

May 3, 2022

[REDACTED]

President
Measurement Canada
151 Tunney's Pasture Driveway
Ottawa, Ontario K1A 0C9

Re: Request for Temporary Dispensation Under The Electricity and Gas Inspection Act (EGIA) for Tesla Supercharger DC Fast Charging Services.

Dear [REDACTED]

I am writing on behalf of Tesla Motors Canada ULC (Tesla) of Tesla Inc., to formally request a time-limited temporary dispensation from requirements under the *Electricity and Gas Inspection Act*, through the temporary dispensation provisions of Section 9(2) that would allow for Tesla to provide public DC Fast Supercharging end-use services to its customers **billed through an all-in price on a kilowatt-hour basis** for DC Fast charging services provided to its customers.

We make this request primarily on the part of our customers who continue to ask Tesla to provide end-use charging services to them on a per kilowatt hour basis. Currently, Measurement Canada requires Tesla to provide services at Superchargers on a per-minute basis which can be unfair to customers, and which fundamentally lacks all the provisions of consumer protection, transparency and operator accountability that billing on a per-kilowatt-hour basis would provide. Tesla acknowledges Measurement Canada's important regulatory responsibility to ensure that customers are billed for electricity a fair and accurate manner. Indeed, consumer protection is at the heart of Measurement Canada's purpose – and we recognize this. It is exactly for this reason that Tesla is making this request.

We also encourage Measurement Canada to recognize that Tesla has been providing DC Fast charging services in Canada since 2015 and, globally, for even longer. To date we have constructed over \$[REDACTED] in charging infrastructure in Canada, yet the metrology rules to enable transparent and accountable billing are still pending. In the meantime, Measurement Canada's regulatory regime directs charging operators like Tesla to bill for charging on a time-only basis, despite the lack of consumer protections this approach provides. Moreover, most major electricity regulators across Canada have long-ago transitioned to supporting end use charging services being billed on the per-kilowatt-hour basis, including in British Columbia, Quebec and Ontario where most Canadian-based EVs currently reside.

DC Fast charging a vehicle without an accurate understanding of the amount of energy being transferred to an electric vehicle battery would have potentially disastrous consequences. *As such, Tesla does not believe that it would be in any charging operator's interest to improperly or*

inaccurately meter DC Fast charging services. Whether billing on a time or per-kilowatt hour basis, the system knows to a high degree of accuracy exactly how much energy is transferred to the battery. In most jurisdictions in North America, this same system is used for billing purposes without issue – but not in Canada. It is clear that the provisions for temporary dispensation, which have been established in Section 9(2) of the *Electricity and Gas Inspection Act*, exist to ensure no lapses in consumer protection or pricing transparency emerge from unanticipated consequences or changes in technology that emerge over time. **Given the above information, it is quite possible that no category of devices has ever been more appropriate for dispensation under section 9(2) than Tesla’s DCFC Superchargers.**

Another reason Tesla is requesting temporary dispensation for Superchargers at this time is because Measurement Canada’s consultation into EV supply equipment metrology rules suggests that it is unlikely metrology rules for DC Fast charging will be established in the near-term – the Agency’s focus appears to be almost exclusively on AC supply equipment. In the meantime, customers lack the pricing transparency they deserve due to Measurement Canada rules.

Most other metrology regulators in jurisdictions where Tesla operates a charging network are allowing EV charging service providers to bill customers on a per-kilowatt hour basis pending completion of metrology rules. There is a wide recognition that billing for electricity based on time undermines consumer protection, is confusing for consumers and does not support the growth and establishment of consumer confidence in a competitive market. Canada has taken the opposite position from many of its global peers and the result is less transparency into pricing for customers and less pricing accountability for charging operators.

Timeframe and scope of the temporary dispensation

- Equipment: **Tesla Supercharger DC Fast Chargers** (all versions)

- Special Dispensation Timeframe:
 1. **Extend temporary dispensation to all Tesla Superchargers operating in Canada until metrology rules for DC Fast charging are established by Measurement Canada.**

 2. **Provide an additional four years of temporary dispensation once metrology rules are established** to all Tesla Superchargers in Canada that were already constructed or in development and construction at the time metrology rules are established for DC Fast charging. These four years of additional temporary dispensation will facilitate retrofits to ensure compliance with the future rules if permanent dispensation is not granted for existing DC Fast charging equipment.

- With over 1,368 Superchargers built in Canada today -- and a major new wave of construction getting underway immediately for the 2022 construction year -- retrofit costs resulting from these overdue metrology rules will be both costly for Tesla (and its customers using the service) and time consuming. Without sufficient additional temporary dispensation, any mandated retrofits will detract significant resources from the expansion of the network that would otherwise be intended to keep pace with the Government of Canada's EV adoption goals and EV uptake in Canada.

Tesla's Supercharger network is one of the most used EV charging networks in Canada. **The 1,368 Supercharger posts located at 144 properties across Canada have delivered over [REDACTED] GWh of energy to the Tesla fleet between 2018 and 2021 alone.** Tesla is proud to have built nearly 100 of these Superchargers in partnership with Natural Resources Canada. In the future, Tesla plans to open its Supercharger network to vehicles of other brands, in support of Canada's EV adoption goals and to further contribute to accelerating the world's transition to renewable energy if Measurement Canada metrology regulation allows.

Thank you for considering this request. Please contact my colleague Audrey Dépaunt if you have any questions about this request and to discuss next steps and timelines to complete Measurement Canada's consideration of this request.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED] Public Policy & Business Development | Canada
 Tesla Motors Canada ULC



cc.

Tesla Inc. (USA):

- Rohan Patel, Senior Director, Public Policy & Corporate Development - Global

Measurement Canada:

- Benoit Desforges, Vice-President, Engineering and Laboratory Services Directorate, Measurement Canada
- Adnan Rashid, Senior Electrical Engineer, Measurement Canada

Innovation, Science and Industry Canada:

- The Honourable François Philippe Champagne;
- Mr. Simon Kennedy, Deputy Minister
- Ms. Sarah Hussaini, Chief of Staff

Natural Resources Canada:

- The Honourable Jonathan Wilkinson;
- Mr. John Hannaford, Deputy Minister;
- Ms. Lisa Khouri, Chief of Staff

Transport Canada:

- The Honourable Omar Alghabra
- Mr. Michael Keenan, Deputy Minister;
- Mr. Mike Maka, Chief of Staff

Environment and Climate Change Canada:

- The Honourable Steven Guilbeault
- Ms. Christine Hogan, Deputy Minister
- Ms. Veronica Ramrattan, Chief of Staff

Additional Members of Parliament:

- MP Majid Jowhari, Richmond Hill
- MP Paul Chiang, Markham