

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: May 5, 2022**

REGULAR ___ CONSENT ___ RULEMAKING X EFFECTIVE DATE N/A

DATE: April 25, 2022

TO: Oregon Public Utility Commission

FROM: Eric Shierman and Sarah Hall

THROUGH: Bryan Conway and JP Batmale **SIGNED**

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF:
(Docket No. AR 654)
Draft rules for Division 87 transportation electrification planning and request to open formal rulemaking.

STAFF RECOMMENDATION:

Staff recommends that the Oregon Public Utility Commission (Commission) approve Staff's request to open a formal rulemaking and issue a proposed notice of rulemaking to adopt permanent rules addressing the transportation electrification (TE) planning process consistent with HB 2165, as set forth in Appendix A.

DISCUSSION:

Issue

Whether the Commission should initiate the formal stage of Docket No. AR 654 and submit a Notice of Proposed Rulemaking for publication in Oregon.

Applicable Rule or Law

Oregon Revised Statute (ORS) 756.060 states that the Commission has the authority to adopt "reasonable and proper" proper rules and regulations relative to statutes administered by the Commission.

ORS 757.357 requires the Commission to direct each electric company to file programs that support TE. The statute gives considerations that the Commission is required to

include in its review of such programs. House Bills (HB) 2165 and 3055 were passed in the most recent legislative session and amend ORS 757.357.

The Commission adopted OAR Chapter 860, Division 87 to implement ORS 757.057, specifically prescribing “the application and reporting requirements for programs to accelerate transportation electrification filed by an electric company.” The rules currently outline requirements for TE program applications and TE Plan filings.

Executive Order 20-04 establishes Governor Brown's new greenhouse gas emissions goals for the State of Oregon and directs state agencies to identify and prioritize actions to meet those goals. Section 5.4(8) of the Executive Order directs the Public Utility Commission to “[e]ncourage electric companies to support transportation electrification infrastructure that: supports GHG reductions, helps achieve the transportation electrification goals set forth in Senate Bill 1044 (2019), and is reasonably expected to result in long-term benefit to customers.”

In Order No. 21-026, upon Staff’s request, the Commission directed Staff to open an investigation to develop a TE Investment Framework.

In Order No. 21-484, the Commission ordered Staff to open a rulemaking to revise Division 87 of the Oregon Administrative Rules (OARs), to begin in early 2022. In that Order the Commission also adopted Staff’s recommendation to implement its proposed transportation electrification investment framework in Oregon and support utility investment in TE.

Analysis

Background

In response to direction from the Governor in Executive Order No. 20-04, Staff began work in 2021 to update the Commission’s approach to TE in Docket No. UM 2165. That docket incorporated direction from newly passed legislation in the 2021 Legislative Session, House Bill 2165. Over six months in 2021, Staff hosted a robust public workshop and stakeholder engagement process in Docket No. UM 2165 to explore benchmarks, equity, and regulatory best practices for TE planning and investment frameworks. Staff concluded the UM 2165 process by presenting its proposed TE investment framework to the Commission on December 14, 2021.¹ The UM 2165 Commission Order No. 21-484 initiated the informal rulemaking stage of Docket No. AR 654 on Staff’s recommendation to develop a holistic TE planning process that

¹ See Docket No. UM 2165, Staff Memo, December 14, 2021.

incorporated the requirements of HB 2165 and reflected Staff's recommended TE investment framework.

The TE investment framework includes three main elements that work in tandem: an infrastructure budget "guardrail" utilizing the methodology of the Transportation Electrification Infrastructure Needs Analysis (TEINA)²; portfolio performance areas; and benefit/cost analysis of investments. In its December 14, 2021 memo, Staff also outlined a holistic TE planning process that encompasses all proposed TE investments as a portfolio, and an associated expense and revenue budget reflecting all funding streams.

Informal Rulemaking Phase Stakeholder Workshops and Comments

Since Docket No. AR 654 was opened in January, Staff has worked collaboratively with stakeholders to determine how the TE planning process should be reflected in Division 87 of the Oregon Administrative Rules. The goal of this rulemaking is to develop a holistic TE planning process that incorporates the requirements of HB 2165 and Staff's TE investment framework.

Staff worked iteratively with stakeholders and utilities over three workshops and two public comment periods in fewer than four months to address issues and implementation-level guidance for these draft rules. Staff greatly appreciates stakeholder and utility engagement in the process. Appendix B of this memo summarizes stakeholder and utility comments that were filed throughout the iterative drafting process. Appendix B also includes Staff responses following the second workshop and the first public comment period. Stakeholders and utilities provided a second round of public comment during the drafting of this memo. This is not included in Appendix B due to timing; instead Staff provides a summary of stakeholder comments from the second round of public comment in the Draft Rules summary below. This includes a description of whether the Stakeholder comment was incorporated in the draft rules attached herein.

Draft Rules

A complete set of the draft rules is appended to this Staff memo as Appendix A. These rules include both revisions to the existing Division 87 language and introduction of a new planning process to achieve the previously stated goal of developing a holistic TE planning process that incorporates the requirements of HB 2165 and Staff's TE investment framework.

² See *Transportation Electrification Infrastructure Needs Analysis* report, Oregon Department of Transportation, June 28, 2021. <https://www.oregon.gov/odot/Programs/Pages/TEINA.aspx>.

Below is a brief discussion of the most significant changes and additions to Division 87, with those disputed changes highlighted for the Commission. The “Staff Rationale” section tracks to the broad reasoning for the changes to those rules. Staff has also included disputed changes that are based on stakeholder comments that were submitted during the second round of public comment on the version of the draft rule language circulated on April 12, 2022. Staff also notes that the fact that an objection or comment of a stakeholder may not be noted here does not indicate that Staff has dismissed it, nor that Staff believes it should not be considered in the formal rulemaking phase.

Staff highlights that during the workshops, Staff and Climate Solutions, Green Energy Institute, Northwest Energy Coalition, Oregon Citizens’ Utility Board, and Verde (collectively, the Joint Parties) discussed the idea of a guidance document that would work alongside the rules to provide more implementation-level detail with more flexibility than administrative rules. Staff hopes that the Joint Parties will work with the utilities to develop the details they would like to include in a guidance document. These may include performance metrics, additional recommended stakeholder involvement in the development of the TE Plan, or other topics. If the Joint Parties and utilities provide Staff with a guidance document prior to the effective date of the rules, Staff commits to bringing that guidance document to the Commission.

OAR 860-087-0001 – Scope and Applicability of Rules

In this section, Staff changed the applicability from programs that accelerate transportation electrification to programs that support transportation electrification.

Staff Rationale: Staff made this change to match the same language change in HB 2165.

Stakeholder Comments: This change was not controversial.

OAR 860-087-0010 – Definitions

In this section, Staff added new definitions created by both HB 2165 and guidance developed with stakeholders during the UM 2165 investigation.

Staff Rationale: Staff made this change to reflect new language set forth in HB 2165 that was referenced in the rules and worked collaboratively with stakeholders to add new definitions that were used in the new rules.

Stakeholder Comments: PGE proposed that the definition of “Transportation Electrification Budget” be modified to include sources of projected revenues as well as

planned expenditures. Staff agrees with this comment and has incorporated it into the draft rules set forth in Appendix A.

OAR 860-087-0020 – Transportation Electrification Plan

Staff notes for the Commission that this section contains the most comprehensive changes in the rules set forth in Appendix A. For additional clarity, Staff has organized this summary by the rule sub-section number.

(1) TE Plan Objective

Staff changed the objective of the TE Plan to include: (1) approved infrastructure measures, planning, and the expenditure of the Monthly Meter Charge as part of the integrated TE Plan; (2) language about how the TE Plan should be analyzed as a portfolio; and (3) a clarified link between the TE Plan and the TE Budget.

Staff Rationale: Staff made this change to reflect the holistic TE planning process in the objective of the TE Plan.

Stakeholder Comments: PGE proposed to use the term “portfolio” consistently throughout this section. Staff agrees with this comment and has incorporated it into the draft rules set forth in Appendix A.

(2) Process for Commission Acceptance

Staff holistically changed the process for TE Plan acceptance. First, Staff clarified that the Commission may accept the TE Plan subject to conditions. Second, Staff added language that Commission acceptance, or acceptance subject to conditions, will constitute Commission approval of the utility’s program applications, infrastructure measure applications, and TE Budget as filed with the Company’s TE Plan.

Third, Staff changed the cadence of TE Plan filing and TE Plan updates. Staff changed the cadence from every two years to every three. Finally, Staff included language that outlined what changes in the plan would constitute a “material change” to the Plan, and therefore would trigger a requirement for the utility to file a TE Plan update.

Staff Rationale: Staff made these changes to position the TE Plan as the “umbrella” under which TE program applications, infrastructure measure applications, the Monthly Meter Charge budget, and the TE Budget sit. The UM 2165 investigation resulted in consensus around having a streamlined way to track and analyze TE expenditures and activities. By using the TE Plan as the umbrella, all participants in the planning process need only track a single filing that has clear rules around acceptance and approval, in contrast to many separate filings that are described in a TE Plan but are not reviewed holistically within an overall budget.

Additionally, HB 2165 stated that funds collected under the Monthly Meter Charge must be consistent with a budget approved by the Commission for the use of those funds. Staff linked the acknowledgement of the TE Plan to the approval of the TE Budget with the intention that the TE Budget would contain the Monthly Meter Charge budget, and therefore satisfy that component of HB 2165.

Stakeholder Comments: Regarding the process for Commission acceptance of the TE Plan, PGE proposed to include a timeframe for the review and acceptance of plans. PGE also proposed clarification around the language of a draft TE Plan versus the actual filing, and the definition of material changes. Staff agreed with PGE's proposed clarifications regarding draft TE Plan and material changes, and has incorporated them in the draft rules set forth in Appendix A.

ChargePoint proposed to change the definition of material changes to include modifications to existing programs that have been previously approved by the Commission. Staff does not agree with ChargePoint's change to the definition of material changes and welcomes discussion during the formal phase of rulemaking.

The Joint Parties proposed to include additional process requirements to further facilitate stakeholder involvement in the development of the TE Plans in a guidance document. Staff agrees with the Joint Parties' approach to include this detail in a guidance document rather than in the rules themselves to provide flexibility and adaptability in the detailed process as TE Plans evolve.

Additionally, Staff expects that public review of TE Plans provide an opportunity for stakeholders to further highlight the evidence they find most relevant to inform the Commission's decision on TE Plan acceptance. Stakeholders may request further information through data requests and respond through public comment.

(3) Required Components

At a high-level, Staff added the three elements of the TE Investment Framework to this section of the rules. These elements are: (1) an infrastructure spending "guardrail"; (2) portfolio performance area categories; and (3) benefit/cost analysis.

Staff Rationale: Staff worked with stakeholders to determine the correct level of detail to reflect the TE Investment Framework in the rules. Relative to the framework's first element, the infrastructure spending guardrail, Staff's recommended approach of TEINA is referenced as the "Commission-approved tool" in Section 20(3)(a)(F). Staff made a high-level reference to provide for future flexibility and evolution of estimation methods of the TE infrastructure necessary to meet the state's EV goals, based on TEINA's needs-based approach. To build a common understanding of TEINA, Staff and

stakeholders discussed use of TEINA extensively at two workshops, supported by ODOT's consultant team. Staff notes that ODOT will roll out user-facing analytic tools for technical users of TEINA, and consultation "office hours" in Q2-Q3.

Relative to the framework's second element, portfolio performance areas, Staff worked with stakeholders to develop high-level performance areas that were included in the draft rules.

Relative to the framework's third element, benefit/cost analysis, Staff reflected this in the draft rules' TE Budget by requiring utilities to present benefit/cost analysis "cost tests" of their portfolio. Staff also reflected this element within the TE Plan and Report by requiring utilities to estimate the rate-payer impact of their TE portfolio.

Stakeholder Comments: PGE proposed to delete the language in the performance areas that stated "learnings for readiness to advance innovation and efficiency." Staff agrees with this comment and has incorporated it into the draft rules in Appendix A.

The Joint Parties proposed to add "affordability and financial performance" to the list of performance areas. Staff agrees that "learnings for readiness to advance innovation and efficiency" is not necessary as a separate performance area, as these considerations are addressed broadly throughout the TE Report requirements. Staff has incorporated this change in the draft rules set forth in Appendix A. Staff does not agree that "affordability and financial performance" should be established as a new performance area without significantly more discussion about its interaction with all three elements of the TE investment framework. Instead, in its previous version of the rules, Staff added "affordability" and "access" to the existing performance area of "infrastructure performance."

Relative to the framework's second element, portfolio performance areas, the Joint Parties proposed to include an approved set of performance metrics for Section 20(3)(c)'s performance areas in the Staff guidance document. Staff appreciates stakeholders' engagement on these performance metrics. As noted, Staff recommends utilities and stakeholders further collaborate to finalize performance metrics for inclusion in a guidance document Staff will bring forward to the Commission.

(4) TE Program and Infrastructure Measure Applications

Staff moved Section 30 of the Rule to sit under the TE Plan Section 20. Staff did this to make clear that program and infrastructure measure applications are to be filed as appendices to the TE Plan, which is a change from how the rule was originally written. Additionally, Staff added "infrastructure measures" throughout the original Section 30

language to incorporate the new category created by HB 2165. Staff made additional changes to the Section 30 language to streamline the application process.

Staff Rationale: Staff made these changes to create the streamlined approach to the TE Plan and utility investments as described above.

Stakeholder Comments: PGE proposed language that added clarity and consolidated the content of new TE program and infrastructure measure application requirements. ChargePoint also proposed a change to consolidate the application requirements. Staff agrees with PGE's proposed changes and believes that the spirit of PGE's changes achieve the consolidation that ChargePoint was proposing in its comments. Staff has incorporated PGE's proposed changes in the draft rules in Appendix A.

(5) TE Budget

Staff added a section of the rule outlining the requirements of a utility TE Budget as part of its TE Plan.

Staff Rationale: Staff made this change to create the streamlined approach to the TE Plan and utility investments as described above.

Stakeholder Comments: PGE proposed several changes for efficiency, including folding this sub-section of the rule into sub-section 3, Required Components, and deleting a redundant TE Budget update. Staff agrees with these proposals and has incorporated them into the draft rules set forth in Appendix A.

PGE also proposed to require a "discussion" of expected Clean Fuels revenues rather than a "forecast", or at least require that only an estimate be produced for the next year. Staff has retained "forecast" in the draft rules in Appendix A to be consistent with PGE's recommended definition of the TE Budget being a "forecast" of revenues. Staff also supports adding a requirement for a discussion of how actual revenue may vary for the forecast, where utilities can provide the context of upper and lower bounds and probabilities.

OAR 860-087-0030 – Transportation Electrification Program Application Requirements

Staff deleted this section as a stand-alone section of the rules, and instead incorporated it into Section 20 as explained above.

Staff Rationale: Staff made this change to simplify the TE planning process by requiring utilities to submit all program and infrastructure measure requirements with their TE plans rather than individual tariff filings. HB 2165 requires the Commission to approve programs and infrastructure measures. Staff added language to Section 20 to provide

for this approval, which can happen with or without modification, at the time that the Commission acknowledges the Company's TE Plan.

Stakeholder Comments: This change was not controversial.

OAR 860-087-0040 – Transportation Electrification Program Reporting Requirements
Staff renumbered this section to be Section 30 and renamed this section to describe a "TE Plan Report" that incorporates many of the program reporting requirements as written in the original rule, but also sets forth a different cadence and additional requirements for a TE Plan Report. In the new language, the TE Plan report occurs annually and encompasses the performance of the utility's TE Plan.

Staff Rationale: Staff made this change to reflect the holistic TE planning process outlined in Section 20 on the reporting end of the TE Plan rather than limiting reporting to only TE programs. Additionally, HB 2165 directed the Commission to prescribe a schedule and manner for the utility's reporting of Monthly Meter Charge revenues and expenditures. Staff changed the language of this rule to reflect that this section is the schedule and manner for the utility to report Monthly Meter Charge revenues and expenditures.

Stakeholder Comments: PGE proposed changes to simplify and clarify the reporting process, including only requiring an annual report that does not require Commission action, and revising the draft rules to reflect best evaluation practices. PGE also proposed language to simplify the Commission's ability to request additional TE Plan updates. Staff agrees with these proposals and has incorporated them into the draft rules set forth in Appendix A.

The Joint Parties proposed to add language requiring the utility to provide performance metrics in its report that are consistent with the performance areas in the rules. Staff agrees with this proposal and has clarified in the draft rules that performance metrics may be included in the reporting on performance areas.

The Joint Parties proposed to delete the reporting requirement for "innovation, competition, and customer choice" in Section 30(1)(a)(G), which Staff included at the request of ChargePoint. The Joint Parties are concerned that reporting on this topic frames utility TE investments as having "inherently negative impacts on innovation, competition, and customer choice." Staff retains this reporting requirement, finding the topic worthy as a reporting requirement. Staff believes that commissioners and stakeholders may find that reporting to be relevant information when utility investments have a negative impact on innovation, competition, and customer choice.

Additional Stakeholder Comments from Second Round of Public Comment

Staff notes that ChargePoint and the Joint Parties provided comments in the most recent round of public comments that were not specific to a certain section of the rules but warrant a response for next steps in this rulemaking.

ChargePoint proposed that, if the Commission determines that a reliability or uptime standard is appropriate in either the draft rules or a guidance document, that these standards be developed in a deliberate and evidence-based manner. Staff supports this approach and looks forward to discussing these standards in the development of a guidance document and during the formal rulemaking phase.

The Joint Parties provided detailed performance metrics to be included in a guidance document. As discussed above, Staff commits to bringing a guidance document to the Commission before the rules go into effect if the Joint Parties and utilities propose that document to Staff.

Next Steps and 2022 TE Plan Timing

If Staff's recommendation is adopted, these draft rules will enter a formal rulemaking phase where the Administrative Hearings Division will host further deliberation on these draft rules from May 2022 to July 2022. The new rules have an anticipated effective date of August 2022.

Staff recognizes that utilities were due to file their TE Plans this year based on the original Division 87 rules, but that requirement was waived during the UM 2165 investigation to accommodate this rulemaking. To provide clarity on when the next TE Plans should be filed, Staff wants to make clear to utilities and stakeholders that utilities are expected to present a draft of their TE Plans no later than Q4 of 2022. The 2022 TE Plan should include years 2022-2025 in their scope. The draft rules in Appendix A set the requirement for utilities to present a draft of its TE Plan on or before May 1 every three years, starting in 2025. The scope of the TE Plans starting in 2025 are the three years following the presentation of the draft TE Plans (2026-2028).

Conclusion

Staff is grateful to the utilities and stakeholders who participated during the informal phase of this rulemaking for their insightful comments that have supported the draft rules attached herein. For the reasons set forth in this memo, Staff recommends the Commission open a formal rulemaking to adopt the rules enabling a holistic TE planning process that incorporates the requirements of HB 2165 and Staff's TE investment framework.

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PROPOSED COMMISSION MOTION:

Approve Staff's request to open a formal rulemaking and issue a notice of proposed rulemaking to adopt permanent rules address the TE planning process.

Division 87

TRANSPORTATION ELECTRIFICATION ~~PROGRAMS~~ PLANS

860-087-0001 - Scope and Applicability of Rules

(1) The rules in this division prescribe the application and reporting requirements for electric company activities that support transportation electrification (TE) as required by ORS 757.357. ~~to accelerate transportation electrification filed by an electric company.~~

(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 ~~a program proposed by an electric company to accelerate transportation electrification.~~ a program 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.

(3) “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.

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

(5) “Transportation Electrification Budget” means all the planned expenditures on and sources of projected revenues from transportation electrification in the first three years of the TE Plan.

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

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

(8) “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.

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 long-term strategy to accelerate transportation electrification in its Oregon service territory.~~ The objective of the TE Plan is to:

(a) Integrate ~~all of~~ the electric company’s transportation electrification actions into one document. ~~This~~ The Plan shall includes, but is not limited to, ~~analyzing~~ the electric company’s portfolio of near-term and long-term transportation electrification actions, including ~~approved~~

applications for program(s) and infrastructure measure(s), planning and expenditure of the Monthly Meter Charge, future transportation electrification actions and other transportation electrification actions such as Clean Fuels programs.

(b) ~~Identify Act as a summary of the electric company's actions 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 Oregon Laws 2021, chapter 95 ORS 757.357. The TE Plan ~~shall should~~ seek to address areas most affected by market barriers in the electric company's service territory, prioritize load management, and to provide benefits for ~~traditionally~~ underserved communities.

(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 ~~the this~~ rule.

(b) An electric company must ~~file present a draft TE Plan for to~~ Commission ~~staff and stakeholders for review and comment on or before May 1, every three years starting in the year 2025, acceptance of its TE Plan within two years of its previous TE Plan acceptance order~~ or as otherwise directed by the Commission. The TE Plan shall include the three calendar years after the year the TE Plan is presented.

(c) ~~The electric companies will work with~~ Commission staff to propose a schedule to parties for draft TE plan review, comment and workshops. ~~will work with parties to propose a schedule for review of the TE Plan after it is filed. The schedule will be adopted by an administrative law judge and will provide an opportunity for and written comments by Commission staff and stakeholders, and reply comments by the electric company.~~

(d) ~~After public review of the draft TE Plan, t~~The electric company must file a final TE Plan with the Commission, noting how the electric company responded to parties' comments. present its TE Plan to the Commission at a public meeting prior to the deadline for written public comment.

(e) Commission staff will present its recommendation on the electric ~~c~~Company's TE plan at a public meeting. The Commission ~~will shall~~ also consider party and electric company comments and recommendations on ~~an electric company's 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 is not prohibited from proposing TE Plan updates transportation electrification programs at any time between scheduled TE Plan filings. An electric company is required to file a TE Plan update for material changes to its TE Plan. Material changes are new TE program or infrastructure measure applications, or program or infrastructure measure changes that require new incremental ratepayer dollars. Commission staff will work with parties to propose a schedule for public review of TE Plan updates.

(3) The TE Plan must include:

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

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

(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;~~

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

(D) Number of electric vehicles of various sizes in the electric company's service territory and projected number of vehicles in the next ~~ten five~~ years;

(E) Other transportation electrification infrastructure, if applicable; ~~and~~

(F) ~~Charging and vehicle technology updates; and~~ 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.

~~(G) Distribution system impacts and opportunities for efficient grid management;~~

(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;

~~(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 discussion of how the electric company's investments, programs, and actions are expected to accelerate transportation electrification, address barriers to adoption, and extend access to traditionally underserved communities;~~

~~(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;

(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 Plan over the next three calendar years; and A discussion of current and anticipated electric company system impacts resulting from increased transportation electrification and the electric company's portfolio of actions, how transportation electrification can support the efficient integration of renewable energy, and how the TE Plan is designed to address these system impacts; and~~

(g) The electric company's TE Budget. The TE Budget must include:

(A) Annual budgets for the TE Plan for the three calendar years after the year the TE Plan is presented to Commission Staff and stakeholders. The annual budgets should include 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:

(i) Capital expenditures; and

(ii) 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, including a discussion of how actual revenue might vary from the estimate;

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

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

(ii) 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.

~~(g) A discussion of how programs and concepts in the TE Plan relate to carbon reduction goals, requirements and other state programs, including expected greenhouse gas emission reductions based on publicly available metrics.~~

~~(4) An electric company shall file new program and infrastructure measure applications, if any, as appendices to its TE Plan. The applications shall cover all new programs and infrastructure measures planned by the electric company 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 for each program and infrastructure measure application in compliance with the acceptance order.~~

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

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

~~(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;~~

~~(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)-(G) 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 technical requirements that will be imposed on participating technology or customers, interoperability of invested equipment, and 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;

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

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

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

(ii) Estimated participant costs;

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

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

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

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

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

860-087-0030 – Transportation Electrification Program Application Requirements

~~An electric company must file an application with the Commission for each program to accelerate transportation electrification.~~

~~(1) A Transportation Electrification Program application must include:~~

~~(A) A description of the program that includes, but is not limited to, a description of:~~

~~(A) Program elements, objectives, timeline, and expected outcomes;~~

~~(B) Market baseline assumptions;~~

~~(C) Major performance milestones;~~

~~(D) Where applicable, a description of program phases, including a proposal for when each subsequent program phase will be submitted for Commission review;~~

~~(E) Expected utilization, participation eligibility, and any incentive structures;~~

~~(F) Identification of market barriers, program implementation barriers, and program strategies to overcome the identified barriers;~~

~~(G) 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;~~

~~(H) Whether transportation electrification adoption attributed to the program will likely necessitate distribution system upgrades;~~

~~(I) Where applicable, a discussion of ownership structure;~~

~~(J) Where applicable, a discussion addressing interoperability of invested equipment;~~

~~(K) Where applicable, a discussion of any national standards for measurement and communication; and~~

~~(L) Any other information requested by the Commission.~~

~~(b) Data used to support the descriptions provided in paragraphs (1)(a)(A)-(L) of this rule.~~

~~(c) A description of program coordination that includes a description of:~~

~~(A) Stakeholder involvement in program development;~~

~~(B) Efforts to coordinate with related state programs;~~

~~(C) Coordination, if any, of delivery with other market actors and activities, and how the market and other market actors can leverage the underlying program or projects within the program.~~

~~(d) A description of the electric company's long term TE portfolio strategy to accelerate transportation electrification in its service territory in an effective and efficient manner and how the proposed program fits within the long term strategy. To the extent possible, the strategy description shall include, but not be limited to, a discussion of the following:~~

~~(A) The current condition of the transportation electrification market in the electric company's service territory and the outlook for development of the market in the absence of the proposed program;~~

~~(B) Near and long term market barriers to the development of transportation electrification and how the electric company proposes specifically to address those barriers;~~

~~(C) Near and long term opportunities for improving the operation and reliability of the electric company's power system through transportation electrification and how the electric company proposes specifically to take advantage of those opportunities; and~~

~~(D) Other factors pertinent to the electric company's plans for transportation electrification.~~

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

~~(A) Estimated total program costs, including incentives, program delivery, evaluation, marketing, and administration costs;~~

~~(B) Estimated participant costs; and~~

~~(C) How the electric company proposes to recover costs; and~~

~~(D) Any other information requested by the Commission.~~

~~(f) A description of the expected program benefits that includes, but is not limited to:~~

~~(A) Program benefits, including to whom and when benefits are accrued;~~

~~(B) Electrical system benefits; and~~

~~(C) A discussion of how a net benefit to ratepayers is attainable.~~

~~(g) A description of how the electric company will evaluate the program that includes, but is not limited to:~~

~~(A) Timeline of program evaluation and proposed evaluation reporting schedule;~~

~~(B) Estimated cost of evaluation;~~

~~(C) How the evaluation will be conducted and whether third-party evaluation is necessary;~~

~~(D) How the evaluation will address identified barriers; and~~

~~(E) A discussion of the method of data collection that is consistent with subsection (1)(b) of this rule and how the data will be used to evaluate the effectiveness of the program.~~

~~(F) Any other evaluative information requested by the Commission.~~

~~(h) A description of how the program addresses the considerations in Oregon Laws 2016, chapter 028, section 20(4)(a)-(f).~~

~~(2) An electric company must file applications for one or more Transportation Electrification Programs on or before December 31, 2016.~~

860-087-00340 Transportation Electrification Program Reporting Requirements Plan Report

~~(1) An electric company must report the results of its evaluation for each Transportation Electrification Program approved by the Commission. A program evaluation must include, but is not limited to: Electric companies must file a TE Plan Report (Report) on or before May 1 of each year. The Commission reserves discretion to take any action on the Report, but Commission action is not required.~~

~~(a) The Report must include:~~

~~(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 Plan in the previous three calendar years;~~

~~(C) An evaluation of each program or infrastructure measure in the company's portfolio of existing programs, conducted in accordance with third-party evaluation timelines as necessary;~~

~~(D) A discussion of how the TE Plan met the performance area categories described in Section (3)(c)(A)-(G) in this rule and key lessons learned. This discussion may include, as appropriate, performance metrics consistent with performance areas that are developed with stakeholder and electric company input;~~

(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; and

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

~~(a) The information required under OAR 860-087-0030(1)(g)(A)-(F);~~

~~(b) An assessment of program costs and benefits realized by ratepayers and the electric company;~~

~~(c) A tracking of program costs over the life of the program;~~

~~(d) Progress against identified market barriers and implementation barriers;~~

~~(e) Current risk that investment will result in stranded costs;~~

~~(f) Whether any program modifications are recommended to help meet expected outcomes;~~

~~(g) Updated market data, including a description of changes in the condition of the transportation electrification market within the electric company’s service territory; and~~

~~(h) An evaluation of whether and how the program has:~~

~~(A) Accelerated transportation electrification;~~

~~(B) Stimulated innovation, competition, and customer choice; and~~

~~(C) Supported system efficiency and operational flexibility, including the ability to integrate variable resources.~~

(2) The Commission may request additional TE ransportation Electrification Plan updates at any time, including milestones and progress against success indicators to assess whether to continue, discontinue, or modify approved Transportation Electrification pPrograms and infrastructure measures.

AR 654 – Stakeholder Comments Summary – First Workshop and Draft Rules Revision

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and 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.	Consensus, remove 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.	Consensus, remove definition.
3	Definitions (0010)	Joint Parties / PGE	Remove terms in definitions section that do not appear in Div. 87	Staff supports this change.	Consensus, remove definitions not referenced in the rule.
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.	Consensus on "underserved communities."
5	Definitions (0010)	PAC	Add definitions for "Public Infrastructure", "Transportation Electrification Plan" and	Staff supports this change.	Consensus to add definitions for these terms.

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
			"Transportation Electrification Portfolio."		
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.	Consensus, remove definition.
7	TE Plan (0020(1))	Joint Parties / PGE	<p>Edits re: objective of the plan. Joint Parties: Change (1)(b) to state "The TE Plan shall address areasprioritize load management, and provide benefits for underserved communities."</p> <p>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.</p>	Staff is supportive of these changes.	Consensus to apply these specific edits.

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
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.	<p>Consensus on concept. Workshop discussion included PGE asking for a waiver of required public engagement before filing a final draft TE Plan in the first year. NWECC is hesitant to waive that early circulation of the TE Plan but perhaps if the language Staff puts forward calls for sixty days, then it can be waived.</p> <p>Staff added the term “draft” to describe a prefiling status of the TE Plan. Staff didn’t set a fixed period for review but supports robust review of draft TE plans through utility-led workshop and public comment period.</p>

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
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.	Staff will address in guidance document.
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%.	Discussion at workshop, PGE recommended removing program eligibility. Staff will not include program eligibility in the revised draft and flag this for stakeholders to comment on in the next round of comments.
11	TE Plan (0020(3))	PAC	Move (3)(f) under (3)(a) as discussion on current conditions.	Staff supports this change.	Not covered in the workshop.
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?	Discussed in workshop. Green Energy Institute commented on importance of establishing context for those readers new to TE or TE Plans.

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
					Staff suggests requiring discussion of new policies or programs introduced since the last accepted TE Plan.
13	TE Plan (0020(3))	Joint Parties	Incorporate reliability considerations in application, suggested language "existing data on the availability, <i>reliability</i> , and usage patterns of charging stations."	Staff supports this change.	Consensus, Staff to include in draft rules.
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>	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.	Discussed at workshop, Flo spoke for an uptime metric to be tracked, even if the 97% uptime standard is adopted. Joint Parties want to remove EV adoption as a performance area, out of concerns around attribution. Joint Parties want to add accessibility and affordability as new performance areas.

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
					<p>Staff continues to see value in EV adoption as a performance area, and emphasizes that utilities should make reasonable estimates using the best forecasting assumptions available. Attribution, however, will not be a focus of evaluation within this performance area.</p> <p>Staff sees “accessibility and affordability” as important aspects within the existing category of “infrastructure performance, including charging adequacy.” Staff added them to the language of that performance area to better reflect their importance. Uptime is a specific metric that would fall within the performance area of “Infrastructure performance.”</p>

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
15	TE Plan (0020(3))	PGE	Define relationship between Plan acceptance, Budget, program and Infrastructure Measure approvals.	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.	Consensus on concept, Staff will reflect in draft rules.
16	TE Plan (0020(3))	PGE/ Idaho Power / ChargePoint	Adjust filing cadence to three year planning cycle, including annual report.	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:	Consensus on extending the planning cycle to three years, and the characterization of the related planning elements.

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
				<ul style="list-style-type: none"> a) Inputs: A three-year cadence would require new or updated EV adoption forecasts for TE Plans when they are not filed in the same year as Distribution System Plans (DSP). DSP is the source of EV adoption forecasts. 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. c) Utilities should propose an engagement mechanism to share the 	

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
				<p>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.</p>	

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
				DSP will be the source for these through power flow analysis and other analytics.	
17	TE Plan (0020(3))	PGE	Include clarification to include all needed charging infrastructure as well as public charging infrastructure.	Staff supports this change.	Consensus on concept, Staff will implement in revised draft rules.
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.	Not discussed in workshop.
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</p>	Staff supports these changes.	<p>Not discussed further in workshop, this is addressed by linking TE Budget approval to TE Plan acceptance and deleting now redundant paragraph PGE mentions.</p> <p>Staff's guidance document will provide additional guidance on BCA.</p>

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
			<p>approach. PAC recommended striking "expenditures" and replacing with "budget"</p>		
20	TE Budget (0020(6))	PGE / PAC	<p>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.</p>	<p>Discuss with stakeholders. Staff recognizes the uncertainty of future funding and encourages provisional plans based on most current information available.</p>	<p>Staff supports clarification of "reasonable estimate," not discussed further at workshop.</p>
21	TE Budget (0020(6))	PGE / PAC	<p>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 process of TE plan because governed by different rules.</p>	<p>Staff supports inclusion of CFP Plan within TE Plan as part of the utility's overall portfolio of activities.</p> <p>Discuss with stakeholders. Do CFP funds need be governed differently? If so, how?</p>	<p>NWEC asked if Order No. 18-376 still needs to be rescinded. CUB stated that it wants the program design principle that residential CFP credit revenue mostly benefits residential customers be retained.</p> <p>In the draft rules, Staff perceives expenditures of CFP credit revenue</p>

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
					<p>would be forecasted like other external funds, with actual expenditures reported.</p> <p>In the guidance document, Staff intends to recommend modification of the review process, and the requirement in Order No. 18-376 that programs and measures funded by CFP credit revenue be independent of ratepayer support.</p> <p>Staff sees general alignment between the TE investment framework and Order No. 18-376 except for different review processes and the restriction on mixing funds.</p>

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
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.	Consensus on draft rules to include discussion of corporate fleet electrification activities, without inclusion in TE Budget.
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	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.	See No. 10

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
			content requirements as program or IM applications that are appended to 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.	No consensus, Staff supports this addition. PGE opposed arguing that it is already included in interoperability part of the program application and that this is a moving target. Staff finds this to have broader implications than interoperability. Therefore, we have added this reporting requirement.
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.	No consensus, Staff recognizes the importance of standards and will look to credible third-party sources, such as forthcoming standards through NEVI. Staff also finds this to be a good topic for discussion during the planning cycle’s review

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
					of a specific program or measure design.
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.	Not discussed further in workshop.
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.	Consensus to include these, Staff notes that these already come with the draft rules' application for infrastructure measures in 0020(4)(a) (G), because both are contained in Oregon Laws 2021, chapter 95 Section 4(b).
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?	No consensus, Staff finds the requirements sufficiently general to retain but can reconsider with more specific stakeholder feedback.

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
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.	Not discussed further in workshop.
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.	See topic 15

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
31	Report (0030)	PGE	Clarify purpose of Reports, consider including detailed requirements in Commission order.	Discuss further with stakeholders. Please see Comment No. 16.	See topic 16
32	Report (0030)	PAC	Clarify difference between spending and line-item expenditures.	Staff is supportive of this change.	Consensus to implement.
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.	Discussed at workshop. Staff recommends uptime reporting as a metric within “infrastructure performance” performance area. Staff expanded that with “reliability, accessibility and affordability.” Staff thinks stakeholders should comment and/or request data regarding uptime performance during their review of TE Plans.

No.	Rule Section	Party/Parties	Public Comments – First Revision	Staff Response – First Revision	April 1 Workshop Comments and Staff Response
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.	No consensus. Staff thinks the portfolio’s impact on innovation, competition, and customer choice in Oregon is appropriate for discussion in 0030(1)(a).
35	Report (0030)	ChargePoint	Modify (1)(a)(E) to reference the correct section in the rules.	Staff is supportive of this change.	Not discussed further in workshop.