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Comment from ad-hoc coalition of fleet charging providers

Additional submitted attachment is included below.

California Energy Commission
Docket Unit, MS-4
715 P Street
Sacramento, California 95814

August 6, 2025

Re: 22-EVI-04: Rulemaking to Establish Regulations for Improved EV Charger Recordkeeping and Reporting, Reliability, and Data Sharing

Dear Commissioners and Staff of the California Energy Commission,

Thank you for the opportunity to inform the development of the California Energy Commission's (CEC) Rulemaking to Establish Regulations for Improved EV Charger Recordkeeping and Reporting, Reliability, and Data Sharing, 22-EVI-04. We are writing to you today as an informal coalition of companies in the fleet vehicle charging sector, with our companies providing shared and private charging solutions to fleet customers across the State of California. Collectively, we are investing billions of dollars in support of the State's vision of an electric vehicle charging network that reduces fleet vehicle emissions, enables fleets to move goods and people at a lower cost per mile, and creates good paying jobs for Californians.

We recognize and support the aims of the CEC to ensure that the State's EV charging infrastructure is reliable by working to facilitate high charger uptime and functionality. Our comments focus on the distinction between our segment of the charging industry, which offers shared and private charging solutions, from publicly accessible charging sites. Our model of charging, often referred to as charging-as-a-service or shared charging, already requires high levels of uptime due to contractual obligations to our customers. Additionally, the fleet charging sector is quite nascent compared to passenger vehicle electrification, and we caution the CEC from creating additional costs and compliance obligations for an industry that is already reeling from market impacts of tariffs, the loss of key regulatory drivers for fleet electrification, as well as the loss of several federal incentives. We appreciate the intent of the CEC to exempt "fleet chargers" from this regulation, but believe that the definition does not fully capture the appropriate segment of the market.

Earlier this year, the CEC solicited comments to docket number 19-TRAN-02, "RFI for Medium- and Heavy-Duty Zero Emission Vehicle Public Charging" to which several members of this ad-hoc coalition submitted comments outlining the intricacies and value of shared charging as a complimentary but distinct business model to publicly accessible medium- and heavy-duty charging sites. In addition to these companies, industry groups such as the California Electric Transportation Coalition (CalETC), CALSTART, and Powering America's Commercial Transportation (PACT) also submitted comments outlining the distinctions between public, shared, and private charging sites which provide fleets with several models of charging to meet their business needs at their discretion.

Shared charging sites are sites where multiple fleets contract with a third party charging provider to access and use a charging site. These sites do not permit fleets to enter the charging site without a contract and often require a reservation to access the site. The primary benefits of this

model are that:

- Access to reliable charging infrastructure is guaranteed contractually to fleets, who do not have to worry about the uptime and reliability issues cited by the CEC in the Initial Statement of Reasons (ISOR).
- Fleets do not have to install charging infrastructure at their own facility, which improves the economics of purchasing zero-emission vehicles.
- Charging providers can de-risk their significant investments in high-powered charging sites by improving site utilization across multiple fleet customers.

This model exists as a third category in between public and private charging sites, where access is limited to customers who have contracted with a charging provider, who in turn is obligated to provide customers with high levels of uptime and reliability or risk a breach of contract. These sites do not permit access to vehicles who are not contracted to the charging site owner/operator, in order to guarantee access and charging capacity to fleets who are under contract. Many of these sites are staffed with attendants, and use remote diagnostics and monitoring to ensure that chargers remain "up" for customers.

In addition to the shared charging model, some coalition members, and other charging providers in the industry, also install and operate charging infrastructure on a fleet customer's facility, or lease a site entirely to one fleet. In these cases, the charging infrastructure that is deployed should be considered fully private, not shared. Like shared charging sites, private, or leased charging infrastructure uses a contract to guarantee uptime, with a lack of reliability leading to a breach of contract. In these cases, vehicles using the charging infrastructure are not registered to the charging site owner/operator.

In summary, we look forward to continuing to work with the CEC to realize our shared goals of a reliable, efficient, and cost-effective EV charging network for fleets, with a mix of public, shared, and private charging options meeting their commercial needs. Please see below for our two key recommendations and comments on 22-EVI-04:

Recommendation 1: *Shared-private and private, third party operated fleet chargers should be exempted from the reliability reporting as it is not in the public interest to track such data and doing so increases costs for an industry facing significant headwinds.*
Throughout the ISOR as well as the Staff Report for the proposed regulation, "fleet chargers" are narrowly defined as: "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," with the justification that "they are not similarly situated to other applicable chargers, and evaluating their uptime has less public interest."

This coalition asserts that shared and private fleet charging infrastructure that is owned, operated, and managed by a third party is also not similarly situated to other applicable chargers given the uptime and reliability guarantees that are included in contracts between the third party and its fleet customers. Evaluating their uptime is similarly not in the public interest, and as an

unintended consequence, these market participants would be subject to the regulatory costs outlined by the CEC. Therefore, we recommend that the CEC amend the language that defines "fleet chargers" to be:

> "Fleet Charger: A charger that is not publicly available, is not installed at a single-family residence or a multifamily dwelling, and is solely used to charge electric vehicles registered to the charging station operator~~.~~, or, a charger that is not accessible without a preexisting contract or access agreement between the fleet and the charging operator."

This definition ensures that publicly accessible fleet charging sites, which may be unattended, and lack contracts that obligate the charging station operator to provide guaranteed uptime, are not granted an exclusion from the regulation. This definition would eliminate the regulatory costs associated with tracking and reporting reliability metrics for market actors who are already obligated to provide uptime guarantees to customers. Finally, the definition clarifies a key exclusion for fully private charging infrastructure which is not shared. As currently written, fleets that contract with a third party who installs, operates or otherwise manages infrastructure at that fleet's facility would also be subject to the recordkeeping and reporting requirements of the regulation, while fundamentally offering the same infrastructure functionality as fleet owned and managed charging infrastructure.

Recommendation 2: *Harmonize differences in the definitions of "publicly available" and "shared-private" to more effectively capture the shared-private charging model for fleets*
In Section 3121(40) of the proposed regulation, "publicly available" is defined as: "A charger and associated parking space or spaces designated, such as by a property owner or lessee, to be available to, and accessible by, the public for any period of time. A charger designated, such as by a 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." While we appreciate the effort to differentiate between publicly available and private/shared-private sites, which often utilize a gate to limit access, the language around chargers that are "...designated, such as by a lessee or a property owner, to be available only to customers…[are] a publicly available charger for the purposes of this chapter" could be interpreted to mean that shared-private sites would be considered "publicly available" even if they restrict access only to customers with a contract to enter the site.

This definition also conflicts with the description of "shared-private" charging stations, which are characterized as having "parking space(s) designated by a property owner or lessee to be available to and accessible by employees, tenants, visitors, and/or residents. Parking spaces are not dedicated to individual drivers or vehicles." This description does not address a key segment of shared-private charging stations, which serve multiple fleet customers but not the general public or commercial vehicle operators who lack contractual access to a site.

To ensure that there is clarity across this regulation, our coalition proposes these updates to the definitions of "publicly available" and "shared-private" charging stations:

Publicly available: A charger and associated parking space or spaces designated, such as by a property owner or lessee, to be available to, and accessible by, the public for any period of time. A charger designated, such as by a 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.
(E) A fleet charger.

Shared private: A shared private charging station has parking space(s) designated by a property owner or lessee to be available to and accessible by employees, tenants, visitors, contracted fleet customers, and/or residents. Parking spaces are not dedicated to individual drivers or vehicles, but may be designated to specific fleets through customer contracts.

Again, we appreciate the CEC's leadership to ensure that California leads the United States in charging infrastructure reliability in addition to its number of deployments. We look forward to continuing to partner and work together to support fleet electrification throughout California,

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