BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue the Development of Rates and Infrastructure for Vehicle Electrification.

Rulemaking 18-12-006
(Filed December 13, 2018)

COMMENTS OF THE JOINT ENVIRONMENTAL PARTIES ON THE PROPOSED DECISION CLARIFYING STATUS OF ELECTRIC VEHICLE CHARGING SERVICE PROVIDERS AS PUBLIC UTILITIES

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Dated: September 14, 2020
COMMENTS OF THE JOINT ENVIRONMENTAL PARTIES ON THE PROPOSED DECISION CLARIFYING STATUS OF ELECTRIC VEHICLE CHARGING SERVICE PROVIDERS AS PUBLIC UTILITIES

In accordance with Rule 14.3 of the California Public Utilities Commission ("Commission") Rules of Practice and Procedure, the Union of Concerned Scientists ("UCS"), Environmental Defense Fund ("EDF"), the Natural Resources Defense Council, and the Sierra Club, ("Joint Environmental Parties") submit these comments on the Proposed Decision of Commissioner Rechtschaffen Clarifying Status of Electric Vehicle Charging Service Providers as Public Utilities in Rulemaking 18-12-006 ("Proposed Decision").

Joint Environmental Parties agree with the conclusion in the Proposed Decision that medium- and heavy-duty electric vehicle ("EV") charging service providers should not be classified as public utilities. As well, we support the changes that Southern California Edison and Pacific Gas & Electric are directed to make to their Electric Rule 18 tariffs as a result of the Proposed Decision.

We agree with the Commission and Moving Parties that "there are extant examples of how the lack of a formal exemption of medium- and heavy-duty EV charging service providers from classification as public utilities is frustrating the deployment of medium- and heavy-duty
EV charging infrastructure in California.”¹ In turn, this negatively affects medium- and heavy-duty electrification, a transition that must occur rapidly to meet State goals and address a public health crisis. According to a recent report by UCS and the Greenlining Institute, heavy-duty vehicles “are the single largest source of nitrogen oxides (“NOx”) in California (emitting 33 percent of the state’s total) and produce more particulate matter (“PM”) than all of the state’s power plants combined (23 tons per days versus 7 tons per day, respectively).”² These high pollution levels are concentrated in disadvantaged communities situated near ports, railways, highways, and transportation facilities – and are responsible for a variety of respiratory and cardiovascular diseases. As such, facilitating the growth of zero-emission vehicles is imperative from an air quality and health perspective.

As evidenced by the Advanced Clean Truck (ACT) and Innovative Clean Transit rules, meeting California’s ambitious climate and air quality goals requires rapid deployment of electric medium- and heavy-duty vehicle technologies and the charging infrastructure to support them. Throughout the public process for the ACT regulation, stakeholders, including Joint Environmental Parties, identified charging infrastructure and its expeditious deployment as critical to the deployment of electric trucks. The sales standards begin with model year 2024 vehicles at five to nine percent of truck sales, and manufacturers are eligible for early action under the regulation beginning with model year 2021. Given the quickly approaching implementation, it is critical to urgently remove any roadblocks—including regulatory uncertainty for medium- and heavy-duty electric vehicle charging service providers that may

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stymie investment and deployment of charging infrastructure. Put another way, it is critical to figure out how to support a growing number of EVs as soon as possible. The Proposed Decision does just this and should be approved by the Commission without delay.

Joint Environmental Parties appreciate the opportunity to comment on the Proposed Decision and urge its adoption.

Dated: September 14, 2020

Respectfully submitted,

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