



Errata Announcement

April 12, 2022

Docket No. AR 654 – Division 87 Transportation Electrification (TE) Rulemaking Second Revised Draft Rules Update

This is an update to the second revision of Division 87 rules. On April 8, 2022, Staff published a clean copy of the second revision that didn't remove all the deleted language from the redline version. Staff also found typos and inconsistencies remaining after the redline version changes were implemented. In the clean draft below, Staff has removed the language that was intended to be deleted. We also fixed insistent use of terms and edited some typos.

If you have questions or comments please contact Eric Shierman, Eric.Shierman@puc.oregon.gov (971) 239-3916, or Sarah Hall, Sarah.L.Hall@puc.oregon.gov (971) 273-9512.

Updated Clean Version

Division 87

TRANSPORTATION ELECTRIFICATION PLANS

860-087-0001 - Scope and Applicability of Rules

- (1) The rules in this division prescribe the application and reporting requirements for utility activities that support transportation electrification as required by ORS 757.357.
- (2) Upon request or its own motion, the Commission may waive any of the rules in this division for good cause shown. A request for waiver must be made in writing, unless otherwise allowed by the Commission.

860-087-0010 - Definitions

For the purpose of this division:

- (1) "Electric company" means an electric company as defined in ORS 757.600.
- (2) "Transportation Electrification program" means programs as defined in Oregon Laws 2021, chapter 95 Section 4.
- (3) "Infrastructure measures" means infrastructure measures as defined in Oregon Laws 2021, chapter 95 Section 4.
- (4) "Monthly Meter Charge" means the funds collected by an electric company to support and integrate transportation electrification under Oregon Laws 2021, chapter 95 Section 2.

(5) “Underserved communities” means underserved communities as defined in Oregon Laws 2021, chapter 95 Section 2.

(6) “Transportation Electrification Budget” means all the planned expenditures on transportation electrification in the first three years of TE Plan.

Commented [SE*P1]: Comment #3 - removed because these terms are not referenced in this rule.

(7) “Public charging infrastructure” means charging infrastructure intended for public use.

Commented [SE*P2]: Comment #16. Specifying the length of the Budget. The TE Plan will include longer-term plans beyond the Budget.

(8) “Private charging infrastructure” means charging infrastructure not intended for public use.

(9) “Transportation Electrification Plan” means the description and analysis of all activities an electric company takes to support transportation electrification and the funding of the TE Budget.

Commented [SE*P3]: Comment #5. Adds definitions for new terms.

860-087-0020 - Transportation Electrification Plan

(1) This rule prescribes the required elements of an electric company’s Transportation Electrification Plan (TE Plan), which contains the electric company’s TE portfolio of investments and long-term strategy to support transportation electrification in its Oregon service territory and the electric company’s TE Budget. The objective of the TE Plan is to:

Commented [SE*P4]: Comment #15. Clarifies the link between the TE Plan and TE Budget.

(a) Integrate the electric company’s transportation electrification actions into one document. The Plan shall include, but is not limited to, the electric company’s portfolio of near-term and long-term transportation electrification actions, including applications for program(s) and infrastructure measure(s), planning and expenditure of the Monthly Meter Charge, and other transportation electrification actions such as Clean Fuels programs.

(b) Act as a portfolio of the utility’s investments and activities, which may include investments and infrastructure for electric vehicles of various sizes, rate design, programs, and services, reasonably expected to achieve the objectives of ORS 757.357. The TE Plan shall seek to address areas most affected by market barriers in the electric company’s service territory, prioritize load management, and to provide benefits for underserved communities.

Commented [SE*P5]: Comment #7. Tightens the requirement.

Commented [SE*P6]: Comment #26. Adds load management to plan objective.

(2) An electric company must file for Commission acceptance of a TE Plan.

(a) As used in this rule, “acceptance” means the Commission finds that the TE Plan meets the criteria and requirements of this rule and does not constitute a determination on the prudence of the individual actions discussed in the TE Plan. The Commission may accept the TE Plan subject to conditions. Acceptance, or acceptance subject to conditions, shall constitute approval of the electric company’s program applications and TE Budget as filed in the TE Plan and its appendices. Non-acceptance means that the TE Plan does not meet the criteria or requirements of this rule.

Commented [SE*P7]: Comment #15. Links approval of applications and the TE Budget.

(b) An electric company must file a draft TE Plan for Commission acceptance by May 1 every three years or as otherwise directed by the Commission.

(c) Commission staff will work with parties to propose a schedule for review of the TE Plan after a draft is filed. The schedule will provide an opportunity for workshops, written comments by Commission staff and stakeholders, and reply comments by the electric company.

(d) After public review of the draft TE Plan, the electric company must file a TE Plan with any revisions incorporated and present it to the Commission at a public meeting.

Commented [SE*P8]: Comment #8. Distinguishes between filing a draft and filing a revised Plan.

(e) Commission staff will present its recommendation on the electric company's TE Plan at a public meeting. The Commission shall also consider stakeholder and electric company comments and recommendations on a TE Plan at the public meeting before issuing an order of acceptance. The Commission may provide direction to an electric company regarding any additional analyses or actions that the electric company should undertake in its next TE Plan.

(f) An electric company may propose TE Plan updates at any time between scheduled TE Plan filings. TE Plan update filings are required for Commission approval to material changes in the electric company's TE Plan. Material changes are considered to be new TE program or infrastructure measure applications that are funded by ratepayers and TE Budget changes that increase the ratepayer expenditures of the approved TE Budget. Commission staff will work with parties to propose a schedule for public review for TE Plan updates.

Commented [SE*P9]: Comment #10, clarifying material changes requiring a TE Plan update.

(3) The TE Plan must include:

(a) The current condition of the transportation electrification market in the electric company's Oregon service territory, including, but not limited to:

(A) A discussion of new state policies and programs since the last TE Plan filing;

Commented [SE*P10]: Comment #12. Narrows the scope.

(B) Market barriers that the electric company can address and other barriers that are beyond the electric company's control, including any identified emerging challenges to transportation electrification, charging, and vehicle technology updates;

Commented [SE*P11]: Comment #29. Consolidates (F) with (B)

(C) Existing data reasonably accessible to the utility on the availability, reliability, and usage patterns of charging stations;

Commented [SE*P12]: Comment #18, Excludes data that exists but not in the possession of the utility.

(D) Number of electric vehicles of various sizes in the utility service territory and projected number of vehicles in the next ten years;

Commented [SE*P13]: Comment #13. Clarifies reliability.

(E) A forecast of public and private charging infrastructure needed in the company's service territory to support transportation electrification. The forecast should utilize a Commission-approved tool to estimate needed public charging infrastructure over the next ten years and include type, location, and timing of needed infrastructure.

Commented [SE*P14]: Comment #17. Clarifies scope.

(F) Other transportation electrification infrastructure, if applicable.

(b) A summary of the electric company's transportation electrification portfolio of program(s) and future transportation electrification concepts and actions in its Oregon service territory for the next three years. The summary should include the company's long-term vision for its TE portfolio and strategy to support transportation electrification in its service territory. The TE Plan must incorporate project learnings and any other relevant information gathered from other transportation electrification infrastructure investments, programs, and actions to ensure that lessons learned are carried forward to the next TE Plan;

Commented [SE*P15]: Comment #16. Extends cadence.

(c) A discussion of how programs and infrastructure measures in the TE Plan holistically advance performance area categories that include, but are not limited to:

(A) Environmental benefits including greenhouse gas emissions impacts;

(B) Electric vehicle adoption;

(C) Underserved community inclusion and engagement;

(D) Equity of program offerings to meet underserved communities;

(E) Distribution system impacts and grid integration benefits;

(F) Program participation and adoption;

(G) Infrastructure performance including charging adequacy which considers, but is not limited to reliability, affordability, and accessibility;

(H) Learnings for readiness to advance innovation and efficiency.

(d) Supporting data and analysis used to develop the TE Plan, which may be derived from elements such as review of costs and benefits; rate design, energy use and consumption, overlap with other electric company programs, and customer and electric vehicle user engagement;

(e) A discussion of the electric company's potential impact on the competitive electric vehicle supply equipment market, including consideration of alternative infrastructure ownership and business models, and identification of a sustainable role for the electric company in the transportation electrification market.

(f) Analysis of the estimated ratepayer impact of the TE portfolio over the next three calendar years.

(4) An electric company shall file TE program and infrastructure measure applications as an appendix to the TE Plan. The applications shall cover all programs and infrastructure measures planned by the utility for the TE Plan cycle. Commission acceptance of the TE Plan shall constitute approval of each program and infrastructure measure application included in the TE Plan. The electric company shall file a tariff in compliance with the acceptance order for each program and infrastructure measure application that is approved by the Commission.

(a) Applications for a TE program or infrastructure measure must include:

(A) A description of the program/infrastructure measure that includes, but is not limited to:

(i) Program/infrastructure measure elements, objectives, timelines, and expected outcomes;

(ii) Market baseline assumptions;

(iii) Major performance milestones;

(iv) Where applicable, a description of program/infrastructure measure phases;

(v) Expected utilization, participation eligibility, and incentive structures;

Commented [SE*P16]: Comment #14. Adds important considerations of infrastructure performance.

- (vi) Identification of market barriers, implementation barriers, and program strategies to overcome the identified barriers;
- (vii) A discussion of how the application meets the performance area categories described in Section (3)(c)(A)-(H) in this rule;
- (viii) A description of the electric company's role and, if applicable, a discussion of how the electric company proposes to own or support charging infrastructure, billing services, metering, or customer information;
- (ix) Whether transportation electrification adoption attributed to the program/infrastructure measure will likely necessitate distribution system upgrades;
- (x) Where applicable, a discussion of ownership structure;
- (xi) Where applicable, a discussion addressing interoperability of invested equipment;
- (xii) Where applicable, a discussion of any national standards for measurement and communication; and
- (xiii) Any other information requested by the Commission.

(B) Data used to support the descriptions provided in Section (4)(a)(A)(i)-(xiii) of this rule.

(C) A description of program/infrastructure measure coordination that includes a description of:

- (i) Stakeholder involvement in program/infrastructure measure development;
- (ii) Efforts to coordinate with related state programs;
- (iii) Coordination, if any, of delivery with other market actors and activities, and how the market and other market actors can leverage the underlying program/infrastructure measure or projects within the program/infrastructure measure.

(E) A description of how the proposed program/infrastructure measure fits within the electric company's long-term strategy to support TE.

(F) A description of program/infrastructure measure costs; that includes, but is not limited to:

- (i) Estimated total costs, including incentives, program delivery, evaluation, marketing, and administration costs; and
- (ii) Estimated participant costs;

(G) A description of learning objectives and how the electric company will evaluate the effectiveness of the program/infrastructure measure, including data collection methods.

(H) For infrastructure measures, a description of how the measure addresses the requirements of Oregon Laws 2021, chapter 95 Section 4(b); and

(I) For programs, a description of how the program addresses the considerations in Oregon Laws 2016, chapter 028, section 20(4)(a)-(f).

(J) A description of technical requirements that will be imposed on participating technology or customers.

(5) An electric company must file a TE Budget as a section of its TE Plan. The TE Budget must include:

(a) Annual budgets for the TE portfolio for the first three years of the TE Plan, including a discussion of the context of anticipated long-term expenditures for the next ten years; including but not limited to benefit-cost analysis “cost tests”;

(b) A forecast of all expenditures to support transportation electrification grouped by program and/or infrastructure measure, and further divided into:

(A) Capital expenditures; and

(B) Expenses, separating administrative costs, O&M on investments, incentives paid to program participants, and any other unique category as relevant.

(c) A forecast of all funding sources to be utilized, including but not limited to, the Monthly Meter Charge, grants, Clean Fuels Program credits, base rates, and deferrals based on a reasonable estimate;

(d) A forecast of all spending on underserved communities, grouped by program and/or infrastructure measure and further divided into:

(A) Expenditures of funds collected through the Monthly Meter Charge as required by Oregon Laws 2021, chapter 95 Section 2;

(B) Spending from revenues other than the Monthly Meter Charge, including but not limited to grants, Clean Fuels Program credits, base rates, and deferrals.

(e) The Commission’s acceptance of the electric company’s TE Plan will constitute approval of the TE Budget, which includes the Monthly Meter Charge budget as required by Oregon Laws 2021, chapter 95 Section 2.

(f) An electric company may propose TE Budget updates at any time between TE Budget filings. TE Budget update filings can be limited to the material changes in the electric company’s approved TE Budget. Commission staff will work with parties to propose a schedule for public review.

(6) The Commission may direct an electric company to incorporate the TE Plan into other electric company planning documents.

860-087-0030 Transportation Electrification Plan Report

(1) Utilities must file a preliminary TE Plan Report annually and a final version with its next TE Plan that summarizes the performance of its last TE Plan.

(a) The Report must include:

Commented [SE*P17]: Comment #24. Clarifies coverage of product lists.

Commented [SE*P18]: Comment # 11. Moved up to follow Plan requirements.

Commented [SE*P19]: Comment #16. Extends filing cadence to three years.

Commented [SE*P20]: Comment #20. Clarifies that this is an estimate.

(A) All spending in the previous three calendar years in the format of the approved TE Budget;

(B) All sources of funding for the TE portfolio in the previous three calendar years.

(C) An evaluation of each Transportation Electrification program or infrastructure measure in the company's portfolio of existing programs;

(D) A discussion of how the TE Plan met the performance area categories described in Section (3)(c)(A)-(H) in this rule, and key lessons learned;

(E) A benefit-cost analysis of the TE Plan over the previous three calendar years in the form of "cost tests";

(F) Analysis of the estimated ratepayer impact of the TE Plan over the past three calendar years.

(G) Analysis of how the TE Plan has impacted innovation, competition and customer choice in Oregon.

(2) The Commission may request additional TE Plan updates at any time, including milestones and progress against performance area categories, to assess whether to continue, discontinue, or modify approved programs and infrastructure measures.

Commented [SE*P21]: Comment #35. Fixes drafting error.

Commented [SE*P22]: Comment #34. Provides a portfolio view discussion on these topics.



Oregon

Public Utility

Commission
