

# Consumers Energy PowerMI Drive Program

## Charging Infrastructure Rebates Participant Terms & Conditions

## PowerMIDrive Program Information

Consumers Energy Company's ("Consumers Energy" or the "Company") PowerMIDrive program ("PowerMIDrive") is part of a permanent rebate program offering, as governed by the Company's Electric tariff, which was approved by the Michigan Public Service Commission (MPSC) in Case No. U-21389 after the final extension to the 5-year voluntary pilot program in Case No. U-21224.

PowerMIDrive has been created to increase battery and plug-in hybrid electric vehicle (EV) charging capabilities and charging infrastructure across the state, while improving utilization of the electric grid to benefit all electric customers. This document is a summary of the terms governing participation in PowerMIDrive for commercial and industrial Consumers Energy electric customers, but the program is ultimately governed by the MPSC and any further orders it may issue.

Eligibility requirements and rebate details are outlined per specific program offerings below, which include Community Charging, Multifamily Property Charging, Overnight Destination Charging, Workplace Charging, and Direct Current (DC) Charging.

Terms and conditions and the Company's tariff may change without notice to program participants and shall be applicable to program participants as they become effective.

## Definitions

**Applicant:** The person or entity seeking eligibility to participate in the MDU component of the PowerMIDrive program, which has the legal right to install, own, operate, and maintain EVSE and Charging Outlets within Consumers Energy's electric service territory, and is the customer of record for Consumers Energy that will be responsible for paying the corresponding electric bill (Customer) (any reference to "Applicant" or "Customer" herein are synonymous).

**Charging Outlets:** Outdoor and continuous use rated NEMA 14-50 outlets dedicated to EV charging purposes.

**DCFC:** Direct Current Fast Charger

**Electric Service Infrastructure:** Traditional utility infrastructure to deliver power from the utility distribution system, including power lines, transformer, and service meter.

**EV:** Plug-in hybrid or battery electric vehicle

**EVSE:** Electric vehicle supply equipment used for charging EVs (i.e., "charging station"), including any UL listed, Energy Star Certified Level 2 (240-volt) or Level 1 (120-volt) charging stations.

**EVSE Charge Port:** The plug or connector of the electric vehicle supply equipment used for charging EVs.

**EVSE Supply Infrastructure:** Charging infrastructure necessary to deliver power from the meter to the EVSE and NEMA 14-50 outlets, which may include electric panel, cable and conduit (referred to as "Electric Vehicle Charging Outlets or hard-wired chargers" in the Company's MPSC-approved Electric Tariff).

**MDU:** Multi-dwelling unit, such as an apartment complex, condominium, cooperative or other grouping of multiple residential households located on the same premises, also referred to as a multifamily property.

**NEMA 14-50:** A 240-volt outdoor-rated outlet for 50 amps of maximum amperage and 40 amps of continuous usage.

**Network Provider:** Provides charging station hardware, software, and support services under a separate purchase order agreement with Site Host to enable the operation of an EVSE.

**Off-Peak Hours:** Time of day when electricity pricing is lower during a 24-hour day; midnight – 2pm, and 7pm – midnight is considered off-peak for Consumers Energy’s commercial time of use electric rate.

**On-Peak Hours:** Time of day when electricity pricing is higher during a 24-hour day; 2pm – 7pm is considered on-peak for Consumers Energy’s commercial time of use electric rate.

**Separate Meter:** Separate billing meter dedicated to newly installed EVSE.

**Site Host:** The person or entity approved for participation in the PowerMIDrive program (MDU Rebate Program) which owns, operates, and maintains the EVSE and is the customer of record for Consumers Energy that will be responsible for paying the corresponding electric bill.

**Site:** The property owned or occupied by the Site Host where the EVSE will be installed

**Time of Use (TOU) Electric Rate:** An electric rate schedule with dynamic pricing based on the time of use; electricity pricing is lower during the off-peak hours of midnight – 2pm, and 7pm – midnight.

**Uptime:** The percentage of time that a charging station must be functioning properly and available for use by EV drivers

## Community Charging Site Host Eligibility Requirements

To be eligible for the PowerMIDrive Community Charging Center Program EVSE infrastructure rebate, the Applicant/Site Host must demonstrate and meet all of the following minimum requirements:

1. Be a commercial or industrial electric customer of Consumers Energy that is current on payments and in good standing; and
2. Have the legal right to install, own, operate, and maintain EVSE and/or Charging Outlets on the Site, which must be located within Consumers Energy's electric service territory in accordance with the Terms & Conditions herein; and
3. Site must be in a publicly accessible location within 1 to 3 blocks of an MDU location to encourage equitable access to charging for EV drivers living in MDUs, especially overnight and on weekends. Ideal sites will be within 1 block of an MDU or within 1 to 3 blocks of multiple MDUs or an underserved residential neighborhood; and
4. Agree to install, fund, own, operate, and maintain new, qualified EVSE and/or Charging Outlets, after application approval by Consumers Energy, at the Site Host's expense, for a minimum of 5 years after the installation date.

## Community Charging Rebates for Level 2 EVSE & Charging Outlets

1. Rebates are reserved for eligible commercial and industrial customers in the municipality sector (e.g., cities, townships, or other community entity) where EVSE or outlets are publicly available for all EV drivers.
2. Rebates of \$7,500 each are available for this Community Charging Rebate program with the following limitations and requirements:
  - a. Rebate amounts awarded will not exceed total project cost, including EVSE and installation.

- b. There is no rebate cap per Site, but the availability of the total number of rebates and rebate funding may be limited by the Company at any time and without notice.
- c. Upon approval of participation in the Community Charging Rebate program, Site Host must install a minimum of two (2) Level 2 EVSE charge ports on a 100-amp service, two NEMA 14-50 outlets, or five (5) 20-amp 120-volt outlets per Site to qualify for a rebate.
- d. Site Host understands and agrees that Site Host must have EVSE charging ports and/or Charging Outlets on a Separate Meter.
- e. Site Hosts understands and agrees that Site Host must enroll separately metered Level 2 EVSE charge ports or Charging Outlets on a commercial time of use (TOU) rate plan to encourage overnight and weekend charging.
- f. Site Host will provide one dedicated parking space per EVSE charge port or outlet installed.
- g. Site Host will provide signage for each dedicated parking space per EVSE charge port or outlet installed to encourage EV drivers to charge during off-peak hours as defined herein and discourage vehicles that are not charging from parking in such spaces.
- h. Installation and operational status must be completed within 6 months of rebate commitment date to guarantee rebate award.
- i. Site Host will maintain individual chargers to maintain a 97% uptime standard as measured by National Electric Vehicle Infrastructure (NEVI) rules for each of the first five years of its operation.

### **Multifamily Property Site Host Eligibility Requirements**

To be eligible for the PowerMI Drive MDU Program EVSE infrastructure rebate, the Applicant/Site Host must demonstrate and meet all the following minimum requirements:

1. Be a commercial or industrial electric customer of Consumers Energy that is current on payments and in good standing; and
2. Have the legal right to install, own, operate, and maintain EVSE and/or Charging Outlets on the Site, which must be located within Consumers Energy's electric service territory in accordance with the Terms & Conditions herein; and
3. Site must be an MDU location with at least four (4) individual tenant dwellings at the Site; and
4. Agree to install, fund, own, operate, and maintain new, qualified EVSE or Charging Outlets, after application approval by Consumers Energy, at the Site Host's expense for a minimum of 5 years after the installation date.

### **Multifamily Property Charging Rebates for Level 2 EVSE & Charging Outlets**

1. Rebates are reserved for eligible commercial customers at MDU locations where the EVSE end users will be tenants of the MDU.
2. The total amount awarded as a rebate for Site Hosts under the MDU Rebate Program will be as follows:

- a. A rebate in the amount of \$7,500 will apply to either one 100-amp service supplying at least two Level 2 EVSE charge ports (50 amps per charge port), or two NEMA 14-50 Charging Outlets providing a maximum total 100-amp service.
    - i. Each additional 50-amp Level 2 EVSE charge port or NEMA 14-50 installed will qualify for an additional rebate of \$3,750.
  - b. The rebate amount awarded to eligible Site Hosts will not exceed total project cost, including EVSE and installation.
  - c. There is no rebate cap per Site, but the availability of the total number of rebates and rebate funding may be limited by the Company at any time and without notice.
3. Site Host understands and agrees that Site Host must install a minimum of two Level 2 EVSE charge ports or two NEMA 14-50 Charging Outlets per Site to qualify for a rebate.
  4. Site Host understands and agrees that Site Host must have EVSE charge ports and/or Charging Outlets on a Separate Meter.
  5. Site Hosts understands and agrees that Site Host must enroll separately metered Level 2 EVSE charge ports or NEMA 14-50 Charging Outlets on a commercial time of use (TOU) rate plan to encourage overnight charging.
    - a. Site Hosts will receive a \$20.00/monthly bill credit for Sites that achieve 80% or greater off-peak charging energy use in a calendar month for the first 12 months of operational status.
  6. Site Host will install signage for each dedicated parking space per EVSE charge port or outlet installed to encourage EV drivers to charge during off-peak hours as defined herein and discourage vehicles that are not charging from parking in such spaces.
  7. Site Host understands and agrees that complete installation of EVSE Supply Infrastructure to provide operational EV charging must be completed within 6 months of the date Site Host accepts the award of an MDU Rebate to guarantee rebate award.
  8. Site Host understands and agrees that Site Host will maintain individual EVSE and NEMA 14-50 Charging Outlets to achieve and maintain a 97% uptime standard as measured by the NEVI rules for each of the first five years of its operation.

### **Overnight Destination Charging Site Host Eligibility Requirements**

To be eligible for the PowerMI Drive Overnight Destination Charging Program EVSE infrastructure rebate, the Applicant/Site Host must demonstrate and meet all of the following minimum requirements:

1. Be a commercial or industrial electric customer of Consumers Energy that is current on payments and in good standing; and
2. Have the legal right to install, own, operate, and maintain EVSE and/or Charging Outlets on the Site, which must be located within Consumers Energy's electric service territory in accordance with the Terms & Conditions herein; and

3. Agree to install, fund, own, operate, and maintain new, qualified EVSE after application approval by Consumers Energy, at the Site Host's expense, for a minimum of 5 years after the installation date.

### **Overnight Destination Charging Rebates for Level 2 & Level 1 EVSE**

1. Rebates are reserved for eligible commercial and industrial customers in the overnight destination sector (e.g., hotels, motels, campgrounds, long-term airport parking) where EVSE or outlets are available to guests or to the public, per the Site Host's discretion.
2. Rebates of \$7,500 each are available for this Overnight Destination Charging Rebate program with the following limitations and requirements:
  - a. Rebate amounts awarded will not exceed total project cost, including EVSE and installation.
  - b. There is no rebate cap per Site, but the availability of the total number of rebates and rebate funding may be limited by the Company at any time and without notice.
  - c. Upon approval of participation in the Overnight Destination Charging Rebate program, Site Host must install a minimum of two (2) Level 2 charge ports on a 100-amp service, or five (5) 20-amp 120-volt Level 1 charge ports per Site to qualify for a rebate.
  - d. Site Host understands and agrees that Site Host must have EVSE charge ports on a Separate Meter.
  - e. Applicant understands and agrees that, upon approval to participate in the Overnight Destination Charging Rebate program, Applicant, as a Site Host, must agree to enroll separately metered EVSE charge ports on a commercial time of use (TOU) rate plan to encourage overnight charging.
  - f. Site Host will provide one dedicated parking space per EVSE charge port installed.
  - g. Site Host will provide signage for each dedicated parking space per EVSE charge port installed to encourage EV drivers to charge during off-peak hours as defined herein and discourage vehicles that are not charging from parking in such spaces.
  - h. Installation and operational status must be completed within 6 months of rebate commitment date to guarantee rebate award.
  - i. Site Host will maintain individual chargers to maintain a 97% uptime standard as measured by NEVI rules for each of the first five years of its operation.

### **Workplace Charging Site Host Eligibility Requirements**

To be eligible for the PowerMI Drive Workplace Charging Program EVSE infrastructure rebate, the Applicant/Site Host must demonstrate and meet all of the following minimum requirements:

1. Be a commercial or industrial electric customer of Consumers Energy that is current on payments and in good standing; and
2. Have the legal right to install, own, operate, and maintain EVSE on the Site, which must be located within Consumers Energy's electric service territory in accordance with the Terms & Conditions herein; and

3. Agree to install, fund, own, operate, and maintain new, qualified EVSE after application approval by Consumers Energy, at the Site Host's expense, for a minimum of 5 years after the installation date.

### **Workplace Charging Rebates for Level 2 EVSE**

1. Rebates are reserved for eligible commercial or industrial customers (e.g., municipalities, commercial or retail business, non-profit organizations), where EVSE are available to employees. Per the Site Host's discretion, the EVSE may be made available to the public in addition to employees of the Site Host organization.
2. Rebates of \$7,500 each are available for this Workplace Charging Rebate program with the following limitations and requirements:
  - a. Rebate amounts awarded will not exceed total project cost, including EVSE and installation.
  - b. There is no rebate cap per Site, but the availability of the total number of rebates and rebate funding may be limited by the Company at any time and without notice.
  - c. Upon approval of participation in the Workplace Charging Rebate program, Site Host must install a minimum of two (2) Level 2 charge ports on a 100-amp service per Site to qualify for a rebate.
  - d. If the Workplace Charging Site Host additionally meets Community Charging Site Host eligibility criteria as specified above and chooses to allow public access to the EVSE during overnight hours, then the rebate amount will be increased to \$10,000.
    - i. In such cases, the Site Host may mandate specific overnight charging hours to avoid interference with employee access to the EVSE.
  - e. Site Host understands and agrees that Site Host must have EVSE charge ports on a Separate Meter.
  - f. Applicant understands and agrees that, upon approval to participate in the Workplace Charging Rebate program, Applicant, as a Site Host, must agree to enroll separately metered EVSE charge ports on a commercial time of use (TOU) rate plan to encourage off-peak charging.
  - g. Site Host will provide one dedicated parking space per EVSE charge port installed.
  - h. Site Host will provide signage for each dedicated parking space per EVSE charge port installed to encourage EV drivers to charge during off-peak hours as defined herein and discourage vehicles that are not charging from parking in such spaces.
  - i. Installation and operational status must be completed within 6 months of rebate commitment date to guarantee rebate award.
  - j. Site Host will maintain individual chargers to maintain a 97% uptime standard as measured by NEVI rules for each of the first five years of its operation.

## DCFC Site Host Eligibility Requirements

To be eligible for the PowerMIDrive DCFC Program EVSE infrastructure rebate, the Applicant/Site Host must demonstrate and meet all of the following minimum requirements:

1. Be a commercial or industrial electric customer of Consumers Energy that is current on payments and in good standing; and
2. Have the legal right to install, own, operate, and maintain EVSE on the Site, which must be located within Consumers Energy's electric service territory in accordance with the Terms & Conditions herein; and
3. Agree to install, fund, own, operate, and maintain new, qualified EVSE after application approval by Consumers Energy, at the Site Host's expense, for a minimum of 5 years after the installation date.

## DCFC Rebates

1. DCFC rebates will be reserved for commercial or industrial customers.
2. A total of one hundred (100) DCFC rebates are available for the PowerMIDrive program.
  - a. Consumers Energy will prioritize selection of DCFC Site Hosts for rebate based on, but not limited to, the following criteria:
    - i. Proximity to main highways or thoroughfares to enhance public accessibility.
    - ii. Amenities available at the Site to accommodate for 30-minute dwell times during charging.
    - iii. Distance from existing DCFC EVSE Sites within Consumers Energy's electric service territory.
3. Site Hosts must install DCFC EVSE to achieve a minimum total power capacity of 150kW per Site.
4. Installed equipment will have a minimum of one (1) CCS charging connector.
5. DCFC EVSE must always be publicly accessible, and the Site Host will provide one dedicated EV parking space per EVSE charge port installed.
6. DCFC rebates will be capped at a maximum of one (1) rebate per Site.
7. Installation and operational status must be completed within 12 months of DCFC rebate commitment date to guarantee rebate award.
8. Site Hosts installing DCFC EVSE are eligible to apply for supplementary State or Federal grant funding opportunities.
  - a. Site Hosts are responsible for applying and satisfying all requirements specified by State or Federal grant opportunities to receive additional funds which are offered separately from Consumers Energy's PowerMIDrive program.
9. Site Host will maintain individual chargers to maintain a 97% uptime standard as measured by NEVI rules for each of the first five years of its operation.



## PowerMIDrive Terms & Conditions

By submitting an application for any of the PowerMIDrive program rebate offerings outlined above, the Site Host agrees to the following Terms & Conditions:

1. Applicant/Site Host understands the Site Host Eligibility Requirements and represents and warrants that information submitted in the application is true, complete, and accurate.
2. Applicant/Site Host represents and warrants that it has the legal right to install, own, operate and maintain EVSE and Charging Outlets on the Site. Without limiting the foregoing sentence, if the Applicant/Site Host does not own the Site, they shall obtain any required approvals from property owners, landlords, and/or corporate offices to install EVSE on the Site and provide written evidence of such approvals to Consumers Energy upon Consumers Energy's request.
3. Applicant/Site Host authorizes Consumers Energy to install a separate billing meter dedicated to the newly installed EVSE and Charging Outlets.
4. Applicant/Site Host authorizes Consumers Energy to enroll the separate billing meter for EVSE on a time of use (TOU) electric rate, which includes GSTU or GPTU depending on whether the service is secondary or primary.
5. Applicant/Site Host will pay the electricity costs for the EVSE under its selected TOU rate.
6. Applicant/Site Host understands and agrees that EVSE and Charging Outlets installed pursuant to this Community Charging Center Rebate program will always be visible and accessible for use by EV drivers except as necessary for safety and/or maintenance purposes.
7. Applicant/Site Host understands and agrees that Consumers Energy will evaluate the cost of upgrading or bringing new Electric Service Infrastructure to power the EVSE installed by the Site Host. Consumers Energy will pay reasonable costs, as determined by Consumers Energy, for the construction of new or upgraded Electric Service Infrastructure.
8. Site Host will identify and contract with a licensed electrician to perform any EV Supply Infrastructure upgrades and any future repairs or modifications that may be required.
9. Except as otherwise provided herein, any decisions regarding the selection, design, purchase/lease, use, and operation of any qualified EVSE, and the electric contractor performing the work, shall be at the sole discretion and are the responsibility of the Site Host.
10. Site Host agrees to install EVSE and Charging Outlets in compliance with all federal, state, and local laws and codes, and to follow all applicable electric codes and standards.
11. Site Host will submit annual reports of individual EVSE and Charging Outlet uptime to Consumers Energy using the standardized formula contained within the Federal Highway Administration's current NEVI rules.
12. Site Host will charge a transparent price to EV drivers for utilizing EV charging services where applicable, taking on-site needs and fuel cost savings into consideration of its pricing strategy.

13. Applicant/Site Host understands and agrees that Consumers Energy shall not be held liable or responsible for any damage to an EV or other commercial, industrial, or other structure due to Applicant's/Site Host's participation in the PowerMIDrive program.
14. Site Host agrees to participate in Consumers Energy surveys related to their experience with participation in the PowerMIDrive program.
15. Consumers Energy reserves the right to have its representatives inspect all projects to verify compliance with the program rules and accuracy of project documentation, and Applicant/Site Host agrees to cooperate with Consumers Energy's representatives to effectuate this goal. This may include, but is not limited to, pre-installation and/or post-installation inspections, on-line audits of public websites like PlugShare, verification of EVSE, Charging Outlets, signage, and EVSE Supply Infrastructure, and/or submittal of project documentation, including photographs of the installation, by the Site Host.
16. Any information provided in the application or collected by Consumers Energy regarding the Site Host's participation in the PowerMIDrive program may be used internally by Consumers Energy and may be made available on an aggregated, non-personally identifiable basis to the Michigan Public Service Commission and other third parties as deemed appropriate by Consumers Energy in accordance with its data privacy rules.
17. All provisions of these Terms and Conditions will be consistent with and comply with the Company's Electric Tariff. All definitions and terms of the Company's MPSC-approved Electric Tariff shall apply. Any conflict between the Company's Electric Tariff and these Terms and Conditions shall be construed in a manner to harmonize the meaning, intent, and spirit of the PowerMIDrive program.

## Disclaimer

Consumers Energy does not make any guarantee of the performance of operations of any EVSE or any EVSE Supply Infrastructure, expressly disclaims all warranties, whether expressed or implied, including without limitation all warranties of merchantability and fitness for a particular purpose.

Consumers Energy has no obligations regarding and does not endorse or guarantee any claims, promises, work or equipment made, performed or furnished by any contractors or equipment manufacturers that sell or install EVSE or EVSE Supply Infrastructure.

Consumers Energy is not liable for any damage caused by the operation or malfunction of any equipment installed. As a condition of participating in the PowerMIDrive Program, the Applicant/Site Host agrees to defend and indemnify Consumers Energy against any claims arising from the installation or use of any EVSE or EVSE Supply Infrastructure.

## Compliance with Laws

All parties shall comply with applicable federal, state, and local statutes, rules, regulations, laws, orders and decisions governing or relating to participation in the PowerMIDrive Program during installation and throughout participation in the program.

## **Failure to Comply with Terms & Conditions**

Without limitation, Consumers Energy reserves the right to seek damages and recovery for losses incurred due to any breach of terms and conditions. This may include, but is not limited to, refund and/or return of rebate in part or in full, along with any fees, including attorney fees, in connection with recovery of those and other losses incurred.

Failure to comply with terms and conditions set forth herein may result in termination of Applicant's/Site Host's participation in the PowerMI Drive Program including revocation of rebate funds held for the applicant during installation.

Consumers Energy reserves the right to terminate Applicant's/Site Host's participation in the PowerMI Drive Program, including revocation of rebate funds held for the Applicant/Site Host during installation or recovery of any rebate funds that are paid, for any of the following reasons: environmentally hazardous conditions, imminent public safety threats, or permitting issues pertaining to the installation site; failure to comply with the PowerMI Drive Program's terms and conditions; failure to comply with local, State and/or Federal laws and/or regulations applicable during installation and/or operation of the EVSE and EVSE Supply Infrastructure; and/or engagement in actions or omissions that are contrary to the purpose of the PowerMI Drive program.