

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF PORTLAND)

GENERAL ELECTRIC'S)

APPLICATION FOR)

DOCKET NO. UM 1811

TRANSPORTATION)

ELECTRIFICATION PROGRAMS)

CHARGEPOINT EXHIBIT 200

TESTIMONY OPPOSING STIPULATION OF DAVID PACKARD

August 25, 2017

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1 **I. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS**

2 **Q: Please state your name.**

3 A: My name is David Packard.

4 **Q: By whom are you employed and in what position?**

5 A: I am the Vice President of Utility Solutions at ChargePoint, Inc.

6 **Q: Have you previously filed testimony before the Oregon Public Utility Commission?**

7 A: Yes, I filed Reply Testimony in this docket on April 24, 2017, and I filed Reply
8 Testimony in Docket No. UM 1810 on May 24, 2017.

9 **Q: Did your Reply Testimony in this docket include a description of your witness
10 qualifications?**

11 A: Yes, and I would like to incorporate that description here by reference.

12 **Q: What is the purpose of your testimony?**

13 A: The purpose of my testimony is to explain to the Commission why ChargePoint opposes
14 PGE's proposed Electric Avenue program, as modified by the Stipulation filed by PGE
15 and the Stipulating Parties. As the Stipulating Parties admit, the Electric Avenue program
16 fails to meet the statutory criteria for transportation electrification programs established
17 by the Legislative Assembly in Senate Bill (SB) 1547. Because it fails to meet the
18 statutory criteria that it must meet, and because it would hamper rather than accelerate
19 transportation electrification in PGE's service territory, it could never be approved as a
20 full-fledged utility program. The Commission should therefore not approve it as a pilot
21 program, either.

22 I recommend that the Commission deny the Electric Avenue program for failing
23 to meet the statutory and rule criteria that it must meet. I further recommend that the

1 Commission provide guidance to PGE regarding the types of utility programs that would
2 satisfy SB 1547's criteria that it would be interested in approving. To that end, I provide
3 several examples of utility transportation electrification programs from around the
4 country that would satisfy SB 1547's criteria and reflect an appropriate role for the
5 utility.

6 **II. ELECTRIC AVENUE FAILS TO MEET SB 1547'S CRITERIA**

7 **Q. What will you discuss in this section of your testimony?**

8 A. In this section of my testimony, I will discuss Electric Avenue's failure to meet the
9 criteria established by the Legislative Assembly in SB 1547 for evaluating PGE's
10 proposed transportation electrification programs. I will also discuss the Legislative
11 Assembly's stated intent in enacting Section 20 of SB 1547 and will demonstrate that
12 Electric Avenue will fail to fulfill the intent of SB 1547.

13 **Q: What criteria does SB 1547 establish for evaluating PGE's proposed Electric
14 Avenue program?**

15 A: SB 1547 establishes six criteria under which the Commission must evaluate any utility
16 transportation electrification program. Of particular interest to ChargePoint, the
17 Commission must consider whether Electric Avenue is "reasonably expected to stimulate
18 innovation, competition and customer choice in electric vehicle charging and related
19 infrastructure and services."¹ SB 1547 indicates that the Commission must make such a
20 determination both when it decides whether or not to approve a program, and when it
21 considers whether or not to allow a utility to recover the costs of the program.
22

¹ SB 1547, Section 20(4)(f).

1 A. *Customer Choice*

2 **Q: Let's discuss innovation, competition, and customer choice in turn, starting with**
3 **customer choice. What do the Stipulation and the Stipulating Parties' testimony say**
4 **about customer choice?**

5 A: Nothing – the phrase “customer choice” does not appear in the Stipulation or the
6 supporting testimony.

7 **Q: Why do you think the Stipulation and the supporting testimony does not address**
8 **customer choice?**

9 A: It does not surprise me that customer choice is not mentioned in the Stipulation or the
10 supporting testimony because customer choice is not a feature of Electric Avenue (or the
11 other proposed programs, but ChargePoint is not actively opposing those programs). PGE
12 has proposed to procure charging stations for Electric Avenue through a Request for
13 Proposals (RFP) process, in which the utility – and not customers – would be choosing
14 the electric vehicle charging equipment and services. This proposal clearly violates SB
15 1547's requirement that customers be allowed to choose charging equipment and
16 services.

17 **Q: In your understanding, who is the “customer” that the Commission should be**
18 **concerned with in order to ensure that a transportation electrification program**
19 **stimulates customer choice?**

20 A: In my opinion, the “customer” intended by the statute is the entity that hosts a charging
21 station and allows drivers to charge their vehicles at the station. I provided many
22 examples of such customers in my Reply Testimony, including big-box retailers,
23 municipal governments, and the owners of multi-unit dwellings (MUDs). These entities

1 may offer a charging station to their shoppers, their constituents, or their tenants, but they
2 are the ones paying the electric bill, so they are the customer-of-record. As I also
3 explained in my Reply Testimony, it is crucial to allow charging station site-hosts to
4 choose the charging station infrastructure and services that best meet the needs of the
5 drivers they expect will use the charging station because the site-host – and not PGE – is
6 best equipped to understand those drivers’ needs and preferences. Electric Avenue would
7 not allow charging station site-hosts any choice in charging station infrastructure or
8 services, because PGE would make the choice for them through an RFP.

9 That said, it is also reasonable to interpret “customer choice” in SB 1547 to refer
10 to EV drivers, because drivers are the ultimate end-users of charging stations. Even under
11 this interpretation, however, Electric Avenue does not include any customer choice.
12 Again, Electric Avenue would offer only one type of charging station and one type of
13 network service that PGE would choose for drivers through its RFP process.

14 **Q: Why do you consider customer choice to be so important?**

15 A: In ChargePoint’s extensive experience with publicly available charging station programs
16 around the country and in Europe, customer choice is the linchpin that determines
17 whether a program will be successful or not. Charging station site-hosts are generally
18 well-equipped to determine the needs and preferences of the EV drivers who will use the
19 charging station. Because EV drivers are typically the site-host’s customers, tenants, or
20 constituents, site-hosts are well positioned to make any changes, such as changes to
21 pricing structure, that will optimize the charging station’s utilization.

22 There is simply no reason to think that a utility would be effective at determining
23 the needs of particular EV drivers, and regardless, different EV drivers have different

1 preferences. Customers (both site-hosts and EV drivers) will not enjoy the benefits of
2 competition or innovation – the other two relevant criteria – if PGE locks-in a particular
3 technology and prevents any customer choice through an RFP.

4 **Q: What do you ultimately conclude regarding SB 1547’s customer choice criterion**
5 **with respect to Electric Avenue?**

6 A: As the Stipulation and the Stipulating Parties’ supporting testimony explicitly
7 acknowledge by failing to mention the term, the Electric Avenue program would not
8 involve any customer choice, much less stimulate customer choice as the Legislative
9 Assembly intended and required. As a result, and as will be discussed in more detail later
10 in my testimony, Electric Avenue can be expected to hamper transportation electrification
11 in PGE’s service territory, rather than accelerate it. In ChargePoint’s view, Electric
12 Avenue’s failure to involve any aspect of customer choice is sufficient reason for the
13 Commission to deny the program.

14 *B. Competition*

15 **Q: An RFP is by nature a competitive process – why did you say earlier that an RFP**
16 **will prevent customers from enjoying the benefits of competition?**

17 A: An RFP will allow for exactly one opportunity for competition, which does not strike me
18 as consistent with SB 1547’s directive that PGE “stimulate” competition in the market.
19 Moreover, in an RFP, bidders compete almost exclusively on the basis of cost, which
20 means that competition will not lead to innovation or additional customer choices, as I
21 will discuss next.

22 ChargePoint is also concerned that PGE apparently believes that it would
23 stimulate competition in the EV charging market by entering that market with Electric

1 Avenue. PGE forgets that it would be entering that market with a massive advantage in
2 the form of its captive ratepayer base. Adding PGE to the market will do much more to
3 dampen competition than to stimulate it.

4 *C. Innovation*

5 **Q: Why do you think that Electric Avenue will fail to promote innovation?**

6 A: Utilities procure through an RFP process that is designed to minimize product features so
7 that they can purchase at commodity pricing. RFPs do not provide for customer choice,
8 nor do they stimulate innovation. Rather than allowing site hosts to select the product that
9 best meets their needs, utility RFPs define the criteria to which vendors need to build
10 their product, choose the solution with the lowest price, and then force this solution on
11 the market.

12 Additionally, PGE, with its current one Electric Avenue installation, does not
13 have the experience to define the necessary features for the network of DCFC stations it
14 proposes to deploy in Oregon. PGE does not have the framework to be able to move
15 quickly enough to redefine features and redeploy products, as is currently happening in
16 the market. The products PGE would be installing, by its own admission, would likely be
17 obsolete or very outdated when they are installed, because the new, higher range vehicles
18 coming to market in 2019 and 2020 will have charge rates up to 150 kW – 3 times the
19 speed of what PGE is proposing.

20 PGE is not the customer that “customer choice” in SB 1547 refers to, and
21 “customer choice” was not intended to promote a process by which PGE defines and
22 selects what it wants. Stimulating customer choice, as defined by the legislation, requires
23 a process by which vendors sell products to end-use customers (i.e., site-hosts, not

1 utilities), who, with their variety of needs and desires help shape product features that
2 will build the market into a sustainable industry. The vendors in EV charging industry
3 has thousands of site-host customers who are helping shape the industry. The industry is
4 constantly innovating to create exciting products that meet the unique needs and desires
5 of site-hosts and the drivers that visit their stations. Oregon's DCFC deployment cannot
6 be based on one utility's Electric Avenue installation in a busy downtown area being
7 spread into an area wide model.

8 **III. ELECTRIC AVENUE FAILS TO PROMOTE THE LEGISLATIVE**
9 **ASSEMBLY'S GOALS FOR TRANSPORTATION ELECTRIFICATION**

10 **Q: What will you discuss in this section of your testimony?**

11 A: In this section of my testimony, I will discuss the Legislative Assembly's stated intent
12 behind Section 20 of SB 1547 with respect to Electric Avenue. Specifically, I will discuss
13 the Legislative Assembly's vision that "Widespread transportation electrification should
14 stimulate innovation and competition, provide consumers with increased options in the
15 use of charging equipment and in procuring services from suppliers of electricity, attract
16 private capital investments and create high quality jobs in this state."²

17 *A. Increased options*

18 **Q: Let's discuss each of these criteria in turn. You've discussed above the reasons that**
19 **you believe Electric Avenue will fail to stimulate innovation and competition. Would**
20 **Electric Avenue provide consumers with increased options in the use of charging**
21 **equipment?**

² SB 1547, Section 20(2)(d).

1 A: No, it will not. As I have discussed, Electric Avenue would provide customers with only
2 one option for charging equipment: namely, the equipment vendor that wins the RFP. It is
3 difficult to see how such a result comports with the Legislative Assembly's intent to
4 provide increased options.

5 *B. Private capital investments*

6 **Q: Would Electric Avenue attract private capital investments in PGE's service**
7 **territory?**

8 A: No. The winner of the RFP to supply the equipment and network services for Electric
9 Avenue will not be investing in PGE's service territory; rather, it will be making a large
10 sale to PGE that will be paid for by PGE's ratepayers. In other words, the only investors
11 in Electric Avenue will be PGE's ratepayers. I cannot imagine the ratepayer investment
12 that PGE has proposed for Electric Avenue is the type of investment the Legislative
13 Assembly had in mind when it stated that transportation electrification should encourage
14 "private capital investments."

15 In fact, I would expect that Electric Avenue would actually discourage private
16 capital investments in publicly available charging stations. If the Commission approves
17 the Electric Avenue program contrary to ChargePoint's recommendations, prospective
18 site-hosts who may be considering investing in publicly available charging stations would
19 be much less likely to do so when they learned that PGE was providing charging stations
20 for free (i.e., without any investment from site-hosts). Electric vehicle service equipment
21 (EVSE) vendors would also be less likely to invest in their own publicly available
22 charging stations when they learned that PGE was providing charging stations. If vendors
23 learned that Electric Avenue did not even need to produce enough revenue to recover the

1 costs of the stations because any shortfall would be made up by ratepayers, vendors
2 would be even less likely to invest in publicly available charging stations.

3 **Q: Wouldn't Electric Avenue encourage private investment by encouraging more**
4 **drivers to purchase EVs, thereby increasing demand for additional publicly**
5 **available charging stations?**

6 A: Increasing the number of EV drivers will increase demand for additional publicly
7 available charging stations, but it is doubtful that private investment would materialize to
8 meet that demand if the Commission approves the Electric Avenue program. The
9 Stipulating Parties seem to believe that Electric Avenue would not have a major impact
10 on the market for publicly available charging stations because it would involve "only" six
11 charging pods. However, even with only six pods, the structure of Electric Avenue would
12 teach the market PGE will provide ratepayer-funded charging stations, and that there is
13 no reason or opportunity for private investment to participate in the market. Why would a
14 convenience store invest in a charging station if PGE could install one down the road,
15 especially if PGE did not even need to recover the cost of the charging station or the cost
16 of the electricity? Similarly, why would an EVSE vendor invest in its own publicly
17 available charging station if PGE could undercut the rates that the private company
18 would need to charge by relying on ratepayer funding?

19 Private companies do not have captive ratepayers to rely on the way that PGE
20 does, and I expect that few if any private companies would be interested in competing
21 with PGE on such an uneven playing field. While Electric Avenue would result in several
22 additional charging stations in the near-term, I expect that PGE's participation in the
23 publicly available charging station market would severely distort and hamper the market

1 over the medium- and long-term, resulting either in far fewer charging stations or
2 resulting in PGE taking over the entire market. Approving Electric Avenue would set the
3 stage for a market that is dependent on ratepayer subsidies indefinitely.

4 **Q: If the Commission were to approve Electric Avenue, would ChargePoint opt not to**
5 **install publicly available charging stations in PGE's service territory?**

6 A: As I stated in my Reply Testimony, as a private company, ChargePoint is not able to
7 disclose all of its investment plans. That said, the outcome of this case will determine
8 whether or not we as a company market our fast chargers in PGE's service territory over
9 the next few years. If PGE has the ability to offer site-hosts free charging stations or
10 charging stations located on rights-of-way that are subsidized by ratepayers, it will have a
11 substantial impact on our consideration to make investments in Oregon and whether we
12 consider other markets that are more competitive.

13 *C. High-quality jobs*

14 **Q: Do you expect that Electric Avenue would help create high quality jobs in Oregon?**

15 A: No, I do not see how it would. Electric Avenue would result in one large purchase of
16 charging equipment and network services at the conclusion of the RFP. After the RFP is
17 over, there would be little reason for EVSE vendors to continue participating in PGE's
18 service territory because PGE would then dominate and control the market. EVSE
19 vendors would have little reason to employ sales, marketing, or support personnel in
20 PGE's service territory if the only opportunity to make a sale was to win an RFP.

21 By contrast, if PGE were to offer the type of transportation electrification
22 program that ChargePoint has recommended, in which the utility provides rebates for
23 charging equipment and network services or provides the make-ready infrastructure

1 needed for charging stations, I expect private investment and high-quality jobs would
2 proliferate in Oregon. EVSE vendors would deploy teams of sales and marketing
3 professionals to recruit prospective site-hosts, who would be excited by the possibility of
4 attracting additional customers or providing a value-added service to tenants and
5 constituents. If both parties to the transaction knew that PGE was willing to help reduce
6 the upfront cost of charging stations through a rebate or willing to provide the crucial and
7 complex make-ready infrastructure, it would be even more likely that a charging station
8 would be deployed. This is the type of transportation electrification program that I
9 believe the Legislative Assembly had in mind when it passed SB 1547. Only this type of
10 program – in which the utility plays a supporting role in the market that only the utility
11 can play, rather than competing directly in the market – can balance SB 1547’s criteria
12 and legislative intent.

13 **IV. PGE CANNOT AVOID STATUTORY REQUIREMENTS BY LABELING**
14 **ELECTRIC AVENUE AS A “PILOT” PROGRAM**

15 **Q: What will you discuss in this section of your testimony?**

16 A: In this section of my testimony, I will discuss the fact that the Oregon Public Utilities
17 Commission Staff (Staff), the Citizens’ Utility Board (CUB), and the other Stipulating
18 Parties have recommended that the Commission approve Electric Avenue because they
19 have labeled it as a “pilot” program.

20 *A. The Commission must consider SB 1547’s criteria for pilot programs.*

21 **Q: What do the Stipulating Parties say about Electric Avenue being a pilot program?**

22 A: With respect to each of PGE’s transportation electrification programs, including Electric
23 Avenue, the Stipulation states the following: “For the Stipulating Parties to support

1 approval of PGE's three Transportation Electrification programs as modified in this
2 Stipulation, PGE agrees that the proposals are pilot programs only, meaning that the
3 Stipulating Parties have not agreed that the TE proposals meet the six statutory criteria
4 outlined in SB 1547, but rather, these TE programs may provide value as pilot
5 programs.”³ The Stipulation defines “pilots” in the next sentence to mean that the
6 programs are “time-limited, cost-limited, and ... designed to produce specific learnings.”⁴

7 **Q: How do you interpret this statement from the Stipulation?**

8 A: This statement indicates that at least some of the Stipulating Parties attach considerable
9 importance to labeling PGE’s proposed programs, including Electric Avenue, as pilot
10 programs. Logically, I understand this statement to mean that at least some of the
11 Stipulating Parties believe that the programs do not meet SB 1547’s six statutory criteria
12 and that they do not need to meet these criteria if they are considered pilots.

13 **Q: What is your reaction to this position taken by the Stipulating Parties?**

14 A: Frankly, I am disturbed that certain parties, particularly PGE, Staff, and CUB, would
15 recommend that the Commission approve programs that they acknowledge do not meet
16 the statutory criteria that the programs are supposed to meet. I am also concerned that the
17 Stipulating Parties seem to believe that because the programs are “time-limited, cost-
18 limited, and ... designed to produce specific learnings,” that SB 1547’s criteria somehow
19 do not apply or are not relevant.

20 ChargePoint was so perplexed by this position taken by the Stipulating Parties,
21 that we followed up on the issue through discovery to Staff. Staff’s response to
22 ChargePoint’s Data Request No. 4 to Staff is attached as ChargePoint Exhibit 103.

³ Stipulation, ¶ 2.

⁴ *Id.*

1 **Q: What is your understanding of Staff’s response to ChargePoint Data Request No. 4?**

2 A: The response speaks for itself, but it confirmed my impression that Staff attaches
3 significant importance to labeling PGE’s proposed programs as pilots. That said, Staff
4 declined to confirm that characterizing the programs as pilots changes the standard under
5 which the Commission evaluates them, saying that it believes “the Commission has
6 discretion to approve or deny any pilot program proposal.”⁵

7 **Q: Do you agree that the Commission has discretion to approve or deny any
8 transportation electrification program proposal?**

9 A: I agree that the Commission has significant discretion, but the Commission’s discretion is
10 not unfettered. I am not an attorney, but SB 1547 clearly states that “the Commission
11 *shall* consider whether the investments and other expenditures” that PGE has proposed
12 for its programs meet the six statutory criteria.⁶ In other words, the Commission does not
13 have discretion to ignore one of the statutory criteria simply because PGE and the
14 Stipulating Parties have agreed that the programs are “pilots.”

15 **Q: What is your understanding of the Commission’s discretion with respect to
16 evaluating PGE’s proposed transportation electrification programs, including
17 Electric Avenue?**

18 A: Frankly, I am surprised that Staff believes the Commission has discretion to approve
19 “any” program, as it stated in the discovery response. In my understanding, the
20 Commission can and should consider how much weight to give each of the six statutory
21 criteria. The Commission also has the discretion to consider how reasonable it is to
22 expect that a program will actually meet a particular criterion. However, I do not think

⁵ Exhibit 103, ¶ c.

⁶ SB 1547, Section 20(4).

1 that the Commission has the discretion to find that a particular criterion does not apply or
2 does not need to be met at all. Otherwise, there would be no point in the Legislative
3 Assembly establishing these criteria in the first place.

4 As I have discussed extensively in this testimony and in my Reply Testimony, and
5 as ChargePoint explained in our Objections filed in this docket, Electric Avenue is not
6 “reasonably expected to stimulate innovation, competition and customer choice in
7 electric vehicle charging and related infrastructure and services.” Significantly, the
8 Stipulating Parties have not even tried to argue that Electric Avenue would stimulate
9 customer choice in EV charging infrastructure and services, and they would not be able
10 to do so because PGE – and not customers – would be choosing all infrastructure and
11 services involved in Electric Avenue.

12 *B. There is no reason to pilot a utility program that has no future viability.*

13 **Q: What is your understanding of the purpose of utility pilot programs generally?**

14 A: My understanding is that generally a utility will pilot a program on a small scale or to a
15 limited number of customers before rolling out the program on a large scale or offering it
16 to all of its customers. Typically, the pilot will be designed in such a way that, if
17 successful, the same program design can be offered as a full-fledged program. If the pilot
18 is successful, the utility will typically seek to offer the same program on a large scale, or
19 it may make minor modifications to the pilot program design before offering it to all of
20 its customers. If a utility pilot program is unsuccessful, the utility typically goes back to
21 the proverbial drawing board and designs a new pilot, rather than rolling out a full-
22 fledged program that has not been piloted.

1 **Q: What then is your understanding of the purpose of piloting the Electric Avenue**
2 **program?**

3 A: PGE seeks to pilot the Electric Avenue program because it hopes to offer a full-fledged
4 version of Electric Avenue in the future. PGE stated in its Application that it intends to
5 offer up to 19 total Electric Avenue charging pods if it considers the pilot to be
6 successful, and confirmed through discovery that this is still its intention.⁷

7 An Electric Avenue program with 19 charging pods would not meet SB 1547's
8 statutory criteria for the same reasons that the proposed pilot program with six charging
9 pods does not meet the criteria. By the same token, even if characterizing Electric
10 Avenue as a pilot somehow changed the standard under which the Commission evaluates
11 it, there would be no point in piloting a program design that could not be approved as a
12 full-fledged program.

13 **Q: Do you believe there is any value in PGE exploring transportation electrification**
14 **through Electric Avenue and sharing the results of its findings with the Commission**
15 **and stakeholders?**

16 A: No, I do not. The Stipulating Parties place great importance on the fact that PGE would
17 report on its "learnings" from Electric Avenue as a reason to approve it as a pilot
18 program. I am concerned that the Stipulating Parties believe that as long as Electric
19 Avenue produces some learnings, ratepayers' money would be well-spent regardless of
20 the result of the pilots. I am also concerned that the Stipulating Parties believe that other
21 market participants, such as ChargePoint, will somehow benefit from these learnings.

⁷ PGE's Application for Transportation Electrification Programs, filed March 17, 2017, page 59. See also PGE Response to ChargePoint DR 011, attached as Exhibit 1 to Objections to Stipulation and Request for Hearing of ChargePoint, Inc. PGE stated that it would consider up to 13 additional Electric Avenue pods, in addition to the six it proposed in its Application.

1 **Q: Why do you have these concerns?**

2 A: As I discussed earlier, PGE's participation in the market for publicly available charging
3 stations through Electric Avenue would distort the market for years to come by teaching
4 the market that there is no reason for anyone to invest in publicly available charging
5 stations, because PGE will provide ratepayer-subsidized stations. Even PGE's proposed
6 six charging pods would make the market dependent on ratepayer funds for years to
7 come. As a result, any learnings that the Electric Avenue program produced would reflect
8 the market distortions that PGE itself caused.

9 To put it another way, if the Commission were to approve Electric Avenue, it
10 would be difficult if not impossible for private market participants to compete with
11 PGE's ratepayer-funded Electric Avenue charging pods. In that case, I would expect that
12 the primary "learning" PGE would report to the Commission would be that PGE's
13 participation in the charging market is necessary because Electric Avenue would have
14 crowded out all other market participants. Under the guise of studying the market for
15 publicly available charging stations, Electric Avenue would allow PGE to begin
16 dominating that market while it is still in its nascent stages.

17 *C. Electric Avenue would be an imprudent and inefficient use of ratepayer funds.*

18 **Q: Allowing PGE to dominate the market for charging station infrastructure and**
19 **services is clearly bad for ChargePoint, but how would it affect ratepayers?**

20 A: I fully recognize that the Commission is under no obligation to protect private market
21 participants like ChargePoint. However, the Commission is obligated to protect PGE's
22 ratepayers, and Electric Avenue would be detrimental to ratepayers' interests and an
23 imprudent use of ratepayer funds.

1 In my opinion, the most prudent use of ratepayer funds for transportation
2 electrification would be to use those funds to stimulate a self-sustaining market for
3 publicly available charging stations. As I have mentioned, Electric Avenue would likely
4 require long-term ratepayer support, because PGE would crowd out other market
5 participants. If PGE were to provide rebates or make-ready infrastructure on the other
6 hand, it will be much easier for PGE (and by extension, PGE's ratepayers) to discontinue
7 supporting the market when it matures because PGE will not own or be responsible for
8 any hardware or network services.

9 It also makes little sense for ratepayers to foot the entire bill for public charging
10 stations, as they would if Electric Avenue were approved. EVSE vendors such as
11 ChargePoint have demonstrated that private businesses, multi-unit dwelling owners, and
12 municipalities want to invest in publicly available charging stations for their customers,
13 tenants, and constituents. These prospective site-hosts would be even more likely to make
14 these investments if PGE chipped in some ratepayer money in the form of a rebate or
15 make-ready infrastructure to reduce the upfront cost and reduce the logistical hurdles of
16 installation. By leveraging private investment from site-hosts, I expect that the \$2.6
17 million in ratepayer money that PGE proposes to spend on Electric Avenue could support
18 double or triple the number of charging stations if it were deployed in the form of a
19 rebate program or a make-ready program. Such a program structure would also further
20 the Legislative Assembly's goal of attracting private capital investments through
21 transportation electrification programs.

22 **Q: Do you believe Electric Avenue would be a prudent use of ratepayer funds under the**
23 **traditional regulatory prudence standard?**

1 A: No. SB 1547 also requires that the Commission consider whether a transportation
2 electrification program would be a prudent use of ratepayer funds. Under traditional
3 regulatory standards, a utility investment is prudent if it is consistent with the actions of a
4 cautious, reasonable utility and if the investment is likely to be used and useful to
5 ratepayers over the course of its useful life. As mentioned, the public charging market is
6 in its nascent stages and is generally considered to be highly risky. Non-utility players in
7 that market are typically focused exclusively on EV charging infrastructure and services
8 and are often backed by venture capitalists. While it is true that SB 1547 contemplates
9 that PGE may participate in the transportation electrification market, it may only do so if
10 its participation is consistent with cautious, prudent utility practices. PGE has failed to
11 demonstrate that it can ensure its proposed investments in Electric Avenue on behalf of
12 ratepayers would be prudent or that the assets it would purchase would remain used and
13 useful for the life of the program.

14 **Q: How would Electric Avenue affect EV drivers?**

15 In addition to these financial concerns for ratepayers, the Commission should consider
16 the interests of EV drivers in PGE's service territory, the vast majority of which are likely
17 to be PGE's customers. The transportation electrification industry is developing rapidly,
18 with new and exciting products and network services being introduced continually. If
19 PGE were allowed to pursue Electric Avenue, PGE would lock-in one low-cost
20 technology through an unimaginative RFP process for years to come. Rather than
21 accelerating transportation electrification, would-be EV drivers might be so uninspired by
22 the lack of options that they forego electric transportation options altogether.

1 **V. PGE SHOULD LOOK TO NATIONAL EXAMPLES OF THE APPROPRIATE**
2 **ROLE FOR UTILITY INVOLVEMENT IN TRANSPORTATION**
3 **ELECTRIFICATION**

4 **Q: What positions have other public utility commissions around the country taken with**
5 **regard to utility proposals to own-and-operate EV charging stations?**

6 A: Utility commissions across the country have reviewed this very issue and have
7 overwhelmingly favored a more measured utility involvement in the EV infrastructure
8 industry, rather than allowing utilities to own-and-operate charging stations without any
9 opportunity for customer choice.

10 The California Public Utilities Commission (CPUC) has ruled strongly against the
11 elimination of customer choice. PG&E’s “Charging Network” and SCE’s “Charge
12 Ready” program⁸ are designed around utility make-ready investment and customer
13 choice, allowing with multiple vendors to compete and provide options to customers.
14 SCE’s Charge Ready program was closed in roughly 8 months because it was so popular
15 it quickly became fully subscribed. Even SDG&E’s “Power Your Drive” program, while
16 allowing utility ownership (to implement a creative rate tariff), still allows for customer
17 choice and any vendor’s product that meets the requirements of the program is able to
18 participate. The CPUC in all these cases has ruled that utility procurement of a single
19 solution for the market will eliminate customer choice and competition, and therefore
20 would eliminate the innovation that is desperately needed to improve the driver
21 experience and truly accelerate transportation electrification.

⁸ SCE Charge Ready – California Public Utilities Commission A.14-10-014: Southern California Edison Charge Ready Pilot Program

1 The Utah Public Service Commission recently approved a rebate program⁹ that
2 will likely deploy hundreds of both L2 and DCFC stations across Rocky Mountain
3 Power's service territory. Because it is a rebate program, customers can choose the
4 charging stations that best fit their particular needs and the needs of the drivers likely to
5 visit the station.

6 Make-ready and rebate programs to incent the EV infrastructure market have been
7 filed by National Grid¹⁰ and Eversource¹¹ in Massachusetts, and by PG&E¹² and SCE¹³ in
8 California as part of their SB350 filing.

9 The Missouri Public Service Commission (PSC) also ruled against a similar
10 program¹⁴ in Missouri, in which Ameren filed an application to own and operate a
11 network of DCFC stations. Similarly KCP&L's request¹⁵ to fund the deployment and
12 ownership of a network of 1,000 L2 charge stations was rejected both by the Missouri
13 PSC and the Kansas Corporation Commission.

⁹ Rocky Mountain Power: Utah Public Service Commission Docket No. 16-035-36: RMP STEP Phase III.

¹⁰ National Grid: Massachusetts Department of Public Utilities (DPUC) 17-13, Petition of Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid, for Approval of its Electric Vehicle Market Development Program, and of its Electric Vehicle Market Development Program Provision, pursuant to G.L. c. 164, §§ 76, 94, and Acts of 2016, c. 448.

¹¹ Eversource: Massachusetts Department of Public Utilities (DPU) 17-05, Petition of NSTAR Electric Company and Western Massachusetts Electric Company, each doing business as Eversource Energy, Pursuant to G.L. c. 164, § 94 and 220 C.M.R. § 5.00 et seq., for Approval of General Increases in Base Distribution Rates for Electric Service and Approval of a Performance Based Ratemaking Mechanism.

¹² Pacific Gas & Electric: California Public Utilities Commission A. 17-01-022: Application of PG&E for Approval of its Senate Bill 350 Transportation Electrification Program.

¹³ Southern California Edison: California Public Utilities Commission A. 17-01-021: Application of SCE for Approval of its 2017 Transportation Electrification Proposals.

¹⁴ Ameren - Missouri Public Service Commission File No. ET-2016-0246, In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval Of a Tariff Setting a Rate for Electric Vehicle Charging Stations.

¹⁵ KCP&L – Missouri Public Service Commission File No. ER-2016-0285, In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service.

1 **VI. CONCLUSION AND RECOMMENDATIONS**

2 **Q: Please summarize your recommendations to the Commission.**

3 A: My recommendations are the same as the recommendations that ChargePoint made in our
4 Objections to the Stipulation that we filed on July 12, 2017. ChargePoint recommends
5 and requests that the Commission reject the Stipulation's request for approval of the
6 Electric Avenue program. ChargePoint further recommends and requests that the
7 Commission provide direction to PGE on the appropriate role of the utility in
8 transportation electrification efforts to guide PGE's future applications for TE programs.

9 Specifically, the Commission should instruct PGE that any future TE application
10 for public charging must allow customers (i.e., site-hosts) to choose the type of charging
11 stations and network services that best fits their needs, consistent with SB 1547's
12 mandate that PGE's TE programs stimulate innovation, competition, and customer
13 choice. The Commission should also instruct PGE that any future TE application should
14 not involve PGE competing directly in the public charging market against private
15 companies. Instead, PGE should leverage private investment and play a role in the market
16 that only the utility can play, such as by providing rebates or make-ready infrastructure to
17 charging station site-hosts.

18 **Q: Does this conclude your Testimony Opposing the Stipulation?**

19 A: Yes.

Date: August 22, 2017

To: Scott Dunbar
Counsel for ChargePoint, Inc.
Keyes & Fox LLP
sdunbar@kfwlaw.com

From: Jason Klotz
Senior Utility Analyst
Energy Resources and Planning Division

OREGON PUBLIC UTILITY COMMISSION
Docket No. UM 1811 – ChargePoint’s First Set of Data Request No 04.

The following requests are in relation to UM 1811/Stipulating Parties/100, Spak – Klotz –Jenks – Mullins – Shaw – Ashley – Whiteman – Hesse – Ratcliffe/14, lines 1-24.

Data Request No 04:

4. Please reference lines 13-14, which states in relevant part, “Staff is comfortable recommending approval of the three TE programs agreed to in the Stipulation because they will provide value as pilot programs.”
 - a. Please confirm that, based on the logic of this sentence, that Staff would not be comfortable recommending approval of the three TE programs agreed to in the Stipulation if they were not pilot programs. If your response is anything other than an unqualified confirmation, please explain your answer in detail.
 - b. If your response to part (a) is in the affirmative, please explain in detail why Staff would not be comfortable recommending approval of the three TE programs if they were not pilot programs. If applicable, please identify any criteria in SB 1547 or the Commission’s rules that Staff believes would not be met if the three TE programs were not pilot programs.
 - c. Is it Staff’s position that characterizing the three TE programs as pilot programs modifies the standard under which the Commission must evaluate the TE programs? If your response is anything other than an unqualified confirmation, please explain your answer in detail.
 - d. If your response to part (c) is in the affirmative, please explain in detail why Staff believes that characterizing the TE programs as pilot programs modifies the standard under which the Commission evaluates the TE programs. If applicable, please provide citations to any Oregon statutes, Oregon administrative rules, or Oregon PUC decisions that Staff relies on for support for this position.
 - e. If your response to part (c) is in the affirmative, please explain what Staff considers to be the relevant standard for evaluating a proposed pilot program such as the three TE programs. If applicable, please provide citations to any Oregon statutes, Oregon administrative rules, or Oregon PUC decisions that Staff relies on for support for this position.

Staff Response No 04:

04.

- a. The Public Utility Commission of Oregon Staff (Staff) does not agree nor confirm that its statement at page 14, lines 13-14 of the joint testimony means that Staff is not comfortable recommending approval of the three TE programs if they were not pilots. Staff was simply expressing the view that given that this is PGE's very first set of program proposals post passage of SB 1547, and there is limited utility specific service territory data and Oregon-developed methodologies regarding attribution and cost effectiveness, it makes the most practical sense that the first round of transportation electrification programs, as proposed by PGE, be pursued as pilots.
- b. Staff's response to part (a) is not in the affirmative.
- c. Staff objects to this data request on the grounds that it calls for a legal conclusion and interpretation of Oregon law. Without waiving the foregoing objection, Staff believes the Commission has discretion to approve or deny any pilot program proposal. The Stipulating Parties agreed that PGE should pilot the three programs in order to collect necessary data and learnings to inform future submittals of robust transportation electrification programs.
- d. Staff objects to this data request on the grounds that it calls for legal conclusions and interpretation of Oregon law, Commission orders, and Commission rules. Staff further objects on the grounds that it requests information as to Oregon law, Commission orders, and Commission rules that are all publically available and equally accessible to ChargePoint. Such a request is not reasonably calculated to lead to the discovery of admissible *evidence*, but rather seeks Staff's legal position, which is the very reason Staff and PGE offered to brief the legal standards applicable in this case prior to additional rounds of testimony on the Stipulation and a hearing on the Stipulation. Without waiving the foregoing objections, Staff did not answer part (c) in the affirmative.
- e. Staff objects to this data request on the grounds that it calls for legal conclusions and interpretation of Oregon law, Commission orders, and Commission rules. Staff further objects on the grounds that it requests information as to Oregon law, Commission orders, and Commission rules that are all publically available and equally accessible to ChargePoint. Such a request is not reasonably calculated to lead to the discovery of admissible *evidence*, but rather seeks Staff's legal position. Without waiving the foregoing objections, Staff did not answer part (c) in the affirmative.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF PORTLAND)

GENERAL ELECTRIC'S)

APPLICATION FOR)

DOCKET NO. UM 1811

TRANSPORTATION)

ELECTRIFICATION PROGRAMS)

CHARGEPOINT EXHIBIT 300

TESTIMONY OPPOSING STIPULATION OF ANNE SMART

August 25, 2017

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1 **I. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS**

2 **Q: Please state your name.**

3 A: My name is Anne Smart.

4 **Q: By whom are you employed and in what position?**

5 A: I am the Vice President of Public Policy at ChargePoint, Inc.

6 **Q: Have you previously filed testimony before the Oregon Public Utility Commission?**

7 A: No, I have not.

8 **Q: Please describe your qualifications.**

9 A: In my role at ChargePoint, I manage state and local government relations and regulatory
10 affairs for North America. Before joining ChargePoint, I was the Executive Director of
11 The Alliance for Solar Choice (TASC), a rooftop solar advocacy group founded by
12 SolarCity, Sunrun, and Sungevity. I was also previously the Director of Energy at the
13 Silicon Valley Leadership Group. I have a Master of Energy and Environmental Policy
14 degree from the University of Delaware and Bachelor degrees in Public Administration
15 and Environmental Studies from Miami University. I have provided testimony in electric
16 vehicle (EV) charging utility cases before the California Public Utilities Commission, the
17 Kansas Corporation Commission, the Missouri Public Service Commission, and the
18 Washington Utilities and Transportation Commission. I have also participated in the
19 development of legislation on utility policy for EV charging in Washington, California,
20 Oregon, Massachusetts, and Utah.

21

22

23

1 **Q: What is the purpose of your testimony?**

2 A: The purpose of my testimony is to explain ChargePoint's role in the legislation leading
3 up to Senate Bill (SB) 1547, discuss the legislative intent of SB 1547, and explain why
4 Electric Avenue fails to meet the legislative intent of SB 1547.

5 **Q: Please summarize your recommendations to the Commission.**

6 A: I recommend that the Commission:

- 7 • Consider the Legislative Assembly's clearly stated intent in passing Section 20 of SB
8 1547 when it evaluates PGE's proposed Electric Avenue program, including the
9 Legislative Assembly's expectation that transportation electrification should
10 "stimulate innovation and competition, [and] provide consumers with increased
11 options in the use of charging equipment;"
- 12 • Find that the Commission cannot and should not ignore any of the six criteria for
13 evaluating utility transportation electrification programs when it evaluates the Electric
14 Avenue proposal, regardless of whether or not Electric Avenue would be considered a
15 pilot program;
- 16 • Find that, consistent with the admission of the Stipulating Parties, Electric Avenue
17 would not meet the statutory criteria established by SB 1547;
- 18 • Reject PGE's proposed Electric Avenue program; and,
- 19 • Consistent with the recommendations that we provided in our Objections and in the
20 testimony of ChargePoint's other witness in this docket, Dave Packard, provide
21 guidance to PGE for the types of transportation electrification programs that would
22 meet SB 1547's statutory criteria and the rules that the Commission has established
23 for utility transportation electrification programs.

1 **II. ELECTRIC AVENUE FAILS TO MEET SB 1547’S LEGISLATIVE INTENT**

2 **Q. What will you discuss in this section of your testimony?**

3 A. In this section of my testimony, I will discuss my participation in the legislative hearings
4 on SB 1547 and the subsequent rulemaking at the Commission to implement the
5 legislation once it was signed into law.

6 **Q. What was ChargePoint’s position on SB 1547 (previously HB 4036)?**

7 A. I first became aware of the legislation that would become SB 1547 in January 2016. A
8 coalition of environmental groups, utilities, and the Citizens Utility Board (CUB),
9 announced that they had worked behind closed doors on a deal to develop legislation that
10 would allow utilities to invest in EV charging stations, among other provisions in the bill,
11 in exchange for the utilities agreeing to eliminate coal from their fuel supplies. One
12 environmental group had threatened to move forward with a ballot measure, which would
13 have been costly, so a legislative deal was struck. Once the legislation was introduced, it
14 was clear that the parties to the deal were going to protect the bill language in the form it
15 was negotiated. ChargePoint had not been a part of the negotiations and had not seen the
16 bill prior to its introduction, so we had never had a chance to express our concerns with
17 certain components of the legislative language until it was already moving through the
18 process. ChargePoint raised concerns that as written, the legislation failed to consider the
19 impacts of utility investments on the competitive EV charging market. We requested
20 throughout the legislative process that language be amended into the bill to authorize the
21 Commission to establish rules for evaluating utility transportation electrification
22 proposals and to require that customer choice, competition, and innovation be considered
23 in that evaluation.

1 **Q. Did ChargePoint make this position known publicly?**

2 A. In testimony on behalf of ChargePoint provided to the Oregon House Committee on
3 Energy and Environment on February 2, 2016, I stated that the legislation as introduced
4 limited the ability of the Commission to actually require utility program applications to
5 further the legislative intent to stimulate innovation, competition, and customer choice.¹
6 ChargePoint called for three changes to the bill: 1) that the Commission revisit the 2012
7 Order in UM 1461 on the utility role in transportation electrification, 2) prioritization of
8 utility transportation electrification investments in low income communities, and 3)
9 specific language requiring any proposed utility program to protect customer choice and
10 competition.

11 **Q. Were changes made to the legislation that changed ChargePoint's position on the**
12 **bill?**

13 Yes, HB 4036, which became SB 1547 and was signed into law, included amendments
14 giving the Commission authority to establish rules under which the utilities could file
15 program proposals and requiring that the Commission consider whether a proposed utility
16 EV charging program would stimulate customer choice, competition, and innovation.

17 **Q. Would ChargePoint have withdrawn opposition to SB 1547 without this language?**

18 A. No, ChargePoint would have opposed SB 1547 had it not been amended to include these
19 requirements.

20 **Q. Do you believe the legislature intended to require utility EV charging programs,**
21 **including any pilot programs, to stimulate customer choice, competition, and**
22 **innovation?**

¹ My testimony to the Oregon House Committee on Energy and Environment is available at the following link:
<https://olis.leg.state.or.us/liz/2016R1/Downloads/CommitteeMeetingDocument/84975>

1 A. Yes. I think that the members of the Legislative Assembly that voted on this legislation
2 were seeking the details of how the utility programs would be evaluated. It is clear from
3 the changes made between the originally filed legislation and the final version of SB
4 1547 that legislators desired numerous changes to the bill in order to pass it into law. This
5 included, among other changes, this language that was intended to protect the
6 consumer/ratepayer and the competitive EV charging marketplace in Oregon by ensuring
7 that customers would be able to choose among different charging station infrastructure
8 and services.

9 **Q. What role for utilities do you think was envisioned by the Legislature in approving**
10 **SB 1547?**

11 A. I believe that the Legislature envisioned utilities would play an active role in stimulating
12 the market and in supporting increased deployment of EV charging stations. I do not
13 believe that the Legislature envisioned Portland General Electric becoming an owner of
14 its own PGE-branded fast chargers, directly competing with the private EV charging
15 marketplace, without offering customers any choices. The use of the word “stimulate”
16 indicates to me that the Legislative Assembly wanted PGE to support the EV charging
17 market in a way that only the utility – as a regulated monopoly with captive ratepayers –
18 could. In addition, I do not believe the Legislature envisioned a limited RFP process that
19 puts innovation at risk and could lead to stranded outdated equipment that was paid for
20 by ratepayers. I also do not believe that the Legislative Assembly anticipated or intended
21 that PGE would be able to bypass the legislative intent and statutory requirements for its
22 proposed programs by characterizing them as pilot programs.

1 **Q. Is PGE's proposed Electric Avenue program consistent with your understanding of**
2 **the legislative intent behind SB 1547?**

3 A. No, Electric Avenue is not consistent with the intent behind SB 1547. This proposal fails
4 to meet the standards set by SB 1547 and the subsequent rules established by the
5 Commission, including demonstrating prudence and stimulating customer choice,
6 competition, and innovation. Most importantly, Electric Avenue would foreclose
7 customer choice in charging station infrastructure or services, because PGE would choose
8 one hardware and service provider. PGE and the Stipulating Parties have not even
9 attempted to argue that Electric Avenue would stimulate customer choice, because no
10 aspect of the program proposal would allow customers (either drivers or charging station
11 site-hosts) to choose their preferred charging station or network service provider.
12 ChargePoint's witness Dave Packard discusses these failings in more detail in both his
13 Reply Testimony and his Testimony Opposing the Stipulation. We also explained these
14 failings of Electric Avenue in detail in our Objections that we filed to the Stipulation in
15 this docket on July 12, 2017. By entering the public EV charging market using ratepayer
16 dollars, PGE will not only fail to stimulate innovation, competition, and customer choice,
17 it will actively hamper that market and make it more difficult for private companies to
18 compete.

19 **Q. Prior to SB 1547, was there guidance for how utilities could make investments in EV**
20 **charging stations?**

21 A. Yes. On January 19, 2012, the Commission issued Order No. 12-013 in Docket UM 1461
22 stating that utilities in Oregon would not be precluded from seeking rate recovery for
23 providing EV charging services. Specifically, the Commission noted that those

1 investments should be found to be beneficial to ratepayers and made the following
2 statement:

3 We note, however, that a showing that utility EVSE investment has net benefits to
4 customers may be dependent on a showing of Staff's other criteria, such as the
5 necessity of installing and operating charging infrastructure at the particular
6 location to facilitate plug-in EV adoption in the greater area, and the lack of a
7 third party EVSP [electric vehicle service provider] or utility affiliate to provide
8 the same services at the location or a nearby location.²
9

10 **Q, Given that the Commission had already ruled that utilities can seek rate recovery on**
11 **EV charging stations, what was the reason for including EV charging language in**
12 **SB 1547?**

13 A. Utilities did not (to my knowledge) try to file any transportation electrification
14 applications at the Commission based on the Commission's UM 1461 decision. In
15 discussing the purpose of Section 20 of SB 1547, proponents argued that the language in
16 the Commission's UM 1461 order suggesting that a utility could only install electric
17 vehicle supply equipment (EVSE) infrastructure if a third-party EVSP was unable to
18 provide the same service at the proposed location or nearby would have prevented utility
19 proposals from being approved because EVSPs are able (legally, at least) to serve all
20 locations. It was argued that this very high burden placed on potential transportation
21 electrification programs prevented any utility proposals from being considered.
22 Therefore, proponents of SB 1547 wanted to establish a new standard for how utilities
23 can make investments in and support EV charging stations in Oregon.

24 **Q. What is the new standard under which the Commission evaluates utility investments**
25 **in charging stations under SB 1547?**

² UM 1461 page 10

1 A. SB 1547 sets forth a new standard for reviewing proposed utility investments in EVSE,
2 superseding UM 1461. SB 1547 directs the Commission to prescribe the form and
3 manner with which utilities will file applications, including establishing a prudence test
4 (as determined by the Commission) and requires the Commission to consider whether or
5 not the proposed EV charging programs “are reasonably expected to stimulate
6 innovation, competition and customer choice in electric vehicle charging and related
7 infrastructure and services,” among other factors. Essentially, SB 1547 establishes a
8 balancing test with six criteria, which are listed in Section 20(4) of the statute. In my
9 understanding, the Legislative Assembly considered each of these criteria to be essential
10 to ensuring a proposed utility program would actually accelerate transportation
11 electrification in Oregon, and achieve its goals for allowing utility involvement in EV
12 charging. As indicated by the use of the word “shall,” the Commission must consider
13 each criterion.

14 **Q. After SB 1547 passed, what steps did the Commission take to set rules for utilities to**
15 **file their proposals?**

16 A. The Commission Staff led workshops with stakeholders, including ChargePoint, during
17 which parties were given the opportunity to comment on and discuss a draft proposal by
18 Staff. The rulemaking was focused mostly on filing requirements for utilities to ensure
19 that the Commission and Commission Staff would have the information they needed to
20 fully vet the transportation electrification programs and plans. There was no indication
21 during the rulemaking proceeding that the standard established by Section 20 of SB 1547
22 would be changed or not apply to the utilities’ program proposals or pilots. The
23 Commission eventually adopted its existing rules, which appear at OAR 860-087-0001.

1 **Q. During those workshops and the rulemaking proceeding generally, was it**
2 **communicated that the Commission’s rules or the standards for evaluating**
3 **transportation electrification programs established by SB 1547 would not apply to**
4 **pilot programs?**

5 A. No. In fact, the Commission explicitly opened a separate rulemaking on long term EV
6 charging plans, suggesting that these rules intended to apply to programs that would be
7 filed by the end of 2016, which includes Electric Avenue. In other words, there was every
8 indication that Staff and the Commission viewed the utilities’ first applications as the
9 foundation for the future of utility involvement in transportation electrification. As Dave
10 Packard explains in his testimony and as we explained in our Objections, ChargePoint is
11 surprised and disappointed that PGE and the other Stipulating Parties have indicated that
12 the Commission can and should ignore some SB 1547’s statutory criteria because they
13 consider Electric Avenue to be a “pilot” program. Since the Stipulating Parties admit that
14 Electric Avenue does not satisfy all of SB 1547’s criteria, the Commission should not
15 approve it, regardless of the Stipulating Parties’ belief that the Commission can ignore
16 the statutory language.

17 **III. CONCLUSION AND RECOMMENDATIONS**

18 **Q: Please summarize your recommendations to the Commission.**

19 A: I recommend that the Commission:

- 20 • Consider the Legislative Assembly’s clearly stated intent in passing Section 20 of SB
21 1547 when it evaluates PGE’s proposed Electric Avenue program, including the
22 Legislative Assembly’s expectation that transportation electrification should

1 “stimulate innovation and competition, [and] provide consumers with increased
2 options in the use of charging equipment;”

- 3 • Find that the Commission cannot and should not ignore any of the six criteria for
4 evaluating utility transportation electrification programs when it evaluates the Electric
5 Avenue proposal, regardless of whether or not Electric Avenue would be considered a
6 pilot program;
- 7 • Find that, consistent with the admission of the Stipulating Parties, Electric Avenue
8 would not meet the statutory criteria established by SB 1547;
- 9 • Reject PGE’s proposed Electric Avenue program; and,
- 10 • Consistent with the recommendations that we provided in our Objections and in the
11 testimony of ChargePoint’s other witness in this docket, Dave Packard, provide
12 guidance to PGE for the types of transportation electrification programs that would
13 meet SB 1547’s statutory criteria and the rules that the Commission has established
14 for utility transportation electrification programs.

15 **Q: Does this conclude your Testimony Opposing the Stipulation?**

16 A: Yes.