

Tori L. Giesler, Esq.
(610) 921-6658
(330) 315-9263 (Fax)

610-929-3601

August 22, 2017

VIA ELECTRONIC FILING

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

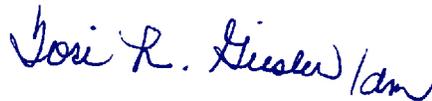
Re: *Third Party Electric Vehicle Charging – Resale/Redistribution of Utility Service*
Docket No. M-2017-2604382

Dear Secretary Chiavetta:

Pursuant to the Commission's Secretarial Letter dated June 15, 2017 in the above-referenced proceeding, enclosed herewith for filing are the Comments of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

dln
Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Third Party Electric Vehicle Charging – : **Docket No. M-2017-2604382**
Resale/Redistribution of Utility Service :

**COMMENTS OF METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER
COMPANY AND WEST PENN POWER COMPANY**

I. INTRODUCTION

During the Public Meeting on May 18, 2017, the Pennsylvania Public Utility Commission (“Commission”) voted 5-0 to unanimously adopt Chairman Gladys M. Brown’s Motion which created this docket and called for a secretarial letter to be issued seeking comments from all interested parties regarding certain targeted questions relating to tariff provisions of electric distribution companies (“EDCs”) concerning the resale or redistribution of electric power to third parties (“May 18 Motion”). Specifically, the Commission expressed interest in the resale or redistribution of electric service as it relates to the use of electric vehicle (“EV”) charging stations. On June 15, 2017, a Secretarial Letter was issued at this docket consistent with the May 18 Motion, which called for comments to be filed within forty-five days of the letter’s publication in the Pennsylvania Bulletin, restating the particular points upon which the Commission seeks comment (“EV Secretarial Letter”). On July 8, 2017, the EV Secretarial Letter was published in the Pennsylvania Bulletin. Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, the “Companies”) offer the following comments in response to the EV Secretarial Letter.

II. COMMENTS

Generally, the Companies and their affiliates¹ are supporters of electric vehicle development. This priority is evident through FirstEnergy's initiative in working with researchers at the Electric Power Research Institute ("EPRI") to conduct environmental, economic and technological studies to support our customers' needs regarding electric transportation. Consistent with that support, the Companies appreciate and support the Commission's active consideration of policies that may promote this exciting technology. In response to the Commission's specific points of inquiry, the Companies offer the following specific feedback.

1. What restrictions, if any, each EDC's existing tariff places on the resale/redistribution of electric power by third-party EV charging.

While the Companies' retail electric tariffs currently do not affirmatively outline the resale or redistribution of electric power as permitted, they also contain no language restricting the resale or redistribution of electric power. As such, to the extent that the usage contemplated is consistent with statutory restrictions in Pennsylvania, the Companies' tariffs do not prohibit the resale or redistribution of electric power for use by EV charging stations. The Companies' current practices regarding resale or redistribution comply with the Section 1313 of the Pennsylvania Public Utility Code ("Code"),² which states:

Whenever any person, corporation or other entity, not a public utility, electric cooperative corporation, municipality authority or municipal corporation, purchases service from a public utility and sells it to consumers, the bill rendered by the reseller to any residential consumer shall not exceed the amount which the public utility would bill its own residential consumers for the same quantity of service under the residential rate of its tariff then currently in effect.

¹ The Companies are each subsidiaries of FirstEnergy Corp. (the Companies and their affiliates, both individually or collectively, are referred to herein as "FirstEnergy").

² 66 Pa.C.S. § 101 et seq.

66 Pa.C.S. § 1313. The absence of affirmative provisions relating to EV charging stations in the Companies' tariffs could be construed to represent a prohibition on the resale or redistribution of electricity for this purpose. However, "Residential Service" is defined within each of the Companies' tariffs as:

[e]lectric service under the Company's Residential Rate Schedules that is available to: (i) an individual dwelling unit, generally a house, mobile home or an individually metered apartment, where there is no more than 2,000 watts connected load associated with any commercial enterprise served as part of said dwelling unit, house, mobile home or individually metered apartment; (ii) a residential farm where the metered service includes service to an occupied dwelling unit; (iii) a comp or cottage served in the name of an individual and intended for part-time occupancy as a dwelling by a family or an individual; or (iv) multiple dwellings, where specified in any applicable Residential Rate Schedule. Residential Service does not include electric service to: (i) any facility not including an occupied dwelling unit, such as a separately metered garaged, barn, water pump, etc.; and/or (ii) any facility served in the name of, or for the use of, a corporation, partnership, association, society, clubs, etc., not being used as a single dwelling unit.³

Further, residential consumers, as used in 66 Pa.C.S. § 1313, are those who consume residential service whether they are directly customers of a utility, or those in a tenant/landlord relationship where the landlord is the customer. Public charging stations do not resell or redistribute residential service as defined within the Companies' tariffs, nor would they in turn qualify as residential customers under Section 1313 of the Code. Therefore, the absence of language affirmatively permitting the resale or redistribution of electric power by third parties for purposes of EV charging should not be construed as a prohibition on the practice.

2. The advantages and disadvantages of specific tariff provisions permitting unrestricted resale/redistribution of electric power when done for the purpose of third-party EV charging.

³ Metropolitan Edison Company Retail Electric Service Tariff, Electric Pa. PUC No. 52 (Supp. 42), p. 20, issued May 1, 2015, effective May 3, 2015; Pennsylvania Electric Company Retail Electric Service Tariff, Electric Pa. PUC No. 81 (Supp. 42), p. 25, issued May 1, 2015, effective May 3, 2015; Pennsylvania Power Company Retail Electric Service Tariff, Electric Pa. PUC No. 36 (Supp. 32), p. 19, issued May 1, 2015, effective May 3, 2015; West Penn Power Company Retail Electric Service Tariff, Electric Pa. PUC No. 40 (Supp. 29), p. 24, issued May 1, 2015, effective May 3, 2015.

The Companies' tariffs as written today do not prohibit resale and redistribution for the purpose of third-party EV charging as discussed in response to question 1. However, the addition of language explicitly permitting the practice would clarify the allowance of this service for any interested EV charging developers.

3. Whether it is appropriate to encourage EDCs across the state to move toward a tariff design, such as that of Duquesne, which includes provisions permitting the resale/redistribution of electric power for third-party EV charging.

The Companies do not object to the establishment of a Commission policy encouraging statewide development of tariff provisions permitting the resale and redistribution of electric power for third-party EV charging. As noted in the response to question 2, the advantage to be gained through the universal establishment of such tariff provisions by EDCs is that Commission approval of such language would serve as confirmation that such service is in fact permitted in Pennsylvania.

4. What other resale/redistribution tariff provision designs may aid in establishing clear rules for third-party EV charging stations.

In addition to resale and redistribution tariff provisions, EDCs could establish (and the Commission could approve) clear tariff rules for interconnection that would address safety concerns that could be implicated with EV charging stations, as well as the inclusion of clear disclaimers regarding the fact that EDCs are not responsible for policing pricing available from public charging stations, nor liable for any unfair billing practices by third party EV charging station owners alleged by customers of those charging stations.

Furthermore, the establishment of tariff provisions requiring ample notification of the intent to install a charging station would allow EDCs the time necessary to sufficiently determine any adverse impacts EV charging stations and their load would present to the local grid, whether the distribution infrastructure is present to support it, and what follow up actions would be required

to protect the grid. For instance, if the review by an EDC's engineer demonstrates that the installation of a planned charging facility is expected to negatively impact a circuit's voltage, the customer proposing the EV charging station may be required to fund whatever upgrades would be necessary for the system to continue operating safely and reliably. This could be accomplished by ensuring an EDC's tariff provisions relating to standard line extension application protocols specifically apply to customers such as EV charging stations.

5. What other regulatory options may aid in establishing clear resale/redistribution rules for third-party EV charging stations.

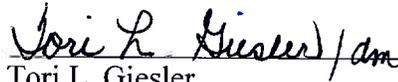
While updating tariff language would serve to make the Companies' existing rate policy clearer and would offer clarity and protections for the EDC, its customers, the public, and EV charging station developers, there are other actions the Commission could take that might prove more effective to increasing EV charging station saturation across the Commonwealth. For example, encouraging EDCs to build out the infrastructure required to support additional EV usage, including EDC ownership of charging stations, while creating opportunities for the associated costs to be recovered through non-bypassable rate mechanisms on a full and current basis, would be a very effective means of encouraging the build out of EV charging infrastructure. Steps like this could be undertaken while also encouraging third parties to build out infrastructure and providing communications that the Commission's rules and regulations associated with the resale and redistribution of electricity will not interfere with third party ownership.

III. CONCLUSION

Met-Ed, Penelec, Penn Power and West Penn appreciate the opportunity to provide comments in response to the Commission's Secretarial Letter dated June 15, 2017. The Companies look forward to continued collaboration with the Commission and interested stakeholders on this very important topic.

Respectfully submitted,

Dated: August 22, 2017



Tori L. Giesler
Attorney No. 207742
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
Phone: (610) 921-6658
Fax: (330) 315-9263
Email: tgiesler@firstenergycorp.com

Counsel for:
Metropolitan Edison Company,
Pennsylvania Electric Company,
Pennsylvania Power Company and
West Penn Power Company

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Third Party Electric Vehicle Charging – : **Docket No. M-2017-2604382**
Resale/Redistribution of Utility Service :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

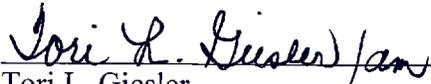
Service by first class mail, as follows:

John R. Evans
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Tanya J. McCloskey
Office of Consumer Advocate
555 Walnut Street, 5th Floor Forum Place
Harrisburg, PA 17101

Johnnie E. Simms
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: August 22, 2017



Tori L. Giesler
Attorney No. 207742
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6658
tgiesler@firstenergycorp.com