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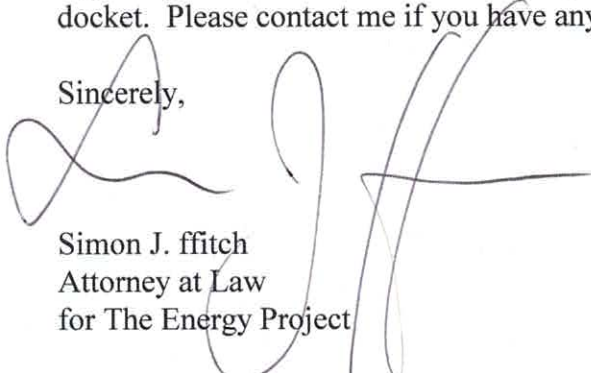
Steven V. King
Executive Director and Secretary
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

Re: In the Matter of the Rulemaking To Consider Policy Issues Related To
Implementation of RCW 80.28.360, Electric Vehicle Supply Equipment
Docket UE-160799

Dear Mr. King:

Enclosed for filing in the above-referenced docket are the Comments of The Energy Project regarding the Commission's Draft Policy and Interpretive Statement in the above-referenced docket. Please contact me if you have any questions or concerns about the filing.

Sincerely,



Simon J. ffitch
Attorney at Law
for The Energy Project

Sf:cjb
Enclosure

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Rulemaking To
Consider Policy Issues Related To
Implementation of RCW 80.28.360,
Electric Vehicle Supply Equipment

DOCKET UE-160799

COMMENTS OF THE ENERGY
PROJECT REGARDING THE
COMMISSION'S DRAFT POLICY
AND INTERPRETIVE STATEMENT

I. INTRODUCTION

1 On January 13, 2017, the Commission issued a Draft Policy and Interpretive Statement
Concerning Commission Regulation Of Electric Vehicle Charging Services (Draft Policy
Statement). Concurrently, the Commission issued a Notice of Opportunity To File Written
Comments (Notice) which requested comments from interested persons to assist the Commission
in determining whether to issue a final policy statement and specifically requested comments on
certain particular issues. The Energy Project files these comments in response to the
Commission's Notice.

2 The Energy Project has earlier filed comments in the Staff Investigation phase of the
docket, participated in the Recessed Open Meeting on September 13, 2016, and filed comments
in response to the CR 101 rulemaking notice.¹

II. GENERAL COMMENTS

3 The Energy Project supports the Commission's decision to issue a Policy and Interpretive
Statement regarding utility investment in electric vehicle supply equipment (EVSE) pursuant to

¹ Initial Comments of The Energy Project, November 23, 2016.
COMMENTS OF THE ENERGY PROJECT 1
RE THE DRAFT POLICY STATEMENT
DOCKET UE-160799

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4 RCW 80.28.360. As many of the parties commented, this is the most appropriate course
of action at this time, given the fluid state of development of electric vehicle (EV) infrastructure
in Washington. The Energy Project in these comments highlights several components of the
Draft Policy Statement that have particular value for low-income utility customers.

1. Low Income Customers and Communities.

5 The Energy Project commends the Commission for including a low-income “carve-out”
requirement in the Draft Policy Statement. Several commenters, in addition to The Energy
Project, recommended this approach.² The Energy Project strongly supports the Commission
retaining this requirement in the final Policy Statement as a matter of regulatory fairness and
equity. The statutory framework requires EVSE to be “deployed for the benefit of ratepayers,”
and requires deployment to provide “real and tangible benefits for ratepayers” in order to qualify
for an incentive rate of return. RCW 80.28.360. Deploying EVSE to benefit low-income
customers and communities is essential to meeting those requirements. The “carve-out” is also a
means of ensuring that utility EVSE charging services offered as a regular service are “just and
reasonable” pursuant to RCW 80.28.010 and 80.28.020.

6 The Energy Project looks forward to working with the utilities, Commission Staff, and
other stakeholders to find ways to effectively achieve this goal in low-income communities in
Washington service territories. One area for future discussion among stakeholders may be the
approach, employed in some other jurisdictions, of establishing a specific percentage target or
requirement for the carve-out. While The Energy Project did not recommend a specific

² Parties that addressed access for disadvantaged communities include Northwest Energy Coalition,
Washington Environmental Council, Natural Resources Defense Council, Climate Solutions, Greenlots and Proterra.

percentage in its comments, we noted a California program that included a defined level of 15 percent deployment in disadvantaged communities.³

7 The Energy Project appreciates the Commission’s effort to encourage utilities to “discuss potential program offerings with Staff, their low-income advisory groups, and community action agencies to develop creative approaches to ensure the benefits of EVs and EVSE accrue to low-income customers.”⁴ The goal of ensuring that low-income communities see tangible benefits as a result of investment in EVSE infrastructure will be challenging for utilities to accomplish without engagement from the agencies who deliver a wide array of services to this population on a daily basis. Our hope is that the Commission and utilities will be receptive to creative approaches that address the rates, charges, services and physical facilities for low-income service agencies as well as approaches that directly service low-income and senior customers.

2. **Consumer Protection.**

8 Consumer protection considerations are important for all customers but are particularly valuable for disadvantaged and low-income consumers who may have less access to information and/or familiarity with customer rights and remedies. The Energy Project agrees that there may be a need for specific rulemaking in this area as deployment expands and there is more experience with utility interaction with EVSE consumers. While it appears implicit in the Draft Policy Statement, it may be helpful to clarify the discussion in ¶¶ 80-83 to state more directly that the Commission’s consumer protection rules, summarized in ¶ 80, apply to electric vehicle charging when offered as a regulated service. For example, the final sentence of ¶ 83 could be

³ *Initial Comments of The Energy Project*, November 23, 2016, ¶ 11.

⁴ Draft Policy Statement, ¶ 86.

amended to state:

“Until the need for rulemaking arises, we remind utilities that the Commission’s consumer protection rules apply to EV charging services, and we remind utilities that they must share all proposed terms and conditions for EV charging services with stakeholders [.]”

3. Reporting.

9 The Energy Project sees value in the requirement that “[u]tility EV charging programs must include a comprehensive plan for regular reporting to the Commission on the costs and benefits of the program.”⁵ The Energy Project would respectfully recommend that, in addition to the items already listed, utilities also report on the details of their deployment of EVSE pursuant to the required “carve-out that provides direct services to low-income customers,” including but not limited to low-income locations served, percent of EVSE budget dedicated to low-income, and usage levels at deployment locations.

4. Education and Outreach.

10 The Energy Project also is supportive of the requirement that utility EVSE programs should include an education and outreach component. This is particularly important as a way to try to aid increased deployment to underserved areas and communities. For underserved communities, education and outreach should be designed both for ultimate consumers, and for agency audiences, transportation providers, and others that serve the target communities. This is also a topic that can be addressed through stakeholder engagement.

⁵ Draft Policy Statement, ¶ 89.

III. COMMENTS ON TOPICS SPECIFICALLY IDENTIFIED IN THE COMMISSION NOTICE

1. Stakeholder Engagement.

11 The Energy Project is comfortable with the proposed policy for a single joint stakeholder group to participate in utility EV charging service program design and review.⁶ Although Washington investor-owned utilities certainly each face different factors in deploying EVSE, a single stakeholder group can further consistency across the state, sharing of ideas, and more efficient use of time and resources for participants. The Energy Project supports the requirement that the utility share specified information about its proposed program at least 60 days in advance of filing. The Energy Project recommends that the list be revised to include a specific description of the utility’s plans for meeting the “carve-out” requirement in the Policy Statement for deployment that benefits low-income customers.

2. The Portfolio Approach.

12 The Energy Project supports this Commission’s decision to adopt a policy supporting the portfolio approach. Because this approach can “provide customers with multiple options for EV charging services, designed to serve a range of customer types, target multiple market segments, and evolve as technology changes,” it increases the ability of the utility program to provide services that meet low income community needs.⁷

13 A “balanced portfolio” will be one that is designed to reach a broad spectrum of residential customers, including low-income customers. To achieve this balance, the utility

⁶ The Energy Project anticipates that existing low-income advisory groups for each utility could also have a role in informing EVSE deployment and in providing feedback in coordination with the main stakeholder group.

⁷ Draft Policy Statement, ¶ 73.

should include in its program criteria that verify that the program is designed to reach multiple “customer types” and a variety of locations, including:

- 14 Multiple housing types (including multi-family housing)
- 15 Residential locations (including low-income neighborhoods)
- 16 Commercial locations (located in low-income neighborhoods)
- 17 Government and social service agency locations

18 The definition of EVSE should be broad enough to allow the utility program to cover a variety of delivery alternatives and different types of vehicles. The more flexibility that is provided in the definition, the more ability the utility, working with other stakeholders, will have to design an effective program.

IV. CONCLUSION

19 The Energy Project supports the Commission’s decision to issue a policy statement in this case and generally supports the policy guidance provided to parties and the industry regarding EVSE deployment. The inclusion of a carve-out requirement to help ensure that low-income customers and communities can share in the benefits of transportation electrification is a positive first step and an important component of the policy framework. The Energy Project looks forward to engaging further with the Commission as it develops policy on this issue, and with utility companies, Staff and other stakeholders when utility proposals are brought forward.