



STATE OF NEW JERSEY
Board of Public Utilities
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ENERGY AND CLEAN
ENERGY

IN THE MATTER OF THE PETITION OF ROCKLAND) ELECTRIC COMPANY FOR APPROVAL OF AN) ELECTRIC VEHICLE PROGRAM, ESTABLISHMENT OF) AN ELECTRIC VEHICLE SURCHARGE, AND FOR) OTHER RELIEF)	ORDER DOCKET NO. EO20110730
IN 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)	DOCKET NO. EO21030630
IN THE MATTER OF THE PETITION OF ATLANTIC) CITY ELECTRIC COMPANY FOR APPROVAL OF A) VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE) CHARGING)	DOCKET NO. EO18020190
IN THE MATTER OF THE PETITION OF PUBLIC) SERVICE ELECTRIC AND GAS COMPANY FOR) APPROVAL OF ITS CLEAN ENERGY FUTURE –) ELECTRIC VEHICLE AND ENERGY STORAGE (“CEF-) EVES”) PROGRAM ON A REGULATED BASIS)	DOCKET NO. EO18101111

Parties of Record:

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William Harla, Esq., on behalf of Enel X North America, Inc.

BY THE BOARD:¹

By this Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) extends the amount of time after which an electric distribution company (“EDC”) may own and/or operate electric vehicle service equipment (“EVSE”) in an Area of Last Resort due to the resolution of supply chain delays and the influx of federal funding for public electric vehicle (“EV”) charging.

BACKGROUND

By Order dated September 23, 2020, the Board established Minimum Filing Requirements (“MFRs”) and directed all EDCs to file EV proposals by February 28, 2021.² The September 2020 Order also prohibited EDCs from owning or operating EVSE unless the EVSE is located in an “Area of Last Resort” as the term is defined in the Board’s September 2020 Order. Areas of Last Resort are defined as “locations that have not generated private investment interest for a minimum of 12 months after the EDC program has begun, for overburdened communities, or 18 months for other areas.”³ The Board also required that all Areas of Last Resort petitions be filed by December 31, 2025.⁴

¹ Commissioner Marian Abdou recused herself due to a potential conflict of interest and as such took no part in the discussion or deliberation of this matter.

² In re Minimum Filing Requirements for Light-Duty Publicly-Accessible Electric Vehicle Charging, BPU Docket No. QO20050357, Order dated September 23, 2020 (“September 2020 Order”).

³ Id. at 21.

⁴ Id. at 22.

On October 11, 2018, Public Service Electric and Gas Company (“PSE&G”) filed a petition with the Board seeking approval of its EV program. PSE&G proposed a Utility Ownership Model for Public Direct Current (“DC”) Fast Charger ownership, which would “only be utilized if the competitive market is unable to support the DC Fast Charging station development using the Third-Party Ownership Model.” By Board Order dated January 27, 2021, the Board approved PSE&G’s EV program.⁵

On February 23, 2018, Atlantic City Electric Company (“ACE”) filed a petition with the Board seeking approval of its EV program. The ACE EV program provided that ACE “will not own or operate EVSE for public use within the scope of this filing unless, and until, the Board has authorized ACE to own and operate such facilities as a provider of last resort consistent with the requirements set out in the September 2020 Order.” By Board Order dated February 17, 2021, the Board approved ACE’s EV program.⁶

On November 23, 2020, Rockland Electric Company (“RECO”) filed a petition with the Board seeking approval of its EV program. The RECO EV program provided that “the Company will not own or operate EV chargers for public use unless and until the Board has authorized RECO to own and operate such facilities as a provider in Areas of Last Resort consistent with the requirements set forth in the [September 2020] Order.” By Board Order dated October 12, 2022, the Board approved RECO’s EV Program.⁷

On March 1, 2021, Jersey Central Power & Light Company (“JCP&L”) filed a petition with the Board seeking approval of its EV Program. The JCP&L EV Program states that “that there will be no Last Resort DCFC Subprogram or Overburdened Communities Subprogram in this Program.” By Board Order dated June 8, 2022, the Board approved JCP&L’s EV program.⁸

On July 21, 2023, the Board issued a notice and request for comments to the parties of record for each of the four (4) EDC petitions detailed above (“Notice”). The Notice detailed the changing landscape of the EV ecosystem, including supply chain issues and an influx of federal funding for EV infrastructure. The Notice further proposed extending the deadlines for EDCs to establish Areas of Last Resort by 12 months for overburdened communities and 18 months for other areas. In the Notice, Board Staff (“Staff”) therefore recommended that the time for a location to qualify as an Area of Last Resort be adjusted to locations that have not generated private investment interest for a minimum of 24 months after the EDC program has begun, for overburdened communities, or 36 months for other areas.

⁵ In re the Petition of Public Service Electric and Gas Company for Approval of its Clean Energy Future – Electric Vehicle and Energy Storage (“CEF-EVES”) Program on a Regulated Basis, BPU Docket No. EO18101111, Order dated January 27, 2021.

⁶ In re the Petition of Atlantic City Electric Company for Approval of a Voluntary Program for Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated February 17, 2021.

⁷ In re the Petition of Rockland Electric Company for Approval of an Electric Vehicle Program, Establishment of an Electric Vehicle Surcharge, and for Other Relief, BPU Docket No. EO20110730, Order dated October 12, 2022.

⁸ In re the Verified Petition of Jersey Central Power & Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism, BPU Docket No. EO21030630, Order dated June 8, 2022.

STAFF RECOMMENDATIONS

In the time since the Board established the MFRs and approved the EDCs' respective EV programs, the EVSE market has seen significant supply chain issues, which have led to long delays in delivery and installation of EVSE. This delay in the delivery and installation of EVSE may cause locations to satisfy the requirements of Areas of Last Resort even though said areas may have generated private investment interest under normal market conditions. However, based on Staff's observations and experiences in the EVSE market, Staff believes the market has recently begun to return to normal delivery and installation timelines, which may generate private investment interest in locations that do not yet have EVSE. Therefore, Staff recommends that the Board extend the timeline for locations to generate private investment interest before qualifying as Areas of Last Resort.

Additionally, the federal government has established billions of dollars in funding for the National Electric Vehicle Infrastructure ("NEVI") Program, which will provide formula funding to states to deploy charging stations and establish an interconnected network to facilitate data collection, access, and reliability.⁹ New Jersey will receive \$104.4 million of this federal formula funding over the next five (5) years to incentivize public EV charging.

Based on the influx of funding for public charging and the EVSE market recovering from supply chain issues, Staff recommends that the Board extend the deadlines for EDCs to establish Areas of Last Resort by 12 months for overburdened communities and 18 months for other areas. Staff therefore recommends that the time for a location to qualify as an Area of Last Resort be adjusted to locations that have not generated private investment interest for a minimum of 24 months after the EDC program has begun, for overburdened communities, or 36 months for other areas.

Comments

Four (4) comments were received in response to the Notice. All comments were generally supportive of the proposal to extend the deadlines for EDCs to establish Areas of Last Resort.

Electrify America, LLC ("Electrify America") was supportive of the proposal to delay Areas of Last Resort, but also asked the Board to go further and restrict EDCs from owning and operating EVSE within Areas of Last Resort until there are permanent rate design solutions to demand charges. Electrify America also referenced recent Basic Generation Service hearings, during which they advocated for additional rate changes.

ChargePoint, Inc. ("ChargePoint"), Electrify America, EVgo, LLC ("EVgo"), and Tesla, Inc. ("Tesla") (collectively, "Joint EV Parties") filed joint comments in support of the proposal. The Joint EV Parties concurred with Staff's assessment of the EV market and encouraged the Board to continue monitoring EV market conditions to determine whether additional extensions of Areas of Last Resort are necessary. The Joint EV Parties also noted the significant impact that delays in transformer parts are having on the transportation electrification market and asked the Board to "devote increased attention" to the matter. The Joint EV Parties also concurred with Staff's assessment of the impact NEVI funds would have on the market.

The New Jersey Division of Rate Counsel ("Rate Counsel") provided comments in support of delaying the start of the time period during which an EDC may apply for an Area of Last Resort,

⁹ National Electric Vehicle Infrastructure (NEVI) Program, <https://www.fhwa.dot.gov/environment/nevi/>.

and provided several suggestions for the Board's implementation of this delay. First, Rate Counsel recommended the Board suspend the Areas of Last Resort provision in each EDC's EV program until the amount and allocation of NEVI funds is known, which would allow the EVSE market to expand in New Jersey and give the Board flexibility to respond to developing market conditions. Next, Rate Counsel recommended delaying the start of the time period to petition for an Area of Last Resort until the EDCs show more progress implementing their EV programs because the proposed Areas of Last Resort time frames are too short to respond to the issues identified in the Notice. Rate Counsel also suggested setting the same window, as well as uniform dates, for all EDCs to petition for Areas of Last Resort. Finally, Rate Counsel recommended that the Board not establish a Last Resort program for JCP&L because it does not have the appropriate provision in its current EV program.

Americans for Affordable Clean Energy provided comments in support of the proposal, noting that the Board's shared responsibility model encouraged private investment.

Staff Response to Comments

Staff thanks the stakeholders for their comments. Staff notes that each EDC has the ability to file programs for Areas of Last Resort and that the timeline for doing so is based on when their programs begin, not when the Board approved the programs. Creating uniform timelines is therefore not feasible because each EDC's EV program has its own provisions and timelines. However, Staff notes that, with the proposed delay, no EV program would be permitted to petition for an Area of Last Resort until 2024. In addition, Staff notes that NEVI funding is formulaic and will result in \$104.4 million in corridor charging investment through 2027, and Staff has the ability to propose additional delays as appropriate based on Staff's continued monitoring of EDC progress and EVSE market conditions, including NEVI funding.

Staff also notes that each EDC is required to propose a rate design solution for demand charges in each of their upcoming rate cases. Additionally, Staff concurs with comments encouraging the continual monitoring of the EV market as it relates to Areas of Last Resort.

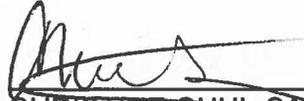
DISCUSSION AND FINDINGS

The Board acknowledges that supply chain issues in the EVSE market have delayed the delivery and installation of EVSE in the State, which may have deterred private investment interest in EVSE and made sites appear to be Areas of Last Resort. The Board has carefully reviewed and considered the comments provided. In light of the supply chain delays beginning to subside, as well as the influx of federal funding to incentivize public EV charging, the Board **FINDS** that Staff's recommendation to expand the timeline for an area to qualify as an Area of Last Resort to be reasonable. The Board **HEREBY DIRECTS** that Areas of Last Resort be modified to locations that have not generated private investment interest for a minimum of 24 months after the EDC program has begun, for overburdened communities, or 36 months for other areas. The Board **HEREBY DIRECTS** that Areas of Last Resort petitions must be filed by December 31, 2027.

The effective date of this Order is October 4, 2023.

DATED: September 27, 2023

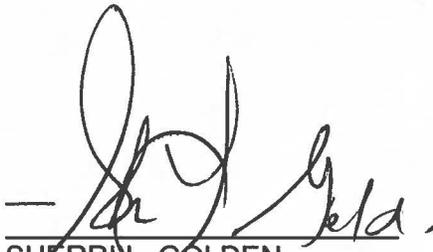
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DR. ZENON CHRISTODOULOU
COMMISSIONER

ATTEST:


SHERRIL GOLDEN
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities.

IN THE MATTER OF THE PETITION OF ROCKLAND ELECTRIC COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM, ESTABLISHMENT OF AN ELECTRIC VEHICLE SURCHARGE, AND FOR OTHER RELIEF

IN 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

IN THE MATTER OF THE PETITION OF ATLANTIC CITY ELECTRIC COMPANY FOR APPROVAL OF A VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE CHARGING

IN THE MATTER OF THE PETITION OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR APPROVAL OF ITS CLEAN ENERGY FUTURE – ELECTRIC VEHICLE AND ENERGY STORAGE (“CEF-EVES”) PROGRAM ON A REGULATED BASIS

DOCKET NOS. EO20110730, EO21030630, EO18020190, & EO18101111

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