

**DOCKETED**

<b>Docket Number:</b>	22-EVI-04
<b>Project Title:</b>	Electric Vehicle Charging Infrastructure Reliability
<b>TN #:</b>	265427
<b>Document Title:</b>	The Electric Vehicle Charging Association Comments - Industry Comments on Proposed Final Rulemaking from EVCA
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	The Electric Vehicle Charging Association
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	8/8/2025 11:03:48 AM
<b>Docketed Date:</b>	8/8/2025

*Comment Received From: The Electric Vehicle Charging Association  
Submitted On: 8/8/2025  
Docket Number: 22-EVI-04*

## **Industry Comments on Proposed Final Rulemaking from EVCA**

*Additional submitted attachment is included below.*

August 8, 2025

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

**RE: Docket 22-EVI-04 and Electric Vehicle Charging Infrastructure Reliability -  
Comments In Response to Rulemaking to Establish Regulations for Improved EV  
Charger Recordkeeping and Reporting, Reliability, and Data Sharing**

Dear California Energy Commissioners and Staff,

The Electric Vehicle Charging Association (EVCA) appreciates the opportunity to provide comments on the rulemaking to Establish Regulations for Improved EV Charger Recordkeeping and Reporting, Reliability, and Data Sharing. EVCA is a not-for-profit trade association established in 2015 to represent the entire EV charging value chain and provide a unified industry voice for decision-makers in California. Our 22 leading EV charging companies and two zero-emission autonomous fleet operators work collectively to advance a reliable, accessible, and innovative charging network across California and beyond.

We appreciate the Commission's extensive engagement with stakeholders throughout this process and recognize that the current proposal includes meaningful improvements and refinements. Based on close analysis of the final express terms and feedback from our membership, we would like to suggest some revisions and recommendations to provisions that present technical, operational, and legal challenges that, if not resolved, may hinder the successful implementation of these rules.

In particular, we applaud the Commission for:

- **Appropriate Applicability:** Limiting requirements to ports installed on or after January 1, 2024, with state or ratepayer funding ensures the regulation applies prospectively and focuses on infrastructure best positioned to comply.

- **97% Uptime Standard:** The final rule appropriately retains the 97% uptime threshold while providing specific downtime exclusions that reflect operational realities.
- **Clarification of Exemptions:** The exclusion of privately financed chargers from reporting, uptime, and API requirements aligns with statutory direction and avoids inappropriate burdens.
- **Session-Level Reporting Removed:** Eliminating the requirement to report individual charging sessions was a critical course correction, and EVCA appreciates the Commission's responsiveness to this concern.
- **Terms and Conditions for Third-Party Data Use:** The allowance for charging providers to impose terms on third-party API data use is a constructive step, though not sufficient in isolation (see below).

## **Remaining Concerns and Recommendations**

Substantial concerns remain regarding the statutory scope, confidentiality protections, technical feasibility, and risk exposure created by several provisions of the proposed final rules.

### **Data Sharing and Confidentiality Contradictions (§§ 2505, 3130)**

While Section 2505 outlines automatic confidentiality protections for a narrow set of fields in the inventory report, Section 3130 simultaneously mandates real-time public disclosure of highly sensitive information, including pricing data, charging port IDs, and operational status, to any third party via API. These two provisions are in direct tension.

Section 3130 compels competitive disclosures that undermine proprietary business models and expose charging providers to antitrust liability, with no credible enforcement mechanism to prevent data scraping or misuse by downstream platforms. The ability to impose terms and conditions on third-party data use is insufficient without a corresponding right to limit access or require affirmative acceptance of those terms by end users.

EVCA also reiterates the concerns raised in our second-round comments regarding third-party API requirements. As we noted previously, absent strong safeguards, allowing unrestricted third-party access to real-time operational and pricing data risks data misuse, unfair competition, and undermines network provider investments. A simple provision affirming the ability of providers to impose enforceable terms and conditions remains a critical and appropriate protection.

EVCA recommends that the CEC:

- Reconsider the real-time API disclosure mandate in Section 3130.
- Remove pricing fields from the scope of required third-party disclosures.
- Explicitly extend Section 2505 protections to data disclosed under Section 3130.
- Clarify the enforcement framework for terms and conditions imposed on third parties.

### **Inventory Reporting Scope and Clarification on Statutory Reach (§ 3123(b)(2)(Q–V))**

The information required under subsections Q through V of the inventory report far exceeds what is necessary to assess charger reliability. These fields include pricing structures, payment methods, and power sharing configurations, all of which reflect competitive strategy and are immaterial to charger uptime or performance.

Requiring the disclosure of these fields, particularly pricing, is unsupported by the legislative intent of AB 2061 and SB 410 and does not enhance the consumer experience. These statutes focus squarely on reliability, not business models or rate structures.

EVCA recommends that the CEC:

- Remove fields Q through V from the semiannual reporting requirement.
- Alternatively, limit the inventory report to operational and location-based fields demonstrably tied to uptime or public accessibility.

### **Quarterly Reporting Misaligned with Annual Performance Standard (§§ 3123, 3124, 3128)**

The regulations impose quarterly reporting intervals (per § 3123) while establishing an annual 97% uptime target (§ 3128). This structure introduces misalignment and confusion around compliance obligations. Moreover, the proposal fails to clarify whether missing the uptime target, either quarterly or annually, will trigger enforcement action under § 3135.

EVCA recommends that the CEC:

- Eliminating the quarterly uptime reporting requirement.
- Aligning reporting timelines with the annual SLA structure.
- Clarifying the enforcement pathway (penalties, publication, etc.) for failure to meet the uptime standard.

### **Downtime Exclusions for Vandalism Lack Flexibility (§ 3124(d)(4))**

The proposed 5-day cap on vandalism-related exclusions is overly prescriptive and does not account for real-world variability in repair timelines due to parts, permits, or insurance

claims. The requirement to provide a police report or third-party documentation further complicates recovery.

EVCA recommends that the CEC:

- Retain the category but allow for case-by-case extensions based on documented efforts to restore service.
- Consider a tiered approach to categorize vandalism events (e.g., minor, moderate, severe), with corresponding exclusion periods aligned to the typical restoration timelines for each category.
- Provide an optional administrative pathway to seek waivers for excessive downtime due to vandalism.

### **Confidentiality and Public Reporting of Reliability Metrics (§§ 2507, 3129, 3130)**

We are concerned that despite confidentiality designations, the Commission retains broad discretion to aggregate and publish reliability metrics, including by charging network provider name (§ 3129(c)). This raises significant reputational risk for providers, especially given the nuances of site-level performance that may be outside the control of the network.

EVCA recommends:

- Removing individual network provider identifiers from public reports.
- Ensuring that aggregation methods are transparent, statistically sound, and protect commercially sensitive distinctions between network and site-level roles.

### **Need for Improved Coordination on Funding Notifications (§ 3120, 3122)**

Many charging networks operate through reseller or site-host-driven sales and do not have visibility into whether a charger has received public funding. This creates uncertainty about regulatory obligations and API compliance.

EVCA strongly recommends that funding agencies adopt a process similar to CalEVIP 2.0, whereby networks are proactively notified of funded EVSE IDs requiring compliance. Without this coordination, network providers may be unknowingly out of compliance.

### **Clarification of “Private Residential Charger” Definition (§ 3121(39))**

EVCA supports member recommendations to amend the definition of “private residential charger” to include the phrase:

“...or user of the charger.”

This clarification would more accurately reflect the intended scope of exclusion and ensure that residential-use-only stations are not inadvertently captured.

### **Realistic Assessment of Compliance Costs**

The Commission's estimate of \$79,903 in annual ongoing costs per provider is not reflective of the burdens imposed by API integration, data retention, and reporting compliance. For smaller providers, these costs may force reductions in staffing or increase rates for consumers, undermining equitable access. We urge the Commission to revisit its economic analysis and provide implementation support, particularly for providers with limited technical capacity to meet real-time data transmission requirements.

### **Conclusion**

EVCA remains committed to supporting the development of a reliable and transparent EV charging network across California. We recognize and appreciate the CEC's thoughtful work and stakeholder engagement throughout this process. As implementation begins, we encourage you to continue working with industry partners to refine these rules in ways that align legislative intent, protect innovation, offer real consumer benefits, and ensure practical feasibility.

We thank you for your consideration of these comments and look forward to driving the transportation transition forward.