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EVgo Comments on Final EV Charging Reliability Regulations

Additional submitted attachment is included below.

August 12, 2025

California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Docket No. 22-EVI-04 – Comments on the Final Draft Staff Report on Tracking and Improving Reliability of California's Electric Vehicle Chargers

Dear Commissioners and Staff,

EVgo appreciates the opportunity to submit comments on the California Energy Commission's (CEC) Final Draft Staff Report and proposed regulations for Electric Vehicle Charging Infrastructure Reliability.[1] As one of the nation's largest public fast charging providers, EVgo shares the CEC's commitment to building a reliable, accessible charging network that supports California's clean transportation goals.

EVgo continues to invest in customer centric initiatives like Autocharge+[2] to bolster first-time charging success rates and the EVgo ReNew[3] program to address legacy equipment while participating in industry forums such as the National Charging Experience Consortium (ChargeX)[4], Society of Automotive Engineers, the Charging Interface Initiative (CharIN), and UL to promote codes and standards improvements foundational for seamless charging.

We commend the CEC for the constructive changes incorporated into the final draft. The regulation has evolved meaningfully from earlier versions, demonstrating the Commission's responsiveness to stakeholder input and its commitment to advancing charging reliability through standards that are both robust and practical.

Key Improvements

We are particularly appreciative of several critical changes made in the final draft that directly reflect stakeholder feedback and contribute to a more effective and fair regulation:

- **Streamlined Reliability Metrics:** The final regulation rightly centers reporting requirements on charger uptime, which is the most common and well-understood

[1] https://efiling.energy.ca.gov/GetDocument.aspx?tn=264470&DocumentContentId=101329
[2] https://www.evgo.com/autocharge/
[3] https://evgo.com/renew/
[4] https://inl.gov/chargex/

measure of the customer experience, particularly within public funding programs. By deferring requirements for emerging metrics like Successful Charge Attempt Rate (SCAR) and avoiding the collection of sensitive utilization data, the CEC has taken a pragmatic approach that allows time for industry standards to mature.

- **Clear and Predictable Scope:** Focusing the regulation on public or ratepayer-funded DC fast chargers installed on or after January 1, 2024, establishes a fair, forward-looking framework. This scope provides investment certainty and appropriately ties regulatory obligations with the receipt of public funds.
- **Practical Maintenance Flexibility:** The allowance of up to 72 hours of excluded downtime annually for scheduled maintenance, without prior notification, enables operators to keep their network in a state of good repair with preventative maintenance.
- **Robust Confidentiality Framework:** We strongly support the regulation's confidentiality provisions. The 10-year automatic protection for charger-level data, along with clear aggregation rules for public reporting, strikes an effective balance between transparency and data privacy.

Recommendations for Final Refinement

EVgo supports the proposed regulation and offers two targeted refinements to improve implementation and minimize unintended compliance challenges:

1. Provide Flexibility for Excluded Downtime Due to Vandalism Given Additional Complexities

We appreciate the inclusion of vandalism as an excluded downtime category in § 3124(d)(4). However, the fixed 5-day downtime allowance is insufficient to accommodate the scope and complexity of real-world vandalism incidents. **We recommend granting the Executive Director discretion to authorize additional excluded downtime for vandalism incidents on a case-by-case basis**, consistent with existing CEC grant agreements with EV service providers.

Charger vandalism often involves more than cable theft and can include more extensive damage to other critical components. Sourcing these specialized parts and scheduling qualified technicians can take well beyond five days due to supply chain and labor constraints. Additionally, heavily vandalized sites often require more intensive inspection before they can return to service, particularly in cases of repeated damage.

Enforcing a five-day limit in these circumstances may unintentionally penalize operators making good-faith repair efforts and could incentivize premature fixes that compromise long-term reliability.

Allowing the CEC to approve additional downtime when needed would preserve oversight while recognizing that permanent repairs may require extended timelines and more time for accurate assessment depending on the severity and complexity of damage.

2. Refine Real-Time Data Sharing Requirements to Protect Customer Privacy and Ensure Data Accuracy

EVgo supports the CEC's commitment to data-driven reliability tracking. However, the near-real-time Open Charge Point Protocol (OCPP) data transmission requirements in § 3125(b) raise implementation concerns regarding customer privacy and data accuracy. To address these concerns, **we recommend revising § 3125(b) to align with § 3125(c) by requiring operators to retain OCPP logs for six years and provide them to the CEC upon request within 21 days, per § 3125(e).**

- **Customer Privacy:** OCPP logs can include personally identifiable information (PII), such as RFID card numbers and EMAIDs (e-Mobility Account Identifiers tied to specific vehicles or drivers). Transmitting this data on a near-real-time basis introduces significant privacy concerns, as it could enable the tracking of when and where specific vehicles are charging, even across networks. This level of traceability would require operators to implement additional security protocols and legal safeguards to ensure compliance with privacy standards.
- **Data Accuracy:** OCPP status messages are not always reliable indicators of charger uptime. For example, dual-port chargers that do not support simultaneous charging will mark the second connector as "Unavailable" while the first is in use, reflecting operational design rather than equipment failure. Similarly, OCPP 2.0.1 does not distinguish between a connector that is down for maintenance and one that is temporarily offline because it is in use. Relying on this raw data for public uptime metrics risks producing misleading results that do not reflect actual network performance.

Aligning § 3125(b) with § 3125(c) would retain the CEC's ability to access and review OCPP data while allowing operators to ensure that the data shared is privacy-compliant, clearly interpretable, and accurate.

Conclusion

We thank the CEC for its thoughtful work in developing this final regulation, which marks a meaningful step forward in setting clear, performance-based standards for public charging. We look forward to continued collaboration with the Commission on technical implementation to help ensure the rule is both effective in practice and responsive to real-world operating conditions. Together, we can deliver a more reliable, accessible charging experience that supports California's transportation electrification goals.

Respectfully submitted this 12th Day of August,

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