

## **AR 654 – Rulemaking for Division 87 Transportation Electrification (TE) Planning**

The comment matrix below offers parties to AR 654 a summary of filed comments on Staff's first draft of new Division 87 rules to help facilitate discussion at the April 1<sup>st</sup> workshop. This matrix groups different parties' comments together on similar topics and presents Staff's responses. Staff has responded to each topic as either: Staff supports this change, recommend for guidance document, and discuss further with stakeholders.

A link to the workshop and dial-in alternatives can be found [here](#).

### **Other Key Links**

Existing rules:

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=4089>  
[Staff Contacts](#)

Staff's draft Division 87 rules:

<https://edocs.puc.state.or.us/efdocs/HAH/ar654hah17584.pdf>

### **Staff Contacts**

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No.	Rule Section	Party/Parties	Comments	Staff Response
1	Definitions (0010)	Joint Parties	Change definition for "communities experiencing lower incomes" to be 120% of state median incomes.	Term not referenced in the rule, will remove this definition.
2	Definitions (0010)	Joint Parties	Change definition for "communities adversely harmed by environmental and health hazards" to include requirement for utilities to "use a Commission-approved tool" to identify those communities, and suggest EPA EJScreen tool.	Term not referenced in the rule, will remove this definition.
3	Definitions (0010)	Joint Parties / PGE	Remove terms in definitions section that do not appear in Div. 87	Staff supports this change.
4	Definitions (0010)	Joint Parties	Reference statute whenever term defined in that statute is used for context. Example is "underserved communities."	Term not referenced in the rule, will remove this definition.
5	Definitions (0010)	PAC	Add definitions for "Public Infrastructure", "Transportation Electrification Plan" and "Transportation Electrification Portfolio."	Staff supports this change.
6	Definitions (0010)	PAC	Add language to definition of "communities experiencing lower incomes" to allow ability to connect with related state programming, like the Charge Ahead rebate program.	Term not referenced in the rule, will remove this definition.
7	TE Plan (0020(1))	Joint Parties / PGE	Edits re: objective of the plan. Joint Parties: Change (1)(b) to state "The TE Plan shall address areas ....prioritize load management, and provide benefits for underserved communities."	Staff is supportive of these changes.

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			PGE: clarify that the Plan includes the TE Budget, including not limited to the Monthly Meter Charge budget and the utility's portfolio of investments and long-term strategy.	
8	TE Plan (0020(2))	Joint Parties	Provide language about how stakeholders will be included prior to filing. Request utility make plan available for public review and comment before filing.	Staff supports this change.
9	TE Plan (0020(2))	Joint Parties	Consider using the UCBIAG as forum to consult with stakeholders prior to filing to streamline existing processes.	Recommend for inclusion in guidance document, rather than rules. Utilities should determine forums for stakeholder review.
10	TE Plan (0020(2))	Joint Parties/PGE/PAC	All identified different ways to approach material changes language. Joint Parties: require update when material change PGE: Address in Report (0030) PAC: clarify language to read "new or significant changes in TE programs" instead of "material changes"	Discuss further with stakeholders. Staff suggests "material change" consist of: 1) spending on something new, 2) changes in eligibility, 3) exceeding a program or measure three-year budget for ratepayer funds by 5%.
11	TE Plan (0020(3))	PAC	Move (3)(f) under (3)(a) as discussion on current conditions.	Staff supports this change.
12	TE Plan (0020(3))	Joint Parties	Require discussion of state policies and programs.	Discuss further with stakeholders. Staff suggests limiting this content for brevity. Include changes since last TE Plan?
13	TE Plan (0020(3))	Joint Parties	Incorporate reliability considerations in application, suggested language "existing data	Staff supports this change.

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			on the availability, <i>reliability</i> , and usage patterns of charging stations."	
14	TE Plan (0020(3))	Joint Parties / PGE / Flo / Emerald Valley EV Association	<p>Refine and add to performance areas.</p> <p>Flo: Require Uptime guarantees in performance measures.</p> <p>Emerald Valley: enforceable standards for charger reliability and distribution, as well as charging costs.</p>	<p>Discuss further with stakeholders. Portfolio performance areas have been established as general categories in draft rules. Staff hopes utilities and stakeholders will develop additional metrics associated with these performance areas. Stakeholders can request information that an electric company doesn't include in the TE Plan.</p>
15	TE Plan (0020(3))	PGE	Define relationship between Plan acceptance, Budget, program and Infrastructure Measure approvals.	<p>Staff supports this change. Staff will provide clarity in the rules that Commission acceptance of the Plan, or acceptance with modifications, results in the approval of the budget, programs and Infrastructure Measures that are proposed in the Plan.</p>
16	TE Plan (0020(3))	PGE/ Idaho Power / ChargePoint	Adjust filing cadence to three year planning cycle, including annual report.	<p>Staff generally supports change to three-year filing cadence, recognizing value of further time to develop, implement and evaluate programs and investments prior to subsequent Plans. This would included a three-year TE Budget. Staff would like to discuss these points with utilities and stakeholders:</p> <p>a) Inputs: A three-year cadence would require new or updated EV adoption forecasts for TE Plans when they are</p>

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				<p>not filed in the same year as Distribution System Plans (DSP). DSP is the source of EV adoption forecasts.</p> <p>b) TE Plan Report: Should be filed annually by May 1 for the prior calendar year. The annual Report should include prior-year expenditures and progress updates for TE portfolio.</p> <p>c) Utilities should propose an engagement mechanism to share the Report annually with stakeholders and Staff.</p> <p>d) The final TE Plan Report should present a fuller assessment including program evaluations, discussion of results across portfolio performance areas, benefit-cost analysis, and ratepayer impact. The final Report should be filed prior to subsequent TE Plans with time for review, and to inform subsequent TE Plans.</p> <p>e) Outputs: TE Plans are narrative descriptions, plans and budgets, not load forecasting for IRP or Clean Energy Plans. DSP will be the source for these through power flow analysis and other analytics.</p>

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17	TE Plan (0020(3))	PGE	Include clarification to include all needed charging infrastructure as well as public charging infrastructure.	Staff supports this change.
18	TE Plan (0020(3))	PGE	Clarify use of data to read as data that is "reasonably accessible to the utility."	Staff supports this change.
19	TE Budget (0020(6))	Joint Parties / PGE / PAC	<p>Add clarity re: expectations for how budgets will be determined, suggesting mirroring the Commission-approved tool from 0020(3)(f). Add clarity on additional guidance re: BCA for 2022 filings.</p> <p>Clarify approval of TE Budget - do expenditures need to be approved also? Goes against portfolio-level approach. PAC recommended striking "expenditures" and replacing with "budget"</p>	Staff supports these changes.
20	TE Budget (0020(6))	PGE / PAC	Change (6)(c) to reflect that utilities can't forecast future external funding sources with accuracy. Instead include requirement that PGE will communicate with Staff about status of funds during course of TE plan period. PAC suggested changing language to strike "forecast" so it is just a discussion.	Discuss with stakeholders. Staff recognizes the uncertainty of future funding and encourages provisional plans based on most current information available.
21	TE Budget (0020(6))	PGE / PAC	Treat Clean Fuels Program (CFP) funds as distinct from other revenues, but ok with including in overall Plan. Both question significance of incorporating into approval	Staff supports inclusion of CFP Plan within TE Plan as part of the utility's overall portfolio of activities.

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			process of TE plan because governed by different rules.	Discuss with stakeholders. Do CFP funds need be governed differently? If so, how?
22	TE Budget (0020(6))	PGE / PAC	Clarity around excluding PGE and PAC's own fleet electrification from TE Plan (not in rules but just to level-set with Staff). Learnings will be integrated. Budget shouldn't be included in TE Budget.	Recommend for inclusion in guidance document, rather than rules. Staff supports discussion of fleet electrification within TE Plan as part of company TE activities. Budget can be excluded.
23	TE Budget (0020(6))	Joint Parties / PGE	Joint Parties: Explicitly require update in event of material change. PGE: Material deviations be addressed in reporting process or through proactive informal communication with Staff rather than formal Plan or Budget Updates. Section (6)(e) be moved to be separate section, broaden to explicitly address material budget updates and off-cycle program or Infrastructure Measure (IM) applications. Also clarify that program and IM applications submitted as TE Plan updates meet same criteria and content requirements as program or IM applications that are appended to the plan.	Please see response to Comment No. 10 above.  Staff supports the clarification that program and IM applications submitted in Updates are required to include the same criteria and content requirements as those submitted with the Plan.
24	Programs and Infrastructure Measures (0020(8))	ChargePoint	Add subsection to (8)(a) requiring description of program requirements, including any proposed technical requirements, that will be imposed on participating technology or customers.	Discuss further with stakeholders.
25	Programs and Infrastructure Measures (0020(8))	Joint Parties	Require payment method standards and language accessibility requirements at charging stations.	Discuss further with stakeholders. Staff thinks this could be discussed within performance area of Charging Adequacy.

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26	Programs and Infrastructure Measures (0020(8))	Joint Parties	Require more detail re: load management in guidelines (not necessarily the OARs)	Staff is supportive of this change.
27	Programs and Infrastructure Measures (0020(8))	Joint Parties	Require utilities to include: explanation of how IM will benefit underserved communities/LI customers and estimated net revenue attributed to the portfolio of programs/IMs.	Discuss further with stakeholders.
28	Programs and Infrastructure Measures (0020(8))	PGE	Reduce detail in application requirements, include detail in Commission order instead.	Discuss further with stakeholders. What can be cut?
29	Programs and Infrastructure Measures (0020(8))	PGE	Move (8) to directly follow (3), move budget and expenditures provision to follow section describing application content requirements.	Staff is supportive of this change.
30	Programs and Infrastructure Measures (0020(8))	PGE	Clarify process of program and IM approval and relationship with TE Plan acceptance.	Please see Comment No. 15. Staff will provide clarity in all relevant parts of the rules that Commission acceptance of the Plan, or acceptance with modifications, results in the approval of the budget, programs and Infrastructure Measures that are proposed in the Plan.

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31	Report (0030)	PGE	Clarify purpose of Reports, consider including detailed requirements in Commission order.	Discuss further with stakeholders. Please see Comment No. 16.
32	Report (0030)	PAC	Clarify difference between spending and line-item expenditures.	Staff is supportive of this change.
33	Report (0030)	Flo	Require Uptime reporting requirements to see whether utilities met uptime obligations required in performance measures.	Discuss further with stakeholders. This is a metric for infrastructure performance that could be included in Charging Adequacy.
34	Report (0030)	ChargePoint	Add subsection to (1)(a) requiring analysis of how TE Plan has impacted innovation, competition and customer choice in Oregon.	Staff is supportive of this change.
35	Report (0030)	ChargePoint	Modify (1)(a)(E) to reference the correct section in the rules.	Staff is supportive of this change.