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July 30, 2018

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

Re: Docket Number M-2017-2604382: Policy Statement on Third Party Electric Vehicle Charging – Resale/Redistribution of Utility Service Tariff Provisions

Dear Secretary Chiavetta

Attached for electronic filing in the above-referenced matter, please find comments on behalf of ChargePoint, Inc. Please let me know if you have any questions.

Respectfully,

Kevin George Miller
Director, Public Policy
ChargePoint

July 30, 2018

I. Introduction & Background

A. Introduction

ChargePoint is pleased to provide comments to amend the Proposed Policy Statement (“PPA”) issued by the Pennsylvania Public Utilities Commission (“the Commission”) in Doc. No. M-2017-2604381 – Policy Statement on Third Party Electric Vehicle Charging – Resale/Redistribution of Utility Service Tariff Provisions.

B. Background on ChargePoint

ChargePoint is the leading electric vehicle (EV) charging network in the world, with charging solutions in every category EV drivers charge, at home, work, around town and on the road. With more than 52,000 independently owned public and semi-public charging spots, including 480 in Pennsylvania, and thousands of customers (businesses, cities, agencies and service providers), ChargePoint is the only charging technology company on the market that designs, develops and manufactures hardware and software solutions across every use case. Leading EV hardware makers and other partners rely on the ChargePoint network to make charging station details available in mobile apps, online and in navigation systems for popular EVs. ChargePoint drivers have completed more than 40 million charging sessions, saving upwards of 40 million gallons of gasoline and driving more than 975 million gas-free miles.

ChargePoint sells EV charging equipment and network services. In almost every case, ChargePoint does not own or operate the equipment. ChargePoint sells charging solutions to a wide variety of customers, including residential EV owners, employers, commercial and industrial businesses, cities and public agencies, ports, schools, public transit, delivery truck fleet operators, and multi-unit dwelling owners. ChargePoint offers a broad array of products and services that can serve light, medium or heavy-duty electric vehicles.

The site host network services offered by ChargePoint enable customers to manage their charging infrastructure using cloud-based software tools. These tools provide the station owner or operator with everything needed to manage and optimize utilization of their charging stations, including online management tools for data analysis, billing and payment processing, load management and access control. Stations connect to ChargePoint over a secure, cellular data network (or Wi-Fi in the case of residential) allowing station owners to manage all their charging operations from a single dashboard. Maintenance and customer service are a priority for our company. ChargePoint offers a comprehensive set of support services, including: a 24/7/365 hotline for station users, parts and labor warranty, site qualification, installation and validation services, and a help line for site host specific questions.

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II. Comments

A. The Commission should expand the eligibility of the Proposed Policy Statement

1. As drafted, the Proposed Policy Statement will reinforce regulatory uncertainty for current and potential non-utility site hosts of EV charging stations

ChargePoint is concerned that the PPS would leave in significant regulatory uncertainty as to which third-parties are eligible for the exemption from pricing requirements of 66 Pa. C.S. § 1313. This regulatory uncertainty stems from the language identified in the PPS:

It shall be the policy of the Commission that a person, corporation or other entity, not a public utility, electric cooperative corporation, municipal authority or municipal corporation, 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). PUC Statement at 6, emphasis added.

As ChargePoint identified in its comments on August 27, 2017, many third-party EV charging owner-operators, or “site hosts”, do not install EV charging stations for the sole purpose of providing EV charging services. “Refueling” an EV requires a longer period of time than for internal combustion engine vehicles, and often results in a parked, unattended vehicle. Third-party EV charging site hosts often install EV charging stations as an amenity that complements, and does not replace, its existing operating or business model.

The limits on eligibility emphasized above would narrow the applicability of the PPS to a small subset of third-parties that provide EV charging services that are available to the public. While Pennsylvania’s EV charging market is growing and public destinations are increasingly providing EV charging services, it is important to consider that most EV charging takes place at home (60%+) and at work (30%+). Limiting the applicability of the PPS would leave in place regulatory uncertainty for site hosts in workplace and multi-unit dwelling (MUD) settings. It is as essential to remove regulatory uncertainty for third-party site hosts in these sectors as it is for site hosts at public/destination locations.

It is also unclear if the PPS further limits applicability to third-parties whose sole, or even primary, function is the provision of EV charging services (e.g., traditional gas stations). As noted above, many site hosts provide EV charging as an amenity. The applicability of the PPS is further complicated because site hosts can provide a combination of public and private (“semi-public”), access to stations. Examples of semi-public charging include:

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- A workplace that limits access to EV charging stations to employees during regular business hours and allows access by the general public during non-business hours;
- A retail site host that limits availability of EV charging to customers shopping at that store, rather than allowing open public access on its premise

2. The Commission should expand applicability of the PPS

ChargePoint respectfully urges to the Commission to expand the scope of the PPS to apply to all site hosts of EV charging services, whether publicly available or not. Without this remedy, site hosts at “non-public” locations will continue to be mired in regulatory uncertainty.

Should the Commission maintain the limited applicability of the PPS as currently drafted, it should clarify that the PPS applies to (i) site hosts that offer EV charging as an ancillary service to customers, and (ii) third-parties that provide semi-public EV charging locations.

B. Statewide Proceeding

ChargePoint respectfully reiterates the recommendation provided in our initial comments that the Commission to examine the full suite of regulatory issues stemming from transportation electrification. The issues in this proceeding, as well as issues related to appropriate roles of regulated utilities in EV charging infrastructure deployment and EV charging rate design, present significant regulatory uncertainty. The Commission is already addressing these issues in individual base rate cases,¹ so it would be valuable to establish clear and consistent guidelines throughout the Commonwealth.

III. Conclusion

For the reasons provided above, ChargePoint recommends that the Commission:

- Expand the applicability of the Proposed Policy Statement to apply to all non-utility, third-party site hosts of EV charging stations, or, at a minimum, clarify that the PPS applies to (i) site hosts that offer EV charging as an ancillary service to customers, and (ii) third-parties that provide semi-public EV charging locations; and
- Without delaying implementation of the Proposed Policy Statement with the above recommendation, establish an investigatory docket to consider the full range of regulatory issues related to EVs and EV charging.

Thank you for the opportunity to provide comments on this proceeding and for your commitment to eliminating regulatory uncertainty for third-party EV charging site hosts in Pennsylvania.

¹ See e.g., PECO (Docket No. R-2018-3000164) and Duquesne Light Company (Docket No. R-2018-3000124)