

MEMORANDUM OF AGREEMENT
**TO DEFINE RESPONSIBILITIES FOR THE DEPLOYMENT OF PUBLIC ELECTRIC
VEHICLE CHARGING INFRASTRUCTURE IN TENNESSEE**
Between the
STATE OF TENNESSEE
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
AND
TENNESSEE VALLEY AUTHORITY

This MEMORANDUM OF AGREEMENT (MOA) is hereby made and entered into by and between the State of Tennessee - Department of Environment and Conservation (TDEC) and the Tennessee Valley Authority (TVA), collectively, the “agencies.”

A. **PURPOSES:** The purposes of this MOA are to:

1. Document the cooperation between the agencies to support and fund the development of a statewide electric vehicle (EV) charging network in accordance with the provisions of this MOA.
2. Define responsibilities for program design, oversight, management, and reporting on coordinated EV charging infrastructure funding programs.
3. Set forth the intention of the agencies to outline the relationship, priorities, and framework for coordination on EV infrastructure development between the agencies moving forward.

B. **STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

It is the mutual desire of the agencies to work together for the common purposes of:

1. Positively impacting the environment and quality of life of Tennessee communities by improving transportation efficiency, reducing vehicle emissions, and strengthening the resiliency of the transportation sector;
2. Leveraging TVA’s expanding portfolio of low- or no-emission electricity generation sources to provide safe, clean, reliable and affordable electricity to the growing electric transportation sector;
3. Securing positive, regional economic impacts through:
 - a. increased support of transportation options that have reduced operating costs for consumers in the form of lower fuel and maintenance expenses;
 - b. encouraged use of locally produced electricity as transportation fuel; and
 - c. creation of an EV transportation network that connects rural and urban communities, provides new opportunities for regional travel and tourism, and encourages consumer adoption of EVs, which are an existing and growing focus of the automotive manufacturing sector in Tennessee.

The agencies recognize the following:

1. TDEC's Division of Air Pollution Control has been directed to maintain the purity of the air resources of Tennessee consistent with the protection of normal health, general welfare, and physical property of the people while preserving maximum employment and enhancing the industrial development of the State of Tennessee;
2. the transportation sector is responsible for both the highest percentage of the Tennessee's end-use energy consumption and the largest source of Tennessee's greenhouse gas emissions; and
3. fueling vehicles with electricity stands to greatly reduce emissions within the region, as more than half of all electricity delivered in Tennessee comes from carbon-free resources like nuclear, hydroelectric, wind, and solar power.

C. BACKGROUND:

1. Drive Electric Tennessee:

Throughout 2018, a core team of stakeholders—including State agencies (TDEC and the Tennessee Department of Transportation), electric utilities (including TVA), cities, universities, EV manufacturers, businesses, and advocacy groups—worked together on developing a shared vision for electric transportation in Tennessee. Together, these stakeholders comprise Drive Electric Tennessee (DET).

On January 18, 2019, DET released the first edition of its [Electric Roadmap](#) (Roadmap) for Tennessee. The Roadmap establishes a goal to increase EV adoption to 200,000 EVs by 2028 and identifies projects and initiatives for local stakeholder implementation that will increase EV adoption across multiple use cases and sectors in Tennessee. The various initiatives fall under four broad opportunity areas: Charging Infrastructure, Consumer Awareness, Vehicle Availability, and Supportive Programs and Policies.

Following the release of the Roadmap, a DET working group conducted a [Statewide EV Charging Infrastructure Needs Assessment](#). The purpose of the assessment was to evaluate the condition of Tennessee's current EV charging infrastructure and to identify charging needs and potential geographic locations to support the adoption of 200,000 EVs in Tennessee. The Needs Assessment concluded that additional EV charging infrastructure was needed on highway corridors to relieve range anxiety and to connect rural and urban areas. Highway corridor EV charging was identified as the best candidate for public investment, whereas other EV charging use cases (e.g., community charging, workplace charging, residential or multi-unit dwelling charging) were identified as good candidates for private or public-private investment based on market attractiveness and anticipated utilization.

2. Tennessee and the Volkswagen Diesel Settlement Environmental Mitigation Trust:

The State elected to allocate the maximum allowable percentage (15%) of its Volkswagen Diesel Settlement Environmental Mitigation Trust (EMT) allocation, which is administered by the TDEC Office of Energy Programs, to fund EV charging infrastructure under the Light Duty Zero Emission Vehicle (ZEV) Supply Equipment Eligible Mitigation Action category. As noted in Appendix D-2 to the [State Trust Agreement](#), these funds can be spent on the costs necessary for, and directly connected to, the acquisition, installation, operation and maintenance of such infrastructure.

3. TVA Activities:

TVA has been engaged in the development, standardization, and research of electric transportation technologies for decades. Through the Electric Power Research Institute, collaborating utilities from around the world have worked to test new vehicles, develop and standardize charging equipment, and understand the value and impact of electrifying the transportation sector. TVA and local power companies (LPCs) that distribute TVA power have developed and deployed charging infrastructure across seven states (including solar-assisted EV charging), measured the real-world impacts of EV charging on the power system, and studied local consumers to understand potential adoption scenarios. Since publication of the Drive Electric Tennessee EV Roadmap and Statewide EV Charging Infrastructure Needs Assessment, TVA has been developing plans to encourage EV adoption in the Tennessee Valley through the removal of market barriers identified in the Roadmap, including the lack of equitable access to charging infrastructure across the Tennessee Valley.

4. TDEC 2020-2024 Strategic Plan:

Following the recommendations of the DET EV Charging Needs Assessment, TDEC incorporated the development of a statewide, public EV charging network into its 2020-2024 Strategic Plan. This network is expected to cover primary (interstates) and secondary corridors (select U.S. and State highway routes) and will connect rural and urban areas.

TDEC will seek to supplement existing public EV charging infrastructure to achieve “Fast 50” designation on these corridors, such that non-proprietary fast charging sites (with a minimum of two chargers capable of power levels of 50 kilowatts or higher each) will be located no more than 50 miles apart along a given corridor or route.

To achieve “Fast 50” designation for both primary and secondary corridors in Tennessee, particularly given the cost to acquire and install EV charging infrastructure, the 2020-2024 Strategic Plan outlines a need to collaborate with DET participants to identify and secure additional funding beyond that of the VW Settlement EMT to support EV charging infrastructure.

D. GOALS AND OBJECTIVES: The goals and objectives of the agencies are to:

1. Develop a statewide, publicly accessible EV charging network that encourages consumer adoption of EVs and enables Tennesseans to confidently travel around Tennessee and to connect to neighboring states/destinations via electric transportation.
2. Coordinate activities, funding, and resources to optimize effectiveness and eliminate redundancy.
3. Investigate and encourage sustainable ownership models for EV charging infrastructure that will support long-term operational success.
4. Encourage engagement and investment from LPCs, local governments, and third parties across Tennessee in developing, owning, operating, and maintaining EV charging infrastructure.

E. RESPONSIBILITIES OF PARTIES: In consideration of the above premises, the agencies agree as follows.

1. TDEC AND TVA WILL JOINTLY:

- a. Identify potential geographic areas for EV charging infrastructure along primary and secondary corridors based on the Statewide EV Charging Infrastructure Needs Assessment.
- b. Jointly establish specifications and minimum standards for EV charging infrastructure to be funded.
- c. Gather and/or develop appropriate EV charging infrastructure supporting resources and any other resources for EV charging infrastructure development.
- d. Issue a notice of intent to fund EV charging infrastructure; conduct workshops and/or listening sessions to communicate the opportunity to qualifying program participants, it being understood and agreed that the agencies have unfettered discretion over the qualifications for such program participants.
- e. Closely coordinate separate funding programs to support the development of EV charging infrastructure across Tennessee.
- f. Share data between agencies on funded EV charging stations with regard to utilization, revenue generated, operation and maintenance costs, etc.
- g. Coordinate communications materials and messaging to inform press releases, external communications, equipment branding, and announcements regarding the progress or successes of EV charging stations funded or supported by the joint effort.

2. TDEC WILL:

- h. Develop high-level funding guidelines for all entities that will fund the activities contemplated under this MOA.
- i. Identify potential federal funding sources that may complement the activities contemplated under this MOA.
- j. Update VW Settlement EMT administration documentation, including the State of Tennessee VW Settlement EMT Beneficiary Mitigation Plan and related program collateral, to reflect this collaboration with TVA and any determinations made with regard to program design, infrastructure owner/operator models to be pursued, procurement guidelines, and other established guidelines.
- k. Act as the agency with lead responsibility for the management and oversight of funding to be administered by TDEC (e.g., review applications and select grantees; manage and oversee grant program operations, compliance, reporting, and reimbursement).

3. TVA WILL:

- a. Act as the agency with lead responsibility for the management and oversight of funding to be administered by TVA in its sole discretion (e.g., review applications and select grantees; manage and oversee grant program operations, compliance, reporting, and reimbursement, as applicable).

F. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE AGENCIES THAT:

1. Each of the agencies are responsible for their own activities and will utilize their own resources, including the expenditure of their own funds, in pursuing the objectives of this MOA. Each agency will carry out its separate activities in a closely coordinated and mutually beneficial manner.
2. The agencies will meet at least quarterly to discuss the management of programs to be managed under this MOA. TVA and TDEC will serve as hosts and coordinate meetings on an alternating basis.
3. To the extent that any provision of the MOA is construed to violate the laws of the United States or the State of Tennessee, such construction shall not affect the validity of the other provisions of this MOA.
4. Each agency will endeavor to consider the management objectives of this MOA in developing agency plans relevant to this MOA.
5. Supplemental agreements may be entered into for specific management activities, as needed, after coordination among the agencies.

G. GENERAL:

1. **CONTACTS.** Individuals listed below are authorized to act in their respective areas for matters related to this MOA.

TDEC Contact:

Alexa Voytek
Energy Programs Administrator, Office of Energy Programs
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Ave., 2nd Floor
Nashville, Tennessee 37217
(615) 613-1096
alexa.voytek@tn.gov

TVA Contact:

Drew Frye
Senior Project Manager of Electric Vehicle Evolution
Innovation & Research
1101 Market Street, Blue Ridge, 5th Floor
Chattanooga, Tennessee 37402
(423) 751-7060
agfrye@tva.gov

2. **NOTICES.** Any communications affecting the operations covered by this MOA given by TDEC or TVA are sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail, to each respective contact, at the respective contact's address shown above in Section G.1. of this MOA.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

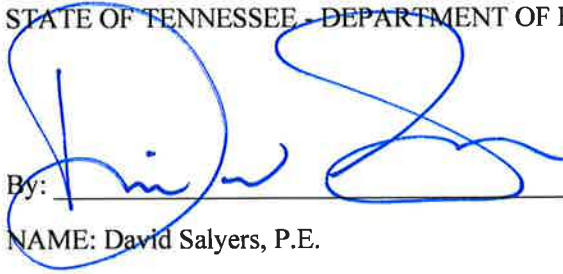
3. TENNESSEE PUBLIC RECORDS ACT AND FREEDOM OF INFORMATION ACT. The agencies recognize that this MOA and related communications and documents may be subject to public disclosure under applicable laws and regulations, including in accordance with Tennessee's Public Records Act and the Freedom of Information Act (5 U.S.C. § 552).
4. PARTICIPATION IN SIMILAR ACTIVITIES. This MOA in no way restricts TDEC or TVA from participating in similar activities with other public or private agencies, organizations, and individuals.
5. COMMENCEMENT/EXPIRATION/TERMINATION. This MOA takes effect upon the last signature of TVA and TDEC. This MOA will remain in effect, unless earlier terminated, for a period of ten (10) years from the date of execution, at which time it will expire, unless extended by an executed modification signed and dated by all properly authorized signatory officials. TVA and TDEC each have the right to terminate this MOA upon providing the other written notice at least sixty (60) days in advance of such termination. This MOA may be modified, supplemented, or amended only through written mutual agreement.
6. RESPONSIBILITIES OF PARTIES. TVA, TDEC, and their respective offices will administer their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing the objectives set forth in this MOA. Each party will carry out its activities in a closely coordinated and mutually beneficial manner.
7. DESIGNATING PRINCIPAL CONTACTS. The agencies intend to establish a framework for coordination and communication pertaining to this MOA and to promote staff exchange, as appropriate, for improved interagency communications. Principle contacts will be designated and will participate in regular meetings to facilitate implementation of this MOA.
8. SUBSEQUENT APPROVALS. TDEC's and TVA's participation in the activities contemplated under this MOA are expressly contingent upon internal approvals as necessary, and this MOA does not provide such approvals for either agency.
9. NON-FUND OBLIGATING DOCUMENT. Nothing in this MOA requires either TVA or TDEC to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of TVA and TDEC will require execution of separate agreements. TVA and TDEC shall not be required to make any minimum amount of investment to the efforts, projects, or activities described in this MOA. TDEC's investment may be contingent upon the availability of appropriated funds, and such activities must be independently authorized by appropriate statutory authority, and this MOA does not provide such authority. TVA's investment may be contingent upon its budget and internal approvals, including approvals by TVA's Board of Directors, and this MOA does not provide such approvals.
10. ESTABLISHMENT OF RESPONSIBILITY. Notwithstanding anything to the contrary in this MOA, (i) this MOA is not intended to and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, the State of Tennessee, their agencies (including, but not limited to, TVA and TDEC), their officers, or any person; (ii) this MOA does not direct anyone outside of TVA and

TDEC; and (iii) all provisions, sections, subsections, paragraphs, subparagraphs, and clauses in this MOA are non-binding (and shall be deemed to be non-binding) on the State of Tennessee, the United States, their agencies (including, but not limited to, TVA and TDEC), their officers, or any person.

11. AUTHORIZED REPRESENTATIVES. By signature below, each agency certifies that the individuals listed in this document as representatives of the agency are authorized to act in their respective areas for matters related to this MOA.
12. COUNTERPARTS. This MOA may be executed by the agencies in separate counterparts, each of which, when so executed and delivered, shall be an original, but all counterparts shall together constitute one and the same instrument. Electronic signatures shall be deemed to be original signatures.

IN WITNESS WHEREOF, the agencies have executed this MOA on the last date written below:

STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION

By: 

NAME: David Salyers, P.E.

TITLE: Commissioner, Tennessee Department of Environment and Conservation

DATE: 1/7/2021

TENNESSEE VALLEY AUTHORITY

By: 

NAME: Doug Perry

TITLE: Senior Vice President, Commercial Energy Solutions

DATE: 1/11/2021