

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

---- In the Matter of ---- )  
 )  
PUBLIC UTILITIES COMMISSION ) DOCKET NO. 2019-0323  
 )  
Instituting a Proceeding )  
to Investigate Distributed )  
Energy Resource Policies )  
Pertaining to the Hawaiian )  
Electric Companies. )  
\_\_\_\_\_ )

ORDER NO. **37067**

APPROVING HAWAIIAN ELECTRIC'S REQUEST  
TO EXTEND THE RESIDENTIAL TOU-EV TARIFF

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APPROVING HAWAIIAN ELECTRIC'S REQUEST  
TO EXTEND THE RESIDENTIAL TOU-EV TARIFF

By this Order,<sup>1</sup> the Public Utilities Commission ("Commission") approves Hawaiian Electric's proposed extension of Schedule TOU-EV, Hawaiian Electric's residential Time-of-Use

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<sup>1</sup>The Parties to this proceeding are HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., MAUI ELECTRIC COMPANY, LIMITED (collectively referred to as "Hawaiian Electric" or the "Company") and the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY (the "Consumer Advocate"), an ex officio party, pursuant to Hawaii Revised Statutes § 269-51 and Hawaii Administrative Rules § 6-61-62(a). In addition, the Commission has granted Intervenor status to the HAWAII PV COALITION, the DISTRIBUTED ENERGY RESOURCES COUNCIL OF HAWAII, and the HAWAII SOLAR ENERGY ASSOCIATION. Order No. 36777, "(1) Granting Motions to Intervene Filed By Hawaii PV Coalition, Distributed Energy Resources Council Of Hawaii, And Hawaii Solar Energy Association; (2) Dismissing Without Prejudice The Motion To Participate Filed By Itron, Inc.; (3) Enlarging Time For Itron, Inc. To File A Motion To Participate; And (4) Addressing Other Preliminary Matters," filed November 15, 2019.

("TOU") Electric Vehicle ("EV") program offering for its Oahu, Maui, and Hawaii service territories, submitted by Hawaiian Electric on February 24, 2020 ("TOU-EV Tariff Extension").<sup>2</sup> Specifically, the Commission approves the Company's TOU-EV Tariff Extension for one year, and thus extends the Company's TOU-EV Tariff<sup>3</sup> until September 30, 2021.

I.

BACKGROUND

On September 30, 2010, the Commission issued an Order approving the Company's request for a pilot program for special electric vehicle rates ("EV Pilot Rates").<sup>4</sup> The EV Pilot Rates were scheduled to sunset on October 1, 2015, unless otherwise ordered by the Commission.

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<sup>2</sup>Letter From: J. Alberts To: Commission Re: Docket No. 2019-0323 - Extension of Schedule Residential TOU-EV; Company's Request for One-Year Extension of Residential TOU-EV Tariff, filed February 24, 2020.

<sup>3</sup>As discussed herein, the Company's "TOU-EV Tariff" refers to the Company's EV-TOU program that was approved in September 2010. The program was closed to new enrollment on September 16, 2016, but continues to serve approximately 350 customers. See TOU-EV Tariff Extension.

<sup>4</sup>Decision and Order, Transmittal No. 10-05, filed on September 30, 2010 (Commissioner Leslie H. Kondo, dissenting). The EV Pilot Rates were initially approved for three years, but were subsequently extended for two successive years pursuant to Order No. 31455, filed on September 24, 2013, as amended by Order No. 31469, filed on October 2, 2013; and Decision and Order No. 32316, filed on September 29, 2014, respectively.

On September 25, 2015, in Docket No. 2015-0342, the Commission issued Decision and Order No. 33165, which extended the EV Pilot Rates for residential customers who combine their EV charger load with their other household electrical loads ("EV-TOU").<sup>5</sup>

On September 16, 2016, the Commission issued Order No. 33923 in Docket No. 2014-0192 ("Order No. 33923"). In relevant part, Order No. 33923 instructed the Company to prepare a tariff for an interim TOU program for residential customers, including those with EVs.<sup>6</sup> As a result, enrollment in the EV-TOU program was closed, and all new customers interested in EV-TOU rates must enroll in the interim TOU-RI program:

Participants who are under the current EV-TOU Schedules may remain under their respective current EV-TOU Schedule; however, no new applicants may enroll in any of the existing EV-TOU Schedules. Any new residential EV participant who wishes to participate in a time-varying tariff must enroll in the Interim TOU Program. Participants in the current EV-TOU Schedules may opt to switch to the Interim TOU Program at any time; however, once a participant opts-in to the Interim TOU Program, the customer will not be allowed to re-enroll in any of the current EV-TOU Schedules. Similarly, if an EV participant chooses to leave the Interim TOU Program,

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<sup>5</sup>See Decision and Order No. 33165, Docket No. 2015-0342, filed September 25, 2015 ("D&O 33165").

<sup>6</sup>See Order No. 33923 at 29 and 45-46.

he or she will not be allowed to re-enroll in the Interim TOU Program.<sup>7</sup>

In doing so, the Commission explained that “[t]his will provide a simplified approach to customers who are contemplating adopting TOU rates, as well as mitigate confusion among existing TOU participants.”<sup>8</sup>

On September 21, 2016, pursuant to Order No. 33923, the Company submitted tariff sheets for the EV-TOU program reflecting that the program was closed to new enrollment as of September 16, 2016 (“TOU-EV Tariff”).<sup>9</sup> The TOU-EV Tariff is set to expire on September 30, 2020.<sup>10</sup>

On February 24, 2020, the Company filed its TOU-EV Tariff Extension.

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<sup>7</sup>Order No. 33923 at 45-46.

<sup>8</sup>Order No. 33923 at 46. Subsequently, the Commission issued Order No. 33976 on October 17, 2016, which clarified that EV owners who enroll in the interim TOUR-RI program to charge their EVs could still receive service for their household consumption under the standard TOU-R schedule. Order No. 3976, “Clarifying Order No. 33923,” filed October 17, 2016.

<sup>9</sup>Letter From: D. Brown To: Commission Re: Docket No. 2014-0192 - Instituting a Proceeding to Investigate Distributed Energy Resource Policies; Enrollment in Schedules TOU-R and TOU-EV Closed Effective September 16, 2016.

<sup>10</sup>See TOU-EV Tariff Extension; and TOU-EV Tariff, Attachment 1, Revised Sheet No. 89.

## II.

### DISCUSSION

In Order No. 33923, the Commission indicated its preference for aligning all TOU periods and rates for residential customers to the greatest extent possible.<sup>11</sup> To that end, the Commission closed the EV-TOU program to new enrollment so that new residential EV customers would enroll in the interim TOU-RI program, in which the same TOU periods and rates are applied for both residential EVs and residential household consumption. To avoid confusion, the Commission did not require customers in the existing EV-TOU program to switch to the interim TOU-RI program, but instead closed the EV-TOU program to new enrollment.

The Commission is continuing its investigation into rate design in Docket No. 2019-0323, including a long-term replacement for the interim TOU-RI program.<sup>12</sup> The Company further notes that investigation into EV rate design is also occurring in the context of the Company's Electrification of Transportation Workplan.<sup>13</sup>

The Company submits that it would be more prudent to address EV residential rate design issues in the context of the

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<sup>11</sup>Order No. 33923 at 45.

<sup>12</sup>See TOU-EV Tariff Extension, Attachment 1 at 4 n.9 (noting that this Docket was opened to examine DER and DR policies comprehensively).

<sup>13</sup>TOU-EV Tariff Extension, Attachment 1 at 5; see also, Docket No. 2018-0135.

replacement of the interim TOU-RI program.<sup>14</sup> In this regard, “the Company intends to submit a proposed tariff schedule to replace the existing TOU-RI rate that would, among other things, be more enticing to typical EV customers who drive their vehicles during the day and charge overnight.”<sup>15</sup>

According to the Company, extending the TOU-EV Tariff through September 30, 2021, will provide sufficient time to develop a replacement to the interim TOU-RI program, which will include incentives for EVs, and transition customers currently enrolled in the EV-TOU program to this new TOU tariff.<sup>16</sup>

Upon review, the Commission finds the Company’s proposition reasonable and approves it as such. The Commission intends to include consideration of the existing TOU-EV Tariff in this Docket, with the goal of standardizing and clarifying rates offered to customers with electric vehicles. Extending the TOU-EV Tariff through September 30, 2021, is expected to provide sufficient time to develop new TOU rate options for customers.

Additionally, as noted by the Company, extending the EV-TOU program provides the Company with more time to conduct outreach and education to customers enrolled in the EV-TOU program

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<sup>14</sup>TOU-EV Tariff Extension, Attachment 1 at 5.

<sup>15</sup>TOU-EV Tariff Extension, Attachment 1 at 5.

<sup>16</sup>See TOU-EV Tariff Extension, Attachment 1 at 9.

to mitigate confusion and assist them in making better-informed decisions about which programmatic offerings are best-suited for them.<sup>17</sup>

III.

ORDERS

THE COMMISSION ORDERS that the Company's TOU-EV Tariff Extension, filed on February 24, 2020, is approved, and the TOU-EV Tariff is extended through September 30, 2021, for the Company's Oahu, Maui, and Hawaii service territories. Within sixty (60) days of the date of this Order, Company shall file a revised TOU-EV Tariff consistent with this Order.

DONE at Honolulu, Hawaii APRIL 9, 2020.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By James P. Griffin, Chair      By Jennifer M. Potter, Commissioner

APPROVED AS TO FORM:

Mark Kaetsu      By Leodoloff R. Asuncion, Jr., Commissioner  
Mark Kaetsu  
Commission Counsel

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<sup>17</sup>See TOU-EV Tariff Extension, Attachment 1 at 7-8.



CERTIFICATE OF SERVICE

Pursuant to Order No. 37043, the foregoing order was served on the date it was uploaded to the Public Utilities Commission's Document Management System and served through the Document Management System's electronic Distribution List.

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COMMISSION

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