



July 31, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

RE: Docket No. M-2017-2604382: Comments of the Sierra Club Regarding Proposed Policy Statement on Third Party Electric Vehicle Charging – Resale/Redistribution of Utility Service Tariff Provisions

Dear Secretary Chiavetta:

Pursuant to the Pennsylvania Bulletin’s June 16, 2018 notice, the Sierra Club¹ submits these comments regarding the Public Utility Commission’s Proposed Policy Statement on Third Party Electric Vehicle Charging – Resale/Redistribution of Utility Service Tariff Provisions. As detailed below, the Sierra Club strongly supports the Commission’s proposal to clarify that provision of charging services does not constitute resale of public utility service and to direct jurisdictional electric distribution companies (“EDCs”) to incorporate language into their tariffs reflecting this policy. Further, the Sierra Club appreciates the value of owners and operators of third party electric vehicle (“EV”) charging services providing notice to EDC regarding planned installations and supports reasonable notice requirements by EDCs that do not significantly delay or impede development of third party EV charging services.

As discussed in Sierra Club’s prior comments,² the transportation sector recently surpassed the energy sector as the largest contributor of greenhouse gas emissions in the United States.³ Reducing emissions from the transportation sector will require rapid and significant electrification of vehicles. And facilitating this rapid electrification will necessitate a build-out of public EV charging stations, including both Level 2 and direct current fast chargers. An important first step to support the needed build-out of EV charging stations is to eliminate any regulatory uncertainty for potential site hosts.

¹ As described in our August 21, 2017 comments, the Sierra Club is the nation’s oldest grassroots environmental organization with 800,000 members nationwide and more than 30,000 members in Pennsylvania. A core mission of Sierra Club is to “explore, enjoy, and protect” the planet. To advance this mission, Sierra Club works to move America beyond the use of fossil fuels and to promote the responsible use of natural resources.

² Comments of the Sierra Club, Docket No. M-2017-2604382 (Aug. 21, 2017).

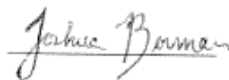
³ See, e.g., Energy Information Administration, Monthly Energy Report: July 2017, at 184-85, Tbl. 12.5 & 12.6, available at <https://www.eia.gov/totalenergy/data/monthly/pdf/mer.pdf>.

The Commission’s proposed policy statement provides valuable clarity to prospective site hosts regarding the non-applicability of 66 Pa. C.S. § 1313 to public charging facilities without adding undue complexity to the issue. Tracking similar determinations in states such as Massachusetts⁴ and New York,⁵ the proposed policy statement makes clear that for non-utilities⁶ “owning and operating an electric vehicle charging facility that is open to the public for the sole purpose of recharging an electric vehicle battery should not be construed to be a sale to a residential consumer and should therefore not fall under the pricing requirements of 66 Pa. C.S. § 1313 (relating to price upon resale of public utility services).”⁷ This is precisely the clarity that prospective site hosts need. Moreover, the proposed policy statement also directs the EDCs to incorporate language into their tariffs reflecting this policy statement, which should erase any potential conflict or confusion based on existing tariff language.⁸

Sierra Club also supports the intent behind the Commission’s additional requirement that EDCs update their tariffs to clarify when and how owners and operators of third-party EV charging services are to notify EDCs of a planned installation. Because public charging stations—particularly direct current fast charging stations—can result in large localized draw on the grid, which can potentially necessitate distribution system upgrades or reinforcement, it is important for EDCs to be made aware of new public EV charging service installations. Sierra Club supports reasonable notice requirements by EDCs in their tariffs that do not significantly delay or impede development of third party EV charging services and urges the Commission to review the tariffs that are filed by the EDCs in response to this notice to ensure that they strike an appropriate balance between the needs of grid operators and third-party EV charging station site hosts.

Thank you for your consideration.

Respectfully submitted,



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⁴ See Mass. Dept. of Pub. Utilities, Order No. 13-182-A (Aug. 4, 2014), at 7.

⁵ See In the Matter of Electric Vehicle Policies, N.Y.P.S.C. 13-E-1099 (Nov. 14, 2013), at 4.

⁶ Specifically, entities that are not a public utility, EDC, municipal authority, or municipal corporation.

⁷ Proposed 52 Pa. Code § 69.3501(b) (Section 1313 of the Public Utility Code).

⁸ As discussed in Sierra Club’s August 2017 comments, we believe that, properly construed, the existing EDC tariffs do not implicate the resale of electricity for EV charging but supported additional clarification from the Commission.