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**EXPRESS TERMS**

**California Code of Regulations  
Title 20. Public Utilities and Energy**

**Division 2. State Energy Resources Conservation and Development Commission**

**Chapter 7. Administration**

**Article 2. Disclosure of Commission Records**

**Sections 2505 and 2507**

**AND**

**Chapter 12. Alternative and Renewable Fuel and Vehicle Technology Program  
Regulations**

**Articles 1 and 2**

**Chapter 7. Administration**

**Article 2. Disclosure of Commission Records**

**Sections 2505 and 2507 are amended as follows:**

**§ 2505: Designation of Confidential Records.**

**(a)** Third Parties.

...[skipping subdivisions (a)(1) through (a)(4)]

**(5)** Automatic Designation. Information submitted by a private third party shall be designated confidential without an application for confidentiality if the requirements of subsections (a)(5)(A) and (B) of this Section are met. If the requirements of subsection (a)(5)(A) and (B) are not met, the Executive Director shall inform the private third party that the record will not be deemed confidential. Except as provided in Section 2507 of this Article, the record for which confidentiality was requested shall not be disclosed for fourteen days to allow the requirements of subsection (a)(5)(A) and (B) to be met or to allow the filing of an application pursuant to subsection (a)(1) of this section.

**(A)** The entity submitting the information shall label each individual item of the submittal that is entitled to be designated confidential.

**(B)** The entity submitting the information shall attest under penalty of perjury that the information submitted has not been previously released and that it falls within one of the following categories:

1. Information that is derived from energy consumption metering, energy load metering research projects, or energy surveys provided pursuant

to Section 1343 or 1344 of Article 2 of Chapter 3, and that is one or more of the following:

- a. for the residential customer sector and the commercial customer sector — customer identifiers, energy consumption, and any other information that could allow a third party to uniquely identify a specific respondent;
- b. industrial major customer sector — all information;
- c. survey design information — all information used to design a survey, stratify billing records, devise a sample scheme, select a sample, sample specific end-users for participation in a survey or a pretest of a questionnaire or interview form.

...[skipping subdivisions (a)(5)(B)(2) through (a)(5)(B)(9)]

10. Information regarding a charger submitted pursuant to section 3123 if the information is one or more of the following:

- a. Information provided pursuant to section 3125(b)(5).
- b. Information provided pursuant to section 3123(b)(2)(B) through (b)(2)(D), (b)(2)(M), and (b)(2)(P) and section 3125(b)(1) through (b)(4), unless the information relates to a publicly available charger or has been publicly disclosed, including without limitation, by submission to the National Renewable Energy Laboratory pursuant to California Code of Regulations, Title 13, Section 2360.4(k), or shared with third-parties pursuant to Title 23, Code of Federal Regulations, part 680, section 680.116(c).

...[skipping subdivisions (a)(6) through (d)]

## **§ 2507: Disclosure of Confidential Records.**

...[skipping subdivisions (a) through (d)]

- (e) Unless an application for confidentiality is granted under Section 2505(a)(3) specifying a different confidentiality term, data subject to an automatic confidentiality designation under Section 2505(a)(5) will remain confidential in accordance with the following timelines:

...[skipping section 2507(e)(1) through 2507(e)(5)]

6. Confidential data relating to chargers provided pursuant to Article 2 of Chapter 12 may be released without restriction no sooner than 10 years from the date of submittal.

- (f) The Executive Director may release records previously designated as confidential in the following circumstances:

- (1) where the confidential information has been masked or aggregated at the levels described below in subdivisions (A)-(G)(D)

...[skipping section 2507(f)(1)(A) through 2507(f)(1)(C)]

(D) Confidential data relating to chargers provided pursuant to Article 2 of Chapter 12 may be disclosed at any time if the data is aggregated as follows:

1. At the county level by year and customer sectors; or
2. To such a level that the disclosure includes the data from three or more entities by year and customer sectors.

...[skipping the remainder of section 2505]

...[skipping the remainder of Chapter 7 through Chapter 11]

**Article 1 of Chapter 12 is amended as follows:**

**Chapter 12. ~~Alternative and Renewable Fuel and Vehicle Technology Program Regulations~~Fuels and Transportation**

**Article 1. General Provisions Regarding Clean Transportation Program Project Funding**

...[skipping the remainder of Article 1]

**Article 2 is added to Chapter 12 as follows:**

**Article 2. EV Charger Data and Reliability Standards**

## **§ 3120: Scope.**

This Article applies to all the following:

- (a) All charging station operators and charging network providers of one or more AC Level 2 or DCFC installed in California excluding any temporary charger or off-grid charger.
- (b) All entities that provide or receive any incentive from a California state agency or through a charge on California ratepayers to install one or more chargers or charging stations that are installed in California on or after January 1, 2024, other than at a residential real property containing four or fewer dwelling units, excluding any temporary charger and off-grid charger.
- (c) All site hosts of any publicly or ratepayer funded charger as defined in section 3121.
- (d) All charging network providers that the CEC has enrolled to be, or that have applied to the CEC to be, enrolled charging network providers pursuant to section 3127.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

## **§ 3121: Definitions.**

In this Article, the following definitions apply:

- (1) “AC Level 2” means a charger that operates on a circuit greater than or equal to 208 volts and transfers alternating-current (AC) electricity to a device in an EV that converts alternating current to direct current to charge an EV battery.
- (2) “Application programming interface” or “API” means a type of software interface that offers service to other pieces of software. An API allows two or more computer programs to communicate with each other.
- (3) “Charger” means a device with one or more charging ports and connectors for charging EVs. Also referred to as electric vehicle supply equipment (EVSE).
- (4) “Charging network” means a collection of chargers located on one or more property(ies) that are connected via digital communications to manage the facilitation of payment, the facilitation of electrical charging, and any related data requests.
- (5) “Charging network provider” means the entity that operates the digital communication network that remotely manages the chargers including, but not limited to, authorizing customer transactions and monitoring charger operative status. A charging network provider can also be a charging station operator or a charger manufacturer.

- (6) “Charging port” means the system within a charger that charges one EV. A charging port can have multiple connectors, but it can provide power to charge only one EV through one connector at a time.
- (7) “Charging session” means an event starting when a user or a vehicle initiates a refueling event and stops when a user or a vehicle ends a refueling event.
- (8) “Charging station” means the area in the immediate vicinity of one or more chargers and includes the charger, supporting equipment, parking areas adjacent to the charger, and lanes for vehicle ingress and egress.
- (9) “Charging station management system” means a system that can be used to operate a charger, to authorize use of the charger, or to record or report charger data, such as by using OCPP.
- (10) “Charging station operator” means the entity that owns the charger and supporting equipment at one or more charging stations. Although this entity can delegate responsibility for certain aspects of charging station operation and maintenance to subcontractors, this entity retains responsibility for operation and maintenance of chargers and supporting equipment. The charging station operator and the charging network provider can be the same entity.
- (11) “Connector” means a device that attaches an EV to a charging port in order to transfer electricity.
- (12) “Corrective maintenance” means maintenance that is carried out after failure detection and is aimed at restoring an asset to a condition in which it can perform its intended function.
- (13) “Direct current fast charger” (DCFC) means a charger that enables rapid charging by delivering direct-current (DC) electricity to an EV's battery.
- (14) “Downtime” means a period of time that a charger is not capable of successfully dispensing electricity or otherwise not functioning as designed. Downtime is calculated pursuant to Section 3124(c).
- (15) “Electric utility” means any person engaged in, or authorized to engage in, generating, transmitting, or distributing electric power by any facilities, including, but not limited to, any such person who is subject to the regulation of the Public Utilities Commission.
- (16) “Electric vehicle” or “EV” means a vehicle that is either partially or fully powered on electric power received from an external power source. For the purposes of these regulations, this definition does not include golf carts, electric bicycles, or other micromobility devices.
- (17) “Enrolled charging network provider” means a charging network provider that meets the technical and administrative criteria of Section 3131 ~~of this Article~~ and is granted the status of an enrolled charging network provider by the Commission pursuant to Section 3131(c)(2).

- (18) "Electric vehicle supply equipment" or "EVSE" means a "charger" as defined.
- (19) "Executive Director" means the Executive Director of the Energy Commission and anyone the Executive Director designates as an agent.
- (20) "Fleet charger" means a charger that is not publicly available, as defined in this section, is not installed at a single-family residence or a multifamily dwelling, as defined in this section, and is solely used to charge electric vehicles registered to the charging station operator, as defined in this section.
- (21) "Funding entity" means any entity that disburses funds from a California state agency or through a charge on ratepayers to a funding recipient to install one or more chargers or charging stations that are installed on or after January 1, 2024, in California other than at a residential real property containing four or fewer dwelling units. There may be multiple funding entities as to a charger or charging station. If the same funds are disbursed sequentially through multiple entities to a funding recipient, then the funding entity for purposes of this Article is the entity that disburses the funds most directly to the funding recipient.
- (22) "Funding recipient" means any entity that receives any incentive from a California state agency or through a charge on California ratepayers to install one or more chargers or charging stations that are installed on or after January 1, 2024, in California other than at a residential real property containing four or fewer dwelling units.
- (23) "Hardware" means the machines, wiring, and other physical components of an electronic system including onboard computers and controllers.
- (24) "Incentive" means anything of value received from a state agency or a charge on ratepayers to install or operate a charger or charging station, including any electrical equipment up to the first meter or submeter. Incentive excludes funds for electrical distribution infrastructure beyond the first meter or submeter, and excludes funds for other preparations of the immediate vicinity of a charger or charging station, other supporting equipment, parking areas adjacent to the chargers, or lanes for vehicle ingress and egress.
- (25) "Inoperative State" means the charger or charging port is not operational.
- (26) "Installed" means first attached or placed at a location and available for a charging session. The date a charger is "installed" is the date it is first available for a charging session. A charger that is replaced is newly "installed" as of the date it is first available for a charging session.
- (27) "Maintenance" means any instance in which preventive or corrective maintenance is carried out on equipment.
- (28) "Multifamily dwelling" means real property that is improved with, or consisting of, one or more buildings containing more than one dwelling unit that is intended for human habitation, excluding single-family residences as defined in this section.

- (29) “Networked” means a charger that can receive or send commands or messages remotely from or to a charging network provider or is otherwise connected to a central management system, such as by using OCPP 2.0.1, for the purposes of charger management and data reporting. For the purposes of this Article, a charger that exclusively uses customer cell phones as carriers for communication between the charger and central system is not a networked charger.
- (30) “Nonnetworked charger” means a charger that is not networked.
- (31) “Off-grid charger” means a charger that does not draw power from an electric utility as defined in Public Resources Code section 25108, at any time.
- (32) “Open Charge Point Interface” or “OCPI” means an open-source communication protocol that governs the communication among multiple charging networks, other communication networks, and software applications to provide information and services for EV drivers.
- (33) “Open Charge Point Protocol” or “OCPP” means an open-source communication protocol that specifies communication between chargers and the charging networks that remotely manage the chargers.
- (34) “Operational” or “up” means both the hardware and software of a charging port are both online and available for use, or in use, and the charging port is capable of successfully dispensing electricity.
- (35) “Operative state” means the charger is operational.
- (36) “Operative status” means an electronically transmitted communication from the charger or charging port to the central system indicating whether the charger or charging port is in an operative or inoperative state. Each communication shall include fields for date-timestamp and any error codes associated with the operative status.
- (37) “Preventive maintenance” means maintenance that is performed on physical assets to reduce the chances of equipment failure and unplanned machine downtime.
- (38) “Private access,” when referring to a charger, means a charger that is not a publicly available charger, as defined in this section.
- (39) “Private residential charger” means a charger used solely for private use by residents of a residential real property containing four or fewer dwelling units, or any charger used solely for private use by residents of a single unit of a residential real property containing more than four dwelling units for which one or more of the residents of that unit would be the exclusive charging station operator(s) or site host(s) of the charger.
- (40) “Publicly available,” when referring to a charger, means a charger and associated parking space or spaces designated, such as by a property owner

or lessee, to be available to, and accessible by, the public for any period of time. A charger designated, such as by a property owner or a lessee, to be available only to customers or visitors of the business is a publicly available charger for purposes of this chapter. Chargers and associated parking spaces located in parking garages or gated facilities are considered publicly available for purposes of this chapter if any member of the public can obtain vehicular access to the facility for free or through payment of a fee. If a charger and associated parking space is made available to the public for only limited time periods, that charger and associated parking space is considered a publicly available charger.

A publicly available charger does not include any of the following:

- (A) A workplace charging station if it is clearly marked and operated as available exclusively to the organization's employees or independent contractors.
- (B) A charger and associated parking spaces reserved exclusively to residents, tenants, visitors, or employees of: a private residence or common interest development; or a residential building adjacent to a private residence.
- (C) A charger provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures.
- (D) A research charger, as defined in this section.

**(41)** "Publicly or ratepayer funded charger" means a charger installed on or after January 1, 2024, except at a residential real property containing four or fewer dwelling units, for which an incentive was received from a state agency or a charge on ratepayers, or both, to install or operate the charger or its associated charging station. An incentive from a state agency includes, without limitation, any incentive funded in whole or in part from the Greenhouse Gas Reduction Fund as defined in section 16428.8 of the Government Code. A charge on ratepayers includes, without limitation, charges on the customer of an investor-owned utilities, local publicly owned electric utility as defined in section 224.3 of the Public Utilities Code, or community choice aggregator as defined in section 331.1 of the Public Utilities Code. For purposes of these regulations, an incentive from a state agency includes, without limitation, pass-through funds for a federal grant administered by a state agency, for which the state agency is reimbursed, including but not limited to, the CEC's National Electric Vehicle Infrastructure Formula Program. A charger remains a "publicly or ratepayer funded charger" for six years from the date the charger is installed, and thereafter it is no longer a "publicly or ratepayer funded charger." If a "publicly or ratepayer funded charger" is replaced, its replacement charger is also a "publicly or ratepayer funded charger" for at least the remainder of the six years from the date the replaced charger was previously installed. If an incentive is received from a state agency or a charge on ratepayers, or both, to replace a

charger, then the replacement charger is a “publicly or ratepayer funded charger” for six years from the date the replacement charger replaced the prior charger.

- (42)** “Recordkeeping and reporting agent” means the entity responsible to ensure timely compliance with the recordkeeping and reporting requirements of this Article. The identity of the recordkeeping and reporting agent is determined according to Section 3122.
- (43)** “Replaced” means that the charger has been substantially modified or substituted with another unit, as indicated by a change in the serial number, ID, or the model name.
- (44)** “Research charger” means a charger that is attached or placed solely to dispense electricity for testing or research; it is neither a fleet charger nor publicly available charger; and it is not used for workplace charging.
- (45)** “Residential real property containing four or fewer dwelling units” means a single-family residence or a multifamily dwelling containing four or fewer dwelling units.
- (46)** “Single-family residence” means a detached or semi-detached (semi-attached, side-by-side) residence, duplex, triplex, quadruplex, row house such that each row house shares at least one wall with another of the row houses even if not in a row, townhouse, or manufactured home, including mobilehome, unless the residence is part of a condominium as defined in Civil Code section 4125 or is located in a mobilehome park.
- (47)** “Site host” means the electric utility customer of record for electric service to the charger and can also be the charging network provider or the charging station operator of the charger.
- (48)** “Software” means a set of instructions, data, or programs used to operate computers and execute specific tasks.
- (49)** “Temporary charger” means a charger that is designed to be portable and available for use intermittently, is not attached at a location, and is not available for use at a single lot or parcel, or an adjacent lot or parcel, for more than 30 days in a calendar year. For the purposes of this definition, a charger that is made available for use for any portion of a day, is considered available for use for that full day.
- (50)** “Uninstalled” means the charging station operator took affirmative steps to make the charger unavailable for a charging session with intent to make it permanently unavailable, such that the number of chargers at the charging station is reduced by the number of uninstalled chargers for at least one year. Affirmative steps required to qualify as “uninstalled” include at least labeling the charger in a way that notifies drivers that it is not operational without the need to interact with the charger and updating the data field shared pursuant to

section 3130(a)(6) to be consistent with uninstalled status. Mere failure to repair a malfunctioning charger does not make it “uninstalled.”

**(51)** “Uptime” means the time that a charger is installed during a reporting period excluding downtime pursuant to section 3124(c) and (d).

**(52)** “Workplace charging” means an EV charger and its associated parking space is provided by an organization primarily to serve its employees and independent contractors at the organization’s place of business.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

## **§ 3122: The Recordkeeping and Reporting Agent.**

**(a)** The recordkeeping and reporting agent shall be responsible to ensure timely compliance with the recordkeeping and reporting requirements of this Article.

**(1)** The recordkeeping and reporting agent may designate one or more entities to fulfill the responsibilities of this Article, but the recordkeeping and reporting agent remains responsible to ensure compliance.

**(2)** If there is more than one recordkeeping and reporting agent for a charger, then compliance with any requirements of this Article by any one recordkeeping and reporting agent fulfills those requirements as to the others.

**(b)** Except as to a publicly or ratepayer funded charger as provided in subdivision (c) of this section, the recordkeeping and reporting agent for a charger is as follows:

**(1)** Each charging network provider that operates the digital communication network that remotely manages a charger during a reporting period is its recordkeeping and reporting agent.

**(2)** If there is no charging network provider for a charger during a reporting period, then each charging station operator of the charger is its recordkeeping and reporting agent.

**(c)** Publicly or Ratepayer funded Chargers.

**(1)** For any networked publicly or ratepayer funded charger installed from January 1, 2024, through 179 days from the effective date of this paragraph, except as provided in subdivisions (c)(1)(A) or (c)(1)(B), the site host, or the funding recipient if designated pursuant to subdivision (c)(4) of this section, shall designate a charging network provider to serve as the recordkeeping and reporting agent.

**(A)** If the site host of a networked publicly or ratepayer funded charger, or the funding recipient if designated pursuant to subdivision (c)(4) of this section, is a charging network provider pursuant to section 3121, then it may itself

serve as the recordkeeping and reporting agent, and if so, it need not retain another.

- (B) If a networked publicly or ratepayer funded charger is not used to dispense electricity during a reporting period other than for testing or maintenance, then the site host, or the funding recipient if designated pursuant to subdivision (c)(4) of this section, is not required to retain a charging network provider for that charger for the period of non-operation, but if not, then it shall itself serve as the recordkeeping and reporting agent.
- (2) For any networked publicly or ratepayer funded charger installed on or after 180 days from the effective date of this paragraph, except as provided in subdivisions (c)(2)(A) or (c)(2)(B), the site host, or the funding recipient if designated pursuant to subdivision (c)(4) of this section, shall designate an enrolled charging network provider to serve as the recordkeeping and reporting agent.
  - (A) If the site host of a networked publicly or ratepayer funded charger, or the funding recipient if designated pursuant to subdivision (c)(4) of this section, is an enrolled charging network provider pursuant to section 3131, then it may itself serve as the recordkeeping and reporting agent and if so, it need not retain another.
  - (B) If a networked publicly or ratepayer funded charger is not used to dispense electricity during a reporting period other than for testing or maintenance, then the site host, or the funding recipient if designated pursuant to subdivision (c)(4) of this section, is not required to retain an enrolled charging network provider for that charger for the period of non-operation, but if not, then it shall itself serve as the recordkeeping and reporting agent.
- (3) For any nonnetworked publicly or ratepayer funded charger, the site host, or the funding recipient if designated pursuant to subdivision (c)(4) of this section, shall serve as the recordkeeping and reporting agent.
- (4) Site hosts may, at any time within the first six years following the installation of a publicly or ratepayer funded charger, upon written or electronic notice to the funding recipient at least 60 days before the start of a reporting period, designate the funding recipient to be responsible to fulfill the requirements of the site host under this Article regarding the publicly or ratepayer funded charger. The site host may revoke or reinstate the designation in the same manner. A funding recipient may, at any time more than six years of receiving the most recent incentive for a charger, terminate its duties under this subdivision upon written or electronic notice to the site host at least 60 days before the start of a reporting period.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25303,

## **§ 3123: Semiannual Reporting Requirement.**

- (a) Except as provided in subdivision (c) of this section, each recordkeeping and reporting agent or designee pursuant to section 3122, shall collect and submit to the Executive Director a semiannual report as specified in subdivision (b) for each charger for which the recordkeeping and reporting agent has one of the relationships described in section 3120, by the following deadlines:

  - (1) H1 Reporting Period. For the period from January 1 through June 30 of a year, by July 31 of the same year.
  - (2) H2 Reporting Period. For the period from July 1 through December 31 of a year, by January 31 of the following year.
- (b) Except as provided in subdivision (c) of this section, each report required by subdivision (a) shall include the following for each charger:

  - (1) Contact Information for each entity subject to section 3120.

    - (A) **Contacts for the following roles:**

      - 1. Each recordkeeping and reporting agent's name, address, telephone number, email address, and, if available, URL (website) address; provided, however, that if a parent entity is filing on behalf of a subsidiary entity, if a subsidiary entity is filing on behalf of a parent entity, or if an affiliate entity is filing on behalf of another affiliate entity, then each entity shall be clearly identified, and the information shall be provided for both entities.
      - 2. A statement whether each recordkeeping and reporting agent has one or more of the following roles with respect to the charger: charging network provider, charging station operator, funding recipient, or site host, as defined in section 3121(b).
      - 3. The charging network provider's name, address, telephone number, email address, and, if available, URL (website) address of the charging station operator, if the recordkeeping and reporting agent is not the charging station network provider.
      - 4. The charging station operator's name, address, telephone number, email address, and, if available, URL (website) address, if the recordkeeping and reporting agent is not the charging station operator.
      - 5. The charging funding recipient's name, address, telephone number, email address, and, if available, URL (website) address.
      - 6. The charging site host's name, address, telephone number, email address, and, if available, URL (website) address.

- (B) **Designee.** If the recordkeeping and reporting agent designated one or more entities to fulfill the responsibilities of this Article pursuant to section 3122(a)(1), then each entity's name, address, telephone number, email address, and, if available, URL (website) address of the site host; provided, however, that if a parent entity is filing on behalf of a subsidiary entity, if a subsidiary entity is filing on behalf of a parent entity, or if an affiliate entity is filing on behalf of another affiliate entity, then each entity shall be clearly identified, and the information shall be provided for both entities.
- (C) **Point of contact.** The name, affiliation, if any, address, telephone number, and email address of an individual to contact concerning the statements pursuant to this Article. Only one individual may be listed as the contact except that the individual may identify another contact for use when the designated contact is temporarily unavailable.
- (2) **Inventory Report.** For each charger for which the recordkeeping and reporting agent has one of the relationships described in section 3120:
  - (A) The date the charger was installed.
  - (B) Charger address.
  - (C) Geographic coordinates (latitude and longitude) of the charger to within one ten-thousandth of a degree of exact charging station location.
  - (D) Charger serial number.
  - (E) Make and model of charger.
  - (F) Maximum power delivery rating in kilowatts by charging port.
  - (G) Maximum charger output voltage.
  - (H) If a prior semiannual report did not list the serial number, a statement of whether the charger is in addition to or a replacement of a former charger, including the serial number of the charger replaced and the date the replacement charger was installed, if any.
  - (I) A statement as to whether the charger is networked or nonnetworked.
  - (J) A statement as to whether the charger is publicly or ratepayer-funded, or both.
  - (K) A statement of whether the charger provides alternating current or direct current to the EV.
  - (L) Charging Ports — number of charging ports including the number of connectors and connector types (e.g., SAE J1772, J1772 Combo, CHAdeMO, SAE J3400 NACS) for each port available at the charger.
  - (M) If networked:

1. Charger ID — the unique identifier for the charger within the network provided by the charging network provider.
2. Charging Port ID — the unique identifier for each port, unique within the context of the charging network provider servicing the charger.

(N) Identify charger's primary use as follows:

1. Primary site access (choose one):
  - a. Publicly available
  - b. Private access
2. Primary vehicle type(s) served (all that apply):
  - a. Light-duty (gross vehicle weight rating less than or equal to 10,000 pounds)
  - b. Medium-duty (gross vehicle weight rating greater than 10,000 pounds and less than or equal to 26,000 pounds)
  - c. Heavy-duty (gross vehicle weight rating greater than 26,000 pounds)
3. Primary charger use: (choose one)
  - a. Publicly available
  - b. Multifamily dwelling with greater than four dwelling units
  - c. Workplace charging
  - d. Fleet charging
  - e. Other

(O) For any charger uninstalled during the reporting period, a statement that the charger has been uninstalled, as defined in section 3121(b), and the date it was uninstalled.

(P) Station name – a unique identifier for the charging station.

(Q) Telephone number to call if user has problems at the station.

(R) Access Days and Times – hours of public operation for the station.

(S) Payment methods – list of payment methods accepted at the station.

(T) Payment actions – list of ways a user can pay for charging at the station.

(U) Pricing information (e.g. \$/kWh (kilowatt-hour), \$/MJ (megajoule), demand response, variable, non-member fee, parking fee).

(V) Power Sharing capabilities of charger - if the charger has multiple ports, identify how it distributes power among all ports in use.

### **(3) Publicly or Ratepayer Funded Charger Uptime Report.**

(A) For each charging port of a publicly or ratepayer funded charger required to report under subdivision (b) of this section, for the first six years after

the charger is installed, each recordkeeping and reporting agent or designee shall report the uptime data required by section 3124.

- (c) The following are exceptions to the semiannual reporting requirement of subdivisions (a) and (b) of this section.
- (1) A charger that was reported in a previous semiannual report as being uninstalled, as defined in section 3121(b), need not be included in the semiannual report required by this section if it has not dispensed electricity since it was most recently reported uninstalled.
  - (2) Private residential chargers, temporary chargers, off-grid chargers, and research chargers, as defined in section 3121(b), are excluded from the semiannual reporting requirements of this section.
  - (3) Fleet chargers and AC level 2 chargers, as defined in section 3121(b), are excluded from the uptime report required by subdivision (b)(3) of this section.
  - (4) No report is required pursuant to subdivision (a) for any reporting period that started before the effective date of this section.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

## **§ 3124: Publicly or Ratepayer Funded Charger Uptime Report Requirements.**

- (a) Publicly or Ratepayer Funded Charger Uptime Report. The publicly or ratepayer funded charger uptime report required by section 3123(b)(3) shall include all of the following:
- (1) The uptime percentage rate and minutes of excluded downtime for each charger port during the reporting period, calculated according to subdivisions (b), (c), and (d) of this section.
  - (2) For each period of excluded downtime being claimed for a reporting period, an itemized summary of the date, duration, and category under subdivisions (d)(1)–(8).
- (b) The uptime percentage rate for a charger port shall be calculated using the following formula:
- (1) 
$$U = \frac{T-D+E}{T} * 100\%$$
  - (2) Where:

(A) U = Charging port uptime percentage rate for the reporting period.

(B) T =

1. Q1 reporting period = 129,600 minutes, except for a leap year, which is 131,040 minutes.
2. Q2 reporting period = 131,040 minutes.
3. Q3 and Q4 reporting periods = 132,480 minutes.

(C) D = Total charging port downtime during the reporting period, in minutes, calculated according to subdivision (c) of this section.

(D) E = Total charging port excluded downtime during the reporting period, in minutes, calculated according to subdivision (d) of this section.

**(c) Downtime:**

**(1) Networked Publicly or Ratepayer Funded Chargers:** Downtime shall be determined on a per charging port basis by summing the durations of all downtime events during the period. The duration of a downtime event shall be the longest of the following periods:

(A) The time after the charger has transmitted an operative status indicating the charger or a charging port is in an inoperative state until a subsequent operative status is transmitted indicating the charger has returned to an operative state. The timestamps in the operative statuses shall be used to quantify the downtime.

(B) If using OCPP version 2.0.1 or a subsequent version of OCPP, the time after the charger has transmitted a StatusNotificationRequest indicating that the charging port associated with that charger is in a “faulted” or “Unavailable” state until a subsequent StatusNotificationRequest is transmitted by that charger indicating that the charging port has transitioned to an “available,” “occupied,” or “reserved” state. The timestamps in each StatusNotificationRequest shall be used to quantify downtime.

(C) If using OCPP version 2.0.1 or a subsequent version of OCPP, the time between a BootNotificationResponse transmitted by the Central Management System and the last HeartbeatResponse transmitted by the Central Management System prior to the BootNotificationResponse. The timestamps in the relevant BootNotificationResponse and HeartbeatResponse shall be used to quantify downtime.

(D) The time between the first record that a charger is not capable of successfully dispensing electricity or otherwise not functioning as designed

and the time it is available to deliver a charge. A record that a charger is not capable of successfully dispensing electricity or otherwise not functioning as designed can result from consumer notification, internal diagnostics, inspection, or any other method by which the recordkeeping and reporting agent is made aware that a charger is not functioning.

- (2) **Nonnetworked Publicly or Ratepayer Funded Charger:** The time that a charging port is in an inoperative state or not capable of successfully dispensing electricity. This can be known by consumer notification, internal diagnostics, inspection, or other methods.

(A) The downtime shall be calculated from the time the charging port is in an inoperative state until it is restored to an operative state.

- (d) **Excluded Downtime:** Downtime accounted for pursuant to subdivision (c) of this section that is caused by events outside of the control of the charging station operator can be subtracted from total downtime when calculating uptime percentages. Excluded downtime is limited to the categories below:

- (1) **Before Installation:** Downtime before the charging port was installed as defined in section 3121.
- (2) **Grid Power Loss:** Downtime during which utility supplied power is not supplied at levels required for minimum function of the charging port. This can include, but is not limited to, service outages due to utility equipment malfunction or public safety power shutoffs. This does not include instances where power generation or storage equipment has been installed to serve the charger(s) exclusively. Documentation from the load serving entity detailing the outage is required to claim this as excluded downtime.
- (3) **Outage for Preventative Maintenance or Upgrade:** Downtime caused by any preventative maintenance or upgrade work that takes the charging port offline. This exception only applies if the outage was scheduled at least two weeks in advance of the charger being placed in an inoperative state. The maximum downtime that can be excluded for preventative maintenance or upgrade work is 72 hours for any 12-month period.
- (4) **Vandalism or Theft:** Downtime caused by any physical damage to the charger or station committed by a third party unless the downtime was reasonably foreseeable and could have been avoided through reasonable repair or maintenance. This can include, but is not limited to, theft of charging cables, damage to connectors from mishandling, or damage to screens. A maximum of 5 days may be claimed as excluded downtime for each vandalism or theft event. A police report, timestamped photograph of the damage, or similar third-party documentation is required to claim this as excluded time.
- (5) **Natural Disasters:** Downtime caused by any disruption of the charging port due to a natural event such as a flood, earthquake, or wildfire that causes great

damage. Third party documentation such as news reporting is required along with a narrative of the direct impacts to the chargers(s) to claim this as excluded downtime.

**(6) Communication Network Outages:** Downtime caused by loss of communication due to cellular or internet service provider system outages. A Communication Network Outage can be claimed as excluded downtime provided the chargers default to a free charge state during communication losses. A free charge state is when the charger is operational and dispenses energy free of charge to any consumer.

**(7) Operating Hours:** Hours in which the charging port is in an operative state but that are outside of the identified hours of operation of the charging station.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601-25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

## **§ 3125: Additional Requirements for Networked Publicly or Ratepayer Funded Chargers.**

**(a)** For networked publicly or ratepayer funded chargers installed on or after 180 days after the effective date of this paragraph, the recordkeeping and reporting agent as designated pursuant to section 3122 , shall ensure the charger meets the following requirements:

**(1)** The charger has Subset Certification in the Open Charge Alliance OCPP Certification Program for OCPP version 2.0.1, edition 3, published June 27, 2024, or a subsequent version of OCPP, for Core and Advanced Security functionalities.

**(2)** The charger and Central Management System transmit the following protocol data units as specified in OCPP:

(A) AuthorizeRequest shall be transmitted to the Central Management System by the charger as specified in OCPP.

(B) AuthorizeResponse shall be transmitted by the Central Management System to the charger as specified in OCPP 2.0.1.

(C) HeartbeatRequest shall be transmitted to the Central Management System by the charger on a set interval.

(D) HeartbeatResponse shall be transmitted to the charger by the Central Management System in response to any received HeartbeatResponse.

(E) StatusNotificationRequest shall be transmitted by the charger to the Central Management System as specified in OCPP 2.0.1.

- (F) BootNotificationRequest shall be transmitted by the charger to the Central Management System any time the charger is powered on.
- (G) BootNotificationResponse shall be transmitted by the Central Management System to the charger in response to any received BootNotificationRequest.
- (H) RequestStartTransactionRequest shall be transmitted by the Central Management System to the charger as specified in OCPP 2.0.1.
- (I) TransactionEventRequest shall be transmitted to the Central Management System by the charger as specified in OCPP 2.0.1.
  - 1. The optional field meterValue must be populated when the eventType field is set to either "Started" or "Ended."
  - 2. When populated, the sub-subfield Value of the subfield SampledValue of the field meterValue shall be transmitted in Watt-hours (Wh).
  - 3. When populated, the sub-sub-subfield unit of the sub-subfield unitOfMeasure of the subfield SampledValue of the field meterValue shall be set to the default string, "Wh."
  - 4. When populated, the sub-sub-subfield multiplier of the sub-subfield unitOfMeasure of the subfield SampledValue of the field meterValue shall be set to the default integer, 0 (zero).
  - 5. When the meterValue field is populated, the measurand sub-subfield of the SampledValueType subfield, of the field meterValue shall be populated as specified in OCPP 2.0.1.
- (b)** For networked publicly or ratepayer funded chargers installed on or after 180 days from the effective date of this paragraph, the recordkeeping and reporting agent of a networked publicly or ratepayer funded charger shall automatically transmit to the CEC or the CEC's designee the data specified in the following subdivisions (1) through (5) via API. If the record is generated by the central system and sent to the charger, the recordkeeping and reporting agent shall transmit the record to the CEC or the CEC's designee within 60 minutes after the record's generation. If the record is generated by the charger and sent to the central system, the recordkeeping and reporting agent shall transmit the record to the CEC or the CEC's designee within 60 minutes after the record's receipt by the Central Management System:
  - (1)** Charger serial number.
  - (2)** Charger ID — the unique identifier for the charger within the network provided by the charging network provider. This shall be identical to the charger ID reported pursuant to section 3123(b)(2)(M)(1).
  - (3)** Charging Port ID – the unique identifier for the charging port within the network provided by the charging network provider. This shall be identical to the charger ID reported pursuant to section 3123(b)(2)(M)(2) .

- (4) All instances of HeartbeatResponse and BootNotificationResponse for each charger.
  - (5) All instances of AuthorizeRequest, AuthorizeResponse, RequestStartTransactionRequest, StatusNotificationRequest, and TransactionEventRequest for each charging port.
- (c) For networked publicly or ratepayer funded chargers installed from January 1, 2024 through 179 days after the effective date of this paragraph, the recordkeeping and reporting agent of a networked publicly or ratepayer funded charger shall comply with subdivisions (a) and (b) of this section, or shall record, and retain for six years from the date of recording, the operative status of each charging port for each publicly or ratepayer funded charger on a fifteen-minute interval. In the event the recordkeeping and reporting agent elects to comply with subdivisions (a) and (b) of this section and the CEC or the CEC's designee is not yet set up to receive the data via API, the recordkeeping and reporting agent shall transmit the data to the CEC or the CEC's designee with the semiannual reporting required in section 3123 in an electronic format of the Executive Director's choosing until the CEC or the CEC's designee is set up to receive the data via API.
- (d) For publicly or ratepayer funded chargers installed on or after January 1, 2024, the charging station operator shall record and retain for six years from the date of recording, the documentation required by section 3124(d) for any excluded downtime claimed as part of the uptime report specified in subdivision 3124(a).
- (e) The Executive Director may electronically request (sent to the most recent email address filed pursuant to section 3123(b)(1)(C)) that a recordkeeping and reporting agent provide the CEC with copies of the records retained pursuant to subdivision (c) and (d) of this section in an electronic format of the Executive Director's choosing. The recordkeeping and reporting agent shall submit the requested records to the CEC within 21 days after the date of the request in the electronic format specified by the Executive Director.
- (f) In the event of a technological malfunction other than the situation described in subdivision (c)(1) of this section that prevents recordkeeping and reporting agents from transmitting the records specified in subdivisions (a) and (b) of this section within 60 minutes of the records generation via API, the recordkeeping and reporting agent shall transmit data that was unable to be transmitted to the CEC or CEC's designee promptly upon the resolution of the technological malfunction.
- (g) Any charger that meets the definition of an AC level 2 charger, off-grid charger, private residential charger, research charger, or temporary charger, as those terms are defined in section 3121(b), need not meet the requirements of subdivisions (a) through (f) of this section.

The following documents are incorporated by reference into section 3125.

Open Charge Point Protocol

Open Charge Point Protocol  
version 2.0.1 Edition 3 (June 27,  
2024).

<https://www.openchargealliance.org/downloads/>

Copies available from:

Superintendent of Documents  
U.S. Government Printing Office Washington,  
DC 20402 [www.ecfr.gov](http://www.ecfr.gov)

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400-25401, 25601-25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400-25401, 25601-25602, 25618, Public Resources Code.

### **§ 3126: Additional Requirements for Nonnetworked Publicly or Ratepayer funded Chargers.**

- (a) The recordkeeping and reporting agent of a nonnetworked publicly or ratepayer funded charger shall create, and retain for six years, the following maintenance records for each nonnetworked publicly or ratepayer funded charger it operates:
  - (1) Date and time of any maintenance.
  - (2) Whether the maintenance was corrective or preventive in nature.
  - (3) Whether and for how long the charger was in an inoperative state prior to, during, or after the maintenance.
  - (4) Whether the charger was in an operative state following the maintenance.
- (b) The recordkeeping and reporting agent of a nonnetworked publicly or ratepayer funded charger shall retain for six years from the date of recording, the documentation required by section 3124(d) for any excluded downtime claimed as part of the uptime report specified in section 3124(a), and any customer complaint, internal diagnostic, or inspection report indicating the occurrence or duration of a period when a charger was in an inoperative state or when an attempt to charge a vehicle failed.
- (c) The Executive Director may electronically request (sent to the most recent email address filed pursuant to section 3123(b)(1)(C)) that the recordkeeping and reporting agent provide the CEC with copies of the records retained pursuant to subdivisions (a) and (b) of this section. The recordkeeping and reporting agent or its designee shall submit the requested records to the CEC within 21 days after the date of the request.
- (d) Any charger that meets the definition of an AC level 2 charger, off-grid charger, private residential charger, research charger, or temporary charger, as defined in

section 3121(b), need not meet the requirements of subdivisions (a) through (c) of this section.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

### **§ 3127: Customer Service Requirements for Publicly or Ratepayer Funded Chargers.**

Charging station operators operating publicly or ratepayer funded chargers, excluding those that meet the definition of AC level 2 chargers or private residential chargers, as defined in section 3121(b), shall ensure that EV charging customers have at least one mechanism to report outages, malfunctions, and other issues with the charger. Instructions describing the process for reporting outages shall be made available at the charging station.

Note: Authority cited: Sections 25210, 25213, 25218(e), 25231.5, 25618, Public Resources Code; Reference: Sections 25210, 25231.5, 25618, Public Resources Code.

### **§ 3128 Performance Standards for Publicly or Ratepayer Funded Chargers.**

- (a) The funding recipient shall ensure that, publicly or ratepayer funded chargers installed on or after January 1, 2024, shall maintain a minimum annual average uptime rate of 97 percent for each calendar year for the first six years after the charger is installed. The annual average uptime rate shall be calculated using the calculation defined in section 3124(b)(1) using the parameters in (1) through (4) of this subdivision.
- (1) U = The charging port annual uptime percentage.
  - (2) T = 525,600 minutes, except for a leap year, which is 527,040 minutes.
  - (3) D = Total charging port downtime, reported in minutes, during the calendar year according to section 3124(c).
  - (4) E = The total excluded downtime, reported in minutes, during the calendar year according to section 3124(d).
- (b) Any charger that was previously reported as uninstalled or that meets the definition of an AC level 2 charger, fleet charger, private residential charger, research charger, temporary charger, or off-grid charger, as defined in section 3121(b), need not meet the performance standards of subdivision (a) of this section.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

### **§ 3129: Funding Entities.**

- (a) Beginning 180 days after the effective date of this paragraph, CEC staff shall make reliability metrics available to funding entities so that they may be considered prior to approving any application for funding to install a publicly or ratepayer funded charger using funds from a California state agency or through a charge on ratepayers.
- (b) CEC staff shall publish model terms and conditions that funding entities can include, by mutual agreement, in the terms of any agreement granting an incentive to a funding recipient for a publicly or ratepayer funded charger, that would hold the funding recipient accountable if it fails to meet the performance standards of section 3128.
- (c) The Executive Director may assess and publicly report, including on the CEC's website, the reliability metrics of individual and aggregated charging stations and charging ports associated with one or more funding recipient, charging station operator, or charging network provider. The reliability metrics may be based on any information available, including without limitation, the uptime report and protocol data units submitted pursuant to sections 3123(b)(3) and 3125. The Executive Director's reports may assess equitable access to charging stations, including without limitation, assessing variations in reliability metrics of charging stations in low-, moderate-, and high-income communities. Nothing in this section is intended to require disclosure of otherwise confidential information.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

### **§ 3130: Data-Sharing Requirements for Networked Publicly or Ratepayer Funded Chargers that are Publicly Available.**

- (a) Except as provided in subdivision (b), each charging network provider shall, for every networked publicly or ratepayer funded charger installed in California that is

publicly available, ensure that the following data fields are made available, free of charge, to third-party software developers, via application programming interface:

- (1)** Unique charging station name or identifier;
- (2)** Address (street address, city, state, and zip code) of the property where the charging station is located;
- (3)** Geographic coordinates in decimal degrees of exact charging station location;
- (4)** Charging station operator name;
- (5)** Charging network provider name;
- (6)** Charging station status (operational, under construction, planned, or decommissioned);
- (7)** Charging station access information:
  - (A)** Charging station access type (public or limited to commercial vehicles);
  - (B)** Charging station access days and times (hours of operation for the charging; station); and
- (8)** Charging port information:
  - (A)** Number of charging ports;
  - (B)** Unique port identifier for each port;
  - (C)** Connector types available by port;
  - (D)** Charging level by port (DCFC, AC Level 2, etc.);
  - (E)** Maximum power delivery rating in kilowatts by charging port;
  - (F)** Maximum output voltage by charging port;
  - (G)** Accessibility by vehicle with trailer (pull-through stall) by port (yes/no); and
  - (H)** Real-time status by port in terms defined by Open Charge Point Interface 2.2.1. Real-time, in this instance, means this data field must be updated within 1-minute of the charging port's status changing.
- (9)** Pricing and Payment Information: Pricing structure including all fees associated with charging. This can include, but is not limited to, parking fees, plug-in fees, and roaming fees.
- (10)** Real-time price to charge, in U.S. dollars per kilowatt-hour or megajoule, at each charging port, in terms defined by Open Charge Point Interface 2.2.1. Real-time, in this instance, means this data field must be updated within 1-minute of a change in pricing.
- (11)** Payment methods accepted at charging station including charging network providers and charging station operators that have roaming agreements which would allow their customers to use this charger.

- (b) If a publicly available charger is made available to the public for only limited time periods, it must comply with this section during those limited time periods.

The following documents are incorporated by reference into section 3130.

Open Charge Point Interface

Open Charge Point Interface 2.2.1 (October 6, 2021). <https://evroaming.org/app/uploads/2021/11/OCPI-2.2.1.pdf>

Copies available from: Superintendent of Documents  
U.S. Government Printing Office Washington, DC 20402  
[www.ecfr.gov](http://www.ecfr.gov)

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

### **§ 3131: Enrolled Charging Network Providers for Publicly or Ratepayer Funded Chargers.**

- (a) A charging network provider may apply to be an enrolled charging network provider by submitting an application to the Executive Director, executed under penalty of perjury of the laws of the State of California, containing the following:
- (1) The full legal name, address of the principal place of business, telephone number, and email address of the charging network provider submitting the application.
  - (2) The full legal name, title, and telephone number, and email address of the person executing the declaration.
  - (3) A statement that the person executing the declaration is authorized to do so and to submit the application on behalf of the charging network provider.
  - (4) The name, title, and telephone number, and email address of a person to contact regarding the application.
  - (5) A statement that the charging network provider agrees to undertake the duties of a recordkeeping and reporting agent under this Article, including without limitation, reporting the protocol data units required to be reported to the CEC pursuant to Section 3125.

- (6)** A statement that the charging network provider meets, and will maintain so long as the charging network provider is enrolled, the following technical requirements:

  - (A) An API of the CEC's choosing to permit the charging network provider to transfer the data required to be submitted pursuant to Section 3125(b).
  - (B) Subset Certification of the Charging Station Management System in the Open Charge Alliance OCPP Certification Program for OCPP version 2.0.1, published May 24, 2023, or a subsequent version of OCPP for Core and Advanced Security.
- (b)** Upon receipt of an application pursuant to subdivision (a), the Executive Director shall provide the charging network provider with notice of receipt of the application as follows:

  - (1)** If the Executive Director determines that an application does not meet the requirements of subdivision (a), the Executive Director shall provide the applicant with notice that the application is incomplete and a statement of what is necessary to meet the requirements of subdivision (a). The Executive Director's failure to comply with this subdivision, in whole or in part, does not waive any requirements.
  - (2)** If the Executive Director determines that an application meets the requirements of subdivision (a), the Executive Director shall provide the charging network provider with notice of receipt of the application and access to an API of the CEC's choosing to permit the charging network provider to demonstrate its ability to transfer the data required to be submitted pursuant to Section 3125(b).
- (c)** Within 60 days of the Executive Director granting a charging network provider access to an API pursuant to subdivision (b)(2), the charging network provider shall demonstrate its ability to transfer the data required to be submitted pursuant to 3125(b).

  - (1)** If within 60 days, the charging network provider does not successfully demonstrate transfer of data to the CEC via the API enabled in subdivision (b), the Executive Director shall notify the charging network provider that the API demonstration was unsuccessful and why if known. Upon notice, the charging network provider shall have an additional 30 days to demonstrate transfer of data to the CEC via the API enabled in subdivision (b). If the charging network provider does not successfully demonstrate transfer of data, the Executive Director shall issue a determination denying the application. A charging network provider may reapply at any time following a denial.
  - (2)** If the charging network provider successfully demonstrates transfer of data to the CEC via the API enabled in subdivision (b), the Executive Director shall deem the charging network provider an enrolled charging network provider for

purposes of this Article and the Executive Director shall list the charging network provider on the CECs website.

- (d) **Revocation.** The Executive Director may revoke a charging network provider's status as an enrolled charging network provider for repeated failure to meet its obligations under this section.
- (e) **Appeal to CEC.** A charging network provider may appeal a denial of an application, or revocation, pursuant to Section 3133(d).
- (f) **Renewal.** Status as an enrolled charging network provider granted under this section shall remain in effect for six years and then terminate without notice unless renewal is requested and granted. An entity may renew the six-year period of an exemption at any time before its enrolled charging network provider status terminates by applying as set forth in subdivisions (a) through (c) of this section. Nothing in this section prohibits an entity whose enrolled charging network provider status has terminated from applying to be an enrolled charging network provider.

Note: Authority cited: Sections 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

## **§ 3132: Disclosure of Reporting Requirements for Publicly or Ratepayer Funded Chargers.**

**Disclosure.** The funding entity shall clearly disclose to the funding recipient the funding recipient's reporting requirements of this Article. If the funding recipient is a charging network provider or other third-party entity that is not the site host, the charging network provider or third-party entity shall provide a separate disclosure to the site host about the site host's right to designate the charging network provider or third-party as the entity to be responsible to ensure the data is reported on behalf of the site host. The funding recipient shall verify receipt of the disclosure by signing the disclosure, to be confirmed by the funding entity.

Note: Authority cited: Sections 25213, 25218(e), 25231.5, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25231.5, 25400–25401, 25601–25602, 25618, Public Resources Code.

## **§ 3133: General Administration.**

- (a) **Forms and Formats Specified by the Executive Director.** The Executive Director may specify and require the use of any form or format for the submittal of any data, reports, or other information required by this Article, including but not limited to computer programs or formats.

**(b) Electronic Filing.**

- (1)** Unless otherwise stated in this Article, the statements and other submittals required or allowed by this Article shall be filed electronically to the CEC's database so that the electronic filing to the CEC's database uses a format and characteristics, including without limitation appropriate formatting, that are specified by the Executive Director.
- (2)** Any electronic filing to the CEC's database constitutes a representation by the person making the filing that:
  - (A)** All applicable requirements of this Article have been met;
  - (B)** The person will electronically acknowledge receipt through the CEC's database of all electronic communications concerning the filing from the Executive Director through the nCECs database to the person;
  - (C)** All electronic communications concerning the filing from the Executive Director through the CEC's database to the person shall be deemed received by the person upon notification to the Executive Director, by the computer or other electronic device from which the Executive Director communication has been sent, that the communication has been sent; and
  - (D)** All electronic communications concerning the filing from the person to the Executive Director shall be deemed received by the Executive Director only upon actual receipt.
- (3)** At any time the Executive Director may forbid electronic filings by any person or enrolled charging network provider and may remove affected information from the CEC's database upon finding that an applicable requirement of this Article is not being met.

**(c) Retention of Records**

- (1)** Recordkeeping and reporting agents shall retain all data, forms, information, and all other records required by this Article:
  - (A)** For at least two years after the record was generated, except as specified in section 3125(c) and (d), and section 3126(a) and (b); and
  - (B)** In a manner allowing ready access by the Executive Director on request.
- (d) Appeal to CEC.** Within 30 days of any decision or determination made by the Executive Director pursuant to this Article, any entity subject to the part of the decision or determination at issue may appeal the decision or determination to the CEC. The following procedures apply to the appeal:
  - (1)** The appeal shall be signed by the appellant, and filed with the CEC's Docket Unit by mail or email, as set forth in sections 1208 and 1208.1. The appeal shall consist of a written argument, stating the grounds for modifying or reversing the decision, identifying the statutes and regulations relevant to the appeal, and

stating whether an oral hearing is requested. The appeal shall include a copy of all relevant notices, responses, correspondence, documents, and decisions.

- (2) Within 30 days after the date the appeal was filed, the Executive Director shall provide the appellant and the CEC a written decision or determination, stating the grounds for affirming, modifying, or reversing the decision, identifying the statutes and regulations relevant to the appeal, and stating whether an oral hearing is requested. The Executive Director's written decision or determination shall also be accompanied by any relevant notices, responses, correspondences, documents, and decisions not previously provided by the appellant.

(3) CEC Consideration of Appeal:

- (A) The proceedings on appeal shall be conducted using informal hearing procedures in a manner consistent with Government Code sections 11425.10 and 11445.10 and Title 20 CCR sections 1200 through 1216. The Chair may appoint a committee to conduct proceedings including an oral hearing, if any. If the Chair appoints a committee, the presiding member of the committee shall prepare a proposed decision for consideration at a business meeting for potential adoption by the CEC. At the conclusion of an oral hearing or anytime thereafter, or if no oral hearing is requested then anytime after the Executive Director submits its written decision or determination, the presiding member may close the hearing record and preclude additional testimony and evidence.
- (B) The CEC shall review the decision or determination made pursuant to this Article de novo.

Note: Authority cited: Sections 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25400–25401, 25601–25602, 25618, Public Resources Code.

## **§ 3134: Confidentiality.**

- (a) An entity submitting information pursuant to this Article may request confidentiality pursuant to section 2505, including without limitation, for automatic designation pursuant to the provisions of 2505(a)(5).
- (b) The CEC may disclose information submitted under this Article that was previously designated as confidential if disclosure is permitted by law, including without limitation, pursuant to section 2507(e)(6) and (f)(1)(D).
- (c) Nothing in this section is intended to limit or expand the confidentiality of information submitted to the CEC.

Note: Authority cited: Sections 25213, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618, Public Resources Code; Reference: Sections 25210, 25216.5, 25229, 25322, 25231.5, 25366, 25300-25305, 25400–25401, 25601–25602, 25618, Public Resources Code.

### **§ 3135: Enforcement.**

- (a) The CEC may enforce against an entity obligated to submit semiannual inventory reports pursuant to section 3123(b)(2) for late or willfully false submittals, including issuing civil penalties, consistent with Public Resources Code section 25321.
- (b) The Executive Director and CEC may take other such actions as are authorized by statute and CEC regulations to address or prevent any act or omission addressed under this Article.

Note: Authority cited: Sections 25213, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, Public Resources Code; Reference: Section 11180, Government Code, Sections 25210, 25216.5, 25229, 25322, 25231.5, 25300, 25301, 25302, 25303, 25304, 25305, 25324, 25321, 25900, Public Resources Code.