

EVCA | ELECTRIC VEHICLE CHARGING ASSOCIATION



September 29, 2023

Eric Shierman
Senior Utility Analyst
Oregon Public Utilities Commission
201 High Street SE, Suite 100
Salem, OR 97301
Docket: UM 2033

Re: Reply Comments to Staff Report on Portland General Electric's 2023-2025 Transportation Electrification Plan

Dear Mr. Shierman,

We, the undersigned organizations representing businesses that design, manufacture, install, operate, and maintain EV charging station software, hardware, and services (collectively, the EV Industry Parties), thank you for the opportunity to submit reply comments to the Public Utility Commission (Commission) Staff Report on Portland General Electric's (PGE) 2024-2026 Transportation Electrification Plan (TEP).

The TEP's technical requirements for payment should reflect recent policy developments in Oregon, California, and Washington.

In comments submitted on July 13, 2023, the EV Industry Parties recommended that PGE revise its proposed requirements for minimum payment methods to align with the guidelines established by the

National Electric Vehicle Infrastructure (NEVI) Program.¹ In the Staff Report, Staff emphasized the importance of embracing NEVI standards for establishing consistency. Staff's Report correctly observes that the NEVI guidelines establish *minimum* requirements, and that private parties may choose to exceed the minimum requirements if they so choose. Staff's Report concludes that it would be consistent with NEVI for PGE to establish more prescriptive payment requirements for its ratepayer-funded EV charging programs because it is a private party.

Though we appreciate Staff's consideration of the issue, it is important to note that Staff's interpretation of what it means to embrace NEVI guidelines is not consistent with neighboring jurisdictions. Recent policy developments in California and Washington, as well as guidance offered by the Oregon Department of Transportation (ODOT), suggest a growing consensus that direct alignment with the minimum NEVI guidelines is the best approach to embrace the federal guidance and to ensure payment accessibility:

- In July 2023, California enacted Senate Bill 123 to align the state's regulation of public chargers with NEVI. The law revised a 2017 California Air Resources Board (CARB) rule for all public chargers to accept EMV chip-based payment and established contactless-based payments as the statewide minimum standard in alignment with NEVI requirements.
- In August 2023, ODOT released a Guide for Oregon EV Charger Deployment that indicates the state's intention to align with the minimum NEVI guidelines and require, at a minimum, contactless-based payments. According to the Guide, "EVSE vendors and EV charging service providers can help determine the best payment options for a given site deployment, based on anticipated user base and usage patterns. Best practice is to provide multiple options so that the EVSE is available to the broadest range of potential users."²
- In September 2023, the Washington Department of Agriculture (WSDA) reopened a rulemaking to reconsider its requirement for public chargers to offer EMV chip readers. While WSDA adopted its payment rules as recently as December 2022 to go into effect January 2024, WSDA will not enforce the rule until it is reassessed for consistency with evolving technological trends.³

Payment standardization is crucial to deliver a consistent charging experience for drivers and enable rapid deployment of EV charging infrastructure nationwide. Based on the above developments, contactless-based payment is the appropriate minimum standard for PGE's 2024-2026 TEP. To avoid the risk of inconsistent payment guidelines across the west coast and within Oregon, we respectfully request that the Commission direct PGE to amend the TEP to directly align payment standards with the minimum established by NEVI and embraced by both California and ODOT.

¹ The NEVI guidelines require stations that receive NEVI funding to accept multiple methods of payment, including, at a minimum, contactless debit and credit cards. They do not require a physical credit card reader device (also known as an "EMV chip reader") to be installed on the EV charger or kiosk, as PGE proposes for its programs in the 2024-2026 TEP.

² Oregon Department of Transportation, Guide for Oregon EV Charger Deployment (Guide) at 28, available at: <https://www.oregon.gov/odot/climate/Documents/TEINA%20Deployment%20Strategy%20FINAL%2008-30-2023.pdf>

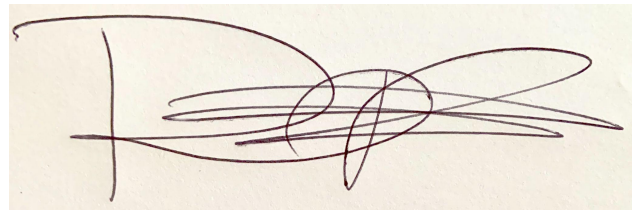
³ WSDA Policy Statement PP-23-0001 – Enforcement of Payment Method Requirements for Electric Vehicle Supply Equipment (September 13, 2023) available at: https://cms.agr.wa.gov/WSDAKentico/Documents/AdminRegs/PS-23-0001.pdf?_gl=1*_ntcuta*_ga*NTY2NjA4NzY0LjE2OTQ2NDE0MjQ.*_ga_9JCK8SVQPE*MTY5NTc1MjMzNS40LjEuMTY5NTc1MjQ4OC4wLjAuMA..

It's important for PGE to update its Schedule 50 pricing within 60 days of the adoption of the TEP to create a level playing field that allows several players to accelerate deployment of EV charging stations needed to meet state goals.

In light of support from multiple stakeholders, PGE has updated its TEP to reflect its commitment to modifying Schedule 50 pricing in a manner that better aligns with pricing for fast charging services by the private service providers. We applaud that commitment, and we emphasize the need for EV charging services by PGE to be priced fairly in a competitive market setting in a manner that reflects the full cost stack associated with providing fast charging services. However, neither the TEP nor the Staff Report provides a clear indication of when PGE shall be required to submit an advice filing proposal to the Commission for review and approval. The EV Industry Parties recommend that the Commission establish a clear, near-term date – no longer than 60 days after the adoption of the TEP - when PGE will submit an advice filing with an updated Schedule 50 concept. In addition, the EV Industry Parties support Staff's recommendation to provide supplementary information when it files for a tariff change, including the marginal cost to provide fast charging services and a revenue forecast for PGE charging stations that take service under Schedule 50. Ultimately, a revised, near-term proposal to align Schedule 50 pricing with the competitive market will support the widespread deployment of EV charging stations in a manner more consistent with the state's EV goals.

Respectfully Submitted,

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