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California Municipal Utilities Association (CMUA) Comments on 15 Day Changes to CEC EV Charging Reliability Regulations

Additional submitted attachment is included below.



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September 24, 2025

California Energy Commission
715 P Street
Sacramento, CA 95815

RE: Docket No. 22-EVI-04 Electric Vehicle Charging Infrastructure Reliability
CMUA Comments to 15-day Changes to the 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) regarding the 15-day changes to the proposed regulation for Improved EVSE Inventory, Utilization, and Reliability Reporting, Express Terms (Regulations) and Initial Statement of Reasons (ISOR), released on September 8, 2025.

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 has been actively engaged in the Rulemaking and greatly appreciates the further proposed amendments reflected in the 15-day changes. Given the importance of the regulation and the proposed impact it can have on public agency fleets, CMUA is pleased that the proposed changes incorporated many of the recommendations from our August 12 comment letter. These changes will help ensure POUs can successfully implement the regulations, enhance charger reliability, and support grid planning. We are encouraged by the direction the regulations are heading. In particular, the proposed changes to the June 27, 2025 Proposed Regulation that acknowledge the important distinction between publicly available chargers and those that are for the sole use of a utility fleet helps to ensure that the POUs need not meet reporting and other requirements that have no impact on the availability or reliability of the chargers utilized by the public.

As the CEC finalizes these regulations, CMUA respectfully offers the following additional comment for consideration:

- Exempt Market-Based Funding Sources from Incentive
- Excluded Downtime for Public Budgeting and Contracting

Exempt Market-Based Funding Sources from Incentive: We appreciate that the CEC made changes to the definition of "incentive" and clarified that it means funds, while excluding credits generated under the Low Carbon Fuel Standard (LCFS) program established by the California Air Resources Board (CARB). CMUA recommends that the definition also clarify that the value of CARB Cap-and-Trade program allowances received by POUs are not included. Similar to LCFS credits, these funds are market-based and do not pass through a state agency and, therefore, should not be considered incentives under the regulations. We recommend that this clarification is made clear in the regulations.

Excluded Downtime for Public Budgeting and Contracting CMUA supports the extension of the limit for excluded downtime caused by theft or vandalism from 5 days to 10 days. However, we remain concerned that the regulations may not sufficiently account for circumstances beyond the charger owner or operators' control. CMUA therefore continues to recommend an additional category of delays to be qualified as "excluded downtime" in Section 3124(d) and not be counted against the 97% uptime standard outlined in Section 3128. This should include public-sector processes such as contracting delays, budgeting constraints, or administrative procedures that are outside a public agency's direct control, as mentioned in our previous comment letter. Without further expansion of excluded downtime, these regulations may result in unintended consequences, and we strongly recommend that the CEC revisit this issue in the future.

Conclusion

CMUA appreciates the updates reflected in the 15-day revisions and thanks the CEC for its consideration of these additional comments. We look forward to continued collaboration with the CEC on this important issue.

Sincerely,

Priscilla Quiroz

Priscilla Quiroz
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California Municipal Utilities Association