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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of: DOCKET NO. 20200170-EI

Petition for approval of optional
electric vehicle public charging
pilot tariffs, by Florida Power &
Light Company.

_____ /

PROCEEDINGS: COMMISSION CONFERENCE AGENDA
ITEM NO. 8

COMMISSIONERS
PARTICIPATING: CHAIRMAN GARY F. CLARK
COMMISSIONER ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER DONALD J. POLMANN
COMMISSIONER ANDREW GILES FAY

DATE: Tuesday, December 1, 2020

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK
Court Reporter and
Notary Public in and for
the State of Florida at Large

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1 P R O C E E D I N G S

2 CHAIRMAN CLARK: Next item up is Item No.

3 8. Mr. Futrell.

4 MR. FUTRELL: Thank you, Mr. Chairman.

5 Item 8 is staff's recommendation on Florida
6 Power & Light Company's three optional electric
7 vehicle public charging pilot tariffs.

8 The first tariff, utility-owned public
9 charging for electric vehicles, rate schedule UEV,
10 would establish a charging rate of 30 cents per
11 kilowatt hour for utility-owned fast charging
12 stations.

13 The second set of tariffs, electric vehicle
14 charging infrastructure riders for general service
15 demand and general service large tariffs, would
16 establish a tariff for third-party public charging
17 stations operating in FPL's service area.

18 The tariffs and associated rates would limit
19 the demand cost associated with general service
20 demand rates billed to the charging stations with
21 low utilization rates to support the growth of the
22 EV market.

23 The utility requests that the three proposed
24 tariffs take effect in January 2021, for a period
25 of five years.

1 There are 16 interested persons in the docket
2 and several have filed comments that are summarized
3 in the recommendation. In addition, the Southern
4 Alliance for Clean Energy filed comments after the
5 date staff filed the recommendation.

6 Staff is recommending approval of the proposed
7 tariffs. As noted in the background of the
8 recommendation, staff recommends that the three
9 proposed tariffs become effective on January 1st,
10 2021.

11 Staff also recommends that FPL file annual
12 reports for monitoring purposes in the docket file
13 for the duration of the five-year pilot.

14 Several parties wish to address the
15 Commission, and staff is available to answer
16 questions.

17 CHAIRMAN CLARK: Thank you, Mr. Futrell.

18 I understand that we have a couple of parties.
19 We are going to try to move through these rather
20 quickly. First is EVGo. Is that Ms. Corman or
21 Dumit?

22 MS. DUMIT: Yes. Hi.

23 CHAIRMAN CLARK: Please recognize yourself.

24 MS. DUMIT: Yes. This is Carine Dumit from
25 EVGo.

1 First of all, I wanted to thank the Commission
2 for hearing this issue today, and want to thank FPL
3 for proposing the solution. I think that, as we
4 have put in our comments, we are supportive of that
5 initial step of having the issue of demand charges.
6 We have made some recommendations as a way to
7 improve the tariff for the providers so that they
8 allow for some additional flexibility that we think
9 would be necessary and important to ensure the
10 deployment of charging stations, and in a variety
11 of those across the state.

12 And in addition, we've also -- so from our
13 recommendation -- the recommendation with respect
14 to that would be to increase the demand limiter
15 to -- from 75 to somewhere around 100 or 200 that
16 is commensurate with other jurisdictions that we've
17 seen implement successful demand charge limiters.
18 And we think that that would help with the
19 deployment while considering other potential --
20 while taking into account other potential
21 considerations of ratepayer impact, which we think
22 would be able to, in the period of five years, have
23 better data on that.

24 And on the other -- the other comment that we
25 had put forward was with respect to making a

1 recommendation on the proposed FPL tariff for the
2 utility-owned stations. To the extent that the
3 Commission would consider that, we would recommend
4 taking the -- basing that number on the average of
5 the charging providers that was used in the
6 analysis rather than just one charging provider as
7 was put forward in the staff's recommendation.

8 So that's -- that's kind of what I wanted to
9 provide in terms of comments this morning, and
10 thank you again for the opportunity.

11 CHAIRMAN CLARK: All right. Thank you very
12 much.

13 Next up is Tesla. Who serve representing
14 Tesla?

15 MR. BEAN: Good morning. This is Patrick Bean
16 from Tesla. Thank you for the opportunity to
17 provide --

18 CHAIRMAN CLARK: Thank you. You are
19 recognized.

20 MR. BEAN: Thank you.

21 We respectfully offer two modifications to
22 staff's recommendations for the pilot program. The
23 first is to include a review process and
24 stakeholder comment period as part of that annual
25 reporting process. And second, that the proposed

1 demand limiter be increased from 75 hours to 150
2 hours.

3 Regarding our first recommendation, even
4 though EV sales and infrastructure deployments are
5 growing significantly, the industry is still in a
6 relatively nascent stage. The industry is rapidly
7 innovating, and it's important that any regulatory
8 structure or policies or programs that are directly
9 or indirectly impact the industry be designed with
10 flexibility in mind. That would allow for
11 continued innovation and rapid investment in EV
12 infrastructure projects. Developing competitively
13 neutral policies is crucial to the continued growth
14 of EV infrastructure.

15 A lot can happen over the next five years in
16 terms of EVs and charging technology. Providing
17 the opportunity for comments and recommendations
18 for program modifications as part of the annual
19 reporting process will ensure that FPL's program is
20 flexible, meets the needs of EV drivers and
21 ratepayers, and that any unintended consequences
22 and programs can be quickly mitigated.

23 Finally, we recommend increasing the proposed
24 demand limiter from 75 hours to 150 hours. Public
25 fast chargers are inherently low load factor,

1 especially in the early days of deployment, which
2 can be a hurdle for infrastructure investments due
3 to the challenging business case that
4 non-coincident demand charges create. That results
5 in a high effective price per kilowatt hour for
6 electricity that charging operators pay.

7 Changing the demand limiter would be a strong
8 incentive for third-party charging operators to
9 invest in additional stations, and the potential
10 cost of increasing the demand limiter would be
11 minimal compared to the alternative approaches that
12 the Commission or utilities can take to increase
13 public charging deployments.

14 I appreciate the opportunity to speak with you
15 today, and I am happy to answer any questions that
16 you may have. Thank you.

17 CHAIRMAN CLARK: Thank you, Mr. Bean.

18 Is anyone representing Electrify America?

19 MR. DICK: Hello. This is Andrew Dick with
20 Electrify America.

21 CHAIRMAN CLARK: You are recognized, Mr. Dick.

22 MR. DICK: Thank you very much, Commissioner,
23 members of the Commission.

24 For the record, my name is Andrew Dick, and I
25 act as State Government Affairs Manager for

1 Electrify America LLC.

2 Electrify America is a wholly-owned subsidiary
3 of Volkswagen Group of America, and operates the
4 nation's largest open network of DC fast chargers
5 with over 2,200 chargers across 508 locations in
6 the United States. We have a significant footprint
7 in the state of Florida with 110 charges at 24
8 sites already open to the public. Furthermore, we
9 have significant plans for additional investment in
10 the state, with another 32 chargers at eight sites
11 currently under construction, and additional sites
12 under development.

13 Our stations provide state-of-the-art
14 ultrafast 150- and 350-kilowatt charging from
15 Pensacola to Jacksonville, and all the way down to
16 an installation currently under construction in Key
17 West.

18 In addition to corridor charging investments
19 that facilitate long-distance EV travel along I-10,
20 I-75 and I-95, we identified the greater Miami
21 Metro area as the target metro market for
22 investment in each of our first two investment
23 cycles.

24 The state of Florida is an essential market
25 tool at Electrify America, and we support policies

1 to help to promote continued growth of the EV
2 market in the state.

3 In our comments of October 14th, we commended
4 FPL and the Commission for taking initial steps to
5 support the growing EV charging industry in
6 Florida, but we highlighted the number of areas of
7 concern where we sought modification of the
8 proposal and emphasized the need for further
9 action. In particular, we highlighted the fact
10 that DC fast charger operating costs in Florida,
11 particularly for high power charging, continued to
12 pose a major challenge for EV charging providers in
13 the state.

14 With respect to the proposed demand limiter,
15 which includes a constant of 75 hours, we commented
16 that the effective rate would still be too high to
17 enable economically sustainable third-party EVSE
18 providers to cover capital and operational costs,
19 and noted that other tariffs use larger constants
20 in other states, such as 100 hours for Xcel Energy
21 in Minnesota and 200 hours for Dominion Energy in
22 Virginia in their commercial EV charging rates.

23 Electrify America maintains the position that
24 the demand limiter as proposed, while being the
25 step in the right direction, is not sufficient to

1 mitigate the near-term challenges posed by demand
2 charges in both private sector and DC fast charging
3 investment and operation. Electrify America notes
4 that comments from both EVGo and Tesla filed
5 yesterday are similarly the demand limiter is
6 over -- (inaudible) --

7 We recognize the critically important role the
8 utilities play in EV charging infrastructure
9 deployment, and we continue to support a shared
10 responsibility model where the utility investment
11 encourages additional investment by EV charging
12 providers. The competitive market for EV charging
13 has already developed significantly due to
14 investments from a range of charging companies in
15 Florida, and Electrify America recommends that
16 utilities take additional steps to support this
17 developing market.

18 To the extent that FPL owns and operates its
19 own infrastructure, Electrify America suggests that
20 care should be taken to ensure that these
21 investments are complimentary to existing
22 infrastructure, and compatible with the robust
23 competitive market for charging.

24 I wish to thank the Commission for the
25 opportunity to comment today, and I look forward to

1 continuing to work with Florida utilities and the
2 state policy-makers in the future.

3 CHAIRMAN CLARK: Thank you very much.

4 All right. Everyone else was a respond to
5 questions, so, Commissioners, any questions?

6 Commissioner Brown.

7 COMMISSIONER BROWN: Thank you, Mr. Chairman.

8 This is a pretty exciting item, and I
9 appreciate all of the stakeholder input. And, you
10 know, this is -- this is the first that we've seen.
11 FPL has historically been the trendsetter in terms
12 of technology and innovation in our state. And as
13 EVs continue to grow around the country, they are
14 growing in Florida, so I do think it's ripe to
15 consider this tariff. And I like the idea of a
16 tariff offsetting infrastructure and demand costs
17 that this one potentially does as well, but I think
18 some of -- I have some questions just for
19 clarification.

20 First for FPL, what is the difference between
21 the EV tariff rate proposed for 30 minutes for the
22 public fast charging stations and otherwise
23 applicable commercial rates? Are commercial rates
24 better per kilowatt hour versus the EV tariff?

25 MR. COX: Good morning -- I guess we are still

1 in the morning. Good morning, Commissioner Brown.
2 This is Will Cox for FPL. Can you hear me okay?

3 COMMISSIONER BROWN: I can. Thank you. Good
4 morning.

5 MR. COX: Good morning. Thank you.

6 So, you know, with the UEV rate, this is a
7 rate that we have proposed specifically so that we
8 can charge customers who use charging stations
9 owned and operated by FPL. It's part of our FPL
10 EVolution Pilot that we have been working on
11 starting back in 2019. And with the UEV rate, we
12 looked at a couple of things in terms of how we
13 developed that specific rate. We looked at the
14 average cost or charge, I should say, from private
15 EV charging companies such as Tesla, EVGo,
16 Electrify America that you have heard from today,
17 and we also looked at the equivalent price for
18 gasoline.

19 What we propose is slightly less for gasoline,
20 and we believe it's in line with what the others
21 are charging. I know there has been some
22 discussion that we shouldn't include what Tesla is
23 charging because they charge, I think, around 28
24 cents per kilowatt hour, and we proposed a 30 cent
25 rate here. But the fact of the matter Tesla is one

1 of the largest, if not the largest provider of
2 electric vehicles in the market, one of the largest
3 providers of charging stations in the market for
4 fast charging. Fast public charging is what we are
5 talking about here today. So we thought it was a
6 reasonable rate that we set at 30 cents.

7 I would also like to add to that, if I might,
8 that we did like the addition that the Commission
9 staff added to the recommendation. We think they
10 did a very thorough job in looking at our proposal.
11 We received a number of data requests which are
12 very good questions, and we obviously got good
13 comments from those who are interested; but the
14 fact of the matter is they added one thing to our
15 proposal, which was for us to provide annually
16 reporting on how this market practice is actually
17 working in the marketplace as the pilot rolls out.
18 And annually, we would be reporting on market rate
19 information, giving the Commission an opportunity
20 to adjust that market rate, or the rate, I am
21 sorry, the UEV rate that be would be used for the
22 tariff as a part of that annual process of giving
23 the Commission information and allowing the
24 Commission and the staff to look at whether the
25 rate being proposed should continue or something

1 else should be used for that rate.

2 COMMISSIONER BROWN: I like that too as well.
3 You know, as was pointed out by some of the
4 stakeholders, you know, this is a continuously
5 evolving marketplace, and I think you even stated
6 that it was hard to really come up with a cost of
7 service rate given the limited data that you have
8 on the existing program.

9 Do you happen to have an average commercial
10 load profile from that EV program that's been
11 deployed since 2019?

12 MR. COX: I am sorry, could you restate the
13 question?

14 COMMISSIONER BROWN: Sure. Just the program
15 that FPL has deployed voluntarily, EVolution, do
16 you have an average commercial load profile from --
17 it's been going on for about a year, a little over
18 a year, do you have that data?

19 MR. COX: Let me -- I am going to let Jill
20 Dvareckas, who is our Senior Director of
21 Development, one of the leaders of EV program,
22 Commissioner Brown, she's here with me, and she's
23 going to answer that question.

24 MS. DVARECKAS: Hi. Good morning.

25 So at this point in time, our fast charging

1 stations just went into operation earlier this
2 year, so we don't have enough data to have an
3 average commercial load profile from those stations
4 yet.

5 I think what was referred to in staff's
6 write-up and in our discovery comments, we have had
7 a number of Level 2 chargers that have been
8 operating at workplace and destination locations
9 for over a year now, but on the fast charger side,
10 we don't have enough data.

11 COMMISSIONER BROWN: Thank you.

12 And do you know the difference between the
13 proposed tariff rate versus otherwise applicable
14 commercial rates that are in --

15 MS. DVARECKAS: When you say otherwise
16 commercial rates, do you mean what other EV
17 charging providers are charging?

18 COMMISSIONER BROWN: No, what you are
19 currently charging to your EV customers.

20 MS. DVARECKAS: Well, currently, we don't have
21 a mechanism to charge our customers directly. So
22 under our agreement with the site host, they are
23 the customer of record, and the site host is
24 capable of setting the rate that is charged. We
25 give the site host a range for which they can

1 charge, which is 25 to 35 cents per kilowatt hour.

2 COMMISSIONER BROWN: Okay. Thank you. So
3 that's a little less than what's being proposed.

4 Do you know what a shared --

5 MS. DVARECKAS: More, right, correct, it's 25
6 to 35, whereas we are proposing 30.

7 COMMISSIONER BROWN: Okay. And thank you, Mr.
8 Chairman, for some indulgence here.

9 This is an exciting opportunity for us to
10 really look at it. Do you -- in those annual
11 reports, do you currently have data charging times
12 to measure time of use and demand on the existing
13 program? Do you track that?

14 MS. DVARECKAS: Yes. Yes. We can track a
15 number of variables for all of our charging -- all
16 of our charging sessions, data -- data for this
17 pilot is one of, you know, the key components of
18 what we are trying to learn.

19 COMMISSIONER BROWN: I think that would be
20 helpful in the annual reporting requirements as
21 well to see, because, obviously, we want to shift
22 demand, you know, to off peak hours, and really
23 gauge the effect that the charging, as they
24 continue to grow in our state, has the effect on
25 the grid. Would that be something that could be

1 compiled easily in the annual report?

2 MS. DVARECKAS: Yes, it can.

3 COMMISSIONER BROWN: And can you talk about
4 why you chose a five-year tariff? Granted, the
5 staff is giving the Commission discretion to review
6 it during the annual report, but five years is a
7 long time for evolving technology, and especially
8 with regard to rate structures, you know, we are
9 just starting to see a variety of different options
10 being deployed in different states. This is the
11 first EV tariff that we've had an opportunity to
12 review. Can you talk a little bit about that long,
13 five-year timeframe for a pilot project?

14 MR. COX: Yes, Commissioner Brown, this is
15 will Cox again.

16 That's a very good question. We actually
17 looked long and hard what the term of the pilot
18 should be when we proposed it. We did propose five
19 years in an effort it give some continuity to the
20 program. When we spoke to some of our
21 stakeholders, and Ms. Dvareckas can comment on this
22 further here in a minute, but when we spoke to some
23 of the interested stakeholders in our tariff,
24 particularly as it was the demand limiter tariff,
25 there was an interest in having some continuity.

1 In fact, one of the commenters that has filed
2 comments in this docket, EVGo had suggested that
3 the period should be longer, perhaps 10 years is
4 what they were thinking. So, you know --

5 COMMISSIONER BROWN: I don't is agree with
6 that.

7 MR. COX: -- I recognize that five years may
8 seem long, but I think Gulf's current EV charging
9 program has a five-year link to it, so it's not
10 completely unprecedented, but I think that from a
11 pure factual standpoint in what we are looking at
12 here, trying to give some continuity to the
13 program.

14 I think, as you just mentioned, complementing
15 it with the staff recommendation for the annual
16 reporting process, and giving the Commission an
17 opportunity to review it on an annual basis, I
18 think that that would work well with concerns about
19 maybe the program, the length of five years being
20 too long, again, we have others who think it should
21 be longer, we tried to find the right balance.

22 And, Ms. Dvareckas, did you want to comment
23 further on what we have heard from those who are
24 interested in the program?

25 MS. DVARECKAS: Right. Yes. So our selection

1 of five years was based on, as Will commented, the
2 ability to have some planning horizon, and
3 understanding that part of the purpose of these
4 pilots, and what we would like to see, is to drive
5 EV adoption and to increase the amount of EV
6 charging stations that are available within our
7 territory. The timeframe within which it takes to
8 site and install an EV charger pending, you know,
9 up to a year, probably even up to 18 months. And
10 so we wanted to ensure that if this pilot went into
11 effect in January of 2021, there was enough time
12 for the network service providers to take that into
13 account and build out accordingly.

14 I will echo what Will said as well, that we do
15 agree with, you know, staff recommendation that we
16 report back and see whether things are proceeding
17 as we expected, or whether any changes should be
18 made as a way to ensure that we are evolving with
19 this rapidly changing market. I do agree, there --
20 a lot will happen in the next five years.

21 COMMISSIONER BROWN: Absolutely. And, I mean,
22 referencing the 2017 Duke pilot, I mean, EVs were
23 just starting to trickle into our state. That was
24 part of a global settlement that had a cap of eight
25 million in investment, so this is -- it's much

1 broader, and I suspect other utilities will model
2 it after, so we got to get it right. And we also
3 have to make sure that there is not an unfair even
4 playing field for third parties to enter the
5 marketplace as well.

6 So with that, I had one more question, Mr.
7 Chairman, and it would be for Mr. Bean.

8 Tesla does such an impressive job around the
9 country. I really respect the work that you have
10 done. I want to talk about the proposed demand
11 limiter that you are recommending, from 75 hours to
12 150. I think you suggested that that would create
13 a strong -- stronger incentive to invest in
14 additional stations for third parties. Can you
15 elaborate a little bit?

16 MR. BEAN: Sure. Thank you, Commissioner
17 Brown.

18 So add a 10-percent load factor, which is
19 what's currently proposed is 75 hour limiter, that
20 leads to about a 20-cent kilowatt hour effective
21 price. So between 20 cents a kilowatt hour and
22 what charging operators are billing their customers
23 at 35 cents a kilowatt hour and above, doesn't
24 really leave a lot of wiggle room to recover
25 capital costs, O&M costs, overhead costs.

1 Moving a demand limiter to 150 hours would
2 encapsulate stations with 20 percent load factor
3 and below, which would lead to effective price
4 about 12 cents a kilowatt hour, which is much more
5 competitive with the commercial class average in
6 FPL's territory, which is about nine cents a
7 kilowatt hour.

8 Still, you know, a third higher, but that
9 provides a lot more wiggle room to recover CAPEX
10 investments, to bring down the end use price to
11 drivers.

12 The reason we say it's a really good signal is
13 for that very reason, that with non-coincident
14 demand charges, when you look at the total costs of
15 deploying, owning and operating fast charging
16 stations, it's usually the electricity operating
17 costs which are the highest cost components. So if
18 you can reduce that, it makes the business case for
19 investing that much greater. Does that make sense?

20 COMMISSIONER BROWN: It does. Thank you.

21 And I am going to just -- Mr. Chairman, can we
22 have comment from staff on that?

23 CHAIRMAN CLARK: Certainly.

24 Mr. Futrell.

25 MR. FUTRELL: Let's see if Ms. Draper from the

1 Division of Economics could respond to that.

2 CHAIRMAN CLARK: Ms. Draper.

3 MS. DRAPER: Elisabeth Draper here with
4 Commission staff.

5 The demand limiter as proposed by FPL, as we
6 heard, is designed to provide relief for
7 third-party public charging stations while the
8 market develops. Staff believes that the number
9 proposed for FPL provides a reasonable approach to
10 encourage the market, encourage investment by
11 competitive marketers of private business, promote
12 wider EV adoption, while also limiting potential
13 ratepayer exposure. We have to keep in mind any
14 reduction on the demand charge is provided to the
15 public fast charging station has the potential of
16 impacting the general body of ratepayers. And so I
17 think, as Commissioners, we need to -- staff
18 believes that what FPL proposed is reasonable to
19 balance the interest of the general body of
20 ratepayers and also helping out the charging
21 stations develop.

22 COMMISSIONER BROWN: Is that something that we
23 can monitor in the reporting -- the annual
24 reporting period?

25 MS. DRAPER: We asked for reporting as to how

1 many charge -- fast charging stations received the
2 benefit of the mitigated demand charges. I don't
3 know. Maybe FPL can respond to as if the demand
4 limiter was, for example 100, 150 hours, what
5 effect that would have.

6 MS. CHRISTENSEN: This is Patty Christensen
7 with the Office of Public Counsel.

8 CHAIRMAN CLARK: I am sorry, who is this?

9 MS. CHRISTENSEN: Sorry. Patty Christensen
10 with the Office of Public Counsel. I would just
11 like to make a brief comment at some point.

12 CHAIRMAN CLARK: Okay. I will get to you in
13 just a second, Patty. And I am having a really
14 hard time understanding you, so if you are on
15 speakerphone or mask, you would probably need to
16 make some other arrangements.

17 I am sorry, Commissioner Brown, you were still
18 questioning Ms. Draper.

19 COMMISSIONER BROWN: Elisabeth.

20 Thank you. I think Elisabeth was deferring my
21 question to Ms. Buys, is that correct?

22 MS. DRAPER: That is correct.

23 COMMISSIONER BROWN: Is Penelope on the phone?
24 If anybody else --

25 MS. DRAPER: For FPL, if they could report --

1 provide information in annual reports, I believe
2 that was your question, if the demand limiter was
3 set at 100 or 150 hours, as we have heard --

4 COMMISSIONER BROWN: That's right.

5 MS. DRAPER: -- the parties.

6 COMMISSIONER BROWN: That's right.

7 CHAIRMAN CLARK: Commissioner Brown --

8 MS. DUMIT: After counsel spoke, may I be
9 allowed to put in some comments if possible?

10 CHAIRMAN CLARK: Just one moment, please.

11 Commissioner Brown, who did you address your
12 question to?

13 COMMISSIONER BROWN: Thank you. I just wanted
14 confirmation from staff, that this is something we
15 could continue to evaluate to make sure that we get
16 right. And I think what I heard from Elisabeth, if
17 I am correct, was that it is something that we can
18 monitor in the annual report?

19 MS. DRAPER: That is correct.

20 COMMISSIONER BROWN: Okay. And thank you, Mr.
21 Chairman, for your indulgence, and I will defer to
22 my other EV commissioner expert on the bench here.

23 CHAIRMAN CLARK: All right. Thank you.

24 And I do -- we will get to all of your
25 comments that you folks that are piping in, I will

1 not leave you out. I promise. Just hang tight.

2 Commissioner Polmann.

3 COMMISSIONER POLMANN: I am certainly not the
4 EV expert, so, Commissioner Fay, you want to chime
5 in here?

6 CHAIRMAN CLARK: You had your hand up first.
7 Commissioner Fay doesn't have hands apparently. I
8 can't see them, so you are going to have to get it
9 way up in front of your head.

10 COMMISSIONER FAY: Thanks, Mr. Chairman. I am
11 happy -- I need to -- I need to work on my reach.
12 Fair enough. I am happy to let Commissioner
13 Polmann comment, and then do I have some questions.

14 CHAIRMAN CLARK: Commissioner Polmann.

15 COMMISSIONER POLMANN: Yeah, I have a
16 fundamental question here, and it gets back to -- I
17 don't know. If we are looking at the in the
18 context of a classic pilot, and the notion of
19 reporting on this as it moves forward, there are a
20 number of questions that I think are, I hate to
21 characterize them as interesting, because that
22 doesn't really explain much, but I am sorry, is the
23 fact that this is a five-year program and, you
24 know, we are talking about a limiter, whether it's
25 75 or 150, or whatever, the point being, you pick a

1 number, then you go forward. You can't compare it
2 to another number because you picked one. So
3 reporting on that provides you some information,
4 but you then can't do the comparative analysis to
5 what if you had picked the other number.

6 So unless you have two pilots, which of course
7 you can't do within the same area, you are not
8 really able to do an analysis of did you pick the
9 right number. So we are kind of stuck, unless we
10 have a program in which you have an ability to
11 change whatever that number is that you had picked,
12 and then find out what the difference in
13 performance, or the difference in outcome, or the
14 difference in benefit is.

15 So as we are going forward, I share the
16 concern that Commissioner Brown has expressed, that
17 going forward in a five-year time period, that may
18 not give us the best level of information and
19 knowledge that we are looking for in order to make
20 a future decision.

21 So then the question comes down to whether we
22 are serving the public interest and providing the
23 public benefit and helping to develop the market in
24 giving access to the EV users that we are looking
25 for, because we are playing in a space that's

1 really a commercial vendor space by enabling
2 something here that the utility company had worked
3 forward on. We don't want to be an obstacle. We
4 want to try to be an enabler without actually being
5 an advocate.

6 So we are in a very, as Commissioner Brown
7 indicated, a very interesting position. And I just
8 want to bring to light that we've got some
9 boundaries here on what we can do. But I don't
10 want to inadvertently place ourselves where we have
11 an unreasonable expectation of what the outcome of
12 this program is going to be and end up at the end
13 with reports when we look back and say, okay, well,
14 this is an interesting report, but we can't make a
15 decision because we don't have the right
16 information.

17 So I just caution us to think clearly, once we
18 make a decision and pick a number, that's it. You
19 can't pick two numbers. You are only going to get
20 a certain amount of data from which you then can't
21 make a decision because you only have one thing.

22 Mr. Chairman, it's a technical observation. I
23 just don't want us to be -- have a misunderstanding
24 of we are going to get at the end by having a
25 series of reports. Thank you.

1 Commissioner Fay, you can chime in. All I
2 have done is add disappointment. I am sorry.

3 CHAIRMAN CLARK: Thank you, Commissioner
4 Polmann.

5 Commissioner Fay, you are recognized.

6 COMMISSIONER FAY: Thank you, Mr. Chairman.
7 And thank you, Commissioner Polmann. I know there
8 are some divides in this commission as it relates
9 to EVs and the role that we have.

10 I do think -- I appreciate the Chair's
11 patience with this. I know we had an extensive
12 workshop and we've had a lot of discussion about
13 EVs, and potentially where the state is heading.
14 We've got the Volkswagen settlement funds with EV
15 chargers being approved and set up now. We've got
16 the Legislature that's directed some review of that
17 infrastructure. I mean, I think the state is
18 moving forward, which is a very good sign.

19 And as I said, when TECO filed their -- their
20 contribution in aid of construction item, that we
21 need to be doing more as it relates to supporting
22 advancing infrastructure, but we need to do it
23 right, and I think that's one reason I find the
24 pilot so important.

25 And my question, which is probably directed at

1 the utility and then maybe, if the Chair would
2 allow, maybe Tesla or another entity to respond,
3 but it's -- when we look at the reporting
4 requirements, they are so significant to giving us
5 a good understanding of what decisions we will be
6 making down the road to continue to be supportive
7 or not of the growth of this infrastructure. And
8 the struggle that I have is our authority lies
9 within the utilities, and the third-party vendors
10 specifically don't fall under our authority, and
11 that creates a level of limited data and
12 information that is provided to us going forward,
13 and my hope is that the utilities, as they work
14 with some of those providers, are, as a commission
15 we are able to access and review some of that
16 information through the utility's role and
17 providing this infrastructure.

18 What else could -- I think Commissioner Brown
19 made a really good point, I mean, what else could
20 we be including in these reporting requirements
21 that will give us a better understanding, because
22 my -- I do hope we will be able to take some of
23 this data and, for example, we have had a good
24 discussion about the demand limiter, and evaluate
25 what the difference would be at 150 once we have

1 some of that data to make a better decision if it
2 makes sense going forward, and I want to make sure
3 we are inclusive of that if the Commission decides
4 to approve this item.

5 I am fully in support of it, but I want to
6 make sure that the information we are getting back,
7 and the data we are getting back, even though we
8 are limited to the utilities, is still
9 comprehensive.

10 CHAIRMAN CLARK: Thank you. Would you like to
11 address that to Mr. Cox?

12 COMMISSIONER FAY: Yeah, to the utility first,
13 please, Mr. Chairman. Thank you.

14 CHAIRMAN CLARK: Thank you.

15 Mr. Cox.

16 MR. COX: Good morning, Commissioner Fay.
17 Will Cox for FPL.

18 You know, looking at what the stuff has
19 proposed for the reporting requirement, I think
20 they did a good, you know, first -- best first
21 effort on trying to get some of the important
22 information in terms of -- when we are talking
23 specifically about the demand limiter tariff, you
24 know, the number of fast charging stations that can
25 be serviced under the tariff, the number of

1 stations that receive a benefit of the mitigated
2 demand charges, and the annual revenue -- lost
3 revenue, I am sorry, from reduction in demand
4 limiter revenue, so we are looking also there at
5 impacts on customers in terms of the cost of this
6 program.

7 I think looking at that information, you look
8 at it after your first year, you will get some
9 indication of whether or not the tariff is doing
10 what it's supposed to in terms of encouraging this
11 market.

12 I would also note that, you know, like we've
13 seen in this docket itself, we've gotten numerous
14 comments and great -- really great input, I would
15 say, from the people that have been -- would be
16 impacted by this tariff, is taking under the
17 tariff, the third-party charging companies,
18 nonutility EV charging companies, so I expect they
19 would continue to provide feedback. And I think
20 even Tesla, I think, suggest in their comments,
21 they want to make sure they have an opportunity to
22 provide input to the Commission going forward with
23 these annual reporting, and I certainly think that,
24 you know, they would have the opportunity to do
25 that.

1 COMMISSIONER FAY: Great. Thank you.

2 Mr. Chairman, could I ask if Tesla could
3 respond?

4 CHAIRMAN CLARK: Yes. Mr. Bean.

5 MR. BEAN: Sure. Absolutely. This is Patrick
6 Bean from Tesla again. Thank you.

7 Yeah, in terms of data reporting, I think
8 there is -- you should split it out, or think about
9 splitting it out into the tariff, the demand
10 limiter tariff, as well as utility-owned and
11 operated charging stations, it's likely going be to
12 different datasets and different objectives. But
13 collecting that information on an annual basis and
14 allowing stakeholders to provide feedback on it,
15 you know, I think will shed light on how we, as
16 third-party operators, what we are seeing in the
17 marketplace; whether our utilization is increasing
18 or whether we've reached maybe a stagnant point
19 where you are kind of stuck in a 15- to 20-percent
20 range because of station congestion.

21 So while you may not have complete access to
22 data and information as if we were a regulated
23 utility, I think that we, as the industry, are
24 still very eager to provide insights and
25 information in a constructive -- in a constructive

1 fashion.

2 And then in terms of, like, the utility-owned
3 charging stations, I think, just in general, we
4 should always be striving towards putting everyone
5 on an equal playing field. So as information comes
6 in, you may be able to glean insight to what is the
7 cost of service of the charging station and adjust
8 pricing accordingly so that, you know, those
9 stations are kind of operating a similar fashion as
10 Tesla, or EVGo, or someone else.

11 So I would suggest trying to split it out into
12 kind of two sets, one on a demand limiter and one
13 on utility-owned and operated. But from Tesla's
14 perspective, we would welcome the opportunity to
15 provide additional insights and feedback throughout
16 the annual reporting process.

17 COMMISSIONER FAY: Okay. And how can the
18 Commission encourage, for example, your company to
19 submit that data going forward?

20 MR. BEAN: That's a good question. We've --
21 in other states, you know, we've -- the formats of
22 the proceedings are a little bit different. They
23 are somewhat litigated proceedings, where there is
24 testimony, there is the ability to file information
25 confidentially, because utilization numbers, other

1 insights, if it's not aggregated, could be
2 competitively sensitive or trade secret, so we have
3 tried to aggregate information to provide insights.

4 Utilities have also looked at the meters of
5 all the charging stations, anonymized them and
6 aggregated them so that they aren't tied to any
7 specific customer.

8 So I think there is kind of two ways. One is
9 to have maybe a somewhat more formal litigated
10 approach, where there is the opportunity to file
11 things confidentially, you know, in confidence, as
12 well as leveraging information that's coming
13 through the existing utility metering
14 infrastructure, and taking the appropriate measures
15 to aggregate and anonymize that information.

16 COMMISSIONER FAY: Great.

17 And, Mr. Chairman, I appreciate the patience
18 and indulgence. I have one more question for the
19 utility, if you would allow it.

20 CHAIRMAN CLARK: Yes, please.

21 COMMISSIONER FAY: Thank you.

22 Just so I understand, the tariff before us, we
23 have specific -- we've had discussions about the
24 three tariffs and how they would impact the
25 potential general customer base as a whole, I think

1 that's something that's relevant.

2 When we think about the distribution of energy
3 and how key this component is for electric
4 vehicles, the tariff is separated out from the
5 other development of infrastructure, so is FPL
6 going to be able to benefit from the other
7 infrastructure that's being developed for EVs to
8 then, I guess, educate and improve the processes
9 that go forward when applying this tariff?

10 MR. COX: Commissioner Fay, this is Will Cox.
11 I am not sure I totally understand your question.

12 The tariffs -- by allowing these tariffs, it
13 approves going into effect and go forward in
14 January, we will undoubtedly have learning about
15 the programs, customers' use of these charging
16 facilities, and just to add on to what I heard from
17 a gentleman from Tesla, you know, the reporting
18 will be on all of FPL's owned stations under --
19 under the UEV rate, and then also reporting
20 separately on the demand limiters, as I discussed.

21 So I think those learnings will be used by FPL
22 as it rolls out future charging infrastructure, and
23 I think that will benefit, you know, the
24 customer -- customers, as well as those involved in
25 the EV market.

1 COMMISSIONER FAY: Yeah, that answers my
2 question. I mean, I think the -- obviously, the
3 size of the utility and the ability to use other
4 projects and other development to be beneficial
5 under this tariff, although it's not stated in the
6 recommendation, I think it's probably a likely
7 scenario, assuming that you have other projects
8 where you are developing EV infrastructure.

9 Mr. Chairman, I appreciate all the time. I
10 think this is just a fantastic project and tariff
11 that's in front of us. And I am fully in support
12 of it. I think it's a good way to proceed forward.

13 CHAIRMAN CLARK: Thank you, Commissioner Fay.
14 Any other Commission questions?

15 I will make just a couple of observations,
16 comments. For all of Commissioner Brown and Fay's
17 enthusiasm, I guess I continue to have a more
18 cautious approach and have some concerns that I do
19 want to address.

20 First of all, I recognize this is a pilot
21 program. And under the terms of a pilot program, I
22 think that it is very important for us to
23 acknowledge that it is a time we are going to be
24 collecting data. And as far as all of the reports
25 that the utilities are going to be providing us,

1 the key component here is how the demand -- what
2 the demand and what the energy consumption of these
3 facilities is so that we can come back and look at
4 a proper rate at the end of the five-year period.
5 And I think that's kind of what this is. And the
6 way I am looking at this is structurally as a test
7 period.

8 Rate design is difficult when you have a very,
9 very large class and you have a lot of known
10 factors. This is a very small class of consumers
11 which, in some ways, simplifies the rate design,
12 but the fact that there is a major unknown in how
13 utilization of the facilities is going to occur --
14 and again, I believe as Tesla pointed out the size
15 limitations, when you -- Commissioner Polmann made
16 a great observation. It's hard to establish these
17 technical parameters, but at the same time, we do
18 know when you start seeing the size of the
19 facilities go up, 150 kW, or whatever you get to,
20 at the same usage, that's load factor going down,
21 which increase cost and raises the average cost of
22 kilowatt hour being produced.

23 So I am not sure how FPL came up with the 30
24 cent per kilowatt hour number. I heard the
25 comparison that they were trying to keep it

1 competitive with gas, and that's not a real
2 strategy in electric rate-making design that I am
3 aware of, but I will commend you for coming up with
4 a target number to begin this discussion and
5 process with it.

6 I just want to make it clear that this is a
7 pilot, and there is an evaluation that's going to
8 occur at the end of it that looks at
9 cross-subsidization between the different rate
10 classes that is something I really, really will be
11 taking a very hard look at.

12 We are going to develop rates for unique
13 approaches to meeting a growing and emerging
14 demand. I think we are going to have to do so and
15 treat it a lot differently than we do an average
16 residential or an average commercial class of
17 customer. So I just want to be very clear on where
18 I stand going forward and looking at this at the
19 end of the five-year period.

20 Okay. There are other comments. Ms.
21 Christensen, I do -- I did jot your name down. Are
22 you still there?

23 MS. CHRISTENSEN: Yes, I am. Can you hear me?

24 CHAIRMAN CLARK: Yes, ma'am. It's still a
25 little bit muffled. We are having a little bit of

1 trouble hearing you. If there is anything on your
2 end you can do differently, give it a try.

3 MS. CHRISTENSEN: Okay. I put you on
4 speakerphone. I had you on headphone.

5 CHAIRMAN CLARK: Oh, that's much better.

6 MS. CHRISTENSEN: I just wanted to -- okay,
7 great.

8 I just wanted to make a brief comment
9 reiterating OPC's position that the Commission
10 should adopt policies that will balance the
11 legislative intent to encourage the installation of
12 the EV infrastructure with reducing the potential
13 cost impacts to the general body of ratepayers.

14 And OPC can support, and would support a more
15 frequent review of the Commission of these GDS-1 EV
16 and GDL or -- sorry, GDSL EV-1 tariffs and the
17 prices charged to -- or charged by FPL at any of
18 these EV charging stations.

19 Given that this is a nascent industry and we
20 are all learning about it and how it will be
21 utilized, we think that maybe more frequent reviews
22 and possibly something short of a hearing could be
23 done on an annual basis to give the Commission a
24 more proactive look at how these charging stations
25 are being utilized, and whether or not the policies

1 are, you know, advancing the legislative goal while
2 also minimizing the risk to customers.

3 So that's what I wanted to address the
4 Commission, and thank you for the opportunity to
5 speak.

6 CHAIRMAN CLARK: Thank you, Ms. Christensen.

7 There was someone else, I didn't catch the
8 name, that was trying to interject a moment ago.

9 MS. DUMIT: Yes, Commissioner. This is Carine
10 Dumit from EVGo, if I may just chime in with a
11 comment?

12 CHAIRMAN CLARK: I am sorry, can you say your
13 name again?

14 MS. DUMIT: Yes. Carine Dumit from EVGo.

15 CHAIRMAN CLARK: Oh, okay. Yes, ma'am, you
16 are recognized.

17 MS. DUMIT: Thank you very much.

18 So just a couple of -- a couple of very brief
19 points. I think that -- so from the perspective
20 of -- with respect to ensuring that there is a --
21 some kind of adjustment to the demand limiter, as
22 was presented by the third-party providers, one of
23 the things that I do want the Chairman to say that
24 I agreed with what Mr. Bean from Tesla had
25 mentioned with respect to an increase -- or a small

1 increase, relatively small increase in the demand
2 limiter, would allow for some wiggle room,
3 particularly for third-party providers in terms of
4 accounting for the other elements of costs, and
5 making sure that there is some kind of level
6 playing field between the ability to offer a rate
7 that is competitive in light of other rates that is
8 being -- (inaudible) -- for the utility-owned
9 charges.

10 The second point that I wanted to make is that
11 any kind of incremental increase to the demand
12 limiter, I think it's important to look at both the
13 cost and benefits. So if there is a concern with
14 potential revenue loss, it's also important to keep
15 in mind that if a tariff is successful -- and I
16 think that this is something that FPL may have
17 mentioned already -- that if the tariff is
18 successful in adopting EV, there would be
19 additional revenues that could contribute to the
20 recovery of fixed costs, and that will have an
21 impact, positive impact on the general body of
22 ratepayers.

23 In other words, a good and robust tariff, and
24 its ability to increase EV adoption, would be able
25 to -- that incremental load is beneficial to all

1 ratepayers, not just EV chargers, and that will
2 help lower ratepayer costs.

3 And I think that that's a small adjustment in
4 the demand limiter that could aid the third-party
5 providers in creating more robust demand -- a more
6 robust tariff, but at the same time could also have
7 positive impacts, not just -- not negative impacts
8 on ratepayers, so that's one thing I wanted to
9 mention.

10 And the third and last point I wanted to bring
11 up is that there is also benefits in that with a
12 slightly, perhaps modified, demand limiter that's a
13 little bit higher than the 75 that was proposed,
14 there is also the -- there is also an increased
15 ability to be able to ensure equity among both
16 residential and apartment dwellers. So most
17 apartment dwellers, or residents of multi-unit
18 dwellings would rely on DC fast charging; whereas,
19 single family homeowners would on residential, or
20 Level 2 chargers at home. So a demand limiter that
21 is slightly improved could help make sure that
22 those different types of customers are somehow, you
23 know, as close as possible paying a rate that is --
24 that is similar.

25 And I think that that's an important

1 consideration to keep in mind in addition to, you
2 know, to the other points that I have made. So I
3 appreciate the opportunity to be able to just put
4 those points forward.

5 CHAIRMAN CLARK: Thank you very much.

6 Are there other comments?

7 All right. Commissioners, what's your
8 pleasure?

9 COMMISSIONER FAY: Mr. Chairman, I was going
10 to move forward with the item, but I would -- I
11 would -- allow my colleague, Commissioner Brown, to
12 state her modification for the reporting
13 requirements.

14 CHAIRMAN CLARK: Very good.

15 Commissioner Brown.

16 COMMISSIONER BROWN: Thank you.

17 And I also -- I would second the motion once
18 we figure that one out.

19 I think the annual reporting is sufficient. I
20 don't think we need to create a separate docket
21 since all of the stakeholders that are on this
22 docket will be notified by staff when we do have
23 the annual report. And I would recommend that
24 staff come back to an Internal Affairs meeting
25 thereafter to discuss the annual report, at which

1 time the stakeholders, as a public meeting, can
2 fully participate in that annual meeting.

3 In addition to the annual reporting
4 requirements that staff enumerates, we would also
5 collect tariff demand and information on utility
6 charging -- utility-owned and operated charging
7 stations. And we would also get data regarding
8 charging times to measure time of use and demand.

9 I think that summarizes it, Commissioner Fay.

10 CHAIRMAN CLARK: All right. Thank you,
11 Commissioner Brown and Commissioner Fay.

12 Does staff have a clear understanding? I
13 think we may need to get some clarification.

14 MR. BAEZ: Questions, there is, at least in my
15 mind, there is a little bit of confusion as to,
16 yes, the expectation is, and staff's recommendation
17 was, that the utility provide whatever breadth of
18 information reporting, as we know it is
19 appropriate. That's one thing.

20 I think Commissioner Brown's comments allude
21 to Internal Affairs and some type of report. And
22 at least in my mind, that -- that hasn't been made
23 clear -- and I guess that's a statement of your
24 expectations. That's fine. And there may be
25 issues on the legal side about it, but we are

1 discussing two different things. And by
2 Commissioner Brown, your comments seems to be you
3 would like the staff to -- you know, that there
4 ought to be a write-up if there is going to be a
5 report produced by the PSC staff, and that part
6 wasn't clear, or certainly not captured within the
7 recommendation, so --

8 CHAIRMAN CLARK: I don't know. Was that --
9 was it a report to be produced, or that we would
10 collect the data, I guess was --

11 MR. BAEZ: Well, the -- there is, you know,
12 data -- data is collected, but then it get
13 aggregated and put out in a form that we can all --
14 certainly, that I can understand, and hopefully the
15 rest, but --

16 COMMISSIONER BROWN: If you let me clarify, I
17 would be happy to.

18 CHAIRMAN CLARK: Commissioner Brown, this is
19 your electric car, you drive it.

20 COMMISSIONER BROWN: I think that's
21 Commissioner Fay.

22 But as it is a very notable pilot project, and
23 the first of its kind in the state, I think having
24 the report presented at Internal Affairs post
25 production of that report, similar to what we've

1 done with other pilot projects of interest, would
2 really -- it would allow stakeholders to file
3 comments, as has been suggested, and potentially
4 collect data from third-party stakeholders as well.

5 MR. BAEZ: All of that is -- Commissioner, all
6 of that is doable. I just wanted to -- I just
7 wanted, for our instructions, or your directions,
8 or your intent, at least, to be clear that this is
9 something that, you know, as we aggregate the
10 information, or as the information is reported to
11 us, that we then turn it around into a public -- a
12 public presentation or public document, I would
13 imagine.

14 COMMISSIONER BROWN: Yes, that's it,
15 especially -- and sometimes pilot projects, we
16 don't get the information. We may get it through
17 our in boxes at the Commission, but I think this is
18 one that is noteworthy to be put on a publicly
19 noticed Internal Affairs meeting.

20 MR. BAEZ: I would agree. Thank you.

21 CHAIRMAN CLARK: Ms. Helton.

22 MS. HELTON: Mr. Chairman, I just want to
23 clarify what will happen at the Internal Affairs.
24 I think the reporting, and making the report at the
25 Internal Affairs is a great idea. I just want to

1 make sure that there would be no substantive
2 action -- the intent is that there would be no
3 substantive action that would be taken on the
4 report at Internal Affairs. If there was a desire
5 for any kind of a substantive action to be taken by
6 the Commission on a docketed matter, that that
7 would be referred back to the Agenda Conference.
8 That kind of keeps our processes squared up.

9 CHAIRMAN CLARK: Yeah, I think that it was
10 never intended for this to be an action item,
11 agreed?

12 COMMISSIONER BROWN: Thank you.

13 CHAIRMAN CLARK: I see nods -- heads nodding,
14 so we are all in agreement.

15 All right. I have a motion and we have a
16 second.

17 Any further discussion on the item?

18 All in favor say aye.

19 (Chorus of ayes.)

20 CHAIRMAN CLARK: All opposed?

21 (No response.)

22 CHAIRMAN CLARK: And the motion carries
23 unanimously.

24 (Agenda item concluded.)

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