

Testimony
of the Office of the People's Counsel
for the District of Columbia
On B25-0106, the Comprehensive Electric Vehicle Infrastructure Access,
Readiness, and Sustainability Amendment Act of 2023
Before the DC Council Committee on
Transportation and the Environment
July 10, 2023

Good day, Councilmember Allen. Thank you for the opportunity to testify on the Comprehensive Electric Vehicle Infrastructure Access, Readiness, and Sustainability Amendment Act of 2023 (B25-0106). I am Sarah Kogel-Smucker, Environmental and Climate Attorney at the Office of the People's Counsel for the District of Columbia (OPC), the District's utility ratepayer advocate. I am testifying on behalf of the People's Counsel, Sandra Mattavous-Frye. OPC commends the Councilmember for advancing legislation to equitably achieve the District's climate mitigation goals. OPC supports utilizing federal funds to expand the District's electric vehicle (EV) charging network and has suggestions to maintain a robust role for commercial EV charger operators, protect electric ratepayers, improve coordination, and clarify certain requirements.

I. OPC SUPPORTS MAXIMIZING AVAILABLE FEDERAL FUNDING FOR EV CHARGING INFRASTRUCTURE AND SUGGESTS CHANGES TO

THE BILL'S PROPOSED PILOT PROGRAM TO ENSURE THAT DISTRICT RESIDENTS RECEIVE LONG-TERM INFRASTRUCTURE BENEFITS

The significant federal funding for the electrification of the transportation system in the Bipartisan Infrastructure Law of 2020 (BIL) and the Inflation Reduction Act of 2022 (IRA) present a tremendous opportunity for the District. OPC is strongly supportive of maximizing the use of these funds to accelerate the clean energy transition. To do so, the bill expands the District Department of Transportation's (DDOT) EV charging station pilot program to require DDOT to: install and monitor 35 additional EV charging stations; establish an Electric Vehicle Charging Station Grant Program to incentivize the purchase and installation or upgrade of electric vehicle charging stations; and develop and iterate on an Electric Vehicle Infrastructure Deployment and Management Plan (EV Infrastructure Plan). This pilot program approach is a meaningful use of federal funds dedicated to those purposes. However, OPC strongly recommends that electric ratepayer protections be added to these requirements and that provisions are made for ongoing maintenance of these chargers.

Preventing economic inequities

First, given the equities involved, District electric ratepayers should not shoulder the burden of funding these pilot programs. The District's clean energy goals are designed to provide a healthier, cleaner environment for all. Unfortunately,

the current structure of ratepayer funding for these programs can result in unintended inequities. For example, studies show low- and moderate-income ratepayers pay a higher portion of their income toward electric bills and face higher energy burdens than more affluent residents.¹ For this reason, over relying on ratepayer funds can make otherwise worthy clean energy programs inequitable.

To protect against that possibility, OPC recommends adding language explicitly specifying the funding source as federal (and if desired District tax funds). OPC's written testimony includes specific wording for suggested changes.

OPC is also concerned about the bill's requirement that the EV Infrastructure Plan "ensure . . . free publicly available charging stations." Currently, EV ownership is highest among higher income consumers.² Many District residents at the lower end of the economic spectrum do not own a private vehicle of any kind. Any plan for free EV charging should consider that reality and have explicit requirements to avoid having low- and moderate-income District residents subsidizing more advantaged residents' and visitors' driving in the city. By contrast, OPC believes the bill's provision to allow tenants to install EV chargers at their own expense allows

¹ See, e.g., OPC Energy Affordability Study available at <https://opc-dc.gov/uncategorized/opc-releases-findings-of-energy-affordability-study/>.

² See Inspire Advanced Transportation, <https://inspireadvancedtransportation.com/industry/who-owns-evs-today-ev-ownership-trends-and-changes-2021-ev-consumer-behavior-report-rundown/>.

economically advantaged renters to provide for their own EV charging infrastructure provides a fair equity balance, and should remain in any updated bill.

Encouraging commercial investment

OPC also recommends encouraging investment from commercial EV charging providers by amending the bill to remove the requirement that DDOT own and maintain all 7,500 required EV chargers and all 50 chargers in the pilot program, and to allow commercial providers to fill this role. This change would also better allocate the risk of changing technologies and evolving demand among the public and the private sector. Likewise, the EV Infrastructure Plan requirements should be amended to require DDOT to plan for the ongoing operation and maintenance of the chargers and report on related metrics. Chargers should not be installed without provision for their ongoing maintenance to avoid stranded assets that could ultimately be passed on to ratepayers.

II. ALIGNING THE DEFINITION OF “MAKE READY INFRASTRUCTURE” AMONG DISTRICT ENTITIES

The bill’s anticipated regulations involving “make ready” infrastructure should be consistent with any definition adopted by the Public Service Commission (PSC)s.³ For clarity, the bill should also specify whether the bill’s proposed EV infrastructure grant program covers make-ready infrastructure.

³ In PSC Formal Case No. 1155, *Potomac Electric Power Company’s Application for Approval of its Transportation Electrification Program* and Formal Case No. 1130, *In the Matter of the Investigation into Modernizing the Energy Delivery System for Increased Sustainability*, the PSC convened a technical conference on May 2, 2023 to, among

III. DDOT'S GRID READINESS STUDY SHOULD BE COORDINATED WITH OTHER DISTRICT ENTITIES

The bill requires DDOT to include in its EV Infrastructure Plan a description of the grid's capacity to meet EV charger demand. OPC suggests that this assessment be coordinated and aligned with assessments the District Office of Energy and Environment (DOEE) and the PSC are conducting of such readiness.⁴ There should also be public comment on the Plan to ensure DDOT has all relevant analyses. The bill should clearly define the meaning of its reference to "*the District clean energy plan for carbon neutrality*." Clarification would eliminate future confusion as to the legislative intent regarding the applicable legal or policy basis for the use of this terminology; is it the draft Carbon Free DC plan, the statutory goal, or something else?

I. CONCLUSION

Thank you for the opportunity to testify today. OPC looks forward to ongoing dialogue about this important issue and the need to ensure that all new programs are fair, equitable, and benefit all consumers.

other things, update the definition of "make ready" infrastructure from its current picture-based definition found in Order No. 19898. The Commission has not yet issued an updated definition.

⁴ In PSC *Formal Case No. 1167, In the Matter of the Implementation of the Business Climate Plan*, both Pepco and DOEE have submitted analyses of the electric grid's capacity for electrification. Additionally, in Pepco's pending rate case, *Formal Case No. 1176*, Pepco is seeking funds to increase capacity to prepare for electrification.