

Sarah Hall and Eric Shierman
Oregon Public Utility Commission
VIA Email

April 20, 2022

RE: Joint comments responding to the AR 654 draft rule language distributed April 8, 2022

The undersigned organizations appreciate the opportunity to comment on the draft rule language distributed April 8, 2022. The informal comment process, the summary of stakeholder comments, and draft rule language revisions reflect Staff's extensive work to meaningfully incorporate stakeholder input. Staff's summary of stakeholder comments acknowledges and commits to incorporating several items identified in our previous comments submitted, including adding load management as a TE Plan objective, incorporating reliability considerations into TE Plans, and removing definitions not referenced in Division 87.

We are hopeful that the draft rule language addresses several barriers to utility investments in transportation electrification (TE) and our comments focus on a few remaining items that warrant additional consideration. Our summary recommendations to the Commission in the matter are:

- We support changes to promote meaningful stakeholder engagement and to define material changes.
- We encourage Staff to make two minor additions related to performance areas and to include performance metrics in the guidance document.
- We recommend ensuring there is consistency in the rules in regards to making it clear that the Commission has the ability to approve, deny, or modify components of the TE plan, while still approving other elements.
- We encourage Staff to uphold the general program design principles when aligning Order No. 18-376 with updated Division 87 rules.
- We recommend 860-087-0030 (1)(a)(G) be removed from the rule language as the concepts of innovation, competition, and customer choice are already captured elsewhere.
- We urge Staff to consider incorporating accessibility and affordability standards into the additional guidance document.
- We request that any guidance documents be made available to the public and stakeholders.

I. Stakeholder Input (860-087-0020 (2)(c) and (d))

We support the changes to 860-087-0020 to promote meaningful stakeholder engagement prior to utilities filing their TE Plans with the Commission. It is our experience that once a filing has been made, it can be difficult to make substantive changes based on additional stakeholder input. Establishing a formal process for utilities to first file a draft TE Plan and then file a revised TE Plan will create more opportunities for stakeholders to provide input and for utilities to incorporate stakeholder comments. We encourage Staff to consider additional process requirements in the guidance document that will further facilitate stakeholder involvement in the development of TE Plans.

II. Material Changes (860-087-0020 (2)(f))

We appreciate the changes made to 860-087-0020 that further define material changes to a TE Plan. These changes, requested by stakeholder and utilities, provide necessary clarity while allowing for flexibility if changes to the TE Plan are needed.

III. Performance Areas and Metrics (860-087-0020 (3)(c))

We understand the list of performance areas is not meant to be exhaustive and we strongly support the inclusion of high-level performance areas in the rule. As we included in our comments submitted March 17, 2022, **we recommend adding “affordability and financial performance” to the list of performance areas.**

We want to reiterate the importance of establishing a process to monitor utility performance through the discussion of performance areas within TE Plans, establishing targets within TE Plans, and tracking metrics within TE Plan Reports. Consistently tracking and reporting on performance metrics will create baseline data. This data will allow stakeholders and the Commission to evaluate utility TE portfolio outcomes and gaps and make informed recommendations. It is important to acknowledge the need to consistently track TE portfolio performance within the rule. **This could be accomplished by adding the following to the list of reporting requirements in 860-087-0030 (1)(a):**

Performance metrics consistent with performance areas that are developed with stakeholder and electric company input.

Lastly, Staff indicated during the April 1, 2022 workshop that there is limited time to develop performance metrics that could be included in additional guidance. **Stakeholders would like to support the process to develop and include performance metrics in the guidance document and offer the below metrics for Staff’s consideration:**

Environmental/Public Health:

- GHG emission and air pollution reductions attributed to all EVs in a utility service area.

Infrastructure:

- Number of utility-owned and supported EVSE by use case.
- Percent of total EVSE by use case within utility service territory that are utility-owned and supported.

Equity:

- Percent of utility-owned and supported EVSE by use case located within and/or providing direct benefits and services to underserved communities or communities identified using a Commission-approved tool.
- Average reduction in a low-income customers' transportation energy burden due to participation in a utility program.
- Transit agencies' annual service hours, number of routes, and number of routes serving underserved communities that the utility helps electrify.

- Types of electric transportation technology supported by a utility portfolio as a percent of total investments i.e. micro-mobility, transit, etc.

Affordability/Financial:

- Price to charge at utility-owned and supported EVSE by use case.

Grid Benefits:

- Percent of load shifted to off-peak periods attributable to TE tariff offerings by use case.
- Percentage of EV load subject to potential managed charging.

Reliability:

- Uptime at utility-owned and supported EVSE by use case.

Engagement:

- Outreach, capacity building to and participation of underserved communities, low-income service providers, community-based and community service organizations, non-profit organizations, small businesses (particularly minority and women owned businesses), and tribes in the development and implementation of a utility TE portfolio.

It may be beneficial to also include in the additional guidance a statement about how the metrics are to be tracked and reported on as well as an acknowledgement of which metrics are for tracking purposes only and outside the utilities ability to influence.

IV. Acceptance of TE Plans (860-087-0020 (4))

We are supportive of the detail included in the rules regarding application requirements and appreciate the work Staff has done in compiling a list of filing requirements to aid the Commission and stakeholders in their review of infrastructure measure applications.

We recommend adding language to the section in (4) “Commission acceptance of the TE Plan shall constitute approval of each program and infrastructure measure application included in the TE Plan,” to include the Commission’s ability to approve, deny, or modify components of the plan, while still approving other elements. This change aligns with how the Commission reviews Integrated Resource Plans (IRPs) where they are able to acknowledge, decline to acknowledge, or modify individual action items.

Finally, we would like to note that Commission approval remains discrete from a later prudence review and the Company will still have to demonstrate prudence when these programs are proposed for cost recovery.

V. Treatment of Clean Fuels Program (CFP) Revenue in the TE Budget (860-087-0020 (5))

We understand the need to amend Order No. 18-376 to update the process and align with the Division 87 rules.¹ We recommend upholding the program design principles established in Order No. 18-376 with the exception of the fourth principle, “programs are designed to be independent from ratepayer support.” This may need to be modified to allow for CFP revenue to be used as supplemental funding across the TE portfolio. However, CFP revenue should continue to be treated as non-ratepayer dollars.

VI. Innovation, Competition and Customer Choice (860-087-0030 (1)(a)(G))

Innovation, competition, and customer choice are important program considerations but the framing of this reporting item seems to indicate TE investments have inherently negative impacts on innovation, competition, and customer choice. We are concerned that the language could actually limit customer protections and recommend 860-087-0030 (1)(a)(G) be removed from the rule language as the concepts of innovation, competition, and customer choice are already captured elsewhere.

Specifically, the concept of “innovation” is captured in the performance area category “learnings for readiness to advance innovation and efficiency;” the concept of “competition” is captured in the TE Plan requirement to address the utility’s impact on the “competitive electric vehicle supply equipment market;” and customer choice is captured in the requirement that the utility describe the existing market and “other transportation electrification infrastructure.”

For the reasons listed above, we feel that 860-087-0030 (1)(a)(G) should be removed as it is duplicative and therefore overly burdensome.

VII. Accessibility and Affordability Standards

Our comments submitted on March 17, 2022 included a recommendation to add requirements for payment method standards at utility owned and supported public charging stations, requirements to make languages other than English available for public charging transactions, and reliability requirements. During the April 1, 2022 workshop, stakeholders elaborated on this request, adding that affordability standards to promote at least EV charging price parity for all residential customers are essential for equitable transportation electrification. We recognize that Staff “finds this to be a good topic for discussion during the planning cycle’s review of a specific program or measure design.” We feel this is not sufficient to address these important standards and would appreciate the opportunity to incorporate accessibility and affordability standards into the additional guidance document.

VIII. Supporting Access to Complementary Guidance

Joint Parties would like to reiterate the importance of accessibility to stakeholders and the public throughout the TE Plan process; we specifically request that any guidance documents be made easily available to the public and stakeholders. To further encourage participation, the agency should consider devoting an area of its website to transportation electrification and provide links to all TE Plans, regulations, and guidance documents. To encourage and assist new

¹ <https://apps.puc.state.or.us/orders/2018ords/18-376.pdf>

stakeholders in entering these processes, the agency should take these easy affirmative steps to make the learning process as smooth as possible.

IX. Conclusion

We appreciate Staff's ongoing work to revise Division 87 in a manner that accelerates equitable transportation electrification. We understand Staff plans to incorporate benefit cost analysis recommendations into the additional guidance document and we look forward to discussing this topic.

Respectfully submitted,

Victoria Paykar
Oregon Transportation Policy Manager
Climate Solutions

Carra Sahler
Staff Attorney
Green Energy Institute

Annabel Drayton
Policy Associate
NW Energy Coalition

Kate Ayres
Policy Advocate
Oregon Citizens' Utility Board

Sergio Lopez
Energy, Climate and Transportation Coordinator
Verde