

British Columbia Utilities Commission
An Inquiry into the Regulation of
Electric Vehicle Charging Service –
Intervener Written Final Argument
Order G-119-18 [Ex. A-35]

Wednesday, August 1, 2018

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Chapter 1. Introduction

In Appendix B of Order G-119-18 [Ex. A-35], the Commission requested Intervener written final argument be submitted on Wednesday, August 1, 2018.

1.1. Panel's Three Questions

The first phase of the Inquiry will address the following issues:

- Do the words "for compensation" in the definition of public utility mean that a person who does not expressly require customers to pay for charging services but instead recovers the cost of charging from other services provided to the customers is a "public utility"?
- Should entities not otherwise public utilities supplying electricity to EV end users be regulated at all?
- Inasmuch as public utilities such as BC Hydro and FBC to participate in the EV market as owners or operators of EV charging stations, clarity is needed on whether BC Hydro and FBC are permitted to invest in EV charging stations as a prescribed undertaking under section 18 of the Clean Energy Act and section 4 of the GGRR.

1.2. Panel's Strawman

Further the Commission invites interveners to provide arguments on the following straw man regulatory framework:

Entities not otherwise public utilities will, with respect to the provision of electric vehicle charging services, be exempt from Part 3 of the UCA except for sections 25, 26, 38, 42, 43, 44, and 49. Entities that are otherwise public utilities may apply for BCUC approval to provide regulated EV charging services.

Chapter 2. **Summary of Conclusions**

The question posed by the Panel is does **“...a person who does not expressly require customers to pay for charging services but instead recovers the cost of charging from other services provided to the customers is a "public utility"?**

Yes, the person is a public utility. These persons meet the UCA definition of a public utility as they receive a “...rate, remuneration, gain or reward of any kind paid, payable, promised, demanded, received or expected, directly or indirectly, ...”. This could come from an increase in using the service or other fees.

The question posed by the Panel is **“Should entities not otherwise public utilities supplying electricity to EV end users be regulated at all?”**

Yes, entities not otherwise public utilities supplying electricity to EV end users should be regulated. Again, the definition is clear. A "public utility" means a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for the sale, delivery or provision of electricity or any other agent for the production of power to or for the public or a corporation for compensation. As the issue of compensation has been addressed above, then those entities are by definition - public utilities and are required to be regulated under the UCA.

The Panel is seeking clarity on **“Inasmuch as public utilities such as BC Hydro and FBC to participate in the EV market as owners or operators of EV charging stations, clarity is needed on whether BC Hydro and FBC are permitted to invest in EV charging stations as a prescribed undertaking under section 18 of the Clean Energy Act and section 4 of the GGRR.”**

BC Hydro, FBC and any other public utility are permitted to invest in EV charging stations as a prescribed undertaking under section 18 of the Clean Energy Act and section 4 of the GGRR. Section 18 clearly refers to a “public utility”. The CEA and GGRR are both clear on

the Commission's jurisdiction in regards to this matter as the word "must" is employed to clarify the role of the Commission.

The following straw man regulatory framework ensures that safety matters and rate gouging can be addressed by Commission. So adding those sections, my proposed Straw-man would be "Entities, not otherwise public utilities, may, with respect to the provision of electric vehicle charging services, be exempt from Part 3 of the UCA except for sections: 23, 25, 26, 38, 42, 49 (c), and 58.

Chapter 3. **Compensation in the UCA**

The UCA defines compensation as:

"compensation" means a rate, remuneration, gain or reward of any kind paid, payable, promised, demanded, received or expected, directly or indirectly, and includes a promise or undertaking by a public utility to provide service as consideration for, or as part of, a proposal or contract to dispose of land or any interest in it;

The question posed by the Commission is does "...a person who does not expressly require customers to pay for charging services but instead recovers the cost of charging from other services provided to the customers is a "public utility"?

All persons recover the cost of charging from other services or sources. However, certain persons are already exempt from the UCA. These are:

- A municipality or regional district in respect of services provided by the municipality or regional district within its own boundaries.
- A person not otherwise a public utility who provides the service or commodity only to the person or the person's employees or tenants, if the service or commodity is not resold to or used by others.

As the municipalities and regional districts generally are the ones providing free charging services within their own boundaries, they are already exempt from the UCA. The municipalities recover the cost of free charging services through property taxes.

Further, persons providing charging services to their own employees and/or tenants are also exempt from the UCA. So the issue of compensation does not apply to this group as they are already exempt from the UCA. This group recovers its cost of free charging services through cost of services provided or reduced salary expense.

So who does it leave? Persons, who charge a rate, receive remuneration; acquire a gain or reward of any kind paid, payable, promised, demanded, received or expected, directly or indirectly. Those persons could include: private sector EV charging companies such as

Chargepoint and others. I would assume that those persons recover their costs through rates and as they receive compensation would be a public utility under the UCA.

Also it could include EV charging service provided by MURBS, Stratas, etc. assuming they recover their costs through common area charges or other means. Those entities (MURBS, Stratas, etc) receive remuneration indirectly, and would be a public utility under the UCA.

This leaves some groups requiring a conditional exemption from the UCA such as MURBS, Stratas, etc and private sector EV charging companies.

The Panel also wished to illustrate two other local current examples for consideration –

- i. the Vancouver International Airport (YVR) provides free EV charging service, including DCFC stations, and the customer pays the posted discounted parking rates; and
- ii. Cafés provide to their paying customers free electricity to charge their electronic devices.

Would that make either YVR or the café a public utility?

The YVR EV/DCFC costs are recovered through other rates at YVR paid by everyone. YVR as a private company makes a profit. Similarly for the Cafés, the costs are recovered through the charges for other products.

YVR's EV charging service could be classified as a public utility as it overtly offers an EV charging service and equipment whose sole purpose is to recharge an EV battery and the receptacle provided is for a specific use.

However, the Cafés offer Wi-Fi and the decision to plug into a general purpose AC power receptacle is the device owners – there is no overt offer of electricity or other equipment required to facilitate the charging service. The same receptacle can be used for other purposes such as vacuum cleaners, etc.

3.1. Compensation or Consideration

The Panel seeks legal interpretation and argument for clarity on the issue of the “for compensation” element and requires further legal interpretation and argument. Generally compensation is amends for something which was taken without the owner’s choice. A better word might have been “consideration” for the exchange by choice.

Compensation is clearly defined in the UCA.

"public utility" means a person, or the person's lessee, trustee, receiver or liquidator, who owns or operates in British Columbia, equipment or facilities for

(a) the production, generation, storage, transmission, sale, delivery or provision of electricity, natural gas, steam or any other agent for the production of light, heat, cold or power to or for the public or a corporation for compensation, or

In our case, compensation is the consideration received when the exchange of service “to or for the public or a corporation” occurs. I see no harm in letting the definition stand as is.

Chapter 4. **Regulation of Entities not otherwise a Public Utility**

The Commission has posed the following question: “Should entities not otherwise public utilities supplying electricity to EV end users be regulated at all?”

If we assume that entities, not otherwise a public utility, are engaged in supplying electricity to EV end users for compensation, then I believe that they should be regulated and granted an appropriate exemption from certain sections of Part 3 of the UCA.

The Panel could determine this and request the exemption from the Lieutenant Governor.

Further, MEMPR response to a BCUC IR is “... A regulatory model that does not allow involvement by existing public utilities in the EV charging station market is unsuitable for BC. At this current stage of EV market development, MEMPR prefers a model that allows existing public utilities to kick-start the market by investing in EV infrastructure and recovering costs from all ratepayers, rather than as a non-regulated venture.” and “For these other entities that wish to enter the EV charging station market, MEMPR supports a regulatory model that reduces undue regulatory burden and cost of providing EV charging services in BC, so long as the interests of consumers are protected and safety considerations are adequately addressed.” [Ex. C19-5. BCUC IR1.2.2] Obviously, MEMPR supports the regulation of entities not otherwise public utilities supplying electricity to EV end users.

Not to regulate them, means the Commission would not be in adherence with the UCA even though its intentions in doing so may be aligned with government/ministry policy.

Chapter 5. **Section 18 of the CEA and section 4 of the GGRR.**

The Commission is seeking clarity on whether BC Hydro and FBC are permitted to invest in EV charging stations as a prescribed undertaking under section 18 of the Clean Energy Act and section 4 of the GGRR.

Section 18

Greenhouse gas reduction

18 (1) In this section, "prescribed undertaking" means a project, program, contract or expenditure that is in a class of projects, programs, contracts or expenditures prescribed for the purpose of reducing greenhouse gas emissions in British Columbia.

(2) In setting rates under the Utilities Commission Act for a public utility carrying out a prescribed undertaking, the commission must set rates that allow the public utility to collect sufficient revenue in each fiscal year to enable it to recover its costs incurred with respect to the prescribed undertaking.

(3) The commission must not exercise a power under the Utilities Commission Act in a way that would directly or indirectly prevent a public utility referred to in subsection (2) from carrying out a prescribed undertaking.

(4) A public utility referred to in subsection (2) must submit to the minister, on the minister's request, a report respecting the prescribed undertaking.

(5) A report to be submitted under subsection (4) must include the information the minister specifies and be submitted in the form and by the time the minister specifies.

If BC Hydro and FortisBC are seeking to invest in EV charging stations as a prescribed undertaking under section 18 of the Clean Energy Act, then the Commission can only set rates that allow the public utility to collect sufficient revenue in each fiscal year to enable it to recover its costs incurred with respect to the prescribed undertaking.

What is a "prescribed undertaking"?

A prescribed undertaking is defined as:

Prescribed undertaking — electrification

4 (1) In this section:

"benefit", in relation to an undertaking in a class defined in subsection (3) (a) or (b), means all revenues the public utility reasonably expects to earn as a result of implementing the undertaking, less revenues that would have been earned from the supply of undertaking electricity to export markets;

"cost", in relation to an undertaking in a class defined in subsection (3) (a) or (b), means costs the public utility reasonably expects to incur to implement the undertaking, including, without limitation, development and administration costs;

"cost-effective" means that the present value of the benefits of all of the public utility's undertakings within the classes defined in subsection (3) (a) or (b) exceeds the present value of the costs of all of those undertakings when both are calculated using a discount rate equal to the public utility's weighted average cost of capital over a period that ends no later than a specified year;

"natural gas processing plant" means a facility for processing natural gas by removing from it natural gas liquids, sulphur or other substances;

"specified year", in relation to an undertaking within a class defined in subsection (3), means

(a) a year determined by the minister with respect to an identified public utility, or

(b) if the minister does not make a determination for the purposes of paragraph (a), 2030;

"undertaking electricity" means electricity that is provided to customers in British Columbia as a result of an undertaking and is in addition to electricity that would have been provided had the undertaking not been carried out.

(2) A public utility's undertaking that is in a class defined as follows is a prescribed undertaking for the purposes of section 18 of the Act:

(a) for the purpose of reducing greenhouse gas emissions in British Columbia, the public utility constructs or operates an electricity transmission or distribution facility, or provides for temporary generation until the completion of the construction of the facility, in northeast British Columbia primarily to provide electricity from the authority to

(i) a producer, as defined in section 1 (1) of the Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation, B.C. Reg. 495/92, or

- (ii) an owner or operator of a natural gas processing plant;
- (b) the public utility reasonably expects, on the date the public utility decides to carry out the undertaking, that the facility will have an in-service date no later than December 31, 2022.
- (3) Subject to subsection (4), a public utility's undertaking that is in a class defined in one of the following paragraphs is a prescribed undertaking for the purposes of section 18 of the Act:
 - (a) a program to encourage the public utility's customers, or persons who may become customers of the public utility, to use electricity, instead of other sources of energy that produce more greenhouse gas emissions, by
 - (i) educating or training those customers respecting energy use and greenhouse gas emissions, carrying out public awareness campaigns respecting those matters, or providing energy management and audit services, or
 - (ii) providing funds to those persons to assist in the acquisition, installation or use of equipment that uses or affects the use of electricity;
 - (b) a program to encourage the public utility's customers, or persons who may become customers of the public utility, to use electricity instead of other sources of energy that produce more greenhouse gas emissions, by
 - (i) educating, training, providing energy management and audit services to, or carrying out awareness campaigns respecting energy use and greenhouse gas emissions for, or
 - (ii) providing funds to persons who
 - (iii) design, manufacture, sell, install or, in the course of operating a business, provide advice respecting equipment that uses or affects the use of electricity,
 - (iv) design, construct, manage or, in the course of operating a business, provide advice respecting energy systems in buildings or facilities, or
 - (v) design, construct or manage district energy systems;
 - (c) a project, program, contract or expenditure for research and development of technology, or for conducting a pilot project respecting technology, that may enable the public utility's customers to use electricity instead of other sources of energy that produce more greenhouse gas emissions;
 - (d) a project, program, contract or expenditure supporting a standards-making body in its development of standards respecting

- (i) technologies that use electricity instead of other sources of energy that produce more greenhouse gas emissions, or
- (ii) technologies that affect the use of electricity by other technologies that use electricity instead of other sources of energy that produce more greenhouse gas emissions;
- (e) a project for the construction, acquisition or extension of a plant or system, that the public utility reasonably expects is necessary to meet the public utility's incremental load-serving obligations arising as a result of an undertaking defined in paragraph (a), (b), (c) or (d), if the public utility reasonably expects any one such project to cost no more than \$20 million.
- (4) An undertaking is within a class of undertakings defined in paragraph (a) or (b) of subsection (3) only if, at the time the public utility decides to carry out the undertaking, the public utility reasonably expects the undertaking to be cost- effective.

As "undertaking electricity" means electricity that is provided to customers in British Columbia as a result of an undertaking and is in addition to electricity that would have been provided had the undertaking not been carried out; then the EV charging stations provided by BC Hydro and FortisBC appear to meet the definition of a prescribed undertaking since this electricity is provided to customers in British Columbia and is in addition to electricity that would have been provided had the undertaking not been carried out.

Actually the Clean Energy Act (CEA) and its Greenhouse Gas Reduction Regulation (GGRR) may apply to any public utility. So, by declaring those non-regulated entities not already exempt - public utilities; then the Commission can only set the rates that allow the public utility to collect sufficient revenue in each fiscal year to enable it to recover its costs incurred with respect to the prescribed undertaking. The public utility must be allowed to collect sufficient revenue in each fiscal year to enable it to recover its costs incurred with respect to the prescribed undertaking to avoid cross-subsidization.

Considering the cost of a small domestic electric car that is in excess of \$40,000¹ (Chevy Bolt) versus a small domestic ICE car (Chevy Cruze) at less than \$25,000², I see no reason that the public utilities should be able to use the rate-base to finance the DCFC program unless they

1

<http://www.autotrader.ca/cars/chevrolet/bolt%20ev/bc/richmond/?rcp=15&rsc=0&srt=3&prx=50&prv=British%20Columbia&loc=v7c%203k9&fuel=Electric&hprc=True&wcp=True&eng=Electric%20Motor&inMarket=advancedSearch>

2

<http://www.autotrader.ca/cars/chevrolet/cruze/bc/richmond/?rcp=15&rsc=0&srt=3&prx=50&prv=British%20Columbia&loc=v7c%203k9&hprc=True&wcp=True&inMarket=advancedSearch>

are able to recover their costs incurred with respect to the prescribed undertaking with each fiscal year. If not, then the taxpayers should pay for the DCFC program. Otherwise, the impecunious will be subsidising the affluent in society. Aside from Tesla, I don't see the other automobile manufacturers and their dealers offering to provide financial subsidies for the DCFCs.

Therefore, the Panel must set the rates for the public utilities and comply with the CEA and GGRR, especially section 18(2) of the GGRR. Clearly, BC Hydro and FBC are permitted to invest in EV charging stations as a prescribed undertaking under section 18 of the Clean Energy Act and section 4 of the GGRR.

On another related matter and as the number of EVs increase, how will the Panel address replacing the lost fuel taxes that will not be paid in rates thereby denying the government access to its revenue source; or will the Panel ask for an exemption for electricity when used as an EV fuel? See Motor Fuel Tax & Carbon Tax Legislation³.

3

<https://www2.gov.bc.ca/gov/content/taxes/sales-taxes/motor-fuel-carbon-tax/forms-publications/legislation>

Chapter 6. **Straw Man Regulatory Framework**

Further the Commission invites interveners to provide arguments on the following straw man regulatory framework:

Entities not otherwise public utilities will, with respect to the provision of electric vehicle charging services, be exempt from Part 3 of the UCA except for sections 25, 26, 38, 42, 43, 44, and 49. Entities that are otherwise public utilities may apply for BCUC approval to provide regulated EV charging services.

6.1. Discussion

Entities, not otherwise public utilities, may, with respect to the provision of electric vehicle charging services, be exempt from Part 3 of the UCA except for sections below and reasons provided. The burdensome reporting sections should be excluded from any Part 3 exemption but the focus on public safety and rates should not part of any Part 3 exemption from the UCA. The Panel must address the safety issues and protect the public from rate gouging.

6.2. The Safety Gap

In the “Safety Standards Act, Electrical Safety Regulation”, section 3 states:

Application to utilities

3 (1) This regulation, except for section 3.1, does not apply to a public utility as defined in the Utilities Commission Act in the exercise of its function as a utility with respect to the generation, transmission and distribution of electrical energy.

(2) Despite subsection (1), this regulation applies to the electrical equipment owned or in the possession or control of a public utility if the electrical equipment is not used directly in the generation, transmission and distribution of electrical energy.

This creates a dilemma. If the charging stations are not public utilities then safety matters are under the jurisdiction of Technical Safety BC. However, if charging stations are public utilities as defined in the Utilities Commission Act then the Electrical Safety Regulation does not apply and the Commission is responsible for safe operation of the EV charging stations. As permitting and inspections of construction could be avoided as well as operating permits, the Commission will have to consider how it would address these safety matters. One option may be to enter into a memorandum of understanding with Technical Safety BC for safety matters related to EV charging stations. As the Commission has a mandate to order safe service and MEMPR response [Ex. C19-5. BCUC IR1.2.2] indicates that “MEMPR supports a regulatory model that reduces undue regulatory burden and cost of providing EV charging services in BC, so long as the interests of consumers are protected and safety considerations are adequately addressed.” There is more than enough justification for the Panel not to exempt applicants from the following sections of the UCA Part 3 related to safety.

6.3. Section 23

General supervision of public utilities

23 (1) The commission has general supervision of all public utilities and may make orders about

- (a) equipment,
- (b) appliances,
- (c) safety devices,
- (d) extension of works or systems,
- (e) filing of rate schedules,
- (f) reporting, and
- (g) other matters it considers necessary or advisable for
- (i) the safety, convenience or service of the public, or
- (ii) the proper carrying out of this Act or of a contract, charter or franchise involving use of public property or rights.

(2) Subject to this Act, the commission may make regulations requiring a public utility to conduct its operations in a way that does not unnecessarily interfere with, or cause unnecessary damage or inconvenience to, the public.

6.4. Section 25

Commission may order improved service

25 If the commission, after a hearing held on its own motion or on complaint, finds that the service of a public utility is unreasonable, unsafe, inadequate or unreasonably discriminatory, the commission must

(a) determine what is reasonable, safe, adequate and fair service, and

(b) order the utility to provide it.

Considering the gap in the Safety Act related to public utilities, section 25 of the UCA must apply to address safety.

6.5. Section 26

Commission may set standards

26 After a hearing held on the commission's own motion or on complaint, the commission may do one or more of the following:

(a) determine and set just and reasonable standards, classifications, rules, practices or service to be used by a public utility;

(b) determine and set adequate and reasonable standards for measuring quantity, quality, pressure, initial voltage or other conditions of supplying service;

(c) prescribe reasonable regulations for examining, testing or measuring a service;

(d) establish or approve reasonable standards for accuracy of meters and other measurement appliances;

(e) provide for the examination and testing of appliances used to measure a service of a utility.

Again, considering the gap in the Safety Act related to public utilities, section 26 of the UCA must apply to address safety. However, the standards for measurement and metering will be by others.

6.6. Section 38

Public utility must provide service

38 A public utility must

(a) provide, and

(b) maintain its property and equipment in a condition to enable it to provide, a service to the public that the commission considers is in all respects adequate, safe, efficient, just and reasonable.

Again, considering the gap in the Safety Act related to public utilities, section 38 of the UCA must apply to address safety.

6.7. Section 42

Duty to obey orders

42 A public utility must obey the lawful orders of the commission made under this Act for its business or service, and must do all things necessary to secure observance of those orders by its officers, agents and employees.

Section 42 of the UCA must apply to ensure compliance of lawful orders issued by the Commission.

6.8. Section 43

Duty to provide information

43 (1) A public utility must, for the purposes of this Act,

(a) answer specifically all questions of the commission, and

(b) provide to the commission

(i) the information the commission requires, and

(ii) a report, submitted annually and in the manner the commission requires, regarding the demand-side measures taken by the public utility during the period addressed by the report, and the effectiveness of those measures.

(1.1) [Repealed 2010-22-64.]

(2) A public utility that receives from the commission any form of return must fully and correctly answer each question in the return and deliver it to the commission.

(3) On request by the commission, a public utility must deliver to the commission

(a) all profiles, contracts, reports of engineers, accounts and records in its possession or control relating in any way to its property or service or affecting its business, or verified copies of them, and

(b) complete inventories of the utility's property in the form the commission directs.

(4) On request by the commission, a public utility must file with the commission a statement in writing setting out the name, title of office, post office address and the authority, powers and duties of

(a) every member of the board of directors and the executive committee,

(b) every trustee, superintendent, chief or head of construction or operation, or of any department, branch, division or line of construction or operation, and

(c) other officers of the utility.

(5) The statement required under subsection (4) must be filed in a form that discloses the source and origin of each administrative act, rule, decision, order or other action of the utility.

Section 43 of the UCA may not be necessary to apply and may be overly burdensome on the entities. Besides, what use does the Commission have for this information?

6.9. Section 44

Duty to keep records

44 (1) A public utility must have in British Columbia an office in which it must keep all accounts and records required by the commission to be kept in British Columbia.

(2) A public utility must not remove or permit to be removed from British Columbia an account or record required to be kept under subsection (1), except on conditions specified by the commission.

Is there a necessity in this instance to apply this section of the UCA? This may create additional costs for some entities and should not apply to those entities involved in supplying EV charging.

6.10. Section 49

Accounts and reports

49 The commission may, by order, require every public utility to do one or more of the following:

- (a) keep the records and accounts of the conduct of the utility's business that the commission may specify, and for public utilities of the same class, adopt a uniform system of accounting specified by the commission;
- (b) provide, at the times and in the form and manner the commission specifies, a detailed report of finances and operations, verified as specified;
- (c) file with the commission, at the times and in the form and manner the commission specifies, a report of every accident occurring to or on the plant, equipment or other property of the utility, if the accident is of such nature as to endanger the safety, health or property of any person;
- (d) obtain from a board, tribunal, municipal or other body or official having jurisdiction or authority, permission, if necessary, to undertake or carry on a work or service ordered by the commission to be undertaken or carried on that is contingent on the permission.

Is there a necessity in this instance to apply this section of the UCA? This may create additional costs for some entities and should not apply to those entities involved in supplying EV charging. However, section 49(c) deals with safety and must be applied.

6.11. Section 58

Commission may order amendment of schedules

58 (1) The commission may,

(a) on its own motion, or

(b) on complaint by a public utility or other interested person that the existing rates in effect and collected or any rates charged or attempted to be charged for service by a public utility are unjust, unreasonable, insufficient, unduly discriminatory or in contravention of this Act, the regulations or any other law, after a hearing, determine the just, reasonable and sufficient rates to be observed and in force.

(2) If the commission makes a determination under subsection (1), it must, by order, set the rates.

(2.1) The commission must set rates for the authority in accordance with

(a) [Repealed RS1996-473-58 (2.3).]

(b) the prescribed factors and guidelines, if any.

(2.2) [Repealed RS1996-473-58 (2.3).]

(2.3) Subsections (2.1) (a) and (2.2) are repealed on March 31, 2010.

(2.4) Despite subsection (2.3), a requirement prescribed for the purposes of subsection (2.1) (a) that is in effect immediately before March 31, 2010, continues to apply after that date as though subsection (2.2) were still in force, unless the prescribed requirement is amended or repealed after that date.

(3) The public utility affected by an order under this section must

(a) amend its schedules in conformity with the order, and

(b) file amended schedules with the commission.

The Commission may wish to retain and apply section 58 of the UCA to avoid rate gouging or the ability to adjust rates on its own motion. Another reason for retaining this section

is driven by MEMPR Response in Ex. C19-5, BCUC IR .4.1 below:

RESPONSE:

Depending upon the form of regulation, potential benefits of regulation of Level 3 charging stations could include:

- price certainty for consumers and no “price-gouging;”
- enhanced station reliability through established level of service standards (see also the response to question 1.1); and/or
- independent consideration and resolution of complaints.

6.12. Proposed Strawman

So, my proposed Strawman would be “Entities, not otherwise public utilities, may, with respect to the provision of electric vehicle charging services, be exempt from Part 3 of the UCA except for sections: 23, 25, 26, 38, 42, 49 (c), and 58.

The one interesting complication is that:

1. Those entities not otherwise a public utility would now be a public utility under CEA/GGRR and could install DCFCs as a prescribed undertaking, and
2. The Commission must not exercise a power under the Utilities Commission Act in a way that would directly or indirectly prevent a public utility referred to in subsection (2) from carrying out a prescribed undertaking, and
3. The Commission must set rates that allow the public utility to collect sufficient revenue in each fiscal year to enable it to recover its costs incurred with respect to the prescribed undertaking.

Under the CEA/GGRR, the Panel must determine that nothing in the exemption will directly or indirectly prevent a public utility from carrying out a prescribed undertaking. The issue of cross-subsidisation will not occur if the public utility collects sufficient revenue in each fiscal year to enable it to recover its costs incurred with respect to the prescribed undertaking.