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VIA CEC Docket Submittal

September 24, 2025

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

**RE:** CEC Docket No. 22-EVI-04 Joint CCA Comments on 15-Day Changes to CEC EV Charger Reliability Proposed Regulations

Ava Community Energy (“Ava”) and Redwood Coast Energy Authority (“RCEA”) (together, “Joint CCAs”) appreciate the opportunity to provide additional comments on the CEC Proposed Regulations for Improved Electric Vehicle Charging Port Recordkeeping and Reporting, Reliability, and Data Sharing (“Proposed Regulations”), as well as the revisions published on September 8, 2025 (“15-Day Changes”). The Joint CCAs thank the CEC for the thoughtful development of the Proposed Regulations and support the CEC’s goal to ensure equitable access to reliable EV chargers in California.

#### I. Background

Ava and RCEA are community choice aggregators (CCAs), not-for-profit local government agencies that provide electricity to our local communities. As load-serving entities, Ava and RCEA’s revenues come from providing electric supply service to our ratepayers. As not-for-profit public agencies, we reinvest these general revenues back into our communities, including by providing EV charging to hard-to-reach communities that private entities are less likely to invest in, such as renters in multifamily housing (MFH) and remote rural communities. CCAs’ general revenue-funded chargers should be treated similarly to privately funded chargers and subject to the CEC’s Proposed Regulations *only* if funded through a state- or ratepayer-funded incentive.

The Joint CCAs support the CEC’s goal to improve the accessibility and reliability of publicly and ratepayer funded chargers, especially in hard-to-reach communities. In our comments filed on August 12, 2025, the Joint CCAs recommended that the CEC revise the definition of “publicly or ratepayer funded chargers” to clarify that not *all* ratepayer-funded chargers—but only the subset of ratepayer-funded chargers that receive ratepayer-funded incentives—are subject to the components of the Proposed Regulations that apply to “publicly or ratepayer funded chargers.” This revision would bring the applicability of the Proposed Regulations into alignment with the intentions of Assembly Bill (“AB”) 2061 (Ting, Statutes of 2022, Chapter

345), which directed the CEC to develop uptime recordkeeping and reporting standards for EV chargers that “received an incentive from a state agency or through a charge on ratepayers.”

The Joint CCAs reiterate our recommendation to revise the definition of “publicly or ratepayer funded chargers” as defined in Section 3121 of the Proposed Regulatory Language. Specifically, we recommend the following revision (underlined) to the beginning of the definition:

*“Publicly or ratepayer funded charger” means a charger installed on or after January 1, 2024, except at a residential real property containing four or fewer dwelling units, for which an incentive was received from a state agency or through a charge on ratepayers, or both, to install or operate the charger or its associated charging station. ...*

The Joint CCAs’ recommended revision is supported by the analysis of the California Senate Rules Committee (“Senate Committee”) of AB 2061. The Senate Committee’s analysis<sup>1</sup> of AB 2061 states that uptime and recordkeeping and reporting requirements adopted by the CEC must “[a]pply only to EV chargers that receive a public- or ratepayer-funded incentive,” clearly indicating that the regulations developed by the CEC ultimately should apply to ratepayer-funded chargers *only* if the ratepayer funding is received through an incentive. The Senate Committee’s interpretation of the applicability of AB 2061, and thus the applicability of the CEC’s Proposed Regulations, supports the Joint CCAs’ recommended revision.

The CEC did not address the Joint CCAs’ recommendations in its 15-Day Changes. Given this, the Proposed Regulations, as written, can be interpreted such that EV chargers that are funded through general ratepayer revenue but do not receive a ratepayer-funded incentive *are* subject to the reliability recordkeeping and reporting requirement, reliability performance standard, and data sharing on real-time availability and accessibility requirement. Given this ambiguity in the interpretation of the regulations’ applicability, CCA general revenue-funded EV chargers are potentially subject to these components of the Proposed Regulations. If this is the case, the broad applicability of the Proposed Regulations to *all* ratepayer-funded EV chargers improperly targets public entities, like CCAs, that receive revenue exclusively through ratepayer charges, creates an anticompetitive market for EV charging, and disincentivizes innovative business models that invest in hard-to-reach populations.

## II. The Broad Application of the Proposed Regulations Creates Unfair Market Dynamics

The broad application of the Proposed Regulations to *all* ratepayer-funded chargers creates an anticompetitive market for EV charging, establishing different rules and economic dynamics for CCAs (and other public entities that receive revenue through ratepayer charges) compared to other market participants. Private entities can choose whether to use state or ratepayer funds to install or operate their EV chargers. However, given they have no other revenue source, CCAs have no choice but to fund their EV chargers using general ratepayer revenues, even if they are

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=202120220AB2061#](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220AB2061#)

not pursuing state- or ratepayer-funded incentives. That is, CCAs' EV chargers will *always* be subject to the CEC's Proposed Regulations, regardless of whether they receive state- or ratepayer-funded incentives, whereas other market participants can avoid the CEC's Proposed Regulations by choosing not to pursue state- or ratepayer-funded incentives.

While the Joint CCAs support the intentions of the CEC's Proposed Regulations, the over-broad applicability of the Proposed Regulations directly disincentivizes public investment in EV charging, especially in hard-to-reach populations. Ava and RCEA are reinvesting our general revenues into charging stations in communities that are underserved by the private sector, including renters in MFH and remote rural customers. In particular, RCEA's charging stations serve rural customers that live far from the high traffic corridors where private sector investment is concentrated. The applicability of the Proposed Regulations to ratepayer revenue-funded chargers would increase RCEA's cost to serve remote rural customers, disincentivizing public investment in EV infrastructure in communities not served by private sector investments.

### III. The Broad Application of the Proposed Regulations Disincentivizes Innovative Approaches to Spurring EV Adoption

The "one size fits all" approach of the Proposed Regulations, especially if applicable to public entities like CCAs, also disincentivizes innovative business models that invest in EV charging for hard-to-reach communities such as renters in MFH. Renters in MFH very often lack access to at-home EV charging, which poses a major barrier to EV adoption. As a public agency serving a large population of renters in MFH, Ava is addressing this barrier to encourage EV adoption by investing in high concentration EV charging sites in its service territory, focusing on communities not well served by the private sector.

Ava uses a variety of tactics to ensure availability at our sites, allowing customers to quickly and reliably charge at our charging stations. First, Ava is addressing availability through scale—our charging sites are high concentration, generally with 10 or more charging ports per site. This ensures there is an abundance of chargers available for customer use and, if all chargers are occupied, a rapid turnover as drivers finish their charging sessions. Second, Ava leverages a tolling agreement contract structure for the development and operation of its charging sites. Under the tolling agreement, the site developers that Ava is contracted with are charged liquidated damages if they do not maintain the contracted uptime of 97%. The tolling agreement also provides flexibility on the number of chargers required to meet a 97% uptime, based on usage at the site. As access to public EV charging unlocks more EV adoption among renters in MFH, increasing usage at Ava's charging sites, Ava can increase the number of chargers required to meet the 97% uptime requirement. However, if usage remains low, requiring a high uptime at every charger only increases Ava's cost to operate its charging site and, consequently, charging rates.

While Ava supports the Proposed Regulations' goal to ensure equitable access to reliable public chargers, the price of charging also plays a role in the accessibility of EV charging—if a charger is operational but charging rates are high, customers may not be able to afford to charge their EVs, a result that is counter to the CEC's intentions. Ava's scaled approach to uptime at its charging stations allows us to adapt to the market as EV adoption in hard-to-reach communities and usage at Ava's charging sites increases. Thus, the applicability of the Proposed Regulations to public entities like Ava disincentivizes innovative business models to spur EV adoption in hard-to-reach populations and imposes higher charging costs on already underserved communities.

#### IV. Conclusion

The Joint CCAs urge the CEC to adopt our recommended revisions to the definition of “publicly or ratepayer funded charger” in Section 3121 of the Proposed Regulatory Language to clarify that not *all* ratepayer-funded chargers—but only the subset of ratepayer-funded chargers that receive ratepayer-funded incentives—are subject to the reliability recordkeeping and reporting requirement, reliability performance standard, and data sharing on real-time availability and accessibility requirement. Without this revision, the ambiguity in the applicability of the Proposed Regulations has the potential to create an anticompetitive market for EV charging and chill public sector investment in hard-to-reach and underserved communities.

Thank you for your consideration of our comments. Please contact Claire Huang ([chuang@avaenergy.org](mailto:chuang@avaenergy.org)) and Elizabeth Burks ([bburks@redwoodenergy.org](mailto:bburks@redwoodenergy.org)) if you have any questions.

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