

DOCKETED	
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Project Title:	Electric Vehicle Charging Infrastructure Reliability
TN #:	264468
Document Title:	NOPA - Rulemaking to Establish Regulations for Improved EV Charger Recordkeeping and Reporting, Reliability, and Data Sharing
Description:	N/A
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CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

**NOTICE OF PROPOSED ACTION****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 in Chapter 7, Division 2, and Adoption of Article 2, Sections 3120-3134 in Chapter 12, Division 2, and Amendment to the titles of Article 1 and Chapter 12 of Division 2.

Docket No. 22-EVI-04
Notice Published on June 27, 2025

INTRODUCTION

The California Energy Commission (CEC) proposes a rulemaking to establish new regulations for improved electric vehicle (EV) charger recordkeeping and reporting, reliability, and data sharing in the California Code of Regulations (CCR), Title 20, after considering all comments, objections, and recommendations regarding the proposed regulation.

The CEC proposes new regulations for recordkeeping and reporting to track the number of EV charging ports installed in California; regulations to track the reliability of publicly or ratepayer funded direct current fast charging ports and to set a 97 percent uptime standard for these charging ports; and standards for sharing real-time data on the availability and accessibility of publicly available charging infrastructure.

For more information about this proceeding, visit the [CEC's webpage for the Electric Vehicle Charging Infrastructure Reliability Reporting and Performance Standards Proceeding](https://www.energy.ca.gov/proceedings/active-proceedings/electric-vehicle-charging-infrastructure-reliability-reporting-and-performance-standards-proceeding) at <https://www.energy.ca.gov/proceedings/active-proceedings/electric-vehicle-charging-infrastructure-reliability-reporting-and-performance-standards-proceeding>. The proceeding webpage also contains, among other things, a link to the docket page for this proceeding, which contains documents filed in the proceeding, a link to the e-commenting page, and a box to subscribe for automatic email updates about the proceeding.

PUBLIC HEARING

The CEC will hold a public hearing for the proposed regulations at the date and time listed below. Interested persons, or their authorized representative, may present statements, arguments, or contentions relevant to the proposed regulations at the public hearing. The record for this hearing will be kept open until every person present at the conclusion of staff's presentation has had an opportunity to provide comment.

Wednesday, August 13, 2025
10:00 a.m. (Pacific Time)

ATTENDANCE INSTRUCTIONS

In-person Attendance: Participants may join the public hearing at 715 P Street, Sacramento, CA 95814.

Remote Attendance: The public hearing may be accessed by clicking the Zoom link below or visiting [Zoom](https://join.zoom.us) at <https://join.zoom.us> and entering the ID and password below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 ext. 2, or the Office of the Public Advisor, Energy Equity and Tribal Affairs at publicadvisor@energy.ca.gov or by phone at (916) 957-7910.

URL:

<https://energy.zoom.us/j/84251573361?pwd=I6hFdX4Gt1SsRJDtnJ1NpduG6Rric5.1>

Webinar ID: 842 5157 3361

Passcode: 749458

To participate by telephone, dial (669) 900-6833 or (888) 475-4499 (toll free). When prompted, enter the webinar ID and password listed above. For Zoom technical support dial (888) 799-9666 ext. 2 or contact the CEC's Public Advisor for help at publicadvisor@energy.ca.gov and (916) 957-7910. To comment or ask a question over the telephone, dial *9 to "raise your hand" and *6 to mute/unmute your phone line.

Zoom Closed Captioning Service: At the bottom of the screen, click the Live Transcript CC icon and choose "Show Subtitle" or "View Full Transcript" from the pop-up menu. To stop closed captioning, close the "Live Transcript" or select "Hide Subtitle" from the pop-up menu. If joining by phone, closed captioning is automatic and cannot be turned off. While closed captioning is available in real-time, it can include errors. An accurate transcript of the workshop will be docketed and posted as soon as possible after the meeting concludes.

PUBLIC ADVISOR

The CEC's Office of the Public Advisor, Energy Equity, and Tribal Affairs assists the public with participation in CEC proceedings. To request assistance, interpreting services, or reasonable modifications and accommodations, reach out via email at publicadvisor@energy.ca.gov or by phone at (916) 957-7910 as soon as possible, but at least five days in advance. The CEC will work diligently to meet all requests based on availability.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

PUBLIC COMMENT PERIOD

Interested persons may present oral and written statements, arguments, or contentions regarding the proposed regulations at the public hearing, or they may submit written comments during the written public comment period for the proposed regulation that will be held from June 27, 2025, through 5:00 p.m. on August 12, 2025. Any interested person may submit written comments to the CEC for consideration on or prior to 5:00 p.m. on August 12, 2025. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely.

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC encourages submitting written comments through the CEC's electronic commenting system. Visit the [CEC e-comment page for docket number 22-EVI-04](https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=22-EVI-04), at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=22-EVI-04>. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with Title 20, California Code of Regulations, Section 1208.1. The maximum files size allowed is 10 MB.

Written comments may also be submitted by email. Include the docket number, "22-EVI-04," in the subject line and email your comment to docket@energy.ca.gov.

A paper copy comment may be sent to:

California Energy Commission
Docket Unit
Docket No. 22-EVI-04
715 P Street, MS-4
Sacramento, CA 95814

To ensure you receive notice of any changes to the proposed regulations in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding contact list or provide a valid email or mailing address with your comments.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Sections 2505, 2507, 25210, 25213, 25216.5, 25218(e), 25231.5, 25301, 25302, 25303, 25304, 25305, 25400–25401, 25601–25602, 25618 authorize the CEC to adopt rules or regulations, as necessary, to implement, interpret, and make specific Public Resources Code Sections 25210, 25216.5, 25223, 25229, 25231.5, 25300,

25301, 25302, 25304, 25305, 25321, 25322, 25324, 25366, 25400–25401, 25601–25602, 25618, 25900 and Government Code Section 11180.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Summary of existing laws and regulations:

Public Resources Code Section 25229 (Assembly Bill (AB) 2127, Ting, Chapter 365, Statutes of 2018) assigned the CEC the responsibility of biennially evaluating the required number of EV charging ports to meet the state's EV adoption objectives. This evaluation requires a detailed understanding of operational charging port counts.

Effective January 1, 2023, Public Resources Code Section 25231.5 directed the CEC to develop charging port uptime recordkeeping standards and deliver infrastructure reliability assessments (AB 2061, Ting, Chapter 345, Statutes of 2022), and provided the CEC authority to require uptime recordkeeping and reporting on EV charging ports that are publicly or ratepayer funded.

Effective October 7, 2023, Public Resources Code Section 25231.5(d)(1) (AB 126, Reyes, Chapter 319, Statutes of 2023) directed the CEC to adopt tools to increase charging station uptime, including requirements for uptime, and operation and maintenance. Public Resources Code Section 25231.5(d)(2) also directed the CEC to set standards for data sharing regarding the availability and accessibility of publicly available charging infrastructure, and further mandates the establishment of standards for notifying customers regarding the availability and accessibility of public charging infrastructure by January 2025.

Existing law directs the CEC to release a biennial Integrated Energy Policy Report (IEPR) that provides a cohesive assessment of major energy trends and issues in California, including transportation forecasting and assessment activities.¹ The CEC lacks sufficient information on the number of EV charging ports in California to optimize IEPR reports. Public charging port operators are required to report the number of EV charging ports they operate to the U.S. Department of Energy Alternative Fuels and Data Center. However, this requirement is limited to publicly accessible charging ports and therefore provides an incomplete picture of the total charging ports in the state. The CEC administers a voluntary survey that collects data on some charging ports. However, the survey has inconsistent and limited responses and likely undercounts the number of shared private charging ports operating in California. Further, these data sets do not include charging port inventories for medium-duty and heavy-duty vehicles.

Effect of the proposed regulation:

¹ See Pub. Resources Code, § 25304.

To satisfy its statutory mandate and legislative directive, the CEC is proposing the regulations contained in the staff report *Tracking and Improving Reliability of California's Electric Vehicle Chargers*. The CEC proposes new regulations for recordkeeping and reporting to track the number of EV charging ports installed in California; regulations to track the reliability of publicly or ratepayer funded direct current fast charging ports and set a 97 percent uptime standard for these charging ports; and standards for sharing real-time data on the availability and accessibility of publicly available charging infrastructure.

Difference from existing comparable federal regulation or statute:

The proposed 97 percent uptime requirement and sharing real-time availability and accessibility data for publicly or ratepayer funded charging ports largely mirrors the federal National EV Infrastructure Formula Program (23 Code of Federal Regulations, section 680.104), but differing from the federal program, these proposed regulations apply to charging ports that received an incentive through a charge on ratepayers or from a state agency, including without limitation, funds administered by the state that were installed in California after January 2024. Other than the uptime requirement, the CEC has determined that the proposed regulation does not duplicate or conflict with any federal regulations or statute.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments:

The broad objectives of the regulations are to carry out the CEC's statutory mandates in Public Resources Code section 25231.5 to adopt tools to increase charging station uptime, including uptime recordkeeping and reporting requirements for EV charging ports, and to set standards for data sharing regarding the availability and accessibility of publicly available EV charging infrastructure. The regulations further enable the CEC to assess the EV charging infrastructure needed to meet state goals as required by Public Resources Code section 25229. Additionally, the inventory and reliability data collected through this regulation will be used to prepare the IEPR, for which the CEC is statutorily mandated to collect data and assess major energy trends and issues in the state, including transportation forecasting.

The proposed regulations are intended to improve the CEC's understanding of gaps in the EV charging infrastructure, improve the reliability of charging infrastructure by implementing direct current fast charging port reliability performance standards, and increase public access to EV charging. Modest economic benefits are expected by increasing public information on the number, reliability, and availability and accessibility of EV charging ports installed in California. Improvements in the reliability of public EV charging infrastructure may increase consumer confidence in EVs and grow EV sales, providing additional public benefits.

Consistency or compatibility with existing state regulations:

The CEC has conducted an evaluation for any other state regulations in this topic area and has concluded that these are the only regulations concerning recordkeeping and reporting, reliability performance standards, and data sharing for EV charging ports. Therefore, the CEC has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The CEC proposes to incorporate by reference the following documents:

- EV Roaming Foundation, Open Charge Point Interface 2.2.1, October 6, 2021, <https://evroaming.org/app/uploads/2021/11/OCPI-2.2.1.pdf>.
- Open Charge Point Protocol, Open Charge Point Protocol version 2.0.1 Edition 3, June 27, 2024, <https://www.openchargealliance.org/downloads/>.

The above documents are reasonably available to the affected public in conformance with California Code of Regulations, Title 1, Section 20(c). All documents are available for review during business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., at the CEC located at 715 P Street, Sacramento, CA 95814, and on the [CEC website at Docket 22-EVI-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04>.

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed regulation is not mandated by federal law or regulations.

OTHER STATUTORY REQUIREMENTS

The CEC is not aware of any other statutory requirements that are relevant to the proposed regulations.

LOCAL MANDATE DETERMINATION

The proposed regulation does not impose a mandate on local agencies or school districts that requires state reimbursement pursuant to Government Code Sections 17500 et seq. None of the costs to local governments due to the proposed regulations are reimbursable to the state. Operating EV charging ports 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).

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Cost or savings to any state agency: 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 EV charging ports that receive public or ratepayer funding.
- Cost to any local agency or school district that is required to be reimbursed pursuant to Government Code Sections 17500 et seq.: None of the costs to local governments due to the proposed regulations are reimbursable to the state. Operating EV charging ports 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*, 43 Cal.3d 46 (1987)).
- Other nondiscretionary cost or savings imposed on local agencies: Operating EV charging ports is generally a discretionary decision for local governments, so the costs are not required; moreover, the proposed regulations apply generally to all entities operating EV charging ports rather than apply 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.
- Cost or savings in federal funding to the state: None.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The CEC has made the initial determination that the proposed regulations will not have an adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. 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 National EV Infrastructure Program sets similar EV charging reliability standards as the proposed regulations (23 Code of Federal Regulations, section 680.116).

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The primary business type impacted will be operators of EV charging stations. No individuals or other business types will be impacted.

Staff estimates for the initial and ongoing cost of the proposed regulation are shown in the Initiate Statement of Reasons. Staff estimates these costs as:

- Initial costs for a small business: \$2,501 (2026\$) in initial reporting costs

- Initial costs for a typical business: \$19,089 (2026\$) in initial reporting costs
- Annual ongoing costs for a small business: \$2,191 (2026\$) in reporting and uptime costs
- Annual ongoing costs for a typical business: \$79,903 (2026\$) in reporting and uptime costs

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The CEC concludes that: (1) the proposal will not create jobs within California, (2) the proposal will not eliminate jobs within California, (3) the proposal will not create new businesses in California, (4) the proposal will not eliminate existing businesses within California, and (5) the proposal will not result in the expansion of businesses currently doing business within the state.

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 (2026\$). CEC staff estimates that the direct benefits of these regulations will be approximately \$56,890 (2026\$) in 2026. Therefore, the total economic impact of the regulations is approximately \$11,282,914 (2026\$) in 2026.

The proposed regulations will benefit the health and welfare of California's residents and the state's environment by providing improved and more accurate real-time public data about the reliability, accessibility, and pricing of EV charging ports. Ensuring that consumers have information that is reliable, accurate, and timely may increase consumers' ability to find operational and available charging ports, significantly improve the EV driver experience by increasing convenience and security, and therefore increase consumer confidence in EVs. The regulations likely will not affect worker safety.

REPORTING REQUIREMENTS

These regulations set new reporting requirements for EV charging network providers, EV charging station operators, and EV charging site hosts, which are necessary to comply with the statutes described above. To fulfill statutory obligations and ensure consumers have increased access to reliable EV charging ports, it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

EFFECT ON SMALL BUSINESS

The proposed regulations may affect small business. For the purposes of this regulation 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. The CEC expects the average initial costs of this regulation for a small business is \$2,501 and the recurring costs for small businesses is estimated to be \$2,191 for reasonable compliance with the Proposed Action.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

ALTERNATIVES STATEMENT

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CEC must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CEC staff has considered two proposed alternatives and concluded that they are not feasible or do not allow the CEC to fulfill its statutory mandate.

CONTACT PERSONS

Questions should be addressed to:

Ross Daley, Rulemaking Coordinator
Executive Office
Ross.Daley@energy.ca.gov
+1 916 980 7949

OR

Taylor Marvin, Supervisor
Fuels and Transportation Division
Taylor.Marvin@energy.ca.gov
+1 279 226 1009

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the Express Terms, the Initial Statement of Reasons (ISOR) and any documents relied upon or incorporated by reference. Copies may be obtained by contacting the contact persons listed above or by visiting the [the CEC website at Docket 22-EVI-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04>.

AVAILABILITY OF CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be changed because of public comment, staff recommendation, or recommendations from Commissioners. Moreover, changes to the proposed regulations not indicated in the Express Terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons once it has been prepared by visiting the [the CEC website at Docket 22-EVI-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted on the [the CEC website at Docket 22-EVI-04](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04), <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04>.

INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this proceeding and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe for automatic email updates for this rulemaking, by using the subscribe box here: [Electric Vehicle Charging Infrastructure Reliability Reporting and Performance Standards](#), then following any prompts. Members of the public can subscribe to this topic at the link above. The subscription sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for automatic email updates but still would like to receive documents and notices, please contact the contact person listed in this notice.