STATE OF INDIANA

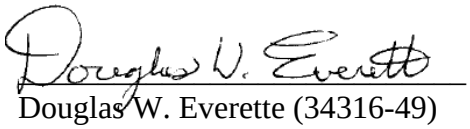
INDIANA UTILITY REGULATORY COMMISSION

INVESTIGATION OF THE INDIANA UTILITY REGULATORY COMMISSION REGARDING THE PUBLIC UTILITY REGULATORY POLICIES ACT SECTION 111(d) STANDARDS AS AMENDED BY THE INFRASTRUCTURE INVESTMENT AND JOBS ACT.	)	**CAUSE NO. 45816**
RESPONDENTS: NORTHERN INDIANA PUBLIC SERVICE COMPANY; DUKE ENERGY INDIANA, LLC; INDIANA MICHIGAN POWER COMPANY; SOUTHERN INDIANA GAS AND ELECTRIC COMPANY D/B/A CENTERPOINT ENERGY INDIANA SOUTH; INDIANAPOLIS POWER & LIGHT COMPANY D/B/A AES INDIANA; AND ANDERSON MUNICIPAL POWER & LIGHT	)	

THE INDIANA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE'S SUBMISSION OF PROPOSED ORDER

The Indiana State Conference of the National Association for the Advancement of Colored People ("Indiana NAACP"), by counsel, respectfully submits its version of the "Commission Discussion and Findings" section of its Proposed Order in the above captioned Cause to the Indiana Utility Regulatory Commission.

Respectfully submitted,



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Dated this 8th day of September, 2023.

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

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ORDER OF THE COMMISSION

Presiding Officers:
James Huston, Chair
Sarah Freeman, Commissioner
Loraine Seyfried, Chief Administrative Law Judge

[Insert Master Base Order]

5. **Commission Discussion and Findings**. The Commission has commenced an investigation to consider measures to promote greater electrification of the transportation sector. We consider how the new standard added to the PURPA by the IIJA should be considered to promote greater electrification of the transportation sector. In doing so, we must adopt measures that support each of the new standards set out in 16 U.S.C. § 2621(d)(21) (PURPA Section 111(d)(21)) or explain why our existing regulations prevent us from taking such action.

A. **Measures to Promote EV Adoption**.

1. **Does traditional ratemaking sufficiently promote utility investment in make-ready investments in the promotion of EV adoption?**

The evidence establishes that while traditional ratemaking encourages investment on the utility side of the meter, it likely would not be sufficient to drive widespread adoption of EV charging infrastructure in the state and may not contemplate key aspects of external funding sources. This position was taken by Respondent AES Indiana Exhibit 1 (Elliot Direct) at 5 and underscored by

the Utility Group's acknowledgment of the possible need for subsidies to promote EV charging stations, particularly in underserved areas. The Utility Group points out that traditional ratemaking generally does not allow electric utilities to recover costs associated with customer make-ready investments. Id. at 4-5. The Utility Group also sufficiently explains that a broad set of costs and benefits should be considered to ensure that both participating and non-participating customers benefit from these investments. Respondent AES Indiana Exhibit 2 (Elliot Rebuttal) at 5. The Utility Group also sufficiently explains how both Chapter 43 and the Alternative Utility Regulation statute (Ind. Code 8-1-2.5) obligate utilities to plan for distribution upgrades and cost recovery if an area is likely to experience growth in EVs. Respondent AES Indiana Exhibit 2 (Elliot Rebuttal) at 6.

The OUCC points to the existing CIAC framework as necessary protections to both the initiating customer and other customers, but admits that alternative rate structures that consider the unique characteristics of EV load and the potential to minimize the impact on the utility system's demand may be needed. The CAC identified the need for necessary targeted investments that benefit public schools, public transit, low-income communities, communities of color, and affordable housing and avoiding subsidizing make-ready investments that primarily benefit private businesses. ChargePoint notes that regulatory tools also exist to allow utilities to recover costs in ways that serve the public interest, noting that the meter is typically the point of demarcation between utility and customer equipment, and under traditional regulation, utilities are not allowed to recover costs associated with customer-owned infrastructure.

The Indiana NAACP's witness testified about the critical need for equitable implementation of EV infrastructure, especially in Black, racially and ethnically diverse communities that have been neglected and therefore provides important evidence that traditional ratemaking is not sufficient to drive widespread and equitable adoption of EV charging infrastructure. For example, the Indiana NAACP's witness testified that the Commission should require each electric utility to adopt the Six Point Plan as follows:

> Transparency in Data Reporting: Electric utilities should be required to have consumer friendly websites and electronic means to identify where investments are being made, showing progress on inclusion of Black and ethnically diverse communities. (Indiana NAACP Exhibit 1, pp. 3-5)
>
> Minority Business Enterprise Goals: When considering where make-ready infrastructure is to be deployed, electric utilities should be required to prioritize Black Business Enterprise locations. (Indiana NAACP Exhibit 1, p. 6.)
>
> Workforce Hiring and Development: Electric utilities should be required to exceed 10% MBE goals by prioritizing their focus on hiring, training and developing Black, racially and ethnically diverse contractors and individuals with a Fair Chance for the installation of make-ready infrastructure. (Indiana NAACP Exhibit 1, p. 7.)
>
> Placement of EV Charging Stations: The Commission should require electric utilities to prioritize placement of EV charging stations and making necessary grid

resiliency improvements (including community owned solar) in Black, racially and ethnically diverse communities and business locations, faith-based institutions, and under-resourced schools. (Indiana NAACP Exhibit 1, pp. 7-9.).

Decreasing Air Pollution: Fossil fuel based energy production has a disproportionately negative impact on Black, racially and ethnically diverse communities. Accordingly, the Commission should require electric utilities to incentivize adoption of EV make-ready infrastructure in these communities.

Equity Advisory Board: The Commission should require electric utilities to have an equity advisory board that functions to identify and prioritize where make-ready infrastructure should be located and the type and level of investment required to benefit Black, racially and ethnically diverse communities in compliance with Justice40. (Indiana NAACP Exhibit 1, p. 11; Exhibit 2, p. 1).

We find that the measures above would serve to address PURPA requirement 111(d)(21)(A) which requires measures to promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure.

Most parties questioned the OUCC's position that there should be no exceptions to the regulatory treatment of make-ready investments that would otherwise be funded by CIAC. In line with Walmart's view, the Utility Group recommends treating CIAC on a case-by-case basis, weighing the costs and benefits for each initiating customer. Respondent AES Indiana Exhibit 2 (Elliot Rebuttal at 7). The Indiana NAACP argues that unless all of the costs and benefits are adequately analyzed, including costs to disadvantaged communities of not providing make-ready investments in these areas, the use of traditional ratemaking, especially the CIAC guidelines, for promoting utility side of the meter investment necessary for EV infrastructure appears to be fatally flawed (Indiana NAACP Exhibit 1 at p. 13; Exhibit 2 at pp 2-4). On this point, the Indiana NAACP points to CAC's witness Mr. Inskeep who testified that reducing or waiving a customer's CIAC may be warranted in certain instances such as those involving EV charging for electric school busses, public transit, tenants of affordable multi-family housing, and low-income communities and communities of color. ChargePoint also acknowledges this point and concurs with CAC on the need for targeted strategies to ensure equitable access to EV charging infrastructure throughout Indiana. ChargePoint highlights the necessity of commercial charging options at workplaces, retail areas, and public parking lots, particularly for those without access to home charging.

Based on the substantial evidence in the Cause, we find that while traditional ratemaking may encourage EV make-ready investment on the utility side of the meter, it may not be sufficient to drive widespread adoption of EV charging infrastructure in the state. We also find persuasive arguments of the Indiana NAACP concerning the need for equitable implementation of EV infrastructure, especially in Black, racially and ethnically diverse communities. Equity concerns are a central component of PURPA, Justice40 (which requires that 40% of benefits from federal funding for EV goes towards Black, racially and ethnically diverse and other disadvantaged communities), which requires equitable access to public services, and therefore must be considered to promote greater electrification of the transportation sector and specifically, to drive

widespread adoption of EV charging infrastructure including into Black, racially and ethnically diverse communities. The OUCC's position that there should be no exceptions to the regulatory treatment of make-ready investments that would otherwise be funded by CIAC does not explain how use of the CIAC would address equity concerns that are central to PURPA, Justice 40, and Title VI of the Civil Rights Act (42 U.S.C. 2000(d) *et seq*.) As such, we will require each electric utility to have an equity advisory board comprising leaders and representatives from Black, racially and ethnically diverse and other disadvantaged communities that functions to identify and prioritize where make-ready infrastructure should be located and the type and level of investment required to benefit Black, racially and ethnically diverse communities in compliance with Justice40, PURPA, and other applicable Indiana laws that support equity. We also strongly encourage each electric utility to implement the other five components of the Six Point Plan, recognizing that each electric utility will have its own unique approach to promote greater electrification of the transportation sector.

2. <u>What non-traditional ratemaking mechanisms might be appropriate to reasonably promote utility investment in make-ready investments</u>?

The testimony highlights the diversity in public policy support and Commission-approved non-traditional ratemaking mechanisms, and gives examples of non-traditional approaches that aim to promote investments in EV charging infrastructure. For example, Respondent AES Indiana identified that EVSE rebate programs can offset the cost of EVSE, customer-side make-ready infrastructure, and sometimes even a customer's contribution towards construction, stating that AES Ohio's EVSE Rebate program, which offers rebates of up to 50-100% of project costs based on the customer and EVSE type. The Utility Group identified several other rebate programs, incentives, including tariff provisions encouraging utility installation, ownership, and operation of EV charging equipment, and sometimes customer make-ready infrastructure. Id at 6-7. The testimony explains that Ind. Code ch. 8-1-43 allows electric utilities to propose limited deployments of EV charging or make-ready infrastructure to evaluate the feasibility, costs, and benefits of larger-scale deployment and Chapter 43 permits utilities in Indiana to propose installations, ownership, or operation of charging infrastructure or make-ready infrastructure for public use EVs. Furthermore, utilities can offer incentives, rebates, or other mechanisms to encourage customer investment in public use EVs and associated EV supply equipment and Ind. Code ch. 8-1-2.5 allows the Commission to approve alternative pricing structures and tariffs, including time-varying pricing, to stimulate investments in EVs and EV infrastructure. Id. at 8.

We also find convincing CAC's view that waiving or reducing a customer's CIAC might be justifiable in certain cases to achieve significant public policy objectives — such as supporting EV charging for electric school buses, public transit, affordable multi-family housing residents, low-income communities, and communities of color. CAC believes these areas require targeted utility investment to address public health concerns and disparities in EV charging access. However, CAC emphasizes the need for a demonstrated necessity to access ratepayer funding for assisting with EV infrastructure expansion. The OUCC expresses concern for use of non-traditional mechanisms and advocates for use of mechanisms like CIAC, without creating subsidies for other customers. The OUCC is also opposed to the offering of any utility rebates and subsidies for supporting EV adoption, characterizing them as a taxation scheme that would need to be implemented by the Indiana General Assembly instead of the Commission.

Additionally, while the OUCC recognizes that issues concerning availability of EV charging equipment exits in rural and disadvantaged communities, it offers no meaningful EV solutions for such communities but instead recommends stakeholder discussion or a legislative solution.

The Indiana NAACP cited specific examples of non-traditional mechanisms being used to support EVSE that have been successful to promote greater electrification of the transportation section. For instance, in Portland, Oregon, Portland General Electric has created a model which could be used as an illustrative methodology that the Commission could adopt to require utility providers to go beyond the meter. ChargePoint notes that non-traditional models, such as utility ownership or providing rebates for electrical components on the customer side of the meter, have been approved by various regulators across different states and that the Commission has authority to approve utility investments that cover costs associated with charging infrastructure or make-ready infrastructure on the customer side of the meter.

We agree with the Utility Group's position that both Chapter 43 and the Alternative Utility Regulation statute (Ind. Code 8-1-2.5) provide a legal basis for utilities to propose and seek cost recovery for make-ready infrastructure. We are also encouraged by the Utility Group's suggestion that disadvantaged communities could be identified by using existing frameworks like the Indiana NAACP's Six Point Plan or the U.S. Government's Justice40 initiative. However, the Utility Groups belief that legislative and regulatory frameworks that already exist to facilitate investment in make-ready infrastructure is not sufficient to ensure focused and prudent utility investment in make-ready investments necessary for promotion of EV adoption, especially in disadvantaged communities. Indeed, this is one of the reasons stated by the federal government for creating Justice40 was to prioritize federal dollars for such investments. The Commission takes judicial notice of the INDOT's NEVI Program Documents and most recent Request for Proposals for the buildout of EV Infrastructure which states that "The NEVI program is a part of the Federal Justice40 initiative that requires 40% of project benefits go to Disadvantaged Communities (DACs). As NEVI is a Justice40 program, INDOT must comply with the Justice40 initiative." Indiana Department of Transportation Electric Vehicle Infrastructure Plan, Indiana Electric Vehicle Charging Program Draft RFP Comment Summary Final, August 2023, available at:
https://www.in.gov/indot/files/Draft_RFP_Comment_Summary_083123.pdf

Likewise, any proposed rollout of make-ready EV infrastructure that will be supported by the NEVI program and other federal dollars, must include measures to ensure that the benefits of these investments go to Black and other disadvantaged communities consistent with Justice40. We find that existing low income programs should be expanded to provide consumers in Black, racially and ethnically diverse communities with information, hardware, installation, and incentives associated with EV charging.

The Indiana NAACP's responsive testimony also calls for particular attention to customer demographics and race-conscious geo-mapping, as well as to utilities' policies that address climate change and environmental injustice. We agree with the Indiana NAACP's position that an EVSE Tariff that merely passes all costs onto the customer, similar to a CIAC policy in cases where revenue cannot be recovered for EV infrastructure investments within 30 months, should not be the approach for promoting utility-based EV investments. Given the fact that this is a new

and evolving market, it would not be appropriate to assume revenue or the lack thereof related to EV charges, or to use a 30-month revenue estimate, especially for making EV chargers accessible around multi-unit dwellings, diverse business locations, faith-based institutions, and under-resourced schools for these disadvantaged communities. ChargePoint and the CAC recommend that each investor-owned utility should develop a comprehensive TEP and that the Commission evaluate the prudence and efficacy of utility-led transportation electrification initiatives.

We must consider which non-traditional ratemaking mechanisms may best incorporate equity and inclusion concepts into decision making for EV make-ready investment for EV charging infrastructure. We find that electric utilities cost and benefit analysis need to include customer and community demographics, as well as policies that address climate change and environmental injustice.

3. <u>What are the appropriate costs and benefits the commission should consider when determining the reasonableness of employing ratemaking mechanisms to promote utility investment in make-ready investments</u>?

The Utility Group and the Indiana NAACP believes the PCT, RIM, and SCT tests are likely best suited to evaluate EV programs. The UCT and TRC tests are likely less appropriate to evaluate EV programs, mainly because neither test includes environmental benefits and the UCT does not include the benefits for the participant. The SCT test includes all of the benefits and costs of the TRC test as well as environmental benefits, which, as discussed above, are a critical component in evaluating the impact of an EV program. NIPSCO Exhibit 1 (Kirkham Direct) at 17.

We find it reasonable that the PCT test may help illustrate the attractiveness of an EV program from a participant perspective while the RIM test could illustrate if an EV program could serve to reduce utility bill costs for all customers, including non- participating customers as discussed by Kirkham (Kirkham Direct at 18). The OUCC and ChargePoint disagree about whether term of the analyses should be on the expected lifespan of the technology itself, rather than the equipment. And we do not resolve this today.

Walmart testifies that costs should include the utility's actual expenditures related to any make-ready infrastructure investments and benefits include traditional electric energy sale revenue and non-energy benefits such as reduced tailpipe emissions. Walmart Exhibit No. 1, p. 7. The Indiana NAACP emphasizes that metrics that consider public health costs, improvements in air quality, and lower operation and maintenance costs for utilities must be considered for historically marginalized communities. The Indiana NAACP strongly recommends that with each of these cost/benefit tests, that the Commission require the utilities to conduct community outreach for obtaining input from the Black, racially and ethnically diverse communities to provide accurate inputs into these costs and benefit analyses.

Based on the evidence, we find that the PCT, RIM, and SCT tests are likely best suited to evaluate EV programs. However, as with any analysis, inputs such as public health costs, improvements in air quality, and lower operation and maintenance costs for utilities will be

required when determining the reasonableness of employing ratemaking mechanisms to promote utility investment in make-ready investments. Additionally, as specifically discussed above, cost and benefit analyses need to include customer and community demographics, as well as policies that address climate change and environmental injustice and input from the potentially affected community.

4. How should the utility manage any system upgrades that are necessary for fleet changeover without undue subsidization or delaying customer conversion of their fleets to EVs?

The Utility Group testifies that while electrification supply chains are maturing and enabling new loads to materialize in a matter of months, upgrading the electrical infrastructure to support these new demands could take years. Respondent Duke Energy Indiana Exhibit 1 (Gordon Direct) at 3. According to the Utility Group, because traditional reactive methods of addressing load growth are inefficient and delay economic benefits for both fleet operators and ratepayers, Indiana's Targeted Economic Development structure provides a model for utilities to invest in anticipation of growth, aligning with proactive strategies needed for fleet electrification. Id. at 5.

The Utility Group also expresses concerns about whether utilities should publish public capacity maps. However, ChargePoint explains that a load capacity map is a tool used to identify areas within a service territory that have excess capacity and areas that are constrained in terms of electricity load. ChargePoint states that this information is crucial for making informed decisions about where to invest in EV charging infrastructure. ChargePoint states that the lack of load capacity information leads to issues like queue mismanagement, increased resource consumption for utility engineering, slower charger deployment, and an arbitrary selection process for successful fleet electrification projects. In addition, ChargePoint states the absence of load capacity information. The Indiana NAACP also argues that, if utilities have excess capacity, then EV developers should know those locations to be able to evaluate whether to deploy a fleet solution in those areas. Also, if there is excess capacity, then presumably ratepayers would benefit from having additional load sources located in those areas to pay for such excess capacity. For transparency purposes, electric utility providers should be required to have a publicly available means to identify where EV investments can be made today in locations without requiring relatively costly circuit upgrades. We find that the benefits of transparency outweigh the perceived concerns and as such require electric utility providers to have a publicly available means to identify where EV investments can be made. Concerns about exposing critical energy infrastructure to risks that were previously unrecognized have not been supported to warrant denial of the requests to publish public capacity maps in a transparent manner. However, the Commission will evaluate claims of critical energy infrastructure risks on a case-by-case basis.

The OUCC wishes to maintain the existing status quo and rely on current rules for the extension of lines and unique requests for customer upgrades as the process for EV make-ready cost allocation because EV adoption is not widespread and it is therefore premature to guess what preemptive regulatory solutions are needed. Walmart emphasizes the need for engagement between customers and utilities -- necessary to adequately inform a proactive process that anticipates growth on the system prior to immediate customer need, while also considering how

to balance against stranding utility assets. Id. at 8-9. to help the early development of customer supporting infrastructure, Walmart notes the need to balance what a customer pays in CIAC with the costs incurred by the broader utility system. According to Walmart, this should be done through a CIAC approach that analyzes the site-specific risks mitigation factors and potential revenues on a case-by-case basis rather than through a single CIAC approach for all customers.

ChargePoint recommends that the Commission mandates utilities to establish a make-ready program specifically tailored for fleet customers and recommends an increased utility workforce to support EV charging infrastructure and system planning. We find that the Utility Group members have committed to prudently monitor and evaluate staffing needs as charging station deployment progresses. Respondent Duke Energy Indiana Exhibit 2 (Gordon Rebuttal) at 3-4. In alignment with the Utility Group's commitment, we recommend that electric utilities exceed 10% MBE goals by prioritizing their focus on hiring, training and developing Black, racially and ethnically diverse contractors and individuals for the installation of make-ready infrastructure. Additionally, the Indiana NAACP provides compelling arguments that because electric utilities require years to provide EV charging infrastructure for fleet electrification, that they be required to prioritize Black and other Disadvantaged Communities for infrastructure upgrades necessary for fleet electrification. This would allow public resources such as emergency response vehicles, trash trucks, city buses and public- school buses that serve their communities to reduce the amount of air pollution to which members of these communities are more greatly exposed than other areas. Accordingly, we require electric utilities to have an equity advisory board that functions to identify and prioritize where make-ready infrastructure should be located and the type and level of investment required. Existing advisory boards could be leveraged as long as they include individuals representatives from Black, racially and ethnically diverse communities with a proven understanding of the needs of these communities to advance make-ready infrastructure access for EV charging stations.

Finally, the Indiana NAACP suggests that the Commission should initiate a rulemaking proceeding to create rules and regulations allowing community solar and community owned solar developments in Indiana. The Commission has previously held conferences on addressing implementation of net metering and distributed generation. Distributed generation and community solar may be relevant considerations for an IRP and through new tariffs, but are outside the scope of this proceeding. However, the Commission will continue to evaluate how community solar and distributed generation may have a role in make-ready investments and reduce energy burden in disadvantaged communities.

5. What, if any, requirements should be in place to ensure utilities have reasonably considered utilizing federal and/or state grant funding opportunities for make-ready investments?

The Indiana NAACP did not provide testimony on this topic and as such, does not provide comment.

6. What, if any, additional jurisdictional opportunities should the Commission consider to promote EV charging adoption?

The Indiana NAACP did not provide testimony on this topic and as such, does not provide comment.

B. Rate Design for Intermediary Customers

1. What rate structures are needed to promote efficient EV charging?

The Indiana NAACP did not provide testimony on this topic and as such, does not provide comment.

2. What metering infrastructure is required to promote efficient EV charging?

The Indiana NAACP did not provide testimony on this topic and as such, does not provide comment.

3. What are the appropriate costs and benefits the Commission should consider when determining the reasonableness of utility support for required behind the meter charging infrastructure?

The Utility Group's view is that the PCT, RIM, and SCT tests shed the most light on the various utility program dynamics. Respondent NIPSCO Exhibit 1 (Kirkham Direct) at 17-18. Indiana NAACP similar that these tests are the most relevant and the best suited to evaluate utility EV programs. However, the Indiana NAACP emphasizes that metrics that consider public health costs, improvements in air quality, and lower operation and maintenance costs for utilities should be modeled when considering historically marginalized communities. The OUCC sensitivities to interest rates, term of analyses, degradation of technologies, and other variables that can change results should be considered. Walmart recommends consideration of traditional benefits and the non-energy related benefits from the promotion of EV adoption, such as reduced tailpipe emissions. Walmart Exhibit No. 1, p. 7. We find evidence of support for behind the meter charging infrastructure and therefore require that utility support for such charging infrastructure is required. However, utilities when utilize the PCT, RIM, and SCT tests, factors such as reduced public health costs, improvements in air quality consideration, and local benefits such as related property taxes created from increased in non-utility EV-related infrastructure development, equipment, and public vehicles, should be included in the modeling.

4. What are the appropriate allocation considerations of direct and indirect rate class specific costs and benefits for EV-adoption-supportive rate designs?

The Indiana NAACP did not provide testimony on this topic and as such, does not provide comment.

5. What are the potential asset life impacts of changing behind-the-meter technology and how should EV-adoption-supportive rate design address them?

The Indiana NAACP did not provide testimony on this topic and as such, does not provide comment.

6. Should the Commission allow specific rate designs that are designed to support intermediary customer business models that may diverge from cost-of-service principles?

The Indiana NAACP did not provide testimony on this topic and as such, does not provide comment.

7. How, if at all, should the Commission consider rate designs for the utility when the utility might serve as the intermediary customer?

CAC's view is that utilities should generally not be serving as the intermediary customer, but if they are, then offering discounted rates or additional incentives to achieve those public policy goals should be required. ChargePoint recommends the Commission establish any proposal be in the public interest, and not hinder the development of the competitive EV charging market. The burden of proof should be on the utility to demonstrate that it has satisfied the Commission's standard of review. The Indiana NAACP requests the Commission require a holistic approach, including rate support or subsidization as a way to make charging stations a reality in Black and other disadvantaged communities. Like ChargePoint and Walmart, the NAACP suggests that the Commission could apply some regulatory guardrails to prevent anti-competitive behavior in the public EV charging market. For these reasons we will require any rate design proposal for the utility when the utility might serve as the intermediary customer be in the public interest, and that the burden be on the electric utility to demonstrate to the Commission that any such proposal does not hinder the development of the competitive EV charging market and does not hinder making stations a reality in Black and other disadvantaged communities.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:

1. While traditional ratemaking encourages investment on the utility side of the meter, it is not sufficient to drive widespread adoption of EV charging infrastructure in the state. We require each electric utility to have an equity advisory board that functions to identify and prioritize where make-ready infrastructure should be located and the type and level of investment required to benefit Black, racially and ethnically diverse and other disadvantaged communities in compliance with Justice40 and PURPA and to ensure equitable access pursuant to Title VI. Each electric utility should also implement the other five components of the Six Point Plan, recognizing that each electric utility will have its own unique approach to promote greater electrification of the transportation sector.

2. Non-traditional ratemaking mechanisms are appropriate to reasonably promote utility investment in make-ready investments. Electric utilities with existing low income programs must expand to provide consumers in Black, racially and ethnically diverse and other disadvantaged communities with information, hardware, installation, and incentives associated with EV charging as discussed in the Order.

3. The Commission will consider the PCT, RIM, and SCT tests as best suited to evaluate EV programs appropriate costs and benefits the commission should consider when determining the reasonableness of employing ratemaking mechanisms to promote utility investment in make-ready investments. The cost benefit analysis for these tests should be modified as discussed in this Order, including use of community demographics.

4. Electric utilities must manage any system upgrades that are necessary for fleet changeover without undue subsidization or delaying customer conversion of their fleets to EVs. As part of this management, electric utility providers are required to have a transparent and publicly available means to identify where EV investments can be made today. The Commission will evaluate claims of critical energy infrastructure risks on a case-by-case basis.

5. Electric utilities must support behind the meter charging infrastructure using factors such as reduced public health costs, improvements in air quality consideration, and local benefits in the cost benefit analysis as discussed in this Order.

6. Each electric utility must demonstrate to the Commission that any proposal to serve as an intermediary customer not hinder the development of a competitive EV charging market and that any rate design encourages the placement of EV stations in Black, racially and ethnically diverse and other disadvantaged communities.

7. This Order shall be effective on and after the date of its approval.

HUSTON, BENNETT, FREEMAN, VELETA, AND ZIEGNER CONCUR:

APPROVED:

I hereby certify that the above is a true
and correct copy of the Order as approved.

_____

Dana Kosco,
Secretary of the Commission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following counsel of record by electronic service this 8thth day of September, 2023.

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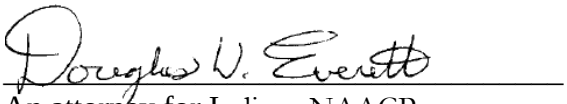

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