

DOCKETED	
Docket Number:	22-EVI-04
Project Title:	Electric Vehicle Charging Infrastructure Reliability
TN #:	266611
Document Title:	Notice of Exemption - Regulations to Establish Improved EV Charger Recordkeeping, Reporting, Reliability and Data Sharing
Description:	N/A
Filer:	Spencer Kelley
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	10/15/2025 11:31:40 AM
Docketed Date:	10/15/2025

Notice of Exemption

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: Responsible Agency:
California Energy Commission
Fuels and Transportation Division
715 P Street, MS-6
Sacramento, CA 95814

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

Project Applicant: California Energy Commission

Project Location - Specific: Statewide

Project Location - City: Statewide

Project Location - County: Statewide

Description of Nature, Purpose and Beneficiaries of Project:

The broad objectives of this rulemaking are to carry out statutory mandates on the California Energy Commission (CEC) in Public Resources Code sections 25229, 25231.5, and 25300 to 25305. This rulemaking amends regulations at Sections 2505 and 2507 of Article 2, Chapter 7, Division 2, of Title 20 in the California Code of Regulations. This rulemaking also proposes regulations from Sections 3120 to 3135 of proposed Article 2 within Chapter 12, Division 2 of Title 20 of the California Code of Regulations. On October 8, 2025, the CEC adopted the regulatory Express Terms provided in a notice that the CEC issued on September 8, 2025.

This rulemaking amends and proposes regulations that are intended to improve the CEC's understanding of gaps in the electric vehicle (EV) charging infrastructure, improve the reliability of charging infrastructure by implementing direct current fast charging port reliability performance standards, and increase public access to EV charging. Modest economic benefits are expected by increasing public information on the number, reliability, and availability and accessibility of EV charging ports installed in California. Improvements in the reliability of public EV charging infrastructure may increase consumer confidence in EVs and grow EV sales, providing additional public benefits.

Name of Public Agency Approving Project: California Energy Commission

Name of Person or Agency Carrying Out Project: California Energy Commission

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Cal. Code Regs., tit. 14 §§ 15301, 15306, 15601(b)(3)
- ☐ Statutory Exemptions. State code number:

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Reasons why project is exempt:

The California Environmental Quality Act (CEQA) generally applies to discretionary agency actions that meet the definition of a project, but CEQA provides that certain projects are exempted from the requirements. The common sense exemption under section 15061(b)(3) of Title 14 of the California Code of Regulations applies "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." As noted in the Staff Report issued on June 27, 2025 prepared by CEC staff, this rulemaking amends and proposes regulations that are not expected to result in any changes to the environment, have no potential for causing a significant effect on the environment, and are thus exempt under the common sense exemption.

If any changes were to be made to existing EV charging ports as a result of the performance standards contained in these regulations, such changes would fall within the Class 1 categorical exemption provided by section 15301 of Title 14 of the California Code of Regulations (Class 1 exemptions), which exempts projects for "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing or former use." Examples of projects specifically exempted pursuant to Class 1 include: alterations involving such things as electrical conveyances; existing utility facilities used to provide electric power, or other public utility services; and the restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety.

Here, the proposed regulations include data-reporting, data-sharing, and reliability standards, including a 97 percent uptime standard for publicly or ratepayer funded direct current fast charging ports installed after January 1, 2024. Thus, the proposed regulations affect the operation and maintenance of direct current fast charging ports after they are installed, which will not result in more than a negligible expansion of use, within the Class 1 exemption.

The proposed regulations also fall within the Class 6 exemption under section 15306 of Title 14 of the California Code of Regulations, which includes activities that involve data collection, research, experimental management, and resource evaluation and do not result in a serious or major disturbance to an environmental resource. Here, a major goal of the proposed regulations is to set recordkeeping and reporting standards and related administrative requirements to track the number of EV charging ports installed in California and reliability.

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These proposed activities involve data collection, research, experimental management, and resource evaluation that do not result in a serious or major disturbance to an environmental resource; thus, they qualify for the Class 6 exemption.

Responsible

Agency

Contact

Person:

Dustin
Schell

Area Code/

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If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency
approving the project?

☐

Yes

☐

No

Signature: _____ Date: _____ Title: _____

☐ Signed by Responsible
Agency

☐ Signed By Applicant

Date Received for filing at OPR: _____