

CASE: UM 1810
WITNESS: JASON R. SALMI KLOTZ

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 200

**Reply Testimony to ChargePoint's
Objections to Stipulation**

October 25, 2017

1 **Q. Please state your name, occupation, and business address.**

2 A. My name is Jason R. Salmi Klotz. I am a Principle Executive Manager
3 employed in the Energy Resources and Planning Division of the Public Utility
4 Commission of Oregon (OPUC). My business address is 201 High Street SE,
5 Suite 100, Salem, Oregon 97301.

6 **Q. Have you previously provided testimony in this case?**

7 A. Yes. I provided Reply Testimony (Exhibit Staff/100) filed on May 24, 2017, as
8 well as the Joint Testimony in Support of Stipulation (Stipulating Parties/100)
9 drafted together by the seven stipulating parties to this docket, filed on
10 August 11, 2017.

11 **Q. What is the purpose of your testimony?**

12 A. The purpose of this testimony is to respond to the Response Testimony in
13 Opposition to Stipulation of David Packard (ChargePoint/ 200) and the
14 Testimony Opposing Stipulation of Ann Smart (ChargePoint/300), filed on
15 behalf of ChargePoint on October 4, 2017.

16 **Q. Did you prepare any exhibits for this docket?**

17 A. Yes. I prepared Exhibit Staff/ 201, consisting of ChargePoint Responses to
18 Staff Data Request Nos. 1, 4, 6, 12-16, 18, 20, 22, and 24- 25.

19 **Q. Please describe your educational background and work experience.**

20 A. Please see my witness qualification statement found at Exhibit Staff/101 in this
21 docket.

22 **Q. How is your testimony organized?**

23 A. My testimony is organized as follows:

1 Third, I focus back to the Public Charging Pilot agreed to in the
2 Stipulation and explain why it is a reasonable investment at this point in time,
3 as well as why the Stipulation as a package moves us forward in modest, but
4 meaningful ways. One example is because the Public Charging Pilot provides
5 an opportunity for PacifiCorp to enter the market to acquire necessary data to
6 better inform possible subsequent programmatic actions and investments in
7 transportation electrification, while at the same time protecting ratepayers from
8 unreasonable expense.

9 Last, I note that ChargePoint, again, has mischaracterized the
10 Stipulation reached by the seven Stipulating Parties, including the substance of
11 the collaborative agreement and the requirements of Senate Bill 1547, Section
12 20. Moreover, a substantial amount of the objection testimony offered by
13 ChargePoint's witnesses explicitly offers legal interpretation of the
14 transportation electrification statute, but neither of ChargePoint's witnesses are
15 attorneys, and *all* parties to this docket agreed to leave statutory interpretation
16 to post-hearing briefing. Therefore, much of the objection testimony offered by
17 ChargePoint should be discredited, and unfortunately serves the fruitless
18 purpose of distracting from the well-reasoned Stipulation reached by parties
19 willing to work together to take the first step in advancing transportation
20 electrification programs in Oregon.

21 **ISSUE 1. CHARGEPOINT'S MARKET EFFECTS CLAIM IS UNSUBSTANTIATED**

22 **Q. So the record is clear, what pilot programs in the Stipulation has**
23 **ChargePoint objected to?**

1 A. ChargePoint only objects to one of the three pilots in the Stipulation—the
2 Public Charging Pilot.¹ Staff points this out so the record is clear that the
3 objections raised by ChargePoint apply only to a single pilot program held in
4 isolation of the other transportation electrification pilot programs and activities
5 agreed to in the Stipulation as a whole. In other words, the arguments that
6 ChargePoint puts forth concern only one aspect of a much larger, holistic
7 Stipulation.

8 **Q. Is ChargePoint's narrow construction of the Stipulation problematic?**

9 A. Yes. In Staff's view, the Stipulation is much more robust than the one pilot
10 program to which ChargePoint objects; nonetheless, all progress forward has
11 been successfully halted. Other important parts of the Stipulation include the
12 Demonstration and Development Pilot and the Education and Outreach Pilot,
13 as well as two additional work streams to inform future programs (attribution
14 and cost-effectiveness metrics, and a study of potential system impacts for
15 residential electric vehicle (EV) adoption). The seven stipulating parties of
16 Staff, PAC, CUB, ICNU, ODOE, Forth, and Greenlots (Stipulating Parties)
17 come from disparate advocacy positions, yet worked hard at collaboration and
18 were pleased to eventually reach agreement on all of the abovementioned
19 components to the Stipulation.

20 **Q. Has ChargePoint provided any substantiating data or information to**
21 **support the arguments they have brought forward in the testimony**
22 **objecting to the Stipulation?**

¹ ChargePoint/200, Packard/3, lines 20-22.

1 A. No. Despite genuine attempts by Staff to have ChargePoint share the data,
2 studies, or analysis that underlies and informs their position through numerous
3 discovery requests, ChargePoint has refused to provide reliable justification for
4 their arguments.² For example, when asked to provide factual evidence, data,
5 analysis, and/or reports that Mr. Packard relied on to draw the conclusion that
6 in his testimony that “Adding Pacific Power to the market will do much more to
7 dampen competition than to stimulate it,”³ Mr. Packard’s only response was
8 that his statement is based on 19 years of experience in the EV charging
9 industry and that his reasons for reaching this conclusion are explained in his
10 testimony.⁴ No supporting data or reports were produced. Similarly, when
11 given the opportunity to provide unqualified data, similar to in nature to that
12 which will be required from PacifiCorp, ChargePoint, through Mr. Packard,
13 objected to the request or refused to provide the data.⁵ ChargePoint’s refusal
14 to share any factual or data-driven evidence to support its position should
15 concern the Commission for several reasons.

16 First, it naturally lends to the conclusion that there is no factual
17 evidence to support ChargePoint’s claims, causing concerns that
18 ChargePoint’s arguments are merely profit-motivated, but at the direct expense
19 of Oregon ratepayers.

² ChargePoint Response to Staff DR 4, 6, 12.

³ ChargePoint/200, Packard/11.

⁴ ChargePoint Response to Staff DR 4.

⁵ ChargePoint Response to Staff DR 18, 20, 21 and 22.

1 Second, if the Commission were to adopt ChargePoint's position that
2 the utilities should not be allowed to own public charging infrastructure at this
3 early, nascent stage of utility transportation electrification efforts, the
4 Commission would be reliant, in part, on private entities like ChargePoint to
5 share all of the data it collects with Staff and other stakeholders in order for us
6 to evaluate how to best structure future programs. There is already evidence
7 that this approach would be problematic given ChargePoint's discovery
8 responses that it will not share what it considers to be confidential information.⁶

9 Third, as noted above, ChargePoint's reluctance to share information
10 with the Commission and stakeholders, even under cover of a confidential
11 filing, should be concerning. The efforts undertaken by parties to the
12 Stipulation were genuine and reflected a collaborative, multi-party effort by the
13 Oregon electric vehicle community, ratepayer advocates, electric vehicle
14 service equipment (EVSE) suppliers, the utility, and Staff to advance our
15 understanding of best practice for utility involvement in transportation
16 electrification, and by relation, our State's efforts to advance electric vehicle
17 adoption.

18 **Q. Is ChargePoint's objection that the Public Charging Pilot program will**
19 **negatively affect the public charging market and force out other private**
20 **competitors in the public charging market a legitimate argument at this**
21 **time?**

⁶ ChargePoint Response to Staff DR Nos. 14 and 20.

1 A. No, ChargePoint's argument is not legitimate. ChargePoint's concerns
2 regarding negative market affects caused by the Public Charging Pilot Program
3 are unsubstantiated and premature. For one reason, this is because
4 ChargePoint's concern is based on the inaccurate conclusion that the Public
5 Charging Pilot program will be rolled out into a full-fledged program in the
6 future, identical to its current design. This is not what the seven Stipulating
7 Parties agreed to, nor is it a clear or likely risk at this time. In fact,
8 ChargePoint's claims run contrary to Staff's position supporting the different
9 pilot approaches agreed to in the Stipulation.

10 Staff and the other six Stipulating Parties agreed that PacifiCorp's
11 Public Charging Pilot program proposal (as modified by the Stipulating Parties)
12 should go forward as *a pilot program*. The pilot programs agreed to in the
13 Stipulation have clear limits on spending to protect ratepayers, clear limits on
14 the duration of the program, and importantly, are designed to collect necessary
15 data and information in order to best inform future programs to accelerate
16 transportation electrification. None of these limiting factors can be taken to
17 mean that the Public Charging Pilot program, which consists of up to seven
18 new charging stations, will become a full-fledged utility business model that will
19 "severely distort and hamper the market over the medium- and long-term," as
20 ChargePoint argues in its testimony.⁷ Therefore, ChargePoint's position
21 misrepresents the Stipulating Parties' goals in reaching the Stipulation that
22 allows for the piloting of three, and possibly a total of five in the future,

⁷ ChargePoint/200, Packard/15.

1 necessary activities intended to collect information that does not currently exist
2 in Oregon to better inform how best to invest ratepayer dollars in the future.

3 Moreover, ChargePoint has not presented any data or other evidence
4 to substantiate its assertion that the agreed upon investment in utility-owned
5 public chargers at a modest investment of ratepayer dollars will foundationally
6 alter or harm the public charging market.⁸ To better visualize the market, as of
7 February of 2017, there were only three locations in PacifiCorp's Oregon
8 service territory with publically available fast chargers capable of charging any
9 plug-in electric vehicle, and only one of these is located outside of Portland. As
10 the Stipulating Parties point out in testimony: "It is likely that customers and
11 third-party electric vehicle charging service providers are not investing in
12 PacifiCorp's service area because there is insufficient demand for these
13 services to justify a business case."⁹

14 **Q. Can you further explain what you meant earlier when you said**
15 **ChargePoint concerns are premature?**

16 A. Yes. Once again, similar to ChargePoint's objection testimony in Docket
17 No. UM 1811, ChargePoint's stated concern regarding the implications of
18 PacifiCorp's public charger investment through the Public Charging Pilot is
19 unsubstantiated and premature. One of the reasons the Stipulating Parties
20 agreed to the pilot approach is because there is currently a lack of sufficient
21 data specific to PacifiCorp's Oregon service territory and to Oregon on which to

⁸ Exhibit Staff/201, ChargePoint Response to Staff DR Nos. 4, 6, 12, 14-16, 18, 20, 22.

⁹ Stipulating Parties/100 at 13.

1 base large investments in transportation electrification. Therefore, Staff viewed
2 PacifiCorp's initial filing as an opportunity to start with modest pilots that will
3 produce data to inform future programs.

4 As Staff explained in its contribution to the Stipulating Parties' Joint
5 Testimony: "most importantly for Staff, the inaugural programs and
6 expenditures agreed to between the stipulating parties result in the
7 development of necessary data and tools for analysis of the electric vehicle
8 market in PacifiCorp's service territory and will help inform what approaches by
9 Oregon utilities will best and properly accelerate transportation electrification."¹⁰

10 Second, ChargePoint asserts that PacifiCorp's investment of \$1.85M in
11 the Public Charging pilot program is so detrimental to the electric vehicle
12 charging market that it will "distort the market for years to come" and "would
13 have crowded out all other market participants."¹¹ Staff finds this assertion
14 unsupported by fact. As pointed out earlier in my testimony, PacifiCorp has
15 one DC Fast Charger (DCFC) outside of the Portland metro area. The Oregon
16 market has recently seen companies like Powin and Blink¹² leave the public
17 charging market in Oregon. Additionally, and of interest to Staff, is the fact that
18 PacifiCorp serves a much more rural service territory in Oregon than Portland
19 General Electric does. These rural areas are necessary and important to
20 study, as is the placement of public chargers in PacifiCorp's rural service

¹⁰ Stipulating Parties Joint Testimony, Stipulating Parties/100 at 15.

¹¹ ChargePoint/200, Packard/22-23.

¹² See PGE's Schedule 344, Pilot Rider, and PGE's Report on EV Highway Pilot (filed December 16, 2016).

1 territory, to better understand how to effectively accelerate transportation
2 electrification outside the Portland metro area. Therefore, PacifiCorp's Public
3 Charging Pilot allows us to better understand electric vehicle adoption and
4 transportation electrification acceleration strategies as applied to a broader
5 group of Oregonians.

6 Third, the EVSE public charging market is growing at a rapid rate. *IHS*
7 *Markit* forecasts that by 2020, the EV charging market is expected to grow to
8 more than 12.7 million units.¹³ *Globe Newswire* states that by 2020, the DC
9 (direct current) electric vehicle charger market is predicted to reach 2.13 million
10 units, growing at a compound annual growth rate of 34.53 percent.¹⁴

11 Furthermore, ChargePoint is the largest EV charging network in North America
12 with over 41, 670 level two ports, or roughly 15 percent of the current U.S.
13 market.¹⁵

14 Lastly, Staff understands ChargePoint's concern about the potential for
15 market distortion. However, at this time, a number of private entities that had
16 previously owned and operated public DCFCs in Oregon have left the market.
17 This is concerning given the legislature's identified need to accelerate
18 transportation electrification at this time. Thus, Staff supports the modest
19 investment of \$1.85M to install up to seven new public charging stations in

¹³ *Global EV Charging Stations to Skyrocket by 2020, IHS Report Says*. Available at <http://news.ihsmarkit.com/press-release/automotive/global-ev-charging-stations-skyrocket-2020-ihs-report-says>.

¹⁴ *Globe Newswire, Global Electric Vehicle Charger Market 2015-2017 & 2022*, April 26, 2017. Available at <https://globenewswire.com/news-release/2017/04/26/972059/0/en/Global-Electric-Vehicle-Charger-Market-2015-2017-2022.html>.

¹⁵ *Id.* See also Exhibit Staff/201, ChargePoint Response to Staff DR No.16.

1 PacifiCorp's service territory, to both stimulate the market, provide increased
2 access to customers, and importantly, inform Staff and the Commission as to
3 best next steps and investments.

4
5 **ISSUE 2. CHARGEPOINT'S OBJECTION IS MOOT**
6 **DUE TO THE DEMONSTRATION AND DEVELOPMENT PILOT**
7 **INCLUDED IN THE STIPULATION**

8 **Q. Does ChargePoint have the opportunity under the Stipulation filed in this**
9 **docket to actually pilot the EV charging approach it has been advocating**
10 **for in its objections?**

11 A. Yes. It is worth calling out that the Demonstration and Development Pilot in this
12 Stipulation is structured to provide grants to site hosts for EVSE equipment
13 installation, frankly, in a manner similar to the programmatic structure
14 ChargePoint argues for in its testimony. In other words, under the current filed
15 Stipulation, ChargePoint has the opportunity to propose a site-host-owned
16 public charging structure to be piloted.

17 **Q. Do you agree with ChargePoint's approach of isolating PacifiCorp's**
18 **Public Charging Pilot program from the Demonstration and Development**
19 **Pilot program in its advocacy and objections made in this docket?**

20 A. No. In particular, I would point out that PacifiCorp is piloting a grant program for
21 public charging—the Demonstration and Development Pilot—which would,
22 consistent with ChargePoint's sole acceptable approach to public charging

1 infrastructure, allow for the possibility of a site-host-owned structure with site-
2 host choice from any number of EVSE providers.

3 By being silent on the fact that this opportunity exists within the very
4 Stipulation it contests, it would seem that ChargePoint expects the Commission
5 to analyze the Public Charging Pilot program in isolation without also taking
6 into account that the Stipulation allows a for a parallel pilot program that is
7 consistent with ChargePoint's site-host-ownership approach. Moreover,
8 ignoring the Demonstration and Development Pilot overlooks the benefit of
9 piloting *two* public charging infrastructure approaches simultaneously, in order
10 to better inform subsequent activity.

11 **ISSUE 3. THE PILOT INVESTMENTS INCLUDED IN THE**

12 **MULTI-PARTY STIPULATION ARE REASONABLE AT THIS TIME**

13 **Q. Did PacifiCorp propose to test different approaches to expanding public**
14 **charging infrastructure?**

15 A. Yes. PacifiCorp proposed, and the Stipulation allows for, the testing of more
16 than one approach to expanding public charging infrastructure:

17 The Public Charging Pilot will test a proactive approach to
18 increase public dual-standard DCFC availability in Pacific
19 Power's Oregon service area and will generate valuable
20 charging and utilization data that will inform future program
21 development and system planning. Company owned charging
22 pods will create a visible, reliable, simplified driver experience
23 that resembles a conventional gasoline filling station (i.e.,
24 convenient locations, universal vehicle access, multiple ports,
25 quick fill-up time and ease of payment). Additionally, pricing
26 structures will educate drivers on the importance of off-peak
27 charging.
28

1 The Company has also proposed a Demonstration and
2 Development Pilot program to test a grant funding model to
3 encourage customer- and community-led EVSE development
4 and a new transitional rate to reduce the cost of public DCFC
5 operation.¹⁶

6 **Q. Why does Staff agree that the Public Charging Pilot program investment**
7 **as structured in the Stipulation is reasonable at this point in time?**

8 A. First, the investment and potential amount to be recovered from ratepayers is
9 modest. Second, the investment is time-limited, contemplates an assessment
10 of market health and program evaluation, and protects the ratepayer from
11 investment and market risks. Third, the pilot is necessary to acquire data to
12 better inform the Staff, the Commission, the utility, and stakeholders about the
13 effective ways for PacifiCorp to accelerate transportation electrification, the
14 health and development of the market, the needs of the market, future program
15 activity and structure, efficacy, and data to assess attribution. Fourth, although
16 the appropriate place for interpretation of the legislature's intent with regard to
17 the SB 1547, Section 20, is in legal briefing, Staff notes that utility investment in
18 charging infrastructure is expressly allowed in the law.¹⁷ Fifth, as stated earlier
19 in testimony, it is currently early enough in the market maturity for PacifiCorp's
20 modest and time-limited investments to serve existing DC fast charging needs,
21 stimulate competition, and collect useful information to inform the future. Staff
22 is especially interested in the information gained to inform grid affects, and

¹⁶ *Id.* at 37.

¹⁷ See Oregon Laws 2016, Chapter 28 (SB 1547), Section 20(3) ("A program proposed by an electric company may include prudent investments in . . . electric vehicle charging and related infrastructure."), and Section 20(5)(a) ("Tariff schedules and rates allowed pursuant to subsection (3) of this section: (A) May allow a return of and a return on an investment made by an electric company . . .").

1 stresses the importance of not being reliant on private market actors'
2 willingness to share the necessary data.

3 Lastly, Staff feels that the structure of cost recovery for the Public
4 Charging Pilot is unique in that it provides the opportunity for the ratepayer to
5 see a partial or whole return of their investment in the public charging
6 infrastructure pilot because the cost of the pilot must be offset by the value
7 gained from the sale of Clean Fuels Program credits and the revenue
8 PacifiCorp receives from customers using the public chargers.

9 **Q. Why is it important to Staff that the Public Charging Pilot program present**
10 **an opportunity for ratepayers to receive a return of their investment?**

11 A. Often Staff will recommend, and the Commission will approve, pilot activity
12 investments because they present other benefits, such as the development of
13 data and learnings that are necessary to test the market or inform future
14 programs. However, the Public Charging Pilot program is even better than a
15 standard pilot program because it presents both the opportunity to conduct the
16 investigatory activity necessary to test the market *and* may also possibly
17 pay for itself. Such an opportunity to significantly reduce costs to ratepayers is
18 not available under ChargePoint's site-host-ownership proposal. In fact, under
19 ChargePoint's alternative proposal, investments made in "make ready" facilities
20 and subsidies to companies or site hosts for EVSE infrastructure *do not*
21 *present any opportunity* to recover the investment for the ratepayer and return
22 that cost to ratepayers. Furthermore, under ChargePoint's proposals, the
23 collection of data from the ratepayer-subsidized, non-regulated-parties could

1 be very difficult, as illustrated by ChargePoint's unwillingness to share
2 information in this docket.

3 **ISSUE 4. CHARGEPOINT MISINTERPRETS SB 1547, SECTION 20,**

4 **AND THE STIPULATING PARTIES' INTENTIONS**

5 **Q. Is Staff planning to address the legal requirements of SB 1547, Section**
6 **20?**

7 A. Yes. The legal requirements of SB 1547, Section 20, including the six
8 considerations, will be addressed in legal briefing because they require
9 interpretation of legislative intent through statutory construction methodology.
10 ChargePoint's experts, Mr. Packard and Ms. Smart, speak at length in their
11 objection testimony as to the legislative intent behind the law, the requirements
12 of specific considerations, and the Commission's legal authority and discretion
13 to approve the Public Charging Pilot Program. However, neither Mr. Packard
14 nor Ms. Smart are attorneys or legal experts,¹⁸ therefore, their testimony should
15 be weighted accordingly.

16 **Q. Do you believe that ChargePoint has misinterpreted Section 20 of SB**
17 **1547?**

18 A. Yes. ChargePoint has mischaracterized Section 20 of SB 1547. In testimony,
19 Staff explained that there is simply not enough data to make large-scale

¹⁸ ChargePoint/100, Packard/3; ChargePoint Response to Staff DR Nos. 1, 24-25.

1 program investment decisions without further market information and data,
2 therefore, it was pragmatic to approve PacifiCorp's Public Charging Pilot
3 program as a pilot because it did offer value for customers, the Commission,
4 Staff, and stakeholders. SB 1547 does not remove the ability of the
5 Commission to approve the settlement offered by the seven Stipulating Parties
6 as either (a) a pilot program or (b) under the decision considerations outlined in
7 SB 1547, Section 20(4). Additionally, ChargePoint's premature interpretation
8 of the law appears to require that the Commission not only "consider" the six
9 factors, but instead make a determination that each program "meets" each
10 individual factor. For reasons to be addressed in legal briefing, Staff disagrees
11 with ChargePoint's overly restrictive interpretation.

12 **Q. Do you believe that ChargePoint has misinterpreted the Stipulating**
13 **Parties' intentions in reaching agreement on the Public Charging Pilot?**

14 A. Yes. ChargePoint has misinterpreted the Stipulating Parties' intentions in the
15 settlement with regard to the Public Charging Pilot program. ChargePoint
16 argues that the purpose of the Public Charging Pilot Program is to pilot a
17 program that would eventually be rolled out on a much broader scale, backed
18 by substantial amounts of ratepayer investment. This is not stated anywhere in
19 the Stipulation or Joint Testimony in Support of the Stipulation. All of the
20 Stipulating Parties agreed that the settlement is *not precedential*¹⁹ and the pilot
21 will be used to acquire necessary information in order to better understand the

¹⁹ Stipulation at paragraph 26 ("no Stipulating Party shall be deemed to have agreed that any provision of this Stipulation is appropriate for resolving issues in any other proceeding.").

1 most effective future activities for PacifiCorp to potentially engage in to
2 accelerate transportation electrification with reasonable ratepayer-backed utility
3 investments.²⁰

4 **Q. Do you have concerns about ChargePoint’s interpretation of the word**
5 **“customer”?**

6 A. Yes. It would seem from Mr. Packard’s testimony that ChargePoint employs a
7 unique, uncommon usage of the term customer. Mr. Packard, though not an
8 attorney, offers testimony on the legislature’s intent for the meaning of the
9 term, stating: “the ‘customer’ intended by the statute is the entity that hosts a
10 charging station and allows drivers to charge their vehicles at the station.”

11 **Q. Do you also have concerns about ChargePoint’s unsupported claims that**
12 **utilities cannot effectively serve EV charging customers comparable to a**
13 **site host?**

14 A. Yes. ChargePoint argues that only site-hosts are legitimately suited to
15 understand EV drivers’ needs and preferences and to strategically coordinate
16 electric vehicle charging. However, ChargePoint advances this view because it
17 directly aligns with ChargePoint’s business model—ChargePoint will make
18 more money selling EVSE to site-hosts under this structure. Further,
19 ChargePoint presents no genuine evidence that its theory is true.²¹ Although,
20 ChargePoint’s business model may work well for ChargePoint shareholders,
21 the Stipulating Parties were focused on (especially in this early stage of

²⁰ UM 1811 Stipulation filed June 27, 2017, at 9 para. 36.

²¹ ChargePoint Response to Staff DR Nos. 6, 12, 13, 20.

1 transportation electrification acceleration) determining which types of
2 investment activities by utilities best accelerate transportation electrification in
3 terms of efficiency, increased adoption, and limited risk to ratepayers.

4 Rather than do nothing at all to accelerate transportation
5 electrification—in the face of the legislature’s clear directive to take action—the
6 numerous parties to the Stipulation worked hard at settlement to understand
7 the reasoning behind somewhat diverse positions on how to best structure
8 PacifiCorp’s first attempt at offering transportation electrification programs in a
9 way that moves us forward, limits risk to ratepayers, and produces the
10 information we need for future programs. Importantly, the Stipulation also
11 pilots a grant program for public charging infrastructure that is similar in nature
12 to the structure ChargePoint advocates for. Moreover, the ability to study both
13 of these programs side-by-side will better inform the efficacy of one structure
14 over the other, or whether they work well in conjunction. In sum, the seven-
15 party Stipulation is a reasonable, practical, and forward-moving approach to
16 transportation electrification by utilities.

17 **Q. Does this conclude your testimony?**

18 A. Yes.

CASE: UM 1810
WITNESS: JASON R. SALMI KLOTZ

**PUBLIC UTILITY COMMISSION
OF
OREGON**

STAFF EXHIBIT 201

**Exhibits in Support
Of Reply Testimony to ChargePoint's
Objections to Stipulation**

October 25, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-1. At ChargePoint/200, Packard 3-4, Mr. Packard states that “Stipulating Parties admit, the Public Charging program fails to meet the statutory criteria for transportation electrification programs established by the Legislative Assembly in Senate 1 Bill (SB) 1547.” Please cite to the exact language, line and page number where Stipulating Parties make such admission.

Response:

Paragraph 18 of the Stipulation, page 6, lines 18-23 states: “With regard to all PacifiCorp pilot programs in this Stipulation, the Stipulating Parties agree that: 18. PacifiCorp’s programs approved in this docket are pilot programs, meaning they are time-limited, cost-limited, and require specific learnings; further, Commission approval of this Stipulation does not imply that these pilots meet the six statutory factors established in Section 20(4) of Senate Bill 1547.”

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-4. At ChargePoint/200, Packard/11, Mr. Packard states, “Adding Pacific Power to the market will do much more to dampen competition than to stimulate it.” Please provide factual evidence, data, analysis, and/or reports that Mr. Packard relied on to draw this conclusion.

Response:

This statement is based on Mr. Packard’s 19 years of experience in the electric vehicle charging industry. He explains his reasons for reaching this conclusion throughout ChargePoint/200.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-6. At ChargePoint/200, Packard/11, Mr. Packard states, “Pacific Power does not have the experience to define the necessary features for the network of DCFC stations it proposes to deploy in Oregon.” Please provide factual evidence, data, analysis, and/or reports that Mr. Packard relied on to draw this conclusion, and also explain why PacifiCorp could not gain this information from other sources if necessary.

Response:

This statement is based on Mr. Packard’s 19 years of experience in the electric vehicle charging industry. He explains his reasons for reaching this conclusion throughout ChargePoint/200.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-12. At ChargePoint/200, Packard 9, Mr. Packard states that, “we have found that customer choice is the linchpin that determines whether a program will be successful or not.” Please provide factual evidence, data, analysis, and/or reports that Mr. Packard relied on to draw this conclusion.

Response:

This statement is based on Mr. Packard’s 19 years of experience in the electric vehicle charging industry. He explains his reasons for reaching this conclusion throughout ChargePoint/200.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-13. At ChargePoint/200, Packard 9, Mr. Packard states that, “Charging station site-hosts are generally well-equipped to determine the needs and preferences of the EV drivers who will use the charging station. Because EV drivers are typically the site-host’s customers, tenants, employees, or constituents, site-hosts are well-positioned to understand how and when a charging station will be used and what features are important to the drivers who will use the charging station. When site-hosts can choose the type of charging station, they will be motivated to choose the type that best fits the needs of the drivers who will use it, based on their understanding of those drivers.” Please provide:

- a. Factual evidence, data, analysis, studies, market information, and/or reports that Mr. Packard relied on to draw the conclusion that site hosts know EV drivers’ needs and preferences best.
- b. Is it impossible that a site-host would decide to share its knowledge of its customer base with a utility? If so, why?
- c. What evidence does Mr. Packard rely on to inform his position that a utility could not gain information regarding customer preferences of the site-host by working collaboratively with the site-host?

Response:

ChargePoint objects to Staff-13(a) because the request mischaracterizes Mr. Packard’s testimony. Mr. Packard did not state that site hosts know EV drivers’ needs and preferences best.

ChargePoint objects to Staff-13(b) because the request mischaracterizes Mr. Packard’s testimony. Mr. Packard did not assert or suggest that it is “impossible that a site-host would decide to share its knowledge of its customer base with a utility.” ChargePoint further objects to Staff-13(b) because it calls for speculation.

ChargePoint objects to Staff-13(c) because the request mischaracterizes Mr. Packard’s testimony. Mr. Packard also did not assert that “a utility could not gain information regarding customer preferences of the site-host by working with collaboratively with the site-host.”

Notwithstanding and without waiving the above objections, ChargePoint responds as follows:

- a. As noted in the objection, Mr. Packard did not say that “site hosts know EV drivers’ needs and preferences best.” Mr. Packard said “Because EV drivers are typically the site-host’s customers, tenants, employees, or constituents, site-hosts are well-positioned to understand how and when a charging station will be used and what features are important to the drivers who will use the charging station.”

Mr. Packard reached this conclusion because the site hosts interact with this particular set of EV drivers on a regular basis because they are their customers, tenants, employees, or

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constituents. Site hosts generally know these EV drivers' needs and knows their own needs with regards to how they will manage charging on their stations through the price to EV drivers.

- b. Ownership of the EVSE is not required in order for the utility to receive information from its customer base. ChargePoint would support site-hosts sharing data and knowledge on the customer base as a condition of site-hosts participating in a utility program that stimulates customer choice, competition, and innovation.
- c. See objection. See also the response to b.

Sponsor: David Packard

Sponsor of objections: Scott Dunbar

Date: October 23, 2017

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- Staff-14.** Please provide, under the protection of a protective order if needed:
- a. ChargePoint's current number of chargers (specify type) in Oregon;
 - b. ChargePoint's current investment plans for Oregon;
 - c. ChargePoint's current number of chargers (specify type) in PacifiCorp's Oregon service territory.
 - d. ChargePoint's current investment plans in PacifiCorp's Oregon service territory.

Response:

ChargePoint objects to Staff-14(b) and (d) because the requests seek information that is not relevant to this proceeding, which concerns Pacific Power's plans to invest in publicly available charging stations using ratepayer money and whether those plans are in the public interest and comply with applicable laws. This proceeding does not concern ChargePoint's investment plans, and regardless, ChargePoint is not subject to regulation by the Oregon Public Utilities Commission.

ChargePoint further objects to Staff-14(b) and (d) because it does not possess documents that are responsive to the requests.

ChargePoint further objects to Staff-14(b) and (d) because the requests seek confidential information that is competitively sensitive, the release of which would cause significant harm to ChargePoint. Pacific Power seeks the Commission's authorization to begin competing with ChargePoint through its Public Charging program, and it would be highly prejudicial for Pacific Power or any other party that supports Pacific Power's Public Charging program proposal to receive this information.

- a. ChargePoint currently has the following number of charging ports in Oregon:
 - Level 2: 537 public and private
 - DCFC: 20 public and private
- b. See objection.
- c. ChargePoint is unable to provide this information at this time, as it would require zip code level information from Pacific Power specific to its service territory to which ChargePoint does not currently have access.
- d. See objection.

Sponsor: David Packard

Sponsor of objections: Scott Dunbar

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-15. Please provide the number of DC Fast Chargers and the number of DC Fast Charger sites ChargePoint currently operates in:

- a. The United States;
- b. Washington;
- c. Oregon; and
- d. PacifiCorp's Oregon service territory.

Response:

- a. 571 public and private DCFCs
- b. 21 public and private DCFCs
- c. 20 public and private DCFCs
- d. ChargePoint is unable to provide this information at this time, as it would require zip code level information from Pacific Power specific to its service territory to which ChargePoint does not currently have access.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-16. Please provide the number of level-two public chargers ChargePoint currently operates in:

- a. The United States;
- b. Washington;
- c. Oregon; and
- d. PacifiCorp's Oregon service territory.

Response:

- a. 41,670 public and private Level 2 charging ports
- b. 1,443 public and private Level 2 charging ports
- c. 537 public and private Level 2 charging ports
- d. ChargePoint is unable to provide this information at this time, as it would require zip code level information from Pacific Power specific to its service territory to which ChargePoint does not currently have access.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-18. Please provide the number of hours, per year for years 2012-2017, that ChargePoint's DC Fast Chargers located in Oregon could not be utilized by an EV driver because the space was occupied but not charging an electric vehicle.

Response:

ChargePoint is unable to answer this request as it does not currently have the ability to track and collect this information as it relates to individual site host parking enforcement.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-20. Please provide, under the protection of a protective order if needed, the cost to ChargePoint, and separately to the site host, for the purchase, installation, operation, and maintenance of each of ChargePoint's DC Fast Chargers in Oregon.

Response:

ChargePoint objects to Staff-20 because the request seeks information that is not relevant to this proceeding, which concerns Pacific Power's plans to invest in publicly available charging stations using ratepayer money and whether those plans are in the public interest and comply with applicable laws. This proceeding does not concern the cost of ChargePoint's products and services, and regardless, ChargePoint is not subject to regulation by the Oregon Public Utilities Commission.

ChargePoint further objects to Staff-20 because the request seeks confidential information that is competitively sensitive, the release of which would cause significant harm to ChargePoint. Pacific Power seeks the Commission's authorization to begin competing with ChargePoint through its Public Charging program, and it would be highly prejudicial for Pacific Power or any other party that supports Pacific Power's Public Charging program proposal to receive this information.

ChargePoint further objects to Staff-20 because it seeks information that is confidential subject to ChargePoint's contractual agreements with its customers. It is highly prejudicial and unduly burdensome to require ChargePoint to breach its customer agreements by providing confidential information that is protected pursuant to such customer agreements. ChargePoint would be in breach of such customer agreements even if it were to provide such customer agreements under a protective order.

Sponsor of objections: Scott Dunbar

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-22. Please provide the number of jobs, with supporting data and sources of the data for the number of jobs, each of ChargePoint's Oregon-sited DC Fast Chargers has created.

Response:

ChargePoint does not have the ability to determine the total employment impact and effects that result from new customers attracted to site-host locations that have installed DCFC.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

Staff-24. Is David Packard, who offered testimony in this docket:

- a. An attorney?
- b. Hold a juris doctorate?
- c. Currently authorized to practice law in Oregon or any other state?

Response:

- a. No.
- b. No.
- c. No.

Sponsor: David Packard

Date: October 23, 2017

ChargePoint Responses to OPUC Staff Data Requests 1-25

- Staff-25.** Is Anne Smart, who offered testimony in this docket, an attorney?
- a. An attorney?
 - b. Hold a juris doctorate?
 - c. Currently authorized to practice law in Oregon or any other state?

Response:

No.

- a. No.
- b. No.
- c. No.

Sponsor: Anne Smart

Date: October 23, 2017