



September 10, 2021

Ms. Sarah Hall
Mr. Eric Shierman
Oregon Public Utilities Commission
Docket: UM 2165

Re: UM 2165 – FLO Comments on Workshop #5: Focus on HB 2165 and HB 3055

Dear Ms. Hall and Mr. Shierman

Thank you for the opportunity to comment on Oregon Public Utilities Commission's (OPUC) workshop 5 on August 27 (the "workshop") for the UM 2165 docket.

FLO is a leading North American charging network for electric vehicles (EV) and a major provider of smart charging software and equipment. FLO offers public, commercial, and residential chargers, including Level 2 EV supply equipment and DC fast chargers. In North America, FLO has deployed over 45,000 charging stations and manages hundreds of thousands unique charging experiences that transfer 5.5 GWH of energy monthly. FLO's headquarters and network operations are based in Quebec City.

FLO offers the following comments in response to the questions below from slide 16 of the workshop presentation:

What does "underserved" mean in this context and why?

FLO supports the definitions of "underserved" listed in Section 2 (6) of the legislation, with additional suggestions:

First, it is important for OPUC, in consultation with stakeholders, to concretely define the terms used in Section 2 (6) (b), especially "lower incomes" and "rural communities, frontier communities, and coastal communities", especially if there is no existing statewide accepted definition. This will ensure that funds are appropriately targeted to the households and communities intended to benefit from these investments. Without clearer guidance, entities could significantly differ in their interpretation of these terms, which would lead to inconsistent implementation of this section and potentially dilute the benefit of investments in underserved areas and communities.

Second, FLO supports the comments made by the Northwest Energy Coalition at the workshop that additional prioritization of projects for underserved communities is warranted. It's important for OPUC, in consultation with stakeholders and the recently published Transportation Electrification Infrastructure Needs Assessment, to determine its priorities and vision for implementing this section. This will ensure that implementation of this section is properly aligned with larger state goals, infrastructure deployment needs, and the trajectory of the charging market. FLO recommends giving projects for multifamily housing, rural communities, and low-income communities higher prioritization. These areas are especially hard to reach, and often there are technical or cost challenges that unduly prohibit station

deployment. This has a negative consequence of creating inequities in the distribution of charging infrastructure, to the detriment of consumers. By comparison, California's Energy Commission is legislatively mandated to ensure the equitable deployment of charging stations it funds based on several demographics¹. Given this, FLO believes these areas deserve special attention to overcome deployment challenges.

How should metrics be developed to demonstrate program effectiveness?

In California, the Legislature is currently considering legislation that would establish important equity metrics for transportation electrification program benefits. The legislation requires 50 percent of the Energy Commission's investments in transportation electrification to go toward "programs and projects that directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians", with an additional 50 percent metric to ensure "tangible location-based investments" in disadvantaged and low-income communities². Investments that fulfill both metrics will qualify for both. The goal of these requirements is to ensure (1) that low-income and disadvantaged communities are getting tangible projects deployed in their areas while also ensuring that (2) the residents of these communities are the ones actually using or benefitting from these projects.

The legislation specifies further a non-exhaustive list of criteria for measuring compliance with these 50 percent metrics:

- *(1) Programs that fill gaps in the equitable distribution of light-duty charging infrastructure identified pursuant to Section 25231 of the Public Resources Code, including programs deploying charging or refueling stations at low-income residential and multiunit dwelling locations.*
- *(2) Programs deploying publicly accessible or shared charging or refueling stations serving low-income customers who reside in disadvantaged and low-income communities, including programs to promote zero-emission car sharing, zero-emission transit, or vanpooling in those communities.*
- *(3) Infrastructure for public transportation and school bus electrification programs.*
- *(4) Programs that support the deployment of clean medium- and heavy-duty vehicles, including infrastructure deployment and other programs to displace local air pollution that disproportionately burdens disadvantaged and low-income communities.*
- *(5) Financing assistance and vehicle purchase, charging, or fueling incentives for customers residing in disadvantaged and low-income communities.*
- *(6) Multilingual marketing, education, and outreach designed to increase awareness and adoption of clean mobility options.*

¹ Senator Ricard Lara. SB 1000. Section 25231 of the California Public Resources Code. 2018. < [Bill Text - SB-1000 Transportation electrification: electric vehicle charging infrastructure.](#)>

² Senator Lena Gonzalez. SB 726. Section 44272.1 of the California Public Resources Code. < [Bill Text - SB-726 Alternative fuel and vehicle technologies: sustainable transportation. \(ca.gov\)](#)>

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- *(7) Programs that create high-quality jobs related to supporting new clean technologies in transportation and reduce household energy burdens related to vehicle charging.*

While this legislation has yet to become law, stakeholders worked together to agree upon this language, including environmental groups, equity groups, and industry associations representing charging companies, utilities, and auto manufacturers (FLO participated in this process as a representative for an association of charging companies). FLO recommends OPUC consider these metrics and work with stakeholders to adapt them to fit the state's demographics.

FLO would like to recommend an additional metric to be added to this list – ensuring high station uptime. As noted in our comments for workshop 4 that we submitted to the UM 2165 docket, broken chargers do not provide a public benefit to drivers, nor is investment in low quality, unreliable chargers a good use of ratepayer dollars. It's even more critical to ensure underserved areas have access to reliable chargers if we are going to increase their EV adoption. Requiring investments to meet reliability requirements is an important underlying equity metric. To put it another way, underserved areas should benefit from the same amount of access to reliable charging stations as other parts of the state, and the only way to ensure that is to institute uptime requirements and then measure how stations are performing in these areas.

Finally, FLO supports comments from Portland General Electric (PGE) at the workshop that flexibility is also warranted for these investments. As noted at the workshop, the charging industry is indeed still nascent and rapidly evolving – companies are racing to develop new business models and product offerings to better serve EV drivers. While prioritizing the list of underserved areas is important, this must be balanced by allowing flexibility in the types of projects entities like PGE and others can undertake. This will allow greater participation of business models and products from EV charging companies, which will only benefit consumers because they will be offered new, more cost-effective, or better services that better fit their needs.

Thank you for your consideration,

[electronically submitted]

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FLO