

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PECO ENERGY COMPANY           :**  
**FOR EXPEDITED APPROVAL TO MODIFY       :**     **Docket No. P-2023-3040238**  
**THE ELECTRIC VEHICLE CHARGING           :**  
**PILOT   :**

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**NOTICE TO PLEAD**

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You are hereby advised that, pursuant to 52 Pa. Code § 5.66, you may respond to the enclosed Petition to Intervene of Electrify America, LLC within twenty (20) days after the date of service. Your answer should be filed with the Secretary of the Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. A copy should also be served on the undersigned counsel.

Dated: May 17, 2023

Respectfully submitted,



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**ELECTRIFY AMERICA, LLC’S PETITION TO INTERVENE**

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AND NOW COMES Electrify America, LLC (“Electrify America”), pursuant to 52 Pa. Code §§ 5.71-5.76, to file this Petition to Intervene in the above-referenced proceeding (the “EV Charging Pilot Proceeding”). Electrify America operates Direct Current Fast Charging (“DCFC”) stations within the service territory of PECO Energy Company (“PECO”). Accordingly, Electrify America is directly impacted by PECO’s proposal to modify its EV Charging Pilot, particularly the proposal to establish a Public Benefit Program to provide incentives for certain L2 and DCFC stations, and therefore has an interest in the above-captioned proceeding. PECO filed a related petition relating to electric vehicles (“EVs” or “EV”), namely its Petition for Expedited Approval to Extend the Electric Vehicle DCFC Pilot Rider by 18 Months, Docket Number P-2023-3039439 (“DCFC Pilot Rider Extension Proceeding”). On April 19, 2023, Electrify America submitted a Petition to Intervene in the DCFC Pilot Rider Extension Proceeding (“April Petition to Intervene”) that includes comments requesting modification of the DCFC Pilot Rider,<sup>1</sup> which Electrify

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<sup>1</sup> In its April 19, 2023 Petition to Intervene, Electrify America recommends improvements to the DCFC Pilot Rider, namely that (i) contract demand should not be set at nameplate capacity, which limits the ability of charging companies to benefit from demand charge credits; (ii) initial Procurement Class assignments and corresponding Generation Capacity Tags for Peak Load Contribution should reflect the current Procurement Class 3 as set forth in PECO’s Default Service Plan as opposed to a legacy Procurement Class 4; and (iii) PECO’s reservation of rights to modify and reduce demand credit values without advance notice or further participation introduces too much volatility that undermines that efficacy of such demand charge credits for DCFC charging companies. Further information and context concerning these recommended improvements are contained within Electrify America’s April Petition to Intervene.

America now seeks to incorporate into the present Petition to Intervene by way of reference. As one of the leading companies in EV public charging stations, Electrify America has a direct interest in the adoption and proliferation of EVs and in the success of the private market of charging companies that is necessary to achieve transportation electrification goals. Electrify America does not protest or otherwise object to PECO's Petition to modify the EV Charging Pilot. However, Electrify America seeks to intervene because it has an interest that may be directly impacted by the EV Charging Pilot Proceeding, which is not adequately represented by existing participants, and as to which Electrify America may be bound by the action of the Pennsylvania Public Utility Commission ("Commission" or "PUC") in this proceeding.

In support whereof, Electrify America states:

1. Electrify America, the largest open DCFC network in the United States, is investing more than \$2 billion over ten years on Zero Emissions Vehicle ("ZEV") infrastructure, education and awareness. This investment will enable millions of Americans to discover the benefits of electric driving and support the build-out of a nationwide network of ultra-fast community and highway chargers that are convenient and reliable. To date, Electrify America has built a coast-to-coast network of DCFC stations across over 780 locations and with over 3,330 individual DC fast chargers in total, including 21 locations with 86 individual DC fast chargers in Pennsylvania. Within PECO's service territory, Electrify America currently operates 9 stations with 38 individual DC fast chargers. The chargers range from 150 kW to 350 kW of power based on anticipated needs and use cases, as well as available real estate and power. The ultra-fast 350 kW chargers are the most powerful public chargers on the market today, capable of recharging speeds close to gasoline fueling.

2. Electrify America anticipates further expansion in Pennsylvania, particularly given the presence of major highway corridors, metropolitan areas, and the expected influx of \$171 million dollars in Federal funding through the National Electric Vehicle Infrastructure (“NEVI”) Formula Program.<sup>2</sup> Electrify America is uniquely situated as a non-proprietary charging network capable of providing up to 350 kW to capable vehicles in Pennsylvania, and more broadly is one of few charging networks statewide providing the fastest and most customer-friendly refueling speeds. Faster refueling speeds are widely recognized as instrumental in allowing the Commonwealth (and country) to realize its EV adoption and transportation electrification goals.

3. In Pennsylvania, the Department of Environmental Protection “acknowledges the significant role that EVs will play in Pennsylvania’s transportation future” and finds that “boosting consumer confidence in EVs with a strategic rollout of EV charging stations to meet the projected demand” is vital “to support a regional clean transportation network.”<sup>3</sup> The Pennsylvania Electric Vehicle Roadmap provides that “having more charging stations available in workplace and public locations will go a long way to help current electric vehicle owners maximize their vehicle’s capabilities and decrease range anxiety for people considering an electric vehicle purchase.”<sup>4</sup> This is in line with Federal policy under recent infrastructure law investments and executive orders to develop a national network of 500,000 EV chargers along highways and in communities.<sup>5</sup> Public

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<sup>2</sup> See PA PUC Docket P-2023-3039439, PECO Petition for Expedited Approval to Extend the Electric Vehicle DCFC Pilot Rider by 18 Months, p. 3.

<sup>3</sup> Pennsylvania Department of Environmental Protection, *Electric Vehicles in PA*, <https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/ElectricVehicles/Pages/default.aspx>

<sup>4</sup> Pennsylvania Department of Environmental Protection, *Pennsylvania Electric Vehicle Roadmap: 2021 Update*, at p. 6, <https://files.dep.state.pa.us/Energy/OfficeofPollutionPrevention/StateEnergyProgram/PAElectricVehRoadmapBookletDEP5334.pdf>

<sup>5</sup> Fact Sheet, *Biden-Harris Administration Announces New Standards and Major Progress for a Made-in-America National Network of Electric Vehicle Chargers* (Feb. 15, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/15/fact-sheet-biden-harris-administration-announces-new-standards-and-major-progress-for-a-made-in-america-national-network-of-electric-vehicle-chargers/>

policy for the Commonwealth and the United States strongly support a nationwide buildout of public fast charging stations in order to confront the climate crisis through transportation electrification.

4. Proceedings before the Commission have focused on the Commission’s potential to develop a Policy Statement on electric utility rate design for EV charging. *See* Docket No. P-2022-3030743. Electrify America has participated in a working group to provide joint stakeholder recommendations on an EV policy statement to the Commission, which recommendations were published in the form of a working group report on March 29, 2023.<sup>6</sup> In the working group report, Electrify America and a broad group of stakeholders recommend, among other things, that “the Commission should explicitly address rate design alternatives to demand rates in a policy statement on EV charging rate design” (p. 17). Electrify America looks forward to participating in future opportunities in this proceeding and with the working group, and Electrify America applauds the Commission, Staff, and other stakeholders for their work in developing a Policy Statement to promote EV infrastructure and electric utility rate design for EV charging.

5. Electrify America’s investment in Pennsylvania depends in part on sustainable economics for the private market of ZEV infrastructure. Utility rates and incentives should be structured to support infrastructure development in order to best align with Commonwealth public policy and ensure the financial sustainability of continued ZEV infrastructure operation. Incentivizing ZEV infrastructure and structuring particular rates for public charging stations are critical steps to allow the Commonwealth to realize its transportation electrification goals. Electrify America seeks the opportunity to participate in the proceeding in order to provide input

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<sup>6</sup> Pennsylvania Public Utility Commission, *Recommendations of the Electric Vehicle Charging Rate Design Working Group*, <https://www.puc.pa.gov/pdocs/1779404.pdf>

on the proposed modifications to the EV Charging Pilot, as necessary to represent its interests as a DCFC station provider who may be eligible for incentives under the program.

6. Electrify America is encouraged by the progress made to-date to incentivize EV adoption and DCFC deployment in Pennsylvania and in PECO's service territory. Electrify America supports changes to PECO's EV pilot programs that will provide a better utility environment for the private market of charging companies to succeed. A strong private market for ZEV and DCFC infrastructure will additionally avoid utility owned and operated charging stations, which often involve higher costs to utility ratepayers. In this vein, Electrify America's April Petition to Intervene raised a set of concerns with PECO's DCFC Pilot Rider and corresponding recommendations for improvement of the DCFC Pilot Rider, and respectfully requests that the Commission address these concerns and recommendations in this proceeding should it decline to address them in the DCFC Pilot Rider Extension Proceeding. Those concerns, which are more fully explained in the April Petition to Intervene, revolve around areas of needed improvement for the DCFC Pilot Rider. In brief, these concerns and Electrify America's recommendations are as follows:

- a. By basing the contract demand provisions on nameplate capacity, customer-friendly, high-powered EV charging stations have limited opportunities to receive demand charge relief under the DCFC Pilot Rider. Electrify America proposes that this issue could be remedied through adjustments to the DCFC Pilot Rider that (i) set DCFC station contract demands at values less than station nameplate kW<sup>7</sup> or (ii) waive the minimum billed demand of 40% of contract demand provision for DCFC stations enrolled in the DCFC Pilot Rider.

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<sup>7</sup> For example, an engineering estimate of DCFC station peak demand could be estimated based on assumptions regarding high power EV charging sessions that may occur simultaneously.

- b. The service contract for the DCFC Pilot Rider for new DCFC stations requires PECO to specify the Procurement Class for the account. In practice, controversies regarding the appropriate Procurement Class assignment and Generation Capacity Tags for Peak Load Contribution (PLC) assigned to new DCFC station accounts have arisen. Electrify America suggests that these Procurement Class assignments should be defaulted to Procurement Class 3 to allow new stations to receive the intended benefits of this program.
- c. PECO's tariff<sup>8</sup> provides it with discretion to modify demand credits under the DCFC Pilot Rider, which leads to surprise changes and does not afford charging companies the ability to accurately predict operation costs. This undermines the value and purpose of the DCFC Pilot Rider to spur and sustain DCFC station development. Electrify America suggests that the Commission eliminate or change this language to temper PECO's ability to modify demand credits during the pendency of this interim program and any extension to the Pilot Rider.

7. Electrify America's counsel in this matter is reflected in the signature block below.

Counsel for Electrify America will accept electronic service in this proceeding on behalf of the Company and will not require hard-paper copies of filed documents.

8. As explained in detail above, the Commission's disposition of PECO's Petition will impact the rates and services in addition to available DCFC and EV incentives provided to Electrify America by PECO.

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<sup>8</sup> PECO Tariff PA PUC No. 7, Original Page 84.

9. Consistent with 52 Pa. Code § 5.72(b), Electrify America has an interest that may be directly affected by this proceeding and that is not represented by any other party of record. Consequently, Electrify America should be granted intervenor status in this proceeding.

WHEREFORE, Electrify America respectfully requests that the Pennsylvania Public Utility Commission grant this Petition to Intervene and provide Electrify America with full party status in this proceeding.

Dated: May 17, 2023

Respectfully submitted,



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