



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

IN THE MATTER OF THE PETITION OF ATLANTIC ) ORDER APPROVING  
CITY ELECTRIC COMPANY FOR APPROVAL OF A ) STIPULATION OF SETTLEMENT  
VOLUNTARY PROGRAM FOR PLUG-IN VEHICLE )  
CHARGING ) DOCKET NO. EO18020190

**Parties of Record:**

**Philip J. Passanante, Esq.**, on behalf of Atlantic City Electric Company  
**Stefanie A. Brand, Esq., Director**, New Jersey Division of Rate Counsel  
**Murray E. Bevan, Esq.**, on behalf of ChargePoint, Inc.  
**Ira G. Megdal, Esq. and William Lesser, Esq.**, on behalf of Electrify America, L.L.C.  
**William D. Bittinger, Esq.**, , on behalf of National Resources Defense Council, Environment  
New Jersey, Sierra Club, Tri-State Transportation Campaign, New Jersey Work Environment  
Council, Green Faith, and Isles, Inc.  
**Martin C. Rothfelder, Esq.**, on behalf of EVgo Services L.L.C.  
**Nathan Howe, Esq.**, on behalf of Zero Systems Inc. d/b/a/ Greenlots  
**Kevin Auerbacher, Esq.**, on behalf of Tesla, Inc.

BY THE BOARD:

By this Decision and Order, the New Jersey Board of Public Utilities (“Board” or “BPU”) considers a stipulation of settlement (“Stipulation”) executed by Atlantic City Electric Company (“ACE” or “Company”), Board Staff (“Staff”), the New Jersey Division of Rate Counsel (“Rate Counsel”), ChargePoint Inc. (“ChargePoint”), EVgo Services LLC (“EVgo”), and Tesla, Inc. (“Tesla”) (collectively, “Signatory Parties”) resolving the Company’s electric vehicle (“EV”) filing.<sup>1</sup>

**BACKGROUND**

On February 23, 2018, ACE filed a petition (“2018 Petition”) for approval of a Voluntary EV Program for EV charging consisting of eight (8) separate offerings.

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<sup>1</sup> While ACE used the term Plug-In Vehicle and related acronym PIV, the industry standard term is EV. As such, the term EV will be used throughout this document.

By Board Order dated March 26, 2018, the Board retained jurisdiction over the matter, and designated Commissioner Upendra J. Chivukula as the presiding officer authorized to rule on all motions and modify any schedules.<sup>2</sup>

On April 6, 2018, Rate Counsel filed a Motion to Stay the 2018 Petition, which was joined by ChargePoint. In response, on April 16, 2018, ACE filed opposition to Rate Counsel's motion, to which Rate Counsel filed a reply on April 23, 2018.

On December 17, 2019, ACE filed an amended petition proposing 13 offerings designed to accelerate EV adoption in New Jersey ("Amended Petition").

The Amended Petition proposed a multi-year, \$42.107 million EV program to incentivize off-peak charging of EVs, develop EV infrastructure, provide grants to foster innovation in electrifying the transportation sector, and support for electrifying school buses. The Amended Petition consisted of separate offerings as follows:

1. Whole House Time-of-Use ("TOU") Residential Rates – Rate Schedule RS-PIV. Offering 1 would permit an unlimited number of qualified BGS residential customers that own EVs to be billed under Rate Schedule Residential Service – Plug-In Vehicle instead of the standard residential service classification Residential Service. The rate schedule in Offering 1 would provide for a "whole house" TOU rate that, according to the Company, incentivizes participating residential customers to shift their electric load, including but not limited to load associated with the charging of EVs, to off-peak hours. The estimated cost for Offering 1 was \$120,000.
2. Off-Peak, Off-Bill Incentive for Residential Customers with existing, installed Electric Vehicle Supply Equipment ("EVSE") – Rider Residential Electric Vehicle Charging Program. Under Offering 2, the Company proposed to provide customers that have existing, installed EV chargers, or who acquire an EV charger on their own, with an off-bill incentive of 5 cents per kWh for EV charging conducted during off-peak hours, netted against any EV charging conducted during on-peak hours. The estimated cost of Offering 2 was \$192,000.
3. Level 2 EVSE and Installation Rebates for Residential Customers without Existing Chargers, Plus Off-Peak Incentive – Rider REVCP. Under this Offering, ACE would provide a rebate equivalent to 50% of the cost of a Smart Level 2 charger, plus a rebate for 50% of the cost of installation. Participants in this Offering would receive the off-bill, off-peak charging incentive described in Offering 2. The estimated cost of Offering 3 was \$3.396 million.
4. Rebates for Level 2 EVSE and Installation, and Demand Charge Offset Incentive for multi-unit dwellings ("MUDs") with dedicated on-site parking, currently without existing EVSE – Rider Commercial Electric Vehicle Charging Program. This Offering would target customers who own or operate condominiums and apartment complexes, i.e., MUDs, where dedicated parking can be made available for EV charging infrastructure. Under Offering 4, the Company would provide a rebate equivalent to 50% of the cost of a Smart Level 2 EVSE, plus a rebate for up to \$10,000 towards installation costs (less any other

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<sup>2</sup> In re the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated March 26, 2018.

applicable rebates). Customers participating in Offering 4 would also receive a demand charge offset incentive, calculated as 50% of the EVSE nameplate capacity, multiplied by the customer's demand charge from the customer's applicable rate schedule. The estimated cost of Offering 4 was \$1.804 million.

5. Rebates for Level 2 EVSE for Workplaces, Plus Demand Charge Offset Incentive – Rider CEVCP. Offering 5 would be available to customers that own or operate office buildings or garages where dedicated parking can be made available for EV charging infrastructure. The Company would provide a rebate equivalent to 50% of the cost of Smart Level 2 EVSEs to qualifying customers. The Company would also provide the customer with a demand charge offset incentive, calculated in the same manner as the demand charge incentive under Offering 4. The estimated cost of Offering 5 was \$806,000.
6. Rebates for Level 2 EVSE for Electric Vehicle Fleets, Plus Demand Charge Offset Incentive – Rider CEVCP. Offering 6 would be available to owners of light duty commercial vehicle fleets. Under this Offering, ACE would seek to target commercial vehicle fleet managers and government agencies with vehicle fleets. ACE would provide a rebate to qualifying customers equivalent to 50% of the cost of a Level 2 EVSE. The Company would also provide qualifying customers with a demand charge offset incentive, calculated in the same manner as the demand charge incentive under Offerings 4 and 5. The estimated cost of Offering 6 was \$806,000.
7. Public Charging – Utility-Owned and Operated Direct Current Fast Charges (“DCFCs”) – Rate Schedule PC-PIV. Offering 7 would consist of the installation of up to 45 DCFCs, for public use, at an estimated 15 locations along main transportation corridors in ACE's service territory. Under this Offering, ACE would target locations that serve local and long-distance travelers in the State, reducing range anxiety, and would provide additional charging solutions for EV drivers that lack access to home charging. The estimated cost of Offering 7 was \$4.576 million.
8. Public Charging – Utility-Owned Level 2 EVSEs – Rate Schedule PC-PIV. Similar to Offering 7, and also through Schedule PC-PIV, Offering 8 would consist of the installation of up to 200 Level 2 EVSEs, for use by the public, at an estimated 65 neighborhood locations within ACE's service territory. The estimated cost of Offering 8 was \$7.336 million.
9. Demand Charge Incentive and “Make Ready” Work Incentives for Non-Utility Owned Public DCFCs – Rider NOUPDCFC. Offering 9 would consist of an off-bill demand charge incentive for private, competitive, non-utility owner/operators of publicly available DCFCs; and a “make-ready” work incentive, where the Company would perform the electrical upgrades and work up to the point of the charger connection, at no direct cost to the non-utility owner/operator of the DCFC. The estimated cost of Offering 9 was \$4.071 million.
10. The Innovation Fund – Rider CTCP. With Offering 10, ACE proposed an “Innovation Fund,” by which interested persons or groups could seek funding from the Company to support innovative projects designed to further EV charging in the State and support electrification of the transportation sector. Eligible projects could include EV car share hubs, urban residential charging hubs, Vehicle to Grid (“V2G”) charging demonstrations, port electrification, and battery/resiliency pilots. Through Offering 10, ACE proposed an Innovation Fund of \$2 million.

11. Electric School Bus Fund – Rider CTCP. With Offering 11, ACE proposed to provide funding to school districts to cover the incremental cost of up to 20 electric school buses over traditional diesel-fueled school buses. As estimated by ACE, the incremental cost of an electric school bus over a diesel-fueled school bus is estimated at \$250,000. In addition, ACE proposed that its funding will cover charging infrastructure, up to \$25,000 per EVSE. The estimated cost of Offering 11 was \$5.5 million
12. New Jersey Transit Bus Electrification – Rider CTCP. Offering 12 proposed funding to provide charging infrastructure for a New Jersey Transit bus depot in ACE’s service territory. Offering 12 would include the Company providing up to \$250,000 in distribution engineering and upgrades as needed by the selected bus depot, and \$2.25 million for high-powered charging station equipment. The estimated cost of Offering 12 was \$2.5 million.
13. Green Adder – Rider PIV-Green. Offering 13 would allow customers participating in Offering 1 (at their election) and require customers in Offering 7 and 8 to receive electricity from 100% renewable sources through the proposed PIV-Green Rider. The total cost will be determined upon implementation. Because these costs would be borne by participating customers, the Company did not seek to socialize the costs of the Green Adder among ratepayers generally.

ACE sought to recover \$42.107 million via a base rate case. ACE proposed that all capital investments related to the EV Program be added to rate base as it is placed in service, for recovery in a future base rate proceeding. ACE also sought to establish a regulatory asset (“EV Regulatory Asset”) which would capture the Company’s non-capital costs associated with the program. The EV Regulatory Asset would also capture the incremental revenues ACE would receive from use of its public chargers under Offerings 7 and 8, offsetting costs to ratepayers.

As proposed by ACE, the EV Regulatory Asset and the undepreciated book value of the new capital placed in service would accrue at the Company’s full authorized return from inception and would be recoded into regulatory assets. Again, the Company would seek recovery of the EV Regulatory Asset amortization expense in a future base rate case.

Based on the Amended Petition, ACE estimated that a typical residential customer using 679 kWh per month would pay an additional \$0.54 per month for the recovery of the EV Program costs.

### **Procedural History**

On April 9, 2020, Commissioner Chivukula issued a prehearing order, wherein a procedural schedule was set.<sup>3</sup> Through a series of Orders, Commissioner Chivukula granted intervenor status to the National Resources Defense Council, Environment New Jersey, Sierra Club, Tri-state Transportation Company, Work Environment Council of New Jersey, GreenFaith, Inc., and Isles, Inc. (collectively, “Environmental and Community Groups”), ChargePoint, ZECO Systems, Inc. d/b/a Greenlots (“Greenlots”), EVGo, Tesla, and Electrify America, LLC (“Electrify America”). Additionally, by the April 2020 Order, the following were granted participant status: Public Service Electric and Gas Company and Jersey Central Power & Light Company. Additionally, in the April 2020 Order, Commissioner Chivukula denied Rate Counsel’s Motion to Stay.

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<sup>3</sup> In re the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated April 9, 2020 (“April 2020 Order”).

On April 13, 2020, Rate Counsel filed a Motion to Dismiss a portion of ACE's Amended Petition. On May 4, 2020 ACE filed an opposition to Rate Counsel's motion, which was joined by intervenors, Greenlots, and NRDC. On May 18, 2020 Rate Counsel filed a reply to ACE's opposition.

By Order dated June 10, 2020, Commissioner Chivukula modified the procedural schedule originally set forth in the April 2020 Prehearing Order.<sup>4</sup>

By Order dated June 26, 2020, Rate Counsel's Motion to Dismiss was denied and the parties were ordered to continue moving through the procedural schedule as set forth in the June 2020 Order.

Pursuant to the modified procedural schedule, on September 18, 2020, direct testimony was filed by Rate Counsel (Ezra Hausman and David Peterson), Tesla (William Ehrlich), Electrify America (Jigar J. Shah), ChargePoint (Kevin George Miller), Greenlots (Joshua J. Cohen), the Environmental and Community Groups (Kathleen Harris), and EVgo (Carine Dumit).

By Order dated October 15, 2020, Commissioner Chivukula further amended the procedural schedule.<sup>5</sup>

On October 19, 2020, rebuttal testimony was filed by the Company, Tesla, Electrify America, Greenlots, ChargePoint, and the Environmental and Community Groups. On November 12, 2020, Greenlots filed Surrebuttal Testimony.

Through a series of additional Orders, Commissioner Chivukula further amended the procedural schedule and ultimately on November 23, 2020 suspended the procedural schedule.<sup>6</sup> Following appropriate notice, telephonic public hearings were held on December 2, 2020.<sup>7</sup> A representative of Tesla called into the 4:30 p.m. hearing, but made no comments. No other members of the public called in to either public hearing or submitted written comments.

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<sup>4</sup> In re the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated June 10, 2020 ("June 2020 Order").

<sup>5</sup> In re the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated October 15, 2020.

<sup>6</sup> In re the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated November 10, 2020; and In re the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated November 13, 2020; and In re the Petition of Atlantic City Electric Company For Approval of a Voluntary Program For Plug-In Vehicle Charging, BPU Docket No. EO18020190, Order dated November 23, 2020.

<sup>7</sup> The hearings were held telephonically due to the COVID-19 pandemic.

## **Stipulation**

Following extensive discovery and settlement discussions, the Signatory Parties executed the Stipulation, which provides for the following:<sup>8</sup>

1. The Signatory Parties agree that ACE may implement a Voluntary EV Charging Infrastructure Program (“EV Charging Program”) pursuant to the terms of the Stipulation, the Board’s recent Order on Staff’s Straw Proposal on Electric Infrastructure Vehicle Build Out,<sup>9</sup> the Electric Vehicle Act of 2020 (“EV Act”),<sup>10</sup> and orders or regulations promulgated by the Board pursuant to N.J.S.A. 48:25-11.

## **DEFINITIONS**

All terms used in the Stipulation that are defined in the September 2020 Order shall have the meaning as defined in the September 2020 Order.

- “Community location” - a charging location that is not a travel corridor location and that is established in a town center, commercial area, or retail center or near concentrations of multi-family dwellings to provide vehicle charging services to local plug-in electric vehicle drivers near where they live and work.
- “Co-locate” – to locate a charging station on the same contiguous site as other charging stations, which may be owned or operated by a separate site owner or operator.
- “DC Fast Charger” - EVSE that provides at least 50 kilowatts of direct current electrical power for charging a plug-in electric vehicle through a connector based on fast charging equipment standards and which is approved for installation for that purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.
- “Demand charges”- an existing feature of many rates whereby large users of the electric system pay for their contribution to the fixed costs of operating the electric system. In most cases, Demand Charges are set based on a customer’s peak annual usage.
- “EVSE” – refers to Electric Vehicle Service Equipment.
- “EVSE Infrastructure Company” – an entity using private capital to deploy Electric Vehicle Service Equipment (i.e., “Charging Station Infrastructure”). An EVSE Infrastructure Company cannot be an EDC, affiliated with an EDC, or controlled by an EDC, unless otherwise approved by the Board.<sup>11</sup>
- “Last Resort” – (referred to as “areas of last resort”) 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. Utilities may petition the Board to own and operate charging stations in these areas after those timeframes.

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<sup>8</sup> Although summarized in this Order, the detailed terms of the Stipulation are controlling, subject to the findings and conclusions of this Order. Each paragraph is numbered to coincide with the Stipulation.

<sup>9</sup> In re Minimum Filing Requirements For Light-Duty, Publicly Accessible Electric Vehicle Charging, BPU Docket No. QO20050357, Order dated September 23, 2020 (“September 2020 Order”).

<sup>10</sup> See Electric Vehicle Act of 2020 (“EV Act”), N.J.S.A. 48:25-1 et seq.

<sup>11</sup> An entity shall not be excluded from the definition of “EVSE Infrastructure Company” if it receives or uses public funds in deploying Electric Vehicle Service Equipment.

- “Make-Ready” - 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, including, but not limited to, Level Two EVSE and DC Fast Chargers. 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 Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “Charger-Ready”.
- “Multi-Family Dwelling” - Apartments, condominiums or mixed residential locations that feature a minimum of three or more units.
- “Operational” - a charging location that the operator of an EV charging station would be required to maintain and promptly fix, in accordance with industry standards (greater than 95% up time each calendar year) for 5 years after installation, in the event of malfunctioning hardware or software that would impede the use of the equipment by a consumer.
- “Overburdened community” - any census block group, as determined in accordance with the most recent United States Census, in which at least one half of the households qualify as low income households and either: (1) at least 40% of the residents of the census block group identify as Black, African American, Hispanic or Latino, Asian, Pacific Islander, or as members of a State recognized tribal community; or (2) at least 40% of the households in the census block group have limited English proficiency. Overburdened community is synonymous with the previously used term “Equity Area.”
- “Port” - the part of the charging station that connects to the EV. A charging station may have one or more simultaneously operable Ports with the combined capacity up to the nameplate capacity of the charging station.
- “Proprietary charging connector” – a charging connector that does not use a ‘standard connector port’ as defined in this section.
- “Publicly-accessible charging” - 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.
- “Site owner and operator” - site host, property manager, an EVSE Infrastructure Company, or an EDC with Board approval that is responsible for installing EVSE.
- “Smart charging station”- defined as a charging station that is capable of sending and receiving communications via wi-fi, cellular network, or other network connection.
- “Smart charging network” – a communications system that transmits, collects, and aggregates data from charging stations via a network connection, which enables customer- facing functionalities.

- “Standard connector port” – an EV charging port that meets the technical specifications of Combined Charging System (CCS) and Charge de Move (CHAdeMO) connectors for DCFC stations and J1772 connectors for L2 stations.<sup>12</sup>
- “Travel corridor” - heavily used public roads in the state, as designated by the New Jersey Department of Environmental Protection, which shall include, but need not be limited to, the Garden State Parkway, the New Jersey Turnpike, the Atlantic City Expressway, federal interstate highways, and the subset of federal or State roads which collectively support the majority of long-distance travel through and within the state, as well as the majority of daily travel by local drivers.
- “Workplace” – defined as place of business where primarily employees would utilize charging services provided to charge non-fleet vehicles; this definition includes but is not limited to commercial office parks and office buildings, schools, industrial facilities, etc.

### **EV CHARGING PROGRAM**

2. The Signatory Parties agree that the Company’s EV Charging Program will consist of the individual program offerings set out in detail in Attachment A of the Stipulation, with a total budget of \$20.673 million inclusive of certain administrative costs, data networking and collection costs, and customer education and outreach costs incurred in the implementation of the EV Charging Program. The offerings included in Attachment A of the Stipulation include significant investments in EV charging infrastructure Make Ready work to facilitate the growth of EV charging sites in New Jersey, and are intended to be consistent with the “shared responsibility” model for EV charging infrastructure deployment set out in the September 2020 Order.<sup>13</sup>
3. Attachment A of the Stipulation also includes individual budgets for offerings #1b, #2, #3, #4, #5 and #6, which budgets may be expended over the five-year term of the EV Charging Program. The Signatory Parties agree the EV Charging Program shall commence upon the Board’s approval of the Stipulation. The Company’s EV Charging Program shall terminate upon exhaustion of the budgeted program dollars or after five (5) years from launch of the individual offerings, whichever occurs first.
4. As set out in Attachment A of the Stipulation, offering #7 includes a negotiated volumetric distribution rate of approximately 10.9 cents per kilowatt-hour (“kWh”) for new and existing DCFC charging sites with combined service capacity of the site up to 1,000 kW. For the avoidance of doubt, the negotiated 10.9 cents per kWh rate is for distribution service only. The negotiated 10.9 cents per kWh rate does not include applicable taxes, any current or future surcharges the Company may be authorized to impose, or any Basic Generation Service (“BGS”) or supply costs.

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<sup>12</sup> The term “standard connectors” refers to only those plug types that are advanced by a standards-making organization, such as SAE. To the extent that new connector types are approved in the coming years, ACE reserves the right to qualify additional connectors eligible in this program.

<sup>13</sup> See September 2020 Order, at 25 (finding that Staff’s proposed shared responsibility model is reasonable).



5. The Signatory Parties agree that the 10.9 cents per kWh rate is the product of extensive negotiations and is intended only as a transitional rate. The Signatory Parties acknowledge that ACE intends to conduct a Class Cost of Service Study (“CCOSS”) to develop and propose a cost-based rate for residential and non-residential EV charging sites operating on the Company’s distribution system, and will seek the Board’s approval to impose the rate(s) determined in that CCOSS in a future base rate proceeding, which does not refer to the base rate case initiated by ACE on December 9, 2020. Following general rate case procedure, the Signatory Parties agree that no party shall be precluded from presenting alternative methodologies to the CCOSS in the development of EV charging facility rate(s). The Signatory Parties further agree that all parties in this case have reserved their rights to contest in a future base rate proceeding the Company’s proposals regarding distribution rates, costs, and rate design, including those for EV charging facilities.
6. The Signatory Parties acknowledge that the 10.9 cents per kWh rate included in offering #7 shall automatically terminate on the earlier of December 31, 2024, or when a new rate based on a CCOSS proposed by ACE has been approved by the Board in a future base rate proceeding. If a new rate based on a CCOSS is not proposed by ACE by December 31, 2024, all Signatory Parties agree that all charging stations receiving the transitional rate of 10.9 cents per kWh will default to the commercial tariff in place at that time.
7. The Company’s revised tariffs implementing the terms of the Stipulation, including the transitional tariff, Rate Schedule Monthly General Service Secondary – Electric Vehicle Charging (“MGSS-EVC”), implementing the 10.9 cents per kWh rate and setting out the eligibility requirements to receive service pursuant to this tariff, are attached to the Stipulation as Attachment B. To the extent the Board authorizes the Company to increase its base rates for electric distribution service in a future rate case filing, which does not refer to the base rate case initiated by ACE on December 9, 2020, transitional rate schedule MGSS-EVC will be subject to rate increases based upon the CCOSS referenced in Paragraph 5 of the Stipulation and such other issues as considered and approved by the Board.
8. The Signatory Parties agree that offering #7 does not, and is not intended to, address BGS rates, costs, or rate design. The Signatory Parties further agree that all Parties in this case have reserved their rights to contest in a future BGS proceeding the Company’s proposals regarding BGS rates, costs and rate design.
9. The Signatory Parties acknowledge that the Company requires charging data to perform a CCOSS to identify and allocate accurately the costs of providing electric distribution service for EV charging, inform the development of EV rate tariffs, and to provide data to evaluate other mechanisms to incent EV owners to use charging services in a manner that has the least impact on the reliability and costs of ACE’s distribution system. The Signatory Parties agree that all customers – both residential and non-residential – who elect to receive incentives under the Company’s EV Charging Program shall be required to provide charging data to ACE in a format to be determined by the Signatory Parties on a semi-annual basis. Such data requirements shall, at a minimum, include the number of charging events, time and date, number of unique vehicles connected, total kWh dispensed, average kWh per charging event, and average duration of charging events. This charging data

submission requirement shall apply to both DCFC and L2 charging stations. The Signatory Parties agree to comply with any regulations promulgated by the Board regarding access to, and the use of charging data.

10. The Company will make aggregated data available, which is also anonymized (i.e., no companies identified), to the public and to other entities that have a legitimate research need for the data.<sup>14</sup> ACE will provide an annual EV charging report to the Board and a copy to Rate Counsel, with summary analyses of the data, which may include, but are not limited to, location (latitude/longitude), charging session duration, session frequencies, load curves, and utilization of home charging within its service territory on an aggregate basis. The first report shall be due to the Board by March 1, 2022. The Company will work to address and standardize these data collection and reporting practices with Board Staff as well as with the other utilities to create a uniform reporting process. The Company further agrees that it will comply with any regulations promulgated by the Board regarding reporting requirements.
11. This standardized data collection process may also extend to public charging stations in ACE's service territory not participating in the ACE EV program, on a voluntary basis, in order to inform and improve upon existing practices by the Company and to ensure reliable service and quality of performance for EV charging. ACE shall work with the Signatory Parties to identify the specific data required, including those outlined in the Stipulation, the period for which that data is required to be provided, the frequency with which the data will be provided to the Company, and the protocols for how any such data provided to the Company will be accessed, used, stored, and made available to other parties by the Company. ACE acknowledges that such data is considered confidential and proprietary to the providing party, and agrees to take commercially reasonable measures to maintain the confidentiality of the information provided to ACE.<sup>15</sup> The Company further agrees that it will comply with any regulations promulgated by the Board regarding access to, and the use of, third-party EV charging data.
12. The Company agrees to offer Make-Ready incentives to support deployment of charging stations utilizing standard connectors. Those connectors include SAE J1772 for Level-Two charging and both SAE Combined Charging System (CCS) and CHAdeMO for DCFC. All incentives granted under offerings #1-6 shall be applied on a per port basis, where a port is defined as a connector capable of charging an EV once connected. Charging providers utilizing a proprietary, non-standard connector may co-locate with at least one EV charging station with both an SAE CCS and CHAdeMo port; however, consistent with the EV Act, only standard connector ports shall be eligible to apply for or receive an incentive.<sup>16</sup>

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<sup>14</sup> The Company will confer with participating EVSE Companies to ensure shared data and reporting contains no proprietary, personal, or sensitive data, however, data shared with the Company must be sufficient to report to the Board and develop rate offerings, as described in Paragraphs 10 and 25 of the Stipulation, respectively.

<sup>15</sup> Such measures shall include, upon request, requiring Company contractors that access such data to enter into non-disclosure agreements requiring them to protect confidentiality of the data and use the data only in ways that is consistent with the confidential and proprietary nature of such data.

<sup>16</sup> Section 2 of the EV Act contains definitions of Level Two and DC fast charging standard plug types, including CHAdeMO, SAE CCS, and SAE J1772. "Fast charging equipment standards" means standards for high power direct current charging, based on the CHAdeMO standard and the Society of Automotive

13. No one site host or customer entity shall account for more than 20% of an offering's total program budget in totality for all of the entity's locations. The specific per-site incentive limits per offering are detailed in Attachment A of the Stipulation.
14. In order to qualify for an incentive, both residential and non-residential charging station hardware receiving an incentive will be required by ACE to be smart charging stations and be UL certified. The Company will pre-qualify at least two (2) manufacturers of smart charging equipment and charging network service providers for Make-Ready eligibility, and site hosts may purchase the smart charging hardware and network technology of their choice. Site hosts and/or charging station owners and operators may control the price that drivers pay for charging services at their charging stations.
15. ACE agrees to post on the Company's website public maps that detail areas which are best suited for EV infrastructure build-out by the end of calendar year 2021, and earlier if possible. These would be prepared and updated by the Company on a regular basis, at least annually, and available to the public in a timely manner in order to provide reasonably current maps showing options for EV charging in ACE's territory. The Company-prepared maps will be posted for information only and will not be used by the Company in responding to service requests. The Company further agrees that it will comply with any regulations promulgated by the Board regarding mapping EV charging sites and capacity.
16. The Company will provide a semi-annual report on EV deployment to the Board Staff and Rate Counsel ("EV Report"), 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, under each of the Company's offerings;
  - The Company's forecasted and actual EV capital costs to date for the reporting period and for the program-to-date;
  - The forecasted and actual operations and maintenance expenses for its EV charging infrastructure to date for the reporting period and for the program-to-date;
  - The Company's proposals to modify the program based on program activity within each offering in order to support the policy objectives of the State of New Jersey, including any proposed budget modification. Each proposal must include a written description of and rationale for the proposed modification. Staff retains the right to reject such proposals.
  - ACE may re-allocate its budgets for offerings #1b, #2, #3, #4, #5 and #6 shown in Attachment A of the Stipulation between those offerings, as follows: up to 5% of each offering's total budget with notification to Staff and Rate Counsel (which should be provided 30 days in advance of the change), 5% to 25% with Staff approval, and over 25% with Board approval; and,

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Engineers Combined Charging Standard ("CCS"), or other non-proprietary standards as may be approved by the board in the future." And "'Level Two EVSE' means EVSE that provides a plug-in electric vehicle with single phase alternating current electrical power at 208-240V AC, through a standardized plug connector that complies with SAE J1772 standards, or an equivalent wireless power transfer interface, or equivalent standards for 208-240V AC charging as may be adopted in the future and accepted by the board, and which is approved for installation for this purpose under the National Electric Code through Underwriters Laboratories Certification or an equivalent certifying organization."

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

The program expenditures shall be broken out between labor, material and other costs. This reporting will begin by September 1, 2021 based on actual results through June 30, 2021. The second semi-annual report will be submitted by March 1, 2022 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 completion of the EV program investment.

17. The Signatory Parties acknowledge that ACE has withdrawn several program offerings that were included in ACE's Amended Petition, and further revised in the Rebuttal Testimony of the Company's witnesses. To the extent that those program offerings are not included in Attachment A of the Stipulation, the Signatory Parties acknowledge that the Company has withdrawn those offerings without prejudice. The Signatory Parties agree the Company is free to propose any withdrawn offerings, in whole or in part, in a future proceeding. The Company acknowledges that the September 2020 Order reserves issues related to medium- and heavy-duty EVs for further stakeholder proceedings to be held during the Board's Fiscal Year 2021.
18. The Company further states that its present intention is to propose additional EV charging infrastructure initiatives upon the completion of forthcoming Board proceedings to address charging infrastructure for medium and heavy electric vehicles.

### **COST RECOVERY**

19. The Signatory Parties agree that the Company may establish a EV Charging Program Regulatory Asset ("EV Regulatory Asset") to capture ACE's incremental depreciation associated with new capital investment placed into service and non-capital costs associated with the EV Charging Program offerings including: make-ready incentives, administrative costs, data collection and networking costs, customer outreach/marketing, billing system costs and education costs, and incremental operations and maintenance costs. ACE's incremental depreciation and amortization expenses associated with new capital investments, including distribution system investments necessary to connect non-utility owned Public DCFs, associated with the EV Charging Program, will be recorded to the EV Regulatory Asset as those investments are completed and become charger-ready, and ACE's reasonable non-capital costs, including any distribution system costs necessary to connect non-utility owned Public DCFs, associated with the EV Charging Program will be recorded to the EV Regulatory Asset as those costs are incurred.
20. For the purpose of cost recovery, the Signatory Parties agree that all capital investments made pursuant to ACE's EV Charging Program, and consistent with the budget projections set out in Attachment A of the Stipulation, and any investments made pursuant to ACE's EV Charging Program and not recorded to through the EV

- Regulatory Asset, shall be reviewed for prudence and inclusion in base rate in a future base rate proceeding.
21. The Signatory Parties agree that the EV Regulatory Asset and the undepreciated book value of the new charger ready capital investments will earn a rate of return based on the overall rate of return approved by the Board in the Company's most recent base rate case and updated with the rate of return approved in subsequent base rate cases. At this time, ACE's most recent base rate case was completed in early 2019, and the overall rate of return approved in that proceeding was 7.08 percent.<sup>17</sup>
  22. The Signatory Parties agree that ACE will seek recovery of the EV Regulatory Asset, which will be reviewed for reasonableness and prudence in future base rate cases. The parties reserve their rights to argue the appropriate amortization period and recovery of the EV Regulatory Asset in a future base rate proceeding. ACE acknowledges that it bears the burden of demonstrating that investments and costs included in the EV Regulatory Asset are reasonable and prudent.
  23. As noted in Attachment A of the Stipulation, ACE has projected an EV charging program implementation costs budget of approximately \$5.88 million, of which \$3.5 million is for data collection and networking services. The Signatory Parties acknowledge that ACE purchases these services from third-party vendors, and does not set the rates charged by those suppliers. The Company agrees that it will use its best efforts to obtain favorable pricing terms from third-party vendors. Should ACE anticipate that its actual costs for data collection and networking services will exceed the \$3.5 million budget, the Signatory Parties agree that ACE shall be permitted to file a request with the Board seeking authorization, with notice to Rate Counsel, to increase the budget for data collection and networking services in the EV Charging Program. Such requests must include a written description of and rationale for the requested budget increase. Staff retains the right to reject such requests. The Company acknowledges that its recovery of data collection and networking services costs is limited to its actual costs for these services, and that its request for cost recovery is subject to review in a future base rate case to confirm the costs are reasonable and were prudently incurred.

#### **APPLICABLE PUBLIC FUNDING**

24. If funding or credits from any subsequent state or federal action or program becomes available to the Company or participants 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 EV Program Offerings 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 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

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<sup>17</sup> See In re the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and 48:2-21.1, and for Other Appropriate Relief (8/2018), BPU Docket No. ER18080925, Order dated March 13, 2019, at 3.

program (excluding program incentive financing) fund more than 90% of an installation or project's costs through rebates or other direct incentives at the time of installation. If it is determined that an installation or project would be funded through 90% rebates or incentives the Signatory 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 under 90% of the program costs toward that project. The determination of the funding sources for a project shall be based on a certification by the program customer or participant. Nothing in Paragraph 24 of the Stipulation shall reduce the Company's ability to invest up to \$20.673 million pursuant to the program, as described in Paragraph 2 of the Stipulation and in Attachment A of the Stipulation. Additionally, subject to the process set forth in Paragraph 16 of the Stipulation, the Company may increase the number of sites eligible for make ready incentives for Offerings #1b, #2, #3, #4, #5 and #6, as described in Attachment A of the Stipulation, to the extent necessary to meet this total level of investment if the application of this paragraph results in a portion of the projected budget for a particular Offering being available to invest in another Offering under this ACE EV program.

### **ADDITIONAL COMMITMENTS**

25. The Signatory Parties acknowledge that additional charging data is needed in order to design EV-only and whole-house time-of-use residential distribution rates. Once sufficient data has been generated by customer participation in offerings #1a and #1b included in Attachment A of the Stipulation, ACE commits to design an EV-only and whole-house time-of-use residential distribution rate and to propose that rate in a future base rate proceeding.
26. The Company acknowledges guidance in the BPU September 2020 Order recommends that EV Chargers located at multi-family dwellings utilize the same rate as residential customers are charged for EV charging.<sup>18</sup> ACE commits to develop solutions to address rate parity between EV charging at single family residences and sites located at multi-family dwellings.
27. The Company shall file an annual informational filing with the Board (with copies to the Signatory Parties) detailing the total number of customers participating in the Residential Off Peak Incentive program (offering #1a), the total number and amount of Make-Ready rebates issued, and the total number of DCFC and L2 charging stations, respectively, installed as a result of the Company's programs in the calendar year. ACE will file its first annual report no later than March 1, 2022 for the calendar year 2021 period. Annual reports will be filed by each March 1st thereafter, through to the conclusion of the EV Charging Program in 2026 (resulting in a final report due by March 1, 2027).
28. The Company states that it will not own or operate EVSE for public use within the scope of this filing unless, and until, the Board has authorized ACE to own and operate such facilities as a provider of last resort consistent with the requirements set out in the September 2020 Order.

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<sup>18</sup> See September 2020 Order, at 23.

29. Consistent with current practices in the installation of equipment to serve new customers on its distribution system, Make Ready infrastructure installed on the utility side of the meter shall be the Company's property.

### **Comments on the Stipulation**

Comments on the Stipulation were filed by Greenlots, Electrify America and the Environmental and Community Groups.

#### *Electrify America*

Electrify America does not object to the Stipulation, but did not sign it for several reasons. See Electrify America Comments at 1.

Electrify America argued that there is no relief provided in the form of reduced demand charges related to BGS rate components, the distribution demand charge solution is not sufficient, the data-sharing obligations are onerous and costly, and ACE's right to determine what EV charging company equipment will qualify potentially will not meet automotive demands and fail to keep up with technological changes. Id. at 1-2. Electrify America asserted that its position may differ from other charging companies because it is uniquely situated as the only charging network providing more than 150 kW to capable vehicles in the State as the customer of record using non-proprietary connectors. Id. at 2.

Electrify America asserted that the proposed DCFC rate structure has not reduced the demand charges to the degree necessary to allow Electrify America to price its product at a reasonable price (for example, gasoline equivalency) without covering ongoing energy expenses for the foreseeable future nearly every time someone charges their vehicle, with no ability to recover investments even with support from a make-ready program. Id. According to Electrify America, because other jurisdictions have approved rates that reduce or eliminate all demand charges entirely for low-load commercial customers and EV charging infrastructure in order to meet state policy goals, these other regions have improved the utility environment and made third-party investment in DC fast charging more economically justifiable and appealing. Id.

With respect to BGS related demand charges, Electrify America argued that third party suppliers ("TPSs") do not sufficiently offset the burden of high demand charges to the BGS component. Electrify America expressed concern that the proposed rate structure will make it difficult for the private market to succeed which could lead to the utility's Last Resort measures and higher subsidization from ratepayers. Id.

#### *Greenlots*

In its comments, Greenlots stated that it does not object to the Stipulation, but does not support it. See Greenlots Comments at 2. Greenlots stated that the Program, as modified by the Stipulation, will meaningfully advance transportation electrification in New Jersey and adheres to a portfolio framework that is designed to advance electrification across multiple customer segments and use cases. Id. at 2 to 3. However, despite the benefits of the Program, Greenlots is deeply concerned it will be insufficient to achieve the foundational backbone of critical infrastructure necessary for New Jersey to meet its climate and electrification goals. Id. at 3. Greenlots asserted that the Stipulation is deficient in two (2) key aspects: it withdraws or delays medium- and heavy-duty vehicle ("MHDV") provisions that would more equitably accelerate

electrification across multiple customer segments; and it fails to take advantage of the benefits that utility ownership of charging stations will provide, particularly in the near term when it is most needed. Greenlots claimed that these deficiencies will position the State to de-emphasize supporting equitable and inclusive EV deployment. Id. Greenlots maintained that the originally filed program with modifications proposed in its direct testimony would be “needed, prudent and targeted utility investment that will have a significant beneficial impact in accelerating both the adoption of electric vehicles and the market for electric vehicle charging infrastructure products and services...” Id. at 4.

Greenlots stated that, when considering the Stipulation, the Board should also consider the statutory commitments embodied in the EV Act, the goals called for in the 80 x 50 Report<sup>19</sup>, and the zero emission commitments for MHDV sales contained in the medium and heavy duty zero emission vehicle Memorandum of Understanding<sup>20</sup>. Additionally, Greenlots asserted that the Board should further consider how to achieve these goals in an equitable way for all New Jerseyans. Id. at 5 to 6.

According to Greenlots, the Stipulation reduces the funding for the program to less than half of what the Company proposed, eliminates utility ownership of charging stations, and overly relies on private market investment. Greenlots asserted that the private market has proven inadequate to electrify New Jersey’s transportation sector at the scale and speed required. Greenlots maintained that utility ownership of charging stations should be firmly encouraged at this stage because utility ownership offers multiple benefits to ratepayers and the private EV charging industry. Id. at 6 to 8.

Greenlots believes Board approval of utility ownership would accelerate EV adoption and increase driver demand for charging services, thereby increasing the size of the market, enabling greater opportunity for all market participants and hastening the arrival of a truly competitive and profitable EV charging market in New Jersey. Id. at 8 to 9. According to Greenlots, Board approval of utility ownership will also provide market predictability for private market participants and send a very positive market signal that New Jersey is fully committed to achieving New Jersey’s ambitious goals for electrification. Id. at 9.

Additionally, Greenlots took exception to the Innovation Fund, Electric School Bus Fund, and New Jersey Transit Bus Subprograms being withdrawn. Greenlots argued that delaying these subprograms to an uncertain date will make it that much more challenging for New Jersey to achieve its electrification goals for school buses, ground service equipment and other MHDV classes. Further, Greenlots asserted that delaying these subprograms will work at cross-purposes to New Jersey’s efforts to advance equity because this subprogram would address vehicle classes that are imperative to support equitable electrification. Id. at 12.

Greenlots recommended modifications to the Stipulation in three (3) key areas. First, Greenlots recommended utility ownership of charging station, increasing overall funding levels, and the reinstatement of the MHDV subprograms. Second, Greenlots recommended modifying the budgets

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<sup>19</sup> Pursuant to the Global Warming Response Act, the New Jersey Department of Environmental Protection is required to assess the state’s progress in meeting the Act’s carbon reduction goal of reducing total carbon emissions by 80% by 2050. (Source: <https://www.nj.gov/dep/climatechange/docs/nj-gwra-80x50-report-2020.pdf>)

<sup>20</sup> Governor Murphy signed a joint memorandum of understanding on July 14, 2020 to support and advance medium and heavy-duty electrification in the State. (Source: <https://www.nj.gov/governor/news/news/562020/20200714a.shtml>)



and regulatory conditions of the Public DCFC and Public L2 subprograms to allocate 25 percent (25%) for utility ownership of charging stations and retain the rest – 75 percent (75%) – for incentives for third-party ownership such as the make-ready incentives proposed in the Stipulation. Third, Greenlots recommended allowing ACE to commence implementation of utility ownership at the start of the Program. Id. at 13 to 18.

Additionally, Greenlots recommended raising the overall program budget and the individual subprogram budget funding levels to be closer to the amounts initially proposed and modifying the Innovation Fund, Electric School Bus Fund and New Jersey Transit Bus Subprograms by fully funding them as proposed in the Company's Amended Petition, rather than withdrawing them. Id. at 18-19.

Despite stated concerns, Greenlots acknowledges that the Company's program, as modified by the Stipulation, will deliver "real and meaningful benefits" by directly funding transportation electrification in a way that "will help EV drivers, commercial fleet managers and other key market participants overcome some of the challenging financial barriers to adoption that hinder market growth today." Id. at 7.

#### *Environmental and Community Groups*

The Environmental and Community Groups submitted comments on the Stipulation expressing concern in four (4) areas. The Environmental and Community Groups do not believe the Stipulation goes far enough to ensure that New Jersey will meet the goals for vehicle electrification or to lower electric rates for all customers or to meet deadlines for action on storage and MHDV charging infrastructure. See Environmental and Community Groups Comments at 1 to 2.

The Environmental and Community Groups asserted that the Stipulation takes significantly smaller steps toward vehicle electrification than the Company's original proposal in terms of the size and scope of the programs, citing the smaller total budget and the lack of addressing school bus electrification, transit and other MHVD investment. Additionally, the Environmental and Community Groups are concerned that the Stipulation does not include utility investment. Id. at 6 to 7.

The Environmental and Community Groups asserted that larger investment, including a role for utility investment, is needed. The Environmental and Community Groups stated that the Stipulation should be viewed as a starting place, and not as programs that preclude further investments in light-duty charging infrastructure. Id. at 9.

The Environmental and Community Groups also commented on the fact that the Stipulation would hold consideration of MHDV pending some "future proceeding". The Environmental and Community Groups urged the Board to order a rapid as feasible timeline for this future proceeding. Id. at 9 to 10.

Lastly, the Environmental and Community Groups expressed concern about the public funding provision in the Stipulation. The Environmental and Community Groups recommended that, if the Stipulation is approved, the Board should make it clear that the intent of the public funding provision is to ensure that the Company doesn't double-recover and that it is not intended to either reduce the size of the programs authorized by the Stipulation or hobble the use of future public funding to achieve additional vehicle electrification. Id. at 11.

## **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 Amended Petition, extensive stipulated discovery and pre-filed testimony, the public hearing record, the Stipulation, and the comments on the Stipulation submitted Greenlots, Electrify America and the Environmental and Community Groups. 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.<sup>21</sup> The Governor's objectives were endorsed and amplified by the Legislature with the passage of the EV Act, highlighting the importance of addressing range anxiety through the build-out of EV charging infrastructure. The EV Act adopted aggressive targets for installation of vehicle chargers over the next five (5) years.<sup>22</sup> And, through the September 2020 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 EV goals.

Having found that the proposed Stipulation furthers State EV policy, the Board now turns to the comments submitted by the non-signatory parties. The Board carefully considered all comments including the comments submitted by Greenlots and the Environmental and Community Groups regarding utility investment. The Board 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 September 2020 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.<sup>23</sup> 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.<sup>24</sup> The Minimum Filing Requirements adopted in the September 2020 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

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<sup>21</sup> *Governor Murphy Announces State Interagency Electric Vehicle Partnership*, June 3, 2019, available at <https://www.nj.gov/governor/news/news/562019/20190603b.shtml>.

<sup>22</sup> N.J.S.A. 48:25-3.

<sup>23</sup> September 2020 Order at 25.

<sup>24</sup> *Id.* at 26.

Board **FINDS** that after the prescribed timelines, ACE may petition the Board for approval of areas of Last Resort.

With respect to the Environmental and Community Groups' comments that the Stipulation does not go far enough, the Board notes that the Stipulation represents, and is, a first step for the Board to jump start the light-duty charging market while prioritizing private investment over ratepayer funding of light-duty charging infrastructure. Nothing in the Stipulation precludes private investment without use of the Program or utility ownership utilizing their own investor dollars.

With respect to Electrify America's comments on BGS rate, the Board notes that BGS rates and rate structures are reviewed and approved in a separate, annual filing. Additionally, as the BGS is a pass through of supply costs for customers who choose not to shop through a TPS, there are several considerations that must be taken into account, including assuring that the appropriate customers are paying for their actual BGS supply costs. The Board **FINDS** that the instant proceeding is not the appropriate venue to implement modifications to the BGS rate design. The Board's annual BGS process is open to all parties who wish to file proposals.

Electrify America also asserted that the demand charge agreement in the Stipulation was not sufficient. Having considered Electrify America's comments, the Board **FINDS** the Stipulation provides a reasonable balance while allowing the Company to collect the data necessary to develop an appropriate rate based on actual cost causation in a future rate case. The Board **FINDS** that data sharing requirements are necessary for both future rate creation as well as to better understand future charging eco-system investment. Furthermore, the data sharing requirements in the Stipulation appropriately reference compliance with future regulations promulgated by the Board regarding access to, and the use of, charging data. Additionally, nothing in the Stipulation precludes ACE from approving multiple technologies; rather it ensures that the Company does not limit it to one specific manufacturer or type.

The Stipulation modifies the Amended Petition in several ways. Pursuant to the September 2020 Order at page 7, MHDV initiatives will be addressed in a future straw proposal. Therefore, the Stipulation's removal of those subprograms from ACE's EV offerings is appropriate at this time. Similarly, 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 September 2020 Order.

ACE's EV Program, as detailed in the Stipulation, contains a variety of offerings and includes residential, multi-unit dwellings, workplaces, fleets, and public charging. Each of these facets of EV charging are critical paths for light-duty EV charging and these offerings will begin to lay the foundation for decreased range anxiety in the State. Additionally, the Stipulation addresses barriers to multi-unit dwelling infrastructure, which has 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 September 2020 Order that the barriers to electrification 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 while providing further information that will inform more 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. The Board is persuaded that the mechanism proposed in the Stipulation allows the Company seek recovery for program expenditures that has been placed in service in future base rate cases. These costs will be subject to review by the parties. The Board believes the cost recovery mechanism adopted in the Stipulation strikes an effective balance between giving the Company a reasonable opportunity to recover program costs while still protecting ratepayers from paying more than reasonably 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 CCOSS 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 CCOSS in a future base rate proceeding.

The Board carefully reviewed the record in this proceeding, including the Amended Petition, extensive stipulated discovery and pre-filed testimony, the public hearing record, 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 year, including launching the country's most generous EV incentive program with great success in 2020. The Board is committed to upholding the Legislature's and the Governor's shared goal of combating 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 MHDV Straw Proposal that the Board anticipates releasing in fiscal year 2021. 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 Chivukula during the pendency of this proceeding for the reasons stated in his decisions and Orders.

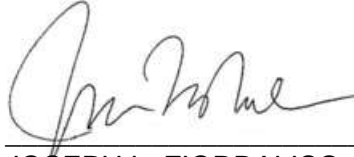
The Board **HEREBY ORDERS** ACE to file revised tariff sheets conforming to the terms of the Stipulation by March 1, 2021.

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

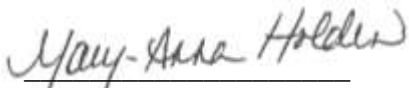
The effective date of this Order is February 25, 2021.

DATED: February 17, 2021

BOARD OF PUBLIC UTILITIES  
BY:



\_\_\_\_\_  
JOSEPH L. FIORDALISO  
PRESIDENT



\_\_\_\_\_  
MARY-ANNA HOLDEN  
COMMISSIONER



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DIANNE SOLOMON  
COMMISSIONER



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UPENDRA J. CHIVUKULA  
COMMISSIONER



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ROBERT M. GORDON  
COMMISSIONER

ATTEST:



\_\_\_\_\_  
AIDA CAMACHO-WELCH  
SECRETARY

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

BPU DOCKET NO. EO18020190

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February 2, 2021

**VIA ELECTRONIC MAIL**  
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Aida Camacho-Welch  
Secretary of the Board  
Board of Public Utilities  
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P.O. Box 350  
Trenton, New Jersey 08625-0350

**RE:** In the Matter of the Petition of Atlantic City Electric Company for Approval of a  
Voluntary Program for Plug-In Vehicle Charging  
BPU Docket No. EO18020190

Dear Secretary Camacho-Welch:

Enclosed herewith for filing is a fully executed Stipulation of Settlement (the “Stipulation”) in connection with the above-referenced matter. The Stipulation has been executed by Staff of the New Jersey Board of Public Utilities (the “Board” or “BPU”); the New Jersey Division of Rate Counsel (“Rate Counsel”); ChargePoint, Inc.; EVgo Services LLC; and Tesla, Inc.

To the best of Atlantic City Electric Company’s (“ACE” or the “Company”) knowledge, there are no parties that object to the settlement; however, the following intervening parties have not joined the settlement: Natural Resources Defense Council, Environment New Jersey, Sierra Club, Tri-State Transportation Campaign, New Jersey Work Environment Council, GreenFaith, and Isles, Inc. (collectively referred to as the Environmental and Community Group), Electrify America, LLC, and Zeco Systems, Inc., d/b/a Greenlots.<sup>1</sup> It is ACE’s understanding that these parties do not oppose the settlement and intend to file comments stating their positions. It is our further understanding that **Board Staff is expecting comments by no later than Friday, February 5<sup>th</sup>.**

The parties to the Stipulation have been working diligently since early November 2020 to find common ground on the many issues involved in this cutting-edge proceeding and arrive at a mutually agreeable settlement. We note that there is only one February meeting of the BPU currently scheduled (Wednesday, February 17, 2021). The Company respectfully requests that this matter be scheduled for the earliest available Board meeting so that implementation of the settlement can begin without delay.

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<sup>1</sup> The following parties have been granted Participant status in this proceeding and have also indicated that they do not object to approval of the Stipulation: Public Service Electric and Gas Company, Jersey Central Power & Light Company, and the Alliance for Transportation Electrification.

Aida Camacho-Welch

February 2, 2021

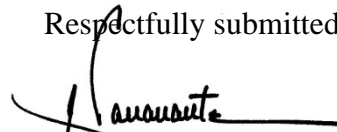
Page 2

Consistent with the Order issued by the Board in connection with *In the Matter of the New Jersey Board of Public Utilities' Response to the COVID-19 Pandemic for a Temporary Waiver of Requirements for Certain Non-Essential Obligations*, BPU Docket No. EO20030254, Order dated March 19, 2020, this document is being electronically filed with the Secretary of the Board, Rate Counsel, and all Intervenors and Participants. No paper copies will follow.

It is ACE's understanding and request that the attached Stipulation not be posted to the BPU website unless and until the settlement may be approved by the Board.

Thank you for your cooperation and courtesies. Feel free to contact the undersigned with any questions or if I can be of further assistance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Passanante", with a large, stylized flourish extending from the end of the signature.

Philip J. Passanante  
An Attorney at Law of the  
State of New Jersey

Enclosure

cc: Service List

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

**STATE OF NEW JERSEY  
BOARD OF PUBLIC UTILITIES  
  
BPU DOCKET NO. EO18020190  
  
STIPULATION OF SETTLEMENT**

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**APPEARANCES:**

**Clark M. Stalker, Associate General Counsel, and Philip J. Passanante, Assistant General Counsel, for Atlantic City Electric Company**

**Colleen A. Foley, Esq., Saul Ewing Arnstein & Lehr LLP, on behalf of Atlantic City Electric Company**

**Brian O. Lipman, Litigation Manager, Felicia Thomas-Friel, Managing Attorney, Kurt Lewandowski, Assistant Deputy Rate Counsel, Brian Weeks, Deputy Rate Counsel, on behalf of the Division of Rate Counsel (Stefanie A. Brand, Director, Division of Rate Counsel)**

**Brandon Simmons, Deputy Attorney General, on behalf of the Staff of the New Jersey Board of Public Utilities (Gurbir S. Grewal, Attorney General of New Jersey)**

**Barbara J. Koontz, Esq., Greenbaum, Rowe, Smith & Davis, on behalf of Participant, Alliance for Transportation Electrification**

**Murray E. Bevan, Esq., Bevan Mosca & Giuditta P.C., on behalf of Intervenor, ChargePoint, Inc.**

**Ira G. Megdal, Esq., Cozen O'Connor, on behalf of Intervenor, Electrify America, LLC**

**William D. Bittinger, Esq., Daniel Greenhouse, Esq., Eastern Environmental Law Center, on behalf of Intervenors, Natural Resources Defense Council, Environment New Jersey, Sierra Club, Tri-State Transportation Campaign, New Jersey Work Environment Council, GreenFaith, and Isles (collectively, "Environmental and Community Groups")**

**Martin C. Rothfelder, Esq., Rothfelder Stern, L.L.C., on behalf of Intervenor, EVgo Services LLC**

**Guillermo Artiles, Esq., Natalie Watson, Esq., McCarter and English LLP, on behalf of Intervenor, Greenlots, Inc.**

**Lauren M. Lepkoski, Esq., First Energy Services Company, on behalf of Participant, Jersey Central Power & Light Company**

**Kevin Auerbacher, Esq., on behalf of Intervenor, Tesla, Inc.**

**Matthew M. Weissman, Esq., PSEG Services Company, on behalf of Participant, Public Service Electric and Gas Company**

**TO THE HONORABLE BOARD OF PUBLIC UTILITIES:**

This Stipulation of Settlement (“Stipulation”) is hereby made and executed as of this 2nd day of February, 2021, by and among Atlantic City Electric Company (“ACE” or “Company”), the Staff of the New Jersey Board of Public Utilities (“Board Staff” or “Staff”), the New Jersey Division of Rate Counsel (“Rate Counsel”), ChargePoint, Inc. (“ChargePoint”), EVgo Services LLC (“EVgo”), and Tesla, Inc. (“Tesla”) (hereafter referred to as the “Signatory Parties”) in settlement of all issues pertaining to the above-captioned voluntary program for electric vehicle (“EV”) charging infrastructure filed by the Company on February 22, 2018 (“Original EV Petition”), and substantially revised and expanded by ACE pursuant to an Amended Petition filed on December 17, 2019 (“Amended EV Petition”).

The Signatory Parties do hereby join in recommending that the New Jersey Board of Public Utilities (“Board” or “BPU”) issue a Decision and Order approving this Settlement Agreement.

### **PROCEDURAL HISTORY**

#### **A. The Original EV Petition**

1. ACE is a corporation organized and existing under the laws of the State of New Jersey, subject to the jurisdiction of the Board, with a regional office located at 5100 Harding Highway, Mays Landing, New Jersey 08330. On or about February 22, 2018, ACE filed the Original EV Petition with the Board seeking approval of a \$14.9 million program comprised of eight (8) offerings designed to foster the growth and deployment of EVs and EV charging infrastructure in New Jersey. By Board Order dated March 26, 2018, the Board retained jurisdiction over this matter and designated Commissioner Upendra J. Chivukula as the presiding

officer in the matter to rule on all motions that arise during the pendency of the proceeding, establish and modify any schedules that may be set as necessary, and conduct public and evidentiary hearings.

2. On April 6, 2018, Rate Counsel filed a motion with the Board to stay ACE's Original EV Petition. The Company opposed Rate Counsel's motion. The Board took no action on the motion.

3. On or about April 13, 2020, Rate Counsel filed a motion to dismiss a portion of ACE's Amended Petition. On or about May 4, 2020 ACE filed an opposition to Rate Counsel's motion which was joined by interveners, Greenlots and NRDC. On or about May 18, 2020 Rate Counsel filed a reply to ACE's opposition. By Order dated June 26, 2020, Rate Counsel's motion to dismiss was denied and the parties were ordered to continue moving through the procedural schedule.

#### **B. The Amended EV Petition**

4. On December 17, 2019, ACE filed the Amended EV Petition. The Amended EV Petition proposed a significantly expanded multi-year EV charging infrastructure initiative consisting of 13 individual program offerings with a total budget of approximately \$42.1 million. The Amended EV Petition included an EV tariff, incentives for EV charging infrastructure for multi-family dwellings, fleets, workplaces, and public charging, as well as pilots for other aspects of the EV market, including funding for electric school buses and charging infrastructure for New Jersey Transit. The Company's Amended EV Petition was supported by the Direct Testimony of Kevin McGowan, Jennifer Grisham, and Michael Normand of ACE as well as Mark Warner of Gabel Associates.

### **C. The Parties to this Proceeding**

5. Numerous entities have made motions to intervene in this proceeding. Based on the resolution of those motions, the intervenors in this matter are as follows: the Natural Resources Defense Council (“NDRC”), Environment New Jersey (“ENJ”), the Sierra Club, Tri-State Transportation Campaign (“TSTC”), New Jersey Work Environment Council (“WEC”), GreenFaith, Inc., (“GreenFaith”), and Isles, Inc. (“Isles”) (collectively referred to as the “Environmental and Community Groups”);<sup>1</sup> ChargePoint; Greenlots, Inc. (“Greenlots”); Tesla; EVgo; and Electrify America, LLC (“Electrify America”).

6. The following entities made motions to participate, which were granted by Commissioner Chivukula: the Alliance for Transportation Electrification (“Alliance”), Public Service Electric and Gas Company (“PSE&G”), and Jersey Central Power and Light Company (“JCP&L”).

7. Pursuant to the Procedural Schedule dated June 10, 2020 approved by Commissioner Chivukula, Direct Testimony responding to the Company’s Amended EV Petition and supporting Direct Testimony was submitted on September 18, 2020 by: David Peterson and Ezra Hausman for Rate Counsel, Kevin George Miller for ChargePoint, Jigar Shah for Electrify America, Kathleen Harris for the Environmental and Community Groups, Carine Dumit for EVgo, Joshua Cohen for Greenlots, and William Ehrlich for Tesla. On October 19, 2020, the Company filed Rebuttal Testimony by David Schatz, Jennifer Grisham, Michael Normand and Mark Warner.<sup>2</sup> Also on October 19, 2020, Rebuttal Testimony was filed by Kevin George Miller for

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<sup>1</sup> The Environmental and Community Groups are collectively represented in this matter by the Eastern Environmental Law Center (“EELC”).

<sup>2</sup> Mr. Schatz adopted the previously filed Direct Testimony of Company Witness McGowan.

ChargePoint, Jigar Shah for Electrify America, Kathleen Harris for the Environmental and Community Groups, Joshua Cohen for Greenlots, and William Ehrlich for Tesla.

8. Following the timely publication of appropriate notices in newspapers of general circulation throughout the Company's service territory, two (2) public comment hearings were held on December 2, 2020. Due to the continuing COVID-19 pandemic, the public comment hearings were conducted telephonically in order to permit public participation in the hearings while also adhering to social distancing requirements. No members of the public dialed-in to either hearing to provide comments.

9. Extensive discovery<sup>3</sup> was conducted by the parties and numerous settlement discussions were held. Based on the extensive record developed through discovery, and pursuant to the settlement negotiations over six days, the Signatory Parties have reached an agreement on the matters set forth in this Stipulation. PSE&G, JCP&L, Greenlots, the Alliance, the Environmental and Community Groups and Electrify America, while not Signatory Parties, have indicated that they do not object to the approval of this Stipulation. Therefore, the Signatory Parties hereby STIPULATE AND AGREE as follows:

### **STIPULATED MATTERS**

1. The Signatory Parties agree that ACE may implement a Voluntary EV Charging Infrastructure Program ("EV Charging Program") pursuant to the terms of this Stipulation, the

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<sup>3</sup> In total, Staff propounded 59 discovery requests, to which ACE responded; Rate Counsel propounded 40 discovery requests upon ACE, which were answered; Intervenor ChargePoint propounded 34 discovery requests upon ACE, which were answered; Intervenor Electrify America propounded 10 discovery requests upon ACE, which were answered; Intervenor EVgo propounded 9 discovery requests upon ACE, which were answered; and the environmental and community groups propounded 8 discovery requests upon ACE, which were answered.



Board's recent Order on Staff's Straw Proposal on Electric Infrastructure Vehicle Build Out,<sup>4</sup> the Electric Vehicle Act of 2020 ("EV Act"),<sup>5</sup> and orders or regulations hereinafter promulgated by the Board pursuant to N.J.S.A. 48:25-11.

### **DEFINITIONS**

All terms used in this Stipulation that are defined in the BPU EV Ecosystem Order shall have the meaning as defined in the BPU EV Ecosystem Order.

- "Community location" - a charging location that is not a travel corridor location and that is established in a town center, commercial area, or retail center or near concentrations of multi-family dwellings to provide vehicle charging services to local plug-in electric vehicle drivers near where they live and work.
- "Co-locate" – to locate a charging station on the same contiguous site as other charging stations, which may be owned or operated by a separate site owner or operator.
- "DC Fast Charger" - EVSE that provides at least 50 kilowatts of direct current electrical power for charging a plug-in electric vehicle through a connector based on fast charging equipment standards and which is approved for installation for that purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

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<sup>4</sup> *I/M/O Straw Proposal on Electric Vehicle Infrastructure Build Out*, BPU Docket No. QO20050357, Order Adopting the Minimum Filing Requirements for Light-Duty, Publicly-Accessible Electric Vehicle Charging (Sept. 23, 2020) ("BPU EV Ecosystem Order").

<sup>5</sup> See Electric Vehicle Act of 2020 ("EV Act"), N.J.S.A. 48:25-1 et seq.

- “Demand charges”- an existing feature of many rates whereby large users of the electric system pay for their contribution to the fixed costs of operating the electric system. In most cases, Demand Charges are set based on a customer’s peak annual usage.
- “EVSE” – refers to Electric Vehicle Service Equipment.
- “EVSE Infrastructure Company” – an entity using private capital to deploy Electric Vehicle Service Equipment (i.e., “Charging Station Infrastructure”). An EVSE Infrastructure Company cannot be an EDC, affiliated with an EDC, or controlled by an EDC, unless otherwise approved by the Board.<sup>6</sup>
- “Last Resort” – (*referred to as* “areas of last resort”) 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. Utilities may petition the Board to own and operate charging stations in these areas after those timeframes.
- “Make-Ready” - 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, including, but not limited to, Level Two EVSE and DC Fast Chargers. 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 Electric Vehicle Service Equipment on a “plug and play” basis. “Make-Ready” is synonymous with the term “Charger-Ready”.

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<sup>6</sup> An entity shall not be excluded from the definition of “EVSE Infrastructure Company” if it receives or uses public funds in deploying Electric Vehicle Service Equipment.

- “Multi-Family Dwelling” - Apartments, condominiums or mixed residential locations that feature a minimum of three or more units.
- “Operational” - a charging location that the operator of an EV charging station would be required to maintain and promptly fix, in accordance with industry standards (greater than 95% up time each calendar year) for 5 years after installation, in the event of malfunctioning hardware or software that would impede the use of the equipment by a consumer.
- “Overburdened community” - any census block group, as determined in accordance with the most recent United States Census, in which at least one half of the households qualify as low income households and either: (1) at least 40% of the residents of the census block group identify as Black, African American, Hispanic or Latino, Asian, Pacific Islander, or as members of a State recognized tribal community; or (2) at least 40% of the households in the census block group have limited English proficiency. Overburdened community is synonymous with the previously used term “Equity Area.”
- “Port” - the part of the charging station that connects to the EV. A charging station may have one or more simultaneously operable Ports with the combined capacity up to the nameplate capacity of the charging station.
- “Proprietary charging connector” – a charging connector that does not use a ‘standard connector port’ as defined in this section.
- “Publicly-accessible charging” - 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.

- “Site owner and operator” - site host, property manager, an EVSE Infrastructure Company, or an EDC with Board approval that is responsible for installing EVSE.
- “Smart charging station”- defined as a charging station that is capable of sending and receiving communications via wi-fi, cellular network, or other network connection.
- “Smart charging network” – a communications system that transmits, collects, and aggregates data from charging stations via a network connection, which enables customer-facing functionalities.
- “Standard connector port” – an EV charging port that meets the technical specifications of Combined Charging System (CCS) and Charge de Move (CHAdeMO) connectors for DCFC stations and J1772 connectors for L2 stations.<sup>7</sup>
- “Travel corridor” - heavily used public roads in the state, as designated by the New Jersey Department of Environmental Protection, which shall include, but need not be limited to, the Garden State Parkway, the New Jersey Turnpike, the Atlantic City Expressway, federal interstate highways, and the subset of federal or State roads which collectively support the

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<sup>7</sup> The term “standard connectors” refers to only those plug types that are advanced by a standards-making organization, such as SAE. To the extent that new connector types are approved in the coming years, ACE reserves the right to qualify additional connectors eligible in this program.

majority of long-distance travel through and within the state, as well as the majority of daily travel by local drivers.

- “Workplace” – defined as place of business where primarily employees would utilize charging services provided to charge non-fleet vehicles; this definition includes but is not limited to commercial office parks and office buildings, schools, industrial facilities, etc.

### **EV CHARGING PROGRAM**

2. The Signatory Parties agree that the Company’s EV Charging Program will consist of the individual program offerings set out in detail in Attachment A hereto, with a total budget of \$20.673 million inclusive of certain administrative costs, data networking and collection costs, and customer education and outreach costs incurred in the implementation of the EV Charging Program. The offerings included in Attachment A include significant investments in EV charging infrastructure Make Ready work to facilitate the growth of EV charging sites in New Jersey, and are intended to be consistent with the “shared responsibility” model for EV charging infrastructure deployment set out in the BPU EV Ecosystem Order.<sup>8</sup>

3. Attachment A also includes individual budgets for offerings #1b, #2, #3, #4, #5 and #6, which budgets may be expended over the five-year term of the EV Charging Program. The Signatory Parties agree the EV Charging Program shall commence upon the Board’s approval of this Stipulation. The Company’s EV Charging Program shall terminate upon exhaustion of the budgeted program dollars or after five (5) years from launch of the individual offerings, whichever occurs first.

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<sup>8</sup> See *BPU EV Ecosystem Order*, at 25 (finding that Staff’s proposed shared responsibility model is reasonable).

4. As set out in Attachment A, offering #7 includes a negotiated volumetric distribution rate of approximately 10.9 cents per kilowatt-hour (“kWh”) for new and existing DCFC charging sites with combined service capacity of the site up to 1,000 kW. For the avoidance of doubt, the negotiated 10.9 cents per kWh rate is for distribution service only. The negotiated 10.9 cents per kWh rate does not include applicable taxes, any current or future surcharges the Company may be authorized to impose, or any Basic Generation Service (“BGS”) or supply costs.

5. The Signatory Parties agree that the 10.9 cents per kWh rate is the product of extensive negotiations and is intended only as a transitional rate. The Signatory Parties acknowledge that ACE intends to conduct a Class Cost of Service Study (“CCOSS”) to develop and propose a cost-based rate for residential and non-residential EV charging sites operating on the Company’s distribution system, and will seek the Board’s approval to impose the rate(s) determined in that CCOSS in a future base rate proceeding, which does not refer to the base rate case initiated by ACE on December 9, 2020. Following general rate case procedure, the Signatory Parties agree that no party shall be precluded from presenting alternative methodologies to the CCOSS in the development of EV charging facility rate(s). The Signatory Parties further agree that all parties in this case have reserved their rights to contest in a future base rate proceeding the Company’s proposals regarding distribution rates, costs, and rate design, including those for EV charging facilities.

6. The Signatory Parties acknowledge that the 10.9 cents per kWh rate included in offering #7 shall automatically terminate on the earlier of December 31, 2024, or when a new rate based on a CCOSS proposed by ACE has been approved by the Board in a future base rate proceeding. If a new rate based on a CCOSS is not proposed by ACE by December 31, 2024, all

Signatory Parties agree that all charging stations receiving the transitional rate of 10.9 cents per kWh will default to the commercial tariff in place at that time.

7. The Company's revised tariffs implementing the terms of this Agreement, including the transitional tariff, Rate Schedule Monthly General Service Secondary – Electric Vehicle Charging (“MGSS-EVC”), implementing the 10.9 cents per kWh rate and setting out the eligibility requirements to receive service pursuant to this tariff, are attached hereto as Attachment B. To the extent the Board authorizes the Company to increase its base rates for electric distribution service in a future rate case filing, which does not refer to the base rate case initiated by ACE on December 9, 2020, transitional rate schedule MGSS-EVC will be subject to rate increases based upon the CCOSS referenced in Paragraph 5 above and such other issues as considered and approved by the Board.

8. The Signatory Parties agree that offering #7 does not, and is not intended to, address BGS rates, costs, or rate design. The Signatory Parties further agree that all Parties in this case have reserved their rights to contest in a future BGS proceeding the Company's proposals regarding BGS rates, costs and rate design.

9. The Signatory Parties acknowledge that the Company requires charging data to perform a CCOSS to identify and allocate accurately the costs of providing electric distribution service for EV charging, inform the development of EV rate tariffs, and to provide data to evaluate other mechanisms to incent EV owners to use charging services in a manner that has the least impact on the reliability and costs of ACE's distribution system. The Signatory Parties agree that all customers – both residential and non-residential – who elect to receive incentives under the Company's EV Charging Program shall be required to provide charging data to ACE in a format

to be determined by the Signatory Parties on a semi-annual basis. Such data requirements shall, at a minimum, include the number of charging events, time and date, number of unique vehicles connected, total kWh dispensed, average kWh per charging event, and average duration of charging events. This charging data submission requirement shall apply to both DCFC and L2 charging stations. The Signatory Parties agree to comply with any regulations promulgated by the Board regarding access to, and the use of charging data.

10. The Company will make aggregated data available, which is also anonymized (i.e., no companies identified), to the public and to other entities that have a legitimate research need for the data.<sup>9</sup> ACE will provide an annual EV charging report to the Board and a copy to Rate Counsel, with summary analyses of the data, which may include, but are not limited to, location (latitude/longitude), charging session duration, session frequencies, load curves, and utilization of home charging within its service territory on an aggregate basis. The first report shall be due to the Board by March 1, 2022. The Company will work to address and standardize these data collection and reporting practices with Board Staff as well as with the other utilities to create a uniform reporting process. The Company further agrees that it will comply with any regulations promulgated by the Board regarding reporting requirements.

11. This standardized data collection process may also extend to public charging stations in ACE's service territory not participating in the ACE EV program, on a voluntary basis, in order to inform and improve upon existing practices by the Company and to ensure reliable service and quality of performance for EV charging. ACE shall work with the Signatory Parties to identify the specific data required, including those outlined above, the period for which that data

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<sup>9</sup> The Company will confer with participating EVSE Companies to ensure shared data and reporting contains no proprietary, personal, or sensitive data, however, data shared with the Company must be sufficient to report to the Board and develop rate offerings, as described in Paragraphs 10 and 25, respectively.



is required to be provided, the frequency with which the data will be provided to the Company, and the protocols for how any such data provided to the Company will be accessed, used, stored, and made available to other parties by the Company. ACE acknowledges that such data is considered confidential and proprietary to the providing party, and agrees to take commercially reasonable measures to maintain the confidentiality of the information provided to ACE.<sup>10</sup> The Company further agrees that it will comply with any regulations promulgated by the Board regarding access to, and the use of, third-party EV charging data.

12. The Company agrees to offer Make-Ready incentives to support deployment of charging stations utilizing standard connectors. Those connectors include SAE J1772 for Level-Two charging and both SAE Combined Charging System (CCS) and CHAdeMO for Direct Current Fast Charging (“DCFC”). All incentives granted under offerings #1-6 shall be applied on a per port basis, where a port is defined as a connector capable of charging an EV once connected. Charging providers utilizing a proprietary, non-standard connector may co-locate with at least one EV charging station with both an SAE CCS and CHAdeMo port; however, consistent with the EV Act, only standard connector ports shall be eligible to apply for or receive an incentive.<sup>11</sup>

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<sup>10</sup> Such measures shall include, upon request, requiring Company contractors that access such data to enter into non-disclosure agreements requiring them to protect confidentiality of the data and use the data only in ways that is consistent with the confidential and proprietary nature of such data.

<sup>11</sup> Section 2 of the EV Act contains definitions of Level Two and DC fast charging standard plug types, including CHAdeMO, SAE CCS, and SAE J1772. “‘Fast charging equipment standards’ means standards for high power direct current charging, based on the CHAdeMO standard and the Society of Automotive Engineers Combined Charging Standard (CCS), or other non-proprietary standards as may be approved by the board in the future.” *And* “‘Level Two EVSE’ means EVSE that provides a plug-in electric vehicle with single phase alternating current electrical power at 208-240V AC, through a standardized plug connector that complies with SAE J1772 standards, or an equivalent wireless power transfer interface, or equivalent standards for 208-240V AC charging as may be adopted in the future and accepted by the board, and which is approved for installation for this purpose under the National Electric Code through Underwriters Laboratories Certification or an equivalent certifying organization.”

13. No one site host or customer entity shall account for more than 20% of an offering's total program budget in totality for all of the entity's locations. The specific per-site incentive limits per offering are detailed in Attachment A.

14. In order to qualify for an incentive, both residential and non-residential charging station hardware receiving an incentive will be required by ACE to be smart charging stations and be UL certified. The Company will pre-qualify at least two manufacturers of smart charging equipment and charging network service providers for Make-Ready eligibility, and site hosts may purchase the smart charging hardware and network technology of their choice. Site hosts and/or charging station owners and operators may control the price that drivers pay for charging services at their charging stations.

15. ACE agrees to post on the Company's website public maps that detail areas which are best suited for EV infrastructure build-out by the end of calendar year 2021, and earlier if possible. These would be prepared and updated by the Company on a regular basis, at least annually, and available to the public in a timely manner in order to provide reasonably current maps showing options for EV charging in ACE's territory. The Company-prepared maps will be posted for information only and will not be used by the Company in responding to service requests. The Company further agrees that it will comply with any regulations promulgated by the Board regarding mapping EV charging sites and capacity.

16. The Company will provide a semi-annual report on EV deployment to the Board Staff and Rate Counsel ("EV Report"), 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, under each of the Company's offerings;

- The Company's forecasted and actual EV capital costs to date for the reporting period and for the program-to-date;
- The forecasted and actual operations and maintenance expenses for its EV charging infrastructure to date for the reporting period and for the program-to-date;
- The Company's proposals to modify the program based on program activity within each offering in order to support the policy objectives of the State of New Jersey, including any proposed budget modification. Each proposal must include a written description of and rationale for the proposed modification. Staff retains the right to reject such proposals.
- ACE may re-allocate its budgets for offerings #1b, #2, #3, #4, #5 and #6 shown in Attachment A between those offerings, as follows: up to 5% of each offering's total budget with notification to Staff and Rate Counsel (which should be provided 30 days in advance of the change), 5% to 25% with Staff approval, and over 25% with Board approval; and,
- All requests for budget modification or re-allocation shall be submitted to Staff and Rate Counsel. Staff retains the right to reject any modification or re-allocation requiring Staff notification. All requests for budget modification or re-allocation, including those necessitating Staff approval, shall be submitted to Staff and Rate Counsel with a written description of and rationale for the proposed modification or re-allocation, and objections, if any, shall be made within 30 days.

The program expenditures shall be broken out between labor, material and other costs. This reporting will begin by September 1, 2021 based on actual results through June 30, 2021. The second semi-annual report will be submitted by March 1, 2022 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 completion of the EV program investment.

17. The Signatory Parties acknowledge that ACE has withdrawn several program offerings that were included in ACE's Amended EV Petition, and further revised in the Rebuttal Testimony of the Company's witnesses. To the extent that those program offerings are not included in Attachment A, the Signatory Parties acknowledge that the Company has withdrawn those offerings without prejudice. The Signatory Parties agree the Company is free to propose any withdrawn offerings, in whole or in part, in a future proceeding. The Company acknowledges that the BPU EV Ecosystem Order reserves issues related to medium- and heavy-duty EVs for further stakeholder proceedings to be held during the Board's Fiscal Year 2021.

18. The Company further states that its present intention is to propose additional EV charging infrastructure initiatives upon the completion of forthcoming Board proceedings to address charging infrastructure for medium and heavy electric vehicles.

### **COST RECOVERY**

19. The Signatory Parties agree that the Company may establish a EV Charging Program Regulatory Asset (the "EV Regulatory Asset") to capture ACE's incremental depreciation associated with new capital investment placed into service and non-capital costs associated with the EV Charging Program offerings including: make-ready incentives, administrative costs, data collection and networking costs, customer outreach/marketing, billing system costs and education costs, and incremental operations and maintenance costs. ACE's incremental depreciation and amortization expenses associated with new capital investments, including distribution system investments necessary to connect non-utility owned Public DCFCs, associated with the EV Charging Program, will be recorded to the EV Regulatory Asset as those

investments are completed and become charger-ready, and ACE's reasonable non-capital costs, including any distribution system costs necessary to connect non-utility owned Public DCFCs, associated with the EV Charging Program will be recorded to the EV Regulatory Asset as those costs are incurred.

20. For the purpose of cost recovery, the Signatory Parties agree that all capital investments made pursuant to ACE's EV Charging Program, and consistent with the budget projections set out in Attachment A, and any investments made pursuant to ACE's EV Charging Program and not recorded to through the EV Regulatory Asset, shall be reviewed for prudence and inclusion in base rate in a future base rate proceeding.

21. The Signatory Parties agree that the EV Regulatory Asset and the undepreciated book value of the new charger ready capital investments will earn a rate of return based on the overall rate of return approved by the Board in the Company's most recent base rate case and updated with the rate of return approved in subsequent base rate cases. At this time, ACE's most recent base rate case was completed in early 2019, and the overall rate of return approved in that proceeding was 7.08 percent.<sup>12</sup>

22. The Signatory Parties agree that ACE will seek recovery of the EV Regulatory Asset, which will be reviewed for reasonableness and prudence in future base rate cases. The parties reserve their rights to argue the appropriate amortization period and recovery of the EV Regulatory Asset in a future base rate proceeding. ACE acknowledges that it bears the burden of demonstrating that investments and costs included in the EV Regulatory Asset are reasonable and prudent.

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<sup>12</sup> See *I/M/O the Petition of Atlantic City Electric Company for Approval of Amendments to its Tariff to Provide for an Increase in Rates and Charges for Electric Service Pursuant to N.J.S.A. 48:2-21 and 48:2-21.1, and for Other Appropriate Relief (8/2018)*, BPU Docket No. ER18080925, Decision and Order Adopting Initial Decision and Stipulation of Settlement (dated March 13, 2019), at 3.

23. As noted in Attachment A, ACE has projected an EV charging program implementation costs budget of approximately \$5.88 million, of which \$3.5 million is for data collection and networking services. The Signatory Parties acknowledge that ACE purchases these services from third-party vendors, and does not set the rates charged by those suppliers. The Company agrees that it will use its best efforts to obtain favorable pricing terms from third-party vendors. Should ACE anticipate that its actual costs for data collection and networking services will exceed the \$3.5 million budget, the Signatory Parties agree that ACE shall be permitted to file a request with the Board seeking authorization, with notice to Rate Counsel, to increase the budget for data collection and networking services in the EV Charging Program. Such requests must include a written description of and rationale for the requested budget increase. Staff retains the right to reject such requests. The Company acknowledges that its recovery of data collection and networking services costs is limited to its actual costs for these services, and that its request for cost recovery is subject to review in a future base rate case to confirm the costs are reasonable and were prudently incurred.

#### **APPLICABLE PUBLIC FUNDING**

24. If funding or credits from any subsequent state or federal action or program becomes available to the Company or participants 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 EV Program Offerings 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 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 an installation or project's costs through rebates or other direct incentives at the time of installation. If it is determined that an installation or project would be funded through 90% rebates or incentives the Signatory 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 under 90% of the program costs toward that project. 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 \$20.673 million pursuant to the program, as described in Paragraph 2 above and in Attachment A. Additionally, subject to the process set forth in paragraph 16 above, the Company may increase the number of sites eligible for make ready incentives for Offerings #1b, #2, #3, #4, #5 and #6, as described in Attachment A, to the extent necessary to meet this total level of investment if the application of this paragraph results in a portion of the projected budget for a particular Offering being available to invest in another Offering under this ACE EV program.

#### **ADDITIONAL COMMITMENTS**

25. The Signatory Parties acknowledge that additional charging data is needed in order to design EV-only and whole-house time-of-use residential distribution rates. Once sufficient data has been generated by customer participation in offerings #1a and #1b included in Attachment A, ACE commits to design an EV-only and whole-house time-of-use residential distribution rate and to propose that rate in a future base rate proceeding.

26. The Company acknowledges guidance in the BPU EV Ecosystem Order recommends that EV Chargers located at multi-family dwellings utilize the same rate as residential

customers are charged for EV charging.<sup>13</sup> ACE commits to develop solutions to address rate parity between EV charging at single family residences and sites located at multi-family dwellings.

27. The Company shall file an annual informational filing with the Board (with copies to the Signatory Parties) detailing the total number of customers participating in the Residential Off Peak Incentive program (offering #1a), the total number and amount of Make-Ready rebates issued, and the total number of DCFC and L2 charging stations, respectively, installed as a result of the Company's programs in the calendar year. ACE will file its first annual report no later than March 1, 2022 for the calendar year 2021 period. Annual reports will be filed by each March 1st thereafter, through to the conclusion of the EV Charging Program in 2026 (resulting in a final report due by March 1, 2027).

28. The Company states that it will not own or operate EVSE for public use within the scope of this filing unless, and until, the Board has authorized ACE to own and operate such facilities as a provider of last resort consistent with the requirements set out in the BPU EV Ecosystem Order.

29. Consistent with current practices in the installation of equipment to serve new customers on its distribution system, Make Ready infrastructure installed on the utility side of the meter shall be the Company's property.

### **FURTHER PROVISIONS**

30. This Stipulation represents a mutual balancing of interests, contains interdependent provisions and, therefore, is intended to be accepted and approved in its entirety. In the event any particular aspect of this Stipulation is not accepted and approved in its entirety by the Board, any Party aggrieved thereby shall not be bound to proceed with this Stipulation and shall have the right,

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<sup>13</sup> See *BPU EV Ecosystem Order*, at 23.



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 any applicable Order(s), then any Party hereto is free to pursue its then available legal remedies with respect to all issues addressed in this Stipulation as though this Stipulation had not been signed.

31. The Signatory Parties agree that this Stipulation is a negotiated agreement and represents a reasonable balance of the competing interests involved in this proceeding. The contents of this Stipulation shall not in any way be considered, cited, or used by any Party 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. Notwithstanding anything to the contrary set forth herein, upon the occurrence of any of the following, this Stipulation shall terminate:

- (a) If the Board issues a decision disapproving this Stipulation; or,
- (b) If the Board issues a written Order approving this Stipulation subject to any condition or modification of the terms set forth herein that an adversely affected Party, in its discretion, finds unacceptable, then such Party shall serve written notice of unacceptability on the other Signatory Parties within seven (7) business days following receipt of such Board Order. Notwithstanding such notice that may terminate this Stipulation, each party reserves its rights to appeal from any Board Order modifying, adopting or applying this Stipulation or any of its terms consistent with current New Jersey law including Board regulations.

32. The Signatory Parties agree that they consider the Stipulation to be binding on them for the purposes set forth herein.

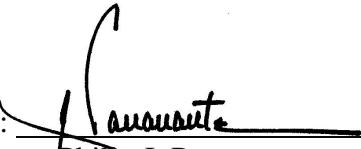
33. Each Party understands that a Board Order adopting this Stipulation will become effective in accordance with N.J.S.A. 48:2-40.

34. This Stipulation represents the full scope of the agreement between the Signatory Parties. This Stipulation may only be modified by a further written agreement executed by all of the Signatory Parties to this Stipulation.

35. This Stipulation may be executed in as many counterparts as there are Signatory Parties to this Stipulation, and each counterpart shall be an original, but all of which shall constitute one and the same instrument.

**ATLANTIC CITY ELECTRIC COMPANY**

Dated: February 1, 2021

By:  \_\_\_\_\_

Philip J. Passanante  
Assistant General Counsel  
500 North Wakefield Drive  
P.O. Box 6066  
Newark, Delaware 19714-6066  
609.909.7034 – Telephone  
609.393.0243 – Facsimile  
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**GURBIR S. GREWAL**  
**ATTORNEY GENERAL OF NEW JERSEY**

Attorney for the Staff of the  
New Jersey Board of Public Utilities

Dated: February 2, 2021

By:  \_\_\_\_\_

Brandon Simmons  
Deputy Attorney General

**DIVISION OF RATE COUNSEL  
STEFANIE A. BRAND, DIRECTOR**

Dated: \_\_\_\_\_

By: Brian Weeks  
~~Brian O. Lipman~~ *Brian Weeks*  
~~Litigation Manager~~ *Deputy Rate Counsel*  
*2/2/21*

**CHARGEPOINT, INC.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Murray E. Bevan, Esq.  
Bevan Mosca & Giuditta P.C.,  
On behalf of ChargePoint, Inc.

**EVgo Services LLC**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Martin C. Rothfelder, Esq.  
Rothfelder Stern, L.L.C.  
On behalf of EVgo Services LLC

**TESLA, INC.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kevin Auerbacher, Esq.  
On behalf of Tesla, Inc.


**DIVISION OF RATE COUNSEL  
STEFANIE A. BRAND, DIRECTOR**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Brian O. Lipman  
Litigation Manager

**CHARGEPOINT, INC.**

Dated: February 1, 2021

By:  \_\_\_\_\_  
Murray E. Bevan, Esq.  
Bevan Mosca & Giuditta P.C.,  
On behalf of ChargePoint, Inc.

**EVgo Services LLC**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Martin Rothfelder, Esq.  
Rothfelder Stern, L.L.C.  
On behalf of EVgo Services LLC

**TESLA, INC.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kevin Auerbacher, Esq.  
On behalf of Tesla, Inc.

**DIVISION OF RATE COUNSEL  
STEFANIE A. BRAND, DIRECTOR**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Brian O. Lipman  
Litigation Manager


**CHARGEPOINT, INC.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Murray E. Bevan, Esq.  
Bevan Mosca & Giuditta P.C.,  
On behalf of ChargePoint, Inc.

**EVgo Services LLC**

Dated: 2/1/2021

By:   
Martin C. Rothfelder, Esq.  
Rothfelder Stern, L.L.C.  
On behalf of EVgo Services LLC

**TESLA, INC.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kevin Auerbacher, Esq.  
On behalf of Tesla, Inc.

**DIVISION OF RATE COUNSEL  
STEFANIE A. BRAND, DIRECTOR**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Brian O. Lipman  
Litigation Manager

**CHARGEPOINT, INC.**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Murray E. Bevan, Esq.  
Bevan Mosca & Giuditta P.C.,  
On behalf of ChargePoint, Inc.


**EVgo Services LLC**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Martin C. Rothfelder, Esq.  
Rothfelder Stern, L.L.C.  
On behalf of EVgo Services LLC

**TESLA, INC.**

Dated: February 1, 2021

By:   
Kevin Auerbacher, Esq.  
On behalf of Tesla, Inc.

# Attachment A



# NJ EV Settlement Detailed Offering Summary Attachment A



**Program Description, Term, and Investment:** The Program will be comprised of the components in the table below, with a total investment level of \$14.793K in electric vehicle subprograms and \$5,880K cross-offer costs over 5 years beginning on the effective date of the Board’s Order authorizing the Program.

Program Component	Description	Budget (\$K)
1a. Residential Charging Program (L2) – Off-Peak Incentive	A Residential PIV TOU Tariff Available to PIV owners that have an approved L2 Smart Charger	0
1b. Residential Managed Charging Program (L2) –Make-Ready Rebate	50% rebate on smart L2 make-ready up to \$1,000 of qualified smart charging equipment to enable sharing of charging data with ACE.	1,500
2. Multi-Family L2	Incentives to cover 75% of make ready costs up to \$5,000 per smart charging port	1,068
3. Workplace L2	Incentives to cover 50% of make ready costs up to \$4,500 per smart charging port	1,350
4. Fleet L2	Incentives to cover 50% of make ready costs up to \$2,500 per smart charging port	375
5. Public DCFC	Incentives to cover 90% of make ready costs up to \$60,000 per smart charging port	6,000
6. Public L2	Incentives to cover 50% of make ready costs up to \$4,500 per smart charging port	4,500
7. Demand Charge Solution	<u>Short term:</u> DCFC charging stations to receive ACE-calculated rate of \$0.109/kwh <u>Long term:</u> ACE commits to cost-of-service study to determine appropriate rate design	0
<b>Total Program Costs</b>	<b>Inclusive of costs for offerings outlined above</b>	<b>14,793</b>
<b>Total PIV Program Implementation Costs</b>	<b>Data Collection and Networking, Administrative, Education and Outreach</b>	<b>5,880<sup>1</sup></b>
<b>Total Investment</b>		<b>20,673</b>

1. \$5,880K total represents an estimated \$3,500K in Data Collection and Networking costs, an estimated \$1,481K in Administrative costs, and an estimated \$891K in Education and Outreach costs

## 1a. Residential Charging Program (L2) – Off-Peak Incentive

Residential Charging Program (L2) – Off-Peak Incentive	
<b>Budget</b>	\$0
<b>Equipment Eligibility</b>	<ul style="list-style-type: none"><li>• Incentive limited to smart L2 chargers with rated nameplate capacity between 3.8kw and 7.7kW</li><li>• Receipt of off-peak incentive contingent upon 1) application with prequalified L2 charger and 2) agreement to provide detailed charging data to ACE</li></ul>
<b>Operational Eligibility</b>	<ul style="list-style-type: none"><li>• Targeted enrollment of 500 existing EV owners</li><li>• Charging data must be collected for a minimum of 1 year to inform design of revenue neutral rate structure</li></ul>
<b>Term</b>	Term of the program beginning from date of program launch and lasting until 12/31/2026 or until program funds are fully exhausted

## 1b. Residential Managed Charging Program (L2) – Make Ready Rebate

Residential Managed Charging Program (L2) – Make Ready Rebate	
<b>Budget</b>	\$1,500,000
<b>Equipment Eligibility</b>	<ul style="list-style-type: none"><li>• Limited to new EV charging infrastructure</li><li>• Target of 1,500 new EV owners on a first come, first serve basis</li><li>• Incentive limited to one incentive per residential service address</li><li>• Limited to installation of new qualified smart L2 chargers with rated nameplate capacity between 3.8kW and 7.7kW.</li><li>• Requires installation of standard SAE J1772 L2 connector</li></ul>
<b>Operational Eligibility</b>	<ul style="list-style-type: none"><li>• Site hosts must share charging data from chargers that receive make-ready incentive funds with ACE as a condition of receipt of make ready incentives</li><li>• Make Ready work to be completed by a licensed electrician</li><li>• Incentive to be capped at 50% of make ready costs up to \$1,000</li></ul>
<b>Term</b>	Term of the program beginning from date of program launch and lasting until 12/31/2026 or until program funds are fully exhausted

## 2. Multi-Family L2

Multi-Family L2	
<b>Budget</b>	\$1,068,0000
<b>Equipment Eligibility</b>	<ul style="list-style-type: none"><li>• Limited to new EV charging infrastructure</li><li>• Limited to installations of new L2 charging stations at multi-family dwellings located in ACE's service territory</li><li>• Limited to incremental costs associated with new charging stations</li><li>• Limited to installation of new qualified smart L2 chargers with rated nameplate capacity between 3.8kW and 7.7kW</li><li>• Requires installation of standard SAE J1772 L2 connector</li></ul>
<b>Operational Eligibility</b>	<ul style="list-style-type: none"><li>• Incentive to be capped at 75% of make ready costs up to \$5,000 per smart charging port for market rate multi-family dwellings; up to 100% and \$6,700 per port for multi-family dwellings situated in overburdened communities</li><li>• Charging stations must be sited in locations accessible to all EV driving residents of the family dwelling</li><li>• Incentive to be limited to a maximum of 10 ports per site</li><li>• No one customer can account for more than 20% of total program budget in totality for all of a customer's locations</li><li>• Make ready work to be completed by a licensed electrician</li><li>• Incentive to be distributed on a per port basis, with a target of 200 charging ports eligible for the incentive</li><li>• Site hosts must share charging data from chargers that receive make-ready incentive funds with ACE as a condition of receipt of incentive</li><li>• Site hosts are permitted to determine charging prices to EV drivers.</li></ul>
<b>Term</b>	Term of the program beginning from date of program launch and lasting until 12/31/2026 or until program funds are fully exhausted

### 3. Workplace L2

Workplace	
Budget	\$1,350,000
Equipment Eligibility	<ul style="list-style-type: none"><li>• Limited to new EV charging infrastructure</li><li>• Limited to installations of new L2 charging stations at workplace facilities located in ACE's service territory</li><li>• Limited to incremental costs associated with new charging stations</li><li>• Limited to installation of new qualified smart L2 chargers with rated nameplate capacity between 3.8kW and 7.7kW</li><li>• Requires installation of standard SAE J1772 L2 connector</li></ul>
Operational Eligibility	<ul style="list-style-type: none"><li>• Make ready rebate incentives to cover 50% of make ready costs up to \$4,500 on a per port basis</li><li>• Site hosts must agree to share charging data with ACE as a condition of receipt of make ready incentives</li><li>• Make ready work to be completed by a licensed electrician</li><li>• Incentive to be limited to a maximum of 10 ports per site</li><li>• No one customer can account for more than 20% of total program budget in totality for all of a customer's locations</li><li>• Site hosts must agree to share charging data from chargers that receive make-ready incentive funds with ACE</li><li>• Site hosts are permitted to determine charging prices to EV drivers.</li></ul>
Term	Term of the program beginning from date of program launch and lasting until 12/31/2026 or until program funds are fully exhausted.

## 4. Fleet L2

Fleet L2	
Budget	\$375,000
Equipment Eligibility	<ul style="list-style-type: none"><li>• Limited to new EV charging infrastructure</li><li>• Limited to installations of new L2 charging stations at fleet locations situated in ACE's service territory</li><li>• Limited to incremental costs associated with new charging stations</li><li>• Limited to installation of new qualified smart L2 chargers with rated nameplate capacity between 3.8kW and 7.7kW</li><li>• Requires installation of standard SAE J1772 connector</li></ul>
Operational Eligibility	<ul style="list-style-type: none"><li>• Make ready rebate incentives to cover 50% of make ready costs up to \$2,500 on a per port basis</li><li>• Site hosts must agree to share charging data with ACE as a condition of receipt of incentives</li><li>• Make ready work to be completed by a licensed electrician</li><li>• Incentive to be limited to a maximum of 10 ports per site</li><li>• No one customer can account for more than 20% of total program budget in totality for all of a customer's locations</li><li>• Site hosts must agree to share charging data from chargers that receive make-ready incentive funds with ACE</li><li>• Site hosts are permitted to determine charging prices to EV drivers.</li></ul>
Term	Term of the program beginning from date of program launch and lasting until 12/31/2026 or until program funds are fully exhausted.

## 5. Public DCFC (Page 1 of 2)

Public DCFC	
Budget	\$6,000,000
Equipment Eligibility	<ul style="list-style-type: none"><li>• Limited to new EV charging infrastructure</li><li>• Limited to installation of new qualified smart DCFC chargers with rated nameplate capacity at a minimum of 50kW.</li><li>• Limited to incremental Make Ready costs associated with new charging stations</li><li>• Stations with proprietary charging connectors must collocate with at least one charging station with both an SAE CCS Combo and SAE CHAdeMo port to receive incentive; Incentive to cover shared make ready costs on collocated proprietary and standard equipment on a single site</li></ul>
Operational Eligibility	<ul style="list-style-type: none"><li>• Incentive will be distributed on a per port basis, with a target of 100 charging ports</li><li>• Limited to a maximum of 2 ports per site</li><li>• Incentive to be capped at 90% of Make Ready costs up to \$60,000 per smart charging port</li><li>• No one customer may account for more than 20% of total program budget in totality for all of a customer's locations</li><li>• Site hosts must agree to share charging data from chargers that receive make-ready incentive funds with ACE as a condition of receipt of make ready incentives</li><li>• Site host must guarantee public accessibility and operational functionality in a manner consistent with the definitions for "publicly accessible" and "operational" as defined in "Definitions" in stipulation agreement</li><li>• Public DCFC charging stations must feature use of multiple forms of payment</li><li>• Site hosts are permitted to determine charging prices to EV drivers</li></ul>

## 5. Public DCFC (Page 2 of 2)

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### Public DCFC

<b>Term</b>	Term of the program beginning from date of program launch and lasting until 12/31/2026 or until program funds are fully exhausted.
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## 6. Public L2 (Page 1 of 2)

Public L2	
Budget	<ul style="list-style-type: none"><li>• \$4,500,000</li></ul>
Equipment Eligibility	<ul style="list-style-type: none"><li>• Limited to new EV charging infrastructure</li><li>• Limited to installation of new qualified smart L2 chargers with rated nameplate capacity between 3.8kW and 7.7kW</li><li>• Limited to incremental costs associated with new charging stations</li><li>• Requires installation of standard SAE J1772 connector</li></ul>
Operational Eligibility	<ul style="list-style-type: none"><li>• Incentive will be distributed on a per port basis, with a target of 1,000 charging ports</li><li>• Limited to a maximum of 2 ports per site</li><li>• Incentive to be capped at 50% of make ready costs up to \$4,500 per smart charging port</li><li>• Stations with proprietary charging connectors must collocate with at least one charging station with an SAE J1772 connector port to receive incentive</li><li>• No one customer can account for more than 20% of total program budget in totality for all of a customer's locations</li><li>• Site hosts must agree to share charging data with ACE as a condition of receipt of make ready incentives</li><li>• Site host must guarantee public accessibility and operational functionality in a manner consistent with the definitions for "publicly accessible" and "operational" as listed in the definitions section</li><li>• Public L2 charging stations must feature use of multiple forms of payment</li><li>• Site hosts are permitted to determine charging prices to EV drivers</li></ul>

## 6. Public L2 (Page 2 of 2)

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### Public L2

<b>Term</b>	Term of the program beginning from date of program launch and lasting until 12/31/2026 or until program funds are fully exhausted.
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## 7. Demand Charge Solution

Demand Charge Solution	
<b>Budget</b>	<ul style="list-style-type: none"> <li>• \$0</li> </ul>
<b>Equipment Eligibility</b>	<ul style="list-style-type: none"> <li>• New and existing DCFC charging sites with combined service capacity of the site up to 750kW are eligible for ACE calculated volumetric only rate</li> <li>• Charging sites with combined service capacity greater than 750kW must remain on existing commercial tariff</li> </ul>
<b>Operational Eligibility</b>	<ul style="list-style-type: none"> <li>• DCFC charging stations to be eligible to receive ACE-calculated volumetric only rate of \$0.109/kwh</li> <li>• The ACE calculated rate of \$0.109/kWh rate shall automatically terminate on the earlier of December 31, 2024, or when a new rate based on a cost-of-service study prepared by ACE has been approved by the Board.</li> <li>• Site hosts are permitted to determine charging prices to EV drivers</li> <li>• Site hosts must agree to share charging data with ACE 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</li> <li>• ACE will establish a regulatory asset to capture any incremental costs associated with eligible charging deployment</li> </ul>
<b>Term</b>	Term of the program beginning from date of the approval of the tariff authorizing the transitional rate and lasting until 12/31/2024.

**END OF DOCUMENT**

# Attachment B

**ATLANTIC CITY ELECTRIC COMPANY**  
**BPU NJ No. 11 Electric Service - Section IV First Revised Sheet Replaces Revised Sheet No. xx**

**RATE SCHEDULE MGSS-EVC**  
**(Monthly General Service Secondary – Electric Vehicle Charging)**

**AVAILABILITY**

This is a transitional Rate Schedule, available only to publicly-accessible direct current fast charging (“DCFC”) stations or sites at any point within the Company’s system where facilities of adequate character and capacity exist for the entire electric service requirements of any customer delivered at one point and metered at or compensated to the voltage of delivery. This schedule is for secondary voltage only. The charging location DCFC chargers must be energized and operational for charging greater than 95% up time each calendar year to be eligible for this rate schedule.

This schedule is not available to residential customers. This schedule is not available to commercial and industrial customers who install DCFC chargers that are not publicly-accessible. This schedule is not available to DCFC installations that are installed behind the meter of a new or existing customer premise.

Each Charging Location is limited to 1000 kilowatts (“kW”) of service capacity.

This Rate Schedule will be closed as of December 31, 2024. Any customers on this Rate Schedule at that time will be transferred to Monthly General Service Secondary in the following billing cycle.

	<b>SUMMER</b>	<b>WINTER</b>
	June Through September	October Through May
<b>Delivery Service Charges:</b>		
Customer Charge		
Single Phase	\$9.96	\$9.96
Three Phase	\$11.59	\$11.59
<b>Distribution Demand Charge (per kW)</b>	\$0.00	\$0.00
<b>Reactive Demand Charge</b>	\$0.00	\$0.00
(For each kvar over one-third of kW demand)		
<b>Distribution Rates (\$/kWh)</b>	\$0.109000	\$0.109000
<b>Non-Utility Generation Charge (NGC) (\$/kWh)</b>	See Rider NGC	
<b>Societal Benefits Charge (\$/kWh)</b>		
Clean Energy Program	See Rider SBC	
Universal Service Fund	See Rider SBC	
Lifeline	See Rider SBC	
Uncollectible Accounts	See Rider SBC	
<b>Transition Bond Charge (TBC) (\$/kWh)</b>	See Rider SEC	
<b>Market Transition Charge Tax (MTC-Tax) (\$/kWh)</b>	See Rider SEC	
<b>CIEP Standby Fee (\$/kWh)</b>	See Rider BGS	
<b>Transmission Demand Charge (\$/kW for each kW in excess of 3 kW)</b>	\$4.21	\$3.83
<b>Reliability Must Run Transmission Surcharge (\$/kWh)</b>	\$0.000000	
<b>Transmission Enhancement Charge (\$/kWh)</b>	See Rider BGS	
<b>Basic Generation Service Charge (\$/kWh)</b>	See Rider BGS	
<b>Regional Greenhouse Gas Initiative Recovery Charge (\$/kWh)</b>	See Rider RGGI	
<b>Infrastructure Investment Program Charge</b>	See Rider IIP	

The minimum monthly bill will be \$9.96 per month plus any applicable adjustment.

**Date of Issue:**

**Effective Date:**

**Issued by:**

**RATE SCHEDULE MGSS-EVC (Continued)**  
**(Monthly General Service Secondary – Electric Vehicle Charging)**

**CORPORATE BUSINESS TAX (CBT)**

Charges under this rate schedule include a component for Corporate Business Taxes as set forth in Rider CBT.

**NEW JERSEY SALES AND USE TAX (SUT)**

Charges under this rate schedule include a component for New Jersey Sales and Use Tax as set forth in Rider SUT.

**DEMAND DETERMINATION FOR BILLING**

Demand shall be as shown or computed from the readings of Company's demand meter during the fifteen minute period of customer's greatest use during the month. Demand values used for billing will be rounded to the nearest tenth of a kW.

Where no demand meters are installed, a customer's demand will be calculated for the period June 1st thru September 30th, inclusive. This demand will be estimated by dividing the kWh use by 150. Where demand is expected to exceed 100 kilowatts, the Company may measure reactive demand as the greatest rate of reactive volt-ampere hour use during a fifteen (15) minute interval during the month.

Reactive demand values used for billing will be rounded to the nearest tenth of a kvar.

The provisions of this paragraph are not available to new service locations connected on or after January 1, 1983. Where a customer has permanently installed electrical space heating equipment of less than the total of all other connected load and where such electrical heating equipment represents the sole source of space and comfort heating, such equipment may be so connected as to exclude its contribution to measured demand.

**DIRECT CURRENT FAST CHARGER (“DCFC”)**

Electric vehicle service equipment (“EVSE” or “charger” or “charging stations”) that provides at least 50 kilowatts (“kW”) of direct current electrical power for charging a plug-in electric vehicle through a connector based on fast charging equipment standards and which is approved for installation for that purpose under the National Electric Code through an Underwriters Laboratories Certification or an equivalent certifying organization.

**PUBLICLY-ACCESSIBLE DCFC CHARGING**

A charger located on public land, a community location, or a travel corridor. Such chargers are owned and operated by the site owner, property manager or management company, EVSE Infrastructure Company or, in limited cases, an Electric Distribution Company 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.

**ENERGY DETERMINATION FOR BILLING**

Energy values used for billing will be rounded to the nearest hundredth of a kWh.

**TERM OF CONTRACT**

A customer may elect to have service discontinued at any time after giving due notice to the Company of its intention to do so, provided that all requirements and obligations under the tariff of the Company have been met. A customer may request to take service under Rate Schedule Monthly General Service – Secondary, which would be effective in the following billing cycle.

**TERMS AND CONDITIONS**

See Section II inclusive for Terms and Conditions of Service.

"In accordance with P.L. 1997, c. 162, the charges in this Rate Schedule includes provision for the New Jersey Corporation Business Tax and the New Jersey Sales and Use Tax. When billed to customers exempt from one or more of these taxes, as set forth in Riders CBT and SUT, such charges will be reduced by the relevant amount of such taxes included therein."

**PRICE TO COMPARE**

A customer may choose to receive electric supply from a third party supplier as defined in Section 11 of the Standard Terms and Conditions of this tariff. A customer who receives electric supply from a third party supplier will not be billed the Basic Generation Service Charges or the Transmission Service Charges. Customers eligible for BGS CIEP who receive supply from a third party supplier will continue to be billed the CIEP Standby Fee.

I/M/O Petition of Atlantic City Electric Company for Approval of a  
Voluntary Program for Plug-In Vehicle Charging  
BPU Docket No. EO18020190

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