

# SMUD Commercial Electric Vehicle program manual

---

Last updated: June 2024



# Contents

<b>1.0</b>	<b>SMUD Commercial EV Program overview</b>	<b>5</b>
<b>2.0</b>	<b>CALeVIP 1.0</b>	<b>5</b>
<b>3.0</b>	<b>SMUD Commercial EV Program</b>	<b>5</b>
<b>3.1</b>	<b>Incentives</b>	<b>6</b>
	Incentive details	6
	Low Carbon Fuel Standard (LCFS)	8
<b>3.2</b>	<b>Additional program requirements</b>	<b>8</b>
	Product eligibility:	8
	Site requirements:	9
	Project costs:	9
	Electrical and metering requirements:	9
<b>4.0</b>	<b>Pilot program incentive opportunities</b>	<b>10</b>
	New construction / production homes (Pilot opportunity only)	10
	DCFC with onboard storage (Pilot opportunity only)	10
	Level I chargers (Pilot opportunity only)	10
	EV capable stub outs (Pilot opportunity only)	11
	Equity (Pilot opportunity only)	11
	Parties in the SMUD Commercial EV Program/process	12
	SMUD vehicle and EVSE contractors list	13
	Project or fleet size	13
	Equipment warranty	13
	SMUD EV data meters	13
	Permanency	13
	<b>Inspections and certifications</b>	<b>13</b>
	Incentive payments	14
	Codes and standards	14
<b>5.0</b>	<b>Participating project process flow</b>	<b>14</b>
	Projects not requiring SMUD line work and installing SMUD EV data meter	14
	Projects not requiring SMUD line work (Data meter exempt)	15
	Projects requiring SMUD line work and/or site electrical upgrades	15
	Project completion – all projects	16
	Project completion – Data meter exempt projects	16
	Project timelines	17
<b>6.0</b>	<b>How to participate</b>	<b>17</b>
	Application process	17
	Applicant – Step 1	17
	SMUD – Step 2	18
	Applicant – Step 3	18

SMUD – Step 4 .....	18
SMUD – Step 5 .....	18
<b>7.0 SMUD Low Carbon Fuel Standard (LCFS) credit sharing option .....</b>	<b>19</b>
7.1 LCFS credit sharing qualifying guidelines .....	19
7.2 LCFS credit sharing distribution payments .....	19
7.2.1 LCFS credit sharing payment example .....	20
<b>8.0 Terms and conditions for program participation.....</b>	<b>21</b>
8.1 Funds available: .....	21
8.2 Program timeline:.....	21
8.3 Incentives:.....	21
8.4 Incentive payment:.....	21
8.5 Disclosure of other incentives:.....	21
8.6 Branding: .....	21
8.7 Eligibility: .....	21
8.8 EV requirements:.....	21
8.9 Onsite EVSE: .....	21
8.10 Dedicated EV data meter: .....	21
8.11 Charger certification: .....	22
8.12 Vehicle maintenance:.....	22
8.13 Delayed application: .....	22
8.14 Additional documentation:.....	22
8.15 Disclaimer of warranties:.....	22
8.16 Program database:.....	22
8.17 Indemnification:.....	22
8.18 Program modification: .....	22
8.19 Authority to install equipment: .....	23
8.20 Withdrawal: .....	23

<b>8.21 No endorsement by SMUD:</b> .....	<b>23</b>
<b>8.22 Dispute resolution:</b> .....	<b>23</b>
<b>8.23 Assignment:</b> .....	<b>23</b>
<b>8.24 No third-party beneficiaries:</b> .....	<b>24</b>
<b>8.25 Date of enactment:</b> .....	<b>24</b>
<b>8.26 Renewable energy credits:</b> .....	<b>24</b>
<b>8.27 HOV lane access:</b> .....	<b>24</b>
<b>8.28 Low Carbon Fuel Credits:</b> .....	<b>24</b>
<b>8.29 Participation agreement:</b> .....	<b>24</b>
<b>8.30 Qualification of projects:</b> .....	<b>24</b>
<b>8.31 Participation start:</b> .....	<b>24</b>
<b>8.32 Credit valuation:</b> .....	<b>24</b>
<b>8.33 Payment dates:</b> .....	<b>24</b>
<b>8.34 Credit value statement:</b> .....	<b>24</b>
<b>8.35 True up provision:</b> .....	<b>25</b>
<b>8.36 Length of term:</b> .....	<b>25</b>
<b>8.37 Tax responsibilities:</b> .....	<b>25</b>
<b>8.38 Project re-qualification:</b> .....	<b>25</b>
<b>9.0 New terms &amp; conditions</b> .....	<b>26</b>

## 1.0 SMUD Commercial EV Program overview

To align with statewide goals to reduce carbon emissions, the SMUD Commercial Electric Vehicle (EV) Program supports the growth of commercial vehicle electrification and the increased need for electric vehicle service charging equipment (EVSE) by offering direct incentives, as well as tailored consulting or installation services, for both fleet vehicles and installed on-site EVSE. SMUD is looking to lead other municipal utilities in working with customers, contractors, and industry, along with state and local governments, to expand EV adoption and support EV market transformation.

## 2.0 CALeVIP 1.0

The CALeVIP 1.0 Sacramento County Incentive Project closed to new applications on October 24, 2021. For updates on CALeVIP applications submitted before October 24, 2021, please email [CommercialEV@smud.org](mailto:CommercialEV@smud.org) or Center for Sustainable Energy at [sacramento-calevip@energycenter.org](mailto:sacramento-calevip@energycenter.org). Customers participating in the CALeVIP program cannot receive both program incentives on the same unit. However, after maximum limits are reached with CALeVIP, additional qualifying handles in a project may go through the SMUD Commercial EV Program.

## 3.0 SMUD Commercial EV Program

The SMUD Commercial EV Program offers incentives for new Electric Vehicle chargers (EVSE) installed within its service territory. Incentives for business electric vehicles were discontinued on December 31, 2023.

Projects must be fed from a new or existing SMUD commercial account and meet all criteria listed in this manual.

### 3.1 Incentives

The following SMUD incentives are available:

Electric Vehicle charger (EVSE) incentives			
Item	Circuit	Incentive	Notes
Level 1 or 2 smart outlet	120V/208V	\$1,500/unit	See below
Level 1 EVSE	120V	\$500/handle	Pilot program opportunity (case-by-case, see Section 4.0)
Level 2 EVSE	208/240V	\$4,500/handle	See below
Non-Public low power DCFC (<50 kW)	208/480V	\$7,500/handle	Only available to non-public fleets on a case-by-case basis
Non-Public mid power DCFC (50-149.9 kW)	480V	\$15,000/handle	Only available to non-public fleets on a case-by-case basis
Non-Public high power DCFC (≥150 kW)	480V	\$30,000/handle	Only available to non-public fleets on a case-by-case basis
Stub outs	208/480V	\$250/stub out	Pilot program opportunity (case-by-case, see Section 4.0) 1-inch min. spare conduit stub for Level 2 2-inch min. spare conduit stub for DCFC
DCFC with onboard storage	208/240V	\$100/kWh integrated battery capacity	Pilot program opportunity (case-by-case, see Section 4.0)
Panel upgrade	N/A	\$1,000/panel	Only for projects requiring new or upgraded main service panels due to new EVSE load. Must be participating in Commercial EVSE program.
Transformer upgrade	N/A	\$5,000/transformer	Only for projects requiring new or upgraded utility transformer due to new EVSE load. Must be participating in Commercial EVSE program.

### Incentive details

Electric Vehicle charger (EVSE) incentives

- Level 1 or 2 smart outlet:
  - All equipment must be:
    - Hardwired and installed in keeping with applicable program requirements and SMUD electrical service requirements.
    - New and installed for the first time
    - UL approved
    - Able to handle customer payments at the unit
  - Maximum 50 units can be incentivized per project (site) per year
  - For new construction projects only:
    - Incentives are not available for charging equipment required by the applicable code cycle. Only projects that go beyond code minimums can receive incentives based on the scope of work by which the code minimums are exceeded.
- Level 2 charger:
  - Must be hardwired and installed in keeping with applicable program requirements and SMUD electrical service requirements.

- Must be fed through a SMUD EV data meter or qualifying new service revenue meter unless specifically called out below.
  - See Electric Service Requirements [T017](#) & [T004](#) for more details
  - Projects may be fed through a revenue meter by requesting a new service account for the EVSE project.
    - No non-EVSE loads may be fed from the revenue meter. Account must feed only EVSE to qualify.
- Must be UL approved.
- Networked EVSE units are not required. Non-networked units are accepted if they meet UL and program requirements.
- Maximum 20 handles/ports can be incentivized per project (site) per year. Note that some Level 2 EVSE are equipped with more than one handle/port.
  - Must have J1772 or Tesla (NACS) connectors/handles/ports
  - For projects installed at multifamily sites, maximum 50 handles/ports can be incentivized per project (site) per year
- For new construction projects only:
  - Incentives are not available for charging equipment required by the applicable code cycle. Only projects that go beyond code minimums can receive incentives based on the scope of work by which the code minimums are exceeded.
- Non-Public low power DCFC (<50 kW)
  - Units may be “behind the fence” and are not required to be available for public use.
  - All units must output per handle <50kW and use DC charging.
  - Higher power AC chargers (>15kW) are not eligible
  - All units must be hardwired and installed in keeping with applicable program requirements and SMUD electric service requirements.
  - All units must be fed through a SMUD EV data meter, or qualifying new service revenue meter with a separate account (revenue meter must feed EVSE only)
    - See Electric Service Requirement [T017](#) for more details
  - All units must be UL approved.
  - Maximum 10 handles can be incentivized per project (site) per year
    - Must have CCS1 (Combo), CHAdeMO, or Tesla (NACS) connectors/handles/ports
- Non-Public mid power DCFC (50 – 149.9 kW)
  - Units may be “behind the fence” and are not required to be available for public use.
  - All units must output per handle between 50 and 149.9 kW and use DC charging.
  - All units must be hardwired and installed in keeping with applicable program requirements and SMUD electric service requirements.
  - All units must be fed through a SMUD EV data meter, or qualifying new service revenue meter with a separate account (revenue meter must feed EVSE only)
    - See Electric Service Requirement [T017](#) for more details
  - All units must be UL approved.
  - Maximum 2 handles can be incentivized per project (site) per year
    - One unit with two handles/ports may be eligible for two incentives if both handles are CCS1 (Combo), CHAdeMO, or Tesla (NACS), and capable of dispensing between 50 and 149.9 kW per handle simultaneously
- Non-Public high power DCFC ( $\geq 150$  kW)
  - Units may be “behind the fence” and are not required to be available for public use.

- All units must output  $\geq 150\text{kW}$  and use DC charging.
  - All units must be hardwired and installed in keeping with applicable program requirements and SMUD electric service requirements.
  - All units must be fed through a SMUD EV data meter, or qualifying new service revenue meter with a separate account (revenue meter must feed EVSE only)
    - See Electric Service Requirement [T017](#) for more details
  - All units must be UL approved.
  - Maximum 2 handles can be incentivized per project (site) per year
    - One unit with two handles/ports may be eligible for two incentives if both handles are CCS1 (Combo), CHAdeMO, or Tesla (NACS), and capable of dispensing  $\geq 150\text{kW}$  per handle simultaneously
- Panel upgrade
    - Applies to main electrical service panels only
    - Main electrical service panel upgrade must be based upon new EVSE loads only.
    - New service requests (new SMUD accounts) are also eligible.
    - Project must also involve installation of EV chargers participating in and incentivized by the SMUD Commercial EV program
  - Transformer upgrade
    - Applies to utility transformers only
    - Transformer upgrade must be driven by new EVSE loads
    - New service requests (new SMUD accounts) are also eligible.
    - Project must also involve installation of EV chargers participating in and incentivized by the SMUD Commercial EV program

## Low Carbon Fuel Standard (LCFS)

- In support of greenhouse gas emission reduction, the State of California adopted the Low Carbon Fuel Standard (LCFS) in 2009. The California Air Resources Board (CARB) developed regulations to implement the LCFS; these regulations provide for the generation of LCFS credits for electricity used as a transportation fuel. SMUD may receive LCFS credits pursuant to the LCFS Regulations and spends LCFS revenue (not SMUD ratepayer funds) on qualifying transportation electrification categories to benefit current or future EV drivers in California.
- As outlined in the program terms and conditions, any project receiving incentives under the SMUD Commercial EV Program (or CALeVIP) will be automatically enrolled in SMUD's LCFS credit sharing and will receive biannual checks for their LCFS credits per the LCFS credit sharing program requirements and thresholds listed in Section 7.0.
- Exceptions noted below:
  - Publicly facing DCFC units  $\geq 50\text{kW}$  are not eligible to participate in LCFS credit sharing
  - Level 2 projects with 10 or fewer handles are not eligible to participate in LCFS credit sharing
  - EVSE installed at multi-family sites and connected to a commercial service (e.g., common area parking lots) are not eligible to participate in LCFS sharing

## 3.2 Additional program requirements

### Product eligibility:

- All qualifying vehicles must be Battery Electric Vehicles (BEV). Plug-in Hybrids (PHEV) are not eligible for commercial incentives.



- All EVSE must have J1772, CCS1 (Combo), CHAdeMO, or Tesla (NACS) connectors/handles/ports
- SMUD Commercial EV Program incentivized projects can participate or stack incentives from other funding programs and grant opportunities (excluding CALeVIP 1.0 Sacramento County Incentive Project)
  - Participants must disclose if project is receiving funding from additional sources (grants, incentives, etc) and their corresponding monetary values
- All projects must receive a building permit and the project must be finalized by Authority Having Jurisdiction.
  - Self-inspecting agencies are allowed.
    - Please contact program staff for requirements.

### Site requirements:

- All EVSE units must be located at and powered by a SMUD commercial account.
- In new construction or renovations, projects meeting (but not exceeding) code minimum requirements are not eligible for incentives. Only projects that go beyond code can receive incentives based on the scope of work by which the code minimums are exceeded.

### Project costs:

- The project costs are those costs specifically associated with implementing the EVs and EV chargers receiving incentives.
- Allowable project costs include engineering, construction, equipment, materials, removal, recycling, overhead, tax, permits, shipping and labor.
- Project costs can be documented by purchase order, contract, invoice or similar.
- SMUD requires the applicant to submit project costs during the Commercial EV application process.
- Incentives cannot exceed 100% of project costs.
  - Upon project completion, SMUD will request proof of project costs to determine if the reserved incentive amount needs to be adjusted.
  - Participants must disclose additional funding sources and amounts; SMUD's incentive may be adjusted accordingly

### Electrical and metering requirements:

- SMUD Electrical Service Requirements (ESRs) must be followed, including **both** Commercial Electric Vehicle Program Engineering Specification [T017](#) and Commercial and Industrial Engineering Specification [T004](#).
- All EVSE energy consumption on site must be recorded through a SMUD EV data meter or qualifying new service revenue meter with a separate account (revenue meter must feed EVSE only), unless specifically exempt from metering requirements per below:
  - Project consists of no more than 10 Level 2 handles and no other chargers (ex. DCFC units) are on site.
    - The project does not wish to ever expand in the future to more than the 10 Level 2 handles at the site.
    - If a project ever expands beyond a max of 10 total handles or installs a DCFC, then the customer will be required to retroactively install an EV data meter.
  - Projects most likely to proactively install an EV data meter up front include any project that the applicant believes will grow beyond 10 total handles, or the applicant desires to monetize their LCFS credits through SMUD's LCFS credit sharing such as: workplace, fleet, and/or publicly facing EVSE installs at high trafficked locations such as shopping or dining locations.

- Projects most likely to not install an EV data meter include smaller sites with 10 handles or less which are primarily designed for limited use or unable to expand due to parking constraints.
- Project applicant and host customer understand that projects without an EV data meter cannot join SMUD LCFS credit sharing.
- Applicants can elect to install an EV data meter even if their project meets the above criteria for exemption.

## 4.0 Pilot program incentive opportunities

SMUD will offer one-time incentives for certain projects that provide unique value to the community. Please contact program staff regarding the pilot opportunities described below.

### New construction / production homes (Pilot opportunity only)

- Available to commercial builders and developers only
  - Homeowners visit [smud.org/DriveElectric](http://smud.org/DriveElectric)
- Project must include the EV chargers as a standard feature in all homes in project
- \$400 / handle
  - Limited to one handle per home
- Limited to production home communities of 10 or more new homes
- Units must be hardwired and not plug into a receptacle
- Units must be 32 amps or less (max 40-amp breaker)
- Units must have J1772 or Tesla (NACS) connectors
- Units must be new and being installed for the first time
- Units must be UL approved
- Units must have a 3-year warranty
- Total units available are limited; contact program staff for availability

### DCFC with onboard storage (Pilot opportunity only)

- All requirements for the applicable DCFC incentive above apply
- Units must interconnect with a single breaker whose ampacity is not greater than the ampacity required by a corresponding sized DCFC without storage
- All units must be hardwired and installed in keeping with applicable program requirements and SMUD electric service requirements.
- All units must be UL approved.
- All units must be rated at 50kW minimum.
- Maximum 2 units (handles/ports) can be incentivized per project.
  - One unit with two handles/ports may be eligible for two incentives if both handles are CCS1 (Combo), CHAdeMO, or Tesla (NACS), and capable of dispensing  $\geq 50$  kW per handle simultaneously
- LCFS credits are not captured by SMUD

### Level I chargers (Pilot opportunity only)

- Total units available are limited.
  - Contact program staff for details.
- \$500 / handle
- All units must be hardwired and installed in keeping with applicable program requirements and SMUD electric service requirements.

- All units must be fed through a SMUD EV data meter, or qualifying new service revenue meter with a separate account (revenue meter must feed EVSE only)
  - See **both** Commercial Electric Vehicle Program Engineering Specification [T017](#) and Commercial and Industrial Engineering Specification [T004](#) for more details.
- All units must be UL approved.
- Networked EVSE units are not required. Non-networked units are accepted if they meet all UL and program requirements.
- Chargers must use a J1772 or Tesla (NACS) connector.

### EV capable stub outs (Pilot opportunity only)

- Total units available are limited.
  - Contact program staff for availability.
- \$250 per stub out.
- Stub out maximum is limited to 40 units per project.
  - Additional limits:
    - Ten stub outs per incentivized participating EVSE charger
    - Pilot availability – contact program staff directly
- All units must be fed through a SMUD EV data meter, or qualifying new service revenue meter with a separate account (revenue meter must feed EVSE only)
  - See **both** Commercial Electric Vehicle Program Engineering Specification [T017](#) and Commercial and Industrial Engineering Specification [T004](#) for more details.
  - Installation of “raceway” or required conduit
    - For future Level 2: Each stub out must be at least a 1-inch minimum spare conduit stub at each individual parking/charging space.
    - For future DCFC: each stub out must be at least a 2-inch minimum spare conduit stub at each individual parking/charging space.
  - Adequate panel capacity to accommodate future installations of a dedicated branch circuit(s) and charging station(s).
  - A pull rope that is sized, installed and located per the National Electrical Code for future installation of wiring sized appropriately for the number of stub outs and installed chargers.
  - For new construction projects or renovations, only EV chargers or stub outs that exceed required code minimums are eligible for incentives, per existing program requirements.

### Equity (Pilot opportunity only)

- Enhanced incentives are available for non-profit businesses and multifamily affordable housing developments procuring EVs and installing EV chargers.
- Non-profit EVs & EV charging:
  - Applicant must be an incorporated nonprofit organization providing critical resources within SMUD’s service area.
  - Non-profits should be located in Resource Priority High Sensitivity areas (red and orange) shown on the [SMUD Sustainable Communities Resource Map](#).
  - Qualifying projects include, but are not limited to, community-based nonprofits, chambers of commerce, property-based improvement districts, neighborhood

- associations and faith-based organizations which provide services to all clients regardless of denomination.
- Non-profits located outside SMUD's Resource Priority high sensitivity areas may be considered at SMUD's discretion if they provide critical services for under-resourced communities.
- Customer must provide W9 (990) that proves non-profit status.
- Affordable multifamily housing property EV charging:
  - Property must be a qualified multifamily affordable housing development with 5 or more units located within SMUD's service territory.
  - Property must be located in Resource Priority High Sensitivity areas (red and orange) shown on the SMUD Sustainable Communities Resource [Map](#).
  - Have an executed regulatory agreement indicating the complex is qualified as an affordable housing property.
  - If an executed regulatory agreement is pending but not recorded yet; a letter from Sacramento Housing and Redevelopment Agency (SHRA) confirming project will have an executed regulatory agreement with restricted rent and number of units will be accepted
    - If the builder/owner does not have an executed regulatory agreement or a letter from SHRA, they can email the Commercial EV Team to review potential property eligibility.
  - State and local eligibility requirements, contacts and documentation can be found using the following links.
    - The [California Department of Housing and Community Development \(HCD\)](#) plays a key role in the process communities undergo to plan for and encourage the development of housing that meets the needs of everyone in California's communities.
    - [Sacramento Housing and Redevelopment Agency](#) utilizes a variety of tools to promote and support the development of affordable rental housing in the City and County of Sacramento.

## Parties in the SMUD Commercial EV Program/process

The SMUD Commercial EV Program is available to SMUD commercial customers who receive electricity from SMUD.

- The **Host Customer** must be the utility customer of record at the location where the Electric Vehicle Service Equipment (EVSE) is located. The Host Customer may also act as the Applicant. In circumstances where the Host Customer is not currently an active SMUD customer, the New Service request work order number and SMUD designer contact information must be submitted along with the application.
- The **Equipment Owner** is the owner of the equipment at the time the incentive is paid. In the case of a third party-owned Equipment (a leased EVSE unit, for example), the third party (or lessor) is the **Equipment Owner**.
- The **Applicant** is the primary contact for the application process and may also be the **Host Customer**, the **Installer**, and/or **Equipment Owner**.
- The **Incentive Payee** will be the recipient of the incentive and may also be the **Applicant**, **Equipment Owner**, **Installer**, or **Host Customer**.

- **LCFS Distribution Payee** will be the recipient of the shared LCFS credit value when the Project qualifies for LCFS credit sharing and may also be the **Applicant, Equipment Owner, Installer, or Host Customer**.
- **Installers** will be the entity that installs the EVSE units for a Project, and must possess a Contractors State License Board A, B, or C-10 contractor's license. In all cases, Equipment must be installed in conformance with the manufacturers' specifications and all applicable electrical and building codes and standards.

## SMUD vehicle and EVSE contractors list

[SMUD's Commercial Contractor Network](#) can provide a list of qualified and licensed contractors available to design and install EV charging equipment.

In addition, outside agencies such as CALeVIP Connects publish lists of EVSE companies that many of our customers find helpful. SMUD provides a link to the CALeVIP Connects [list](#) for information and example only.

## Project or fleet size

Incentives are limited by program parameters per Section 3.1. These limits are applied per site and per year. Larger projects may be considered on a case-by-case basis and any additional funds over the program limits would only be issued to projects at program year-end if funds are still available.

## Equipment warranty

To be eligible for program incentives, all EVSE equipment must have a minimum 3-year warranty provided in combination by the manufacturer and/or installer to protect the purchaser against defective workmanship, vehicle or component breakdown.

## SMUD EV data meters

Unless exempted above in Section 3.2, all EVSE on site must be installed and recorded separately through a SMUD EV data meter or qualifying new service revenue meter with a separate account (revenue meter must feed EVSE only). The installer must provide the SMUD EV data meter socket; the EV data meter will be provided by SMUD at no cost.

Customers are highly encouraged to contact SMUD prior to installation to coordinate meter location and equipment specifications. Information regarding Commercial EV data meters and SMUD's Electrical Service Requirements (ESRs) can be obtained at the following web sites:

- [Commercial & Industrial T004](#)
- [Commercial Electric Vehicles T017](#)

## Permanency

EVSE equipment is intended to be in place for the duration of its useful life. Only permanently installed and hardwired EVSE are eligible for incentives. This means that the vehicle or EVSE project must demonstrate adequate assurances of both physical and contractual permanence prior to receiving an incentive. Physical permanence is to be demonstrated in accordance with industry practice for permanently installed equipment. All equipment must be secured to a permanent surface. Any indication of portability, including, but not limited to, temporary structures, quick disconnects, unsecured equipment, trailer mounted EVSE or platform, will deem the equipment ineligible.

## Inspections and certifications

SMUD reserves the right to perform inspections for each project. The first, if required, will be after the Commercial EV application and required documents are received by SMUD. This initial inspection may audit the accuracy of the application, physical location, and interconnection suitability of the project. The second inspection may be performed after the project is installed and receipt of the

remaining Commercial EV application documents have been received by SMUD. This inspection may document the final vehicle and EVSE specifications, equipment characteristics and/or compliance with SMUD ESR [T004](#) and [T017](#).

SMUD will not perform a formal NEC compliance inspection; however, wiring inconsistencies or concerns with electrical connections may be addressed. If a project fails an inspection by either SMUD or the local authority having jurisdiction, the applicant will have 30 calendar days from date of inspection failure to bring the project into compliance, or the project will be dropped from the incentive program. If funds are still available, the project may reapply for an incentive once the deficiencies are addressed.

## Incentive payments

Incentive payments can be made to any of the following:

- Host customer
- Equipment manufacturer
- Installation contractor
- Applicant

In no instance will SMUD split an incentive payment among the parties. The parties are free to have their own arrangements, but SMUD will only issue one payment.

## Codes and standards

The installation must comply with all applicable federal, state, and local laws, rules, regulations and industry standards, including without limitation, city and county building codes, American Society for Testing and Materials-International (ASTM), Uniform Mechanical Code (UMC), National Electric Code (NEC), Uniform Building Code (UBC), California Building Code (CBC) and manufacturer installations specifications, as appropriate. EVSE installations must meet the highest industry standards in terms of safety, workmanship, reliability and performance.

SMUD requires proof of all required city/county/state building permits for all EVSE installations. Installation shall be considered complete when the relevant city/county/state building permit has been signed off by the relevant authority and submitted to SMUD.

In no event is SMUD responsible for damages caused by the installation contractor. Any damage caused by the contractor or workers to the customer's property or premises shall be repaired at the contractor's expense.

## 5.0 Participating project process flow

In fall 2022, SMUD launched a new online application portal (PowerClerk) for the Commercial EV incentive program. This platform replaces the legacy process that used PDF forms. Incentive applications started on the legacy process will be closed out using the PDF forms. All new incentive applications will use the online application portal.

## Projects not requiring SMUD line work and installing SMUD EV data meter

A completed Commercial EV application and supporting documents must be submitted to SMUD via the [online application portal](#).

- Supporting documents include:
  - Electrical plan set for project including:
    - One-line diagram including load calculation on the main service panel.
    - Site plan calling out the location of EVSE and related equipment.
  - (Vehicles only) purchase order which is executed and signed by all parties.

- Proof of project (any of these are acceptable)
  - Contract
  - Purchase order
  - Task authorization
  - Proof of an RFP being issued (local government or municipal agencies only)
- Copy of building permit application and plan check fee payment receipt.

Reserved incentives for projects that fail to comply with any or all the above specified milestones will be released and redirected to other projects.

### **Projects not requiring SMUD line work (Data meter exempt)**

*Projects are exempt from installing a SMUD EV data meter if they meet the criteria listed in Section 3.2.*

A completed Commercial EV Application and supporting documents must be submitted to SMUD via the [online application portal](#).

- Supporting documents include:
  - [Infrastructure Capacity Evaluation form](#) signed by requester, and processed and returned by SMUD
  - (Vehicles only) purchase order which is executed and signed by all parties.
  - Proof of project (any of these are acceptable)
    - Contract
    - Purchase order
    - Task authorization
    - Proof of an RFP being issued (local government or municipal agencies only)
  - Copy of building permit application and plan check fee payment receipt.

Reserved incentives for projects that fail to comply with any or all the above specified milestones will be released and redirected to other projects.

### **Projects requiring SMUD line work and/or site electrical upgrades**

A completed Commercial EV Application and supporting documents must be submitted to SMUD via the [online application portal](#).

- Supporting documents include:
  - Electrical plan set for project including:
    - One-line diagram including load calculation on the main service panel.
    - Site plan calling out the location of EVSE and related equipment. (Including existing SMUD meter, if applicable)
  - (Vehicles only) purchase order which is executed and signed by all parties.
  - Proof of project (any of these are acceptable)
    - Contract
    - Purchase order
    - Task authorization
    - Proof of an RFP being issued (local government or municipal agencies only)
  - Copy of building permit application and plan check fee payment receipt.
  - SMUD Rule 16 application and deposit must have been submitted and underway.

Reserved incentives for projects that fail to comply with any or all the above specified milestones will be released and redirected to other projects.

## Project completion – all projects

If the project was exempt from installing a SMUD EV data meter (as outlined in Section 3.2), see Section 5.5.

Upon completion of project installation, applicant must submit Project Documentation Form and additional support documents on SMUD's [online application portal](#).

- Supporting documents must include:
  - Revised electrical plan set (if applicable)
  - Proof of project completion and payment (i.e., final invoices)
  - Copy of signed off building permit
    - Self-inspecting AHJs must provide Professional Engineer (PE) stamp
  - W-9 of incentive payee
  - W-9 of LCFS distribution payee (if different than incentive payee)
  - Make, model, serial number, and GPS coordinates for each EVSE
    - GPS coordinates must be for each unit not a single coordinate in middle of project.
  - Photos of installed scope of work
    - Electric vehicles (including individual VINs)
    - EVSE (including metering equipment)

After ensuring all documents have been submitted, SMUD will:

- Schedule a site inspection, if required.
- Request an EV data meter be set by SMUD meter technicians (if applicable)
- Record EVSE unit's data into the CARB database for LCFS registration.
  - Make, model, serial number, SMUD account meter number, and GPS coordinates for each EVSE unit.

After EV data meter installation and notification from CARB of SMUD's success in registering the EVSE units, SMUD will issue incentive payments.

- Incentives usually take 10-14 business days from SMUD's issuance of the incentive request to be processed and mailed to payees.

## Project completion – Data meter exempt projects

The following only applies to projects exempt from installing a SMUD EV data meter (see Section 3.2).

Upon completion of project installation, applicant must submit Project Documentation Form and additional support documents on SMUD's [online application portal](#).

- Supporting documents must include:
  - Proof of project completion and payment (i.e., final invoices)
  - Copy of signed off building permit
    - Self-inspecting AHJs must provide Professional Engineer (PE) stamp.
  - W-9 of incentive payee
  - Make, model, and serial number for each EVSE
  - Photos of installed scope of work:
    - Electric vehicles (including individual VINs)
    - EVSE (including metering equipment)

After ensuring all documents have been submitted, SMUD will:

- Schedule a site inspection, if required.



- Issue incentive payment.

Incentives usually take 10-14 business days from SMUD's issuance of the incentive request to be processed and mailed to Payees.

## Project timelines

All timelines start the first business day after SMUD receives the completed set of documents (application and supporting documents):

- Upon receipt of Reservation of Incentive form/completed Commercial EV application, SMUD has 30 days to process, accept or reject.
  - A "Reservation Granted" confirmation email is sent upon approval to all involved parties.
  - Notification of required changes to the application and/or supporting documentation will be provided by email
  - Notification of any rejected request will be provided by email.
- Applicant completes project.
  - Projects not requiring SMUD line work are to be completed in 9 months.
  - Projects requiring SMUD line work are to be completed in 18 months.
  - Upon project completion:
    - Applicant will submit an Incentive Payment Request, OR
    - Applicant must submit Project Documentation Form and additional support documents on SMUD's [online application portal](#).
- Upon receipt of Incentive Payment Request/Project Documentation Form and supporting documents, SMUD has 14 days to accept or reject it.
  - If accepted, SMUD will:
    - Request an EV data meter be set, if applicable
      - EV data meters are set within 10-14 days of request date.
    - Register the EVSE units with CARB, if applicable
      - CARB can take up to 8 weeks to complete registration. SMUD is unable to commit to a timeline on the CARB registration process.

If an issue is found, the applicant will have 30 days to correct the document and resubmit the corrected documents. This will restart SMUD's 30-day processing time.

While SMUD will strive to meet these timelines, it is possible that SMUD may take longer to process an individual application/request due to unforeseen circumstances.

## 6.0 How to participate

To be eligible for an incentive, applicant must submit a completed Commercial EV application and supporting documents to SMUD via the [online application portal](#). The customer and project must meet all SMUD Commercial EV Program requirements prior to receiving approval for an incentive. All vehicle and EVSE units receiving incentives under the SMUD Commercial EV Program must be connected to the SMUD distribution system and have a SMUD EV data meter installed (if applicable).

### Application process

#### Applicant – Step 1

Submits completed Commercial EV Application and supporting documents to SMUD via the [online application portal](#).

- Applicant fills out all fields and uploads all required supporting documents on Commercial EV application.

- See Section 5.0 for details on supporting documentation.

## SMUD – Step 2

Receives project documents at online application portal.

- Reviews Commercial EV application and supporting documents.
  - Pre-installation inspection may be scheduled.
  - Upon approval of the above, SMUD confirms the Reservation of Incentive and moves the project to “Reservation Granted” status.
  - If project is rejected, all parties will be notified by email of required corrections needed.
- SMUD issues an email notifying all parties of reservation acceptance.

## Applicant – Step 3

Submits completed Project Documentation Form and supporting documents to SMUD via the [online application portal](#).

- After receiving email notification of Reserved Funds status, the applicant completes vehicle purchase and/or EVSE installation and gets a final building permit or other approval from the Authority Having Jurisdiction (AHJ).
  - Any project scope changes since the “Reservation Granted” status should be submitted at this time.
- Applicant submits the completed Project Documentation Form and supporting documents.
  - See Section 5.0 for details on supporting documentation.

## SMUD – Step 4

Receives project documents at online application portal.

- Reviews Project Documentation Form and supporting documents.
  - SMUD may schedule an inspection of the project and vehicles.
- For projects with EV data meters only:
  - Program staff requests installation of EV data meter
    - The meter shop will inspect to ensure adherence to SMUD ESRs ([T017](#) and [T004](#)) before installing the EV data meter.
    - If the project fails the meter set inspection, all parties will be notified by meter shop regarding required repairs needed. Applicant and host customer have 30 calendar days to correct, see Section 4.7.
  - Once meter is installed, SMUD records relevant data with CARB to register EVSE chargers in LCFS database.

## SMUD – Step 5

Issues incentive payment only after the following:

- For projects with EV data meters only:
  - SMUD verifies the EV data meter is set and operational
    - Expect EV data meter inspection and set approximately 10-14 business days after SMUD approval of the Project Documentation Form.
  - SMUD is notified by CARB that the EVSE units have been successfully registered to SMUD.
    - CARB approval can take up to 8 weeks for processing.
  - SMUD requests incentive payment be mailed.
    - Approximately 14-28 days after EV data meter set and CARB approval notification.

- For data meter exempt projects
  - SMUD requests incentive payment be mailed.
    - Approximately 14-28 days after documentation review is complete
- SMUD issues an email notifying all parties of final project approval granted, payment triggered

## 7.0 SMUD Low Carbon Fuel Standard (LCFS) credit sharing option

Project sites which meet qualifying kWh usage thresholds quarterly will be eligible for biannual LCFS credit sharing payments through the SMUD Commercial EV Program. These LCFS credit sharing payments are in addition to any project incentives paid earlier.

The LCFS credit sharing option is for a five-year term and is renewable if agreed upon by both parties. SMUD will capture and report all the LCFS credits following CARB guidelines. SMUD will then bundle those credits and quarterly sell the credits on the open market. While SMUD anticipates sales to occur on a rolling quarterly schedule, SMUD reserves the right to adjust the sales schedule based upon its business requirements and/or relevant state regulations or legislation.

Under this option, SMUD may share with the LCFS distribution payee up to 90% of a qualifying project's base or non-incremental LCFS credits. Additionally, SMUD offers up to 50% of the enhanced or incremental LCFS credits generated in connection with a qualifying project due to SMUD procuring zero carbon electricity for the participating project site. SMUD does not guarantee the availability of enhanced or incremental LCFS credits for any project.

SMUD keeps the remaining LCFS credits to use for transportation electrification programs, projects, and other CARB allowable transportation electrification uses in SMUD's service territory.

### 7.1 LCFS credit sharing qualifying guidelines

To qualify for participation in the LCFS credit sharing option, an EVSE project must register and consume 12,500 kWh of CARB recordable EV charging usage on the SMUD EV data meter during the quarterly reporting/usage period.

Projects must continue to consume at least 12,500 kWh per quarterly usage period in CARB reportable usage to remain qualified for LCFS credit sharing payments. If a project drops below the qualifying level in quarterly reporting period, it will not receive payment for that period. Payments will resume once a project hits the minimum kWh threshold in a quarterly period. Any LCFS credits generated during the non-qualified period will not be rolled over to the next payment period.

Publicly accessible DCFC units  $\geq 50\text{kW}$ , of which SMUD has not registered LCFS credits, are ineligible for LCFS credit sharing.

Qualifying Level 2 projects that do not install a SMUD EV data meter are ineligible for LCFS credit sharing. SMUD will not register LCFS credits from these data meter exempt projects.

### 7.2 LCFS credit sharing distribution payments

The LCFS distribution payee's LCFS payment will be based upon the actual dollar value SMUD receives from the sale of the LCFS credits generated quarterly by the LCFS distribution payee's EVSE project.

LCFS distribution payee will receive a statement biannually (twice per year) with their LCFS payment confirming the number of LCFS credits sold, the price they were sold at, and the calculation used to arrive at the payment.

The LCFS disbursement check will be issued based on the table below. This check will include the qualifying two quarters' LCFS credits value. Thereafter, the LCFS distribution payee will continue to

receive checks on the regularly scheduled biannual payment date as long as their project remains qualified and generates the minimum usage threshold in the given quarter.

<b>Biannual payment period (2 Quarters)</b>	<b>Check processed on or about</b>
Q1: January 1 - March 30 Q2: April 1 - June 30	November 30
Q3: July 1 - September 30 Q4: October 1 - December 30	May 31

Payments are mailed on or about May 31 and November 30. Payments reflect the LCFS credits generated and sold from the quarterly sales in the prior biannual billing period.

In the unlikely event that SMUD is unable to finalize the sale before processing the LCFS distribution payee’s biannual LCFS payment, the LCFS payment will continue based upon the stated price of the active contract. If the value of the LCFS shares price changes between payment issuance and final sale, SMUD reserves the right to adjust LCFS distribution payees’ next biannual payment to true up the actual value received from the LCFS sale against the amount paid on the biannual payment.

### 7.2.1 LCFS credit sharing payment example

Here is an example of a project receiving payment for their LCFS credit sharing credits. To allow for the sale of the LCFS credits, the project will qualify for LCFS credit sharing payments after the project consumes 12,500 kWh of CARB reportable usage during the three-month quarterly period. The payments will be for the credits generated during the quarterly participation period.

#### Example payment and credit calculation:

- Customer ABC installed an EV project that completed and went live in the January/June biannual period, and records 12,500 kWh of CARB reportable usage during each quarter in the period.
- Customer ABC becomes eligible for LCFS credit sharing payments.
- This 25,000 kWh of CARB reportable usage (two quarters of 12,500 kWh in each quarter) generated 21 LCFS base/non-incremental credits.
- SMUD supplied zero carbon electricity to Customer ABC’s 12,500 kWh of CARB reportable usage, which generated an additional 7 incremental/enhanced LCFS credits.
- SMUD sold both the base and enhanced LCFS credits on the open market for \$150/credit.
- SMUD shares the value of those credits with Customer ABC according to program terms and conditions at 90% of base/non-incremental LCFS credits and 50% of incremental/enhanced LCFS credits.
- Customer receives a payment of \$3,360 on or about November 30.
- Biannual payments will continue for the term of the agreement if the project stays qualified, with normal biannual payment windows of on or about May 31 and Nov 30 each year.

<b>Customer ABC: January-June example statement</b>						
<b>Energy</b>	<b>CARB recordable kWh usage</b>	<b>LCFS generated</b>	<b>LCFS price</b>	<b>Value of LCFS sale</b>	<b>Customer ABC (LCFS distribution payee) amount</b>	<b>SMUD portion</b>
Grid (base credits)	25,000	21	\$150	\$3,150	\$2,835	\$315
Zero Carbon (enhanced)	25,000	7	\$150	\$1,050	\$525	\$525
<b>Biannual payment</b>					<b>\$3,360</b>	<b>\$840</b>

## 8.0 Terms and conditions for program participation

As a condition of participation in the SMUD Commercial EV Program, all parties must acknowledge and agree to the following terms and conditions, which supplement and are in addition to the program requirements described throughout this handbook and the contract attached to the Reservation of Incentive Form.

**8.1 Funds available:** Applications are processed on a first-come, first-served basis, and incentive is subject to availability of funds.

**8.2 Program timeline:** Effective date of this program is January 1, 2020. Only vehicle purchases completed after this date, as identified by the bill of sale or contract date attached to the application submitted to SMUD, are eligible. Only EVSE installations completed after this date, as identified by the final building permit approval date attached to the application submitted to SMUD, are eligible.

**8.3 Incentives:** If the project is installed as described on the Reservation of Incentive Form and all program and contract terms and conditions are complied with, including timely submission of all documents described in the SMUD Commercial EV Program Manual, SMUD will pay an incentive to the entity designated as the incentive recipient. SMUD reserves the right to modify or cancel the incentive if the actual EVSE equipment, vehicles or installation of the equipment do not meet the SMUD Commercial EV Program guidelines, or if the project fails inspection, and/or if the documents submitted fail to meet the requirements of the SMUD Commercial EV Program Manual.

**8.4 Incentive payment:** Payment will be mailed within 14-24 days subsequent to SMUD receiving and approving a request with all required documentation.

**8.5 Disclosure of other incentives:** All parties understand that other program rebates, grants, forgiven loans, financial incentives, post-installation agreements, third party LCFS agreements and performance payments are “other incentives” and must be disclosed to SMUD as soon as those “incentives” are made.

**8.6 Branding:** Equipment owner and host customer agree to allow SMUD branding on all vehicles and charging equipment receiving incentives.

**8.7 Eligibility:** The SMUD Commercial EV Program is administered by SMUD for customers within its service territory. Eligible participants in the SMUD Commercial EV Program must be current electric distribution customers of SMUD at the facility (“Project Site”) where the EVSE and vehicles will be installed and operated.

**8.8 EV requirements:** Host customer must be a SMUD commercial customer and the vehicles under this incentive application must be registered and charged at a commercial address with an active meter receiving SMUD electric service, and on EVSE that are participating in and registered under the SMUD Commercial EV Program.

**8.9 Onsite EVSE:** All EVSE on the project site must be participating in SMUD Commercial EV Program even if installed previously. Please contact program management if you have questions about EVSE eligibility at [CommercialEV@smud.org](mailto:CommercialEV@smud.org).

**8.10 Dedicated EV data meter:** Unless specifically exempt from metering requirements, all EVSE must be installed on a dedicated circuit, and a sub-meter box, or meter blank on main panel must be provided for EVSE which charge incentivized vehicle. A dedicated SMUD meter will be installed (by SMUD) on the circuit to measure electricity delivered to the EVSE. This SMUD meter

must measure only electricity to the EVSE charging electric vehicles i.e., no other ancillary electricity to lighting, landscaping, other electricity load, can be fed through the EVSE meter.

**8.11 Charger certification:** The EVSE must be new equipment, UL or equivalent certified by a National Recognized Testing Laboratory, installed for the first time, hardwired on a wall or pedestal mounting. EVSE must be installed by a qualified and licensed contractor in accordance with all state and local codes, permitting, and inspection requirements. All EVSE must utilize the SAE J1772 charge coupler (or equivalent).

**8.12 Vehicle maintenance:** All parties identified on the application agree to maintain all EVSE and vehicles in good working order and to promptly repair any non- or under-performing equipment.

**8.13 Delayed application:** In the event a vehicle is delivered before a Reservation of Incentive form is submitted a complete incentive application package must be received within 60 days of the vehicle purchase and delivery date. Applications are not considered to be received until all required documentation is complete and received at SMUD's offices. Failure to provide all the required documentation by this date may result in incentive ineligibility.

**8.14 Additional documentation:** All parties identified on the application agree that SMUD reserves the right to request additional documentation prior to incentive payment. The incentive payment may be denied by SMUD if this condition is not met by all parties.

**8.15 Disclaimer of warranties:** SMUD makes no representations or warranties, expressed or implied, regarding the design, construction, reliability, efficiency, performance, operation, maintenance, or use of any incentivized equipment, vehicle or installation discussed, selected, rejected, purchased, or otherwise considered by all parties identified on the application, including without limitation any warranty of fitness for any specific purpose. Any decisions regarding the selection, design, purchase, installation, use and operation of any equipment or consideration or selection of any contractor shall be at the sole discretion and are the sole responsibility of all parties identified on the application.

**8.16 Program database:** All parties identified on the application shall agree to allow all information provided as part of the Commercial EV Reservation of Incentive and Incentive Payment Request process to be entered into a SMUD database that will allow SMUD to register the EVSE units with the California Air Resources Board (CARB) for Low Carbon Fuel Standard (LCFS) credit purposes. SMUD also will use all information provided in an internal database to record and track the project process and incentive payment. This information will be available to internal SMUD staff on this and other SMUD incentive programs.

**8.17 Indemnification:** All Parties identified on the application shall indemnify defend, and hold harmless SMUD, its directors, officers, agents, and employees against all claims, loss, damage, expense, and liability asserted or incurred by other parties, including but not limited to SMUD's employees, arising out of or in any way connected with participation in the program and any incentive payment, and caused by the acts, omissions, intent or negligence, whether active or passive, of customer, its agents, employees, and suppliers, and excepting only such loss, damage, or liability as may be caused by the intentional act or the sole negligence of SMUD.

**8.18 Program modification:** SMUD expressly reserves the right to modify, amend or terminate the SMUD Commercial EV Program, in whole or in part, at any time and for any reason without prior notice.

**8.19 Authority to install equipment:** All parties identified on the application represent that it has the authority to operate and install the vehicles and EVSE at the project site or have obtained the permission of the legal owner of the project site, for said construction project. All parties identified on the application shall, at its own expense, obtain and maintain all licenses and permits needed to construct and complete the project.

**8.20 Withdrawal:** The host customer and equipment owner agree that either of them may withdraw from the project for any reason by providing written notice of such withdrawal to SMUD. In the event the host customer or equipment owner so withdraws, the application and reservation will be canceled, and the host customer alone will retain sole rights to the reservation. Host customer further understands that if host customer fails to resubmit a Reservation of Incentive form at the time of project withdrawal, the application will be terminated in its entirety by SMUD, and any previously reserved incentive funding will be released. In that instance, Host customer must apply for a new incentive reservation should host customer still wish to participate in the SMUD Commercial EV Program.

**8.21 No endorsement by SMUD:** Host customer and equipment owner understand that SMUD's review of the project and Reservation of Incentive shall not be construed as confirming or endorsing the qualifications of the applicant or any person(s) involved with the project, including but not limited to the project installer(s), designer(s), or manufacturer(s); endorsing the project design; or as warranting the economic value, safety, durability, or reliability of the project. The host customer is solely responsible for the project, including the selection of any designer(s), manufacturer(s), contractor(s), or installer(s). Host customer and equipment owner understand that they, and any third parties involved with the project, are independent contractors and are not authorized to make any representations on behalf of SMUD. Host customer and equipment owner shall not use SMUD's corporate name, trademark, trade name, logo, identity, or affiliation for any reason, without the prior written consent of SMUD.

**8.22 Dispute resolution:** The parties to the application and reservation shall attempt in good faith to resolve any dispute arising out of or relating to the program promptly by negotiations between SMUD's designated representative and an executive of similar authority from each party to the application and reservation. The disputing party must give the other party or parties written notice including a description of the dispute, and proposed resolution. Within thirty (30) calendar days after delivery of the notice, or such other time as all parties agree, the executives shall meet at a mutually acceptable time and place and shall attempt to resolve the dispute. If the matter has not been resolved within thirty (30) calendar days of the first meeting, or such other period as all parties agree, any party may pursue other remedies, including mediation. All negotiations and any mediation conducted pursuant to this clause are confidential and shall be treated as compromise and settlement negotiations, to which Section 1152.5 of the California Evidence Code shall apply, and Section 1152.5 is incorporated herein by reference. Notwithstanding the preceding provisions, a party may seek a preliminary injunction or other provisional judicial remedies if, in its judgment, such action is necessary to avoid irreparable damage or to preserve the status quo. Each party is required to continue to perform its obligations under this Contract pending final resolution of any dispute arising out of or relating to this contract.

**8.23 Assignment:** No party shall assign its rights or delegate its duties without the prior written consent of SMUD. Any such assignment or delegation without the prior written consent of SMUD or its assignee, if any, shall be null and void. Consent to assignment shall not be unreasonably withheld or delayed. All parties must provide assurance of the success of a project if assigned by providing any additional information requested by SMUD.

**8.24 No third-party beneficiaries:** The application is not intended to confer any rights or remedies upon any other persons other than signatories to the application.

**8.25 Date of enactment:** These terms and conditions apply for all incentive application packages submitted/postmarked January 1, 2021, and subsequent.

**8.26 Renewable energy credits:** Participation in the SMUD Commercial EV Program does not grant the ability to claim renewable energy credits or any carbon savings through participation in the program.

**8.27 HOV lane access:** No additional benefits except as explicitly stated in the program documents, including HOV lane access or parking privileges, are granted by participation in the SMUD Commercial EV Program. Customers must check with state or local jurisdictions regarding those benefits.

**8.28 Low Carbon Fuel Credits:** All Parties agrees that all LCFS credits allowed by the State of California's Low Carbon Fuel Standard (LCFS) credits program generated at the project site shall be the property of and belong to SMUD and shall take all action and execute all documents to effect SMUD's rights. All other parties agree not to take any actions to generate such credits to its account. All other parties further agree to take all actions necessary and provide any documents required to assign any generated credits to SMUD. Publicly facing DCFC units  $\geq 50$  kW are not eligible to participate in LCFS credit sharing. SMUD will not register LCFS credits with CARB from publicly facing DCFC units  $\geq 50$  kW.

### **Additional terms and conditions for qualifying LCFS credit sharing participants**

**8.29 Participation agreement:** SMUD will return any LCFS credit value due biannually to the LCFS distribution payee of the qualified project as listed in the Incentive Payment Request, and no other parties shall have any claim against SMUD for such value.

**8.30 Qualification of projects:** Qualified projects are those that consume a reportable 12,500 kWh per quarterly usage period of CARB reportable usage.

**8.31 Participation start:** Participation in the program offering will become active the biannual period after a project site has obtained the qualifying level of 12,500 kWh per quarterly usage period in CARB reportable EV usage.

**8.32 Credit valuation:** Value of the LCFS credits for purposes of participation is based upon the actual contracted value of the credits being sold through SMUD's LCFS sales process.

**8.33 Payment dates:** Biannual LCFS credit sharing payments will be mailed to LCFS distribution payee listed on the Incentive Payment Request on or around November 30 and May 31, of each year.

**8.34 Credit value statement:** The LCFS distribution payee will receive a statement biannually affirming the number of LCFS credits sold, the price they were sold at, and the calculation used to arrive at the sharing payment value.



**8.35 True up provision:** In the unlikely event that SMUD is unable to finalize a LCFS credit sale before processing the LCFS distribution payee's payment, the LCFS credit sharing payment will continue based upon the stated price of the active contract. If the value of the LCFS shares price changes between LCFS distribution payee's payment issuance and final LCFS sale, SMUD reserves the right to adjust the next biannual payment to true up the actual value received from the LCFS credit sale.

**8.36 Length of term:** The term of the credit sharing option shall be for a 5-year period in exchange for incentive all parties assign all rights to LCFS credits to SMUD.

**8.37 Tax responsibilities:** LCFS distribution payee is responsible for any and all taxes and liabilities incurred in connection with the receipt of LCFS credit sharing biannual payments.

**8.38 Project re-qualification:** Projects must continue to consume at least 25,000 kWh per biannual usage period in CARB reportable usage to remain qualified for LCFS credit sharing payments. If a project drops below the qualifying level in a biannual reporting period, it will not receive payment for that time period. Payments will resume once project hits the minimum kWh threshold in a biannual period. Any LCFS credits generated during the non-qualified period will not be held or later credited to the LCFS distribution payee.

LCFS payment example: In order to allow for the sale of the LCFS credits, the LCFS credit sharing payments will start once the minimum threshold is reached in a biannual period.

**Ex:** EVSE project goes live during January/June biannual period, and records 25,000 kWh during the period. The project would then qualify for participation in the LCFS credit sharing offering.

Full participation would start during the July-December biannual period. LCFS distribution payee could expect the sale of their LCFS credits generated during their first biannual period to be completed and payments mailed on or about November 30. Biannual payments will continue as long as the Project remains qualified, with normal payment windows of on or about May 31, and Nov 30.

## **Additional terms & conditions for DCFC with onboard storage participants**

- DCFC with onboard storage is defined as a DCFC capable of delivering more than 50kW per handle with an onboard battery storage device. A single breaker must interconnect and power both the DCFC and battery storage charger. The breaker must be sized no larger than a normal DCFC of the equivalent kW rating.
- Any DCFC with onboard storage also receiving a supplemental incentive is responsible for providing SMUD monthly performance data as described below for a period of two years (24 months):
  - Session ID
  - Session Start
  - Session End
  - Session Duration
  - Average kW
  - Maximum kW
  - Total kWh dispensed per session
  - SOC start
  - SOC end

- Monthly data will be emailed within 14 days of the end of each month to [CommercialEV@smud.org](mailto:CommercialEV@smud.org)
- SMUD reserves the right to recollect supplemental incentive funds if monthly data monthly is not delivered by within the required timeline to [CommercialEV@smud.org](mailto:CommercialEV@smud.org)

## 9.0 New terms & conditions

### Program requirements:

- Subdivisions/ projects participating must be of more than five units or homes.
- Submittals must be from production home builders not customer homes
- EV Chargers must be standard features in all home not optional
- EV Chargers must be Level II and no more than 32 amps operational and interconnected with no more than a 40-amp breaker
- EV Chargers must be hard wired and not interconnected with a NEMA-14 or similar plug.
- Only one charger per home or site

**Funds available:** Applications are processed on a first-come, first-served basis, and incentive is subject to availability of funds.

**Program timeline:** Effective date of this program is January 1, 2023. Only EVSE installations completed after this date, as identified by the final building permit approval date attached to the application submitted to SMUD, are eligible.

**Incentives:** If the project is installed as described on the Power Clerk application and all program and contract terms and conditions are complied with, including timely submission of all documents described in the SMUD Commercial EV Program manual, SMUD will pay an incentive to the entity designated as the incentive recipient. SMUD reserves the right to modify or cancel the incentive if the actual EVSE equipment, or installation of the equipment does not meet the SMUD Commercial EV Program guidelines, or if the project fails inspection, and/or if the documents submitted fail to meet the requirements of the SMUD Commercial EV Program manual.

**Incentive payment:** Payment will be mailed within 14-24 days subsequent to SMUD receiving and approving a request with all required documentation.

**Disclosure of other incentives:** All parties understand that other program rebates, grants, forgiven loans, financial incentives, post-installation agreements, third party LCFS agreements, and performance payments are “other incentives” and must be disclosed to SMUD as soon as those “incentives” are made.

**Branding:** Equipment owner and host customer agree to allow SMUD branding on charging equipment receiving incentives.

**Eligibility:** The SMUD Commercial EV Program, and its New Production Home pilot program are administered by SMUD for customers within its service territory. Eligible New Home Pilot program participants must interconnect to SMUD grid and electric distribution customers of SMUD at the home (“Project Site”) where the EVSE will be installed and operated.

**Charger certification:** The EVSE must be new equipment, UL or equivalent certified by a National Recognized Testing Laboratory, Energy Star rated, installed for the first time, hardwired on a wall or pedestal mounting. EVSE must be installed by a qualified and licensed contractor in accordance with all state and local codes, permitting, and inspection requirements. All EVSE must utilize the SAE J1772 charge coupler (or equivalent).

**Additional documentation:** All parties identified on the application agree that SMUD reserves the right to request additional documentation prior to incentive payment. The incentive payment may be denied by SMUD if this condition is not met by all parties.

**Disclaimer of warranties:** SMUD makes no representations or warranties, expressed or implied, regarding the design, construction, reliability, efficiency, performance, operation, maintenance, or use of any incentivized equipment, vehicle or installation discussed, selected, rejected, purchased, or otherwise considered by All parties identified on the application, including without limitation any warranty of fitness for any specific purpose. Any decisions regarding the selection, design, purchase, installation, use and operation of any equipment or consideration or selection of any contractor shall be at the sole discretion and are the sole responsibility of all parties identified on the application.

**Program database:** All parties identified on the application shall agree to allow all information provided as part of the Commercial EV program's New Production Home pilot to be entered into a SMUD database. SMUD also will use all information provided in an internal database to record and track the project process and incentive payment. This information will be available to internal SMUD staff on this and other SMUD incentive programs.

**Indemnification:** All parties identified on the application shall indemnify defend, and hold harmless SMUD, its directors, officers, agents, and employees against all claims, loss, damage, expense, and liability asserted or incurred by other parties, including but not limited to SMUD's employees, arising out of or in any way connected with participation in the program and any incentive payment, and caused by the acts, omissions, intent or negligence, whether active or passive, of customer, its agents, employees, and suppliers, and excepting only such loss, damage, or liability as may be caused by the intentional act or the sole negligence of SMUD.

**Program / pilot modification:** SMUD expressly reserves the right to modify, amend or terminate the SMUD Commercial EV Program, and any pilots, in whole or in part, at any time and for any reason without prior notice.

**Authority to install equipment:** All parties identified on the application represent that it has the authority to operate and install the EVSE at the project site or have obtained the permission of the legal owner of the project site, for said construction project. All parties identified on the application shall, at its own expense, obtain and maintain all licenses and permits needed to construct and complete the project.

**No endorsement by SMUD:** Host customer and equipment owner understand that SMUD's review of the Power Clerk application shall not be construed as confirming or endorsing the qualifications of the applicant or any person(s) involved with the project, including but not limited to the project installer(s), designer(s), or manufacturer(s); endorsing the project design; or as warranting the economic value, safety, durability, or reliability of the project. The applicant and builder/ developer are solely responsible for the project, including the selection of any designer(s), manufacturer(s), contractor(s), or installer(s). Host customer and equipment owner understand that they, and any third parties involved with the project, are independent contractors and are not authorized to make any representations on behalf of SMUD. Host customer and equipment owner shall not use SMUD's corporate name, trademark, trade name, logo, identity, or affiliation for any reason, without the prior written consent of SMUD.

**Dispute resolution:** The parties to the application and reservation shall attempt in good faith to resolve any dispute arising out of or relating to the program promptly by negotiations between SMUD's designated representative and an executive of similar authority from each party to the application and reservation. The disputing party must give the other party or parties written notice

including a description of the dispute, and proposed resolution. Within thirty (30) calendar days after delivery of the notice, or such other time as all parties agree, the executives shall meet at a mutually acceptable time and place and shall attempt to resolve the dispute. If the matter has not been resolved within thirty (30) calendar days of the first meeting, or such other period as all parties agree, any party may pursue other remedies, including mediation. All negotiations and any mediation conducted pursuant to this clause are confidential and shall be treated as compromise and settlement negotiations, to which Section 1152.5 of the California Evidence Code shall apply, and Section 1152.5 is incorporated herein by reference. Notwithstanding the preceding provisions, a party may seek a preliminary injunction or other provisional judicial remedies if, in its judgment, such action is necessary to avoid irreparable damage or to preserve the status quo. Each party is required to continue to perform its obligations under this contract pending final resolution of any dispute arising out of or relating to this Contract.

**Assignment:** No party shall assign its rights or delegate its duties without the prior written consent of SMUD. Any such assignment or delegation without the prior written consent of SMUD or its assignee, if any, shall be null and void. Consent to assignment shall not be unreasonably withheld or delayed. All parties must provide assurance of the success of a project if assigned by providing any additional information requested by SMUD.

**No third-party beneficiaries:** The application is not intended to confer any rights or remedies upon any other persons other than signatories to the application.

**Date of enactment:** These terms and conditions apply for all incentive application packages submitted/postmarked October 1, 2022, and subsequent.

I understand that for incentive amounts of \$600 or greater per calendar year, SMUD may require to file (a) form 1099-MISC with the Internal Revenue Service and/or (b) an informational return with the Franchise Tax Board. Note: Neither form 1099-MISC nor an informational return is required to be filed when the customer is a corporation or public agency. The Internal Revenue Service and California Revenue and Taxation codes are subject to change.