

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of)	
Duke Energy Ohio, Inc., for Authority to)	Case No. 19-1750-EL-UNC
Adjust its Power Forward Rider)	
)	
In the Matter of the Application of Duke)	
Energy Ohio, Inc., for Approval to Change)	Case No. 19-1751-GE-AAM
Accounting Methods)	

GREENLOTS' MOTION TO INTERVENE

Zeco Systems, Inc. d/b/a Greenlots ("Greenlots"), through counsel, respectfully moves to intervene in the above-captioned proceedings before the Public Utilities Commission of Ohio ("Commission") pursuant to Ohio Revised Code Section ("R.C.") 4903.221, Ohio Administrative Code ("OAC") Rule 4901-1-11. In support of its motion, Greenlots states the following:

Greenlots has a real and substantial interest in this proceeding, in which Duke Energy Ohio, Inc. ("Duke" or "Company") has filed an application seeking, *inter alia*, approval of an Electric Vehicle ("EV") Pilot intended to "facilitate the development of EV charging infrastructure so that the Company is able to respond to customer desires for this emerging technology, support its development and installation and operation, and encourage partnership with owners of third-party owned charging stations."¹ Greenlots is a leading provider of EV charging software and services whose clients include electric utilities, and is committed to accelerating transportation electrification in Ohio. Accordingly, the outcome of this proceeding will impact Greenlots' pursuit of that commitment. Additionally, Greenlots' interests are not

¹ Duke Application for Approval of Its Infrastructure Modernization Plan, Adjustment to Rider Power Forward, and Request for Deferrals at 3 (Sept. 24, 2019).

adequately represented by any other party to this matter, since no other entity has intervened in this proceeding that duplicates Greenlots' unique business model, focused on a core product of EV charging technology – a software platform to manage EV charging and unlock the potential of EVs and EV charging as a managed grid asset. Greenlots will contribute to a just and expeditious resolution of the transportation electrification questions at issue in this proceeding, and its participation will not unduly delay the proceeding or prejudice any other party.

Greenlots therefore respectfully requests this Commission grant its motion to intervene for these reasons and those set forth in more detail in the attached Memorandum in Support.

April 15, 2020

Respectfully submitted,

/s/ Madeline Fleisher
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d/b/a Greenlots*

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke Energy Ohio, Inc., for Authority to Adjust its Power Forward Rider.)	Case No. 19-1750-EL-UNC
)	
In the Matter of the Application of Duke Energy Ohio, Inc., for Approval to Change Accounting Methods.)	Case No. 19-1751-GE-AAM
)	

**MEMORANDUM IN SUPPORT OF THE
MOTION TO INTERVENE BY GREENLOTS**

Zeco Systems, Inc. d/b/a Greenlots (“Greenlots”) seeks the approval of the Public Utilities Commission of Ohio (“Commission” or “PUCO”) to intervene in this proceeding pursuant to Ohio Revised Code (“R.C.”) 4903.221 and Ohio Administrative Code (“OAC”) 4901-11-1. Greenlots is a corporation organized and existing under the laws of the State of Delaware, headquartered in California with the following address:

Zeco Systems, Inc. d/b/a Greenlots
767 S. Alameda Street
Suite 200
Los Angeles, CA 90021

Greenlots is a leading provider of electric vehicle (“EV”) charging software and services, and is committed to accelerating transportation electrification in Ohio. The Greenlots network supports a significant percentage of the DC fast charging infrastructure in North America, and a growing amount of Level 2 charging. Greenlots’ smart charging solutions are built around an open standards-based focus on future-proofing, while helping utilities, cities, fleets, other site hosts, and grid operators manage dynamic EV charging loads and respond to local and system conditions. The Greenlots footprint spans 13 countries and is accelerating the electric mobility

future through the delivery of innovative software and services to empower the deployment of EV charging infrastructure at scale.

On September 24, 2019, Duke Energy Ohio (“Duke”) filed an application for approval of its Infrastructure Modernization Plan, one component of which was a pilot EV charging make-ready and incentive program (“EV Pilot”). This EV pilot includes a portfolio of offerings collectively designed to reduce barriers to EV adoption. Proposed offerings include rebates for customer-owned and operated EV charging stations in both residential and commercial applications; incentives to advance electrification in the transit and school bus sectors; and public fast charging. This public fast charging offering, which includes the potential for Duke deployment of utility-owned and operated EV charging stations, is of particular importance to expand access to EV charging across a broad variety of demographics and geographies.

R.C. 4903.221 requires the Commission to consider four factors when presented with a motion to intervene. In addition, the Commission’s procedural rules similarly provide in OAC Rule 4901-11-1 that it shall consider five factors when weighing a motion to intervene. Greenlots’ motion meets all of the factors required by statute and rule.

Pursuant to R.C. 4903.221, the Commission must consider:

- (1) The nature and extent of the prospective intervenor’s interest;
- (2) The legal position advanced by the prospective intervenor and its probable relation to the merits of the case;
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings; [and]
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.

R.C. 4903.221(B).

OAC Rule 4901-1-11 permits intervention in a proceeding by an entity with “a real and substantial interest in the proceeding.” This same section of OAC further provides the criteria for the Commission to consider in deciding whether to permit intervention, mirroring R.C. 4903.221(B) and adding a fifth consideration:

- (1) The nature and extent of the prospective intervenor’s interest.
- (2) The legal position advanced by the prospective intervenor and its probably relation to the merits of the case.
- (3) Whether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.
- (4) Whether the prospective intervenor will significantly contribute to full development and equitable resolution of the factual issues.
- (5) The extent to which the person’s interest is represented by existing parties.

As a provider of EV charging software, equipment, and services to a range of clients, including both consumers and utilities, Greenlots has a direct and substantial interest in this proceeding. Specifically, Greenlots has a significant interest in the growth of electric vehicle charging infrastructure and the role of utilities in scaling the market for electric vehicle charging infrastructure. Greenlots’ Initial Comments and Reply Comments in PUCO Case No. 20-434-EL-COI offer some more of our perspective on this broad topic, which, importantly, differs from perspectives of other EV charging companies in several key respects that are relevant to these instant proceedings.²

Greenlots also has a direct and substantial economic interest in the sustainable and scalable growth of Ohio’s EV and EV infrastructure markets and in the broader regulatory and business landscape that affects the prospects of current and future EV-related business endeavors

² *In the Matter of the Commission’s Investigation into Electric Vehicle Charging Service in this State*, Case No. 20-434-EL-COI, Reply Comments of Greenlots at 5 (Apr. 8, 2020): “Greenlots supports a regulatory approach that enables and encourages a portfolio approach to EV charging programs and includes both third-party ownership and utility ownership.”

in Ohio. As a provider of EV charging software, equipment, and services, including to electric utility customers across the country, Greenlots' interests will be affected by the Commission's final determination in this proceeding as it relates to Duke's EV Pilot.

Greenlots' interest is also sufficiently different from that of any party, and will add measurably and constructively to the scope of the case. Indeed, no other party can adequately represent the interests of Greenlots in this proceeding. While another company within the broader EV charging industry—ChargePoint, Inc.—has also filed a motion to intervene in this proceeding, ChargePoint and Greenlots have differentiated business models and product offerings, and different market perspectives that substantively and directly pertain to the issues at hand in this proceeding. A small number of charging companies have a business model in which they own and operate their own network of charging stations and provide charging to the end-use driver. In contrast, Greenlots' business model is largely one in which the company sells its products and services to a client that owns charging stations, who, in turn provides charging to the end-users – the drivers. Greenlots' core product is EV charging technology – a software platform to manage EV charging and unlock the potential of EVs and EV charging as managed grid assets. More broadly, Greenlots' services include turnkey charging station deployment as well as ongoing network and charging station operations and support.

In some regulatory proceedings in other states, Greenlots has seen stakeholders and even regulators be unsupportive of utility ownership of EV charging stations based upon a well-intended but mistaken presumption that such ownership will stifle competition and the growth of the private market. In fact, the opposite is the case. The more charging stations there are and the more EVs that are on the road, the bigger the market becomes for all providers and market participants. Moreover, the private market is not monolithic. It includes a diversity of business

models, products and services. Restricting utility ownership and operation of EV charging infrastructure distorts the market by favoring certain business models and limiting others.

Greenlots will assist in the Commission's review of this matter by fostering a robust and fully-informed discussion related to the broader EV charging industry and market and to what extent the EV Pilot will reduce market barriers and facilitate EV adoption within Duke's service territory, and elsewhere in the state. Greenlots' intervention in this matter, which is being filed consistent with the procedural deadlines established for this docket, will neither unduly delay nor prolong the proceedings, as Greenlots desires to play a constructive role in this matter by isolating the issues of utmost importance, and offering valuable input into possible resolutions. This narrow focus has been demonstrated by Greenlots' productive and active intervention in regulatory proceedings in other jurisdictions involving EV charging infrastructure programs:

- Atlantic City Electric, Docket No. EO18020190 (New Jersey Board of Public Utilities)
- Duke Energy Indiana, Cause No. 45253 (Indiana Utility Regulatory Commission)
- Pacific Gas and Electric, Docket No. A1502009 (California Public Utilities Commission)
- PacifiCorp dba Pacific Power, Docket UM-1810 (Public Service Commission of Oregon)
- Portland General Electric, Docket UM-1811 (Public Service Commission of Oregon)

All correspondence and communications in this proceeding should be addressed to the following individuals, whose names should be entered on the official service list in connection with these proceedings:

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WHEREFORE, because Greenlots has a special interest in this case that is not otherwise adequately represented and because it is likely to provide informed input that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, Greenlots respectfully requests intervention in this proceeding.

April 15, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

The e-filing system of the Public Utilities Commission of Ohio will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons listed below via electronic mail on April 15, 2020.

/s/ Madeline Fleisher
Madeline Fleisher

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Summary: Motion to Intervene electronically filed by Ms. Madeline Fleisher on behalf of Zeco Systems, Inc. d/b/a Greenlots