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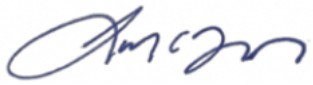
December 8, 2022

RE: Georgia Power Company's 2022 Rate Case, Docket No. 44280

To Executive Secretary Tanner:

Please find enclosed an electronic version of ChargePoint's Post-Hearing Brief for filing in Docket No. 44280.

Regards,



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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

In Re:	)	
	)	
GEORGIA POWER COMPANY'S	)	**DOCKET NO. 44280**
2022 RATE CASE	)	
	)	

POST-HEARING BRIEF OF CHARGEPOINT, INC.

ChargePoint, Inc. (ChargePoint) respectfully files this post-hearing brief pursuant to Rule 515-2-1-.04 of the Georgia Public Service Commission (Commission) and the Commission's April 7, 2022 Procedural and Scheduling Order in the above-captioned proceeding.

I. INTRODUCTION

On June 24, 2022, Georgia Power Company (Georgia Power or Company) filed this general rate case to address any changes in revenue requirements that may have occurred since the Company's last rate case in 2019.[1] As part of that filing, Georgia Power included several EV proposals, which are the focus of this brief and ChargePoint's participation in this proceeding.

First, Georgia Power proposes to increase its investments in EV charging facilities and infrastructure upgrades to support EV charging.[2] ChargePoint supports Georgia Power's proposal to invest in EV charging facilities and infrastructure upgrades, as long as site hosts that participate in the make ready and community charging infrastructure programs continue to be able to choose their preferred charging equipment.

Second, Georgia Power proposes to establish a new rider rate schedule for separately metered non-residential EV charging, designated Schedule Charge It Electric Vehicle (Rider

[1] First Procedural and Scheduling Order, p. 1.

[2] Womack Direct, p. 10, ll. 9-16.

CIEV-1). This rider would reduce billed demand charges for up to forty-eight months, or when a customer's rolling twelve month load factor reaches 15% or greater.[3] ChargePoint seeks to ensure that any impact Rider CIEV-1 would have on the competitive market is positive. Based on ChargePoint's review, Rider CEIV-1 would support the competitive market by mitigating the impact of demand charges on EV charging stations with low load factors.

Third, ChargePoint recommends that the Commission specifically authorize site hosts to price EV charging services on a $/kWh basis. The Commission would simply need to clarify that the sale of EV charging services shall not be considered "resale" of electricity. As discussed below, doing so is crucial to encouraging EV charging station deployment and EV adoption in Georgia.

ChargePoint offers these recommendations, explained in more detail below, to encourage EV charger deployment and support the competitive EV charging market in Georgia Power's service territory.

II. ARGUMENT

A. The Commission should approve Georgia Power's proposed EV make-ready infrastructure upgrades and investments in community charging facilities while ensuring that site host choice remains a tenet of the programs.

In the competitive marketplace for EV charging services, the ability of site hosts to select the technologies they prefer in an open market, invest their own capital, seek any incentives available through public agencies or utilities, and, in the case of commercial stations, offer competitive charging services to attract drivers and recoup necessary expenses, is paramount.[4] The term "site host" refers to the owner or lessor of the property on which an EV charging station is located.[5] Site hosts can include residential customers; owners of multi-family housing (MFH);

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3 Proposed Original Page No. 12.40.

4 Direct Testimony of Justin Wilson, p. 4.

5 *Id*.

commercial customers that offer charging to the public, their customers, and/or their employees; fleet owners; and government entities.[6]

ChargePoint's understanding is that Georgia Power's proposals would continue to provide site hosts the ability to perform the competitive market functions listed above. ChargePoint witness Wilson states that site host choice is the critical program design element that allows customers to enjoy the benefits of competition, including innovation, cost-competitiveness, and a variety of products and services to satisfy a variety of needs and preferences.[7] Ensuring that site hosts can choose the charging solution that works best for them allows the competitive dynamics that exist in the absence of a utility program to function properly within the confines of the utility program, to the benefit of customers.[8] So long as site host choice remains a tenet of both programs, ChargePoint supports Georgia Power's proposed EV make-ready charging infrastructure upgrades and investments in community charging facilities.

B. The Commission should approve Rider CIEV-1 and direct Georgia Power to allow any qualifying customer to take service on it.

ChargePoint supports Rider CIEV-1 as designed by Georgia Power and recommends that the Commission approve it, with one modification to allow *any* qualifying customer to take service on it. ChargePoint witness Wilson explains in detail how proposed Rider CIEV-1 is a positive step toward increasing EV charger penetration in the state, which in turn will benefit Georgia Power's customers.[9]

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6 *Id*.

7 *Id*.

8 *Id*.

9 *Id*., p. 5.

1. *Rider CIEV-1 will effectively mitigate the impact of demand charges on EV charging station site hosts for a four-year period while their load factor is relatively low.*

Demand charges can pose a significant challenge and expense for EV charging station site hosts, especially during periods of low utilization.[10] In low utilization scenarios, a site host may experience a relatively small number of charging sessions in a month, but if several vehicles charge at the same time, the demand charge will be set for the entire month (and potentially much longer when there is a demand ratchet provision, as there is for schedules PLS, PLM, and PLL).[11] Rider CIEV-1 will mitigate the impact of demand charges on EV charging station site hosts for a four-year period while their load factor is relatively low, thus reducing this significant challenge and expense for site hosts. By mitigating the impact of demand charges on site hosts, Rider CIEV-1 will encourage more site hosts to deploy EV chargers for the benefit of EV drivers and Georgia Power's customers. Accordingly, the Commission should approve Rider CIEV-1, including the modification described below.

2. *Rider CIEV-1 should be modified to allow any customer with a dedicated meter for EV charging to take service on it.*

ChargePoint has one minor recommendation to modify the Applicability section of Rider CIEV-1. As proposed, Rider CIEV-1 would only be available to *new* services dedicated to EV charging that start service on or after January 1, 2023.[12] But there is no reason to restrict the availability of this rider to new customers. Existing customers that have already installed EV charging stations behind a dedicated meter should have access to the same rates and rate riders as new customers, especially rate riders like Rider CIEV-1 that will allow them to more cost-

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10 *Id*.

11 *Id*., pp. 5-6.

12 Proposed Original Page No. 12.40.

effectively manage their EV charging load. Accordingly, the Commission should approve Rider CIEV-1, modified to allow *any* customer with a dedicated meter for EV charging to take service on it.

C. The Commission should clarify that the sale of EV charging services is not considered the "resale" of electricity.

ChargePoint witness Wilson explains the importance of EV charging station operators (site hosts) being able to sell EV charging services by the kilowatt-hour in Georgia.[13] This step is crucial to encouraging EV charging station deployment and EV adoption. Currently, if a non-utility site host sells EV charging services on a $/kWh basis, it risks violating Georgia Power's prohibition on resale of electricity, which appears in Georgia Power's tariff.[14] This risk discourages many prospective site hosts from installing public EV chargers.

1. *The nature of EV charging service is distinct from how a utility sells electricity.*

Historically, the only commodity or service priced on a $/kWh basis was electricity, so any person or entity using a $/kWh pricing arrangement is generally considered to be reselling electricity. This creates uncertainty and risk that a site host would violate Georgia Power's tariff by charging drivers to charge their EVs on a $/kWh basis. As a result, site hosts are effectively prevented from charging on a $/kWh basis in Georgia, which limits entry into the competitive EV market.

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[13] Direct Testimony of Justin Wilson, p. 7.

[14] Georgia Power Company, Rules and Regulations for Electric Service, General Rules, Page Number 1.11, ¶ 6 ("Electric service will not be supplied in competition with the Company's own service, either wholesale or retail, or for distribution or supply or resale in any territory occupied by the distribution system of the Company, or proposed to be occupied by the distribution system of the Company."), included in MFR F-1 of Georgia Power's initial filing.

In reality, EV charging stations use electricity to provide a service; specifically, the service of charging the battery of an EV.[15] Just because the energy stored in a battery is measured in kilowatt-hours does not mean the EV charging station is reselling electricity. Instead, the EV charging station is *using* electricity to perform the value-added service of charging a battery, which stores the energy.[16]

As ChargePoint witness Wilson explains, the nature of EV charging service is distinct from the way that a utility sells electricity. A utility sells electricity as a commodity. A customer then *uses* that commodity for a wide-variety of purposes, such as powering an air conditioner, cooking, or charging their smart phone. An EV charging station, on the other hand, uses electricity for a single purpose – charging the battery of an EV.

Similar to EV charging station site hosts, many businesses use electricity to provide services to the public. Take a laundromat, for example. The laundromat *uses* electricity to run its washing machines, but in doing so, does not *resell* electricity to its customers who *use* the machines to wash and dry their clothes. Rather, the more accurate description of the laundromat's business is that it *uses* electricity to provide the services of washing and drying customers' clothes. By the same token, it is inaccurate to say that an EV charging station site host is *reselling* electricity to EV drivers. Rather, the accurate way to describe the transaction between a site host and an EV driver is that the site host *uses* electricity to provide the service of charging the battery of an EV.[17]

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15 Direct Testimony of Justin Wilson, p. 7.

16 *Id.*

17 *Id.*, p. 9.

2. *Permitting EV charging station site hosts to price charging services on a $/kWh basis will result in more accurate and fair costs for battery charging services.*

A per-minute pricing arrangement fails to account for the amount of energy *actually* delivered to an EV's battery.[18] This is because different EV models have different maximum charging speeds. As such, billing on a per-minute basis leads EV drivers to pay varying costs for the same amount of energy consumed.[19] For example, at a DC fast charger, an older EV may take 90 minutes to add 30 kWh of charge, whereas a newer model equipped with a high maximum charging speed may only take 30 minutes to add the same 30 kWh of charge.[20] Under the prevailing $/minute scheme that most site hosts have adopted to avoid violating the prohibition on resale, it would cost the older EV triple the amount to add the same 30 kWh charge to its battery.[21] This is akin to gas stations charging customers varying rates for gas based solely on their car's MPG, which would be absurd and would not be tolerated by customers. Similarly, having the cost of charging not correlate to the amount of energy delivered to the battery is counterintuitive, and negatively impacts those EV drivers with older vehicle models.[22] The Commission should clarify that charging on a $/kWh basis does not constitute the resale of electricity to mitigate this unequitable result.

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18 *Id*., p. 10.

19 *Id.*

20 *Id.*

21 *Id.*

22 *Id.*

3. *Forty-three states already allow site hosts to charge EV drivers on a $/kWh basis.*

In each of the 43 states that have addressed this issue, as well as in the District of Columbia and Puerto Rico, EV charging station site hosts may charge EV drivers on a $/kWh basis.[23] ChargePoint witness Wilson notes that the uncertainty and risk faced by site hosts preventing them from charging on a $/kWh basis has arisen in different ways in different states and has accordingly been resolved in different ways.[24] In some states this issue has been resolved through a statutory change, in other states through a statewide regulatory commission proceeding, and other states through a utility-specific proceeding (such as this docket).[25] Nevertheless, in each of the 43 states and the District of Columbia the result is the same: EV charging station site hosts may charge EV drivers using their preferred pricing arrangement, including on a $/kWh basis.[26]

4. *The federal government is implementing charging on a $/kWh basis as a requirement for NEVI funding.*

ChargePoint witness Wilson also notes that the Federal Highway Administration (FHWA) is in the process of implementing the National Electric Vehicle Infrastructure (NEVI) formula program, which was created by the Infrastructure Investment and Jobs Act (IIJA) passed in 2021.[27] Based on current estimates, Georgia is expected to receive $135 million over 5 years to support the expansion of EV charging; Georgia will also have the opportunity to apply for $2.5 billion in grant funding dedicated to EV charging.[28] In its Notice of Proposed Rulemaking, the FHWA

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23 ChargePoint Exhibit 1.2.

24 Direct Testimony of Justin Wilson, p. 10.

25 *Id.*

26 *Id.*

27 *Id.*, p. 10-11.

28 Federal Highway Administration, National Electric Vehicle Infrastructure (NEVI) Formula Program Guidance (Feb. 2022), available at:

proposed the following requirement for chargers that receive NEVI funding: "Chargers must display and base the price for electricity to charge in $/kWh."[29]

However, any EV charging station that followed this federal guidance would violate Georgia Power's tariff prohibition on resale of electricity.[30] This is a problem with an easy fix. Notably, it is not necessary to modify Georgia Power's tariff to resolve this issue. Instead, the Commission should simply clarify that EV charging stations do not resell electricity and therefore would not violate Georgia Power's tariff by charging for EV charging on a $/kWh basis. ChargePoint recommends that the Commission make this much needed clarification.

III. CONCLUSION

For the foregoing reasons, ChargePoint respectfully urges the Commission to adopt the following recommendations, as set out in this post-hearing brief:

- Approve Georgia Power's proposed investments in community charging facilities and EV charging infrastructure upgrades across the state;
- Approve Rider CIEV-1 and direct Georgia Power to allow any qualifying customer to take service on it (not just new customers);
- Clarify that the sale of EV charging services by non-utilities shall not be considered resale of electricity.

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https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/nominations/90d_nevi_formula_program_guidance.pdf).

[29] *See* Proposed Rule for the National Electric Vehicle Infrastructure Formula Program at § 680.116, (pub. June 22, 2022), available at: https://www.federalregister.gov/documents/2022/06/22/2022-12704/national-electric-vehicleinfrastructure-formula-program.

[30] Direct Testimony of Justin Wilson, p. 10-11.

Dated: December 8, 2022

Respectfully submitted,

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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

In re: Georgia Power Company's 2022 Rate Case	))	Docket No. 44280

CERTIFICATE OF SERVICE

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