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FILED VIA WEB PORTAL ONLY

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

Re: Rulemaking to consider policy issues related to implementation of RCW
80.28.360, electric vehicle supply equipment Docket UE-160799

Mr. King:

Enclosed please find ChargePoint's Comments for filing in the above-referenced docket.

Please contact me if you have any questions. Thank you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Anne Smart".

Anne Smart
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**BEFORE THE STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION
COMMENTS OF CHARGEPOINT, INC**

Rulemaking to consider policy issues)	
related to implementation of RCW 80.28.360)	DOCKET UE-160799
electric vehicle supply equipment)	

I. Introduction

ChargePoint, Inc. (“ChargePoint”) operates the world's largest and most open electric vehicle ("EV") charging network with more than 31,000 charging stations around the country, including 1,295 public and private ports in Washington. These include Level 2 EV charging stations at homes and businesses, and direct current (“DC”) fast charging stations. ChargePoint has more than 5,500 customers, including major employers, municipalities, universities, utilities, real estate developers and parking garage facility owners and operators that provide EV charging and related services to EV drivers.

ChargePoint applauds the Utilities and Transportation Commission (“UTC”) for further investigating the issues raised in the September 13, 2016 Open Meeting related to RCW 80.28.360. ChargePoint filed written comments in the Commission’s “Inquiry into Issuing a Policy-Interpretative Statement Describing Commission Policy Related to Utility Investment in Electric Vehicle Supply Equipment pursuant to RCW 80.28.360” prior to the Open Meeting and provided oral comments at the meeting calling for the Commission to provide a rulemaking or at a minimum, a policy statement, clarifying the requirements for utilities to receive a rate of return on EV charging infrastructure. The comments below build off of ChargePoint’s previous comments filed on August 16, 2016 in this docket, which should also be taken into account in this rulemaking.

II. Comments from ChargePoint

In the Notice of Rulemaking, the Commission requested comment on the following:

- Whether a rule or policy statement is necessary to implement RCW 80.28.360;
- How the Commission will consider whether an investment is eligible for the incentive rate of return;
- How other relevant statutes and Commission rules and standards apply to utility investment in EV Supply Equipment (“EVSE”); and
- Whether the Commission should consider or adopt other policies to improve access to electric vehicle supply equipment and allow a competitive market for charging services to develop.

ChargePoint supports the development of a rule or policy statement from the Commission for implementing RCW 80.28.360. There are several terms and issues raised by the statute that need to be defined in order to provide clarity to both utilities and market participants ahead of any EVSE investment. These details should be considered by the Commission when determining whether or not an investment is eligible for an incentive rate of return:

1. Define Ratepayer Benefit (Section 2.1 and Section 2.3)
2. Define Fair Competition (Section 2.1)
3. Define Electric Vehicle Supply Equipment (Section 2.2)
4. Clarify “Parked” and the Two-Hour Minimum (Section 2.3)
5. Clarify “Quantifiable Impacts” on EV Deployment and Expectations for Commission Report to Legislature (Section 2.5)

Ratepayer Benefit

RCW 80.28.360 states that the Commission may allow an incentive rate of return on investment on capital expenditures for EVSE that is “deployed for the benefit of ratepayers” (Section 2.1) and is “reasonably expected at the time they are placed in rate base, to result in real and tangible benefits for rate payers by being installed and located where electric vehicles are

most likely to be parked for intervals longer than two hours” (Section 2.3). The Commission should seek to define “ratepayer benefit” beyond the ability of the charging station to be installed where vehicles are parked for longer than two hours. Ratepayer benefits should be defined to benefit all ratepayers, including those that do not drive electric vehicles. As stated in ChargePoint’s August 16 comments, real and tangible benefits could be achieved by incentivizing the installation of equipment that includes demand response capabilities, networking, and load management technology, which could provide broader benefits to the grid. The utility could also maximize grid benefits of increased EV load through managed charging or by simply encouraging charging at certain times of date using rate signals to the EVSE site host. These efforts could improve overall grid utilization and efficiency, integration with renewable energy, and overall downward pressure on rates impacting all ratepayers.

Fair Competition

RCW 80.28.360 states that the Commission “must consider and may adopt other policies to improve access to and promote fair competition in the provision of electric vehicle supply equipment” (Section 2.1). The Commission needs to define “fair competition” to provide clarity to both utilities and market participants on how utility investments will be evaluated for their impact on the competitive EV charging industry.

In the Final Order on Avista’s EVSE Pilot Program, the Commission stated:

Finally, RCW 80.28.360 requires us to consider other policies to improve access to, and promote fair competition in, the provision of electric vehicle supply equipment. We note that Avista has committed to considering selecting multiple EVSE vendors in its Request for Proposals, and we assume that Avista will take this commitment seriously. We believe that that selection of multiple vendors would increase the amount of information obtained through the program, and therefore could maximize the benefits of the Pilot Program to customers. While we recognize that this does not resolve ChargePoint’s concerns, we commit to closely examining policies to promote fair competition should this project move beyond the pilot phase. (Docket UE-160082, Order 01, Page 5)

ChargePoint's concerns raised in Docket UE-160082 on "fair competition" remain. Avista reported at the September 13 Open Meeting that it had moved forward with selecting a single network provider for its entire pilot, which we do not believe allows for competition. Avista is requiring all hardware providers to use a single vendor's proprietary network software, as a result of restricting its pilot to a single network vendor. Avista has effectively blocked any hardware provider that uses its own, or another vendor's, proprietary software from participating in the pilot. All networks run on proprietary software, irrespective of the standards upon which they are based. Forcing companies to integrate with a single network vendor in order to participate in the pilot results in a skewed product choice set for customers by excluding some of the most advanced EV charging companies in the market today.

The Commission should strongly define the terms of "fair competition" to include requirements for multiple hardware vendors AND network operators to be qualified into all utility investments and allow customer choice (site host choice) in the equipment, services, and pricing to drivers for all stations located on customer property. This is the only way to create fair competition and a level playing field as utilities are given the ability to earn a rate of return on charging infrastructure investments – which may include only incentivizing the installation of the equipment.

Electric Vehicle Supply Equipment

RCW 80.28.360 does not appear to include a definition for "Electric Vehicle Supply Equipment." ChargePoint would encourage the Commission to allow this definition to include all or parts of the entire scope of a charging station installation from the "make ready" (lines, wires, conduit, trenching, panel, meter) to the charging station hardware, its maintenance, and

any software or network services associated with that station. Providing this definition would allow utilities flexibility to propose different business models and investments and receive the same rate of return so long as the investment met all other requirements of RCW 80.28.360, including that the EVSE provides real and tangible benefits at the time they are placed in rate base (Section 1.3). For example, the utility could design a program to own the “make ready” and allow site hosts to own and operate their own equipment and services, reducing the cost to ratepayers and promoting competition and customer choice while providing the utility the value of data and load management. Within the definition of EVSE, or separately, it would be helpful to define “make ready” as provided above.

Clarify “Parked” and the Two-Hour Minimum

The Commission should clarify in a policy statement or rule the requirement in Section 2.3 that EVSE investments be located “where electric vehicles are most likely to be parked for intervals longer than two hours.” As stated in our August 16 comments, ChargePoint believes that this language does appear to limit utility investment to Level 2 charging infrastructure. A 50kW Direct Current Fast Charger (DCFC) can provide 200 miles of range in one hour of charge. There are currently no vehicles with a battery size that would require two hours to charge at a DCFC. And though there are several models of EVs expected in the next few years at 200 miles of range, including the Chevy Bolt, it is not expected that battery sizes will accommodate more than an hour of charge, and definitely not two hours of charge, at a DCFC. Additionally, DCFC technology is expected to advance to 150-350 kW, which will further reduce needed charge times. This higher-speed technology was recently referenced in an announcement by the

White House.¹ As stated in previous comments made by ChargePoint, it therefore appears this language does not allow utilities to receive an incentive rate of return on DCFC investments.

Report to Legislature

The Commission should clarify upfront the expectations for data collection needed to fulfill its requirement to report to the Legislature by December 31, 2017, “the quantifiable impacts of the incentives on actual electric vehicle deployment, and any recommendations to the legislature about utility participation in the electric vehicle market” (Section 2.5). It may be difficult to show that utility pilots underway or proposed next year have had an actual and immediate impact on EV adoption. However, utilities should be encouraged to invest in and support education and outreach programs around their EVSE investments that could support this goal. The Commission should clarify its intent here to ensure that expectations are met on what quantifiable impacts can be achieved and can be reported by the end of next year.

III. Other Policies Related to Improve Access to EVSE

ChargePoint encourages the Commission and utilities to pursue rate design policy to improve access to EVSE outside of or complimentary to investments made pursuant to RCW 80.28.360. Utilities could provide incentives for charging when it is most beneficial to the grid by establishing Time of Use rates for residential and commercial customers and “fast charger friendly rates” specific to the unique needs of DC fast charging and future high speed

¹ Guidance for Federal Agency Implementation of Workplace Charging Pursuant to the Fixing America’s Surface Transportation Act: Electric Vehicle Supply Equipment, Oct. 2016, available at: https://www.whitehouse.gov/sites/default/files/guidance_for_federal_agency_implementation_of_workplace_charging_electric_vehicle_supply_equipment.pdf

charging, including seeking alternative methods for cost recovery than traditional demand charges.

IV. Conclusion

ChargePoint appreciates the opportunity to provide these comments. We hope that the Commission will move forward with defining the terms in RCW 80.28.360 with a policy statement or rulemaking.

Dated: November 23, 2016

Respectfully submitted,

A handwritten signature in cursive script that reads "Anne Smart".

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