



BURLINGTON
ELECTRIC
DEPARTMENT



October 15, 2018

Ms. Judith C. Whitney, Clerk
Vermont Public Utility Commission
112 State Street, Drawer 20
Montpelier, VT 05620

Re: Case 18 – 2660 – Investigation into promoting the ownership and use of Electric Vehicles

Dear Ms. Whitney;

At the request of the Vermont Public Utility Commission (“Commission”), the City of Burlington Electric Department (“BED”) and Vermont Public Power Supply (“VPPSA”) submit the following comments for consideration. These comments address the questions raised by the Commission in its Order dated October 4, 2018.

(1) How to proceed with this investigation given what was learned at the October 1 workshop:

Response:

As a non-contested proceeding, the October 1 workshop proved to be informative.¹ It helped VPPSA and BED to better understand the various perspectives of the stakeholders, and confirmed our understanding that financial incentives help to overcome first cost barriers to electric vehicle adoption. However, on matters related to customer protection, safety and grid impacts, the high-level discussions at the workshop lacked specificity. BED and VPPSA recognize that the Commission has just initiated this proceeding, and that it may be too early in the investigatory process to fully understand the ramifications of widespread deployment of electric vehicles (“EV”) and electric vehicle supply equipment (“EVSE”). Nevertheless, BED and VPPSA recommend that the Commission provide stakeholders with the opportunity to submit

¹ 10/1/2018 Tr at 244.



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sworn testimony. These issues, and possibly others, have the potential to significantly impact the general welfare of customers, community safety and electric distribution operations. The seriousness of these potential impacts warrant the development of an evidentiary record so that the Commission can provide the legislature with recommendations based on findings of fact.

(2) specific next steps for this investigation, including proposals for future workshops; and

Response:

To develop record evidence that the Commission can rely on for its report to the legislature, BED and VPPSA recommend that the Commission establish a procedural schedule to allow for submission of sworn testimony on the above noted issues and others, as needed. Similar to contested cases, we also recommend that the Commission allow for two rounds of data requests and responses, rebuttal testimony, oral testimony (if desired) and legal briefs to be filed by late Spring, 2019.

(3) The appropriate scope of jurisdiction, if any, over EV charging stations (EVSE) and whether legislative changes are necessary to effectuate participants' recommendations.

Response:

The current scope of the Commission's jurisdiction over EVSE and nonutility owners of EVSE is clear. As Commissioner Tierney pointed out, 30 V.S.A. §203 establishes the Commission's and the Public Service Department's ("Department") jurisdiction over the operations of companies engaged in the manufacture, transmission, distribution, or sale of electricity to the public.² Accordingly, owners of EVSE are subject to the full breadth of Vermont's regulations under Title 30.

The fundamental question that the Commission is seeking to address in this proceeding however is whether it is necessary to assert the full force of its authority over EVSE owners, including unregulated subsidiaries of regulated utility companies. Before the Commission can answer this question, it will need to determine what level of oversight will ensure that customer safeguards remain strong, EVSE are maintained

² Tr at 157-158.



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and safely operated in the communities where they are located, and that grid operations are not adversely impacted by EVSE. BED and VPPSA would also add that the Commission needs to decide on whether nonutility EVSE owners should have other public service obligations such as deploying EVSE in moderate and low income neighborhoods, paying for energy efficiency and renewable energy programs and contributing to other social welfare programs.

Several attendees at the workshop asserted that nonutility EVSE owners were not subject to regulation in other states. That may be true. This assertion implies that regulation of EVSE is unnecessary and may impede upon the State's efforts to promote EV's. We're not confident these assertions apply to Vermont. In our view, the claims that 20 or more states do not currently exercise their regulatory authority over nonutility EVSE owners is not dispositive as to whether such decisions were sound. VPPSA and BED believe that making a decision with respect to regulatory oversight of an important service such as the sale of electricity to the public should be based on a robust evidentiary record and should not be based on heresy evidence. Just because 20 or more states have elected to forego traditional regulation on nonutility EVSE owners doesn't mean Vermont should. As the Commission knows, Vermont's consumers have different expectations than consumers in other states. These expectations have led the Commission to continue regulating municipally owned utilities even though most other states do not. Such independent thinking should therefore apply to the central question of this proceeding. Accordingly, BED and VPPSA recommend that the Commission provide the stakeholders with ample opportunity to prefile testimony and make witnesses available for cross-examination so that the Commission can arrive at its own conclusions.

BED and VPPSA appreciate the opportunity provide these comments and look forward to providing further assistance, if needed. Please feel free to contact us should you have any questions or concerns.



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Sincerely,

Thomas Lyle
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Burlington Electric Department

Melissa Bailey
Legislative & Regulatory Affairs
Vermont Public Power Supply Authority