

**THE STATE OF NEW HAMPSHIRE**

**BEFORE THE**

**PUBLIC UTILITIES COMMISSION**

**Docket No. IR 15-510**

**ELECTRIC DISTRIBUTION UTILITIES**

**Investigation into Resale of Electricity by Electric Vehicle Charging Stations**

**COMMENTS OF CHARGEPOINT, INC.**

ChargePoint, Inc. (“ChargePoint”) respectfully submits the following memorandum in response to the Public Utilities Commission’s (“Commission”) Order of Notice, issued on December 18, 2015, initiating an investigation into the “legal and regulatory issues implicated by the potential resale of electricity by electric vehicle charging (EVC) stations.”

**I. INTRODUCTION**

The matter that gave rise to this investigation was the tariff amendment filed by Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (“Liberty”) in Docket No. DE 15-489, in which Liberty sought to add language to its tariff clarifying that “[t]he sale of electricity to a third party from an electric vehicle charging station shall not be considered resale of electricity.” Liberty stated that this amendment was necessary because its tariffs prohibit the resale of electricity and asserted that, therefore, EVC operators could not charge for usage at a per kilowatt-hour (“kWh”) basis, but rather were required to charge in other manners, such as an hourly flat rate.<sup>1</sup>

In this investigation, the Commission seeks comments on (1) the legal and regulatory status of EVC station operators as public utilities under RSA 362:2 or as competitive electric power suppliers under RSA 374-F:2 and 7, and N.H. Code Admin. Rules Chapter Puc 2000;

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<sup>1</sup> Technical Statement of Heather M. Tebbetts at 1, Docket No. DE 15-489 (filed Nov. 19, 2015).

(2) the design and implementation of rates charged to and potentially by EVC station operators; (3) the Commission's jurisdiction over such rates and terms and conditions of service; and (4) whether changes to electric distribution utility tariffs are warranted. The Commission requested comments by January 22, 2016.

## **II. COMMUNICATIONS**

ChargePoint requests that all notices and communications with respect to this docket be sent electronically to the persons indicated below.

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## **III. CHARGEPOINT, INC.**

Headquartered in Campbell, California, ChargePoint is the world's largest and most open EV charging network with 26,000 level 2 and DC fast charging spots, including 40 ports in New Hampshire. ChargePoint has over 5,100 customers, including major employers, municipalities, universities, real estate developers and parking garage facility owners and operators providing EV charging and related services to EV drivers. Every 5 seconds, a driver connects to a ChargePoint station and by initiating over 12,500,000 charging sessions, ChargePoint drivers have driven over 298 million gas free miles.

ChargePoint was established by Silicon Valley entrepreneurs with the sole mission to ensure that consumers do not hesitate to purchase electric vehicles because they could not find a place to charge them. The company is credited with delivering the first networked “smart” charging station in the U.S. market and is building a global EV community and the network that connects it. ChargePoint has received numerous accolades for innovation including the Global Cleantech 100 for five years in a row, and CNBC Disruptor 50. Recently, ChargePoint was one of 16 companies from around the world to win the United Nations Momentum for Change Award at the recent COP 21 meeting in Paris in recognition of our innovative and scalable approach to tackling climate change.

#### **IV. COMMENTS**

##### **A. The Commission should clarify that the EV charging services provided by third-party operators are not subject to the Commission’s jurisdiction**

The Commission should clarify that all non-utility providers of charging services, regardless of whether the EV charging service is offered to the public or not, and irrespective of how the EV charging service provider bills its customers for EV charging services are not subject to Commission regulation. This clarification would be consistent with the position taken by other states across the country, which have determined unanimously that companies purchasing electricity at retail from regulated utilities and using it to provide charging service to EVs (regardless of the business context) are not performing the function of an electric utility or an electricity supplier, and should not be subject to regulation as such.

Fifteen states have passed statutes explicitly exempting non-utility EV charging services from regulation under public utilities or competitive supplier laws in order to remove regulatory uncertainty about the jurisdictional status of EV charging services and to foster the development

of competitive market providers.<sup>2</sup> Legislative action is not required, however, because the Commission may find that the provision of such services by third-party providers is not subject to its jurisdiction under existing state law.

1. *Several state commissions have concluded that electric vehicle charging stations are not electric distribution plant and that the service provided is not the resale of electricity*

State commissions that have considered the issues that the Commission is investigating in this docket have concluded that the services provided by operators of EV charging stations are not services that fall within their public utilities or competitive supply statutes. In California, one of the first states to take up this question, the public utilities commission reviewed the jurisdictional question as part of a general rulemaking on alternative-fueled vehicles. The commissioner assigned to the proceeding stated in his scoping memorandum:

Facilities that are solely used to provide electricity as a transportation fuel do not constitute “electric plant” pursuant to Pub. Util. Code § 218. Thus, an entity owning, controlling, operating, or managing electric vehicle charging facilities is not an “electric corporation” pursuant to Pub. Util. Code § 218 and not a “public utility” pursuant to Pub. Util. Code § 216, unless an entity falls under § 216 and § 218 for other reasons. As such, the Commission would not have regulatory authority regarding the price that an electric vehicle charging facility operator charges for charging services or other aspects of the operation of such facilities unless the charging facility operator is a public utility by reason of its operations other than providing electric charging.

*Order Instituting Rulemaking to Consider Alternative-Fueled Vehicle Tariffs, Infrastructure and Policies to Support California’s Greenhouse Gas Emissions Reductions Goals, Assigned*

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<sup>2</sup> CAL. PUB. UTIL. CODE, § 216(i); COLO. REV. STAT. § 40-1-103.3(2); D.C. CODE §§ 34-207, 34-214; FLA. STAT. § 366.94; HAW. REV. STAT. § 261-1(2); IDAHO CODE § 61-119; 220 ILL. COMP. STAT. §§ 5/3-105(c), 5/16-102; ME. REV. STAT. ANN. tit. 35, §§ 313-A, 3201(5), 3201(8-B); MD. CODE PUB. UTILS. §§ 1-101(j)(3), 1-101(x)(2); MINN. STAT. § 216B.02(subd. 4); OR. REV. STAT. § 757.005(1)(b)(G); UTAH CODE §§ 54-2-1(7)(c), 54-2-1(19)(j); VA. CODE ANN. § 56-1.2:1; WASH. REV. CODE § 80.28.310; W. VA. CODE § 24-2D-3.

Commissioner’s Scoping Memo at 4–5 (Cal. P.U.C. No. R.09-08-009, filed Aug. 20, 2009).

After investigation, the California PUC held

Pursuant to §§ 216 and 218 the Commission regulates as public utilities corporations and persons owning, controlling, operating, or managing facilities used for the transmission, delivery, or furnishing of electricity to the public. However, the Commission does not have the legal jurisdiction to regulate vehicle service stations.

Decision in Phase 1 on Whether a Corporation or Person That Sells Electric Vehicle Charging Services to the Public Is a Public Utility at 19 (Cal. P.U.C. No. D.10-07-044, issued Aug. 2, 2010). This ruling was subsequently codified under the California Public Utilities Code, § 216(i).

More recently, the New York Public Service Commission (“NYPSC”) held that EV charging stations are not utility plant, and charging services are not subject to its jurisdiction, by distinguishing between the nature of the sale of electricity and charging services:

Charging Stations do not fall within the definition of “electric plant” because Charging Stations are not used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light heat or power. Instead, and as urged by several commenters, Charging Stations are used to provide a service, specifically, charging services. This service requires the use of specialized equipment and allows the customer to do only one thing, charge a PEV’s battery. The primary purpose of the transaction between Charging Station owners/operators and members of the public is the purchase of this service and the use of this specialized equipment. While the customer is using electricity, this is incidental to the transaction.

*In the Matter of Electric Vehicle Policies, Declaratory Ruling on Jurisdiction over Publicly Available Electric Vehicle Charging Stations* at 4 (NYPSC Case No. 13-E-0199, issued Nov. 22, 2013).<sup>3</sup> The NYPSC further held that “the method of calculating the transaction fee, specifically,

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<sup>3</sup> The NYPSC provided further illustration of the distinction in its Notice of New Proceeding and Seeking Comments at 3 (NYPSC Case 13-E-0199, issued May 22, 2013):

In a traditional sale of electricity the purchaser uses the acquired electricity for myriad purposes, including, for example, lighting, refrigeration or powering electronic devices. The member of the public engaged in a transaction with the

the use of a per kWh price, will not confer jurisdiction where none otherwise exists.” *Id.* The scope of New York’s public utility law is essentially identical to New Hampshire’s provisions.<sup>4</sup>

The Massachusetts Department of Public Utilities (“MA DPU”) followed the same rationale and found that EV charging equipment does not constitute a distribution facility, because the “equipment component of EVSE used to supply the electricity is in the nature of a connector or cord, not a line” and “ownership or operation of EVSE does not transform an entity that otherwise is not a distribution company into a distribution company.”<sup>5</sup> *Investigation by the Department of Public Utilities upon Its Own Motion into Electric Vehicles and Electric Vehicle Charging, Order on Department Jurisdiction over Electric Vehicles, the Role of Distribution Companies in Electric Vehicle Charging and Other Matters* (Mass. D.P.U. 13-182-A, issued Aug. 4, 2014), The MA DPU also found that EVSE owners or operators are not “selling electricity” within the meaning of the Massachusetts public utility statute, because

an EVSE owner or operator is selling EV charging services, *i.e.*, the use of specialized equipment – EVSE – for the purpose of charging an EV battery. EVSE allows the customer do to only one thing, charge an EV battery. This result is true regardless of the business model the EVSE owner/operator uses to charge customers for charging services, even if the charge is by a per-kilowatt hour basis or other volumetric energy basis.

*Id.* at 7. Similarly, the MA DPU also found that the practice does not constitute submetering, because submetering involves a re-sale of electricity, not the sale of a service, *i.e.* EV charging

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operator of a publicly available Charging Station, however, is only able to charge their PEV, while making use of specialized equipment supplied by the publicly available Charging Station. Indeed, the electricity used by the Charging Station is useless to the customer without the Charging Station’s equipment.

<sup>4</sup> Under New York law, “Electric plant” means “all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light heat or power.” NY PUB. SERV. LAW § 2(12). “Electric corporation” means an entity “owning, operating or managing any electric plant. . . .” NY PUB. SERV. LAW § 2(13).

<sup>5</sup> In common industry usage, the term Electric Vehicle Supply Equipment (“EVSE”) is used to refer to EV charging equipment.

service; and for the same reason, the MA DPU found that EVSE owners/operators are not competitive suppliers of electricity. *Id.* at 7–8.

Further, the MA DPU found that “the primary responsibility of distribution companies is to provide safe and reliable distribution service; EVSE ownership and operation is not required to serve this obligation.” *Id.* at 13. Therefore, the MA DPU stated that it generally will not allow recovery of costs for distribution company ownership or operation of EVSE, except for their own vehicle fleet charging and employee vehicle charging. The MA DPU stated the conditions under which it could approve a cost recovery proposal, which must “be in the public interest; meet a need regarding the advancement of EVs in the Commonwealth that is not likely to be met by the competitive EV charging market; and not hinder the development of the competitive EV charging market.” *Id.*

2. *EV charging services are not the intended prohibited activities to the extent that state laws prohibit resale of electricity*

Similar to Liberty’s tariff filing in Docket No. DE 15-489, Duquesne Light Company (“Duquesne”) filed a petition with the Pennsylvania Public Utilities Commission revising its tariff to clarify that “[f]or purposes of third party-owned electric vehicle charging stations, charging the electric vehicle shall not be considered redistribution.” *Duquesne Light Company*, Supplement No. 95 to Tariff Electric – PA. P.U.C. No. 24, Rule 18.1 (Pa. P.U.C. Docket No. R-2014-2430058, filed July 1, 2014).<sup>6</sup> Duquesne argued, “EV charging owners provide a separate service to their customers – charging EVs . . . and [the tariff] was not intended to

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<sup>6</sup> The relevant Pennsylvania statute provides: “Whenever any person, corporation or other entity, not a public utility, electric cooperative corporation, municipality authority or municipal corporation, purchases service from a public utility and resells it to consumers, the bill rendered by the reseller to any residential consumer shall not exceed the amount which the public utility would bill its own residential consumers for the same quantity of service under the residential rate of its tariff then currently in effect.” 66 PA. C.S. § 1313 (Price upon resale of public utility services).

prevent this type of service.” *Duquesne Light Company*, Statement of Reasons at 2 (Pa. P.U.C. Docket No. R-2014-2430058, filed July 1, 2014). The Pennsylvania Public Utilities Commission held that the tariff prohibiting redistribution “was established to protect the residential customer from being charged electric rates in excess of those in the Company’s Tariff . . . [and that it] was not intended to prohibit an electric vehicle charging facility that is owned and operated by the Company’s customer from providing a separate service to third parties.” *Duquesne Light Company*, Order at 3 (Pa. P.U.C. Docket No. R-2014-2430058, issued Oct. 2, 2014).

3. *New Hampshire should follow the same rationale as other states in finding that third-party operators and owners of EVSE are not public utilities or competitive electric power suppliers*

Third-party owners or operators of EVSE are not public utilities, because they are not engaged in the distribution or sale of electricity to the public. Under RSA 362:2, a “public utility” includes

every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court, except municipal corporations and county corporations operating within their corporate limits, owning, operating or managing any plant or equipment or any part of the same for . . . the manufacture or furnishing of . . . power . . . for the public, or in the generation, transmission or sale of electricity ultimately sold to the public . . . .

Under the Commission’s regulations, “utility” means “any public utility as defined in RSA 362:2 owning, operating or managing any plant or equipment or any part of the same for the transmission, distribution or generation of electricity ultimately sold to the public within New Hampshire . . . .” N.H. Code Admin. Rules Puc 302.23

The non-utility owners and operators of EV charging stations do not generate, transmit, distribute, or sell electricity to end users. Rather, they use electricity to provide EV charging service to their customers. As the NYPSC found, the use of electricity is merely incidental to the



service provided and is useless to the EV charging customer without the EVSE. The charging service provided by the EVSE owner or operator is not delivered over “distribution” system wires or circuits, but rather by a cord and a connector. Moreover, on the EV-side of the charging station, batteries are charged using direct current; thus, the Commission’s service quality requirements of frequency and voltage regulation are entirely inapplicable concepts. *See* N.H. Code Admin. Rules Puc Part 304 (Quality of Electric Service). The transaction between an EV service provider and an EV driver has nothing in common with a traditional retail sale of electricity by a utility to a consumer. Indeed, non-utility companies selling charging services are themselves retail customers that purchase electricity from a regulated utility in order to provide charging services, which will in most cases include providing the user access to EVSE, use of related metering and communications software, participation in a network, billing, and various other options. In this respect, a provider of EV charging services has more in common with an internet café that allows users to plug in to charge their computer batteries or a cell phone battery-charging kiosk at the airport than with a regulated public utility operating a grid and selling electricity to local businesses and households.

Because the nature of the service being provided by an EVSE owner or operator is not a sale of electricity, non-utility providers of charging services should not be found to be competitive electric power suppliers. Under RSA 374-F:2, the term “electricity suppliers” means “suppliers of electricity generation services and includes actual electricity generators and brokers, aggregators, and pools that arrange for the supply of electricity generation to meet retail customer demand, which may be municipal or county entities.” Under N.H. Code Admin. Rules Puc 2002.05, a “Competitive electric power supplier (CEPS)” means “any person or entity that sells or offers to sell electricity to retail customers in this state.” New Hampshire’s framework

for Restructuring and customer choice contemplates registration and regulation of CEPS entities that serve generation supply requirements of customers with distribution utility accounts and provide a competitive alternative to default service. *See* RSA 374-F:3(II); 374-F:3(V)(b), (c); *see also* N.H. Code Admin. Rules Puc 2003.03(b)(requiring quarterly reporting of sales “in each utility’s franchise area segregated by residential, small commercial, large commercial and industrial, and street lighting classes”). Similarly, the Commission’s consumer protection rules on disclosures apply to a CEPS selling electricity to residential or small commercial electric customers, and the rules on transferring service by a CEPS contemplates a change request for a customer account being submitted to the utility to change or terminate the customer’s supplier. N.H. Code Admin. Rules Puc 2004.01; 2004.05; 2004.07. EV charging transactions do not involve utility customer accounts in any manner.

An EVSE owner or operator is not a load serving entity and does not arrange for the supply of electricity generation to meet retail customer demand, because the EVSE owner or operator’s energy requirement is itself the retail customer demand whose supply requirements must be met by a CEPS or through the host utility’s default energy service. An EVSE owner or operator does not make sales to utility customer classes, nor would the provision of services result in a change of a distribution utility customer’s default service or competitive supplier. As discussed above, the EVSE owner or operator is not making an offer to sell electricity and, therefore, cannot be considered to be a CEPS.

**B. The Commission has jurisdiction over rates, terms, and conditions of service provided by utilities to owners or operators of EVSE, but not by owners or operators of EVSE to their customers**

*1. The Commission should not regulate rates, terms, or conditions of service provided by EVSE owners or operators*

As demonstrated above, owners or operators of EVSE are neither public utilities nor competitive electric power suppliers, and the charging services that they provide are not sales of electricity. Thus, the Commission does not have jurisdiction over the rates, terms, or conditions of the transactions between such EVSE owners or operators and their customers. There is no need to impose regulation over modern services that have evolved in a competitive market without the need for additional regulation by the Commission. Customers of EV charging services are well-protected under New Hampshire's consumer protection laws. And, although the Restructuring Act does not apply to EV charging services provided by non-utility providers because they are beyond its jurisdiction, the Commission should be guided by the Act's overarching principle that "[i]ncreased customer choice and the development of competitive markets for wholesale and retail electricity services are key elements in a restructured industry that will require unbundling of prices and services and at least functional separation of centralized generation services from transmission and distribution services" and that "[f]ree and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it." RSA 374-F:1. That is, the development of new competitive services should not be bound by traditional utility regulation or limited by the regulated public utilities.

A growing and competitive market in EV charging equipment and related services is emerging. In addition to companies whose sole focus is on providing EV charging services, there are also employers, landlords, universities, and public and commercial institutions

investing in EV charging equipment for public use. This very diverse range of competitive service providers should be allowed to develop their own pricing models and decide how to bill an equally diverse range of customers for EV charging services.

ChargePoint is not an electric vehicle service provider, but we sell EVSE and provide network services to companies that do provide charging services. Typically, these are apartment building owners; employers like Google, Netflix, and Dell; cities, counties, and parking garage operators. Each one has its own business model for providing EV charging services. For some employers, it is a free service provided to employees in order to encourage clean transportation. Apartment building owners typically charge for the service as they do for a coin-op laundry. Cities and counties charge cost-recovery fees in order to avoid giving away EV charging services at taxpayer expense. Some EV charging services are included in rent, and some are pay per use, which can be billed in many different ways, including volumetric charge, hourly charge, etc.

As the NYPSC and the MA DPU have found, the basis for billing EV service customers by non-utility operators or owners of EVSE, even if on a per kilowatt-hour volumetric basis, does not alter the non-jurisdictional nature of the EV charging service. The Commission should clarify that it will not make distinctions on billing approach, and that it will not impose any limits or restrictions on how EV service providers and charging station “hosts” may charge customers for EV charging services. There is no justification for making jurisdictional distinctions based on approach to billing. Imposing direct or indirect limits on how a provider may charge customers will limit customer choice and discourage innovative and customer-friendly approaches to packaging and billing for EV charging services.

2. *The Commission must ensure that the rates, terms, and conditions of service provided by utilities to EVSE owners or operators are just and reasonable and should develop policies that encourage EV adoption*

The rates, terms, and conditions of service provided by regulated public utilities to owners or operators of EVSE remain subject to the Commission’s jurisdiction, because the EVSE owners or operators are customers of the utilities and take service under approved tariffs. Because the utilities will play a central role in building out EV infrastructure that will be needed to expand private investment in smart charging equipment and services, the Commission will ultimately be called upon to determine the upgrades that may be included in rate base and the proper allocation of the costs *and* benefits of those investments among all customers.

The general experience to date suggests that upgrade costs specifically attributable to EV charging may be minimal to non-existent in the near term. In light of this, the Commission may not need to address cost allocation for upgrades at this time. However, to the extent that the Commission finds that cost allocation policies are creating a disincentive to expansion of EV adoption, the Commission should consider adopting an initial policy statement that the cost of system upgrades needed to accommodate EV charging (if any) should be shared among all customers. The Commission can revisit this determination if, and when, such costs become significant due to widespread EV adoption or for other reasons as they may arise.

There are several reasons why rate-basing upgrade costs makes sense. First, it is simpler than trying to ascertain customer responsibility for an upgrade that may be the responsibility of multiple EV users or other customers on the same electric circuit who have increased consumption for other reasons. Second, imposing distribution plant upgrade costs, or even concern about the risk of such charges, may discourage customers from purchasing an EV or “smart charging” equipment that could actually benefit the grid by facilitating off-peak charging.

### 3. *The Utilities Will Have an Important Role in the EV Charging Market*

Investor-owned utilities will have an important role to play in helping expand the infrastructure needed to serve a growing population of EV drivers. As one would expect, regulators around the country are considering the important question of what the role of the utility should be with appropriate caution and deliberation. For example, in California, the Public Utilities Commission opened a separate rulemaking proceeding<sup>7</sup> to address policy issues, and issued a decision calling for ratepayer benefit analysis and consideration of the impact on competition before any pilot proposal involving utility ownership of EV charging equipment can be considered.

In an optimal pilot or infrastructure development proposal, the distribution utility will provide “make ready” infrastructure, including trenching, panel upgrades, and installation, to utility customers that are willing to invest in “smart” EV charging stations that are enabled for managed charging to maximize customer return and minimize impacts on the grid. This is not an abstract concept. Southern California Edison Company (“SCE”) recently submitted an application to the California Public Utilities Commission that proposes an ambitious two-phase EV charging infrastructure program that will accelerate deployment of charging stations throughout SCE’s service territory while maintaining customer choice in EVSE and protecting competition in the markets for EVSE and networked charging services.<sup>8</sup> The California PUC unanimously approved the program at its January 14, 2016 Commission Meeting as part of a broadly supported settlement agreement.<sup>9</sup> Under the settlement

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<sup>7</sup> Rulemaking to Consider Alternative-Fueled Vehicle Programs, Tariffs, and Policies (Cal. P.U.C. Docket No. R.13-11-007).

<sup>8</sup> Application of Southern California Edison Company for Approval of its Charge Ready and Market Education Programs (Cal. P.U.C. Docket No. A.14-10-014, filed Oct. 30, 2014) , *available at* <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=127294826>

<sup>9</sup> *See Southern California Edison*, Proposed Decision Regarding Southern California Edison Company’s Application for Charge Ready and Market Education Programs (Cal. P.U.C. Docket No. A.14-10-014, filed Dec. 15, 2015). The

The customer participant will own and operate the charging station and will be responsible for all related operating costs, including maintenance and electricity usage. Ratepayers will fund the cost of all paneling, conduits, and wiring, up to the charging station itself. Edison will also provide charging station rebates to site owners to cover a pre-determined percentage of the charging system “base cost.” Rebate levels will be 25 percent of the base cost for all non-residential market segments, 50 percent of the base cost for Multi-Unit Dwellings, and 100 percent of the base cost for any charging stations located within disadvantaged communities, regardless of market segment.<sup>10</sup>

ChargePoint supports this program as a good model for the Commission to consider in formulating a policy for infrastructure investment and cost recovery in New Hampshire.

**C. The Commission should approve tariffs clarifying that the provision of third-party EV charging services is not prohibited**

ChargePoint maintains that the provision of EV charging services by non-utility owners or operators of EVSE should not be subject to the Commission’s jurisdiction. Therefore, any tariff filed with the Commission that purports to prohibit such service should not have any proscriptive effect, and it is unnecessary to require utilities to revise their tariffs. Nevertheless, in order to eliminate regulatory uncertainty and to clarify customers’ rights and obligations under those tariffs, ChargePoint supports approval of tariff revisions, such as filed by Liberty in Docket No. DE 15-489.<sup>11</sup>

**V. CONCLUSION**

The Commission’s recognition of the need to clarify the jurisdictional issues pertaining to the provision of EV charging services by owners or operators of EVSE is a good initial step to

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Proposed Decision document contains a version proposed by the Administrative Law Judge and a version with modifications proposed by Commissioner Carla J. Peterman. The Commission approved the modifications by Commissioner Peterman. The official version has not yet entered into the docket.

<sup>10</sup> Press Release, *CPUC Supports State’s Zero Emission Vehicle Goal with Approval of Program for Edison* at 1 (Cal. P.U.C. Docket No. A.14-10-014, Jan. 14, 2016), available at

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M157/K724/157724767.PDF>

<sup>11</sup> *Cf.* Duquesne Light Company, Order at 3 (Pa. P.U.C. Docket No. R-2014-2430058, issued Oct. 2, 2014).

address needs affecting regional initiatives and the need for EV infrastructure investment to support the increasing penetration of EV adoption in New Hampshire. The Commission should find that EV charging services provided by non-utility owners or operators of EVSE are not subject to regulation by the Commission. The Commission should continue its investigation further by advancing a policy that will promote adoption of EV by enabling the utilities to make infrastructure investments, including make-ready infrastructure, that are necessary to enable private investment in EVSE facilities in New Hampshire.

The Commission should open a proceeding to explore the role of the utility. The Commission should develop a record regarding the current status of EV infrastructure in New Hampshire, where EV infrastructure is needed in order to meet the needs of EV drivers, how investment can be leveraged, along with private investment to meet identified needs without wasting ratepayer money, without harming competitive markets for EV charging equipment and services, and without taking away customer choice in equipment and services, which is the factor that ultimately drives innovation and healthy competition.

Respectfully submitted,

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Dated: January 21, 2016



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document has on this 21st day of January, 2016 been sent by electronic mail to the service list in this docket.

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