

**Jacob Veaughn**

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**From:** Jacob Veaughn on behalf of Records Clerk  
**Sent:** Tuesday, April 27, 2021 5:28 PM  
**To:** 'aj@jenkinsatlaw.com'  
**Cc:** Consumer Contact  
**Subject:** FW: 20210016-EI  
**Attachments:** ChargePoint Comments.pdf

Good after Alan Jenkins,

We will be placing your comments below in Parties & Interested Persons correspondence in Docket No. 20210016 and forwarding your comments to the Office of Consumer Assistance and Outreach.

**Jacob Veaughn**

Commission Deputy Clerk I  
Florida Public Service Commission  
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**From:** Alan Jenkins <aj@jenkinsatlaw.com>  
**Sent:** Tuesday, April 27, 2021 5:10 PM  
**To:** Records Clerk <CLERK@PSC.STATE.FL.US>  
**Subject:** RE: 20210016-EI

Sorry, typo on the RE line – correct as above 20210016-EI.

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**From:** Alan Jenkins  
**Sent:** Tuesday, April 27, 2021 4:59 PM  
**To:** Records Clerk <[CLERK@PSC.STATE.FL.US](mailto:CLERK@PSC.STATE.FL.US)>  
**Subject:** 00210016-EI

Alan R. Jenkins  
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April 27, 2021

Adam J. Teitzman, Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

*RE: Docket No. 20210016-EI – Duke Energy Florida, LLC’s Petition for Limited Proceeding to Approve 2021 Settlement Agreement, Including General Base Rate Increases*

Dear Mr. Teitzman:

Please find attached, for electronic filing, comments of ChargePoint, Inc in response to Duke Energy Florida, LLC’s Petition for Limited Proceeding to Approve 2021 Settlement Agreement.

If you have any questions or require additional information about this filing, I can be reached at [Justin.Wilson@ChargePoint.com](mailto:Justin.Wilson@ChargePoint.com). I would be happy to address these issues at the hearing.

Sincerely,

/s/ Justin Wilson  
Justin Wilson  
Director, Public Policy  
ChargePoint, Inc.

## **About ChargePoint**

ChargePoint is one of the world's largest electric vehicle (EV) charging networks, with scalable solutions for charging at home, work, around town, and on the road. With customers that include workplaces, cities, retailers, apartments, utilities, hospitals, and fleets, ChargePoint provides an integrated experience enabling consistent performance, efficiency and reliability at every touchpoint whether one is using a mobile app, plugging into a charger, managing the station or analyzing charging data.

ChargePoint delivers scalable solutions that enable businesses to support more drivers, add the latest software features, and expand their electric vehicle and fleet needs with minimal disruption to overall business. Hardware offerings include Level 2 (L2) and DC fast charging (DCFC) products, and ChargePoint provides a range of options across those charging levels for specific use cases including light and medium duty and transit fleets, multi-unit dwellings, residential (multi-family and single family), destination, workplace, and more. ChargePoint's software and cloud services enable site hosts to manage charging onsite with features like Waitlist, access control, charging analytics, and real-time availability. ChargePoint products are UL-listed, ENERGY STAR® and CE (EU) certified, and the modular design minimizes downtime and makes maintenance and repair more seamless.

ChargePoint's primary business model consists of selling its smart charging solutions directly to businesses and organizations while offering tools that empower site hosts and station owners to deploy charging designed for their individual application and use case. ChargePoint provides charging network services and data-driven and cloud-enabled capabilities that enable site hosts to better manage their charging assets and optimize services. For example, with those network capabilities, site hosts can view data on charging station utilization, frequency and duration of charging sessions, set access controls to the stations, and set pricing for charging services. These features are designed to maximize utilization and align the EV driver experience with the specific use case associated with the specific site host. Additionally, ChargePoint has designed its network to allow other parties, such as electric utilities, the ability to access charging

data and conduct load management to enable efficient EV load integration onto the electric grid.

**Summary of Recommendations:**

- In the instance that ChargePoint's petition for reconsideration is denied, ChargePoint recommends the Commission separate the EV charging issues from this proceeding and allow DEF to refile the EV charging components at its discretion or in the alternative deny the full 2021 Settlement Agreement.
- Modify the Off-Peak Electric Vehicle Credit proposed by DEF to include all weekend hours and the holidays that are excluded from the on-peak periods in the RST-1 rate.
- Any expansion of DEF owned charging stations should be denied at this time . The Commission could agree to hear new proposals from DEF without prejudice consistent with additional provisions to protect the competitive market for EV charging services.
- The Commission should direct DEF that any future proposals incorporate important provisions to ensure the ongoing development of a competitive market for EV charging services including minimum provisions that allow for site hosts to choose the EV charging hardware and software deployed on their property, the option for those site hosts to be the utility customer of record, and to price the EV charging services as they see fit.
- The Commission should direct DEF to modify its rebate program to provide up to 80% of the cost of installing Level 2 and DC fast charging equipment up to a maximum of \$4,533 and \$36,698 respectively based on data from the DEF Park and Plug Program. The Commission should direct DEF to provide rebates for 100% of the cost of equipment and installation for public charging stations. The commission should require that charging equipment installed meet three eligibility criteria: Smart (networked), Energy Star Certified (Level 2 only), and use non-proprietary connectors.
- DEF's proposal to expand company owned and operated DC charging stations should be denied without prejudice. Given that DEF has already deployed more

than 530 ports including at least 37 DCFC units they have provided the “foundational level of EV infrastructure” the pilot was set to achieve. ChargePoint believes that its suggested modifications to DEF’s proposed rebate program it would attract third-party investment in DC fast charging in DEF’s service territory. The private industry must be allowed time to react to the already deployed charging stations in the Park and Plug pilot and to the rebate offerings, without the risk of being undercut by a simultaneous expansion of rate-payer funded charging stations. ChargePoint recommends that any expansion of DEF owned charging stations be denied at this time. The Commission could agree to hear new proposals from DEF without prejudice consistent with additional provisions to protect the competitive market for EV charging services. This would result in EV infrastructure build out that is less costly, less risky for ratepayers, and a more flexible alternative to accelerate the market.

- The Commission should direct DEF that any future proposals should incorporate important provisions to ensure the ongoing development of a competitive market for EV charging services. At a minimum, any programs proposed by DEF after a period of five years should include provisions that allow any utility owned stations to give site hosts a choice in the charging equipment and network services they utilize on their property. Additionally, any EV charging programs proposed by DEF should allow site hosts to choose either to allow the utility to be responsible for the electricity used by the charging station and to charge EV drivers at a commission approved rate or allow site hosts to be the customer of record for the electricity used on-site and to price those charging services as site hosts see fit.

### **New EV Charging Programs Are Not Appropriate In This Limited Proceeding**

ChargePoint has a petition for reconsideration pending in this docket. In that petition, ChargePoint addresses how DEF’s choice of this limited rate proceeding forum for proposing a largescale EV charging program should neither limit the Commission’s thorough review of the program to a simple “up” or “down” decision on a broader rate settlement, nor limit the ability of ratepayers and business entities operating in the EV

charging market to vet fully whether the proposed program is competitively neutral, consistent with the expressed will of the state legislature. ChargePoint shall not rehash those arguments herein, but instead focus on substantive comments concerning the proposed EV charging program.

If the Commission denies ChargePoint's motion for reconsideration on the grounds that competitive issues cannot be addressed, ChargePoint believes that it is evidence of a process that is not competitively neutral. In such instance, ChargePoint recommends the Commission separate the EV charging issues from this proceeding and allow DEF to refile the EV charging components at its discretion in a proceeding allowing for participants in the EV charging marketplace to participate or, in the alternative, deny the full 2021 Settlement Agreement.

### **Residential EV Non-Time of Use Credit Program**

ChargePoint is generally supportive of programs that encourage residential customers to charge during off-peak periods. ChargePoint is supportive of the approach that DEF has proposed for the Off-Peak Electric Vehicle Credit (Credit) and believes that under the right circumstances a \$10/month credit could provide the appropriate incentive for residential customers to charge off-peak. When considering the appropriateness of programs to incentivize off-peak charging ChargePoint considers, among other things: if the incentive amount could be reasonably expected to induce the desired behavior, if the program structure will be easily understood and capable of being easily implemented by customers and, what, if any impacts, it could have that limit its applicability to EV drivers.

ChargePoint believes that the Credit proposed by DEF provides an appropriate incentive amount to induce the desired behavior. A \$10/month incentive could be reasonably expected to encourage a customer to consider how they charge and explore ways to make it easy to largely limit their charging to off-peak times. Additionally, ChargePoint believes that the offering is structured in a simple and easy to understand manner and that, when customers use smart level 2 charging equipment that is

programmable, they will be able to establish a charging schedule that will allow them to avoid charging during the on-peak periods.

ChargePoint, however, is concerned that the off-peak periods proposed by DEF do not include any hours on the weekends. Excluding 48 consecutive hours of charging from this program could make it very difficult for a customer to meet the eligibility criteria for the monthly credit. If a customer were to use their EV during the weekend periods, perhaps taking a weekend road trip returning on Sunday evening, they would only have the time between 12:01 A.M. and 5:00 A.M. Monday morning to charge their EV for the full day's commute. In this instance it is reasonable to believe that this could cause the customer to charge outside of the designated off-peak windows at their home, forgoing the credit or charge during on-peak times at another location. ChargePoint believes there is a simple solution. The RST-1 rate appears to exclude all weekend days from the on-peak period, so ChargePoint recommends that DEF add all weekend days and the holidays that are excluded from the on-peak periods on the RST-1 rate to the Off-Peak Electric Vehicle Credit proposed by DEF.

### **Commercial & Industrial Customer Rebate Program**

ChargePoint appreciates the introduction of a rebate program for various types of EV charging services as proposed in the 2021 Settlement Agreement. ChargePoint, however, has concerns that certain rebates are not sufficient to allow the private industry to compete on a level playing field with the currently deployed Park and Plug program or any ongoing utility ratepayer funded deployments of charging stations in DEFs service territory. The current Plug and Charge program can offer some baseline insights into the cost associated with deploying EV charging services and what type of support in the form of rebates is appropriate to create a level playing field for the deployment of EV charging services.

The table below from DEF's Electric Vehicle Charging Station Pilot Program 3<sup>rd</sup> Annual Report filed in Docket No. 20170183-EI provides data related to the cost of deploying charging stations. As demonstrated below the cost per port for deploying

Level 2 charging infrastructure is estimated to be \$7,426 and the cost of deploying DC Fast Charging infrastructure is approximately \$47,549.

**Table 4 - Port Installations/Invoiced Costs by Installation Contractor through November 2020**

Level 2	# Ports	Capital	Capital/Port	O&M	O&M/Port	Total Cap+OM	Total/Port	*IQ Ports
MUD	190	\$1,033,909	\$5,441	\$334,400	\$1,760	\$1,368,309	\$7,201	10
WPC	152	\$869,074	\$5,717	\$267,520	\$1,760	\$1,136,594	\$7,477	26
Pubic Level 2	162	\$953,120	\$5,883	\$285,120	\$1,760	\$1,238,240	\$7,643	43
<b>Total Level 2</b>	<b>504</b>	<b>\$2,856,103</b>	<b>\$5,666</b>	<b>\$887,040</b>	<b>\$1,760</b>	<b>\$3,743,143</b>	<b>\$7,426</b>	<b>79</b>
DC Fast Charge	# Ports	Capital	Capital/Port	O&M	O&M/Port	Total Cap+OM	Total/Port	IQ Ports
DC Fast Charge Units	37	\$1,651,582	\$45,872	\$60,180	\$1,671	\$1,711,762	\$47,549	4
<b>Total</b>	<b>541</b>	<b>\$4,507,685</b>	<b>N/A</b>	<b>\$947,220</b>	<b>N/A</b>	<b>\$5,451,905</b>	<b>N/A</b>	<b>83</b>

\*Income Qualified (IQ) Goal is 10% (53) of total 530 ports

Further, Exhibit 5 of the 2021 Settlement Agreement shows that, DEF is proposing rebates for third parties that are significantly lower than the cost of installation and O&M reported by DEF for the Park and Plug pilot, in particular for public charging stations which would be in direct competition with DEF's Park and Plug program. While ChargePoint believes that private capital should be leveraged as a match whenever possible, at a minimum, rebates should be designed to at least cover the full cost of installing and operating an EV charging station, when monopoly utilities are competing against the competitive market. If the goal of the rebate program is to encourage the installation of EV charging station, rebates should provide an incentive that is more equitable to the actual cost of installing EV charging stations that DEF has experienced in the Park and Plug pilot. Equitable rebates become increasingly important for publicly available charging stations where DEF's Park and Plug pilot and any additional utility owned charging stations would be in direct competition.



**Exhibit 5 – Rebate Levels and Caps for New EV Program**

<b>Commercial / Industrial Rebate Program</b>		
Target Total Balance	\$29 Million	
Target total O&M	\$1 Million	
Total Participation Cap	4,830	
Type of Charging	Rebate Value	Participation
Public L2	\$627	700
MUD L2	\$304	700
Workplace L2	\$434	700
Fleet L2	\$1,175	700
Public DCFC	\$4,195	300
School DCFC	\$20,889	115
Transit DCFC	\$24,423	115
Fleet DCFC	\$35,600	500
Forklift (Fast Charger)	\$3,200	500
eTRU	\$1,531	500
		<b>4,830</b>
<b>DCFC Investment Program:</b>		
Target Number of Sites	100	
Target Total Investment	\$25 Million	
Target Total O&M	\$5.5 Million	

ChargePoint recommends a simpler and more equitable approach to providing rebates based on the actual cost observed by DEF for installation.

Using the data from the Park and Plug Program along with a program design for rebates used by multiple other utilities and state agencies across the US, a more equitable approach should be adopted for any rebate program approved by the Commission. ChargePoint recommends that DEF's rebate program be modified to provide a consistent level of rebates for Level 2 charging stations and DCFC charging stations regardless of their use case. ChargePoint recommends that rebates be provided for up to 80% for the cost of installation and charging equipment up to a maximum amount of \$4,533 and \$36,698 for Level 2 and DCFC respectively based on 80% of the average cost of deployment based on the Park and Plug Program:

	Park and Plug Capital Cost	80% Calculation
Level 2	\$ 5,666	\$ 4,533
DC Fast Charging	\$ 45,872	\$ 36,698

ChargePoint further recommends that any public level 2 or DC fast charging rebates receive a rebate for 100% of the cost of installing charging. This will enable a competitively neutral approach and provide site host a true and equitable choice in how they provide EV charging services.

This program design will level the playing field, in particular for Public Level 2 and DCFC deployments, and is based on DEF's own data for the actual cost of installation. Importantly, ratepayers are not providing all of the funding for the charging stations, rather private interest will be responsible for bringing their own capital to the projects.

The level of rebates proposed is much more reflective of what other utilities have been approved to offer customers across the country.

State	Utility	Rebate Descriptions
Ohio	American Electric Power (AEP) <sup>1</sup>	AEP provides Level 2 and DC Fast Charger rebates to cover a range of up to 50-100% of the cost of installation and equipment depending on the customer type. <b>Level 2 rebates range from \$5,000 per port to \$10,000 per port max and DC Fast Charger rebates range from \$20,000 to \$100,000.</b>
Missouri	Ameren <sup>2</sup>	Ameren provides rebate incentives to customers that offer up to

<sup>1</sup> I/M/O the Application of Ohio Power Company for Authority to Establish A Standard Service Offer Pursuant to R.C. 4928.143, in the Form of an Electric Security Plan, PUCO Docket 16-1852-EL-SSO (April 25, 2018).

<sup>2</sup> Order Approving Second Stipulation and Agreement. MO PSC Docket 2018-0132 (February 6, 2019)

		\$5,000 per Level 2 port and \$20,000 per DCFC port.
Michigan	DTE <sup>3</sup>	DTE's Charging Forward program offers rebates of \$2,500 per port for Level 2 charging and up to \$55,000 for DC Fast Chargers.
Ohio	Duke Energy <sup>4</sup>	Incentives for up to \$50,000 for DC Fast Charging and \$5,000 for commercial Level 2 ports.
Nevada	NV Energy <sup>5</sup>	NV Energy provides rebates of \$3,000 per Level 2 port and \$15,000 per DCFC station.

In addition to modifications to the funding levels, ChargePoint also recommends that any charging equipment deployed utilizing ratepayer funding be required to meet three simple technical specifications:

- Smart (networked)
- ENERGY STAR ®
- Non-Propriety Connectors

Smart chargers will be vital to ensuring that EV charging benefits Florida's grid by enabling electric utilities and third-parties to have advanced remote load management controls to facilitate off-peak charging and other managed charging strategies. A smart charger can also collect interval data to inform usage patterns, and provide enhanced

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<sup>3</sup> I/M/O the Application of DTE Electric Company for authority to increase its rates, rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority. Case No. U-20162 (May 2, 2019)

<sup>4</sup> I/M/O the Application of Duke Energy Ohio, Inc. for Authority to Adjust PowerForward Rider. Case No. 19-1750-EL-UNC (September 24, 2019) (Proposed)

<sup>5</sup> I/M/O the Joint application of Nevada Power Company d/b/a NV Energy and Sierra Pacific Company b/d/a NV Energy for approval of annual plans for the Solar Energy Systems Incentive Program, the Waterpower Energy Systems Demonstration Program, the Energy Storage and Low Income components of the Solar Program, and the Electric Vehicle Infrastructure Demonstration Program for Program Year 2018-2019. Docket No. 18-02002. (June 27, 2018).

network communication capabilities between the EV driver and the utility, or third-party systems. These capabilities can be of significant importance to customers to enable charging, as well as to utilities since the smart station provides a wealth of information related to charging behaviors and load profiles that can enable various demand side management programs. Smart EV chargers will enable customers, utilities, and vendors to reap significant benefits from increased functionality, wider program design options, and ultimately a more successful program deployment

Further, ChargePoint recommends that the Commission direct DEF to add ENERGY STAR certification to list of minimum equipment standards for Level 2 charging stations.<sup>6</sup> ENERGY STAR certified Level 2 chargers use 40 percent less electricity while in standby mode, ensuring that chargers use a minimal amount of electricity when they are not charging vehicles.<sup>7</sup> Similar to energy efficiency programs, this recommended requirement benefits the utility and non-participants by ensuring that EV chargers in standby mode do not become a new unnecessary load and do not unnecessarily contribute to peak demand. I recommend that ENERGY STAR certification be required for all Level 2 EV chargers deployed in DEF's service territory. Additionally, ChargePoint does not believe it is appropriate to expend limited ratepayer funds to deploy EV charging stations utilizing proprietary connectors that only provide charging services to one type of EV.

ChargePoint further recommends that the Commission provide overall caps for Level 2 and DC Fast Charging rebates within the proposed rebate program budget. While more than 90% of the Park and Charge Pilot's ports were Level 2 at various use cases, ChargePoint recommends a more equitable distribution in the power level of ports. ChargePoint recommends that the Commission work within the same overall budget for the rebate program, but cap Level 2 funding at \$21,750,000 or 75% of funding and DC Fast Charger funding at \$7,250,000 or 25% of funding as demonstrated by the figure below. Importantly, this approach can provide virtually the same number of

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<sup>6</sup> ENERGY STAR certification is not currently available for DCFC or Level 3 chargers.

<sup>7</sup> [https://www.energystar.gov/products/other/ev\\_chargers](https://www.energystar.gov/products/other/ev_chargers)

ports while at the same time providing a more equitable level of funding to reduce competitive concerns.

ChargePoint Rebate Cap Proposal	Percentage	Dollar Amount	Minimum Number of Ports Enabled
Level 2	75%	\$ 21,750,000	4,798
DC Fast Charging	25%	\$ 7,250,000	198
Total	100%	\$ 29,000,000	4,996

### **Company Owned DC Fast Charge Stations**

The 2021 Settlement Agreement offers few details on DEF's plans to continue to deploy DEF owned and operated DC fast charging stations. The 2021 Settlement Agreement (para 17.c) states "DEF can continue installing Company-owned DC Fast Charge stations." The budget provided in Exhibit No. 5 indicates that the DCFC investment program will target 100 sites, with total investment, operations, and maintenance costs to be \$30.5 Million. The 2021 Settlement Agreement offers no other details, essentially granting a blank check for a regulated entity to deploy rate-payer funds to compete directly with private businesses.

DEF's plans to continue to deploy utility owned DC Fast Charging stations will result in an unacceptable intrusion into the private market for EV charging services in DEF's service territory. DEF has not provided any justification for this continued intrusion into the private market, nor has it provided any information on the potential impacts of its plans to continue to deploy DC fast charging stations. While the goals of the Electric Vehicle Charging Station Pilot Program (commonly known as "Park and Plug") were clearly stated, "DEF will strategically install a foundational level of EV infrastructure to gather information about DEF customer charging behavior and grid impacts of increasing EV adoption within the five (5) year EVSE Pilot through December 2022," there are no stated goals of DEF's proposal to continue to install DCFC charging stations throughout its service territory. DEF's proposed DCFC program in the 2021 Settlement Agreement is clearly an expansion beyond "foundational" infrastructure and

data gathering. DEF clearly states that it “does not intend to file annual reports with the Commission for the proposed EV programs” (DEF Response to Staffs 1<sup>st</sup> data request item 8.J).

DEF’s proposal does not address any real or potential impacts \$30.5 million in ratepayer funding could have on the competitive market for EV charging services. ChargePoint is concerned that DEF’s EV program as part of the 2021 Settlement Agreement will stifle the competitive market for electric vehicle charging services.

In a competitive marketplace for charging services, site hosts select the technologies they prefer in an open market, invest their own capital, seek any incentives available through public agencies or utilities, and offer competitive charging services to attract drivers and recoup necessary expenses. DEF’s proposed EV DC fast charging expansion conflicts with the competitive marketplace as it seeks to significantly expand a ratepayer subsidized public facing charging network, relying on a single developer and hardware solution, and capture prime locations for charging infrastructure.

DEF’s approach will result in any charging hardware or services provider not selected by DEF being forced to compete against DEFs ratepayer funded program, which would locate charging stations at no cost to site hosts on their property. Under these market conditions, potential site hosts would likely opt for the ratepayer-funded charging equipment rather than equipment from other vendors that must charge a competitive price for their products and services. As a result, private investment and sales opportunities for competitive providers would evaporate in DEF’s service area, potentially for several years.

Allowing DEF to continue to use ratepayer funded charging stations to compete for locations and drivers against private companies offering a competing service will result in lower utilization for private charging companies, leading to less revenue generation and longer payback periods for both DEF and the private charging companies. Unfortunately for private charging companies, low utilization is of no consequence to the ratepayer funded DEF sites, because DEF will be able to recover their cost from all rate payers regardless of station utilization. This use of ratepayer backed money to undercut private companies in a competitive market will have a

chilling effect on the opportunities for private capital investment in DEF's service territory.

Fortunately, there are program designs that have been employed by other utilities that could allow for an expansion of charging infrastructure that could ensure a competitive market for EV charging hardware, software, and charging services.

ChargePoint recommends that the Commission require DEF to modify its DC charging program in the following ways.

- DEF's proposal to expand company owned and operated DC charging stations should be denied without prejudice. Given that DEF has already deployed more than 530 ports including at least 37 DCFC units they have provided the "foundational level of EV infrastructure" the pilot was set to achieve. ChargePoint believes that its suggested modifications to DEF's proposed rebate program it would attract third-party investment in DC fast charging in DEF's service territory. The private industry must be allowed time to react to the already deployed charging stations in the Park and Plug pilot and to the rebate offerings, without the risk of being undercut by a simultaneous expansion of rate-payer funded charging stations. ChargePoint recommends that any expansion of DEF owned charging stations be denied at this time. The Commission could agree to hear new proposals from DEF without prejudice consistent with additional provisions to protect the competitive market for EV charging services. This would result in EV infrastructure build out that is less costly, less risky for ratepayers, and a more flexible alternative to accelerate the market.
- The Commission should direct DEF that any future proposals should incorporate important provisions to ensure the ongoing development of a competitive market for EV charging services. At a minimum, any programs proposed by DEF after a period of five years should include provisions that allow any utility owned stations to give site hosts a choice in the charging equipment and network services they utilize on their property. Additionally, any EV charging programs proposed by DEF should allow site hosts to choose either to allow the utility to be responsible for the electricity used by the charging station and to charge EV drivers at a

*Docket No. 20210016-EI, Duke Energy Florida LLC's Petition for Limited Proceeding to Approve 2021 Settlement Agreement, Including General Base Rate Increases*

Comments of ChargePoint, Inc.

April 27, 2021

commission approved rate or allow site hosts to be the customer of record for the electricity used on-site and to price those charging services as site hosts see fit.