

1 **BEFORE THE PUBLIC UTILITY COMMISSION**  
2 **OF OREGON**

3 UM 1811

4 In the Matter of

5 PORTLAND GENERAL ELECTRIC  
6 COMPANY,

7 Application for Transportation  
8 Electrification Programs.

STAFF'S REPLY BRIEF

9 **I. INTRODUCTION**

10 The nine Stipulating Parties have worked collaboratively toward the shared purpose of  
11 producing an inaugural set of transportation electrification programs that are consistent with  
12 Oregon law, provide benefits for and limit risk to ratepayers, have a positive impact in the  
13 electric vehicle (EV) market, and are structured to deliver necessary data to inform future  
14 transportation electrification program design. The Stipulation filed this past June achieves this  
15 goal and offers an exciting set of pilots that test the electrification of three different modes of  
16 transportation—personal vehicles, ride-share (like Uber and Lyft), and mass transit (TriMet).

17 Not only does the Stipulation test three different pilot approaches to accelerating  
18 transportation electrification, it requires the development of attribution and cost-effectiveness  
19 methodologies critical to assessing future programs, ensures regular check-ins by PGE and  
20 evaluations of the pilots, limits cost exposure to ratepayers to \$3.8 million (from an original  
21 proposed \$8.1 million),<sup>1</sup> and develops the data necessary to design more impactful programs in  
22 the future. Staff appreciates EVCA's clear statement in its Response Brief that "EVCA either  
23 supports or does not oppose nearly all aspects of the Stipulation,"<sup>2</sup> and ChargePoint's

24  
25  
26 <sup>1</sup> For a description of costs and program components expressed in the Stipulation, please see Staff's Opening Brief at 4-6. With regard to originally proposed costs, see PGE's Supplemental Application at 10.

<sup>2</sup> EVCA Response Brief at 1.

1 acknowledgement that it only objects to the Electric Avenue Pilot,<sup>3</sup> which is but one part of a  
2 much larger and comprehensive package of programs and agreements.

## 3 II. DISCUSSION

### 4 **1. There are no legal concerns with adopting the Stipulation.**

5 Staff's Opening Brief provides a statutory construction analysis of the legal requirement  
6 for Commission approval of a transportation electrification program. By contrast, ChargePoint  
7 brazenly argues what it wants the law to require without applying the Oregon Supreme Court's  
8 methodology for construing statutes. Likewise, EVCA offers no statutory construction analysis,  
9 but emphasizes that the Commission maintains "its *broad discretion* to implement the  
10 transportation electrification requirements in SB 1547 . . . ."<sup>4</sup>

#### 11 **A. The Commission must "consider," meaning it must think carefully about,** 12 **the six factors provided by the legislature, but a transportation** 13 **electrification program does not need to "meet" each of the six factors to** 14 **be approved.**

15 As presented in Staff's Opening Brief, subsection (4) of the transportation electrification  
16 law governs Commission approval of transportation electrification programs, and delineates six  
17 factors that the Commission must "consider" when deciding whether to approve a program. The  
18 meaning of "consider" is unambiguous and can be determined based on its plain meaning.<sup>5</sup>

19 In short, when examining the text of a statute, courts presume that the legislature intended  
20 words of common usage to have their plain, natural, and ordinary meaning.<sup>6</sup> "Consider" is a  
21 word of common usage and means "to think about carefully"; "to think of especially with regard  
22 to taking some action"; and "to take into account."<sup>7</sup> There is no indication in the text, context, or

23 <sup>3</sup> Staff/401, Klotz/7 (ChargePoint's Response to Staff DR 9: ChargePoint confirms that "ChargePoint only objects to  
the Electric Avenue Pilot in the Stipulation. In other words, ChargePoint does not object to the other pilots in the  
Stipulation.").

24 <sup>4</sup> EVCA Response Brief at 19 (emphasis added). EVCA appears to agree with Staff's conclusion as to the meaning  
of "consider" given its statement at 9: "Just because the Commission *is able to approve* the Stipulation, however,  
25 does not mean that it should." (emphasis added).

<sup>5</sup> Please see Staff's Opening Brief at 8-12 for a detailed statutory construction.

26 <sup>6</sup> *Portland Gen. Elec. Co. v. Bureau of Labor & Indus.*, 317 Or 606, 610 (1993); *State v. Ziska*, 355 Or 799, 804-05  
(2014) (the plain meaning of the text at issue can be found in its dictionary definition).

<sup>7</sup> Webster's Third New International Dictionary, Unabridged, "Consider" (2016).

1 legislative history that the legislature intended “consider” to mean anything other than its plain  
2 meaning.<sup>8</sup> The legislature intended that the Commission *take into account* and *think carefully*  
3 *about* the six factors (a)-(f) in its decision-making process, but left the ultimate decision of how  
4 much weight to attribute to each factor to Commission discretion. Therefore, a program does not  
5 need to “meet” or “satisfy” every individual factor in order to be approved by the Commission.

6 **B. ChargePoint’s legal conclusions are unsupported by Oregon law.**

7 In its Response Brief, ChargePoint argues that “a plain reading of SB 1547 indicates that  
8 ‘customer choice’ refers to ‘*site-host* choice . . . .”<sup>9</sup> When courts refer to the plain “meaning” of  
9 a term in a statute, they mean the common or ordinary use of the term.<sup>10</sup> “Customer” in its  
10 common and ordinary use, does not mean “site-host.” ChargePoint’s approach of declaring what  
11 a term means simply to advance its business model of selling EVSE to site-hosts is unpersuasive.

12 Further, ChargePoint boasts that “Ms. Smart’s testimony regarding SB 1547’s history  
13 stands unrebutted in this proceeding.”<sup>11</sup> The Stipulating Parties did not need to “rebut” Ms.  
14 Smart’s testimony for two reasons. First, Staff explained in its Opening Brief that Ms. Smart is  
15 not an attorney, yet she offered testimony on legislative intent that goes well beyond the scope of  
16 her expertise.<sup>12</sup> Such testimony could have been stricken from the record, but Staff instead asked  
17 the Commission to weight it accordingly. Second, Ms. Smart’s testimony was offered nearly a  
18 year-and-a-half post-enactment of SB 1547. Any cursory review of Oregon law reveals that  
19 post-enactment testimony is *not* evidence of legislative intent.<sup>13</sup> For that matter, Oregon courts

20  
21 \_\_\_\_\_  
<sup>8</sup> See Staff’s Opening Brief at 8-12.

22 <sup>9</sup> ChargePoint Brief at 5 (emphasis added).

23 <sup>10</sup> *Portland Gen. Elec. Co. v. Bureau of Labor & Indus.*, 317 Or 606, 610 (1993); *State v. Ziska*, 355 Or 799, 804-05  
(2014) (the plain meaning of the text at issue can be found in its dictionary definition).

24 <sup>11</sup> ChargePoint Response Brief at 13.

25 <sup>12</sup> Staff’s Opening Brief at 9.

26 <sup>13</sup> *Salem-Keizer Assn. v. Salem Sch. Dist. 24J*, 186 Or App 19, 26-28 (2003) (the rule that post-enactment statements  
by legislators are not probative legislative intent of statutes already in effect “is a rule that appears to have been  
adopted by nearly every other court that has addressed the issue.”) (citing *Bread Political Action Committee v.*  
*FEC*, 455 U.S. 577, 582 n. 3 (1982); *United Telephone Employees PAC v. Secretary of State*, 138 Or App. 135, 139  
(1995) (rule in Oregon is that “[s]ubsequent statements by legislators are not probative of the intent of statutes  
already in effect.”).

1 do not even consider post-enactment statements of *legislators* as evidence of legislative intent, let  
2 alone the post-enactment testimony of a non-legislator witness.<sup>14</sup>

3 **2. Staff considered the Electric Avenue Pilot in the context of the six factors.**

4 ChargePoint’s primary argument in this case is that “[b]y participating in the market with  
5 the anticompetitive advantage of using ratepayer money, PGE is likely to dampen, rather than  
6 stimulate, innovation, competition, and customer choice” in electric vehicle charging and related  
7 infrastructure and services.<sup>15</sup> EVCA expressed similar concerns that the Electric Avenue Pilot  
8 “*may not promote cost effective electric vehicle (“EV”) development through competition,*  
9 *innovation, and customer choice*”<sup>16</sup> and will “*thwart competition in the EV charging market.*”<sup>17</sup>  
10 These claims are dispelled by the evidence in the record.

11 Despite the fact that a transportation electrification program does not need to “meet” each  
12 of the factors, the Stipulating Parties did consider whether the Electric Avenue Pilot is “(f)  
13 reasonably expected to stimulate innovation, competition and customer choice in electric vehicle  
14 charging and related infrastructure and services.”<sup>18</sup> Staff’s Opening Brief explained the positions  
15 of eight direct competitors of ChargePoint that expressly encourage Commission approval of  
16 PGE’s Electric Avenue Pilot. Specifically, EV Connect, Greenlots, ABB Inc., Schneider  
17 Electric, Eluminocity, SemaConnect, EV-Box, OpConnect all stated that they “are not concerned  
18 that [PGE’s pricing] will undercut our pricing” and that “PGE is proposing an open and  
19 competitive RFP process to select interoperable hardware, back office software suppliers, and  
20 other vendors. We have confidence that this process will allow open competition.”<sup>19</sup>

21 \_\_\_\_\_  
22 <sup>14</sup> *Id.* It is true that Ms. Smart offered testimony on the bill during the 2016 regular session when HB 4036/SB 1547  
23 was working its way through the legislature, and therefore, limited parts of her testimony in this docket could  
24 technically be *offered* as evidence of legislative intent, but non-legislator witness testimony ranks low on the  
25 established hierarchy of probative legislative history items and is the most debated type of legislative history on  
26 which courts sometimes rely.

<sup>15</sup> ChargePoint Response Brief at 3.

<sup>16</sup> EVCA Response Brief at 1 (emphasis added).

<sup>17</sup> EVCA Response Brief at 4.

<sup>18</sup> Stipulating Parties/100, Spak – Klotz – Jenks – Mullins – Shaw – Ashley – Whiteman – Hesse – Ratcliffe/10-12,  
16.

<sup>19</sup> Drive Oregon/100, Shaw/8 – Attachment 3.

1 Interestingly, in its thirty-four-page Response Brief, *not once* did ChargePoint refute the  
2 positions offered by its market competitors.

3 Instead, ChargePoint attempted to paint an illusory picture that PGE will become the “the  
4 most dominant player in the public charging market”<sup>20</sup> if the Electric Avenue Pilot is approved  
5 because PGE will add 24 new Direct Current Fast Chargers (DCFC) in its service territory,  
6 whereas ChargePoint only owns 10 DCFC.<sup>21</sup> There are a few nuances here that should not be  
7 overlooked. First, ChargePoint states that it only owns 10 DCFC in the “Portland metro area,”  
8 but declined to provide how many DCFC it owns in Oregon. Further, as a seller of EVSE,  
9 ChargePoint does not necessarily maintain ownership of the chargers it sells, rather, the site-host  
10 becomes the owner and operator of the charging equipment,<sup>22</sup> so the number of DCFC that  
11 ChargePoint “owns” is not indicative of its actual market share. Second, the visible “footprint”  
12 of Electric Avenue Pilot is smaller than ChargePoint portrays. Recall that five chargers are co-  
13 located together at one site location, therefore, in terms of visibility to site-hosts and customers,  
14 the Electric Avenue Pilot has six visible locations, not twenty-four.

15 ChargePoint also exaggerates the anti-competitive advantage that PGE has though its  
16 “access to ratepayer money.”<sup>23</sup> ChargePoint forgets that PGE is a regulated utility and cannot  
17 recover money expended on transportation electrification programs without first filing a program  
18 application for review by Staff and stakeholders and then gaining Commission approval of the  
19 program, in addition to a subsequent prudence review. Similarly, although PGE may spend  
20 more than \$2.6 million on the Electric Avenue Pilot (\$2.6 is the maximum amount of ratepayer  
21 responsibility),<sup>24</sup> ChargePoint forgets that PGE is not motivated to spend significant funds in  
22 excess of what it can recover from ratepayers. Finally, to address any market concerns, the

23

24

---

25 <sup>20</sup> ChargePoint Brief at 4.

<sup>21</sup> PGE will have 28 DCFC if the 4 currently-installed DCFC (at the World Trade Center) are included.

26 <sup>22</sup> ChargePoint/300, Smart/7, fn 1.

<sup>23</sup> ChargePoint Response Brief at 9.

<sup>24</sup> ChargePoint Response Brief at 18, noting that PGE estimates the Electric Avenue Pilot to cost \$4.1 million.

1 Stipulating Parties have required annual reporting by PGE and an assessment of PGE’s role in  
2 the market as soon as the second pilot year.<sup>25</sup>

3 With regard to innovation and customer choice, the Stipulating Parties looked to the  
4 testimony of Siemens, a market competitor offering EVSE. Siemens explained that the  
5 Stipulation “would actually ‘stimulate innovation, competition and customer choice . . . by  
6 stimulating the overall growth of the electric vehicle (EV) market by reducing barriers to  
7 ownership and operation for EV owners.”<sup>26</sup> Besides reducing barriers to EV adoption, which all  
8 parties identified as a key concern, the Electric Avenue Pilot is reasonably expected to stimulate  
9 innovation and customer choice based on its unique design of offering *co-located* clusters of  
10 DCFCs with *dual heads*, as opposed to one single Level 2 charger at a particular location. EV  
11 drivers may prefer DCFC options over Level 2 chargers because of the quick re-charge time.  
12 Further, the Stipulating Parties expect the co-location model to be desirable to EV drivers  
13 because of the higher likelihood of arriving at an EV charging location and finding an open,  
14 working charger to use.<sup>27</sup> Finally, the Electric Avenue Pilot will offer DCFC with dual heads,  
15 meaning the DCFCs are compatible with all makes and models of electric vehicles, which is not  
16 true of most currently installed public charging infrastructure.<sup>28</sup> Therefore, it is reasonable over  
17 time that the physical structure of the Electric Avenue Pilot will help stimulate innovation by  
18 other EVSE providers and site-hosts who desire to offer more advanced charging station designs  
19 that better fit customer choice and preferences as EV adoption begins to accelerate. Finally, the  
20 DCFC chargers with dual heads also help alleviate futureproofing concerns.<sup>29</sup>

21  
22 \_\_\_\_\_  
23 <sup>25</sup> Staff’s Opening Brief at 4-5.

24 <sup>26</sup> Siemens/100, King/3.

25 <sup>27</sup> See Supplemental Application at 9 (Mar. 15, 2017).

26 <sup>28</sup> Supplemental Application at 14 (Mar. 15, 2017) (only 16% of public quick chargers in Oregon have dual-head  
connectors, providing accessibility to all EV drivers). The dual-heads are compatible with all makes and models  
with the exception of Tesla.

27 <sup>29</sup> Stipulating Parties/100, Spak – Klotz – Jenks – Mullins – Shaw – Ashley – Whiteman – Hesse – Ratcliffe/16  
28 (“With a commitment to open communications and interoperability, PGE has taken a strong step to future-proofing  
the investments flowing from this program, as well as increasing competition amongst suppliers and service  
providers.”).

1 ChargePoint also expressed concern about whether the Electric Avenue Pilot is  
2 reasonably expected to enable PGE to support its electrical system and improve the efficiency  
3 and operational flexibility of the system, factors (d) and (e) respectively. Staff discussed in  
4 testimony that we are simply not at a point in time where a program would be reasonably  
5 expected to satisfy every factor (even though not required). For example, even a basic education  
6 and outreach program which ChargePoint and EVCA deem acceptable<sup>30</sup> could sparsely “satisfy”  
7 factor (d), supporting the electrical system, and (e), improving system efficiency and operational  
8 flexibility.

9 Nonetheless, the Stipulating Parties explained that the data to be gained from the Electric  
10 Avenue Pilot program is reasonably expected to be used to support the electrical system and  
11 improve system efficiency and flexibility over time. For example, the learnings require data  
12 gathering and analysis of the predominant users of the charging infrastructure, including whether  
13 there are distinct use cases with predictable load profiles, as well as the additional infrastructure  
14 needed to support and ensure highly reliable public charging infrastructure, and the applicable  
15 costs, including what siting criteria can be utilized to limit or reduce the costs of distribution  
16 system upgrades.<sup>31</sup> The EV load profile information collected by PGE and shared openly with  
17 parties should inform the design of new time-of-use rate structures to influence driver charging  
18 behavior in a way that is beneficial to PGE’s electrical system, and assist in determining how  
19 PGE can best recover costs for service to the EV driver, the EVSE supplier, or a site-  
20 host. Further, the load profile information will inform PGE on how best to assure least-cost and  
21 targeted distribution system upgrades (which are applicable to the “make-ready” model if that  
22 structure is adopted in the future) to ensure reliable power supply to DCFs. Importantly, the  
23 data collected will help PGE determine how to best use EVs as assets to its electrical system,  
24 rather than burdens, and over time, reach the goal of using EVs to balance electricity generated  
25 from variable resources.

26 \_\_\_\_\_  
<sup>30</sup> ChargePoint Response Brief at 26; EVCA Response Brief at 12.

<sup>31</sup> Stipulation, Appendix 1 at 12.

1           **3. ChargePoint’s and EVCA’s other concerns about the Electric Avenue Pilot are**  
2           **easily dispelled.**

3                   **A. Whether the site-host ownership model for public EV charging is**  
4                   **preferable to utility ownership is a policy question, not a legal question,**  
5                   **and was considered in this docket.**

6           ChargePoint and EVCA advocate for a site-host ownership model of electric vehicle  
7 charging stations and generally disagree with an approach that involves utility ownership,  
8 including the modest Electric Avenue Pilot. To be clear, ownership structure is a policy issue,  
9 not a legal one. While Staff is not opposed to a site-host ownership model being proposed and  
10 deployed in the future,<sup>32</sup> legislators unmistakably envisioned utility ownership of electric vehicle  
11 charging and related infrastructure. The law reads: “A program proposed by an electric company  
12 may include prudent investments in . . . electric vehicle charging and related infrastructure.”<sup>33</sup>  
13 Furthermore, Representative Jessica Vega Pederson, a primary advocate of SB 1547, explained  
14 on the House floor that the bill “sets up a transportation electrification program, which allows  
15 electric companies to apply to the PUC for installing and ownership of electric vehicle charging  
16 stations . . . .”<sup>34</sup> There is no doubt that electric companies can own EV charging and related  
17 infrastructure.

18           Nevertheless, Staff did consider whether PGE should own EV chargers, explaining in its  
19 Opening Brief that we simply do not have enough data to make the policy call today on whether  
20 utility-ownership, site-host-ownership, or a combination of both is superior at this time.<sup>35</sup>

21 \_\_\_\_\_  
22 <sup>32</sup> EVCA states in its Response Brief at 11 that “Staff is advocating to begin with 100% utility ownership and then  
23 later, perhaps in 2027, determine whether some non-utility investment should be encouraged.” Staff never implied  
24 that new transportation programs will not be proposed for another ten years; in fact, two more programs are required  
25 to be filed in the near future after the Stipulation is approved and could very well include a proposal for a site-host  
26 model for workplace charging.

27 <sup>33</sup> Oregon Laws 2016, Chapter 28, Section 20(3). See also, Oregon Laws 2016, Chapter 28, Section 20(5)(a)(A)  
28 (“rates allowed pursuant to an investment made by an electric company . . . [may] allow a return of and a return on  
29 an investment made by an electric company”) and Oregon Laws 2016, Chapter 28, Section 20(5)(b) (“A return on  
30 investment . . . may be earned for a period of time that does not exceed the depreciation schedule of the investment  
31 approved by the commission.”).

32 <sup>34</sup> House Chamber, 2016 Leg., 78<sup>th</sup> Sess. (Or. Mar. 1, 2016) (comments by Rep. Vega Pederson at 01:05:00).

33 <sup>35</sup> See Staff’s Opening Brief at 15.

1 Importantly, the evidence in this record indicates that the Electric Avenue Pilot is not anti-  
2 competitive, nor harmful to the market.<sup>36</sup>

3 By contrast, when pressed for evidence in support of ChargePoint's site-host ownership  
4 model, ChargePoint's witnesses came up empty handed. Staff asked for factual evidence, data,  
5 analyses, and/or reports that indicate that it is crucial for site-hosts to select charging  
6 infrastructure. ChargePoint replied that Mr. Packard's statements were "based on his 19 years of  
7 experience in the EV charging industry" and pointed to conclusory arguments in testimony.<sup>37</sup>  
8 Similarly, PGE asked for a list of markets that ChargePoint exited in the past due to utility  
9 investment in infrastructure or because of regulatory rules that ChargePoint deemed  
10 uncompetitive, and received this response: "ChargePoint has never chosen to exit a market due  
11 to utility investment or regulatory rules, nor do we claim to have done so anywhere in  
12 testimony."<sup>38</sup> These responses lend to the conclusion that ChargePoint advocates for programs  
13 "in which PGE provided rebates to site-hosts who were interested in installing EVSE to reduce  
14 the upfront costs of EVSE"<sup>39</sup> simply to take advantage of the business opportunity to sell more  
15 EVSE to site-hosts.

16  
17 **B. ChargePoint and EVCA make incorrect assumptions that the Electric Avenue Pilot data can be easily obtained elsewhere.**

18 ChargePoint and EVCA argue that PGE need not own the Electric Avenue Pilot charging  
19 equipment because a site-host or a charging station vendor could be required to share the data it  
20 gains with the utility.<sup>40</sup> First, this premise assumes that the site-host is willing to agree to  
21 provide the data and that the data is that requested by the Stipulating Parties. Second, Staff  
22 inquired into what data it might be able to obtain from ChargePoint, referencing ChargePoint's  
23 statement that "[t]he private, competitive charging station industry has already collected much of  
24

25 <sup>36</sup> See Staff's Opening Brief at 15-17 and the competition discussion herein.

<sup>37</sup> Staff/401, Klotz/1 (ChargePoint Response to Staff DR No. 1). Please also see Staff/401, Klotz/2, Klotz/5.

26 <sup>38</sup> PGE/200, Appendix A at 2 (ChargePoint Response to PGE DR No. 2).

<sup>39</sup> ChargePoint Response Brief at 11.

<sup>40</sup> ChargePoint Response Brief at 7 and 12; EVCA Response Brief at 13.

1 this information, and it is unnecessary for PGE to ‘reinvent the wheel.’”<sup>41</sup> In discovery, Staff  
2 asked ChargePoint to confirm that the “already collected information” pertained to PGE’s  
3 service territory, or even Oregon generally. ChargePoint objected, stating that: “The purpose of  
4 ChargePoint’s Objections was to provide legal and policy arguments for the Commission’s  
5 consideration, and not to introduce evidence that would be subject to discovery.”<sup>42</sup> Further,  
6 when Staff asked for the data that ChargePoint claims already exists, ChargePoint objected,  
7 stating that Staff “seeks discovery of information that is confidential and proprietary, and the  
8 release of which could cause competitive harm to ChargePoint.”<sup>43</sup> Clearly, the existing data that  
9 ChargePoint refers to eludes review.

10 Similarly, PGE’s existing Electric Avenue chargers cannot replace the data to be gained  
11 from the Electric Avenue Pilot in the Stipulation. As explained at the hearing, the existing  
12 Electric Avenue chargers were free (paid for by PGE shareholders).<sup>44</sup> The Stipulating Parties  
13 cannot build effective time-of-use rates, determine accurate load profiles, and confirm EV  
14 charging behaviors based on a set of chargers that offered free electricity.

15  
16 **C. Staff welcomes EVCA participation in future meetings concerning PGE’s  
pilot programs and agrees that the Stipulation is not precedential.**

17 Staff values EVCA’s perspective and welcomes EVCA’s participation in future  
18 proceedings. In its Opening Brief, Staff explained that it never intended to preclude the  
19 participation of EVCA, or future stakeholders, from reviewing PGE’s future annual reports, pilot  
20 evaluations, EV charging tariffs, etc. However, EVCA would like to be “invited” to participate  
21 in future pilot activities. In an attempt at further clarity, EVCA is invited to participate in all  
22 future meetings, workshops, reviews of PGE’s annual pilot reports, pilot evaluations, EV  
23 charging tariffs, etc., with one exception. Staff maintains the position that finalization of the pilot  
24 learnings should be kept to the Stipulating Parties because the learnings directly reflect the pilots

25 \_\_\_\_\_  
<sup>41</sup> Staff/502 (ChargePoint Response to Staff DR No. 13).

26 <sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Hearing Transcript at 145-46.

1 agreed to by the nine Stipulating Parties and are near complete for filing. Staff believes that the  
2 Commission has the authority to clarify that EVCA is invited to participate in future meetings  
3 and proceedings, but for the finalization of the learnings, without the need for a new stipulation  
4 to be drafted and executed. Staff supports such Commission action and looks forward to  
5 EVCA's attendance. Additionally, Staff explained the non-precedential nature of the pilots  
6 reached in this Stipulation in its Opening Brief in an attempt to alleviate EVCA concern.  
7 However, EVCA seeks clarification from the Commission its order that the pilot programs are  
8 not precedential, which Staff fully supports.

9 **3. The multi-party Stipulation complies with the law and represents a thorough and**  
10 **collaborative approach for PGE's first efforts at accelerating transportation**  
11 **electrification.**

12 The decision before the Commission is whether or not to adopt a Stipulation that tests  
13 three modest approaches to transportation electrification, is supported by a wide range of experts,  
14 and complies with the law. Specifically, the Stipulating Parties recommend approval of the  
15 Stipulation for the following reasons: *First*, it protects ratepayers and the market because it is  
16 modest in scope and cost, yet will test the evolving market using three different transportation  
17 acceleration approaches. *Second*, it requires the gathering and production of data and learnings  
18 necessary to design future programs on a potentially larger scale, and to develop strategies to  
19 effectively integrate EVs into the grid. *Third*, it provides a public process and utility-buy-in for  
20 developing attribution and cost-effectiveness methodologies, which are essential in Staff's  
21 opinion to recommend larger programs in the future. *Fourth*, besides imposing reasonable cost  
22 caps, the Electric Avenue Pilot further minimizes costs to ratepayers through offsets, including  
23 tax credits, revenue generated from the EV charging stations, and CFP credit value. *Fifth*, it  
24 implements the transportation electrification law consistent with the legislature's intent, in  
25 manner that numerous parties with disparate interests enthusiastically support.

26

1 **III. CONCLUSION**

2 The multi-party Stipulation was reached in June of 2017 after significant discourse and  
3 debate between parties with interests ranging from customer advocacy, EV adoption,  
4 environmental protection, EVSE sales, Oregon energy policy, and mass transit electrification.  
5 The Stipulation is modest both in its cost to ratepayers and the size and scale of individual pilot  
6 programs, but was crafted to produce significant learnings that Staff and other Stipulating Parties  
7 believe are essential to meaningfully make progress toward electrifying our transportation sector  
8 and beneficially integrating electric vehicles into the grid. Staff, PGE, Oregon Citizens' Utility  
9 Board, Industrial Consumers of Northwest Utilities, Oregon Department of Energy, Tesla, Forth,  
10 TriMet, and Greenlots respectfully request that the Commission approve the Stipulation filed in  
11 this inaugural docket.

12 DATED this 30<sup>th</sup> day of November 2017.

13 Respectfully submitted,

14 ELLEN F. ROSENBLUM  
15 Attorney General

16 Kaylee Klein  
17 Kaylee Klein, OSB # 143614  
18 Assistant Attorney General  
19 Of Attorney for Staff of the Public Utility  
20 Commission of Oregon  
21  
22  
23  
24  
25  
26