

RESPONSIVE TESTIMONY OF BARBARA BOLLING-WILLIAMS

I. INTRODUCTION

1 **Q1. Please state your name and business address.**

2 A. My name is Barbara Bolling-Williams, President of the Indiana State
3 Conference of the National Association for the Advancement of Colored People
4 (“Indiana NAACP”) and my principal office address is 26 East 15th Avenue,
5 Gary, Indiana, 46407.
6

7 **Q2. Are you the same Barbara Bolling-Williams who filed direct testimony in this**
8 **proceeding on June 12, 2023 on behalf of Indiana NAACP in this Cause?**

9 A. Yes, I am.
10

11 **Q3. What is the purpose of your direct testimony in this proceeding?**

12 A. I am presenting testimony in response to testimony filed by the other parties in
13 this proceeding relating to considerations of electric vehicle (EV) rate designs
14 and how EV infrastructure should be placed, installed, and maintained in an
15 equitable manner in such a way that it also benefits Indiana Black and other
16 Disadvantaged Communities as described in the White House’s Justice40
17 Initiative, Executive Order 14008 (Tackling the Climate Crisis at Home and
18 Abroad, 86 Fed. Reg., 7619 (Feb. 1, 2021)).

19 The Indiana NAACP, a member, facilitator, and convenor of the Indiana
20 Alliance for Equity, Diversity and Inclusion of Electric Vehicle Infrastructure
21 and Economic Opportunities (the “Alliance”), further advocates that Black and

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1 other Disadvantaged Communities that have been neglected by energy grid
2 improvements should be prioritized for EV infrastructure thereby improving the
3 resilience of these community energy networks. Black and other Disadvantaged
4 Communities will benefit from EV infrastructure that is powered by clean
5 energy sources in contrast to fossil fuel.
6

7 **II. Indianapolis Power and Light Company d/b/a AES Indiana (“AES**
8 **Indiana”)**

9 **Q4. Have you reviewed the direct testimony of Zac Elliot filed on behalf of AES**
10 **Indiana?**

11 A. Yes.
12

13 **Q5. Please provide your thoughts and impressions.**

14 A. Mr. Elliot generally testifies that traditional ratemaking may sufficiently
15 incentivize utility investment in EV infrastructure on its side of the meter but
16 that non-traditional ratemaking may be necessary for incentivizing investment
17 on the customer side of the metering point. While I agree that both types of
18 ratemaking will likely be necessary to encourage widespread options of EV
19 charging infrastructure in Indiana, I am concerned about how, in practice, these
20 ratemakings will bring EV charging infrastructure to Black and other
21 Disadvantaged Communities.
22
23

1

2 **Q6. Please Explain.**

3 A. As explained in my testimony filed in this Cause, Black and other Disadvantaged
4 Communities require EV infrastructure investments on both sides of the meter.
5 However, as discussed by Mr. Elliot, contributions in aid of construction (CIAC)
6 policy is the preferred way to promote utility side of the meter investment – that
7 the cost-causing customer or developer is responsible to pay for the upfront cost of
8 building electric infrastructure to serve new customer load. Otherwise, the utility
9 or non-participating customer will be disincentivized to make the investments
10 necessary. A fundamental problem with this view is that historically, and in reality,
11 not all locations have the same amount, quality, or type of electric infrastructure
12 investment. Electric infrastructure investment for EV charging stations in rural
13 locations and Black and other Disadvantaged Communities may be proportionally
14 more costly than other locations for a variety of reasons, including, but not limited
15 to historically lagging electric utility investments, load profile, and commercial vs.
16 residential load mix. As such, costs for utility side of the meter make-ready
17 infrastructure investments for EV charging stations within Black and other
18 Disadvantaged Communities should not be simply passed along to the cost-causing
19 customer or developer. Instead, the costs should be socialized to include non-
20 participating customers that have historically enjoyed relatively lower electric rates
21 because electric utility investment costs may have generally been avoided by not
22 investing in Black and other Disadvantaged Communities. Finally, while Mr. Elliot
23 argues that costs and benefits under traditional ratemaking may appear relatively

1 straightforward (Elliot Direct, p. 9., ln 4-6), unless all of the costs and benefits are
2 adequately analyzed, use of traditional ratemaking, especially the CIAC guidelines,
3 for promoting utility side of the meter investment necessary for EV infrastructure
4 appears to be fatally flawed.

5 As to use of the non-traditional ratemaking for customer-side make-ready
6 infrastructure investment, Mr. Elliot identifies Electric Vehicle Supply Equipment
7 (EVSE) Rebate programs, Duke Energy North Carolina's Make Ready Credit tariff,
8 EVSE Tariffs offered by Kentucky Utilities Company, Ind. Code ch. 8-1-43
9 established by HEA 1221, and time-varying pricing structures and tariffs as
10 mechanisms that may encourage EV and EV infrastructure investment. The Indiana
11 NAACP agrees that such mechanisms must be carefully reviewed, be transparent,
12 and have Commission oversight. As noted in my testimony in this Cause, the
13 discounted program offered by Portland General Electric should be considered by
14 the Commission as an example that could be used to encourage EV infrastructure
15 investment.

16 Moreover, with respect to the EVSE programs in particular, emphasis should be
17 focused on customer demographics and promoting electric utility practices and
18 procedures that address climate change and environmental injustice. An EVSE
19 Tariff that passes all costs to the participating customer, like a CIAC policy, should
20 not be the preferred way to promote utility side of the meter EV investment.
21 Additionally, as discussed in my testimony, many residents of Black and other
22 Disadvantaged Communities live in apartments or other multi-unit dwellings.
23 Prioritizing access and affordability for EV infrastructure on publicly accessible

1 sites in close proximity to Black businesses stimulates important economic growth
2 in Black and other Disadvantaged Communities. Both traditional and non-
3 traditional ratemaking mechanisms must be developed to encourage accessibility
4 to EV chargers around multi-unit dwellings for meeting the needs of Black and
5 other Disadvantaged Communities. Revenue sharing for EV infrastructure located
6 on Black and other Disadvantaged Community sites is also an important
7 consideration. Finally, we are encouraged that AES Indiana had proposed to
8 provide a dedicated set of ESVE rebates within federally designated Disadvantaged
9 Communities. We recommend that the Commission require the respondents in this
10 Cause to continue to look for creative opportunities for developing the
11 infrastructure necessary so that Black and other Disadvantaged Communities
12 experience meaningful progress in accessibility to and use of EV chargers.

13
14 **III. NiSource Corporate Services Company ("NiSource")**

15 **Q7. Have you reviewed the direct testimony of Kevin Kirkham filed on behalf of**
16 **NiSource?**

17 A. Yes.

18
19 **Q8. Please provide your thoughts and impressions.**

20 A. Mr. Kirkham generally discusses the costs and benefits that the Commission
21 should consider when determining the reasonableness of utility support for
22 behind the meter charging infrastructure that is required. Specifically, Mr.
23 Kirkham testifies that of the five cost benefit tests discussed, the Participant

1 Cost Test (PCT), Ratepayer Impact Measure (RIM) and the Societal Cost Test
2 (SCT) are best suited to evaluate utility EV programs. We agree that these three
3 tests are the most relevant. Metrics that consider public health costs,
4 improvements in air quality, and lower operation and maintenance costs for
5 utilities are worth considering for historically marginalized communities. We
6 strongly recommend that with each of these cost benefit tests, that the
7 Commission require the utilities to conduct community outreach for obtaining
8 input from the Black and other Disadvantaged Communities.

9
10 **IV. Duke Energy Indiana, LLC (“Duke”)**

11 **Q9. Have you reviewed the direct testimony of Cormack Gordon filed on behalf of**
12 **Duke?**

13 A. Yes.

14
15 **Q10. Please provide your thoughts and impressions.**

16 A. Mr. Gordon acknowledges that all customers benefit from fleet electrification.
17 Mr. Gordon also identifies that the electric load demands from fleet
18 electrification may require circuit upgrades, costly reworks, and that system
19 upgrade timelines are measured in years. Notably absent, however, is any
20 relevant discussion of how Duke specifically intends to encourage widespread
21 adoption of EV charging infrastructure in Indiana. The Indiana NAACP
22 recommends that since utilities require years to provide EV charging
23 infrastructure for fleet electrification, that they be required to prioritize Black

1 and other Disadvantaged Communities for infrastructure upgrades necessary
2 for fleet electrification. This would allow public resources such as trash trucks,
3 city buses and public school buses that serve their communities to reduce the
4 amount of air pollution to which members of the community are exposed.

5
6 **Q11. Do you agree that utilities should not publish public load capacity maps?**

7 A. No. If utilities have excess capacity, then EV developers should know those
8 locations to be able to evaluate whether to deploy a fleet solution in those areas.
9 Also, if there is excess capacity, then presumably ratepayers would benefit from
10 having additional load sources located in those areas to pay for such excess
11 capacity. For transparency purposes, utility providers should be required to
12 have a publicly available means to identify where EV investments can be made
13 today in locations without requiring relatively costly circuit upgrades.

14 It is also curious that while Duke embraces environmental justice principles on
15 its website ([https://p-micro.duke-energy.com/esg/-/media/pdfs/our-](https://p-micro.duke-energy.com/esg/-/media/pdfs/our-company/221268-environmental-justice-priority-brief.pdf?la=en#:~:text=Duke%20Energy%20embraces%20environmental%20justice,color%2C%20national%20origin%20or%20income)
16 [company/221268-environmental-justice-priority-](https://p-micro.duke-energy.com/esg/-/media/pdfs/our-company/221268-environmental-justice-priority-brief.pdf?la=en#:~:text=Duke%20Energy%20embraces%20environmental%20justice,color%2C%20national%20origin%20or%20income)
17 [brief.pdf?la=en#:~:text=Duke%20Energy%20embraces%20environmental%20](https://p-micro.duke-energy.com/esg/-/media/pdfs/our-company/221268-environmental-justice-priority-brief.pdf?la=en#:~:text=Duke%20Energy%20embraces%20environmental%20justice,color%2C%20national%20origin%20or%20income)
18 [justice,color%2C%20national%20origin%20or%20income](https://p-micro.duke-energy.com/esg/-/media/pdfs/our-company/221268-environmental-justice-priority-brief.pdf?la=en#:~:text=Duke%20Energy%20embraces%20environmental%20justice,color%2C%20national%20origin%20or%20income)), Mr. Gordon
19 does not address in his testimony how Duke intends to incentivize make-ready
20 infrastructure investments in Black and other Disadvantaged Communities in
21 Indiana. Instead, the testimony focuses on utility upgrade costs, timelines and
22 camouflaging where capacity exists today for EV fleet investment.

1 **Q12. How could the time necessary for EV infrastructure upgrades and concerns**
2 **about identifying excess capacity which allegedly would expose critical energy**
3 **infrastructure to previously unrealized risk be reduced?**

4 A. The Commission should initiate a rulemaking proceeding to create rules and
5 regulations allowing community solar and community owned solar
6 developments in Indiana.

7

8 V. **Indiana Office of Utility Consumer Counselor's ("OUCC")**

9 **Q13. Have you reviewed the direct testimony of John Haselden filed on behalf of the**
10 **OUCC?**

11 A. Yes.

12

13 **Q14. Please provide your thoughts and impressions.**

14 A. Mr. Haselden focuses on the need to protect captive utility ratepayers from
15 incurring higher rates through subsidization of utility efforts to promote
16 electrification of the transportation sector. He argues that EV chargers are
17 specialized equipment delivering a service in a public location which can be
18 done by independent businesses and do not need to be provided by a utility
19 because EVs, or EV charging is a choice and not a necessity. They state that
20 increased utility costs caused by those who choose to invest in EV should not
21 be spread to those who do not or can not participate.

22 The Indiana NAACP has seen this incorrect and tired viewpoint from
23 monopolistic utilities before in the context of broadband deployment to rural

1 and underserved Black and other Disadvantaged Communities. If “they” do not
2 use computers or perceive a need to have broadband access, then it must be a
3 choice not to purchase broadband. As such, why should “we” subsidize “them”?
4 While the Commission has not been tasked with creating a state universal EV
5 program in this Cause, the OUCC’s analysis should have been informed by the
6 consideration of the social costs of not promoting EV infrastructure
7 development as well as the social benefits of having EV charging infrastructure.
8 Mr. Haselden also points out that emissions associated with the production of
9 electricity to charge EVs offset the savings from tailpipe emissions. Two points
10 from my previously supplied testimony are relevant here. First, fossil fuel based
11 energy production has a disproportionately negative impact on Black and other
12 Disadvantaged Communities as pollution emitting and health harming facilities
13 such as coal fired power plants and oil refineries are more likely to be located
14 in these communities. Second, electrified public transportation resources,
15 including school buses, will reduce the amount of air pollution to which
16 members of these communities are exposed.

17

18 **Q15. Do you have concerns about how the OUCC proposes to promote EV charging**
19 **in rural and disadvantaged neighborhoods?**

20 A. Yes. The OUCC does not address this issue other than to say it should be
21 discussed by stakeholders or the Indiana General Assembly. It is the Indiana
22 NAACP’s view that in addition to all of the extensive and new federal funding
23 sources that are available for EVs and EV infrastructure (including but not

1 limited to the Clean School Bus Program, National Electric Vehicle
2 Infrastructure Program Funding, Advanced Transportation and Congestion
3 Management Technologies Deployment, and Community Solar for All
4 Program), and including work by the Indiana General Assembly through HEA
5 1221, electric utilities are in the best position to, in practice, build and prioritize
6 make-ready infrastructure investments for EVs. A creative and informed all-
7 the-above approach is necessary to make EV charging a reality in rural and
8 Black and other Disadvantaged Communities.

9
10 **Q16. Would you have a response to the late-filed comments that the OUCC**
11 **submitted in this proceeding on behalf of Charge Ahead Partnership and**
12 **EVgo Services LLC?**

13 A. Yes. Charge Ahead Partnership urges the Commission to develop strategies to
14 ensure that private sector investments in EV chargers are not subject to unfair
15 competition with regulated electric utilities. We support this position. As I
16 discuss in more detail later in my response, the Commission could apply some
17 regulatory guardrails to prevent anti-competitive behavior in the public EV
18 charging market. Furthermore, EVgo Services LLC provides examples where
19 Commissions across the country have approved utility make-ready and/or
20 rebate programs and argue that the best make-ready and rebate programs cover
21 the costs of direct current fast charging (“DCFC”) equipment. We believe that
22 DCFC equipment needs to be located in Black and other Disadvantaged
23 Communities and the costs of such equipment, including installation and

1 maintenance costs, should be covered by rebate and other programs in an
2 equitable manner that also benefits Indiana Black and other Disadvantaged
3 Communities.

4
5 **VI. Citizens Action Coalition of Indiana, Inc. ("CAC")**

6 **Q17. Have you reviewed the direct testimony of Benjamin Inskeep filed on behalf**
7 **of the CAC?**

8 A. Yes.

9
10 **Q18. Please provide your thoughts and impressions.**

11 A. The Indiana NAACP agrees with Mr. Inskeep's recommendation that the
12 Commission require a public stakeholder collaborative on designing
13 transportation electrification rates and programs. The Indiana NAACP also
14 agrees with Mr. Inskeep's position that the Commission should address
15 inequities in access to EV charging in low-income communities and
16 communities of color. As often noted by the Alliance, equity-driven policy,
17 transparency, and planning is required to ensure existing transportation
18 inequities are not perpetuated in Black and other Disadvantaged Communities.
19 Mr. Inskeep also testified about his concerns that make-ready investment may
20 benefit private businesses rather than low-income communities and
21 communities of color. The Indiana NAACP is generally supportive of this
22 position and as I previously testified, we recommend that electric utilities be
23 required to have an equity advisory board that functions to identify and

1 prioritize where make-ready infrastructure should be located and the type and
2 level of investment required. Utility providers should be required to have
3 consumer friendly websites and electronic means to identify where investments
4 are being made for accountability and transparency. However, we also
5 emphasize that priority should be given to Black Business Enterprise locations.
6 Furthermore, a transparency dashboard tracking the number of contracts
7 secured by a Disadvantaged Business Enterprise (DBE), Minority Business
8 Enterprise (MBE), Women Business Enterprise (WBE), and Veteran Business
9 Enterprise (VBE) for projects related to EV infrastructure and reflecting
10 demographic data on job hires, training and apprenticeships is a priority.
11

12 **Q19. Mr. Inskeep also testifies that non-traditional ratemaking could be useful in**
13 **limited circumstances to achieve important public policy goals. Do you agree?**

14 A. Yes. We agree that non-traditional ratemaking, including ratepayer funding,
15 would be useful and necessary to Black and other Disadvantaged Communities.
16 Mr. Inskeep also testifies that reducing or waiving a customer's CIAC may be
17 warranted in certain instances such as those involving EV charging for electric
18 school buses, public transit, tenants of affordable multi-family housing, and
19 low-income communities and communities of color. As discussed earlier in my
20 response, an EVSE Tariff that passes all costs to the participating customer, like
21 a CIAC policy, should not be the preferred way to promote EV investment. Mr.
22 Inskeep also testifies that there should be a demonstration of need to receive
23 ratepayer funding to assist with EV buildout. The Indiana NAACP recommends

1 that in addition to demonstrated need, Black and other Disadvantaged
2 Communities be presumptively approved for a waiver of the CIAC for EV
3 infrastructure investment.

4
5 **VII. Chargepoint, Inc. (“Chargepoint”)**

6 **Q20. Have you reviewed the direct testimony of Matthew Deal on behalf of**
7 **Chargepoint?**

8 A. Yes.

9
10 **Q21. Please provide your thoughts and impressions.**

11 A. Mr. Deal testifies that the biggest barrier to the deployment of electric vehicle
12 supply equipment is the high upfront costs due to the combined customer-side,
13 utility-side, and equipment costs. He also argues that multi-unit dwelling sites
14 would benefit from having a robust public charging network to charge their
15 EVs. The Indiana NAACP agrees that cost support should be provided to low
16 income customers for installation and use of EV charging infrastructure. The
17 concept of a public use case for EV infrastructure located at multi-unit dwelling
18 sites should also be part of a holistic approach to make charging stations a
19 reality in Black and other Disadvantaged Communities.

20 Additionally, Attachment MJD-2 to Mr. Deal’s testimony includes a succinct
21 summary of several make-ready rebate programs across the United States that
22 should be considered by the Commission as models for the electric utilities to
23 adopt and implement. Particularly, we believe that the New York Statewide

1 Make Ready Program and the California Power Your Drive and Statewide BTM
2 Program should deserve particular focus.
3

4 **VIII. Walmart Inc. ("Walmart")**

5 **Q22. Have you reviewed the direct testimony of Lisa Perry on behalf of Walmart?**

6 A. Yes.
7

8 **Q23. Please provide your thoughts and impressions.**

9 A. On page 10 of her testimony, Ms. Perry suggests that EV infrastructure upgrade
10 costs could be recovered through a CIAC arrangement on a case-by-case basis
11 for recovery of an 'appropriate' amount and to ensure other customers are not
12 responsible for unused abandoned infrastructure assets. It is the position of the
13 Indiana NAACP that Black and other Disadvantaged Communities be
14 presumptively approved for a waiver of the CIAC for EV infrastructure
15 investment. This presumptive approval should be granted without any
16 speculative condition that the EV infrastructure might be unused or abandoned.
17

18 **Q24. Do you support Ms. Perry's position that rates should be set on a utility's cost
19 to serve its customers with low- or no- demand charge?**

20 A. No. A one-size-fits-all approach will not incentivize necessary investments in
21 Black and other Disadvantaged Communities. However, we agree that there
22 should be low or no demand charge to incentivize EV infrastructure adoption.
23

1 **Q25. Is public EV charging a competitive service that can be provided by the market**
2 **as suggested by Ms. Perry?**

3 A. The Indiana NAACP believes that it might be premature to presume that EV
4 charging is currently a competitive service. A holistic approach to make
5 charging stations a reality in Black and other Disadvantaged Communities may
6 require rate support or subsidization. As discussed earlier in my response, costs
7 may need to be socialized because electric utility investments may be lagging
8 such that EV infrastructure costs are relatively higher in Black and other
9 Disadvantaged Communities. However, we agree that the Commission could
10 apply some regulatory guardrails to prevent anti-competitive behavior in the
11 public EV charging market, particularly in states like Indiana which do not yet
12 have retail electric competition.

13

14 **Q26. Does this conclude your responsive testimony?**

15 A. Yes, it does.

VERIFICATION

I hereby verify under the penalties of perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Dated: July 10, 2023

Signature *Barbara Bolling-Williams*
Barbara Bolling-Williams