

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Evergy
Metro, Inc. d/b/a Evergy Missouri Metro
for Approval of a Transportation
Electrification Portfolio

Case No. ET-2021-0151

In the Matter of the Application of Evergy
Missouri West, Inc. d/b/a Evergy Missouri
West for Approval of a Transportation
Electrification Portfolio

Case No. ET-2021-0269

**INITIAL BRIEF OF
CHARGEPOINT, INC.**

ChargePoint, Inc. (ChargePoint), by and through its attorneys Elizabeth Hubertz and Scott Dunbar of the law firm Keyes & Fox LLP, respectfully submits its Initial Brief in this consolidated proceeding.

I. Executive Summary.

ChargePoint largely supports Evergy’s Application for Approval of its Transportation Electrification Portfolio (TE Portfolio) and recommends key programmatic modifications to increase the effectiveness of the TE Portfolio and ensure the TE Portfolio supports the competitive market for EV charging services in Evergy’s service territories.

Specifically, ChargePoint recommends that the Commission modify Evergy’s proposed Residential Rebate program as follows:

- Direct Evergy to allow residential customers that participate in the Residential Rebate program to hardwire their home chargers and not to require the installation of NEMA outlets (but allow customers to install NEMA outlets if they prefer);

- Direct Evergy to develop a list of qualifying chargers for the Residential Rebate program, which should be updated upon request by vendors that introduce new qualifying products. To qualify for the Residential Rebate program, the Commission should require that chargers be ENERGY STAR certified, have a safety certification from UL or another Nationally Recognized Testing Laboratory, and have managed charging capabilities.

ChargePoint further recommends that the Commission modify Evergy's proposed Commercial Rebate program as follows:

- Direct Evergy to remove the requirement that site hosts that participate in the Commercial Rebate program share charger utilization data with Evergy;
- Direct Evergy to allow Commercial Rebate recipients to opt out of specific demand response events, consistent with Evergy's clarifications made at hearing;
- Direct Evergy to subject its Clean Charge Network (CCN) chargers to the same demand response requirements that would apply to participants in the Commercial Rebate program, consistent with Evergy's clarifications made at hearing.¹

ChargePoint further recommends that the Commission approve Evergy's proposed Business EV Charging Service Rate and proposed Electric Transit Service Rate, which will encourage transportation electrification efforts by businesses and transit agencies, respectively, by reducing demand charges and encouraging off-peak charging.

Finally, ChargePoint supports Evergy's proposal to expand the CCN and Evergy's request that the Commission make a policy determination that the expansion is prudent from a decisional

¹ ChargePoint recommended in testimony that the Commission direct Evergy to remove its proposed demand response requirement. However, ChargePoint has modified its recommendations on this issue based on Evergy's witness's clarifications made at hearing, as discussed below.

perspective. However, to ensure that the CCN supports the competitive market, ChargePoint recommends that the Commission direct Evergy to allow site hosts at new CCN sites to choose the EV charging hardware and network service provider and to set the prices paid by drivers.

II. Evergy's Proposed Rebate Programs.

ChargePoint largely supports Evergy's proposed rebate programs: the Residential Customer EV Outlet Rebate (Residential Rebate), the Residential Developer EV Outlet Rebate (Developer Rebate), and the Commercial EV Charger Rebate (Commercial Rebate). ChargePoint recommends several modifications to these programs that will improve their effectiveness.

As a provider of electric vehicle charging hardware and software services with numerous potential and existing customers in Evergy's territory, ChargePoint takes great care to evaluate transportation electrification programs for their impact on the competitive market for charging hardware and software services. ChargePoint has found that utility programs that promote innovation, competition, and customer choice for site hosts² are the most successful at achieving our shared goal of advancing EV charging deployment.

In the competitive marketplace for EV charging services, site hosts select the technologies they prefer from a variety of vendors 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. For their part, charging hardware, software, and service providers innovate new hardware, software, and service offerings to enable site hosts to choose the products and services that will best meet their needs. These providers compete to offer site hosts the best products to meet their needs at reasonable cost.

² The term "site host" refers to the owner or lessor of the property on which an EV charging station is located. Site hosts include residential customers; owners of multi-family housing (MFH); commercial customers that offer charging to the public, their customers, and/or their employees; fleet owners; and government entities.

In competitive markets, utilities can support site hosts and charging hardware, software, and service providers by developing programs that make it less costly and easier for site hosts to install charging equipment and provide charging services. When utilities encourage competition in the market, charging providers will develop innovative hardware, software, and services solutions to provide to site hosts. Rebate programs such as Evergy's proposed Residential Rebate program and Commercial Rebate program support this competitive market for EV charging hardware, software, and commercial charging services by reducing the total cost of installing EV charging stations.

A. ChargePoint's recommended modifications to the Residential Rebate program.

Evergy's proposed Residential Rebates will reduce participating customers' total cost of installing EV chargers at their homes. Further, Evergy will be able to generate additional kWh sales by increasing charging station deployment and encouraging EV adoption. Evergy's proposed program design will allow customers to choose the charging equipment and network services that best fit their needs at a reasonable price. In short, by promoting customer choice in charging equipment and services and reducing the cost of installing EV charging stations, Evergy's proposed rebate programs will support transportation electrification in its Missouri service territories. However, the effectiveness of the Residential Rebate program would be greatly improved if the Commission adopts two simple modifications to the program design.

First, instead of providing rebates only for NEMA outlets, Evergy should require customers to install EV charging stations in order to qualify for a rebate and allow customers to hardwire their chargers, if they choose. Many EV chargers designed for home use can be hardwired to a 240V circuit and some chargers require hardwiring for charging at higher amperages.³ Customers that prefer to hardwire their chargers in order to achieve faster charging rates at their home should

³ For example, see: <https://www.chargepoint.com/drivers/home/resource/>.

be permitted to do so through the Residential Rebate program. Because Evergy seeks to incentivize the deployment of EV chargers and not simply outlets into which EV chargers can be plugged, there is no reason to require customers to install a NEMA outlet if a customer would prefer to hardwire their charger. Accordingly, ChargePoint recommends that the Commission direct Evergy to modify the Residential Rebate program to require customers to install a qualifying Level 2 charging station, not a NEMA outlet, which will allow customers to hardwire their chargers if they so choose. Under ChargePoint's recommendation, any customer that would prefer to install a NEMA outlet and plug their charger into the NEMA outlet would be free to do so.

Second, just as it has proposed to develop a list of qualifying EV chargers for the Commercial Rebate program, Evergy should develop a list of qualifying Level 2 home chargers for the Residential Rebate program, which should be periodically updated upon request from vendors that introduce new qualifying chargers to the market. The same criteria that applies to the Commercial Rebate program should apply to the Residential Rebate program; namely, chargers should be required to be ENERGY STAR certified, have a safety certification, and have managed charging capabilities. ENERGY STAR certified Level 2 chargers use 40 percent less electricity while in standby mode, ensuring that chargers use a minimal amount of electricity when they are not charging vehicles.⁴ Similar to energy efficiency programs, this recommended requirement benefits the utility and non-participants by ensuring that EV chargers in standby mode do not become a new unnecessary load. Requiring that EV chargers have a safety certification from UL or another Nationally Recognized Testing Laboratory is important to ensure that all chargers supported by the Residential Rebate meet minimum technical and safety standards. Finally, chargers with managed charging capabilities (also known as "smart" chargers) provide both

⁴ https://www.energystar.gov/products/other/ev_chargers.

customers and Evergy with much more value than chargers that do not have such capabilities because they allow customers to program charging schedules to take advantage of time-varying rates and to participate in any managed charging or demand response programs that Evergy may propose in the future.

Unfortunately, Evergy disregards the many benefits of smart chargers, preferring instead to rely on unproven technologies such as disaggregation algorithms for collecting data and to predetermine (without any specific proposal) that it would rely on vehicle telematics for any future demand response or managed charging programs. While these technologies may hold promise for the future, many utilities have extensive experience relying on smart chargers for managed charging and demand response programs, as well as encouraging customers to use the programmable capabilities of smart chargers to charge during off-peak hours. Evergy has extensive experience with smart chargers through its CCN program.⁵ If it turns out in the future that Evergy cannot achieve its residential charging load management goals using disaggregation algorithms and on-board vehicle telematics, any Residential Rebate recipient who did not install a smart charger would have to purchase one in order to participate in any future programs that rely on smart charger functionalities. Evergy should ensure that Residential Rebate recipients install smart chargers, which are a tried and true technology that will support customers' ability to shift their charging to off-peak hours and provide Evergy with a reliable platform for future load management programs.

B. ChargePoint's recommended modifications to the Commercial Program.

ChargePoint supports Evergy's proposed Commercial Rebate program if the Commission adopts the program modifications and clarifications that ChargePoint recommended in testimony

⁵ Transcript, Vol. 1, p. 161, ll. 5-8.

and discusses in more detail below. Similar to the Residential Rebate program, at a high level, Evergy's proposed Commercial Rebates will reduce site hosts' total cost of installing EV chargers at their place of business or multi-family building and the utility will be able to generate additional kWh sales by increasing charging station deployment and encouraging EV adoption. Evergy's proposed program design will allow customers to choose the charging equipment and network services that best fit their needs from a list of qualifying equipment at a reasonable price. In short, by promoting customer choice in charging equipment and services and reducing the cost of installing EV charging stations, Evergy's proposed Commercial Rebates will support transportation electrification in its Missouri service territories. However, ChargePoint is concerned that two of Evergy's proposed program requirements will discourage participation and undermine the success of the program.

First, ChargePoint is concerned that Evergy proposes to require site hosts to "provide Evergy with access to utilization data."⁶ Evergy does not explain why it needs charger utilization data other than that it will allow Evergy to "better understand where EV charging is occurring on the system."⁷ Requiring site hosts to provide all utilization data, without restriction, is needlessly burdensome and raises potential competitive concerns. Many site hosts consider EV charger data to be competitively sensitive and may be discouraged from participating in the program by a requirement that they share all utilization data. Such concerns are understandable given that Evergy operates its own EV charger network, the CCN, and could use utilization data from other site hosts to gain a competitive advantage for the CCN. Finally, Evergy will be able to understand where EV charging is occurring on its system based on its records of customers that participate in the Commercial Rebate program and through its own meter data. Though Evergy has not proposed

⁶ TEP, p. 26.

⁷ *Id.*, p. 25.

to require site hosts that participate in the Commercial Rebate program to take service on one of its EV charging rates, any site host that chooses to take service on one of the EV charging rates is required to separately meter their EV charging stations. Evergy will be able to “better understand where EV charging is occurring on the system” by analyzing the meter data from customers that take service on the Electric Transit Service Rate or the Business EV Charging Service Rate. Accordingly, ChargePoint recommends that the Commission direct Evergy to remove the proposed requirement that site hosts provide Evergy with access to charger utilization data.

Second, ChargePoint was concerned by Evergy’s proposal to require site hosts to “agree to participate in potential future demand response (DR) events, if deemed necessary, to minimize grid impacts.”⁸ While ChargePoint supports requiring chargers to have managed charging capabilities (including demand response capabilities) as a technical requirement, ChargePoint opposes requiring customers to agree upfront to participate in any demand response events that might be “deemed necessary.” Evergy has not provided any details regarding such potential demand response events, including the number of events that might be called per year, the duration of demand response events, whether site hosts will be required to reduce charging demand or cease charging activity altogether, whether site hosts would be compensated for reducing demand, and whether site hosts would be able to opt out of such events.

ChargePoint explained in testimony that a requirement to participate in demand response events would be particularly burdensome for DCFC site hosts.⁹ ChargePoint appreciates that Evergy agreed in rebuttal not to impose any demand response requirements on Commercial Rebate recipients that install DCFCs and recommends that the Commission approve such a modification.¹⁰

⁸ *Id.*, p. 26.

⁹ Wilson Rebuttal, pp. 13-15.

¹⁰ Voris Surrebuttal, p. 25.

ChargePoint further appreciates that Evergy clarified at hearing that Commercial Rebate recipients would be expected to participate in every demand response event that is called and would have the ability to opt out if needed.¹¹ Allowing site hosts to opt out of particular demand response events will provide site hosts with the flexibility they need to ensure positive customer experiences for EV drivers and provide grid benefits through participation in the program. ChargePoint recommends that the Commission approve this clarification.

Finally, ChargePoint also appreciates that Evergy clarified at hearing that Evergy's CCN chargers will be subject to the same demand response requirements that apply to Commercial Rebate recipients.¹² Subjecting Evergy-owned chargers to the same requirements ensures that the demand response requirement does not create a competitive advantage for the CCN chargers that other site hosts would not have. This clarification will help promote a level playing field between Commercial Rebate recipients that offer public charging and Evergy's CCN chargers. ChargePoint recommends that the Commission accept Evergy's proposal on this point and direct Evergy to subject its CCN chargers to the same demand response requirements that would apply to participants in the Commercial Rebate program.

III. Evergy's Proposed Transit and Business EV Rates.

ChargePoint supports Evergy's proposed Electric Transit Service Rate and the Business EV Charging Service Rate and recommends that the Commission approve both proposed rates. Both of these rates feature significantly reduced demand charges, as well as on-peak and off-peak energy charges to encourage EV charging to occur during off-peak hours.¹³ The Business EV Charging Service rate also has a "super off-peak period" with a very low rate for charging.¹⁴

¹¹ Transcript Vol. 1, p. 175, ll. 12-17 and Vol. 2, p. 293, ll. 3-13.

¹² Transcript Vol. 1, p. 169, l. 22 – p. 170, l. 5.

¹³ TEP, Appendix B.

¹⁴ *Id.*

Demand charges can pose a significant challenge and expense for EV charging station site hosts, especially when utilization of the charger is low, which is often the case currently as EV adoption is still relatively low. 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 (or potentially much longer if there is a demand ratchet provision). Demand charges can also have an inordinate impact on transit agencies, which might be able to charge off-peak but nevertheless experience a high kW demand from charging multiple buses or other vehicles at the same time. ChargePoint notes that it is rather unusual to have an “on-peak” period that lasts from 6 AM to 6 PM as Evergy has proposed for the Electric Transit Service rate. However, because this rate only applies to transit agencies and because the Business EV Charging Service has a six-hour on-peak period (2 PM to 8 PM during non-holiday weekdays), as well as a super off-peak period overnight, ChargePoint does not recommend any changes to the rates. ChargePoint recommends that Evergy monitor the impact of the long on-peak period in the Electric Transit Service rate and consider modifications in the future, if necessary.

In addition to supporting the rates’ reduced demand charges, ChargePoint supports Evergy’s proposal for the rates to be optional for customers. While many EV charging station site hosts will find the rates beneficial, they may not be suited to all customers’ unique needs and goals for installing chargers. Site hosts should be allowed to choose whether to take service on the applicable EV charging rate or stay on their otherwise applicable rate schedule. ChargePoint also appreciates that site hosts that sign up for one of the EV charging rates can opt out and return to another applicable rate after one year. This flexibility is important as EV adoption grows because, while demand charges pose challenges at low utilization rates, they can be beneficial when utilization increases.

It is lawful for the Commission to approve the Electric Transit Service Rate and the Business EV Charging Service Rate in this proceeding outside of a rate case. Evergy has not proposed to modify existing rates but to offer new rates for new, distinct types of services. Accordingly, the rationale behind the prohibition against single-issue ratemaking – namely, ensuring that rate increases are evaluated holistically and do not result in double-recovery of utility costs – does not apply. Similarly, Evergy’s Plant In Service Accounting (PISA) rate freeze applies to existing rates and does not prohibit Evergy from introducing new rates for new types of services. ChargePoint agrees with Evergy’s analysis of this issue as set forth in Evergy’s Position Statement.

IV. Evergy’s Proposed Clean Charge Network Expansion.

ChargePoint believes that utilities are vital stakeholders in growing a competitive, sustainable EV charging ecosystem and is not opposed in principle to utilities owning and operating EV chargers, as long as parameters are in place to ensure that the utility’s participation complements, rather than competes with, the competitive market. If utility participation in the competitive market crowds out other competitive providers, it could have long-term negative impacts on EV drivers and Evergy’s customers in the form of fewer choices and higher prices for EV charging services. Utility participation under the right parameters, however, can support the competitive market to encourage EV charger deployment and EV adoption. Accordingly, ChargePoint supports Evergy’s proposal to expand its utility-owned charging network, the CCN, as long as these recommended parameters, described below, are in place.

ChargePoint recommends that Evergy provide site hosts the ability to choose the EV charging equipment and network service provider that is deployed on their property from a list of vendors, which Evergy can prequalify. There are examples in other jurisdictions of utilities owning and operating EV charging stations in a manner that maintains site host choice and site host

operation, such as the San Diego Gas & Electric Power Your Drive Program, Pacific Gas & Electric's EV Charge Network, and Southern California Edison's Charge Ready 2 programs in California.¹⁵

Site hosts deploy EV chargers to support a wide variety of goals. The property owners who allow Evergy to install utility-owned CCN chargers on their property will likewise have different goals and reasons for doing so, and they should be allowed to choose the equipment and network service provider that they believe will best support their unique goals. Enabling site hosts to choose their preferred EV charging solution ensures that a competitive market can thrive within utility programs and sustainably continue after the conclusion of those programs.

ChargePoint also recommends that Evergy allow site hosts to establish the prices and pricing policies for EV charging services provided at the utility-owned chargers. Site host control over pricing is also important to ensuring that site hosts can achieve their unique goals for hosting EV charging stations. For example, a restaurant may offer free or discounted charging for the first hour to attract customers, while a library may charge a fee for all charging sessions to ensure they recover the cost of electricity. Some site hosts might prefer a flat fee or a per-minute fee, while others may prefer a per-kWh price. Site hosts should be free to set prices and change prices as they see fit to support their goals. To implement this recommendation, ChargePoint further recommends that site hosts be the utility customer-of-record and be responsible for paying the regular bills associated with the electricity used for charging services through standard tariffs. This ensures the utility remains whole for any costs related to the electricity used by the charging

¹⁵ See Decision Regarding Underlying Vehicle Grid Integration Application and Motion to Adopt Settlement Agreement, CPUC Docket No. A.14-04-014 (Jan. 28, 2016); Decision Directing PG&E to Establish an Electric Vehicle Infrastructure and Education Program, CPUC Docket No. 16-12-065 (Dec. 21, 2016); Decision Regarding Underlying Vehicle Grid Integration Application and Motion to Adopt Settlement Agreement, CPUC Docket No. A.14-04-014 (Jan. 28, 2016); Decision Directing PG&E to Establish an Electric Vehicle Infrastructure and Education Program, CPUC Docket No. 16-12-065 (Dec. 21, 2016); Decision Authorizing Southern California Edison Company's Charge Ready 2 Infrastructure and Market Education Programs, CPUC Docket No. A.18-06-015 (Aug. 27, 2020).

stations while allowing the site host flexibility to price the charging services in accordance with its own goals. Further, this will encourage site hosts to maximize station utilization through signage, parking enforcement, maintenance, and pricing.

For these reasons, ChargePoint recommends that the Commission approve Evergy's proposal to expand the CCN network but direct Evergy to allow site hosts at new CCN sites to choose the EV charging hardware and network service provider and to set the prices paid by drivers. ChargePoint also supports Evergy's request that the Commission make a policy determination that the expansion is prudent from a decisional perspective.

V. Conclusion.

ChargePoint thanks the Commission for the opportunity to participate in this proceeding and respectfully recommends that the Commission approve Evergy's TE Portfolio with the modifications listed at the beginning of this brief.

Respectfully submitted on November 19, 2021,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to all counsel of record on November 19, 2021:

/s/ Alicia Zaloga