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INITIAL STATEMENT OF REASONS

Rulemaking to Establish Regulations for Improved Electric Vehicle Charger Recordkeeping and Reporting, Reliability, and Data Sharing

Title 20, California Code of Regulations

Amendments to Sections 2505 and 2507 of Chapter 7, Division 2, and Adoption of Article 2, Sections 3120-3134, of Chapter 12, Division 2, and Amendment to the titles of Article 1 and Chapter 12 of Division 2.

Docket No. 22-EVI-04
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INTRODUCTION

The California Energy Commission (CEC) proposes to adopt new regulations for electric vehicle (EV) charging ports and charging stations in the California Code of Regulations, Title 20, after considering all comments, objections, and recommendations regarding the proposed action. Additions of sections 3120 through 3135 would primarily:

(1) Track the number of EV charging ports installed in California by establishing inventory reporting requirements.
(2) Track the reliability of publicly or ratepayer funded direct current fast charging (DCFC) ports by adopting reliability recordkeeping and reporting requirements.
(3) Increase DCFC port uptime for publicly or ratepayer funded DCFC ports by setting reliability performance standards, including a 97 percent uptime standard.
(4) Share real-time data on the availability and accessibility of publicly available charging infrastructure for publicly or ratepayer funded charging ports to improve the EV driver experience.

The CEC also proposes to adopt related amendments to the CEC's procedures related to the designation and disclosure of confidential records contained in California Code of Regulations, Title 20, sections 2505 and 2507.

PROBLEM STATEMENT

The CEC is California's primary energy resource policy and planning agency. The CEC is also one of the primary agencies charged with implementing California's policies and regulations to eliminate emissions from transportation. The CEC works in close coordination with other state agencies including the California Public Utilities Commission (CPUC), the California Air Resources Board (CARB), and the California Independent System Operator (California ISO).

Public Resources Code sections 25301 through 25305 direct the CEC to release a biennial Integrated Energy Policy Report (IEPR) that provides a cohesive assessment of major energy trends and issues in California, which includes transportation forecasting and assessment. Public Resources Code section 25304 requires the IEPR to forecast where more EV charging ports are needed. To conduct this forecasting analysis, the CEC will need to collect data from EV charging ports in use today. This data collection will cover several aspects of EV charging port inventory and reliability. The section of regulatory code mentioned above also recommends “improvements to the efficiency of transportation energy use, reduce dependence on petroleum fuels, decrease environmental impacts from transportation energy use, and contribute to reducing congestion, promoting economic development, and enhancing energy diversity and security."

Public Resources Code sections 25400 and 25401 direct the CEC to conduct ongoing assessments of the nature, extent, and distribution of energy resources to meet the needs of the state. Public Resources Code section 25601 requires the CEC to develop improved methods of energy-demand forecasting. Public Resources Code section 25602 requires the CEC to carry out technical assessment studies on all forms of energy and energy-related problems, including shifts in transportation modes and changes in transportation technology in relation to implications for energy consumption.

Assembly Bill (AB) 2127 (Ting, Chapter 365, Statutes of 2018) enacted Public Resources Code section 25229, which directs the CEC to assess biennially the number of electric vehicle charging ports necessary to support California’s electric vehicle adoption goals. Public Resources Code section 25618 requires the CEC to promote the development of EV infrastructure via actions such as planning and research and development funding. Moreover, the CEC administers the Clean Transportation Program to provide, among other things, incentives for deployment of EV charging ports to help attain the state's climate change policies.

Increased adoption of EVs necessitates a corresponding increase in the supporting charging infrastructure. Executive Order (EO) N-79-20 states the goal that 100 percent of new passenger vehicles sales in California will be zero-emissions vehicles (ZEVs) by 2035, which will be predominantly EVs.

Effective January 1, 2023, Assembly Bill 2061 (Ting, Chapter 345, Statutes of 2022) made the following legislative findings:

(a) Increasing consumer confidence in [EV] convenience and accessibility depends on robust, publicly available charging stations.
(b) Despite immense state progress deploying publicly available charging stations, many Californians still lack access to them, including those in low-income, disadvantaged, and rural communities, those residing in multifamily housing, and some dense urban areas.
(c) Publicly available charging stations not only need to be widely available across all communities, but they also need to be highly reliable so that consumers can depend on them no matter where they are.

(d) The [CEC] is required to equitably deploy the charging stations it funds. [See Public Resources Code section 25231.] However, the [CEC] is not required to ensure equitable access to reliable charging stations.
(e) The state currently does not have a holistic understanding of the reliability patterns of publicly funded charging stations, nor whether there are inequities to accessing reliable charging stations between communities.
(f) If the state is going to increase consumer confidence in electric vehicles and public charging stations, it must understand the performance of publicly funded infrastructure to assess if there are issues with reliability, and, if so, address these issues with policies and tools to ensure access to charging stations.

AB 2061 also added section 25231.5 to the Public Resources Code. Section 25231.5 directs the CEC to develop uptime recordkeeping and reporting standards for electric vehicle charging ports and charging stations that receive an incentive from a state agency or through a charge on ratepayers and are installed on or after January 1, 2024. Section 25231.5 further directs the CEC to regularly assess the reliability of California's EV charging infrastructure beginning in 2025. This assessment will include a broad range of charging ports, whether or not these charging ports received an incentive from a state agency or ratepayers.

Effective October 7, 2023, Assembly Bill 126 (Reyes, Chapter 319, Statutes of 2023) amended Public Resources Code section 25231.5(d)(1) to direct the CEC to adopt tools to increase charging station uptime, including uptime requirements and operation and maintenance requirements. AB 126 also enacted Public Resources Code section 25231.5(d)(2), which requires the CEC to adopt standards requiring certain entities to notify customers about the availability and accessibility of publicly available EV charging ports.

Regulations are necessary for CEC to obtain data required for forecasting and assessments of major energy trends and issues in California, including the transportation forecasting and assessment activities required by Public Resources Code section 25304. The CEC's existing access to data is not sufficient. Data available through the U.S. Department of Energy Alternative Fuels and Data Center is limited to publicly accessible charging ports and therefore provides an incomplete picture of the total charging ports in the state.[1] Data from the CEC's voluntary surveys have inconsistent and limited responses and undercounts the number of shared private charging ports operating in California. Many charging networks do not respond to voluntary surveys, leaving the CEC with an incomplete inventory of the number of charging ports.

1 Compare U.S. Department of Energy "Alternative Fuels Data Center Alternative Fueling Station Locator" with CEC "Electric Vehicle Chargers in California." Accessed August 31, 2023.

As the number of electrified fleets grows, more fleet operators will also operate their own private charging ports. Without new regulations that allow the CEC to collect accurate data on the number and location of EV charging ports, the CEC's charging port estimates are likely to grow less accurate over time. These inaccuracies will reduce the effectiveness of the investments of public, ratepayer, and private funding and make it harder to determine whether California is on track to meet state goals. The need for market participants to provide these data outweighs the low to moderate cost that these recordkeeping and reporting requirements could impose.

Moreover, the proposed regulations are required to implement the mandates of Public Resources Code section 25231.5. There is a lack of robust data regarding whether public and shared private EV charging ports are reliable. Despite efforts by the public and private sectors to improve charging port reliability, existing charging ports are still perceived to be unreliable. Survey data indicate that EV drivers see public charging reliability as a major difficulty, and a survey by J.D. Power found that malfunctioning or out-of-service charging ports can prevent drivers from successfully charging their vehicles.[2] Arriving at an EV charging port only to find that it is not functioning is an inconvenient, unpleasant, and potentially dangerous experience for EV drivers. Increasing station reliability will create greater public confidence in EV charging, support electricity grid functioning, and increase EV driver convenience and security.

Collecting the abovementioned data will also provide the information necessary to answer questions about whether reliability is decreased in low and moderate income communities as directed in AB 2061. Current studies are limited in geographic scope, rely on a limited set of EV models, and do not require testers to document error codes or other indicators of specific failure modes. It will be imperative to understand failure points and determine which charging ports are experiencing reliability issues. These data and tools are necessary to ensure a positive driver and consumer experience regardless of the funding source of electric vehicle charging infrastructure.
In addition, the CEC must serve as a central repository for the collection of data and information from charging network providers, meeting the directives of Public Resources Code section 25216.5.

Moreover, real-time information about the availability and accessibility of charging ports is often not available, including to developers of third-party or automotive mapping software that drivers rely on to find stations. Public Resources Code 25231.5(d)(2) requires that the CEC set standards for sharing such data.

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2 Plug In America. February 2022. *The Expanding EV Market: Observations in a Year of Growth,*" https://pluginamerica.org/wp-content/uploads/2022/03/2022-PIA-Survey-Report.pdf; J.D. Power. Press release, August 17, 2022. "Growing Electric Vehicle Market Threatens to Short-Circuit Public Charging Experience, J.D. Power Finds," https://www.jdpower.com/business/press-releases/2022-us-electric-vehicle-experience-evx-public-charging-study.

BENEFITS

The proposed regulations will benefit Californians by:

- Improving the CEC's understanding of EV charging port locations and reliability.
- Improving the quality of forecasts and assessments produced by the CEC and other state agencies.
- Improving the reliability of publicly and ratepayer funded DCFC ports.
- Increasing public access to EV charging and conferring modest economic benefits.

Thus, the proposed regulations will help California progress toward meeting state climate, and EV adoption goals.

Modest economic benefits are expected by increasing public information on the number, reliability, and availability and accessibility of EV charging ports installed in California. Modest first-order economic benefits are expected as the regulations are expected to improve the reliability of public or ratepayer-funded DCFC ports and avoid situations where a driver is at an inoperable DCFC port and is required to drive to another, operable station, which wastes electricity. Improvements in the reliability of public or ratepayer funded DCFC ports may increase consumer confidence in EVs and grow EV sales, providing additional public second-order benefits.

STATEMENT OF SPECIFIC PURPOSE AND NECESSITY

The purpose of the regulations is to:

(1) Increase CEC and public knowledge of the number, location, and reliability of EV charging ports in California.

(2) Increase the reliability of publicly or ratepayer funded DCFC ports.

(3) Increase driver knowledge of the availability and accessibility of publicly or ratepayer funded EV charging ports.

These new requirements are necessary to assess and forecast the number of electric vehicle charging ports necessary to support California's electric vehicle adoption goals, assess the reliability of California's electric vehicle charging infrastructure, increase the reliability and availability of EV charging ports, and meet legislative requirements as expressed in statute.

SECTION 2505. DESIGNATION OF CONFIDENTIAL RECORDS

Section: Subdivision 2505(a)(5)(B)(10)(a)
Specific Purpose: The specific purpose of this subdivision is to establish that data collected pursuant to proposed section 3125(b)(5) can be designated as automatically

confidential because it would disclose the number of uses and duration of uses of specific EV chargers, which is proprietary business information that would give competitors an unfair business advantage. This is an exception to the CEC's ordinary process that requires entities file an application for confidentiality.
Necessity: This subdivision is necessary to establish that certain data gathered through these regulations can be held confidential, upon complying with the regulatory process, because it constitutes confidential business information. This subdivision establishes that such data can be held confidential. The CEC's ordinary confidentiality application process would be unnecessarily burdensome because the usage data for a charger will be proprietary under the circumstances required for this section to be used, and because new data will continuously be updated and submitted. This will also provide assurance to submitters that confidentiality will not be discretionary.

Section: Subdivision 2502(a)(5)(B)(10)(b)
Specific Purpose: The specific purpose of this subdivision is to allow the automatic designation of certain data, unless it relates to a publicly available charger or has been publicly disclosed, including without limitation, by submission to the U.S. National Renewable Energy Laboratory.
Necessity: This subdivision is necessary to establish that data collected pursuant to proposed section 3123(b)(2)(B), (b)(2)(C), (b)(2)(D), (b)(2)(M), and (b)(2)(P), and section 3125(b)(1) through (b)(4) would disclose the location and unique identification of specific chargers, which may disclose proprietary business information and, if so, may be "automatically" designated as confidential pursuant to the provisions in section 2505, subdivision (a)(5). Location and identifiers are confidential, among other reasons, to avoid allowing competitors to gain an unfair advantage by mirroring competitor market decisions rather than basing deployment on their own market research. Some of these data, however, are already in the public record because the charger is publicly available or already required to be disclosed to the U.S. National Renewable Energy Laboratory and, if so, would not be "automatically designated" as confidential pursuant to the provisions in section 2505, subdivision (a)(5). Publicly available data cannot be held confidential.

SECTION 2507. DISCLOSURE OF CONFIDENTIAL RECORDS

Section: Subdivision 2507(e)(6)
Specific Purpose: The specific purpose of this subdivision is to detail the timeline of the disclosure of confidential records related to data recordkeeping and reporting required under the proposed regulation, as most of this information will not be considered confidential indefinitely. The specific purpose of this subdivision is to mandate a default duration of confidentiality, unless an application for confidentiality specifies a different term.
Necessity: This subdivision is necessary to detail that information added pursuant to this regulation designated as confidential will be held confidential for a minimum 10 years, a reasonable amount of time for the CEC to hold data confidential. This subdivision informs those regulated and the public how long information and data collected pursuant to the proposed regulation will be kept confidential.

Section: Subdivision 2507(f)(1)(D)
Specific Purpose: The specific purpose of this subdivision is establish under what conditions the CEC can disclose confidential data before the ten year period described by subdivision 2507(e)(6) and establish limits so that confidential data disclosed by the CEC does not reveal identifiable information. Per subdivision 2507(f)(1)(D)(1) the CEC can release confidential data at any time. The CEC finds that data aggregated at the levels specified below will likely not be able to be traced to a specific entity or parsed in a way to allow the public to ascertain confidential information.
Necessity: This subdivision is necessary to clarify there are limits to the confidentiality of these data. It may be necessary to disclose aggregated confidential data so that the CEC can demonstrate trends and support its analyses and forecasts, such as for charger inventory and reliability. The CEC will likely create and amend EV infrastructure policy based on the information collected from this regulation, and the CEC will find it necessary to support its policy with the appropriate data.

Section: Subdivision 2507(f)(1)(D)(1)
Specific Purpose: The specific purpose of this subdivision is to establish that confidential data may be disclosed at any time if the data are aggregated at the county level by year and customer sectors.
Necessity: This subdivision is necessary to clarify there are limits to the confidentiality of these data. This subdivision is reasonable because data aggregated at the county level by year and customer sector is unlikely to include any identifiable data.

Section: Subdivision 2507(f)(1)(D)(2)
Specific Purpose: The specific purpose of this subdivision is establish that confidential data may be disclosed at any time if the data are aggregated to such a level that the disclosure includes the data from three or more entities by year and customer sectors.
Necessity: This subdivision is necessary to clarify there are limits to the confidentiality of these data. This subdivision is reasonable because data aggregated to include three or more entities by year and customer sector is unlikely to include any identifiable data.

CHAPTER 12 AND ARTICLE 1 TITLES

Amendment to the title of Chapter 12 reflects the expanded scope of programs in the chapter. Amendment to the title of Article 1 shows that the article relates specifically to the Clean Transportation Program and reflects the changed program name pursuant to Health and Safety Code section 44271.

SECTION 3120. SCOPE

Section: Subdivision 3120(a)
Specific Purpose: The specific purpose of this subdivision is to establish that the regulations are applicable to all charging station operators and charging network providers of one or more AC Level 2 chargers or DCFCs installed in California, excluding any temporary charger and off-grid charger.

Necessity: This subdivision is necessary to establish that the regulations are primarily directed toward charging station operators and charging network providers, which are the entities commonly involved with managing AC Level 2 chargers and DCFC. This subdivision is intentionally broad to ensure the CEC can obtain the data required for forecasts and assessments, such as IEPR requirements under Public Resources Code section 25304, and statutory requirements, such as those required by Public Resources Code section 25231.5.

Off-grid and temporary chargers are excluded from these regulations because they may be intermittently powered and may move around, are not well suited to geographic inventory reporting or reliability standards, and because they represent only a small fraction of the charger population. Level 1 chargers are exempted from the regulations because they are functionally electrical outlets, which do not need to be tallied for the purposes of CEC reporting and are not expected to pose reliability challenges.

Section: Subdivision 3120(b)
Specific Purpose: The specific purpose of this subdivision is to establish that the regulations cover entities upon which a duty is imposed by Public Resources Code section 25231.5, subdivisions (a)(2)(A) and (C) (". . . shall . . . only apply to electric vehicle chargers and charging stations that received an incentive from a state agency or through a charge on ratepayers . . . . . installed on or after January 1, 2024."). These entities must comply with the applicable disclosure requirements below. These entities will not be limited to charging station operators and charging network providers mentioned in subdivisions (a) or site hosts mentioned in (c). However, this subdivision exempts entities that installed chargers at residential real property containing four or fewer dwelling units or temporary chargers and off-grid chargers.
Necessity: This subdivision is necessary to establish the scope of the reliability recordkeeping and reporting regulations and reliability standards, as is required by Public Resources Code section 25231.5.

Section: Subdivision 3120(c)
Specific Purpose: The specific purpose of this subdivision is to establish that recordkeeping and reporting requirements will apply to site hosts under certain circumstances regardless of whether they are included in the entities included in subdivision (a) or (b). (See Public Resources Code, § 25231.5(b)(5) (". . . site host's right to designate the service provider or third-party as the entity to report the data on behalf of the site host. . .")
Necessity: This subdivision is necessary to establish that the site host as defined in subdivision 3121(b) may be the entity responsible for complying with the recordkeeping and reporting regulations, as is required by Public Resources Code section 25231.5.

Section: Subdivision 3120(d)
Specific Purpose: The specific purpose of this subdivision is to establish that entities that apply as enrolled charging network providers are submitting to be regulated.
Necessity: This subdivision is necessary because uptime data required to be reported pursuant to these regulations, implementing Public Resources Code section 25231.5,

are best reported by a charging network provider via an Application Programming Interface (API) data portal. An API data portal is a type of software interface that offers service to other pieces of software, in this case allowing two or more computer programs to communicate with each other. This subdivision ensures that the charging network provider maintains the technical and other requirements of reporting required data through the API data portal, which will be enrolled in a program. (See proposed regulation, 20 California Code of Regulations, § 3131.) These enrolled charging network providers need to be subject to the scope of the CEC's regulations.

SECTION 3121. RULES OF CONSTRUCTION AND DEFINITIONS

Section: 3121(1) AC Level 2
Specific Purpose: "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 AC to direct current to charge an EV battery. This proposed definition removed the upper voltage limit of 240 volts because it was arbitrary and creates a potential loophole. However, the CEC expects few chargers will be affected by removal of the 240 volt limit because 240 volts is a standard voltage for residential and commercial electrical systems in California. In effect, this change is not intended to affect any significant number of chargers.
Necessity: This definition aligns with national standard terminology. This is a well-established industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements. (23 Code of Federal Regulations, § 680.104.) The CEC removed the upper voltage limit of 240 volts from the definition to remove an arbitrary cap and potential loophole.

Section: 3121(2) Application Programming Interface
Specific Purpose: "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.
Necessity: It is necessary to define application programming interface because enrolled charging network providers are required to report data using an API. This is a well-established industry understanding. And the CEC did not identify a ready definition of API in California or federal regulations.

Section: 3121(3) Charger
Specific Purpose: "Charger" means a device with one or more charging ports and connectors for charging EVs. Also referred to as electric vehicle supply equipment (EVSE).
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements. (23 Code of Federal Regulations, § 680.104.)

Section: 3121(4) Charging Network
Specific Purpose: "Charging network" means a collection of chargers located on one

or more property(is) that are connected via digital communications to manage the facilitation of payment, the facilitation of electrical charging, and any related data requests.
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements. (23 Code of Federal Regulations, § 680.104.)

Section: 3121(5) Charging Network Provider
Specific Purpose: "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. Charging network providers can be charging station operators or manufacture chargers.
Necessity: This definition aligns with national standard terminology with a modification. This is a modification of a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104). The modification added a clarification, including, but not limited to, authorizing customer transactions and monitoring charger operative status to clarify the types of operations included.

Section: 3121(6) Charging Port
Specific Purpose: "Charging port" means the system within a charger that charges one EV. A charging port may have multiple connectors, but it can provide power to charge only one EV through one connector at a time.
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 80.104).

Section: 3121(7) Charging session
Specific Purpose: "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.
Necessity: This definition aligns with existing California terminology. This is a common industry definition codified at 8.3 of Division 3, Title 13, California Code of Regulations, section 2360(a).

Section: 3121(8) Charging station
Specific Purpose: "Charging station" means the area in the immediate vicinity of one or more chargers and includes the chargers, supporting equipment, parking areas adjacent to the chargers, and lanes for vehicle ingress and egress.
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104).

Section: 3121(9) Charging Station Management System
Specific Purpose: “Charging station management system” means a system that may be used to operate a charger, to authorize use of the charger, or to record or report charger data, such as by using OCPP.
Necessity: The definition is necessary because Public Resources Code section 25231.5 requires the CEC to collect uptime data, and thus, it is necessary to identify the system connected to the EV chargers for purpose of OCPP, which is used to monitor uptime in compliance. The concept reflected in this definition is commonly understood in the industry, but there was no ready definition in state or federal law from which to borrow.

Section: 3121(10) Charging Station Operator
Specific Purpose: “Charging station operator” means the entity that owns the chargers and supporting equipment and facilities at one or more charging stations. Although this entity may 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 and facilities. In some cases, the charging station operator and the charging network provider are the same entity.
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104).

Section: 3121(11) Connector
Specific Purpose: “Connector” means the device that attaches an EV to a charging port in order to transfer electricity.
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104).

Section: 3121(12) Corrective maintenance
Specific Purpose: “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.
Necessity: Public Resources Code section 25231.5(a)(3)(C) requires the CEC to determine the events, that make a charging station inoperable, and that constitute excluded time for purposes of calculating uptime. The CEC calls the duration of these events excluded downtime, which in turn requires a definition of corrective maintenance. Staff identified no ready definition in federal or state law.

Section: 3121(13) Direct Current Fast Charger
Specific Purpose: “Direct current fast charger” (DCFC) means a charger that enables rapid charging by delivering direct current (DC) electricity to an EV's battery.
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle

Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104).

Section: 3121(14) Downtime
Specific Purpose: "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).
Necessity: Public Resources Code section 25231.5(a)(3) requires the CEC to determine uptime. Subdivision (a)(3)(C) requires the CEC to determine events that make a charging station inoperable that are excluded from calculation of uptime, which the CEC calls excluded downtime. Downtime is a necessary corollary to uptime and excluded downtime. There is no ready definition in federal or state law.

Section: 3121(15) Electric Utility
Specific Purpose: "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.
Necessity: This definition aligns with, and is taken from, the CEC's enacting statutes, the Warren-Alquist Act, Public Resources Code section 25108.

Section: 3121(16) Electric Vehicle
Specific Purpose: "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 this regulation, this definition does not include golf carts, electric bicycles, or other micromobility devices.
Necessity: This definition aligns with national standard terminology. This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104).

Section: 3121(17) Enrolled Charging Network Provider
Specific Purpose: "Enrolled charging network provider" means a charging network provider that meets the technical and administrative criteria of section 3131 and is granted the status of an enrolled charging network provider by the CEC pursuant to section 3131(c)(2).
Necessity: Uptime reporting requirements required by Public Resources Code section 25231.5 are best reported by a charging network provider via an application programming interface (API) data portal. The CEC would ensure charging network providers maintain the technical and other requirements of reporting required data through the API data portal. Once verified they may be enrolled. (See proposed regulation, 20 California Code of Regulations, § 3131.) There is no definition in state or federal law.

Section: 3121(18) Electric Vehicle Supply Equipment
Specific Purpose: “Electric vehicle supply equipment” or “EVSE” means a “charger” as defined.
Necessity: This definition aligns with national standard terminology. This is a common industry term derived from the national organization the National Renewable Energy Laboratory and further advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104).

Section: 3121(19) Executive Director
Specific Purpose: “Executive Director” means the Executive Director of the Energy CEC and anyone the Executive Director designates as an agent.
Necessity: This term is used in the regulations to identify the Executive Director’s authority regarding the subject matter. This definition is consistent with the definition in other sections of Title 20, such as in section 1302.

Section: 3121(20) Fleet Charger
Specific Purpose: "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.
Necessity: Fleet chargers are not required to submit the uptime report required by proposed section 3123(a)(3) because they are not similarly situated to other applicable chargers, and evaluating their uptime has less public interest. This variance is authorized by Public Resources Code section 25231.5(a)(3). No acceptable definition of fleet charger or fleet was identified in state or federal law tailored to this specific purpose.

Section: 3121(21) Funding Entity
Specific Purpose: “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 these purposes is the entity that disburses the funds most directly to the funding recipient.
Necessity: The recordkeeping and reporting requirements mandated by Public Resources Code section 25231.5(a)(5) mandate that a “funding entity” disclose reporting requirements to the funding recipient. These terms were defined in the context of section 25231.5(a)(2)(A) (“. . . received an incentive from a state agency or through a charge on ratepayers.")

Section: 3121(22) Funding Recipient
Specific Purpose: “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.
Necessity: The recordkeeping and reporting requirements mandated by Public Resources Code section 25231.5(a)(5) mandate that a funding entity disclose reporting requirements to the "funding recipient." These terms were defined in the context of section 25231.5(a)(2)(A) (". . . received an incentive from a state agency or through a charge on ratepayers.")

Section: 3121(23) Hardware
Specific Purpose: "Hardware" means the machines, wiring, and other physical components of an electronic system, including onboard computers and controllers.
Necessity: This is a common industry term. Public Resources Code section 25231.5(a)(3)(B)(i) requires the CEC to account for the operability of both software and hardware in its definition of "uptime." The CEC did not identify a ready definition in state or federal law.

Section: 3121(24) Incentive
Specific Purpose: "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.
Necessity: This definition clarifies Public Resources Code section 25231.5(a)(2)(A) (". . . received an incentive from a state agency or through a charge on ratepayers.") while balancing reasonable limits of funded activities that should trigger uptime regulations. This definition describes incentive as "anything of value." However, the definition does not apply to EV chargers where the only public or ratepayer funding was to fund front-of-the-meter make-readies or associated infrastructure. The regulations would still apply if a charger received public or ratepayer funding for the make-ready and public or ratepayer funding for the customer-side EV charging infrastructure. No ready definition was identified in state or federal law.

Section: 3121(25) Inoperative State
Specific Purpose: "Inoperative State" means the charger or charging port is not operational.
Necessity: This definition is tailored to fit the purposes of AB 2061 and Public Resources Code section 25231.5. AB 2061 states the legislative finding that "[i]ncreasing consumer confidence in electric vehicle convenience and accessibility depends on robust, publicly available charging stations." (At section 1(a).) Public Resources Code section 25231.5(a)(3)(B)(i) requires the CEC to account for the operability of both software and hardware in its definition of "uptime." No ready definition was identified in state or federal law.

Section: 3121(26) Installed
Specific Purpose: "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.
Necessity: This definition is based on the definition of "installed" adopted by the California Air Resources Board at California Code of Regulations, Title 13, section 2360, but tailored to the needs of these regulations, which are not necessarily limited to publicly available chargers and consider installed to be a characteristic rather than merely a date.

Section: 3121(27) Maintenance
Specific Purpose: "Maintenance" means any instance in which preventive or corrective maintenance is carried out on equipment.
Necessity: Public Resources Code section 25231.5(a)(3)(C) requires the CEC to determine which events that make a charging station inoperable constitute excluded time for purposes of calculating uptime. The CEC calls this excluded downtime, which in turn requires a treatment and definition of maintenance. The CEC identified no appropriate definition in federal or state law.

Section: 3121(28) Multifamily Dwelling
Specific Purpose: "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.
Necessity: Public Resources Code section 25231.5 excludes residential real property containing four or fewer dwelling units, which the regulations define in turn to mean, a single-family residence or a multifamily dwelling containing four or fewer dwelling units. No appropriate definition was identified in state or federal law, but definitions in other contexts were considered, such as Civil Code section 1101.3 ("Multifamily residential real property") and Health and Safety Code section 1569.8 ("family dwelling"). The CEC's intent was to minimize the number of residential homeowners that might need to report solely on their own behalf while maintaining granularity of data informative to CEC's forecasts and assessments.

Section: 3121(29) Networked
Specific Purpose: "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.
Necessity: It is necessary to define networked chargers as the regulations differentiate between networked and nonnetworked chargers. The definition reflects the intent of the regulations that the industry coalesce around the OCPP communications protocols, if possible, which will improve reliability. Chargers that exclusively use customer cell phones as carriers for communication between the charger and central system do not

appear to meet the requirements for OCPP because they may not have the near-continuous connectivity required for an OCPP web socket. No adequate definition was identified in state or federal law. The CEC considered the definition of "charging network" in these regulations, which in turn is from the federal National Electric Vehicle Infrastructure Standards and Requirements. (23 Code of Federal Regulations, § 680.104.)

Section: 3121(30) Nonnetworked Charger
Specific Purpose: "Nonnetworked charger" means a charger that is not "networked".
Necessity: It is necessary to define nonnetworked chargers as the regulations differentiate between networked and nonnetworked chargers. No adequate definition was identified in state or federal law. Because a nonnetworked charger is the opposite of a networked charger, in drafting this definition, the CEC considered the definition of "charging network", from the federal National Electric Vehicle Infrastructure Standards and Requirements. (23 Code of Federal Regulations, § 680.104.)

Section: 3121(31) Off-Grid Charger
Specific Purpose: "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.
Necessity: It is necessary to define this term because off-grid chargers are exempted from the regulations. The CEC did not identify an appropriate definition in state or federal law.

Section: 3121(32) Open Charge Point Interface or OCPI
Specific Purpose: This definition aligns with national standard terminology. "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.
Necessity: This is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.104).

Section: 3121(33) Open Charge Point Protocol
Specific Purpose: "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.
Necessity: This definition aligns with national standard terminology. OCPP is a broadly accepted protocol for communication between chargers and charging network providers, and CEC staff's understanding is that most charging network providers use some implementation of OCPP 1.6 or later. This requirement is consistent with other CEC EV charging programs, which are gradually requiring chargers to comply with OCPP 1.6 or later and comply with OCPP 2.0.1 or later. Moreover, this is a common industry definition advanced by adoption by the federal National Electric Vehicle Infrastructure Standards and Requirements. (23 Code of Federal Regulations, § 680.104.)

Section: 3121(34) Operational or Up
Specific Purpose: “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.
Necessity: It is necessary to define this operational state as part of the uptime metric. This definition is tailored to fit the purposes of AB 2061 and Public Resources Code section 25231.5. AB 2061 states the legislative finding that “[i]ncreasing consumer confidence in electric vehicle convenience and accessibility depends on robust, publicly available charging stations.” (At section 1(a).) Public Resources Code section 25231.5(a)(3)(B)(i) requires the CEC to account for the operability of both software and hardware in its definition of “uptime.” No ready definition was identified in state or federal law.

Section: 3121(35) Operative State
Specific Purpose: “Operative state” means the charger is operational.
Necessity: It is necessary to define this state as part of the uptime metric. This definition is tailored to fit the purposes of AB 2061 and Public Resources Code section 25231.5. AB 2061 states the legislative finding that “[i]ncreasing consumer confidence in electric vehicle convenience and accessibility depends on robust, publicly available charging stations.” (At section 1(a).) Public Resources Code section 25231.5(a)(3)(B)(i) requires the CEC to account for the operability of both software and hardware in its definition of “uptime.” No ready definition was identified in state or federal law.

Section: 3121(36) Operative Status
Specific Purpose: “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.
Necessity: It is necessary to define this operative status to determine the operative state of the charger. This definition is tailored to fit the purposes of AB 2061 and Public Resources Code section 25231.5. AB 2061 states the legislative finding that “[i]ncreasing consumer confidence in electric vehicle convenience and accessibility depends on robust, publicly available charging stations.” (At section 1(a).) Public Resources Code section 25231.5(a)(3)(B)(i) requires the CEC to account for the operability of both software and hardware in its definition of “uptime.” No ready definition was identified in state or federal law.

Section: 3121(37) Preventive Maintenance
Specific Purpose: “Preventive maintenance” means maintenance that is performed on physical assets to reduce the chances of equipment failure and unplanned machine downtime.
Necessity: Public Resources Code section 25231.5(a)(3)(C) requires the CEC to determine the events that make a charging station inoperable that constitute excluded time for purposes of calculating uptime. The CEC calls this excluded downtime, which in

turn requires a definition of preventative maintenance. There is no ready definition in federal or state law.

Section: 3121(38) Private access
Specific Purpose: "Private access," when referring to a charger, means a charger that is not a publicly available charger, as defined in this section.
Necessity: It is necessary to define these terms because applicability of the regulations distinguishes between private access chargers and publicly available chargers. (See § 3132(a)(2)(N).)

Section: 3121(39) Private Residential Charger
Specific Purpose: "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.
Necessity: It is necessary to define these terms as applicability of the regulations distinguishes between private residential chargers and other residential chargers. Public Resources Code section 25231.5 excludes residential real property containing four or fewer dwelling units, which the regulations define in turn to mean a single-family residence or a multifamily dwelling containing four or fewer dwelling units. No appropriate definition was identified in state or federal law, but definitions in other contexts were considered, such as Civil Code section 1101.3 ("Multifamily residential real property") and Health and Safety Code section 1569.8 ("family dwelling"). The CEC's intent was to minimize the number of residential homeowners that might need to report solely on their own behalf, while maintaining granularity of data informative to the CEC's forecasts and assessments.

Section: 3121(40) Publicly Available
Specific Purpose: "Publicly available," when referring to a charger, means a charger and associated parking space or spaces designated by a property owner or lessee to be available to, and accessible by, the public for any period of time. A charger designated by a lessee or a property owner 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.

Necessity: Assembly Bill 126 (Reyes, Chapter 319, Statutes of 2023) added subdivision (d)(2) to Public Resources Code section 25231.5, introducing the concept of "publicly available," which resembles a concept in Health and Safety Code section 44268, which was already defined by the California Air Resources Board. (13 California Code of Regulations, § 2360(a).) This definition is a modified version of CARB's definition. Modifications account for different context and purpose of the CEC's regulations, and the CEC's decision for different treatment at certain residential properties. The term is modified from Title 13 due to its more frequent use as an adjective rather than noun throughout the regulations. The definition is modified from the definition used in section 2360(a) to reflect the modification of the term to an adjective and to align terminology with that adopted by the federal National EV Infrastructure Standards and Requirements (23 CFR § 680.104). This proposed subdivision replaces the term, "contracted drivers" with "independent contractors," and it deletes the association of "contracted drivers" with "participating drivers," because the term "independent contractors" seems to more seamlessly cover the intent of the subdivision in actual practice, by allowing employers to offer charging to formal employees and independent contractors alike, regardless of whether they were contracted specifically to drive. The subdivision also proposes to delete the limitation that a charger is only considered "publicly available" during the time the charger is available to the public, to clarify the classification and requirements of apply to certain chargers, which shouldn't change by hour of the day.

Section: 3121(41) Publicly or Ratepayer Funded Charger
Specific Purpose: "Publicly or ratepayer funded charger" means a charger or charging station 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 charging station, excluding any temporary charger and off-grid charger. 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 this regulation, 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.
Necessity: This definition is tailored to fit the scope and context of Public Resources Code section 25231.5(a)(2)(A) (applies to EV chargers that ". . . received an incentive

from a state agency or through a charge on ratepayers.") A broad understanding of "ratepayer" is consistent with the Warren-Alquist Act. No ready definition was identified in state or federal law. Greenhouse Gas Reduction Fund funds would be included even if not specifically referenced, but the reference serves as an example, for clarification, of funds from a state agency. The reference to pass-through funds for a federal grant administered by a state agency clarifies that these funds are an incentive from a state agency even if ultimately reimbursed from federal funds.

Section: 3121(42) Recordkeeping and Reporting Agent
Specific Purpose: "Recordkeeping and reporting agent" means the entity responsible to ensure timely compliance with the recordkeeping and reporting requirements. The identity of the recordkeeping and reporting agent is determined according to section 3122.
Necessity: It is necessary to identify the responsible party for recordkeeping and reporting required by the regulations, and in part based on Public Resource Code 25231.5. The identity of the recordkeeping and reporting agent necessarily varies depending on the specific business arrangement and relationships surrounding a specific EV charger. It also depends on who may have received funding pursuant to Public Resources Code section 25231.5(a)(2)(A). It also reflects that a charging network provider will often be in the best position to fulfill the role.

Section: 3121(43) Replaced
Specific Purpose: "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.
Necessity: It is necessary to define replaced to establish the applicability of the regulations, and to distinguish them from chargers "uninstalled," which have a limited exception from the semi-annual reporting requirements.

Section: 3121(44) Research Charger
Specific Purpose: "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.
Necessity: It is necessary to define research charger, as research chargers are exempted from the regulations.

Section: 3121(45) Residential Real Property Containing Four or Fewer Dwelling Units
Specific Purpose: "Residential real property containing four or fewer dwelling units" means a single-family residence or a multifamily dwelling containing four or fewer dwelling units.
Necessity: Public Resources Code section 25231.5 excludes residential real property containing four or fewer dwelling units, which the regulations define in turn to mean a single-family residence or a multifamily dwelling containing four or fewer dwelling units. No appropriate definition was identified in state or federal law, but definitions in other contexts were considered, such as Civil Code section 1101.3 ("multifamily residential real property") and Health and Safety Code section 1569.8 ("family dwelling"). The

CEC's intent was to minimize the number of residential homeowners that might need to report solely on their own behalf while maintaining granularity of data informative to CEC's forecasts and assessments.

Section: 3121(46) Single-Family Residence
Specific Purpose: "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.
Necessity: Public Resources Code section 25231.5 excludes residential real property containing four or fewer dwelling units, which the regulations define in turn to mean, a single-family residence or a multifamily dwelling containing four or fewer dwelling units. No appropriate definition was identified in state or federal law. No consistent definition was identified in state or federal law. Definitions in other contexts were considered, such as the definition in section 2701 of Title 20 regarding the Solar Offset Program, which includes that it is detached, Civil Code section 1101.3 ("multifamily residential real property") and Health and Safety Code section 1569.8 ("family dwelling"). The CEC's intent was to minimize the number of residential homeowners that might need to report solely on their own behalf, while maintaining granularity of data informative to CEC's forecasts and assessments. This definition was intended to approximate the type of residence where the residents own a separate undivided interest in the land on which the charger is likely to be installed.

Section: 3121(47) Site Host
Specific Purpose: "Site host" means the electric utility customer of record for electric service to the charger and may also be the charging network provider or the charging station operator of the charger.
Necessity: The recordkeeping and reporting requirements mandated by Public Resources Code section 25231.5 anticipate applicability to site hosts under certain circumstances, as illustrated by section 25231.5, subdivisions (a)(5) (". . . site host's right to designate the service provider or third-party as the entity to report the data on behalf of the site host. . .")

Section: 3121(48) Software
Specific Purpose: "Software" means a set of instructions, data, or programs used to operate computers and execute specific tasks.
Necessity: This is a common industry term. Public Resources Code section 25231.5(a)(3)(B)(i) requires the CEC to account for the operability of both software and hardware in its definition of "uptime." The CEC did not identify a ready definition in state or federal law.

Section: 3121(49) Temporary Charger
Specific Purpose: "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.
Necessity: It is necessary to define this term to establish the applicability of the regulation, as temporary chargers are exempted. This definition seeks to avoid creating a loophole for a charger used for a period exceeding 30 days but moved around in the same general area every month. No ready definition of temporary EV charger was identified in state or federal law.

Section: 3121(50) Uninstalled
Specific Purpose: "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." A charger that is replaced within one year is not "uninstalled."
Necessity: This definition is a corollary of the definition of "installed," which triggers certain reporting requirements. This definition helps identify when certain reporting requirements change. The intent in part is to prevent reporting agents from failing to report poor uptime metrics by insincerely claiming the chargers were uninstalled all or part of the reporting period.

Section: 3121(51) Uptime
Specific Purpose: "Uptime" means the time that a charger is installed during a reporting period excluding downtime pursuant to section 3124(c) and (d).
Necessity: Public Resources Code section 25231.5(a)(3) requires the CEC to define uptime for EV chargers, including considering durations of inoperability.

Section: 3121(52) Workplace Charging
Specific Purpose: "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.
Necessity: This definition defines a term used in the definition of "publicly available charger," which in turn was derived from a California Air Resources Board definition (13 C.C.R., § 2360). Differences accommodate the different context of CEC's regulations. This is a common industry term used in the inventory reporting requirements.

SECTION 3122. THE RECORDKEEPING AND REPORTING AGENT

Section: Subdivision 3122(a)
Specific Purpose: The specific purpose of this subdivision is to identify the entity responsible for timely compliance with recordkeeping and reporting requirements of the proposed regulations.

Necessity: This subdivision is necessary because the proposed regulations require recordkeeping and reporting to track the number of EV chargers installed in California, the use of the chargers, and their reliability. The recordkeeping and reporting agent is the entity responsible for collecting, storing, and reporting all the information required by the proposed regulations, inclusive of charger inventory and reliability, as applicable.

Section: Subdivision 3122(a)(1)
Specific Purpose: The specific purpose of this subdivision is to establish that while the recordkeeping and reporting agent may designate one or more entities to fulfill the responsibilities, the recordkeeping and reporting agent remains responsible to ensure compliance.
Necessity: This subdivision is necessary to establish which entity is always responsible for reporting under the regulations.

Section: Subdivision 3122(a)(2)
Specific Purpose: The specific purpose of this subdivision is to establish that if there is more than one recordkeeping and reporting agent for a charger, then compliance with any requirements by any one recordkeeping and reporting agent fulfills those requirements as to the others.
Necessity: This subdivision is necessary to specify that the recordkeeping and reporting agent remains responsible for ensuring compliance, but that duplicate compliance is not necessary.

Section: Subdivision 3122(b)
Specific Purpose: The specific purpose of this subdivision is to describe and identify the recordkeeping and reporting agent for nonpublicly or ratepayer funded chargers that do not fall within Public Resources Code section 25231.5.
Necessity: This subdivision is necessary because the applicability within the proposed regulation depends on the entity and the type of charger being regulated. The information these entities will be required, among other reasons, to provide is necessary for the preparation of the IEPR and other analyses, forecasts, reports, and duties the CEC is authorized to prepare and carry out. (25210, 25213, 25216.5, 25218(e), 25231.5, 25301–25305, 25400–25401, 25601–25602, 25618, Public Resources.) For publicly and ratepayer funded chargers, Public Resources Code section 25231.5(b)(5) identifies certain parties responsible for reporting uptime, which are entities related to receipt of public funds for the chargers. For non-publicly or ratepayer funded chargers, charging network providers are larger, more sophisticated entities that are better equipped to comply with these requirements at a lower cost than other entities, and the charging station operator is second best. These entities are also the electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants identified in Public Resources Code section 25301(a).

Section: Subdivision 3122(b)(1)
Specific Purpose: The specific purpose of this subdivision is to establish that 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 by default.
Necessity: This subdivision is necessary because it is necessary to establish the entities responsible for reporting this data because charging network providers are larger, more sophisticated entities that are better equipped to comply with these requirements at a lower cost than other entities. These entities are also the electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants identified in Public Resources Code section 25301(a).

Section: Subdivision 3122(b)(2)
Specific Purpose: The specific purpose of this subdivision is to establish that 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.
Necessity: This subdivision is necessary because nonnetworked chargers do not have a charging network provider, and a networked charger may not have a charging network provider for all periods of time. This subdivision establishes that the charging station operator is the recordkeeping and reporting agent in such instances. These entities are also the electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants identified in Public Resources Code section 25301(a).

Section: Subdivision 3122(c)
Specific Purpose: The specific purpose of this subdivision is to establish the recordkeeping and reporting agent for publicly or ratepayer funded chargers.
Necessity: For publicly and ratepayer funded chargers, Public Resources Code section 25231.5(b)(5) identifies certain parties responsible for reporting uptime, which are entities related to receipt of public funds for the chargers. Charging network providers are larger, more sophisticated entities that are better equipped to comply with these requirements at a lower cost. The information these entities will be required, among other reasons, to provide is necessary for the preparation of the IEPR and other analyses, forecasts, reports, and duties the CEC is authorized to prepare and carry out. (25210, 25213, 25216.5, 25218(e), 25231.5, 25301–25305, 25400–25401, 25601–25602, 25618, Public Resources.) These entities are also the electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants identified in Public Resources Code section 25301(a).

Section: Subdivision 3122(c)(1)
Specific Purpose: The specific purpose of this subdivision is to establish that the site host or funding recipient for networked publicly or ratepayer funded chargers installed from January 1, 2024, through 179 days from the effective date of this paragraph shall designate a charging network provider to serve as the recordkeeping and reporting agent, unless the site host or funding recipient is a charging network provider.
Necessity: This subdivision is necessary to establish that site hosts or funding recipients for networked publicly or ratepayer funded chargers must retain a charging network provider to serve as the recordkeeping and reporting agent. This subdivision designates the charging network provider as the recordkeeping and reporting agent because this reduces the recordkeeping and reporting burden for small businesses that operate networked chargers. Charging network providers are larger, more sophisticated

entities that are better equipped to comply with these requirements at a lower cost. An enrolled charging network provider is not required for the first 179 days because those chargers will not be required to provide the data mandated by 3125.

Section: Subdivision 3122(c)(1)(A)
Specific Purpose: The specific purpose of this subdivision is to establish that the site host or funding recipient of a networked publicly or ratepayer funded charger may serve as its own recordkeeping and reporting agent.
Necessity: This subdivision is necessary to allow an option for site hosts or funding recipients to serve as the recordkeeping and reporting agent for their own charging stations, if they are a charging network provider, if they so choose. Because they are qualified to provide the data, there is no need to designate another.

Section: Subdivision 3122(c)(1)(B)
Specific Purpose: The specific purpose of this subdivision is to establish that the site host or funding recipient of a networked publicly or ratepayer funded charger may serve as its own recordkeeping and reporting agent during periods of nonoperation.
Necessity: This subdivision is necessary because while a nonoperational charger does not need to report all of the data covered by this regulation it still must report some. Also, a charging network provider may not be involved if the charger is not in service. This subdivision designates that the site host or funding recipient is the recordkeeping and reporting entity of last resort in these instances.

Section: Subdivision 3122(c)(2)
Specific Purpose: The specific purpose of this subdivision is to establish that the site host or funding recipient of a networked publicly or ratepayer funded charger shall designate an enrolled charging network provider to serve as the recordkeeping and reporting agent if the charger is installed on or after 180 days from the effective date of this paragraph.
Necessity: This subdivision is necessary because the requirements for publicly or ratepayer funded chargers installed on or after 180 days from the effective date of this paragraph are different for publicly or ratepayer funded chargers installed before this date. Chargers installed on or after 180 days from the effective date of this paragraph must report data using the OCPP version 2.0.1 or later. Thus, they must report required data to the CEC through an application programming interface (API) data portal as an enrolled charging network provider or designate another enrolled charging network provider capable of submitting data through an API to report this data on their behalf. An enrolled charging network provider is a charging network provider that has completed an application to the CEC and meets the technical requirements of reporting required data through the API data portal.

Section: Subdivision 3122(c)(2)(A)
Specific Purpose: The specific purpose of this subdivision is to establish that if the site host or funding recipient for a networked publicly or ratepayer funded charger is an enrolled charging provider it need not retain another.
Necessity: This subdivision is necessary to make clear that an enrolled charging

network provider can serve as the recordkeeping and reporting agent for its own chargers.

Section: Subdivision 3122(c)(2)(B)
Specific Purpose: The specific purpose of this subdivision is to establish the recordkeeping and reporting agent for networked publicly or ratepayer funded chargers during periods of nonoperation.
Necessity: This subdivision is necessary because while a nonoperational charger does not need to report all of the data covered by this regulation it still must report some. It may not otherwise need a charging network provider if it is not in service. This subdivision designates that the site host or funding recipient is the recordkeeping and reporting entity of last resort in these instances.

Section: Subdivision 3122(c)(3)
Specific Purpose: The specific purpose of this subdivision is to establish the recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers.
Necessity: This subdivision is necessary to establish that the site host or the funding recipient is the recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers. This is necessary because nonnetworked chargers do not possess a charging network provider, who is otherwise retained as the recordkeeping and reporting agent. (See Public Resources Code, § 25231.5(b)(5) [anticipating that the finding recipient and site host have recordkeeping and reporting requirements].)

Section: Subdivision 3122(c)(4)
Specific Purpose: The specific purpose of this subdivision is to provide that the site host may designate the funding recipient as the responsible party for six years, which is the duration of the reporting requirement.
Necessity: This subdivision is necessary to establish that the funding recipient is the recordkeeping and reporting agent of last resort. (See Public Resources Code, § 25231.5(a)(1)(B) and (b)(5) [“site host's right to designate the service provider or third-party as the entity to report the data on behalf of the site host”].)

SECTION 3123. SEMI-ANNUAL REPORTING REQUIREMENT

Section: Subdivision 3123(a)
Specific Purpose: The specific purpose of this subdivision is to set due dates for reporting collected through this Article. This subdivision assigns each semi-annual period’s reporting period and semi-annual report due date.
Necessity: This subdivision is necessary because Public Resources Code 25231.5 requires that reliability information be reported to the CEC at least annually; with these regulations, staff proposes semi-annual reporting. For IEPR reporting, this reporting period provides sufficient granularity. The proposed regulation provides a one-month window to provide sufficient time for each recordkeeping and reporting agent or designee to gather data and compile the semi-annual report for the reporting period.

The regulated reporting period and filing date ensures all parties have equitable amount of time and the same due date industrywide.

Section: Subdivision 3123(a)(1)
Specific Purpose: The specific purpose of this subdivision is to establish the reporting due date for the January – June reporting period.
Necessity: This subdivision is necessary to establish a clear due date for recordkeeping and reporting entities. This subdivision is reasonable because the July 31 reporting due date leaves a month to report on January – June data.

Section: Subdivision 3123(a)(2)
Specific Purpose: The specific purpose of this subdivision is to establish the reporting due date for the July - December reporting period.
Necessity: This subdivision is necessary to establish a clear due date for recordkeeping and reporting entities. This subdivision is reasonable because the January 31 reporting due date leaves a month to report on July – December data.

Section: Subdivision 3123(b)
Specific Purpose: The specific purpose of this subdivision is to establish the required information that must be included in the semi-annual report.
Necessity: This subdivision necessary to prescribe the required information to be included in each semi-annual report for each charger. This subdivision lists the required data fields necessary for the CEC to contact recordkeeping and reporting agents and assess charger deployment and uptime.

Section: Subdivision 3123(b)(1)
Specific Purpose: The specific purpose of this subdivision is to require recordkeeping and reporting entities to submit contact information to the CEC.
Necessity: This subdivision is necessary to identify contact information so that the CEC can identify the entity and contact person responsible for charger recordkeeping and reporting, as well as charger reliability and other requirements. These entities are also the electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants identified in Public Resources Code section 25301(a).

Section: Subdivision 3123(b)(1)(A)(1)
Specific Purpose: The specific purpose of this subdivision is to require basic contact information like the recordkeeping and reporting agent's name, address, and contact information and establish requirements for recordkeeping and reporting agents reporting on behalf of another affiliate entity.
Necessity: This subdivision is necessary to require information so that the CEC can reach the recordkeeping and reporting agent in the event of questions or a dispute.

Section: Subdivision 3123(b)(1)(A)(2)
Specific Purpose: The specific purpose of this subdivision is to require that the recordkeeping and reporting agent to submit a statement specifying whether they are serving as the charging network provider, charging station operator, funding recipient, or

site host for a given charger.
Necessity: This subdivision is necessary because the reporting information required by this Article differs based on the recordkeeping and reporting agent's role.

Section: Subdivision 3123(b)(1)(A)(3)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to submit the contact information of the charging station network provider, if the recordkeeping and reporting agent is not the charging network provider.
Necessity: This subdivision is necessary so that the CEC has a record of the charging station network provider.

Section: Subdivision 3123(b)(1)(A)(4)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to submit the contact information of the charging station operator, if the recordkeeping and reporting agent is not the charging station operator.
Necessity: This subdivision is necessary so that the CEC has a record of the charging station operator.

Section: Subdivision 3123(b)(1)(A)(5)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to submit the contact information of the charging station funding recipient.
Necessity: This subdivision is necessary so that the CEC has a record of the charging station network operator.

Section: Subdivision 3123(b)(1)(A)(6)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to submit the contact information of the charging station site host.
Necessity: This subdivision is necessary so that the CEC has a record of the charging station site host.

Section: Subdivision 3123(b)(1)(B)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent share the contact information of a designated reporting entity, if they have designated one or more other entities to fulfill the reporting responsibilities as allowed by section 3122(a)(1).
Necessity: This subdivision is necessary so that the CEC has the contact information of the designated recordkeeping and reporting entity, if applicable.

Section: Subdivision 3123(b)(1)(C)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to provide the name, affiliation, and contact information of the individual filing statements pursuant to this Article.

Necessity: This subdivision is necessary so that the CEC has a specific person they can contact in the event of questions about submitted data.

Section: Subdivision 3123(b)(2)
Specific Purpose: The specific purpose of this subdivision is to list information included in the semi-annual charger inventory report.
Necessity: This subdivision is necessary to describe information to be included in the inventory report for each charger. This data is necessary for the CEC to gain a detailed understanding of operational charger counts and locations. This section applies to all in-scope chargers in the state, regardless of whether they are regulated by Public Resources Code section 25231.5 or the funding source or public availability of the charger, unless excepted by subdivision (c). The information is necessary for the preparation of the IEPR and other analyses, forecasts, reports, and duties the CEC is authorized to prepare and carry out. (25210, 25213, 25216.5, 25218(e), 25231.5, 25301–25305, 25400–25401, 25601–25602, 25618, Public Resources.)

Section: Subdivision 3123(b)(2)(A)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the date the charger was installed.
Necessity: This subdivision is necessary to track recordkeeping and reporting requirements pursuant to this Article, and for statutorily required reports into the status of EV charging infrastructure in California.

Section: Subdivision 3123(b)(2)(B)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the address of a charging station.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports into the status of EV charging infrastructure in California. Note, the CEC will hold the address and location of private and shared private chargers confidential as provided in section 2505.

Section: Subdivision 3123(b)(2)(C)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the geographic coordinates of a charging station.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports into the status of EV charging infrastructure in California. Note, the CEC will hold the address and location of private and shared private chargers confidential as provided in section 2505.

Section: Subdivision 3123(b)(2)(D)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the serial number charging station.
Necessity: This subdivision is necessary for CEC reports on the reliability of California's EV charging infrastructure, as required by Public Resources Code section 25231.5(c)(1).

Section: Subdivision 3123(b)(2)(E)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the make and model of a charging station.
Necessity: This subdivision is necessary for CEC reports on the reliability of California's EV charging infrastructure, as required by Public Resources Code section 25231.5(c)(1).

Section: Subdivision 3123(b)(2)(F)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the maximum power level of the charger.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California.

Section: Subdivision 3123(b)(2)(G)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the maximum charger output voltage.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California.

Section: Subdivision 3123(b)(2)(H)
Specific Purpose: The specific purpose of this subdivision is to require, if a previous semi-annual report did not list the charger serial number, a statement as to 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 of installation.
Necessity: This subdivision is necessary for tracking the volume of chargers installed in California.

Section: Subdivision 3123(b)(2)(I)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report whether the charger is networked or nonnetworked.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California, and for identifying what reporting requirements apply to said charger pursuant to this Article.

Section: Subdivision 3123(b)(2)(J)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report whether the charger is publicly or ratepayer funded, or both.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California, and for identifying what reporting and other requirements apply to said charger pursuant to this Article.

Section: Subdivision 3123(b)(2)(K)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report whether the charger provides alternating current or direct current to the EV.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California.

Section: Subdivision 3123(b)(2)(L)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting entity to report the number of charging ports including the number of connectors and connector types.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California.

Section: Subdivision 3123(b)(2)(M)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to report the Charger ID and Charging Port ID for networked chargers.
Necessity: This subdivision is necessary to identify unique chargers and charging ports in automated data sets submitted from networked chargers to the CEC.

Section: Subdivision 3123(b)(2)(N)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to report the charger's primary use, including whether the site is publicly available or private access, the primary vehicle type served, and the primary charger use.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California. The information is necessary for the preparation of the IEPR and other analyses, forecasts, reports, and duties the CEC is authorized to prepare and carry out. (25210, 25213, 25216.5, 25218(e), 25231.5, 25301–25305, 25400–25401, 25601–25602, 25618, Public Resources.)

Section: Subdivision 3123(b)(2)(O)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to attest to any chargers uninstalled during the reporting period, and the date said charging station was uninstalled.
Necessity: This subdivision is necessary for CEC infrastructure dashboards and for statutorily required reports on the status of EV charging infrastructure in California.

Section: Subdivision 3123(b)(2)(P)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to provide a unique identifier for the charging station.
Necessity: This subdivision is necessary to track individual chargers in the datasets received pursuant to this Article.

Section: Subdivision 3123(b)(2)(Q)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to provide a telephone number to call if the user has problems at the station.
Necessity: This subdivision is necessary to provide a record of customer service-related information. This data is currently reported through Title 13 California Code of Regulations, Chapter 8.3, section 2360.4(k), and is transcribed here.

Section: Subdivision 3123(b)(2)(R)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to provide the public access days and times for the station.
Necessity: This subdivision is necessary to provide a record of customer service-related information. This data is currently reported through Title 13 California Code of Regulations, Chapter 8.3, section 2360.4(k), and is transcribed here.

Section: Subdivision 3123(b)(2)(S)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to list the payment methods accepted at the station.
Necessity: This subdivision is necessary to provide a record of customer service-related information. This data is currently reported through Title 13 California Code of Regulations, Chapter 8.3, section 2360.4(k), and is transcribed here.

Section: Subdivision 3123(b)(2)(T)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to list ways a user can pay for charging at the station.
Necessity: This subdivision is necessary to provide a record of customer service-related information. This data is currently reported through Title 13 California Code of Regulations, Chapter 8.3, section 2360.4(k), and is transcribed here.

Section: Subdivision 3123(b)(2)(U)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to provide the price of electricity and other pricing information at the station.
Necessity: This subdivision is necessary to provide a record of customer service-related information. This data is currently reported through Title 13 California Code of Regulations, Chapter 8.3, section 2360.4(k), and is transcribed here.

Section: 3123(b)(2)(V)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to provide information about power sharing capabilities at the charger.
Necessity: This subdivision is necessary to provide a record of customer service-related information. This data is currently reported through Title 13 California Code of Regulations, Chapter 8.3, section 2360.4(k), and is transcribed here.

Section: Subdivision 3123(b)(3)(A)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent for a publicly or ratepayer funded charger to provide the semi-annual uptime report described in section 3124 to the CEC, for the first six years after the charger is installed.
Necessity: This subdivision is necessary to meet the reliability reporting requirements of Public Resources Code section 25231.5(a).

Section: Subdivision 3123(c)
Specific Purpose: The specific purpose of this subdivision is to establish exemptions to the semi-annual reporting requirements.
Necessity: This subdivision is necessary to clearly establish which charging stations are exempted from the requirements. Public Resources Code 25231.5 requires that charger uptime and reliability data be reported to the CEC at least annually. Moreover, starting in 2025, the CEC will issue biennial reports assessing the reliability of state charging infrastructure, including equitable access to reliable chargers. The semi-annual reliability reports serve as updates for the CEC to properly assess EV infrastructure and ensure charger reliability.

Section: Subdivision 3123(c)(1)
Specific Purpose: The specific purpose of this subdivision is to establish that chargers that were reported as uninstalled in the previous semi-annual report do not need to be included in subsequent semi-annual reports.
Necessity: This subdivision is necessary to provide a means for regulated entities to stop reporting on chargers no longer in existence.

Section: Subdivision 3123(c)(2)
Specific Purpose: The specific purpose of this subdivision is to exempt private residential chargers, temporary chargers, off-grid chargers, and research chargers from the uptime and reliability reporting required by Public Resources Code section 25231.5.
Necessity: This subdivision is necessary to exempt chargers installed at residential real property containing four or fewer dwelling units because Public Resources Code section 25231.5(b)(4) exempts them. This subdivision is necessary since temporary and off-grid chargers do not have a fixed location or fixed power supply and are excluded from these regulations. Moreover, the CEC seeks to minimize the number of residential homeowners that might need to report solely on their own behalf, while maintaining granularity of data informative to the CEC's forecasts and assessments.

Section: Subdivision 3123(c)(3)
Specific Purpose: The specific purpose of this subdivision is to exempt fleet chargers and AC Level 2 chargers from the uptime reporting requirements required by subdivision (b)(3) .
Necessity: This subdivision is necessary since fleet chargers exclusively serve a single private fleet and the CEC has a reduced public interest in regulating the reliability of chargers that serve a single business customer at this time. Moreover, AC Level 2 chargers are low-cost chargers, are typically sited in large numbers, and are thought to

be generally reliable, and the CEC has a reduced public interest in regulating the reliability of AC Level 2 chargers at this time.

Section: Subdivision 3123(c)(4)
Specific Purpose: The specific purpose of this subdivision is to establish that no reporting is required before the effective date of this section.
Necessity: This subdivision is necessary to establish a clear effective date for reporting.

SECTION 3124. STATE OR RATEPAYER FUNDED CHARGER UPTIME REPORT REQUIREMENTS

Section: Subdivision 3124(a)
Specific Purpose: The specific purpose of this subdivision is to specify what charger uptime and downtime information must be reported to the CEC.
Necessity: This subdivision is necessary to clearly establish reliability reporting requirements for publicly or ratepayer funded chargers. All recordkeeping and reporting agents subject to this regulation must report semi-annual uptime to the CEC pursuant to these regulations at section 3123(b)(3), which in turn is required by Public Resources Code section 25231.5(a) through (b).

Section: Subdivision 3124(a)(1)
Specific Purpose: The specific purpose of this subdivision is to require that recordkeeping and reporting agents for publicly or ratepayer funded chargers report the uptime percentage rate and minutes of excluded downtime.
Necessity: This subdivision is necessary to clearly establish uptime and downtime reporting, which is required by Public Resources Code section 25231.5(a)(3)(B).

Section: Subdivision 3124(a)(2)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agents for publicly or ratepayer funded chargers to itemize claims of excluded downtime, as described in subdivision (d)(1)-(7) of this section.
Necessity: This subdivision is necessary so that the CEC can verify and document any claims of excluded downtime and for CEC's analysis of causes of downtime and market availability of chargers.

Section: Subdivision 3124(b)
Specific Purpose: The specific purpose of this subdivision is to specify that the formula for calculating uptime is $U = \frac{T-D+E}{T} * 100\%$, where U is the charging port uptime percentage for the reporting period, T is the length of the reporting period in minutes, D is the total charging port downtime in minutes, and E is the total charging port excluded downtime in minutes.
Necessity: This subdivision is necessary because it describes how the uptime percentage rate is calculated, which is required by Public Resources Code section 25231.5(a)(3)(B). EV charger reliability can be most simply measured as uptime, or the percentage of time that a charger is functional. This subdivision defines a

straightforward mathematical definition of uptime based on the minutes during the reporting period minus downtime. This equation for calculating uptime is also consistent with that used in 23 Code of Federal Regulations, section 680.116.

Section: Subdivision 3124(c)
Specific Purpose: The specific purpose of this subdivision is to define downtime for publicly or ratepayer funded chargers.
Necessity: This subdivision is necessary to clearly define downtime. How downtime is reported to the CEC differs for networked and nonnetworked publicly or ratepayer funded chargers due to these chargers' different technical characteristics. Public Resources Code section 25231.5(3)(B) requires this uptime definition to consider the federal definitions guidelines. The definitions proposed in this subdivision align with those used in the National Electric Vehicle Infrastructure Standards and Requirements 23 Code of Federal Regulations, section 680.108. Notably, the federal program defines a charger as "up" on a per-port basis; for consistency this subdivision does the same.

Section: Subdivision 3124(c)(1)
Specific Purpose: The specific purpose of this subdivision is to technically define downtime for networked publicly or ratepayer funded chargers to ensure uniformity and consistency for calculating the uptime percentage rate.
Necessity: This subdivision is necessary to define downtime for networked publicly or ratepayer funded chargers. Subdivisions 3124(c)(1)(A) – (D) define several states that qualify as downtime for networked chargers, the longest of which is the reported downtime during the reporting period. These subdivisions require networked chargers to account for the OCPP Version 2.0.1 protocol data units. OCPP 2.0.1 is a common industry communication protocol that is required in a variety of CEC funding programs. This requirement is consistent with other CEC EV charging programs, which are gradually requiring chargers to comply with OCPP 1.6 or later and comply with OCPP 2.0.1.

Subdivisions 3124(c)(1)(D) also requires networked chargers to account for actual observed downtime such as consumer notification, internal diagnostics, or inspection, whichever is earliest. This section means that a charger that is actually down is required to be reported as down, even if for some reason it is not reporting a fault through OCPP 2.0.1.

Section: Subdivision 3124(c)(2)
Specific Purpose: The specific purpose of this subdivision is to technically define downtime for nonnetworked publicly or ratepayer funded chargers.
Necessity: This subdivision is necessary to define downtime for nonnetworked publicly or ratepayer funded chargers. This subdivision does not define downtime using OCPP 2.0.1 messages because nonnetworked chargers by definition cannot transmit these or any other electronic messages.

Section: Subdivision 3124(c)(2)(A)
Specific Purpose: The specific purpose of this subdivision is to establish that downtime

for nonnetworked chargers consists of the period that a charging port is in an inoperative state.
Necessity: This subdivision is necessary to define downtime for nonnetworked publicly or ratepayer funded chargers. This is a reasonable definition of downtime for nonnetworked chargers, which are not capable of electronically reporting their status.

Section: Subdivision 3124(d)
Specific Purpose: The specific purpose of this subdivision is to detail and explain what is considered excluded downtime under the proposed regulations as required by Public Resources Code section 25231.5(3)(C).
Necessity: This subdivision is necessary to define excluded downtime. Excluded downtime is necessary for calculating uptime percentages, as excluded downtime is subtracted from total downtime because it is outside the charging station operator's control or remedy, plus operating hours. The excluded downtime categories proposed are aligned with the excluded downtime categories in the National Electric Vehicle Infrastructure Standards and Requirements 23 Code of Federal Regulations, section 680.116. To promote efficiency and high charger reliability, excluded downtime is limited only to situations that are outside the charging station operator's control or remedy. Excluded downtime for scheduled preventative maintenance is 72 hours in any 12-month period, which is a reasonable balance that allows chargers to be taken offline for scheduled maintenance but ensures that the reported uptime figure still reflects reality. Excluded downtime for operating hours is necessary to maintain coherency in what is being reported.

Section: Subdivision 3124(d)(1)
Specific Purpose: The specific purpose of this subdivision is to establish that the time before a charger is installed as defined in section 3121 is considered excluded downtime.
Necessity: This subdivision is necessary so that chargers do not record downtime before they are installed.

Section: Subdivision 3124(d)(2)
Specific Purpose: The specific purpose of this subdivision is to establish that the time that a charger is down due to grid power loss is considered excluded downtime.
Necessity: This subdivision is necessary so that chargers do not record downtime if the grid loses power, which is out of the charging station operator's control. However, if the charger is served by dedicated power generation or storage the charging station operator cannot claim excluded downtime for grid power loss, as the charger is not dependent on the grid for power. Proof is required to claim grid power loss.

Section: Subdivision 3124(d)(3)
Specific Purpose: The specific purpose of this subdivision is to establish that time that a charger is offline due to preventive maintenance is considered excluded downtime, but that this maintenance must be scheduled two weeks in advance and that the

downtime that can be excluded for preventative maintenance or upgrade work is 72 hours for any 12-month period.
Necessity: This subdivision is necessary to establish that some scheduled maintenance is a reasonable excluded downtime, but that limits are necessary. Excluded downtime for scheduled preventative maintenance is 72 hours in any 12-month period, which is a reasonable balance that allows chargers to be taken offline for scheduled maintenance but ensures that the reported uptime figure still reflects reality.

Section: Subdivision 3124(d)(4)
Specific Purpose: The specific purpose of this subdivision is to establish when a charger is offline due to vandalism or theft, that time is considered excluded downtime, but that only maximum of 5 days can be claimed as excluded downtime for each vandalism or theft event.
Necessity: This subdivision is necessary to establish that some vandalism or theft is a reasonable excluded downtime, but that limits are necessary. A maximum of 5 days may be claimed for each event of vandalism or theft, which is again a balance allowing some downtime to be excluded but for the reported uptime figure still reflect reality.

Section: Subdivision 3124(d)(5)
Specific Purpose: The specific purpose of this subdivision is to establish that time that a charger is offline due to a natural disaster is considered excluded downtime.
Necessity: This subdivision is necessary so that chargers do not record downtime if there is a natural disaster, which is out of the charging station operator's control.

Section: Subdivision 3124(d)(6)
Specific Purpose: The specific purpose of this subdivision is to establish that time that a charger is offline due to a failure of the communications network is considered excluded downtime, but only if the charger remains operational by defaulting to a free charge state during the outage.
Necessity: This subdivision is necessary to encourage chargers to default to free rather than go offline during a failure of the communications network. While a communication network failure is outside of the charging station operator's control, it is in the public interest for chargers to remain operational during these failures.

Section: Subdivision 3124(d)(7)
Specific Purpose: The specific purpose of this subdivision is to establish that hours that the charger is closed to the public constitute excluded downtime.
Necessity: Excluded downtime for operating hours is necessary to maintain coherency in what is being reported. This subdivision is necessary so that a charger that is, for example, only open to the public 12 hours per day does not record a 50 percent uptime rate.

SECTION 3125. ADDITIONAL REQUIREMENTS FOR STATE OR RATEPAYER FUNDED NETWORKED CHARGERS

Section: Subdivision 3125(a)
Specific Purpose: The specific purpose of this subdivision is to describe the data-sharing and operational protocol certification requirements that the recordkeeping and reporting agent for publicly or ratepayer funded networked chargers must meet if they are installed on or after 180 days from the effective date of this paragraph.
Necessity: This subdivision is necessary because Public Resources Code section 25231.5(d) allows the CEC to require a minimally accepted operations protocol. The operational protocol will also enable data to be transferred to the CEC and as discussed as to the necessity in subdivision (b). The specific purpose of this subdivision is to require regulated entities to transmit OCPP data to the CEC via an API because high-frequency, automatic transmission of data, via any mechanism will enable the CEC to validate self-reported reliability metrics. This data is necessary for the CEC to monitor and assess reliability of chargers, such as whether a customer attempted to authorize charging to begin and whether the charger is meeting the 97 percent uptime requirement. API data transmission is necessary for the CEC to audit self-reported data and bolster public confidence in the reliability of publicly or ratepayer funded chargers. It is also necessary to understand where investments for charger installation should be directed. Moreover, transmitting the raw data to the CEC allows for a reduced retention period for recordkeeping and reporting agents, which reduces the compliance costs of the regulation. (Two years versus six years. See proposed section 3133(c).)

Section: Subdivision 3125(a)(1)
Specific Purpose: The specific purpose of this subdivision is to require networked publicly or ratepayer funded chargers installed on or after 180 days from the effective date of this paragraph to obtain a 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.
Necessity: This subdivision is necessary to ensure standardization of data to set a level playing field for measuring and tracking reliability. These chargers must be certified for OCPP version 2.0.1 or later, which is a tool to improve reliability as required by Public Resources Code section 25231.5(d)(1) and ensures consistent and comparable data reporting across different charger models. Staff proposes that data be transmitted via OCPP because OCPP is a broadly accepted protocol for communication between chargers and charging network providers. This requirement is consistent with CEC EV charging programs, which are gradually requiring chargers to comply with OCPP 2.0.1 or later. CEC staff's understanding is that most charging network providers use some implementation of OCPP 1.6 or later.

Section: Subdivision 3125(a)(2)
Specific Purpose: The specific purpose of this subdivision is to define the protocol data units the charger must transmit to the CEC.
Necessity: This subdivision is necessary to clearly define what data must be

transmitted to the CEC using OCPP. This subdivision ensures that chargers are actively transmitting the OCPP messages required for measuring and tracking reliability, as opposed to just being capable of doing so.

Section: Subdivision 3125(a)(2)(A)
Specific Purpose: The specific purpose of this subdivision is to specify that the AuthorizeRequest data unit must be transmitted by the charger to the central management system.
Necessity: This subdivision is necessary as AuthorizeRequest is necessary to track when customers are attempting to authorize payment for charging. This demonstrates they are attempting to charge and should be followed by a successful charging session.

Section: Subdivision 3125(a)(2)(B)
Specific Purpose: The specific purpose of this subdivision is to specify that the AuthorizeResponse data unit must be transmitted to the central management system to the charger.
Necessity: This subdivision is necessary as AuthorizeResponse is necessary as it is the acknowledgement from the central system that it received an AuthorizeRequest message. Absence of this message following an AuthorizeRequest message indicates communication failure.

Section: Subdivision 3125(a)(2)(C)
Specific Purpose: The specific purpose of this subdivision is to specify that the HeartbeatRequest data unit must be transmitted by the charger to the central management system.
Necessity: This subdivision is necessary as HeartbeatRequest is an OCPP datapoint related to uptime. HeartbeatRequest is necessary to know whether a charger is operational and connected to the central system. They are necessary to understand whether the charger is meeting the 97 percent uptime requirement.

Section: Subdivision 3125(a)(2)(D)
Specific Purpose: The specific purpose of this subdivision is to specify that the HeartbeatResponse data unit must be transmitted by the charger to the central management system.
Necessity: This subdivision is necessary as HeartbeatResponse is an OCPP datapoint related to uptime. HeartbeatResponse is necessary to know whether a charger is operational and connected to the central system. They are necessary to understand whether the charger is meeting the 97 percent uptime requirement.

Section: Subdivision 3125(a)(2)(E)
Specific Purpose: The specific purpose of this subdivision is to specify that the StatusNotificationRequest data unit must be transmitted by the charger to the central management system.
Necessity: This subdivision is necessary because StatusNotificationRequest is an OCPP datapoint indicating the current status of the charger. StatusNotificationRequest is necessary to record whether the charger is occupied and actually being used, faulted,

or unavailable, a necessary component of uptime. This is necessary to understand where investments for charger installation should be directed.

Section: Subdivision 3125(a)(2)(F)
Specific Purpose: The specific purpose of this subdivision is to specify that the BootNotificationRequest data unit must be transmitted by the charger to the central management system.
Necessity: This subdivision is necessary because BootNotificationRequest is an OCPP datapoint indicating whether the charger was powered on. BootNotificationRequest is necessary to record whether a charger is turned on.

Section: Subdivision 3125(a)(2)(G)
Specific Purpose: The specific purpose of this subdivision is to specify that the BootNotificationResponse data unit must be transmitted by the central management system to the charger in response to any received BootNotificationRequest.
Necessity: This subdivision is necessary because BootNotificationResponse is an OCPP datapoint indicating whether the charger was powered on. BootNotificationResponse is necessary to record whether a charger is turned on.

Section: Subdivision 3125(a)(2)(H)
Specific Purpose: The specific purpose of this subdivision is to specify that the BootNotificationResponse data unit must be transmitted by the central management system to the charger.
Necessity: This subdivision is necessary to track when customers have authorized payment for a transaction through external means such as smartphone application. This demonstrates they are attempting to charge and should be followed by a successful charging session.

Section: Subdivision 3125(a)(2)(I)
Specific Purpose: The specific purpose of this subdivision is to specify that the TransactionEventRequest data unit must be transited by the charger to the central management system and certain requirements related to the TransactionEventRequest data unit.
Necessity: This subdivision is necessary as it indicates when a charger has been plugged into a vehicle, when a charging session begins and when it ends.

Section: Subdivision 3125(b)
Specific Purpose: The specific purpose of this subdivision is to require regulated entities to transmit OCPP data to the CEC via an API because high-frequency, automatic transmission of data, via any mechanism, will enable the CEC to validate self-reported reliability metrics.
Necessity: The specific purpose of this subdivision is to require regulated entities to transmit OCPP data to the CEC via an API because high-frequency, automatic transmission of data, via any mechanism, will enable the CEC to validate self-reported reliability metrics. This data is necessary for the CEC to monitor and assess reliability of

chargers, such as whether a customer attempted to authorize charging to begin and whether the charger is meeting the 97 percent uptime requirement. API data transmission is necessary for the CEC to audit self-reported data and bolster public confidence in the reliability of publicly or ratepayer funded chargers. It is also necessary to understand where investments for charger installation should be directed.
This subdivision is necessary to require the recordkeeping and reporting agent to automatically transmit specific data to the CEC via API within 60 minutes. The CEC expects the API data to be transmitted nearly instantaneously, but the 60 minute window allows some flexibility for technology that might have short periods of nonconnectivity. The CEC anticipates that this reporting will be more accurate than semi-annual reports.

An API is the most common mechanism for transmitting data between two distinct systems. It also reduces the burden on regulated entities as the retention time for these records is greatly reduced by automatic transmission to the CEC at a higher frequency. Moreover, transmitting the raw data to the CEC allows for a reduced retention period for recordkeeping and reporting agents, which reduces the compliance costs of the regulation. (Two years versus six years. See proposed section 3133(c).)
These requirements apply to publicly or ratepayer funded networked chargers as required by Public Resources Code section 25231.5(a)(2)(A) that are installed on or after 180 days from the effective date of this paragraph. Staff is permitted to apply these requirements to chargers installed after January 1, 2024 by Public Resources Code section 25231.5(b)(3); staff proposes this later effective date to ensure that chargers covered by this subdivision are capable of OCPP 2.0.1 communications.

Section: Subdivision 3125(b)(1)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to transmit the charger serial number.
Necessity: This subdivision is necessary to uniquely identify the charger.

Section: Subdivision 3125(b)(2)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to transmit the charger ID.
Necessity: This subdivision is necessary to uniquely identify the charger.

Section: Subdivision 3125(b)(3)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to transmit the charging port ID.
Necessity: This subdivision is necessary to uniquely identify the charging port.

Section: Subdivision 3125(b)(4)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to transmit all instances of HeartbeatResponse and BootNotificationResponse for each charger.
Necessity: This subdivision is necessary as HeartbeatResponse and BootNotificationResponse are necessary to track downtime that is the result of catastrophic failure or power loss. These would not be reflected in a change of status.

Section: Subdivision 3125(b)(5)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent to transmit all instances of AuthorizeRequest, AuthorizeResponse, RequestStartTransactionRequest, StatusNotificationRequest, and TransactionEventRequest for each charging port.
Necessity: This subdivision is necessary as AuthorizeRequest, AuthorizeResponse, RequestStartTransactionRequest, StatusNotificationRequest, and TransactionEventRequest. StatusNotificationRequest is necessary to track the operational status of the charger to monitor downtime. All others are necessary to measure the successful charge attempt rates of charger to determine whether more reliability metrics are required in the future.

Section: Subdivision 3125(c)
Specific Purpose: The specific purpose of this subdivision is to set the reporting requirements for networked publicly or ratepayer funded chargers installed from January 1, 2024, through 179 days from the effective date of this paragraph. Recordkeeping and reporting agents for these chargers must record and retain for six years from the date of recording the operative status of each charging port in 15-minute intervals. This subdivision also establishes that information shall be submitted to the CEC in a semi-annual reliability report if the recordkeeping and reporting agent elects to report via an API but the CEC has not yet set up the API.
Necessity: This subdivision is necessary to prescribe recordkeeping and reporting requirements for networked publicly or ratepayer funded chargers, that were installed before 180 days of the effective date of this paragraph. These chargers are not required to comply with OCPP version 2.0.1 or a later version and are not required to transmit data using an API. Accordingly, recordkeeping and reporting agents for these chargers can either voluntarily submit data using an API as described in subdivisions (a) and (b) of this section, or record and retain required data otherwise since it will not be automatically transmitted to the CEC. Six years is the applicable minimum reporting time under Public Resources Code section 25231.5(a)(2)(B).

Section: Subdivision 3125(d)
Specific Purpose: The specific purpose of this subdivision is to require the charging station operator to record and retain the documentation required by subdivision 3124(d) for any excluded downtime for six years from the date of recording.
Necessity: This subdivision is necessary to establish the minimum amount of time the charging station operator must maintain documentation related to excluded downtime. This retention period is necessary because justification for excluded downtime will not automatically be transmitted electronically to the CEC, but the CEC may need to verify this data. Six years is the applicable minimum reporting time under Public Resources Code section 25231.5(a)(2)(B).

Section: Subdivision 3125(e)
Specific Purpose: The specific purpose of this subdivision is to establish that the Executive Director can request electronic copies of records from recordkeeping and reporting agents, who must submit the records to the CEC within 21 days of the request.
Necessity: This subdivision is necessary to allow the Executive Director to request records from recordkeeping agents, if necessary. This will allow verification of data submitted to the CEC. Twenty-one days allows time to submit the records while balancing the CEC's need to verify records in a timely fashion.

Section: Subdivision 3125(f)
Specific Purpose: The specific purpose of this subdivision is to establish procedures in the event of a technological malfunction that prevents the recordkeeping and reporting agent from transmitting required data.
Necessity: This subdivision is necessary to provide and clarify that there is a reporting procedure in the event of a technological malfunction preventing compliance with the 60 minute requirement. Staff acknowledges that a technological malfunction may prevent the reporting of required data within the 60 minute threshold, but still require data to be promptly transmitted following the resolution of the malfunction.

Section: Subdivision 3125(g)
Specific Purpose: The specific purpose of this subdivision is to exempt any AC Level 2 charger, off-grid charger, private residential charger, research charger, or temporary charger from the requirements pursuant to subdivisions (a) through (f).
Necessity: This subdivision is necessary to exempt chargers installed at residential real property containing four or fewer dwelling units because Public Resources Code section 25231.5(b)(4) exempts them, and the CEC seeks to minimize the number of residential homeowners that might need to comply solely on their own behalf. The CEC proposes to exempt AC Level 2 chargers from these requirements because these chargers are low cost, generally installed in large quantities, and are thought to be reliable. Off-grid chargers, research chargers, and temporary chargers are exempted from this regulation because they are mobile, not used by the public, or represent only a small number of chargers. Temporary and off-grid chargers are mobile, do not possess a dedicated power supply, and are understood to not face the same reliability requirements as other chargers.

SECTION 3126. ADDITIONAL REQUIREMENTS FOR STATE OR RATEPAYER FUNDED NONNETWORKED CHARGERS

Section: Subdivision 3126(a)
Specific Purpose: The specific purpose of this subdivision is to establish that the recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers shall create and retain for six years certain maintenance records.

Necessity: This subdivision is necessary establish how the uptime of publicly or ratepayer funded chargers reported in section 3123 can be verified, since nonnetworked chargers are not capable of keeping electronic logs. Public Resources Code section 25231.5(b)(3) permits the recordkeeping and reporting standards to vary by charger technology capabilities. As an alternative to electronic logs recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers must retain maintenance records.

Section: Subdivision 3126(a)(1)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers to report the date and time of any maintenance.
Necessity: This subdivision is necessary to determine how long the nonnetworked charger was in inoperative status and document excluded downtime.

Section: Subdivision 3126(a)(2)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers to report whether the maintenance was corrective or preventive in nature.
Necessity: This subdivision is necessary to allow the CEC to verify the reported uptime.

Section: Subdivision 3126(a)(3)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers to report whether and for how long the charger was in an inoperative state prior to, during, or after the maintenance.
Necessity: This subdivision is necessary to allow the CEC to verify the reported uptime.

Section: Subdivision 3126(a)(4)
Specific Purpose: The specific purpose of this subdivision is to require the recordkeeping and reporting agent for nonnetworked publicly or ratepayer funded chargers to report whether the charger was in an operative state following the maintenance.
Necessity: This subdivision is necessary to determine how long the nonnetworked charger was in inoperative status and document excluded downtime.

Section: Subdivision 3126(b)
Specific Purpose: The specific purpose of this subdivision is to require publicly or ratepayer funded nonnetworked chargers to record and retain for six years from the date of recording documentation submitted for any excluded downtime and the maintenance records and operative status of each charging port.
Necessity: This subdivision is necessary to establish the required retention schedule under these regulations for documentation verifying excluded downtime and which maintenance records are required to be retained under these regulations. Six years is the minimum requirement of Public Resources Code section 25231.5(a)(2)(B).

Section: Subdivision 3126(c)
Specific Purpose: The specific purpose of this subdivision is to allow the Executive Director to request copies of the records retained pursuant to section 3126(a) and (b) from recordkeeping and agents, who must submit the records to the CEC within 21 days of the request.
Necessity: This subdivision is necessary to allow the Executive Director to request records from recordkeeping agents, if necessary. This will allow verification of data submitted to the CEC. Twenty-one days allows time to submit the records while balancing the CEC's need to verify records in a timely fashion.

Section: Subdivision 3126(d)
Specific Purpose: The specific purpose of this subdivision is to exempt AC Level 2 chargers, off-grid chargers, private residential chargers, research chargers, and temporary chargers from the requirements of this section.
Necessity: This subdivision is necessary to exempt chargers installed at residential real property containing four or fewer dwelling units because Public Resources Code section 25231.5(b)(4) exempts them and the CEC seeks to minimize the number of residential homeowners that might need to comply solely on their own behalf. The CEC proposes to exempt AC Level 2 chargers from these reporting regulations because these chargers are low cost, are generally installed in large numbers, and are thought to be reliable. Off-grid chargers, research chargers, and temporary chargers are exempted from this regulation because they are mobile, not used by the public, or represent only a small number of chargers. Temporary and off-grid chargers are mobile, do not possess a dedicated power supply, and are understood to not face the same reliability requirements as other chargers.

SECTION 3127. CUSTOMER SERVICE REQUIREMENTS FOR STATE OR RATEPAYER FUNDED CHARGERS

Section: Subdivision 3127
Specific Purpose: The specific purpose of this subdivision is to require charging station operators of publicly or ratepayer funded chargers to offer a means for customers to report outages or malfunctions. AC Level 2 chargers and private residential chargers are excluded from these requirements.
Necessity: This subdivision is necessary to Public Resources Code section 25231.5(b)(1), which allows the CEC to consider additional reliability metrics, including, but not limited to, customer satisfaction. It also implements Public Resources Code section 25231.5(d)(1), which requires the CEC to adopt operation and maintenance requirements. The CEC proposes to exempt AC Level 2 chargers from these reporting regulations because these chargers are low cost, are generally installed in large numbers, and are thought to be reliable. It is necessary to exempt chargers installed at residential real property containing four or fewer dwelling units because Public Resources Code section 25231.5(b)(4) exempts them.

SECTION 3128. PERFORMANCE STANDARDS FOR STATE OR RATEPAYER FUNDED CHARGERS

Section: Subdivision 3128(a)
Specific Purpose: The specific purpose of this subdivision is to require publicly or ratepayer funded chargers installed on or after January 1, 2024 to maintain a minimum annual uptime rate of 97 percent for each calendar year for the first six years after the charger is installed. This subdivision also defines uptime.
Necessity: This subdivision is necessary to comply with Public Resources Code 25231.5(d)(1), which directs the CEC to adopt tools to increase charging station uptime, including uptime requirements. The uptime formula defined here is identical to the one in section 3124(b)(1). The uptime calculation formula and uptime standard found in this section is similar to the one included in the National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.116), reflecting the requirement of Public Resources Code 25231.5(a)(3)(B)(ii) that the CEC consider federal definitions. Six years is the minimum requirement of Public Resources Code section 25231.5(a)(2)(B) for charger reliability data collection, which is necessary to verify the uptime standard.

Section: Subdivision 3128(b)
Specific Purpose: The specific purpose of this subdivision is to exempt AC Level 2 chargers, fleet chargers, private residential chargers, research chargers, temporary chargers, and off-grid chargers from the requirements of subdivision (a) of this section.
Necessity: This subdivision is necessary to exempt certain chargers from the performance standards outlined in this section, as is allowed for recordkeeping and reporting standards by Public Resources Code section 25231.5(b)(3). It is necessary to exempt these chargers because:

- AC Level 2 chargers are exempt because they are low cost, are generally installed in large numbers, and are thought to be reliable.
- Fleet chargers are exempt because there is a private interest to maintain the chargers.
- Private residential chargers are exempt because Public Resources Code section 25231.5(b)(4) exempts them and the CEC seeks to minimize the number of residential homeowners that might need to comply solely on their own behalf.
- Research chargers are exempt because they are not open to the public, are not relied upon for routine charging, and are not expected to meet any uptime standard.
- Temporary and off-grid chargers are exempt because they are mobile, do not possess a dedicated power supply, and are understood to not face the same reliability requirements as other chargers.

SECTION 3129. REQUIREMENTS FOR FUNDING ENTITIES

Section: Subdivision 3129(a)
Specific Purpose: The specific purpose of this subdivision is to require CEC staff to begin making reliability metrics available to funding entities beginning 180 days after the effective date of this paragraph so that funding entities may consider these metrics prior to approving any application to fund publicly or ratepayer funded chargers.
Necessity: This subdivision is necessary to establish that funding entities may consider reliability when making funding decisions for EV charging stations. This subdivision is necessary to require state funding bodies to consider reliability in their funding decisions, helping direct state funding to reliable chargers.

The CEC will additionally issue biennial reports assessing the reliability of state charging infrastructure, including equitable access to reliable chargers. These regular reliability reports are expected to increase public data substantially on the reliability of EV charging networks. Considering the reliability metrics included in the biennial reports will aid funding entities in better investments and contribute toward a more economical and equitable state charger deployment.

Section: Subdivision 3129(b)
Specific Purpose: The specific purpose of this subdivision is to provide notice that 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 .
Necessity: This subdivision is necessary to increase compliance because including preventative terms and conditions in an agreement will ensure funding recipients are informed of legal requirements for meeting performance standards in section 3128, and breach of contract will provide an additional basis for enforcement for any violations.

Section: Subdivision 3129(c)
Specific Purpose: The specific purpose of this subdivision is to establish that the Executive Director may report on the reliability metrics of any funding recipient, charging station operator, or charging network provider, without limitation
Necessity: This subdivision is necessary because the CEC will report on the reliability of California’s EV charging infrastructure. This subdivision additionally establishes the procedure for a requesting party to request corrections to published reliability data.

SECTION 3130. DATA-SHARING REQUIREMENTS FOR CHARGERS THAT ARE NETWORKED, PUBLICLY AVAILABLE, AND STATE OR RATEPAYER FUNDED

Section: Subdivision 3130(a)
Specific Purpose: The specific purpose of this subdivision is to define the data that

charging network providers of publicly or ratepayer funded charging stations must share with software developers, pursuant to Public Resources Code section 25231.5(d)(2).
Necessity: This subdivision is necessary to inform customers about charging station availability, accessibility, and price. This requirement may dramatically increase the public's ability to find operational and available chargers, significantly improving the EV driver experience. The data required to be shared in this subdivision aligns with that required to be shared by the National Electric Vehicle Infrastructure Standards and Requirements (23 Code of Federal Regulations, § 680.116).

Section: Subdivision 3130(a)(1)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share a unique charging station name or identifier.
Necessity: This subdivision is necessary to share a unique charging station name or identifier to enable third-party software developers to keep track of individual charging stations.

Section: Subdivision 3130(a)(2)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the charging station address.
Necessity: This subdivision is necessary share a charging station's address to enable third-party software developers to direct drivers to charging stations.

Section: Subdivision 3130(a)(3)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the charging station geographic coordinates.
Necessity: This subdivision is necessary share a charging station's geographic coordinates to enable third-party software developers to direct drivers to charging stations.

Section: Subdivision 3130(a)(4)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the charging station operator name.
Necessity: This subdivision is necessary to share a charging station's operator name to enable third-party software developers to share the name of the charging station.

Section: Subdivision 3130(a)(5)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share their name.
Necessity: This subdivision is necessary to enable third-party software developers to share the name of network provider of the charging station.

Section: Subdivision 3130(a)(6)
Specific Purpose: The specific purpose of this subdivision is to require charging

network providers to share the charging station status.
Necessity: This subdivision is necessary to enable third-party software developers to share the status of the charging station and direct drivers to operational, available stations.

Section: Subdivision 3130(a)(7)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the charging station access type (whether the station is public or limited to commercial vehicles) and hours of operation.
Necessity: This subdivision is necessary to share a charging station's access type so that the public does not try to access stations only open to commercial vehicles.

Section: Subdivision 3130(a)(8)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the charging station port information.
Necessity: This subdivision is necessary to share charging station's port information to enable third-party software developers to share the number, type, power, accessibility, and status of the charging station. This will allow third-party software developers to direct drivers to stations suitable to their needs.

Section: Subdivision 3130(a)(8)(A)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the number of charging ports.
Necessity: This subdivision is necessary so that drivers are aware of how many ports a charging station has.

Section: Subdivision 3130(a)(8)(B)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share a unique port identifier.
Necessity: This subdivision is necessary so that specific ports can be identified in third-party developer systems.

Section: Subdivision 3130(a)(8)(C)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the connector types available by port.
Necessity: This subdivision is necessary so that drivers know what ports are available at a station.

Section: Subdivision 3130(a)(8)(D)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the charging level by port.
Necessity: This subdivision is necessary so that drivers know how many DC and AC Level 2 ports a station has.

Section: Subdivision 3130(a)(8)(E)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the maximum power delivery rate in kilowatts by port.
Necessity: This subdivision is necessary so that drivers know how fast they can expect to charge at a station.

Section: Subdivision 3130(a)(8)(F)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the maximum power output voltage by port.
Necessity: This subdivision is necessary so that drivers know how fast they can expect to charge at a station.

Section: Subdivision 3130(a)(8)(G)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share whether or not the station is accessible by a vehicle with a trailer by port.
Necessity: This subdivision is necessary so that drivers with trailers know whether they can access a station and port.

Section: Subdivision 3130(a)(8)(H)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the real-time status by port
Necessity: This subdivision is necessary so that drivers know whether a port is operational and available.

Section: Subdivision 3130(a)(9)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the pricing and payment information for a station.
Necessity: This subdivision is necessary so that drivers know how much it will cost to charge at a station.

Section: Subdivision 3130(a)(10)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share real-time price to charge.
Necessity: This subdivision is necessary so that drivers know how much it will cost to charge at a station.

Section: Subdivision 3130(a)(11)
Specific Purpose: The specific purpose of this subdivision is to require charging network providers to share the payment methods accepted at the charging station.
Necessity: This subdivision is necessary so that drivers know how they can pay at a station.

Section: Subdivision 3130(b)
Specific Purpose: The specific purpose of this subdivision is to establish that publicly available chargers must conform with the regulations in subdivision (a), even if they are available only for a limited time.
Necessity: This subdivision is necessary so that limited availability stations still share this important data with the public.

SECTION 3131. ENROLLED CHARGING NETWORK PROVIDERS FOR STATE OR RATEPAYER FUNDED CHARGERS

Section: Subdivision 3131(a)
Specific Purpose: The specific purpose of this subdivision is to establish the process for a charging network provider to become an enrolled charging network provider pursuant to Public Resources Code section 25231.5(a)(1).
Necessity: This subdivision is necessary so that there is a clear procedure for applying to be an enrolled charging network provider. An enrolled charging network provider is a charging network provider that has completed an application to the CEC and meets the technical requirements of reporting required data through the API data portal, as required by Section 3125(b). The purpose of the enrolled charging network provider concept is to reduce the reporting burden of the regulation by allowing for automated data transfer. A reporting entity that is not an enrolled charging network provider is not permitted to use the API data portal because the CEC would not be able to validate that non-enrolled charging network providers are providing appropriately formatted, valid data.

Section: Subdivision 3131(a)(1)
Specific Purpose: The specific purpose of this subdivision is to require that a charging network provider submit their business contact information as part of their application to be an enrolled charging network provider.
Necessity: This subdivision is necessary so that the CEC possesses accurate information about the charging network provider.

Section: Subdivision 3131(a)(2)
Specific Purpose: The specific purpose of this subdivision is to require that a charging network provider submit the contact information of the person executing the declaration as part of their application to be an enrolled charging network provider.
Necessity: This subdivision is necessary so that the CEC is aware of and can contact the person executing the declaration.

Section: Subdivision 3131(a)(3)
Specific Purpose: The specific purpose of this subdivision is to require that a charging network provider state that the person identified in subdivision 3131(a)(2) is authorized to submit their application to be an enrolled charging network provider.

Necessity: This subdivision is necessary so that the CEC is aware that the person submitting the application has the authority to do so.

Section: Subdivision 3131(a)(4)
Specific Purpose: The specific purpose of this subdivision is to require that a charging network provider submit the contact information of the person to contact regarding the application as part of their application to be an enrolled charging network provider.
Necessity: This subdivision is necessary so that the CEC is aware of who to contact and how to contact them regarding the application.

Section: Subdivision 3131(a)(5)
Specific Purpose: The specific purpose of this subdivision is to require that a charging network provider state that they agree to undertake the duties of the recordkeeping and reporting agent under this Article as part of their application to be an enrolled charging network provider.
Necessity: This subdivision is necessary so that the CEC has assurance that an enrolled charging network provider will fulfill the duties of an enrolled charging network provider.

Section: Subdivision 3131(a)(6)
Specific Purpose: The specific purpose of this subdivision is to require that charging network providers state that they can comply with certain technical requirements as part of their application to be an enrolled charging network provider.
Necessity: This subdivision is necessary so that the CEC has assurance that an enrolled charging network provider can submit data through an API of the CEC's choosing described as in subdivision 3125(b) and OCPP version 2.0.1 or later required by subdivision 3125(a). Certification to OCPP version 2.0.1 or later ensures consistent and comparable data reporting across different enrolled charging network providers. These are core requirements of the enrolled charging network provider.

Section: Subdivision 3131(b)
Specific Purpose: The specific purpose of this subdivision is to establish how the Executive Director shall provide receipt of enrolled charging network provider applications. The Executive Director's failure to comply with this subdivision, in whole or in part, does not waive any requirements.
Necessity: This subdivision is necessary so that there is a clear procedure for processing enrolled charging network provider applications.

Section: Subdivision 3131(b)(1)
Specific Purpose: The specific purpose of this subdivision is to establish that if the Executive Director determines that the 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).
Necessity: This subdivision is necessary so that there is a clear procedure for returning incomplete applications. The Executive Director's failure to comply with this subdivision, in whole or in part, does not waive any requirements.

Section: Subdivision 3131(b)(2)
Specific Purpose: The specific purpose of this subdivision is to establish that 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 3125(b) .
Necessity: This subdivision is necessary so that there is a clear procedure for granting enrolled charging network provider status.

Section: Subdivision 3131(c)
Specific Purpose: The specific purpose of this subdivision is to establish data transfer requirements for enrolled charging network providers.
Necessity: This subdivision is necessary to enable the transmission of data to the CEC, the key requirement of enrolled charging network providers. Sixty days is a reasonable amount of time for the enrolled charging provide to demonstrate the technical ability to transmit data using an API.

Section: Subdivision 3131(c)(1)
Specific Purpose: The specific purpose of this subdivision is to establish the procedure if a charging network provider applying for enrolled charging network provider status is unable to successfully transfer data to the CEC via the API within 60 days.
Necessity: This subdivision is necessary to establish a clear procedure if the demonstration data transfer is unsuccessful. It is reasonable for the Executive Director to deny an application for an enrolled charging network provider if the charging network provider is unable to demonstrate data transfer, as this is the core function of an enrolled charging network provider.

Section: Subdivision 3131(c)(2)
Specific Purpose: The specific purpose of this subdivision is to establish the procedure if a charging network provider applying for enrolled charging network provider status successfully transfers data to the CEC via the API within 60 days.
Necessity: This subdivision is necessary so to establish a clear procedure for a successful demonstration of the data transfer and enrollment as an enrolled charging network provider.

Section: Subdivision 3131(d)
Specific Purpose: The specific purpose of this subdivision is to establish that the Executive Director may revoke enrolled charging network status for failure to meet the obligations of this status.
Necessity: This subdivision is necessary so that the Executive Director has the means to revoke an enrolled charging network's status if they are unable fulfill the duties of an enrolled charging network.

Section: Subdivision 3131(e)
Specific Purpose: The specific purpose of this subdivision is to establish that a charging network provider may appeal revocation of enrolled charging network status.
Necessity: This subdivision is necessary to establish that a charging network provider can appeal the denial of an application or revocation of a status as an enrolled charging network provider.

Section: Subdivision 3131(f)
Specific Purpose: The specific purpose of this subdivision is to establish that enrolled charging network provider status shall last for six years until renewal, which is consistent with the operational requirements of this regulation.
Necessity: This subdivision is necessary to establish clear procedure for renewing enrolled charging network provider status. Public Resources Code section 25231.5(a)(2)(B) sets a minimum of six years for data reporting for these regulations, making it an appropriate term for enrolled charging provider status.

SECTION 3132. DISCLOSURE OF REPORTING REQUIREMENTS FOR STATE OR RATEPAYER FUNDED CHARGERS

Section: Subdivision 3132
Specific Purpose: The specific purpose of this subdivision is to require the funding entity to clearly disclose the funding recipient's reporting requirements, as required by Public Resources Code section 25231.5(b)(5).
Necessity: This subdivision is necessary to require funding entities to disclose the require information so that all parties are well informed and can abide by the regulation.

SECTION 3133. GENERAL ADMINISTRATION

Section: Subdivision 3133(a)
Specific Purpose: The specific purpose of this subdivision is to establish that 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.
Necessity: This subdivision is necessary so that the CEC receives clear, usable data in a consistent format.

Section: Subdivision 3133(b)(1)
Specific Purpose: The specific purpose of this subdivision is to require that statements and submittals pursuant to this Article shall be filed electronically and establishes the requirements of electronic filings.
Necessity: This subdivision is necessary to so that the CEC receives data electronically, as the CEC is not capable of processing paper filings of the high volume of data required by this Article.

Section: Subdivision 3133(b)(2)
Specific Purpose: The specific purpose of this subdivision is to establish that an electronic filing constitutes a representation by the person making the filing.
Necessity: This subdivision is necessary to specify the requirements of electronic filings.

Section: Subdivision 3133(b)(2)(A)
Specific Purpose: The specific purpose of this subdivision is to require that the person identified in subdivision 3133(b)(2) represent that all applicable requirements of the Article have been met.
Necessity: This subdivision is necessary to establish clear procedures for electronic filing of statements and submittals.

Section: Subdivision 3133(b)(2)(B)
Specific Purpose: The specific purpose of this subdivision is to require that the person identified in subdivision 3133(b)(2) will electronically acknowledge receive all communications concerning the filing through the CEC's database.
Necessity: This subdivision is necessary to establish how the CEC will communicate with the person making the filing.

Section: Subdivision 3133(b)(2)(C)
Specific Purpose: The specific purpose of this subdivision is to require that the person identified in subdivision 3133(b)(2) represent that all communications will be deemed received by the person upon notification to the Executive Director.
Necessity: This subdivision is necessary to establish when communications are deemed received.

Section: Subdivision 3133(b)(2)(D)
Specific Purpose: The specific purpose of this subdivision is to require that the person identified in subdivision 3133(b)(2) represent that 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.
Necessity: This subdivision is necessary to establish clear procedures for electronic filing of statements and submittals.

Section: Subdivision 3133(b)(3)
Specific Purpose: The specific purpose of this subdivision is to establish that the Executive Director may forbid filing of electronic data by parties who are not submitting valid, uncorrupted data or other applicable requirements are not being met.
Necessity: This subdivision is necessary to ensure that the CEC receives valid, uncorrupted data.

Section: Subdivision 3133(c)(1)(A)
Specific Purpose: The specific purpose of this subdivision is to establish that recordkeeping and reporting agents must preserve records for two years under this regulation, with exceptions described elsewhere in this Article.
Necessity: This subdivision is necessary to ensure that data submitted to the CEC is retained by the recordkeeping and reporting agent for a reasonable period.

Section: Subdivision 3133(c)(1)(B)
Specific Purpose: The specific purpose of this subdivision is to establish that recordkeeping and reporting agents must retain submitted data in a manner allowing ready access by the Executive Director upon request.
Necessity: This subdivision is necessary so that the Executive Director can view data retained by the recordkeeping and reporting agent, if necessary.

Section: Subdivision 3133(d)
Specific Purpose: The specific purpose of this subdivision is to establish that entities wishing to appeal a determination must submit an appeal within 30 days, which is a reasonable amount of time in agreement with other CEC procedures.
Necessity: This subdivision is necessary to establish the appeal procedure for entities wishing to challenge any decision or determination made by the Executive Director.

Section: Subdivision 3133(d)(1)
Specific Purpose: The specific purpose of this subdivision is to set requirements for appeals filed pursuant to subdivision 3133(d).
Necessity: This subdivision is necessary to establish clear procedures for any appeal to the CEC.

Section: Subdivision 3133(d)(2)
Specific Purpose: The specific purpose of this subdivision is to establish that the Executive Director shall respond to any appeal within 30 days and provide relevant information to the applicant.
Necessity: This subdivision is necessary to establish clear procedures for any appeal to the CEC.

Section: Subdivision 3133(d)(3)
Specific Purpose: The specific purpose of this subdivision is to establish that the CEC

shall consider the appeal in a manner consistent with Chapter 4.5 of the Government Code (section 11400 et seq.) and Title 20 California Code of Regulations sections 1200-1216 and review the decision or determination for substantial evidence.
Necessity: This subdivision is necessary to establish clear procedures for any appeal to the CEC.

SECTION 3134. CONFIDENTIALITY

Section: Subdivision 3134(a)
Specific Purpose: The specific purpose of this subdivision is to provide notice of the relevant sections of the regulation regarding confidentiality and disclosure of data.
Necessity: This subdivision is necessary to inform regulated entities of the process for requesting that data submitted to the CEC pursuant to these regulations be held confidential.

Section: Subdivision 3134(b)
Specific Purpose: The specific purpose of this subdivision is to notify the regulated entities that the CEC may disclose confidential data as permitted by law, for example pursuant to 2507(e)(6) and (f)(1)(D) of Title 20 of the California Code of Regulations.
Necessity: This subdivision is necessary to establish the process for requesting that data submitted to the CEC pursuant to these regulations be held confidential.

Section: Subdivision 3134(c)
Specific Purpose: The specific purpose of this subdivision is to establish that nothing in this section is intended to limit or expand the confidentiality of information submitted to the CEC.
Necessity: This subdivision is necessary to clarify the process for requesting that data submitted to the CEC pursuant to these regulations be held confidential, and that it is not limited or expanded by this section.

SECTION 3135. ENFORCEMENT

Section: Subdivision 3135(a)
Specific Purpose: The specific purpose of this subdivision is to establish that the CEC may carry out enforcement actions pursuant to Public Resources Code section 25321 against an entity that is required to submit semi-annual inventory reports under section 3123(b)(2) and fails to do so.
Necessity: This subdivision is necessary to allow the CEC to enforce submission of the required inventory reporting.

Section: Subdivision 3134(b)
Specific Purpose: The specific purpose of this subdivision is to establish that the Executive Director and CEC may take other actions, as authorized, to enforce these regulations.

Necessity: This subdivision is necessary to allow the CEC to enforce submission of the required inventory reporting.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR SIMILAR DOCUMENTS

The CEC has relied upon the following technical, theoretical, or empirical studies, reports, or similar documents in drafting the proposed regulations:

1. Alexander, Matt. January 2022. *Home Charging Access in California.* California Energy Commission. Publication Number: CEC-600-2022-021, https://www.energy.ca.gov/sites/default/files/2022-01/CEC-600-2022-021.pdf.
2. Gamage, Tisura, Alan Jenn, Gil Tal. 2023. *Reliability of Corridor DC Fast Charging ports and the Prevalence of no-Charge Events.* EVS36 — 36th Electric Vehicle Symposium & Exposition.
3. J.D Powers. Press release, August 17, 2022. "Growing Electric Vehicle Market Threatens to Short-Circuit Public Charging Experience, J.D. Power Finds."
4. Open Charge Point Protocol. June 27, 2024. Open Charge Point Protocol version 2.0.1 Edition 3. https://www.openchargealliance.org/downloads/.
5. Plug In America. February 2022. *The Expanding EV Market: Observations in a Year of Growth,*" https://pluginamerica.org/wp-content/uploads/2022/03/2022-PIA-Survey-Report.pdf.
6. U.K. Department for Transport. March 2023. Consumer Experience at Public Chargepoints: Government Response to the 2021 Consultation on the Consumer Experience at Public Chargepoints, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146685/government-response-to-the-2021-consultation-on-consumer-experience-at-public-chargepoints.pdf. https://www.jdpower.com/business/press-releases/2022-us-electric-vehicle-experience-evx-public-charging-study

CONSIDERATION OF REASONABLE ALTERNATIVES, INCLUDING THOSE THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

No reasonable alternatives to the proposed regulation have been proposed that would lessen any adverse impact on small business or that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute being implemented.

In addition to the proposed regulations, the CEC evaluated the following alternatives:

Alternative 1

Under one alternative, the CEC considered requiring charging port uptime reporting and uptime requirements but not inventory reporting. This alternative would only require charging network providers and site hosts to report charging port uptime as required by Public Resources Code section 25231.5 and not set regulations for inventorying charging ports.

While Alternative 1 has a lower estimated reporting cost than the staff proposal, it would not provide the CEC with EV charging port inventory data. CEC staff requires this data to complete statutorily mandated forecasts and reports, including without limitation, the IEPR. The benefit of these data is considered a second-order benefit and is not quantified here, but staff expects that these data will provide significant benefits to the state.

Alternative 2

Under the second alternative, the regulation would apply the proposed uptime requirement to public or ratepayer funded AC Level 2 charging ports. Setting a 97 percent uptime standard for AC Level 2 ports as well as DCFCs would provide greater reliability benefits than applying these requirements to only state or ratepayer funded DCFC ports. However, Alternative 2 would have a higher estimated cost than the staff proposal as it would apply reliability requirements to more charging ports. CEC staff does not propose applying reliability standards to publicly or ratepayer funded AC Level 2 ports at this time.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate specific technology or equipment.

ECONOMIC IMPACT ASSESSMENT

The Creation or Elimination of Jobs Within the State of California

The CEC does not expect the proposed regulation will create or eliminate jobs within the State of California.

The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California

The CEC does not expect the creation of new businesses or the elimination of existing businesses as a result of the proposed regulation.

The Expansion of Businesses Currently Doing Business within the State of California

The CEC does not expect the expansion of businesses currently doing business within the State of California as a result of the proposed regulation.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The CEC expects the proposed regulations to provide benefits to California residents and the state's environment due to increasing the reliability of EV charging ports. The CEC does not expect any impact on worker safety as a result of the proposed regulation.

DETERMINATION THAT THE PROPOSED REGULATION WILL HAVE NO SIGNIFICANT ADVERSE ECONOMIC IMPACT AFFECTING BUSINESS

The CEC has made an initial determination that the proposed regulation will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Evidence supporting the CEC's initial determination that the proposed regulation will not have a significant adverse economic impact on businesses can be found attached to this Initial Statement of Reasons in *Attachment A: Economic and Fiscal Impact Modeling, Assumptions, and Calculations*.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The requirements for 97 percent uptime and sharing of real-time availability and accessibility data for publicly or ratepayer funded charging ports mirrors requirements used for the federal National EV Infrastructure Formula Program (23 Code of Federal Regulations, § 680.116) funded charging ports. Staff proposes to apply the uptime and real-time availability and accessibility data regulations to charging ports that received an incentive through a state agency, including pass through funding dispensed by a state agency and ultimately reimbursed by federal funds. There would be overlap of certain charging ports funded by state and federal funds, for which state and federal regulations would apply. However, regulations are largely identical, so therefore there are no conflicts.

Other than as stated in the preceding paragraph for the requirements for uptime and data sharing, the CEC has determined that the proposed regulation does not duplicate or conflict with any federal regulations or statute. The CEC's differing regulations are authorized by law under AB 2061 (Ting, Chapter 345, Statutes of 2022) and AB 162 (Reyes, Chapter 319, Statutes of 2023).

FOR FURTHER INFORMATION

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or any other information upon which the proposed regulation is based, should be directed to the contact persons listed in the Notice of Proposed Action for this rulemaking.

LIST OF ABBREVIATIONS

AB – Assembly Bill

AC – Alternating Current

API – Application Programming Interface

California ISO – California Independent System Operator

CARB – California Air Resources Board

CEC – California Energy Commission

CPUC – California Public Utilities Commission

DC – Direct Current

DCFC – Direct Current Fast Charging

EO – Executive Order

EV – Electric Vehicle

EVSE – Electric Vehicle Supply Equipment

IEPR – Integrated Energy Policy Report

MDHD – Medium/Heavy-Duty

OCPI -- Open Charge Point Interface

OCPP – Open Charge Point Protocol

SB – Senate Bill

Staff – Energy Commission staff

ZEV – Zero-Emission Vehicle

ATTACHMENT A: ECONOMIC AND FISCAL IMPACT MODELING, ASSUMPTIONS, AND CALCULATIONS

Attachment A: Cost and Benefit Modeling Assumptions documents staff assumptions used to calculate the economic impacts of the proposed regulations stated in California standard (STD) form 399. Staff assumed that 2026 will be the first full calendar year that the regulations are in force. Staff assumes a 5 percent inflation rate.

All dollar values shown in Attachment A and the STD 399 are in 2026 dollars.

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS

A.1. Staff estimates that the proposed regulation:

- Impact businesses and/or employees due to the regulations setting new requirements for electric vehicle (EV) charging network providers, site hosts, and charging station operators.
- Impact small businesses due to setting new reporting requirements for site hosts and charging station operators, a portion of which will be small businesses.
- Impose reporting requirements due to the required inventory and charging port reliability reporting requirements.

A.2. A cost analysis of the proposed regulations conducted by CEC staff estimates that the direct costs of the regulations to regulated entities in 2026 will be approximately $11,226,024. See response B.1 for this calculation. CEC staff estimates that the direct benefits of these regulations will be approximately $56,890 in 2026. See response C.3 for this calculation. Therefore, the total economic impact of the regulations is approximately $11,282,914 in 2026. The regulation will have costs of $7,161,761 and benefits of $56,890 annually following 2026.

A.3. Staff estimates that the regulations will impact approximately 1,247 businesses in California in 2026. This number is based on the current number of EV charging networks and charging station operators of nonnetworked charging ports in California as reported to the National Renewable Energy Laboratory (NREL), scaled up by 20 percent annually.

The proposed regulations will affect EV charging networks, EV charging station operators, EV charging station site hosts, and businesses involved in the maintenance and repair of EV charging stations.

Staff estimates that 1,190 of the business affected by the regulation are small businesses. Staff defines a small business as a charging station operator operating twenty or fewer nonnetworked charging ports, or a charging network provider managing 1,000 or fewer networked charging ports.

Note that the distribution of EV charging ports affected by the regulation is not the same as the distribution of small and typical businesses. While small businesses make up approximately 95 percent of the businesses regulated by the regulation, staff estimates that typical businesses manage approximately 82 percent of the EV charging ports affected by the regulation, because a typical business operates, on average, many more EV charging ports than a small business. See response B.2. for more details.

A.4. Staff estimates that no new businesses will be created or eliminated by the proposed regulations, since similar regulations already exist in the federal National Electric Vehicle Infrastructure (NEVI) Standards and Requirements (23 Code of Federal Regulations, § 680.116.). The federal NEVI program requires a 97 percent uptime standard. See *Tracking and Improving Reliability of California's Electric Vehicle Charging ports*, Chapter 10 for more information.

A.5. The proposed regulation has a statewide geographic impact.

A.6. Staff estimates that zero new jobs will be created by this regulation, as a conservative assumption. See *Tracking and Improving Reliability of California's Electric Vehicle Charging ports*, Chapter 10 for more information.

A.7. Staff estimates that the regulations will not disadvantage California businesses by making it more expensive to produce goods or services here since EV charging available in California is not exported to residents in other states, and because the federal NEVI Program sets similar EV charging reliability standards as the proposed regulations (23 Code of Federal Regulations, § 680.116).

B. ESTIMATED COSTS

B.1. There are two steps to estimating the costs of the proposed regulations: 1) estimating the cost of the recordkeeping and reporting requirements, and 2) estimating the cost of the reliability standards. Recordkeeping and reporting requirements include inventory reporting as well as reliability reporting.

First, staff produced the following estimates for reoccurring recordkeeping and reporting costs for small and typical businesses. Staff considers any regulated entity that is not a small business to be a typical business.

Reoccurring recordkeeping and reporting costs are derived as follows:

- Staff estimated the recordkeeping reporting costs of the regulations in the first full year of implementation by estimating the labor hours required to both set up the recordkeeping and reporting framework (one-time costs) and ongoing reporting costs. The exact cost will depend on which entity is reporting, as different entities have different recordkeeping and reporting requirements under the regulations.

- Staff then multiplied the labor hours by Bureau of Labor and Statistics average hourly rates for the various employees that would do the work estimated in the previous step.
- Staff then multiplied the estimated working hours by the estimated average wage calculated in the pervious step, excluding entities that are not required to report under the regulations.

This produces a total reporting cost for industry in 2026 of $6,086,494.

Following the process above, staff estimated that adjusted initial and recurring recordkeeping and reporting costs for small and typical businesses are:

- $2,501 initial reporting cost for small businesses
- $1,419 recurring reporting cost for small businesses
- $19,089 initial reporting cost for typical businesses
- $5,853 recurring reporting cost for typical businesses

Multiplying these initial and reoccurring reporting costs by the number of small and large businesses yields the total reporting cost in 2026.

($2,501 + $1,419) * 1,190 small businesses + ($19,089 + $5,853) * 57 typical businesses = $6,086,494

CEC staff assessed the costs and benefits associated with implementing the 97 percent DCFC port uptime requirement. This analysis estimated the marginal cost of increasing the uptime of DCFC ports from an assumed baseline reliability to 97 percent uptime and multiplying this marginal cost by the anticipated number of regulated DCFC ports installed between 2024 and 2026, the first year the regulations are anticipated to take effect.

The first step in this calculation is estimating the number of publicly and ratepayer funded DCFC ports that will be installed between 2024 and 2026. CEC estimate this to be 3,400 DCFC ports. Additionally, CEC staff expects 170 federally funded DCFC ports to be installed through the end of 2026, which for the purpose of this regulation are considered state funded. These charging ports already must comply with a 97 percent uptime standard through the federal NEVI program so their relatability costs are not included here.

The number of relevant charging ports is then multiplied by the estimated cost of a service level charging port maintenance agreement, which was estimated through consultation with industry. Staff assumes a per port service level agreement cost of $1,512 (2026$) for DCFCs. These future service level agreement costs assume a 5 percent inflation rate.

Staff then calculated the cost of maintaining 97 percent uptime for small and typical businesses.

- Staff assumes that 3,400 publicly or ratepayer funded DCFC ports be installed between 2024 and 2026.
- The assumed service level agreement cost to assure 97 percent DCFC uptime is assumed to be $1,512, an assumption based on industry consultation.
- Staff assumes that 18 percent of 3,400 DCFC ports are operated by small businesses, as in 2021, 18 percent of entities that received Clean Transportation Program funding were small businesses. This shows 612 total charging ports operated by small businesses and 2,788 total charging ports operated by typical businesses.
- These 3,400 charging ports are operated by 1,190 small businesses and 57 typical businesses. The average small business operates, on average, 0.51 DCFC ports, and the average typical business operates 48.91 DCFC ports. Of course, a small business cannot operate 0.51 a DCFC port. This is an approximation due to rounding.
- Recurring uptime cost for a typical business is $1,512* 48.91 ports or $74,050.
- Recurring uptime cost for a small business is $1,512 * 0.51 port or $772. This number is an approximation due to rounding.

Thus, the following initial and annual ongoing costs are:

- Initial costs for a typical business: $19,089 in initial reporting costs + $5,853 in recurring reporting costs + $74,050 in first-year reoccurring uptime cost = $98,992 first-year total cost
- Initial costs for a small business: $2,501 in initial reporting costs + $1,419 in recurring reporting costs + $772 in first-year recurring uptime costs = $4,692 first-year total cost
- Annual recurring costs for a typical business: $5,853 reporting costs + $74,050 uptime costs = $79,903 reoccurring total cost
- Annual recurring costs for a small business: $1,419 reporting costs + $772 uptime costs = $2,191 reoccurring total cost

We calculate the overall cost of the regulation by:

- (Initial cost for a small business + annual ongoing cost for a small business) * number of small businesses = aggregate first-year cost to small businesses
- $4,692 * 1,190 small businesses = $5,583,480
- (Initial cost for a typical business + annual ongoing cost for a typical business) * number of typical businesses = aggregate first-year cost to typical businesses
- $98,992* 57 typical businesses = $5,642,544
- Aggregate first-year cost for small businesses + aggregate first-year cost for typical businesses = total first-year cost
- $5,583,480 + $5,642,544 = $11,226,024

B.2. Staff estimates that the proposed regulations would only impact the EV charging industry.

B.3. These regulations impose new reporting requirements for operators of EV charging ports. All EV charging operators must report charging port inventory to the CEC, and operators of DCFC ports installed after January 1, 2024 that receive public or ratepayer funding must report charging port reliability to the CEC. As calculated in response B.1, staff estimates that the reoccurring cost of these new reporting requirements for a typical business is $5,853 per year.

B.4. The proposed regulation is not expected to directly impact housing costs.

B.5. The federal government has set comparable regulations under the NEVI Program (23 Code of Federal Regulations, § 680.116.). Differences between state and federal requirements are not expected to impose additional costs to businesses.

C. ESTIMATED BENEFITS

C.1. Staff estimates that the proposed regulations will benefit Californians by increasing the reliability of DCFC ports and consumer confidence in EVs, which produce significant pollution reduction benefits for the state of California.

C.2. These benefits are the result of the statutory requirement that the CEC adopt EV charging port reliability reporting standards and tools to increase charging port uptime, as required by Assembly Bill 2127 (Ting, Ch. 365, Statutes of 2022) and Assembly Bill 126 (Reyes, Ch. 319, Statutes of 2023).

C.3. The proposed regulations are expected to create both direct and indirect benefits for Californians.

Staff estimated direct benefits by estimating the direct cost to EV drivers of attempting to charge at an unreliable DCFC port. When a driver attempts to use a broken DCFC port, they may drive to another EV charging station to find a functioning DCFC port. This assumes that the driver cannot find another functioning charging port at the same charging station and must drive to another station, but since any other functional charging port at the first station may be occupied this is a reasonable assumption for modeling purposes.

Staff assumes that DCFC ports have on average a utilization rate of 15 percent. The proposed uptime regulations are expected to lead to a marginal improvement in DCFC port uptime of approximately 12 percent. Both of these are conservative assumptions. These assumptions are shown in Table B-1.

Table B-1: DCFC Port Modeling Assumptions

Assumed DCFC port utilization rate	15%
Assumed uptime rate of DCFC ports prior to regulations	85%
DCFC port uptime required by regulations	97%
Marginal improvement in DCFC port uptime required by regulations	12%

Multiplying 8,760 hours per year by a DCFC port utilization rate of 15 percent and a marginal improvement in DCFC port uptime of 12 percent shows that the proposed regulations will increase the number of successful charging events at each regulated DCFC port by 158 charging events per year.

The direct benefit of the regulations is thus the avoided cost of driving to another EV charging station for 158 charging events per year. Assumptions to calculate this per-charging port avoided cost are shown in Table B-2.

Table B-2: Avoided Costs Assumptions

Average distance between DCFC stations (miles)	0.5
Average EV efficiency (miles per kilowatt-hour)	3.0
Average retail DCFC cost per kilowatt-hour (2026$)	$0.64

Using CEC data staff calculates that on average DCFC stations are located 0.5 miles apart in California.

Staff also assumes that the average EV can travel 3.0 miles per kilowatt-hour of electricity consumed. Staff assumes that the average retail electricity price at a public EV charging port is $0.64 (2026$), a conservative assumption.

[(0.5 miles of avoided travel / 3.0 miles per kilowatt-hour) * $0.64 per kilowatt-hour] * 158 marginal successful charging sessions per regulated charging port per year = $17 direct consumer benefits per DCFC port per year.

This produces $17 direct consumer benefits per charging port per year.

Multiplying 3,400 publicly or ratepayer funded DCFC ports with the annual consumer direct economic benefit of $17 per charging port produces an expected consumer direct economic benefit of approximately $56,890 per year. Importantly, this is only direct benefits from the proposed regulation.

Staff expects that the regulation will produce significantly greater second-order consumer benefits by improving the reliability of EV charging ports, but since these indirect benefits consist of greater driver confidence in EV charging and convenience, they are difficult to quantify and are not estimated here. The inventory and reliability reporting regulations will additionally produce similar second-order benefits including greater public information on the number of EV charging ports in California, their reliability, and their availability and accessibility. These regulations will also improve the

quality of state forecasting, the quantitative benefit of which is similarly not estimated here.

C.4. Staff expects that the proposed regulation may produce moderate marginal investment in EV charging in California and moderate expansion of EV charging businesses. See Chapter 10 for more information.

D. ALTERNATIVES TO THE REGULATION

D.1. Staff proposed two alternatives to the regulation, which are shown in Table B-3:

Table B-3: Alternatives Considered

Alternative 1	Alternative 2
Do not require EV charging port inventory reporting	Apply reliability reporting and uptime requirements to publicly and ratepayer funded AC Level 2 ports

D.2. Alternative 1 does not produce different benefits from the proposed regulation as both directly regulate the reliability of the same number of charging ports. The cost of Alternative #1 is lower than the staff proposal due to lower reporting costs caused by the absence of charging port inventory reporting. However, as described in response C.3 charging port inventory reporting is expected to produce significant, but difficult to quantify, benefits to public knowledge and state agency forecasting.

Alternative #2 regulates an additional 28,500 publicly and ratepayer funded AC Level 2 ports. The costs and benefits of Alternative #2 are higher than the staff proposal due to regulating the reliability of a greater number of chargers.

Direct incremental costs and direct economic benefits of the staff proposal and alternatives in the year 2026 is shown in Table B-4.

Table B-4: Alternatives Considered Modeling Inputs

	Staff proposal	Alternative #1	Alternative #2
Reporting costs	$6,086,494	$2,783,802	$6,086,494
Regulated charging ports (2026)	3,400	3,400	31,900
Direct incremental cost	$11,226,024	$7,923,332	$26,673,024
Direct economic benefits	$56,890	$56,890	$533,761

D.3. The proposed regulations and alternative proposals are expected to produce far greater indirect benefits than the direct economic benefits quantified here.

While Alternative #1 has a lower estimated reporting cost that the staff proposal, it would not provide the CEC with reliable EV charging port inventory data. CEC staff requires this data to complete statutorily mandated forecasts and reports. The benefit of this data is considered a second-order benefit and is not quantified here, but staff expects that this data will provide significant benefits to the state.

D.4. The proposed regulations set performance standards for EV charging ports rather than the use of specific actions or procedures.

E. MAJOR REGULATIONS

E.1. – E.3. These requirements are not applicable to the CEC as it is not a California Environmental Protection Agency board, office, or department.

E.4. As shown in B.1 staff estimates that the direct economic cost of the proposed regulations is $11,226,024 in 2026. As shown in C.4 staff estimates that the direct economic benefit of the proposed regulations is $56,890 in 2026. Thus, the expected direct cost and direct benefits of the proposed regulations is $11,282,914 in 2026. The regulation will have costs of $7,161,761 and benefits of $56,890 annually following 2026.

E.5. Staff expects that the proposed regulations will moderately increase investment and innovation in EV charging in California. See Chapter 10 for more information. Staff expects that the regulations will provide environmental benefits by increasing the adoption of EVs, providing positive benefits to the health, safety, and welfare of California residents. See Chapter 11 for more information.

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT

A.6. None of the costs to local governments due to the proposed regulations are reimbursable to the state. Operating vehicle charge equipment is generally a discretionary decision for local governments, so the costs are not required; moreover, the proposed amendments apply generally to all entities operating EV charging ports rather than applying specific mandates to local governments. Because they do not impose unique new requirements on local agencies, they are not a reimbursable mandate for this reason as well (County of Los Angeles v. State of California (1987) 43 Cal.3d 46).

Additional local government expenditures created by the regulation are considered voluntary, as they will only affect local governments who voluntarily choose to request public or ratepayer funding for DCFC ports.

Nevertheless, staff estimates that the number of publicly or ratepayer funded DCFC operated by local governments will increase between 2024 and 2026 by approximately 389 DCFC ports. For completeness staff assumed that the number of regulated DCFC ports operated by local governments is 270 in 2026. These assumptions are shown in Table B-5.

Table B-5: Local Government Assumptions

Year	Number of regulated charging ports	Note
2026	270	Staff estimate.
2027	324	Assumes 20% year-on-year growth.
2028	389	Assumes 20% year-on-year growth.

Following the calculation in B.1, staff assumes the marginal cost of the uptime regulation is $1,512 (2026$) per DCFC port per year. Reporting costs are excluded here for simplicity as they are expected to be primarily borne by the charging network provider. Costs in FY 24-25 are zero, as the regulations are expected to come into force in calendar year 2026. This analysis excludes reporting costs, which are expected to be largely borne by large EV charging network providers.

Table B-6: Local Government Estimated Fiscal Impact

Year	Fiscal impact
FY 26-27	$408,240
FY 27-28	$489,888
FY 28-29	$587,866
Total	$1,485,994

Thus, the three year fiscal impact for 2024 – 2026 is $1,485,994 (2026$). However, many local government DCFC ports will be exempted from the regulation as they may serve fleet vehicles operated by the local government. Note that these local government fiscal impacts are a portion of the overall economic impact estimated above and are not additive to it.

Staff expects that the regulation may produce some savings for local governments due to increasing the reliability of DCFC ports and allowing for greater adoption of EVs by local governments, but these benefits are difficult to quantify and are not estimated here because such estimates will not be able to be calculated until after promulgation of the proposed regulations.

B. FISCAL EFFECT ON STATE GOVERNMENT

B.4. The regulations will create no fiscal impact in the current fiscal year, as the regulations are not expected to enter into force until 2026.

Staff expects a small fiscal impact on state agencies that directly operate DCFC ports that receive public or ratepayer funding. The primary state agency that operates EV charging ports is the Department of General Services. CEC staff assumptions about the growth of charging ports operated by the Department of General Services are shown in Table B-7.

Table B-7: DGS Assumptions

Year	Number regulated charging ports	Note
Existing DGS DCFC 2024 (most are exempt from regulation)	9	Provided by DGS, Q1 2024. Existing charging ports not regulated by regulations.
Regulated DCFC ports 2026	3	Assumes 10% year-on-year growth.
Regulated DCFC ports 2027	4	Assumes 10% year-on-year growth.
Regulated DCFC ports 2028	5	Assumes 10% year-on-year growth.

Multiplying the expected number of new DCFC ports installed by Department of General Services between 2024 and 2026 by the expected per charging port compliance cost of $1,512 (2026$) per charging port per year shows an expected fiscal impact. Reporting costs are excluded here for simplicity. Costs in FY 24-25 are zero, as the regulations are expected to come into force in calendar year 2026. This analysis excludes reporting costs, which are expected to be largely borne by large EV charging network providers.

Table B-8: DGS Estimated Fiscal Impact

Year	Fiscal Impact
FY 26-27	$4,004
FY 27-28	$5,614
FY 28-29	$7,385
Total	$17,002

Thus, the three year fiscal impact for 2024 – 2026 is $17,002. Note that these local government fiscal impacts are a portion of the overall economic impact estimated above and are not additive to it.

The proposed regulations are not expected to produce direct fiscal savings for state government. The proposed regulations may produce second-order savings by encouraging the procurement of high efficiency EVs in state fleets, but these second-order savings are not calculated here because such estimates will not be able to be calculated until after promulgation of the proposed regulations.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

C.3. While EV charging ports funded by the federal NEVI Formula Grant Program are required to comply with all applicable regulations proposed in this report, staff does not anticipate that these requirements would result in additional state expenditures.