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BCUC REGULATION OF ELECTRIC VEHICLE CHARGING SERVICE INQUIRY EXHIBITC34-6
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August 1, 2018

Patrick Wruck
Commission Secretary
Suite 410, 900 Howe Street
Vancouver, BC Canada V6Z 2N3

Dear Commission Secretary:

Re: Final Argument in Electric Vehicle Charging Infrastructure Inquiry

Community Energy Association (CEA) is pleased to provide this short final argument in the BCUC EV Charging Inquiry.

In summary, CEA encourages the commission to regulate wisely and avoid inadvertently creating barriers that undermine the goals of protecting customers. In particular, CEA encourages the Commission to include a recommendation to government regarding placing the regulation of EV charging (level 1 and level 2) provided by a strata corporation to its residents under the Strata Act rather than the Utilities Act. CEA also recommends a 'light touch' regulatory approach to utility investment in Level 3 EV charging so as to not make access the protections offered by BCUC inaccessible to small local governments with limited capacity (sometimes only 3 staff providing all municipal services).

CEA is supportive of robust, rapid utility investment in Level 3 charging infrastructure throughout British Columbia and believes that the current deployment of Level 3 charging qualifies as a multi-year pilot project under GGRR S4.3.c. When considering regulation or rate cases, CEA encourages the commission to consider the service levels committed to, the value of maintaining infrastructure in a state of readiness (even if it is not used, it provides confidence in the ability to travel, like a well maintained highway provides confidence in being able to make a journey even if that journey is not today), and a streamlined regulatory process.

Yours sincerely,

A handwritten signature in black ink that reads "Dale Littlejohn".

Dale Littlejohn Executive Director, Community Energy Association

CEA response to British Columbia Utilities Commission – An Inquiry into the Regulation of Electric Vehicle Charging Service – Project No. 1598941

Q: 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, 38 44, and 49. Entities that are otherwise public utilities may apply for BCUC approval to provide regulated EV charging services.

CEA Response:

- 1) CEA generally agrees that entities not otherwise public utilities, with respect to the provision of EV charging services should be exempt from the UCA however there are 3 cases that should be regulated differently given their different nature.
 - a) **General Level 1 / Level 2 charging services:** CEA does NOT see value in level 1 or level 2 providers being subject to any sections of the UCA. As this is a highly distributed, competitive market with low barriers to entry, CEA recommends that the Commission forbear any regulation of these services as any regulation would deliver, in CEA's opinion little or no public value / customer protection and would materially increase the 'friction' in the market by retaining a barrier to entry (being regulated is a barrier to entry to smaller entities).
 - b) **Level 1 / Level 2 charging services provided by a strata corporation to its residents / owners:** CEA recommends that the commission, in recommending to government that this exemption be implemented, also recommend that regulation of EV charging provided by a strata corporation to its residents/owners should be administered through the strata act rather than the utilities act as the strata act is set up specifically to deal in an efficient manner with strata-owner issues. A strata corporation effectively holds the residents of its building captive for 'at home' charging and could reasonably benefit from a dispute resolution mechanism to ensure reasonableness in pricing, access, etc. The Strata act is set up to deal with similar disputes about costs and fairness at the strata scale rather than a large utility scale. CEA recommends that the right regulatory tools (strata act for strata's and utility act for large utilities) be used for the applications that they are designed for.
 - c) **Level 3 charging services:** For entities not otherwise public utilities, CEA agrees with the exemption from the UCA stated above with the exception of the sections stated above to ensure that small communities have an effective dispute resolution mechanism with charging service providers if the providers are not maintaining high availability in the stations.
- 2) For entities that ARE utilities, CEA agrees with the option to apply to BCUC to provide regulated EV charging services. As noted in our evidence, we recommend a 'light touch' regulatory approach similar to small scale district energy systems so as to not create undue regulatory cost / delay to utilities and to avoid inadvertently creating a barrier to small communities without significant staff capacity to access the BCUC process. CEA recommends that all 'site hosts' (entities that provide the land that the stations are located on) be able to bring complaints to BCUC through a simplified process in the case that they do not agree that the utilities are meeting agreed service expectations.

Q: *The legal interpretation regarding the “for compensation” wording within the definition of a public utility under the UCA.*

CEA Response:

CEA does not provide a response to this question as it requests a legal opinion and CEA is not engaging lawyers to complete its submission.

Q: *Interpretation of section 18 of the Clean Energy Act and section 4 of the GGRR as a “prescribed undertaking”, thereby enabling existing public utilities such as BC Hydro and FBC to provide EV charging services with the inclusion of EV charging stations in their regulated rate base.*

CEA Response:

CEA’s interpretation is that it is difficult to fit investment and operation of EV charging stations / services into the relevant section of GGRR, particularly 4.3 a-d.

- Sections 4.3a and 4.3b could support **utility promotion / education / outreach / training for the use of electric vehicles or conceivably even rebates for the purchase of electric vehicles or charging stations** given the focus on ‘education, training...’ and ‘providing funds’. However, these sections do not directly address EV charging services / infrastructure investment.
- 4.3c provides a possible route to utility investment in EV charging services / infrastructure, particularly if we take the view that **electric vehicles and associated charging is still an emerging market with significant growth and technology change occurring**. Additionally, there is still significant learning occurring within public utilities in BC regarding best practices to investing in, siting, owning and operating Level 3 EV charging infrastructure over the long term. Given this state of the market, it is reasonable to consider utility-scale deployment and operation of Level 3 charging stations over the next 5 years to be 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’** such as gasoline and diesel. CEA argues that deployment of Level 3 EV charging stations by public utilities in BC over the next 5 years (and possibly beyond, depending on market evolution) meets the definition for GGRR S4.3.c. CEA further argues that the case for this is strong across all charging station locations and especially strong for those in rural BC where there have been relatively few charging stations deployed and limited experience of long term operation as well as limited longitudinal data about electric vehicle adoption in rural BC.