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American Public Power Association Response to Notice of Proposed Rulemaking (NPRM), Request for Comments on the National Electric Vehicle Infrastructure Formula Program

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The American Public Power Association (APPA) appreciates this opportunity to provide feedback in response to Federal Highway Administration's Notice of Proposed Rulemaking (NPRM), Request for Comments on the National Electric Vehicle Infrastructure (NEVI) Formula Program. APPA is the national trade organization representing the interests of the nation's 2,000 not-for-profit, community-owned electric utilities. Public power utilities are located in every state except Hawaii. They collectively serve over 49 million people and account for 15% of all sales of electric energy (kilowatt-hours) to end-use customers. Public power utilities are load serving entities, with the primary goal of providing the communities they serve with safe, reliable electric service at the lowest reasonable cost, consistent with good environmental stewardship. This orientation aligns the interests of the utilities with the long-term interests of the residents and businesses in their communities.

APPA is pleased to provide comments on the following topic areas:

- The need for flexibility on the number of ports and charging capacity for Electric Vehicle Supply Equipment (EVSE).
- The proposed maintence and workforce requirements for EVSE;
- The connectivity requirements for EVSE;
- Appropriate pricing for EV charging, including the proposed requirement to display and base pricing on a $/kWh system; and
- Reporting requirements for the NEVI Formula Program.

§ 680.106 Installation, operation, and maintence by qualified technicians of electric vehicle charging infrastructure.

This section proposes requirements for the installation, operation, and maintence of NEVI Formula Program funded chargers. Specifically, this section proposes to

require four Combined Charging System (CCS) charging ports capable of simultaneously charging four electric vehicles, with each port being capable of charging at least 150 kW. This means a NEVI-compliant charging station would be required to serve at least 600 kW at any given time.

Public power utilities are already actively working with their communities to advance transportation electrification; however, this level of new load could be a challenge depending on the unique circumstances of the local utility and grid. For some APPA members this additional load could double their current overall load and, even for utilities serving a larger load, charging stations at this capacity level will still require significant and costly utility upgrades to support. To address this challenge, APPA has two recommendations.

First, APPA strongly recommends providing the maximum possible flexibility in implementing the requirement that NEVI-compliant charging stations include four, 150 kW minimum, charging ports. In certain areas with low utilization levels, EV drivers may be fully served by two 150 kW ports in the near-term and additional ports could be added subsequently during the five-year NEVI program. Additionally, states should be strongly encouraged to include the cost of necessary electric infrastructure upgrades when providing grants to fund NEVI stations. These make-ready investments can include upgrading wiring, underground service, conduit, and transformers, among other costs. Additionally, grant recipients should also be able to futureproof stations and upsize design (lot sizes, transformers, conduit, wire/cable/etc.) to enable rapid deployments of additional chargers at the sites as demand grows. Additionally, some projects may include costs associated with battery storage, training, and implementation planning. For not-for-profit public power utilities, the costs of upgrades that may be required to serve these new stations safely and reliably will fall entirely on their community owners absent any federal or state support.

Second, APPA recommends that stakeholders, including NEVI station owners, operators, and site hosts, talk to utilities early about connecting to the grid. This engagement will allow public power utilities to plan for future load and any upgrades as well as provide crucial advice on how to deploy this infrastructure. Utilities can help size transformers, advise on electrical service upgrades, rate design, demand side management, and can educate stakeholders on processes, timeframes, incentives, pilot programs, and any other relevant offerings. Utilities can also provide technical expertise and help with future proofing charging infrastructure assets.

For public power utilities, the goal of serving customers reliable and affordable electricity has, and will continue to, remain paramount. Over the history of the electric grid, utilities have continuously adapted to new technologies, like the widespread use of air conditioning, and new large key accounts, like data centers.

Doing so with NEVI EV stations, however, while maintaining reliability and affordability, will require significant flexibility and stakeholder engagement.

This section also proposes that "**states must ensure that EVSE is maintained in compliance with NEVI standards for a period of not less than 5 years from the date of installation."**

APPA encourages states to require clear, comprehensive, and detailed contractual agreements for any maintence and operation requirements. For example, contracts should specify turnaround timeframes for maintenance and describe if the scope includes maintenance for operational issues due to theft and vandalism. This is vital to ensuring a positive customer experience, but ongoing and proactive maintence is also needed to support charger reliability.

Finally, this section proposes requirements for the workforce installing, maintaining, and operating NEVI-funded EV charging stations, **including requirements that all electricians be either certified through the Electric Vehicle Infrastructure Training Program (EVITP) or a graduate from a Registered Apprenticeship Program that includes EVSE-specific training and is developed as part of a national guideline standard approved by the Department of Labor in consultation with the Department of Transportation.**

APPA has concerns about this requirement, particularly given the size and scope of the NEVI Formula Program, which aims to deploy 500,000 EV chargers around the country. This effort will absolutely require an appropriately trained and qualified workforce; however, additional flexibility regarding training specifics will allow more workers to qualify in a timely manner. For example, states, manufacturers, trade schools, and community colleges may have or wish to start their own training programs. Additionally, utilities may already have staff appropriately trained to install, maintain, or operate EVSE. Preventing utilities from using their existing workforce will increase both the cost and time it takes to deploy charging infrastructure. APPA encourages a balanced approach to this training requirement, which can include EVITP and Registered Apprenticeship Programs, but should be expanded to include current or future programs that will ensure not only an appropriately trained, but also appropriately sized and resourced, workforce that corresponds with the ambitions and timeline of the NEVI Formula Program.

§ 680.114 Charing network connectivity of electric vehicle charging infrastructure.

This section proposes network connectivity requirements for charger-to-charger, charging network-to charging network, and charging network-to-grid communications. Specifically, this section proposes requirements that chargers be capable of smart charge management and be able to communicate through **Open**

Charge Point Protocol (OCPP) and ISO 15118. Additionally, this section proposes that **charging networks be capable of secure communication with stakeholders, including electric utilities**.

In general, APPA views these requirements as appropriate and reflective of trends for commercially available EV charging technology. It is vital that NEVI-funded chargers include robust cybersecurity protections to not only protect the infrastructure from cyber-attacks, but also to allow for secure communications with the utility. A secure network with real-time communications can provide the utility with vital information necessary to ensure system reliability and to plan for future infrastructure investment based on utilization rates.

§ 680.116 Information on publicly available electric vehicle charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications.

This section proposes that **NEVI-funding charging stations be required to display and base the price for charging in $/kWh**.

APPA has concerns with this requirement, particularly that it will limit innovation in pricing from site hosts and other stakeholders. For example, public power utilities have already utilized a variety of billing techniques including price per kWh, price per minute, subscription fees, and connection or idling fees that may be in combination with other fee types. An idling fee, for example, would encourage responsible EV charging practices and allow for the most efficient use of chargers by the most consumers. Some public power utilities are using time-of-use structures within these billing techniques. This can help incentivize off-peak charging as well as provide drivers with a more accurate price signal for the cost to charge their vehicle. As not-for-profit entities, the main goal of public power utility rate design is to recover the cost of providing service. It is important that pricing structures for charging infrastructure allow flexibility for owners to recover costs such as installation, maintenance, and make-ready infrastructure upgrades. States should be encouraged to provide maximum flexibility in implementing this requirement and allow for site hosts to determine, working with their local utilities as appropriate, how best to price and display the cost for charging in a way that reflects the unique circumstances of that site.

This section also requests comments on whether there are factors that could be considered to avoid an instance of charging the consumer too high a price for electric vehicle charging, particularly when demand is high, and supply is low.

APPA strongly believes that electric rate design is a state and local decision. Ratemaking at public power utilities is conducted in an open and transparent manner and is subject to approval by the utility's governing body. Public power

utilities are not-for-profit, community-owned utilities with a fundamental mission to provide reliable, affordable electricity to their community-owners, including those who will rely on NEVI-funded EV chargers to power their vehicles. Pricing decisions should be made by charging station site hosts and reflect the cost of the charging site, including necessary infrastructure upgrades, operation, maintence, and electricity. While electric rates may inform prices, it will ultimately be up to site host to determine what is an appropriate cost for the service provided.

§ 680.112 Data submittal.
This section proposes specific requirements for **states to report quarterly and annually certain data to the FHWA.**

In general, APPA encourages states and the FHWA to wherever possible, use existing data sources for reporting requirements, particularly for any data that may be required from electric utilities. To the maximum extent practicable, reporting requirements should be done using a simplified and streamlined system to reduce the burden on site owners or operators.

Additional Feedback.
APPA would note that the entire electric industry is experiencing major supply chain issues and APPA members are reporting low inventory and long lead times for distribution transformers, in particular. In the short-term, resolving these supply chain issues is a top priority because the lack of supply of essential grid components is putting electric reliability at risk. If these supply chain issues persist into the long-term, they could impact the ability for electric utilities to deploy the infrastructure necessary for the EV charging network envisioned by the NEVI program, as well as many of the other electric infrastructure projects that will be supported by the Infrastructure Investment and Jobs Act (IIJA). Broadly, the IIJA provides funding not only for major infrastructure projects on the grid and in the electricity space, but also for transportation, water, and broadband projects, among many others. Implementing federal and state agencies should consider what tools they can deploy to help the electric industry ensure the supplies and materials, as well as the necessary workforce, are in place to efficiently and effectively make this significant and needed infrastructure investment.

Finally, APPA would reiterate that NEVI grant programs should be designed with flexibility in mind – every community is different and project needs will vary. Technology is evolving and EV and charging infrastructure usage will change with higher adoption. One-size-fits-all programs will be inaccessible or unworkable for many public power utilities.

Grant administrators should ensure that grants and funding opportunities are available to all those willing – including public power. Having flexibility will allow

public power utilities to bolster, not replace, the great work they are already doing. Coordination with utilities will help avoid duplication of other state, federal, and private industry efforts and ensure overall system reliability. The federal government should be aware of existing state service territory laws and should not foster or promote changes that may conflict with current state laws on service territory.

Respectfully submitted,

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