

**Electric Vehicle Charging Association**

455 Capitol Mall, Suite 600  
Sacramento, CA 95814

July 9, 2018

Dr. Rajnish Barua, Executive Director  
Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, DE 19904

Re: In Opposition to a Public Notice to Operators of Electric or Gas Vehicle Charging Stations for Public Use in Delaware, Regarding Rate Approval

Dear Dr. Barua,

The Electric Vehicle Charging Association (EVCA) representing the electric vehicle charging industry, write to express our opposition to the Delaware Public Service Commission (PSC) Staff's request to send a letter to electric vehicle (EV) charging station operators in the State, requiring that those entities secure a Certificate of Convenience and Necessity (CPCN) and seek rates to be charges to customers. This measure is unprecedented nationally, no Commission in any State has issued such a letter, and if sent to operators, will significantly undermine the growth of Delaware's expanding electric vehicle market.

EVCA is a not-for-profit trade organization of ten leading electric vehicle (EV) charging industry member-companies. EVCA's mission is to advance the goal of a clean transportation system in which the market forces of innovation, competition, and consumer choice drive the expeditious and efficient adoption of EVs and deployment of EV charging infrastructure.

On August 2, 2017, PSC Staff submitted a petition requesting the Commission authorize public notice of the need for electric and natural gas charging services to file application with the Delaware PSC for a Certificate of Convenience and Necessity (CPCN) as a public utility and to seek approval of any rates to be charges to the general public. The Commission approved a delay that public notice to June 30, 2018, to allow for a legislative clarification, excepting electric vehicle charging from the definition of a public utility. Legislation successfully passed the Senate and committee of jurisdiction in the House and was well on the way to successful passage out of the Assembly. Due to time constraints and circumstance, not a matter of the substantive policy, the House did not take up the bill on the House floor.



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Our organization respectfully requests the Commission delay public notice of the subject issue to June 30, 2019. Industry and government stakeholders are currently working with state legislators to address the issue and provide a regulatory exemption for charging services in legislation in the 2019 session. This delay provides the time necessary to pursue this legislation and clarify the Commission's oversight of charging services based on fees by the kilowatt-hour.

Should the Delaware PSC approve the request to send the public notice, it would be the first Commission to both formally determine that charging stations are a public utility under statute and actively seek to regulate the charging industry. Over 20 states, including Alabama, Arkansas, Florida, Idaho, and Maryland, have diverged from the position Staff advocates in draft public notice, determining that EV charging is not a public utility. Issuing letters to EV charging operators will significantly deter the buildout of further infrastructure in the State at a critical time in the growth of the Delaware market.

If requested, our members are available to provide their perspective to the dialogue in this matter, bringing to bear the substantial experience and expertise of deployment of charging stations and associated policy throughout the United States. We look forward to working with the Commission to clarify this area of statute to enable charging station owners to better manage their charging solutions.

Sincerely,

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes that form the name "Jim Ross".

Jim Ross

Director, EVCA

jim@evassociation.org

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