

November 12th 2020

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

Attention: Marija Tresoglavic, Acting Commission Secretary

**Re: British Columbia Utilities Commission – Inquiry into the Regulation of Safety –
Project No. 1599100**

Please find attached ChargePoint's preliminary submission in this Inquiry. Please contact me if you have any questions.

Respectfully,

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BRITISH COLUMBIA UTILITIES COMMISSION

INQUIRY INTO THE REGULATION OF SAFETY – PROJECT NO. 1599100

CHARGEPOINT INC.

INITIAL SUBMISSION

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INQUIRY INTO THE REGULATION OF SAFETY
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I. INTRODUCTION AND OVERVIEW

This document presents ChargePoint Inc.'s (ChargePoint) comments on the preliminary scope of inquiry presented in Order G-241-20 of the Inquiry into the Regulation of Safety (Inquiry). The primary issue to be addressed in this Inquiry is the role of the BC Utilities Commission (BCUC) in the regulation of safety given the provision in the Utilities Commission Act (UCA), other safety related regulation and the context in which regulation is applied.

We appreciate that the Commission has launched this inquiry to seek clarity on its jurisdiction over safety and that it has specifically identified electric vehicle (EV) charging as a key focus. This issue was raised in the BCUC Inquiry into the Regulation of EV Charging Services (EV Charging Inquiry)¹ and was identified as an area for further inquiry in the BCUC's Phase 2 Report.

In this Inquiry we encourage the Commission to consider the overlapping regulation and jurisdiction of Technical Safety BC, Canadian Standards Association (CSA), Underwriter Laboratory of Canada (cUL), and WorkSafeBC² with regards to charging station equipment, installation and operation, and consider recommending the addition of Part 3 sections 25 and 38 of the UCA to the list of exemptions (under section 88(3) of the UCA for approval of the minister) for exempt utilities providing EV charging services.

Commission Order G-241-20 asks for comments regarding the key topics to be addressed in this Inquiry as well as the need for, and scope of, a workshop. Concise responses to the BCUC's questions are provided below. ChargePoint looks forward to participating in the additional stages of this Inquiry.

¹ Order G-10-18: https://www.bcuc.com/Documents/Proceedings/2018/DOC_50582_A-1_Establishing-Inquiry.pdf.

² As noted in the BCUC's Phase 2 Report of the EV Charging Inquiry:

https://www.bcuc.com/Documents/Proceedings/2019/DOC_54345_BCUC-EV-Inquiry-Phase2-Report.pdf.

1. What is the BCUC’s jurisdiction with respect to the regulation of safety and what aspects of a public utilities’ activities does it apply to? Does the BCUC have the authority under the UCA to set standards, rules or regulations with respect to safety?

As noted on page 5 of Order G-241-20, the BCUC acknowledged, in its Phase 2 Report of the EV Charging Inquiry that there was duplication of regulation over EV charging services. The “BCUC stated that it was satisfied that safety supervision of EV charging infrastructure, as currently provided by TSBC [Technical Safety BC], is adequate such that duplication of that safety regulation by the BCUC is unwarranted and would be counterproductive.” However, the BCUC also noted that it has authority over safety – specifically Sections 25 and 38 as determined in Phase 1 of the EV Charging Inquiry – as no determination was made over whether EV charging was distribution equipment.

It is ChargePoint’s interpretation that the BCUC’s findings suggest that: (1) the BCUC agrees that other regulations and bodies have oversight over the safety of charging equipment, (2) that existing regulation is sufficient, and (3) there is still uncertainty over which, if any, aspects of EV charging service provision is a distribution service or provided by distribution equipment, and thus the BCUC would like to maintain jurisdiction over safety related aspects of EV charging service provision.

ChargePoint agrees with the BCUC that entities like Technical Safety BC, WorkSafeBC and the Canadian Standards Association have adequate regulation over the safety of EV charging equipment as well as their installation and operation. ChargePoint also submits that EV charging is not distribution equipment or distribution services, and thus would fall outside of the BCUC’s jurisdiction and should be exempt from sections 25 and 38 of Part 3 of the UCA. EV charging equipment provides specialized battery charging services, and does not distribute electricity for a wide range of applications like traditional utility distribution equipment. This is distinct from the distribution equipment provided by traditional utilities like FortisBC and BC Hydro that comprises of the transmission, generation and distribution equipment up to the utility meter, for example in the case when a charging station is connected to that meter.

As noted in ChargePoint’s initial evidence (Exhibit C25-2, p.8):

Whereas electric utilities transmit and distribute electricity over systems of wires and circuits, capable of powering a near-infinite variety of activities, EVCS deliver services via specialized cords and connectors, specific to the activity of charging. The single service that EVCS owners and operators provide to EV drivers is charging an EV battery in a convenient location. ChargePoint submits that all EV charging equipment (regardless of ownership) are not distribution equipment, and should therefore be regulated under BC’s Electrical Safety Regulation. This determination was also made by the BC Government, as stated in the Ministry of Energy Mines and Petroleum Resources’ initial evidence (Exhibit C19-2) and the Vancouver Electric Vehicle Association, as stated in its Final Argument (Exhibit 30-8). ChargePoint, therefore, submits that oversight of EV charging equipment should remain with Technical Safety BC and not the Commission.

2. Are there currently any legislative gaps in the oversight of public utilities with respect to safety?

To our knowledge based on the evidence submitted in the EV Charging Inquiry, there are no legislative gaps in the oversight of exempt public utilities providing EV charging services, as well as the installation and operation of EV charging services and equipment. Aspects of safety related to installation and operation of EV charging services and equipment are currently the jurisdiction of Technical Safety BC (charging station installation), WorkSafeBC (safety of workers installing charging stations), and CSA/cUL (the products themselves).

3. Are there any areas of legislative overlap or duplication in the oversight of public utilities with respect to safety?

Please see our response to question #1.

4. Would a workshop in support of the Inquiry be beneficial? (a) If so, what would an appropriate scope for a workshop include?

ChargePoint recommends that a workshop specific to EV charging be held to address the following:

- (a) Confirm that there are no gaps in the regulation of safety with respect to EV charging;
- (b) Identify any differences, within the current context, over the regulation of safety between non-exempt and exempt utility charging services; and
- (c) Discuss which aspects, if any, of EV charging equipment is distribution equipment.