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August 21, 2017

VIA E-FILED

Ms. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, Room-N201
400 North Street
Harrisburg, PA 17120

**Re: Third Party Electric Vehicle Charging Resale/Redistribution of Utility Service
Docket No. M-2017-2604382**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Comments in the above-referenced proceeding.

Upon receipt, if you have any questions regarding the information contained in this filing, please contact the undersigned or Audrey Waldock at 412-393-6334 or awaldock@duqlight.com.

Sincerely,

A handwritten signature in blue ink that reads "Shelby A. Linton-Keddie".

Shelby A. Linton-Keddie
Manager, State Regulatory Strategy
And Senior Legal Counsel

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Third Party Electric Vehicle Charging – :
Resale/Redistribution of Utility Service : Docket No. M-2017-2604382

**COMMENTS OF
DUQUESNE LIGHT COMPANY**

I. BACKGROUND

At the Public Meeting of May 18, 2017, the Pennsylvania Public Utility Commission (“PUC” or “Commission”) adopted a Motion by Chairman Gladys Brown to initiate a review of current electric distribution company (“EDC”) tariff provisions regarding third-party electric vehicle charging.¹ Thereafter, on June 15, 2017, the Commission issued a Secretarial Letter, seeking comments “with regard to how those provisions may affect the operation of – even the viability of — electric vehicle (EV) charging stations.”²

The Secretarial Letter was served on EDCs, statutory advocates, the Energy Association of Pennsylvania (“EAP”), the Office of Attorney General’s Bureau of Consumer Protection (“OAG”), and the Department of Environmental Protection’s Office of Policy (“DEP”). The Secretarial Letter further indicated that comments would be due within forty-five (45) days following publication of the Secretarial Letter in the *Pennsylvania Bulletin*. Publication in the *Pennsylvania Bulletin* occurred on July 8, 2017.³ Consistent with the deadline in the notification, Duquesne Light Company (“Duquesne Light” or “Company”), an EDC as defined in 66 Pa. C.S. §2803, hereby files comments for the Commission’s consideration.

¹ See *Third Party Electric Vehicle Charging – Resale/Redistribution of Utility Service Tariff Provisions, Motion of Chairman Gladys M. Brown*, Agenda No. 2604382-CMR, (May 18, 2017).

² See *Third Party Electric Vehicle Charging – Resale/Redistribution of Utility Service*, Docket No. M-2017-2604382, (Jun. 15, 2017) at 1 (hereinafter “Secretarial Letter”).

³ See 47 Pa. B. 3790.

II. GENERAL COMMENTS

Both Chairman Brown's Motion and the Secretarial Letter noted that Duquesne Light is the only EDC that currently has a tariff provision which expressly allows EV charging stations to resell power.⁴ Specifically in recognition of the fact that EV charging stations that serve third party customers have been and will continue to be installed in the Company's service territory, in 2014, the Company filed a proposed tariff supplement to clarify that electric vehicle charging would not be considered redistribution for purposes of Rule 18 of its tariff. (Emphasis added). Rule 18 provides that a customer who is supplied electric energy by the Company must consume it.⁵

Notably, Rule 18 was established, consistent with Section 1313 of the Public Utility Code, 66 Pa. C.S. §1313, to protect residential customers from being charged electric rates in excess of those in the Company's tariff. Rule 18 was never intended to prohibit an EV charging facility that is owned and operated by the Company's customer from providing a service to third parties such as for the purpose of charging EVs.⁶ In fact, "the third party owner has the ability to bill the electric vehicle owner a rate or fee that is not defined in the tariff."⁷ Accordingly, the fact that Rule 18.1 states that EV charging is not redistribution for purposes of Rule 18 does not mean that EV charging is not redistribution of electric service in general. It simply means that the redistribution

⁴ See Duquesne Light Tariff rule 18 and 18.1.

⁵ See *Duquesne Light Company Supplement No. 95 to Tariff Electric – Pa PUC No. 24*, Docket No. R-2014-2430058, at 1. Rule 18 states: **Redistribution.** All electric energy shall be consumed by the customer to whom the Company supplies and delivers such energy, except that (1) a customer operating a separate office building, and (2) any other customer who, upon showing that special circumstances exist, obtains the written consent of the Company may redistribute electric energy to tenants of such customer, but only if such tenants are not required to make a specific payment for such energy, except where such payments would encourage energy conservation. This rule shall not affect any practice undertaken prior to June 1, 1965. See rule No. 41 for special requirements for residential dwelling units in a building.

⁶ See *Duquesne Light Company Supplement No. 95 to Tariff Electric – Pa PUC No. 24*, Docket No. R-2014-2430058, at 2 (Order entered Oct 2, 2014).

⁷ *Duquesne Light Company Supplement No. 95 to Tariff Electric – Pa PUC No. 24*, Docket No. R-2014-2430058, at 2 (filed July 1, 2014).

of electricity through third-party EV charging stations is not subject to the price limitation in Section 1313, since the provision of electricity is to end-use customers, but not for residential purposes. The Commission recognizes as such when it states “[o]n its face, this statute [66 Pa. C.S. §1313] would not appear to impact an EV charging station because it is reselling power to EV drivers as opposed to ‘residential customers’.”⁸

To support the development of a comprehensive network of EV charging stations in its territory, as well as define certain requirements with respect to third-party owned EV charging stations as explained below, Duquesne Light proposed, and the Commission approved, of a Rule (Rule 18.1), which clarifies that third-party owned electric vehicle charging is not considered redistribution of electric service for purposes of Rule 18. In addition, Rule 18.1 adds provisions designed to ensure safety, by ensuring customer and third party EV charging station owners abide by the Company’s electric service installation rules.

This proceeding is well defined in that it seeks answers to five directed questions about third-party EV charging stations. It does not, and should not, be a forum in which parties attempt to opine whether and to what extent EDCs should provide public electric vehicle charging stations. Such questions are irrelevant to the inquiries here, and should be answered when a proposal is brought before the Commission by an EDC, not in a generic proceeding specifically limited to and directed toward third-party vehicle charging tariff provisions.

⁸ See June 15 Secretarial Letter at 1-2.

III. ANSWERS TO DIRECTED QUESTIONS

1. What restrictions, if any, each EDC's existing tariff places on the resale/redistribution of electric power by third-party EV charging.

As explained below, the only restrictions in the Company's tariff regarding the resale or redistribution of electric power are that:

1. EV charging stations must be in accordance with the Company's installation rules;
2. The station must be designed to protect for backflow;
3. The Company isn't liable for damage associated with operating the station;
4. Owners of charging facilities must notify the Company at least 120 days prior to the planned installation date;
5. Owners may be required to install metering; and
6. Owners are responsible for all applicable Tariff rates, fees and charges.

Specifically, as explained *supra*, Duquesne Light has a tariff provision addressing third-party owned EV charging. Rule 18.1 states:

18.1 Electric Vehicle Charging For purposes of third party-owned electric vehicle charging stations, charging the electric vehicle shall not be considered redistribution as defined in Rule No. 18 – Redistribution. Electric vehicles are defined as any vehicle licensed to operate on public roadways that are propelled in whole or in part by electrical energy stored on-board for the purpose of propulsion. Types of electric vehicles include, but are not limited to, plug-in hybrid electric vehicles and battery electric vehicles. Electric vehicle charging stations shall be made in accordance with the Company's "Electric Service Installation Rules," a copy of which may be found at www.duquesnelight.com. The station must be designed to protect for back flow of electricity to the Company's electrical distribution circuit as required by Company rules. The Company shall not be liable for any damages associated with operation of the charging station. For stations dedicated solely for the purpose of charging electric vehicles wherein a third party owns the charger and allows an electric vehicle owner to use their facility to charge an electric vehicle, the owner of the charging facility shall notify the Company at least one hundred twenty (120) days in advance of the planned installation date and may be required to install metering for the station as determined by the Company. The third party owner of the station shall be responsible for all applicable Tariff rates, fees and charges. For such installations, the electric vehicle owner shall be responsible for all fees imposed by the owner of the station for charging the electric vehicle.

2. The advantages and disadvantages of specific tariff provisions permitting unrestricted resale/redistribution of electric power when done for the purpose of third-party EV charging.

As articulated when the Company made its Rule 18.1 filing, the advantages to this tariff provision include:

- Giving Duquesne Light advanced knowledge of EV charging stations, thereby allowing the Company to analyze the reliability effect of these installations on its system, and better align future product and service offerings with customer needs;
- Defining certain requirements with respect to third-party owned EV charging stations, providing additional certainty for third parties investing in EV charging infrastructure, and helping to mitigate customer complaints;
- Increasing safety and reliability by ensuring customers and third party EV charging station owners abide by the Company's Electric Service Installation Rules; and
- Resulting in no impact on customers' distribution bills.⁹

3. Whether it is appropriate to encourage EDCs across the state to move toward a tariff design, such as that of Duquesne, which includes provisions permitting the resale/redistribution of electric power for third-party EV charging.

Duquesne Light has no opinion on whether the Commission should encourage EDCs across the state to move toward a tariff design such as what the Company has proposed and the Commission has approved. While the concept in general could be similar, certain details may differ based on individual EDC characteristics and/or the provision's interplay with other existing tariff provisions. Without more information from other EDCs, the Company cannot adequately opine about an appropriate statewide solution at this time.

⁹ See *Duquesne Light Company Supplement No. 95 to Tariff Electric – Pa PUC No. 24*, Docket No. R-2014-2430058, at 3 (filed July 1, 2014). Other than ensuring no change on customers' distribution bills, the Company has no control over other effects on individual customers, as third-party charging stations are able to charge different rates or fees for EV charging.

4. What other resale/redistribution tariff provision designs may aid in establishing clear rules for third-party EV charging stations.

The Company does not have any other suggestions for alternative tariff provision designs at this time.

5. What other regulatory options may aid in establishing clear resale/redistribution rules for third-party EV charging stations.

The Commission could consider drafting regulations that contain clear resale/redistribution rules for third party EV charging stations. Please note that Duquesne Light is neither suggesting nor opposing such an idea, but only noting, in response to this directed question, that regulatory changes could be another vehicle in which clear rules for these stations could be articulated.

It is the Company's understanding that one or more parties may suggest that a collaborative be set in which to discuss these issues. If the Commission sees fit to convene a collaborative, Duquesne Light would be happy to actively participate.

IV. CONCLUSION

Duquesne Light appreciates the opportunity to comment on the evolution of its Rule 18.1 and share the Company's thoughts on the directed questions contained in the Commission's June 15, 2017, Secretarial Letter. This proceeding should be limited to only those issues raised by the Commission, namely the treatment of third-party electric vehicle charging in tariffs, and should not encompass broader issues such as the role of electric distribution companies in owning public electric vehicle charging infrastructure. Such issues are outside the limited scope of this proceeding and irrelevant to the treatment of third-party vehicle charging.

Respectfully submitted,



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