

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-2, SUB 1197
DOCKET NO. E-7, SUB 1195

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
)	
Application by Duke Energy Carolinas, LLC And Duke Energy Progress, LLC For Approval Of Proposed Electric Transportation Pilot)	GREENLOTS' MOTION THAT THE PARTIES BE ALLOWED TO COMMENT ON SETTLEMENT AGREEMENT

Zeco Systems, Inc. d/b/a Greenlots ("Greenlots"), moves the Commission for entry of an Order allowing the current parties to these dockets to comment on the proposed Settlement Agreement between Duke Energy Progress, LLC, Duke Energy Carolinas, LLC (collectively "Duke Energy"), and ChargePoint, Inc., filed with the Commission in these dockets on the afternoon of February 28, 2020.

In support of its Motion, Greenlots shows the Commission as follows:

1. Duke Energy filed its proposed Electric Transportation Pilot Program plan on March 29, 2019 ("the Proposed Pilot Program").
2. On April 4, 2019, the Commission requested comments on the Proposed Pilot Program. The time for filing comments was subsequently extended: initial comments were due on July 5, 2019, and reply comments were due on July 19, 2019. The time for filing reply comments was subsequently extended to August 9, 2019.
3. On October 25, 2019, the Commission issued its Order scheduling a hearing in these dockets, which it held on November 21, 2019. The purpose of that hearing was for

the Commission “to obtain additional information on the public interest and ratemaking implications of Duke's proposed pilot program.”

4. On December 17, 2019, the Commission issued its Order requiring the filing of proposed orders on or before February 3, 2020. The due date for filing proposed orders was subsequently extended to February 28, 2020.

5. On the afternoon of February 28, 2020, after the comment window had closed, as Greenlots and other parties had either already filed or as a practical matter had finalized their proposed orders, Duke Energy and ChargePoint filed their proposed Settlement Agreement. The settling parties acknowledged in their filing that the “Settlement Agreement makes certain modifications to the Companies' Electric Transportation Pilot as proposed by the Companies in these dockets on March 29, 2019.”

6. The proposed Settlement Agreement reflects those parties' agreement to change a number of aspects of the Proposed Pilot Program. Greenlots has concerns as to the implications of certain provisions of the changes proposed in the Settlement Agreement. Greenlots believes that other parties to these dockets may share similar concerns.

7. The proposed Settlement Agreement would modify aspects of the Proposed Pilot Program in several respects that, if approved, would substantively alter the program's design, implementation and impact, both on private electric vehicle (“EV”) charging infrastructure companies and on the EV driving public. One such proposed modification to the Fast Charging Program would limit the utility's ability to manage its utility-owned program and, instead, would transfer the choice of hardware and software to the site host.

8. As addressed in its Partial Proposed Order, Greenlots is convinced that utility procurement, selection, and management of charging hardware and software offers

multiple benefits. These benefits include strengthening competition within the industry. Indeed, as Greenlots noted in its Reply Comments, Greenlots views utility selection and procurement of charging hardware and software as the purest form of competition, one in which market participants can compete on price, functionality, features and other criteria. This procurement model enables a variety of market participants, regardless of size or market share, to compete equally based on clear standards set forth by the utility within parameters approved by the Commission. Moreover, a utility-led wholesale level procurement offers the greatest likelihood of driving costs down and offering the utility—and by extension, its ratepayers—more value for every dollar spent.

9. Duke Energy Carolinas and Duke Energy Progress are also far more likely to be sophisticated purchasers of EV charging technology than a typical site host. Compared to a utility such as Duke Energy whose core expertise is to manage electricity on the grid, a typical site host will have less awareness and understanding of load management, demand response and other factors that are directly relevant to this pilot program. This disparity is likely amplified when the utility is Duke Energy, which has demonstrated a broad commitment to transportation electrification.

10. Another modification to the Proposed Pilot Program proposed in the Settlement Agreement would specify criteria for the fast charging stations in a needlessly narrow way that would limit the market and advantage a small minority of companies—including, notably, ChargePoint—while disadvantaging others. As regards the proposed criteria for the fast charging locations spelled out in the Settlement Agreement, it is important to make clear that Greenlots supports program design that requires higher power fast charging, *e.g.* 100 kW or higher. In Greenlots' view, higher-powered fast charging will become more of

an expectation by EV drivers as EV adoption grows and battery capacities increase. Higher powered charging is also valuable to supporting the electrification of medium-duty and heavy-duty vehicles.

11. While Greenlots strongly supports the intent to require higher powered fast charging, the language in the proposed Settlement Agreement is problematic. The specific verbiage, “Minimum of 2 DCFC per location capable of charging a single vehicle at a combined 100 kW or more,” (Settlement Agreement p.3) closely aligns with a ChargePoint model that can share power between two 62.5 kW DCFC units to charge a single vehicle at a combined 100+ kW. At least one other non-ChargePoint product on the market comes in a different configuration without two DCFC and would be ineligible for this Program, even though it meets similar standards for power sharing.

12. While Greenlots typically defers to utilities in defining technical specifications, in this unusual instance Greenlots believes the Commission should refrain from approving a Settlement Agreement with this verbiage that would seemingly identify one specific hardware model. Instead, Greenlots believes more product-neutral language can both satisfy the intent of supporting power sharing in a higher-powered fast charging context and also enable a wider range of commercially-available products to qualify.

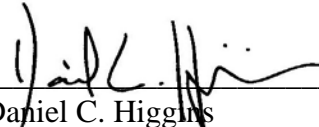
13. We believe it is to the benefit of the Commission, the parties and other stakeholders to invite further perspective on these and other proposed modifications to the Pilot Program found in the Settlement Agreement. Indeed, the two topics discussed above – utility selection of the hardware and software, and commercially-limiting verbiage for the DCFC – are not the only substantive proposed modifications to the Proposed Pilot Program.

14. The proposed Settlement Agreement was filed on the date the Commission had set as the deadline for filing proposed orders. As a result, Greenlots and other parties have thus far not been afforded an opportunity to offer perspective on these proposed changes to the Proposed Pilot Program, to weigh in on the proposed Settlement Agreement, or to address the proposed Settlement Agreement's provisions in their proposed orders. For these reasons, Greenlots believes that allowing a limited period for parties to submit comments on the proposed Settlement Agreement is both appropriate and warranted.

15. Greenlots respectfully requests that the Commission give the parties that have intervened in these dockets the opportunity to file comments and reply comments confined to addressing the proposed Settlement Agreement. Greenlots does not intend to extend this proceeding longer than necessary. If the Commission grants this request, Greenlots suggests that one week should be sufficient time for parties to file comments, and a subsequent week should be sufficient time for parties to file reply comments.

Respectfully submitted, this the 24th day of April, 2020.

BURNS, DAY & PRESNELL, P.A.

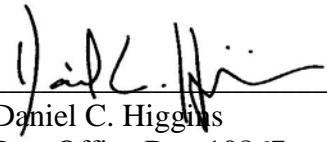
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document, has been served on all counsel of record for all parties in this docket, by either depositing same in a depository of the United States Postal Service, first-class postage prepaid and mailed by the means specified below, or by electronic delivery.

This the 24th day of April, 2020.

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