

OFFICIAL  
EXHIBITS

STATE OF INDIANA

FILED  
June 9, 2023  
INDIANA UTILITY  
REGULATORY COMMISSION

INDIANA UTILITY REGULATORY COMMISSION

VERIFIED PETITION OF INDIANAPOLIS )  
POWER & LIGHT COMPANY D/B/A AES )  
INDIANA FOR COMMISSION APPROVAL )  
OF AN ELECTRIC VEHICLE PORTFOLIO, )  
INCLUDING: (1) A PUBLIC USE ELECTRIC )  
VEHICLE PILOT PROGRAM PURSUANT ) CAUSE NO. 45843  
TO IND. CODE CH. 8-1-43; AND (2) TIME- )  
VARYING AND OTHER ALTERNATIVE )  
PRICING STRUCTURES AND TARIFFS )  
PURSUANT TO IND. CODE § 8-1-2.5-6(3); )  
AND FOR APPROVAL OF ASSOCIATED )  
ACCOUNTING AND RATEMAKING )

IURC  
PETITIONER'S  
EXHIBIT NO. 2  
7-6-23 AT  
DATE REPORTER

PETITIONER'S SUBMISSION OF REBUTTAL TESTIMONY OF  
ZAC ELLIOT

Indianapolis Power & Light Company d/b/a AES Indiana ("AES Indiana" or "Petitioner"),  
by counsel, hereby submits the rebuttal testimony and attachments of Zac Elliot.

Respectfully submitted,



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**VERIFIED REBUTTAL TESTIMONY**  
**OF**  
**ZAC ELLIOT**  
**ON BEHALF OF**  
**INDIANAPOLIS POWER & LIGHT COMPANY**  
**D/B/A AES INDIANA**  
  
**CAUSE NO. 45843**

**VERIFIED REBUTTAL TESTIMONY OF ZAC ELLIOT  
ON BEHALF OF  
AES INDIANA**

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

2   A1.   My name is Zac Elliot. I am employed by AES US Services, LLC, which is the company  
3       that serves Indianapolis Power & Light Company d.b.a. AES Indiana (“AES Indiana” or  
4       the “Company”). My business address is One Monument Circle, Indianapolis, Indiana  
5       46204.

6   **Q2.   Are you the same Zac Elliot that filed direct testimony on behalf of AES Indiana in**  
7       **this Cause?**

8   A2.   Yes, I am.

9   **Q3.   Have you reviewed the testimony and supporting information of the intervening**  
10       **parties in this case?**

11   A3.   Yes, I have.

12   **Q4.   Are other AES Indiana Witnesses filing rebuttal testimony in this case?**

13   A4.   Yes. AES Indiana Witness Aliff is addressing accounting and ratemaking matters in her  
14       rebuttal testimony.

15   **Q5.   Please summarize your rebuttal testimony.**

16   A5.   My rebuttal is responsive to the testimony of the Indiana Office of the Utility Consumer  
17       Counselor (“OUCC”) Citizens Action Coalition (“CAC”) ChargePoint, and Walmart. AES  
18       Indiana’s proposal to implement Public Use EV Pilot Programs as well as alternative rates,  
19       tariffs, and pricing structures is in the public interest and should be approved. The  
20       Company’s proposal is supported by public policy and will result in the gathering of  
21       important information not currently held by the Company or the State of Indiana. Denial

1 of AES Indiana's proposed EV Portfolio, based on the arguments made by the intervening  
2 parties, would delay the implementation and important information gathering that will  
3 result from the proposed programs.

4 **I. CAC Recommendations**

5 **Q6. Please summarize the testimony of CAC Witness Inskeep?**

6 A6. CAC Witness Inskeep is supportive of some elements of AES Indiana's proposed EV  
7 Portfolio (with modifications) but overall recommends that the Commission deny the  
8 Public Use Pilot Programs and alternative rates, tariffs, and pricing structures proposed by  
9 AES Indiana. CAC's recommendations are based largely on Witness Inskeep's claim that  
10 AES Indiana did not sufficiently support the proposed EV Portfolio, and that the Company  
11 did not convene a stakeholder collaborative in advance of filing its plan. Furthermore,  
12 CAC recommends that the Company await further clarity on pending or future public  
13 policy.

14 **Q7. Do you agree that AES Indiana's proposal lacks sufficient information?**

15 A7. No. As contained in AES Indiana's pre-filed case in chief, the Company approached its  
16 evidentiary burden by adhering to the framework established by Chapter 43<sup>1</sup> and the  
17 Alternative Utility Regulation<sup>2</sup> statute. The Company followed the statutory requirements,  
18 including the Commission's guidance on pilot programs as outlined in its General  
19 Administrative Order ("GAO") 2020-05. The issues raised by Witness Inskeep around  
20 insufficient detail are overly specific, at times are contradictory, and are not required by  
21 the statutory frameworks cited above.

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<sup>1</sup> Ind. Code ch. 8-1-43

<sup>2</sup> Ind. Code ch. 8-1-2.5

1 **Q8. What is the purpose of a pilot program?**

2 A8. The purpose of a pilot program, among other things, is to collect and analyze information  
3 heretofore neither possessed by the Company nor the State of Indiana. AES Indiana,  
4 through its proposal to implement a limited EV Portfolio, is seeking to inform future grid  
5 investment and customer program proposals with information that CAC Witness Inskeep  
6 believes we should already possess. To the extent AES Indiana had all the answers, we  
7 would not be proposing such pilot programs. The plain language in Chapter 43  
8 acknowledges that a pilot program is intended “to evaluate the feasibility and design,  
9 including the associated costs and benefits, of a larger scale deployment of such  
10 infrastructure necessary to support public use EVs.” In other words, AES Indiana’s  
11 proposal in this case is based on a set of assumptions and information that were reasonably  
12 available during the development of this filing. Delivering the EV Portfolio will, by a pilot  
13 program’s very nature, provide new (indeed likely different) information that will be used  
14 by the Company to inform larger scale deployments in the future.

15 **Q9. Please respond to CAC Witness Inskeep’s claim that the Bi-directional Charging Pilot**  
16 **lacks sufficient detail (Inskeep pgs. 14-15).**

17 A9. Witness Inskeep acknowledges that “bi-directional charging is in a nascent stage”<sup>3</sup> while  
18 concurrently pointing to “sophisticated and comprehensive” programs that the Company  
19 should reference so as not to “reinvent the wheel.” While the Company could most  
20 certainly gather information through meetings and literature review from implementations  
21 in states such as California, AES Indiana is interested in better understanding how bi-  
22 directional charging and full vehicle to grid integration actually affect its own customers

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<sup>3</sup> Inskeep Pg. 14

1 and its distribution system in central Indiana through pilot implementation. As mentioned  
2 above, part of implementing a pilot program is to gather information not currently held by  
3 the Company – my direct pre-filed testimony articulates the goals, objectives, and  
4 evaluation criteria for this proposal, some of which seek to gather information CAC  
5 Witness Inskeep insists AES Indiana should already have.

6 **Q10. Did AES Indiana explore additional funding opportunities to offset costs of the EV**  
7 **Portfolio?**

8 A10. Yes. In my direct testimony (Elliot pgs. 8-9) I describe AES Indiana's history of  
9 developing and offering EV related programs, the costs of which in some cases are borne  
10 by AES shareholders or are reduced by external funding sources. One such example is the  
11 Company's use of funds from the Volkswagen emissions mitigation trust, which will offset  
12 capital costs for AES Indiana DCFC locations operated as part of a statewide DCFC  
13 network.

14 AES Indiana is monitoring potential access to grant funding or other federal and state  
15 incentives on an ongoing basis. AES Indiana's proposed EV Portfolio is designed to  
16 complement, not duplicate, federal and state administered programs (e.g., National Electric  
17 Vehicle Infrastructure formula program ("NEVT")). The public policy landscape is  
18 dynamic, and therefore AES Indiana will continue to look for opportunities to offset or  
19 supplement spending for EVSE infrastructure in its service territory, whether Company or  
20 customer owned. Public policy guidance for certain programs was not fully known or was  
21 pending during AES Indiana's planning process for this EV Portfolio proposal. Denial of  
22 AES Indiana's EV Portfolio on the grounds that it should await clarity on ever evolving

1 public policy activity will delay the gathering of important information that the Company  
2 seeks through its proposal.

3 **Q11. For the Fleet Solutions pilot, do you agree with Witness Inskeep's assertion that only**  
4 **participating customers stand to directly benefit from the program (Inskeep pg. 17)?**

5 A11. No, I do not agree. As described in my direct testimony (Elliot pgs. 16-17), and as  
6 expressed in the benefit and cost analysis results of AES Indiana Witness Schmidt (Schmidt  
7 pg. 3), non-participating customers stand to benefit from the participant's increased  
8 contribution to AES Indiana's fixed costs, and additionally from informed guidance around  
9 managed charging strategies and right sizing EVSE infrastructure. With AES Indiana  
10 involvement in the fleet planning process, the Company can provide recommendations to  
11 participants that are intended to avoid costly and unnecessary system upgrades, the benefits  
12 of which will inure to both participating and non-participating customers.

13 **Q12. Do you believe the Fleet Solutions proposal expands AES Indiana's monopoly**  
14 **operation to the detriment of private companies (Inskeep pg. 17)?**

15 A12. No. To the contrary, the Fleet Solutions proposal is designed to provide valuable insight  
16 to participating customers, including information that can supplement third party  
17 providers' suite of products and services and allow customers to make more informed  
18 decisions to serve their fleet's operational needs. Akin to an energy efficiency audit, a fleet  
19 electrification plan provides financial and operational guidance to support right-sized, and  
20 economically rational investment. AES Indiana is not proposing to sell fleet vehicles, offer  
21 direct fleet telematics, or otherwise infringe upon the products and services being offered  
22 by various third parties to customers in Indiana. Eligible AES Indiana customers will have



1 the autonomy to make informed, arms-length decisions on whether they elect to voluntarily  
2 participate in the proposed Fleet Solutions program.

3 Additionally, AES Indiana's proposal is designed to act as a gateway for fleet customers  
4 into other proposed programs like EVSE Rebates and C&I Managed Charging, which are  
5 projected to further result in benefits to AES Indiana customers.

6 **Q13. Has the Commission approved similar programs to AES Indiana's Fleet Solutions**  
7 **proposal?**

8 A13. Yes, it has. In its Order in Cause No. 45616, the Commission approved the Fleet Advisory  
9 program proposed by Duke Energy Indiana.

10 **Q14. CAC Witness Inskeep contends that it is impossible for the Commission and**  
11 **Stakeholders to judge the merits of the EVSE Rebates program (Inskeep pg. 19). Do**  
12 **you agree?**

13 A14. No. Witness Inskeep's labeling of the proposal as "ill informed" (Inskeep pg. 19) is  
14 misplaced. AES Indiana provided information required by Chapter 43, has experience  
15 implementing a similar EVSE rebate program in Ohio, and has decades of experience  
16 designing and delivering incentive and rebate programs as a matter of course (e.g., DSM  
17 programs). Acceptance of Witness Inskeep's recommendations would be overly  
18 prescriptive and would hinder flexibility needed by AES Indiana to deliver such a pilot  
19 program.

20 **Q15. Please respond to CAC Witness Inskeep's claim that the EVSE Rebate program lacks**  
21 **sufficient detail (Inskeep pg. 19).**

22 A15. Witness Inskeep argues that by not providing specific EVSE eligibility requirements,  
23 specific rebate amounts, rebate caps, and program terms and conditions, that AES Indiana's

1 plan lacks sufficient detail and should be rejected (Inskeep pg. 19). This level of detail is  
2 not needed for planning purposes, and to the contrary would be overly prescriptive for pilot  
3 programs where implementation flexibility and continuous improvement are important.  
4 Additionally, AES Indiana's proposal to seek market feedback through a competitive  
5 request for proposals ("RFP") will provide valuable information as to what are emerging  
6 best practices in this space. The Company's plan for the EVSE Rebates pilot program  
7 includes goals, objectives, and evaluation criteria as required by Chapter 43, and includes  
8 sufficient detail to assess the costs and benefits of the proposed pilot program.

9 **Q16. Please describe AES' recent/relevant experience delivering EVSE and other rebate**  
10 **programs.**

11 A16. AES Ohio, AES Indiana's sister company serving west-central Ohio, has offered an EVSE  
12 rebate program since January of 2022. The program was approved as part of AES Ohio's  
13 Smart Grid Phase I Order<sup>4</sup>, and offers rebates to encourage both public and private  
14 investment in Level 2 and DCFC infrastructure. Rebates are available to multiple non-  
15 residential customer segments, including government agencies, multifamily properties,  
16 private businesses, and other publicly available EV charging. Program terms and  
17 conditions, rebate structures and caps, equipment eligibility requirements, and other  
18 program information can be found on AES Ohio's website.<sup>5</sup>

19 Additionally, AES Indiana has developed and delivered both Prescriptive and Custom  
20 rebate programs for non-residential customers through its Demand Side Management  
21 portfolios for more than a decade. Program terms and conditions, rebate cap structures,

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<sup>4</sup> Case No. 18-1875-EL-GRD

<sup>5</sup> <https://www.aes-ohio.com/evse-rebate-program>

specific rebate amounts for those programs are typically developed post program approval during the implementation launch phase – thus, AES Indiana’s proposal in this case is a common practice.

**Q17. Are the programs you mention above “rife with...waste and abuse” as implied by Witness Inskeep (pg. 17)?**

A17. No, they are not. AES Indiana and AES Ohio’s programs have quality assurance and control measures in place, such as site inspections to verify equipment, application and documentation requirements, program terms and conditions, and dedicated program staff. Additionally, many of AES Indiana’s existing programs undergo third party evaluation to provide independent review of reported program results. AES Indiana’s proposed EV Portfolio will have comparable quality assurance and control measures in place.

**Q18. How do you respond to CAC Witness Inskeep’s recommendation that the portfolio include a rebate component for residential customers, particularly low- and moderate-income customers (Inskeep pg. 23)?**

A18. Chapter 43 defines a Public Use Pilot Program framework, including a definition for what constitutes a Public Use EV. In my direct testimony, I refer to the statutory definitions in Ind. Code Chapter 8-1-43 – the Public Use EV definition “does not include an electric vehicle that is used primarily for personal, family, or household purposes, including commuting.” For that reason, AES Indiana did not propose a residential component under Chapter 43. The EV Portfolio does, however, propose residential alternative pricing structures, including the Residential Managed Charging offering and the Off-Peak Incentive proposal. These alternative pricing structures include an upfront rebate for

1           qualifying level 2 charging equipment. Eligible single-family residents would be able to  
2           participate, including low to moderate income customers.

3   **Q19. Would multifamily property owners or renters be eligible to participate in the**  
4           **Residential Managed Charging and/or Off-peak Incentives alternative pricing**  
5           **structures?**

6   A19. As envisioned, no. Multifamily property owners and managers typically install electric  
7           vehicle charging infrastructure in common areas (e.g., parking lots, parking garages) which  
8           are in almost all cases served under a non-residential rate classification. Thus, the property  
9           manager would be ineligible to receive the upfront rebate for Residential Managed  
10          Charging and/or Off-peak Incentives. Multifamily residents, while typically on a stand-  
11          alone residential rate, do not own the common area property where EV charging could be  
12          installed, and additionally are typically unwilling to pay for upgrades to someone else's  
13          property. This "split incentive barrier" is common in the multifamily customer segment.

14   **Q20. How, if at all, will multifamily properties and their tenants be able to participate in**  
15          **the proposed EV Portfolio?**

16   A20. Multi-family property managers will be eligible to participate in two proposed alternative  
17          pricing structures and tariffs – C&I Managed Charging and Tariff EVSE. A property  
18          manager installing EVSE infrastructure at their property would receive an ongoing  
19          incentive of \$50 per port, per year if enrolled in C&I Managed Charging. The recurring  
20          incentive over time will accumulate, thereby providing savings that they otherwise would  
21          not receive. For multifamily property managers not able or not interested in owning and  
22          operating EVSE infrastructure, or to the extent they otherwise lack access to project capital,  
23          they would be eligible to participate in Tariff EVSE as proposed in my direct testimony.

1 **Q21. Do you agree with CAC Witness Inskeep that EVSE infrastructure investment in the**  
2 **multifamily customer segment should be addressed (Inskeep pg. 23)?**

3 A21. I do. Multifamily property managers and tenants are likely to need bespoke programs and  
4 services to encourage EVSE infrastructure investment, but for the reasons stated above,  
5 AES Indiana does not believe multifamily customers, nor residential customers more  
6 broadly, would be eligible for rebates under Chapter 43 Public Use Pilot Programs, and  
7 more specifically the EVSE Rebates program as recommended by CAC Witness Inskeep  
8 (Inskeep pg. 23). The Company will continue to look for opportunities beyond what is  
9 proposed in this Cause to serve low to moderate and multifamily customers.

10 **Q22. Does AES Indiana's proposal to implement EVSE Rebates for Disadvantaged**  
11 **Communities demonstrate that charging infrastructure will be located in an equitable**  
12 **manner?**

13 A22. Yes it does. As stated in my direct testimony, AES Indiana has proposed to provide a  
14 dedicated set of rebates for projects located within federally designated Disadvantaged  
15 Communities. This federal designation has emerged as a common criterion for EVSE  
16 infrastructure investment through programs such as NEVI and Community Fueling  
17 Infrastructure grants, both of which were borne out of the Bipartisan Infrastructure Law  
18 ("BIL"). These federally designated Disadvantaged Communities take into consideration  
19 whether they are "economically distressed or racially or ethnically diverse" per the  
20 requirements set forth in Chapter 43. Witness Inskeep's claim that "AES Indiana has not  
21 identified where the charging infrastructure will be located" (Inskeep pg. 22) is misplaced  
22 - the Company does not yet know the specific customers or services addresses where  
23 infrastructure will be located, as this program is not yet in service.

1   **Q23. Witness Inskeep recommends that the Commission deny AES Indiana’s proposals for**  
2       **Residential Managed Charging and the Residential Off-Peak Incentive Program on**  
3       **the grounds that it did not file proposed tariffs (Inskeep pg. 26). Please respond.**

4   A23. The Residential Managed Charging and Residential Off-Peak Incentive programs are  
5       proposed as alternative pricing structures, which are designed to reduce EV charging’s  
6       contribution to peak load without the need for, and associated customer side cost of, setting  
7       a separate AES Indiana owned meter. As described in my direct testimony, up front rebates  
8       for qualifying EV charging equipment as well as recurring incentives for both the  
9       Residential Managed Charging program and Residential Off-Peak Incentive program will  
10      be accomplished off-bill, and the EV charger will be owned by the customer. The  
11      participating customer’s EV charging utilization, including time-of-use, will be tracked via  
12      available telematics thereby eliminating the need for a separate meter and separate rate (as  
13      is currently required under AES Indiana’s rate EVX). In sum, customers will remain on  
14      their standard service rate, will receive incentives off-bill, and will not require a separate  
15      AES Indiana meter. For these reasons, no such separate tariff for Residential Managed  
16      Charging or Residential Off-Peak Incentives is necessary.

17   **Q24. CAC Witness Inskeep recommends that the Commission deny the C&I Managed**  
18      **Charging program due to lack of information and because AES Indiana did not file**  
19      **a proposed tariff (Inskeep pg. 30). Do you agree?**

20   A24. No. Similar to my testimony above, the Company provided information to meet the  
21      requirements of the Alternative Utility Regulation statute and the Commission’s GAO  
22      2020-05. Additionally, for the same reasons cited above for the residential alternative  
23      pricing structures, no separate tariff is necessary.

1 **Q25. CAC is concerned that the Company's Rate EVP proposal is not cost-based, and**  
2 **therefore may lead to excessive profit (Inskeep pg. 31). How do you respond?**

3 A25. AES Indiana's proposal for Rate EVP is, in part, designed to reflect the market rate for  
4 Level 2 EV charging to avoid claims against the utility of anti-competitive practices. The  
5 market cost assessment, including the rationale, can be found in my direct testimony (Elliot  
6 pgs. 28-29). Moreover, AES Indiana is subject to regular earnings tests through its  
7 quarterly fuel adjustment clause filings.

8 **Q26. CAC Witness Inskeep recommends that either (1) the Company remove what CAC**  
9 **believes are outliers in the Company's market cost analysis for Level 2 charging, or**  
10 **(2) charge at the AES Indiana Rate SS price for Rate EVP (Inskeep pg. 33). Please**  
11 **respond.**

12 A26. AES Indiana's market rate assessment for Rate EVP set out to do just that – provide a cost  
13 that is reflective of the price of EV charging in central Indiana. Assignment and exclusion  
14 of outliers on arbitrary grounds (e.g., luxury apartment) is not a replicable process for future  
15 rate updates and would likely lead to future disputes among parties who may have opposing  
16 views on what constitutes an outlier. Second, CAC Witness Inskeep's recommendation to  
17 charge at the current Rate SS price would likely not cover the marginal system costs  
18 represented in approved demand rates, such as AES Indiana Rate SL. In other words, Rate  
19 SS is energy only, and may not properly capture the cost to serve a low load factor Level  
20 2 charging installation.

21 **Q27. CAC expresses similar concerns for AES Indiana's proposed Rate DCFC (Inskeep**  
22 **pg. 34). Please respond.**

1 A27. As described in my direct testimony (Elliot pg. 30), AES Indiana calculated the average  
2 price for the entire population (not a sample) of publicly available DCFC that met certain  
3 criteria. While I agree that the absolute number of publicly available DCFC ports in central  
4 Indiana are low at this time, the Company believes that its price reasonably reflects the  
5 market price of DCFC, and has proposed safeguards to ensure that the price remains reflect  
6 of the market price into the future through periodic rate adjustments.

7 **Q28. CAC Witness Inskeep recommends that the Commission “disregard or assign a low**  
8 **weight to AES Indiana’s testimony on cost effectiveness” (Inskeep pg. 13) because the**  
9 **Company did not pre-file the model. Do you agree with this recommendation?**

10 A28. No, I do not. As correctly pointed out by Witness Inskeep, AES Indiana offered to meet  
11 with the OUCC to review the model and underlying assumptions as a follow up to an  
12 OUCC data request. AES Indiana met with the OUCC on April 19<sup>th</sup> 2023, and addressed  
13 the questions raised by the OUCC. No follow-up meeting was requested. Meeting to walk  
14 through the model and underlying modeling assumptions provides sufficient transparency  
15 and allowed for a question and answer dialogue while protecting the confidentiality of  
16 MCR’s proprietary model. Meeting to discuss the model and underlying assumptions was  
17 open to any party to request in the case – including the CAC. I am not aware of any such  
18 request made by CAC to better understand the model.

19 **Q29. How do you respond to CAC’s recommendation that the Commission direct AES**  
20 **Indiana to establish an EV charging collaborative (Inskeep pg. 35)?**

21 A29. First, I would like to express my appreciation of CAC’s interest in EV adoption in the  
22 Company’s service territory. As it relates to CAC’s recommendation that the Commission  
23 direct AES Indiana to convene a collaborative, I have concerns about the lack of specificity



1 in Witness Inskeep's testimony related to the nature of and general constitution of such a  
2 collaborative. Mandatory collaboratives, outside of the customer and stakeholder  
3 engagement that the Company is afforded as a matter of course, impose real costs on the  
4 Company. The Company is open to specific program recommendations, and has and will  
5 take into consideration diversity of perspective when planning for new customer focused  
6 programs and services. AES Indiana, however, is ultimately responsible for program  
7 implementation, quality assurance, and program cost effectiveness – not other parties. For  
8 these reasons, AES Indiana is open to continued stakeholder and customer collaboration  
9 but does not believe a mandatory collaborative should be required to move forward with  
10 the proposed EV Portfolio.

## 11 II. OUCC Recommendations

12 **Q30. Please summarize the OUCC's testimony in this Cause.**

13 A30. Overall, the OUCC recommends that AES Indiana's proposed EV Portfolio be denied. It  
14 makes this recommendation on the basis that the Company did not meet the statutory  
15 requirements in Ind. Code § 8-12-43-8. OUCC Witness Hanks argues that AES Indiana's  
16 plan does not meet the Chapter 43 requirements specifically due to perceived lack detail  
17 around cost estimates and claims that the Company did not provide sufficient supporting  
18 evidence as to why the pilot program is in the public interest. Beyond non-compliance  
19 with Chapter 43, the OUCC also testifies that savings are overestimated, that non-  
20 participants will not benefit, and that AES Indiana's proposal is longer in duration and  
21 more expensive in proposed costs compared to what the Commission approved in Duke  
22 Energy Indiana's Cause No. 45616 Order. Additionally, and similar to the  
23 recommendation made by CAC Witness Inskeep, OUCC Witness Hanks recommends that

1 the Commission reject AES Indiana's EV Portfolio in favor of awaiting clarity on the  
2 Commission's pending investigation in Cause No. 45816.

3 **Q31. Do you agree that AES Indiana's plan does not meet the statutory requirements in**  
4 **Ind. Code § 8-12-43-8 (Hanks pg. 5)?**

5 A31. No. As I described above in response to CAC Witness Inskeep's testimony, the Company  
6 adhered to the framework established by Chapter 43 and the Alternative Utility Regulation  
7 statute. The Company followed the statutory requirements, including the Commission's  
8 guidance on pilot programs as outlined in its GAO 2020-05.

9 **Q32. OUCC Witness Hanks states that AES Indiana "did not provide a full description of**  
10 **the objective criteria to measure the success of usefulness of the pilot program."**  
11 **(Hanks pg. 5) Do you agree?**

12 A32. No. There is no basis or explanation for this assertion that I could find in Witness Hanks'  
13 or other OUCC Witness' testimony. In my direct testimony, I clearly describe the objective  
14 evaluation criteria for each of the proposed Public Use EV Pilot Programs, and additionally  
15 describe the need for and goals for each of the Public Use EV Pilot Programs. In part, the  
16 need for and goals described for each of the Public Use EV Pilot Programs support the  
17 evaluation criteria proposed.

18 **Q33. OUCC Witness Hanks also states (Hanks pg. 5) that AES Indiana "did not provide**  
19 **sufficient supporting evidence as to why the pilot program is in the public interest."**  
20 **Do you agree?**

21 A33. No. AES Indiana's proposed EV Portfolio, including its proposed accounting treatment,  
22 is designed to result in net benefits to participants, non-participants, and the community at  
23 large. AES Indiana is in a unique position to offer and manage these types of proposals,

1 because if properly managed, the EV Portfolio will enable more efficient investment in  
2 AES Indiana's system.

3 As described in my direct testimony, both state and federal policy recognize the need for  
4 infrastructure investment and make-ready work to enable the widespread adoption of EVs  
5 for both private and public use. The recent enactment of Chapter 43 underscores the  
6 Legislature's interest in utilities engaging proactively in this area, and this serves the public  
7 interest. The Commission has likewise recognized and approved utility efforts that include  
8 the limited deployment of EV charging infrastructure and related offerings.

9 For the Public Use Pilot Programs specifically, AES Indiana completed a cost and benefit  
10 analysis to further support public interest. As stated in AES Indiana Witness Schmidt's  
11 direct testimony (Schmidt pg. 4) "In particular, please note that the portfolio as a whole  
12 has a RIM greater than one, meaning that non-participating customers actually save money  
13 as a result of the programs. That savings occurs because increased EV adoption leads to  
14 an increase in the usage of electricity by participating customers; since costs are allocated  
15 over a higher level of usage, electric rates can be expected to go down, which benefits non-  
16 participating customers." The OUCC points to specific results at the program level, while  
17 neglecting to view the overall net benefits AES Indiana's proposed Public Use Pilot  
18 Programs as well as alternatives rates, tariffs and pricing structures. In other words, AES  
19 Indiana estimates that the EV Portfolio will result in net benefits, is in the public interest,  
20 and should be approved.

21 **Q34. OUCC Witnesses Hanks and Sanka state that it would be pre-mature to approve AES**  
22 **Indiana's EV Portfolio given other pending public policy [Hanks pg. 1, Sanka pg. 5).**

1           **Does AES Indiana expect the Commission’s investigation in Cause No. 45816 to affect**  
2           **its proposed EV program?**

3    A34.   No. The Company does not expect the Commission’s investigation in Cause No. 45816 to  
4           affect its proposal in this Cause. The basis for AES Indiana’s EV Portfolio, Chapter 43 and  
5           the ARP statute, are clearly articulated and separate from the Commission’s pending  
6           investigation. Additionally, and as described in my reply to CAC’s Witness Inskeep,  
7           public policy is ever evolving. Awaiting clarity on pending or future public policy would  
8           delay the gathering of important information proposed in this case. Any future changes to  
9           public policy or planning rules that result from the investigation in Cause No. 45816 will  
10          be considered by AES Indiana.

11   **Q35. Please summarize the OUCC’s position that AES Indiana did not provide sufficient**  
12   **information for its proposed cost estimates.**

13   A35.   OUCC Witness Hanks argues that the Company did not provide “any information to  
14           support the projected budget amounts” (Hanks pg. 8) and therefore the OUCC “was unable  
15           to properly assess the final budgets.” (Hanks pg. 9)

16   **Q36. Do you agree that the Company only provided “an overview of the budget which**  
17   **included overall costs per program per year” (Hanks pg. 8) as characterized by**  
18   **Witness Hanks?**

19   A36.   No. Attachment ZE-1 provides budget detail broken down by rebates, incentives, and  
20           various administrative costs. For some programs, costs are further broken down to reflect  
21           estimates for Software as a Service (“SaaS”), equipment, and installation. The estimated  
22           costs for the Public Use EV Pilot Programs as well as alternative rates, tariffs, and pricing  
23           structures in this Cause were based on the Company’s recent experience delivering like or

1 similar programs. For planning purposes, the Company did not have access to an Indiana  
2 specific technical resource manual (“TRM”) or prior portfolio level evaluation results to  
3 rely upon, so it was necessary to make program assumptions using information that was  
4 readily and reasonably available. To reiterate an earlier response to CAC Witness  
5 Inskeep’s testimony, gathering of information not currently held by the Company, or  
6 gathering of information to supplement existing information held by the Company, is  
7 inherently part of proposing and delivering a pilot program.

8 **Q37. Are there additional budget assumptions you would like to share in support of the**  
9 **proposed EV Portfolio?**

10 A37. Yes. Confidential Attachment ZE-1R expands upon Attachment ZE-1 by providing  
11 additional support for the EV Portfolio’s cost estimates. This additional support includes  
12 underlying assumptions and sources, where applicable, for AES Indiana’s proposed cost  
13 estimates.

14 **Q38. OUCC Witness Hanks believes that savings for the EV Portfolio are overstated “due**  
15 **to the assumption that 62.5% of charging would take place on-peak without the**  
16 **Portfolio” (Hanks pg. 11). Do you agree?**

17 A38. No. In selecting the coincidence factor assumed, AES Indiana and its consultant, MCR,  
18 researched whether there were any published values for peak coincidence of EV charging  
19 that are reasonably consistent with actual load patterns of AES Indiana and regionally,  
20 especially those related to EV charging. Ideally the coincidence factor selected for use in  
21 the AES Indiana modeling would be from a TRM used in a jurisdiction within close  
22 proximity to Indiana. The Pennsylvania TRM’s entry for high frequency chargers emerged  
23 as related to vehicle battery charging. Since our objective is to understand within what

1 range of hours during the day charging load peaks, not what type of charging or charger  
2 and not instantaneous system peak coincidence, the high frequency charger entry from  
3 Pennsylvania is reasonable.

4 **Q39. OUCC Witness Sanka argues that AES Indiana’s proposal is too costly by comparing**  
5 **the Company’s cost estimates to those of Duke Energy Indiana approved in Cause**  
6 **No. 45616 (Sanka pg. 6). What is your response?**

7 A39. AES Indiana’s proposed EV Portfolio, including the estimated costs for the Public Use EV  
8 Pilot Programs as well as alternative rates, tariffs, and pricing structures, are reasonable  
9 given the supporting public policy framework and EV adoption activity in Indianapolis.  
10 The Order in Duke Energy Indiana’s Cause No. 45616 case was not approved under the  
11 Chapter 43 public policy framework, and it is thus reasonable that the approved budgets  
12 therein were in line with similar EV pilots approved by the Commission before the passage  
13 of supporting public policy in Indiana. Additionally, Indianapolis, as the capital city in  
14 Indiana, represents a large share of EV adoption in the State. Marion and the surrounding  
15 counties (8 of 92 counties in the State of Indiana) represent slightly less than half of all  
16 EVs registered in Indiana<sup>6</sup>. It is thus important that the Company deliver the EV Portfolio  
17 to gain access to customer side information not currently held by AES Indiana – the  
18 information gained from delivering the EV portfolio will be valuable information for the  
19 Company and its customers as it plans for and encounters larger scale deployments in the  
20 future.

<sup>6</sup> 9,922 EVs were registered in Marion, Boone, Johnson, Hendricks, Hamilton, Hancock, Morgan, and Shelby Counties at the end of 2022. The statewide total of EVs registered at the same time was 21,196. Source: IN BMV.

1 **III. ChargePoint Recommendations**

2 **Q40. Does ChargePoint recommend that the Commission deny any part of AES Indiana's**  
3 **proposed EV Portfolio?**

4 A40. No. ChargePoint is generally supportive of AES Indiana's proposed EV Portfolio, and  
5 recommends that it be approved with suggested modifications.

6 **Q41. Does AES Indiana intend to implement any of the modifications recommended by**  
7 **Witness Deal?**

8 A41. Yes. ChargePoint's Witness Deal makes several recommendations that AES Indiana  
9 accepts and intends to implement as part of its proposed EV Portfolio.

10 **Q42. Please summarize the recommendations offered by ChargePoint Witness Deal that**  
11 **the Company plans to implement.**

12 A42. Tariff EVSE Recommendations:

13 • ChargePoint recommends that the Company provide site hosts the ability to choose  
14 from at least two vendors of EV charging hardware and software for all options  
15 under Tariff EVSE (Deal pg. 5). AES Indiana accepts this recommendation, and  
16 intends to offer at least two vendor options for this proposed tariff.

17 • ChargePoint recommends that AES Indiana require networked charging equipment  
18 for Tariff EVSE participants. Akin to the proposed requirement in the EVSE  
19 Rebates program, AES Indiana intends that EVSE installed through Tariff EVSE  
20 be networked (Deal pg. 5). The Company accepts making this a requirement as  
21 part of the Tariff EVSE implementation.

22 Bi-directional Charging Pilot Recommendations:

- ChargePoint recommends that the Company provide customers the ability to choose among multiple providers of EV charging hardware and network services (Deal pg. 5). Similar to Tariff EVSE, AES Indiana accepts this recommendation and envisions testing different equipment and network types for the Bi-directional Charging Pilot.

#### Fleet Solutions Recommendations:

- ChargePoint recommends (1) that AES Indiana ensure marketing materials and communications with customer be vendor neutral, and (2) that the Company not provide any preference or influence fleet operators' choice of equipment and service providers (Deal pgs. 5-6). AES Indiana accepts these recommendations, and intends to remain vendor neutral in its fleet planning equipment and network recommendations.

**Q43. Are there modifications proposed by ChargePoint that AES Indiana opposes or otherwise recommends not be implemented as part of its proposed EV Portfolio?**

A43. Yes. ChargePoint Witness Deal proposes a few modifications that the Company is interested in exploring, but recommends not be included in its proposed EV Portfolio at this time.

#### General Recommendations:

- ChargePoint's Witness Deal recommends that the Company remove any prohibitions against the resale of electricity in its existing tariffs, rules, and regulations (Deal pg. 5). As he correctly describes, HEA 1221 allows for the resale of electricity by certain persons or joint agencies owning or operating EV charging



1 equipment. This allowance extends to the resale of electricity by kilowatt hours  
2 sold, by the amount of time spent by an electric vehicle at a designated charging  
3 space, or a combination thereof. The resale of electricity, outside of the explicit  
4 allowances made in Ind. Code 8-1-2-1.3, remains generally prohibited for entities  
5 not defined as a public utility or electricity supplier under Ind. Code. For this  
6 reason, AES Indiana does not believe that changes to its tariffs or other rules and  
7 regulations it maintains are warranted. The explicit allowances enabled by the  
8 passage of HEA 1221 are the exception rather than the rule and supplement AES  
9 Indiana's existing tariffs.

10 Tariff EVSE Recommendations:

- 11 • ChargePoint recommends that the Commission direct AES Indiana to file an  
12 additional tariff option that enables third party turnkey solutions or customer  
13 ownership of the EVSE within 60 days of the Commission's decision in this docket  
14 (Deal pg. 5). Witness Deal rightfully points out that third parties, such as  
15 ChargePoint, already offer turnkey EV charging as part of their suite of services.  
16 Nothing in AES Indiana's proposed EV Portfolio, or rules and regulations  
17 otherwise, prevent or discourage these types of third-party relationships from  
18 occurring. To the contrary, the EVSE Rebates program, for example, is designed  
19 to encourage customer-owned (or third party-owned) EV charging infrastructure in  
20 AES Indiana's service territory. By off-setting upfront project capital  
21 requirements, this is designed to induce, not hinder, further third-party charging as  
22 a service by accelerating a project's return on investment. In summary, the  
23 Company does not believe that such a tariff is necessary, nor does it believe that

1 the Company should intermediate arm's length third party agreements through such  
2 a tariff.

3 Rate Design Recommendations:

- 4 • ChargePoint recommends that the Commission direct AES Indiana to submit one  
5 or more alternatives to traditional demand-based tariffs within 6 months from the  
6 date of an Order in this proceeding (Deal pg. 6). AES Indiana is open and interested  
7 in EV specific rates that are designed to encourage EV and EV infrastructure  
8 adoption in its service territory. The Company recommends, however, that cost  
9 based customer rates as proposed by ChargePoint's Witness Deal, should be  
10 thoughtfully considered in the context of a broader cost of service study to ensure  
11 that benefits and cost are fairly distributed among participants and non-participants.  
12 As described in my direct testimony (Elliot pg. 11), a principal goal of the proposed  
13 EV Portfolio is to gather important information not currently held by the Company  
14 nor the State of Indiana, not least of which being EV charging load profiles for  
15 varying non-residential customer types. These load profiles will inform future cost  
16 of service research, and provide the Company and other stakeholders with  
17 information necessary to design rates and charges that appropriately recover both  
18 fixed and variable costs, and avoid unfair distribution of costs and benefits. While  
19 the Company is supportive of the concept of EV specific rates, we believe  
20 ChargePoint's recommendation in this case is pre-mature and should not be a  
21 requirement imposed upon the Company in this proceeding.

1 **IV. Walmart Recommendations**

2 **Q44. Does Walmart recommend that the Commission deny any part of AES Indiana's**  
3 **proposed EV Portfolio?**

4 A44. Yes, it does. Walmart recommends that the Commission reject AES Indiana's proposal for  
5 Rate DCFC, but otherwise is unopposed, silent, or recommends modifications for the  
6 remainder of the Company's EV Portfolio (Perry pg. 5). Witness Perry does make clear in  
7 her testimony that Walmart's silence on particular aspects of the EV Portfolio should not  
8 be construed as support.

9 **Q45. Please summarize Walmart's concerns with AES Indiana's proposed EV Portfolio?**

10 A45. Walmart's Witness Perry largely focuses on AES Indiana's proposed non-residential  
11 alternative rates and tariffs – Rate EVP, Rate DCFC, and Tariff EVSE. Walmart expresses  
12 concern that the proposed rates are anti-competitive and that they will stifle third-party  
13 investment in, and deployment of, EV charging in the Company's service territory.

14 **Q46. Witness Perry expresses concern regarding the proposed price of Rate DCFC due to**  
15 **a small sample size (Perry pg. 11). Please respond.**

16 A46. First, AES Indiana did not base the proposed amount for Rate DCFC on a sampling  
17 methodology. As described in my direct testimony, AES Indiana calculated the average  
18 price for the entire population (not a sample) of publicly available DCFC that met certain  
19 criteria, and in fact extended research beyond its territory boundaries to reflect market  
20 pricing in central Indiana. While I agree that the absolute number of publicly available  
21 DCFC ports in central Indiana are low at this time, the Company believes that its price  
22 reasonably reflects the market price of DCFC, and has proposed safeguards to ensure that

1 the price remains reflective of the market price into the future through periodic rate  
2 adjustments.

3 **Q47. Do you believe that the Company should remove the IMPA site from its market price**  
4 **assessment for Rate DCFC as recommended by Walmart witness Perry (Perry pg.**  
5 **12)?**

6 A47. No, I do not. As can be found in Petitioner's Exhibit ZE-2, pricing charged to EV drivers  
7 ranges significantly, which AES Indiana attempted to capture in its proposed rates, Rate  
8 EVP and Rate DCFC. Identifying outliers can cut both ways and arguing over which  
9 should and should not be included would arbitrarily increase or decrease the price  
10 depending on the unique interest of the intervening party or engaged stakeholder. Indeed,  
11 CAC's Witness Inskeep argues that AES Indiana's proposed prices are too high, which  
12 conflicts with the arguments posed by Walmart's Witness Perry. To avoid arbitrary  
13 inclusion or exclusion of outliers, I made clear the methodology used to calculate proposed  
14 Rate EVP and Rate DCFC in my direct testimony, which the Company proposed to use for  
15 future market price assessments and associated pricing adjustments.

16 **Q48. Why did AES Indiana propose market reflective rates, rather than cost-based rates,**  
17 **for EV charging equipment owned and operated by the Company?**

18 A48. The Company's proposed methodology, in part, is intended to avoid arguments or  
19 complaints around anti-competitiveness, such as those made by Walmart.

20 **Q49. Does the Company currently own and operate any DCFC?**

21 A49. Not yet. AES Indiana, however, is part of a consortium of utilities in the state of Indiana  
22 developing a statewide DCFC network. This project is in part funded by proceeds from  
23 the Volkswagen emissions mitigation trust, which were awarded to the utility consortium

1 via a statewide RFP administered by the Indiana Department of Environmental  
2 Management. As part of this agreement, AES Indiana will own and operate DCFC at eight  
3 (8) locations in central Indiana for a minimum period of five (5) years. As proposed, Rate  
4 DCFC is what EV drivers will pay to charge their vehicle at these locations. AES expects  
5 that it will have DCFC locations commissioned by the end of this year (2023).

6 **Q50. If Rate DCFC is rejected per Walmart's recommendation, what would AES Indiana**  
7 **charge EV drivers at future AES Indiana owned DCFC locations?**

8 A50. AES Indiana would charge EV drivers a flat \$2.50 for a charge, per its authority and  
9 discretion under Rate EVP. Given the Company's market price assessment, which can be  
10 found in Petitioner's Exhibit ZE-2, the current Rate EVP price would be the lowest price  
11 charged for DCFC in central Indiana.

12 **Q51. Do you agree with Walmart's recommendation that AES Indiana's Rate DCFC price**  
13 **be set at the highest price per kilowatt hour offered by a third-party provider in its**  
14 **service territory (Perry pg. 16)?**

15 A51. No. This recommendation is unduly punitive on its face and should be rejected. The  
16 methodology proposed in my direct testimony is clear, reasonable, and reflects the  
17 unaltered range of DCFC pricing per kilowatt hour available in central Indiana.

18 **Q52. Walmart claims that neither the Company's currently approved nor proposed EV**  
19 **tariffs encourage widespread adoption of public EV chargers (Perry pg. 16). Do you**  
20 **agree?**

21 A52. No, I do not. AES Indiana's proposed EV Portfolio is designed to encourage EV adoption  
22 and EV infrastructure investment. Walmart focuses its critiques on Rate EVP, Rate DCFC,  
23 and Tariff EVSE, while neglecting to acknowledge that it would be afforded the

1 opportunity to participate in AES Indiana's proposed C&I Managed Charging program,  
2 which would provide recurring incentives for AES Indiana's ability to curtail its chargers  
3 during peak events. Additionally, Walmart would most likely be eligible to receive EVSE  
4 rebates through the Company's proposed EVSE Rebates program, which would offset its  
5 project capital costs thereby accelerating its return on investment. Both of these, as  
6 proposed, are designed to encourage customer and other third-party investment in EVs and  
7 EV infrastructure, while also encouraging off-peak EV charging when such charging is  
8 more efficient for the grid.

9 **Q53. Walmart's Witness Perry states that its EV charging infrastructure would likely be**  
10 **on AES Indiana's Rate SL and Rate PL (Perry pg. 17). Do you agree?**

11 A53. Yes, I do. Walmart correctly points out that these are AES Indiana's currently approved  
12 tariffs, both of which include demand charges.

13 **Q54. Are there other currently approved tariffs that Walmart could potentially benefit**  
14 **from for its EV charging infrastructure?**

15 A54. Possibly, yes. AES Indiana offers Rider 8 (Off-Peak Service), which is available to  
16 customers served under Rate SL and Rate PL (among others). Rider 8 defines on-peak and  
17 off-peak periods, and provides a fifty percent (50%) discount on the demand charge for the  
18 difference between (1) the billing demand established during the defined off-peak hours,  
19 and (2) the billing demand established during the restricted on-peak hours. In other words,  
20 AES Indiana's Rider 8 is designed to encourage off-peak utilization. Walmart would likely  
21 qualify for Rider 8, assuming that EV charging service was established under Rate SL or  
22 Rate PL as expected.

1 **Q55. Would Walmart benefit from Rider 8 if the majority of EV charging occurs during**  
2 **on-peak hours?**

3 A55. No. Rider 8 is expressly designed to discount demand charges for off-peak utilization.  
4 This discount is provided in exchange for a participant's willingness and ability to set its  
5 peak demands when it is more efficient for the grid, thereby reducing the cost to serve the  
6 customer. This reduction in cost of service results in benefits for not only participating  
7 customers, but also for non-participating customers.

8 **Q56. Walmart's Witness Perry recommends that the Commission require AES Indiana to**  
9 **convene a stakeholder process, with an express goal being to establish an EV charging**  
10 **tariff for third party owned public EV chargers (Perry pg. 19). How do you respond?**

11 A56. While the Company is supportive of the concept of EV specific rates, we believe Walmart's  
12 recommendation in this case is pre-mature and should not be a requirement imposed upon  
13 the Company at this time. Witness Perry admits that "Walmart has long supported cost-  
14 based utility rates where costs are recovered from customers in the same manner in which  
15 they are incurred, including the recovery of demand costs through demand charges..."  
16 (Perry, page 17). It strikes me that this is Walmart's general position unless it happens to  
17 be financially inconvenient for large EV charging installations with low load factors.  
18 Similar to my discussion above regarding ChargePoint's recommendation on rates, a  
19 principal goal of the proposed EV Portfolio is to gather important information not currently  
20 held by the Company nor the State of Indiana, not least of which being EV charging load  
21 profiles for varying non-residential customer types. These load profiles will help inform  
22 future cost of service research, and provide the Company with information necessary to  
23 design rates and charges that appropriately cover both fixed and variable costs, and avoid

1 unfair distribution of costs and benefits. Furthermore, and similar to the concerns I express  
2 regarding one of CAC Witness Inskeep's recommendations, convening a collaborative  
3 without clearly defined roles, responsibilities, and governance should not be a requirement  
4 imposed upon the Company as part of this proceeding.

5 **Q57. Witness Perry states that the Company excluded relevant information in its market**  
6 **rate assessment by citing an Electrify America location with a cost of \$0.48 per kWh**  
7 **(Perry pg. 12). Please respond.**

8 A57. AES Indiana did not exclude this information – the published price has changed in the time  
9 between AES Indiana's filing and Walmart's submittal of testimony. Pricing for this  
10 station at the time of AES Indiana's assessment was published on Plugshare at \$0.43 per  
11 kWh. Pricing changes, such as this, will be captured by frequent rate updates as proposed  
12 in my direct testimony.

## 13 **V. Summary and Conclusion**

14 **Q58. Please summarize your rebuttal testimony.**

15 A58. As articulated in my direct testimony, and as clarified in rebuttal, the Company's EV  
16 Portfolio adhered to statutory requirements and is in line with prevailing public policy in  
17 the State of Indiana. The assumptions and evidence underlying this proposal are sufficient  
18 and support the EV Portfolio plan in accordance with Chapter 43, the Alternative Utility  
19 Regulation statute, and GAO 2020-05. Nevertheless, important information gathering will  
20 occur as a result of implementing the programs proposed. Gathering new, and likely  
21 different, information not currently held by the Company will inform future EV related  
22 programs – this is indeed a foundational goal of establishing and implementing a pilot



1           program. The EV Portfolio, in whole, is projected to be cost effective, is in the public  
2           interest, and should be approved.

3   **Q59. Does this conclude your prepared verified rebuttal testimony?**

4   A59. Yes it does.

### VERIFICATION

I, Zac Elliot, of AES US Services LLC, affirm under penalties of perjury that the foregoing representations are true and correct to the best of my knowledge, information and belief.

DocuSigned by:

*Zac Elliot*

1410BE705C00454

Zac Elliot

Dated: June 9, 2023

**CONFIDENTIAL Attachment ZE-1R**

**[Confidential Attachment]**

**CONFIDENTIAL AND PROVIDED SEPARATELY**