BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Joint Application of Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy for approval of their Economic Recovery Transportation Electrification Plan for the period 2022-2024.	)	Docket No. 21-09004

At a general session of the Public Utilities Commission of Nevada, held at its offices on November 30, 2021.

PRESENT: Chair Hayley Williamson
Commissioner C.J. Manthe
Commissioner Tammy Cordova
Business Process Analyst II Sabrena Cusick

ORDER

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The Public Utilities Commission of Nevada ("Commission") makes the following findings of fact and conclusions of law:

I. INTRODUCTION

On September 1, 2021, Nevada Power Company d/b/a NV Energy ("NPC") and Sierra Pacific Power Company d/b/a NV Energy ("SPPC") (together, "NV Energy") filed with the Commission a joint application, designated as Docket No. 21-09004 ("Joint Application"), for approval of an economic recovery transportation electrification plan to accelerate transportation electrification in Nevada for the period beginning January 1, 2022, and ending on December 31, 2024 ("Plan").

II. SUMMARY

The Commission grants the Joint Application and accepts in part and modifies in part the Plan, as delineated in this Order.

III. PROCEDURAL HISTORY

- On September 1, 2021, NV Energy filed with the Commission the Joint Application
- NV Energy filed the Joint Application pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC") Chapters 703 and 704 and Senate Bill 448 (2021) ("SB 448"), including, but not limited to, NAC 703.530 *et seq.* and Section 49 of SB 448. Pursuant to NRS 703.190 and NAC 703.527 *et seq.*, NV Energy requests that certain material in the Joint Application receive confidential treatment.
- The Regulatory Operations Staff of the Commission ("Staff") participates as a matter of right pursuant to NRS 703.301.
- On September 7, 2021, the Bureau of Consumer Protection ("BCP") filed a Notice of Intent to Intervene pursuant to Chapter 228 of the NRS.
- On September 8, 2021, the Commission issued a Notice of Joint Application and Prehearing Conference.
- On September 13, 2021, Staff filed a Motion for Expedited Discovery with the Commission ("Staff's Motion").
- On September 14, 2021, BCP filed with the Commission a Joinder to Staff's Motion ("BCP's Joinder").

- On September 17, 2021, NV Energy filed with the Commission a Response to Staff's Motion ("NV Energy's Response"). That same day, ChargePoint, Inc. ("ChargePoint") filed a Petition for Leave to Intervene ("PLTI").

- On September 21, 2021, Staff filed with the Commission a Reply to BCP's Joinder and NV Energy's Response.

- On September 24, 2021, the Commission issued an order granting Staff's Motion.

- On September 28, 2021, Nevadans for Clean Affordable Reliable Energy ("NCARE") and Sierra Club filed a joint PLTI. That same day, Tesla, Inc. ("Tesla") filed a PLTI.

- On September 29, 2021, the Governor's Office of Energy ("GOE") filed a PLTI.

- On September 30, 2021, EVgo Services, LLC ("EVgo") filed a PLTI.

- On October 1, 2021, the Regional Transportation Commission of Washoe County, Nevada ("RTC Washoe") filed a PLTI.

- On October 4, 2021, Zeco Systems, Inc. d/b/a Greenlots ("Greenlots") and the Nevada Resort Association ("NRA") filed PLTIs.

- On October 5, 2021, Clark County, Nevada ("Clark County"); Nevada Workers for Clean and Affordable Energy ("NWCAE"); Enel X North America, Inc. ("Enel X"); and Southern Nevada Gaming Group ("SNGG") filed PLTIs. That same day, Washoe County, Nevada ("Washoe County"): the Edison Electric Institute; Advanced Energy Economy Institute; the Regional Transportation Commission of Southern Nevada; and Weave Grid, Inc. filed comments.

- On October 6, 2021, the Presiding Officer held a prehearing conference. NV Energy, Staff, BCP, ChargePoint, NCARE and Sierra Club, Tesla, GOE, EVgo, RTC Washoe, Greenlots, NRA, Clark County, NWCAE, Enel X, and SNGG made appearances. That same day, the City of Las Vegas filed comments and NV Energy filed a list of options to notice the consumer session, as requested by the Presiding Officer at the prehearing conference.

- On October 8, 2021, the Commission issued an order granting the PLTIs of ChargePoint, NCARE and Sierra Club, Tesla, GOE, EVgo, RTC Washoe, Greenlots, NRA, Clark County, NWCAE, Enel X, and SNGG. That same day, the Commission issued a Procedural Order establishing a procedural schedule.

- On October 11, 2021, the Commission issued a Notice of Consumer Session and Notice of Hearing.

- On October 13, 2021, Washoe County filed a late-filed PLTI.

- On October 22, 2021, the Commission issued an order granting Washoe County's late-filed PLTI.

- On October 25, 2021, GOE, RTC Washoe, NCARE and Sierra Club, ChargePoint, EVgo, Tesla, Washoe County, NRA, Clark County, Greenlots, Enel X, NWCAE, BCP, and Staff submitted pre-filed direct testimony.

- On October 26, 2021, the Commission issued Procedural Order No. 2 setting forth the procedures for the hearing.

- On October 27, 2021, GOE filed corrected direct testimony of David Bobzien.

- On October 28, 2021, the Electrification Coalition filed comments.

- On November 2, 2021, Alan Nichols filed comments.

- On November 4, 2021, NV Energy submitted pre-filed rebuttal testimony.

- On November 5, 2021, RTC Washoe and BCP filed their Exhibit Lists.

- On November 8, 2021, NV Energy, ChargePoint, NCARE and Sierra Club, SNGG, NRA, Staff, EVgo, and Enel X filed their Cross Examination Statements and Exhibit Lists. That same day, Greenlots, Washoe County, GOE, NWCAE, RTC Washoe, Clark County, and Tesla filed their Exhibit Lists. BCP filed its Cross Examination Statement. GOE, Greenlots, NWCAE, Washoe County, RTC Washoe, and Tesla filed letters advising the Commission that they did not intend to cross examine witnesses.

- On November 9, 2021, NCARE and Sierra Club filed corrected direct testimony of Max Baumhefner and corrected Exhibit List.

- On November 10, 2021, the Presiding Officer held a hearing. NV Energy, Staff, BCP, ChargePoint, NCARE and Sierra Club, Tesla, GOE, EVgo, RTC Washoe, Greenlots, NRA, Clark County, NWCAE, Enel X, SNGG, and Washoe County made appearances.

- On November 10, 2021, Clark County, Washoe County, and Enel X filed affidavits on behalf of their witnesses.

- On November 12, 2021, NRA, Tesla, Greenlots, RTC Washoe, and GOE filed affidavits on behalf of their witnesses. That same day, Faith Organizing Alliance filed comments and NV Energy submitted late-filed Exhibit No. 112.

- On November 15, 2021, ChargePoint filed an affidavit on behalf of its witness. That same day, the Reno Sparks Chamber of Commerce filed comments.

- On November 16, 2021, the Commission held a Consumer Session and the Mormon Women for Ethical Government, Nevada Conservation League, Latin Chamber of Commerce, and American Lung Association filed comments.

- On November 16, 2021, NCARE and Sierra Club and BCP filed affidavits on behalf of their witnesses.

- On November 17, 2021, Chispa Nevada filed comments.
- On November 19, 2021, EVgo filed an affidavit on behalf of its witness.

IV. JOINT APPLICATION

A. Overview of NV Energy's Joint Application and Plan

1. NV Energy states that to accelerate transportation electrification in the State of Nevada and promote economic recovery, NV Energy's Plan proposes to facilitate the development of a strategic network of public charging. (Ex. 100 at 1.) NV Energy states that pursuant to SB 448, the Plan consists of five charging infrastructure deployment programs: Interstate Corridor Charging Depot Program; Urban Charging Depot Program; Public Agency Electric Vehicle ("EV") Charging Program; Transit, School Bus and Transportation Electrification Custom Program; and Outdoor Recreation and Tourism Program. (*Id.*) NV Energy states that the goals regarding the programs are to remove barriers to electric vehicle adoption, increase access to chargers in historically underserved communities, and develop a network of electric vehicle infrastructure across Nevada's tourism and outdoor recreation economy. (*Id.*)

2. NV Energy states that the Plan will implement an estimated 120 charging sites with a total 1,822 chargers. (Ex. 100 at 3.) NV Energy states that total Plan costs are estimated at $99,813,000. (*Id.*) NV Energy states that approximately 51 percent of Plan expenditures are dedicated to investments made in or for the benefit of historically underserved communities, approximately 20 percent of plan expenditures are dedicated to investments in the Outdoor Recreation and Tourism Program, and approximately 29 percent of Plan expenditures are dedicated to behind-the-meter incentives. (*Id.*) NV Energy asserts that these allocations meet or exceed the requirements of SB 448. (*Id.*)

3. NV Energy proposes three schedules for each utility to successfully implement the Plan: (1) a revision to the current Electric Vehicle Commercial Charging Riders ("EVCCR"), (2) a new tariff and rate schedule for utility-owned charging stations, and (3) a new tariff to apply solely to the Electric School Bus Vehicle-to-Grid ("ESB-V2G") Trial program (Ex. 100 at 3.)

4. NV Energy seeks approval of the Plan, as well as two new tariffs and a modification to an existing tariff. (Ex. 102 at 3.) NV Energy explains that the new tariffs complement NV Energy-owned public charging infrastructure and the ESB-V2G Trial Program. (*Id.*) NV Energy additionally explains that the modification to Schedule No. EVCCR-TOU will increase the participation limit in the EVCCR. (*Id.*)

5. NV Energy states that the Plan seeks to maximize all existing and future EV programs to ensure the greatest probability of accelerating transportation electrification in the State. (Ex. 102 at 6.) NV Energy explains that the Plan, however, focuses solely on the directives of SB 448: deploying public EV charging infrastructure to advance transportation electrification and promote economic recovery in the short term. (*Id.*) NV Energy further explains that, given the explicit direction to accelerate transportation electrification, the Plan addresses key barriers to the adoption of EVs by focusing on providing publicly available EV charging stations. (*Id.* at 7.)

6. NV Energy states that, pursuant to SB 448, the Plan provides for the development of EV charging infrastructure that, in some instances, will be owned and operated by host customers or third-party providers, and, in other instances, owned and operated by NV Energy. (Ex. 104 at 3.)

7. NV Energy states that the Plan consists of five individual programs, as required by Senate Bill 448, and provides 120 charging sites and 1,822 chargers across NV Energy's service territories. (Ex. 102 at 7.) NV Energy proposes the following programs:

Program Name	**Program Summary**
Interstate Corridor Charging Depot Program	The Interstate Corridor Charging Depot Program's objective is to increase EV charging infrastructure along Interstate 15 and Interstate 80 to support Nevada's tourism economy. The program also supports the needs of the GOE to ensure alternative fuel corridor designation for Interstate 80 Phase II sites on the Nevada Electric Highway.
Urban Charging Depot Program	The Urban Charging Depot Program's primary objective is to provide public EV charging infrastructure in metropolitan areas of Nevada, particularly for customers who are unable to charge their vehicles at home or workplace. This program provides charging infrastructure in residential neighborhoods and commercial areas to support employee, visitor, local fleet vehicle, and resident charging during operating hours. It will also provide charging infrastructure in large downtown sites in Reno and Las Vegas to support charging for transportation network companies, high rise residents, casino visitors, and tourists. The program will also support additional electric mobility options.
Public Agency Vehicle Charging Program	The Public Agency Vehicle Charging Program will provide funding to support public infrastructure for community centers, universities and colleges within the Nevada System of Higher Education, and State buildings that prioritize historically underserved communities.
Transit, School Bus, and Transportation Electrification Custom Program	The Transit, School Bus, and Transportation Electrification Custom Program aims to serve the electric charging needs of transit agencies, metropolitan planning organizations, the Department of Transportation, public school districts and nongovernmental commercial customers. Given the unique needs of those customers, NV Energy proposes three components: (1) Transit Electrification Grant, (2) Electric School Bus Vehicle-to-Grid Trial, and (3) Transportation Electrification Custom Grant.

Outdoor Recreation and Tourism Program	The Outdoor Recreation and Tourism Program provides funding to serve the EV charging needs of the tourism and outdoor recreation economy of Nevada. The program will include two NV Energy owned and operated sites at Red Rock Canyon National Conservation Area and Sand Harbor State Park and Incline Village at Lake Tahoe. Additionally, the program will provide incentives for electric chargers at casino resorts, sport complexes, convention centers, rural tourism sites, and ski locations.

(*Id.* at 8.)

8. NV Energy states that the Plan balances speed and stakeholder priorities to meet the legislative intent and is aimed at three key objectives: (1) meet SB 448's specific program and budget allocation requirements; (2) deploy infrastructure quickly to satisfy SB 448's mandate to maximize job creation; and (3) engage with stakeholders and incorporate their inputs and priorities in the development of the Plan. (Ex. 102 at 9.) Additionally, NV Energy states that it developed the Plan in accordance with the following guiding principles: (1) charging infrastructure should be low cost and reliable; (2) user experience should be seamless and consistent with the way customers purchase other services; (3) historically underserved communities should be deliberately prioritized when feasible; and (4) the programs should be designed with a focus on the future, while still meeting the needs of existing vehicle stock. (*Id.*)

9. NV Energy states that in the development of the Plan, it met with the following stakeholders to provide updates and solicit their priorities and input, which played a key part in program design:

- Government Entities: GOE, Office of Administration, Department of Transportation, Department of Conservation and Natural Resources, Division of Environmental Protection, Division of Outdoor Recreation, Division of Parks, Clark County Department of Environment and Sustainability, Clark County School District, Regional Transportation Commission of Southern Nevada, and Regional Transportation Commission of Washoe County.

- Associations: Nevada Resorts Association, Electrification Coalition, Plug-In America, Ceres, Advanced Energy Economy, and Consumer Reports.

- Clean Energy Advocates and Community Based Organizations: Nevada Conservation League, Chispa, Natural Resources Defense Council, Western Resource Advocates, Southwest Energy Efficiency Project, Faith Organizing Alliance, Sierra Club, and American Lung Association.

- Labor: Northern Nevada Electric Joint Apprentice and Training Committee and the Electrical Joint Apprentice and Training Center of Southern Nevada.

(Ex. 102 at 13.)

10. NV Energy requests that the Commission issue an order that:

a. Grants the Joint Application;

b. Accepts the Plan and authorizes NV Energy to commence implementation of the Plan as filed with the following programs and associated costs:

i. Interstate Corridor Charging Depot, $9,389,000.00

ii. Urban Charging Depot, $26,308,000.00;

iii. Public Agency Electric Vehicle Charging, $17,142,000.00;

iv. Transit, School Bus and Transportation Electrification Custom, $18,044,000.00;

v. Outdoor Recreation and Tourism, $20,242,000.00; and

vi. Plan Development, Administration and Execution, $8,688,000.00;

c. Finds that NV Energy has fulfilled SB 448's directives;

d. Approves the proposed tariffs and rate schedules to implement the Plan; and

e. Grants NV Energy such other and further relief as the Commission may find reasonable and appropriate under the circumstances.

(Ex. 100 at 5-6.)

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B. Charging Rates/Tariffs

NV Energy's Position

11. NV Energy states that the Plan proposes different charging station price structures for NV Energy customers and non-NV Energy customers. (Ex. 103 at 6.) NV Energy states that all charging station customers will be charged based on the same time-of-use ("TOU") rate. (*Id.*) NV Energy states that non-NV Energy customers will also be charged an additional connection fee. (*Id.*)

12. Currently, NV Energy states that the service for charging stations that are either owned and/or operated by NV Energy's customers or third parties is treated like any other point of service. (Ex. 104 at 4.) NV Energy states that those stations that are installed behind a customer's meter are included in the overall metered loads at the premise. (*Id.*) NV Energy states that separately metered stations that meet the applicability of the large commercial tariffs with demand charges are eligible to be billed on the EVCCR tariff. (*Id.*) NV Energy states that by initially offering significant demand charge discounts, EVCCR provides for a ten-year transition period towards fully cost-based rates. (*Id.*) NV Energy explains that the transition period that gradually builds to fully cost-based demand rates over time allows for the infrastructure to be put in place when utilization levels may not be high enough to otherwise justify such investment. (*Id.*) NV Energy further explains that the rates billed to end-use EV customers for EV charging sessions and energy at these stations are set by the station owners/operators. (*Id.*)

13. NV Energy states that the planned NV Energy-owned charging stations will be billed the same as any other point of service and will be included during the same accounting process as any other NV Energy-owned metered location. (Ex. 104 at 4.) NV Energy states that

individual NV Energy-owned EV charging stations will be billed under standard schedules; thus, providing recovery of the energy and infrastructure costs provided by the utility through the standard process which will be credited back to the costs of the program. (*Id.* at 4-5.)

14. NV Energy states that the NV Energy-owned stations that meet the criteria will be eligible for billing under the EVCCR schedules and to ensure that all customers who install separately metered charging infrastructure are eligible, NV Energy proposes to increase the applicable limit of number of separately metered charging stations eligible for the EVCCR Rider schedules from 225 to 500 installed meters per service territory. (Ex. 104 at 5.) NV Energy explains that increasing the number of customers who can participate in this rider ensures that customers who may opt to install EV infrastructure can continue with the demand rate discounts during the transition period, which will further support the expansion of charging stations across Nevada. (*Id.*)

15. NV Energy proposes new NV Energy Electric Vehicle Charging Network ("NVEVCN") tariffs to govern the rates for EV charging at NV Energy-owned charging stations. (Ex. 104 at 5.) NV Energy explains that customers will pay TOU volumetric rates for the energy used to charge their vehicles and, additionally, non-NV Energy customers will pay a per-minute connection fee during their charge session. (*Id.*)

16. NV Energy proposes charging EV customers at NV Energy-owned charging stations with the already approved TOU volumetric rates under the NVEVCN tariffs. (Ex. 104 at 5.) NV Energy contends that this will provide a price signal to EV charging customers to encourage charging when the grid is least costly to use and will simplify customer communications as to pricing and the TOU rate structure by matching the rates that customers would pay to charge their vehicles at home under the optional TOU schedule. (*Id.* at 6.)

17. NV Energy additionally proposes charging non-NV Energy customers a per-minute connection fee to charge their vehicles at these stations to help compensate NV Energy customers for the facilities investments being made through general rates when non-NV Energy EV customers utilize the stations. (Ex. 104 at 6.) NV Energy explains that the per-minute connection fee will vary based upon the type of charging station utilized by the customer as each of the charging technologies have a distinct cost to build and interconnect to the utility grid. (*Id.*) NV Energy further explains that the connection fee is set to recover the facilities and billing costs from non-NV Energy customers that NV Energy will otherwise recover from all customers as part of the general revenue requirement approved in a GRC filing. (*Id.* at 7.)

18. NV Energy explains that it will discern between NV Energy customers and non-NV Energy customers, at its charging sites, by administering an enrollment process that will issue, at a minimum, a Radio Frequency Identification ("RFID") card to eligible NV Energy residential and commercial customers for use at NV Energy-owned charging sites. (Ex. 104 at 7.) NV Energy states that discussion with vendors may provide additional processes to receive an RFID card or other identification methods. (*Id.* at 7-8.)

19. NV Energy explains that the non-NV Energy customer connection fees were determined by a cost-based estimate of the rates by type of facility and include the anticipated costs of a third-party vendor to manage the individual customer billing for each charging session. (Ex. 104 at 8.) NV proposes the following connection fees for non-NV Energy customers:

Proposed Connection Fees for Non-NV Energy Customers

Type	Connection Fee During Charge ($/minute)
Level 2	$0.10

Small (<150kW[1]) DC Fast Charger	$0.49
Large (>350kW) DC Fast Charger	$0.64

(*Id.* at 9.)

20. NV Energy additionally proposes the ESB-V2G tariff schedule to implement a trial program to determine the impact of using electric school bus batteries as a dispatchable resource for the grid. (Ex. 104 at 9.) NV Energy states that the school bus batteries will be incentivized, reducing the cost to the customer under the agreement that the stored energy will be available for dispatch by NV Energy when needed. (*Id.*) NV Energy explains that under the proposed tariff, the price for the dispatched energy will be based upon the lesser of the hourly system incremental internal generation cost or the NV Energy average hourly Load Aggregation Point price. (*Id.*) NV Energy states that the tariff provides for a pilot program to demonstrate the implementation management and discharge to grid capabilities of a fleet of utility-incentivized public school buses. (Schedule ESB-V2G). NV Energy states that any customers who previously received a utility incentive towards the cost of electric school buses is eligible for the tariff, and the trial limits participation to a maximum of 50 total buses in a utility's service territory. (*Id.*) NV Energy states that the pilot program begins on January 1, 2022, and completes on December 31, 2024. (*Id.*) NV Energy states that if at the end of the three-year study period the Commission determines that this tariff should not be adopted on a permanent basis, the customers taking service under this pilot program shall be allowed to remain on the tariff for the life of the interconnected equipment not to exceed the useful life of the electric school bus, currently estimated at 12 years. (*Id.*)

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[1] The 150 kW appears to be a typo; the tariff sheets themselves list 350 kW.

ChargePoint's Position

21. ChargePoint recommends that NV Energy provide any site host on whose property NV Energy deploys utility-owned chargers a choice of either (1) allowing NV Energy to charge its tariffed prices for EV charging or (2) establishing the price of charging services themselves in a manner that aligns with their onsite operations. (Ex. 700 at 24.) ChargePoint states that the site host would become the utility customer of record and responsible for paying the regular bills associated with the electricity used for charging services through standard tariffs; thus, ensuring that the utility remains whole for any costs related to the energy used by the charging stations, while allowing the site host flexibility to price the charging services in a way that supports their own goals. (*Id.* at 24-25.)

22. ChargePoint states that the prices NV Energy has proposed for NV Energy customers to charge at utility-owned charging stations will drastically undercut the competitive market and make it virtually impossible for any non-utility site host to compete with NV Energy on price. (Ex. 700 at 27.) ChargePoint is greatly concerned that few if any site hosts, especially direct-current fast charger ("DCFC") site hosts, will be able to compete with NV Energy on price if the Commission approves NV Energy's pricing proposal for the simple reason that non-utility site hosts must purchase electricity from NV Energy at NV Energy's commercial retail rates. (*Id.*) ChargePoint notes that even if NV Energy provides a site host with incentives, the site host may still incur costs to purchase the chargers themselves, as well as costs for network services, signage, site maintenance, and parking enforcement. (*Id.*) ChargePoint notes that all of these costs that a site host incurs simply cannot be covered by selling EV charging services at the same price or a similar price as the site host pays for electricity. (*Id.*)

23. ChargePoint states that NV Energy's proposal to offer DC fast charging service at prices well below the prices that competitive providers will offer will significantly negatively impact the competition for DC fast charging in Nevada. (Ex. 700 at 29.) ChargePoint states that if the Commission approves NV Energy's pricing proposal, it is reasonable to expect that the only site hosts that will offer public DC fast charging in NV Energy's service territories are those that can afford to do so at a loss to support other revenue streams. (*Id.*) ChargePoint asserts that the result will be many fewer DCFCs in NV Energy's service territory than there would be if there were a level playing field, which is a suboptimal outcome for EV drivers. (*Id.*)

24. ChargePoint expressed concern that NV Energy's pricing proposal is a classic example of predatory pricing, in which a single market player prices a product or service below its cost of providing that product or service for a sufficient amount of time that other competitors exit the market because they cannot compete on price. (Ex. 700 at 52.) ChargePoint explains that as the monopoly utility, NV Energy can recover much or most of the cost of providing EV charging stations from its ratepayers and does not need to recover its costs from EV drivers the way most competitive providers do. (*Id.* at 30.)

25. ChargePoint states that NV Energy's policy of having an NV Energy customer pay the same price per kilowatt hours ("kWh") to charge their EV at a utility-owned charging station — including DCFCs — as they would pay to charge their EV at home reduces the ability of EV charging load to provide benefits to all NV Energy customers. (Ex. 700 at 30.) ChargePoint explains that when EV charging load increases electricity sales during times that the grid is underutilized, such as during the middle of the night and early morning hours, it can put downward pressure on electricity rates by spreading the utility's fixed costs over a greater number of kWh sales. (*Id.* at 31.) ChargePoint further explains that EV charging load provides

the most benefits when it occurs during these periods, which are sometimes referred to as "super off-peak" hours. (*Id.* at 30.) ChargePoint asserts that NV Energy's low charging prices for high-powered DC fast charging will encourage customers to visit its stations instead of charging where they park. (*Id.*)

26. ChargePoint recommends that the Commission reject NV Energy's proposal to waive its "connection fee" for its ratepayers and not allow NV Energy to charge EV drivers different prices based on whether they are NV Energy ratepayers or not. (Ex. 700 at 32.) ChargePoint states that instead, the Commission should direct NV Energy to charge all EV drivers the same prices at a given EV charging station (but allow NV Energy to charge a higher per-kWh price for DCFC) and to charge prices based on the kWh. (*Id.*) Further, ChargePoint recommends that the Commission direct NV Energy to set prices for public EV charging services by surveying prices from all competitive EV charging providers operating in the service territory and perform this survey annually. (*Id.*)

27. ChargePoint states that site hosts should not be required to charge time-varying prices at public charging stations supported by the Plan programs because EV drivers typically use DCFCs when they want to get back on the road quickly; higher on-peak prices at DCFCs generally do not encourage EV drivers to shift their charging behavior to off-peak hours. (Ex. 700 at 33.) ChargePoint asserts that inappropriate for the Commission to impose a pricing requirement as site hosts are not public utilities and are outside the Commission's jurisdiction. (*Id.* at 34.) ChargePoint states that site hosts should be free and empowered to price charging, such as a flat fee or an hourly fee rather than a Per-kWh fee, that best supports their own goals for installing charging stations. (*Id.*)

28. ChargePoint states that if the Commission adopts ChargePoint's recommendation to allow site hosts to become the utility customer-of-record and set charging prices, then ChargePoint would not oppose allowing NV Energy to establish time-varying prices at stations where site hosts have chosen not to set pricing themselves. (Ex. 700 at 34.) However, ChargePoint states that if NV Energy chooses to charge time-varying prices, the Commission should require NV Energy to charge an on-peak surcharge instead of an off-peak credit to ensure that NV Energy does not undercut the competitive market during the majority of the hours of the year. (*Id.*) ChargePoint recommends that the Commission not approve a discount for NV Energy customers of more than ten percent. (*Id.* at 35.)

EVgo's Position

29. EVgo states that NV Energy has proposed Schedule NVEVCN, which includes seasonally differentiated TOU volumetric energy rates that follow NV Energy's standard single-family optional TOU schedule. (Ex. 900 at 13.) EVgo states that for NPC, this consists of a summer on-peak rate of 35 cents, a summer off-peak and Recharge Period rate of roughly 5 cents, a winter rate of approximately 6 cents, and for SPPC, the rate consists of a summer on-peak rate of 53 cents, a summer off-peak and Recharge Period rate of roughly 6 cents, a winter on-peak rate of 9 cents, and a winter off-peak and Recharge Period rate of approximately 6 cents. (*Id.*) EVgo states that for non-NV Energy customers, NV Energy has proposed the same rates described above with an *additional* per-minute connection fee dependent on the type of charger they use-10 cents per minute for a Level 2 charger, 49 cents per minute for a DCFC less than 350 kW, and 64 cents per minute for a 350 kW or greater DCFC. (*Id.* at 14.)

30. EVgo states that NV Energy's proposal has the potential to have unintended consequences on the private market for electric vehicle supply equipment ("EVSE"). (Ex. 900 at

15.) EVgo states that one potential challenge with a utility owned and operated DCFC network near a third-party operator's DCFC network is the utility chargers consuming the usage that the private market relies on to sustain its economics. (*Id.*) EVgo states this may discourage third-party operators if they do not see adequate utilization to sustain their network. (*Id.*)

31. EVgo states that this challenge can be compounded by utilities pricing EV charging at rates too low for the private market to compete, not recognizing the full cost stack for DCFC, which includes not only electricity, but also operations and maintenance ("O&M"), a customer call center, and other development and operations costs. (Ex. 900 at 15.) EVgo asserts that NV Energy's proposed DCFC pricing for its customers within Schedule NVEVCN, as the off-peak and Recharge Period rates are well below market rates. (*Id.* at 15-16.) EVgo explains that private sector DCFC providers must charge a price that reflects all their development and maintenance costs; utilities can set a lower price because they can recover a large portion of their costs through ratepayers, even those not charging at their EV stations. (*Id.* at 16.)

32. EVgo states that when utilities propose to enter the DCFC space, Commissions must ensure that there is a balance between utility activities and private market activities and that utilities are not using their monopoly advantage to compete with the private market unfairly. (Ex. 900 at 16.) EVgo asserts that NV Energy is likely to hinder competition and innovation and discourage private investment. (*Id.*)

33. EVgo recommends that the Commission direct NV Energy to modify the NV Energy customer rate at its chargers to be set at a level that is competitive with the private market, considering all costs, including O&M costs, in order to level the playing field and are consistent with legislative goals. (Ex. 900 at 24 - 25.)

34. EVgo states that NV Energy offers the EVCCR schedules to separately metered electric vehicle charging stations. (Ex. 900 at 25.) EVgo further states that the rider incorporates a 10-year transition period towards cost-based rates where these customers receive discounted demand charges and a higher $/kWh rate by TOU period through a Transition Rate Adder while on these schedules and that these reductions are intended to encourage the development of electric vehicle charging infrastructure across the State. (*Id.*)

35. EVgo supports Schedule EVCCR but suggests that the 10-year demand reduction scale in Schedule EVCCR applicable on a rolling 10-year basis, with a cutoff date in 2032, so that a customer begins at the top of the scale the year a new charging station customer is energized, with the level of demand reduction being reduced by 10 percent each calendar year after that point. (Ex. 900 at 27.) EVgo state that this is a three-year extension that will provide robust support for new charging infrastructure. (*Id.*) EVgo suggests that NV Energy perform an assessment prior to 2032 to determine whether demand reductions continue to help accelerate transportation electrification and whether the rate should be extended. (*Id.*) EVgo further suggests that all other aspects of the rate be maintained, including the Transition Rate Adder, which allows the rate to remain revenue neutral. (*Id.* at 28.)

36. EVgo states that the modification to Schedule EVCCR is in the public interest. (Ex. 900 at 28.) EVgo states that as EV charging providers consider where to invest, rate design is a critical factor, as electricity costs make up a substantial portion of an EV charging station's operating costs. (*Id.*) EVgo states that the industry has learned that increasing utilization at EV charging stations will not always be linear. (*Id.* at 29.) First, while at high utilization levels, customers may have to wait in line to charge their vehicles, which creates a sub-optimal charging experience and may hinder EV adoption. (*Id.*) EVgo states that increasing utilization can seem

positive; once utilization reaches a certain point, there is a tradeoff between higher utilization and customer experience, hindering EV adoption. (*Id.*) EVgo states that if there is an influx of new stations energized through NV Energy programs or federal incentives, whether through utility-ownership programs or programs targeting the private market, increased competition for usage could make EV utilization decrease, not increase. (*Id.*) EVgo further states that this is because usage will be spread out among a greater number of charging stations. (*Id.*)

37. EVgo states that adjusting the demand reduction scale to begin at the time of energization mitigates the issue of high demand charges for new stations that are built-in in future years that may have low utilization in their early years. (Ex. 900 at 29.) Whereas the existing Schedule EVCCR demand reduction will have already declined by 30 percent by 2022 and will have declined by 50 percent by the end of the Plan, this approach of a 10-year rolling demand reduction scale will offer the same level of demand reduction across the board for new EV charging stations. (*Id.* at 30.)

38. EVgo states that other commissions have approved rates that apply on a rolling basis for EV charging customers. (Ex. 900 at 30.) EVgo state that in July 2021, the Arizona Corporation Commission approved Tucson Electric Power's ("TEP") Rider 20 Stand-Alone Electric Vehicle Charging for Small General Service ("Rider 20"), which permits separately metered general service EV charging customers to take service on TEP's Small General Service TOU rate schedule until they exceed 50,000 kWh in two consecutive months, or the customer has been on Rider 20 for seven years, whichever comes first. (*Id.*) EVgo states that similar to the proposed modified EVCCR, Rider 20 will be available for ten years and provides a path for DCFC charging stations to mature and experience managing load profiles while providing another option to avoid demand charges. (*Id.* at 30-31.)

Greenlots' Position

39. Greenlots supports NV Energy's proposed rates under the NVEVCN, which include TOU volumetric energy rates following the standard single-family optional TOU schedule and an additional per minute connection fee for non-NV Energy customers. (Ex. 1100 at 11.) Greenlots explains that this allows non-NV Energy customers who use utility-owned stations to contribute directly to the overall costs of the program through their use of the facilities and NV Energy customers to charge at public charging stations at the exact cost as they could otherwise charge at home, assuming they have access to at-home charging. (*Id.*)

40. Greenlots supports the use of price signals and other means to manage charging to support the efficient and effective grid integration of EV charging. (Ex. 1100 at 12.) Greenlots states that ratepayer benefits associated with transportation electrification are directly linked to effective load management and grid integration considerations, and the rate schedule-related measures that NV Energy has proposed appear to be appropriate, sensible, and directly attributable to this fact. (*Id.*)

41. Greenlots advises that the Commission should ignore the protests of other market participants to have NV Energy redesign its Plan as the Legislature limited the Commission's review to determining broadly whether the filing is within the specific, yet broad guideposts defined by the Legislature. (Ex. 1100 at 14-15.) Greenlots further advises that the Commission should resist recommendations that would result in program design homogenization by having the Plan conform to the needs of a specific company's customers or a company's specific business model or market ideal. (*Id.* at 16.)

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NCARE and Sierra Club's Position

42. NCARE and Sierra Club support NV Energy's proposal to expand the number of eligible meters in each service territory in the EVCCR tariff from 225 to 500. (Ex. 601 at 9.) NCARE and Sierra Club state that because the Plan will likely support a host of new DCFC customers who will want to take advantage of the lowered demand charges associated with the EVCCR tariff, it is logical to ensure participation in the EVCCR rider is not unnecessarily limited. (*Id.*)

43. NCARE and Sierra Club state that providing strong price signals in the NVEVCN Tariff to encourage off-peak charging will help maximize the benefits that increased EV charging load can deliver to all NV Energy customers. (Ex. 601 at 10.) To improve the customer experience and overall effectiveness of the NVEVCN rate, NCARE and Sierra Club recommend:

> a. The Commission direct NV Energy to eliminate the connection fee and recover all costs through per kWh energy charges;
>
> b. The Commission direct NV Energy to provide additional pathways for NV Energy customers to verify themselves and to market this rate widely so as many NV Energy customers as possible can access the discounted pricing;
>
> c. The Commission direct NV Energy to develop congestion management strategies at NV Energy-owned stations through the stakeholder groups required by SB 448 and update the Commission on the selected strategies in a compliance filing by July 1, 2022.
>
> (Ex. 601 at 11.)

44. NCARE and Sierra Club support NV Energy's proposal to have discounted pricing available for NV Energy customers and have non-NV Energy customers pay more under the NVEVCN tariff, however, they do not think the connection fee is an appropriate tool for assessing this charge. (Ex. 601 at 12.) NCARE and Sierra Club instead propose that NV Energy recover additional costs by increasing the per-kWh energy charges for non-NV Energy customers. (*Id.*)

45. NCARE and Sierra Club recommend that the Commission require NV Energy to offer at least two different ways for customers to identify themselves and get access to discounted pricing at NV Energy stations because simply relying on RFID cards may be too cumbersome and unreliable and because offering multiple options is essential to ensuring that customers can readily access the discounted charging rates. (Ex. 601 at 17.) NCARE and Sierra Club state that other forms of potential verification could include a mobile phone app, a Vehicle Identification Number verification process, or some form of manual customer identification. (*Id.*) NCARE and Sierra Club further recommend that the Commission direct NV Energy to develop the additional verification methods for customers in consultation with stakeholders and provide a summary of these to the Commission in a compliance filing by July 1, 2022. (*Id.*) NCARE and Sierra Club also state that is of the upmost importance that NV Energy effectively publicize and market the availability of the discounted charging rates for NV Energy customers in order for NV Energy to fulfill its promise of offering discounted charging rates for customers who are supporting this infrastructure in their monthly electric bills. (*Id.*)

46. NCARE and Sierra Club state that per-minute pricing arrangements at EV charging stations are discriminatory towards older, more affordable models of EVs that are not capable of charging at high DCFC capacities. (Ex. 601 at 12.) NCARE and Sierra Club additionally state that the proposed connection fee for non-NV Energy customers is configured in a way that makes it cheaper to fully charge using higher capacity charging, even though high-capacity charging services cost more for the utility to provide, which could shift customers towards faster charging capacities, even when Level 2 charging may be sufficient to meet their charging needs. (*Id.*)

47. NCARE and Sierra Club state that per-minute pricing at EV chargers is discriminatory towards older models of EVs because most are not able to fully utilize charging speeds at or above 150 kW because the maximum charge capacity is often limited by the EV acceptance rate. (Ex. 601 at 13.) NCARE and Sierra Club explain that this means that if a non-NV Energy customer plugs in an EV which is not capable of fully utilizing the 150 kW or 350 kW plugs at an NV Energy-owned station, the customer will be paying for charges designed for a higher charging capacity than their vehicle is able to accept, and thus pay more for the energy that they receive. (*Id.*) NCARE and Sierra Club state that this is particularly problematic because older EV models are the most likely to be considered by lower-income EV drivers. (*Id.*) NCARE and Sierra Club state that several utilities in the region have considered how to design pricing arrangements at utility-owned charging stations, and all have opted for a per-kWh design. (*Id.*)

48. NCARE and Sierra Club state that the proposed connection fee might make it more expensive to get a full charge using Level 2 charging as compared to fast charging. (Ex. 601 at 14.) NCARE and Sierra Club explain that even though the per minute connection fees for Level 2 chargers are less than those for DCFCs, it would be more expensive for non-NV Energy customers to get a full charge using a Level 2 charger than a fast charger under NV Energy's proposal because Level 2 charging takes considerably longer to deliver a full charge. (*Id.* at 14-15.) NCARE and Sierra Club state, similarly, the NVEVCN tariff makes getting a full charge on a 150-kW charger more costly than getting a full charge on a 350-kW charger for non-NV Energy customers. (*Id.* at 15.) NCARE and Sierra Club argue that structuring higher capacity charging to be cheaper than Level 2 charging runs contrary to cost-causation principles, as higher capacity charging is more expensive for the utility to provide than Level 2 charging. (*Id.*)

49. NCARE and Sierra Club argue that participating customers that host charging stations that are not owned and operated by NV Energy should pass through the time-variant price signals on underlying TOU rates to electric vehicle EV drivers as a default arrangement, with discretion to establish their own pricing. (Ex. 600 at 4.) NCARE and Sierra Club state that this best-practice is being implemented by utilities across the U.S. in similar utility-driven transportation electrification programs and is critical to ensure charging that supports the operation of the grid and increases fuel cost savings consistent with SB 448. (*Id.*)

50. NCARE and Sierra Club argue that potential federal funding for public charging infrastructure deployment will not obviate the need for utility investments. (Ex. 600 at 27.) NCARE and Sierra Club state that the limited funds the federal government may provide are a much-needed, but far-from-sufficient investment and utility programs and other investments will still be needed to close a growing charging infrastructure gap. (*Id.*)

51. NCARE and Sierra Club state that offering attractive time-variant rates is also key to managing EV charging to support the operation of the grid. (Ex. 600 at 29.) NCARE and Sierra Club therefore argue that the time-variant nature of the "Electric Vehicle Recharge Rider," EVCCR and the proposed NVEVCN will be important to ensure charging that supports the operation of the grid. (*Id.*)

52. NCARE and Sierra Club argue that charging stations installed with the support of utility customer funds should convey price signals to drivers that both increase fuel cost savings and encourage charging behavior that supports the grid to the benefit of all utility customers. (Ex. 600 at 33.) NCARE and Sierra Club recommend, as a default arrangement, site-hosts participating in the Plan who host infrastructure that is not owned and operated by NV Energy should pass through the time-variant price signals on the underlying TOU rates to EV drivers,

while allowing discretion for site hosts to establish their own pricing arrangements to meet on-site needs. (*Id.*) NCARE and Sierra Club note that TOU rates are an effective tool to shape EV charging, but TOU rates only work if the people who decide when to charge see those price signals. (*Id.* at 34.) NCARE and Sierra Club further note that if they have no reason to do otherwise, drivers will simply charge when they arrive at their destination, regardless of underlying grid conditions. (*Id.*)

53. NCARE and Sierra Club argue that a simple nudge in the form of a TOU price signal seen by EV drivers is sufficient to push EV charging to hours of the day when it benefits the grid and when fuel cost savings can be maximized. (Ex. 600 at 37.)

54. NCARE and Sierra Club recommend that NV Energy and the Commission make the default arrangement at charging stations deployed pursuant to the Plan, that are not owned and operated by NV Energy, such that TOU price signals are passed onto EV drivers to encourage charging that supports the grid and provide the fuel cost savings that motivate EV purchases. (Ex. 600 at 39.) NCARE and Sierra Club note that NV Energy proposes charging time-variant prices at the stations it will own and operate; thus, this recommendation is only relevant at non-utility-owned charging locations where the customer-of-record is not the entity that decides when to charge. (*Id.*)

55. NCARE and Sierra Club argue that the enrollment limit on the EVCCR be increased as proposed. (Ex. 600 at 30.) NCARE and Sierra Club state that charging an electric truck or bus at a fleet depot should be far cheaper than filling up on gasoline or diesel, but that is often not the case at sites that receive electricity under utility rates with demand charges designed for commercial buildings and industrial operations that do not reflect the flexible nature of EV charging. (*Id.*) NCARE and Sierra Club stat that NV Energy's EVCCR fills a gap in its

existing commercial and industrial rate offerings, facilitating the deployment of non-residential EV charging stations by shifting revenue recovery from demand charges to volumetric energy rates. (*Id.*) NCARE and Sierra Club therefore argue that NV Energy's proposal to increase the enrollment on the EVCCR from 225 to 500 meters is necessary to meet customer demand. (*Id.*)

56. NCARE and Sierra Club state that, despite the fact that NV-Energy owned stations are likely to be highly utilized, the design of the NVEVCN tariff does not provide any incentive for customers to move their vehicles after completing their charge (called "vehicle idling"), which can prevent other EV drivers from using the charging port. (Ex. 601 at 18-19.) NCARE and Sierra Club argue that the lack of incentive to move off chargers when vehicles are done charging paired with the probable preference to use higher speed charging could lead to an unfortunate circumstance where charging ports, particularly those of higher capacity, are occupied for long periods of time by vehicles who have already completed their charge. (*Id.* at 19.) NCARE and Sierra Club state that this could lead to a negative customer experience at NV Energy-owned stations and reduce access to EV charging in the state; however, this potential problem could be addressed in part if some type of congestion management strategy were included in the NVEVCN tariff. (*Id.*)

57. NCARE and Sierra Club state that there a number of different ways that customers can be encouraged to move their vehicles after completing a charge, including an idling fee that begins after a vehicle is fully charged and provides motivation for drivers to relocate, a system that would charge drivers only if all other plugs are occupied, or a system which alerts drivers that their charging session has been completed and allow drivers time to move their vehicle before they are penalized. (Ex. 601 at 20.) NCARE and Sierra Club argue that these congestion

management strategies will provide a more positive customer experience at utility-owned stations and ensure more readily available charging to drivers who need it. (*Id.*)

58. NCARE and Sierra Club therefore recommend that the Commission direct NV Energy to develop a congestion management strategy, get feedback from stakeholders, and file a report with the Commission by July 1, 2022, outlining how it will implement a congestion management strategy at utility-owned stations. (Ex. 601 at 20.)

59. NCARE and Sierra Club state that in the longer-term, perhaps as part of its long-term Transportation Electrification Plan that will be filed in 2022, NV Energy should consider designing new commercial EV rates that provide significant fuel cost savings to drivers and fleet operators who charge in a manner that supports the electric grid, reflect the underlying marginal costs of serving commercial EV load, and avoid traditional demand charges that often collect much more than the actual costs commercial EV charging imposes on the grid. (Ex. 600 at 30.)

NRA's Position

60. NRA argues that it is more equitable for NV Energy's charging rates to be uniform for all customers of EV charging stations, regardless of whether they happen to have an existing account with NV Energy. (Ex. 1200 at 38.) NRA states that O&M costs associated with the EV charging services will be included in customer rates whether the charging customer is an electric service customer of NV Energy or some other utility. (*Id.*) NRA states that the purpose of the EV charging rate is to assign the costs associated with providing EV charging services to the customers causing the costs and benefiting from the service, and whether the charging customer is an NV Energy customer does not impact the cost that they impose on the system. (*Id.* at 38-39.)

61. NRA argues that the difference in rates NV Energy proposes creates a competitive disadvantage for non-utility owned EV charging station owners and, therefore, does not incentivize and, in fact, could discourage or even prevent private investment to accelerate transportation electrification or to provide the greatest economic recovery benefits and opportunities for job creation in Nevada. (Ex. 1200 at 39.)

62. NRA recommends that the same connection fee be applied to all customers. (Ex. 1200 at 39.) NRA argues that if the utilities cannot competitively construct EV charging stations, then a potentially anti-competitive rate should not be authorized by the Commission in order to disadvantage privately owned EV charging stations. (*Id.*)

63. NRA argues that NV Energy's proposed rate design provides its charging stations with a competitive advantage that is not available to other commercial charging companies. (Ex. 1200 at 40.) NRA states that a third-party charging station does not have the ability to spread the cost of its vehicle charging infrastructure and the associated electric services to other ratepayers, as NV Energy's EV charging rates do. (Ex. 1200 at 39.) NRA additionally states that NV Energy has proposed using the residential volumetric rates as the basis for its proposed EV charging rates which are not the same rates that a commercial charging customer must pay. (*Id.* 39-40.)

64. NRA recommends that the Commission condition approval of the Plan on the requirement that NV Energy submit an annual report demonstrating that utility-owned charging rates are not anti-competitive and that potential adjustments to NV Energy's charging rates may be made by the Commission on an annual basis and be considered in the utilities' next general rate cases ("GRC"). (Ex. 1200 at 40.)

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Tesla's Position

65. Tesla states that NV Energy currently offers the optional Electric Vehicle Recharge Rider ("EVRR") tariff and the EVCCR tariff. (Ex. 800 at 6.) Tesla supports NV Energy's proposal to increase the number of meters eligible for the EVCCR Rider schedule from 225 to 500 installed meters per service territory. (*Id.* at 7.)

66. Tesla explains that NV Energy proposes the NVEVCN tariff schedule to apply to customers that charge their vehicles using NV Energy-owned charging stations and that the rates, both for Level 2 and DCFCs, include TOU volumetric energy rates, following the standard single-family optional TOU schedule. (Ex. 800 at 7.) Tesla further explains that the NVEVCN tariff charges NV Energy customers a different rate than non-NV Energy customers because non-NV Energy customers also pay a connection fee charged on a per-minute basis on top of the volumetric rate per kWh rate of NPC's ORS-TOU rate SPPC's OD-1 TOU rate. (*Id.* at 8.) Tesla does not support charging NV Energy and non-NV Energy customers different rates and supports changing EV drivers on a $/kWh basis. (*Id.* at 11.)

67. Tesla states that the connection fee for non-NV Energy customers is above what would be considered a competitive market price for EV charging services. (Ex. 800 at 12.) Tesla states that the connection fee for non-NV Energy customers is $0.10/min for Level 2, $0.49/min for DCFCs under 150 kW DCFC, and $0.64/min for 350 kW DCFC charging. (*Id.*) Tesla explains that if an EV driver that is not an NVE customer was to charge their EV for 2 hours on a Level 2 charger it would cost approximately [120 minutes x $0.10/minute] + [7 kW x 2 hours x $0.06/kWh] = $12.84 for 14 kWh at an effective cost of $0.91/kWh. (*Id.*) Tesla further explains that this equates to, using 3 miles/kWh, $0.91/kWh approximately $0.30/mile. (*Id.*) Tesla states that the $0.30 mile assuming 25 miles per gallon efficiency of a liquid fuel powered equivalent

vehicle would convert to $0.30/mile x 25 miles/gallon = $7.50/gallon. (*Id.* at 13.) Tesla asserts that many EV drivers would not be familiar with being charged on both a $/kWh and per-minute basis and recommends that EV charging service be based entirely on a $/kWh basis for both NV Energy and non-NV Energy customers. (*Id.*)

68. Tesla questions the use of an RFID registration for NV Energy customers as it creates an additional barrier for charging access, which may result in some NV Energy customers paying the non-NVE rate. (Ex. 800 at 11.)

69. Tesla states that the volumetric rates charged based on the tariffs ORS-TOU and OD-1 TOU are below the cost of electricity NV Energy charges third-party charging services, with the exception of summer on-peak. (Ex. 800 at 9.)

70. Tesla seeks clarification from NV Energy on whether third-party charging providers have the opportunity to take service on the NVEVCN tariff which uses the corresponding rates from the ORS-TOU and OD-1 TOU. (Ex. 800 at 9.) Tesla states that NV Energy stated in its response to Tesla's No.5 information request that, "NV Energy will charge both utility-owned and third-party owned charging stations the same rates under the applicable rate schedule for that location's electric service." (*Id.*) Tesla states that to do so, NV Energy either would need to allow third-party EV charging providers to take service on the NVEVCN tariff or charge itself at NV Energy-owned charging stations the rate on the EVCCR rider or a similar commercial rate that third-party charging providers take service on. (*Id.*) However, Tesla notes that, as outlined in the Plan at 134, the NVEVCN tariff is proposed to, "apply to customers that charge their vehicles using NV Energy-owned charging stations" and thus excludes commercial customers. (*Id.*)

71. Tesla does not support NV Energy charging EV drivers that are NV Energy customers directly at a rate below what third-party EV charging providers currently pay NV Energy on an effective $/kWh basis because it prevents third-party providers from being able to fairly compete with NV Energy-owned stations. (Ex. 800 at 10.) Tesla states that third-party charging providers pay for the ongoing maintenance and operation costs of third-party owned public charging stations. (*Id.*) Tesla further states that its separately metered EV charging stations in NVE territories are direct accounts of NV Energy as commercial customers. (*Id.*)

Staff's Position

72. Staff states that it does not have any recommended changes to how the programs are proposed, including the total program budgets or the incentive levels and O&M amounts. (Ex. 300 at 5.) Staff states that, considering the extremely limited amount of time the Legislature allowed Staff, intervenors, and the Commission to review this Plan, and the amount of specificity included in SB 448, it is not possible to fully understand the repercussions any recommended changes would have on the Plan's ability to meet the Legislative Objectives while still fulfilling the specific requirements. (*Id.* at 5-6.)

NV Energy's Rebuttal

EVCCR

73. NV Energy disagrees with EVgo, that the current 10-year transition period of demand rate reductions under the EVCCR schedules be modified to a rolling 10-year basis. (Ex. 106 at 4.) NV Energy disagrees with EVgo's assertion that the existing schedule creates a disadvantage for new charging stations. (*Id.*) NV Energy argues that EVgo's proposed change will likely cause new stations to receive a lopsided benefit relative to existing customers for the same service due to a later installation date and higher rate reduction as compared to those

customers who are currently operating charging stations. (*Id.*) NV Energy states that the ten-year period is still an appropriate period, is still working and providing benefits as intended, and should continue as already approved. (*Id.*)

74. NV Energy states that EVgo's proposal would cause a significant burden on NV Energy's ability to effectively track and bill customers who choose to utilize the EVCCR optional schedules because the proposal would require ten different rate variations for the existing EVCCR schedules which would only increase the administrative effort and costs of this already approved and available program. (Ex. 106 at 4-5.) NV Energy states that it is clear that the requirements necessary to implement EVgo's proposal will put upward pressure on rates and increase the labor, system cost, and, ultimately, the overall subsidy of the EVCCR transition schedule currently being paid by non-participating customers. (*Id.* at 5.)

75. NV Energy therefore recommends that the Commission reject EVgo's proposed change to the EVCCR transition schedule. (Ex. 106. at 5.)

NVEVCN

76. NV Energy states that the arguments made by the parties with respect to the billing of separately metered charging locations suggest a desire for the proposed NVEVCN tariff rates to be made available to third-party providers as an eligible schedule for their billing of electric service from NV Energy. (Ex. 106 at 6.) NV Energy states that this suggests a misunderstanding as to how the utility-owned stations will be billed. (*Id.*) NV Energy states that eligible utility-owned stations will be billed under the commercial EVCCR tariff, just like the third-party provider-owned stations that select service under this optional tariff and the billing will follow the same current billing procedures as those used for all company-owned facilities. (*Id.*)

77. NV Energy explains that customers who opt to charge their vehicles at utility-owned stations will then pay the NVEVCN rates, while customers that charge at third-party owned stations will pay rates at the discretion of the third-party providers. (Ex. 106 at 7.)

78. NV Energy states that NRA is incorrect in its assumptions that the residential customers are not allocated demand costs and other costs related to providing bundled service for these classes as these costs are simply not recovered through distinct demand charge rate components under the optional TOU residential schedules, but rather these costs are recovered through their more basic two-part rate structure. (Ex. 106 at 7.) NV Energy specifies that the utility-owned stations will be charged the same applicable rates as other locations owned and operated by other providers and only the rates charged to EV operators choosing to charge their vehicles at the utility-owned facilities will be charged the proposed residential rates under the NVEVCN tariffs. (*Id.* at 7-8.)

79. NV Energy states that if the NVEVCN rates were available to EVCCR customers, these customers would not necessarily be better off under the proposed NVEVCN rates as Tesla and NRA suggest. (Ex. 106 at 8.) NV Energy states that Tesla and NRA's argument conflates issues between costs recovered through individual rate components with the total overall billed charges of individual stations. (*Id.*)

80. NV Energy states that the EVCCR schedules can provide a lower effective rate overall for some customers, even with the higher Summer On-peak prices, which supports the application of these schedules to all charging stations. (Ex. 106 at 9.) NV Energy explains that the TOU variation in rates helps to support the efficient use of grid resources for operators who may choose to relay these price signals on to their customers, thereby providing all station

operators with greater flexibility in billing, regardless of whether the station itself is owned by the utility or another provider. (*Id.*)

81. NV Energy argues that the TOU structure of the EVCCR schedule is a benefit because, while the Summer On-peak rates are significantly higher than a comparable non-TOU rate, the off-peak and further discounted Special EV Recharge periods are lower, thereby providing the opportunity for charging station providers to not only lower their costs during these periods, but also the opportunity to transfer these lower rates to customers. (Ex. 106 at 10.) NV Energy states that the TOU structure of the EVCCR schedules provides a benefit to both charging station providers and, potentially, those EV customers who choose to charge their vehicles at locations with time-varying rates, if those price signals are passed along to customers using the stations. (*Id.* at 11.)

82. NV Energy explains that while the TOU structure used for the EVCCR approved rates and the proposed NVEVCN tariffs align TOU rates with the cost variations of providing electricity service, it does not mean that other providers must pass these price signals on to their customers as the rates charged by third-party providers are unregulated. (Ex. 106 at 11-12.)

83. NV Energy states that, based on the available information reviewed by NV Energy, it appears that the proposed NVEVCN rates during the higher cost Summer On-peak times, are generally in line with, or even above, market prices of other providers in Nevada. (Ex. 106 at 12.) NV Energy explains there is limited verifiable information that can be used to compare NV Energy's proposed rates with other unregulated providers because some providers have implemented different pricing structures for different locations and information from third-party websites needs to be verified to be valid. (*Id.*)

84. NV Energy argues that Tesla's arguments regarding the NVEVCN tariff demonstrate that the rates charged to end users under the NVEVCN tariff may be higher in some instances and lower in other instances, not that the NVEVCN rates are drastically lower at all times as Tesla suggests. (Ex. 106 at 14.) NV Energy notes that the indicative rate provided by Tesla is lower than the proposed Summer On-peak rates at both SPPC and NPC, but higher than the lower rates of other periods. (*Id.*)

85. NV Energy states EVgo identifies perceived rate difference as an issue with the proposed TOU pricing design between the proposed rates of a regulated utility and those of the unregulated private market where the utility off-peak rates are lower than other providers. (Ex. 106 at 14.) NV Energy notes, however, that EVgo's response to NV Energy's request for an indicative competitive market price presents a rate that is between the proposed Summer On-peak rates for SPPC and NPC. (*Id.*)

86. NV Energy states that ChargePoint argues that the proposed NVEVCN tariff rates create a competitive disadvantage for other providers; however, ChargePoint's response to NV Energy's request for an indicative competitive market price presents a rate that is between the proposed Summer On-peak rates for SPPC and NPC. (Ex. 106 at 15.)

87. NV Energy disagrees with the recommendation that NV Energy survey other providers in order to set rates for utility-owned stations. (Ex. 106 at 16.) NV Energy states that this recommendation is misguided and detracts from the benefits of the NVEVCN tariff, including the benefit of using the residential TOU rates that provide a level of fairness for those NV Energy customers that may be unable to benefit from home charging, such as apartment dwellers and other renters. (*Id.*) NV Energy states that the recommendation is also currently not

feasible due to the lack of verifiable information provided by other providers, including the parties in this docket making the recommendation. (*Id.*)

88. NV Energy disagrees with NRA's proposal to require NV Energy to file an annual report proving the rates approved by the Commission are not anti-competitive. (Ex. 106 at 17.) NV Energy states that the proposed NVEVCN rates attempt to provide customers with rates that have already been approved by the Commission and relay the same TOU cost-based variations as those that may be charged to those customers who choose to charge their EV's at their home. (*Id.*) NV Energy additionally states that an annual report to the Commission would be impractical for NV Energy to complete if the market participants were unwilling to provide current rate information that could be used in a comparative analysis with the currently approved rates for the NVEVCN tariffs in the first instance. (*Id.*) NV Energy therefore recommends that the Commission reject NRA's proposal for this annual report. (*Id.* at 18.)

89. NV Energy disagrees with ChargePoint's recommendation to allow host customer locations with NV Energy-owned stations to charge different rates than those approved by the Commission because the recommendation conflicts with the fact that these stations would be utility-owned and, therefore, subject to the purview of the Commission. (Ex. 106 at 18.) NV Energy states that these locations should not be allowed to implement pricing based on individual customer desires and must follow the tariffs approved by the Commission. (*Id.*)

90. NV Energy disagrees with ChargePoint's assertion that the proposed NVEVCN rates negatively impact the potential grid benefits of EV facilities because it fails to explain why the difference in charging at home versus at a utility-owned site will reduce the benefits of charging when the rates are the same for at-home and utility-owned charging stations. (Ex. 106 at 19.) NV Energy states that if a customer chooses to charge their vehicle during the low usage

off-peak periods, then this will be an overall benefit to grid efficiency, regardless of the location. (*Id.*)

Connection Fee

91. NV Energy recommends that the Commission approve its proposed NVEVCN connection fee for non-NV Energy customers because the proposal provides cost-based rates to customers who use the utility-owned charging stations while attempting to apply a balanced approach for NV Energy customers who pay for a portion of these charging facilities through their general rates. (Ex. 106 at 20.)

92. NV Energy agrees with Tesla and NRA that, ordinarily, all customers should pay a connection fee when they use the facilities as a fundamental cost causation principle for rate design, however, NV Energy argues that a just and reasonable pricing structure must also balance considerations of the potential negative impact of charging utility customers for costs of the facilities at the time of use in addition to charging them for the costs of the facilities through their standard utility bills. (Ex. 106 at 20-21.)

93. NV Energy states that the proposed connection fee provides for a reasonable distinction where non-NV Energy customers pay to support the facilities costs at the time of a charge, whereas NV Energy customers will pay to support the facilities as a part of their standard utility bill. (Ex. 106 at 21.)

94. NV Energy states that it is not opposed to investigating additional methods of verification, beyond RFID, to verify current status of utility customers in order to waive the connection fee while utilizing utility-owned charging facilities. (Ex. 108 at 31.). NV Energy states that the RFID cards were proposed as a minimum method and NV Energy agrees that additional methods may potentially be implemented to the benefit of customers. (*Id.*) NV

Energy states that it is open to further discussions with the managing vendor(s) on the best way to support NV Energy's proposal to waive the proposed charging connection fee at utility-owned locations. (*Id.*)

95. NV Energy states waiving the connection fee for NV Energy customers does not inappropriately segment, or provide a discounted rate, for utility customers because the proposed rate design simply attempts to ensure NV Energy utility customers that use utility-owned stations are not double-charged for the facilities. (Ex. 106 at 21-22.) NV Energy additionally notes that, based on initial research by NV Energy and the parties' responses to NV Energy's discovery requests, all of the unregulated third-party providers provide different rates to different segments of customers, or allow varying pricing, based upon their own business decisions, or those of individual site operators. (*Id.* at 22.)

96. NV Energy states that the connection fee also works to mitigate potential congestion management issues as discussed by NCARE. (Ex. 106 at 22.) NV Energy argues that NCARE and Sierra Club's recommendation that NV Energy file a report on congestion management strategies is unnecessary, and therefore recommends that the Commission reject NCARE's recommendation. (*Id.*)

97. NV Energy states that severe congestion at utility-owned stations is not considered to be a potential problem for new stations as the plan gets up and running over the next few years. (Ex. 106 at 23.) NV Energy states that it elected not to propose imposing an idling fee at this time, as such a punitive fee may not align with the Plan's goals of encouraging the use and adoption of electric vehicles in Nevada. (*Id.*) NV Energy states, however, that it will continue to monitor and evaluate the utilization rates of EV charging infrastructure and may propose such a fee in future filings should the need arise. (*Id.*) NV Energy argues, in the short term, the

proposed $/per minute charging connection fee for non-NV Energy customers will encourage customers to return to their vehicle more promptly, rather than leaving it plugged in at the location, and may be a softer price signal for customers to move their vehicles than a more restrictive idle fee. (*Id.*)

98. NV Energy recommends that the Commission approve NV Energy's proposed NVEVCN pricing design for customers who choose to charge their vehicles at utility-owned locations. (Ex. 106 at 23.) NV Energy recommends that the Commission reject proposals by other parties that modify NV Energy's Plan in this proceeding. (Ex. 106 at 23.)

Commission Discussion and Findings

99. The Commission approves NV Energy's proposed revision to its current EVCCR tariff by increasing the number of available customers from 225 to 500 for each service territory. The Commission agrees that increasing the number of customers who can participate in this rider ensures that customers who may opt to install EV infrastructure can continue with the demand rate discounts during the transition period. This increase will further support the expansion of charging stations across Nevada, which is in the public interest and furthers the goals of SB 448.

100. The Commission agrees with NV Energy that the EVCCR schedules can provide a lower effective rate overall for some customers, even with the higher Summer On-peak prices, which supports the application of these schedules to all charging stations. The Commission further agrees that the TOU variation in rates helps to support the efficient use of grid resources for operators who may choose to relay these price signals on to their customers, thereby providing all station operators with greater flexibility in billing, regardless of whether the station itself is owned by the utility or another provider.

101. The Commission also agrees that the TOU structure of the EVCCR schedule is a benefit because, while the Summer On-peak rates are significantly higher than a comparable non-TOU rate, the off-peak and further discounted Special EV Recharge periods are lower, thereby providing the opportunity for charging station providers to not only lower their costs during these periods, but also the opportunity to transfer these lower rates to customers. The TOU structure of the EVCCR schedules provides a benefit to both charging station providers and, potentially, those EV customers who choose to charge their vehicles at locations with time-varying rates, if those price signals are passed along to customers using the stations.

102. The Commission approves NV Energy's proposed NVEVCN tariffs that will govern the rates for EV charging at NV Energy-owned charging stations built pursuant to this Plan. The Commission finds that the TOU rates will provide a price signal to EV charging customers to encourage charging when the grid is least costly to use and will simplify customer communications as to pricing and the TOU rate structure by matching the rates that customers would pay to charge their vehicles at home under the optional TOU schedule for their residence. For these reasons, the Commission finds the NVEVCN tariffs in the public interest and finds that the NVEVCN tariff furthers the goals of SB 448.

103. The Commission approves the per-minute connection fee for non-NV Energy customers during their charge sessions. The Commission finds that charging non-NV Energy customers a per-minute connection fee to charge their vehicles at these stations will help compensate NV Energy customers for the facilities investments being made through general rates when non-NV Energy EV customers utilize the stations. As NV Energy explains, the per-minute connection fee will vary based upon the type of charging station utilized by the customer as each of the charging technologies have a distinct cost to build and interconnect to the utility

grid. The Commission agrees with NV Energy that the connection fee is set to recover the facilities and billing costs from non-NV Energy customers that NV Energy will otherwise recover from all customers as part of the general revenue requirement approved in a GRC filing.

104. The Commission approves the following proposed connection fees for non-NV Energy customers:

Proposed Connection Fees for Non-NV Energy Customers

Type	Connection Fee During Charge ($/minute)
Level 2	$0.10
Small (<350kW) DC Fast Charger	$0.49
Large (= or >350kW) DC Fast Charger	$0.64

(Ex. 100 at 13 and 24.)

105. The Commission approves of NV Energy's distinction between NV Energy customers and non-NV Energy customers at its charging sites. The Commission approves of NV Energy, in the enrollment process, issuing, at a minimum, an RFID card to eligible NV Energy residential and commercial customers for use at NV Energy-owned charging sites. The Commission notes NV Energy's statement that discussions with vendors may provide additional processes to receive an RFID card or other identification methods. NV Energy shall file with the Commission in this Docket, a report of the discussions with vendors and any proposed changes to the verification process.

106. Finally, the Commission approves NV Energy's proposed ESB-V2G tariff schedule to implement a trial program to determine the impact of using electric school bus batteries as a dispatchable resource for the grid. Under the proposed tariff, the price for the

dispatched energy will be based upon the lesser of the hourly system incremental internal generation cost or the NV Energy average hourly Load Aggregation Point price.

C. Program Budgets, Site Profiles and Budgets, and EVSE Ownership

NV Energy's Position

107. NV Energy's overall budget request is as follows:

i. Interstate Corridor Charging Depot, $9,389,000.00

ii. Urban Charging Depot, $26,308,000.00;

iii. Public Agency Electric Vehicle Charging, $17,142,000.00;

iv. Transit, School Bus and Transportation Electrification Custom, $18,044,000.00;

v. Outdoor Recreation and Tourism, $20,242,000.00; and

vi. Plan Development, Administration and Execution, $8,688,000.00;

(Ex. 100 at 5-6.)

108. NV Energy states that it engaged Black & Veatch Management Consulting ("Black & Veatch") to collaboratively develop the Plan and that it selected Black & Veatch because of the firm's direct experience implementing charging infrastructure across the United States. (Ex. 102 at 10.) NV Energy states that, to prepare the Plan, NV Energy relied on understanding real world costs of building charging infrastructure, not just the equipment cost. (*Id.*) NV Energy explains that a key feature of the approach was to define standard site profiles and build bottom-up estimates for program implementation and operation. (*Id.*) NV Energy additionally explains that the cost estimates developed for each site profile informed the budget allocations across programs and provided an estimate of the number of sites and resulting chargers that would result from each program. (*Id.*)

109. NV Energy states that, to achieve the cost estimates, nineteen prototypical site profiles were developed which serve as a basis for estimating costs. (Ex. 102 at 10.) NV Energy explains that Black & Veatch translated the site profiles into single-line diagrams, and site-layouts for select sites, to show key electrical components and inform site costs. (*Id.*) NV Energy states that this analysis resulted in a line-by-line estimate of material, labor, and other costs. (*Id.*)

110. NV Energy additionally states that the Plan is designed around modularity with program costs separated by categories such as grid side, make-ready, battery energy storage system/renewables, charging infrastructure, and land. (Ex. 102 at 10-11.) NV Energy argues that the modular infrastructure build style of the Plan, with standardized site profile designs at strategic locations or building types, better accelerates deployment immediately upon approval. (*Id.* at 11.) NV Energy states that the standardized designs allow for clear understanding of the scope, costs, entity responsibility, and operational and technical requirements, which removes the variability and complexity that installing chargers has historically posed. (*Id.*) NV Energy states that the standardized focus also creates a modular Plan budget which allows the Commission to make informed modifications to the Plan should the Commission determine that moving funding, scope, or program eligibility is required. (*Id.*)

111. NV Energy proposes the following Plan costs:

Cost Category	**Plan Development, Administration & Execution**	**Interstate Corridor Charging Depot**	**Urban Charging Depot**	**Public Agency Electric Vehicle Charging**	**Transit, School Bus and Transportation Electrification Custom Program**	**Outdoor Recreation and Tourism**	**Total**
Grid Side		$477	$1,711	$2,427	$620	$1,475	$6,711

Make Ready		$1,912	$5,930	$9,212	$1,112	$1,379	$19,544
BESS/Renewables		$0	$857	$0	$0	$73	$931
EVSE		$6,762	$16,041	$1,827	$2,629	$1,013	$28,272
Land		$75	$1,213	$2,888	$244	$282	$4,702
Incentives		$0	$0	$0	$13,280	$15,900	$29,180
Operations & maintenance		$162	$556	$789	$158	$120	$1,785
Plan Development, Administration & Execution	$8,688						$8,688
Total	$8,688	$9,389	$26,308	$17,142	$18,044	$20,242	$99,813
Percent	8.7%	9.4%	26.4%	17.2%	18.1%	20.3%	100.0%
No. of Sites[2]		5	18	39	3	55	120
No of Charger Ports[3]		40	180	448	40	1,114	1,822

(Ex. 102 at 12.)

112. NV Energy states that the Plan exceeds the legislative requirement of investing 40 percent of the Plan budget in historically underserved communities with 51 percent allocated to these communities, as detailed in the following table:

Historically Underserved Areas Spend	**Amount**	**Total Program Spend**	**Percent**
Interstate	$0	$9,389	0%
Urban	$14,615	$26,308	56%
Public Agency	$11,802	$17,142	69%
Transit, School Bus, and Transportation Electrification	$16,044	$18,044	89%
Outdoor Recreation & Tourism	$3,600	$20,242	18%
Total	$46,061	$91,124	51%

[2] Does not include sites and chargers added through Transit and Custom Incentives.
[3] Does not include sites and chargers added through Transit and Custom Incentives.

(Ex. 102 at 17.)

113. NV Energy states that the Plan budgets for $20.2 million for Outdoor Recreation and Tourism, exceeding the 20 percent legislative requirement. (Ex. 102 at 17.) NV Energy additionally notes that the Plan is non-discriminatory towards customers receiving service pursuant to NRS Chapter 704B. (*Id.*)

114. NV Energy summarizes some of the key benefits of the Plan:

-The installation of more than 1,822 chargers in NV Energy's service territories;

-Construction of planned infrastructure would utilize an estimated 300,300 labor hours;

-Avoidance of 437,242 metric tons of greenhouse gas emissions by 2030;

-51 percent of Plan investments in or for the benefit of historically underserved communities; and

-Data collected during program roll-out and operations will contribute to future program and rate improvements.

(Ex. 102 at 17-18.)

115. NV Energy states that customer or third-party ownership is offered in all but one program and the Plan budgets for at least $29.2 million in behind-the-meter incentives which exceeds the 20 percent legislative requirement. (Ex. 102 at 14.) NV Energy explains that the incentives are designed to lower or eliminate the financial burden for participating customers in the Plan and are based on fully installed costs of charging infrastructure rather than equipment cost alone. (*Id.*)

116. NV Energy states that to meet the needs of accelerated transportation electrification, especially in historically underserved communities, a safe, low-cost, reliable, accessible network of public charging is imperative. (Ex. 102 at 14.) NV Energy explains that the currently existing incentives for charging infrastructure has not produced significant growth

in available public DCFCs. (*Id.*) NV Energy argues that where public DCFCs do exist, NV Energy customers are not being afforded the low-cost energy EV charging that these rates and incentives were intended to promote. (*Id.* at 14-15.) NV Energy additionally notes that EV charging stations are not considered a public utility in Nevada and are allowed to resell electricity which has led to variable energy pricing as a transportation fuel across NV Energy's service territories, disadvantaging customers without access to charging at their homes or business. (*Id.* at 15.)

117. NV Energy therefore states that to ensure that a network of low-cost, reliable, electric vehicle charging stations are available for all customers across NV Energy's service territories, the Urban Charing Depot Program sites will be developed, owned, and operated by NV Energy. (Ex. 102 at 15.)

118. NV Energy states that in selecting sites for the Urban Charging Depot Program, it will solicit input to ensure a data-driven approach that includes community input for program success, including:

> -Utilizing market intelligence, or electric vehicle modeling tools, to identify commercial properties where high utilization of electric vehicle infrastructure in [sic] predicted.
>
> -Working with local government agencies to understand where site development might support future transit-oriented development, redevelopment efforts, or master planned efforts.
>
> -Establishing an NV Energy website to solicit community input as to where electric vehicle chargers are of interest for residents. Similarly, working with companies and business owners to identify who are interested in hosting electric vehicle charging infrastructure.

(Ex. 102 at 15-16.)

119. NV Energy proposes the ESB-V2G tariff to implement the ESB-V2G Trial Program, to help determine the costs and benefits of using school bus batteries as a potentially

dispatchable resource to benefit the grid, improve local system reliability, and reduce costs for all customers. (Ex. 104 at 3.) NV Energy explains that participants in this pilot program will pay their standard rates for energy delivered to them and will receive a credit for energy supplied back to the grid from the batteries of their fleet of incentivized electric school buses. (Id. at 3-4.) NV Energy states that the ESB-V2G Trial Program supports the installation of electric bus charging infrastructure for public school districts capable of providing energy from the bus batteries back to the grid and is comprised of: Vehicle-To-Grid enabled 60 kW DCFCs specific to the site profile, either 10 or 20 chargers; and Electric School Bus Battery Incentive of $0.60/watt hour per site profile, 10 or 20 buses. (*Id.*)

ChargePoint's Position

120. ChargePoint states that SB 448 included several legislative directives that should guide the Commission's evaluation of NV Energy's Plan programs, including NV Energy's ownership proposals. (Ex. 700 at 10.) ChargePoint states that SB 448 declares that "[w]idespread adoption of electric vehicles should stimulate innovation, competition and increased choices in charging equipment and networks and should also attract private capital investments and create high quality jobs in Nevada." (*Id.*) ChargePoint states that it does not believe NV Energy's ownership proposals satisfy this directive and recommends programmatic design changes in order to better enable competition, innovation, and customer choice. (Id.)

121. ChargePoint states that NV Energy has proposed to be the only entity that may own chargers in the Urban Charging Depot Program and the only entity that may own chargers at two locations in the Tourism Program, specifically at Lake Tahoe and Red Rock. (Ex. 700 at 12.) By contrast, ChargePoint states that SB 448 specifies that chargers may be owned by the utility or a third-party provider in the Urban Charging Depot Program and specifies "multiple

ownership options" for the Tourism Program; thus, NV Energy's proposals are not consistent with the multiple ownership options specified in SB 448. (*Id.*) ChargePoint recommends that the Commission direct NV Energy to provide an opportunity for charging station ownership by third-party providers, as required by SB 448 and similar to its ownership proposals for the other programs and reject NV Energy's proposal to be the exclusive owner of EV charging stations in the Urban Charging Depot Program and at the Lake Tahoe and Red Rock locations in the Tourism Program. (*Id.* at 13, 14.)

122. ChargePoint states that in its ownership proposals, NV Energy seems to have interpreted the term "third-party provider" as used in SB 448 as not including the site host on whose property charging stations are deployed. (Ex. 700 at 13.) ChargePoint recommends that the Commission clarify that the term "third-party provider" as used in SB 448 includes site hosts *(i.e.,* the utility customer on whose property the charging stations are located). (*Id.* at 14.)

123. ChargePoint states that NV Energy has structured several of its programs in a manner that provides an unfair competitive advantage to the utility ownership option. (Ex. 700 at 15.) ChargePoint states that, specifically, for the Corridor Charging Program, the Public Agency Program, and the Tourism Program, NV Energy proposes caps for the amount of incentive dollars available if the site host selects the customer ownership option or the third-party provider option. (*Id.*) However, ChargePoint notes that NV Energy did not propose an incentive cap for the Urban Charging Depot Program because it did not offer an option for non-utility ownership. (*Id.*) ChargePoint asserts that the effect of these proposed incentive caps is that any site host that chooses to own charging stations would be required to pay for any additional costs not covered by the incentives. (*Id.*) ChargePoint further asserts that this creates a tilted playing field that

strongly favors NV Energy's ownership proposals when site hosts choose an EV provider option. (*Id.*)

124. ChargePoint asserts that other commissions have recognized the importance of putting utility-ownership programs on equal footing with site host ownership programs in the context of utility transportation electrification efforts. (Ex. 700 at 16.) ChargePoint notes that in its recent decision in authorizing Southern California Edison ("SCE") to offer a utility ownership option for eligible multi-unit dwelling ("MUD") sites in the Charge Ready 2 program, the California Public Utilities Commission ("CPUC") approved a rebate covering maintenance and network services for MUD site hosts opting for customer ownership, reasoning the value of the package of products and services provided would differ significantly depending on whether they chose utility or site host ownership, finding it reasonable to establish financial parity between ownership options. (*Id.*)

125. Similarly, ChargePoint states that in approving the Schools and Parks Transportation Electrification program, the CPUC found it was reasonable to authorize a utility ownership option for school sites, but only if the utility offered participants choosing site-host ownership a rebate that should be equal to the cost of the charger, maintenance, and network fees for L2 and DCFCs only. (Ex. 700 at 16-17.) ChargePoint's highlights that again, the CPUC reasoned that a rebate was needed to keep the ownership options equivalent and avoid a structure that discriminates against both participants that prefer the site-host ownership option as well as suppliers seeking to supply those site-host owners. (*Id.*) ChargePoint asserts the fact that NV Energy has proposed to offer rebates to cover O&M costs for the programs that it has not proposed to own exclusively demonstrates that NV Energy recognizes that these costs are a significant part of the total cost of hosting EV charging stations. (*Id.* at 17.) ChargePoint

recommends that the Commission require NV Energy to remove its proposed incentive caps for these programs and provide an option for NV Energy to cover the entire cost of EV charging stations and make-ready infrastructure — just as NV Energy has proposed to do for the Transit, School Bus, and Transportation Electrification Custom Program. (*Id.*)

126. ChargePoint also recommends that if the Commission adopts ChargePoint's recommendation to allow for third-party ownership in the Urban Charging Depot program, there should not be any incentive cap for that program. (Ex. 700 at 17.) Further, ChargePoint recommends that the Commission should direct NV Energy to provide the same O&M incentive of $200 per charger per year that it has proposed for the Public Agency Program for Level 2 chargers for all programs and the same O&M incentive of $600 per charger per year that it has proposed for the Transit, School Bus, and Transportation Electrification Custom Program for all DCFC chargers for a minimum of five years. (*Id.*) ChargePoint asserts that, from a ratepayer perspective, this approach should be a net benefit because more site hosts may opt to deploy and own charging stations if their O&M costs are covered, avoiding the additional costs associated with rate basing capital assets. (*Id.*)

127. ChargePoint states that it understands NV Energy's rationale for developing the standardized site designs was to allow it to develop sites quickly; however, NV Energy's "one-size, fits-all" designs will not necessarily work for all site hosts. (Ex. 700 at 26.) For example, ChargePoint states that a site host's available property might not be large enough to accommodate the exact number of chargers that NV Energy has prescribed for a given program, or the site host might prefer to have a few more Level 2 chargers and fewer DCFCs, or vice versa. (*Id.*) ChargePoint states that NV Energy's programs should support site hosts' needs and goals and should be flexible to accommodate site hosts' unique needs. (*Id.*) ChargePoint

recommends that the Commission direct NV Energy to allow site hosts that do not choose the utility-ownership option to determine the number and type of chargers deployed on their property for each Plan program. (*Id.* at 27.)

Clark County's Position

128. Clark County supports NV Energy's proposed Plan. (Ex. 1300 at 2.) Clark County states that the plan meets and exceeds the important legislative requirement in SB 448 which directs at least 51 percent of the program funds to historically underserved communities to help dismantle the additional barriers faced by these communities to acquire and utilize EVs. (*Id.*) Clark County states that the Plan will help improve air quality in Clark County by reducing ozone, PM2.5 and greenhouse gas ("GHG") emissions associated with internal combustion engine vehicles. (*Id.* at 3.)

129. Clark County states that the final Plan approved by the Commission should allocate funds where they can do the most good to accelerate transportation electrification, provide the greatest economic recovery benefits and opportunities for the creation of new jobs, reduce the most air pollution and GHG emissions, and protect the health of the most residents and tourists. (Ex. 1300 at 6.) Clark County states that its resident population is 2.3 million and its tourist population exceeded 42 million during pre-pandemic times, its Gross Domestic Product ("GDP") for 2019 was 72.1 percent of the Nevada's GDP, it is home to the largest school bus fleet and transit bus fleet in Nevada, and 60 percent of all vehicles registered in Nevada are in Clark County. (*Id.*) Clark County states, additionally, that it is prepared to move as quickly as possible to use and facilitate the use of funds to implement the Plan. (*Id.*) Clark County therefore argues that given its population, the size of its economy, and its commitment to

sustainability, allocating funds in Southern Nevada will do the most to achieve the overall goal of accelerating transportation electrification. (*Id.*)

130. Clark County states that it is not recommending that the funding allocated in the proposed Plan be changed, but it strongly recommends that the Commission not approve any reductions to the programs and funding allocated to Southern Nevada. (Ex. 1300 at 6.) Clark County states, however, that if the funding allocations were to be changed, the Commission would be justified in allocating more funding to Southern Nevada where it could have the most impact and more effectively achieve the objectives outlined in the legislation. (*Id.*)

131. Clark County argues that the Plan should acknowledge and contemplate the complexity and barriers local governments will face to implement the Plan. (Ex. 1300 at 7.) Clark County states that local governments experience a backlog of capital construction projects already planned and budgeted due to a variety of factors including lack of staffing capacity, rigorous requirements in NRS Chapters 333 and 338 for the procurement of public works and construction projects by local governments, the identification and processing of legal agreements and authorizations to construct and operate facilities on public property, and the potential need to obtain approvals from the Bureau of Land Management on Recreation and Public Purpose Act leased lands. (*Id.*) Clark County states that many local governments have built community centers on Recreation and Public Purpose Act leased lands, and it is highly likely that such lease agreements may need to be amended before the project can be constructed which can be a very bureaucratic and lengthy process. (*Id.*)

132. Clark County states that it stands ready to streamline and facilitate quick action where it can help meet the legislative intent to accelerate transportation electrification, but some operational realities will likely mean high priority projects cannot feasibly be commenced on

January 1, 2022, and completed by December 31, 2024. (Ex. 1300 at 7.) Clark County therefore recommends that the Plan be modified to make clear that projects must be commenced, and funds obligated by December 31, 2024, but that completion of projects may extend beyond the end of 2024. (*Id.*)

133. Clark County also recommends that the Plan be modified to allow NV Energy the flexibility to reallocate any unused funds from any program to other programs or recipients to ensure that all funds are put to use to meet the objectives of the legislation. (Ex. 1300 at 7.) Clark County argues that the Plan should be modified to include a specific requirement for NV Energy to identify and redirect unused program funds in a timely manner so that funds may be reallocated and obligated before December 31, 2024. (*Id.*) Clark County lastly argues that the Plan will fail to meet the goals of the legislation if funds go unspent, especially if there are willing program participants who can complete projects and meet the intent of the legislation to invest $100 million in accelerating transportation electrification and provide the greatest economic recovery benefits possible. (*Id.*)

Enel X's position

134. Enel X states that different proposals or determinations on charging infrastructure ownership can assist in targeted development of different facets of the charging market, depending on the overarching objective(s) of the proposal and/or enabling policy directives. (Ex. 1500 at 15.)

135. Enel X states that it supports NV Energy's approach. (Ex. 1500 at 16.) Enel X states that the Legislature clearly intended for this Plan to be a highly defined, relatively "turnkey" program to be implemented by NV Energy. (*Id.*) Enel X states that this is indicated by the directives for NV Energy to set the "scope and general location" or "targets and allocations"

for three of the five program areas, or by setting relatively narrow customer subsets for the remaining two programs. (*Id.*) Enel X states that, what is more, the 90-day turnaround for Plan filing, review, and Commission approval or modification indicates the Legislature's intent for these investments to be deployed rapidly, for the purposes of immediate job creation. (*Id.*) Enel X states that it agrees with NV Energy that its Plan filing responds in kind to the statutory directives, supplements existing (yet sunsetting) incentives through the EVID Program and sets the stage for the successor transportation electrification plan filing by September 1, 2022, required by Section 14 of SB 448. (*Id.*) Enel X believes, however, that modifications or further clarification needs to be provided for certain elements of NV Energy's Plan. (*Id.*)

136. Enel X argues that, given that the Plan only identifies general locations for deployment of Interstate Corridor Depots, more definition is needed around the process by which nominated site hosts or customers will be chosen. (Ex. 1500 at 16.) Enel X states that this will ensure competitive neutrality in the evaluation process given that prospective site hosts would be vying for a limited number of sites and can choose between NV Energy or third-party ownership of charging infrastructure. (*Id.*) Enel X also argues that a degree of flexibility should be afforded for site hosts to make slight modifications to the standardized site profiles, if needed, to enable deployments at otherwise optimal sites. (*Id.*)

137. Enel X proposes solutions to fairly accommodate a site host's ownership and/or vendor selection, given NV Energy's proposed ownership options and different site identification levels. (Ex. 1500 at 18.) Enel X states that, for the sites where NV Energy proposes to own the charging infrastructure (Urban Depots, the V2G Trial, and Iconic Outdoor Recreation), NV Energy would simply work with customers or site hosts to determine their desired solution among qualified vendors. (*Id.*) Enel X states that for sites where only third-party or customer

ownership is proposed (the balance of the Outdoor Recreation and Tourism program), or for sites that have an option to select either NV Energy, third-party, or customer infrastructure ownership (Public Agency program, Transportation Electrification Grant, and Rural Tourism), NV Energy could present vendor and ownership options and pricing to the identified customers or entities, including for those that are still to be determined following a prioritization process. (*Id.*) Enel X states that qualified vendors would be able to conduct outreach to the identified customers or entities, to supplement the interactions they have had with NV Energy through the development of its Plan. (*Id.*)

138. Enel X states that the Commission should require NV Energy to delineate clear timelines and processes for nominating, evaluating, and selecting candidate sites for Interstate Corridor Depots, adapted from its proposal for approving depot sites and comparable to NV Energy's proposal for selecting Transportation Electrification Custom Grant recipients, including the proposed selection committee. (Ex. 1500 at 19.) Enel X states that this will help ensure competitive neutrality in the selection of sites, given the limited number of proposed sites and a nominated site host's vendor and ownership preferences. (*Id.*)

139. Enel X states that a degree of flexibility in modifying the standardized site profile designs is needed because the site profiles that are detailed in the application may not prove an exact fit within an otherwise well positioned or qualified site. (Ex. 1500 at 19.) Enel X states that it supports NV Energy's standardized site profile designs as a way to enable an expedited and modular implementation of the Plan's infrastructure investments. (Ex. 1500 at 19.) Enel X states that, however, Enel X is concerned by the statement that standardized site profiles facilitate a site selection process "whereby all entities can understand the required commitment upfront and NVE can move quickly if the party cannot or will not participate in the program."

(*Id.*) Enel X therefore argues that the Commission should require NV Energy to allow for slight deviations from standard site profiles if it otherwise enables deployment at strategic or optimal sites that help meet the statutory objectives. (*Id.* at 19-20.)

EVgo's Position

140. EVgo states that its proposed changes, outlined below, will improve the Plan's ability to "stimulate innovation, competition and increased choices in charging equipment and networks," and "attract capital investments" in transportation electrification, in line with SB 448. (Ex. 900 at 24-25.)

141. EVgo states that the same incentives that are offered in the Interstate Corridor Charging Depot program should be provided to the Urban Program for DCFC of up to 75 percent of the third-party owner's project costs, though the O&M incentives may not be necessary. (Ex. 900 at 21.) EVgo states that the Commission should postpone the development of Company-owned DCFC in the Urban Program until the next Plan is implemented in 2024 to allow the private market time to leverage the make-ready program and incentives. (*Id.*) EVgo states if the utility were to develop additional company-owned chargers too early, it may develop sites that the private market would have addressed, given a window of opportunity. (*Id.* at 22.) EVgo explains that this approach will provide greater economic recovery benefits since it will utilize private capital and allow the Company to divert funding to other areas of the TEP. (*Id.* at 23.) EVgo further states that in the next Plan, NV Energy should be allowed to develop utility-owned stations to fill the remaining public charging gaps. (*Id.* at 21.) EVgo states that EV charging providers should be permitted to directly apply for the program, as opposed to limiting it to site hosts. (Ex. 900 at 22.) EVgo explains that this could be accomplished by expanding the definition of site host to "customer of record" on the service account and that under this model,

the EVSE is the entity requesting service from the utility and the customer of record responsible for the electricity bills. (*Id.*)

142. EVgo states that third-parties should be allowed the flexibility to determine their site configurations based on a location's particular needs, including power availability, user experience, and real estate constraints, thus eliminating the requirement to adhere to site profiles. (Ex. 900 at 22.)

143. EVgo states that make-ready and incentives are an important first step in accelerating third-party investment and could go a long way in supporting private investment in the Urban Program if implemented. (Ex. 900 at 23.) EVgo states that utility make-ready investments support the economics of sitting DCFC by bringing rate-based distribution upgrades into the utility scope while leaving dispenser ownership, marketing, customer service, and charging network operation in the hands of experienced private operators. (*Id.*)

144. EVgo notes that Colorado, New York, and California approved numerous proposals for utility make-ready infrastructure investments to support the competitive charging ecosystem. (Ex. 900 at 23.)

145. EVgo states that Urban Charging Program is NV Energy's most costly program—a $26.3 million program focused on increasing access to public EV charging infrastructure in metropolitan areas of Nevada. (Ex. 900 at 13.) EVgo states that the drivers expected to utilize this infrastructure include multifamily residents, employees, tourists, or transportation network companies visiting commercial areas or downtown sites. (*Id.*) NV Energy proposes the charging infrastructure be owned solely by NV Energy, with no option for third-party ownership, and has already selected general proposed locations for sites. (*Id.*)

146. EVgo explains that by seeking to increase utility-owned charging in urban areas through the Urban Program, NV Energy proposes developing a network that may be redundant to, and in direct competition with, the private sector. (Ex. 900 at 17.) EVgo further explains that it is beneficial to ratepayers to leverage the expertise of owner-operator DCFC regarding urban areas and encourage the private sector to address the market that it is most equipped to serve. (*Id.*) EVgo asserts that this approach results in the more effective use of ratepayer funding, allowing it to stretch farther in areas that the private market will not serve. (*Id.*) EVgo states that limited utility-ownership can also be compatible with private market activities—for example, if utility ownership is deployed to serve rural or other gaps in coverage not being met by the private market. (*Id.* at 17-18.)

147. EVgo notes that other jurisdictions such as Colorado have approved a plan wherein the Public Service Company of Colorado ("PSCo") will open a make-ready program and later be allowed to own EV charging infrastructure in gap areas after at least one round of make-ready solicitations have been completed. (Ex. 900 at 18.) EVgo further notes that the goal is to ensure that utility owned DCFC stations are sited in areas unlikely to be served by the private market. (*Id.*)

148. Similarly, EVgo points out that Arizona permitted utilities to own chargers in gap areas not met by the private market. (Ex. 900 at 18-19.) EVgo also explains that, in New Jersey, a utility will be permitted to apply for specific locations for utility ownership as a provider of last resort in a separate proceeding if they can demonstrate a lack of private sector interest in those areas. (*Id.* at 19.) Additionally, EVgo states that Connecticut provides for initial unencumbered support for the private sector to lead in the deployment of DCFC stations, with a provision to evaluate the status of development with particular attention to underserved communities and

determine whether programmatic changes are necessary at the three-year mark of the State's nine-year program. (*Id.* at 19.) Furthermore, EVgo states that National Grid in Massachusetts has proposed a make-ready program that at the mid-point of the four-year program, if no DCFC have been installed or are planned within its identified communities, it will build, own, and operate up to 20 DCFC ports during the final two years of its program. (*Id.* at 20.) EVgo states that these examples illustrate some of the ways that Commissions and utilities are effectively balancing the deployment of utility owned DCFCs with the deployment of privately-owned DCFCs to accelerate transportation electrification in a way that enables competition, innovation, and customer choice in EV charging services. (*Id.*)

149. EVgo recommends that the Commission make several changes to NV Energy's Urban Charging Depot Program. (Ex. 900 at 21.) EVgo argues that third-party ownership of EV infrastructure in the Urban program should be permitted. (*Id.* at 21.)

GOE's Position

150. GOE recommends that the Commission approve the funding of $9.4 million dollars for the Interstate Corridor Charging Depot Program as proposed in the Plan. (Ex. 500 at 5.)

151. GOE states that the Urban Charging Depot Program progresses Nevada's goals for transportation electrification and decarbonization. (Ex. 500 at 6.) GOE supports the Urban Charging Depot Program because it will remove barriers to EV adoption and increased EV adoption supports the reduction of transportation based GHG emissions. (*Id.*)

152. GOE also states that the Urban Charging Depot Program supports Nevada's policy priorities for carbon reduction, as well as just transition. (Ex. 500 at 6.) GOE states that equity in Nevada's energy transition is critical to ensure Nevada's most vulnerable communities

can access clean transportation options with reliable and predictable fuel pricing in order to not place additional energy cost burdens on historically underserved communities. (*Id.*)

153. GOE recommends that the Commission approve the Urban Charging Depot Program as proposed in the Plan with the proposed budget of $26.3 million. (Ex. 500 at 6.)

154. GOE, however, proffers that the Public Agency Electric Vehicle Charging Program may not fully maximize SB 448's legislative intent as it allocates funding to all counties in NV Energy's service territory regardless of whether each of those jurisdictions has fleet or even broad transportation electrification planning underway. (Ex. 500 at 8.) GOE argues that the Commission should assess whether the proposed prioritization in the program plan supports specific fleet electrification planning of individual jurisdictions in alignment with SB 448's intent. (*Id.* at 8.) GOE, therefore, recommends that the Commission approve the proposed budget of $17 million for the Public Agency Electric Vehicle Charging Program, but with a potential reexamination of the prioritization of the charging locations as noted above. (Ex. 500 at 8.)

155. GOE states that the Transportation Electrification Custom Grant program provides financial support to EV charging infrastructure development that may not be identified in, or eligible for, other investment categories offered through the Plan. (Ex. 500 at 8.) GOE states that this program provides for the innovation and flexibility to develop unique charging infrastructure projects and supports additional development of EV infrastructure and expands the network of chargers needed to grow Nevada's EV market, a GOE and State Climate Strategy priority. (*Id.*)

156. GOE states that the proposed Transportation Electrification Custom Grant Program Project Scoring Committee supports GOE's mission, programs, and priorities by

expanding the review of potential Transportation Electrification Custom Grant Program proposals to a broad set of stakeholders, including GOE, for a proposed project scoring committee. (Ex. 500 at 9.)

157. GOE states that continuing to support the electrification of school busses supports State climate and equity goals and represents an important program for continued robust funding. (Ex. 500 at 9.) GOE further states that the ESB-V2G Trial program supports the adoption of EV busses and the development of EV infrastructure at institutions that might not otherwise be able to fund these projects and that it will reduce carbon emissions in the transportation of students and expand the network of chargers needed to further Nevada's transportation electrification, a GOE and Nevada Climate Strategy priority. (*Id.*)

158. GOE states that the Plan's proposed ESB-V2G Trial Program could support GOE's work with emergency management and resiliency. (Ex. 500 at 9.) GOE suggests adding in an assessment of specific emergency support functions as part of this pilot. (*Id.*)

159. GOE therefore recommends that the Commission approve the proposed budget of $18 million for the Transit, School Bus and Transportation Electrification Custom Program, but that the scope of work to be assessed in the proposed ESB-V2G Trial Program include the role these busses could play for emergency power back-up. (Ex. 500 at 9-10.)

160. GOE states that the development of EV charging infrastructure as contemplated in the Outdoor Recreation and Tourism Program supports GOE's mission and programs and the State's carbon reduction goals because lifting barriers for EV drivers to be able to travel to and through Nevada will reduce the amount of vehicle GHG emissions associated with the tourism economy. (Ex. 500 at 10.) GOE further states that ensuring that EV drivers can access Nevada's

outdoor recreation will continue to support the outdoor recreation economy while reducing emissions in this sector of travelers. (*Id.*)

161. GOE therefore recommends that that the Commission approve the Outdoor Recreation and Tourism Program as proposed, including the $20.2 million proposed budget. (Ex. 500 at 11.) GOE also highlights its recommendation that the Commission approve the designation of Lake Tahoe and Red Rock Canyon with the proposed opportunities for multi-modal electrified transport charging. (*Id.*)

Greenlots' Position

162. Greenlots states that the Plan will accelerate transportation electrification through the expeditious provision of charging infrastructure as required by the Legislature. (Ex. 1100 at 5.) Greenlots states that the Plan supports the market development, competition, and increased customer choices in EV charging, consistent with broader ambitions articulated in SB 448. (*Id.*)

163. Greenlots asserts that utility ownership of EV chargers stimulates and accelerates competition in the EV charging market. (Ex. 1100 at 7.)

164. Greenlots states that the wholesale-level competition that results from utility procurement, which provides a significant motivated buyer to a market that generally otherwise lacks this, represents the purest form of competition in today's market, based on product features, price, service, etc., allowing big and small players to participate with a leveled playing field. (Ex. 1100 at 7.)

165. Greenlots states that utility-led procurement and wholesale-level competition that results from utility procurement is a powerful strategy to drive down program and charger costs, as equipment and services are being bought in bulk rather than via one-by-one individual retail transactions. (Ex. 1100 at 8.) Greenlots further states that utility program investment offers an

opportunity for EV service providers to benefit from a more accurately valued maintenance service that will not only improve the reliability of EVSE within utility programs but will likely extend beyond the bounds of the program to benefit EV charging equipment and service providers in the market as a whole. (*Id.* at 8.)

166. Greenlots explains that utility investment in charging infrastructure helps spark EV purchasing decisions and grow the total customer base by helping build out a foundational backbone of charging stations across the state towards an inflection point at which widespread demand for charging will support more profitable ownership and operation of stations by private operators, including in rural and underserved areas. (Ex. 1100 at 8.)

167. Greenlots states that NV Energy's Plan addresses the lack of adequate charging infrastructure, particularly public charging, noting the fundamental link between charging infrastructure visibility, availability, and EV adoption. (Ex. 1100 at 9.) Greenlots explains that many drivers disqualify EVs from their purchasing/leasing considerations due to the lack of charging infrastructure and the resulting concern commonly referred to as range anxiety. (*Id.*) Greenlots notes that the industry faces a "chicken or egg" situation. (*Id.*) Greenlots further notes the perceived lack of available charging infrastructure poses a barrier to widespread EV adoption, thus preventing the utilization needed for EV charging projects from yielding a positive return on investment. (*Id.* at 10.) Greenlots further notes that this is primarily due to a historical lack of a sustainable private market business case for the ownership and operation of public charging stations based on revenues from charging activities, and this has thus far resulted in a profoundly inadequate amount of private investment in such charging infrastructure. (*Id.*)

168. Greenlots states that utility investments in transportation electrification are thus vitally needed to catalyze instead a virtuous cycle of investment whereby the increased visibility

of EV charging stations leads to more EV adoption, which creates more station utilization, which in turn improves the business case for EV charging and reduces the need for incentives over the long term. (Ex. 1100 at 10-11.)

169. Greenlots states that, to the extent feasible, utility program design attributes should support and foster a diversity of market participants, business models, and mechanisms for supporting driver needs and accelerating transportation electrification. (Ex. 1100 at 16.)

170. Greenlots states that supporting driver decisions to electrify and ensuring their experience is positive once driving electric is one of the most important considerations when designing programs to support and accelerate transportation electrification. (Ex. 1100 at 16.)

171. Greenlots states that site hosts and their needs are an intermediary element of this equation, and that site host can be equally well served when a utility provides a seamless, turn-key program and takes care of all the procurement, installation, operation, maintenance, and ownership details associated with EV charging stations, especially for DCFC. (Ex. 1100 at 16.)

172. Greenlots explains that the efficacy of utility wholesale procurement is illustrated by the fact that private market EVSE owner-operators (such as Electrify America and EVgo) bulk procure their hardware and software solutions. (Ex. 1100 at 17.) Greenlots further explains that EVSE owner-operators want to provide drivers with a relatively consistent and unified experience and realize bulk procurement's efficiency benefits. (*Id.*) Greenlots propounds that NV Energy should be able to do the same for EVSE it owns operates. (*Id.*)

173. Greenlots states that asset owners should be the ones making procurement decisions as the infrastructure owner is the party responsible for the equipment, its upkeep, and the driver charging experience, and importantly, the asset owner is not necessarily the site hosting the equipment. (Ex. 1100 at 17.) Greenlots explains that putting sites that happen to host

charging equipment in control of this decision-making, when they are not the asset owner, would result in a severe misalignment of responsibilities and critical gaps in accountability not aligned with the prudent stewardship of ratepayer investments or maximizing the benefit and charging experience of drivers. *(Id.* at 17-18.)

174. Greenlots states that concerns about NV Energy controlling too large a market share such that utilization of other networks is eroded misses the point of the investment that the Legislature specified in detail. (Ex. 1100 at 18.) Greenlots states that this concern significantly underestimates the ultimate size of the market this Plan is designed to support. (*Id.*) Greenlots further states that this type of concern mistakenly portrays the market as being fixed in size. (*Id.*) Greenlots explains that the market for EVs can be viewed as ultimately replacing existing and future non-EVs and being widespread as the current deployment of gas stations, except that instead of being on every major corner, its range can extend to every parking lot and home. (*Id.* at 19.)

175. Greenlots notes that other Commissions have enshrined program recommendations similar to Greenlots but points out that alternative or additional approaches were debated during the legislative process and can be further discussed by stakeholders in 2022. (Ex. 1100 at 20.)

NCARE and Sierra Club's Position

176. NCARE and Sierra Club state that NV Energy took the comprehensive approach in designing the Plan as envisioned by SB 448. (Ex. 600 at 23.)

177. NCARE and Sierra Club recommend requiring NV Energy to provide a range of estimates on potential annual revenue for school districts on the ESB-V2G tariff to the Commission, as well as report back to the Commission which school districts are considering

enrolling in the Program, and to direct NV Energy to file a proposal with the Commission by February 1, 2022 of how it will fund the increased electric school bus rebates, depending on the federal infrastructure bill being considered by Congress. (Ex. 601 at 6.)

178. NCARE and Sierra Club support NV Energy's proposed ESB-V2G Trial Program, however, they believe NV Energy should increase the size of the electric school bus rebates to make the cost of purchasing an electric bus roughly equivalent to the upfront cost of purchasing a diesel one. (Ex. 601 at 24.) NCARE and Sierra Club state that a large electric school bus with a 220 kWh battery costs about $350,000 while an equivalent diesel bus is about $100,000, therefore, NCARE and Sierra Club argue that the per vehicle rebate from NV Energy should be roughly $250,000. (*Id.* at 24-25.) NCARE and Sierra Club state that NV Energy's currently proposed $0.60 per watt incentive for 220 kWh buses translates to a $132,000 per bus rebate and a $1.14 per watt incentive would yield a $250,000 per bus rebate. (*Id.* at 25.) NCARE and Sierra Club therefore recommend that the Commission require NV Energy to increase the per watt incentive for electric buses from $0.60 per watt to $1.14 per watt, but to maintain the proposal to support 40 total buses. (*Id.*)

179. NCARE and Sierra Club recognize that increasing the per watt incentive to $1.14 and maintaining the 40 electric bus projection would increase the total costs of the ESB-V2G Trial Program by $4,752,000 dollars. (Ex. 601 at 25.) NCARE and Sierra Club propose funding the increased total costs of the Electric School Bus Program with the following options:

a. If the federal infrastructure bill passes by the end of 2021, and includes sufficient funding to support projects currently in the Interstate Charging Corridor program, shift funds from that program to support the increased electric school bus rebates; or

b. Cut sites in the Urban Charging Depot. How significant the cuts to this program will be depends on the total amount of funding required. If no additional funding is available, NV Energy could cut four small commercial sites and one commercial site from the Urban Charging Depot program to free up the needed funding.

(*Id.* at 26.)

180. NCARE and Sierra Club propose pulling funding from the Urban Charging Depot program, if funding is required for the increased costs of the ESV-V2G Trial Program, because its budget is the largest and most flexible and because the private market is also likely to find urban areas attractive for investment. (Ex. 601 at 28.) NCARE and Sierra Club additionally state that the other programs in the Plan address more daunting barriers which makes NV Energy's investment more critical to overcome them. (*Id.* at 29.)

181. NCARE and Sierra Club argue that if some, but not all of the funding required to support recommendations for increased electric school bus rebates is available, NV Energy should cut small commercial sites to free up the necessary funding; however, if funding from the federal government is not available at all, NV Energy should cut four of its proposed small commercial sites (two in NPC service territory and two in SPPC service territory) and one of its proposed commercial sites (in NPC service territory). (Ex. 601 at 29.) NCARE and Sierra Club propose cutting these sites because EV drivers will still have access to other NV Energy chargers in and around urban area, these projects are not filling critical corridor gaps, and private charging companies may also help fill in any gaps. (*Id.* at 30.)

182. NCARE and Sierra Club argue that keeping ownership options open in the Urban Charging Depot program is a reasonable approach which will ensure charging infrastructure is rapidly deployed while still allowing the private market an opportunity for participation. (Ex. 601 at 30.) NCARE and Sierra Club further argue that NV Energy does not provide satisfactory justification in its Joint Application to support its proposal to own all charging sites in the Urban Charging Depot program. (*Id.* at 31.) NCARE and Sierra Club therefore recommend all three ownership options (utility-owned, third-party owned, site host owned) contemplated in other

Plan programs should be available to site hosts in the Urban Charging Depot program as well. (*Id.*) NCARE and Sierra Club lastly argue that, if site host or third-party ownership is selected, NV Energy should provide incentives to offset all of the costs associated with the development of the Urban Charging Depot sites. (*Id.*)

183. NCARE and Sierra Club state that given the expanding EV market and the Clean Cars Nevada standards that require automakers to sell EVs in the state, there will likely be significant demand for the modest number of charging stations NV Energy proposes to help deploy pursuant to its Plan. (Ex. 600 at 8.) NCARE and Sierra Club additionally state that research demonstrates the pace of charging infrastructure deployment needs to significantly accelerate to meet the needs of the growing EV market. (*Id.*)

184. NCARE and Sierra Club state that the breadth of the definition of "transportation electrification" in SB 448 ensures utility programs and investments proposed as a result of SB 448 can address all of the vehicular sources of pollution that disproportionately burden low-income households. (Ex. 600 at 12.)

185. NCARE and Sierra Club support NV Energy's goal of surpassing the minimum level of investment required by statute in historically underserved communities. (Ex. 600 at 24.) NCARE and Sierra Club state that EVs can provide households who spend a disproportionate share of their income at the gasoline pump with much needed relief from the volatility of the world oil market and are essential to reducing dangerous air pollution in historically underserved communities. (*Id.*)

186. NCARE and Sierra Club argue that utilities have a critical role to play in broad marketing, education, and outreach activities and increasing customer awareness of the benefits of EVs as utilities are often better positioned to do this than automakers seeking to promote

specific vehicles or charging providers seeking to promote specific business models. (Ex. 600 at 24.) NCARE and Sierra Club therefore state that to ensure robust customer participation in the Plan, the Customer Outreach and Education components are key to the success of the investments proposed by NV Energy. (*Id.*)

NRA's Position

187. NRA states that, given the preliminary nature of the Plan, such as the preliminary site proposals, it is not possible at this time to evaluate whether the Plan meets SB 448's requirements of accelerating transportation electrification in Nevada, or is designed to provide the greatest economic and job creation benefits. (Ex.1200 at 14.) NRA states that the Plan falls short in demonstrating that its proposed programs will benefit Nevadans by providing private investment opportunities and that from this perspective, NV Energy's Plan cannot be found to be prudent at this time or compliant with the statutory mandates of SB 448. (*Id.*)

188. NRA argues that, in the Outdoor Recreation and Tourism Program, NV Energy puts an unfounded emphasis on projects that it views to be "iconic" and appears to preselect several projects without providing other similarly situated customers with the same opportunity to participate on a non-discriminatory basis. (Ex. 1200 at 28.) NRA therefore recommends that the Outdoor Recreation and Tourism Program be redesigned in a non-discriminatory manner that provides funding to all eligible customers through a uniform enrollment process. (*Id.*)

189. NRA states that SB 448 is relatively broad regarding requirements for the Outdoor Recreation and Tourism Program, so establishing a clear understanding of which customers are eligible for the program is important to ensure that all eligible customers have an equal opportunity to participate. (Ex. 1200 at 29.) NRA states that a broad range of businesses can be considered a part of the tourism and outdoor recreation economy in Nevada. (*Id.*) NRA

therefore argues that before implementing the Outdoor Recreation and Tourism Program, it is appropriate for NV Energy to clarify with greater specificity the specific businesses that are eligible to participate, and the conditions NV Energy will seek to impose on such participation. (*Id.*)

190. NRA states that the Outdoor Recreation and Tourism Program does not satisfy the criteria in SB 448 because NV Energy discriminates by preselecting a number of sites to participate in the program, including the Red Rock and Lake Tahoe sites, without providing other similarly situated customers with an equal opportunity to participate in the program. (Ex. 1200 at 30.) NRA argues that if the customers in NV Energy's list would like to participate, including the Red Rock and Lake Tahoe sites, they should have to follow the same enrollment process that all other customers must follow. (*Id.*)

191. NRA states that the Red Rock Lake Tahoe sites appear to be entirely utility owned sites, with no apparent customer. (Ex. 1200 at 30.) NRA states that this violates SB 448 which provides a customer with the ability to partner with the utility under multiple ownership options, but there still must be an underlying customer that is seeking to participate in the program. (*Id.*)

192. NRA further argues that, to the extent that a specific customer is identified in the future at these sites, they should be required to participate in the same enrollment process and receive the same level of incentives as any other customer. (Ex. 1200 at 31.) NRA states that providing a greater amount of funding to these utility-owned projects is discriminatory towards other potential projects and inconsistent with SB 448, which provides for customer partnership intended to incentivize private investment. (*Id.*) NRA argues that, to the extent the Plan disincentivizes private industry participation in transportation electrification, it fails to satisfy the

two statutory mandates to accelerate transportation electrification in Nevada and provide the greatest opportunities for new job creation. (*Id.*)

193. NRA states that many view NRA member properties to also be iconic, so prioritizing the Red Rock and Lake Tahoe sites based on NV Energy's view of the iconic nature of those sites is not appropriate. (Ex. 1200 at 31.)

194. NRA recommends that the Outdoor Recreation and Tourism Program be redesigned as a uniform enrollment process available to all eligible customers and sites, including the sites that NV Energy has identified in the Plan. (Ex. 1200 at 32.) NRA recommends that NV Energy expressly identify, for Commission approval, any requirements, or conditions they intend to require for such eligibility. (*Id.*) NRA states that NV Energy's proposed conditions could be submitted to this docket providing interested stakeholders with a further opportunity to comment on those requirements, which were absent in the Plan. (*Id.*)

195. NRA states that if a utility ownership model is provided in the context of the Outdoor Recreation and Tourism Program, NRA recommends that it be implemented in a non-discriminatory manner, providing each eligible customer with the option to receive either (1) a monetary incentive of $15,000 per charging port, or (2) $15,000 of investment from the utility in utility owned charging infrastructure, with any amounts in excess being contributed by the customer as a contribution in aid of construction. (Ex. 1200 at 33.)

196. NRA argues that NV Energy's proposal to exclude third-party ownership options is problematic because third-party ownership of utility charging sites has the potential to provide a number of benefits that are not available in a utility ownership model and also to accelerate transportation electrification in Nevada. (Ex. 1200 at 34-35.)

197. NRA argues that the lack of participation in the EVCCR program is in no way indicative of the degree to which third-party owners may participate in an incentive-funded Urban Charging Depot Program. (Ex. 1200 at 35.) NRA states that while the EVCCR provides a discount with respect to the electric services provided to a charging site, it does not provide an incentive to cover the capital cost associated with building the site, as the Urban Charging Depot Program would. (*Id.*)

198. NRA states that in many instances, a third-party owner may be able to develop and construct a site for less than the cost to NV Energy because, as a large corporation, NV Energy construction is subject to significant overheads and funding requirements that other third-party entities would not incur. (Ex. 1200 at 35.) NRA additionally states that third parties will not have a prescribed cost of capital with respect to the programs and therefore may be willing to accept a much lower return than NV Energy with respect to their ownership in the facilities. (*Id.*)

199. NRA states that under an incentive funded Urban Charging Depot Program, the third-party owner would derive profit from the ongoing operations of the charging station, and therefore, it would not be necessary for ratepayers to reimburse the third-party owner for its return on investment, as ratepayers will be required to do for NV Energy-owned stations. (Ex. 1200 at 36.)

200. NRA argues that third-party ownership is less risky than utility ownership because the third-party owner is responsible for costs that exceed the fixed value of the incentive, whereas ratepayers assume the risk of NV Energy's costs being more than expected. (Ex. 1200 at 36.)

201. NRA states that there is no ongoing cost to NV Energy's customers for third-party ownership because ongoing maintenance is the responsibility of the third-party owner, but under

NV Energy's proposal, ratepayers will bear the ongoing cost of a utility owned charging station. (Ex. 1200 at 36.)

202. NRA recommends that the Urban Charging Depot Program be modified to allow for non-utility ownership because utility ownership is not in customer's best interest and is discriminatory towards third-party developers who may be able to construct facilities at a lower cost than NV Energy. (Ex. 1200 at 37.)

203. NRA specifically recommends that the funding for the Urban Charging Depot Program be awarded through a non-discriminatory request for proposal ("RFP") process, similar to the RFPs that the utilities perform when acquiring new generation resources. (Ex. 1200 at 37.) NRA states that under the Urban Charging Depot RFP, all developers with potential charging sites would be able to participate, including NV Energy and such a process would ensure that ratepayers get the most out of the funding set aside for this program. (*Id.*)

NWCAE's Position

204. NWCAE supports NV Energy's Joint Application. (Ex. 1401 at 1.) NWCAE specifically supports the Urban Charging Depot Program and NV Energy's proposal that the Plan be an infrastructure building program with set designs, locations, and building types. (Ex 1401 at 5.) NWCAE argues that the Urban Charging Depot Program, as it is contemplated in NV Energy's Plan, will be the quickest way to building out cost-efficient charging stations to serve historically underserved communities. (*Id.*)

205. NWCAE states that to speed up the adoption of EVs in Nevada, especially among underserved communities, there must be a series of charging stations available that will be at a low cost to drivers and that those drivers know will be working when they attempt to use the charging station. (Ex. 1401 at 5.) NWCAE argues that private ownership of charging stations

will increase charging costs because they are permitted to sell electricity, which causes pricing to be variable, inconsistent, and unreliable for consumers. (*Id.* at 5-6.) NWCAE states that many of its members are from historically underserved communities, which will be most impacted by the increased and variable pricing should the Urban Charging Depot Program be privately owned. (*Id.* at 6.)

206. NWCAE supports the infrastructure build program over the traditional incentive model for several reasons:

> a) The model as proposed ensures quality construction and likely leads to cost savings as designs and systems are used repeatedly;
>
> b) Current incentive programs have not worked to speed along development and adoption of EVs in Nevada; and
>
> c) SB 448 requires development of this Plan on an extremely short deadline. Allowing for multiple designs and numerous entities proposed designs and systems will slow adoption and not be in line with what was intended within the language of SB 448 and the testimony from its legislative sponsor.

(Ex. 1401 at 6.)

207. NWCAE strongly supports the Urban Charging Depot Program and NV Energy's proposal that the Plan be an infrastructure building program with set designs, locations, and building types. (NWCAE Haas at 5.) NWCAE also supports the rate and recovery structure set out in the NV Energy Plan. (*Id.*)

208. NWCAE states that the members of the International Brotherhood of Electrical Workers ("IBEW") locals affiliated with NWCAE have great experience in the construction of the infrastructure and placement of charging stations that will be constructed as part of NV Energy's Plan. (Ex. 1400 at 1-2.) NWCAE states that IBEW Local 401, through its apprenticeship program and the Northern Nevada Electrical Training Center, which is a jointly managed endeavor with electrical employers, provides the Electric Vehicle Infrastructure

Training Program ("EVITP") that will ensure safe installation of EV infrastructure required under SB 448 for this Plan. (*Id.* at 2.)

209. NWCAE states that NV Energy's proposed Plan supports EVITP training through an allocation from NV Energy, and NV Energy will partner with the Southern Nevada Joint Apprenticeship and Training Committee ("JATC") and the Northern Nevada JATC to provide and further develop EVITP in the state. (Ex. 1400s at 4.) NWCAE supports this provision of NV Energy's Plan because it protects the public. (*Id.*)

RTC Washoe's Position

210. RTC Washoe supports NV Energy's proposed Plan, particularly as it relates to the Transit, School Bus and Transportation Electrification Custom Program, and believes it comports with SB 448. (Ex. 1000 at 3.)

211. RTC Washoe states that it is constrained from providing electrical vehicle service in some of the remote areas of Washoe County because of the distance of those locations and the range of our vehicles. (Ex. 1000 at 2.) RTC states that it has several projects that it is studying that would satisfy the requirements of SB 448. (*Id.* at 3.)

Tesla's Position

212. Tesla notes that NV Energy's proposed $26 million Urban Charging Depot Program focuses on providing funding for utility-owned Level 2 and DCFC infrastructure at 18 urban locations with a total of 180 ports. (Ex. 800 at 3-4.) Tesla recommends that the Commission consider guidelines when evaluating utility-owned infrastructure to ensure a level playing field for stakeholders involved in the deployment, ownership, and operation of EV charging equipment. (*Id.* at 5.) Tesla states that NV Energy should pay the same underlying electric rate it charges third-party-owned stations for energy usage and bill itself for the utility-

owned stations' cost of electricity in the same way as other charging providers, which is through a separately metered and individually billed customer account. (*Id.* at 5-6.)

213. Tesla questions the Urban Charging Depot Program's design for only utility-owned stations and recommends expanding the program to include a third-party ownership participation option as authorized by SB 448. (Ex. 800 at 6.)

Washoe County's Position

214. Washoe County states that it is generally supportive of NV Energy's Plan, but has recommendations for the Commission that center around three primary considerations:

a. Ensuring that the Programs adequately serve tribal communities;

b. Facilitating North and South-bound EV travel through Washoe County along interstate and state highways; and

c. Reducing the financial barrier for local governments to transition to EV fleets.

(Ex. 1700 at 4.)

215. Washoe County states that the Interstate Corridor Charging Depot Program does not propose any charging stations that would serve North or Southbound travelers coming through Washoe County along U.S. 395 or I-580. (Ex. 1700 at 5.) Washoe County encourages NV Energy to consider charging locations along U.S. 395/I-580 because several possible locations would advance the goals of this Program and support other Plan goals such as promoting tourism and outdoor recreation. (*Id.* at 6.)

216. Washoe County states that a charging site near the I-580 and Mt. Rose interchange would benefit North and Southbound travelers, support visitors heading west towards Lake Tahoe or east towards Virginia City and serve commuters traveling to and from Carson City. (Ex. 1700 at 6.) Washoe County states that a charging site in Washoe Valley near

Bowers Mansion would also support electrification in the more rural areas of Washoe Valley and Washoe City. (*Id.*)

217. Washoe County states that the Interstate Corridor Charging Depot Program presents an opportunity to both facilitate interstate travel and provide charging access to historically underserved communities, including qualified tribal land. (Ex. 1700 at 6.) Washoe County states that locating a charging site station off I-80 in the Wadsworth area could serve both I-80 travelers and residents of the Pyramid Lake Indian Reservation, which is directly adjacent to Wadsworth. (*Id.* at 6-7.) Washoe County believes that the Plan could more carefully consider how various Programs, including the Interstate Corridor Charging Depot Program, could be modified to serve tribal communities. (*Id.* at 7.)

218. Washoe County argues that the fleet needs of local governments like Washoe County are largely overlooked in the Public Agency EV Charging Program. (Ex. 1700 at 8.) Washoe County states that a site with at least 20 to 40 charging ports (combination of Level 2 and DC Fast charge), similar to profiles proposed for University of Nevada campuses, would support the substantial number of County fleet vehicles that are stationed at the Washoe County office complex. (*Id.* at 9.) Washoe County states that this location could be developed in a way that supports the hundreds of Washoe County employees that work at the County office complex, as well as the hundreds of Washoe County residents that visit County offices every day. (*Id.*) Washoe County states that a location in Downtown Reno could also be positioned to facilitate electric fleet vehicle charging, as well as provide charging for Washoe County employees, Washoe County residents living in dense housing without access to chargers, as well as tourists and visitors. (*Id.*) Washoe County offers 350 S. Center Street, the Downtown Reno

Library, the Reno Justice Court, and the Second Judicial District Court as possible site locations. (*Id.*)

219. Washoe County argues that clustering three Outdoor Recreation and Tourism Program charging locations in the Incline Village area is unnecessary because there are already several EV charging locations in that area. (Ex. 1700 at 11.) Washoe County further argues that moving the proposed Mt. Rose ski resort charging site to Washoe County's Galena Creek Park would facilitate year-round recreational opportunities for a wider variety of outdoor enthusiasts. (*Id.* at 12.) Washoe County also supports locating charging sites in the Pyramid Lake area and Gerlach to benefit the members of the Pyramid Lake Paiute Tribes and support tribal enterprises that rely upon recreational visitors to the area, as well as to make this area more accessible to visitors. (*Id.*) Washoe County states that a charging location in Gerlach would support outdoor recreation, support the residents of this rural community, and facilitate North and Southbound travel along Highway 447. (*Id.* at 12-13.)

220. Washoe County argues that, given the increasing density of housing in Reno's urban core, Washoe County residents would benefit from Urban Charging Depot Program locations in both Downtown and Midtown Reno. (Ex. 1700 at 13.) Washoe County states that charging locations in Reno's urban core would benefit historically underserved communities, Washoe County employees in the area, and members of the Reno-Sparks Indian Colony. (*Id.* at 13-14.)

221. Washoe County notes that transportation emissions, including those from school busses, account for a significant portion of all emissions within Washoe County and that a disproportionate amount of emissions from school busses negatively impact residents in historically underserved communities. (Ex. 1700 at 14.) Washoe County therefore argues that

the Washoe County School District should be considered for the larger profile sites (with up to 20 DCFCs) proposed for Clark County. (*Id.*)

BCP's Position

222. BCP states that it supports the Plan's recommended $24 million expenditures for year 2022 but does not agree with the Plan allocation. (Ex. 400 at 1.) BCP recommends that ownership of the charging stations should be with the respective agencies or third-party owners, and that the chargers be deployed to prevent the ratepayer from absorbing the maintenance costs of the chargers. (Ex. 400 at 2.) BCP states that, otherwise, ownership should reside in the school districts, transportation authorities, respective state and local park agencies and other public agencies, or third-party suppliers for interstate chargers. (*Id.*) BCP makes this recommendation for the following reasons:

a) The ratepayer should not be responsible for the maintenance of these devices.

b) There would be less need for separate tariffs to administer, as each agency would be billed at their tariff rate for charger usage.

c) Except for very limited pilot programs, BCP generally opposes NV Energy's direct ownership of charging stations, as it is a competitive industry.

(*Id.* at 10.) BCP argues that utility ownership of charging stations should be minimized where there is a developing competitive market. (*Id.*)

223. BCP recommends an allocation of 30 percent for public transportation, 30 percent for school bus, 20 percent for outdoor recreation that is allocated to state and federal parks, 5 percent for public agencies, 5 percent for interstate transportation, 5 percent for urban charging depots, and 5 percent for plan development and execution. (Ex. 400 at 1-2.) BCP recommends that 60 percent of the Plan's budget be allocated to school and public bus transportation because it would jumpstart a move for both the general transportation and school transportation agencies

towards a total electrical bus fleet. (*Id.*) BCP states that this allocation would greatly serve the historically underserved communities, as the ridership on both school and public buses are mainly passengers from historically underserved communities. (*Id.*) BCP states that the bus ride experienced by the passengers would greatly improve through lower noise and pollution. (*Id.*) BCP states that it would be a better use of the funds for historically underserved communities at this time, rather than charging depots for cars in historically underserved community areas, as there are relatively few owners of EVs by these communities. (*Id.* at 3-4.)

224. BCP argues that the design of the charging depots for the school and regional transportation authorities should be undertaken by the respective agencies, rather than by NV Energy, because they understand their needs better than NV Energy. (Ex. 400 at 4.) BCP states that the cost for the electrical infrastructure to support these charging stations should still be part of the budgeted funds for the chargers. (*Id.*)

225. BCP recommends that the required 20 percent of funds allocated to the Outdoor Recreation and Tourism Program should go directly towards charging stations for state and federal parks and that NV Energy should coordinate with these agencies for the design of the charging stations. (Ex. 400 at 5.)

226. BCP states that it is important for a portion of the Plan funds to be allocated for the interstate highway system and regional transportation within Nevada. (Ex. 400 at 5.) BCP recommends that NV Energy coordinate with the Nevada Department of Transportation for the location of these stations. (*Id.*)

227. BCP states that it is important that a portion of the Plan funds be allocated to public agencies to encourage agency EV usage. (Ex. 400 at 6.) BCP recommends that NV

Energy should coordinate with the respective public agencies for the charging station locations. (*Id.*)

228. BCP states that it is important for a portion of the Plan funds to be allocated to urban charging depots that serve historically underserved communities and enhance the tourism industry. (Ex. 400 at 6.) BCP recommends that NV Energy coordinate with representatives from historically underserved communities and zero tourism/resort representatives for the location of the charging stations. (*Id.*) BCP states that although there is currently little ownership of EVs in historically underserved communities, as more EV rollout occurs, these communities should not be neglected in the deployment of piloting charging stations. (*Id.*)

229. BCP argues that while NV Energy's Plan satisfies SB 448 for investments in historically underserved communities, the Plan does not meaningfully help this intended group because the Plan focuses on charging stations in these communities and they have few, if any, EVs and do not have the financial capability of purchasing them. (Ex. 400 at 7-8.) BCP states that its plan of servicing the underserved communities with electrified public transportation will have an immediate positive effect on these communities. (*Id.* at 8.)

230. BCP states its concern that NV Energy relies too heavily on providing EVSEs, including DCFCs, to low income and underserved areas when this group of customers are unlikely to own an EV. (Ex. 401 at 8.) BCP recommends that NV Energy use its available funding, instead, to increase transit electrification opportunities which will likely have a greater positive impact for low income and underserved areas who may be more reliant on transit than a personal automobile. (*Id.*)

231. BCP notes that school buses are doing a lot of the work in the Transit and School program, however, while NV Energy notes that it plans to work with transit authorities and

prioritize routes that serve underserved communities, this program contains few details about any of these community transit electrification grants. (Ex. 401 at 15.) BCP argues that NV Energy should prioritize the transit portion of this program over the other programs, consistent with the budget recommendations outlined by BCP. (*Id.*)

232. BCP states that electrification of transit and transportation is the single largest effort that NV Energy could take to address access to electric transportation across its territories. (Ex. 401 at 15.) BCP notes that NV Energy provides no estimates for the transit and transportation program "due to the open nature" of the programs. (*Id.* at 16.) BCP argues, however, that the transit and transportation program should be the primary focus for NV Energy's electrification program. (*Id.*) BCP therefore suggests that NV Energy work with transit developers, notably in Washoe and Clark counties, to identify needs, locations, and routes that will best meet the needs of those communities. (*Id.*)

233. BCP argues that the percentage identified by NV Energy (69 percent) for underserved communities within the Public Agency program budget is entirely unsupportable, as it is clear this program is focused on fleets, college students, and people visiting public building. (Ex. 401 at 16.)

234. BCP states that, at this time, it believes that the best opportunity for low-income and underserved communities to access electrified transportation is by broader electrification of transit systems and services. (Ex. 401 at 17.) BCP therefore recommends that NV Energy focus its first year on developing transit electrification plans with its state and county partners which would have the most immediate impact on air quality in these neighborhoods. (*Id.*)

235. BCP argues that it is important that NV Energy make hosting capacity maps more publicly available to support deployment of EV charging infrastructure particularly for DCFCs.

(Ex. 401 at 17.) BCP states that ensuring that DCFCs are located in areas where there is available capacity for the increased demand is important for the growth of DCFCs and the reliability of the electric system. (*Id.*). BCP states that hosting capacity maps provide vital information about available capacity of locations such that if a hosting capacity map shows that a location does or does not have a certain amount of available capacity, then the site host would know that it should or should not install DCFC at that location. (*Id.*) BCP argues that NV Energy providing more information about its system is an important step in supporting the growth of EV charging infrastructure in Nevada. (*Id.* at 17-18.) BCP therefore recommends that NV Energy make an easily accessible and publicly available hosting capacity map that can be used by customers, developers, site hosts, and government agencies to identify optimal locations for the installation of EV charging equipment, especially DCFCs. (*Id.* at 18.)

236. BCP recommends that funds from the Plan should not be allocated more than 5 percent for urban charging depots and recommends the Commission remove these items from the Plan to the extent they exceed 5 percent of the Plan allocation. (Ex. 400 at 2.) BCP makes this recommendation for the following reasons:

a) Over 80 percent of the charging of EVs is done at home.

b) The high-capacity Level 3 charging of EVs shortens the life of batteries and the owners of the EVs should limit their exposure to them.

c) Public Transportation Electrification would better serve historically underserved communities at this time. Piloted EV charging stations in historically underserved communities may be deployed to develop usage metrics. At this point, data would indicate that charging depots proposed for the historically underserved communities would not serve these communities, as there is little ownership of these vehicles by these consumers; however, more data should be developed by targeted deployment of charging stations.

d) As EV owners would likely charge their vehicles at home, NV Energy ratepayers would be subsidizing the needs of out-of-state tourists that may be freerider users of these devices.

> e) There are currently approximately 200 charging stations in Las Vegas metropolitan area and about 90 stations in the Reno area. A person in the Las Vegas metropolitan area is within 2-3 miles of a charging station almost anywhere within the community. These stations are evenly dispersed in the metropolitan area. The private, competitive market is more than satisfying the need for these devices and could support an EV car market that is multiple times larger than current approximate 12,000 EVs in Nevada. There is no need for NV Energy to enter this market for lack of supply.

(*Id.* at 11-12.)

237. BCP acknowledges that some EV car owners would use the urban charging depots, but BCP argues that the use would mostly come of convenience not out of necessity. (Ex. 400 at 12.) BCP states that the largest users of these charging stations could be out-of-state customers if they were properly placed. (*Id.*)

238. BCP agrees that that a lack of public chargers for interstate travel is major impediment for the purchase of these vehicles, but BCP disagrees that it is major impediment for local use because almost all charging is done at home and there is a developing marketplace of independently owned, competitive charging stations to satisfy the current needs of EV owners. (Ex. 400 at 13.) BCP argues that the urban charging depots should be owned by third parties because NV Energy's entrance into this new and rapidly growing charging market likely will have a negative effect on the growth of the market from independent suppliers given NV Energy's monopoly powers. (*Id.*)

239. BCP states that NV Energy plays a substantial role in enabling transportation electrification as the distribution utility. (Ex. 401 at 7.) BCP, however, states its concern about NV Energy's Plan focuses on the role of the monopoly, interoperability, and supporting low-income and underserved communities. (*Id.*)

240. BCP states that NV Energy presents its Plan as allowing the site host a choice between utility provision of the EVSE or a third-party provider, but in actuality, there is no real

choice as NV Energy has structured the design of the program to favor themselves rather than the third-party. (Ex. 401 at 7.) BCP therefore argues that NV Energy should be prohibited from being the provider of EVSE services and equipment. (*Id.*)

241. BCP notes that it is NV Energy's responsibility to ensure that its system is developed in a way to provide reliable service at a reasonable cost, as determined by the Commission, which makes NV Energy responsible for laying the wires to enable the installation of an EVSE. (Ex. 401 at 8.) BCP states that in the Plan, NV Energy then competes with third party EVSE providers (aside from the Urban Charging Depot Program, the ESB-V2G program, and the Outdoor Tourism Project at Lake Tahoe and Red Rock, where NV Energy proposes to own the EVSEs). (*Id.*) BCP states, however, that NV Energy offers a lower payment to customers if they choose the third party EVSE option which puts NV Energy in a more favorable position compared to the competitive marketplace and puts the market at a significant disadvantage as it is competing against the implementer of the program. (*Id.* at 9.)

242. BCP argues that, within the Urban Charging Depot program, to the extent NV Energy is interested in expanding access to electrification to underserved areas, funding would be better spent on electrifying transit and working with transit authorities to invest in DCFCs to assist in charging buses and locating the high voltage DCFCs in areas with available hosting capacity. (Ex. 401 at 10.)

243. BCP argues that NV Energy proposes to own the EVSE for Lake Tahoe-Incline Village and Red Rock, but these areas simply do not need ratepayer subsidies to purchase EVSEs for these locations. (Ex. 401 at 10.)

244. BCP argues that it is important for the Commission to appropriately set boundaries for the investments in this Plan, including which investments are necessary for the

provision of electricity compared to other investments beyond the provision of electricity. (Ex. 401 at 10.) BCP states that investments needed to provide service to a premise are typically considered part of the utility's business of delivering and selling electricity, however, how the customer uses that electricity is typically outside the role of the utility. (*Id.* at 10-11.)

245. BCP argues that, should the Commission allow for NV Energy to rate base investments behind the customer meter, NV Energy will have a significant advantage in delivery of behind-the-meter EVSE products. (Ex. 401 at 11.) BCP states that SB 448 allows the Commission to modify NV Energy's plan so that there is sufficient competition in the marketplace for EVSE investments by determining that, for the purpose of this effort, NV Energy is not allowed to own EVSE infrastructure. (*Id.*) BCP argues that in the absence of proof of any market failure, which is not proven by NV Energy's evidence of customer surveys, the Commission should be cautious around determining any market failure, especially in this proposal, and allowing NV Energy to rate base behind the meter investments. (*Id.*)

246. BCP recommends that the Commission order the removal of the storage device deployment as part of the design for these charging stations at this time, as the storage devices are unnecessary because the present high availability for grid support can be more economically supplied by the transmission grid. (Ex. 400 at 2-3.) BCP states that storage devices at charging stations could potentially be used for grid support or to support intermittent resources, however, because of economies of scale, it would be far more economically efficient to install larger devices in distribution or transmission substations for this service. (Id. at 16-17.)

247. BCP states that the storage devices are unnecessary to ensure reliability because NV Energy's availability factors are among the highest in the United States. (Ex. 400 at 17.) BCP states that use of storage devices for peak shaving is not necessary for NV Energy-owned

stations because it is more economical to provide this service in utility substations. (Id.) BCP states that it could be economical for a utility customer to install a storage device for peak shaving but should not be in the Plan because an individual could purchase the storage device on their own if it was economical for their circumstances. (Id. at 17-18.)

Staff's Position

248. Staff states that it does not have any recommended changes to how the programs are proposed, including the total program budgets or the incentive levels and O&M amounts. (Ex. 300 at 5.) Staff states that, considering the extremely limited amount of time the Legislature allowed Staff, intervenors, and the Commission to review this Plan, and the amount of specificity included in SB 448, it is not possible to fully understand the repercussions any recommended changes would have on the Plan's ability to meet the Legislative Objectives while still fulfilling the specific requirements. (*Id.* at 5-6.)

NV Energy's Rebuttal

Interstate Corridor Charging Depot Program

249. NV Energy states that, to meet the SB 448 requirement of setting forth the "intended scope" of the Interstate Corridor Charging Depot Program, NV Energy developed two standardized site profiles and, in collaboration with GOE, proposed the general locations of five Interstate Corridor Charging Depot sites. (Ex. 108 at 3-4.)

250. NV Energy explains that the sites fulfill two purposes: (1) GOE identified two sites along I-80 that are necessary to complete Phase Two of the NEH, and (2) the three additional sites were identified to increase available chargers along I-15 and I-80 for tourism and local traffic and to supplement urban charging needs where feasible. (Ex. 108 at 4.)

251. NV Energy states that it appreciates Washoe County's comments about the Interstate Corridor Charging Depot Program but recommends that the Commission approve the Plan as proposed. (Ex. 108 at 5.) NV Energy states that some of the sites proposed by Washoe County may already align to general locations in the Urban Charging Depot Program. (*Id.*) NV Energy states that it recognizes that local government agencies possess critical planning information and that is why the Plan proposes local governments as critical partners in the Urban Charging Depot Program where Washoe County will have a formal role in shaping the Urban Charging Depot Program. (*Id.*)

252. NV Energy additionally states that if additional federal funding becomes available for Interstate Corridor Charging, NV Energy will certainly look to Washoe County and other government agencies for recommendations for site locations in utilizing such funding. (Ex. 108 at 6.)

Urban Charging Depot Program

253. NV Energy states that concerns about the concept of utility ownership of EV charging infrastructure within the Urban Charging Depot Program lacks merit because utility ownership is expressly permitted by SB 448. (Ex. 108 at 8.)

254. NV Energy states that some parties arguing against utility ownership in the Urban Charging Depot Program are vehicle charging market participants advocating, understandably, for their own economic interests. (Ex. 108 at 8.) NV Energy states that such parties appear to be seeking access to a larger share of the State's Economic Recovery Transportation Electrification budget. (*Id.*)

255. NV Energy states that some parties advocate for third-party ownership on the basis that third-party ownership is generally permitted by the statute, however, NV Energy notes

that SB 448 permits third-party ownership to be included in the Plan's Urban Charging Depot Program but it in no way mandates that the Plan include third-party ownership. (Ex. 108 at 8-9.) NV Energy notes that no party presented a similar argument as to the Tourism program component, where utility ownership was excluded from the Plan's proposal, even though utility-ownership is expressly allowed by statute. (*Id.* at 9.)

256. NV Energy therefore recommends that the Commission approve the Urban Charging Depot Program as filed. (Ex. 108 at 9.)

Third-Party Ownership of EVSE

257. NV Energy states that SB 448 does not define "third-party provider," therefore, NV Energy proposed its own definition. (Ex. 108 at 26.) NV Energy disagrees with ChargePoint's recommendation that the Commission clarify the term "third-party provider" as used in SB 448 includes site hosts. (*Id.* at 27.) NV Energy states that there are three infrastructure ownership models clearly identified in SB 448: (1) customer-owned, (2) third party-owned, or (3) electric utility-owned. (*Id.*) NV Energy therefore argues that ChargePoint's recommendation is inconsistent with the law as "site hosts" are the utility customer and are considered a separate entity from third-party providers per the statute. (*Id.*)

258. NV Energy disagrees with BCP's recommendation that ownership of the charging stations should be primarily outside of NV Energy because, per SB 448, electric utility ownership is permitted across all statutorily required Programs. (Ex. 108 at 28.) NV Energy additionally states that it has the unique experience of assisting its customers with EV programs and deploying EV infrastructure for many years and, furthermore, NV Energy considered and incorporated prior customer feedback and experiences into the Plan to provide customers with the greatest flexibility to meet their needs. (*Id.*) NV Energy notes that Washoe County, in its

testimony, expresses an eagerness to work with NV Energy and expressly states that it prefers that NV Energy own the infrastructure because it does not currently have personnel with the expertise necessary to maintain or repair such charging infrastructure. (*Id.*)

259. NV Energy argues that the assertion that O&M costs of the chargers will be avoided if the utility does not own them is misguided because NV Energy proposes O&M incentives for third-parties (meaning the costs would not be avoided) to ensure that infrastructure owners are motivated to keep the infrastructure up and running, so that the infrastructure can be operational for the benefit of the customers. (Ex. 108 at 28-29.)

Public Agency EV Charging Program

260. NV Energy states that it did not propose a specific fleet electrification component in the Public Agency EV Charging Program because there are multiple other avenues to support fleet electrification outside of the instant Economic Recovery Transportation Plan. (Ex. 108 at 10.) NV Energy states that for agencies that are ready to act now, NV Energy already has an active fleet incentive program. (*Id.* at 11.) NV Energy states that for agencies that are just starting to plan, NV Energy believes the appropriate avenue is the upcoming Transportation Electrification Plan. (*Id.*)

261. NV Energy states that it recognizes that there is a substantial need to electrify fleets but also understand the complexities of implementation that Clark County describes in its testimony. (Ex. 108 at 11.) NV Energy states, therefore, it chose not to specifically focus on fleet electrification in the Plan due to the capital requirements for a program that would be available to all state, local and federal government customers. (*Id.*)

262. NV Energy recommends that the Commission approve the Public Agency EV Charging Program as proposed but notes that the Plan was intentionally designed with a level of detail such that the Commission can make informed changes if it so desires. (Ex. 108 at 11.)

Outdoor Recreation and Tourism Program

263. NV Energy states that it proposes to own and operate the "iconic" charging stations due to the complexities of projects in parks, power availability, and new technologies like boat chargers. (Ex. 108 at 21.) NV Energy states that NV Energy ownership will allow NV Energy to have insight into the costs of each project as it develops and to evaluate alternatives or scope reductions as need be, given the Plan's budgetary limitation. (*Id.*)

264. NV Energy states that it remains concerned about allowing greater flexibility in ownership options at the "iconic" sites because of the complexities of the projects, and therefore, recommends that these projects be utility owned. (Ex. 108 at 22.) NV Energy notes, however, that the Commission could apply the same ownership model that is applied to the ESB-V2G Trial, which allows for the transfer of ownership to the customers once the project is built by the utility, should the customers want to own and operate the infrastructure. (*Id.*)

265. NV Energy does not agree with NRA that the program design is discriminatory as defined by SB 448. (Ex. 108 at 24.) NV Energy states that its proposal will allow for greater speed of implementation, thereby meeting the directives of SB 448. (*Id.*)

Transit, School Bus, and Transportation Custom Program: Transit Electrification Grant

266. NV Energy states that, to maximize the impact of the allocated budget for the Transit Electrification Grant, NV Energy proposed to convene a working group to identify projects needing immediate support in the action plan period of 2022 to 2024, recognizing that not all needs of the State's transit agencies will be met through the Transit Electrification Grant

program. (Ex. 108 at 17.) NV Energy states that ongoing needs will be addressed through the forthcoming Transportation Electrification Plan in 2022 that calls for "[i]nvestments or incentives to facilitate the electrification of public transit and publicly owned vehicle fleets." (*Id.*) NV Energy states that the working group will be comprised of The Nevada Department of Transportation, Regional Transportation Commission of Southern Nevada, Regional Transportation Commission of Washoe County, Carson Area Metropolitan Planning Organization, and Tahoe Regional Planning Agency. (*Id.*) NV Energy states that it continuously supports its customers in evaluating, implementing, and operating EVs, especially the entities identified for the working group. (*Id.* at 18.)

267. NV Energy states that it recognizes that not all needs of the State's transit agencies will be met through the Plan, rather, the grant program is designed to accommodate priority projects in need of immediate support. (Ex. 108 at 19.). NV Energy states that ongoing needs will be addressed through the forthcoming Transportation Electrification Plan in 2022 that prioritizes public transportation. (*Id.*) NV Energy additionally notes that Nevada's transit agencies, metropolitan planning organizations, and the department of transportation are recipients of multiple funding sources, including federal and local funding. (*Id.*)

268. NV Energy states that it is highly likely that the electrification working group identifies priority projects with an immediate need that exceeds the program budget, and those projects and needs will inform the design of the upcoming Transportation Electrification Plan. (Ex. 108 at 20.)

269. NV Energy disagrees with BCP's recommendation that 60 percent of the Plan's budget be allocated to school and public bus transportation. (Ex. 108 at 20.) NV Energy agrees that School and Public Bus Transportation are a significant priority but notes that if NV Energy

proposed 60 percent of the Plan's budget to school and public bus transportation and allocates the statutorily required 20 percent to the Outdoor Recreation and Tourism Program, that would leave only 20 percent for the remaining programs. (*Id.*) NV Energy argues that that allocation of the budget does not align with the legislative directives of Section 49 of SB 448. (*Id.*)

Transit, School Bus, and Transportation Custom Program: ESB-V2G Trial

270. NV Energy states that the electric school bus battery incentive is aligned with NV Energy's current Commercial Large Energy Storage Incentives Program for critical infrastructure, which offers $0.60/watt-hour incentive. (Ex. 108 at 13.) NV Energy states that it sought to maintain existing frameworks within the Plan for consistency and to reduce the regulatory burden of evaluating a new framework, given the Plan's expedited review process. (*Id.*)

271. NV Energy agrees with NCARE and Sierra Club that larger rebates may be beneficial for the ESB-V2G trial, especially if speed is a priority. (Ex. 108 at 13.) NV Energy acknowledges that an electric school bus with a 220-kWh battery costs about $350,000 and the incentive of $0.60/watt-hour yields $132,000 for a 220-kWh battery bus. (*Id.*)

272. NV Energy states that the current Electric School Bus Program provides incentives up to 75 percent of the expected costs to purchase an electric school bus and/or install the associated charging infrastructure. (Ex. 108 at 14.) NV Energy states that, to demonstrate viability, applicants are encouraged to secure financial and development support from all available sources. (*Id.*). NV Energy notes that school districts have been able to secure additional funding in partnership with the Nevada Department of Environmental Protection. (*Id.*)

273. NV Energy states that, if the Commission does not address the proposed increased electric school bus battery rebates in the order, NV Energy agrees with the recommendation to

file a proposal with the Commission as to how to increase the battery incentive funding without exceeding the statutory cap, including, but not limited to, utilization of external funds, and as better informed by the available school district budget for school bus replacement. (Ex. 108 at 15.)

274. NV Energy proposes to incorporate GOE's request to include an evaluation of emergency management support functions within the ESB-V2G Trial. (Ex. 108 at 15.) NV Energy proposes to incorporate the assessment with the report NV Energy proposed to file with the Commission by July 1, 2025, summarizing the trial program and impact on the utility's customers. (*Id.* at 15-16.)

275. NV Energy notes that the ESB-V2G trial program is an equal split between the two service territories, 20 DCFCs in NPC's service territory and 20 DCFCs in SPPC's service territory, therefore, without making any other adjustments, increasing the number of chargers for just Washoe County School District would be an unequitable allocation regarding population, number of students, and transportation emissions. (Ex. 108 at 16.) NV Energy therefore disagrees with Washoe County's proposed changed profile for Washoe County School District for the ESB-V2G Trial Program, especially without consideration of a proposed offsetting budget allocation. (*Id.*)

Standardization/Site Profiles

276. NV Energy disagrees with the general recommendation to not require third-party providers adhere to site profiles, as it would remove the standardization principle across the design and implementation of the Plan. (Ex. 108 at 29.) NV Energy recognizes that there may be instances that the standard site designs cannot be accommodated, such as available parking spaces, and therefore agrees with Enel X's recommendation that the Commission should permit

NV Energy to allow for slight deviations from standard site profiles if it otherwise enables deployment at strategic or optimal sites that help meet the statutory objectives. (Ex. 108 at 29.)

277. At Hearing, NV Energy stated that the site profiles were designed with experts so that NV Energy has a strong understanding of what the sites should cost. (Tr. at 427). Additionally, NV Energy stated that it is requesting funding at the program level, not any individual site budget. (Tr. at 427.) Finally, NV Energy stated that the site profiles were designed by Black & Veatch so that if there are sites that are cost prohibitive NV Energy cannot build at that site and move locations. (Tr. at 430.) NV Energy stated that it is "comfortable" and "very, very confident" with its site budgets and site profiles. (Tr. at 428-430.)

Updated Budget Estimate

278. NV Energy states that assertions that NV Energy does not have a firm handle on the total costs of the Plan are misleading. (Ex. 108 at 34.) NV Energy states that estimates included in the plan are budgetary i.e., with a confidence level +/- 30 percent. (*Id.*) NV Energy further states that, given that the exact site locations are currently unknown, it is not feasible to project accurate costs which is why NV Energy is requesting funding at the program level, and it is understood that some projects will have lower costs than estimated while some will have higher. (*Id.* at 34-35.)

279. In response to BCP's suggestion that NV Energy file an updated estimate, NV Energy states that its estimates already meet the standard for Level 3 estimates. (Ex. 108 at 35.) NV Energy states, moreover, the Commission will have an opportunity to review all costs before the Plan costs are included in rates. (*Id.*) NV Energy argues that the additional steps of a supplemental filing will introduce unnecessary delays and costs to a program designed by the Legislature to spur swift results to promote economic recovery. (*Id.*)

Commission Discussion and Findings

280. The Commission approves the Plan's proposed budgets in the five program categories. The Commission approves the following program budget amounts: $9.4 million dollars for the Interstate Corridor Charging Depot Program; $26.3 million for the Urban Charging Depot Program; $17 million for the Public Agency Electric Vehicle Charging Program; $18 million for the Transit, School Bus, and Transportation Electrification Custom Program; and $20.2 million for the Outdoor Recreation and Tourism Program. As multiple parties, including GOE, point out, these budget amounts are consistent with SB 448 and will remove barriers to EV adoption. Furthermore, the Commission agrees with Enel X that the Legislature intended for this Plan to be a highly defined, relatively "turnkey" program to be implemented by NV Energy. The Commission agrees that this is indicated by the directives for NV Energy to set the scope and general location or targets and allocations for three of the five program areas or by setting relatively narrow customer subsets for the remaining two programs. The Commission also agrees that the 90-day turnaround for Plan filing, review, and Commission approval or modification indicates the Legislature's intent for these investments to be deployed rapidly, for the purposes of immediate job creation. Finally, the Commission agrees with Clark County that the Plan meets and exceeds the important legislative requirement in SB 448, which directs at least 40 percent of the program funds to historically underserved communities to help dismantle the additional barriers faced by these communities to acquire and utilize EVs. The Commission also approves the associated $8.7 million budget for Plan Development, Administration and Execution.

281. The Commission approves the Plan's proposed standardized site infrastructure profiles and budgets with allowance for a 10 percent increase for an individual site as a deviation

from the Plan's proposed standardized site infrastructure profiles and budgets. The Commission notes that the individual program budgets in total remain as approved in this Order and the overall statutory limit remains $100 million as further discussed in the cost recovery section of this Order. The Commission allows for a 10 percent site budget deviation in recognition that specific site profiles may change within a program category, and the budget proposals for the site profiles are based off of budgetary estimates, which are subject to change within reason. At Hearing, NV Energy stated that the site profiles were designed with experts so that NV Energy has a strong understanding of what the sites should cost, but the site budgets are not finalized. Additionally, NV Energy stated that it is requesting funding at the program level, not any individual site profile budget. Finally, the site profiles were designed so that if there are sites that are cost prohibitive NV Energy can decline to build at that site and move locations. For these reasons, the Commission approves the site infrastructure budgets within an allowed ten percent deviation of the proposed amount. This will allow for any site-specific infrastructure changes that may be necessary.

282. The Commission modifies several of the Plan's incentive levels. The Plan incentives are designed to lower or eliminate the financial burden for participating customers in the Plan and are based on fully installed costs of charging infrastructure rather than equipment cost alone. The Commission finds that, with the exception of the School Bus component of the Transit, School Bus and Transportation Electrification Customer Program, the incentives for non-utility infrastructure in all programs shall be 100 percent of the applicable fully installed site costs. Local, state, and federal agencies, including those responsible for regional transportation, with direct infrastructure (non-third party) ownership shall be eligible to receive 100 percent of

the applicable incentive upfront upon completion, in order to expeditiously incentivize investment in these categories.

283. The Commission also finds that third party providers and non-governmental commercial customers participating in regional transportation and similar public transportation sites shall also be eligible to receive an upfront upon completion incentive of 100 percent in order to incentivize regional and public transportation.

284. Finally, the Commission finds that for all other programs in this Plan (except School Bus), to help ensure reliability and reporting standards are the same for utility-owned and non-utility-owned infrastructure, third-party providers shall be eligible to receive 75 percent of the incentive upfront upon completion, and 5 percent additional performance-based incentive each year for the next five years if the site meets an annual reliability metric of being available for use 90 percent of the time and the site meets the data reporting requirements outlined in the metrics section of this Order.

285. The Commission finds that all of the programs shall allow customer or third-party ownership (including site customer ownership), along with utility ownership, to meet SB 448's declaration that "[w]idespread adoption of electric vehicles should stimulate innovation, competition and increased choices in charging equipment and networks and should also attract private capital investments and create high quality jobs in Nevada." Therefore, the Commission modifies the Plan's Urban Charging Depot Program and the iconic sites under the Outdoor Tourism and Recreation Program to allow for any ownership model, be it third-party, customer, or utility owned, consistent with the rest of the Plan's programs. SB 448 neither prohibits nor mandates utility ownership in specific programs, and so the Commission declines to disallow utility ownership as suggested by several Parties, but also declines to allow exclusive utility

ownership in certain programs as proposed by NV Energy. The Plan proposes charging infrastructure throughout many diverse parts of Nevada, and the Commission is not persuaded that certain areas of Nevada or certain particular programs in the Plan necessitate one exclusive ownership model. The Commission finds that the most equitable way to administer the Plan, in addition to the way that is most consistent with SB 448, is to treat ownership the same across all programs and to allow for any of the ownership models contemplated in SB 448 in all programs.

286. The Commission agrees with NV Energy's proposal to require third-party providers to adhere to site profiles, as it facilitates standardization across the design and implementation of the Plan. However, the Commission recognizes that there may be instances that the standard site designs cannot be accommodated, such as available parking spaces, and therefore permits NV Energy to allow for slight deviations from standard site profiles if it otherwise enables deployment at strategic or optimal sites that help meet the statutory objectives, as recommended by Enel X and NV Energy.

287. The Plan proposes 120 charging sites and 1,822 chargers at preliminarily chosen site locations. The Commission is not approving nor denying any specific site location in this Order. Instead, the Commission appreciates the comments of several parties, including Clark and Washoe Counties, that third-party providers and customers, be they counties, public agencies, local governments, school districts, or private entities, are in the best position to work with NV Energy in ensuring a particular site location meets the requirements of SB 448, including the environmental, economic, and expediency requirements of SB 448. The Commission finds that NV Energy shall document the processes through which it chose specific sites and worked with the necessary customer(s)/third party provider(s) to ensure that the chosen site aligns with the requirements of SB448. The Commission finds that the documentation for

the site selection process shall be filed in this Docket, as well as produced as a part of any cost recovery filing by NV Energy for the Plan.

288. With respect to the School Bus component of the Transit, School Bus and Transportation Electrification Custom Program, the Commission finds that by February 1, 2022, as recommended by Sierra Club and NCARE and agreed to by NV Energy, NV Energy shall file in this Docket a proposal with the Commission as to how to increase the battery incentive funding without exceeding the statutory cap, including, but not limited to, utilization of external funds, and as better informed by the available school district budget for school bus replacement.

289. Finally, in order to inform the next transportation electrification plan filing, the Commission requires NV Energy to file a Plan update report for the five programs as part of the September 1, 2022, Transportation Electrification Plan filing, which shall include an analysis of the proposed budgets to actual/applied budgets and shall also include an update of the progress towards 40 percent traditionally underserved community spending. The September 1, 2022, Transportation Electrification Plan filing will also be subject to a robust stakeholder process, and nothing in this Order should be construed to limit that filing or stakeholder process in any way.

D. NV Energy's Recovery of Costs/Accounting

NV Energy's Position

290. NV Energy states that SB 448 requires NV Energy to defer all costs to implement the Plan into a regulatory asset, therefore, NPC and SPPC will each establish a regulatory asset account to capture all the costs relating to the implementation of the Plan. (Ex. 103 at 3.) NV Energy states that, in accordance with SB 448, NV Energy will include the following costs into the regulatory assets from the start of the Plan: (1) any incentives provided to customers; (2) the

electric utility's authorized rate of return; (3) any depreciation of the utility's investment in the facilities; and (4) the cost of operating and maintaining the facilities. (*Id.*)

291. NV Energy states that over the course of the three-year Plan, NV Energy will incur costs relating to the Plan both before and after their next GRC s and it plans to seek recovery of all Plan costs incurred through the GRC proceedings. (Ex. 103 at 4.) NV Energy states it will submit for recovery the capital investments, O&M costs as well as the regulatory asset balance at the point in time in which each NPC and SPPC files a GRC. (*Id.*) NV Energy explains that the one exception is for rate cases filed during the Plan period where the only Plan O&M costs presented for rate case recovery will be those recorded in the corresponding utility's regulatory asset account. (*Id.*) NV Energy states, thus, during the Plan period, NV Energy will not add to the GRC O&M costs the Plan O&M costs associated with the deployed charging infrastructure that is proposed for inclusion in rate base and revenue requirement. (*Id.*) NV Energy states that all the Plan O&M costs incurred during the Plan period will continue to be deferred into the corresponding utility's regulatory asset. (*Id.*)

292. NV Energy explains that this approach is straightforward and will avoid confusion as to what is considered the Plan O&M costs associated with capital assets already in rates versus the O&M costs associated with capital investments deferred into the regulatory asset and not yet in rate base. (Ex. 103 at 4.)

293. NV Energy states that during the first phase of O&M cost recovery, during the Plan period while the Plan is being executed, O&M costs will be deferred into the corresponding utility's regulatory asset account. (Ex. 103 at 5.)

294. NV Energy states that during the second phase of O&M cost recovery, when the Plan is complete and through the subsequent GRC, in the first GRC following the completion of

the Plan, NV Energy will include an O&M costs adder to the GRC O&M cost. (Ex. 103 at 5.) NV Energy states that the adder amount will be determined by estimating annual O&M costs based on actual historic data, including the O&M costs per charger during the Plan years, and that the estimate will represent the amount of ongoing annual O&M needed to administer the program. (*Id.*) NV Energy explains that the adder will not be used in any subsequent rate cases because, by then, actual O&M costs will be included in the test years. (*Id.*)

295. NV Energy states that it will seek rate recovery during the Plan period, prior to the Plan's completion, because it will save NV Energy's customers money by not incurring carry charges for additional years and because it will help alleviate any cash constraints or credit metric issues that could arise by spending $100 million and not receiving timely recovery. (Ex. 103 at 5.)

296. NV Energy explains, in using utility-owned charging stations, there will be different charging station price structures for NV Energy customers and non-NV Energy customers, all charging station customers will be charged based on the same TOU rate, and non-NV Energy customers will be charged an additional connection fee. (Ex. 103 at 6.) NV Energy states that the revenue collected from each component of the TOU rate will be accounted for in the same manner as the components are currently accounted for in other contexts, with the exception of the base tariff general rate ("BTGR") and connection fee for non-NV Energy customers. (*Id.*)

297. NV Energy explains that since the Plan costs, including return on and of the capital investment, will be recovered from the electric utility's customers through general rates, the BTGR component of the TOU rate that is charged for the electric vehicle session use will be returned to the electric utility's customers. (Ex. 103 at 6-7.) NV Energy additionally explains

that the connection fee that is charged to non-NV Energy customers will also be returned to the electric utility's customers to help deduct from the overall cost of the Plan. (*Id.* at 7.)

298. NV Energy states that there are two phases of returning money back to the customers of NV Energy. (Ex. 103 at 7.) NV Energy explains that in the first phase, while the Plan is still being implemented and there are regulatory assets accumulating costs, collections of the TOU BTGR revenue and the connection fees from the charging stations will be used to offset the regulatory asset balances not yet in rates. (*Id.*) NV Energy explains that in the second phase, in the first GRC after the Plan period ends, NV Energy will use historical information and usage patterns to determine a revenue credit that will be applied to the revenue requirement in the first GRC the Plan goes through. (*Id.*) NV Energy states that the revenue credit represents the revenue that will be collected for BTGR revenue from charging stations users and the connection fees charged to non-NV Energy customers and that the revenue requirement credit will be reviewed and adjusted at each GRC. (*Id.*)

299. NV Energy proposes a depreciation schedule for its infrastructure investments made pursuant to this Plan of five years for Level 2 chargers and eight years for DCFCs, as shown in the following table:

	Charger Type		
	Level 2	**Small (<150kW) DCFC**	**Large (>350kW) DCFC**
Number of Charging Stations	560	90	22
Investment ($000,s)	$24,211	$23,757	$7,633
Pre-tax Authorized Rate-of-Return	8.42%	8.42%	8.42%
Depreciation Life (years)	5	8	8
Annual O&M Expense (3-year average)	$1,440	$1,413	$454

(Ex. 100 at 180.)

NRA's Position

300. NRA notes that NV Energy proposes spending $99,813,000, which is within 0.2 percent of the statutory spending limit, which leaves little margin for error with respect to the spending limitation. (Ex. 1200 at 5.)

301. NRA states that NV Energy's budget excludes recognition of any ongoing O&M investments beyond 2024, even though it has proposed to recover those costs through an O&M adder in future rate cases. (Ex. 1200 at 6.) NRA therefore argues that if the ongoing O&M costs are considered towards the statutory limit, NV Energy will surely exceed the $100,000,000 spending threshold. (*Id.*)

302. NRA states that NV Energy has not clearly identified contingency in the budget for the Plan, citing only a mark-up factor of 8.5 percent included in all site cost estimates for all programs. (Ex. 1200 at 6.) NRA therefore argues that, based on NV Energy's response that the precise amount of contingency in the Plan budget is not known, the Commission should conclude there is no contingency included. (*Id.*) NRA notes that the 8.5 percent mark-up factor also includes overhead, which can often exceed 8.5 percent by itself, leaving very little in the budget for contingency. (*Id.* at 7.)

303. NRA states that other NV Energy resource additions, such as Greenlink Nevada, have assumed contingency factors of approximately 20 percent. (Ex. 1200 at 7.) NRA argues that, given that many of the Plan sites have not yet been selected and that the budget estimates are preliminary, there is no apparent reason why a similar amount of contingency would not be applicable in this case. (*Id.*)

304. NRA states that if one assumes a contingency of 20 percent for each of the programs NV Energy proposes, NV Energy likely will exceed the $100,000,000 cost cap by a substantial amount, which NV Energy likely will ask ratepayers to shoulder. (Ex. 1200 at 7.) NRA argues that, when approving the Plan, the Commission should impose plan modifications that will hold ratepayers harmless if NV Energy's spending exceeds the statutory threshold. (*Id.*) NRA therefore recommends that the Commission specifically condition its acceptance of the Plan on a requirement that NV Energy will only recover the cost of investments in the Plan up to the spending limits identified SB 448, including the cost of ongoing O&M expenses beyond 2024. (*Id.* at 7-8.)

305. NRA argues that it is also important to establish ratepayer protections that will ensure that NV Energy will satisfy the individual percentage funding targets in SB 448 § 49(5). (Ex. 1200 at 8.) NRA therefore recommends that the Commission condition its acceptance of the Plan on a requirement that, if it is determined that NV Energy did not satisfy a particular spending target required by SB 448 § 49(5), then NV Energy's overall recovery through the Plan regulatory asset will be reduced proportionally to a level which would allow the targets to be met. (*Id.*)

306. NRA argues that if NV Energy is not confident that it will meet the statutory guidelines, then it would be appropriate for NV Energy to modify the plan by reducing the overall spending levels, providing for a greater margin of error relative to the SB 448 spending limitations and funding targets. (Ex. 1200 at 9.) NRA further argues that if NV Energy wants to proceed without making those changes to the Plan, then shareholders, rather than ratepayers, should bear the risk of doing so. (*Id.* at 9.)

307. NRA argues that the requirement for the Commission to make a prudence determination in this docket presents a challenge from a regulatory perspective because most of the Plan programs are defined at a high level and are at preliminary conceptual stages, none of the site proposals have been finalized, and NV Energy has not begun implementing any of the projects. (Ex. 1200 at 10.) NRA states that the Commission will not know whether NV Energy prudently managed the implementation of the Plan until after the Plan is implemented. (*Id.*) NRA therefore argues that the best the Commission can do at this time, in this proceeding, is to evaluate, based on the information known today, whether the Plan itself is prudent, reserving judgment and the determination of prudency of actual implementation expenditures which must be examined in a general rate application proceeding. (*Id.*)

308. NRA states that, in the context of a planning document, the approval of a plan may be considered a finding of prudence with respect to the plan itself, but a plan does not necessarily correspond to the actual action that the utility will undertake, especially considering the limited information NV Energy has provided in the proposed Plan. (Ex. 1200 at 11.) NRA states that with respect to prudent management, actions of a utility are considered not on the basis of hindsight, but on whether the decisions were reasonable given the information that was known at the time. (*Id.*) NRA therefore argues that it is not sufficient to determine whether a utility's actions are prudent based on the development of a plan, which may have been found to be reasonable based on the information known at the time if the utility does not properly respond when confronted with changing circumstances. (*Id.* at 11-12.) NRA states that if the utility fails to take appropriate action when the plan is implemented, the resulting costs cannot be considered prudent, even if the utility had no way of foreseeing that problems would arise. (*Id.* at 12.)

309. NRA argues that NV Energy has not provided enough information to evaluate the prudence of the Plan itself. (Ex. 1200 at 12.) NRA states that nearly every project NV Energy identified in the Plan has been detailed at a preliminary or hypothetical level, making it impossible to consider the prudence of the Plan expenditures. (*Id.* at 12-13.)

310. NRA states that, given the preliminary site proposals, it is not possible at this time to evaluate whether NV Energy's Plan will meet the purposes of SB 448 to accelerate transportation electrification in Nevada and provide the greatest economic and job creation benefits. (Ex. 1200 at 14.) NRA argues that a prudence determination with respect to the Plan must also consider the degree to which the Plan encourages private industry to enter into the vehicle electrification trade, and the associate benefits from doing so. (*Id.*) NRA further argues that the Plan falls short in demonstrating that its proposed programs will benefit Nevadans by providing private investment opportunities and therefore cannot be found to be prudent or compliant with SB 448 at this time. (*Id.*)

311. NRA recommends that the Commission clarify that its approval of the Plan is premised on the specific projects identified in the Plan, including the estimates related to the project costs and scope, and that any deviations from the Plan, whether in cost or project scope, will be the subject of a future prudence evaluation when NV Energy seeks to amortize costs from the Plan regulatory account. (Ex. 1200 at 14-15.) NRA additionally recommends that the Commission condition its prudence finding on a requirement that, at the time it seeks cost recovery, NV Energy demonstrate that its actual investments provided economic benefits to Nevadans, by encouraging private investment in vehicle transportation and creating new jobs. (*Id.* at 15.)

312. NRA states that, given the ambiguous wording of the testimony and Joint Application, further clarity is required from NV Energy on what its actual ratemaking proposal is. (Ex. 1200 at 18.)

313. NRA states that it opposes including prospective Plan costs in NV Energy's next GRC. (Ex. 1200 at 18.) NRA states that nothing in SB 448 would allow NV Energy to recover Plan funds before the funds are actually spent, including capital costs. (*Id.*)

314. NRA argues that NV Energy's capital cost proposal would provide it with the ability to recover the same test year capital costs associated with the Plan investments twice, once through the regulatory asset and again through the base rates set in the GRC. (Ex. 1200 at 19.) NRA states that this is an unfair result, and therefore, not appropriate ratemaking. (*Id.*)

315. NRA states that NV Energy's proposal to recover the capital costs associated with the Plan utility investments in general rates is not consistent with SB 448. (Ex. 1200 at 19.) NRA notes that under SB 448 § 49(11), all Plan utility investments are required to be removed from rate base used to establish base rate revenue requirement and applied towards the Plan regulatory asset. (*Id.* at 20.) NRA states that there can be no question about the requirement to use regulatory accounting for Plan investments. (*Id.*) NRA therefore recommends that all capital investments be tracked in the regulatory asset and removed from rate base in the utilities' next GRC proceedings. (*Id.*)

316. NRA argues that NV Energy's proposal unnecessarily constrains how the Commission might handle the regulatory assets in the utilities' GRCs. (Ex. 1200 at 20.) NRA states that, in connection with removing the capital costs from the regulatory asset and recovering them in base rates, NV Energy seems to imply that the regulatory asset balances might be amortized over a single rate case cycle. (*Id.*) NRA states that this approach, however,

would be problematic because, while the incentives that NV Energy will provide are considered period costs and expensed to the regulatory asset balance, they relate to behind the meter capital equipment that has a useful life of many years. (*Id.* at 20-21.) NRA states that the ratepayers will benefit from the amounts accrued to the Plan regulatory asset well beyond the 2022-2024 Plan period. (*Id.* at 21.) NRA recommends that, to the extent that NV Energy is assuming any particular amortization period for the Plan regulatory asset, the Commission reserve that issue for resolution in the utilities' GRCs. (*Id.*)

317. NRA states that NV Energy's proposal with respect to the Plan O&M expenses is not clear as to whether NV Energy is proposing to recover the Plan costs through a regulatory asset or through base rates via a pro forma "adder" adjustment." (Ex. 1200 at 21-22.)

318. NRA argues that it is not appropriate at this time to consider whether an O&M cost adder should be included in future rate cases. (Ex. 1200 at 22.) NRA states that it is unknown what other transportation electrification requirements might be imposed between now and then. (*Id.*) NRA additionally states that the evidentiary record in those future rate cases will be entirely different than this case, and there may be myriad different circumstances, any one of which could warrant different ratemaking treatment than the "adder" NV Energy has proposed. (*Id.*)

319. NRA argues that the NV Energy's proposal to include the future O&M costs beyond the Plan implementation period is inconsistent with the requirement that all costs associated with the Plan be recovered through the Plan regulatory asset. (Ex. 1200 at 23.) NRA notes that under SB 448 § 49(11)(a)(4), O&M costs are an enumerated Plan investment subject to regulatory accounting treatment; thus, the use of a ratemaking adder would be inconsistent with that definition. (*Id.*)

320. NRA states that including an adder in rates would overcompensate NV Energy because the Plan O&M costs incurred during the test period in the 2025 and 2026 GRCs would be recorded to the Plan regulatory asset, so NV Energy will already be allowed to recover those test period costs through the regulatory asset amortization. (Ex. 1200 at 23.) NRA additionally states that the O&M adder proposal is inconsistent with Nevada's requirement that costs included for recovery in rates be based on the historic test period at issue. (*Id.*)

321. NRA therefore recommends that the Commission modify the Plan by rejecting NV Energy's proposed O&M adder because it is both premature, as it should be considered in a future GRC where NV Energy proposes it would apply, and inconsistent with Nevada requirements. (Ex. 1200 at 24.)

322. NRA recommends that the carrying charge on the Plan regulatory asset be the quarterly published FERC interest rate for refunds and deferrals. (Ex. 1200 at 25.) NRA states that the Federal Energy Regulatory Commission ("FERC") interest rate is appropriate in this case because (1) NV Energy is being guaranteed full recovery of the regulatory account balance, without incurring the same level of business risk that it does with respect to its overall operations; and (2) NV Energy is already receiving renumeration at its full authorized cost of capital on utility investments in the Plan. (*Id.*)

323. NRA states that providing NV Energy with an additional return on the return on those investment results in overcompensating NV Energy; but, by using the FERC interest rate, NV Energy is provided with a return on its investment through the operation of the regulatory account, while appropriately being provided with consideration for the time value of money between the time that the funds are accrued to the regulatory account and the time that the amounts are ultimately paid by ratepayers. (Ex. 1200 at 25.) NRA states that once the funds

have accrued to the regulatory asset, the associated revenues are no longer at risk, and accordingly NV Energy should not be compensated for risk with respect to the future revenues. (*Id.*)

324. NRA states that it supports NV Energy's proposal to consider incremental revenues in the regulatory account and rolling the impacts into general rates in the next GRCs, however, NRA recommends modifications to NV Energy's proposal. (Ex. 1200 at 26.) NRA recommends including all revenues associated with the Plan as an offset to the regulatory asset balance, including incremental revenues associated with customer owned charging facilities. (*Id.*) NRA recommends that the revenues continue to be tracked after the utilities' GRCs and that any incremental revenues recognized after the GRCs continue to be applied against the regulatory asset for later inclusion in rates. (*Id.*)

325. NRA notes that different programs will have different impacts on revenues, therefore, NRA recommends that NV Energy be required to propose a methodology for tracking the revenues from non-utility charging stations when it seeks to amortize the regulatory asset. (Ex. 1200 at 26-27.) NRA states that by offsetting in real time, NV Energy would be recognizing revenues at the same time as, or as close in time to, expenses in furtherance of the matching principle. (*Id.* at 27.) NRA additionally states that offsetting revenues is fair to ratepayers by avoiding the utilities collecting carrying costs on amounts that should be timely offset. (*Id.*) NRA states that the utilities' ownership of EV charging stations is not within its monopoly and, therefore, when customers are paying for construction of such charging stations, those charges to customers should be offset to the maximum extent possible by net revenue generated by those same charging stations out of fairness to customer. (*Id.*)

326. NRA states that the Plan investments will continue to operate following the utilities' GRCs which will generate additional revenues in excess of the levels included in the respective GRCs, and those incremental revenues are also appropriately considered on an ongoing basis as an offset to the Plan regulatory asset because customers are bearing the cost and risk of the asset and should continue to have those costs offset by incremental revenue the asset generates. (Ex. 1200 at 28.)

BCP's Position

327. BCP recommends the Commission order that any monies expended by NV Energy on the Plan in excess of the $100 million that is called for in SB 448 should be at the expense of the shareholders. (Ex. 400 at 2.) BCP states it is concerned by estimates used by NV Energy in determining the costs of the Plan, which could result in the Plan exceeding $100 million. (*Id.* at 15.)

Staff's Position

328. Staff states that it does not have any recommended changes to how the programs are proposed, including the total program budgets or the incentive levels and O&M amounts. (Ex. 300 at 5.) Staff states that, considering the extremely limited amount of time the Legislature allowed Staff, intervenors, and the Commission to review this Plan, and the amount of specificity included in SB 448, it is not possible to fully understand the repercussions any recommended changes would have on the Plan's ability to meet the Legislative Objectives while still fulfilling the specific requirements. (*Id.* at 5-6.)

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NV Energy's Rebuttal

Spending Limit

329. NV Energy states that it does not agree with limiting cost recovery, including on-going O&M costs. (Ex. 105 at 2.) NV Energy states that Section 49 paragraph 2 of SB 448 directs NV Energy to file a plan for "investments" including ongoing O&M. (*Id.*) NV Energy states that an investment is more closely related to capital and NV Energy interprets the term as used in SB 448 to reflect such meaning. (*Id.*) NV Energy states that the definition of investment for this Plan is investments needed to deploy infrastructure, which includes capital and capital related incentives. (*Id.*) NV Energy states that SB 448 section 49, section 11, also refers to all costs that the utility prudently and reasonably incurs. (*Id.*) NV Energy states that SB 448 section 11, subsection (a), further states that the regulatory asset shall include amounts that reflect NV Energy's investment. (*Id.*) NV Energy states that, therefore, SB 448's cap on investment does not include O&M, and especially ongoing O&M. (*Id.*) NV Energy states that the Legislature's use of costs in subsection (a)(4) as opposed to investments, indicates there is a difference. (*Id.*)

330. NV Energy states that ongoing O&M costs should be outside of the statutory cap for several reasons. (Ex. 105 at 3.) NV Energy states that, from a policy perspective, NRA is proposing something impossible to determine by proposing capping O&M costs. (*Id.*) NV Energy states that if NRA believes that all the expenditures listed in SB 448 section 11 are capped at $100 million, that will mean that a compliant Plan would have to accurately determine not only capital and O&M costs but also future authorized rates of return for both utilities and when NV Energy will be able to include carry or not based on future earnings. (*Id.*) NV Energy states that nothing indicates that the Legislature intended such an absurd task for NV Energy and the Commission. (*Id.*)

331. NV Energy states that, in addition, it is unreasonable for NRA to propose a limitation on the amount of future O&M costs which includes all O&M costs or to restrict cost recovery to spending which only occurs in the years 2022 through 2024. (Ex. 105 at 3.) NV Energy states that if this was the intention of SB 448, section 49(11), in addition to the ongoing O&M costs, NV Energy would have to bear a significant burden for the amount of depreciation because the depreciable life of these assets extends considerably past 2024 and would be through the life of the asset. (*Id.*) Therefore, while this Plan covers investments intended to be deployed over the Plan period (or reasonably close to), the Plan cannot be just a three-year plan for all costs, as some costs will continue for several years. (*Id.*) Lastly, NV Energy states that, given the current economic state, it would be reasonable for the investments to even go past 2024 as NV Energy states it cannot determine how long supply chain issues could continue. (*Id.*) NV Energy states that, so long as the scope and spend remain reasonable, NV Energy does not believe there should be an artificial cap. (*Id.*)

Prudency Determination

332. NV Energy states it does not agree with NRA's recommendation to proportionally reduce recovery to the extent an individual spending target is not met. (Ex. 105 at 4.) NV Energy states that Section 49(11) of SB 448 dictates that NV Energy may recover its prudently incurred costs. (*Id.*) NV Energy states that, in addition, while there can always be reasons that might lead to adjustments in the exact spending outcome, if the changes are reasonable and prudent, NV Energy should not be "unduly punished." (*Id.*) Lastly, NV Energy states that just because one area did not meet the spending target, that does not mean the other areas did not meet their spending targets and, therefore, NV Energy should not be arbitrarily penalized by discounting all the other areas. (*Id.*)

333. NV Energy states that it does not agree with NRA's assertion that it is not possible to evaluate prudency at this time. (Ex. 105 at 4.) NV Energy states that there is always another level of review when the costs are brought forward to be put into rates; however, that does not prevent the cost recovery and accounting mechanism from being outlined in section 5 of the Plan and then approved in this proceeding. (*Id.*) NV Energy breaks down prudency review to be considered in this Docket into two unique components: first, the overall Plan spend and implementation and, second, the outline for cost recovery. (*Id.*) NV Energy states that not only is it possible to determine the prudency of the Plan in the context of this proceeding, SB448 Section 49 paragraph 11 expressly provides that prudency is to be determined in the context of this proceeding. (*Id.*) In addition, NV Energy states that just because there is a shortened review period, that does not mean it is preliminary plan. (*Id.* at 4-5.)

334. Second, NV Energy states that NRA incorrectly suggests that the supposed inability to evaluate the prudency of precise costs at this time hinders the Commission's ability to approve a detailed cost recovery plan. (Ex. 105 at 5.) NV Energy states that it is in the best interest of all parties to outline a cost recovery plan before NV Energy starts to spend. (*Id.*) NV Energy states that prior approval of a cost recovery plan allows for better planning and reduces future uncertainty as to recovery. (*Id.*) NV Energy states that if the Plan is approved and executed within reasonableness, all the costs would be prudent and should be recovered as the Plan aligns with the intent of SB 448. (*Id.*)

335. NV Energy states that the Commission regularly approves recovery of costs that do not have to run through a regulatory asset as they are done in a GRC and that NV Energy's proposal is typical regulatory accounting. (Ex. 105 at 6.) NV Energy states that the incurred costs relating to the charging stations (depreciation, return, incentives paid and incurred O&M,

(i.e., the "Plan Costs")) from the start of the Plan until the next rate case will be deferred into the regulatory asset. (*Id.*) NV Energy states that, then, the assets in-service at the rate case filing date will have the annual depreciation and return calculated into the annual revenue requirement, along with the amortization of the current regulatory asset that has the incurred costs from the prior years. (*Id.*) NV Energy states that, then the cycle would repeat for Plan Costs incurred after that rate case and until the next GRC. (*Id.* at 6-7.) NV Energy states that once the costs are put into rates, they would not be deferred into the regulatory asset anymore as the collection is in the revenue requirement. (*Id.* at 7.)

336. NV Energy states that, contrary to NRA's assertion, it is not requesting recovery of prospective costs. (Ex. 105 at 7.) NV Energy states that, contrary to NRA's assertion, the Plan does not allow NV Energy to recover the same costs twice. (Ex. 105 at 7.) NV Energy states that it is not proposing anything drastically different from what regularly occurs when the Commission includes assets or a regulatory asset or liability into rates in GRC proceedings, with a slight adjustment for ongoing O&M costs. (*Id.*)

337. NV Energy states that the Plan is consistent with the plain language and intent of SB 448. (Ex. 105 at 8.) NV Energy states that SB 448 Section 49 paragraph 11, subsection (a) states that an electric utility shall begin recording costs in a regulatory asset. (*Id.*) NV Energy states that SB 448 does not directly specify that all incurred costs must first go through a regulatory asset. (*Id.*) NV Energy states that in subsection (c), SB 448 directs NV Energy to file the rate for recovery pursuant to NRS 704.110, which is the statute that governs the GRC. (*Id.*) In addition, NV Energy states that its approach lessens the administrative burden and also would lower the amount of carry charges that would accrue, therefore saving customers money. (*Id.*)

338. NV Energy states that it disagrees with NRA that the plan constrains the Commission. (Ex. 105 at 8.) NV Energy states that the costs in the regulatory asset will only be the costs incurred for the years between rate cases and, therefore, prudent to recover in a single GRC cycle. (*Id.*) NV Energy states that, for example, only the depreciation for the asset, not the full asset cost, will be deferred into the regulatory asset. (*Id.*)

O&M Adder

339. NV Energy disagrees with NRA's recommendation to deny the O&M adder. (Ex. 105 at 9.) NV Energy states that the incurred Plan O&M costs will all be placed into the regulatory asset until the first GRC after the completion of the Plan (i.e., estimated to be after 2024), the test year O&M for the GRC will not contain the Plan O&M of the EV charging stations. (*Id.*) With the adder, NV Energy states that it is simply accounting for the O&M costs that were deferred into the regulatory asset during the test year and using those Plan O&M costs as an indicator of the amount needed to continue serving the EV charging stations. (*Id.*) NV Energy states that that amount must be added to the O&M component of the annual revenue requirement in the GRC to reflect actual utility costs. (*Id.*) NV Energy states that not adjusting the test year O&M costs with the Plan O&M costs adder would result in NV Energy unfairly bearing the burden for all the future Plan O&M with no rate recovery. (*Id.*)

Regulatory Accounting

340. NV Energy states that it disagrees with NRAs recommendation that the carry charge be at the FERC interest rate for refunds and deferrals. (Ex. 105 at 9.) NV Energy states that as it has been historically well established, the authorized rate of return is determined in the GRCs and what is used to determine the carry charge rate used on most regulatory assets and liabilities and this is consistent with how NV Energy calculates carrying charges on all its current

regulatory assets and liabilities that are authorized carry charges. (*Id.* at 9-10.) NV Energy states that the FERC rate proposed would improperly prevent NV Energy from obtaining a reasonable return on its investments. (*Id.* at 10.) In addition, NV Energy states that here, NV Energy get the return, but it is deferred and not recovered timely; therefore, the carry charge is necessary to allow NV Energy a reasonable return on investment at its authorized rate of return. (*Id.*)

341. NV Energy states that it disagrees with NRA's proposal for all incremental revenues to offset the regulatory asset and for all future revenues to be deferred. (Ex. 105 at 10.) NV Energy states it disagrees with this proposal and, moreover, does not believe it is feasible. (*Id.* at 10-11). NV Energy states that NRA identifies no sound basis, either legal or policy, that would require revenues realized from customer-owned charging stations to be used as offsets against the regulatory assets. (*Id.* at 11.) NV Energy states that it does not control the revenue collected at customer-owned charging stations and will only charge those customers for the energy they draw from NV Energy's resources under the applicable commercial schedule. (*Id.*) NV Energy states that it is also important to note that it appears to be NRA's position that NV Energy should bear the cost of the ongoing O&M and yet give all the revenue from the charging stations directly back to the ratepayers. (*Id.*) NV Energy states that if ongoing O&M was not allowed to be recovered, as NRA proposes, then it would be most prudent for NV Energy to use the revenue collected from the charging stations in order to compensate NV Energy for continuous O&M costs needed for its owned charging stations and not applied to the mechanism of each rate component as laid out in the Plan. (*Id.*)

Commission Discussion and Findings

342. The Commission finds that, pursuant to the requirements of SB 448, NV Energy is permitted to include investments in its Plan for recovery from ratepayers not to exceed $100

million, which is limited to the utility return on investment, utility depreciation, utility O&M, and upfront and performance-based incentives. Section 49(2) of SB 448 provides that "[t]he joint plan must include a plan for investments to accelerate transportation electrification in an amount not to exceed $100,000,000." Section 49(11)(a) of SB 448 reads as follows:

> The electric utility shall begin recording in a regulatory asset, with carrying charges, an amount that reflects the electric utility's investment in facilities under the plan, including, without limitation:
>
> (1) Any incentives provided to customers;
> (2) The electric utility's authorized rate of return;
> (3) Any depreciation of the utility's investment in the facilities; and
> (4) The cost of operating and maintaining the facilities.

343. Section 49(11)(a) clarifies that the "electric utility's investment in facilities under the plans" includes the items listed in subsections (1) through (4), thus placing the costs associated with those items within the $100-million maximum budget established in subsection (2). Notably, the only costs that SB 448 contemplates beyond $100 million are the carrying charges applied to the investment recorded in the regulatory asset.

344. Therefore, given the broad applicability of the $100-million limit to investments under the Plan, the Commission finds that any amount that NV Energy incurs for the Plan in excess of $100 million is at risk of not being recovered through rates charged to NV Energy's ratepayers. The Commission agrees with BCP and NRA that the $100-million amount specified in SB 448 was intended to be a hard statutory cap on investments to limit the impact on the rates charged to NV Energy's customers.

345. The Commission approves NV Energy's proposed regulatory assets. SB 448 requires NV Energy to defer all costs to implement the Plan into a regulatory asset; therefore, NPC and SPPC shall each establish a regulatory asset account to capture all the costs relating to the implementation of the Plan. In accordance with SB 448, NV Energy will include the

following costs into the regulatory assets from the start of the Plan: (1) any incentives paid by NV Energy to customers or third party providers; (2) the electric utility's authorized rate of return on its capital investments in facilities once placed in service; (3) any depreciation of the utility's investment in the facilities once placed in service; and (4) the cost of operating and maintaining the facilities. [4]

346. Over the course of carrying out the Plan, NV Energy will incur costs relating to the Plan both before and after its next general rate cases, and NV Energy states that it will seek recovery of all Plan costs incurred through the GRC proceedings. To simplify recovery and avoid confusion, the Commission approves NV Energy to recover the Plan investments through the respective utility regulatory asset at the point in time in which each NPC and SPPC files a GRC. NV Energy shall establish separate regulatory assets for the periods of time addressed in the initial GRC proceedings and the periods of time during which subsequent costs are incurred to carry out the Plan.

347. In the first GRC following the completion of the Plan and reaching the $100 million threshold, NV Energy may request inclusion of an O&M costs adder to the GRC O&M cost. The adder amount will be determined by estimating annual O&M costs based on actual historic data, including the O&M costs per charger during the Plan years, and the estimate will represent the amount of ongoing annual O&M needed to administer the program. The Commission is not making a determination of prudence with respect to this adder in the instant docket. In any subsequent GRC, actual O&M costs related to the Plan will be included in the test years and will be subject to prudency review as part of the respective case.

[4] The Commission finds that for the purposes of this Plan, the plan development, administration, and execution costs shall be considered part of the costs of operating and maintaining the facilities.

348. As NV Energy explains, there are two phases of returning money back to the customers of NV Energy. In the first phase, while the Plan is still being implemented and there are regulatory assets accumulating costs, collections of the TOU BTGR revenue and the connection fees from the charging stations will be used to offset the regulatory asset balances not yet in rates. In the second phase, in the first GRC after the Plan period ends and when costs are no longer accruing to a regulatory asset, NV Energy will use historical information and usage patterns to determine a revenue credit that will be applied to the revenue requirement in the first GRC that the Plan goes through. The revenue credit represents the revenue that will be collected for BTGR revenue from charging station users and the connection fees charged to non-NV Energy customers and that the revenue requirement credit will be reviewed and adjusted at each GRC. The Commission approves this approach to the TOU BTGR revenue and the connection fees from the charging stations.

349. The Commission orders utility capital infrastructure placed into service under this Plan to be depreciated over five years. The five years allows NV Energy faster recovery and the ability to lessen any potential negative impact to credit metrics while also ensuring that ratepayers are not paying legacy costs for lengthy periods of time for technology that continues to evolve at a rapid pace. It also approximates NV Energy's proposed depreciation schedule of five years for Level 2 chargers and eight years for DCFCs. The five-year depreciation applies only to the utility infrastructure investments made pursuant to this Plan.

350. The Commission approves carrying charges on the regulatory asset balances at the respective utility's authorized rate of return. The authorized rate of return is determined in the GRCs and is used to determine the carrying charge rate for most regulatory assets and liabilities. The Commission finds this reasonable, taking into consideration the $100 million

Plan limitation, the accelerated utility infrastructure depreciation, and the fact that similar programs, such as the renewable energy programs established in NRS 701B, also use this rate.

351. Section 49(11) of SB 448 dictates that NV Energy may recover its prudently incurred costs. The Commission, in accepting the Plan as modified by this Order, finds that the modified Plan is prudent. However, as NV Energy acknowledges, there is always another level of review when the costs are brought forward to be put into rates. In the appropriate future GRC proceedings, the Commission will review the regulatory assets and will limit recovery to just and reasonable costs incurred in carrying out the Plan.

E. Technical Standards for Charging Infrastructure

NV Energy's Position

352. NV Energy states that the following technical requirements apply to all programs in the Plan. (Ex. 100 at 156.) NV Energy explains that the requirements were developed to help ensure safety and reliability, account for future growth, and provide for a positive customer experience. (*Id.*)

353. NV Energy provides the following table, outlining the baseline technical requirements for charging infrastructure:

Charging Infrastructure Baseline Requirements	**Description**
Minimum Power Levels	Level 2: 10 kW (19.2 kW preferred) DC fast chargers: 150 kW
Level 2 Charger Ports	At least two level 2 chargers where applicable. At sites where there are only two ports, each should be an independent charger. If there are more than 2 ports, dual port chargers are permitted.

DC Fast Charger Connectors & Compatibility	At least one CHAdeMO connector per site. Remaining connectors must be SAE/CCS. Backwards compatibility to CHAdeMO v0.9, SAE J1772 Oct2012, or CCS type 1 standards.
Charger Communication Protocols	Support Open Charge Point Protocol 1.6 (2.0 Preferred).
Charger Certification	Certified by the Underwriters Laboratories, Inc. ("UL") including, but not limited to, UL 2202, UL 2594, or UL 9741 standards or carry equivalent safety standard and listed by a Nationally Recognized Testing Laboratory ("NRTL").
Networking	Must be able to connect to a network via Wi-Fi or cellular connection using multiple carriers.
Grid Integration	Must have the ability to be controlled remotely and receive a signal to reduce or stop charging using Open ADR 2.0b or at least one of the communication protocols required by the version of the IEEE 1547 standard in effect at the time of installation. The currently published IEEE 1547-2018 standard requires support for: (1) IEEE 2030.5 ("SEP 2"); (2) IEEE 1815 ("DNP3"); and (3) SunSpec Modbus.
Payment	Must accept a credit or debit card (magnetic stripe and chip card) without incurring any additional fees (must meet PCI DSS standards) in compliance with ISO 15118.[5]
Data Collection and Reporting	Must collect, share, and report data to NV Energy to support plan reporting per Section 7.0 of the Plan.

(Ex. 100 at 156-157.)

[5] Payment requirements are not applicable to non-public EV charging for fleet applications within the Transit, School Bus, and Transportation Electrification Custom Program.

354. NV Energy states that charging infrastructure baseline requirements ensure installations are standardized and third parties and customers have clarity on the requirements for the program. (Ex. 100 at 156.) NV Energy states that the baseline charging infrastructure requirements provided in the table above apply to all programs regardless of ownership. (*Id.*) NV Energy states that standardization helps ensure reliability, controls costs, provides a consistent customer experience and enables grid integration. (*Id.*) NV Energy states that these requirements are consistent with Plan principles discussed in Section 1.0 of the Plan and are critical to achieving Plan objectives. (*Id.*) NV Energy states that the charging baseline requirements are applicable to NV Energy, third-party, and customer ownership models. (*Id.*)

ChargePoint's Position

355. ChargePoint states that the Commission should require NV Energy to provide site hosts that allow NV Energy to deploy utility-owned chargers on their property with a choice in the charging equipment and network services utilized on their property, in contrast to NV Energy's intention to use a single network service provider. (Ex. 700 at 18.) ChargePoint explains that in the competitive marketplace for EV charging services, site hosts select the technologies they prefer through the open market, invest their capital, seek any incentives available through public agencies or utilities, and, in the case of commercial stations, offer competitive charging services to attract drivers and recoup necessary expenses. (*Id.* at 19.) ChargePoint further explains that for their part, charging hardware, software, and service providers innovate new hardware, software, and service offerings to enable site hosts to choose the products and services that will best meet their needs. (*Id.*) ChargePoint asserts that charging providers will develop innovative hardware, software, and services solutions for site hosts by encouraging competition in the market. (*Id.*)

356. ChargePoint states that utility-ownership and operation of public-facing charging equipment can conflict with the competitive marketplace. (Ex. 700 at 19.) ChargePoint explains that using ratepayer dollars and utility resources to identify potential locations, procure charging equipment, and market charging locations to EV drivers can provide a competitive advantage to public-facing utility-owned and operated charging stations. (*Id.*) ChargePoint further explains that while there may be competition among vendors within a utility RFP process, this is not the type of competition in the competitive marketplace, in which charging companies compete for site hosts that want to offer EV charging services on their property. (*Id.*) ChargePoint notes that site hosts that choose NV Energy's ownership option will be locked into the charging hardware and network solution NV Energy selects in the RFP and have no opportunity to choose more innovative solutions. (*Id.* at 20.)

357. ChargePoint states that many examples of utility programs in other jurisdictions have site host choice of both network and hardware. (Ex. 700 at 20.) For instance, ChargePoint states that Consumers Energy's PowerMIDrive EV charging rebate program allows participating site hosts to choose their preferred hardware and network software solution that meets specific functional requirements, which the Michigan Public Service Commission noted would enable the utility to utilize EV charging data to better understand impacts to the grid and trends of charging on-peak and off-peak. (*Id.*)

358. ChargePoint states that there is no reason that NV Energy needs to select a single vendor to provide network services for charging stations that it owns. (Ex. 700 at 20.) ChargePoint explains that all EV charging networks, including ChargePoint, have entered into roaming agreements that allow EV drivers to conveniently pay for charging sessions on charging stations that operate on another network. (*Id.*) ChargePoint further explains that it and many of

its competitors allow station operators to grant access rights to utilities to manage data and conduct demand responses on their stations. (*Id.*)

359. ChargePoint explains that load management signals are typically communicated through standards-based application programming interfaces ("API") to automatically send demand response commands to stations in the field. (Ex. 700 at 22.) ChargePoint further explains that another method for implementing direct load management is OpenADR, an open, highly secure, two-way information exchange model and global Smart Grid standard. (*Id.*) ChargePoint notes that Distributed Energy Resource Management Systems ("DERMS") are also becoming a popular platform for utilities to implement programs for technologies on the customer side of the meter. (*Id.*) ChargePoint further notes that these systems help connect various technologies (e.g., smart thermostats, hot water heaters, and EV charging stations) from multiple vendors into a single platform and interface from which a utility can obtain a unified view of data and issue demand response events. (*Id.* at 22-23.)

360. Therefore, ChargePoint states that NV Energy does not need to use a single EV charging hardware provider for the EV charging stations that it will own. (Ex. 700 at 23.) ChargePoint recommends that site hosts that allow NV Energy to deploy utility-owned chargers on their property be provided a choice in the charging equipment and network services utilized on their property. (*Id.*) Additionally, ChargePoint states that when NV Energy prequalifies equipment and networks, site hosts should be permitted to choose their preferred option from the list of prequalified providers, even when NV Energy owns the chargers. (*Id.*) ChargePoint states that at minimum, there should be two hardware and two network service provider options. (*Id.)*

361. ChargePoint notes that NV Energy proposes that all charging stations funded through the Plan be required to accept credit or debit cards and specifies magnetic stripe and chip

cards, without incurring any additional fees, in compliance with ISO 15118. (Ex. 700 at 36.) ChargePoint asserts there are many downsides to requiring EV charging stations to have magnetic stripe and chip card readers. (*Id.*) ChargePoint explains that it offers multiple payment options, including credit and debit cards stored on the ChargePoint app, Apple Pay, Google Pay, contactless credit cards, RFID cards, through roaming partnerships, and via a 24-hour 1-800 telephone number. (*Id.* at 37.)

362. ChargePoint states that according to EVgo, credit card swipes represent less than 1 percent of transactions on its charging network. (Ex. 700 at 37.) ChargePoint's highlights that NV Energy contradicts its assertion that magnetic stripe and chip readers are necessary for customers to pay for the services consistent with the way they purchase other services, as NV Energy itself proposes to require NV Energy customers to utilize an RFID card in order to be identified as an NV Energy customer at the Company-owned charging stations. (*Id.*) Moreover, ChargePoint states that the proposed payment method of adding a credit card chip reader or magnetic stripe regard would significantly increase the cost of chargers by approximately $3,000, nearly doubling the cost of a public Level 2 station. (*Id.* at 38.)

363. ChargePoint states that increasing the cost of charging stations with a chip reader or magnetic stripe requirement reduces the number of stations that can be deployed through NV Energy's Plan, which is not in the best interest of NV Energy's ratepayers. (Ex. 700 at 38.) Additionally, chip reader and magnetic stripe technologies also risk exposing customers to credit card fraud because they are vulnerable to malicious skimming, and chip and magnetic stripe readers are also known to have reliability issues due to poorer weatherization. (*Id.*) ChargePoint notes that technology such as near field communication, which enables payment via mobile device or contactless credit card, is internal to the station and, therefore, not contaminated by

environmental or human factors. (*Id.* at 39.) Additionally, ChargePoint notes that more than 95 percent of new point of sale terminals being shipped are contactless capable, and it would be imprudent for the Commission to require public charging stations to incorporate a chip reader or magnetic stripe technology that is being superseded by contactless technology. (*Id.*) Moreover, ChargePoint states that mobile payments (such as Apple Pay and Google Pay) use the same near-field communication technology as contactless credit card readers, so any charging station that accepts mobile payments could also accept a contactless credit card. (*Id.*)

364. ChargePoint recommends that the Commission require that charging stations supported by the Plan accept credit cards but not specify chip reader or magnetic stripe technology and instead allow any credit card payment methodology, including contactless, to meet such a requirement. (Ex. 700 at 40.) ChargePoint states that site hosts should be free to determine which specific payment methods they want to require for charging stations deployed on their property. (*Id.*)

365. ChargePoint disagrees with NV Energy's proposal to require charging stations to comply with ISO 15118. (Ex. 700 at 40.) ChargePoint state that ISO 15118's "plug and charge" functionality is only featured on a small number of EV models; thus, this proposed requirement would needlessly restrict customer choice in EV charging equipment to provide functionality that only a select few EV drivers with certain EV models would be able to utilize. (*Id.* at 40-41.)

366. ChargePoint disagrees with NV Energy's proposal that all DCFC stations funded through the Plan be required to have a minimum power level of 150 kW. (Ex. 700 at 41.) ChargePoint notes that NV Energy states that this requirement is necessary to meet two guiding principles: (1) infrastructure built as part of the Plan should provide a customer experience that is comparable or better than that available through third-party network operators, and (2) it should

be future-proofed to the extent economically feasible. (*Id.*) ChargePoint states that NV Energy has not provided data or evidence to support the notion that 150 kW chargers are necessary to meet those guiding principles, nor any data supporting the claim that 150 kW stations are comparable to those being installed by third parties across Nevada. (*Id.* at 41-42.) ChargePoint explains that DCFC stations generally range in power level from 50 kW to 350 kW and that not all EVs are capable of charging at 150 kW. (*Id.* at 42.)

367. ChargePoint explains that 50 kW DCFCs will meet the needs of both site hosts and EV drivers in many use cases where drivers are likely to be parked for at least 30 minutes or more. (Ex. 700 at 42.) ChargePoint further explains that it generally costs more to hosts installing and operating 150 kW DCFCs than 50 kW DCFCs because the equipment itself is generally more expensive, more make-ready infrastructure is typically required for higher-powered chargers, and the demand charges are higher for higher capacity chargers. (*Id.*) Therefore, ChargePoint asserts that it does not make economic sense for NV Energy's ratepayers or site hosts to incur additional costs to install and operate 150 kW chargers where 50 kW is sufficient — especially those use cases where the site host prefers 50 kW chargers. (*Id.*) ChargePoint recommends that the Commission direct NV Energy to establish 50 kW as the minimum per port power level for DCFCs and allow supporting make-ready infrastructure to be future-proofed to meet future needs at a particular site. (*Id.* at 43.)

368. ChargePoint states that it is premature and inappropriate for NV Energy to require EV chargers to support Open Charge Point Protocol ("OCPP"), a voluntary communication protocol until a nationally recognized or internationally recognized standard exists. (Ex. 700 at 44.) ChargePoint notes that NV Energy states that OCPP enables interoperability between electric vehicle supply equipment providers; however, ChargePoint notes that interoperability

has a different meaning in the EV charging market, and thus NV Energy's usage is unclear. (*Id.*) ChargePoint asserts that OCPP is not necessary to enable future load management capabilities as there are other approved standards and communication protocols that manufacturers have integrated into their products to enable increased functionality and interoperability. (*Id.*)

369. ChargePoint states that networked EV chargers utilize standards-based application programming interfaces ("API") or OpenADR 2.0b, which allow load management signals to automatically send demand response commands to the chargers. (Ex. 700 at 45.) ChargePoint explains that OpenADR 2.0b has received approval as an international electrotechnical standard, providing an important standard to allow utilities to conduct demand response programs via communication with networked charging stations and that utilities are increasingly adopting OpenADR 2.0b. (*Id.*)

370. ChargePoint notes that OCPP supports an extremely limited set of network management functionality, such as starting/stopping sessions, basic pricing, and limited access controls; thus, mandating specific software or communications protocols (such as OCPP) may limit the ability for charging companies to effectively provide innovative consumer-facing software features, including load management and cybersecurity features, that drivers and site hosts want. (Ex. 700 at 45.)

371. ChargePoint recommends that the Commission reject NV Energy's proposal to require charging stations to support OCPP. (Ex. 700 at 46.) ChargePoint supports requiring EV charging stations and network software to comply with *existing* standards. (*Id.*) ChargePoint states that mandating compliance with voluntary protocols would get ahead of the established standards-making process, which provides a careful and critical examination of technical issues

while enabling hardware and software manufacturers to align with requirements in timelines appropriate for market development. (*Id.*)

Enel X's Position

372. Enel X argues that the proposal to require ISO 15118 compatibility for qualifying EVSE is premature. (Ex. 1500 at 20.) Enel X states that it generally supports the direction of utilizing ISO 15118 to achieve high-level communications between the EV and EVSE, but the standard has not been adequately defined, tested, certified, or implemented for commercial use in the United States, on the part of EVSE manufacturers and automotive original equipment manufacturers ("OEMs") alike, such that it would justify inclusion in a program that is meant to be implemented starting January 1, 2022, through 2024. (*Id.*) Enel X recommends further discussions among industry stakeholders, including the Commission, EVSE manufacturers and service providers, automotive OEMs, industry consortia, and independent testing labs to determine the appropriate start-date, level of certification and testing, and specific version of ISO 15118 that Nevada would seek to deploy through its infrastructure investments moving forward. (*Id.*) Enel X therefore recommends that the Commission does not adopt this element of NV Energy's proposed technical requirements. (*Id.)*

Greenlots' Position

373. Greenlots advises that the Commission should ignore the protests of other market participants to have NV Energy redesign its Plan as the Legislature limited the Commission's review to determining broadly whether the filing is within the specific, yet broad guideposts defined by the Legislature. (Ex. 1100 at 14-15.) Greenlots further advises that the Commission should resist recommendations that would result in program design homogenization by having

the Plan conform to the needs of a specific company's customers or a company's specific business model or market ideal. (*Id.* at 16.)

NCARE and Sierra Club's Position

374. NCARE and Sierra Club state that fast charging is critical to creating a charging network where drivers can travel long distances and high mileages without long delays for refueling, however, making fast charging less expensive than Level 2 charging is not an optimal approach to designing a public charging program. (Ex. 601 at 15.) NCARE and Sierra Club argue that Level 2 charging should be prioritized whenever it is sufficient to meet an EV drivers' needs because it imposes less stress on the distribution system and drivers will not be incentivized to pick fast charging ports even when Level 2 charging would be sufficient to meet their charging needs, preventing those ports from being available to customers who need the faster charge. (*Id.*)

375. NCARE and Sierra Club state that NV Energy's proposal to require chip card readers at stations deployed pursuant to the Plan is well-founded and is aligned with regulations adopted in California. (Ex. 600 at 4.) NCARE and Sierra Club, however, recommend that NV Energy not require both chip and magnetic stripe readers, but simply mirror the California standards that, after much public comment and a robust regulatory process, declined to require magnetic stripe readers, which are being phased out. (*Id.*)

376. NCARE and Sierra Club argue that drivers should be able to pay for charging as easily as they can pay for gasoline. (Ex. 600 at 31.) NCARE and Sierra Club note that many public charging stations today do not directly accept the most common form of payment—credit, debit, and cash cards—but require drivers to use proprietary smartphone apps or be forced to call 1-800 numbers to pay with a card. (*Id.*) NCARE and Sierra Club state that when public charging

stations are supported by public or utility customer dollars, the case for requiring common payment standards, as NV Energy has proposed, is compelling. (*Id.*) NCARE and Sierra Club therefore recommend that NV Energy require charging stations to include Euro Mastercard Visa chip readers and the ability to accept at least one of the major credit card types. (*Id.*) NCARE and Sierra Club recommend that NV Energy not require both chip and magnetic stripe readers because magnetic stripe readers are being phased out. (*Id.* at 33.)

Tesla's Position

377. Tesla states that NV Energy's proposed charging infrastructure baseline requirements are unnecessarily restrictive and increase costs to ratepayers. (Ex. 800 at 14.) Tesla notes that NV Energy states that the infrastructure should support all electric vehicle stock; however, Tesla asserts that the requirement that each site have at least one CHAdeMO connector and the remaining be SAE/CCS connectors, fails to adequately support all electric vehicles, specifically Teslas. (*Id.*) Tesla recommends that NV Energy allow Tesla DCFC equipment eligibility, assuming there are also SAE/CCS and CHAdeMO connectors on the site. (*Id.* at 15.)

378. Tesla states that it is important to maintain customer choice in charging equipment because different charging applications and uses cases will have different charging equipment capability needs, and the technology is evolving. (Ex. 800 at 15.) Tesla states that if NV Energy implements any specific baseline requirement for charging equipment, it needs to provide clear rationale that these requirements are necessary, cost effective, and do not negatively impact consumer choice and customer experience. (*Id.*)

379. Tesla proposes that NV Energy remove the restriction that payment method must be through a debit or credit card and instead should provide flexibility in payment method by requiring more than one payment method from a set of options such as mobile payment, and

AutoCharge or Plug-and-Charge wherein the EV is automatically recognized when the charging process begins. (Ex. 800 at 16.) Tesla further proposes that NV Energy remove the payment requirement of compliance with ISO 15118 capability noting that California choose not to implement ISO 15118 for is energy programs based on its assessment that it is not ready for market application. (*Id.* 16-17.)

380. Tesla supports NV Energy's requirement that the charging infrastructure owner must ensure that the equipment is operational at least 97 percent of the time. (Ex. 800 at 17.)

BCP's Position

381. BCP states its concern that NV Energy is relying on standards that may unfairly favor certain EVSE providers over others. (Ex. 401 at 8.) BCP provides, for example, that NV Energy's proposal requires that any EVSE must have a credit card swipe capability and be in compliance with ISO 15118. (*Id.*) BCP states that these requirements are likely to increase the costs of third party EVSE infrastructure and potentially favor certain EVSE providers over other providers. (*Id.*)

382. BCP argues that NV Energy's requirement that any EVSE that is to be eligible for the program must be able to accept a swipe or chip card transaction and be in compliance with ISO 15118 do not reflect the current state of the market and may needlessly increase costs. (Ex. 401 at 12.)

383. BCP states that the requirement for a swipe card transaction is unnecessary as most major banking cards are going to chip touchless technology. (Ex. 401 at 12.) BCP states that customers should be provided options to pay, so it recommends that a phone option be available rather than a card swipe option. (*Id.*)

384. BCP states its concern that the ISO 15118 standard does not have sufficient support across the EVSE marketplace. (Ex. 401 at 12.) BCP states that it is not clear to what extent EVSEs, and EV manufacturers are ready to be ISO 15118 compliant, especially considering the speed in which NV Energy plans to roll-out this program. (*Id.*)

385. BCP states that, to enable EV growth, interoperability ensures that a customer with an EV will be able to successfully charge, connect, and communicate seamlessly and securely with little or no inconvenience to the user. (Ex. 401 at 13.) BCP argues that the EV industry has a lot of work to do before interoperability can be realized and fixing this Plan to one standard, ISO 15118, may be premature. (*Id.* at 13-14.) BCP recommends that NV Energy provide a survey to the Commission regarding the number of EV manufacturers and EVSE providers that are currently ISO 15118 compliant today and how many plan to be compliant within the next three years. (*Id.* at 14.) BCP argues that without such evidence, it is unclear how many EVSE providers are actually able to participate in this program on day one. (*Id.*)

386. BCP recommends, for the years 2023 and 2024, the Commission order NV Energy to file an updated Plan and base the design of the updated Plan on the actual needs for any charging stations after upcoming federal legislation, if any, is passed. (Ex. 400 at 2.) BCP argues that it would be prudent to wait to see the contents of federal legislation, if passed, to ensure there are no duplicative efforts or duplicative charging station allocations. (*Id.* at 14.) BCP states that if no federal funding becomes available or efforts would not be duplicative, NV Energy should proceed with its Plan for 2023 and 2024, but with the budgets proposed by BCP. (*Id.*)

387. BCP recommends that NV Energy file an updated estimate of the Plan costs when it can produce a Level 3 estimate (between 10-40 percent accurate). (Ex. 400 at 18.) BCP

additionally recommends that the profits received from urban charging stations be returned to the ratepayers of NV Energy because. the ratepayer is fully funding these charging stations and NV Energy assumes no risk. (*Id.*)

NV Energy's Rebuttal

388. NV Energy states that they chose the technical requirements they did to ensure the maximum benefit to NV Energy customers and the EV drivers utilizing the infrastructure. (Ex. 108 at 30.) NV Energy believes the Commission should approve the technical requirements as proposed and market participant preferences should not be determinative. (Ex. 108 at 30.)

389. NV Energy clarifies that the payment requirement of "must accept a credit or debit card (magnetic stripe and chip card) without incurring any additional fees (must meet PCI DSS standards) in compliance with ISO15118" does not apply to all programs. (Ex. 108 at 30.) NV Energy states that payment requirements are not applicable to non-public electric vehicle charging for fleet applications within the Transit, School Bus, and Transportation Electrification Custom Program. (*Id.*)

390. NV Energy states that it proposed the technical requirements it did to ensure the maximum benefit to NV Energy customers and the electric vehicle drivers utilizing the infrastructure. (Ex. 108 at 30.)

391. At Hearing, NV Energy confirmed that all electric vehicles can use NV Energy's proposed connectors, with an adapter all electric vehicles can use the specified chargers and connectors. (Tr. at 432.)

Commission Discussion and Findings

392. The Commission accepts and approves NV Energy's proposed technical requirements to help ensure safety and reliability, and to account for future growth. The

Commission accepts and approves NV Energy's requirements as outlined in NV Energy's table of baseline technical requirements for charging infrastructure:

Charging Infrastructure Baseline Requirements	**Description**
Minimum Power Levels	Level 2: 10 kW (19.2 kW preferred) DC fast chargers: 150 kW (but can be larger)
Level 2 Charger Ports	At least two level 2 chargers where applicable. At sites where there are only two ports, each should be an independent charger. If there are more than 2 ports, dual port chargers are permitted.
DC Fast Charger Connectors & Compatibility	At least one CHAdeMO connector per site. Remaining connectors must be SAE/CCS. Backwards compatibility to CHAdeMO v0.9, SAE J1772 Oct2012, or CCS type 1 standards.
Charger Communication Protocols	Support Open Charge Point Protocol 1.6 (2.0 Preferred).
Charger Certification	Certified by the Underwriters Laboratories, Inc. ("UL") including, but not limited to, UL 2202, UL 2594, or UL 9741 standards or carry equivalent safety standard and listed by a Nationally Recognized Testing Laboratory ("NRTL").
Networking	Must be able to connect to a network via Wi-Fi or cellular connection using multiple carriers.
Grid Integration	Must have the ability to be controlled remotely and receive a signal to reduce or stop charging using Open ADR 2.0b or at least one of the communication protocols required by the version of the IEEE 1547 standard in effect at the time of installation. The currently published IEEE 1547-2018 standard requires support for: (1) IEEE 2030.5 ("SEP 2"); (2) IEEE 1815 ("DNP3"); and (3) SunSpec Modbus.

Payment	Must accept a credit or debit card (magnetic stripe and chip card) without incurring any additional fees (must meet PCI DSS standards) in compliance with ISO 15118.[6]
Data Collection and Reporting	Must collect, share, and report data to NV Energy to support plan reporting per Section 7.0 of the Plan.

The Commission finds that charging infrastructure baseline requirements ensure installations are standardized and third-parties and customers have clarity on the requirements. Furthermore, NV Energy confirmed that all electric vehicles can be compatible with the specified charger technology with an adapter. The Commission agrees that standardization helps ensure reliability, controls costs, provides a consistent customer experience, and enables grid integration. However, the Commission notes that for the payment technical standards, there may be other forms of payment in addition to those listed that may make it easier for customers to pay. Therefore, for the payment technical standards, the Commission finds that the standards listed are minimum standards, and that other forms of payment may be offered and accepted in addition to the payment methods listed in NV Energy's technical standards.

F. Data Reporting/Metrics

NV Energy's Position

393. NV Energy proposes a quarterly reporting structure for both NV Energy and third-party sites. (Ex. 100 at 174.) NV Energy states that the proposed requirements represent a draft starting point for reporting to understand Plan progress and program value. (*Id.*) NV

[6] Payment requirements are not applicable to non-public EV charging for fleet applications within the Transit, School Bus, and Transportation Electrification Custom Program.

Energy states that the requirements for Plan reporting will be further developed during the readiness stage of the execution plan. (*Id.*)

394. NV Energy provides the following table, outlining its proposed reporting requirements:

Metric	**NV Energy**	**Third-party/Customer**
Number of sites	X	
Site locations	X	
Number and type of chargers	X	
Number of chargers by census tract	X	
Number of chargers incentivized	X	
Plan spend by program	X	
Plan spend in historically underserved communities	X	
Behind-the-meter incentives paid	X	
Total utilization	X	X
Peak utilization	X	X
Off-peak utilization	X	X
Avg. time for charging session	X	X
Idle minutes	X	X
Outage type	X	X
Total minutes outage	X	X

Max outage duration	X	X
Average outage duration	X	X
Number of chargers experiencing outages	X	X
Number of outages resolved remotely	X	X
Number of truck rolls	X	

(Ex. 100 at 174.)

ChargePoint's Position

395. ChargePoint notes that the proposed reporting requirements do not include an opportunity for stakeholder review or any other stakeholder processes as a part of its proposal and that NV Energy, in response to Staff Information Request 65, stated it would be an informal response via email to the Commission. (Ex. 700 at 46-47.) ChargePoint asserts that regular reporting to the Commission and stakeholders provides valuable updates on how transportation electrification plans are performing, and the opportunity to evaluate potential modifications to increase the effectiveness of the programs going forward. (*Id.* at 47.) ChargePoint further asserts that it is essential that stakeholders are not only included in the development of Plan's programs but also the reporting and review processes to contribute market expertise, advocate for the benefit of utility ratepayers and other stakeholders and determine whether Plan funds are being expended in the best interest of the ratepayers, and compliance with the statute. (*Id.*)

396. ChargePoint recommends that the Commission direct NV Energy to formally file its quarterly reports with the Commission in this docket and allow the opportunity for stakeholders to provide feedback through comments regarding the Plan reports annually. (Ex. 700 at 48.) Additionally, ChargePoint recommends that the Commission determine which

metrics NV Energy will be required to include in the reports as a part of this proceeding, rather than allowing NV Energy to further develop the metrics at its discretion. (*Id.*)

Staff's Position

397. Staff states that it has numerous recommendations for data to be collected and reported to the Commission, both for the Plan's time period and for as long as the installed chargers are operational. (Ex. 300 at 6.)

398. Staff argues that data collection will enable NV Energy to see if the Plan, approved as filed or modified by the Commission, meets both the Legislative Objectives, and provides benefits to customers in historically underserved communities. (Ex. 300 at 6-7.) Staff additionally states that NV Energy is likely to continue to progress its transportation electrification efforts in future filings and all data gathered herein will provide lessons learned to shape those plans to best suit the needs of its customers. (*Id.* at 7.)

399. Staff states that the following additional data should be provided one time, after all of the infrastructure allowed by the Plan has been constructed, to see if the Plan met the Legislative Objectives. (Ex. 300 at 8.)

400. Staff argues that NV Energy should track the actual labor hours to construct the infrastructure in the Plan. (Ex. 300 at 8.) Staff states that the labor hours should be categorized as in-state or out-of-state labor, and if possible, the number of labor hours performed by people who have participated in the EV Infrastructure Training Program. (*Id.*) Staff explains that this data can serve as a tool to better estimate the number of State specific labor hours needed for various types of EV infrastructure construction, and for calculating job hours and economic benefits of future transportation electrification plans. (*Id.*)

401. Staff states that the Plan at page 5 forecasts GHG avoidance of 437,242 metric tons by 2030. (Ex. 300 at 8.) Staff argues that providing an updated GHG avoidance calculation based on the actual infrastructure installed will help to refine the estimation of GHG avoidance due to in-state transportation electrification actions, for the benefit of understanding the impact of transportation electrification on meeting State emission reduction goals. (*Id.*)

402. Staff states that NV Energy should provide the total number of fleets that converted to using EVs during the Plan period, the type of business, the number and type of vehicle in each electrified fleet, and if any of the fleets are located in, or serve historically underserved communities. (Ex. 300 at 8.) Staff additionally argues that NV Energy should collect and report any upgrades required to the distribution and transportation grids to facilitate a fleet's electrification. (*Id.*) Staff explains that this data will provide insight into the electrification needs of fleet owners, the impacts fleet electrification has on the existing grid infrastructure, and if there is a positive impact from fleet electrification on historically underserved communities. (*Id.*)

403. Staff states that NV Energy should detail what infrastructure has been approved under the Transit Electrification Grant and Transportation Electrification Custom Grant Programs, if any of the infrastructure will serve customers in historically underserved communities, how many labor hours were needed to construct the infrastructure, and, if other funding sources were identified, who they are and how much funding was received. (Ex. 300 at 9.) Staff explains that this data could be used to better understand the transportation electrification needs of the transit agencies, and the impacts of public transportation electrification on historically underserved communities. (*Id.*)

404. Staff states that while the Plan states that its actual costs by program will be collected, this information should be expanded to provide a detailed breakdown of costs by the individual program components, the property location of all chargers, the charger owner, whether they are Level 2 or DCFCs , as well as a calculation confirming that the final program expenditures met the legislatively mandate percentage requirements for serving historically underserved communities, for the Outdoor Tourism program and for behind the meter incentives. (Ex. 300 at 9.) Staff explains that this data will provide insight into the charging needs of host sites and provide up-to-date pricing information for future EV infrastructure construction and incentive plans. (*Id.*)

405. Staff states that the following additional data should be reported annually, starting with calendar year 2022 through calendar year 2026, to see if the Plan met the Legislative Objectives. (Ex. 300 at 9.)

406. Staff argues that NV Energy should work with the Department of Motor Vehicles ("DMV") to collect the number of EVs that are registered for the first time in this state, and the number of EVs that have their registration renewed, to account for EVs that were initially registered in Nevada but are subsequently no longer on Nevada's roads. (Ex. 300 at 10.) Staff explains that this data will provide tangible information to see if the Plan has helped accelerate EV adoption. (*Id.*)

407. Staff states that the Plan includes NV Energy's partnership with the Northern Nevada Electric Joint Apprentice and Training Committee and the Electrical Joint Apprentice and Training Center of Southern Nevada (together the "Apprentice Centers") which can build incremental capacity and accessibility to the existing EV Infrastructure Training Program and will enhance their recruitment and remove barriers to entry for historically underserved community members. (Ex. 300 at 10.) Staff argues that NV Energy should provide a detailed list

of how its partnership met those goals, and work with the Apprentice Centers to find a way to count the annual number of new trainees that reside in historically underserved communities (*Id.*) Staff states that this data would assess if the partnership brought value to the Apprentice Centers, help identify future needs of the Apprentice Centers, assess the impact the partnership has on members of historically underserved communities, and assess if the partnership provided a meaningful change to the EV Infrastructure Training Program that lasts after the Plan period has ended. (*Id.*)

408. Staff argues that, at a minimum for all chargers in the Outdoor Tourism program, and at a maximum for all publicly accessible chargers built in the Plan, NV Energy should use the RFID card data to collect the total number of EVs utilizing a charger that are registered to out-of-state owners and the number that are registered to in-state owners. (Ex. 300 at 10.) Staff states that this data will show if the number of out-of-state tourists and recreation site visitors, who travel by EV, increase over time. (*Id.*)

409. Staff argues that for any and all metrics reported, NV Energy should provide as much granularity as possible, and at a minimum report all data by program. (Ex. 300 at 11.) Staff argues that variable data, such as usage and outages, should be reported annually for either a period of five years for Level 2 Chargers and eight years for DCFCs , or the operational life of the incentivized chargers, whichever is longer. (*Id.*) Staff additionally argues that finite data, such as number of chargers installed and behind the meter incentive amounts, should be provided one time, after all of the infrastructure allowed by the Plan has been constructed. (*Id.*)

410. Staff argues that NV Energy should also collect the total cost of each incentivized charger, the amount of each behind the meter incentive, the outage frequency, and the length of outage per meter. (Ex. 300 at 11.) Staff states that this would provide insight as to whether

distributed energy resource ("DER") owners who make some level of financial investment in their system, as opposed to having their DER fully subsidized, would be more motivated to maintain their system to ensure full output and usability to get their monies worth. (*Id.* at 11-12.)

411. Staff argues that NV Energy should provide the average time for charging sessions by the type of location, per program. (Ex. 300 at 12.) Staff states that this data will provide insight into EV charging behavior based upon the EV owner's activities, lifestyle, and profession as this will help to assess if different population sectors have different charging needs. (*Id.*)

412. Staff argues that NV Energy should collect the number of unique EVs that use each charger, per program, and clearly identify the location of each charger to see if the chargers were placed in areas accessible to many different EV owners, and if the number of unique EVs increases each year. (Ex. 300 at 12.)

413. Staff states that the additional data collection and annual customer surveying may cause additional work by NV Energy employees, but the additional labor hours do not outweigh the benefits to be gained from the large amount of information and insight that the data will provide. (Ex. 300 at 13.)

414. Staff recommends that NV Energy keep track of which, if any, participating customers/third parties stop providing EV charger data to NV Energy and prevent those entities from participating in any future ratepayer funded transportation electrification or DER incentive plans. (Ex. 300 at 15.)

415. Staff argues that, to assess if the identified barriers to EV adoption have been reduced, eliminated, or changed over time as NV Energy implements this Plan and future

transportation electrification programs and plans, NV Energy should continue to conduct a survey of its residential customers and fleet operators. (Ex. 300 at 16.)

NV Energy's Rebuttal Position

Data Collection and Performance Requirements

416. NV Energy states that it shares Staff's concerns about entities sharing the required data in order to participate in the Plan because the Commission is not able to levy penalties against non-complying customers/third-party providers, or claw back incentive funding. (Ex. 108 at 32.) NV Energy further agrees that tracking participating entities that do not comply with data sharing requirements is critical and can be used to evaluate with the Commission their ability to participate in any future customer funded transportation electrification or DER incentives or program. (*Id.*)

417. NV Energy clarifies that in Table 53 of the Plan, NV Energy did not mean to imply that the reporting requirements would continue to change throughout the implementation, but that the "starting point" was intended to inform the discussion for this proceeding, not an ongoing process. (Ex. 108 at 32.) NV Energy states that it is critical for the participating parties to have a clear understanding of the requirements before participating, and therefore it is critical to have clear guidance from the Commission in its ruling on data sharing for non-utility participants. (*Id.* at 33.)

418. NV Energy proposes filing the reporting data with the Commission on a quarterly basis, no later than 45 days after the conclusion of the quarter, with third-party providers or customers required to provide data to NV Energy no later than 15 days after the conclusion of the quarter. (Ex. 108 at 33.)

419. NV Energy states that if the Commission would prefer an annual public report, NV Energy would agree, however, NV Energy still requests the Commission require quarterly reporting for participating customers or third-party providers in its order. (Ex. 108 at 33.) NV Energy states that the required performance data is critical information to ensure the EV charging stations are operational for use by NV Energy customers and the greater public, particularly for infrastructure that is expected to have 97 percent uptime. (*Id.*)

420. NV Energy states that it does not foresee an issue complying with Staff's recommendations for additional date collection for the scope and operations within its control. (Ex. 108 at 34.) NV Energy states it is just a matter of understanding the requirements upfront, such that the appropriate tracking metrics and necessary inputs can be established to ensure reporting is not exceedingly burdensome or costly. (*Id.*) NV Energy also notes that many of Staff's recommending reporting requirements rely on NV Energy gathering data from third-party providers or customers. (*Id.*)

421. NV Energy recommends that the Commission make clear in its ruling all the data sharing requirements necessary to participate in the Plan. (Ex. 108 at 34.) NV Energy requests that the Commission consider what, if any, penalization may be appropriate if participating entities do not comply. (*Id.*)

422. At Hearing, NV Energy stated that it agrees with Staff's specific recommended data sets (although NV Energy states not all of the recommended data collection are within NV Energy's control) and has updated the data metric for Staff's recommendations and could file them as a compliance item. (Tr. at 415-417, 423-424.)

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Commission Discussion and Findings

423. The Commission accepts and approves NV Energy's metrics and quarterly reporting structure for both NV Energy and third-party sites, as outlined in the following requirements:

Metric	NV Energy	Third-party/Customer
Number of sites	X	
Site locations	X	
Number and type of chargers	X	
Number of chargers by census trac	X	
Number of chargers incentivized	X	
Plan spend by program	X	
Plan spend in historically underserved communities	X	
Behind-the-meter incentives paid	X	
Total utilization	X	X
Peak utilization	X	X
Off-peak utilization	X	X
Avg. time for charging session	X	X
Idle minutes	X	X
Outage type	X	X
Total minutes outage	X	X

Max outage duration	X	X
Average outage duration	X	X
Number of chargers experiencing outages	X	X
Number of outages resolved remotely	X	X
Number of truck rolls	X	

These requirements represent a draft starting point for reporting to understand Plan progress and program value.

424. The Commission finds that the data metric information is most usefully provided quarterly in an annual docket of the Commission, to be administratively opened each January. NV Energy shall file the reporting data with the Commission on a quarterly basis, no later than 45 days after the conclusion of the quarter, with third-party providers or customers required to provide data to NV Energy no later than 15 days after the conclusion of the quarter.

425. Additionally, the Commission approves the additional data proposed by Staff which shall be provided one time, after all of the infrastructure allowed by the Plan has been constructed, to see if the Plan met the Legislative Objectives. Pursuant to the recommendations of Staff and agreed to by NV Energy, NV Energy shall provide the following information in a one-time report filed in this Docket:

a) NV Energy shall track the actual labor hours to construct the infrastructure in the Plan. The labor hours should be categorized as in-state or out-of-state labor, and if possible, the number of labor hours performed by people who have participated in the EV Infrastructure Training Program. As Staff explains, this data can serve as a tool to better estimate the number of State specific labor hours needed for various types of EV infrastructure construction, and for calculating job hours and economic benefits of future transportation electrification plans.

b) NV Energy shall provide an updated GHG avoidance calculation based on the actual infrastructure installed to refine the estimation of GHG avoidance due to in-state

transportation electrification actions, for the benefit of understanding the impact of transportation electrification on meeting State emission reduction goals.

c) NV Energy shall provide the total number of fleets that converted to using EVs during the Plan period, the type of business, the number and type of vehicle in each electrified fleet, and if any of the fleets are located in, or serve historically underserved communities. NV Energy shall also collect and report any upgrades required to the distribution and transportation grids to facilitate a fleet's electrification. This data will provide insight into the electrification needs of fleet owners, the impacts fleet electrification has on the existing grid infrastructure, and if there is a positive impact from fleet electrification on historically underserved communities.

d) NV Energy shall detail what infrastructure has been approved under the Transit Electrification Grant and Transportation Electrification Custom Grant Programs, if any of the infrastructure will serve customers in historically underserved communities, how many labor hours were needed to construct the infrastructure, and, if other funding sources were identified, who they are and how much funding was received. This data can be used to better understand the transportation electrification needs of the transit agencies, and the impacts of public transportation electrification on historically underserved communities.

e) While the Plan states that its actual costs by program will be collected, this information shall be expanded for NV Energy to also provide a detailed breakdown of costs by the individual program components, the property location of all chargers, the charger owner, whether they are Level 2 or DCFCs, as well as a calculation confirming that the final program expenditures met the legislatively mandate percentage requirements for serving historically underserved communities for the Outdoor Tourism program and for behind the meter incentives. This data will provide insight into the charging needs of host sites and provide up-to-date pricing information for future EV infrastructure construction and incentive plans.

426. The Commission finds that the following additional data, as described by Staff and agreed to by NV Energy, shall be reported annually, starting with calendar year 2022 through calendar year 2026, to see if the Plan met the Legislative Objectives:

a) NV Energy shall work with the DMV to collect the number of EVs that are registered for the first time in this State, and the number of EVs that have their registration renewed, to account for EVs that were initially registered in Nevada but are subsequently no longer on Nevada's roads. This data will provide tangible information to see if the Plan has helped accelerate EV adoption.

b) The Plan includes NV Energy's partnership with the Apprentice Centers, which can build incremental capacity and accessibility to the existing EV Infrastructure Training Program and will enhance their recruitment and remove barriers to entry for

historically underserved community members. NV Energy shall provide a detailed list of how its partnership met those goals, and work with the Apprentice Centers to find a way to count the annual number of new trainees that reside in historically underserved communities. This data will assess if the partnership brought value to the Apprentice Centers, help identify future needs of the Apprentice Centers, assess the impact the partnership has on members of historically underserved communities, and assess if the partnership provided a meaningful change to the EV Infrastructure Training Program that lasts after the Plan period has ended.

c) At a minimum for all chargers in the Outdoor Tourism program, and at a maximum for all publicly accessible chargers built in the Plan, NV Energy shall use the RFID card data to collect the total number of EVs utilizing a charger that are registered to out-of-state owners and the number that are registered to in-state owners. This data will show if the number of out-of-state tourists and recreation site visitors, who travel by EV, increase over time.

d) NV Energy shall collect the total cost of each incentivized charger, the amount of each behind the meter incentive, the outage frequency, and the length of outage per meter. This data will provide insight as to whether DER owners who make some level of financial investment in their system, as opposed to having their DER fully subsidized, would be more motivated to maintain their system to ensure full output and usability to get their monies worth.

e) NV Energy shall provide the average time for charging sessions by the type of location, per program. This data will provide insight into EV charging behavior based upon the EV owner's activities, lifestyle, and profession as this will help to assess if different population sectors have different charging needs.

f) NV Energy shall collect the number of unique EVs that use each charger, per program, and clearly identify the location of each charger to see if the chargers were placed in areas accessible to many different EV owners, and if the number of unique EVs increases each year.

g) NV Energy shall keep track of which, if any, participating customers/third parties stop providing EV charger data to NV Energy and prevent those entities from participating in any future ratepayer funded transportation electrification or DER incentive plans.

427. The Commission also finds that in addition to a one-time filing of the data in paragraph 425(e) of this Order, interim data for these same metrics shall be reported in the annual filing.

428. The Commission finds that for any and all metrics reported, NV Energy shall provide as much granularity as possible, and at a minimum, report all data by program. Variable data, such as usage and outages, shall be reported annually for either a period of five years for Level 2 Chargers and eight years for DCFCs, or the operational life of the incentivized chargers, whichever is longer.

THEREFORE, it is ORDERED:

1. The Commission grants Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy's Joint Application and accepts in part and modifies in part the Economic Recovery Transportation Electrification Plan.

2. The Assistant Commission Secretary shall open an annual docket each January to accept Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy's data metrics quarterly filings.

Compliances

3. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall file with the Commission in this Docket discussions with vendors and any proposed changes to the verification process in addition to the use of a Radio Frequency Identification Card.

4. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall file the documentation for the site selection process in this Docket, as well as produced as a part of any cost recovery filing by Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy for the Plan.

5. With respect to the School Bus component of the Transit, School Bus and Transportation Electrification Custom Program, by February 1, 2022, Nevada Power Company

d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall file a proposal with the Commission in this Docket as to how to increase the battery incentive funding without exceeding the statutory cap, including, but not limited to, utilization of external funds, and as better informed by the available school district budget for school bus replacement.

6. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall provide the following information in a one-time report filed in this Docket:

a) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall track the actual labor hours to construct the infrastructure in the Plan. The labor hours should be categorized as in-state or out-of-state labor, and if possible, the number of labor hours performed by people who have participated in the Electric Vehicle Infrastructure Training Program.

b) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall provide an updated greenhouse gas avoidance calculation based on the actual infrastructure installed to refine the estimation of greenhouse gas avoidance due to in-state transportation electrification actions, for the benefit of understanding the impact of transportation electrification on meeting State emission reduction goals.

c) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall provide the total number of fleets that converted to using electric vehicles during the Plan period, the type of business, the number and type of vehicle in each electrified fleet, and if any of the fleets are located in, or serve historically underserved communities. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall also collect and report any upgrades required to the distribution and transportation grids to facilitate a fleet's electrification.

d) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall detail what infrastructure has been approved under the Transit Electrification Grant and Transportation Electrification Custom Grant Programs, if any of the infrastructure will serve customers in historically underserved communities, how many labor hours were needed to construct the infrastructure, and, if other funding sources were identified, who they are and how much funding was received.

e) While the Plan states that its actual costs by program will be collected, this information shall be expanded for Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy to also provide a detailed breakdown of costs by the individual program components, the property location of all chargers, the charger owner, whether they are Level 2 or direct current fast chargers, as well as a calculation

confirming that the final program expenditures met the legislatively mandate percentage requirements for serving historically underserved communities for the Outdoor Recreation and Tourism program, and for behind the meter incentives.

7. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall keep track of which, if any, participating customers/third-parties stop providing electric vehicle charger data to Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy and prevent those entities from participating in any future ratepayer funded transportation electrification or distributed energy resource incentive plans by issuing notice to any such company 30 days after non-compliance and then 60 days after non-compliance, after which Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy may discontinue allowing that company from participating in the Plan. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall file the 30-day and 60-day notices of noncompliance with the Commission in this Docket.

Directives

8. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall file the reporting data with the Commission on a quarterly basis, no later than 45 days after the conclusion of the quarter, with third-party providers or customers required to provide data to Nevada Power Company d/b/a NV Energy and/or Sierra Pacific Power Company d/b/a NV Energy no later than 15 days after the conclusion of the quarter in the annual, administratively-opened docket.

9. The following additional data shall be reported annually on June 1, starting with calendar year 2022 through calendar year 2026, to see if the Plan met the Legislative Objectives:

a) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall work with the Nevada Department of Motor Vehicles to collect

the number of electric vehicles that are registered for the first time in this State, and the number of electric vehicles that have their registration renewed, to account for electric vehicles that were initially registered in Nevada but are subsequently no longer on Nevada's roads.

b) The Plan includes Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy's partnership with the Northern Nevada Electric Joint Apprentice and Training Committee and the Electrical Joint Apprentice and Training Center of Southern Nevada, which can build incremental capacity and accessibility to the existing Electric Vehicle Infrastructure Training Program and will enhance their recruitment and remove barriers to entry for historically underserved community members. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall provide a detailed list of how its partnership met those goals, and work with the Northern Nevada Electric Joint Apprentice and Training Committee and the Electrical Joint Apprentice and Training Center of Southern Nevada to find a way to count the annual number of new trainees that reside in historically underserved communities.

c) At a minimum for all chargers in the Outdoor Tourism program, and at a maximum for all publicly accessible chargers built in the Plan, Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall use the radio frequency identification card data to collect the total number of electric vehicles utilizing a charger that are registered to out-of-state owners and the number that are registered to in-state owners.

d) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall collect the total cost of each incentivized charger, the amount of each behind the meter incentive, the outage frequency, and the length of outage per meter.

e) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall provide the average time for charging sessions by the type of location, per program.

f) Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall collect the number of unique electric vehicles that use each charger, per program, and clearly identify the location of each charger to see if the chargers were placed in areas accessible to many different electric vehicle owners, and if the number of unique electric vehicles increases each year.

g) While the Plan states that its actual costs by program will be collected, this information shall be expanded for Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy to also provide a detailed breakdown of costs by the individual program components, the property location of all chargers, the charger owner, whether they are Level 2 or DC fast chargers, as well as a calculation confirming that the interim program expenditures are on track to meet the legislatively mandate percentage requirements for serving historically underserved communities, behind the meter incentives, and the Outdoor Recreation and Tourism program.

10. For any and all metrics reported, Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall provide as much granularity as possible, and at a minimum report all data by program. Variable data, such as usage and outages, shall be reported annually for either a period of five years for Level 2 Chargers and eight years for direct current fast chargers, or the operational life of the incentivized chargers, whichever is longer.

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11. Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy shall file a Plan update report for the five programs as part of the September 1, 2022, Transportation Electrification Plan filing, which shall include an analysis of the proposed budgets to actual/applied budgets and shall also include an update of the progress towards 40 percent traditionally underserved community spending.

By the Commission,

HAYLEY WILLIAMSON
Chair and Presiding Officer

C.J. MANTHE
Commissioner

TAMMY CORDOVA
Commissioner

Attest:
TRISHA OSBORNE
Assistant Commission Secretary

Dated: Carson City, Nevada

11/30/21

(SEAL)