

August 22, 2022

Submitted electronically via <http://www.regulations.gov>

Re: Request for Comments on the Notice of Proposed Rulemaking (NPRM) for the National Electric Vehicle Infrastructure Formula Program.

To Whom It May Concern:

The National Rural Electric Cooperative Association (NRECA) respectfully submits the following comments in response to the Federal Highway Administration (FHWA) and the U.S. Department of Transportation's (DOT) Notice of Proposed Rulemaking (NPRM); Request for Comments for the National Electric Vehicle Infrastructure Formula Program (Docket No. FHWA-2022-0008; RIN: 2125-AG10).

NRECA is the national trade association representing nearly 900 local electric cooperatives and other rural electric utilities. America's electric cooperatives are owned by the people that they serve and comprise a unique sector of the electric industry. From growing regions to remote farming communities, electric cooperatives power 1 in 8 Americans and serve as engines of economic development for 42 million Americans across 56 percent of the nation's landscape.

Electric cooperatives operate at cost and without a profit incentive. NRECA's member cooperatives include 62 generation and transmission (G&T) cooperatives and 831 distribution cooperatives. The G&Ts generate and transmit power to distribution cooperatives that provide it to the end of line co-op consumer-members. Collectively, cooperative G&Ts generate and transmit power to nearly 80 percent of the distribution cooperatives in the nation. The remaining distribution cooperatives receive power directly from other generation sources within the electric utility sector. Both distribution and G&T cooperatives share an obligation to serve their members by providing safe, reliable, and affordable electric service.

We appreciate the opportunity to provide NRECA's perspective in response to FHWA/DOT's NOPR. Electrification of the transportation sector creates both opportunities and challenges for the electric sector, and electric cooperatives will play a critical role in the success of the transformation now underway. As such, electric cooperatives welcome the opportunity to partner with state and local entities on implementing the programs dedicated to building out the nation's electric vehicle (EV) charging network in the bipartisan infrastructure law (BIL). The funding in the BIL is an important down payment in the federal support required to electrify the transportation sector, particularly in rural areas that could otherwise be left behind.

Many electric cooperatives have established or are planning programs to support EV adoption in their communities and are planning for a future with higher levels of EV penetration. However, rural America faces unique challenges in this transition. Public charging in particular poses an acute problem because the lower utilization rates at stations located in more remote, rural areas may not make economic sense today and may not for the foreseeable future (for DC fast charging), limiting interest from the private sector in investment.

Nonetheless, some electric cooperatives are investing in public charging – whether through make-ready infrastructure, building stations and transferring ownership, or owning and operating them – to serve their consumer-members and to provide economic development opportunities in their communities. Electric cooperatives can play that pivotal role in their communities by stepping in to provide new services where others may not because it is too costly or burdensome, just as they did in rural electrification and now with more than 200 co-ops offering broadband services. But funding these EV charging stations remains extremely difficult, particularly for non-for-profit cooperatives, operating at cost, when assessing projects that may not pencil out for a long time to come. In addition, any new costs for the electric cooperative are ultimately borne by the consumer-members at the end of the line. In the near term, these consumer-members may be bearing the cost of public charging even though they may not be the primary users of the chargers for some years to come. That is why the federal funding extended by DOT through the BIL is so critical to support EV charging infrastructure in rural America. Electric cooperatives are eager to partner with the states and local entities on charging projects to ensure that rural communities are not left behind in the electrification of the transportation sector and may offer economic development opportunities, such as agritourism.

Electric cooperatives will make excellent partners to the states and local entities charged with implementing these funding programs as they have the knowledge and expertise to support robust planning and implementation of charging projects that will ensure federal dollars are expended efficiently, projects appropriately sized to account for current and planned charging needs, and reliability of the electric grid maintained. In general, upgrades to transmission and distribution grid infrastructure by co-ops and other electric utilities will be required over time to handle the increased load and changing patterns of electric demand that result from widespread EV adoption. Involving electric cooperatives in charging projects funded through the BIL will help to ensure that these infrastructure upgrades adequately account for reliability and cost considerations, all while being good stewards of federal taxpayer money.

Again, electric cooperatives are consumer-owned and operate at cost. They also serve 92% of the nation’s persistent poverty counties. Affordability is critical to electric cooperatives and the consumer-members they serve and an important consideration when adopting new technologies and services or making infrastructure investments. Any new costs imposed on an electric cooperative are ultimately borne by the consumers at the end of the line. The federal funding provided through the BIL in these new DOT EV charging programs will provide a critical way for electric cooperatives to help support a national EV charging network that is inclusive of rural America.

We appreciate the opportunity to address the NOPR for the National Electric Vehicle Infrastructure Formula Program below to help ensure that this program will provide for the needs of communities served by electric cooperatives.

§ 680.106 Installation, Operation, and Maintenance by Qualified Technicians of EV Charging Infrastructure

§ 680.106(b) Number of Chargers

Question: The FHWA requests comments on whether a different number of DCFC ports should be required at NEVI Formula Program funded charging stations.

We recognize the prioritization of convenience over price and appreciate the acknowledgement that non-NEVI funded chargers may need different requirements for number of chargers. That said, flexibility in the NEVI program will also be necessary. Co-ops represent rural areas, which may be located along Interstates, but may also lack existing infrastructure to power these charging stations. Some remote locations may never

see 4 vehicles charging at the same time – they may currently have only 1 or 2 traditional gas pumps serving the station. The cost associated with building sufficient transmission and distribution infrastructure, along with potentially low projected use, may serve to discourage participation in the program and result in no private interest along these more remote locations. Excluding these rural areas could prevent a truly national network of EV charging stations that is inclusive of rural communities and may delay widespread EV adoption. We also acknowledge that once a state is “built out,” funds can be used to build EV charging infrastructure on other publicly accessible roads or routes. These areas will be critical to the success of the national EV network and it simply may not be cost-effective to install 4 ports at each of these locations. Building in flexibility, for example through a waiver program, to the NEVI program will help ensure that rural locations are not left behind. Existing metrics, such as charger utilization rate, can be used to trigger additional ports. A utilization rate of 20% is used by many to demonstrate sufficient usage in a site to necessitate and increase charging capacity. It is critical that charging infrastructure be developed that balances the desire for fast charge with grid reliability and reasonable infrastructure upgrade costs.

§ 680.106(j) Qualified Technician

Question: The FHWA requests comments on whether there should be an alternative to the proposed requirement of certification through the EVITP, such as a U.S. DOL—recognized Registered Apprenticeship EVSE training program.

We do not oppose the training and licensure requirements identified in this NOPR, however, we ask that you acknowledge that in rural areas, with smaller populations, it may be difficult to find the sufficient workforce that can meet these requirements. A waiver program, for cases in which the workforce does not exist may be necessary to ensure the timely installation of EVSE.

§ 680.106(m) Use of program income

This section discusses use of program income including costs necessary for the improvement and proper operation and maintenance of the EV charging station. Electrification of the transportation sector, and the increased flexibility of this newly electrified demand, will require substantial distribution infrastructure investment over time to meet increased average local electric demand and to meet increased demand in new locations (e.g., EV charging stations). Significant transmission infrastructure investment may also be required to meet increased average electric demand and changes in the spatial distribution of electric demand among load centers. Newly electrified energy demand will necessitate investment in new broadband telecommunications infrastructure to enable continued reliable operation of the electric distribution system and necessary communication with consumers (especially in rural communities).

Lowering the costs associated with installation of EV charging stations will be important to ensuring affordability for the charging consumer. We encourage a broad definition of EVSE Make Ready (and allowable costs under the NEVI program) to include (not limited to) communications infrastructure (fiber and conduit), listed raceway (conduit) expanded electrical service capacity, transformers, overcurrent protection, wire, and suitable termination points such as a junction box with a service loop or directly landed (i.e. Full Circuit).

§ 680.114 Charging Network Connectivity of Electric Vehicle Charging Infrastructure

§ 680.114(c) Charging-Network-to-grid communication

Question: Charging Networks must be capable of secure communication with electric utilities, other energy providers, or local energy management systems. The FHWA requests information about

highly regarded EV charging cybersecurity and security resources in order to identify further potential specific associated protocols and standards to include in the final rule.

Newly electrified energy demand will necessitate investment in new broadband telecommunications infrastructure to enable continued reliable operation of the electric distribution system and necessary communication with consumers (especially in rural communities). Newly electrified energy demand will require a robust communication backbone in order to provide grid services to electric distribution system operators or regional system operators.

Increased EV charging will also change patterns of electric use, making it important for co-ops to be able to access and manage charging data to optimize their systems for continued reliability. Third-party providers of EV charging need to coordinate with their electric utilities to ensure the co-op or other utility has the necessary data to manage these impacts properly.

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

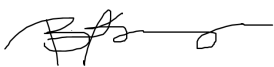
§ 680.114(a) Communication of price

Question: FHWA requests comments on how to best require the display and base the price of electrical charge in those States, seeking specific comment on whether a \$/minute, \$/mile, or some other display and base should be considered. The FHWA specifically requests comments on whether additional fees should be allowed or encouraged. The FHWA 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, especially when demands are high and supplies are limited.

While this section seems to be focused on price setting for consumers, it is important to also address the relationship between the utility and private owner of a charging station as it will impact the end price to the consumer, as well as potential costs to co-op consumer members. As Americans continue to adopt EVs at an increasing pace, the electricity used to charge EVs will increase and it will change patterns of electric use, making it important for co-ops to be able to optimize their systems for continued reliability. The time of day that EV charging occurs can determine whether or not it is beneficial from a cost perspective. Paying peak demand charges will provide an incentive to minimize the amount of charging that occurs during peak hours. Paying time-varying rates will provide a benefit if EV charging can be shifted to lower cost periods. Although the strategy for control and the optimal time to charge varies from co-op to co-op, local control and enhanced coordination between the private third party and utility is critical for both load management and rate design.

Thank you for considering our comments. Please contact me at billie.kaumaya@nreca.coop if you have any questions regarding these comments.

Sincerely,



Billie Kaumaya
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National Rural Electric Cooperative Association