



August 1, 2018

VIA EMAIL

Patrick Wruck

Commission Secretary
British Columbia Utilities Commission
900 Howe Street, Suite 410
Vancouver, BC V6Z 2N3

Travis J. Allan

VP Public Affairs and General Counsel
AddÉnergie Technologies Inc.
2327, Versant Nord boulevard, suite 120
Québec (QC), G1N 4C2
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Dear Mr. Wruck:

Re: British Columbia Utilities Commission (the Commission) – An Inquiry into the Regulation of Electric Vehicle Charging Service – Project Number 1598941

Please find enclosed the final submission of AddÉnergie Technologies Inc. for phase 1 of the above-referenced inquiry. Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis J. Allan', is written over a light grey horizontal line.

Travis J. Allan

CC : L. Tremblay

Encl. (1)

AddÉnergie Technologies Inc.

Final Phase 1 Argument in Respect of an
Inquiry into the Regulation of Electric
Vehicle Charging Service—Project Number
1598941

Submitted August 1, 2018

1 AddÉnergie Technologies Inc. (**AddÉnergie**) provides the following final phase 1 arguments
2 pursuant to the British Columbia Utilities Commission's (**BCUC** or the **Commission**) order G-119-
3 18 issued July 4, 2018.

4 **a. Definition of Public Utility**

5 AddÉnergie acknowledges that the Commission has made a finding in order G-119-18 that

6 ...based on the UCA's current wording, an owner or operator that provides EV charging
7 service for compensation is by definition a public utility under the UCA. Thus, if one
8 provides charging services for compensation, then the UCA requires the BCUC to
9 regulate unless an exemption is granted.¹

10 AddÉnergie will proceed with its argument on the basis that the Commission considers this
11 matter settled, noting however that utility regulatory staff in other jurisdictions, such as
12 Ontario Energy Board staff, have argued that selling EV charging services is distinguishable from
13 the act of electricity retailing, and therefore does not trigger equivalent regulatory governance
14 from the Ontario Energy Board.²

15 **b. Entities that are not otherwise public utilities**

16 In light of, and in response to, the Commission's finding that providing EV charging services for
17 compensation falls within the definition of "public utility" under the *Utilities Commission Act*
18 (**UCA**), AddÉnergie supports the exemptions proposed in the Commission's Straw Man
19 argument for entities that are not otherwise public utilities from Part 3 of the UCA.

20 AddÉnergie submits that the greatest possible exemption should be available for entities that
21 provide Level 1 and Level 2 charging for compensation, which would likely include, among
22 others, strata corporations trying to provide or facilitate the provision of EV charging services to
23 their residents.

24 With respect to the provision of public DCFC charging services, AddÉnergie does not oppose the
25 following proposed exceptions to this exemption, namely sections 25, 26, 38 and 42. In making

¹ See order p. 4-5.

² See Title C20-2, Appendix F, Ontario Energy Board, "Staff Bulletin re: Electric Vehicle Charging" (Toronto: Ontario Energy Board, 2017) at page 4.

1 orders and rules under these excepted sections, AddÉnergie suggests that the Commission may
2 wish to keep in mind, however, that persons that are not otherwise public utilities have no
3 guaranteed rate base from which to raise funds, nor guaranteed charging revenues from which
4 to fund either (a) procedural steps require to comply with ongoing BCUC regulation or (b)
5 investments required to comply with BCUC orders.

6 AddÉnergie submits that the proposed continued application of Sections 43 (not including
7 43(1)(b)(ii)), 44 and 49 could serve as a significant barrier for many parties for whom providing
8 EV charging service in British Columbia is but one of a series of business ventures both inside
9 and outside British Columbia, and may, as a result, act to restrain the development of a
10 competitive market for EV charging services in the province.

11 It would not be feasible, for example, for a company with broad extra-provincial commercial
12 interests to provide confidential contract or property information that is not related to the
13 provision of EV charging services in British Columbia, although such information could, on a
14 plain reading, be requested pursuant to UCA Section 43(3). Similarly, the requirement for
15 physical retention of a currently indeterminate number of documents in British Columbia
16 (Section 44) seems unreasonable for companies that have head offices and primary business
17 operations in other provinces or states. Finally, it is likely unworkable for many companies
18 governed by securities and corporate laws of other jurisdictions, and private agreements with
19 shareholders and other funders, to risk the application of or requirement to provide different
20 accounting systems (per Section 49(a)); detailed reports of finances and operations, which may
21 be highly confidential (per subsection b); incident reports that may not relate to British
22 Columbia (per subsection c); or an obligation to obtain judicial or other approvals, given their
23 lack of a guaranteed rate base from which to obtain funds (per subsection d). It is AddÉnergie's
24 position that these provisions should therefore not apply to persons that are not otherwise
25 public utilities or that their application should be expressly limited to matters that directly
26 relate to the provision of EV charging services for compensation in British Columbia to avoid
27 creating a strong deterrent to private investment in a competitive market for EV charging in
28 British Columbia.

29 **c. Entities that are otherwise public utilities.**

30 AddÉnergie strongly supports the ability of entities that are otherwise public utilities to apply
31 for BCUC approval to provide regulated EV charging services. In situations where an application

1 is made to fund the costs of such charging through a public utility's rate base, AddÉnergie
2 believes that a competitiveness impact assessment would be an important component of such
3 an application, to ensure that investments are being made in locations and on charging service
4 types that are not likely to be adequately served by the private market on a reliable and
5 comprehensive basis in the short and medium term. As AddÉnergie and others have previously
6 submitted, in the short to medium term, this is likely to include public DC fast public charging
7 stations in many areas of the province, as well as curbside charging and multi-unit residential
8 building charging (or at a minimum make-ready infrastructure) in many buildings that have not
9 been developed with existing make-ready infrastructure. Without investments of this nature, it
10 is AddÉnergie's prediction that the development of a comprehensive and dependable EV
11 charging network will take significantly longer, slowing the achievement of British Columbia's
12 greenhouse gas reduction objectives and likely preventing many British Columbians from taking
13 advantage of the cost and convenience benefits of electrified transportation.