

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PROPOSED CLEAN CAR AND
TRUCK STANDARDS

R2024-017

(Rulemaking – Air)

NOTICE OF FILING

TO:

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Please take notice that I have today filed with the Illinois Pollution Control Board the following documents: Rule Proponents' Pre-Filed Questions to Intervenor Witnesses; and Certificate of Service, a copy of which is served upon you.

Date: February 18, 2025

Respectfully submitted,



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RULE PROPONENTS' PRE-FILED QUESTIONS TO INTERVENOR WITNESSES

I. Pre-Filed Questions to Indiana, Illinois, Iowa Foundation for Fair Contracting Witness Mary Tyler

1. Please refer to page 4 of your testimony, where you state that a “2022 ILEPI report estimated that between 2021 and 2030, Illinois will lose \$765 million if one million EVs are adopted. . . [c]ombined with the estimated improved vehicle efficiency over this same timeframe, the state is estimated to lose a combined \$4 billion in motor fuel tax revenue.”
 - a. Can you confirm that the current revenue collection for transportation infrastructure is inadequate?
 - b. Can you confirm that, based on your projections, revenue collection for transportation infrastructure will become even more inadequate over the coming years under current policies absent changes to revenue collection?
2. Please refer to page 5 of your testimony, where you state that “Prior to Rebuild Illinois . . . the state faced a massive backlog of infrastructure maintenance needs with important projects being deferred due to insufficient funding. . . [w]hile Illinois’ transportation system maintenance and modernization needs were partially addressed under revenue increases within Rebuild Illinois, improved vehicle fuel efficiency and the increased reliance on EVs will present a longer-term fiscal challenge for policymakers.”
 - a. Can you confirm that the “increased reliance on EVs” you reference is based on projections not accounting for adoption of the Proposed Rules?
 - b. Do you believe that the legislature’s goal, as set out in the Climate and Equitable Jobs Act, of having 1 million light-duty EVs on Illinois’ roads by 2030 is likely to be achieved absent the Proposed Rules?

- c. Are policymakers, even without approval of the Proposed Rules, facing a short-term fiscal challenge for adequately funding transportation infrastructure?
 - d. Are policymakers facing both short and long-term fiscal challenges for infrastructure maintenance and/or modernization regardless of whether the Proposed Rules are approved?
3. Has IIIFFC proposed or endorsed a policy proposal to address MFT revenue shortfalls and the need to improve transportation infrastructure in Illinois? If so, please identify the policy and IIIFFC's statements in support of it.
4. On page 5 of your testimony, you state that "improved vehicle fuel efficiency and the increased reliance on EVs will present a longer-term fiscal challenge for policymakers."
 - a. In IIIFFC's view, how should the Illinois legislature increase the MFT tax on internal combustion engine vehicles in order to adequately fund transportation infrastructure in the state as a result of "improved vehicle fuel efficiency"?
 - b. In IIIFFC's view, how should the Illinois legislature increase revenues collected from EV drivers in order to adequately fund transportation infrastructure in the state?
5. Please confirm that changes to Illinois' MFT require legislative changes beyond the Board's control.
6. Have you conducted research on short and long-term economic benefits of EV adoption?
 - a. If yes, please provide that research.
 - b. If not, is it possible that heightened EV adoption would have short and long-term economic benefits?
7. Please refer to page 4 of your testimony, where you state that the EV registration fee only being \$100 means that "the average EV driver is shorting transportation funds by at least \$105 every year."
 - a. What fee structure and amount would you propose to ensure that transportation funds are not shorted by EV drivers?

8. Please refer to pages 7–8 of your testimony, where you state that “adoption of the Proposed Rule will negatively impact transportation infrastructure investment [and therefore have a negative impact on employment rates].”
 - a. Does this consider the potential offset of EV-related job creation?
9. In your opinion, would investing in public charging infrastructure attract business activity and create jobs?
10. Given your identified projections, assuming that the Proposed Rules are not adopted, will Illinois need to change its transportation infrastructure revenue collection policies in order to adequately fund transportation infrastructure in the state?
11. If Illinois changed its method of funding transportation infrastructure to account for increased EV use, would you support the Proposed Rules?
12. You state on page 5 of your testimony that “it is problematic that in their Rule, Proponents offer no alternative for the loss in transportation funding revenue.” In your view, what would an acceptable alternative for the loss in transportation funding revenue be?
13. You state on page 2 of your testimony that “I oppose the adoption of the Proposed Rules because, as described in detail below, Illinois’ primary source of transportation infrastructure will be adversely impacted by the increased use of electric vehicles (“EVs”) as encouraged by the rules.” You also state on page 4 of your testimony that “the average EV driver is shorting transportation funds by at least \$105 every year.”
 - a. If the legislature changed the current annual EV registration fee from \$100 to \$205 to address MFT revenues, and addressed EV driver contributions based on revenue from sales tax on motor fuels, would you support adoption of the Proposed Rules?
 - b. Has IIIFFC ever advocated that the Illinois legislature increase the EV annual registration fee from \$100 to \$205, or some other amount, in order to address MFT revenues?
 - c. Has IIIFFC ever advocated that the Illinois legislature increase revenues from EV drivers in other ways to address transportation infrastructure revenues?

14. You state that Illinois has an infrastructure funding problem which preexists the Proposed Rules.
 - a. Do you believe that the MFT funding structure should be changed by the legislature?
 - b. Has IIIFFC ever advocated that the Illinois legislature increase MFT applicable to internal combustion engines to help address revenue shortfalls?
15. Do you dispute any of the economic, environmental, and public health benefits of the Proposed Rules, as set out in Rule Proponents' Statement of Reasons? If so, please identify with particularity which aspects of those benefits you dispute, including any quantified, monetized benefits you think are misstated. Please provide a basis for any disagreement with those benefits.
16. Do you believe that those quantified benefits to jobs, public health, and the environment are outweighed by any potential shortfall in the state's MFT revenues that may occur as a result of adopting the proposed rules?
17. On page 5 of your testimony, you state that "Despite advancements under Rebuild Illinois, the state is still currently facing infrastructure maintenance backlogs, which is expected to increase if revenue is impacted by the adoption of the Proposed Rules."
 - a. Please provide any support you relied on for the assertion that infrastructure backlog "is expected to increase" if revenue is impacted by the Proposed Rules.
 - b. Has IIIFFC quantified what it believes would be the revenue shortfall attributable to the Proposed Rules? If so, please provide that estimate and all supporting documentation, including cites to specific page numbers on which the information can be found.
18. On page 7 of your testimony, you state "[t]he adoption of the Proposed Rule will negatively impact transportation infrastructure investment, affecting Illinois' economic competitiveness and resulting in a reduction of quality, middle-class jobs."
 - a. Please provide your support for the proposition that adoption of the Proposed Rules will result in a reduction of jobs.

- b. Are the increased electrician work hours needed to install EV charging infrastructure included in this statement? If not, please explain why those jobs should be excluded here.

II. Pre-Filed Questions to Illinois Trucking Association Witness Matthew Hart

1. Do you oppose all of the Proposed Rules, or only the proposed ACT rule? If you oppose any aspects of the Proposed Rules other than the ACT rule, please identify the portions of your testimony that address each portion of the Proposed Rules that you oppose other than ACT.
2. At page 1 of your testimony, you state: “The trucking industry is proud of our record of reducing emissions: a goal that we have achieved WITHOUT mandates like what is proposed.” How do you determine if the trucking industry has met the “goal” of reducing emissions?
3. Are there currently any legal mandates related to emissions from heavy-duty on-road vehicles?
4. On page 1 of your testimony, you state “there are many different pathways to achieve the goal of reduced emissions.” Please describe those “pathways.”
5. Are you aware of the National Ambient Air Quality Standards under the Clean Air Act? Is Illinois in compliance with those air quality standards?
6. Please attach a resume or CV with your relevant experience.
7. Do you have any education or training in climate science, public health, or healthcare?
8. You cite no data, sources, or analyses to support your testimony under topic #1, “The Proposed Standards Will Not Improve the Environment,” which appears on page 2 of your testimony, correct?
9. Please refer to page 2 of your testimony, where you list two reasons why you assert the Proposed Rules “will fail to achieve this goal” of “reduc[ing] emissions and improv[ing] air quality.” Do those two reasons constitute the entire basis for that opinion?
10. Please refer to page 2 of your testimony, where you state, “many trucks operating on Illinois roads are owned by out-of-state companies. These trucks, exempt from the regulations, will continue operating within Illinois, negating any environmental benefit.”
 - a. When you say “negating any environmental benefit,” do you mean that literally? In other words, is it your opinion that the presence of out-of-state trucks in Illinois means the Proposed Rules will have absolutely no

environmental benefit? If you did not use the word “negating” literally, please describe what you mean and provide all data or analysis you relied on to support your opinion.

- b. Do you assert there are no trucks operating on Illinois roads that are registered in Illinois?
- c. Are you aware that the calculations relied on in the Proposed Rule only examined “on-road vehicles registered in Illinois,” but still found that the ACT rule would reduce annual greenhouse gas emissions by 1.6 million metric tons of CO_{2e} by 2050, provide \$6.5 billion in monetized benefits, and prevent nearly 21,700 respiratory illnesses and lost workdays?¹

11. On page 2 of your testimony, you write that the Proposed Rule would have “no preparation period.”

- a. Do you acknowledge that it is currently 2025 and the Proposed Rules would not go into effect until vehicle Model Year 2029 at the earliest?
- b. You note that California has “a credit system that rewards early compliance.” Are you aware that the Proposed Rules include the same type of early compliance credits?

12. Do you acknowledge that the Proposed Rules apply to only the sale of new vehicles and do not include any provisions related to the proportion of all existing vehicles on the road at a given time?

- a. On page 2 of your testimony, you state, “there are virtually zero electric trucks available for sale in the state today.” Please provide all data and sources you relied on as the basis of this statement.
- b. On page 2 of your testimony, you state: “As of today, there are 355,000 interstate trucks registered in Illinois and another 216,000 intrastate trucks registered here.” You cite data from FMCSA and the IL Secretary of State.
 - i. Is it correct that you calculated the total number of trucks registered in IL by adding together the data from the FMCSA and the IL Secretary of State?

¹ Rule Proponents’ Statement of Reasons at 51; *also* Exhibit 1 at 73–99 (Rulemaking Proposal).

- ii. The FMCSA page you cite is an interactive database. Please explain how you selected the data in order to determine that there are 355,000 interstate trucks registered in IL.
 - iii. Please explain how you determined that combining figures from these two sources does not result in double-counting vehicles.
 - c. On page 2 of your testimony, you state: “Of the 571,000 trucks registered in this state, there were 272 new Electric Trucks registered in Illinois in 2024. That’s 0.05% of all trucks.”
 - i. For your claim that there were 272 new electric trucks registered in 2024, you cite in footnote 3 to “ATP/S&P Global Mobility, 2024 Data through November.” Please attach the relevant document and explain how S&P acquires this data.
 - d. On page 2 of your testimony, you state that “Jumping to 20% Electric [sic] Truck Sales in less than two years as this regulation would require is simply not possible.” Please provide the data and research you relied on to make that assertion.
13. Please provide the basis for your claim on page 2 that truck charging infrastructure “can take up to 9 years” in Illinois.
- a. On page 2 of your testimony, you write that “truck charging infrastructure in Illinois does not exist beyond a handful of private companies.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.
 - b. On page 2 of your testimony, you write, “fueling an electric truck requires much higher amounts of electricity than charging a car, which requires major upgrades to the current grid.” You cited data focused solely on California, and you cite to a California Public Utilities Commission Order, correct?
 - i. If not, please provide all other data or information you relied on in making this statement.
 - ii. Why do you believe it is appropriate for the Board to consider such information about charging infrastructure from California?

14. On page 2 of your testimony, you state: “Electric trucks are simply not available for sale in Illinois.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.

a. On page 2, you state that “Illinois truck retailers would be forced to sell vehicles that are more expensive and less practical due to a lack of charging or fueling infrastructure.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.

i. Are you aware that the Proposed Rules would never require 100% of heavy-duty new vehicle sales be electric?²

b. On page 2, you state that “[e]lectric trucks today cost \$450,000, compared to a new comparable diesel truck that costs \$150,000.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.

i. Do those figures reflect only the initial purchase price of a vehicle?

ii. Do those figures in your testimony account for long-term fuel and maintenance savings offered by electric trucks?

iii. Do those figures in your testimony account for any purchase rebates, tax incentives, or other financial supports available to support electric vehicle purchases in Illinois from government entities, electric utilities, or manufacturers themselves?

c. Do you dispute that total costs of ownership for electric vehicles continue to decrease and that electric freight trucks and buses are expected to be less expensive than combustion engine counterparts by 2027?³

i. If so, please provide all data or analysis that supports your position.

ii. Do you dispute the conclusion of the Roush Industries study, cited in the Statement of Reasons, that many electric medium- and heavy-duty vehicles will have a lower total cost of ownership than their diesel

² See Statement of Reasons at 50.

³ See *id.* at 56–57.

counterparts by 2027?⁴

- iii. Do you dispute the findings of the ICCT, cited in the Statement of Reasons, that, with the benefit of Inflation Reduction Act incentives, the total cost of ownership of electric long-haul trucks will likely be lower than that of their diesel counterparts by the end of the decade?⁵
- iv. Do you dispute that adoption of the ACT Rule is expected to create economies of scale in electric truck production, driving down costs?⁶ If so, on what basis?

- d. What specific policies has the Illinois Trucking Association supported to make electric trucks more accessible and affordable for trucking companies?

15. On page 2, you state that the Proposed Rules would create an uneven playing field and drive businesses and jobs out of Illinois. Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.

- a. How does this claim account for the potential growth of businesses and the potential jobs created in the manufacturing, servicing, and charging of electric vehicles that would be supported by a stronger commitment to electric vehicles?
- b. Are you aware that Illinois is home to electric vehicle manufacturers in addition to retailers?⁷ Why did you not address those companies in your testimony?

16. On pages 2–3 of your testimony, you state, “[s]tudies from the American Transportation Research Institute show that meeting the same freight demands with electric trucks could require as much as 34.3% more vehicles on the road.”

- a. Please provide the specific studies underlying that assertion and identify specifically where the 34.3% figure you cite can be found.
- b. Have those studies been peer reviewed?

⁴ See *id.* at 56.

⁵ See *id.*

⁶ See *id.* at 58–59.

⁷ See, e.g., *id.* at 12.

- c. Is the 34.3% figure based on national data, or is it specific to Illinois?
 - d. For the purposes of the 34.3% figure, does the study assume that 100% of trucks would be electrified?
 - e. Do you agree that the American Transportation Research Institute says that its mission is to research “the trucking industry’s essential role in a safe, efficient and viable transportation system”?⁸
 - f. Do you agree that the American Transportation Research Institute is largely funded by the trucking industry?⁹
17. At page 3 of your testimony, you state “Transitioning to zero-emission trucks would require a massive investment in infrastructure. Nationally, this transition is projected to cost \$1 trillion, with Illinois’ share estimated at \$36 billion. This equates to an unfunded mandate of nearly \$2,800 for every man, woman, and child in Illinois—an unsustainable burden on taxpayers.” In support of these statements, you cite “Clean Freight Coalition.”
- a. Please confirm that the source of these cost estimates is Clean Freight Coalition, *Forecasting a Realistic Electricity Infrastructure Buildout for Medium- & Heavy-Duty Battery Electric Vehicles* (Mar. 19, 2024), https://www.cleanfreightcoalition.org/sites/default/files/2024-03/RB%20Study%20Report_final%5B11225%5D.pdf. If you intended to refer to any other sources, please provide them.
 - b. Do you agree that the Clean Freight Coalition report purports to identify the total infrastructure costs associated with electrifying 100% of the U.S. medium- and heavy-duty fleet by 2040?
 - c. Do you agree that the Clean Freight Coalition report purports to identify infrastructure costs that would be borne by the commercial vehicle industry and utilities, and does not purport to identify any costs that would be borne directly by government or taxpayers?

⁸ *About ATRI*, American Transportation Research Institute, <https://truckingresearch.org/2012/08/about-atri/> (last visited Feb. 13, 2025).

⁹ *2024 ARTI Contributors*, American Transportation Research Institute, <https://truckingresearch.org/2024/11/2024-atri-contributors-thank-you-for-your-support/> (last visited Feb. 13, 2025).

- d. What does “unfunded mandate” mean to you?
 - e. The Clean Freight Coalition report does not purport to estimate state-level infrastructure costs. How did you determine that Illinois’ share of the reports estimated nationwide costs is \$36 billion or “\$2,800 for every man, woman, and child in Illinois”?
 - f. Are you aware that the Clean Freight Coalition report has been criticized for having “serious shortcomings in the analysis,” which led to cost estimates that are “likely too high by an order of magnitude”?¹⁰
 - g. What independent analysis have you undertaken to determine the credibility of the Clean Freight Coalition report on which you rely?
18. On page 3, you state that the Proposed Rules would “forc[e] a burdensome and punitive regulation on businesses.” What do you mean by “punitive”?
19. On page 3, you claim that the Proposed Rule does not have “the necessary support or incentives [for businesses] to achieve compliance.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.
- a. Have you considered how the Proposed Rules would function in the context of the Climate and Equitable Jobs Act?¹¹
 - b. Have you considered how the Proposed Rules would function in the context of all the federal, state, local, and private funding already being deployed in Illinois to support charging infrastructure?¹²
20. On page 3 of your testimony, you assert that “This Issue Should Be Debated with Public Input.”
- a. Is your testimony in this proceeding “public input”?

¹⁰ Ray Minjare, *Electrifying All U.S. Trucks Is Not Just Feasible—It’ll Cost Less Than Some Might Have You Think*, International Council on Clean Transportation (Mar. 28, 2024), <https://theicct.org/electrifying-all-us-trucks-is-not-just-feasible-itll-cost-less-than-you-may-think-mar24/> (last visited Feb. 16, 2025).

¹¹ See Statement of Reasons at 18–22, 52, 58; see also Exhibit 8 at 196–97 (Rulemaking Proposal)

¹² See Statement of Reasons. at 57–58.

- b. What public input specifically do you believe should be part of debating this issue?
- c. Do you disagree with the Board's determination that it has the authority to adopt this Proposed Rule?
- d. Please provide any additional documents, data, or testimony that you feel is missing so that the Board can consider all "health, economic, and environmental impacts" as your testimony mentions on page 3.
- e. Do you dispute that in order to adopt a new regulation of general applicability, the Board must hold public hearings in at least two areas (35 Ill. Adm. Code § 102.412), publish notice of the hearings at least 30 days before each hearing (35 Ill. Adm. Code § 102.304), accept written comments from any member of the public (35 Ill. Adm. Code § 102.108), give first notice and accept public comments during the first notice period (35 Ill. Adm. Code § 102.604), give second notice to the legislative Joint Committee on Administrative Rules and respond any objections or suggestions from JCAR (35 Ill. Adm. Code § 102.606), give notice of its final action to all persons on the notice list (35 Ill. Adm. Code § 102.608), and satisfy all other applicable provisions of the Board's rules and the Illinois Administrative Procedure Act relating to public participation?
- f. Do you contend that the Board has failed to comply with any applicable provisions relating to public participation in this proceeding?
- g. Do you disagree with the Illinois General Assembly's determination in the Administrative Procedure Act and the Illinois Environmental Protection Act that the procedural requirements to which the Board is subject provide sufficient public participation to justify the exercise of the Board's rulemaking authority?
- h. You assert that the General Assembly's legislative process ensures "Executive Oversight."
 - i. Do you believe that the Governor has "oversight" authority over the legislature?
 - ii. Are you aware that Pollution Control Board members are appointed by the Governor?

21. On page 3 of your testimony, you write, “The Trucking Industry Has Already Made Significant Environmental Progress and Incentives (Not Mandates) Are Working.”

- a. Please identify all of the incentives that you believe are “working”?
- b. How do you define “working” as you use it in this assertion?
- c. Please specify which “mandates” you believe are not “working”?
- d. How does the trucking industry propose to achieve Governor Pritzker’s pledge to make the state’s on-road vehicles emission free by 2050?¹³
- e. On page 3 of your testimony, you state: “[W]e have reduced particulate matter (PM) and nitrogen oxide (NOx) emissions by more than 98%.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.
 - i. Do you agree that “over the past few decades” mandates regarding emissions from heavy-duty vehicle engines have been in place at the federal level?
 - ii. Do you dispute that a requirement to reduce emissions can provide an incentive to manufacturers to pursue “advancements in diesel engine technology, cleaner fuels, and improved vehicle efficiency”?
- f. You cite “EPA Phase 1 and 2 Regulations for Greenhouse Gas Emissions” as the basis for your assertion that CO₂ emissions from new trucks have been reduced. Are those regulations not mandates?
- g. Despite improvements, do you dispute that current levels of air pollution such as PM, NOx, and CO₂ cause or contribute to significant negative health, economic, and environmental impacts?
 - i. If so, please provide all data and sources you rely on to dispute the negative public health, economic and environmental impacts of such air pollution.
- h. On page 3 of your testimony, you assert that the Proposed Rules “risk[] stifling this positive progress” that you attribute to “market-driven innovation.” How

¹³ See *id.* at 11.

would a rule requiring a larger zero-emissions vehicle market “stifle” the zero-emissions vehicle market?

22. Has the Illinois Trucking Association done any studies to assess levels of respiratory health issues among its membership?

III. Pre-Filed Questions to Alliance for Automotive Innovation Witness Steven Douglas

1. Please refer to page 4 of your testimony, stating “The Auto Innovators respectfully recommends the Illinois Pollution Control Board (IPCB) not adopt California’s ACC II regulations.”
 - a. Please confirm that your testimony and analysis only address the ACC II rule and not the proposed ACT or Low NOx rules. For any answer other than an unqualified confirmation, please provide a full explanation.
 - b. Do you oppose the ACC II rule in its entirety, or only the portion of the rule requiring manufacturers to meet annual ZEV sales requirements?
2. Please provide, in native format with all formulas intact, all workpapers, calculations, sources, and analyses that support all Figures and numerical values provided in your testimony.
3. Please state whether you were compensated to prepare and offer your testimony in this proceeding. If yes, please state the amount of the compensation and identify the party that has or is offering payment to you in exchange for your testimony.
4. Please refer to page 4 of your testimony, stating “The ACC II ZEV mandate will quickly eliminate new vehicle choices for Illinois families, farmers, and businesses.”
 - a. Do you dispute that the proposed ACC II rule imposes compliance obligations only on vehicle manufacturers, and not on consumers? If you do, please provide a full explanation.
 - b. Do you dispute that the proposed ACC II rule applies only to new vehicles, and does not affect customers’ choice regarding used vehicle purchases? If you do, please provide a full explanation.
 - c. How is your statement that the “ACC II ZEV mandate will quickly eliminate new vehicle choices for Illinois families, farmers, and businesses” consistent with your statements that “our members have invested hundreds of billions of dollars to provide a range of great EV choices” (p. 5), that “[a]utomakers are offering a wide range of EV styles and types to meet diverse consumer needs” (p. 7), and that “[t]his extensive variety ensures that there is an EV for nearly every consumer segment” (p. 7)?

5. Please refer to page 7 of your testimony, describing “concerns that if a state does not adopt California’s ZEV mandate, automakers may limit the availability of EV models most in demand in those states” as “unfounded” and page 8, Figure 1 of your testimony, comparing ZEV market share in Illinois, Washington, New York, and Maine.
- a. Do you agree that ACC II requires a significantly greater level of ZEV deployment than ACC I, which, as you state at page 15 of your testimony, allows vehicles to generate up to 4 ZEV credits per vehicle? If you disagree, please provide a full explanation.
 - b. Do you agree that if ACC II requires a significantly greater level of ZEV deployment than ACC I, manufacturers are more likely to have fewer excess ZEVs that are not required for compliance in Section 177 states and that can be delivered to non-Section 177 states? If you disagree, please provide a full explanation.
 - c. Do you agree that no state has yet had an opportunity to implement the ACC II rule’s ZEV requirements, which apply to model year 2026 (calendar year 2025) at the earliest and for which U.S. EPA only recently issued a waiver of preemption permitting California and other adopting states to enforce the rule? If you disagree, please provide a full explanation.
 - d. Did the Alliance for Automotive Innovation oppose adoption of ACC II in Washington, New York, and/or Maine? Please provide all documentation of the Alliance’s participation in each of those states’ proceedings.
 - e. Do you dispute that ERM’s analysis assumes Illinois will receive a proportional share of the clean vehicles deployed to meet federal emission standards?¹⁴ If you do, please provide a full explanation.
 - f. Do you dispute ERM’s finding that adopting the proposed ACC II rule in Illinois will increase EV sales in Illinois, compared to a baseline where Illinois receives a proportional share of the clean vehicles deployed to meet federal emission standards (*i.e.*, a baseline where automakers do not “limit the availability of EV models most in demand” in Illinois)?¹⁵ If you do, please provide a full explanation.
6. Please refer to page 9 of your testimony, stating “If Illinois wishes to accelerate its EV market, it should follow Colorado’s lead.”

¹⁴ See Statement of Reasons at 13.

¹⁵ See, *e.g.*, *id.* at 18, 21.

- a. Are you aware that Colorado adopted the Advanced Clean Cars I standards in 2019, and in 2023 adopted the Advanced Clean Trucks and Low NOx rules, and the Advanced Clean Cars II rule through model year 2032?
 - b. Did the Alliance for Automotive Innovation oppose adoption of ACC II in Colorado or California? Please provide all documentation of the Alliance's participation in each of those states' proceedings.
 - c. Does Alliance for Automotive Innovation presently support implementation of ACC II in Colorado for MYs 2027–2032?
 - d. Does the Alliance for Automotive Innovation presently support implementation of ACC II in California for MYs 2026–2035?
7. Please refer to page 10 of your testimony, stating “EPA projects that compliance with their newly adopted GHG standards will result in 50 percent ZEVs in 2030MY and 72 percent in 2032MY nationwide.”
 - a. Are you aware that the current Trump Administration has indicated it intends to rescind and replace EPA's current multi-pollutant tailpipe emission standards?
 - b. Are you aware that in 2020, the first Trump Administration rescinded the Obama Administration's EPA GHG tailpipe emission standards and enacted weaker standards?
8. Please refer to page 12 of your testimony, stating “the total 50-State GHG emissions are unchanged by states adopting California's ACC II requirements.”
 - a. Do you dispute that adopting the proposed ACC II rule in Illinois will reduce Illinois' GHG emissions, as indicated by ERM's analysis?¹⁶ If you do, please provide a full explanation.
 - b. Do you dispute that a reduction in Illinois' GHG emissions would help achieve Illinois' state-specific decarbonization targets, including Governor Pritzker's commitment to meeting the Paris Agreement target of net zero emissions by 2050?¹⁷ If you do, please provide a full explanation.

¹⁶ See, e.g., *id.* at 35–36.

¹⁷ See, e.g., *id.* at 18, 22 (*citing* Exec. Dept. of State of Ill., No. 2019-06, Executive Order Joining the US Climate Alliance and Committing to the Principles of the Paris Climate Agreement (2019)).

- c. Do you dispute that enacting policies to reduce GHG emissions in Illinois will help maintain and strengthen Illinois' position as a leader on decarbonization policy? If you do, please provide a full explanation.
 - d. Do you dispute that adopting the proposed ACC II rule in Illinois will increase EV sales in Illinois, as indicated by ERM's analysis?¹⁸ If you do, please provide a full explanation.
 - e. Do you dispute that the increasing EV sales in Illinois will help achieve the statutory target of achieving one million EVs on Illinois' roads by 2030?¹⁹ If you do, please provide a full explanation.
 - f. Do you dispute that states' adoption of ZEV standards has contributed to technological and market developments that have improved the availability, quality, and cost competitiveness of ZEVs nationwide? If you do, please provide a full explanation.
9. Please refer to pages 14–15 of your testimony, stating “Assuming ICE vehicles meet the same NMOG+NOx emission levels federally as in California, the EPA program requires automakers to produce 50% BEVs by 2032MY.”
- a. Do you agree that if ICE vehicles meet the same NMOG+NOx emission levels federally as in states that adopt ACC II, and ACC II requires *more than* 50% of new vehicle sales to be ZEVs in a given model year, then ACC II will reduce tailpipe NMOG+NOx emissions relative to the federal standards in that model year? If you disagree, please provide a full explanation.
 - b. Do you agree that ACC II requires more than 50% of new vehicle sales to be ZEVs in MY 2029 and beyond? If you disagree, please provide a full explanation.
10. Please refer to page 14 of your testimony, stating “EPA's criteria emission program . . . is more stringent than California's, so adopting California will not result in any criteria emission benefits.”
- a. Do you dispute that a ZEV produces zero tailpipe criteria emissions? If you do, please provide a full explanation.

¹⁸ See, e.g., *id.* at 18, 21.

¹⁹ See, e.g., *id.* at 18, 20–21.

- b. Do you dispute that as ACC II requires more new vehicles to be ZEVs, fleetwide criteria emissions from new vehicles will decrease if criteria emission standards for ICE vehicles are held constant? If you do, please provide a full explanation.
 - c. Do you dispute that ERM's analysis of the proposed ACC II rule accounted for the new EPA standards in its baseline?²⁰ If you do, please provide a full explanation.
 - d. Do you dispute ERM's finding that compared to the new EPA standards, adopting ACC II will reduce Illinois' 2050 light-duty vehicle NOx emissions by up to 82% and its PM_{2.5} emissions by up to 80%?²¹ If you do, please provide a full explanation.
11. Please refer to pages 19–24 of your testimony regarding manufacturers' expected use of the ACC II rule's flexibilities, and specifically Figures 5 and 6.
- a. Does your testimony address or account for manufacturers' ability to carry forward a credit deficit for up to three years.²² For any answer other than an unqualified confirmation, please provide a full explanation.
 - b. Do you agree that if manufacturers decide to make limited use of the available ACC II compliance flexibilities, it is because they have determined that another compliance pathway is more attractive? If you do not agree, please provide a full explanation.
 - c. Do you dispute that ERM's analysis of the "ACC II Flex" scenario does not assume that manufacturers will use the maximum amount of all available compliance flexibilities, but instead is "based on projections provided by Shulock Consulting [to provide] a reasonable midpoint estimate of ZEV placements"?²³ If you do, please provide a full explanation.
 - d. Do you dispute ERM's finding that under the "ACC II Flex" scenario, implementing ACC II rule starting in MY2029 will produce \$50 million in cumulative net societal benefits including \$40 million in ZEV owner savings by 2029, and that these net benefits will grow to \$74.6 billion including \$54.6 billion in ZEV owner savings by 2050?²⁴ If you do, please provide a full explanation.

²⁰ See, e.g., *id.* at 12–13 & n.16, 34–35.

²¹ See, e.g., *id.* at 36.

²² See, e.g., *id.* at 34–35.

²³ Exhibit 2 at 107, n.9 (Rulemaking Proposal).

²⁴ Exhibit 4 at 147 (Rulemaking Proposal) ("CumulNetBenefits page").

- e. Do you dispute that ERM's analysis of the "ACC II Full" scenario assumes that manufacturers do not use any of the compliance flexibilities available through the ACC II rule?²⁵ If you do, please provide a full explanation.
 - f. Do you dispute ERM's finding that under the "ACC II Full + Clean Grid" scenario, implementing the ACC II rule starting in MY2029 will produce \$520 million in cumulative net societal benefits including \$160 million in ZEV owner savings by 2029, and that these net benefits will grow to \$80.2 billion including \$57 billion in ZEV owner savings by 2050?²⁶ If you do, please provide a full explanation.
 - g. Please confirm that the extent to which manufacturers take advantage of the ACC II rule's compliance flexibilities, and the corresponding percentage of ZEV sales, shown for each model year in Figures 5 and 6 of your testimony falls between the "ACC II Flex" and the "ACC II Full" scenarios analyzed by ERM. For any answer other than an unqualified confirmation, please provide a full explanation.
12. Please refer to page 20 of your testimony, stating that the use of "converted credits" from ACC I is not available as a compliance flexibility in Illinois.
- a. Are you aware that the Rule Proponents are open to including a one-time credit allotment based on manufacturers' ACC I vehicle values?²⁷
 - b. Please confirm that if such a one-time credit allotment were implemented in Illinois, it would not be the case that a compliance flexibility based on converted ACC I credits "is not available in Illinois." For any answer other than an unqualified confirmation, please provide a full explanation.
13. Please refer to page 22 of your testimony, stating that you are not aware of anything in Illinois that is "similar in scope or scale" to California's funding and vetting of community-based clean mobility programs.
- a. Are you aware that Section 242.102 of the proposed rule would define "Community-Based Clean Mobility Program" to include programs that serve equity investment eligible communities as defined in Illinois by 20 ILCS 627/45(b)?
 - b. Are you aware that 20 ILCS 627/45 provides for multiple forms of funding, vetting, and support for equity investment eligible communities, including a

²⁵ Exhibit 2 at 107, n.9 (Rulemaking Proposal)

²⁶ Exhibit 4 at 147 (Rulemaking Proposal) ("CumulNetBenefits page").

²⁷ Rule Proponents' Answers to Pre-Filed Questions at 42 (answer to pre-filed question 42).

requirement that the Illinois Commerce Commission consider whether electric utilities' Beneficial Electrification Plans "ensur[e] there are significant opportunities for residents and businesses in eligible communities to directly participate in and benefit from beneficial electrification programs" and whether the Plans provide "at least a 40% investment of make-ready infrastructure incentives to facilitate the rapid deployment of charging equipment in or serving environmental justice, low-income, and eligible communities"?

- c. Are you aware that Illinois has developed multiple resources to vet and support equity investment eligible communities, including an Equity Investment Eligible Community Map²⁸ and an Energy Workforce Equity Portal?²⁹

14. Please refer to Figure 4 on page 16 of your testimony and Figure 13 on page 37 of your testimony.

- a. Please confirm that the overall 2024 market share of ZEVs in Illinois is 7.7% as indicated in Figure 13, rather than 4.5% as indicated in Figure 4 (which excludes Tesla's ZEV sales). For any answer other than an unqualified confirmation, please provide a full explanation.
- b. Please confirm that your projection for the increase in ZEV sales that manufacturers will collectively need to achieve in Illinois by MY 2029 under ACC II is the approximately 620% increase from 7.7% to 55% reflected in Figure 13, rather than the approximately 1,200% increase from 4.5% to 59%. For any answer other than an unqualified confirmation, please provide a full explanation.

15. Please refer to page 36 of your testimony, stating "Meeting the most-likely ZEV mandate scenario with all flexibilities and automakers purchasing credits from Tesla and other EV-only automakers still requires a 620 percent increase from 2024CY ZEV sales (see Figure 13). Such an increase has never happened in history."

- a. Are you aware that the ZEV market share in Illinois increased sevenfold from 2016 to 2022?³⁰

²⁸ *Equity Investment Eligible Community Map*, Energy Equity Ill., <https://energyequity.illinois.gov/resources/equity-investment-eligible-community-map.html> (last visited Feb. 16, 2025).

²⁹ *Energy Workforce Equity Portal*, Energy Equity Ill., <https://energyequity.illinois.gov/> (last visited Feb. 16, 2025).

³⁰ Statement of Reasons at 39 (citing U.S. Dept. of Energy, *Alternative Fuels Data Center: TransAtlas*, <https://afdc.energy.gov/transatlas#/?state=IL&view=percent&year=2022>).

- b. Are you aware that ZEV sales in Germany increased by over 760% from 3% in 2019 to 26% in 2021?³¹
- c. Are you aware that ZEV sales in California doubled from 12.4% in 2021 to 25% in 2023?³²
- d. Do you agree that upfront ZEV costs, the total cost of ZEV ownership, and the range of available ZEV models are key factors that influence the pace of ZEV market share growth?
- e. Please confirm that your testimony does not include any comparison of the total cost of ownership between ZEV and ICE vehicles, or any response to ERM's finding that "a ZEV purchased in MY 2028 will save about \$20,000 in lifetime vehicle costs compared to a combustion engine vehicle."³³ For any answer other than an unqualified confirmation, please provide a full explanation.
- f. Please confirm that your testimony does not include any projections of future trends in the upfront cost of ZEVs, or any response to ERM's finding that "By MY 2030, a ZEV is expected to cost \$3,000 less than a gas-powered vehicle, yielding upfront savings even with charger costs added and without purchase incentives."³⁴ For any answer other than an unqualified confirmation, please provide a full explanation.
- g. Please confirm that your testimony does not include any projections of future trends in the number of available ZEV models, or any response to EDF and ERM's projection that by 2025 the number of ZEV models will increase to 197.³⁵ For any answer other than an unqualified confirmation, please provide a full explanation.

³¹ Statement of Reasons at 40 (citing International Energy Agency, *Global EV Outlook 2022*, <https://iea.blob.core.windows.net/assets/ad8fb04c-4f75-42fc-973a-6e54c8a4449a/GlobalElectricVehicleOutlook2022.pdf>).

³² Statement of Reasons at 40 (citing California Energy Commission, *New ZEV Sales in California*, (2024), <https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/new-zev-sales>).

³³ Statement of Reasons at 40.

³⁴ *Id.*

³⁵ *Id.* at 37–38 (citing EDF, *Electric Vehicle Market Update: Manufacturer & Commercial Fleet Electrification Commitments Supporting Electric Mobility in the United States*, (Apr. 2023), <https://www.edf.org/sites/default/files/2023-05/Electric%20Vehicle%20Market%20Update%20April%202023.pdf>, at 7).

16. Please refer to page 25 of your testimony, stating that if ZEV market share grows by 20% every year starting in 2025, automakers would need to eliminate 84% of gasoline vehicle sales in 2029 to comply with ACC II.
- What is the basis for your assumption that ZEV sales will grow by 20% per year starting in 2025?
 - How is this assumption consistent with research indicating that technology adoption tends to follow exponential “S-curves,”³⁶ rather than linear trajectories?
 - Please confirm that if ZEV sales increase faster than the 20% annual increase you have assumed, automakers would not need to eliminate as many gasoline vehicle sales as you have estimated in order to comply with ACC II. For any answer other than an unqualified confirmation, please provide a full explanation.
17. Please refer to page 29 of your testimony, stating that “In Illinois alone, a report from Illinois Answers estimates that \$678 million [of public charging investment] is required to support just one million EVs by 2030.”
- Please confirm that the source you cite for this statement (attached to your testimony as Exhibit K) is a news article that states that Illinois is currently “expected to spend more than \$230 million in building out its charging infrastructure.” For any answer other than an unqualified confirmation, please provide a full explanation.
 - Please confirm that the source you cite for this statement in turn cites a Chicago Sun Times article for the statement that Illinois’ \$230 million in planned charging infrastructure investment is “a portion of the estimated \$676 million investment needed to support the goal of having 1 million electric vehicles on Illinois roads at the start of the new decade, environmental groups have warned.” Specifically, the cited article is: Manny Ramos, *Illinois Gearing Up For Significant Investment In EV Charging Network Along Highways*, Chicago Sun Times (updated Aug. 10, 2022), <https://chicago.suntimes.com/2022/8/10/23298757/illinois-investment-electric-vehicle-charging-network-infrastructure-climate-change-stations>. For any answer other than an unqualified confirmation, please provide a full explanation.
 - Please confirm that the Chicago Sun Times article cited for this statement attributes the \$676 million estimate to the Environmental Defense Fund, stating

³⁶ See, e.g., Harry Benham, *S-Curves in the Driving Seat of the Energy Transition* (Jan. 30, 2023), <https://carbontracker.org/s-curves-in-the-driving-seat-of-the-energy-transition/> (last visited Feb. 16, 2025); see also Joel Jaeger, *These Countries Are Adopting Electric Vehicles the Fastest* (Sept. 14, 2023), <https://www.wri.org/insights/countries-adopting-electric-vehicles-fastest> (last visited Feb. 16, 2025).

that by EDF's estimates, "the state needs to invest \$676 million in publicly accessible EV charging stations to support 1 million electric vehicles on the road — about \$425 million more than what the state will get from the feds." For any answer other than an unqualified confirmation, please provide a full explanation.

- d. Are you aware that the \$676 million infrastructure investment need estimated by EDF in 2022 includes *both* light- and heavy-duty charging infrastructure?
 - e. Are you aware that the \$676 million investment need estimated by EDF in 2022 represents a total spending amount, rather than the amount of incremental spending needed to increase ZEV deployment from a baseline level to 1 million ZEVs on the road by 2030?
 - f. Are you aware that the \$676 million infrastructure investment need estimated by EDF in 2022 does not account for existing and planned investments, including over \$200 million in federal support and additional investments that have been made since 2022?
 - g. Are you aware that EDF and Atlas Public Policy have published a report finding that Illinois' estimated charging infrastructure needs to implement the Advanced Clean Truck rule—which applies to medium- and heavy-duty vehicles—can be met feasibly?³⁷
 - h. Please confirm that your testimony does not include any sources or analysis indicating that the \$676 million total charging investment need, described in your Exhibit K, is inconsistent with ERM's estimate that the "ACC II Full + Clean Grid" scenario will result in \$351 million in cumulative investment in incremental charging infrastructure by 2030.³⁸ For any answer other than an unqualified confirmation, please provide a full explanation.
 - i. Are you aware that ERM's estimated investment in incremental charging infrastructure is accounted for in ERM's estimates of the ACC II rule's net social benefits?³⁹
18. Please refer to page 29 of your testimony, where you reference the "Illinois Public Utilities Commission (PUC)." Are you referring to the Illinois Commerce Commission (ICC)?

³⁷ *New Study Shows the Charging Feasibility of the ACT in Illinois*, Env't Def. Fund (Oct. 21, 2024), <https://blogs.edf.org/energyexchange/2024/10/21/new-study-shows-the-charging-feasibility-of-the-act-in-illinois/> (last visited Feb. 16, 2025).

³⁸ Exhibit 4 at 150 (Rulemaking Proposal) ("Chargers page").

³⁹ *Id.* at 147 ("CumulNetBenefits page").

19. Please refer to page 30 of your testimony, stating that “by 2035, more than 42.2 million charge ports will be necessary nationwide to support the 78.5 million EVs expected on U.S. roads.”
- a. Please confirm that your testimony does not include any sources or analysis indicating that the expected nationwide need for 42.2 million charge ports is inconsistent with ERM’s estimate that the “ACC II Full + Clean Grid” scenario will result in 158,378 incremental charge ports in Illinois by 2030.⁴⁰ For any answer other than an unqualified confirmation, please provide a full explanation.
20. Please refer to page 31 of your testimony, stating that “[i]n Illinois, the residential landscape presents its own set of challenges for expanding charging infrastructure.”
- a. Are you aware that the General Assembly addressed these challenges in the Electric Vehicle Charging Act, effective January 1, 2024, which provides that “a significant portion of parking spaces in new and renovated residential developments shall be capable of electric vehicle charging,” and that “renters and condominium unit owners shall be able to install charging equipment for electric vehicles under reasonable conditions”?⁴¹
- b. Are you aware that Commonwealth Edison’s approved Beneficial Education Plan includes a pilot program, scheduled to launch in Q1 2025, that “[d]emonstrate[s] a modular and scalable curbside charging model that practically addresses gaps in vehicle charger access while optimizing cost, efficiency, and grid operation”?⁴²
21. Please refer to page 32 of your testimony, stating that homes that use natural gas for cooking “will likely have limited electric panel capacity making EV charger installation more complicated and significantly more expensive.”
- a. Please confirm that your testimony does not include any sources or analysis indicating that there is any particular relationship or correlation between cooking fuel and electric panel capacity. For any answer other than an unqualified confirmation, please provide a full explanation.
- b. Are you aware that a range of load management products are available to enable installation of EV chargers while in many cases avoiding the need for electric panel upgrades?⁴³

⁴⁰ *Id.* at 150 (“Chargers page”).

⁴¹ 765 ILCS 1085/5.

⁴² Commonwealth Edison, *BE Pilots*, <https://innovate.comed.com/be-pilots/> (last visited Feb. 16, 2025).

⁴³ *See, e.g.*, PSP Products, *EV Charger Load Management*, <https://www.pspproducts.com/ev-charger-load-management/> (last visited Feb. 16, 2025).

- c. Are you aware that Commonwealth Edison's approved Beneficial Education Plan includes a pilot program, scheduled to launch in Q1 2025, that will explore the use of load control technologies to ensure that EV charging equipment does not exceed the available capacity of homes' existing electric panels?⁴⁴
- 22. Please refer to page 33 of your testimony, stating that "[i]nstalling DCFC stations can and usually does require substantial grid upgrades with exceptionally long lead-times."
 - a. Are you aware that approximately half of Illinois' 1,352 public DCFC charging ports came online in 2023 or later?⁴⁵
 - b. Do you agree that this indicates an accelerating pace of DCFC installations in Illinois?
- 23. Please refer to page 33 of your testimony, stating that "a plaza with just ten 350 kW ports would require 3.5 MW of power."
 - a. Are you aware that Commonwealth Edison maintains an EV Load Capacity Map that shows 3 MW or more of estimated EV hosting capacity in most areas of Chicago, Aurora, Joliet, Rockford, and Sterling, and other communities, and 501 kW to 3 MW of estimated EV hosting capacity in most other areas of Commonwealth Edison's service area?⁴⁶
- 24. Please refer to page 38 of your testimony, stating that "since adopting the ZEV mandate 35 years ago, California has focused on developing the ZEV market."
 - a. Do you agree that manufacturers of ZEVs and charging infrastructure who have received incentives in California now offer their products in states other than California?
 - b. Do you agree that California's historical investments in developing the ZEV market have contributed to technological improvements that can now be deployed in states outside of California?

⁴⁴ Commonwealth Edison, *BE Pilots*, <https://innovate.comed.com/be-pilots/> (last visited Feb. 16, 2025).

⁴⁵ U.S. Department of Energy, *Alternative Fuels Data Center: Electric Vehicle Charging Station Locations*, https://afdc.energy.gov/fuels/electricity-locations#/analyze?country=US®ion=US-IL&tab=fuel&fuel=ELEC&ev_levels=dc_fast&show_map=true (last visited Feb. 16, 2025).

⁴⁶ Commonwealth Edison, *EV Load Capacity Map*, <https://exelonutilities.maps.arcgis.com/apps/webappviewer/index.html?id=8d4f22be2a3b47b0bb86ca5438a8dd69> (last visited Feb. 16, 2025).

- c. Do you agree that California's historical investments in developing the ZEV market have contributed to market development strategies that can now be applied in states outside of California?
 - d. Do you agree that California's historical investments in developing the ZEV market have contributed to techniques for deploying charging infrastructure that can now be applied in states outside of California?
 - e. Do you agree that public education efforts in California have contributed to consumer awareness of ZEVs in states other than California?
25. Please refer to pages 9 and 38 of your testimony, stating that Colorado achieved a higher level of ZEV market penetration than California in Q3 2024.
- a. Please confirm that your testimony does not include any sources or analysis indicating that Colorado's historical level of investment in ZEV market development is comparable to California's. For any answer other than an unqualified confirmation, please provide a full explanation.

IV. Pre-Filed Questions to Midwest Trucking Association Witness Matt Wells

1. Please refer to the first page of your testimony (which does not list page numbers). Does the paragraph at the bottom of the first page of your pre-filed testimony identify all relevant work, educational, and other experience on which you base your testimony? If not, please provide a CV or identify any additional relevant experience or training.
2. Please provide, in native format with all formulas intact, all workpapers, calculations, sources, and analyses that support all numerical values and/or quantitative claims included in your testimony. If no such materials exist, please state as much in response to this question.
3. You state on the first page of your testimony that the Mid-West Truckers Association (MTA) is active in “Illinois and 16 surrounding states,” that you “have been a registered Illinois Lobbyist for MTA since 2011,” and that you “advocate[] for the industry in legislative and regulatory matters.” Please provide any and all testimony, comments and/or position statements that you and/or MTA has submitted regarding the Advanced Clean Cars II, Advanced Clean Trucks, or Low NOx rules in Illinois and other states.
4. On the second page of your testimony, you write that the trucking industry is “happy to do its part” to address climate change. Please specify what you mean by “its part.” Please specify what steps MTA has taken to promote the trucking industry doing “its part.”
5. Refer to the second page of your testimony. You write, “MTA considers the magnitude of negative implications of enacting ACC II (Advance Clean Cars II) [sic], Low NOx, and ACT (Advance Clean Truck) [sic] rules in Illinois greatly outweighs the benefits of following the Federal EPA standards applied universal [sic] across all the United States.”
 - a. The ERM analysis prepared for the Rule Proponents compared the costs and benefits of the Proposed Rules against a baseline that included EPA’s most recent federal emissions standards. Did you evaluate or consider ERM’s benefit calculations in your testimony?
 - b. Please state with specificity what is meant by the phrase “magnitude of negative implications”?
 - c. Have you, or has MTA, quantified the so-called “negative implications” of the Proposed Rules? If yes, please provide, in native format, a copy of such analysis and all supporting workpapers, calculations, and sources.

- d. Do you acknowledge that, including California, 13 states have adopted the ACC II rule, 11 states have adopted ACT, and 10 states have adopted Low NOx?⁴⁷
 - e. Has MTA advocated that US EPA take steps to reduce vehicle emissions standards, or limit increases in fuel efficiency standards at the federal level? If so, please provide all document, comments, or other evidence of advocacy submitted to US EPA to that effect.
 - f. The ERM analysis quantified the environmental, public health, and economic benefits of the Proposed Rules.⁴⁸ Do you dispute ERM's analysis and its conclusions? If so, please state with particularity which aspects of that quantification you disagree with.
6. Do you agree that there are public health benefits to reducing air pollution?
- a. If so, did you take those benefits into account in your analysis?
 - b. Does MTA think policymakers should consider improvements to public health in considering the Proposed Rules?
7. Do out-of-state carriers operating in Illinois purchase fuel in Illinois?
8. On the third page of your testimony, you note that, according to data reported to the International Fuel Tax Association (IFTA), "68% of the miles traveled in Illinois" came from out-of-state carriers over the last few years. You also note that some commercial vehicles do not report mileage to the IFTA.
- a. Which types of vehicles are excluded from the IFTA data, and how many miles may therefore be left out of those numbers?
9. What analysis have you conducted to predict how implementation of the Proposed Rules will impact the share of in-state and out-of-state carriers operating in Illinois? Please provide all data used in your analysis.
10. You attached an email from Kathleen Blessing to your testimony. That email appears to continue a conversation or respond to a question you asked of Ms. Blessing. Please

⁴⁷ *States That Have Adopted California's Vehicle Regulations*, California Air Resources Board, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations> (last updated June 2024; last visited Feb. 16, 2025).

⁴⁸ See, e.g., Statement of Reasons at 35–37, 50–52, 60–62.

provide other correspondence with Ms. Blessing or their office. Please explain why Ms. Blessing wrote that email to you.

11. On the third page of your testimony, you write that "the number of miles driven in Illinois by Illinois based commercial vehicles is significantly less than carriers not based in Illinois." Even if that is true, would you agree that the Proposed Rules would still generate a drop in emissions by reducing the emissions from IL traffic?
12. Are you aware that the calculations in the Statement of Reasons and relied on in the Proposed Rule only examined "on-road vehicles registered in Illinois," but still found that the ACT rule would reduce annual greenhouse gas emissions by 1.6 million metric tons of CO₂e by 2050, provide \$6.5 billion in monetized benefits, and prevent nearly 21,700 respiratory illnesses and lost workdays?⁴⁹
13. Please provide the study or other support for your statement, on the third page of your testimony, that "Economically, adoption of Low NOx and ACT in Illinois will create a significant increase on the number of out-of-state carriers that will be operating in Illinois."
14. Please provide the basis for your claim on page 3 that "Illinois commercial truck operators will be at a competitive disadvantage to out of state carriers not subject to the regulations."
15. Has the MTA produced any research into the economic effects of the Proposal on competition between IL and out-of-state carriers? Or does this portion of your testimony lack a basis in data?
16. On the third page of your testimony, you write that the increased sale of ZEV commercial vehicles in IL will leave Illinois operators at a competitive disadvantage. But the ACT rule is focused on new sales and does not require truck companies to turn over their fleets all at once. Why would the competitive disadvantage occur immediately, as your testimony suggests?
17. Please refer to the fourth page of your testimony. You state, "Unlike California, Illinois cannot close its borders to non-compliant vehicles to keep them from entering the state. Unknown to the common individual is that California Air Resources Board (CARB) has commercial truck regulations that prohibit out of state non-compliant vehicles from entering California. This allows California to significantly improve the impacts of regulations like the Low NOx and ACT. Geographically Illinois is not going to be able to

⁴⁹ See *id.* at 51; also Exhibit 1 at 76 (Rulemaking Proposal).

prohibit the flow of non-Illinois based carriers from traveling across or into Illinois.” You cite to an article about California’s Clean Truck Check program, which requires in-use trucks to engage in emissions testing.

- a. Do you acknowledge that California’s Clean Truck Check program is separate and distinct from the Advanced Clean Truck and Low NOx rules proposed by the Rule Proponents? For any answer other than an unqualified confirmation, please provide a full explanation.
- b. Do you acknowledge that California’s Clean Truck Check is an in-use emissions testing program for nearly all diesel vehicles over 14,000 pounds operating in California, whereas the Advanced Clean Truck and Low NOx rules apply only to new on-road vehicles and vehicle engines sold *in* California (or, as proposed here, to new vehicles and vehicle engines sold in Illinois)? For any answer other than an unqualified confirmation, please provide a full explanation.
- c. Do you acknowledge that California’s Clean Truck Check program applies emissions standards that are distinct from the emissions standards contained in the Advanced Clean Truck and Low NOx rules? For any answer other than an unqualified confirmation, please provide a full explanation.
- d. Please cite to the specific California law or regulation that permits the state to “close its borders” to out-of-state trucks that do not comply with the Advanced Clean Truck or Low NOx rules. If no such regulation exists, please state as much in your response.
- e. Do you acknowledge that California permits the operation of trucks registered in other states on its roadways? For any answer other than an unqualified confirmation, please provide a full explanation.
- f. Do you acknowledge that the other states that have adopted Advanced Clean Trucks (10 states) and Low NOx (9 states) permit the operation of trucks registered in other states on their roadways?⁵⁰ For any answer other than an unqualified confirmation, please provide a full explanation.

⁵⁰ See *States That Have Adopted California's Vehicle Regulations*, California Air Resources Board, <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/states-have-adopted-californias-vehicle-regulations> (last updated June 2024).

18. On the fourth page of your testimony, you write that “This allows California to significantly improve the impacts of regulations like the Low NOx and ACT.”
- a. This statement acknowledges that the Low NOx and ACT Proposed Rules do have health benefits, correct?
19. Please provide the basis for your claim on the fourth page of your testimony that “[e]conomically and logistically the Illinois EPA does not have the funding or manpower to implement such operations to achieve the stated impacts that proponents of the rule are acknowledging.”
- a. Does this statement refer to adoption of ACT and the Low NOX rule proposed here or to the emissions testing protocol referenced in the article cited in your testimony?
 - b. How much funding and manpower have been implemented to achieve compliance in California?
20. What is the basis for your claim on the fourth page of your testimony that “the cash flow impact of having to invest all the TCO for ZEV upfront is not feasible for most companies”?
- a. Are there specific incentives or policies that could help mitigate cash flow challenges?
 - b. Do you dispute that costs on ZEVs continue to decrease and that electric freight trucks and buses are expected to be less expensive than combustion engine counterparts by 2027?⁵¹
 - c. Do you dispute the findings of the Roush Industrial study, cited in the Statement of Reasons, that many electric medium- and heavy-duty vehicles will have a lower total cost of ownership than diesel counterparts by 2027?⁵²
 - d. Do you dispute the findings of the ICCT study, cited in the Statement of Reasons, that, with the benefit of IRA incentives, the total cost of ownership of electric long-haul trucks will likely be lower than that of their diesel counterparts by the

⁵¹ See Statement of Reasons at 56.

⁵² See *id.*

end of the decade?⁵³

- e. Do you dispute that adoption of the ACT rule will create economies of scale, driving down costs?⁵⁴
 - f. What has the MTA done to help trucking companies afford ZEVs?
21. What is the basis for the claim on pages 4 to 5 of your testimony that under the Proposed Rules local governments “will be forced to outsource transportation and fleet services to out of state companies”?
- a. How can the inherently local services provided by schools, municipalities, and local governments, such as school bus services to and from local schools, be outsourced to out of state companies?
 - b. Do the health impacts caused by emissions lead children to miss school days?
 - c. Do municipalities and local governments have to pay health costs caused by emissions?
22. On the fourth page of your testimony, you claim that “if these rules are enacted, Illinois companies that currently operate commercial vehicles will outsource transportation services from non-Illinois companies.”
- a. Please provide the basis for this claim, including any studies or data that quantify expected outsourcing.
 - b. How significant of an expense is the delta between a ZEV and diesel purchase?
 - c. Does your analysis factor in lower maintenance and fuel costs and potential first mover benefits of early ZEV adoption?
 - d. Does this claim account for the potential businesses and jobs created by a stronger commitment to electric vehicles? The ERM analysis found that the ACT rule would create high-paying jobs, increase GDP, and result in more than \$3.8 billion in cumulative net savings through 2050.⁵⁵

⁵³ See *id.*

⁵⁴ See *id.* at 58–59.

⁵⁵ See *id.* at 52.

23. Please provide estimates of potential job loss or revenue decline for Illinois-based transportation carriers if the Proposed Rules are promulgated. Please explain all such estimates and provide all data or analysis used to generate them.
24. Please provide all data on which you base your contention on page 5 of your testimony that the electronic truck market “is not going to be able to support such a sweeping and aggressive regulation.”
25. Please provide the basis for your claim on page 5 of your testimony that “[t]he market is struggling to provide trucks for the state of California currently, let alone the four other states set to implement ACT in 2026.”
26. Do you dispute that the ACT rule will “lead to lower production costs by increasing sales and production volumes, which would further justify increased investment in infrastructure and incentivize the production of battery electric trucks in other classes”?⁵⁶
27. On page 6 of your testimony, you state that “Illinois is not California, nor should we assume that regulations created by a state geographically and environmentally different from Illinois should dictate the purchase of ZEV’s for Illinoisans.”
 - a. What is your response to the specific benefits that Illinois residents will enjoy under the Proposed Rules, such as how the ACT rule will result in more than \$3.8 billion in cumulative net savings through 2050, with annual net societal benefits reaching \$466 million in 2050?⁵⁷
28. On page 5 of your testimony, you state, “As of January 16th, California withdrew its waiver request for Advance Clean Fleet (ACF) regulations from United State EPA. While citing a confrontation with the incoming Trump Administration, the realities are the electric commercial truck supply market is not going to be able to support such a sweeping and aggressive regulation of ACF.”
 - a. Please provide a source for this claim.
 - b. Under the Trump Administration, do you believe federal emissions requirements will be rolled back or see lesser enforcement?

⁵⁶ See Statement of Reasons at 59.

⁵⁷ See *id.* at 52.

- c. Do you acknowledge that the waiver request withdrawn by California was for the Advanced Clean Fleet regulations, and not for any of the ACT, ACC II, or Low NOx rules that comprise the Proposed Rules in this proceeding?
- 29. On page 6 of your testimony, you state that President Trump's recent Executive Orders have led to "uncertainty."
 - a. Please specify which parts of which Executive Orders to which you are referring.
- 30. On page 6 of your testimony, you state that President Trump's executive order "challenges the reality of providing Illinois with proposed environmental relief claimed by proponents." Please explain why any of President Trump's executive orders would reduce the benefits of adopting the Proposed Rules in Illinois.
- 31. On page 6 of your testimony, you write that Illinois truck operators "have always approached the table to negotiate our part of improving Illinois environmental air quality." Please explain how the truck industry proposes to meet Governor Pritzker's commitment to achieving net zero statewide greenhouse gas emissions from on-road transportation by 2050.⁵⁸
- 32. Has the MTA done any studies to assess levels of respiratory health issues among its membership?

⁵⁸ See *id.* at 11.

V. Pre-Filed Questions to Illinois Auto Dealers Association Witnesses Mike Stieren and Larry Doll

1. Please explain each of your professional qualifications as they pertain to your testimony and the subject matter of the Proposed Rules.
 - a. Specifically, please explain your qualifications or experience relevant to other states that have adopted the California standards contained in the Proposed Rules.
2. Is it correct to state that your testimony is wholly related to the Advanced Clean Cars II rule (“ACC II”), and does not relate to the Advanced Clean Trucks and Low NOx Omnibus rules that are also part of the Proposed Rules?
3. On page 5 of your testimony, you state, “[b]etween 2022 and 2024, Illinois dealers invested more than \$171,000,000 million in preparing for the sale and service of electric vehicles, underscoring our commitment to the EV transition.”
 - a. Please confirm that the dollar figure for investments on the part of Illinois auto dealers you intended to cite is \$171 million, equivalent to \$171,000,000.
 - b. Please provide any data or other materials used or referenced in the calculation of that figure.
 - c. Please explain what actions or investments that Illinois dealers are taking to prepare for the sale and service of electric vehicles.
 - d. On page 6 of your testimony, you state that the Proposed Rules impose a “rigid, one-size-fits-all framework.” Can you explain whether you have considered that the proposed ACC II includes multiple compliance flexibilities, such as various different types of compliance credits? Please explain what analysis you have performed or reviewed of those compliance flexibilities and indicate where such analysis appears in your testimony.
4. On page 6 of your testimony, you state: “Despite the growing number of EVs being sold, a clear mismatch between inventory and demand persists. According to S&P, as of September 2024, total U.S. vehicle inventory reached 3.056 million units, a 4.7% increase from the previous month and the highest level since the Covid pandemic. However, EV inventory declined by 2.6% compared to August 2024, reflecting adjustments by manufacturers to address oversupply. Meanwhile, EVs remained on dealer lots for an average of 103 days—substantially longer than the 74 days for gasoline vehicles—underscoring a slower pace of consumer adoption and widening the gap between production and demand.”

- a. Are there factors other than the number of vehicles from manufacturers that contribute to the time those vehicles spend in a dealer's inventory?
 - b. For any type of vehicle, are there steps manufacturers or dealers can take to move inventory off of dealer lots more quickly?
 - c. Are all of the figures you rely on in the above-quoted assertions based on the national EV market and not the Illinois market?
 - d. Is the only basis for your opinion that there is a "slower pace of consumer adoption" of EVs your assertion that EVs remain on dealer lots for longer than gasoline vehicles?
5. Do you agree that if manufacturers are required to meet sales targets for EVs, they could take that into account in their production planning during the multiple years between Board promulgation of the Proposed Rules and the first model year to which the ACC II requirements would apply in Illinois?
6. How does your testimony address the negative environmental and human health impacts of vehicle emissions?
7. You state, on page 7 of your testimony, that "[national consumer] skepticism [about EVs] stems from concerns about cost, infrastructure, and reliability, with just 30% confident in the nation's ability to build adequate charging infrastructure."
 - a. Please provide any sources upon which you relied to conclude that this national skepticism is, in fact, also reflected in the viewpoints of Illinois consumers.
 - b. What is the basis for your assertion that the Pew study results you summarize "stem[] from concerns about cost, infrastructure, and reliability"?
 - c. Assuming all other factors remain constant, does the price of a vehicle generally go down when the supply of that vehicle goes up?
 - d. Regarding charging infrastructure, do you dispute that Illinois has several other government programs that specifically address EV charging infrastructure, including the Driving a Cleaner Illinois program administered under the Climate and Equitable Jobs Act?⁵⁹
 - e. Are you aware that Governor JB Pritzker recently announced that Illinois secured \$114 million in federal funding to expand electric vehicle charging infrastructure,

⁵⁹ *Driving a Cleaner Illinois*, Ill. Env't Prot. Agency, <https://epa.illinois.gov/topics/air-quality/driving-a-cleaner-illinois.html> (last visited Feb. 16, 2025); *see also* Statement of Reasons at 58; Pre-Filed Testimony of Brian Urbaszewski at 6–7.

including 14 truck charging hubs and 1,476 stations statewide, as part of a broader effort to promote cleaner transportation through Illinois charging infrastructure?⁶⁰

8. On page 7 of your testimony, you state that “EV adoption is slowing [in Illinois].” To substantiate that claim, you cite only to Secretary of State data related to total EV registrations, and not registrations of new vehicles, correct?
 - a. Do you agree that vehicles generally remain registered for multiple years after the year in which they are sold as a new vehicle?
 - b. Do you agree that your statement that “EVs comprised approximately 1.46% of registered cars and light trucks,” refers to all cars and light trucks registered in Illinois, no matter when they were sold?
9. On page 8 of your testimony, you point to quotes from auto industry executives indicating that they “are adjusting their strategies in response to slowing demand.” Do any of the quotations you offer relate specifically to auto-manufacturers production plans for Model Year 2029 or later?
10. On page 9 of your testimony, you state that “[t]he rigid structure of ACC II, however, leaves no room for such flexibility” for “balancing EV production with continued demand for internal combustion engine (ICE) and hybrid vehicles.”
 - a. On page 9 of your testimony, you refer to “ACC II’s assumptions.” What do you understand to be “ACC II’s assumptions”?
 - b. Is it your understanding that the proposed ACC II rules do not offer manufacturers the ability to generate compliance credits for the sale of hybrid vehicles?
11. Are you aware that the Climate and Equitable Jobs Act codifies Illinois’ goal of putting one million electric vehicles on the roads of Illinois by 2030?⁶¹
 - a. Based on your testimony regarding the pace of EV adoption, do you believe Illinois will meet that statutory goal under the market conditions you describe?
12. On page 9 of your testimony, you assert that ACC II would “limit[] consumer choice and raise[] vehicle costs.”

⁶⁰ Press Release, Governor JB Pritzker, Gov. Pritzker Announces New Electric Vehicle Charging Wins for Illinois (Jan. 10, 2025), <http://prez.ly/dvbd> (last visited Feb. 16, 2025).

⁶¹ Climate and Equitable Jobs Act, 2021 Ill. Legis. Serv. P.A. 102-662 (West) (codified at 20 ILCS § 627/45); *see also* Statement of Reasons at 18.

- a. In that section of your testimony, from the bottom of page 9 until the middle of page 12, do you identify any studies or present any data, other than the 2024 dealership inventory figures you referred to earlier in your testimony?
 - b. Why do you believe auto manufacturers would choose to “shrink ICE vehicle production or limit ICE vehicle allocations to Illinois” when there are multiple other ways they could comply with ACC II?
 - c. Is it correct that your assertion on page 10 of your testimony that the “economic impact” of ACC II in terms of ICE vehicle availability would be “significant” is based only on your application of the “[b]asic economic principles [that] dictate that when supply decreases while demand remains steady, prices rise”? If you have any other bases for this assertion, please provide them.
 - d. On page 10 of your testimony, you state: “For many Illinois consumers, ICE vehicles are not just a preference but a necessity due to their long-range capabilities, affordability, and reliability in harsh weather conditions.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.
13. Your testimony states on page 10 that “if EV adoption fails to meet ambitious targets, automakers may simply shrink ICE vehicle production or limit ICE vehicle allocations to Illinois, rather than face enormous fines imposed by the rules.”
- a. Are you aware of automakers shrinking ICE vehicle production in, or limiting ICE vehicle allocation to, California or other states that have adopted the standards in the Proposed Rules? If so, please provide all sources of information or data demonstrating that auto manufacturers are in fact doing so.
 - b. Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.
 - c. Are you aware of any economic analysis that demonstrates that “shrink[ing] ICE vehicle production” would be more profitable for auto-manufacturers than alternative responses they could take to ACC II? If so, please provide those analyses.
14. You state, on page 11 of your testimony, that the adoption of ACC II in Illinois would “disproportionately affect[] rural and low-income residents.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.

15. On page 11 of your testimony, you state: “In 2024, data showed that EVs sat on dealership lots nearly twice as long as ICE vehicles, reflecting slower consumer adoption despite substantial government incentives.”
- a. Is it correct, then, that your assertions about the pace of EV adoption are based on your observations of market conditions that are shaped by a combination of currently available government incentives for EV purchases and the existing rules that apply to vehicle manufacturers?
16. Can you explain why you chose not to include in your testimony any specific discussion of several government programs assisting EV purchasers, including the Illinois EV rebate offering \$4,000 for new and used EV purchases with a priority on low-income purchasers,⁶² as well as federal rebates offered to EV purchasers?⁶³
17. On page 11 of your testimony, you address the possibility that auto-manufacturers could use credit-trading under ACC II as a compliance strategy and assert that “[c]redits are often available only from a handful of manufacturers” and are “expensive and limited.” Your testimony cites no data or sources to support these claims, correct? If you did rely on any data or information as the basis for these claims, please provide it.
- a. Please specify what dollar value you believe makes an ACC II compliance credit “expensive.”
- b. What experience or first-hand knowledge do you have with respect to credit trading under ACC II?
- c. You assert these aspects of the credit market would make “reducing ICE production a more viable and cost-effective compliance strategy.” Your testimony cites no data or sources to support this claim, correct? If you did rely on any data or information as the basis for that claim, please provide it.
18. Did your opinions on economic impacts to consumers take into account the economic effects of health issues attributable to vehicle emissions?
- a. If not, why not?
- b. If so, please provide any data or studies you relied on and the reason for omitting this economic factor in your original testimony.

⁶² *Electric Vehicle Rebate Program*, Ill. Env’t Prot. Agency, <https://epa.illinois.gov/topics/ceja/electric-vehicle-rebates.html> (last visited Feb. 16, 2025).

⁶³ *Credits for New Clean Vehicles Purchased in 2023 or After*, IRS, <https://www.irs.gov/credits-deductions/credits-for-new-clean-vehicles-purchased-in-2023-or-after> (last visited Feb. 16, 2025).

19. On page 12 of your testimony, you state, “The ambitious goals of the ACC II Rule, requiring 59% EV adoption by 2028 and 100% by 2035, present significant challenges to Illinois’ energy infrastructure and charging network.”
- a. Is it correct that your testimony does not address the Climate and Equitable Jobs Act provisions related to energy infrastructure and charging network buildout?
 - b. Are you aware that Illinois has committed hundreds of millions of dollars to electric vehicle infrastructure through various programs,⁶⁴ with specific mandates by the General Assembly that infrastructure improvements are to be focused “especially in low-income and environmental justice communities, where levels of air pollution burden tend to be higher”?⁶⁵
 - c. Are you aware that the Climate and Equitable Jobs Act includes requirements for electric utilities to implement and financially support charging infrastructure build-out through a “Beneficial Electrification Plan” process before the Illinois Commerce Commission? Has the IADA participated in those proceedings in any capacity?
 - d. You state on page 10 of your testimony that “[i]n these [rural and suburban] communities, charging infrastructure remains sparse, making EV adoption impractical.” Please identify all sources of information you relied upon as the basis for this statement.

⁶⁴ See Statement of Reasons at 19 (citing Fed. Highway Admin., *5-Year National Electric Vehicle Infrastructure Funding by State*, U.S. Dep’t of Transp., (Jan. 31, 2025), https://www.fhwa.dot.gov/infrastructure-investment-and-jobs-act/evs_5year_nevi_funding_by_state.cfm (Illinois receives \$148.6 million in federal National Electric Vehicle Infrastructure (NEVI) funding); Press Release, State of Ill., Funding Opportunity For EV Charging Stations Opens (Mar. 13, 2024), <https://www.illinois.gov/news/press-release.29741.html> (Illinois began rolling out first \$50 million of NEVI funding in March 2024); Press Release, State of Ill., Gov. Pritzker Announces \$14.9M in Federal Funding for Illinois’ Community Charging Program (Jan. 11, 2024), <https://www.illinois.gov/news/press-release.29498.html> (The Illinois Finance Authority was awarded \$14.9 million in competitive federal Charging and Fueling Infrastructure (CFI) funds in January 2024); Pub. Act 101-0029, 101st Gen. Assemb., (Ill. 2019) (Illinois has dedicated \$70 million in state capital funds to EV charging grants); Press Release, State of Ill., Illinois EPA Announces \$25.1 Million in Grant Awards for Public Electric Vehicle Charging Infrastructure (Apr. 10, 2024), <https://www.illinois.gov/news/press-release.29878.html> (\$25.1 million of the state capital funds were awarded for public EV charging infrastructure projects in April 2024); Press Release, State of Ill., Illinois EPA Announces \$44 Million Notice of Funding Opportunity for Public Electric Vehicle Charging Infrastructure (Mar. 22, 2024), <https://www.illinois.gov/news/press-release.29789.html> (additional \$44 million in funding for public EV charging infrastructure was made available in March 2024); John Pletz, *Illinois EPA Awards \$12.6M to Build Initial Wave of EV Chargers*, Crain’s Chicago Business (June 5, 2023), <https://www.chicagobusiness.com/technology/illinois-epa-awards-126m-build-ev-chargers> (Illinois allotting \$12.6 million from settlement of multi-state Volkswagen Clean Air Act settlement to EV charging infrastructure)).

⁶⁵ 20 ILCS § 627/45(a)(7).

20. Your testimony states on page 12 that “[s]tudies by the U.S. Department of Energy (DOE) and the National Renewable Energy Laboratory (NREL) provide critical insights into the scale of development necessary for widespread EV adoption.”
- a. Is it correct that these studies reviewed nationwide data?
 - b. Your testimony further states, on page 12, that “[t]he DOE's Electric Vehicles at Scale report projects a 25–50% increase in total electricity demand in regions with widespread electrification by 2050.” Can you please point specifically to where support for this statement appears in the source you identified in your testimony at page 12, footnote 8?
 - c. You further state, on page 13 of your testimony, that “[e]xtrapolating these figures out for Illinois translates to an additional 7,500–15,000 MW of capacity.”
 - i. How did you “extrapolat[e] these figures out for Illinois”?
 - ii. Please provide all data, workpapers, or other supporting documentation that shows how you performed this “extrapolation.”
21. On page 13 of your testimony, in reference to the data identified in the preceding question, you state: “Addressing this demand would require expanding energy generation, constructing new transmission lines to serve rural and underserved areas, and integrating public DC fast chargers into the grid. Often costly and logistically complex, the latter would likely result in higher consumer rates as utilities recoup interconnection expenses.” Your testimony cites no data or sources to support these claims, correct? If you did rely on any data or information as the basis for these claims, please provide it.
- a. Are you aware that these infrastructure changes are currently the subject of programs managed by and proceedings before other state agencies, including the ICC, IEPA and IDOT?⁶⁶
 - b. Has the IADA participated in those proceedings or engaged with those state agencies on those topics in any capacity? If so, please describe.
22. Your testimony states on page 13: “The Proponents’ ...projection relies heavily on residential charging, which accounts for 97–98% of the total, overlooking critical urban realities.” Please explain what you mean when you say residential charging “accounts for 97-98% of the total.”

⁶⁶ See, e.g., *Driving a Cleaner Illinois*, Ill. Env’t Prot. Agency, <https://epa.illinois.gov/topics/air-quality/driving-a-cleaner-illinois.html> (last visited Feb. 16, 2025). Please refer also to the programs and proceedings described at Statement of Reasons at 58 and in the Pre-Filed Testimony of Brian Urbaszewski at 6–7.

23. Your testimony states on page 13: “Many Illinois residents, particularly those in multifamily housing, lack private parking or the ability to install home chargers, making robust public infrastructure essential.” Are you aware that Illinois has passed legislation aimed at addressing this problem, including the Electric Vehicle Charging Act, P.A. 103-0053, which gives renters the right to install EV chargers?
24. On page 14 of your testimony, you cite a 2024 report, *Overcoming Roadblocks in California’s Public EV Charging Infrastructure*, and then state that the findings of this report describe “a goal described by experts as ‘unlikely.’” Please identify any experts to whom you attribute that quote, along with any supporting reference material.
25. On page 15 of your testimony, you raise questions about grid reliability. Are you aware that Illinois ranks first in the nation in grid reliability according to U.S. News & World Report?⁶⁷
26. On page 16 of your testimony, you criticize Rule Proponents’ economic benefit projections. Your criticism relates only to projections related to job creation, correct?
27. On page 16 of your testimony, you refer to “hefty” fines for non-compliance and, elsewhere on page 10, describe such possible fines as “enormous.” What analysis have you done as a basis for your characterizations of potential fines as “hefty” or “enormous”? On what basis do you opine as to how such fines would be perceived by the global automakers to which such fines would apply?
28. You mention on page 17 of your testimony that rural areas will be the hardest hit by gas station closures. What analysis did you perform to assess the likely rates of gas station closures or the geographic distribution of such closures during the period before and during the ACC II timeframe included in the Proposed Rules (*i.e.* between now and 2035)?
- Did you consider that gas stations may add, convert to, or be replaced by, electric charging stations?
 - Are you aware that some gas stations in rural areas are already using state grants to install EV chargers?⁶⁸
 - You note on page 17 of your testimony that Illinois already has workforce training programs “like the Clean Jobs Workforce Hubs” aimed at smoothing market transitions for employees. What prevents such existing programs from

⁶⁷ *Best States Rankings: Power Grid Reliability*, U.S. News & World Report, <https://www.usnews.com/news/best-states/rankings/infrastructure/energy/power-grid-reliability> (last visited Feb. 16, 2025).

⁶⁸ *Electric Vehicle Charging Stations Supported/Funded by the State of Illinois*, ArcGIS Experience, https://experience.arcgis.com/experience/1b71ab7f02cd424581ede5cdf28b37f6#data_s=id%3A42782518107b47f89eaa53978edceb5e-1932b579750-layer-2%3A13 (last visited Feb. 17, 2025).

being improved to address the limitations in scope and other shortcomings you assert?

29. Please refer to the portion of your testimony, on pages 18–19, with the heading “Rivian and Stellantis.”

- a. Are you aware that, in the weeks after you submitted your testimony, Stellantis reversed the plans you described and has committed to reopening the Belvidere Assembly plant?⁶⁹
- b. Are you further aware that this commitment to the site’s revival ended the dispute between Stellantis and United Auto Workers over union workers’ jobs at the plant?⁷⁰
- c. Are you aware that Rivian recently received a \$6.57 billion federal loan from the Department of Energy to support the construction of an EV manufacturing facility in Georgia?⁷¹
- d. Do you dispute that adoption of the Proposed Rules would provide support for the EV market, encouraging EV manufacturers operating or based in Illinois?
- e. Your testimony on page 19 states that “legacy automakers like General Motors, Ford, and Toyota have scaled back their EV targets, collectively reducing projections for 2030 by over 3 million vehicles.”
 - i. Could you please identify the sources for this information?
 - ii. Does the “over 3 million vehicles” figure you offer relate to those manufacturers’ global EV production?
 - iii. Does that “over 3 million vehicles” figure reflect EV production targets for the year of 2030 or over some different timeframe?

30. Your testimony on pages 19 through 20 addresses concerns related to levels of revenue from the Motor Fuel Tax.

- a. Do you agree that IDOT has projected a \$36 billion shortfall for Illinois infrastructure needs without any consideration of the Proposed Rules?

⁶⁹ Eric Walz, *Stellantis Reverses Plans, Will Reopen Belvidere Assembly Plant*, Automotive Dive (Jan. 23, 2025), <https://www.automotivedive.com/news/stellantis-commits-reopening-belvidere-assembly-uaw-build-new-truck-2027/738135/> (last visited Feb. 16, 2025).

⁷⁰ *Id.*

⁷¹ *DOE Announces \$6.57 Billion Loan to Rivian to Support the Construction of EV Manufacturing Facility in Georgia*, U.S. Dep’t of Energy (Jan. 16, 2025), <https://www.energy.gov/lpo/articles/doe-announces-657-billion-loan-rivian-support-construction-ev-manufacturing-facility> (last visited Feb. 16, 2025).

- b. Do you agree that the IDOT-projected \$36 billion shortfall represents a significant policy problem that the State will need to address regardless of the outcome of this proceeding?
 - c. Do you agree that the Pew report you cite concludes that the traditional fuel tax model will be inadequate whether or not Illinois adopts ACC II?
 - d. Do you agree that the Congressional Budget Office warning that you cite was also not based on Illinois's adoption of ACC II?
31. On pages 19 through 20, your testimony states: "The Pew report highlights that EVs weigh approximately 30% more than internal combustion engine (ICE) vehicles due to their batteries. This added weight accelerates wear and tear on roads and bridges, requiring higher maintenance expenditures at a time when funding sources are already shrinking." Please provide all data and analysis on which you relied to project any additional infrastructure costs, or to project the rate of degradation to roads and bridges, that would be attributable to increased vehicle weights on Illinois roads as a result of promulgation of the Proposed Rules.
32. On page 22 of your testimony, you state that "current EV procurement incentives overwhelmingly favor affluent households, who are more likely to purchase new EVs."
- a. Did the Nunes et al. study you cite review specific policies in Illinois?
 - b. Do you dispute that affluent households are more likely to purchase new vehicles generally?
 - c. Do you dispute that a higher rate of new EV purchases would, eventually, lead to a higher rate of used EVs for sale?
 - d. Are you aware that the proposed ACC II rule includes specific credits for EV sales in environmental justice communities, such that auto manufacturers will have additional financial incentive to find ways to reach low-income consumers?
 - e. Are you aware that Illinois has prioritized equity in the transition to electric vehicles through legislation such as CEJA,⁷² including the creation of an Energy Transition Assistance Fund,⁷³ prioritization of EV infrastructure in low-income

⁷² State of Ill., *CEJA and Climate Action*, Ill. Drives Electric, <https://ev.illinois.gov/illinois-commitment/ceja-and-climate-action.html> (last visited Feb. 16, 2025) ("Equity is a driving factor throughout CEJA's programs and is a top priority of Governor Pritzker's 2019 Economic Plan.").

⁷³ 20 ILCS § 605/605-1075.

communities, and an electric vehicle rebate program that prioritizes applications from low-income and environmental justice communities?⁷⁴

- f. Where, if at all, does your testimony address other options for EV payments aside from direct EV purchases, such as leasing?⁷⁵
 - g. Where, if at all, does your testimony address the inequitable effects of air pollution from motor vehicles on lower-income households and communities?
33. At pages 24 and 25 of your testimony, you discuss hybrid vehicles as a feasible, scalable part of the electric vehicle transition. Are you aware that ACC II credits Plug-In Hybrid Electric Vehicles (PHEVs) of sufficient range as though they were ZEVs?
34. On pages 25 and 26 of your testimony, you make assertions about the Proposed Rules' "Alignment with Illinois' Energy Profile." Please identify all sources of data or information that specifically address Illinois which you relied on in forming the opinions you present in that section of your testimony.

⁷⁴ 415 ILCS §§ 120/10, 120/27.

⁷⁵ See, e.g., Gayle Sato, *Leasing Is the Most Popular Way to Pay for an EV*, Experian (Nov. 15, 2024), <https://www.experian.com/blogs/ask-experian/electric-vehicle-trends/> (last visited Feb. 16, 2025); Tim Levin, *Nearly 80% Of New EVs Are Leased: Dealer Data*, Inside EVs (Oct. 16, 2024), <https://insideevs.com/news/737672/ev-leasing-edmunds-popularity/> (last visited Feb. 16, 2025).

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:

PROPOSED CLEAN CAR AND
TRUCK STANDARDS

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)
)
)
)
)

R2024-017

(Rulemaking – Air)

CERTIFICATE OF SERVICE

I, the undersigned, on affirmation state the following:

That I have served the attached Notice of Filing; Rule Proponents' Pre-Filed Questions to Intervenor Witnesses; and Certificate of Service, by e-mail upon the following individuals listed at the e-mail addresses indicated:

TO:

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That my e-mail address is robert.weinstock@law.northwestern.edu.

That the number of pages in the e-mail transmission is 51.

That the e-mail transmission took place before 5:00 p.m. on the date of February 18, 2025.

Date: February 18, 2025

Respectfully submitted,



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