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Additional submitted attachment is included below.

California Electric Transportation Coalition

August 12, 2025

California Energy Commission
Re: Docket No. 22-EVI-04
715 P Street Sacramento, CA 95814

Submitted electronically to https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-EVI-04

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

The California Electric Transportation Coalition (CalETC) appreciates the opportunity to provide comments on the proposed regulation to establish new regulations for improved electric vehicle (EV) charger recordkeeping and reporting, reliability, and data sharing (Regulation). CalETC would like to thank the CEC for all your hard work developing the proposed Regulation, and we support your commitment to meeting California's ZEV goals with reliable, ubiquitous, and accessible charging infrastructure.

CalETC supports and advocates for the transition to a zero-emission transportation future to spur economic growth, fuel diversity and energy independence, contribute to clean air, and combat climate change. CalETC is a non-profit association committed to the successful introduction and large-scale deployment of all forms of electric transportation. Our Board of Directors includes representatives from: Los Angeles Department of Water and Power, Pacific Gas and Electric, Sacramento Municipal Utility District, San Diego Gas and Electric, Southern California Edison, Southern California Public Power Authority, and the Northern California Power Agency. In addition to electric utilities, our membership includes major automakers, manufacturers of zero-emission trucks and buses, electric vehicle charging providers, and other industry leaders supporting transportation electrification.

CalETC supports the purpose and intent of the proposed Regulation, and we offer a few suggestions to help improve the function of the Regulation throughout the EV charging ecosystem. We appreciate that the CEC removed a number of provisions so that the Regulation does not overly burden charging station operators and increase the cost of charging. CalETC continues to support the CEC's goal to improve the inputs to the AB 2127 report and Integrated Energy Policy Report's (IEPR) forecasts, improve grid planning, and direct investments where they are needed most. CalETC appreciates the CEC's candor about needing better data on charger inventory and we encourage the CEC to continue to work with the industry to collaboratively find solutions to improve these forecasts. CalETC offers the following recommendations to improve the final Regulation:

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1. Broaden the "fleet charger" exemption to better align with industry practices and policy goals.

CalETC recommends providing an exception in the Regulation for non-public fleet charging that have access controls and enter into contracts to provide charging. The companies that provide fleet charging are directly invested in ensuring that their customers have access to chargers and receive a charge when they need it. More importantly, these companies already have contractual obligations with their customers to address the uptime and reliability considerations that this regulation aims to address. Holding these non-public fleet chargers to the same standards as public chargers will unnecessarily increase the cost of doing business for these nascent companies, and thus, the cost of charging for the fleets they contract with. We therefore recommend expanding the definition of "fleet charger" to include any chargers requiring preexisting contracts or access agreements:

> *"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<u>, or a charger that is not accessible without a preexisting contract or access agreement between the fleet and the charging operator</u>.*

CalETC also recommends including fleet chargers as exempt from the requirements in Sections 3125, 3126, and 3127, consistent with the exemptions set forth in sections 3121(c) and 3128. Non-public fleet chargers should not be required to comply with the additional requirements related to OCPP protocols, customer service, and maintenance records. Fleet chargers are installed to address the specific needs of participating fleet vehicles, and the additional requirements only add complexity and costs to an emerging market.

2. Clarify that Level 1 chargers are not within the scope of the regulation.

The Staff Report (at Table ES-1) and Initial Statement of Reasons (ISOR) (at p. 8) indicate that Level 1 chargers are excluded from the regulation. However, Section 3120 only references Level 2 chargers and DCFC chargers in relation to charging station operators and charging network providers in subsection (a). A plausible reading of Section 3120(b), (c), and (d) could result in Level 1 chargers being within scope of the regulation because these subsections do not reference charging level. Section 3120 should be revised to state that "This Article applies, <u>with the exception of Level 1 chargers</u>, to all of the following:" to reflect that none of the entities listed below operating Level 1 chargers are expected to comply with the Regulation.

3. Narrow the definition of "incentive" in the regulation and review the scope of "ratepayer funded chargers"

CalETC recommends amending the definition of "incentive" in Section 3121 subsection (24). The definition is unnecessarily broad by including "anything of value," which should be replaced with "funding." AB 2061 sought to create reasonable obligations for chargers that receive state or ratepayer funded incentives. Including the phase "anything of value" could implicate programs that provide consultation services for installing EV chargers, or chargers that receive Low Carbon Fuel Standard (LCFS) credits. Additionally, the definition of "incentive" conflicts with the definition in Section 3121 subsection (41), which defines a "public or ratepayer funded charger" and provides specific examples of what an incentive is, including an incentive funded by the Greenhouse Gas Reduction Fund, charges on the customer of a utility, or pass through funds from a federal grant. We recommend replacing "anything of value" in Section 3121 subsection (24) with "funding." Lastly, we recommend that the definition of "public or ratepayer funded charger" be limited to those funds received from a state agency or "a ratepayer funded subsidy" to ensure that revenue neutral programs offered by utilities are not included in the definition.

Additionally, we recommend the CEC review these regulations every two years to ensure the requirements are well tailored for the industry, not overly burdensome, and produce useful data streams to improve reliability and charger forecasts. Specifically, we recommend reviewing whether all "ratepayer funded chargers" should be included in the regulation and whether this could be limited to public chargers that receive a ratepayer funded incentive.

4. Remove the exemption for off-grid chargers.

CalETC recommends removing the exception for off-grid chargers in the Regulation. There appears to be no reason given to exclude these chargers from the reliability and reporting obligations. CalETC believes the same reasons, i.e., to ensure reliably of our public charging stations and good stewardship of public and ratepayer funds, apply to off-grid chargers as they do to grid connected chargers. If there are reasons for excluding off-grid chargers from the Regulation, we recommend providing an explanation in the final Staff Report.

5. Extend the timeline for theft or vandalism to account for third party delays

CalETC recommends extending the 5-day limit for excluded downtime caused by theft or vandalism to 45 days. Repair time following vandalism or theft tends to be longer than 5 days because charging companies must wait for responses from law enforcement and insurance companies before moving forward with repairs. Additionally, the availability of spare parts from suppliers continues to present challenges. Therefore, we believe it is reasonable to extend the amount of excluded downtime for theft or vandalism to 45 days.

Thank you for your consideration of our comments. Please do not hesitate to contact me at kristian@caletc.com should you have any questions.

Kind regards,

Kristian Corby, Deputy Executive Director
California Electric Transportation Coalition