

D Barry Kirkham, QC+
Duncan J Manson+
Daniel W Burnett, QC+
Ronald G Paton+
Karen S Thompson+
Harley J Harris+
Kari F Richardson+
James W Zaitsoff+
Jocelyn M Bellerud+
Sarah M. Pélouquin**

Robin C Macfarlane+
Alan A Frydenlund, QC+
Harvey S Delaney+
Paul J Brown+
Gary M Yaffe+
Jonathan L Williams+
Paul A Brackstone**
Pamela E Sheppard+
Katharina R Spotzl

Josephine M Nadel, QC+
Allison R Kuchta+
James L Carpick+
Patrick J Haberl+
Heather E Maconachie
Michael F Robson+
Scott H Stephens+
George J Roper+
Sameer Kamboj

James D Burns+
Jeffrey B Lightfoot+
Christopher P Weafer+
Gregory J Tucker, QC+
Terence W Yu+
James H McBeath+
Edith A Ryan+
Daniel H Coles+
Patrick J O'Neill

OWEN BIRD
LAW CORPORATION

PO Box 49130
Three Bentall Centre
2900-595 Burrard Street
Vancouver, BC
Canada V7X 1J5

Carl J Pines, Associate Counsel+
Rose-Mary L Basham, QC, Associate Counsel+
Jennifer M Williams, Associate Counsel+
Hon Walter S Owen, QC, QC, LLD (1981)
John I Bird, QC (2005)

+ Law Corporation
* Also of the Yukon Bar
** Also of the Ontario Bar

Telephone 604 688-0401
Fax 604 688-2827
Website www.owenbird.com

Direct Line: 604 691-7557
Direct Fax: 604 632-4482
E-mail: cweafer@owenbird.com
Our File: 23841/0179

May 15, 2018

VIA EMAIL
SUZANNE.GOLDBERG@CHARGEPOINT.COM

ChargePoint Inc.

**Attention: Suzanne Goldberg,
Canadian Director, Public Policy**

Dear Sirs/Mesdames:

**Re: British Columbia Utilities Commission Inquiry into the Regulation of Electric
Vehicle Charging Service ~ Project No. 1598941**

We are counsel to the Commercial Energy Consumers Association of British Columbia (the "CEC"). Attached please find the CEC's Information Request on written evidence with respect to the above-noted proceeding.

If you have any questions regarding the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

OWEN BIRD LAW CORPORATION



Christopher P. Weafer

CPW/jj

cc: Norton Rose Fulbright Canada LLP
Atten: Matthew D. Keen, matthew.keen@nortonrosefulbright.com
cc: BCUC – Atten: Patrick Wruck, Commission Secretary
cc: Registered Interveners
cc: CEC

**COMMERCIAL ENERGY CONSUMERS ASSOCIATION
OF BRITISH COLUMBIA (“CEC”)**

INFORMATION REQUEST NO. 1 TO CHARGEPOINT INC. (“CHARGEPOINT”)

**British Columbia Utilities Commission – Inquiry into the Regulation of Electric Vehicle
Charging Service ~ Project No. 1598941**

May 15, 2018

1. Reference: Exhibit C25-2, Page 3

(a) The provision of EV charging services and EVCS, both “Level 2” and DC Fast Charging (“DCFC”), does not display the characteristics of a public utility, defined by natural monopolies, barriers to entry, and captive markets. EVCS and charging services are provided in a competitive market, which both protects consumers and offers them innovation and choice. Given the absence of any

- 1.1 Does ChargePoint provide DCFC services in BC at this time and if so how many stations?
 - 1.1.1. If ChargePoint is not providing DCFC services on BC highway connections at this time please provide the reason for this and whether or not ChargePoint will want to compete for this market?
- 1.2 Does ChargePoint provide DCFC services in the US at this time and if so how many stations?
- 1.3 Does ChargePoint intend to provide DCFC services on BC highway connections in BC in the future and if so how would it compete with the BC electrical utilities if they were offering the DCFC services along the BC highway connections at the expense of electricity ratepayers?
- 1.4 Does ChargePoint receive, directly or indirectly, BC government or BC electrical utility financial support for providing EVCS in BC and in particular does it receive, directly or indirectly BC government or BC electrical utility support for providing DCFC services in BC?
- 1.5 When BC’s electrical utilities have implemented DCFC stations in BC, owning the stations and engaging host operators, has ChargePoint been a party to any of the BC electrical utility DCFC station set ups?

2. Reference: Exhibit C25-2, Page 6

technologies. In addition, we have designed the network to 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.

- 2.1 Do any of the BC electrical utilities obtain EV charging data from ChargePoint for the purposes of understanding how the charging network is affecting and using their electricity supply?

3. Reference: Exhibit C25-2, Page 7

goals and objects of the legislation. Failing to do so risks inefficient regulation, absurd results, and harm to an existing competitive market. For example, the above rationale applies equally well to paid airport smart phone battery-charging kiosks.³

- 3.1 Does ChargePoint recognize that the smartphone charging example is like examples of EVCS charging where there is no fee charged, which is not covered by the definition of “public utility” in either case?

4. Reference: Exhibit C25-2, Page 8

available in a competitive marketplace would require regulation.” The Commission confirmed that its interpretation and application of the *UCA* should take into account the market context, specifically the “degree to which natural monopoly characteristics are present and whether the consumer requires protection.”

- 4.1 Do potential consumers of DCFC services along BC highways require protection or would competitive market forces allow for appropriate pricing for such services and if so please explain how this might take place?
- 4.2 Would it be fair to say that ChargePoint’s potential DCFC station owners along BC highways could never compete against a BC electrical utility with pricing subsidized by the BC electricity utility ratepayers?

5. Reference: Exhibit C25-2, Page 8

jurisdictions have taken (discussed further below). EVCS owners and operators do not possess the characteristics of the electric utilities targeted by the *UCA* because they neither sell power alone, nor possess the barriers to entry / captive market characteristics of a natural monopoly. More specifically:

- 5.1 Once BC's electric utilities own the DCFC charging infrastructure along the BC highways would their monopoly status confer on these locations an effective locational monopoly providing a barrier to entry against another competitor, effectively creating a captive market?

6. Reference: Exhibit C25-2, Page 9

utility, then additional considerations apply, discussed below. Explicit recognition that EVCS site hosts and EV charging services are excluded from the definition of "public utility" would be consistent with the current state of competitive EV charging markets elsewhere that ChargePoint participates in. Those markets, in turn, are driving innovation, customer choice, and private investment.

- 6.1 Please comment on the California Public Utilities Commission order enabling a California electric utility to supply, own, manage and operate up to 2510 charging stations to help achieve California's goals.

7. Reference: Exhibit C25-2, Page 13

24. This approach would reflect the following principles from the AES Inquiry, which the Commission identified for determining whether to regulate (pp. 6-7):

- Only regulate when required.
- Regulation should not impede competitive markets.
- Regulation is required when natural monopoly characteristics are present and there is a need to protect the public interest and/or legislation requires an activity to be regulated.

7.1 The need in this case for BC electric utilities to become involved in providing DCFC stations along BC highway corridors is posited upon the need for extended range for ZEV,s and for them to have favourable pricing, for a time, based on subsidy from the BC electric utilities until such time as the market develops (ie. A need to create a market and expand the adoption of EVs in the market). Please comment on how ChargePoint sees this public interest argument and whether or not it would compete similarly if it had the same ability as a monopoly electrical utility does to have a regulator require all other users of electricity to pay for this service for a time period.

8. Reference: Exhibit C25-2, Page 15

helping balance loads and reduce the costs of providing clean energy. The Commission should support utility investment in smart EV charging to accelerate the deployment of technologies that enable utilities to access time aligned charging utilization data and dynamic load control.

- 8.1 Does ChargePoint support utility investment in DCFC stations along BC highway corridors on a subsidized basis until such time as the stations can become a profitable service, because it would help develop the EV market in BC?
- 8.2 Please explain ChargePoint's concept of Smart EV charging and explain whether or not this concept would preclude support for BC's electric utilities as investors and owners of EVC's in general and DCFC stations along BC's highway corridors in particular.

9. Reference: Exhibit C25-2, Page 22

11. Any rate based investment directed at helping accelerate EV acceptance and deployment of charging infrastructure should maintain customer choice in charging equipment and services, and support a long-term, scalable *competitive* market for EVCS. While program designs for utility investment in EV charging stations can take many forms, the Commission should clarify what new utility rate based investment is appropriate to help accelerate the competitive EVCS market.

9.1 Would ChargePoint provide EVC and specifically DCFC services along BC highway corridors with a contribution from a BC electric utility similar to a Power Smart contribution to an energy efficiency and conservation project, enabling a potentially profitable operation?

- 9.2 Would ChargePoint provide EVC and specifically DCFC services along BC Highway corridors without a contribution where it was able to find a suitable host owner/operator?

10. Reference: Exhibit C25-2, Page 22

Drawing on our experience across the United States and Canada, we have observed three primary models of utility investment in EV charging: utility ownership of charging equipment, investment in make-ready infrastructure (i.e. the infrastructure needed to make a parking space ready to install a charging station), and rebates. ChargePoint has partnered with utilities and EVCS owners and operators across North America to implement each of these types of investments. We believe that utility investments

- 10.1 ChargePoint has recommended that if the Commission is to approve BC electrical utility investment in EVC then it should examine targeting this investment where it will create the most benefit for expansion and adoption of EV's. Does ChargePoint from its experience in BC have any specific recommendations with regard to where the most impact from utility investment in EVC infrastructure would provide the most impact?
- 10.2 Does ChargePoint agree with the Ministry of Energy Mines and Petroleum Resources that DCFC stations along BC highway corridors should be a priority?