

**BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF OREGON**

**IN THE MATTER OF PORTLAND)
GENERAL ELECTRIC'S)
APPLICATION FOR)
TRANSPORTATION)
ELECTRIFICATION PROGRAMS)**

DOCKET NO. UM 1811

**OBJECTIONS TO STIPULATION AND
REQUEST FOR HEARING OF CHARGEPOINT, INC.**

July 12, 2017

Pursuant to OAR 860-001-0350(8), ChargePoint, Inc. (ChargePoint), through its undersigned counsel, files these Objections to the Stipulation filed by Portland General Electric (PGE) and the Stipulating Parties in this docket.

I. INTRODUCTION AND SUMMARY OF ARGUMENT

The Stipulation is not binding on the Commission, and the Commission should reject the Stipulation’s request for approval of PGE’s proposed Electric Avenue program.¹ Despite the Stipulating Parties’ willingness to recommend approval of a program that they acknowledge does not meet SB 1547’s criteria, the Commission has an independent duty to ensure that PGE’s transportation electrification (TE) programs comply with the requirements of Senate Bill (SB) 1547, comply with the Commission’s own rules, are consistent with the Legislative Assembly’s intent behind SB 1547, and is in the public interest. The Commission should find that Electric Avenue fails to meet these requirements and must be denied.

PGE seeks the Commission’s authorization to “pilot” the Electric Avenue model because it hopes to expand it to a full-fledged program in the future. However, even the Stipulating Parties acknowledge that Electric Avenue does not meet the requirements of SB 1547, but excuse this failure because they consider Electric Avenue to be a pilot program. The Commission should not allow PGE to “pilot” a business model that fails to meet the statutory criteria and is therefore not viable as a future program and that would cause significant market distortions in the near term.

PGE’s Electric Avenue proposal would dampen – rather than stimulate – innovation, competition, and customer choice in EV charging infrastructure and services. The Electric Avenue proposal would also be an imprudent use of ratepayer funds because PGE would be entering and distorting a competitive market with ratepayer funds, and could not ensure that its investments will

¹ OAR 860-001-0350(9).

remain used and useful. This approach also fails to leverage private capital investment as SB 1547 intended, which would lessen the overall financial impact on all ratepayers. The Electric Avenue proposal is contrary to both the requirements and the intent of SB 1547, and should be rejected.

For all of the reasons that will be discussed herein, the Commission should reject PGE's proposed Electric Avenue program. Pursuant to OAR 860-001-0350(8), ChargePoint requests a hearing regarding the Stipulation.

II. STANDARD OF REVIEW

PGE filed its Application for Transportation Electrification Programs pursuant to Section 20 of SB 1547. When the Oregon Legislative Assembly passed SB 1547,² it found, among other things, that “[w]idespread transportation electrification should *stimulate innovation and competition*, provide consumers with *increased options in the use of charging equipment and in procuring services* from suppliers of electricity, attract *private capital investments* and create *high quality jobs*” in Oregon.³ When evaluating the Stipulation, the Commission should ensure that PGE's proposed TE programs will fulfill the Legislative Assembly's clearly stated purpose in enacting SB 1547.

The Legislative Assembly specified certain factors that the Commission must consider when determining whether or not to approve PGE's proposed TE programs and when determining whether PGE can recover the cost of its TE programs. Among those factors, the Legislative Assembly instructed the Commission to consider whether PGE's proposed TE investments and expenditures “[a]re prudent,” and whether they “[a]re reasonably expected to *stimulate innovation*,

² Oregon Laws 2016, Chapter 028, Section 20 (hereinafter SB 1547).

³ SB 1547, Section 20(2)(d) (emphasis supplied).

competition and customer choice in electric vehicle charging and related infrastructure and services.”⁴

Finally, the Commission itself, in its rules implementing Section 20 of SB 1547, ordered PGE to explain how its TE programs will address the considerations specified by SB 1547, including the requirement that TE programs stimulate innovation, competition, and customer choice.⁵ The Commission’s rules also require PGE to evaluate whether and how its TE programs “[s]timulated innovation, competition, and customer choice” when it reports the results of its evaluation of each TE program.⁶

III. THE COMMISSION SHOULD NOT ALLOW PGE TO PILOT THE ELECTRIC AVENUE PROGRAM BECAUSE ELECTRIC AVENUE FAILS TO MEET SB 1547’S CRITERIA AND THEREFORE HOLDS NO PROMISE AS A FUTURE PROGRAM.

PGE was required by Oregon statute and the Commission’s rules to file its Application for TE Programs, but the Commission may only approve PGE’s Application, as modified by the Stipulation, if it finds that PGE’s proposed TE programs will comply with SB 1547’s requirements and accomplish the goals of SB 1547. PGE’s proposed Electric Avenue program, as modified by the Stipulation, fails to meet SB 1547’s criteria and is not a prudent use of ratepayer funds. The Commission should reject the Stipulation with respect to Electric Avenue.

A. *The Commission must evaluate Electric Avenue according to SB 1547’s criteria, regardless of the Stipulating Parties’ characterization of Electric Avenue as a “pilot.”*

The Stipulation admits, “[T]he Stipulating Parties have not agreed that the TE proposals meet the six statutory criteria outlined in SB 1547, but rather, these TE programs may provide

⁴ *Id.* at Section 20(4)(b) and (f) (emphasis supplied).

⁵ OAR 860-087-0030(1)(h).

⁶ OAR 860-087-0040(1)(h)(B).

value as pilot programs.”⁷ In other words, at least some of the Stipulating Parties admit that PGE’s proposed TE programs do not satisfy the criteria established by the Legislative Assembly for TE programs, but recommend that that the Commission approve them anyways.

Considering PGE proposed the Electric Avenue program pursuant to SB1547, as it stated in its opening section,⁸ it would seem to follow that the program must comply with the terms of SB 1547. However, the Stipulation tries to explain away Electric Avenue’s failure to meet SB 1547’s criteria because it will be “time-limited, cost-limited, and designed to produce specific learnings.”⁹ Staff indicates in the testimony supporting the Stipulation that it is only comfortable recommending approval of the TE programs “because they will provide value as *pilot* programs.”¹⁰ Similarly, CUB observes that several components of the programs “are not cost effective,” but still recommends that the Commission approve them because “they are pilot programs and can offer specific knowledge for parties to gain and take away from these programs.”¹¹ In other words, both Staff and CUB rely heavily on the fact that the TE programs will be considered pilots in recommending that the Commission approve the programs. There is no indication in SB 1547, or the Commission’s implementing rules, that the statutory criteria do not apply to a program if the utility characterizes it as a “pilot” program.

The Commission should decline the Stipulating Parties’ invitation to disregard SB 1547’s clear directives and requirements. Regardless of the agreement among the Stipulation Parties that the TE programs should be approved despite the programs’ failure to satisfy clear statutory criteria, the Commission must evaluate the programs independently according to the criteria that the

⁷ Stipulation, ¶ 2.

⁸ UM 1811/PGE/100, Spak - Goodspeed/1, line 12; PGE Application for Transportation Electrification Programs, filed March 15, 2017 (hereinafter, the Application), p. 8.

⁹ *Id.*

¹⁰ UM 1811/Stipulating Parties/100, Spak – Klotz – Jenks – Mullins – Shaw – Ashley – Whiteman – Hesse – Ratcliffe/14, lines 13-14 (emphasis in original).

¹¹ *Id.* at 15, lines 5-6.

Legislative Assembly, and the Commission itself, have established.¹² For reasons that will be explained below, when the Commission evaluates the Electric Avenue proposal, the Commission will find that it is not a prudent use of ratepayer funds and cannot reasonably be expected to stimulate innovation, competition, and customer choice, as required by SB 1547. Accordingly, the Commission should reject the Electric Avenue program.

B. *It is inappropriate and unnecessary for PGE to conduct pilots for a program that does not meet SB 1547's criteria.*

The typical purpose of a pilot program is to test a particular program on a small-scale, in the hope that the program can be rolled-out on a large scale if the pilot is successful. However, because the Electric Avenue pilot does not meet the statutory criteria, any future full-fledged Electric Avenue program based on the pilot will also not meet the statutory criteria and could not be approved by the Commission. The Stipulation fails to explain why it is necessary or prudent for PGE to spend ratepayer funds to pilot a new business model unless PGE plans or hopes to develop a large-scale Electric Avenue program that would not be “time-limited” or “cost-limited” in the future.

ChargePoint asked PGE through discovery if it planned to propose an expansion of Electric Avenue if the pilot program is successful.¹³ PGE stated that it had not conducted any analysis on expanding Electric Avenue beyond what appears in its Application.¹⁴ In the Application, PGE states that it will consider up to 13 *additional* Electric Avenue sites beyond the initial “pilot” phase.¹⁵ Presumably, these future plans have not been modified by the Stipulation. In other words,

¹² As provided in OAR 860-001-0350(9), the Stipulation is not binding on the Commission.

¹³ PGE response to ChargePoint DR 011, attached as Exhibit 1.

¹⁴ *Id.*

¹⁵ Application, p. 59.

PGE is conducting the Electric Avenue pilot because it plans to expand Electric Avenue, if it considers the program a success.

Moreover, many of the “learnings” that appear in Appendix 1 to the Stipulation are only relevant to PGE if PGE plans to expand Electric Avenue and own and operate public charging stations in the future. For example, it would be entirely unnecessary for PGE to study operation and maintenance costs associated with public charging stations, permitting and siting challenges, revenue potential, or driver charging habits unless PGE hoped to expand Electric Avenue if its learnings are promising. The private, competitive charging station industry has already collected much of this information, and it is unnecessary for PGE to “reinvent the wheel,” unless PGE is planning to compete with private market players.

The Stipulating Parties recommend that the Commission ignore SB 1547’s directives and approve Electric Avenue because it is “only” a pilot program.¹⁶ The Commission should not allow PGE to spend ratepayer money to conduct a pilot program unless that program holds promise for the future. Because it fails to meet SB 1547’s criteria – as the Stipulating Parties admit – Electric Avenue holds no such promise and should be denied.

IV. THE ELECTRIC AVENUE PROGRAM CANNOT REASONABLY BE EXPECTED TO STIMULATE INNOVATION, COMPETITION, AND CUSTOMER CHOICE, AND IS AN IMPRUDENT USE OF RATEPAYER FUNDS.

As ChargePoint discussed extensively in its Reply Testimony, Electric Avenue would stifle innovation, competition, and customer choice in EV charging infrastructure and services, contrary to the clear directive of SB 1547 and the Commission’s implementing rules. Electric Avenue

¹⁶ Stipulation, ¶ 2.

would also require PGE to spend ratepayer funds to enter a competitive market, which is an imprudent use of ratepayer funds.

A. *The Electric Avenue program would stifle innovation in the market for public charging infrastructure and services.*

PGE plans to procure charging stations and network services for Electric Avenue through a request for proposals (RFP) process.¹⁷ In other words, PGE, with its limited experience in the EVSE market, will specify the minimum requirements for EVSE infrastructure and services and choose the provider that is able to provide this minimum infrastructure and minimal services for the lowest cost. The Commission should not allow PGE to assume the exclusive role of innovator for public EV charging stations its service territory.

A utility RFP works well when a utility is seeking to procure a commodity, like transformers or utility poles, at the lowest possible cost. EVSE infrastructure and network services are not commodities, and innovation does not occur when competitors compete to offer a product at the lowest cost. Innovation also does not occur when utility employees brainstorm minimum specifications for an RFP for products with which they are unfamiliar and for an industry in which they are neophytes.

Rather, innovation occurs when market participants, such as the competitive EVSE industry, seek to distinguish themselves through new designs and offerings that they believe will excite different end-users. Here, drivers are the end-users, but PGE will be selecting the product and service offerings for them. There is absolutely no reason to think that PGE will select through its RFP the same charging stations and network that drivers would choose, and regardless, different drivers will prefer different charging stations and networks. Moreover, since PGE is subject to

¹⁷ Application, p. 59.

Commission oversight, PGE is likely to choose the lowest-cost bid that meets the minimum specifications, rather have to justify choosing a higher-cost bid to the Commission.

Additionally, PGE's proposed RFP process for Electric Avenue would lock-in the winner of the RFP for the next ten years.¹⁸ The EVSE market is changing rapidly, and there is every reason to expect that the equipment that PGE would procure through an RFP would be obsolete within just a few years. When a private entity, such as an EVSE industry player or a charging station site-host, owns charging stations, the private entity can choose to replace their charging stations if they want to offer drivers the latest, most innovative technology. PGE, however, will be hamstrung by utility accounting rules and required to keep obsolete stations in service long past the time those stations are put in service.

Finally, PGE's argument in testimony supporting the Stipulation that Electric Avenue would provide a "platform for innovation" because Forth and Uber have announced a partnership completely misses the mark.¹⁹ SB 1547 specifies that TE programs should stimulate innovation specifically with respect to "electric vehicle charging and related infrastructure and services."²⁰ It stretches the bounds of reason to think that the Forth/Uber partnership is the type of innovation the Legislative Assembly had in mind. Regardless, that partnership depends simply on the *existence* of additional public charging stations – a goal that ChargePoint emphatically supports. The Forth/Uber partnership does not require PGE to own and operate charging stations, and similar innovations would likewise not require utility-owned charging stations.

Simply put, there would be no room for creativity in PGE's proposed RFP process for Electric Avenue. As a result, Electric Avenue would stifle, rather than stimulate, innovation in EV

¹⁸ Stipulation, ¶ 27.

¹⁹ UM 1811/Stipulating Parties/100, Spak – Klotz – Jenks – Mullins – Shaw – Ashley – Whiteman – Hesse – Ratcliffe/11, lines 10-25.

²⁰ SB 1547, Section 20(4)(f).

charging infrastructure and services, to the detriment of PGE’s customers and drivers in its service territory.

B. The Electric Avenue program would allow only one opportunity for competition – an RFP – and would not reap any of the benefits of competition.

An RFP is admittedly a competitive process, but as discussed, the RFP that PGE proposes for Electric Avenue would incorporate competition exclusively on the basis of cost and would occur only once at the outset of the program. As a result, PGE and its ratepayers would only receive one benefit of competition, namely, a low-cost product. PGE, and by extension, EV drivers, would lose out on the other consumer benefits that typically arise from a competitive market, such as innovative products and a variety of options to meet drivers’ unique needs and preferences.

Further, by selecting a single “winner” in the RFP, PGE will completely eliminate site-hosts’ ability to choose the EVSE equipment and network services provider that best fits their individual needs. This approach also stifles potential cost reductions that would occur in the future, because a robust, competitive market with multiple vendors competing for customers is essential to driving price reductions in product and services over the long-term.

PGE and the Stipulating Parties have implicitly acknowledged that the Electric Avenue program would do nothing to stimulate competition in the market for EV charging infrastructure and services, and that PGE’s proposal has the potential to damage and distort the market. The Stipulating Parties’ testimony supporting the Stipulation focuses on whether “the proposed pilots will hamper the market for electric vehicle charging in PGE’s service territory.”²¹ To support their misguided argument that the pilots will not hamper the market, PGE and the Stipulating Parties

²¹ UM 1811/Stipulating Parties/100, Spak – Klotz – Jenks – Mullins – Shaw – Ashley – Whiteman – Hesse – Ratcliffe/10, lines 5-6.

point to the fact that PGE designed its proposed pricing for Electric Avenue “to avoid undercutting the market-based pricing offered by other providers.”²²

Notably, the Legislative Assembly did not direct PGE to try not to “hamper” the market for EV charging infrastructure and services – rather, it directed PGE to “stimulate” that market. The choice of the word “stimulate” in SB 1547 was deliberate, and it indicates that the Legislative Assembly contemplated that PGE would play a unique role that only a utility could play to support and enhance the market. PGE cannot stimulate the public EV charging market by entering that market, especially given PGE’s built-in advantages of being a monopoly utility.

Likewise, PGE will not stimulate the EV charging market merely promising not to undercut other providers, because PGE (backed by its ratepayers) will inevitably take market share away from competitive providers. These competitive providers, like ChargePoint, do not have captive ratepayers who can cover their costs if revenues fall short.²³ Moreover, PGE’s focus on pricing to drivers ignores the business model and value streams of competitive EVSE providers. As ChargePoint explained in its Reply Testimony, many charging station site-hosts (such as big box retailers or convenience stores) install stations not because they want to make a profit on charging services, but to attract EV drivers to visit their businesses.²⁴ By promising not to undercut other public charging stations, PGE would do nothing to stimulate the market and would do little to mitigate the massive market distortion that its participation in the market will cause. Instead, PGE would be competing with charging station site-hosts for drivers, which would actually discourage market expansion from non-utilities such as competitive EVSE providers.

²² *Id.* at 14-15.

²³ Though the Stipulation proposes to cap the amount that ratepayers would pay for the Electric Avenue program, PGE has made it clear that it believes in principle that ratepayers can and should cover the full cost of the program if revenue from the program is insufficient. See UM 1811/PGE/100, Spak – Goodspeed/21-22.

²⁴ ChargePoint/100, Packard/12, ll., 4-9.

C. The Electric Avenue program would not offer any choices to customers.

No part of PGE’s Electric Avenue proposal would incorporate customer choice, much less stimulate customer choice, as required by SB 1547. PGE and the Stipulating Parties apparently realize that Electric Avenue utterly fails to meet this statutory criterion, because neither the Stipulation nor the Stipulating Parties’ joint testimony includes the words “choice” or “choose.” Because PGE would procure a “one-size-fits-all” solution for Electric Avenue through an RFP, customers – including both drivers and charging station site-hosts – would have no choice in the charging infrastructure or services that PGE provides.

In ChargePoint’s experience, customer choice is the most critical of the three factors that PGE is required to stimulate under SB 1547. Each site-host²⁵ has unique needs and unique motivations for installing a charging station. As ChargePoint illustrated in Reply Testimony:

A big-box retailer may want to offer free charging for the first hour to incentive customers to shop at the store, but charge a much higher rate starting at the second hour to motivate customers to move their vehicles and make the charging station available to another customer. Apartment building owners may provide charging as an amenity and will typically charge for the service as they do for a coin operated laundry. Cities and counties may charge cost-recovery fees in order to avoid giving away charging services at taxpayer expense.²⁶

There is an inherent relationship between a particular charging station and the drivers that want to charge at that station, and **the site-host – not PGE – is best equipped to determine the number and type of charging stations that will best meet those drivers’ needs. If PGE were to support site-hosts and allow them to choose the technology that best fit their unique needs, PGE**

²⁵ The most reasonable interpretation of SB 1547’s reference to “customer choice” is that it refers to “utility customer choice.” Because drivers may or may not be a customer of the utility, it is imperative that a charging station site-host, who would be the utility’s customer-of-record, be able to choose the charging infrastructure and services that best meet the needs of the site-hosts and the drivers that the site-host expects will use the charging station.

²⁶ *Id.* at 11, ll. 4-16.

would thereby also stimulate innovation and competition, because competitive providers would work to create the most appealing solutions possible for drivers and site-hosts.

Because Electric Avenue will not, and does not attempt to, stimulate customer choice in EV charging infrastructure or services, it does not comply with SB 1547 or the Commission's implementing rules. As discussed above, characterizing Electric Avenue as a "pilot" cannot remedy this shortcoming, because the purpose of the pilot is to eventually develop a large-scale program based on the same design. The Commission should reject the Electric Avenue proposal.

D. The Electric Avenue program is an imprudent use of ratepayer funds because PGE would be entering a competitive market beyond the boundaries of a regulated monopoly.

ChargePoint recognizes that SB 1547 contemplates that PGE's TE programs may include direct investments in EVSE charging and infrastructure, but it requires the Commission to ensure that any such investments are prudent and reasonably expected to be used and useful.²⁷ Though "prudent" is not defined in the statute, the statute's use of a term so common in utility regulation indicates that the Legislative Assembly did not intend change the standard by which the Commission evaluates PGE's activities related to transportation electrification. Specifically, the Commission should require PGE to demonstrate that its proposed investment in the Electric Avenue would be reasonable and consistent with standard, cautious utility business practices. Under this standard, PGE has failed to demonstrate that the Electric Avenue program is a prudent use of ratepayer funds.

PGE acknowledges that "publicly-available fast charging is a nascent market."²⁸ This market is also competitive, high-risk, and rapidly developing, and includes several market players backed by venture capitalists. A prudent utility would not risk its ratepayer funds trying to compete

²⁷ SB 1547, Section 20(4)(b).

²⁸ UM 1811/PGE/100, Spak – Goodspeed/16, line 22.

with the players in this market, in which its only competitive advantage is its ability to leverage and rely on those same ratepayer funds if its foray into the market is unsuccessful.

Because the market for publicly available charging stations is so competitive, PGE indefensibly argues that owning public charging stations is actually the most prudent use of ratepayer funds, stating that it can “provide ... increased certainty of charger availability.”²⁹ PGE’s assertion that it can provide “increased certainty” is based on the fact that it can request the Commission’s authorization to spend additional ratepayer funds if, for whatever reason, its charging stations experience unforeseen complications.

A prudent utility TE program would mitigate its ratepayers’ risk by investing only in infrastructure that PGE is familiar with, such as the installation components needed to support charging stations – frequently called the “make-ready” – and leave the investment in quickly evolving EVSE technology to those customers interested and willing to host charging stations. Such an approach would mitigate PGE’s risk and ensure that its infrastructure investments would remain used and useful. ChargePoint recommended such a role for PGE in its Reply Testimony.³⁰

Further, running the Electric Avenue program would be well outside the activities traditionally undertaken by a regulated monopoly utility. Under the regulatory compact, PGE is allowed to operate as a monopoly because the State of Oregon has deemed it more economically efficient and socially desirable for a single entity, rather than the competitive market, to provide essential electric utility services. Transportation electrification is an important and laudable goal, and PGE has a crucial role to play in transportation electrification, but there is no economic or social justification to allow a monopoly to take over the entire market. The existence of numerous competitors in this space demonstrates that public charging services are not the function of a

²⁹ UM 1811/PGE/100, Spak – Goodspeed/17, line 2.

³⁰ ChargePoint/100, Packard/16, ll. 11-21, and 24, ll. 8-14.

natural monopoly, so there is no reason to allow PGE to become a market player fulfilling the same functions as non-regulated, private competitors. Instead, the Commission should require PGE to play a role in transportation electrification that only the utility can play, as will be discussed next.

E. The Commission should not allow PGE to distort the public charging market with the Electric Avenue program prior to determining a proper market role for PGE.

As ChargePoint explained in Reply Testimony, if PGE installs ratepayer-funded public charging stations, prospective charging station site-hosts will be reluctant to invest in their own charging stations when they see the utility fulfilling this role.³¹ Competitive EVSE providers may then exit the Oregon market, because it is difficult to compete against “free” (i.e., ratepayer-funded) charging stations.³² Further, if PGE begins installing Electric Avenue sites without requiring any investment from site-hosts, it would teach the market that public charging stations are supposed to be free. Prospective site hosts would be further discouraged from investing in charging stations, because they will worry that PGE would install more Electric Avenue sites above and beyond the six PGE has proposed in the Stipulation. These prospective site hosts will only install charging stations if they see a potential value stream from the stations, and this value will be lost or diminished if PGE is permitted to install stations and lean on ratepayers to recover its costs.

In other words, by using ratepayer money to deploy public charging stations, PGE will significantly distort the market for public charging stations and discourage participation and investment in this market by private companies. This result is contrary to the Legislative Assembly’s intent behind SB 1547, which stated that “[w]idespread transportation electrification

³¹ ChargePoint/100, Packard/14, ll. 14-21.

³² *Id.*

should ... attract private capital investments and create high quality jobs” in Oregon.³³ Instead of designing a TE program to attract private capital investment, with Electric Avenue PGE seeks the Commission’s authorization to invest ratepayer funds in a manner that will actively discourage private investment from site-hosts. Though Electric Avenue might result in up to six additional charging stations owned by PGE in the immediate future, the market distorting effect of these six stations would lead to far fewer stations in PGE’s service territory over the medium- and long-term. Such an unstable, unsustainable market based on ratepayer subsidies is contrary to the intent behind SB 1547 that PGE *accelerate* transportation electrification.³⁴

In testimony supporting the Stipulation, PGE promises to “assess its role in the charging market” later on and consider whether it should exit the market.³⁵ The Stipulating Parties offer no details on the criteria by which PGE will assess its role and make this determination. Further, the public charging market would be significantly distorted by Electric Avenue, and Electric Avenue itself will hamper the private industry’s ability to provide charging services in PGE’s service territory, as just discussed. By entering and distorting the market in its early stages, PGE is setting the stage to demonstrate that its direct participation is necessary over the long-term. The Commission should not allow PGE to use ratepayer money to make the public charging market entirely dependent on ratepayer money for the foreseeable future.

As mentioned above, ChargePoint emphatically supports accelerating transportation electrification in Oregon, and agrees that PGE has a critical role to play in these efforts. There is no reason to think that the optimal role for PGE is to offer public charging infrastructure and

³³ SB 1547, Section 20(2)(d).

³⁴ *Id.* at 20(3).

³⁵ UM 1811/Stipulating Parties/100, Spak – Klotz – Jenks – Mullins – Shaw – Ashley – Whiteman – Hesse – Ratcliffe/8, lines 18-21.

services in direct competition with private companies who are already providing these infrastructure and services. Instead, PGE should play a role that only PGE, as the utility, can play.

Based on its extensive experience in other markets across the US and Europe, ChargePoint offered detailed suggestions in Reply Testimony for the role that PGE can and should play in transportation electrification programs.³⁶ For example, PGE could develop a program in which it provides the “make-ready” infrastructure needed to make a site ready for charging stations, including any distribution line, transformer, or other “in front of the meter” upgrades.³⁷ PGE could also provide rebates for charging stations and allow site-hosts to choose the technology that best fit their needs, consistent with PGE’s mandate to stimulate innovation, competition, and customer choice.³⁸ Under SB 1547, PGE could request that the Commission authorize it to earn a return on the rebates it provides to customers.³⁹ ChargePoint also recommended that PGE work with multi-unit dwellings, where it is especially difficult for EV drivers to install charging stations due to the landlord-tenant split incentive barrier.⁴⁰ As ChargePoint explained, these recommendations would allow PGE to focus on its core competencies as a utility, such as building distribution facilities, without engaging in anticompetitive activities with ratepayer money.⁴¹ Unfortunately, ChargePoint’s recommendations are not addressed or acknowledged by the Stipulation.

V. CONCLUSION AND REQUEST FOR RELIEF

For all of the reasons discussed, ChargePoint recommends and requests that the Commission reject the Stipulation’s request for approval of the Electric Avenue program. ChargePoint further recommends and requests that the Commission provide direction to PGE on

³⁶ ChargePoint/100, Packard/16-18, 20-24.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

the appropriate role of the utility in transportation electrification efforts to guide PGE's future applications for TE programs.

Specifically, the Commission should instruct PGE that any future TE application for public charging must allow customers (i.e., site-hosts) to choose the type of charging stations and network services that best fits their needs, consistent with SB 1547's mandate that PGE's TE programs stimulate innovation, competition, and customer choice. The Commission should also instruct PGE that any future TE application should not involve PGE competing directly in the public charging market against private companies. Instead, PGE should leverage private investment and play a role in the market that only the utility can play, such as by providing rebates or make-ready infrastructure to charging station site-hosts.

Pursuant to OAR 860-001-0350(8), ChargePoint requests a hearing on the Stipulation. ChargePoint respectfully requests that the Commission convene a prehearing conference to determine a procedural schedule, including dates for a live hearing, written testimony, and additional briefing as needed.

Respectfully submitted this 12th day of July, 2017,

BY: /s/ Scott F. Dunbar
Scott F. Dunbar
Keyes & Fox LLP
1580 Lincoln St., Suite 880
Denver, CO 80203
Phone: 720-216-1184
Mobile: 949-525-6016
sdunbar@kfwlaw.com

Counsel for ChargePoint, Inc.