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VIA ELECTRONIC FILING

Twinkle Andress Cavanaugh, President  
Alabama Public Service Commission  
100 N Union St.  
RSA Union  
Montgomery, AL 36104



**RE: Docket No. 32694 – Generic Proceeding to Determine the Commission’s Jurisdiction Over Electric Vehicle Charging Stations**

Dear President Cavanaugh,

Attached are comments filed on behalf of ChargePoint. Please let me know if you have any questions.

Respectfully,

//Signed

David Schatz  
Director, Public Policy  
ChargePoint

**FOR THE ALABAMA PUBLIC SERVICE COMMISSION**

**DOCKET NO. 32694**

**COMMENTS OF CHARGEPOINT, INC**

**I. INTRODUCTION**

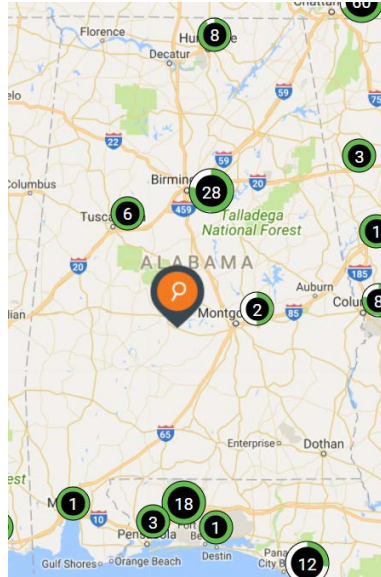
ChargePoint thanks the Commission for the opportunity to provide these comments in Docket No. 32694, *Generic Proceeding to Determine the Commission's Jurisdiction Over Electric Vehicle Charging Stations*. In opening this proceeding, the Commission recognizes the significant growth of electric vehicles ("EVs"), the importance of charging infrastructure in EV adoption, and the need to clarify regulatory barriers to electrification.

ChargePoint is the largest commercial electric vehicle charging network in the world, with charging solutions for every charging need and all the places EV drivers go: at home, work, around town, and on the road. With more than 43,000 independently owned charging spots, including over 45 public stations in Alabama, ChargePoint has more than 7,000 customers – workplaces, cities, retailers, apartments, hospitals, and fleets.

ChargePoint is the only charging technology company on the market that designs, develops, and manufactures hardware and software solutions across every market segment. Leading EV hardware makers, automakers, and other partners rely on the ChargePoint network to make charging station details available in mobile apps, online, and in navigation systems for popular EVs. ChargePoint drivers have completed more than 30 million charging sessions, saving upwards of 29 million gallons of gasoline and driving more than 716 million gas-free miles.

A map of ChargePoint publicly available charging locations in the State of Alabama is featured below in Figure 1. ChargePoint customers in Alabama include the University of Alabama, BMW, Southern Company, Westin, and Central Alabama Electric Cooperative. A number of customers also invest in charging stations onsite with private access controls.

Figure 1. ChargePoint publicly accessible charging ports in Alabama.



In ChargePoint’s business model, the company sells its smart, networked charging station equipment directly to site hosts, and site hosts own and operate the charging stations on their properties. For a subscription, ChargePoint provides network services, or data-driven and cloud-enabled capabilities that enable site hosts to better manage their charging assets and optimize services. For example, with those network capabilities, site hosts can view data on charging station utilization, frequency and duration of charging sessions, set access controls to the stations, and set pricing for charging services. These features are designed to maximize utilization and align charging activities onsite with site hosts’ particular objectives for investing in charging technologies. In addition, we have designed the network to also allow other parties, such as electric utilities, the ability to access charging data and conduct load management to enable the most efficient load integration with the grid.

## II. SUMMARY OF COMMENTS

The Commission’s Order in Docket No. 32694 asks for comments regarding jurisdictional implications associated with charging infrastructure, or electric vehicle charging stations

(“EVCS”), in the State of Alabama. In addressing the Commission’s inquiries, ChargePoint presents the following key policy resolutions:

1. Pursuant to the criteria in Title 37, *Code of Alabama* (herein *Code § 37-4-1*), electric vehicle charging stations do not satisfy the definitional test of a “utility”. Charging station equipment and associated transactions between station owners and EV drivers fall outside of Alabama PSC jurisdiction.
2. The retail sale of electricity takes place at the utility meter with the customer of record, whether it be a residential or commercial customer. As such, charging stations are located beyond the utility meter. Therefore, the Commission should find that charging stations provide a charging service that is not considered the retail sale of electricity.
3. Charging stations offer a competitive service that is market-based. When site hosts are able to set pricing to drivers for charging services, site hosts can optimize the utilization of stations and tailor the driver experience to the local use case.

### **III. ASSESSMENT OF THE STATUTORY DEFINITION OF A UTILITY UNDER ALABAMA CODE**

Based on criteria in *Code 37-4-1*, EVCS must meet all three of the following definitional tests in order to be deemed a utility subject to the jurisdiction of the Commission:

1. First, an EVCS must be a “plant, property or facility” for the "generation, transmission or distribution, sale or furnishing... of electricity";
2. Second, an EVCS must be a “plant, property or facility” that provides electricity “for light, heat, or power, or other uses”; and,
3. Third, an EVCS must be a “plant, property or facility” engaged in providing electricity in the manner set forth in the above paragraphs “to or for the public” in order to be subject to the jurisdiction of the Commission.

ChargePoint maintains that EVCS clearly does not satisfy any of the above definitional tests and EV charging cannot be deemed a utility function under the *Code*. Site hosts are third-party owners and operators of EV charging stations, and do not generate, transmit, distribute, or sell electricity to end users. Instead, third-party owners and operators use electricity to provide EV charging services to their customers. This use of electricity is incidental to the provision of EV charging service with a privately-owned charging station. Whereas utilities transmit and distribute electricity over system wires or circuits, EV charging service providers deliver services by specialized cords and connectors, specific to the activity of charging. The service site hosts provide to EV drivers is the charging of a battery in an electric vehicle.

Transactions between an EV service provider and an EV driver cannot be compared to a traditional sale of electricity by a regulated electric utility to a consumer. Moreover, third-party owners and operators of EV charging stations are retail customers themselves that purchase electricity from a regulated utility. The electricity purchased to provide for charging services will in most cases include granting the user access to the charging station, use of related metering and communications software, participation in a network, billing, and various other options. The relationship between EV charging service provider and EV driver is much closer to that of a cell phone battery-charging kiosk at the airport than with a regulated public utility operating a grid and selling electricity to local businesses and households.

The Alabama Public Service Commission should determine that a third-party owner or operator of an EV charging station is not an electrical corporation or a public utility as defined by *Code 37-4-1*. In light of this, the Commission does not have role in regulating the sale of EV charging equipment or services by non-utility providers.

#### **IV. REGULATORY PRECEDENT FOR A DETERMINATION OF NO JURISDICTION OVER ELECTRIC VEHICLE CHARGING**

Regulatory commissions across the country have determined that companies purchasing electricity at retail from regulated utilities and using it to provide charging service to EVs (regardless of the business context) are not performing the function of an electric utility or an electricity supplier, and should not be subject to regulation. Explicitly exempting non-utility EV charging services from the statutes defining and prescribing rules applicable to public utilities and competitive suppliers of electricity will remove regulatory uncertainty about the jurisdictional status of EV charging services and foster innovation, competition, and private investment. Currently, 20 states and the District of Columbia have determined, through statutory amendment or regulatory clarification, that charging stations are outside of regulatory commission jurisdiction.<sup>1</sup>

The Missouri Public Service Commission (“MPSC”) is one of the most recent regulatory bodies to consider electric vehicle charging policy make such a determination. In its determination, the MPSC provided:

The Commission finds that EV charging stations are not “electric plant” as defined in the statute because they are not used for furnishing electricity for light, heat, or power. EV charging stations are facilities that use specialized equipment, such as a specific cord and vehicle connector, to provide the service of charging a battery in an electric vehicle. The battery is the sole source of power to make the vehicle’s wheels turn, the heater and air conditioner operate, and the headlights shine light. The charging service is the product being sold, not the electricity used to power the charging system.<sup>2</sup>

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<sup>1</sup> Arkansas Code § 23-1-101(9); Cal. Pub. Util. Code, § 216(I); Colo. Rev. Stat. § 40-1-103.3(2); CT Section 16-1 of the 2016 supplement to gen. statutes; D.C. Code §§ 34-207, 34-214; Fla. Stat. § 366.94; Haw. Rev. Stat. § 261-1(2); Idaho Code § 61-119; 220 Ill. Comp. Stat. §§ 5/3-105(C), 5/16-102; Me. Rev. Stat. Ann. Tit. 35, §§ 313-A, 3201(5), 3201(8-B); Md. Code Pub. Utils. §§ 1-101(J)(3), 1-101(X)(2); Minn. Stat. § 216B.02 (Subd. 4); Missouri PSC File No. ET-2016-0246; NYPSC Case No. 13-E-0199; Or. Rev. Stat. § 757.005(1)(B)(G); PA PUC Order R-2014-2430058; Utah Code §§ 54-2-1(7)(C), 54-2-1(19)(J); Va. Code Ann. § 56-1.2:1; Wash. Rev. Code § 80.28.310; W. Va. Code § 24-2D-3.

<sup>2</sup> *Report and Order: In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval or a Tariff Setting a Rate for Electric Vehicle Charging Stations* (File No. ET-2016-0246, filed April 19, 2017).

In California, one of the first states to take up this issue of policy, the public utilities commission (“California PUC”) determined that:

Facilities that are solely used to provide electricity as a transportation fuel do not constitute “electric plant” pursuant to Pub. Util. Code § 218. Thus, an entity owning, controlling, operating, or managing electric vehicle charging facilities is not an “electric corporation” pursuant to Pub. Util. Code § 218 and not a “public utility” pursuant to Pub. Util. Code § 216, unless an entity falls under § 216 and § 218 for other reasons. As such, the Commission would not have regulatory authority regarding the price that an electric vehicle charging facility operator charges for charging services or other aspects of the operation of such facilities unless the charging facility operator is a public utility by reason of its operations other than providing electric charging.<sup>3</sup>

The New York Public Service Commission (“NYPSC”) ruled that EV charging stations are not utility plant, and charging services are not subject to its jurisdiction, by distinguishing between the nature of the sale of electricity and charging services:

Charging Stations do not fall within the definition of “electric plant” because Charging Stations are not used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light heat or power. Instead, and as urged by several commenters, Charging Stations are used to provide a service, specifically, charging services. This service requires the use of specialized equipment and allows the customer to do only one thing, charge a [EV]’s battery. The primary purpose of the transaction between Charging Station owners/operators and members of the public is the purchase of this service and the use of this specialized equipment. While the customer is using electricity, this is incidental to the transaction.

Furthermore, the NYPSC held that “the method of calculating the transaction fee, specifically, the use of a per kWh price, will not confer jurisdiction where none otherwise exists.”<sup>4</sup>

The Massachusetts Department of Public Utilities (“MA DPU”) followed the same rationale and found that EV charging equipment does not constitute a distribution facility, because

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<sup>3</sup> *Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Tariffs, Infrastructure and Policies to Support California’s Greenhouse Gas Emissions Reductions Goals*, Assigned Commissioner’s Scoping Memo at 4-5 (P.U.C. Rulemaking No. 09-08-009, filed Aug. 20, 2009).

<sup>4</sup> *In the Matter of Electric Vehicle Policies, Declaratory Ruling on Jurisdiction over Publicly Available Electric Vehicle Charging Stations* at 4 (NYPSC Case No. 13-E-0199, issued Nov. 22, 2013).

the “equipment component of EV[CS] used to supply the electricity is in the nature of a connector or cord, not a line” and “ownership or operation of EV[CS] does not transform an entity that otherwise is not a distribution company into a distribution company.” The MA DPU also found that EVCS owners or operators are not “selling electricity” within the meaning of the Massachusetts public utility statute, because:

[...] an EV[CS] owner or operator is selling EV charging services, i.e., the use of specialized equipment – EV[CS] – for the purpose of charging an EV battery. EV[CS] allows the customer do to only one thing, charge an EV battery. This result is true regardless of the business model the EV[CS] owner/operator uses to charge customers for charging services, even if the charge is by a per-kilowatt hour basis or other volumetric energy basis.

The MA DPU also found that the practice does not constitute submetering, because submetering involves a resale of electricity, not the sale of a service; in this case, EV charging service. For the same reason, the MA DPU found that EVCS owners/operators are not competitive suppliers of electricity.<sup>5</sup>

There is a clear and consistent record of determinations in the matter of regulatory jurisdiction over electric vehicle charging stations and services, with regulators across the country concluding that EVCS is not considered a “utility” under state statutes.

## **V. EVALUATING THREE CHARGING DEPLOYMENT SCENARIOS FOR OWNING AND OPERATING ELECTRIC VEHICLE INFRASTRUCTURE**

In its Order the Commission identifies three deployment scenarios for electric vehicle charging infrastructure, and seeks comments on the jurisdictional implications associated with each scenario. In light of the findings in sections III and IV above, ChargePoint offers its perspective on each scenario below:

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<sup>5</sup> *Investigation by the Department of Public Utilities upon Its Own Motion into Electric Vehicles and Electric Vehicle Charging*, Order on Department Jurisdiction over Electric Vehicles, the Role of Distribution Companies in Electric Vehicle Charging and Other Matters (Mass. D.P.U. 13-182-A, issued Aug. 4, 2014).



1. *In one scenario, an employer installs an EVCS on the employer's premise. The EVCS is not available to the public generally, but is instead limited in use to the employees of the entity that installed the EVCS.*

In this scenario the employer offers a service limited to employees that is provided as a benefit of working for the employer. From a jurisdictional perspective, in this case, the utility serves the site host meter, completing a retail sale of electricity, and the site host provides a battery charging benefit to employees. An analogous scenario in the workplace would be a vending machine, where the premises of the workplace are closed to the public. Even though the vending machine uses electricity, the Commission does not have jurisdiction over the employer's ability to vend, approve sales prices of vending options, or set any accessibility criteria for members of the public. Similarly, the Commission should not have jurisdiction over the service of battery charging onsite. Each site host has a business case for investing in EVCS, and with their ownership and operation, they have the ability to set pricing and access controls to align with their own site objectives and property management.

2. *In a second scenario, an owner/operator of a public parking garage installs EVCS facilities. The owner of the public parking garage normally charges a fee for a customer to park in the public garage as a function of the owner's primary business of providing parking. In this particular case, there is a time-based rate or fee associated with the "parking". A separate vehicle charging service is also provided as an incidental service at no additional cost.*

Similar to the first scenario, the parking garage has made an assessment that providing the ancillary service of EV charging may increase the volume of vehicles parking onsite. Charging is provided as a benefit, free of charge, to attract EV drivers. Under current Alabama law, the Commission would not have jurisdiction over this arrangement, as the site host is providing a

service after, separate and apart from the retail sale of electricity. An analogous scenario would be a hotel providing an outlet to charge a cell phone or laptop battery in a guestroom. The conveyance of electricity through the outlet to the guest's batteries is not considered transmission or distribution service in a utility paradigm – the hotel provides guest access to its own plugs and cords for a specific use. Comparably, in the case of a parking garage, the charging stations, with their specialized cords and connectors, are not property furnishing electricity, but rather providing for a service of charging a battery in a car as a feature of a parking space.

*3. In the third scenario identified, a large third party retail chain installs EVCS facilities on its premise. In this situation, the third party owns and operates the charging facilities and imposes a rate or fee based on “cents per KWh” for the use of the charging facilities by the public in a manner that constitutes a business venture that is separate and apart from the provider’s retail operation.*

In this scenario two jurisdictional questions arise: (1) the ability to provide charging services as a standalone business venture, and (2) the ability for a site host to charge EV drivers by the kilowatt-hour (“kWh”). Under these site conditions, the third party retail chain is the customer of record to the utility, and therefore receives a utility bill for the electricity used onsite, whether for lights, refrigerators, or charging assets. Since the generation, transmission, distribution, sale or furnishing of electricity has already occurred at the customer site, the charging station is not providing electricity, but rather the service of charging. Under Alabama law, the Commission does not have jurisdiction over that service onsite.

In this case the retail chain is providing charging service to drivers for a fee based on kWh. While the kilowatt-hour is a unit of measure for electricity, in this scenario, it is a metric of the charging service. That metric is based on readings on an internal, embedded meter, designed for the purpose of measuring and billing for electric vehicle. Site hosts may decide to charge fees for

the charging service using several different methodologies – by session, minute, flat fees, and kilowatt-hours, among many other pricing models. Every site host has a specific set of circumstances onsite, which helps a site host determine the appropriate charging pricing model for that site. A big box retail establishment may choose to offer EV charging free-of-charge, but impose a fee after two hours to encourage drivers to relocate. A small business may impose a low kWh-based fee for all charging, which may encourage drivers to stay onsite longer. Regardless of the pricing model site hosts employ, each is assessed as a measure of the charging service and not the distribution of electricity by a utility. EV charging is outside of Commission jurisdiction, and therefore, a site host is able to assess fees in a competitive manner and as they deem appropriate for their business.

## **VI. ADDITIONAL QUESTIONS REGARDING ELECTRIC VEHICLE CHARGING FOR COMMISSION CONSIDERATION**

In addition to assessing the foundational questions around Commission jurisdiction on electric vehicle charging, the Commission asks for comments related to a series of questions on EV markets, models, and charging activities generally. We provide our responses to those questions below:

*1. Is an EVCS a “plant, property or facility” utilized for the “generation, transmission or distribution, sale or furnishing...of electricity” pursuant to Alabama law?*

A. No. An EVCS is not, and has nothing in common with the utility “plant, property or facilities” owned and operated by regulated utilities in order to serve retail electric customers. EV charging activities take place after the retail sale of electricity by a utility, and constitute a competitive service of charging a battery in a vehicle. The EVCS is a

device to enable battery charging, not utility infrastructure necessary for the transmission or distribution of electricity.

2. *If it is determined that EVCS are facilities utilized for the provision of electricity as discussed in question 1 above, what constitutes the provision of electricity “to or for the public” under existing law? Moreover, are there any known or envisioned scenarios where EVCS may offer electricity without such offering being classified as “to or for the public.” If so, please describe and explain such scenarios.*

A. There is no need for the Commission to consider whether or not EV charging is provided “to or for the public” because EVCS are not facilities utilized for the provision of electricity. Since EV charging does not involve the utility activity of transmission or distribution of electricity, the transaction (whether for the public or not) is not jurisdictional.

3. *If it is determined that all or some EVCS operated by an existing utility are subject to the jurisdiction of the Commission, what method and/or extent of regulation should the Commission exercise pursuant to the Code of Alabama, 1975 § 37-1-80’?*

A. Some existing jurisdictional utilities today own and operate EVCS on their properties to support their own fleet operations and/or workplace charging for their employees. This activity would presumably be regulated in the same way that the Commission would regulate any other utility internal business operation.

4. *If it is determined that all or some EVCS operated by entities that are not currently classified as utilities are subject to the jurisdiction of the Commission, what method and/or*

*extent of regulation should the Commission exercise pursuant to the Code of Alabama, 1975 § 37-1-80?*

A. Section 37-1-80 is only applicable to regulated utilities and utility functions. The Commission should determine that all non-utility entities operating EVCS are not subject to Commission jurisdiction under Alabama law, and therefore, no method or extent of regulation by the Commission is necessary or appropriate.

5. *Are there any other situations or scenarios beyond those presented herein where the Commission has or would have regulatory jurisdiction over EVCS?*

A. Should a utility seek to establish programs to help support and encourage deployments of EVCS in its service territory leveraging ratepayer funds, the Commission would have regulatory jurisdiction over those utility program operations, but not EVCS activities onsite if it is operated by a utility customer. For example, the budget and terms and conditions of a utility program that offered financial incentives or other services to help customers defray the cost of installing EVCS would be subject to regulation by the Commission. However, the Commission would not have jurisdiction over the program participant or the operation of the EVCS provided the EVCS was located on the customer side of the meter and managed by that entity.

6. *If a local utility were to incorporate electric vehicle charging equipment into its curb-side street lighting infrastructure, should the operation of these charging stations be subject to the Commission's jurisdiction? If so, to what extent?*

A. Should a utility seek to establish a program involving deployments of EVCS as part of street lighting infrastructure in its service territory using ratepayer funds, the Commission

would have regulatory jurisdiction over that utility activity. However, if the EV charging equipment was owned and/or operated by a non-utility entity on the customer side of the meter, it would not be subject to the Commission's jurisdiction.

7. *If a third party were to generate its own electricity and use such generation for the operation of its publicly available electric vehicle charging stations, should such operations be subject to the Commission's jurisdiction? If so, to what extent?*

A. ChargePoint is not aware of such a scenario, given the current state of technology. There is not enough information given to determine the jurisdictional scope.

8. *Should the deployment of publicly available electric vehicle charging stations be considered a competitive market?*

A. The deployment of EV charging infrastructure and related services is a highly competitive market. There are multiple providers of charging infrastructure operating in the State of Alabama, all offering a competitive solution at market-driven prices. Site hosts currently have many choices of hardware and networks, each with a range of features, to deploy the right technology for their site circumstances. Additionally, site hosts purchase EVCS in the open market, and the vast majority of EV infrastructure deployments have been driven by private investment.

9. *How are owners/operators currently charging (e.g. cents per KWh or time-based fees) for the use of EVCS?*

A. To our knowledge, in the State of Alabama, EVCS site hosts generally impose a fee based on session duration or a flat fee. Given the regulatory uncertainty surrounding EV charging

and Commission jurisdiction, it is our understanding that site hosts are not charging by kilowatt-hour.

*10. Are there any companies in Alabama currently providing public charging services for electric vehicles? If so, please provide the names and addresses of such companies.*

A. ChargePoint encourages the Commission to utilize the US Department of Transportation's Alternative Fuels Data Center. ([www.afdc.energy.gov](http://www.afdc.energy.gov)) in order to look at existing infrastructure in Alabama, including location and type of charging.

*11. Are there any EVCS facilities in Alabama currently available to the public at no cost? If so, please provide the names and addresses of such facilities.*

A. ChargePoint encourages the Commission to utilize the US Department of Transportation's Alternative Fuels Data Center. ([www.afdc.energy.gov](http://www.afdc.energy.gov)) in order to look at existing infrastructure in Alabama, including location and type of charging. For ChargePoint public charging stations, any pricing details are provided at the following website ([https://na.chargepoint.com/charge\\_point](https://na.chargepoint.com/charge_point)).

## **VII. DISCUSSION: SUPPORTING UTILITY INVESTMENT IN CHARGING INFRASTRUCTURE**

As the Commission considers the jurisdictional scope of electric vehicle charging activities, ChargePoint recommends that the Commission discuss and deliberate the role of regulated utilities in deploying charging infrastructure in future proceedings. Smart, networked charging provides grid benefits over traditional load management, and valuable data can be collected to inform better utility planning decisions and help maintain reliability and affordability.

Based on the data collected from smart charging stations, new processes can be created to better integrate electric vehicle charging with the increasing renewable generation that is coming on the grid – helping balance intermittent loads and reduce costs of providing clean energy. The Commission should thoroughly examine the benefits of smart EV charging and how utilities may invest in supporting deployment of these technologies.

Nationally, utilities in many jurisdictions have supported the adoption of electric vehicles through programs that enable the buildout of charging infrastructure. Those programs can significantly lower barriers to EVCS deployment and accelerate EV charging markets overall. More importantly, utility investment in charging infrastructure can foster and support a long-term, scalable competitive market for charging equipment and networks. To that end, ChargePoint strongly supports utility investment in electric vehicle charging infrastructure.

There are three primary models for utility investment in EVCS:

1. **Ownership:** A utility procures, deploys, and owns charging infrastructure in its jurisdiction.
2. **Make-Ready:** A utility directs investments toward the installation of charging hardware, and more specifically, to the interconnection point between a site host's panel and the charging pad or stub. In incenting this work, a utility prepares a site for installation of the charging station itself, which is purchased by a site host.
3. **Rebate-based:** A utility provides rebate incentives to site hosts, which are used toward the purchase of qualifying electric vehicle charging stations onsite. Qualifications standards for EVCS can be determined to ensure capabilities that will enable grid benefits.

The right model for utility investment in EVCS markets can take many forms, and no single solution is appropriate for every jurisdiction and use case. Moreover, each segment of the EVCS



market – fleets, multi-unit dwellings, retail establishments, workplaces, municipalities, and corridors – has a different set of circumstances to consider the most effective investment. ChargePoint supports all three utility roles for charging and maintains that a portfolio of offerings may most adequately address the needs of different site hosts and uses cases. A portfolio approach leverages the strengths of each model, provides for program flexibility, and aligns investments with the most appropriate use case.

In evaluating models for utility investment and the portfolio of offerings, Commissions should explore the current conditions of electric vehicle charging markets. Under current market conditions, site hosts have a range of choices of charging technologies and network providers in a competitive market. Site hosts invest in EVCS to attract EV drivers to their sites, and through controls over access and pricing, they can optimize charging stations for their needs and maximize driver utilization. The choice site hosts have among different charging stations and networks is an essential element of a competitive market, and that competition leads to greater innovation. Programs that do not account for site host choice and control of EVCS onsite may inhibit the competitive market, affect the EV driver experience, and dampen innovation. Based on active programs in other states, ChargePoint suggests that all three utility investment models for EVCS can and should accommodate program designs to maintain a site host's choice and control to support the current competitive market for charging.

Commissions assessing a portfolio approach must also examine the appropriate segments of the market for different models of utility investment. Utility investments should be scaled and targeted to the areas where they will have the greatest impact. There are important lessons learned from utility programs across the country. In some jurisdictions rebate-based investments have been deployed to meet the needs of all segments of the market and can be rapidly deployed. Similarly, make-ready investments have enabled utilities to address or offset the variable and potentially

prohibitive cost of installing in EVCS. Investments to own charging equipment have been employed in public charging programs and in disadvantaged communities to expand access to EV charging infrastructure. ChargePoint suggests that evaluating current market conditions and future needs will lead to the best fit of portfolio of investments for a given service territory.

## **V. RECOMMENDATION**

ChargePoint recommends that the Alabama Public Service Commission provide a determination that EVCS facilities and electric vehicle charging services are not subject to Commission jurisdiction. This determination would align with rulings and decisions by Commissions in many other jurisdictions. Furthermore, ChargePoint encourages the Commission to support and facilitate the dialogue surrounding the utility's role in supporting electric vehicle charging, as well as implementation of utility programs to promote EV adoption.

## **VI. CONCLUSION**

Thank you for the opportunity to provide comments. ChargePoint looks forward to continuing the discussion and working with the Commission, utilities, and other stakeholders on EV and EV charging issues in the State of Alabama.