DOCKETED	
Docket Number:	22-EVI-04
Project Title:	Electric Vehicle Charging Infrastructure Reliability
TN #:	265572
Document Title:	Electrify America Comments on Proposed EV Charing Reliability Standards
Description:	N/A
Filer:	System
Organization:	Michael Daft
Submitter Role:	Public
Submission Date:	8/12/2025 4:37:08 PM
Docketed Date:	8/12/2025

Comment Received From: Michael Daft
Submitted On: 8/12/2025
Docket Number: 22-EVI-04

Electrify America Comments on Proposed EV Charing Reliability Standards

Please find our comments attached. Thank you.

Additional submitted attachment is included below.

August 12, 2025

California Energy Commission
Fuels and Transportation Division
715 P Street
Sacramento, California 95814

RE: Electrify America comments on the Rulemaking to Establish Regulations for Improved EV Charger Recordkeeping and Reporting, Reliability, and Data Sharing (Docket No. 22-EVI-04)

Dear Commissioner Skinner and Staff:

Electrify America appreciates the opportunity to comment on the California Energy Commission's (CEC) Third Draft Staff Report on *Tracking and Improving Reliability of California's Electric Vehicle Chargers* and associated rulemaking documents released June 27, 2025.

About Electrify America

Electrify America is the nation's largest open Hyper-Fast network of DC fast chargers (DCFC) for electric vehicles (EVs), with over 1,300 chargers across more than 275 locations open to the public in California. In 2024, Electrify America saw significant growth, with over 16 million charging sessions and roughly 600 gigawatt hours (GWh) dispensed on our network nationally. In Q1 of 2025, we saw an increase in charging sessions of nearly 30% compared to Q1 of 2024 in California – and the energy delivered increased nearly 40% year-over-year.

As part of our drive to build the charging network of the future, Electrify America continues to implement strategies that include deploying next generation technology at existing and new stations, increasing the number of chargers at existing stations, and building bigger stations to better accommodate growing demand. Our next generation technology, which can reach charging speeds of up to 350 KW, has demonstrated a higher level of reliability compared to legacy chargers, resulting in 80% fewer maintenance dispatches than older hardware. Additionally, we are investing in people, processes, and systems to provide wrap-around support for our charging network through investments in our Network Operations Center, Customer Contact Center, Center of Excellence test laboratory, internal Field Service Engineer Program, and domestic parts inventory. Electrify America remains focused on the reliability of its charging network in order to provide a seamless customer experience.

Proposed Regulations Improve Upon Previous Proposals

Successful Charge Attempt Rate. We appreciate the recent changes proposed to the regulation, particularly the removal of the Successful Charge Attempt Rate (SCAR) as a metric of reliability. As we noted in a previous letter,[1] SCAR as a metric does not give an accurate representation of charger reliability nor a driver's successful charging experience – and would have relied on factors that are sometimes beyond the control of the driver and/or the charging provider. Specifically, in a future where multiple e-mobility service providers (eMSP) may be interacting with each network, there will be progressively more situations where a customer has an MSP issue into which the charging provider has limited or no visibility nor ability to troubleshoot. For example, if a customer tries to initiate a charge via a third-party app, but the eMSP fails to send the authorization command to the charging provider (which can occur for a multitude of reasons), the charging provider will only be able to see that a vehicle is plugged in, while the customer will perceive that the charger is not working. The 97% uptime included in the regulation is the appropriate measure of reliability as it algins with the existing federal standard that was derived from broad industry consensus.

OCPP 2.0.1. As market demands and technology evolve, it is important that charging providers be allowed room to innovate and adequate implementation time in order to best support customer and business needs. We thank the CEC for acknowledging that technology, such as the Open Charge Point Protocol (OCPP), will undergo continued development and enhancement into the future. While OCPP 2.0.1 conformance is already prevalent within the industry, implementation of OCPP 2.0.1 across a mature network will take time; we appreciate the CEC building in implementation time and allowing for implementation of later versions of OCPP as makes sense – giving flexibility to implement technology that best meets the needs of charging providers such as Electrify America.

Utilization Data. We appreciate the exclusion of session-level reporting and utilization data from the regulation. It is out of scope for the original AB 2061 language and would add regulatory and cost burden without providing additional insight or improvement related to charger reliability.

Regulations Should Include Additional Modifications to Downtime Exclusions

The proposed language around excluded downtime in Section 3124 (d) is overly restrictive in some instances and will add complexity and potentially cost.

Vandalism. Electrify America notes that the narrow five-day window allowing vandalism or theft to count toward excluded downtime is a departure from the prevailing NEVI guidelines, which do not put a timeframe on vandalism as excluded downtime. As such, stations that must report uptime under NEVI awards – as well as under this proposed regulation – might report different uptimes under

[1] https://efiling.energy.ca.gov/GetDocument.aspx?tn=256416&DocumentContentId=92226

each, resulting in confusion. The CEC has followed NEVI with respect to other aspects of this draft regulation and should continue to do so in this respect by not limiting downtime for vandalism.

Electrify America stations have been subject to vandalism in different jurisdictions. In some cases, repeated acts of vandalism at specific chargers in a limited geographical area has led to significant financial impact in terms of the cost of replacement parts, additional security measures, and deployment of staff for incident response, not to mention forgone revenue. Local law enforcement and other security measures such as cameras have been unable to significantly curb charger vandalism, which has challenged the viability of stations that are subject to serial, unabated vandalism.

Providing a limited window for counting vandalism toward excluded downtime could also impact investment decisions where crime rate, opportunity for crime (e.g., proximity to a copper recycling operation), and/or law enforcement response could factor into a charging provider's calculus regarding where to invest. This would disadvantage some communities over others, in terms of EV charging investments, in a way that is often beyond the community's control.

Preventative Maintenance and Upgrades. There are a number of factors that contribute to the timeline for preventative maintenance and upgrade work. For site upgrades where new equipment is swapped in, the duration that a site is offline can easily exceed 72 hours as completion of the upgrade depends not only on the charging provider completing work, but also on completion of any utility work, including reenergization of the site, as well as any other testing or sealing that may be required. Additionally, while preventative maintenance is typically scheduled in advance, the two-week scheduling window leaves little flexibility to adjust the schedule of maintenance work based on real world changes. It is unclear how the two-week advanced scheduling requirement improves reliability or the customer experience. It can, however, add unnecessary complexity for charging providers. This language should similarly align with NEVI minimum standards.

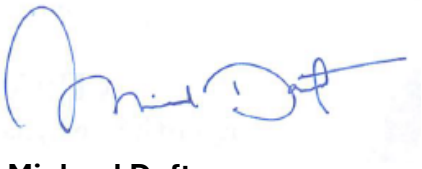
Third Party Data Sharing Should Protect Confidential Business Information

Electrify America is concerned about Section 3130 and the possibility that this language could lead to antitrust liabilities and data scraping – both of which would undermine the business case for deploying public charging. The mandated disclosure of data to third parties in Section 3130 should be reconsidered to include the same protections included in Section 2505, and should clarify the ability to limit access to some data in order to avoid misuse of data that in some cases is immaterial to the availability of the station.

Thank you again for the opportunity to comment on the proposed regulations and the thorough public process that has gone into developing these proposed regulations. Electrify America is aligned

with the state in our shared goals to enhance the driver experience with a growing, reliable charging network. We appreciate the changes reflected in these proposed regulations and the stakeholder engagement that led to those outcomes. We would encourage additional modifications regarding vandalism and data sharing/protection, and we look forward to working with you during implementation to ensure the regulations are implemented in an effective manner that supports the growth of the industry and EV deployment in California. Thank you for your consideration of our comments, and please do not hesitate to reach out with any questions.

Sincerely,



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