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**California Municipal Utilities Association (CMUA) Comment- EV  
Charging Reliability Regulations**

*Additional submitted attachment is included below.*



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California Energy Commission  
715 P Street  
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RE: Docket No. 22-EVI-04 Electric Vehicle Charging Infrastructure Reliability  
CMUA Comments In Response to Rulemaking to Establish Regulations for Improved EV Charger  
Recordkeeping and Reporting, Reliability, and Data Sharing

The California Municipal Utilities Association (CMUA) respectfully submits the following comments to the California Energy Commission (CEC) on the proposed Regulations for Improved EVSE Inventory, Utilization, and Reliability Reporting, Express Terms (Regulations) and Initial Statement of Reasons (ISOR), released on June 27, 2025 (Regulations).

CMUA is a statewide organization of local public agencies in California that provide essential public services, and whose members include publicly owned electric utilities (POUs) that operate electric distribution and transmission systems that serve approximately 25 percent of the electric load in California. POUs have a longstanding commitment to delivering safe, reliable, affordable, and sustainable electricity to their customers, while also striving to provide the infrastructure necessary to support California's clean transportation goals.

CMUA appreciates the overall direction the CEC has taken with the Regulations and backs efforts that would enhance electric vehicle charger reliability and support grid planning. While such efforts are needed, unduly burdensome reporting obligations can actually detract from accomplishing the stated objectives and needlessly consume limited resources. To that end, CMUA is especially encouraged to see that the revised Regulations remove the successful charge attempt rate (SCAR) requirement and limit reporting requirements for non-public chargers. CMUA appreciates staff's recognition of the input provided by CMUA and other stakeholders in making these changes.

CMUA encourages the CEC to continue working with stakeholders on finalizing the regulatory language and throughout the implementation process to ensure that reporting requirements are clearly communicated and streamlined whenever possible. To that end, CMUA offers the following further proposed clarifications to the draft Regulations.<sup>1</sup>

**Clarify the definition of "incentive":** In order to avoid ambiguity, the definition of "Incentive" in Section 3121 (24) of the proposed Regulations should be clarified. As currently written, there is ambiguity as to what is captured by the phrase "anything of value." This language is vague and overly broad, and since the term "incentive" is used throughout the regulation, it is imperative that it be defined in more absolute terms; simply put, "anything of value" is so broad as to include non-financial assistance, and may include market-based instruments such as Low Carbon Fuel Standard (LCFS) credits, which are generated through compliance mechanisms and not issued as direct incentives by a state agency. To prevent unintended consequences, CMUA strongly recommends clarifying this definition by reverting to the term "any funds"

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<sup>1</sup> CMUA also notes that the draft includes several references to Section 3121(b), which should be amended to be Section 3121.

instead of “anything of value.”<sup>2</sup> The Regulations should also be amended to clarify that credits or other benefits associated with programs such as the LCFS are not included within the scope of this definition; while these items hold market value, they are neither funded by ratepayers nor administered as direct financial incentives by a state agency. Finally, the phrase “charge on ratepayers” in the definition of “incentive” and elsewhere in the regulation may lead to overbroad application to revenue neutral utility programs. Consistent with the common meaning of “incentive”, CMUA recommends clarifying that only “ratepayer-funded subsidies” are considered incentives.

**Confirm Fleet Charger Exemption Consistently Across the Regulation:** A fleet charger is 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.” (Staff Report, p. 3; see also proposed Regulations, Section 3121(20).) The Staff Report also notes that fleet chargers are exempt from reliability recordkeeping and reporting, reliability performance standards, and data sharing on real time availability and accessibility. (Staff Report, p. 2; Table ES-1.) As drafted, the Regulations properly exempt fleet chargers from various reporting requirements. For example, Section 3123(c)(3) exempts fleet chargers from the uptime reporting requirements because the CEC has a reduced public interest in regulating the reliability of chargers that serve a single business customer. (ISOR, p. 33.) The Commission has also observed that such reporting is not necessary for fleet chargers “because they are not similarly situated to other applicable chargers, and evaluating their uptime has less public interest.” (ISOR, p. 13.) Likewise, Section 3128(b) exempts fleet chargers from certain performance standards because, among other reasons, fleet chargers have a private interest in maintaining the chargers. (ISOR, p. 46)

In order to ensure internal consistency throughout the Regulations, the Regulations should be further amended to exempt fleet chargers from the requirements of Sections 3125, 3126, and 3127. As with the provisions of Sections 3123 and 3128, the CEC and public interest in this information specific to fleet chargers is minimal as these fleet chargers are not similarly situated to other chargers. Therefore, CMUA recommends the following amendments to the Regulation to ensure consistency across the Regulations (proposed additions are in red text and double underlined):

- § 3125: Additional Requirements for Networked Publicly or Ratepayer Funded Chargers.
  - (g) Any charger that meets the definition of an AC level 2 charger, **fleet chargers**, off-grid charger, private residential charger, research charger, or temporary charger, as those terms are defined in section 3121(b), need not meet the requirements of subdivisions (a) through (f) of this section.
- § 3126: Additional Requirements for Nonnetworked Publicly or Ratepayer funded Chargers.
  - (d) Any charger that meets the definition of an AC level 2 charger, **fleet chargers**, off-grid charger, private residential charger, research charger, or temporary charger, as defined in 22 section 3121(b), need not meet the requirements of subdivisions (a) through (c) of this section.
- § 3127: Customer Service Requirements for Publicly or Ratepayer Funded Chargers.
  - Charging station operators operating publicly or ratepayer funded chargers, excluding those that meet the definition of AC level 2 chargers, **fleet chargers**, or private residential chargers, as defined in section 3121(b), shall ensure that EV charging customers have at least one mechanism to report outages, malfunctions, and other issues with the charger. Instructions describing the process for reporting outages shall be made available at the charging station.

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<sup>2</sup> See TN 255597, Second Draft Staff Report Tracking and Improving Reliability of California’s Electric Vehicle Chargers at A-6.

**Clarify Exclusion of Level 1 Chargers:** CMUA respectfully recommends that the CEC clarify that Level 1 (110/120v) chargers are excluded from the scope of the Regulations by adding explicit language to Section 3120 stating this. The Staff Report makes clear that Level 1 chargers are intended to be “excluded from these regulations in their entirety”. (Staff Report, p. 31) This exclusion is consistent with the rationale set forth in the ISOR which states that “Level 1 chargers are exempted from the regulations because they are functionally electrical outlets, which do not need to be tallied for the purposes of CEC reporting and are not expected to pose reliability challenges.” (ISOR at 8.) In contrast, while Section 3120(a) specifically refers to charging level, subsections (b), (c) and (d) fail to reference charging level. This omission could inadvertently create the implication that Level 1 chargers are only excluded from Section 3120(a). To remove this ambiguity and prevent confusion during implementation, we recommend that Level 1 charging is explicitly excluded in Section 3120 in either the language before Section 3120(a) or in a new subsection (e) that lists specific exclusions from Scope.

**Excluded Downtime for Public Budgeting and Contracting:** CMUA recommends that the CEC include a category of excluded downtime for public agencies in which a new public budgeting or contracting process is needed to address circumstances beyond the public agency’s control. Although POU’s work diligently to develop and maintain the budgets and contracts necessary to facilitate timely charger maintenance, under special circumstances, several POU’s have experienced unanticipated events that would necessitate new budgeting or contracting processes. Specific incidents that POU’s have already faced include: 1) the repair of a vandalized DCFC, which would result in costs that necessitate an extraordinary budgeting process, or 2) the abrupt termination of an existing contract for charger maintenance and repair through no fault of the POU, necessitating a new public contracting process. Public agency processes include multiple steps to ensure that public sector funds are spent judiciously and transparently; as a result, completing these processes may take longer than contracting or budgeting engaged by a private entity. These realities can extend the time required to complete repairs or replace components, despite the utility’s best efforts to maintain reliable service. Downtime calculations should explicitly allow exclusions for delays resulting from public-sector processes, including contracting delays, budgeting constraints, or administrative procedures that are outside the utility’s direct control. We recommend that the CEC clarify that such delays may qualify as “excluded downtime” in Section 3124(d) and otherwise not be counted against the 97% uptime standard outlined in Section 3128.

## **Conclusion**

CMUA appreciates the opportunity to provide these comments and further inform the development of Regulations that are beneficial and implementable. Thank you for your consideration of these comments. CMUA looks forward to collaborating with the CEC on this important issue.

Sincerely,

*Priscilla Quiroz*

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