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VIA E-FILING & EMAIL

Carmen D. Diaz, Acting Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, New Jersey 08625-0350
board.secretary@bpu.nj.gov

**RE: In the Matter of Medium and Heavy-Duty Electric Vehicle Charging
Ecosystem (BPU Docket No. QO21060946)**

Dear Acting Secretary Diaz:

On behalf of ChargePoint, Inc. ("ChargePoint"), we appreciate the opportunity to offer the enclosed comments of ChargePoint in the above referenced matter.

Thank you.

Respectfully submitted,



Murray E. Bevan

Enclosure

cc: ChargePoint, Inc. (via e-mail w/ enc.)

I. Introduction

On June 30, 2021, the New Jersey Board of Public Utilities (“BPU”) Staff (“Staff”) released its *New Jersey Electric Vehicles Infrastructure Ecosystem 2021 Medium and Heavy Duty (“MHD”) Straw Proposal* (“Straw Proposal”). On December 22, 2022, the BPU Staff released its updated *Straw Proposal*.

ChargePoint applauds BPU Staff for the proposed MHD EV Ecosystem (“Ecosystem”). We appreciate the opportunity to provide comments on Staff’s original Straw Proposal and further appreciate the incorporation of certain ChargePoint comments into the updated Proposal. ChargePoint continues to encourage Staff to consider its initial comments as they are important to ensuring an efficient and effective rollout of the Ecosystem. ChargePoint further appreciates the opportunity to submit these additional comments with recommendations based on the updated Proposal. While ChargePoint will not be restating its previous comments, ChargePoint offers these additional comments in response to the updates detailing the proposed program design, as well as related issues raised in the Straw Proposal.

In summary, our comments are as follows:

- To enable private fleet deployment, the Proposal should allow private fleets to be eligible for Make-Ready incentives, not restrict Make-Ready funds exclusively to vehicles displacing existing fleets, and not require managed charging for more than 70% of a fleet’s charging needs.
- If EDCs are authorized to provide fleet advisory services, the services provided by the EDCs should be vendor neutral and not pick preferred providers or influence fleet operators’ choice of equipment and service providers so long as the providers are capable of meeting the necessary operational requirements.

II. Comments on Medium and Heavy-Duty Electric Vehicle Ecosystem Straw Proposal

ChargePoint continues to appreciate Staff’s approach to supporting the development of the competitive market. We appreciate and generally support the “shared-responsibility” model for MHD charging infrastructure that promotes appropriate roles for both electric distribution companies (“EDCs”) and private investors to drive MHD adoption.

- A. The revised Straw Proposal should enable the electrification of private fleets by allowing private fleets to be eligible for Make-Ready incentives, not restricting Make-Ready funds exclusively to vehicles displacing existing fleets, and not requiring managed charging for more than 70% of a fleet’s charging needs.**

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Initial Comments of ChargePoint, Inc.

ChargePoint appreciates Staff’s modifications to its original Proposal to now include limited support for “private fleet charging depots.”¹ However, ChargePoint is concerned that the proposed requirements detailed in the modified Proposal would hinder private fleet investment by proving to be overly burdensome to fleets seeking to electrify, which would ultimately be deleterious to the ambitious transportation electrification goals of the State. Decisions around transportation electrification are taking place at a juncture where the successful proliferation of electric vehicles is critically important for human health and greenhouse gas emission reductions—with the opportunity to prevent roughly 169 deaths and more than 2,300 asthma attacks, avoid as many as 11,000 days of lost work caused by adverse health effects, and save close to \$2 billion in public health benefits annually in New Jersey.²

To support the enablement of private fleets and the success of the Proposal, ChargePoint recommends the following modifications to the State’s MHD Ecosystem:

1) Private fleets’ eligibility for Make-Ready incentives should not be restricted by requiring the fleets to be “located in or primarily operating in Overburdened Municipalities.”³ ChargePoint understands the importance of prioritizing Overburdened Municipalities. However, we encourage Staff not to limit the availability of Make-Ready incentive funds to only Overburdened Municipalities because such a policy would unnecessarily restrict the electric vehicle market and may jeopardize its ability to scale.

Jurisdictions across the country have designed programs with carve-outs that set aside funds for Overburdened Municipalities. For example, in BPU Docket No. EO21030630, Jersey Central Power & Light’s (“JCP&L”) electric vehicle program sets aside “Fifty percent (50%) of the Multifamily Component...for locations in Overburdened Communities as defined in the EV Filing Order.”⁴ While a majority of funds could be reserved for Overburdened Municipalities to ensure their funding needs remain addressed, ChargePoint respectfully requests a minimum of 40% of utility funding in programs be made openly available to any private fleet, regardless of location.

2) Make-Ready incentives should not be limited to private fleets that are only “displacing existing fleet vehicles, rather than bringing new vehicles into already Overburdened Municipalities.”⁵ This proposed restriction ignores the possibility that private fleets might be in the market to expand their fleets in the near term. Placing this restriction would not allow for fleet expansion in an environmentally sound manner. This policy could result in the possibility of private fleets further investing in additional internal combustion engine vehicles should they expand their fleets beyond

¹ Notice Medium Heavy Duty EV Straw Proposal 12.2022 at 16.

² <https://www.njlawyers.com/blog/2020/september/new-report-details-benefits-of-switching-to-elec/>

³ Notice Medium Heavy Duty EV Straw Proposal 12.2022 at 16.

⁴ Case EO21030630, Notice of Decision and Order of *The Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism*, (issued June 8, 2022).

⁵ Notice Medium Heavy Duty EV Straw Proposal 12.2022 at 16.

current numbers, which would be diametrically opposed to the transportation electrification goals of the Proposal.

3) Private fleets' managed charging funding should not "be required to abide by a managed charging program for more than 90% of [their] charging needs and no more than a 10% increase in their on-peak instantaneous demand."⁶ ChargePoint further appreciates the Proposal's goals and objectives that the majority of electric vehicle charging take place off-peak. However, 90% would be unattainable for certain fleets, which would undercut the goals of the program. Rather than impose specific thresholds for fleet charging, the BPU should encourage the EDCs to develop optional Time-of-Use ("TOU") rates and provide educational resources to fleet customers to further incentivize fleet operators to shift their usage to off-peak.

B. Technical Assistance Should Work in Concert with the Private Market.

The updated Proposal adds "technical and planning support for private entities that establish public fast charging sites that exceed 500kW in order to plan ahead for the roll-out of National Electric Vehicle Infrastructure ("NEVI") funds and larger charging banks."⁷ ChargePoint sees great value in encouraging the electrification of MHD vehicles across the State. Likewise, we believe that EDCs can play an important role in guiding fleet operators with the technical complexities associated with making the switch to electric vehicles. ChargePoint encourages Staff to modify the Proposal's language to include the following: "any fleet advisory services offered by the EDCs should come from collaboration and consultation from private market providers". Fleet advisory services should leverage the expertise of the charging industry to guide site hosts to optimize businesses financial management and grid stability.

For example, questions that future site hosts may have, such as whether to integrate storage, location design, or vehicle procurement and management, fall far beyond the scope of a utility fleet advisory service. As such, utility fleet advisory services should focus on education for MHD and fleet operators on how to effectively integrate newly electrified vehicles while mitigating disruptions to business operations. ChargePoint cautions that blurring the lines between a utility offering necessary assistance and offering input on site design could adversely affect the market for charging equipment or services.

Additionally, ChargePoint recommends that the BPU require any fleet advisory services by EDCs to be vendor neutral. While it is appropriate for the EDCs to encourage their fleet customers to embrace MHD fleet electrification, it would distort the competitive markets for charging equipment and services, and for MHD vehicles, if EDCs were to promote specific vendors or vendor-specific technologies. Further, EDCs should not pick preferred providers or influence fleet

⁶ Notice Medium Heavy Duty EV Straw Proposal 12.2022 at 18.

⁷ Notice Medium Heavy Duty EV Straw Proposal 12.2022 at 20.

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operators' choice of equipment and service providers so long as the providers are capable of meeting the necessary operational requirements.

C. Definitions Should be Consistent with Light Duty Program Definitions

The BPU uses the term "Overburdened Municipality" for this Straw Proposal, but in the BPU's September 2020 Light Duty EV Charging MFR Order, the BPU used the term "Overburdened Community" instead.

Overburdened Community definition – "any census block group, as determined in accordance with the most recent United States Census, in which at least one half of the households qualify as low[1]income households and either: (1) at least 40% of the residents of the census block group identify as Black, African American, Hispanic or Latino, Asian, Pacific Islander, or as members of a State[1]recognized tribal community; or (2) at least 40% of the households in the census block group have limited English proficiency. Overburdened community is synonymous with the previously used term 'Equity Area.'"⁸

Overburdened Municipality definition – "a municipality that has over 50% of its population living in an Overburdened Community Census Block as defined by the New Jersey Department of Environmental Protection pursuant to New Jersey's Environmental Justice Law, N.J.S.A. 13:1D[1]157; and the municipality has either (i) over 35% of the population living under 200% of the poverty level according to U.S. Census 2019 ACS data; or (ii) the municipality is categorized as 'distressed' according to the New Jersey Department of Community Affairs ("DCA") based on their score using the DCA's Municipal Revitalization Index score (a score of 50 or higher means the municipality is 'distressed' under the DCA's Municipal Revitalization Index criteria)."⁹

To avoid confusion and maintain consistency of definitions, ChargePoint recommends the Proposal should be modified to instead use the term "Overburdened Community" in the Proposal.

III. Conclusion

ChargePoint appreciates the opportunity to provide additional comments on Board Staff's MHD Straw Proposal. We look forward to continuing to work with Board Staff, the EDCs, and other stakeholders to successfully implement the State's electric vehicle goals to help meet New Jersey's statewide energy, climate, and transportation goals.

⁸ Minimum Filing Requirements for Light-Duty 9.2020 at 20.

⁹ Notice Medium and Heavy Duty Straw Proposal 12.2022 at 10.