July 30, 2018

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


Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the Comments of Industrial Energy Consumers of Pennsylvania ("IECPA"), in the above-referenced matter.

This document was filed electronically with the Commission on this date. All parties are being served a copy of this document in accordance with the enclosed Certificate of Service.

Please contact me if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By
Derrick Price Williamson
Barry A. Naum

BAN/sds
Enclosures

c: Scott Thomas, Esquire, Law Bureau (via E-mail and First-Class Mail)
   Joseph Cardinale, Esquire, Law Bureau (via E-mail and First-Class Mail)
   Darren Gill, Deputy Director, Bureau of Technical Utility Services (via E-mail and First-Class Mail)
   Certificate of Service
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION


CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the following parties to this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by participant).

VIA E-MAIL AND/OR FIRST-CLASS MAIL

Bureau of Investigation & Enforcement Pennsylvania Public Utility Commission 400 North Street, 2nd Floor P.O. Box 3265 Harrisburg, PA 17105-3265

Harrison W. Breitman, Esquire Office of Consumer Advocate 5th Floor, Forum Place 555 Walnut Street Harrisburg, PA 17101 hbreitman@paoca.org

Patrick McDonnell, Secretary Pennsylvania Department of Environmental Protection Rachel Carson State Office Building P.O. Box 2063 Harrisburg, PA 17105-2063

Office of Small Business Advocate 300 North Second Street Suite 202 Harrisburg, PA 17101

Office of Attorney General Bureau of Consumer Protection 15th Floor, Strawberry Square Harrisburg, PA 17120

Tori L. Giesler, Esquire FirstEnergy Service Company 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612-6001 tgiesler@firstenergycorp.com

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Kimberly A. Klock, Esquire
Amy E. Hirakis, Esquire
PPL Services Corporation
Two North Ninth Street
Allentown, PA 18101
kklock@pplweb.com
aehirakis@pplweb.com

Shelby A. Linton-Keddie, Esquire
Duquesne Light Company
800 North Third Street
Suite 203
Harrisburg, PA 17102
slinton-keddie@duqlight.com

Alessandra L. Hylander, Esquire
Adeolu A. Bakare, Esquire
Pamela C. Polacek, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17101-1166
ahylander@mcneeslaw.com
abakare@mcneeslaw.com
ppolacek@mcneeslaw.com

Matt Stanberry
Vice President
Advanced Energy Economy
133 Federal Street
Boston, MA 02110

Kevin George Miller
Director, Public Policy
ChargePoint
254 East Hacienda Venue
Campbell, CA 95008
kevin.miller@chargepoint.com

Joshua Berman, Esquire
Sierra Club
50 F St. NW, 8th Floor
Washington, DC 20001
josh.berman@sierraclub.org

Dated: July 30, 2018

Barry A. Naum
On May 4, 2018, the Pennsylvania Public Utility Commission ("PUC" or "Commission") entered a Proposed Policy Statement in the above referenced docket in order to support increased investment in Electric Vehicle ("EV") charging infrastructure and to eliminate regulatory uncertainty surrounding the operation of EV charging stations in the Commonwealth of Pennsylvania. The Commission's Policy Statement was specifically designed to accomplish these objectives by "(1) making clear that it is the policy of the Commission that an EV charging facility open to the public for the sole purpose of recharging an EV battery should not be construed as a sale to a residential consumer and (2) requiring that EDCs expressly address EV charging stations in their tariffs." Proposed Policy Statement, pp. 1-2. With the issuance of the Proposed Policy Statement, the Commission also solicited Comments from interested parties within 45 days.

As a preliminary matter, IECPA supports the Commission's effort to accomplish the express goals stated in the Proposed Policy Statement of promoting increased EV charging infrastructure development and eliminating regulatory uncertainty pertaining to the ownership and operation of EV charging stations by third parties. Furthermore, IECPA also agrees with the Commission's conclusion that EV charging does not constitute a sale for resale of electricity to residential customers and concurs with the Commission's intent to require Electric Distribution Companies ("EDCs") to develop EV charging stations through their tariffs. To that end, the Proposed Policy Statement represents a clear first step in advancing the Commission's policy objectives. IECPA is concerned, however, that some regulatory uncertainty may still exist and should be addressed in the Commission's Final Policy Statement.

While the Proposed Policy Statement's recommended provision at 52. Pa. Code § 69.3502 establishes a minimum number of issues to be addressed in each EDC's tariff pertaining to EV charging stations, there are additional issues that the Proposed Policy Statement does not address with EDC tariffs that will certainly be contested subjects in future regulatory proceedings before

\(^1\) For the purpose of this matter, IECPA's membership consists of: Air Products & Chemicals, Inc.; AK Steel Corporation; Arconic, Inc.; ArcelorMittal USA LLC; Benton Foundry, Inc.; Carpenter Technology Corporation; East Penn Manufacturing Company; Knouse Foods Cooperative, Inc.; Praxair, Inc.; Proctor & Gamble Paper Products Company; and United States Gypsum Company.
the Commission if not addressed by policy. Specifically, as EV charging infrastructure expands throughout the Commonwealth, all EDCs will incur costs associated with upgrading their distribution facilities and connecting those EV charging stations. Although it is certain that EV charging operations do not constitute sales for resale of electricity to residential customers, it remains unclear how those EDC infrastructure costs might be allocated. IECPA believes and recommends that EDC tariffs should also specifically address this issue by clarifying that any additional costs incurred by an EDC for the purpose of connecting EV charging stations and/or expanding infrastructure to meet these additional loads should be directly allocated to the owners/operators of the EV charging stations consistent with standard cost causation. Such costs should not be allocated to retail customer classes, which have no cost responsibility for such initiatives. This additional tariff provision would add further regulatory clarity and insure that costs are not unjustly or unreasonably borne by retail ratepayers.

Respectfully submitted,

By

Derrick Price Williamson (I.D. No. 69274)
Barry A. Naum (I.D. No. 204869)
SPILMAN, THOMAS & BATTLE, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050
Phone: (717) 795-2740
Fax: (717) 795-2743
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com

Bryan A. Brandenburg
CLARK HILL PLLC

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2 Section 1301(a) of 66 Pa. C.S. states: "Every rate made, demanded or received by a public utility shall be just and reasonable, and in conformity with regulations or orders of the Commission." In keeping with principles of traditional ratemaking, IECPA maintains that just and reasonable rates are based primarily on the utility's cost to serve. In this instance, that cost to serve is the direct cost incurred by an EDC in providing the connection to the customer that will own or operate an EV charging station.
212 East Cesar Chavez Avenue
Lansing, MI 48906
Phone: (517) 318-3011
Fax: (517) 318-3077
bbrandenburg@clarkhill.com

Counsel to Industrial Energy Consumers of Pennsylvania

Dated: July 30, 2018