

April 10, 2019

British Columbia Utilities Commission
6th Floor – 900 Howe Street
Vancouver, BC V6Z 2V3

Norton Rose Fulbright Canada LLP
1800 - 510 West Georgia Street
Vancouver, BC V6B 0M3 CANADA

F: +1 604.641.4949
nortonrosefulbright.com

Matthew D. Keen
+1 604.641.4913
matthew.keen@nortonrosefulbright.com

Assistant
+1 604.641.4527
rosalind.endo@nortonrosefulbright.com

Our reference: 18-2489

Attention: Patrick Wruck, Commission Secretary

Dear Sir:

**BCUC Inquiry into the Regulation of Electric Vehicle Charging Services
Phase Two ChargePoint Reply Argument**

We are counsel to ChargePoint Inc. and enclose its Phase 2 Reply Argument. Please contact the writer if you have any questions.

Yours very truly,



Matthew D. Keen

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BRITISH COLUMBIA UTILITIES COMMISSION

**INQUIRY INTO THE REGULATION OF ELECTRIC VEHICLE CHARGING SERVICES
PHASE 2**

PROJECT NO. 1598941

CHARGEPOINT INC.

REPLY ARGUMENT

April 10, 2019

CHARGEPOINT INC.

INQUIRY INTO THE REGULATION OF ELECTRIC VEHICLE CHARGING SERVICES

PHASE 2 REPLY ARGUMENT

1. INTRODUCTION AND OVERVIEW

This is ChargePoint's Reply Argument for Phase 2 of this Inquiry. As ChargePoint's Phase 2 Final Argument focused narrowly on Scope Item 14, ChargePoint accordingly restricts its reply comments to that domain. ChargePoint nevertheless commends its initial Phase 2 evidentiary submission to the Commission concerning Scope items 1-13. Those submissions remain relevant and do not require re-amplification.

In short, many of the issues identified by the Commission should be the subject of utility-specific applications, and any legislative change contemplated by government should retain a role for the Commission to oversee non-exempt utility participation in the EV charging market. ChargePoint supports increasing investment certainty through legislation, to facilitate non-exempt utility participation, but not at the expense of removing Commission scrutiny, which could chill the investment environment for non-utility players, and put the long-term stability of the market at risk. For that reason, ChargePoint is in favor of legislative change, but advises against broadening the *Greenhouse Gas Reduction Regulation* (GGRR) to allow for EV charging services as a prescribed undertaking.

ChargePoint makes specific reply comments on these points below.

2. REPLY

Intervenors diverge on the form of legislative amendment

Although the government announced prior to argument that it intends to legislatively support utility investments, triggering the amended scope, it remains open on its approach.¹

Intervenors are divided, and support various approaches. Some, like FortisBC and BCSEA-SCBC, have argued that amending the GGRR is the best way to support utility investment and BC's burgeoning EV charging marketplace. Others, including ChargePoint, argue that broadening the scope of the GGRR to include EV charging is either a mistake or less desirable option. ChargePoint, CEC, and CEABC, specifically argue that there are alternatives to a GGRR amendment which would accomplish the same goals, but with fewer risks.²

BC Hydro and AddEnergie³ recognize that amending the GGRR is not the only reasonable way forward. Although BC Hydro proposed precise wording for a GGRR amendment in its Phase 1 final argument, BC Hydro explicitly notes in its Phase 2 final argument that a GGRR amendment "is not the only option".⁴

¹ Transcript Volume 10, p. 691-692.

² E.g. CEABC Final Argument, p.2; ChargePoint Final Argument, p. 3; CEC Final Argument, p.1.

³ AddEnergie Phase 2 Evidence Exhibit C20-7, p3; BCH Final Argument, p. 3.

⁴ BCH Final Argument, p. 3.

The record discloses few risks with Commission oversight, and significant merit

The intervenors who support amending the GGRR do not offer a compelling rationale for their position.

FortisBC contends that a GGRR amendment would “facilitate further investment in and development of EV charging infrastructure to accelerate the achievement of climate action and other government policy goals”⁵, but provides no details as to why other approaches, including those administered by the Commission, would not achieve similar outcomes.

BCSEA-SCBC prefers “the GGRR prescribed undertaking approach over a non-legally binding policy direction approach,”⁶ apparently on the grounds of speed: it “would provide needed certainty and could be utilized by BC Hydro and FBC relatively quickly”⁷. But, considering government’s intent to move quickly irrespective of the regulatory vehicle, there is no reason for the Commission to recommend one form of legislative amendment over another on that basis. Better to choose a timely approach that takes advantage of what has worked well in other jurisdictions.

In the result, proponents of a GGRR solution have failed to specify how standard Commission oversight in the EV charging sphere would be detrimental.

Conversely, ChargePoint and other intervenors have identified several merits of Commission oversight,⁸ including regulatory expertise, transparency, and consumer protection. ChargePoint has also identified U.S. jurisdictions where continued regulator oversight has resulted in both incumbent utility and non-utility EV charging participation. Absent that oversight, non-utility EV charging investors could be discouraged from investing in the marketplace.

3. CONCLUSION

The government’s CleanBC targets will require significant investment in electric vehicle charging. To that end, government policy should seek to support investment from the broad range of actors currently participating in the charging market, inclusive of the public, private and utility sectors.

As noted in ChargePoint’s final submission, any new legislation should leverage the strengths of the Commission and the experiences of other jurisdictions who have addressed similar issues.⁹ Such approaches have successfully provided utilities with investment certainty and supported millions of dollars of investments in transportation electrification (e.g., over \$800 million under SB350 in California¹⁰).

The role of the Commission is important. Its oversight of utilities’ role in the EV charging marketplace will be critical to the development of a productive marketplace for EV charging services, and thereby achievement of the province’s CleanBC goals.

⁵ FBC Final Argument, p. 9.

⁶ BCSEA-SCBC Final Argument, p. 10.

⁷ BCSEA-SCBC Final Argument, p. 10.

⁸ E.g., CEABC Final Argument, p. 2; ChargePoint Final Argument, p. 3; CEC Final Argument, pp. 5-6.

⁹ ChargePoint Final Argument, p. 5-6.

¹⁰ <http://www.cpuc.ca.gov/sb350te/>