



STATE OF OHIO

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMMISSION'S
INVESTIGATION INTO THE
IMPLEMENTATION OF THE FEDERAL
INFRASTRUCTURE INVESTMENT AND
JOBS ACT'S ELECTRIC VEHICLE
CHARGING PURPA STANDARD.**

Case No. 22-1025-AU-COI

REPLY COMMENTS OF CHARGE AHEAD PARTNERSHIP

Charge Ahead Partnership (“CAP”) respectfully submits the following reply comments regarding the Public Utilities Commission of Ohio’s (“Commission”) proceeding to consider the Public Utility Regulatory Policy Act of 1978’s (“PURPA”) electric vehicle charging (“EVC”) standard established by the federal Infrastructure Investment and Jobs Act of 2021 (IIJA). It is apparent from the initial comments filed by various parties that there are several areas of alignment among commenters that should be considered as the Commission evaluates the PURPA EVC standard. CAP respectfully offers the following additional comments in response to the initial comments filed by the other parties.

I. Electric utility involvement in EV charging services and areas for collaboration with private businesses

Several parties made initial comments which substantially align with CAP’s own concerns regarding utility involvement in EVC services as discussed in our initial comments. CAP believes that a competitive, market-based approach is the most efficient and economical way to build Ohio’s EV charging network so that it promotes fair competition and encourages private investment in the EV charging business. Private businesses should work in collaboration with electric distribution utilities (“EDUs”) to expand Ohio’s EV charging market through utility make-ready programs that support private investments in direct current fast charging (“DCFC”) stations. CAP supports comments made by ChargePoint and EVgo that the Commission should encourage EDUs to develop make-ready programs.¹

A major barrier to private businesses investing in DCFC stations is the threat of electric utilities investing ratepayer funds to own and operate EV charging stations without market or competitive forces at play. In this sense, CAP agrees with the comments made by the Ohio Manufacturer’s Association Energy Group (“OMAEG”) that EV charging stations are a

¹ Initial Comments, ChargePoint, Page 2, (February 1, 2023)

competitive service and the Commission should prevent EDU ownership of such facilities.² As noted in CAP’s initial comments as well as Sheetz’ initial comments³, to provide private businesses with investment certainty and remove unfair competitive advantages, EDU ownership of DCFC stations should only be permitted if it is done so through a separate, unregulated subsidiary.

Comments made by Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company (“the Companies”) are seeking greater clarity on electric distribution utility (“EDU”) involvement in EVC services. Specifically, the Companies referenced the questions the Commission identified in 2020 regarding the appropriate level of EDU involvement in the development of the EVC market. CAP is supportive of providing more clarity on this issue as greater clarity could encourage private investment and innovation. However, if the Commission chooses to resolve the questions identified in 2020, they should make it clear that EDU ownership and operation of EVC facilities will only be permitted as a competitive service through a separate subsidiary.

AES Ohio indicates in their comments that direct utility investment in both Level 2 and DCFC charging infrastructure can enhance the overall customer experience with EVC duration.⁴ CAP finds these comments troubling because direct utility investment in EVC services has the potential to supplant private capital investment, which would stifle market development and unnecessarily burden ratepayers. The best way to enhance the customer experience is to co-locate EVC facilities with the secondary amenities that drivers have grown accustomed to with the existing re-fueling market. Many of CAP’s corporate members already own the real estate located along highway corridors, with amenities, such as food vendors, restrooms, lighting and security. The Commission should implement regulatory policy that leverages private capital and ensures retailers and other private businesses have a pathway to invest in this burgeoning industry without fear of competing on an unlevel playing field.

II. Considerations for electric vehicle charging rate structure

CAP’s initial comments discussed the financial barrier that demand charges create for private businesses seeking to invest in EV charging stations. Several other commenters were in alignment with CAP’s concerns regarding demand charges. Specifically, CAP supports the recommendations made by ChargePoint and EVgo regarding the Commission opening a proceeding to evaluate alternatives to traditional demand-based rate structures and increase the viability of third-party investment in EV charging infrastructure. Additionally, CAP believes that such a proceeding should set forth the rates, terms and conditions for all EV charging providers in Ohio to abide by. As indicated in Sheetz’ initial comments, all owners and operators of publicly accessible fast charging stations should operate with the same competitive risks and the same access to electricity rates on a level playing field.⁵ In jurisdictions across the country, electric

² Initial Comments, Ohio Manufacturers’ Association Energy Group, Page 7, (February 1, 2023)

³ Initial Comments, Sheetz, Page 4, (February 1, 2023)

⁴ Initial Comments, AES Ohio, Page 4-5, (February 1, 2023)

⁵ Initial Comments, Sheetz, Page 3, (February 1, 2023)

utilities have operated EV charging stations under different rates, terms and conditions than private providers, giving them an overwhelming competitive advantage.⁶

III. Conclusion

For the reasons previously stated, CAP urges the Commission to implement regulatory policy and rate structures that will support private investment in transportation electrification. Thank you for your consideration of CAP's comments. As the Commission studies this issue, CAP is prepared to be a resource and welcomes all future opportunities to participate in this process. We look forward to working with the Commission on this important issue.

Sincerely,

/s/ Jay Smith

Jay Smith

Executive Director

Charge Ahead Partnership

Jay@chargeaheadpartnership.com

www.ChargeAheadPartnership.com

⁶ See, e.g. Georgia Public Service Commission Docket No. 44280, *Americans for Affordable Clean Energy – Hearing Brief*, filed December 8, 2022, (“On cross-examination, Company [Georgia Power] witness, Mr. Legg, confirmed that electricity supplied by the Company to its EV chargers will not be provided pursuant to any tariff. Instead, the Company will supply electricity to its EV chargers at its cost to provide electricity to itself, and it will not impute the tariff charges (that all other EV providers must pay) to its own EV chargers. This increases the cost to deploy a privately owned charger and keeps the private provider at competitive disadvantage.”)