



August 22, 2018

-VIA ELECTRONIC FILING-
Project No. 1598941

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

RE: Greenlots' Reply Argument in Phase One in the Matter of BCUC's Inquiry into the Regulation of Electric Vehicle Charging Services

Dear Secretary Wruck,

In response to the British Columbia Utilities Commission's ("BCUC" or "the Commission") July 4, 2018 Order Number G-119-18 ("the Order"), establishing a regulatory timetable for the three scoped items for final and reply argument in Phase One of the Commission's Inquiry to review the regulation of electric vehicle (EV) charging service, Greenlots offers the following reply argument in regards to intervenor final arguments made in relation to the three scoped issues and the straw man regulatory framework posed by the inquiry's Panel.

Greenlots is a leading provider of electric vehicle charging software and services. The Greenlots network supports a significant percentage of the DC fast charging infrastructure in North America, including that deployed by BC Hydro. Greenlots' smart charging solutions are built around an open standards-based focus on future-proofing while helping site hosts, utilities, and grid operators manage dynamic electric vehicle charging loads and respond to local and system conditions.

We have reviewed the final argument submissions from intervenors and provide these additional comments and observations. Not addressing a particular issue raised by other intervenors should not be interpreted as agreement.

Greenlots notes the consensus across all intervenors that electric vehicle supply equipment ("EVSE") owned and operated by entities not otherwise public utilities should receive some degree of regulatory relief, and consensus across all but a handful of intervenors that public utilities should continue to be able to provide regulated EV charging services subject to Commission approval as authorized under section 18 of the Clean Energy Act ("CEA") and section 4 of the Greenhouse Gas (Clean Energy) Reduction Regulation ("GGRR"). Moreover, a significant majority of intervenors support the straw man regulatory framework ("the framework") offered by the Panel, which broadly provides for these two items of general consensus.

We note that the majority of the differences in opinion exist with the degree of regulatory relief that should be offered to non-utility EVSE owners and operators, and which exact sections of the Utilities Commission Act ("UCA") should or should not apply. Many intervenors made their case

for additional inclusions in or exclusions to the exemption in the proposed framework, which is largely based on the Commission's previous May 9, 2016 Order G-71-16 providing Bakerview EcoDairy Ltd. a partial exemption to Part 3 of the UCA ("EcoDairy exemption"). Additionally, some intervenors argue for different levels of regulation of non-utility EVSE based on charging speed or market sector, while others make quite impassioned arguments that this approach is entirely wrong and instead of an exemption based framework for regulatory relief, the Commission should find that the UCA's definition of a "public utility" does not capture EVSE owners and operators providing charging services for compensation that are not otherwise a public utility.

Greenlots recognizes that the UCA under its current interpretation as reflected in the AES report, the EcoDairy exemption, and most recently, in the Commission's Exhibit A-35 in the instant docket provide for a regulatory approach to third-party EVSE owners and operators that is unique among North American states and provinces. While this fact itself is not a reason for an alternate finding, given the potential implications of the decision before it, the Panel and the Commission should consider whether continuing down the path it has historically used for interpreting the UCA on this issue is appropriate, or if an alternative approach could better interpret the statute in a manner consistent with the objective of the Act and the intentions of Parliament.

Greenlots contends that the more important consideration is the result of the policy rather than the exact mechanism with which the result was reached. As we detailed in our final argument, certain regulation with respect to both consumer protection and safety is appropriate and needed in the context of third-party EVSE providers. This said however, if there are more elegant or sustainable pathways to provide for this result that perhaps also imposes less regulatory risk or burden or is less likely to present possible barriers to the development of the market, the Commission should carefully consider those alternate approaches.

Greenlots however does not support a deferral of this inquiry as recommended by one intervenor, which would only prolong and exacerbate market uncertainty, delay EVSE deployment efforts, and resultantly hamper EV adoption. The action that the Commission takes in this inquiry in no way affects or constrains the ability of Parliament or the Cabinet to weigh in at a later date, and in fact may actually do more to induce or prompt these entities to do so.

As detailed in our final argument, Greenlots emphasizes that section 4 of the GRR as currently worded provides accommodation for EV charging services as "prescribed undertakings" for public utilities. This being said, and as BC Hydro and FortisBC both note in their final arguments, the Commission as part of the Phase 1 Report may want to recommend to the Province modest amendments to the GRR for clarity purposes. Greenlots generally supports any such clarifying amendments, such as those proposed by BC Hydro in Appendix B to its final argument.

We also note that in addition to section 4(3)(c), we interpret section 4(3)(e) of the GRR to also apply to EV charging services:

(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.

Therefore, any potential EV service guidelines that the Commission may adopt, such as those proposed by BC Hydro in Appendix A to its final argument, should be written in a manner to reflect this interpretation shared by others, including FortisBC.

In addition to those offered as in our final argument, Greenlots appreciates the Commission's and the Panel's consideration of these reply arguments, and we look forward to the Panel's determination in this matter and continued engagement through subsequent phases of the inquiry.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T Ashley', with a stylized flourish at the end.

Thomas Ashley
VP, Policy
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