

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2165

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Update to Staff Guidance on
Transportation Electrification Planning

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on February 4, 2025, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



Katharine Mapes on behalf of
Alison Lackey
Chief Administrative Law Judge



A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Circuit Court for Marion County in compliance with ORS 183.484.

ITEM NO. CA7

**PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: February 4, 2025**

REGULAR _____ **CONSENT** X **EFFECTIVE DATE** _____ **N/A** _____

DATE: January 27, 2025

TO: Public Utility Commission

FROM: Eric Shierman

Through: Caroline Moore, JP Batmale, and Sarah Hall **SIGNED**

SUBJECT: PUBLIC UTILITY COMMISSION STAFF:
(Docket No. UM 2165)
Update to Staff Guidance on Transportation Electrification Planning.

STAFF RECOMMENDATION:

Approve revised Staff Guidance on Transportation Electrification Planning.

DISCUSSION:

Issue

Whether the Commission should approve Staff's revised guidance for analysis of infrastructure need and benefit/cost analysis for transportation electrification (TE) plan budgets.

Applicable Law

ORS 757.357 requires the Commission to direct each electric company to file programs that support TE. The statute provides considerations that the Commission is required to include in its review of such programs. In 2021, the Oregon Legislature passed House Bills (HBs) 2165 and 3055, which amended ORS 757.357 to require electric companies to collect an amount from all retail electricity consumers that is to be expended to support TE pursuant to the TE plan accepted by Commission.¹

The Commission promulgated OAR Chapter 860 Division 87 to implement ORS 757.357, specifically prescribing "the application and reporting requirements for

¹ Or Laws 2021, ch 95, § 2, *compiled as a note after* ORS 757.357.

programs to accelerate transportation electrification filed by an electric company.” These rules outline requirements for TE program applications and TE Plan filings.

ORS 756.568 enables the Commission to amend any order made by the Commission upon notice to the public utility and after opportunity to be heard.

In Order No. 21-026, upon Staff’s request, the Commission directed Staff to open an investigation to develop a TE investment framework.²

In Order No. 18-376, the Commission approved Staff’s program design principles and program selection process to guide utilities in their utilization of Clean Fuels Program (CFP) revenues.³

In Order No. 22-314, the Commission approved the current Staff Guidance on Transportation Electrification Planning (Staff Guidance).⁴

Analysis

Background

Staff initiated an investigation into an updated TE investment framework in Docket No. UM 2165 following the Commission’s suspension of Portland General Electric’s 2020 proposal for a transportation line extension allowance.⁵ The purpose of this docket was to align the Public Utility Commission’s (Commission) review of electric company TE investment within a framework that better incorporates the policy goals of the State of Oregon.

While the Staff investigation in UM 2165 was underway, Governor Brown signed HB 2165 into law, which created the Monthly Meter Charge, among other statutory changes to electric company expenditures on TE. This broadened the scope of the docket to preparation for rulemaking to implement the new legislation. Staff proposed new Division 87 rules in AR 654, which were approved by the Commission on September 8, 2022.⁶ The original Staff Guidance provided details for implementing the new rules.

In 2023, the three electric companies filed their second TE plans under these new rules.

² *In the Matter of Portland General Electric Company, Advice No. 20-17 (ADV 1149), Schedule 300, Transportation Electrification (TE) Line Extension Allowance, Docket No. UE 386, Order No. 21-026 (January 28, 2021).*

³ *In the Matter of Public Utility of Commission of Oregon, Revised Principals and Process for Utility Use of Revenue from Clean Fuels Program, Docket No. UM 1826, Order No. 18-376 (October 11, 2018).*

⁴ *In the Matter of Public Utility Commission of Oregon, Investigation of Transportation Electrification Investment Framework, Docket No. UM 2165, Order No. 22-314 (August 26, 2022).*

⁵ Order No. 21-026, p 1.

⁶ *In the Matter of Revisions to Division 087 Administrative Rules, Docket No. AR 654, Order No. 22-336, p. 1 (September 8, 2022).*

Staff's proposed changes in this memo are based on lessons learned from that prior cycle of TE planning and implement the time frame for reinstating benefit/cost analysis (BCA) in Order No. 22-314. To support public comment and engagement on these changes, Staff hosted a workshop November 8, 2024. On November 21, 2024, Staff published draft changes to the Staff Guidance and sought public comment. Staff incorporated feedback filed jointly by PGE, PacifiCorp, and Idaho Power.⁷

Staff's Proposed Changes

Only two portions of the Staff Guidance require an update. Most of the existing text is devoted to defining each underserved community and establishing metrics for the portfolio performance areas. Based on the electric companies' first filed TE Plan Reports in May 2024, Staff sees no need to change that existing language. At this time, Staff proposes modifications solely to the Infrastructure Need Analysis and Benefit/Cost Analysis sections.

Infrastructure Need Analysis

Staff proposes to integrate the TE Plan's assessment of charging infrastructure need with the electric company's Distribution System Plan (DSP), recommending that utilities use the most recent DSP to determine the impact of EV adoption on the grid. This transitions the infrastructure planning element of the TE Plan away from Oregon Department of Transportation's *Transportation Electrification Infrastructure Needs Analysis* (TEINA) methodology, which Staff no longer finds the most appropriate tool to assess infrastructure need.

Staff's reasons for this transition are:

- For the 2023-2025 TE Plans, the Infrastructure Need Analysis served as the only budget guardrail. Currently, utilities can propose that ratepayers fully fund all charging needs through 2025. No Oregon electric company plans to build and operate all the public charging infrastructure in its service territory. Oregon TE policy does not mandate that utilities do so.
- Estimating the correct number of public chargers needed to meet EV adoption goals in utility service territories proved to be an analytically burdensome requirement for utilities and required additional expertise. In contrast, DSP analysis aligns more seamlessly with electric company planning practices. DSP guidelines require utilities to forecast EV adoption and the grid needs those EVs bring.
- The development of models to forecast the required number of charging ports by use case is best left to the public sector. TEINA is mostly an augmentation of the National Renewable Energy Laboratory's (NREL) [EVI Pro Lite](#) model, which

⁷ *Investigation of Transportation Electrification Investment Framework, Proposed Guideline Revisions*, Docket No. UM 2165, Joint Utilities' comments (December 10, 2024).

estimates required port counts at the state level. NREL plans to continuously update that model. ODOT does not have plans to update TEINA.

Benefit/Cost Analysis

Staff's proposal will reinstate BCA in TE investment recommendations. The original Staff Guidance recommended delaying use of a binding BCA for the 2023-2025 TE Plans, with implementation of BCA beginning with the 2026-2028 cycle. Staff proposed developing a "jurisdiction-specific cost test" for this use, and in keeping with this intent, Staff now proposes specific modifications to reflect Oregon policy requirements. Staff intends these changes in BCA to reflect the TE policy of Oregon's jurisdiction and to maximize flexibility in demonstrating cost-effectiveness:

- The TE Monthly Meter Charge (MMC) does not need to be cost-effective.
- Residential Clean Fuels Program (CFP) credits are not a cost.
- Benefits need to exceed the costs only at the portfolio level.
- Positive benefit/cost analysis results are required in only one of four tests: the Utility Cost Test, Ratepayer Impact Measure, Total Resource Cost Test, and the Societal Cost Test.
- A second test can be performed that excludes MMC expenditures on underserved communities.

This update will have three important implications for the Commission's decision on each electric company's TE Budget. First, BCA will not be binding on the overall expenditure levels of the MMC or residential CFP revenue. Second, the expected portfolio-wide benefits from one of four cost-test perspectives will inform evaluation of TE budget expenditures of ratepayer funds beyond the MMC. And third, the costs of individual measures can exceed their benefits.

Stakeholder Feedback

The only written comments on Staff's proposed changes were filed by the three electric companies. The Joint Utilities were generally supportive of Staff's proposal. However, they proposed one requested change, stating:

We ask that the guidance be amended to allow use of the Ratepayer Impact Measure (RIM) test, in addition to or instead of the Utility Cost Test (UCT). We believe in many cases the RIM test will provide a more complete measure of program cost effectiveness than the UCT, because the RIM test includes utility revenues from associated load where the UCT does not. We note that the Total Resource Cost (TRC) test also includes elements of each of the other cost tests.⁸

⁸ Joint Utilities' Comments, p 1.

Staff supports the Joint Utilities' recommendation. In doing so, Staff does so with the intent to not position the RIM as the primary cost test for use in benefit/cost analysis of other distributed energy resources, though Staff affirms the necessity of ongoing ratepayer analysis for these investments generally to highlight affordability. Inclusion of the RIM is appropriate here because it offers an additional perspective for budget approval that fits into the overall flexibility Staff seeks to achieve for TE expenditures.

Conclusion

Staff recommends the Commission approve the proposed changes to the Staff Guidance. Attachment 1 contains a red-line version of the changes. Attachment 2 is the new Staff Guidance.

PROPOSED COMMISSION MOTION:

Approve revised Staff Guidance on Transportation Electrification Planning.

CA7 – UM 2165

Working Draft
Attachment 1

Staff Guidance on ~~Implementing new Division 87 Rules~~ Transportation Electrification Planning

~~Use of TEINA as Commission-approved tool to estimate public infrastructure Need and maximum level of investment~~

~~Infrastructure need should transition from an assessment of the number of ports needed to fuel EVs to the infrastructure's needs required of the electric company's distribution system. As referenced in draft rule Section 20(a)(F), utilities should use a Commission-approved tool to assess the charging infrastructure need in an electric company's service territory. Staff recommends each electric company's distribution system plan (DSP) the Oregon Department of Transportation's (ODOT) Transportation Electrification Infrastructure Needs Analysis (TEINA) to serve as this tool, providing a minimum level of rigor and granularity for estimating charging infrastructure need.¹ This will establish the maximum infrastructure need for a given year, and utilities should adapt this level based on the utility's forecast of EV adoption in its service territory. TEINA will serve as a maximum "guardrail" on TE Budget approval for public charging.~~

~~Staff views TEINA as the most rigorous available approach to establishing public charging infrastructure need in Oregon. TEINA is also the best currently available means of establishing a spending guardrail linked to the state's EV infrastructure needs. Staff recommends the use of TEINA because it is flexible and capable of incorporating updated information as the EV market evolves.²~~

~~Staff provides this guidance for using TEINA to assess the charging need in a utility's service territory:~~

- ~~Utilities' use of TEINA should incorporate the tool's method, not necessarily its inputs. All assumptions ODOT made should be reviewed with the best and most current evidence utilities have available. The most reasonable assumptions should be used. For example, ODOT used the state LDV EV goals from Senate Bill (SB) 1044 as a what if scenario for EV adoption rather than make a forecast of EV adoption. Utilities will need to update TEINA with the latest estimate of expected EV adoption in each companies' service territory.~~

¹ ODOT. *Transportation Electrification Needs Analysis (TEINA)* June 28, 2021, https://www.oregon.gov/odot/Programs/Documents/Climate%20Office/TEINA_Final_Report_June282021.pdf.

² See Docket No. UM 2165, OPUC Staff, Staff Report, December 7, 2021, p 14.

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- ~~• ODOT has made the analysis of this research available as a public-facing spreadsheet. Electric companies are free to improve upon TEINA by customizing the tool in ways that do not reduce granularity.~~
- ~~• An important output that TEINA produces is the needed port count per census tract by use case. Utilities will use this to show how infrastructure need is distributed across their service territories.~~
- In addition to the boundary of infrastructure need, the reasonableness of a TE Budget will also be informed by the availability of external funding. This includes CFP credits, grants, and program participants' contributions. Utilities need to avoid ratepayer subsidization of charging infrastructure that a program participant is required to install due to a building code. The TE Plan will provide context for infrastructure need by using the analysis of the most recent DSP modeling of the impact of EVs on the distribution system. This will include both the DSP's current system data assessment and DSP's forward-looking planning. This change in analysis will focus on the distribution system needs of charging infrastructure in contrast to the Staff Guidance in Order No. 22-314 which was focused on estimating the total port counts required to fuel EVs. The rigor and granularity required for the DSP's assessment of EV charging based on an EV adoption and load forecast is sufficient to provide a reasonable estimate of EV charging need on the distribution system.

Benefit/Cost Analysis

Expenditures of the Monthly Meter Charge do not require cost-effectiveness for approval. To provide increased transparency into the range of relative benefits and costs of a proposed Monthly Meter Charge expenditure TE portfolio, Staff's draft rules require that utilities perform standard costs tests for program and infrastructure measures, when possible. This should include a Societal Cost Test, which adds the net social impact of electric company TE activities to a Total Resource Cost Test (TRC).

Utilities should not include expenditures of credit revenue from Oregon's Clean Fuels Program as costs in their SCT. Staff takes this position because, as external funds, CFP credit revenue does not require recovery from ratepayers. Utility participation or nonparticipation does not affect the cost to Oregonians of the CFP because unclaimed credits would otherwise go to DEQ's backstop aggregator.

~~At this time, Staff will not use benefit/cost analysis as the basis for recommending whether the Commission should approve a TE Budget. Public review of utility benefit/cost analysis in the 2022-2025 TE Plans will enhance an ongoing discussion about how this analysis will later serve in budget development. Staff will hold workshops~~

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~~on the development of a jurisdiction-specific test that aligns best practices in benefit/cost analysis with Oregon-specific policy requirements and goals. Staff envisions this benefit/cost test will replace the current budget approach as the required mechanism for developing and evaluating TE Budgets. Staff envisions collaboratively developing this benefit-cost framework for review of 2026-2028 TE Plans and Budgets.~~

For approval of the expenditure of ratepayer funds beyond the Monthly Meter Charge the TE portfolio's benefits should exceed the costs from at least one of the following standard cost-effectiveness tests:

- Utility Cost Test
- Ratepayer Impact Measure
- Total Resource Cost Test
- Societal Cost Test

An electric company may perform a second benefit/cost analysis that excludes expenditures of the Monthly Meter Charge on underserved communities.

Attachment 2

Staff Guidance on Transportation Electrification Planning

Infrastructure Need

Infrastructure need should transition from an assessment of the number of ports needed to fuel EVs to the infrastructure's needs required of the electric company's distribution system. As referenced in draft rule Section 20(a)(F), utilities should use a Commission-approved tool to assess the charging infrastructure need in an electric company's service territory. Staff recommends each electric company's distribution system plan (DSP) serve as this tool. The TE Plan will provide context for infrastructure need by using the analysis of the most recent DSP modeling of the impact of EVs on the distribution system. This will include both the DSP's current system data assessment and DSP's forward-looking planning. This change in analysis will focus on the distribution system needs of charging infrastructure in contrast to the Staff Guidance in Order No. 22-314 which was focused on estimating the total port counts required to fuel EVs. The rigor and granularity required for the DSP's assessment of EV charging based on an EV adoption and load forecast is sufficient to provide a reasonable estimate of EV charging need on the distribution system.

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Expenditures of the Monthly Meter Charge do not require cost-effectiveness for approval. To provide increased transparency into the range of relative benefits and costs of a proposed Monthly Meter Charge expenditure, Staff's draft rules require that utilities perform standard costs tests for program and infrastructure measures, when possible. This should include a Societal Cost Test (SCT), which adds the net social impact of electric company TE activities to a Total Resource Cost Test (TRC).

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- Utility Cost Test
- Ratepayer Impact Measure
- Total Resource Cost Test

- Societal Cost Test

An electric company may perform a second benefit/cost analysis that excludes expenditures of the Monthly Meter Charge on underserved communities.

Metrics for Portfolio Performance Areas

The draft rules contain seven performance areas but do not specify metrics for their tracking or assessment. This section prescribes specific metrics for the performance areas. The purpose of these metrics are to: monitor utility performance through the discussion of performance areas within TE Plans, establish targets within TE Plans, and track metrics within TE Plan Reports. Secondly, the metrics will consistently track and report on performance metrics to establish baseline data. The metrics are intended to utilize data to evaluate utility TE portfolio outcomes and gaps, and inform recommendations. Finally, these metrics are intended to prioritize the assessment of the equitable distribution of benefits and burdens as well as affordability.

The performance areas will have three kinds of metrics: performance, baselining, and tracking.

Performance Metric	<ul style="list-style-type: none"> – Measures of direct outputs of utility activities – Metric is mature enough to enable target-setting – Can be used in reporting and assessment of portfolio success or sufficiency – Utility forecasts metric performance for the proposed TE portfolio as part of the TE plan, then reports on progress – Assessed at a TE portfolio level – Related to programmatic activity and used in evaluation of TE portfolio
Baselining Metric	<ul style="list-style-type: none"> – Measures of outputs of utility activities – Metric is not yet mature enough to enable target-setting, or measures progress over a long time-horizon – May be turned into a performance metric at some future point – Not used in assessing portfolio success or sufficiency – Utilities do not forecast metric performance, but do report on progress – Related to programmatic activity, but not used in evaluation
Tracking Metric	<ul style="list-style-type: none"> – Not used in evaluating the TE portfolio because utility programs and investment are not able to significantly influence that variable, or measurement is impractical – Utility reports metric as part of TE plan – Assessed at a state/service area level – Included to track a key issue, but not used in evaluation

The following metrics are presented with each of the seven portfolio performance areas listed in Section 20(a)(A-G) of the draft Division 87 rules.

a. Environmental benefits including greenhouse gas emissions impacts (860-087-0020(3)(c)(A))

Metric: GHG emission and air pollution reductions estimated from all EVs registered in a utility service area.

Type of metric: Tracking

Additional considerations: As a starting place, estimate criteria pollutants from tailpipe emissions including PM 2.5, SOx, and NOx from all EVs registered in a utility service area. Staff also suggests that utilities show the assumptions behind miles.

b. Electric vehicle adoption (860-087-0020(3)(c)(B))

Metric: The TE Plan will have no metric for this performance area. Instead, utilities can meet this requirement by providing a qualitative description of the TE Plan's expected impact on EV adoption. The TE Report will compare actual EV adoption with the forecasted EV adoption.

c. Underserved community inclusion and engagement (860-087-0020(3)(c)(C))

Metric: 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.

Type of metric: Baseline metric

Additional considerations: Metric may result in a qualitative description of how the utility has conducted these activities in the development and implementation of its TE portfolio.

d. Equity of program offerings to meet underserved communities (860-087-0020(3)(c)(D))

Metric: Percent of program-enabled ports by use case located within and/or providing direct benefits and services to underserved communities or communities identified using a Commission-approved tool.

Type of metric: Baseline metric

Additional considerations: Use cases include residential, multifamily, workplace, corridor, non-corridor public, light-duty vehicle (LDV) fleet, and medium- and heavy-duty vehicle (MHDV) fleet. When possible, distinguish between public and private ports. Program-enabled ports do not include ports exclusively supported by line extension allowances.

Metric: For transit agencies who have participated in a utility EV program during the portfolio period, the transit agencies' annual service hours, number of routes, and number of routes serving underserved communities, to the extent this information is provided to the utility.

Type of metric: Tracking metric

Additional considerations: Decisions regarding a transit agencies' annual service hours, number of routes, and number of routes serving underserved communities are generally outside of the utilities control. Tracking this metric is intended to assess complementary services (i.e., transit service and transit electrification) and identify gaps in services. This metric does not suggest that there is a correlation between transit service changes and electrification of buses.

Metric: Types of electric transportation technology supported by a utility portfolio as a percent of total investments, organized into categories such as micromobility, passenger vehicles, light-duty fleet vehicles, medium- and heavy-duty fleet vehicles, school buses, and transit buses.

Type of metric: Baseline metric

e. Distribution system impacts and grid integration benefits (860-087-0020(3)(c)(E))

Metric: Percent of program-enabled charging load that occurs off-peak, by use case.

Type of metric: Performance metric

Additional considerations: Use cases include residential, multifamily, workplace, corridor, non-corridor public, LDV fleet, and MHDV fleet. When possible, distinguish between public and private ports. Program-enabled ports do not include ports exclusively supported by line extension allowances.

Metric: Total EV load enrolled in managed charging, and potential for managed charging. Estimated percent of EV load enrolled in managed charging.

Type of metric: Performance metric

Additional considerations: Managed charging includes direct load control, vehicle-to-grid, and behavioral demand response. Managed charging does not include time of use rates.

f. Program participation and adoption (860-087-0020(3)(c)(F))

Metric: Number of program-enabled ports by use case.

Type of metric: Performance metric

Additional considerations: Use cases include residential, multifamily, workplace, corridor, non-corridor public, LDV fleet, and MHDV fleet. When possible, distinguish between public and private ports. Program-enabled ports do not include ports exclusively supported by line extension allowances.

Metric: Percent of total public ports by use case within utility service territory that are program-enabled.

Type of metric: Baseline metric

Metric: Number of participants in utility programs, broken down by program and underserved community status.

Type of metric: Baseline metric

g. Infrastructure performance including charging adequacy, reliability, affordability, and accessibility (860-087-0020(3)(c)(G))

Metric: Price (\$/kWh) to charge at program-enabled ports by use case.

Type of metric: Baseline metric

Additional considerations: Use cases include residential, multifamily, workplace, corridor, non-corridor public, LDV fleet, and MHDV fleet. When possible, distinguish between public and private ports. Program-enabled ports do not include ports exclusively supported by line extension allowances.

Metric: Uptime at utility-owned and supported ports by use case.

Type of metric: Performance metric

Additional considerations: Use cases include residential, multifamily, workplace, corridor, non-corridor public, LDV fleet, and MHDV fleet. When possible, distinguish between public and private ports. Program-enabled ports do not include ports exclusively supported by line extension allowances. Utilities should file TE Reports that compare actual annual results versus forecast for all performance areas. TE Reports should compare annual forecasted versus actual EV infrastructure installed in the utility's service territory.

Definitions of Underserved Communities

Section 2 of HB 2165 defines "underserved communities" as residents of rental or multifamily housing, communities of color, communities experiencing lower incomes, tribal communities, rural communities, frontier communities, coastal communities, and

other communities adversely harmed by environmental and health hazards.¹ The purpose of defining underserved communities is to ensure utilities apply the same assumptions in TE program implementation and performance metrics, to inform these definitions with stakeholder feedback, and to align them with related programs where possible.

Based on stakeholder feedback at meetings and in written comments, Staff suggests further defining these communities as:

- **Residents of rental housing** are people, including a roomer, entitled under a rental agreement to occupy a dwelling unit to the exclusion of others, including a dwelling unit owned, operated, or controlled by a public housing authority.
- **Residents of multifamily housing** are people that reside in a structure or facility established primarily to provide housing that provides more than one living unit and may also provide facilities that are functionally related and subordinate to the living units for use by the occupants in social, health, educational or recreational activities. Multifamily housing includes special care facilities, which are defined by ORS 443.400-445 as, “for the elderly, including but not limited to individual living units within such structures, mobile home and manufactured dwelling parks and residential facilities licensed under ORS 443.400...and other congregate care facilities with or without domiciliary care. For persons with disabilities, including, but not limited to, individual living units within such structures, mobile home and manufactured dwelling parks and residential facilities licensed under ORS 443.400...other congregate care facilities with or without domiciliary care. This does not include nursing homes, hospitals, places primarily engaged in recreational activities and single-family, detached dwellings, except manufactured dwellings situated in a mobile home and manufactured dwelling park.”
- **Communities of color** are communities of people who are not identified as White, emphasizing common experiences of racism.
- **Communities experiencing lower incomes** are residential customers whose household income is less than or equal to 120 percent of state median income adjusted for household size.
- **Tribal communities** are Oregon’s nine recognized Native American tribes: Burns Paiute Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Coquille Tribe, Cow Creek Band of Umpqua Tribe of Indians, Confederated Tribes of the Grand Ronde Community of Oregon, The Klamath

¹ HB 2165, Section 2 (6) (a) and (b).

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2165/Enrolled>.

Tribes, Confederated Tribes of Siletz, Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Indian Reservation. Or a utility can recognize a credible claim of indigenous descentance by another group.

- **Rural communities** are people residing 30 or more miles by road from an urban community of 50,000 people or more.
- **Frontier communities** are people residing 75 miles by road from a community of less than 2,000 individuals.
- **Coastal communities** are people residing west of Oregon's Coastal Mountains.
- **Communities adversely harmed by environmental and health hazards** are people residing in a part of Oregon that is adversely affected by criteria pollutants or climate change.

Staff's guidance on how utilities can define underserved communities geographically will serve in the interim before the Oregon Environmental Justice Council completes a common state mapping tool. The statutory deadline for this mapping tool's development is September 15, 2025.² Staff will update this guidance as the development of a common environmental justice map for state policy is developed under the direction of HB 4077.³ Utilities are free to create customized tools for establishing geographic designations of underserved communities provided the utility consults with each community before it geographically defines them.

Staff notes that some of the definitions above are inherently delineated geographically, but for underserved communities that are not inherently spatially defined, utilities should use the Environmental Protection Agency's EJScreen or ODOT's TEINA to monitor TE expenditures on underserved communities.⁴

Equity–Outreach and Investments

Staff includes this guidance for implementation of the portfolio performance area of "Underserved Community Engagement and Inclusion, in proposed rules Section 20(3)(c)(C):

³ See HB 4077 Section 18 (1).

⁴ See <https://www.epa.gov/ejscreen>

ODOT. *Transportation Electrification Needs Analysis (TEINA)* June 28, 2021, pp 36 and 37.

https://www.oregon.gov/odot/Programs/Documents/Climate%20Office/TEINA_Final_Report_June282021.pdf.

- Utilities should directly consult with representatives of underserved communities to self-identify their priorities for TE programs and infrastructure measures.
- Utilities may augment direct engagement with underserved communities with market research to overcome the selection bias that might miss the perspectives of individuals who choose not to attend workshops. Market research is warranted if it can reasonably improve the representation of underserved communities in utility engagement on TE needs.
- The City of Portland's *Pricing Options for Equitable Mobility (POEM)* process and Greenlining Institute's *Equity Mobility Framework* provide helpful best practices for utility engagement and distributional equity in TE.⁵

Staff includes this guidance for implementation of the portfolio performance area of "Equity of Program Offerings to Meet Underserved Communities," in proposed rules Section 20(3)(c)(D):

- Monthly meter charge budget expenditures established under HB 2165 serve as a minimum standard for spending to support TE in underserved communities. Staff suggests another means of tracking equity of investments is for utilities to use, as a benchmark, the TEINA needs-based analysis. Utilities can target a percentage of infrastructure buildout by census track, as compared to the need modeled by the TEINA tool. In this case, utilities can target investment in census tracks that meet demographic and income-related need.
- Staff supports utility plans to increase EV access and adoption in historically underserved communities. Staff recommends that utilities develop a map that overlays the location of TE spending, EV infrastructure, and EV adoption on top of demographic/underserved community GIS layers.
- Staff supports the metrics proposed by stakeholders and utilities for this performance area, as described on page five of this document.
- Staff supports Joint Party guidance on attributes of TE proposals for underserved communities, as filed in DEQ's 2020 CFP rulemaking proceedings. Joint Parties asserted that TE proposals should include "complete description of the project, the demonstration that the project promotes transportation electrification in communities that are most vulnerable to the impacts of climate change, tribes, low-income communities, rural communities, and other underrepresented communities or provides increased access to electric transportation for low-income individuals, and evidence that the project was developed in coordination with local environmental justice advocates, local community-based organizations, and local municipalities."

EV Adoption, Load Forecasting and Power Flow Analysis

Electric utilities currently file Distribution System Plans every two years. Under the new rules adopted in Division 87, utilities are required to file TE Plans every three years. As a result, EV adoption forecast and power flow analysis to estimate infrastructure need and distribution system costs will not be available in years that the two plans do not coincide. In those years, utilities should perform a new EV adoption forecast and power flow analysis to model the impact of TE on the distribution system.

Electrification of Company Fleets

Electric company expenditures on the electrification of their own fleet of vehicles are not required in the TE Budget. Instead, the TE Budget offers utilities an option to have expenditures on fleet electrification beyond the internal combustion engine alternative to be weighed from the perspective of supporting TE. If the Company chooses to include fleet electrification in its TE Budget, Staff will take that into account during the Company's next General Rate Case when determining whether that investment was prudent.

⁵ See Pricing Options for Equitable Mobility, <https://www.portland.gov/transportation/planning/pricing-options-equitable-mobility-poem>.

Mobility Equity Framework: Making Transportation Work for People, <https://greenlining.org/publications/2018/mobility-equity-framework>.