Agenda Date: 6/8/22
Agenda Item: 8D

STATE OF NEW JERSEY

Board of Public Utilities
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Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

DIVISIONS OF CLEAN ENERGY AND ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM AND AN ASSOCIATED COST RECOVERY MECHANISM	)))))	DECISION AND ORDER APPROVING STIPULATION BPU DOCKET NO. EO21030630

Parties of Record:

Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel
Gregory Eisenstark, Esq., Cozen O'Connor, P.C., on behalf of Jersey Central Power & Light Company
Murray E. Bevan, Esq. and **Jennifer McCave, Esq.**, on behalf of ChargePoint, Inc.
Kevin Auerbacher, Esq., on behalf of Tesla, Inc.
Stephen J. Humes, Esq., on behalf of NJR Clean Energy Ventures Corporation
Nathan C. Howe, Esq., on behalf of Zeco Systems, Inc. d/b/a Shell EV Charging Solutions Americas (formerly d/b/a Greenlots)

BY THE BOARD:

On March 1, 2021, Jersey Central Power and Light Company ("JCP&L" or "Company") filed a petition with the New Jersey Board of Public Utilities ("Board") requesting approval of a proposed Electric Vehicle ("EV") Program ("EV Driven Program" or "Program") ("2021 Petition"). By this Decision and Order, the Board considers a stipulation of settlement ("Stipulation") executed by JCP&L, the New Jersey Division of Rate Counsel ("Rate Counsel"), Board Staff ("Staff"), ChargePoint, Inc. ("ChargePoint"), Tesla, Inc. ("Tesla"), and NJR Clean Energy Ventures Corporation ("CEV") (collectively, "Signatory Parties"), intended to address the Company's requests.

2021 PETITION

By Board Order dated September 23, 2020 ("Minimum Filing Requirements" or "MFR" Order), the Board directed all electric distribution companies ("EDCs") to file electric vehicle proposals by February 28, 2021.[1] In response, JCP&L submitted the 2021 Petition to the Board.

[1] In re Minimum Filing Requirements for Light-Duty Publicly-Accessible Electric Vehicle Charging, BPU Docket No. QO20050357, Order dated September 23, 2020.

In the 2021 Petition, JCP&L proposed to invest approximately $16.2 million in capital and $33.7 million in operations and maintenance ("O&M") costs totaling approximately $49.9 million between six (6) subprograms over a four (4) year period. The proposed EV Driven Program would consist of five (5) subprograms applicable to light-duty vehicles – 1) Residential Customer, 2) Mixed-Use Commercial Customer, 3) Direct Current Fast Charger ("DCFC") Public Charging, 4) Last Resort DCFC Charging ("Last Resort"), 5) Overburdened Communities, and one (1) subprogram related to Consumer Education and Outreach initiatives.[2] The Proposed EV subprograms are described below.

1) Residential Customer – JCP&L proposed to provide incentive for Make-Ready work for the installation of Level Two networked chargers ("Level Two" or "L2 Charger") and provide customer credits to encourage charging during off-peak periods. The estimated cost for this subprogram was $4.207 million.

2) Mixed-Use Commercial Customer – JCP&L proposed a Mixed-Use Commercial Customer comprised of three (3) parts: 1) Public/Community-based; 2) Workplace; and 3) Multi-Family. All three (3) of these parts would include incentives for utility Make-Ready Work for L2 Chargers.[3] The Multi-Family part would also include a customer credit to encourage off-peak charging. The estimated cost for this subprogram was $9.426 million.

3) Direct Current Fast Charger ("DCFC") Public Charging – JCP&L proposed to provide incentives towards the upfront cost of DCFC equipment and installation. JCP&L also proposed to provide financial incentives to offset electricity costs. The estimated cost for this subprogram was $11.219 million.

4) DCFC Last Resort – JCP&L proposed to deploy the make-ready infrastructure and install, own, maintain and operate DCFC stations. According to JCP&L, the DCFC Last Resort would only be utilized if the competitive market is unable to support DCFC station development for overburdened communities after 12 months, or 18 months for other areas. The estimated cost for this subprogram was $4.225 million.

5) Overburdened Communities – JCP&L proposed to provide grants for innovative, EV-related pilot projects by market participants to be located in overburdened communities. JCP&L would review applications for the deployment of EV infrastructure in overburdened communities and then determine which applicants would receive the grant. The estimated cost for this subprogram was $2.500 million.

6) Program Implementation – JCP&L proposed to implement Consumer Education and Outreach, Data Collection/Networking, Information Technology ("IT") Systems, and

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[2] In areas where installation of publicly accessible EV chargers has not yet materialized, EDCs may then, and only then, own and operate EV Chargers and Electric Vehicle Service Equipment ("EVSE"), as a "Last Resort." Areas of Last Resort are locations that have not generated private investment interest for a minimum of 12 months after the EDC program has begun, for overburdened communities, or 18 months for other areas.

[3] Make-Ready from the meter to the charger stub includes the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of EVSE, including, but not limited to, Level Two EVSE and DCFCs. Making a site Charger-Ready includes expenses related to service panels, junction boxes, conduit, wiring, etc., necessary to make a particular location able to accommodate EVSE on a "plug and play" basis. "Make-Ready" is synonymous with the term "Charger-Ready" as used in and defined in the MFR Order.

Administrative services relating to the EV Driven Program. The estimated cost for this subprogram was $18.347 million.

JCP&L proposed to implement a non-bypassable cents per kilowatt hour ("kWh") rate through a new tariff offering, "Rider EV", which would be applicable to all JCP&L distribution customer rate classes to recover the costs associated with the EV Driven Program. JCP&L proposed to implement the Rider EV rate effective January 1, 2022. As proposed, JCP&L estimated that the revenue requirement for the initial Program year would be $2.852 million.

<u>Rate Design Modifications</u>

Off-Peak Rate Incentive

JCP&L proposed an off-bill/off-peak credit to eligible customers under its Residential Customer subprogram and Multi-Family Component of its Mixed-Use Commercial Customer subprogram for charging during off-peak hours. In applying this credit, JCP&L proposed to provide a $0.02 per kWh credit for net off-peak kWh usage occurring at a customer's smart EV L2 Charger.[4]

Demand Charge Credit

JCP&L proposed a demand charge credit for participants in its DCFC Public Charging subprogram. As proposed, a credit would be applied monthly to the demand component of the participant's bill for the discount applicable to the respective program year. JCP&L proposed to provide the following demand discounts each year: 50% for Program years 1 and 2, 25% for Program year 3, and 0% for program year 4.

PROCEDURAL HISTORY

By Order dated March 24, 2021, the Board determined that the 2021 Petition should be retained by the Board, pursuant to N.J.S.A. 48:2-32, and designated Commissioner Robert M. Gordon as the presiding officer ("March 2021 Order"). Further, the March 2021 Order directed that any entities seeking to intervene or participate in this matter file the appropriate application with the Board by April 26, 2021.[5]

By Order dated May 26, 2021, Commissioner Gordon issued a Prehearing Order, with Procedural Schedule and Order on Motions to Intervene or Participate ("Prehearing Order"). In the Prehearing Order, intervener status was granted to ChargePoint, Tesla, CEV, and Zeco Systems, Inc. d/b/a) Greenlots, and participant status to Alliance for Transportation Electrification and Public Service Electric and Gas Company.[6]

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[4] Net off-peak kWh Usage is calculated as kWh usage recorded by the customer's smart EV L2 Charger during off-peak hours less kWh usage recorded by the customer's smart EV L2 Charger during on-peak hours. Net off-peak kWh usage must result in a positive value for the customer to receive a credit. JCP&L proposed to use a third-party vendor to determine and remit the credit on a quarterly basis, separate from the customer bill.

[5] <u>In re the Verified Petition of Jersey Central Power and Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism</u>, Order Designating Commissioner, Setting Manner of Service and Bar Date, BPU Docket No. EO21030630, Order dated March 24, 2021.

[6] <u>In re the Verified Petition of Jersey Central Power and Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism</u>, Order with Procedural Schedule and Order on

On July 16, 2021, Commissioner Gordon issued an Order granting JCP&L's request to implement a 30-day extension for all deadlines and hearing dates in the Procedural Schedule.[7]

On August 19, 2021, Commissioner Gordon issued an Order granting JCP&L's request to further extend the Procedural Schedule by approximately 90 days to allow sufficient time to explore settlement issues.[8]

By Order dated November 23, 2021, Commissioner Gordon suspended the Procedural Schedule and deadline for submission of documents, and adjourned the evidentiary hearings in this matter to afford the parties additional time to finalize any remaining settlement issues.[9]

Following proper public notice, public hearings were held telephonically on December 7, 2021, at 4:30 pm and 5:30 pm.[10] No public comments were made at the hearing and no written comments were filed with the Board.

STIPULATION

Following extensive discovery and settlement meetings, the Signatory Parties executed the Stipulation, which provides the following:[11]

EV Driven Program Subcomponents, Budgets and Enrollment Process

13. The Signatory Parties agree that the total budget for the JCP&L EV Driven Program shall be $39.88 million, of which the Company estimates $28.64 million will be Program Incentive costs (also referred to as "EV investment" in the EV Driven Cost Recovery section below) and $11.24 million will be Program Administrative costs (also referred to as "incremental EV-related O&M costs" in the EV Driven Cost Recovery section below).

Motions to Intervene or Participate, BPU Docket No. EO21030630, Order dated May 26, 2021.

[7] In re the Verified Petition of Jersey Central Power and Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism, Order Modifying Procedural Schedule, BPU Docket No. EO21030630, Order dated July 16, 2021.

[8] In re the Verified Petition of Jersey Central Power and Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism, Order Modifying Procedural Schedule, BPU Docket No. EO21030630, Order dated August 19, 2021.

[9] In re the Verified Petition of Jersey Central Power and Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism, Order Suspending the Procedural Schedule, BPU Docket No. EO21030630, Order dated November 23, 2021.

[10] Due to the COVID-19 pandemic, public hearings were held telephonically.

[11] Although summarized in this Order, should there be any conflict between this summary and the Stipulation, the terms of the Stipulation control, subject to the finding and conclusion in this Order. Paragraphs are lettered and/or numbered to coincide with the Stipulation.

14. The Signatory Parties agree that the JCP&L EV Driven Program will consist of the following Sub-programs and budgets, as set forth below and in Attachment A of the Stipulation. The Signatory Parties also agree that the detailed Subprogram and component budgets set forth in Attachment A of the Stipulation are estimates and the actual incurred amounts may differ as the Program is implemented, subject to the overall Program Incentive and Program Administrative cost budgets set forth in Paragraph 13 of the Stipulation.

Residential Customer Sub-program

15. Under this Sub-program, JCP&L will provide incentives for Make-Ready Work for the installation of qualified Level Two networked chargers ("Level Two" or "L2 Charger") at residential customers' residences. The Company will also provide certain bill credits for customers that meet the eligibility requirements to encourage use of the EV chargers during off-peak hours.

16. The Utility Make-Ready Incentives for the Residential Customer Sub-program were budgeted based on 10% or 200 of the residential installations requiring Utility Make-Ready Work[12], which Utility Make-Ready Work is assumed for budgeting purposes to include a new overhead or underground service wire, a new transformer and a new pole.

17. The Utility Make-Ready Work at each location will be site-specific. For eligible participants, the Utility Make-Ready incentive will be based upon the actual cost of the Utility Make-Ready Work for each installation, up to $5,500 per qualifying installation site. All applicants must advance the cost of the Utility Make-Ready Work to ensure that the service upgrade is for the purpose of supporting EV charging and that the customer follows-through with the charger installation. JCP&L will pay the incentive within 45 days after the Company confirms that the customer has satisfied all Program requirements.

18. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work[13] up to $1,500 to a customer who installs a qualified L2 Charger. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 2,000 participants and will be available to residential customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready Work and that the cost of the charger, itself, is excluded.

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[12] "Utility Make-Ready Work" means activities and facilities needed to upgrade an electric service or JCP&L distribution facilities on the Company's side of the meter to accommodate EV service equipment, such as service upgrades from the pole to meter or distribution system upgrades.

[13] "Customer Make–Ready Work" means activities and facilities from the meter to the charger stub and includes the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Service Equipment ("EVSE"), including, but not limited to, Level Two EVSE and DCFCs. Making a site Charger-Ready includes expenses related to service panels, junction boxes, conduit, wiring, etc., necessary to make a particular location able to accommodate EVSE on a "plug and play" basis. "Make-Ready" is synonymous with the term "Charger Ready" as these terms are used in and defined in the EV Filing Order. See EV Filing Order, at p. 16.

19. The Company will also provide a 2 cent/kWh off-peak charging credit for participants in the Residential Customer Sub-program, as well as existing residential customers that apply with qualifying EV chargers. This credit will be in the form of an on-bill credit, applied to the net off-peak kWhs for EV charging (off-peak kWhs less on-peak kWhs for EV charging). JCP&L will provide the on-bill credits on a quarterly basis, which bill credits will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first.

Mixed-Use Commercial Customer Sub-program

20. The Mixed-Use Commercial Customer Sub-program will be comprised of three (3) components: 1) Public/Community-based component; 2) Workplace Component; and 3) Multi-Family Component. Participation in the Public/Community-based component and the Workplace Component may require installation of a separate JCP&L-metered service. Participation in the Multi-family and Multi-family in Overburdened Communities components will require installation of a dedicated JCP&L-metered service for EV charging.

21. The Signatory Parties further agree that, in addition to the specific elements outlined in Paragraphs 22 – 27 of the Stipulation, all three (3) components of this Sub-program include an incentive for Utility Make-Ready Work. JCP&L has assumed that a new service will be required for every location where one or multiple L2 charging ports are installed. For budgetary purposes, JCP&L's assumption is that there will be an average of four (4) charging ports at each location, so Utility Make-Ready Work will be required at 225 locations.

22. The Utility Make-Ready Work for each location will be site specific; however, JCP&L has assumed for budgetary purposes that the Utility Make-Ready Work will include new single-phase underground primary cable, a pad mounted transformer, and a new pole. JCP&L has estimated the cost of the new service at $11,100 per location. For eligible participants, the Utility Make-Ready incentive will be based upon the actual cost of the Utility Make-Ready Work for each installation, up to $11,100 per qualifying installation site. All applicants must advance the cost of the Utility Make-Ready Work to ensure that the service upgrade is for the purpose of supporting EV charging and that the customer follows-through with the charger installation. JCP&L will pay the incentive within 45 days after the Company confirms that the customer has satisfied all Program requirements.

Public/Community based Component

23. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $6,700 per port to a customer who installs qualified L2 chargers. The requirement is a minimum of two (2) and a maximum of 10 charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 500 publicly-accessible L2 charging ports and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

Workplace Component

24. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work, up to $5,000 per port, to a customer who installs qualified L2 chargers that are publicly accessible at a workplace. The requirement is a minimum of two (2) and a maximum of 10 charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 100 publicly-accessible L2 charging ports installed at a workplace and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

Multi-family Component

25. Multi-family Other Than Overburdened Communities: JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $6,700 per port to a customer who installs qualified L2 chargers for use at a multi-family dwelling. For purposes of this program, multi-family dwelling is a complex with 5 or more units. The requirement is a minimum of two (2) and a maximum of ten (10) charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 150 publicly-accessible L2 charging ports installed at multi-family dwellings and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

26. Multi-family in Overburdened Communities: Fifty percent (50%) of the Multifamily Component is reserved for locations in Overburdened Communities as defined in the EV Filing Order.[14] JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $8,375 per port to a customer who installs qualified L2 chargers for use at a multifamily dwelling in Overburdened Communities. The requirement is a minimum of two (2) and a maximum of ten (10) charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 150 publicly-accessible L2 charging ports installed at multi-family dwellings within Overburdened Communities and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

[14] A map of NJ Overburdened Communities can also be found at the NJ Department of Environmental Protection website at https://www.nj.gov/dep/ej/communities.html.

27. JCP&L will offer a rate incentive specific to the Multi-family component. Participants will be billed at a rate equivalent to the residential tariff rate for EV charging, instead of the commercial tariff rate that would otherwise apply. The Company will also provide a 2 cent/kWh off-peak charging credit for participants in the Multi-family Sub-program. This credit will be in the form of an off-bill credit, applied to the net off-peak kWhs for EV charging (off-peak kWhs less on-peak kWhs used for EV charging). JCP&L will provide the off-bill credits on a quarterly basis; bill credits will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. The Company commits to investigate the feasibility of converting to an on-bill credit, once the residential on-bill credit has been developed and implemented.

DCFC Public Charging Sub-program

28. Utility Make-Ready Incentives for the DCFC Sub-program were budgeted assuming a new service will be required for every location where DCFC ports are installed. The Company's assumption is that there will be an average of two (2) charging ports at each location, so Utility Make-Ready Work will be required at 124 locations.[15] Participation in the DCFC Public Charging Sub-program will require installation of a dedicated JCP&L-metered service for EV charging.

29. The Utility Make-Ready Work for each location will be site specific, but JCP&L has assumed for budgetary purposes that a new three-phase underground primary cable, a 750 kVA pad mounted transformer (277/480V), metering CT's/PT's, and a new pole will be required. JCP&L estimates that the cost of the new service will be $50,500 per location. For eligible participants, the Utility Make-Ready incentive will be based upon the actual cost of the Utility Make-Ready Work for each installation, up to $50,500 per qualifying installation site. All applicants must advance the cost of the Utility Make-Ready Work to ensure that the service upgrade is for legitimate purpose and the customer follows-through with the charger installation. JCP&L will pay the incentive within 45 days after the Company confirms that the customer has satisfied all Program requirements.

30. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $25,000 per port to a customer who installs qualified DCFC chargers for public use.[16] The requirement is a minimum of two (2) and a maximum of four (4) charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 248 publicly-accessible DCFC charging ports and will be available to customers on a first-come, first qualify basis, which

[15] For the DCFC Sub-program, colocation of a non-Combined Charging System ("CCS") capable charger with one CCS capable charger makes a site eligible for 50% of the Make-Ready incentives; colocation with two (2) or more CCS capable chargers grants full Make-Ready eligibility to the site.

[16] Eligible installations for this Sub-program must satisfy the definition of "Publicly-accessible charging" as set forth in the Board's EV Filing Order at p. 17: "Publicly-accessible charging" means a charger located on public land, a community location, or a travel corridor. Such chargers are owned and operated by site owner, property manager or management company, EVSE Infrastructure Company or, in limited cases, an EDC that is accessible to the public 24 hours a day, seven days a week; however, generic parking restrictions or requirements, such as in a commercial garage, or emergency restrictions, including construction, street cleaning, etc., are not applicable. Such chargers may charge the EV owner a fee for charging; such fees will be clearly displayed to the user."

incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the chargers, itself, are excluded.

31. There will also be a demand charge discount provided to participants in the DCFC Public Charging Sub-program. The distribution demand charge discount will be 50% in the first and second Program years; and 25% in the third and fourth Program years. The discount will be provided for the demand charge portion of the bill related solely to the DCFC EV charging ports, and will be provided as an off-bill payment, which bill credits will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first.

32. The Signatory Parties agree that there will be no Last Resort DCFC Subprogram or Overburdened Communities Subprogram in this Program.

Consumer Education and Outreach Initiative

33. The Signatory Parties further agree that JCP&L will implement consumer education and outreach initiatives as part of its JCP&L EV Driven Program. The goals of this initiative are to inform and educate customers and market participants about the JCP&L EV Driven Program and EV benefits in general. More specifically, this initiative will:

- Increase public awareness of the JCP&L EV Driven Program;
- Increase awareness of EVs and EV charging infrastructure;
- Encourage interest in EVs through benefits of driving electric;
- Drive consideration of EVs through knowledge of EVs and charging infrastructure;
- Enhance intent through residential make-ready incentives;
- Inform evaluation through web portal and other means; and
- Encourage purchase of EVs through co-promotion of incentives for residential and public charging.

Program Budgets

34. The Signatory Parties agree that the JCP&L EV Driven Program total budget of $39.88M will consist of the following:

EV Investment

- Residential - $5.14M
- Mixed Use Commercial - $8.66M, which includes:
  - Multi-family – $1.45M
  - Multi-family LMI - $1.69M
  - C&I Level 2 - $5.52M
- DCFC Public - $14.84M

Incremental EV-related O&M costs

- Implementation, including consumer education and outreach - $11.24M

35 The Signatory Parties also agree that, as the Program is implemented, it may be necessary to reallocate funding levels between the Sub-programs, based on market demand, customer interest, and EV developer interest. Accordingly, the Program budgets may be allocated as follows:

- JCP&L will be allowed to reallocate the Sub-program budgets for the Residential Customer Sub-program, Mixed-Use Commercial Customer Sub-program and DCFC Public Charging Sub-program by up to 5% of each subprogram's total budget, upon notification to Staff and Rate Counsel (which notice shall be provided 30 days in advance of the change).

- JCP&L will be allowed to reallocate between 6% and 24% of each of these Sub-program budgets upon notification to Staff and Rate Counsel and subsequent written consent of Staff.

- JCP&L will be allowed to reallocate 25% and over of each of these Sub-program budgets upon Board approval.

36. All requests for budget adjustments shall be submitted to Staff and Rate Counsel. Staff retains the right to reject adjustments requiring Staff notification. All requests for budget adjustments, including those necessitating Staff approval, shall be submitted to Staff and Rate Counsel with a written description of and rationale for the proposed transfers, and objections, if any, shall be made within 30 days.

Program Implementation and Associated Issues

37. The JCP&L EV Driven Program will be a four (4) year program. Enrollment will be on a "first-come, first-served" basis. Enrollment in each Sub-program or subcomponent of the Program will continue until the budget for that Sub-program or subcomponent has been exhausted or four (4) years has elapsed, whichever comes first. All Program make-ready incentives and rate incentives will terminate when the budget for each has been exhausted. Expenditures on education and outreach will be curtailed for each Sub-program when all planned incentives have been issued or as the budget for education and outreach is exhausted, whichever occurs first.

38. If there is any portion of the Program budget remaining at the end of the four (4) year program period, JCP&L, in its sole discretion, may file a petition with the Board to extend the Program for an additional period of time, but shall be under no obligation to do so.

39. The Signatory Parties further agree that the Company will develop appropriate applications for each of the Sub-programs within the overall JCP&L EV Driven Program. These applications will be publicly available on the Company's website. JCP&L will also have a dedicated email address and inbox for inquiries about the JCP&L EV Driven Program, through which customers and potential participants can ask questions and request additional information.

40. Assuming Board approval of the Stipulation, the Company will begin accepting applications within 30 days after the effective date of the Board Order. The Program enrollment procedures will follow the flow charts on Attachment B of the Stipulation.

41. Based on the processes set forth in Attachment B of the Stipulation, JCP&L will establish Terms and Conditions that govern the specific aspects of each part of the JCP&L EV Driven Program. The Terms and Conditions will be posted to the Company's website and each aspect of the Program will be supported by a customer website-landing page explaining the Program, providing a way to enroll in the Program via the landing page and a set of frequently asked questions ("FAQs"). The Company will implement the Program through a combination of Company employees, contractors and vendors including the use of third-party call centers. Payment of all Incentives will require that customers and site hosts comply with all pertinent Terms and Conditions and demonstrate that make-ready work has been completed and the EV charging facility is operational.

42. For each Sub-program and component of the JCP&L EV Driven Program, all customers, including customers with behind the meter solar PV generation and/or battery storage will be eligible to participate in all Program incentives, so long as they satisfy all Program requirements. JCP&L shall not disqualify a customer from participating in any other current program or tariff offered by JCP&L, solely on the basis of such customer's participation in any Sub-program and component of the EV Driven Program.

43. No one program participant in a site ownership capacity shall account for more than 50% of an offering's total program budget in totality for all of the entity's locations in the following Sub-programs:

- Mixed Use Commercial Sub-program Incentives including Public, Workplace, Multifamily and Utility Make-Ready components.

- DCFC Public Charging Sub-program Customer and Utility Make-Ready incentives.

44. If a single program participant in a site ownership capacity hits the 50% participation cap in any of the listed Sub-programs, there will be an opportunity for that site host or customer to petition for further budget inclusion, which may be granted contingent upon approval by the Board. JCP&L is in the process of mapping its distribution system for the purpose of identifying areas where EV infrastructure buildout would be suitable under the Program. These maps will be posted to the Company's website within 90 days of a final BPU Order approving the Stipulation. JCP&L will update these maps on a regular basis (at least biannually) and make them available to the public in a timely manner to provide reasonably current maps indicating those locations that may have available distribution system capacity for EV charging in JCP&L's territory. The Company-prepared maps will be posted for information only and will not be used by the Company in processing specific applications to participate in the Program. The Company further agrees that it will comply with any regulations promulgated by the Board regarding mapping EV sites and capacity.

<u>JCP&L EV Driven Program Cost Recovery</u>

45. The Company will invest in EV infrastructure as described in Paragraphs 13 and 35 of the Stipulation. Until being rolled into base rates, as described further below, those EV related capital costs shall be deferred and placed in a regulatory asset, for recovery in the Company's next base rate case, to be filed no later than July 1, 2026[17] ("Next Base Rate Case"). Incremental EV-related O&M costs as defined above in Paragraphs 13 and 35 of the Stipulation will be deferred separately for recovery in the Company's Next Base Rate Case. Nonetheless, all costs incurred in connection with this proceeding remain subject to prudence review in the Next Base Rate Case.

46. The costs associated with the EV investment that are likely to be in-service by the end of six (6) months after the end of the test year in the Company's Next Base Rate Case, if determined by the Board to be reasonable and prudent, shall be reflected in the rates established in that case, consistent with the Board's Elizabethtown Water[18] standards.

47. JCP&L EV investment that is not likely to be in-service by the end of six (6) months after the end of the test year, shall be deferred and placed in a regulatory asset, as described in the Stipulation. The Signatory Parties agree the Next Base Rate Case will remain open solely for the purpose of including the EV investment placed in service more than six (6) months after the end of the test year in the Next Base Rate Case will be reviewed and placed into rates, if deemed reasonable and prudent, as soon as practicable after the associated infrastructure has been placed into service, through annual roll-in filings following the Next Base Rate Case. The annual roll in filings will include three (3) months of forecast data that will be trued-up with actual data no later than 20 days after the end of the final forecast month. The annual roll-in filing will request that new rates be implemented three (3) months after the end of the final forecast month. The schedule of such annual roll-in filings shall be determined in the Company's Next Base Rate Case. The Company shall make annual roll-in filings until all EV Program costs have been submitted to the Board for review and, if deemed reasonable and prudent by the Board, rolled into base rates.

<u>Cost Deferral Mechanism Details</u>

48. As noted above, the Company will either book or track, or some combination thereof, a regulatory asset ("EV Regulatory Asset") comprised of the EV investment described in Paragraphs 13 and 35 of the Stipulation.

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[17] As required by BPU Docket Nos. Q019010040 and E020090620.

[18] <u>In re Elizabethtown Water Company Rate Case</u>, BPU Docket No. WR8504330, Decision on Motion for Determination of Test Year and Appropriate Time Period for Adjustments, Order dated May 23, 1985.

49. The formula for the EV Monthly Investment Deferral component of the EV Regulatory Asset is:

EV Monthly Investment Deferral = (((Pre-Tax Cost of Capital / 12) * Average Monthly Rate Base) + Monthly Depreciation and/or Amortization Expense) + (Average Monthly Investment Deferral Balance * (WACC/12)

(a) The term "Pre-Tax Cost of Capital" means JCP&L's pre-tax overall weighted annual average cost of capital ("WACC") in effect at the time of the deferral. The WACC is based on the ROE, long-term debt and capital structure approved by the Board in JCP&L's most recently approved base rate case, which is currently 7.40%, or 9.34% on a pre-tax basis, based on current tax rates. Any change in the WACC authorized by the Board in a subsequent base rate case will be applied to EV investment in subsequent periods. In addition, any change to current tax rates will be reflected in the WACC in subsequent periods.

(b) The term "Average Monthly Rate Base" refers to the total of the beginning and ending monthly balances for the following items, divided by two (2):

- EV-related Utility Plant in Service and Regulatory Asset Gross Plant
- Less the associated Accumulated Depreciation and/or Amortization
- Less the associated Accumulated Deferred Income Tax

(c) The term "Depreciation and/or Amortization Expense" provides for the recovery of JCP&L's EV investment over the useful book lives of the assets as well as the recovery of the Program's regulatory assets. The EV investments are comprised of the following categories:

Investment Category	Depreciation/Amortization
Utility Make-Ready (pole to meter) - Capital	Applicable BPU-approved depreciation rate/life for respective plant accounts.
Utility Make-Ready (pole to meter) – Expense (Regulatory Asset)	As determined in Next Base Rate Case
IT Systems – Capital	Applicable BPU-approved depreciation rate/life or amortization period for respective plant accounts.
IT Systems – Expense (Regulatory Asset)	Five (5) years
Customer Make-Ready Incentives - (Regulatory Asset)	Five (5) years
Customer Rate Incentives – (Regulatory Asset)	Five (5) years

Any future changes in Board approved asset depreciation/amortization rates will be reflected in the deferral during the relevant future period.

(d) The term “Average Monthly Investment Deferral Balance” refers to the cumulative sum of the Monthly Investment Deferrals at the beginning and the end of each month divided by two (2). The term “WACC” refers to the Company’s annual weighted average cost of capital from its most recently approved base rate case. Any change in the WACC authorized by the Board in a subsequent base rate case will be utilized.

50. JCP&L’s Next Base Rate Case will include a request for recovery in base rates of all prudently incurred capital expenditures associated with the Program. Those costs will include the EV Regulatory Asset described above, actual costs of engineering, design, and construction, and deferred cost of removal (net of salvage), including actual labor, materials, overhead, and capitalized Allowance for Funds Used During Construction associated with the projects (the “Capital Investment Costs”). Capital Investment Costs will be recorded, during construction, in an associated Construction Work In Progress (“CWIP”) account or in a Plant In Service account upon the respective investment being deemed used and useful. The Company will follow its current policies and practices with regard to capitalizing costs, including overhead. All JCP&L EV investment not recovered through a base rate case proceeding will be tracked separately from all other base investments.

51. The revenue requirement in the Next Base Rate Case or a subsequent base rate case, if applicable, will include a return of and on the EV Regulatory Asset defined in Paragraphs 48 and 49 of the Stipulation. The return on the deferred investment will be based on the approved WACC in the Next Base Rate Case, or subsequent base rate case, adjusted for income taxes and BPU and Rate Counsel assessment fees. The return of the deferred investment will be based on the Board-approved amortization/depreciation periods/rates as determined in the Next Base Rate Case or any other appropriate period approved by the Board.

52. The Company will defer incremental EV-related O&M costs as described in Paragraphs 13 and 35 of the Stipulation (“EV O&M Regulatory Asset”), with a monthly carrying charge at the prior month’s 2-year treasury rate plus 60 basis points, for recovery in the Company’s Next Base Rate Case. The amortization period for the Company’s EV O&M Regulatory Asset will be determined in the Next Base Rate Case.

53. For the EV investment that is placed into service, but not yet reflected in customer base rates, the Company will either record or track, or some combination thereof, a monthly accrual of a deferred return that will be capitalized and included in the plant balance, for ratemaking purposes. For ratemaking purposes, depreciation expense will not begin on JCP&L EV investment until reflected in base rates in the Next Base Rate Case or any subsequent base rate case or rate case reopener. Since depreciation expense must be booked when the investment is placed in service for tax and financial reporting purposes, the Company will defer the depreciation in the EV Regulatory Asset.

Cost of Service and Rate Design

54. The Signatory Parties further agree that JCP&L will perform a Cost of Service Study ("COSS"), based upon EV Charging Data available to JCP&L, to develop and present an EV specific rate schedule or new EV provisions under the Company's existing residential and nonresidential rate schedules in its Next Base Rate Case for applicable customers. Additionally, as referenced in the Board's November 17, 2021 Order (BPU Docket No. ER21030631), the Company will adhere to all applicable aspects of the aforementioned Board Order, including, but not limited to, the collection of EV charging data required to support the review and potential establishment of EV specific Basic Generation Service rates.

55. Commercial EV COSS. The Signatory Parties agree that the Company will perform a COSS based on the EV Charging Data available to JCP&L to develop and present a non-residential EV specific rate schedule or new EV provision under existing non-residential rate schedules in its Next Base Rate Case for commercial customers. The Signatory Parties further agree, subject to customer consent, to collect agreed-upon EV data required to support the establishment of Basic Generation Service ("BGS") rates for rate options discussed above in a future BGS proceeding.[19]

56. Distribution Grid Impact Study. The Company will perform a Distribution Grid Impact Study ("DGIS") and submit it to the Board as part of the Integrated Distribution Plan ("IDP") required under New Jersey's Energy Master Plan. The IDP will consider, inter alia, the impact of anticipated growth in EV charging on the Company's electric distribution system.

57. In order to facilitate the COSS in the aforementioned paragraphs, as well as to support the calculation of the demand charge for DCFC charging discussed in the DCFC Public Charging Sub-program section of the Stipulation, JCP&L and/or the Company's contractors performing the studies must have access to EV Charging Data, with provisions to ensure that adequate data privacy and security measure are in place. Therefore, to be eligible for the EV incentives, program participants must agree to share session-level EV Charging data with JCP&L. For purposes of this agreement:

- "EV Charging Data" may include plug-in/plug-out transactions per vehicle and includes: timestamps showing session duration (between plug-in and plug-out); charging duration; energy delivered (kilowatt-hour); average power during charging session (kilowatt); and other information as may be determined to be necessary by the Company during program implementation. Additionally, for EV charging that is concluded on a meter that is not an EV charging-only dedicated meter, with the exception of minor ancillary items such as lighting, the data requirement further includes: timestamps showing when customers plug-in and plug-out; timestamps showing when charging starts and when it ends; peak power delivered during charging session (kilowatt); and interval data (15

[19] The Parties acknowledge that JCP&L's EV Program will not be starting until the second quarter of 2022; therefore, JCP&L may not have sufficient EV Charging Data in time to incorporate it into the 2022 BGS filing.

minutes or shorter) for the charging duration.

- Data should be submitted to JCP&L at least quarterly.

- JCP&L will work collaboratively with the Signatory Parties regarding additional details as to the type, period, and frequency of non-residential customer EV Charging Data delivery, as well as the delivery format and methods; and to refine data report requirements for specific technology and use cases during program implementation to ensure that reported data effectively informs program analysis. The Signatory Parties agree that data quality, format, and delivery must be deemed by JCP&L within its reasonable discretion to be sufficient to facilitate necessary processes to enable the programs contemplated in the Stipulation.

- EV Charging Data will be aggregated by JCP&L for the purposes set forth in the Stipulation.

Pending the development and implementation of a Third-Party Data Access Plan in accordance with the terms of Paragraph 62 of the Stipulation, JCP&L agrees to treat EV Charging Data provided as a condition of service or eligibility for the Company's EV programs as confidential and proprietary to the providing party, and agrees to maintain the confidentiality of the information provided to JCP&L. The Company further agrees that it will comply with any regulations promulgated by the Board regarding access to, and the use of EV Charging Data.

Applicable Public Funding

58. If funding or credits from any subsequent State or federal action or program becomes available to the Company through the federal government, State of New Jersey, a County or Municipality for installation or project reimbursement, the Company agrees that any such funds or credits applicable to work related to any of the JCP&L EV Driven sub-programs referenced in the Stipulation will be used to benefit customers by offsetting the costs for which recovery will be sought to the extent permitted by law. The Company will also require program participants to disclose if they are seeking public funding, and in no case shall the combination of rebates or other direct incentives, including: 1) any Federal funding, 2) other State, any other Government entity, or New Jersey Clean Energy Program incentive funding, and 3) incentives provided as part of this approved Program (excluding program incentive financing) fund more than 90% of the total project cost at the time of installation. If it is determined that an installation or project would be funded in excess of 90% of the project's total cost through rebates or incentives, the Parties agree that, subject to any restrictions set forth in the enabling law and other applicable law, incentive funding approved as part of this program shall be reduced to bring the total rebates and incentives to no more than 90% of the total project cost. The determination of the funding sources for a project shall be based on a certification by the program customer or participant. Nothing in this paragraph shall reduce the Company's ability to invest up to $28.64 million pursuant to the Program, as described in Paragraphs 13 and 35 in the Stipulation. Additionally, the Company may increase the number of sites eligible for incentives as described herein above, to the extent necessary to meet this level of investment if the application of this paragraph results in excess available Program funding.

Reporting

59. JCP&L will provide semi-annual reports on the EV-Driven deployment to the Staff, and Rate Counsel, and will post the reports on the Company's website, which is accessible to all other parties, setting forth the following information:

- the estimated quantity of work and the quantity completed to date or, if the activity cannot be quantified with numbers, the major tasks completed, e.g., Residential, Mixed Use Commercial L2, and DCFC Public Charging Make Ready units completed and number of service upgrades;

- the number of applications received for each program and the amount of incentives paid; • the forecasted and actual EV Driven program incentives, including capital costs, to date for the reporting period and for the program-to-date; and

- the forecasted and actual EV Driven O&M expenses to date for the reporting period and for the program-to-date.

The project expenditures shall be broken out between labor, material and other costs. The initial report will be submitted by September 1, 2022 based on actual results through June 30, 2022. The second semi-annual report will be submitted by March 1, 2023 based on actual results through December 31, 2022. The Company will continue to submit semi-annual reports by March 1st and September 1st of each year through the end of the EV Driven Program investment.

Metering and Data Collection

60. The following metering and data collections requirements will apply to each Subprogram under the JCP&L EV Driven Program:

- All participants must have new, qualified Level 2 chargers (or DCFC chargers for that Subprogram) that are networked (i.e., charging stations or chargers with equipment capable of sending and receiving communications via Wi-Fi or a cellular network). Residential customers with existing EV chargers may be eligible for the 2 cent/kWh off-peak charging credit, assuming the existing charger is capable of sending and receiving communications via Wi-Fi or a cellular network.

- Participants will provide the following data to JCP&L and additional information as requested by the BPU -- the number of charging events, time and date, total kWh dispensed, average kWh per charging event, and average duration of charging events.

- JCP&L shall provide no less than two hardware vendors and two software vendors prequalified as compatible with the technical needs of its program.

61. Charging Data – Third Parties. Upon consent, customers may choose to, but are not required to, share their EV Charging Data, including, for example, but not limited to, the number of charging events, times, duration, usage and load profile with other third parties such as third-party suppliers ("TPSs") and energy services market participants. A customer's consent to provide EV Charging Data to JCP&L as a condition of service or eligibility for the Company's EV programs to facilitate a COSS [or DGIS] does not constitute consent to provide data to third parties for other, non-Company purposes. The Signatory Parties acknowledge that a customer's EV Charging Data may constitute confidential or proprietary data in accordance with New Jersey laws and regulations and agree to treat any such data in accordance with applicable laws and regulations.

62. Charging Data Access. The development of an EV Charging Data access plan to facilitate third-party access to Customer EV Charging Data ("Third-Party Data Access Plan") shall be deferred pending the final outcome of the statewide proceeding at Docket No. QO20050357 and the resulting rulemaking process related to the MFRs for light-duty EVs. If that statewide proceeding does not produce a Board-approved Third-Party Data Access Plan within 300 days of a BPU Order approving JCP&L's Petition, then within 60 days after that period, BPU Staff, with the assistance of JCP&L, will convene at least one (1) meeting with the parties to discuss the data access issues raised by the Market Participants in this proceeding. The data access issues included in testimony submitted by the Market Participants and JCP&L in this proceeding may be supplemented at that time. The Signatory Parties agree to use best efforts to reach agreement on third-party EV Charging Data access within 120 days of the initial stakeholder meeting. Consideration of the Third-Party Data Access Plan shall include evaluation of data aggregation provisions and reporting requirements, which may include, but are not limited to, location (latitude/longitude), charging session duration, session frequencies, load curves, and utilization of home charging. If there is no agreement on the third-party data access issues within 120 days, this proceeding will be reopened for the limited purpose of adjudicating data access issues, and the parties may supplement the record on third-party data access issues at that time.

63. Network Data. All customers or stations receiving an incentive must be networked (i.e., charging station capable of sending and receiving communications via Wi-Fi or cellular network). Site owners and operators may purchase the smart networked charging hardware and network technology of their choice from no less than two hardware vendors and two software vendors prequalified by JCP&L as compatible with the technical needs of its electric distribution system for make-ready eligibility. Consistent with the MFR Order, "site owner and operator" means site host, property manager, an EVSE Infrastructure Company, or an EDC with Board approval that is responsible for installing EVSE. For purposes of the Stipulation, "site host" means the entity that owns, leases, manages, or otherwise possesses the premises upon which the EV charging station is or is planned to be located for the purpose of charging an EV, and "site host" may or may not be the same entity as the station operator.

Comments on the Stipulation

Zeco Systems, Inc. d/b/a Shell EV Charging Solutions Americas (formerly d/b/a Greenlots) ("Shell") provided comments on the Stipulation. Shell did not object to the Stipulation, but did not join the Stipulation citing concerns over the funding levels included in the Stipulation. Shell Comments at 2. Shell indicated that it supports the Signatory Parties' view that the proposed programs will advance transportation electrification in New Jersey by incentivizing the deployment of EV charging infrastructure, and stated that if approved, these programs will play an important role in making progress toward the State's objectives. Ibid. However, Shell expressed a belief that the caps on incentive levels were too low to encourage significant and rapid new EV charging infrastructure, particularly with regard to DCFCs. Id. at 3. In addition, Shell raised concerns about the removal of the Last Resort DCFC and Overburdened Subprograms, citing both as key to promoting EV adoption in the State. Id. at 5. Shell suggested that the Board reconsider the role of utility ownership of EV charging stations in New Jersey, and reevaluate the procedure for utilities to seek approval for proposed site locations. Id. at 7.

DISCUSSION AND FINDINGS

The Board is cognizant that not all parties signed the Stipulation in this proceeding. In evaluating a proposed settlement, the Board must review the record, balance the interests of the ratepayers and the shareholders, and determine whether the settlement represents a reasonable disposition of the issues that will enable the Company to provide its customers in this State with safe, adequate and proper service at just and reasonable rates. In re Petition of Pub. Serv. Elec. & Gas, 304 N.J. Super. 247 (App. Div.), certif. denied, 152 N.J. 12 (1997). The Board has carefully reviewed the record in this matter, including the 2021 Petition, extensive stipulated discovery and comments from the public hearings, the Stipulation, and the comments on the Stipulation submitted by Shell. As discussed below, the Board finds that the Stipulation represents a fair and reasonable resolution of this matter and is in the public interest.

In reaching its determination herein, the Board is mindful of the legislative and policy context in which it acts. The Board is committed to Governor Murphy's stated goal of having 330,000 EVs on New Jersey's roads by 2025.[20] The Governor's objectives were endorsed and amplified by the Legislature with the passage of the Electric Vehicle Act of 2020 ("EV Act"), N.J.S.A. 48:25-1 et seq., highlighting the importance of addressing range anxiety through the build-out of EV charging infrastructure.[21] The EV Act adopted aggressive targets for installation of EV chargers over the next five (5) years.[22] In addition, through the MFR Order, the Board began to lay the groundwork for EV charging in New Jersey. The Board **FINDS** that the Stipulation furthers State EV policy as expressed by the EV Act and Governor Murphy's stated EV goals.

Having found that the proposed Stipulation furthers State EV policy, the Board now turns to the comments submitted by the non-signatory party. The Board carefully considered the comments submitted by Shell regarding utility investment, incentive levels, specific subprograms, and the role of utility ownership of EV charring stations. The Board notes that while the Stipulation does

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[20] *Governor Murphy Announces State Interagency Electric Vehicle Partnership*, June 3, 2019, available at https://www.nj.gov/governor/news/news/562019/20190603b.shtml.

[21] The EV Act, N.J.S.A. 48:25-1 et seq., directs the New Jersey Board of Public Utilities to adopt policies and programs to advance the adoption of electric vehicles and the development of EV charging infrastructure.

[22] N.J.S.A. 48:25-3.

not include a specific Overburdened Communities program, incentive bonuses for Overburdened Communities are embedded into the program to address equity concerns.

The Board further notes that while the goals established in the EV Act are aggressive, they are not goals for publicly funded charging, but for the industry as a whole. The Board **FINDS** that the funding levels included in the Stipulation are adequate and that the "Shared Responsibility" model adopted in the MFR Order and in the Stipulation appropriately prioritizes private investment over utility ownership.

With respect to comments encouraging utility ownership, the Board points to its previous findings that ownership and operation of EV charging stations should be driven by the market, and, therefore, EVSE Infrastructure Companies, site owners, and property management companies are the preferred owners and operators of EVSE.[23] However, there are occasional and narrow instances where it is appropriate for the utility to own and operate EV charging stations. The Board reiterates its finding that those narrow instances shall be addressed by future petitions for areas of Last Resort.[24] The MFRs adopted in the MFR Order provide utilities the opportunity to file a petition for ownership of charging stations in areas of Last Resort 12 months after the program began in overburdened areas and 18 months in all other areas. Without information on how many or where such areas of Last Resort are, utilities cannot appropriately petition the Board and justify use of ratepayer dollars for such investment. The Board **FINDS** that after the prescribed timelines JCP&L may petition the Board for approval of areas of Last Resort.

Having carefully considered the comments on the Stipulation submitted by Shell, the Board **FINDS** that the Stipulation represents a fair and reasonable resolution of this matter and is in the public interest.

The Stipulation modifies the 2021 Petition in several ways. Pursuant to the MFR Order, subprograms relating to Last Resort ownership of EV charging stations by utilities will be addressed in future filings in a cohesive and transparent manner as outlined in the MFR Order.

The Company's EV program, as detailed in the Stipulation, contains a variety of offerings including residential, multi-unit dwelling, workplace, and public charging. Each of these individual facets of EV charging is critical to light-duty EV charging, and the offerings here begin to lay the foundation for decreased range anxiety in the State. Additionally, the Stipulation addresses barriers to multi-unit dwelling charging infrastructure, which have been identified as an equity issue in many overburdened areas.

By bridging the gap between public and private roles in EV infrastructure build-out through the shared responsibility model the Board established in the MFR Order, barriers to electrification of the transportation sector are lessened and provide long-lasting benefits for residents who utilize this technology. The Company's EV programs, as revised in the Stipulation, align with the policy initiatives of the Board and the State by providing necessary services to the residents of New Jersey and by providing information that will inform future developments in the EV market and continue the growth and benefits that the electrification of transportation brings.

The Board acknowledges that the cost recovery mechanism agreed to by the Signatory Parties will allow the Company to establish a regulatory asset to be reviewed in its next base rate case.

[23] MFR Order at 25.

[24] Id. at 26.

The Board is persuaded that the mechanism proposed in the Stipulation allows the Company to seek recovery for program expenditures that have been placed in service in future base rate cases. These costs will be subject to review by Board and the parties. The Board believes the cost recovery mechanism adopted in the Stipulation strikes an effective balance between giving the Company an opportunity to recover prudent and reasonable program costs while still protecting ratepayers from paying more than is necessary. The Stipulation goes further and requires the Company to provide semi-annual reports that include project expenditures, which will serve as an additional protection to ratepayers. Finally, the Board notes that the Stipulation requires the Company to conduct a COSS to determine a cost-based rate for EV charging sites operating on the Company's distribution system, and seek the Board's approval to impose the rate(s) determined in that COSS in a future base rate proceeding.

The Board carefully reviewed the record in this proceeding, including the 2021 Petition, extensive stipulated discovery and comments from the public hearings, the Stipulation, and the comments filed in response to the Stipulation. The Board **FINDS** that the negotiated terms of the Stipulation appropriately balance the interests of the Company, the parties and the ratepayers.

EV adoption is a central component to the 2019 Energy Master Plan and the Board has made significant progress in the last few years, including launching the country's most generous EV incentive program to great success in 2020. The Board is committed to upholding the Legislature and the Governor's goals to combat the consequences of climate change through the electrification of the transportation sector. The Board understands that all of New Jersey — its residents, its businesses, its economy, its environment — will benefit from the widespread adoption of EVs. The Board continues its support of EV adoption this year through its rulemaking called for as part of the light-duty minimum filing requirements and through the Medium and Heavy Duty Vehicle ("MHDV") Straw Proposal that the Board released in fiscal year 2021.[25] Moreover, the Board continues to collaborate with other State agencies to ensure a coordinated effort to encourage EV adoption statewide. As stated above, the Stipulation in this proceeding furthers the State's goal of EV adoption.

The Board **HEREBY FINDS** the Stipulation to be reasonable, in the public interest, and in accordance with the law. Therefore, the Board **HEREBY ADOPTS** the attached Stipulation in its entirety, and **HEREBY INCORPORATES** its terms and conditions as if fully stated in this Order.

The Board **HEREBY RATIFIES** the decisions made by Commissioner Gordon during the pendency of this proceeding for the reasons stated in his decisions and Orders.

The Board **HEREBY ORDERS** JCP&L to file revised tariff sheets conforming to the terms of the Stipulation prior to June 30, 2022.

The Company's costs, including those related to the Program, remain subject to audit by the Board. This Decision and Order shall not preclude nor prohibit the Board from taking any actions deemed to be appropriate as a result of any such audit.

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[25] In the Matter of Medium and Heavy-Duty Electric Vehicle Charging Ecosystem, BPU Docket No. QO21060946.

The effective date of this Order is June 15, 2022.

DATED: June 8, 2022

BOARD OF PUBLIC UTILITIES
BY:

JOSEPH L. FIORDALISO
PRESIDENT

MARY-ANNA HOLDEN
COMMISSIONER

DIANNE SOLOMON
COMMISSIONER

UPENDRA J. CHIVUKULA
COMMISSIONER

ROBERT M. GORDON
COMMISSIONER

ATTEST:

CARMEN D. DIAZ
ACTING SECRETARY

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM AND AN ASSOCIATED COST RECOVERY MECHANISM

BPU DOCKET NO. EO21030630

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COZEN O'CONNOR
A Pennsylvania Professional Corporation

May 2, 2022

Gregory Eisenstark
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VIA ELECTRONIC MAIL

Hon. Bob Gordon, Commissioner
NJ Board of Public Utilities
44 South Clinton Street, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625

Re: IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM AND AN ASSOCIATED COST RECOVERY MECHANISM
BPU Docket No. EO21030630

Dear Commissioner Gordon:

This firm represents Jersey Central Power & Light Company ("JCP&L") in the above-referenced matter.

Enclosed for filing is a Stipulation of Settlement, which has been executed by JCP&L, Board Staff, the Division of Rate Counsel, and intervenors Tesla, Inc., ChargePoint, Inc. and NJR Clean Energy Ventures Corporation. Intervenor Zeco Systems, Inc., dba Greenlots has not executed the Stipulation; however, JCP&L understands that Greenlots will be submitting correspondence indicating that it does not object to the Stipulation. If approved, the Stipulation will resolve all issues in this matter.

This letter is being filed in electronic format only, consistent with the Board's Order dated March 19, 2020 (Docket No. EO20030254) directing that all submissions to the Board, of any kind, be submitted electronically. No paper copies will follow and we would appreciate if the Board Secretary's office would please acknowledge receipt of this filing. Your anticipated courtesies and cooperation are very much appreciated.

Thank you for your consideration of this request.

Sincerely,

COZEN O'CONNOR

By: Gregory Eisenstark

cc: Service List (*via electronic mail*)

LEGAL\57643652\1

SERVICE LIST

IN THE MATTER OF THE VERIFIED PETITION OF JERSEY CENTRAL POWER & LIGHT COMPANY FOR APPROVAL OF AN ELECTRIC VEHICLE PROGRAM AND AN ASSOCIATED COST RECOVERY MECHANISM
BPU Docket No. EO21030630

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STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES

In the Matter of the Verified Petition of Jersey Central Power & Light Company for Approval of an Electric Vehicle Program and an Associated Cost Recovery Mechanism	**STIPULATION OF SETTLEMENT** BPU Docket No. EO21030630

TO THE HONORABLE COMMISSIONER ROBERT M. GORDON AND THE NEW JERSEY BOARD OF PUBLIC UTILITIES:

APPEARANCES:

Gregory Eisenstark, Esq., (Cozen O'Connor, PC, attorneys), for the Petitioner, Jersey Central Power & Light Company

Lauren Lepkoski, Esq., and **Joshua Eckert, Esq.,** FirstEnergy Service Company, for Petitioner, Jersey Central Power & Light Company

Maura Caroselli, Esq. (Deputy Rate Counsel), **Kurt S. Lewandowski, Esq.** (Assistant Deputy Rate Counsel) and **Brian Weeks, Esq.** (Deputy Rate Counsel), New Jersey Division of Rate Counsel (**Brian O. Lipman**, Esq., Director)

Terel Klein, Esq. Deputy Attorney General, for the Staff of the New Jersey Board of Public Utilities (**Matthew J. Platkin, Esq.** Acting Attorney General of New Jersey)

Murray Bevan, Esq. and **Jennifer McCave, Esq.,** (Bevan, Mosca & Giuditta, P.C., attorneys), for Intervenor ChargePoint, Inc.

Kevin Auerbacher, Esq., Associate General Counsel, for Intervenor Tesla, Inc.

Nathan C. Howe, Esq., (K&L Gates LLP, attorneys), for Intervenor Zeco Systems, Inc., dba Greenlots

Stephen J. Humes, Esq., (Holland & Knight, LLP, attorneys), for Intervenor NJR Clean Energy Ventures Corporation

This Stipulation of Settlement ("Stipulation") is hereby made and executed as of the dates indicated below, by and among the Petitioner, Jersey Central Power & Light Company ("JCP&L" or "Company"), the Staff of the New Jersey Board of Public Utilities ("Staff"), the New Jersey Division of Rate Counsel ("Rate Counsel"), ChargePoint, Inc. ("ChargePoint"), Tesla, Inc. ("Tesla"), and NJR Clean Energy Ventures Corporation ("NJR CEV") (collectively, "Parties").

The undersigned Parties do hereby join in recommending that the New Jersey Board of Public Utilities ("Board" or "BPU") issue an Order approving the Stipulation, based upon the following terms:

Background

1. On March 1, 2021, JCP&L filed a Verified Petition with the Board pursuant to the Board's September 23, 2020 Order in BPU Docket No. QO20050357 ("EV Filing Order") ("EV Program Filing"). Through the EV Program Filing and supporting pre-filed testimony, the Company proposed a JCP&L Electric Vehicle ("EV") Program ("JCP&L EV Driven Program" or "Program"). Under the Program, the Company proposed to offer incentives and rate structures that may support and encourage the development of EV charging infrastructure throughout the Company's service territory, thereby accelerating the adoption of EVs and providing benefits for JCP&L's residential, commercial and industrial customers.

2. As proposed, the Program would be comprised of the following six (6) Sub-programs: 1) Residential Customer Sub-program; 2) Mixed-Use Commercial Sub-program [with three (3) components]; 3) Direct Current ("DC") Fast Charger ("DCFC") Public Charging Sub-program; 4) Last Resort DCFC Charging Sub-program; 5) Overburdened Communities Sub-program; and 6) Consumer Education and Outreach initiative. The six (6) Sub-programs were

proposed to incentivize EV adoption throughout the JCP&L service territory, and thereby to support the attainment of the State's goals for EV adoption and the reduction of greenhouse gas ("GHG") emissions.

3. The following chart provides an overview of each of the as-filed, proposed Sub-programs, along with the proposed budgets:

Program Component	Description	Budget ($K)
Residential Customer Sub-program		
Customer Make-Ready Incentive	Incentive of $1,000 on up to 2,000 qualified smart L2 charger installations in customer residences	$2,000
Utility Make-Ready Work	Utility work for approximately 10% of above residences at $5,500 each	$1,100
Off-Bill/Off-Peak Credit	Off-Peak, Off Bill Rewards Incentive available to up to 2,000 EV owners that have an approved L2 Smart Charger	$1,107
Mixed-Use Commercial Customer Sub-program		
Public/Community-based Component	Incentive of up to $6,700 on up to 500 qualified smart L2 charger ports	$3,350
Workplace Component	Incentive of up to $6,700 on up to 100 qualified smart L2 charger ports	$670
Multi-Family Component	Incentive of up to $6,700 on up to 300 qualified smart L2 charger ports	$2,010
Utility Make-Ready Work	Utility work at approximately 225 charger locations at $11,100 each (assumes 4 charging ports/location)	$2,497
Rate design - Multi-family component	Off-Peak, Off Bill Rewards Incentive available to up to 2,000 EV owners that have an approved L2 Smart Charger	$899
DCFC Public Charging Sub-program		
Customer Make-Ready Incentive	Incentive of up to $25,000 on up to 200 qualified DCFC public charger ports	$5,000
Utility Make-Ready Work	Utility work at approximately 100 charger locations at $50,500 each (assumes 2 charging ports/location)	$5,050
Demand Charge Credit	Reduced demand charges - 50% in 2022 & 2023; 25% in 2024; 0% 2025	$1,169
Last Resort DCFC Sub-program		
JCP&L Own & Operate DCFC	20 DCFC charging ports at locations deemed as last resort with no interest from 3rd parties beginning in year 2024	$4,225
Overburdened Communities Sub-program		
Grants to Qualifying Organizations	Community organizations/nonprofits apply for grants to advance EV adoption, EV charging infrastructure, education	$2,500
Program Implementation Costs		
Implementation Costs	Data Collection/Networking, IT Systems, Administrative, Consumer Education and Outreach	$18,347
	O&M PROGRAM COST	***$33,682***
	CAPITAL PROGRAM COST	***$16,242***
	TOTAL PROGRAM COST	***$49,924***

4. Additional details about the Program components are set forth in the Company's EV Program Filing and pre-filed direct testimony.

5. The March 1, 2021 EV Program Filing also proposed a cost recovery mechanism for the Program. More specifically, JCP&L proposed to recover Program costs via a rate clause called "Rider EV." The proposed Rider EV would be a non-bypassable rate clause applicable to all distribution customer rate classes. JCP&L proposed that Rider EV become effective for service rendered on and after January 1, 2022, which was the proposed Program start date. Additional details about the proposed Rider EV are in the Company's EV Program Filing and the pre-filed direct Testimony of Kevin Siedt.

6. On March 19, 2021, Tesla filed a motion to intervene. On March 24, 2021, the Board issued an Order designating Commissioner Robert M. Gordon as Presiding Officer and set April 26, 2021 as the deadline for motions to intervene. On March 30, 2021, ChargePoint filed a motion to intervene. On April 26, 2021, NJR CEV filed a motion to intervene. Also on April 26, 2021, the Alliance for Transportation Electrification and Public Service Electric and Gas Company filed motions to participate. By Order dated May 26, 2021, Commissioner Gordon granted all the motions to intervene or participate and adopted a procedural schedule for the matter.

7. During the course of this proceeding, the Company has responded to written discovery requests from Staff, Rate Counsel, NJR CEV and ChargePoint.

8. Thereafter, the Parties engaged in discovery and settlement conferences. As part of such discussions, JCP&L responded to additional "informal" data requests of Rate Counsel. So as to continue settlement discussions, the Parties agreed to extend the procedural schedule by 30 days. On July 13, 2021, the Company filed a letter with Commissioner Gordon requesting

approval of this schedule extension. By Order dated July 16, 2021, Commissioner Gordon approved the schedule modification.

9. On August 13, 2021, the Parties agreed to extend the procedural schedule by an additional 90 days to allow JCP&L to provide additional details on certain aspects of the proposed Program, and for the Parties to continue settlement discussions. By Order dated August 19, 2021, Commissioner Gordon approved the schedule modification.

10. On November 12, 2021, the Parties agreed to suspend the procedural schedule to afford additional time to finalize a settlement. By Order dated November 23, 2021, Commissioner Gordon approved the suspension of the procedural schedule.

11. Notice of the EV Program Filing, including a statement of the overall effect thereof on customers of the Company, combined with notice of the dates, times and places of the public hearings scheduled thereon, was served by mail upon the municipal clerks, the clerks of the Boards of County Commissioners and, where appropriate, the County Executive Officers of all counties and municipalities located in the Company's service territory, in accordance with the regulations of the Board as set forth in N.J.A.C. 14:1-5.12(b)1. Such notice was duly mailed following the scheduling of the dates, times and places of the hearings thereon. Listings of the aforementioned public officials were contained in Appendices A-1, A-2 and A-3 to the Petition.

12. Following the publication of appropriate notices in newspapers of general circulation throughout the Company’s service territory, virtual public hearings on the EV Program Filing were held on December 7, 2021 (at 4:30 p.m. and 5:30 p.m.) at which time one member of

the public attended but did not comment on or ask questions regarding the EV Program Filing.[1] The Board has not received any written comments regarding the EV Program Filing.

Stipulation

The undersigned Parties **DO HEREBY STIPULATE AND AGREE** as follows:

EV Driven Program Subcomponents, Budgets and Enrollment Process

13. The Parties agree that the total budget for the JCP&L EV Driven Program shall be $39.88 million, of which the Company estimates $28.64 million will be Program Incentive costs (also referred to as "EV investment" in the EV Driven Cost Recovery section below) and $11.24 million will be Program Administrative costs (also referred to as "incremental EV-related O&M costs" in the EV Driven Cost Recovery section below).

14. The Parties agree that the JCP&L EV Driven Program will consist of the following Sub-programs and budgets, as set forth below and in Attachment A to the Stipulation. The Parties also agree that the detailed Subprogram and component budgets set forth in Attachment A to the Stipulation are estimates and the actual incurred amounts may differ as the Program is implemented, subject to the overall Program Incentive and Program Administrative cost budgets set forth in Paragraph 13.

Residential Customer Sub-program

15. Under this Sub-program, JCP&L will provide incentives for Make-Ready Work for the installation of qualified Level Two networked chargers ("Level Two" or "L2 Charger") at residential customers' residences. The Company will also provide certain bill credits for

[1] Due to the COVID-19 pandemic, public hearings were held telephonically.

customers that meet the eligibility requirements to encourage use of the EV chargers during off-peak hours.

16. The Utility Make-Ready Incentives for the Residential Customer Sub-program were budgeted based on 10% or 200 of the residential installations requiring Utility Make-Ready Work[2], which Utility Make-Ready Work is assumed for budgeting purposes to include a new overhead or underground service wire, a new transformer and a new pole.

17. The Utility Make-Ready Work at each location will be site-specific. For eligible participants, the Utility Make-Ready incentive will be based upon the actual cost of the Utility Make-Ready Work for each installation, up to $5,500 per qualifying installation site. All applicants must advance the cost of the Utility Make-Ready Work to ensure that the service upgrade is for the purpose of supporting EV charging and that the customer follows-through with the charger installation. JCP&L will pay the incentive within 45 days after the Company confirms that the customer has satisfied all Program requirements.

18. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work[3] up to $1,500 to a customer who installs a qualified L2 Charger. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 2,000 participants and will be available to residential customers on a first-come, first-qualify basis, which incentives will

[2] "Utility Make-Ready Work" means activities and facilities needed to upgrade an electric service or JCP&L distribution facilities on the Company's side of the meter to accommodate EV service equipment, such as service upgrades from the pole to meter or distribution system upgrades.

[3] "Customer Make–Ready Work" means activities and facilities from the meter to the charger stub and includes the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Service Equipment ("EVSE"), including, but not limited to, Level Two EVSE and DCFCs. Making a site Charger-Ready includes expenses related to service panels, junction boxes, conduit, wiring, etc., necessary to make a particular location able to accommodate EVSE on a "plug and play" basis. "Make-Ready" is synonymous with the term "Charger-Ready" as these terms are used in and defined in the EV Filing Order. *See* EV Filing Order, at p. 16.

terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready Work and that the cost of the charger, itself, is excluded.

19. The Company will also provide a 2 cent/kWh off-peak charging credit for participants in the Residential Customer Sub-program, as well as existing residential customers that apply with qualifying EV chargers. This credit will be in the form of an on-bill credit, applied to the net off-peak kWhs for EV charging (off-peak kWhs less on-peak kWhs for EV charging). JCP&L will provide the on-bill credits on a quarterly basis, which bill credits will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first.

Mixed-Use Commercial Customer Sub-program

20. The Mixed-Use Commercial Customer Sub-program will be comprised of three (3) components: 1) Public/Community-based component; 2) Workplace Component; and 3) Multi-Family Component. Participation in the Public/Community-based component and the Workplace Component may require installation of a separate JCP&L-metered service. Participation in the Multi-family and Multi-family in Overburdened Communities components will require installation of a dedicated JCP&L-metered service for EV charging.

21. The Parties further agree that, in addition to the specific elements outlined in Paragraphs 22 – 27 below, all three (3) components of this Sub-program include an incentive for Utility Make-Ready Work. JCP&L has assumed that a new service will be required for every location where one or multiple L2 charging ports are installed. For budgetary purposes, JCP&L's

assumption is that there will be an average of four (4) charging ports at each location, so Utility Make-Ready Work will be required at 225 locations.

22. The Utility Make-Ready Work for each location will be site specific; however, JCP&L has assumed for budgetary purposes that the Utility Make-Ready Work will include new single-phase underground primary cable, a pad mounted transformer, and a new pole. JCP&L has estimated the cost of the new service at $11,100 per location. For eligible participants, the Utility Make-Ready incentive will be based upon the actual cost of the Utility Make-Ready Work for each installation, up to $11,100 per qualifying installation site. All applicants must advance the cost of the Utility Make-Ready Work to ensure that the service upgrade is for the purpose of supporting EV charging and that the customer follows-through with the charger installation. JCP&L will pay the incentive within 45 days after the Company confirms that the customer has satisfied all Program requirements.

Public/Community based Component

23. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $6,700 per port to a customer who installs qualified L2 chargers. The requirement is a minimum of two (2) and a maximum of 10 charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 500 publicly-accessible L2 charging ports and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

Workplace Component

24. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work, up to $5,000 per port, to a customer who installs qualified L2 chargers that are publicly-accessible at a workplace. The requirement is a minimum of two (2) and a maximum of 10 charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 100 publicly-accessible L2 charging ports installed at a workplace and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

Multi-family Component

25. Multi-family Other Than Overburdened Communities: JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $6,700 per port to a customer who installs qualified L2 chargers for use at a multi-family dwelling. For purposes of this program multi-family dwelling is a complex with 5 or more units. The requirement is a minimum of two (2) and a maximum of ten (10) charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 150 publicly-accessible L2 charging ports installed at multi-family dwellings and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

26. Multi-family in Overburdened Communities: Fifty percent (50%) of the Multi-family Component is reserved for locations in Overburdened Communities as defined in the EV Filing Order.[4] JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $8,375 per port to a customer who installs qualified L2 chargers for use at a multi-family dwelling in Overburdened Communities. The requirement is a minimum of two (2) and a maximum of ten (10) charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 150 publicly-accessible L2 charging ports installed at multi-family dwellings within Overburdened Communities and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the charger, itself, is excluded.

27. JCP&L will offer a rate incentive specific to the Multi-family component. Participants will be billed at a rate equivalent to the residential tariff rate for EV charging, instead of the commercial tariff rate that would otherwise apply. The Company will also provide a 2 cent/kWh off-peak charging credit for participants in the Multi-family Sub-program. This credit will be in the form of an off-bill credit, applied to the net off-peak kWhs for EV charging (off-peak kWhs less on-peak kWhs used for EV charging). JCP&L will provide the off-bill credits on a quarterly basis; bill credits will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. The Company commits to investigate the feasibility of

[4] A map of NJ Overburdened Communities can also be found at the NJ Department of Environmental Protection website at https://www.nj.gov/dep/ej/communities.html.

converting to an on-bill credit, once the residential on-bill credit has been developed and implemented.

DCFC Public Charging Sub-program

28. Utility Make-Ready Incentives for the DCFC Sub-program were budgeted assuming a new service will be required for every location where DCFC ports are installed. The Company's assumption is that there will be an average of two (2) charging ports at each location, so Utility Make-Ready Work will be required at 124 locations.[5] Participation in the DCFC Public Charging Sub-program will require installation of a dedicated JCP&L-metered service for EV charging.

29. The Utility Make-Ready Work for each location will be site specific, but JCP&L has assumed for budgetary purposes that a new three-phase underground primary cable, a 750 kVA pad mounted transformer (277/480V), metering CT's/PT's, and a new pole will be required. JCP&L estimates that the cost of the new service will be $50,500 per location. For eligible participants, the Utility Make-Ready incentive will be based upon the actual cost of the Utility Make-Ready Work for each installation, up to $50,500 per qualifying installation site. All applicants must advance the cost of the Utility Make-Ready Work to ensure that the service upgrade is for legitimate purpose and the customer follows-through with the charger installation. JCP&L will pay the incentive within 45 days after the Company confirms that the customer has satisfied all Program requirements.

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[5] For the DCFC Sub-program, colocation of a non-Combined Charging System ("CCS") capable charger with one CCS capable charger makes a site eligible for 50% of the Make-Ready incentives; colocation with two (2) or more CCS capable chargers grants full Make-Ready eligibility to the site.

30. JCP&L will provide an incentive of 100% of the cost for Customer Make-Ready Work up to $25,000 per port to a customer who installs qualified DCFC chargers for public use.[6] The requirement is a minimum of two (2) and a maximum of four (4) charging ports per site. The Customer Make-Ready incentives under this Sub-program were budgeted based upon 248 publicly-accessible DCFC charging ports and will be available to customers on a first-come, first-qualify basis, which incentives will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first. JCP&L will verify the cost of the Customer Make-Ready Work to ensure that the incentive does not exceed the total of such Customer Make-Ready work and that the cost of the chargers, itself, are excluded.

31. There will also be a demand charge discount provided to participants in the DCFC Public Charging Sub-program. The distribution demand charge discount will be 50% in the first and second Program years; and 25% in the third and fourth Program years. The discount will be provided for the demand charge portion of the bill related solely to the DCFC EV charging ports, and will be provided as an off-bill payment, which bill credits will terminate when the budget has been exhausted or the Program has terminated, whichever occurs first.

32. The Parties agree that there will be no Last Resort DCFC Subprogram or Overburdened Communities Subprogram in this Program.

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[6] Eligible installations for this Sub-program must satisfy the definition of "Publicly-accessible charging" as set forth in the Board's EV Filing Order at p. 17: "Publicly-accessible charging" means a charger located on public land, a community location, or a travel corridor. Such chargers are owned and operated by site owner, property manager or management company, EVSE Infrastructure Company or, in limited cases, an EDC that is accessible to the public 24 hours a day, seven days a week; however, generic parking restrictions or requirements, such as in a commercial garage, or emergency restrictions, including construction, street cleaning, etc., are not applicable. Such chargers may charge the EV owner a fee for charging; such fees will be clearly displayed to the user."

Consumer Education and Outreach Initiative

33. The Parties further agree that JCP&L will implement consumer education and outreach initiatives as part of its JCP&L EV Driven Program. The goals of this initiative are to inform and educate customers and market participants about the JCP&L EV Driven Program and EV benefits in general. More specifically, this initiative will:

- Increase public awareness of the JCP&L EV Driven Program;
- Increase awareness of EVs and EV charging infrastructure;
- Encourage interest in EVs through benefits of driving electric;
- Drive consideration of EVs through knowledge of EVs and charging infrastructure;
- Enhance intent through residential make-ready incentives;
- Inform evaluation through web portal and other means; and
- Encourage purchase of EVs through co-promotion of incentives for residential and public charging.

Program Budgets

34. The Parties agree that the JCP&L EV Driven Program total budget of $39.88M will consist of the following:

EV Investment

- Residential - $5.14M
- Mixed Use Commercial - $8.66M, which includes:
    - Multi-family – $1.45M
    - Multi-family LMI - $1.69M
    - C&I Level 2 - $5.52M
- DCFC Public - $14.84M

Incremental EV-related O&M costs

- Implementation, including consumer education and outreach - $11.24M

35. The Parties also agree that, as the Program is implemented, it may be necessary to reallocate funding levels between the Sub-programs, based on market demand, customer interest, and EV developer interest. Accordingly, the Program budgets may be allocated as follows:

- JCP&L will be allowed to reallocate the Sub-program budgets for the Residential Customer Sub-program, Mixed-Use Commercial Customer Sub-program and DCFC Public Charging Sub-program by up to 5% of each subprogram's total budget, upon notification to Staff and Rate Counsel (which notice shall be provided 30 days in advance of the change).
- JCP&L will be allowed to reallocate between 6% and 24% of each of these Sub-program budgets upon notification to Staff and Rate Counsel and subsequent written consent of Staff.
- JCP&L will be allowed to reallocate 25% and over of each of these Sub-program budgets upon Board approval.

36. All requests for budget adjustments shall be submitted to Staff and Rate Counsel. Staff retains the right to reject adjustments requiring Staff notification. All requests for budget adjustments, including those necessitating Staff approval, shall be submitted to Staff and Rate Counsel with a written description of and rationale for the proposed transfers, and objections, if any, shall be made within 30 days.

Program Implementation and Associated Issues

37. The JCP&L EV Driven Program will be a four (4) year program. Enrollment will be on a "first-come, first-served" basis. Enrollment in each Sub-program or subcomponent of the

Program will continue until the budget for that Sub-program or subcomponent has been exhausted or four (4) years has elapsed, whichever comes first. All Program make-ready incentives and rate incentives will terminate when the budget for each has been exhausted. Expenditures on education and outreach will be curtailed for each Sub-program when all planned incentives have been issued or as the budget for education and outreach is exhausted, whichever occurs first.

38. If there is any portion of the Program budget remaining at the end of the four (4) year program period, JCP&L, in its sole discretion, may file a petition with the Board to extend the Program for an additional period of time, but shall be under no obligation to do so.

39. The Parties further agree that the Company will develop appropriate applications for each of the Sub-programs within the overall JCP&L EV Driven Program. These applications will be publicly available on the Company's website. JCP&L will also have a dedicated email address and inbox for inquiries about the JCP&L EV Driven Program, through which customers and potential participants can ask questions and request additional information.

40. Assuming Board approval of this Stipulation, the Company will begin accepting applications within 30 days after the effective date of the Board Order. The Program enrollment procedures will follow the flow charts on Attachment B to this Stipulation.

41. Based on the processes set forth in Attachment B to the Stipulation, JCP&L will establish Terms and Conditions that govern the specific aspects of each part of the JCP&L EV Driven Program. The Terms and Conditions will be posted to the Company's website and each aspect of the Program will be supported by a customer website landing page explaining the Program, providing a way to enroll in the Program via the landing page and a set of frequently asked questions ("FAQs"). The Company will implement the Program through a combination of Company employees, contractors and vendors including the use of third-party call centers.

Payment of all Incentives will require that customers and site hosts comply with all pertinent Terms and Conditions and demonstrate that make-ready work has been completed and the EV charging facility is operational.

42. For each Sub-program and component of the JCP&L EV Driven Program, all customers, including customers with behind the meter solar PV generation and/or battery storage will be eligible to participate in all Program incentives, so long as they satisfy all Program requirements. JCP&L shall not disqualify a customer from participating in any other current program or tariff offered by JCP&L, solely on the basis of such customer's participation in any Sub-program and component of the EV Driven Program.

43. No one program participant in a site ownership capacity shall account for more than 50% of an offering's total program budget in totality for all of the entity's locations in the following Sub-programs:

- Mixed Use Commercial Sub-program Incentives including Public, Workplace, Multi-family and Utility Make-Ready components.
- DCFC Public Charging Sub-program Customer and Utility Make-Ready incentives.

44. If a single program participant in a site ownership capacity hits the 50% participation cap in any of the listed Sub-programs, there will be an opportunity for that site host or customer to petition for further budget inclusion, which may be granted contingent upon approval by the New Jersey Board of Public Utilities. JCP&L is in the process of mapping its distribution system for the purpose of identifying areas where EV infrastructure buildout would be suitable under the Program. These maps will be posted to the Company's website within 90 days of a final BPU Order approving this Stipulation. JCP&L will update these maps on a regular basis (at least biannually) and make them available to the public in a timely manner to provide

reasonably current maps indicating those locations that may have available distribution system capacity for EV charging in JCP&L's territory. The Company-prepared maps will be posted for information only and will not be used by the Company in processing specific applications to participate in the Program. The Company further agrees that it will comply with any regulations promulgated by the Board regarding mapping EV sites and capacity.

JCP&L EV Driven Program Cost Recovery

45. The Company will invest in EV infrastructure as described in Paragraphs 13 and 35 of this Stipulation. Until being rolled into base rates, as described further below, those EV-related capital costs shall be deferred and placed in a regulatory asset, for recovery in the Company's next base rate case, to be filed no later than July 1, 2026[7] (the "Next Base Rate Case"). Incremental EV-related O&M costs as defined above in Paragraphs 13 and 35 of this Stipulation will be deferred separately for recovery in the Company's Next Base Rate Case. Nonetheless, all costs incurred in connection with this proceeding remain subject to prudence review in the Next Base Rate Case.

46. The costs associated with the EV investment that are likely to be in-service by the end of six (6) months after the end of the test year in the Company's Next Base Rate Case, if determined by the Board to be reasonable and prudent, shall be reflected in the rates established in that case, consistent with the Board's *Elizabethtown Water*[8] standards.

47. JCP&L EV investment that is not likely to be in-service by the end of six (6) months after the end of the test year, shall be deferred and placed in a regulatory asset, as

[7] As required by BPU Docket Nos. Q019010040 and E020090620.

[8] In re Elizabethtown Water Company Rate Case, BPU Docket No. WR8504330, Decision on Motion for Determination of Test Year and Appropriate Time Period for Adjustments, Order dated May 23, 1985.

described herein. The Parties agree the Next Base Rate Case will remain open solely for the purpose of including the EV investment placed in service more than six (6) months after the end of the test year in the Next Base Rate Case will be reviewed and placed into rates, if deemed reasonable and prudent, as soon as practicable after the associated infrastructure has been placed into service, through annual roll-in filings following the Next Base Rate Case. The annual roll-in filings will include three (3) months of forecast data that will be trued-up with actual data no later than 20 days after the end of the final forecast month. The annual roll-in filing will request that new rates be implemented three (3) months after the end of the final forecast month. The schedule of such annual roll-in filings shall be determined in the Company's Next Base Rate Case. The Company shall make annual roll-in filings until all EV Program costs have been submitted to the Board for review and, if deemed reasonable and prudent by the Board, rolled into base rates.

Cost Deferral Mechanism Details

48. As noted above, the Company will either book or track, or some combination thereof, a regulatory asset ("EV Regulatory Asset") comprised of the EV investment described in Paragraphs 13 and 35 of this Stipulation.

49. The formula for the EV Monthly Investment Deferral component of the EV Regulatory Asset is:

EV Monthly Investment Deferral = (((Pre-Tax Cost of Capital / 12) * Average Monthly Rate Base) + Monthly Depreciation and/or Amortization Expense) + (Average Monthly Investment Deferral Balance * (WACC/12)

(a) The term “Pre-Tax Cost of Capital” means JCP&L’s pre-tax overall weighted annual average cost of capital (“WACC”) in effect at the time of the deferral. The WACC is based on the ROE, long-term debt and capital structure approved by the Board in JCP&L’s most recently approved base rate case, which is currently 7.40%, or 9.34% on a pre-tax basis, based on current tax rates. Any change in the WACC authorized by the Board in a subsequent base rate case will be applied to EV investment in subsequent periods. In addition, any change to current tax rates will be reflected in the WACC in subsequent periods.

(b) The term “Average Monthly Rate Base” refers to the total of the beginning and ending monthly balances for the following items, divided by two (2):

- EV-related Utility Plant in Service and Regulatory Asset Gross Plant
- Less the associated Accumulated Depreciation and/or Amortization
- Less the associated Accumulated Deferred Income Tax

(c) The term “Depreciation and/or Amortization Expense” provides for the recovery of JCP&L’s EV investment over the useful book lives of the assets as well as the recovery of the Program’s regulatory assets. The EV investments are comprised of the following categories:

Investment Category	**Depreciation/Amortization**
Utility Make-Ready (pole to meter) - Capital	Applicable BPU-approved depreciation rate/life for respective plant accounts.
Utility Make-Ready (pole to meter) – Expense (Regulatory Asset)	As determined in Next Base Rate Case
IT Systems – Capital	Applicable BPU-approved depreciation rate/life or amortization period for respective plant accounts.
IT Systems – Expense (Regulatory Asset)	Five (5) years

Customer Make-Ready Incentives - (Regulatory Asset)	Five (5) years
Customer Rate Incentives – (Regulatory Asset)	Five (5) years

Any future changes in Board approved asset depreciation/amortization rates will be reflected in the deferral during the relevant future period.

(d) The term "Average Monthly Investment Deferral Balance" refers to the cumulative sum of the Monthly Investment Deferrals at the beginning and the end of each month divided by two (2). The term "WACC" refers to the Company's annual weighted average cost of capital from its most recently approved base rate case. Any change in the WACC authorized by the Board in a subsequent base rate case will be utilized.

50. JCP&L's Next Base Rate Case will include a request for recovery in base rates of all prudently incurred capital expenditures associated with the Program. Those costs will include the EV Regulatory Asset described above, actual costs of engineering, design, and construction, and deferred cost of removal (net of salvage), including actual labor, materials, overhead, and capitalized Allowance for Funds Used During Construction associated with the projects (the "Capital Investment Costs"). Capital Investment Costs will be recorded, during construction, in an associated Construction Work In Progress ("CWIP") account or in a Plant In Service account upon the respective investment being deemed used and useful. The Company will follow its current policies and practices with regard to capitalizing costs, including overhead. All JCP&L EV investment not recovered through a base rate case proceeding will be tracked separately from all other base investments.

51. The revenue requirement in the Next Base Rate Case or a subsequent base rate case, if applicable, will include a return of and on the EV Regulatory Asset defined in Paragraphs 48 and 49 of this Stipulation. The return on the deferred investment will be based on the approved WACC in the Next Base Rate Case, or subsequent base rate case, adjusted for income taxes and BPU and Rate Counsel assessment fees. The return of the deferred investment will be based on the Board-approved amortization/depreciation periods/rates as determined in the Next Base Rate Case or any other appropriate period approved by the Board.

52. The Company will defer incremental EV-related O&M costs as described in Paragraphs 13 and 35 of this Stipulation ("EV O&M Regulatory Asset"), with a monthly carrying charge at the prior month's 2-year treasury rate plus 60 basis points, for recovery in the Company's Next Base Rate Case. The amortization period for the Company's EV O&M Regulatory Asset will be determined in the Next Base Rate Case.

53. For the EV investment that is placed into service, but not yet reflected in customer base rates, the Company will either record or track, or some combination thereof, a monthly accrual of a deferred return that will be capitalized and included in the plant balance, for ratemaking purposes. For ratemaking purposes, depreciation expense will not begin on JCP&L EV investment until reflected in base rates in the Next Base Rate Case or any subsequent base rate case or rate case reopener. Since depreciation expense must be booked when the investment is placed in service for tax and financial reporting purposes, the Company will defer the depreciation in the EV Regulatory Asset.

Cost of Service and Rate Design

54. The Parties further agree that JCP&L will perform a Cost of Service Study ("COSS"), based upon EV Charging Data available to JCP&L, to develop and present an EV specific rate schedule or new EV provisions under the Company's existing residential and non-residential rate schedules in its Next Base Rate Case for applicable customers. Additionally, as referenced in the Board's November 17, 2021 Order (BPU Docket No. ER21030631), the Company will adhere to all applicable aspects of the aforementioned Board Order, including, but not limited to, the collection of EV charging data required to support the review and potential establishment of EV specific Basic Generation Service rates.

55. Commercial EV COSS. The Parties agree that the Company will perform a COSS based on the EV Charging Data available to JCP&L to develop and present a non-residential EV specific rate schedule or new EV provision under existing non-residential rate schedules in its Next Base Rate Case for commercial customers. The Parties further agree, subject to customer consent, to collect agreed-upon EV data required to support the establishment of Basic Generation Service ("BGS") rates for rate options discussed above in a future BGS proceeding.[9]

56. Distribution Grid Impact Study. The Company will perform a Distribution Grid Impact Study ("DGIS") and submit it to the Board as part of the Integrated Distribution Plan ("IDP") required under New Jersey's Energy Master Plan. The IDP will consider, inter alia, the impact of anticipated growth in EV charging on the Company's electric distribution system.

57. In order to facilitate the COSS in the aforementioned paragraphs, as well as to support the calculation of the demand charge for DCFC charging discussed in the DCFC Public

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[9] The Parties acknowledge that JCP&L's EV Program will not be starting until the second quarter of 2022; therefore, JCP&L may not have sufficient EV Charging Data in time to incorporate it into the 2022 BGS filing.

Charging Sub-program section of this Stipulation, JCP&L and/or the Company's contractors performing the studies must have access to EV Charging Data, with provisions to ensure that adequate data privacy and security measure are in place. Therefore, to be eligible for the EV incentives, program participants must agree to share session-level EV Charging data with JCP&L. For purposes of this agreement:

- "EV Charging Data" may include plug-in/plug-out transactions per vehicle and includes: timestamps showing session duration (between plug-in and plug-out); charging duration; energy delivered (kilowatt-hour); average power during charging session (kilowatt); and other information as may be determined to be necessary by the Company during program implementation. Additionally, for EV charging that is concluded on a meter that is not an EV charging-only dedicated meter, with the exception of minor ancillary items such as lighting, the data requirement further includes: timestamps showing when customers plug-in and plug-out; timestamps showing when charging starts and when it ends; peak power delivered during charging session (kilowatt); and interval data (15 minutes or shorter) for the charging duration.
- Data should be submitted to JCP&L at least quarterly.
- JCP&L will work collaboratively with the Parties regarding additional details as to the type, period, and frequency of non-residential customer EV Charging Data delivery, as well as the delivery format and methods; and to refine data report requirements for specific technology and use cases during program implementation to ensure that reported data effectively informs program analysis. The Parties agree that data quality, format, and delivery must be deemed by JCP&L within its reasonable discretion to be

sufficient to facilitate necessary processes to enable the programs contemplated herein.

- EV Charging Data will be aggregated by JCP&L for the purposes set forth in this Stipulation.

Pending the development and implementation of a Third-Party Data Access Plan in accordance with the terms of Paragraph 62 of this Stipulation, JCP&L agrees to treat EV Charging Data provided as a condition of service or eligibility for the Company's EV programs as confidential and proprietary to the providing party, and agrees to maintain the confidentiality of the information provided to JCP&L. The Company further agrees that it will comply with any regulations promulgated by the Board regarding access to, and the use of EV Charging Data.

Applicable Public Funding

58. If funding or credits from any subsequent state or federal action or program becomes available to the Company through the federal government, State of New Jersey, a County or Municipality for installation or project reimbursement, the Company agrees that any such funds or credits applicable to work related to any of the JCP&L EV Driven sub-programs referenced in this Stipulation will be used to benefit customers by offsetting the costs for which recovery will be sought to the extent permitted by law. The Company will also require program participants to disclose if they are seeking public funding, and in no case shall the combination of rebates or other direct incentives, including: 1) any Federal funding, 2) other State, any other Government entity, or New Jersey Clean Energy Program incentive funding, and 3) incentives provided as part of this approved Program (excluding program incentive financing) fund more than 90% of the total project cost at the time of installation. If it is determined that an installation or project would be funded in excess of 90% of the project's total cost through rebates or

incentives, the Parties agree that, subject to any restrictions set forth in the enabling law and other applicable law, incentive funding approved as part of this program shall be reduced to bring the total rebates and incentives to no more than 90% of the total project cost. The determination of the funding sources for a project shall be based on a certification by the program customer or participant. Nothing in this paragraph shall reduce the Company's ability to invest up to $28.64 million pursuant to the Program, as described in Paragraphs 13 and 35 above. Additionally, the Company may increase the number of sites eligible for incentives as described herein above, to the extent necessary to meet this level of investment if the application of this paragraph results in excess available Program funding.

Reporting

59. JCP&L will provide semi-annual reports on the EV-Driven deployment to the Staff, and Rate Counsel, and will post the reports on the Company's website which is accessible to all other Parties, setting forth the following information:

- the estimated quantity of work and the quantity completed to date or, if the activity cannot be quantified with numbers, the major tasks completed, e.g., Residential, Mixed Use Commercial L2, and DCFC Public Charging Make Ready units completed and number of service upgrades;
- the number of applications received for each program and the amount of incentives paid;
- the forecasted and actual EV Driven program incentives, including capital costs, to date for the reporting period and for the program-to-date; and
- the forecasted and actual EV Driven O&M expenses to date for the reporting period and for the program-to-date.

The project expenditures shall be broken out between labor, material and other costs. The initial report will be submitted by September 1, 2022 based on actual results through June 30, 2022. The second semi-annual report will be submitted by March 1, 2023 based on actual results through December 31, 2022. The Company will continue to submit semi-annual reports by March 1st and September 1st of each year through the end of the EV Driven program investment.

Metering and Data Collection

60. The following metering and data collections requirements will apply to each Subprogram under the JCP&L EV Driven Program:

- All participants must have new, qualified Level 2 chargers (or DCFC chargers for that Subprogram) that are networked (i.e., charging stations or chargers with equipment capable of sending and receiving communications via Wi-Fi or a cellular network). Residential customers with existing EV chargers may be eligible for the 2 cent/kWh off-peak charging credit, assuming the existing charger is capable of sending and receiving communications via Wi-Fi or a cellular network.
- Participants will provide the following data to JCP&L and additional information as requested by the BPU -- the number of charging events, time and date, total kWh dispensed, average kWh per charging event, and average duration of charging events.
- JCP&L shall provide no less than two hardware vendors and two software vendors prequalified as compatible with the technical needs of its program.

61. Charging Data – Third Parties. Upon consent, customers may choose to, but are not required to, share their EV Charging Data, including, for example, but not limited to, the number of charging events, times, duration, usage and load profile with other third parties such as third-party suppliers ("TPSs") and energy services market participants. A customer's consent to provide EV Charging Data to JCP&L as a condition of service or eligibility for the Company's EV programs to facilitate a COSS [or DGIS] does not constitute consent to provide data to third parties for other, non-Company purposes. The Parties acknowledge that a customer's EV Charging Data may constitute confidential or proprietary data in accordance with New Jersey laws and regulations and agree to treat any such data in accordance with applicable laws and regulations.

62. Charging Data Access. The development of an EV Charging Data access plan to facilitate third-party access to Customer EV Charging Data ("Third-Party Data Access Plan") shall be deferred pending the final outcome of the statewide proceeding at Docket No. QO20050357 and the resulting rulemaking process related to the MFRs for light-duty EVs. If that statewide proceeding does not produce a Board-approved Third-Party Data Access Plan within 300 days of a BPU Order approving JCP&L's Petition, then within 60 days after that period, BPU Staff, with the assistance of JCP&L, will convene at least one (1) meeting with the parties to discuss the data access issues raised by the Market Participants in this proceeding. The data access issues included in testimony submitted by the Market Participants and JCP&L in this proceeding may be supplemented at that time. The Parties agree to use best efforts to reach agreement on third-party EV Charging Data access within 120 days of the initial stakeholder meeting. Consideration of the Third-Party Data Access Plan shall include evaluation of data aggregation provisions and reporting requirements, which may include, but are not limited to, location (latitude/longitude), charging session duration, session frequencies, load curves, and utilization of home charging. If there is no agreement on the third-party data access issues within 120 days, this proceeding will be reopened for the limited purpose of adjudicating data access issues, and the parties may supplement the record on third-party data access issues at that time.

63. Network Data. All customers or stations receiving an incentive must be networked (i.e., charging station capable of sending and receiving communications via Wi-Fi or cellular network). Site owners and operators may purchase the smart networked charging hardware and network technology of their choice from no less than two hardware vendors and two software vendors prequalified by JCP&L as compatible with the technical needs of its electric distribution system for make-ready eligibility. Consistent with the MFR Order, "site owner and operator"

means site host, property manager, an EVSE Infrastructure Company, or an EDC with Board approval that is responsible for installing EVSE. For purposes of the Stipulation, “site host” means the entity that owns, leases, manages, or otherwise possesses the premises upon which the EV charging station is or is planned to be located for the purpose of charging an EV, and “site host” may or may not be the same entity as the station operator.

Conclusion

64. The Parties request that the Board issue a written Order approving this Stipulation, without modification, so that JCP&L may begin to roll-out the Program beginning within 30 days of the effective date of such Order.

65. The Parties agree that this Stipulation contains mutual balancing of interests and interdependent clauses and is intended to be accepted and approved in its entirety. In the event any particular provision of this Stipulation is not accepted and approved in its entirety by the Board, or is modified by a court of competent jurisdiction, then any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right, upon written notice to be provided to all other Parties within ten (10) days after receipt of any such adverse decision, to litigate all issues addressed herein to a conclusion. More particularly, in the event this Stipulation is not adopted in its entirety by the Board in an appropriate Order, or is modified by a court of competent jurisdiction, then any Party hereto is free, upon the timely provision of such written notice, to pursue its then available legal remedies with respect to all issues addressed in this Stipulation, as though this Stipulation had not been signed. The Parties agree that this Stipulation shall be binding on them for all purposes herein.

66. It is specifically understood and agreed that this Stipulation represents a negotiated agreement and, except as otherwise expressly provided for herein:

a. By executing this Stipulation, no Party waives any rights it possesses under any prior Stipulation, except where the terms of this Stipulation supersede such prior Stipulation.

b. The contents of this Stipulation shall not in any way be considered, cited or used by any of the undersigned Parties as an indication of any Party's position on any related or other issue litigated in any other proceeding or forum, except to enforce the terms of this Stipulation.

67. This Stipulation may be executed in any number of counterparts, each of which shall be considered one and the same agreement, and shall become effective when one or more counterparts have been signed by each of the Parties. The Parties understand that the Board's written Order approving this Stipulation shall become effective in accordance with N.J.S.A. 48:2-40.

68. Due to the COVID-19 pandemic, the Parties agree to accept as service delivery by electronic mail ("email delivery") of the Board Order ("Order") approving this Stipulation, in whole or in part. The Parties agree that such method of email delivery shall be sufficient service of the Order.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

CONCLUSION

WHEREFORE, the Parties hereto have duly executed and do respectfully submit this Stipulation to the Board, and respectfully request that the Board issue a Final Decision and Order adopting and approving this Stipulation in its entirety and without modification in accordance with the terms hereof.

Jersey Central Power & Light Company

By: ________________________
Gregory Eisenstark, Esq.
Cozen O'Connor, PC
Attorneys for **JCP&L**

Dated: April 22, 2022

Matthew J. Platkin, Esq.
Acting Attorney General of New Jersey
Attorney for
Staff of the Board of Public Utilities

By: ________________________ 4/29/22
Terel Klein
Deputy Attorney General

Dated:
Brian O. Lipman, Esq.
Director, **Division of Rate Counsel**

By: ________________________ 5/2/22
Maura Caroselli, Esq.
Deputy Rate Counsel

Dated:

Tesla, Inc.

By: ________________________________
Kevin Auerbacher, Esq.
Managing Counsel, **Tesla, Inc.**

Dated:

CONCLUSION

WHEREFORE, the Parties hereto have duly executed and do respectfully submit this Stipulation to the Board, and respectfully request that the Board issue a Final Decision and Order adopting and approving this Stipulation in its entirety and without modification in accordance with the terms hereof.

Jersey Central Power & Light Company

By: ______________________
Gregory Eisenstark, Esq.
Cozen O'Connor, PC
Attorneys for **JCP&L**

Dated: April 22, 2022

Matthew J. Platkin, Esq.
Acting Attorney General of New Jersey
Attorney for
Staff of the Board of Public Utilities

By: ______________________
Terel Klein
Deputy Attorney General

Dated:
Brian O. Lipman, Esq.
Director, **Division of Rate Counsel**

By: ______________________
Maura Caroselli, Esq.
Deputy Rate Counsel

Dated:

Tesla, Inc.

By: ______________________
Kevin Auerbacher, Esq.
Associate General Counsel,
Tesla, Inc.

Dated: April 25, 2022

NJR Clean Energy Ventures Corporation

By: ______________________________
Steven J. Humes, Esq.
Holland & Knight, LLP
Attorneys for **NJR Clean Energy Ventures Corporation**

Dated:

ChargePoint, Inc.

By: ______________________________
Murray Bevan, Esq.
Bevan, Mosca & Giuditta
Attorneys for **ChargePoint, Inc.**

Dated: April 25, 2022

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NJR Clean Energy Ventures Corporation

By: ______________________________

Steven J. Humes, Esq.
Holland & Knight, LLP
Attorneys for **NJR Clean Energy Ventures Corporation**

Dated: April 26, 2022

ChargePoint, Inc.

By:______________________

Murray Bevan, Esq.
Bevan, Mosca & Giuditta
Attorneys for **ChargePoint, Inc.**

Dated:

Attachment A

Jersey Central Power & Light
EV Driven Program
Detailed Program Summary

Program Description, Term, and Investment: The Program will be comprised of the components in the table below, with a total investment level of $28.64M in electric vehicle subprograms and $11.24M of implementation costs over 4 years beginning in 2022 following the Board's Order authorizing the Program.*

1. Residential Program Components	Description	Budget ($M)
Residential Customer Sub-program – Customer Make-Ready Incentive	Incentive on Level Two networked chargers installed at single family residences. JCP&L will provide incentives on Level Two make-ready not to exceed verified costs of up to $1,500 for electrical work needed for qualified Level Two chargers with equipment enabled to share charging data with JCP&L in up to 2,000 residences	$3.00
Residential Customer Sub-program – Utility Make-Ready Work	JCP&L cost for new overhead or underground service wire, new transformer, and new pole at 10% of residences receiving above rebate (200) at a cost of up to $5,500 per location	$1.10
Residential Customer Sub-program – On-Bill/Off-Peak Credit	JCP&L will provide a Residential Off-Peak, On-Bill Credit available to up to 2,000 EV owners annually that have an approved Level Two charger (paid quarterly)	$0.26
Residential Customer Sub-Program IT Expense	JCP&L cost of capitalized IT programming for the On-Bill/Off-Peak Credit	$0.77
Total Residential Sub-Program		$5.14

2. Mixed Use Program Components	Description	Budget ($M)
Multi-Family Non-Overburdened Communities	Incentives to cover 100% of customer make ready costs up to $6,700 per smart charging port for up to 150 ports, a new pole at approximately 38 charger locations, off-peak/off-bill credit and residential bill parity.	$1.45
Multi-Family Overburdened Communities	Incentives to cover 100% of customer make ready costs up to $8,375 per smart charging port for up to 150 ports, a new pole at approximately 38 charger locations, off-peak/off-bill credit and residential bill parity.	$1.69
Mixed-Use Commercial Customers including Public and Workplace	Incentives to cover 100% of customer make ready costs up to $6,700 per smart charging port for up to 500 public ports, incentives to cover 100% of customer make ready costs up to $5,000 per smart charging port for up to 100 workplace ports, and a new pole at approximately 150 charger locations.	$5.52
Total Commercial Sub-Program		$8.66

* Budget line items may not add to Sub-Program totals due to rounding.

Program Description, Term, and Investment (page 2)

3. DCFC Program Components	Description	Budget ($M)
DCFC Public Charging Sub-program - Customer Make-Ready Incentive	Incentives to cover 100% of customer make ready costs to charger stub at up to $25,000 per smart charging port for up to 248 ports	$6.20
DCFC Public Charging Sub-program - Utility Make-Ready Work	JCP&L will install new three-phase underground primary cable, a 750 kVA pad mounted transformer (277/480V), metering CT's/PT's, and a new pole at approximately 124 charger locations at cost of $50,500 per location (assumes 2 charging ports/location).	$6.26
DCFC Public Charging Sub-program - Demand Charge Discount	Reduces the impact of the demand charge for DCFC. The demand charge discount will be 50% in the first and second Program years; and 25% in the third and fourth Program years.	$2.38
Total DCFC Sub-Program		$14.84
TOTAL INVESTMENT All SUB PROGRAMS	Inclusive of costs for offerings outlined above	$28.64
Total Program Implementation Costs	Data Collection / Networking, IT Systems, Administrative, Consumer Education and Outreach	$11.24[1]
TOTAL PROGRAM COSTS		*$39.88*

Note:

1. $11.24M total represents an estimated $1.14M in meter data collection costs, an estimated $0.49M in manual billing costs, $3.92M in outsourced program incentive administration costs, $3.75M in administrative costs, and an estimated $1.94M in education and outreach costs

1. Residential Customer Sub-program – Customer Make-Ready Incentive

Budget	$3,000,000
Equipment Eligibility	• Limited to new EV charging infrastructure • Target of 2,000 new qualified EV charger installations, provided on a first come, first serve basis • Incentive limited to one incentive per residential service address • Limited to installation of new qualified Level Two chargers capable of two-way communication
Operational Eligibility	• Site hosts must share charging data from chargers that receive make-ready incentive funds with JCP&L as a condition of receipt of make ready incentives • Incentive to be capped at $1,500
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

1. Residential Customer Sub-program – Utility Make-Ready Work

Budget	$1,100,000
Equipment Eligibility	• Assumes new service may be required at approximately 10% of residences where a new Level Two networked charging port is installed • Utility make-ready work will be covered only for new residential smart Level Two equipment installs • The utility infrastructure requirements for each location will be site-specific and determined by JCP&L • If a residence requests equipment larger than deemed necessary by JCP&L, the site host will be required to pay JCP&L for the incremental cost
Operational Eligibility	• Utility make-ready work will be provided on a per residence basis, with a target of 200 residences, based on assumption of approximately 10% of residences will require a service upgrade that will also require work on JCP&L infrastructure • Typical incentive to include a new overhead or underground service wire, a new transformer and a new pole. The cost of the new service is to be capped at $5,500 per location
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

1. Residential Customer Sub-program – On-Bill/Off-Peak Credit

Budget	$264,104
Equipment Eligibility	• Incentive limited to one incentive per residential service address • Limited to installation of new qualified Level Two chargers capable of two-way communication. • Receipt of off-peak incentive contingent upon the following: 1) application with prequalified Level Two charger; and 2) agreement to provide detailed charging data to JCP&L • Requires JCP&L IT upgrade investment of $774,000
Operational Eligibility	• Target of 2,000 new or existing EV owners (with qualifying Level Two chargers) on a first come, first serve basis • Charging data must be collected for a minimum of 2 years to inform design of revenue neutral rate structure
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

2. Mixed-Use Commercial Customer Sub-program- Multi-Family Component

Budget	$2,261,250
Equipment Eligibility	• Limited to new EV charging infrastructure • Limited to installations of new Level Two charging stations at multi-family dwellings located in JCP&L's service territory; chargers must be capable of two-way communication • Limited to incremental costs associated with new charging stations • Requires installation of standard SAE J1772 connector • A new and separate utility meter is required for each new commercial Level Two site
Operational Eligibility	• Incentive will be distributed on a per port basis, with a target of 300 charging ports • Limited to a maximum of 10 ports and minimum of 2 ports per site • Incentive to be capped at 100% of make ready costs up to $6,700 per smart charging port for non-Overburdened communities and 100% of make ready costs up to $8,375 of Overburdened communities • Charging stations must be sited in locations accessible to all EV driving residents of the family dwelling • Stations with proprietary charging connectors must collocate with at least one charging station with an SAE J1772 connector port to receive incentive • Site hosts must agree to share charging data with JCP&L as a condition of receipt of make ready incentives • Site host must guarantee operational functionality • Public Level Two charging stations must feature use of multiple forms of payment • Site hosts are permitted to determine charging prices to EV drivers • Make ready work to be completed by a licensed electrician
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

2. Mixed-Use Commercial Customer Sub-program - Public / Community-based

Budget	$3,350,000
Equipment Eligibility	• Limited to new EV charging infrastructure • Limited to installation of new qualified Level Two chargers capable of two-way communication. • Limited to incremental costs associated with new charging stations • Requires installation of standard SAE J1772 connector
Operational Eligibility	• Incentive will be distributed on a per port basis, with a target of 500 charging ports • Limited to a maximum of 10 ports and minimum of 2 ports per site • Incentive to be capped at 100% of make ready costs up to $6,700 per smart charging port • Stations with proprietary charging connectors must collocate with at least one charging station with an SAE J1772 connector port to receive incentive • Site hosts must agree to share charging data with JCP&L as a condition of receipt of make ready incentives • Site host must guarantee public accessibility and operational functionality • Public Level Two charging stations must feature use of multiple forms of payment • Site hosts are permitted to determine charging prices to EV drivers • Make ready work to be completed by a licensed electrician
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

2. Mixed-Use Commercial Customer Sub-program - Workplace Component

Budget	$500,000
Equipment Eligibility	• Limited to new EV charging infrastructure • Limited to installation of new qualified Level Two chargers capable of two-way communication at workplace facilities located in JCP&L's service territory • Limited to incremental costs associated with new charging stations • Requires installation of standard SAE J1772 connector
Operational Eligibility	• Incentive will be distributed on a per port basis, with a target of 100 charging ports • Limited to a maximum of 10 ports and minimum of 2 ports per site • Incentive to be capped at 100% of make ready costs up to $5,000 per smart charging port • Stations with proprietary charging connectors must collocate with at least one charging station with an SAE J1772 connector port to receive incentive • Site hosts must agree to share charging data with JCP&L as a condition of receipt of make ready incentives • Site host may or may not allow public accessibility, but must guarantee operational functionality • Workplace Level Two charging stations may be free to employees or may feature use of multiple forms of payment • Site hosts are permitted to determine charging prices to EV drivers • Make ready work to be completed by a licensed electrician
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

2. Multifamily Customer Subprogram- Off-Peak / Off-Bill Credit and Residential Bill Parity

Budget	$55,616
Equipment Eligibility	• Limited to installations of new Level Two charging stations at multi-family dwellings located in JCP&L's service territory • Rates will be solely available for Level Two charging stations and associated infrastructure electric use • Requires that Level Two charging stations and associated infrastructure are behind a dedicated JCP&L electric meter to qualify for this rate
Operational Eligibility	• Target of 300 new Level Two charging sites for the residential equivalent rate at multi-family dwellings on a first come, first serve basis • Target of 75 new Level Two charging sites for the off-peak / off-bill credit and residential bill parity on a first come, first serve basis • The JCP&L discount rates shall automatically terminate as described under Term provision, below or when a new rates based on a cost-of-service study prepared by JCP&L have been approved by the Board. • Site hosts are permitted to determine charging prices to EV drivers • Site hosts must agree to share charging data with JCP&L as a condition of receipt of calculated rate structure in order to inform cost of service study and future rate design of permanent tariff solution
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

2. Mixed-Use Commercial Customer Sub-program – Utility Make-Ready Work	
Budget	$2,497,500
Equipment Eligibility	• Assumes new service is required for every location where multiple Level Two charging ports are installed • A new and separate utility meter may be required for each new commercial Level Two site • Utility make-ready work will be covered only for new commercial Level Two equipment installs • The utility infrastructure requirements for each location will be site specific and determined by JCP&L • If a site host requests equipment larger than deemed necessary by JCP&L, the site host will be required to pay JCP&L for the incremental cost
Operational Eligibility	• Utility make-ready work will be provided on a per site basis, with a target of 225 charging station locations, based on assumption of an average of 4 new ports per the total of 900 ports covered under customer make-ready incentives • Typical incentive to include new single-phase underground primary cable, a pad mounted transformer, and a new pole. The cost of the new service incentive is to be capped at $11,100 per location.
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

3. DCFC Public Charging Sub-program - Customer Make-Ready Incentive

Budget	$6,200,000
Equipment Eligibility	• Limited to new EV charging infrastructure located in JCP&L's service territory • Limited to installation of new qualified smart DCFC chargers with rated nameplate capacity at a minimum of 50kW. • Limited to incremental Make Ready costs associated with new charging stations • For the DCFC Sub-program, colocation of a non-Combined Charging System ("CCS") capable charger with one CCS capable charger makes a site eligible for 50% of the Make-Ready incentives; colocation with two or more CCS capable chargers grants full Make-Ready eligibility to the site
Operational Eligibility	• Incentive will be distributed on a per port basis, with a target of 248 charging ports • Minimum of 2 and a maximum of 4 charging ports per site • Incentive to be capped at 100% of Make Ready costs up to $25,000 per smart charging port • Site hosts must agree to share charging data from chargers that receive make-ready incentive funds with JCP&L as a condition of receipt of make ready incentives • Site host must guarantee public accessibility and operational functionality • Public DCFC charging stations must feature use of multiple forms of payment • Site hosts are permitted to determine charging prices to EV drivers • Make ready work to be completed by a licensed electrician
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

3. DCFC Public Charging Sub-program - Utility Make-Ready Work

Budget	$6,262,000
Equipment Eligibility	• A new service is required for every DCFC location • A new and separate utility meter is required for each new DCFC site • Utility make-ready work will be covered only for new DCFC equipment installs • The utility infrastructure requirements for each location will be site specific and determined by JCP&L • If a site host requests equipment larger than deemed necessary by JCP&L, the site host will be required to pay JCP&L for the incremental cost
Operational Eligibility	• Utility make-ready will be provided on a per site basis, with a target of 124 charging station locations, based on assumption of an average of 2 new ports per the total of 248 ports covered under customer make-ready incentives • Typical incentive to include new three-phase underground primary cable, a 750 kVA pad mounted transformer (277/480V), metering CT's/PT's, and a new pole. The incentive will be capped at $50,500 per location
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

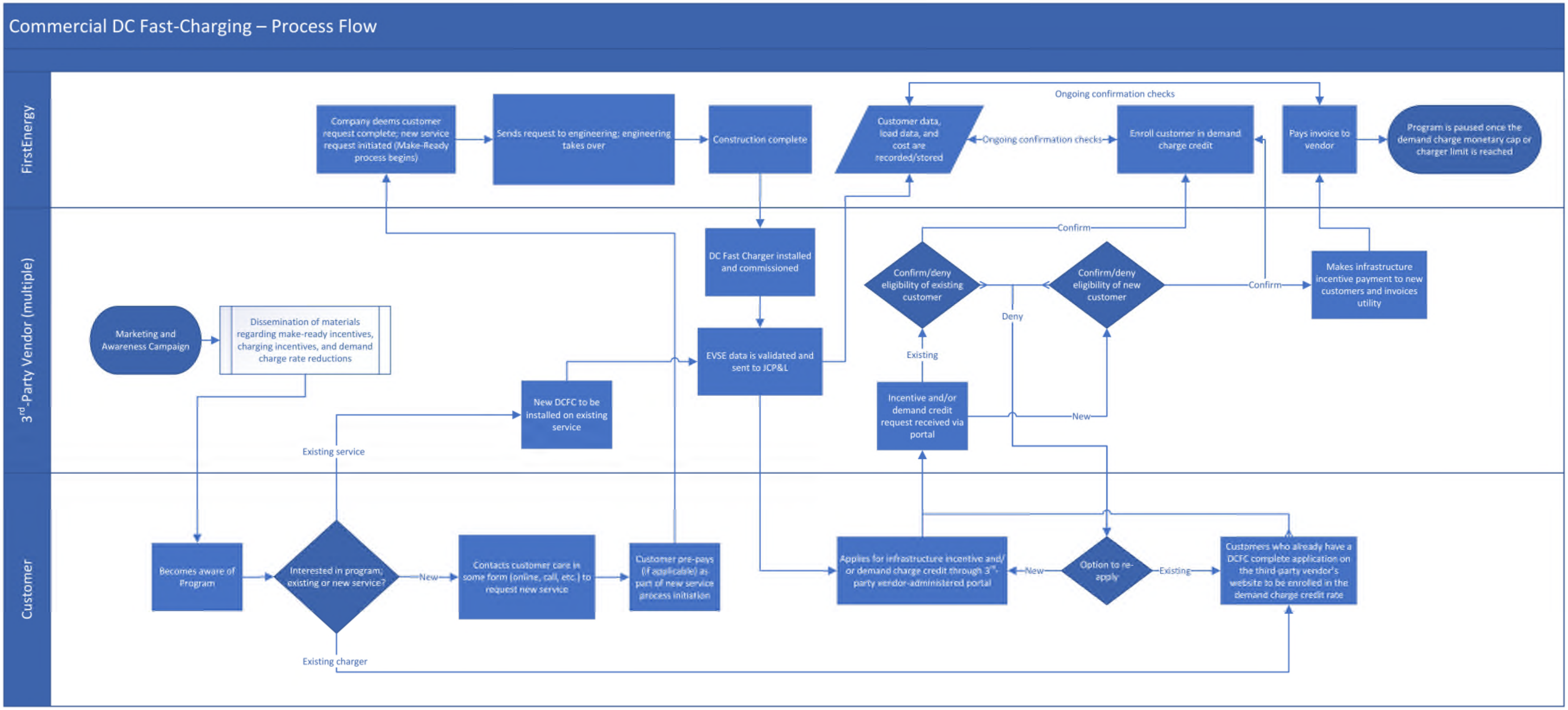
3. DCFC Public Charging Sub-program - Demand Charge Discount

Budget	$2,382,240
Equipment Eligibility	• New and existing DCFC charging sites are eligible for discounted rate • Rate will be solely available for DCFC charging stations and associated infrastructure electric use • Requires that DCFC charging stations and associated infrastructure are behind a dedicated JCP&L electric meter to qualify for this rate
Operational Eligibility	• Target of 124 new or existing DCFC charging sites on a first come, first serve basis • The demand charge discount will be 50% in the first and second Program years; and 25% in the third and fourth Program years. • Site hosts are permitted to determine charging prices to EV drivers • Site hosts must agree to share charging data with JCP&L as a condition of receipt of calculated rate structure in order to inform cost of service study and future rate design of permanent tariff solution
Term	• Beginning on the effective date and ending four years after the effective date of the BPU Order approving the Program or until sub-program funds are exhausted.

Attachment B

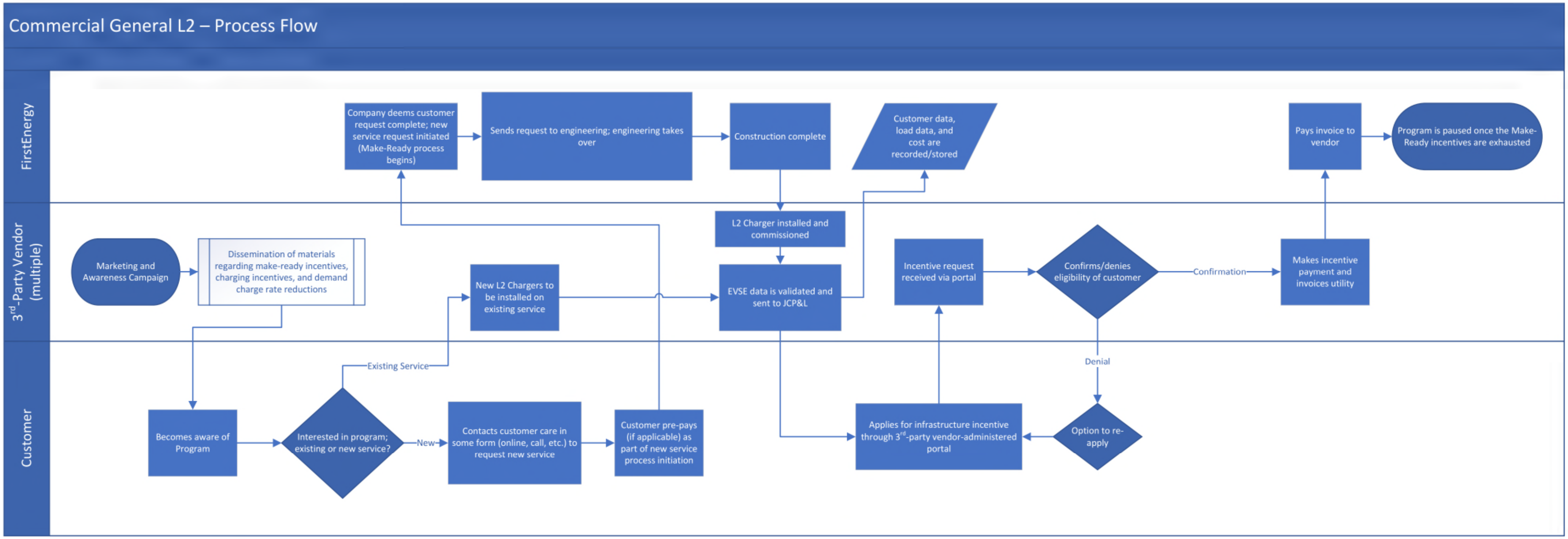
Jersey Central Power & Light
EV Driven Program
Enrollment Procedures

DCFC – From New Account Request to Demand Credit Enrollment

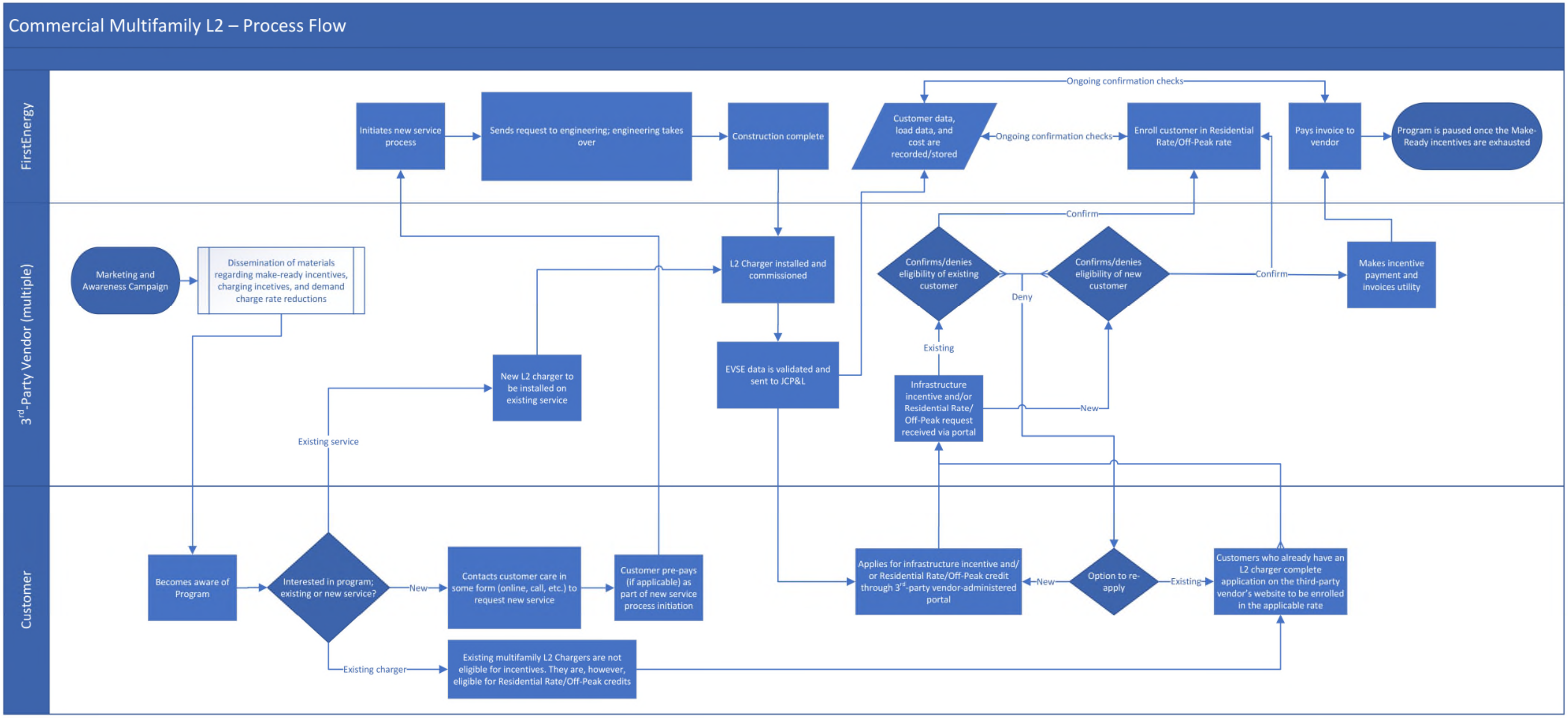


Processes

Commercial Level 2 – From New Account Request to Incentive Payment



Multifamily Level 2 – From New Account Request to Applicable Residential Rate



Processes

Residential – From Service Upgrade to Off-Peak Credit Enrollment