



ChargePoint, Inc.
254 East Hacienda Avenue | Campbell, CA 95008 USA
+1.408.841.4500 or US toll-free +1.877.370.3802

September 20, 2021

Will Seuffert, Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-214

Re: Docket No. E-002/M-20-745 – *In the Matter of Northern States Power Company dba Xcel Energy - Electric Petition for approval of Electric Vehicle Programs as part of COVID – 19 Pandemic Economic Recovery Investments.*

Dear Secretary Seuffert,

Attached for electronic filing in the above-referenced matter, please find reply comments on behalf of ChargePoint, Inc. in response to Xcel Energy's Petition for Electric Vehicle Programs as part of the COVID-19 Relief and Recovery Proposal filed on September 25, 2020.

Please let me know if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "M Deal".

Matthew Deal
Manager, Utility Policy
ChargePoint, Inc.

I. Introduction

ChargePoint, Inc. (ChargePoint) respectfully submits these reply comments to the Minnesota Public Utilities Commission (Commission) regarding the proposed electric vehicle (EV) programs included in Xcel Energy's (Xcel or the Company) COVID-19 Relief and Recovery Proposal.

ChargePoint generally supports the Company's proposed EV programs and appreciates the Commission and Xcel's efforts to support transportation electrification in Minnesota and for providing a venue for interested stakeholders to provide feedback on proposed TE programs. ChargePoint respectfully offers these comments in response to stakeholder comments and Xcel's reply comments, which are intended to further strengthen the proposed programs, encourage greater participation, and ensure a healthy and competitive market for EV charging services.

ChargePoint continues to advocate for the recommendations made in our initial comments which can be summarized as:

- ChargePoint recommends that the Commission modify Xcel's proposal to build, own, and operate public fast charging stations to allow site hosts to choose between at least two vendors for EV network service providers.
- ChargePoint recommends that the Commission direct Xcel to eliminate the requirement in its Public Fast Charging Proposal for each DCFC charging station have a capacity of 150 kW, and instead establish a 50-kW minimum power level for each DCFC station and include the concept of "future-proofing" to allow site hosts to size deployments in accordance with current and prospective need depending on use case.
- ChargePoint supports Xcel's proposal to accelerate plans to electrify a portion of its own fleet.
- ChargePoint recommends that the Commission reject Xcel's proposed DCFC charging rate structure and direct Xcel to allow site hosts to establish the prices and pricing policies for EV charging services provided at utility-owned and operated EV chargers installed on their property. If the Commission decides to restrict the ability of site hosts to establish pricing for EV charging services, ChargePoint recommends that the Commission direct Xcel to develop at least one non-time-varying rate option to provide site hosts an alternative to Xcel's proposed time-varying rate.

In these reply comments ChargePoint further recommends that the Commission:

- Adopt Minnesota Commerce Department's recommendation that Xcel be required to submit a compliance filing that addresses divestment issues and identifies possible divestment strategies for the utility-owned DCFC stations.
- Adopt Tesla's recommendation for further evaluation of the Public Fast Charging Program rate design to determine if the design is appropriate as compared to rates of other commercial fast charging providers, if the Commission finds that Xcel should be allowed to set the rate structure for charging services. ChargePoint recommends that, at minimum, the rates should be based on an average of existing rates of publicly accessible DCFC stations in Minnesota.

- Adopt Greenlots' recommendation to require chargers developed as part of the public DCFC program to operate on networks that have and maintain OCPI-based roaming agreements with other networks.
- Reject Greenlots' recommendation for an OCPP certification requirement as OCPP is not necessary to accomplish the goals of this program.

II. Comments

Impact of utility-owned EV charging infrastructure on other market participants

In our initial comments, ChargePoint stated its belief that utilities are a vital stakeholder in the growing competitive EV charging market. However, we cautioned that utility involvement in the EV charging market must be carefully designed so as not to crowd out or disadvantage competitive market participants. In its comments addressing Xcel's Public Fast Charging Proposal, the Minnesota Commerce Department (Department), a Division of Energy Resources, expressed a similar concern about the impact of utility-owned public EV charging infrastructure on third-party EV charging providers stating that:

“At some point in the future the EV charging market may be more developed and public charging sites owned by Xcel may provide the Company a competitive advantage over other market actors.”¹

ChargePoint agrees with the Department's assessment that charging stations owned by regulated utilities can have a significant competitive advantage over other market participants. In consideration of these issues, and in recognition that the EV charging market is a highly competitive emerging market, ChargePoint provided recommendations in our initial comments which were designed to protect non-utility market participants. Incorporating these recommendations will encourage site hosts to be actively engaged in the deployment and ongoing operation of the EV charging equipment, which will lead to increased utilization and increased benefits to all ratepayers. ChargePoint believes that incorporating these recommendations into the program design ensures that the competitive market can sustainably continue during and after conclusion of these programs.

While the Department ultimately recommended approval of Xcel's proposed Public Fast Charging Program, it also recommended that the Commission require Xcel to make a compliance filing “that addresses divestment issues and identifies possible divestment strategies”² to protect other market actors from any future competitive disadvantage. ChargePoint appreciates the Department's careful consideration of the issues surrounding utility-owned charging infrastructure and supports the Department's recommendation for a

¹ See p. 32 of the Minnesota Commerce Department's August 26, 2021, reply comments in Docket No. E002/M-20-745.

² Similar to the requirement the Commission included in its October 27, 2020, Order in Docket No. E017/M-20-181 for Otter Tail Power's proposed EV pilot programs.

divestment compliance filing. However, ChargePoint believes that the approval of the Public Fast Charging Program as proposed could deter other market participants from investing in charging infrastructure that would directly compete with utility-owned chargers prior to any divestment. The adoption of our recommendations would provide greater protection to Xcel's ratepayers and the competitive market from the outset rather than reacting to a potential issue with competitive disadvantages in the future, and support Xcel's goal to "extend the network of publicly available fast charging locations rather than compete with other public charging facilities."³

A single network program design is not the most effective for utility EV charging programs

ChargePoint is encouraged by Xcel's decisions to allow site hosts to choose from multiple options for fast charging equipment and to not restrict its RFP to chargers that have a capacity of 150 kW or greater for its proposed Public Fast Charging Program.⁴ However, Xcel did not support ChargePoint's recommendation to give site hosts a choice of network service providers, citing issues with integrating multiple network service providers into their internal billing, accounting, and IT systems.⁵

ChargePoint continues to recommend that site hosts be given the choice to select from multiple network service providers. Without site host ability to choose from the full range of solutions that are available in a competitive market, Xcel will promote a single network software provider over others currently active in the market while failing to properly accommodate for the diverse needs and desires of the Company's own customers. Conversely, accommodating multiple network choices would support a more dynamic EV charging marketplace, and prepare Xcel for managing load from multiple disparate EV charging providers irrespective of their participation in the program.

Today's EV charging market is rapidly evolving, which presents many hardware and network vendors and solutions to current and prospective EV charging site hosts. Hardware and network software options vary based on price, quality, and available features. As the market needs shift, the EV charging industry innovates and differentiates to best meet the needs of site hosts.

New products and companies are constantly entering the market to meet those shifting needs. This diversity and competition are benefits for EV drivers and commercial site hosts. Xcel can achieve the largest coverage and grid benefit throughout its program offerings by seeking network-agnostic solutions and utilizing information technology solutions to integrate data and load control signals from multiple qualified networks.

³ See p. 5 of Xcel's March 8, 2021, Supplemental filing in Docket No. E002/M-20-745.

⁴ See pp. 13-14 of Xcel's September 9, 2021, reply comments in Docket No. E002/M-20-745.

⁵ See pp. 14 of Xcel's September 9, 2021, reply comments in Docket No. E002/M-20-745.

Utility EV charging programs should be designed in a competitively neutral manner

In its comments Greenlots applauded Xcel’s “driver-focused approach” in recognizing that the true customers being served are the current and future EV drivers, rather than other market participants and that the proposed public DCFC program prioritizes EV drivers over specific commercial or business interests.⁶

ChargePoint strongly agrees that utility EV charging programs should be developed in a competitively neutral manner that preserves the competitive market, and as much as possible does not provide a competitive advantage to certain business models. In its current state, the EV charging market is a robust, emerging market with a large variety of business models competing against each other, this competition creates a healthy market that incentivizes innovation and improved customer experiences, placing the driver experience at the forefront of product design. ChargePoint’s recommendations in this case, and various other cases within and outside Minnesota, advocate for increased site host empowerment in utility programs - regardless of the ownership structure - to preserve the competitive market and not provide a competitive advantage to particular market participants. Additionally, this would allow site hosts to be actively engaged in the development of the EV charging market in Minnesota, ensuring that regulated utilities do not dictate the development of an adjacent *competitive* market and focuses on ensuring more positive driving experiences for all EV drivers.

Greenlots’ proposed requirement for networks that have and maintain OCPI-based roaming agreements

In its comments, Greenlots suggested that Xcel and the Commission “consider requiring chargers developed as part of the public DCFC program operate on networks that have and maintain OCPI-based roaming agreements with other networks.”⁷ ChargePoint is supportive of this recommendation.

Peer-to-peer roaming agreements make charging more convenient by allowing drivers to utilize different charging networks without the need to sign up for any additional accounts for those networks. Additionally, peer-to-peer roaming doesn’t add surcharges for the driver, eliminates any middleman and provides access to more drivers without any additional effort for station owners. This would make it more convenient for drivers to charge their EV at charging stations included in the Public Fast Charging Program, simplifies the process for EV charging, and increases a driver’s choice of where they charge.

Xcel’s proposed public DCFC time-of-use (TOU) rates

In our initial comments ChargePoint recommended that the Commission reject Xcel’s proposed public DCFC charging rate structure and direct Xcel to modify its proposal to allow site hosts to

⁶ See p. 2 of Greenlots August 26, 2021, comments in Docket No. E002/M-20-745.

⁷ See p. 6 of Greenlots August 26, 2021, comments in Docket No. E002/M-20-745.

be the utility customer-of-record and establish the prices and pricing policies for EV charging services provided at utility-owned EV chargers installed on their property. ChargePoint believes that site host control over pricing is important to ensure that site hosts can achieve their unique goals for hosting EV charging stations. This arrangement ensures the utility remains whole for any costs related to the electricity used by the charging stations while allowing the site host flexibility to price the charging services in accordance with its own goals and to align with its core business.

In its comments Tesla states that “it is important to further evaluate Xcel’s proposal regarding DCFC as currently outlined and ensure that the rate design component is appropriate as compared to the rates that other commercial fast charging providers take service on.”⁸ While ChargePoint stands by its initial recommendation to allow site hosts to choose the pricing policies for the charging services at the DCFC stations, if the Commission finds that Xcel should be allowed to set the rate structure for charging services, ChargePoint agrees with Tesla’s position that further evaluation is required to ensure the rate design is appropriate as compared to rates of other commercial fast charging providers. ChargePoint recommends that, at minimum, the rates should be based on an average of existing rates of publicly accessible DCFC stations in Minnesota similar to what has been utilized in other jurisdictions.⁹ This is necessary to ensure that the charging rates do not undercut those of charging services in the competitive market.

The Commission should reject Greenlots’ proposal for a third-party Open Charge Point Protocol (OCPP) Certification Requirement

In its comments Greenlots encouraged the Commission to adopt a “specific third-party OCPP certification requirement for chargers procured or incentivized by Xcel as a part of these programs.”¹⁰ ChargePoint disagrees with Greenlots recommendation for an OCPP certification requirement.

OCPP is a voluntary communication protocol that can be used to communicate between a networked charger and a network management system. OCPP supports a limited set of network management functionality, and a mandate for chargers to operate on specific software or communication protocols would effectively limit the flexibility for charging companies to provide consumer-facing and cybersecurity features, which could prevent companies from maintaining robust security regimes. Additionally, OCPP has not been adopted or approved by any international standards organizations such as ANSI or ISO/IEC.

It is unclear how an OCPP requirement would further the goals of this program to “help address the current public charging infrastructure gap in our service territory, provide access to

⁸ See p. 1 of Tesla’s August 26, 2021, comments in Docket No. E002/M-20-745.

⁹ See Dominion Energy Virginia’s Tariff Summary of Schedule EVFCP filed July 23, 2021, in Virginia State Corporation Commission Docket No. PUR-2021-00151; and Attachment G of Duke Energy’s Request for Approval of Phase II ET Pilot Programs filed on May 24, 2021, in North Carolina Utilities Commission Docket No. E-7 Sub 1195.

¹⁰ See p. 5 of Greenlots August 26, 2021, comments in Docket No. E002/M-20-745.

charging for those who cannot charge at home or at their business, and enable intracommunity transportation.”¹¹ These goals can be met without an OCPP requirement that would needlessly restrict customer choice in equipment and services available through the program.

III. Conclusion

ChargePoint appreciates Xcel’s openness and collaboration regarding its proposed EV programs. We look forward to continuing to work with the Commission, the Company, and the parties to ensure that the development of Minnesota’s EV charging market takes place in a manner that benefits the grid and all ratepayers and ensures that the competitive market can provide the benefits of competition to EV drivers.

¹¹ See Attachment C, p. 13 of Xcel’s September 25, 2020, filing in Docket No. E002/M-20-745.