

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

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

In the Matter of
Application by Duke Energy Carolinas,)
LLC and Duke Energy Progress, LLC for)
Approval of Proposed Electric)
Transportation Pilot)
ORDER DENYING REQUEST TO
FILE COMMENTS ON
SETTLEMENT AGREEMENT

BY THE CHAIR: On March 29, 2019, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (collectively, Duke) filed an application in the above-captioned dockets pursuant to N.C. Gen. Stat. § 62-140 and various Commission rules requesting approval of Duke’s proposed electric transportation pilot program (ET Pilot).

On April 4, 2019, the Commission issued an Order requesting comments and reply comments on Duke’s proposal. Initial comments were filed by nine parties, and reply comments by six parties. Further, the Commission received thirty-two statements of consumer position.

On November 21, 2019, the Commission held a hearing to obtain additional information on the public interest and ratemaking implications of Duke’s ET Pilot.

On December 17, 2019, the Commission issued an Order requesting proposed orders from the parties. On February 28, 2020, proposed orders were filed by Duke, the Public Staff, Zeco Systems, Inc. d/b/a Greenlots (Greenlots), and jointly by North Carolina Justice Center and Sierra Club. In addition, Duke and ChargePoint, Inc. filed a proposed Settlement Agreement (Agreement).

On April 24, 2020, Greenlots filed a motion requesting that the Commission allow parties to file comments and reply comments on the proposed Agreement. In summary, Greenlots stated that the terms of the Agreement substantively alter the ET Pilot’s design, implementation and impact, both on private electric vehicle (EV) charging infrastructure companies and on the EV driving public. As an example, Greenlots cited the Settlement provision that would allow the host of fast charging (FC) sites to choose the hardware and software for such sites. Greenlots discussed several benefits, as addressed in its reply comments and proposed order, that it contended would be preserved by allowing the utility to select, procure, and manage charging hardware and software. Moreover, Greenlots asserted that the Agreement specifies criteria for FC equipment in a needlessly narrow way that would limit the market and provide an advantage to a small minority of companies, including ChargePoint, while disadvantaging others. Greenlots stated that it typically defers to utilities in defining technical specifications, but in this unusual instance Greenlots believes the Commission should refrain from approving an Agreement with this

verbiage that would seemingly identify one specific hardware model. Instead, Greenlots opined that more product-neutral language would satisfy the intent of supporting power sharing in a higher-powered FC context and enable a wider range of commercially-available products to qualify for use in the ET Pilot.

Finally, Greenlots stated that the above two points are not the only substantive modifications proposed in the Agreement, and that the Commission, parties, and other stakeholders would benefit from additional perspectives on these and the other modifications proposed in the Agreement.

On May 5, 2020, ChargePoint and Duke filed separate responses in opposition to Greenlots' motion. In summary, ChargePoint stated that hardware and software product selection by site hosts, as proposed in the Agreement, includes the selection of such equipment only from vendors who Duke has pre-qualified for purposes of supplying those products. ChargePoint contended that this arrangement enhances retail competition, as opposed to Greenlots' preference that the utility choose a single EV equipment/software provider. ChargePoint further noted that its support for providing site hosts with choices among different pre-qualified hardware and software products and vendors was discussed in both its initial and reply comments, and that Greenlots' preference for the utility to choose was discussed in Greenlots' comments and reply comments.

With regard to FC equipment choices, ChargePoint contended that Greenlots misinterpreted the Agreement. According to ChargePoint, the Agreement expands, rather than narrows, the potential number of pre-qualified products and vendors of FC equipment by permitting FC hardware and software solutions that provide 100 kW + services using power sharing from two co-located chargers, and FC products that provide such service but are not capable of power sharing.

Finally, ChargePoint stated that there will not be a benefit to the Commission or the public from receiving further comments on the already thoroughly discussed topics raised by Greenlots in its motion.

In its response, Duke stated that the Agreement addresses concerns about the value of incorporating multiple charging networks and equipment vendors in the ET Pilot by enabling site hosts to choose charging station hardware and software from among qualified choices, and to set pricing to end-use values. According to Duke, the Agreement has no effect on the Multi-Family Dwelling Charging Station Program, the Level 2 Charging Station Program, the Companies' proposed budgets for the ET Pilot, or the amount of customer incentives or participation numbers. Moreover, Duke stated that the Agreement is consistent with the ET Pilot's overall aim of helping reach Executive Order 80's goal of 80,000 zero emission vehicles on North Carolina roads by 2025. Further, Duke attached a version of the Agreement having underlined text showing how the Agreement differs from Duke's initial proposal. Finally, Duke stated that another round of initial and reply comments is not necessary based on the already robust record on EV market competition and the other issues discussed in this proceeding.

Based on the foregoing and the record, the Chair concludes that the Commission has ample information to assess the merits of the proposed Settlement Agreement between Duke and ChargePoint. As a result, the Chair finds good cause to deny the request to establish a round of comments on the proposed Settlement Agreement.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 3rd day of June, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Joann R. Snyder". The signature is written in a cursive, flowing style.

Joann R. Snyder, Deputy Clerk