversource-Connecticut EVRR rate is available at https://www.eversource.com/content/docs/default-source/rates-tariffs/ct-electric/ev-rate-rider.pdf?sfvrsn=e44ca62_0.

¹⁴ See EEI, *EV Trends and Key Issues* at 2 (Mar. 2019) ("On December 20, 2018... the Pennsylvania Public Utility Commission approved PECO's five-year EV DCFC Pilot Rider (EV-FC). This rider...will provide a demand credit to the customer's billed distribution demand. The credit...will be equal to 50 percent of the combined maximum nameplate capacity rating for all DCFCs connected to the service. Eligible customers will receive the credit for up to 36 months or until the pilot ends, whichever comes first. (Docket R-2018-3000164).") at

https://www.eei.org/issuesandpolicy/electrictransportation/Documents/EV_Trends_and_%20Key%20Issues_Mar2019_WEB.pdf. See also <https://www.peco.com/SiteCollectionDocuments/ThirdPartyEV.pdf>.

¹⁵ See Schedule GS-2, available at <https://cdn-dominionenergy-prd-001.azureedge.net/-/media/pdfs/virginia/business-rates/schedule-gs2.pdf?la=en&rev=65c74050107549f299d48689f738e948&hash=7CBE70107AE10C66B8EB5C5A1E248D12>.

¹⁶ See Pacific Power, Oregon Schedule 45, Public DC Fast Charger Optional Transitional Rate Delivery Service at https://www.pacificpower.net/content/dam/pcorp/documents/en/pacificpower/rates-regulation/oregon/tariffs/rates/045_Public_DC_Fast_Charger_Optional_Transitional_Rate_Delivery_Service.pdf. Approved in Oregon PUC Docket No. 485 on May 16, 2017.

- **Pacific Power (Oregon):** Schedule 29 which couples a TOU rate together with a demand charge based on utilization for which the average energy price declines as utilization increases.¹⁷
- **Public Service Company of Colorado,** a unit of Xcel Energy, offers a low-load-factor rate with a lower demand charge and higher TOU volumetric rates.¹⁸
- **Madison Gas & Electric (Wisconsin)** offers a low-load-factor rate which provides a 50% discount in the demand charge for customers with load factors below 15%. This technology-neutral rate is targeted not only to DCFC facilities, but also to other types of low-load-factor customers.¹⁹
- **Xcel Energy (Minnesota)** offers a low load factor rate which forgives a portion of billed demand.²⁰
- **NVEnergy (Nevada)** has implemented Schedule EVCCR-TOU in its Northern and Southern Nevada service territory.²¹ This rate is applicable to separately metered DC fast chargers by utilizing a 10-year demand rate reduction period which starts at 100% reduction and phases back in at 10% each year. The demand rate reduction is offset with TOU dollar per kWh transition rate adders that are in addition to the normal billed TOU volumetric rates for commercial customers.
- **Tacoma Power (Washington State):** EV-F rate which has a similar structure to NVEnergy's rate above.²²
- **SCE (California):** TOU-EV-8, which provides TOU rates for the initial 5 years with demand charges phased back during years 6-10.²³
- **SDG&E (California):** TOU-M, an interim rate, under which sites can switch to a rate with a \$2.50/kW demand charge and the cap is waived.²⁴
- **Ameren (Illinois):** offers a multi-phase "rate limiter" designed to limit the average monthly cost for customers who limited their total kWh usage during the four summer billing periods of June through September to 20% or less of their annual kWh consumption.²⁵

¹⁷ See In the Matter of PACIFICORP, dba PACIFIC POWER, Request for a General Rate Revision, Oregon PUC Docket No. UE 374 (Proposed), available at <https://apps.puc.state.or.us/edockets/DocketNoLayout.asp?DocketID=22279>.

¹⁸ See <https://www.xcelenergy.com/staticfiles/xcel/PDF/Regulatory/CO-Rates-&-Regulations-Entire-Electric-Book.pdf>, at Sheet No. 44.

¹⁹ See <https://www.mge.com/MGE/media/Library/pdfs-documents/rates-electric/E32.pdf>.

²⁰ See Xcel-MN Tariff, available at

https://www.xcelenergy.com/staticfiles/xcel/Regulatory/Regulatory%20PDFs/rates/MN/Me_Section_5.pdf.

²¹ See https://www.nvenergy.com/publish/content/dam/nvenergy/brochures_arch/about-nvenergy/rates-regulatory/electric-schedules-south/EVCCR-TOU_South.pdf.

²² See Schedule FC, available at https://www.mytpu.org/wp-content/uploads/FC_July_2020.pdf.

²³ See CPUC Decision 18-05-040, Ordering Paragraph 45, and SCE Advice Letter 3853-E (filed August 29, 2018) to implement the new commercial EV rates approved in that order. The decision is available at <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M215/K783/215783846.PDF>. See also https://library.sce.com/content/dam/sce-doclib/public/regulatory/tariff/electric/schedules/general-service-&-industrial-rates/ELECTRIC_SCHEDULES_TOU-EV-8.pdf.

²⁴ See San Diego Gas & Electric, Interim Rate Waiver, available at <https://www.sdge.com/interim-rate-waiver>.

²⁵ See Ameren Tariff, available at <https://www.ameren.com/-/media/rates/files/illinois/aie114trds4.pdf>.

- **DTE (Michigan):** GS-D3 is a low load factor rate where the 1000 kW demand cap for this non-demand general service rate is waived for DC fast chargers through June 1, 2024.²⁶
- **Hawaiian Electric (Hawai‘i):** offers Schedule EV-F for separately metered public EV charging facilities with peak demands for EV charging not exceeding 100 kW.²⁷ The rate is an all-volumetric rate, with no demand charges. The lowest rate is in the midday TOU period when output from the state’s high penetration of rooftop solar is greatest.

Each of these foregoing options has been designed to alleviate barriers to EV adoption while reflecting cost-causation principles and maintaining equity among ratepayers. This list of illustrative examples may be helpful to the Company and the Commission in the development of North Carolina-specific rate designs. Implementing appropriate rate designs that eliminate, defer, or reduce demand charges is key to unlocking increased investment in the EV charging infrastructure needed to support EV drivers in North Carolina, as well as those transiting through the State. As the utilities develop demand charge alternatives, they should consider specific use cases as well as alternatives that have already been demonstrated by utilities in other states.

IV. Conclusion

ChargePoint thanks the Commission for the opportunity to comment on how North Carolina can best position itself to take advantage of the federal funding available under the Infrastructure and Investment Jobs Act in order to accelerate deployment of EV charging infrastructure throughout the state. ChargePoint respectfully requests the Commission’s consideration of ChargePoint’s comments and the adoption of programs that will support a long-term sustainable and competitive market for the installation and

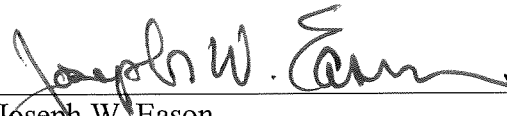
²⁶ See https://www.michigan.gov/documents/mpsc/dtee1cur_579203_7.pdf.

²⁷ Schedule EV-F was established in Hawai‘i PUC Final Decision and Order No. 35545 in Docket No. 2016-0328, filed on June 22, 2018, available at <https://puc.hawaii.gov/wp-content/uploads/2018/06/DO-No.-35545.pdf>.

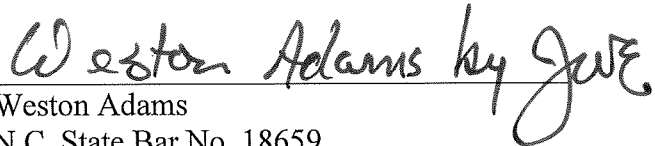
operation of electric vehicle charging infrastructure in North Carolina. ChargePoint looks forward to participating and contributing to future discussions with other interested parties and stakeholders on how to effectively use competitive forces to efficiently utilize federal funding to achieve widespread beneficial transportation electrification.

Respectfully submitted this 15th day of March, 2022.

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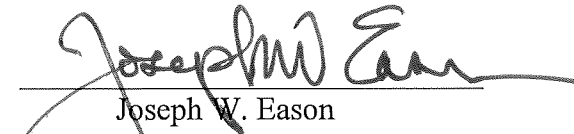
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Initial Comments of ChargePoint, Inc. filed in Docket No. M-100, Sub 164 was served electronically or via U.S. mail, first-class postage prepaid, upon all parties of record.

This the 15th day of March, 2022.



Joseph W. Eason
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