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CALIFORNIA ENERGY COMMISSION
715 P Street
Sacramento, California 95814

energy.ca.gov

WRITTEN COMMENTS RECEIVED

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

OAL Z # 2025-0617-03
Docket No. 22-EVI-04

45-Day Written and Oral Comments Received:
June 27, 2025, through August 13, 2025
Public Hearing held August 13, 2025

Commenter Name/Organization	Comment Type	Assigned Number	Comment Numbers
Ad-hoc Coalition of Fleet Charging Providers	Joint Written Comment	1	1.1
Adopt A Charger	Individual Written Comment	2	2.1-2.3
Alliance for Automotive Innovation	Individual Written Comment and Public Hearing Comment	3	3.1-3.2
Ava Community Energy and Redwood Coast Energy Authority	Joint Written Comment and Public Hearing Comment	4	4.1-4.4
California Electric Transportation Coalition (CalETC)	Individual Written Comment and Public Hearing Comment	5	5.1-5.13
California Municipal Utilities Association (CMUA)	Individual Written Comment	6	6.1-6.4
CALSTART	Individual Written Comment and Public Hearing Comment	7	7.1-7.8

Center for Sustainable Energy	Individual Written Comment and Public Hearing Comment	8	8.1-8.8
ChargeMate AI, Inc.	Individual Written Comment	9	9.1
ChargePoint, Inc	Individual Written Comment and Public Hearing Comment	10	10.1-10.12
Cool the Earth	Public Hearing Comment	11	11.1-11.2
Electric Vehicle Charging Association	Individual Written Comment Public Hearing Comment	12	12.1-12.13
Electrify America	Individual Written Comment	13	13.1-13.3
EV Realty	Public Hearing Comment	14	14.1
EVgo	Individual Written Comment	15	15.1-15.2
Ford Motor Company	Individual Written Comment	16	16.1-16.8
Hyundai Motor North America	Individual Written Comment	17	17.1
Interstate Renewable Energy Council	Individual Written Comment	18	18.1-18.3
Peninsula Clean Energy Authority	Individual Written Comment	19	19.1
Plug In America	Individual Written Comment	20	20.1-20.3
Rivian	Individual Written Comment	21	21.1-21.3
TeraWatt	Public Hearing Comment	22	22.1
Tesla	Individual Written Comment	23	23.1
Zoox, Inc	Individual Written Comment	24	24.1-24.2

Commenter Number and Comment Number	Comment or Suggested Revision	Energy Commission Response
Note: The first digit refers to the commentor assigned number and the second digit(s) refer to the individual comments. Multiple related individual comments from multiple commenters may be aggregated into a single comment or suggested revision.		
1.1, 3.2, 3.5, 5.1, 5.7, 5.10 6.2, 7.3, 7.7, 14.1, 16.2, 22.1, 24.1	Multiple commenters requested to broaden the definition of "fleet charger" under section 3121(21) of the proposed regulations. For example, some commenters submitted suggested definitions including: • "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, or, a charger that is not accessible without a preexisting contract or access agreement between the fleet and the charging operator." • "A charger that is not publicly available is not installed at a single-family residence or a multifamily dwelling and is solely used by the charging station operator to charge electric vehicles used for work-related purposes." • 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 <u>owned by, leaded by, or operated at the direction of</u> ~~registered to~~ the charging station operator<u>, or, a charger that is not accessible without a preexisting contract or access agreement between the fleet company and the charging operator.</u>" Commenters stated that the definition in the original Express Terms was too narrow and limited, and it excluded leased, subcontracted, or partner-registered vehicles common in fleets. Commenters stated that fleet chargers should be exempt from reporting because fleet chargers serve operational needs and not the public, and uptime is contractually guaranteed.	Comment partially accepted. Expanded the definition of "fleet charger" in section 3121(21) to reflect fleet charging business models as noted in the comments. However, the expansion of the definition did not fully reflect all of the suggested language in the comments, as not all suggested models can be accommodated. For example, applying the fleet charger definition to charging station operators to charge electric vehicles use for "work-related purposes" would provide an overly broad and vague definition. Furthermore, added fleet charger to the list of chargers that need not meet requirements of subdivisions (a) through (f) of section 3125 and subdivisions (a) through (c) of section 3126.

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	Commenters also suggested further revisions to the definitions in section 3121: • Add '(E) A fleet charger' to the exclusions in the "publicly available" definition. • Add language to the "shared private" definition: "Shared private: A shared private charging station has parking space(s) designated by a property owner or lessee to be available to and accessible by employees, tenants, visitors, contracted fleet customers, and/or residents. Parking spaces are not dedicated to individual drivers or vehicles, but may be designated to specific fleets through customer contracts."	
2.1, 12.8	The Commission's estimate of $79,903 in annual ongoing costs per provider is not reflective of the burdens imposed by API integration, data retention, and reporting compliance. For smaller providers, these costs may force reductions in staffing or increase rates for consumers, undermining equitable access. The proposed regulations are adding additional cost to EVSE installation and operation.	Comment rejected. Proposed regulations removed successful charging attempt rate reporting and exempted Level 2 chargers from uptime reporting. These two actions significantly reduce the cost burden of compliance and are responsive to industry comments during workshops. Additionally, Attachment A to the California standard (STD) form 399 that the CEC made publicly available on June 27, 2025 indicates that the annual ongoing costs for a typical business was $79,903, which was supported by CEC staff estimates of $5,853 recurring reporting costs plus recurring uptime costs of $74,050, which was based upon a per-port DCFC service level agreement cost of $1,512 multiplied by an average operation of 48.91 ports. The assumed service level agreement cost to assure 97% uptime was based upon industry consultation. Updated modeling submitted as Attachment A to STD 399 submitted with the Final Statement of Reasons yielded a similar annual ongoing cost for a typical business at $79,941 when rounding the average operation of ports to 49.

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2.2	"[S]upports creating different reliability standards for networked and nonnetworked chargers and evaluating how networking and cell/Wi-Fi outages impact reliability. Additionally we recommend not requiring non-networked chargers to be networked for the sole purpose of data reporting […] It should be noted that the absence of network connectivity does not imply reduced operationality."	Comment rejected. This regulation does not require chargers to be networked. Level 2 chargers, which are more commonly nonnetworked, are exempted from the uptime report required as part of the semiannual reporting. Nonnetworked chargers are also not required to report electronic reliability data, which they are not capable of doing.
2.3	"All EVCS [electric vehicle charging station] should default to free if there is a disruption in the communication […] Pricing transparency should include MSRP for equipment, plus networking and payment processing fees."	Comment rejected. The CEC does not have authority to require EV chargers to default to free in the event of communications disruptions. However, the CEC staff recognize the benefit of defaulting to free and the proposed regulations count charger downtime as excluded downtime if the charger defaults to free.
3.1, 16.6	"Current regulations rely on OCPP [Open Charge Point Protocol] metrics to define charger downtime, which may not align with the actual user experience since chargers can appear operational but fail to deliver a successful charging session. "[A] proposed workaround [is] in Section 3124(c)(1)(D), to report actual observed downtime from various indicators, but the approach does not fully capture the realities of the customer or encourage prompt issue resolution. So, what we're recommending is that the Commission include optionality for OCPI reporting as an option that can enable easier cross-reference with public information and also gives additional context on how the charging session was initiated. Using OCPI [Open Charge Point Interface] reporting as an option can enable easier cross-reference with public information. OCPI reduces operational reporting efforts and gives additional context of how the charging session was initiated, which can help the CEC understand how to improve charger reliability."	Comment rejected. As noted in the June 27, 2025 CEC Staff Report, OCPP is a broadly accepted protocol for communication between charging ports and charging network providers. The CEC staff's understanding is that most charging network providers use some implementation of OCPP. This requirement is consistent with other CEC EV charging programs, many of which require charging ports to comply with OCPP version 2.0.1 or later. OCPP is also necessary for validation of required self-reported uptime.

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4.1, 4.3, 4.4, 5.12	Two commenters recommended that the definition of "publicly or ratepayer funded charger" in section 3121(42) of the proposed regulations be edited to clarify that chargers that are funded through ratepayer revenue, but not as part of an incentive program, are not subject to the regulations that apply to "publicly or ratepayer funded chargers." One commenter stated that the recommendation was supported by the analysis of the Senate Committee on Energy, Utilities, and Communications of Assembly Bill (AB) 1423 (Irwin, Chapter 192, Statutes of 2025), which states that the CEC's proposed regulations "must apply to chargers that received an incentive from a state agency, an incentive funded through a charge on ratepayers, and those installed pursuant to consent decrees […]."	Comment rejected. Section 3121(42) proposes a definition of "publicly or ratepayer funded chargers", which is based upon the mandate in Public Resources Code section 25231.5(a)(2)(A) that the proposed regulations' uptime recordkeeping and reporting standards shall only apply to electric vehicle chargers and charging stations that "received an incentive from a state agency or through a charge on ratepayers." The proposed regulatory definition also aligns with the legislative history of AB 2061 (Ting, Chapter 345, Statutes of 2022). For example, the Senate Committee on Energy, Utilities, and Communications' June 19, 2022 analysis and the Senate Committee on Transportation's June 24, 2022 analysis stated that the proposed regulations "[r]equires entities that receive state agency or ratepayer funding to install, own, or operate a charging station to report uptime information to the CEC", with no mention that there must be an incentive on ratepayer funding. As another example, the Senate Committee on Appropriations' August 5, 2022 analysis stated that the proposed regulations would require entities that "receive state agency or ratepayer funding" to install, own, or operate a charging station to report uptime and excluded time information to the CEC. As another example, the Assembly Committee on Utilities and Energy's April 5, 2022 analysis stated that the proposed regulations would require the CEC to assess the uptime of "public- and rate-payer funded" charging station infrastructure. While the Senate Committee on Energy, Utilities, and Communications provided an analysis of AB 1423 on July 7, 2025, its analysis concerned an older version of the bill that would have amended Public Resources Code 25231.5 whereas the chaptered version of AB 1423 did not amend Public Resources Code 25231.5.

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4.2	"The Joint CCAs seek more detailed information on the requirement to share 'certain data protocol units.' […] information on the entity responsible for meeting the data sharing requirements."	Comment accepted. CEC published the data dictionary to provide clarity and to respond to commentors who wrote requesting such clarity. The data dictionary provides templates on how to format data specified in sections 3123 and 3125 of the proposed regulations.
5.4, 5.9, 6.1	"We recommend narrowing the definition of incentive in the regulation, and reviewing the scope of ratepayer-funded chargers. The definition of incentive, is, includes the language, anything of value, and we believe that should be narrowed to funding."	Comment accepted. Changed wording from "anything of value" to "funds" in definition of ratepayer-funded charger to clarify the scope of the proposed regulations. For example, an entity would not be considered to have received an incentive if it received non-financial assistance such as consultation services for installing EV chargers or proceeds of marked-based instruments such as Low Carbon Fuel Standard credits generated under the Low Carbon Fuel Standard program established by the California Air Resources Board under Title 17, California Code of Regulations, section 95480 et seq.
5.11, 5.6, 10.5, 10.9, 13.1	"[I]ncrease the excluded downtime for vandalism. There's just simply, many things that go into repairing vandalized chargers, and we think it should be extended to 45 days." Another commenter suggested to increase excludable downtime to 14 days. Opposes "requiring the funding recipients to retain any documentation of vandalism or natural disasters"	Comment partially accepted. Revised proposal increased the number of days for the exclusion of vandalism downtime from 5 to 10 days. Vandalism incidents are unrestricted. The uptime drivers actually experience should reflect the reported uptime under section 3124, including excluded downtimes and planned maintenance activities.
5.13, 5.5	"We recommend removing the exemption for off-grid chargers. There isn't an explanation in the staff report for why off-grid chargers are not included in the reliability regulation. We can't think of a reason for why there should be a difference between off-grid or chargers that are connected to the grid."	Comment rejected. Off-grid chargers are typically reliant on intermittent power sources such as wind or solar. These chargers may experience increased periods of non-operation due to cloudy or windless days for which they cannot meaningfully track and should not be penalized.

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5.2, 5.8, 6.3	"We'd like to recommend you clarify that Level 1 chargers are not within the scope of the regulation. I know in the slides it states that clearly, but there are a couple spots within the regulation where it could be read, to include Level 1 chargers. So, we recommend being very explicit about their exclusion."	Comment accepted. Language added to section 3120 Scope in (b) and (c) to provide additional clarity that the scope of the proposed regulations applies to AC Level 2 or DCFC charging stations.
6.4	"[C]alculations should explicitly allow exclusions for delays resulting from public-sector processes, including contracting delays, budgeting constraints, or administrative procedures that are outside the [POU's] direct control. We recommend that the CEC clarify that such delays may qualify as 'excluded downtime' in Section 3124(d)."	Comment rejected. The CEC staff intends that reported uptime broadly shows real-world reliability as experienced by the driver. Excessive excluded downtime dilutes the reported uptime values.
7.1, 7.5	"[E]stablishing minimum and maximum thresholds in the regulatory language" and "inclusion of low powered DC charging in inventory reporting."	Comment rejected. Definition of DCFC in subsection 3121(14) of the proposed in the draft regulation is sufficiently clear.
7.2	"Exclude off-road equipment from the definition of "Electric Vehicle."	Comment rejected. Many chargers that serve off-road EVs will fall under the exemption for fleet or temporary chargers. Those that do are not substantially different from those that serve on-road equipment.
7.4, 7.6	"We ask for clarity on how off-road electric equipment and mobile charging are treated. These use cases are growing, particularly in sectors like ports and agriculture. We recommend that the Commission either define electric off-road equipment separately, or explicitly address these scenarios under fleet exemptions."	Comment rejected. Many chargers that serve off-road EVs will fall under the exemption for fleet or temporary chargers. Those that do are not substantially different from those that serve on-road equipment.
7.8	Across definitions within subsections 3121(28), (39), and (40) of the proposed regulations and California Civil Code section 4100, "it appears that most charging arrangements at multi-unit dwellings would be exempt from requirements of 'publicly available' chargers and that there is no requirement for the chargers to be located at the common interest development. Common interest developments that	Comment rejected. The proposed regulations are sufficiently clear without further delineation of dwelling types. Additionally, Public Resources Code 25231.5(b)(4) states that the proposed regulations' uptime recordkeeping and reporting standards shall not apply to charging stations installed at residential real property containing four or fewer dwelling units. The comment's recommended amendments could expand the number of

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	share a parking or charging location may not neatly fit into these definitions." "CALSTART recommends consideration for chargers that are not located at a common interest development but would otherwise qualify under the 'publicly available' definition, including whether the charger is intended for use by residents, tenants, visitors, or employees of one or more common interest developments. CALSTART would also recommend clarifying if mixed used common interest developments would fall under the same exclusions." "We recommend further clarification for chargers at multi-unit dwellings and common interest developments to ensure accurate classification and applicability."	chargers that would be exempt from the reporting and uptime requirements of sections 3123, 3125, and 3128, which could adversely affect EV charger reliability.
8.1, 8.5, 11.1	"Develop enforcement measures to ensure compliance with reporting requirements […] including financial penalties and exclusion from future grant funding opportunities from the Energy Commission."	Comment rejected. The proposed regulations contain measures in section 3135 to enforce entity obligations to submit semiannual inventory reports pursuant to section 3123(b)(2). Public Resources Code section 25231.5(e) authorizes the CEC to include reporting or reliability requirements as a condition of grants, which the CEC may consider in a future rulemaking. Additional enforcement is outside of the scope of the authorizing statutes.
8.2, 8.6	"Adopt requirements to collect utilization data, including session and interval data, to comprehensively characterize EV infrastructure usage. Requesting rationale for removal of utilization data."	Comment rejected. Utilization data requirements were removed in response to public comment received in the regulation development workshops. Removing these requirements provides a balance in the ability to assess EV charging infrastructure with burdens on reporting entities.
8.3, 8.7	"Adopt requirements to collect data from Level 2 infrastructure to understand distinct charging use cases."	Comment rejected. Staff removed reliability requirements for Level 2 chargers to lessen cost impacts on small businesses in response to public comment in earlier workshops. Furthermore, Level 2 chargers are low-cost chargers, typically sited in large numbers, and are thought be generally reliable, as noted in the June 27, 2025 CEC Staff Report.

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8.4, 8.8	"Utilize analytical tools to streamline data collection and analysis," such as "data warehouses and dashboards to streamline collection, aggregation and analysis of EV infrastructure data."	Comment accepted. CEC published the data dictionary to provide clarity and to respond to commentors who wrote requesting such clarity. The data dictionary provides a template on how to format data specified in sections 3123 and 3125.The CEC staff will undertake analysis and reporting on the aggregate data from regulations compliance, however analysis is outside the scope of the authorizing statute.
9.1, 20.1	"Adopt the ChargeX definition of Successful Charge Attempt Rate (SCAR) -- measuring the percentage of initiated charging sessions that deliver energy successfully. Adopt the ChargeX definition of Visit Success Rate -- measuring the percentage of charging site visits that result in a successful charge, accounting for multiple tries by the same driver."	Comment rejected. CEC staff removed the proposed successful charge attempt rate (SCAR) requirements in response to public comment received in the regulation development workshops.
10.11, 12.6, 16.7	Practically, network operators do not necessarily have knowledge of chargers on their network that are publicly or ratepayer funded, which creates uncertainty about regulatory obligations and API compliance. Comments propose that "[a]ll funding entities must, at least 30 days prior to each reporting deadline in § 3123, prepare a list of publicly and ratepayer funded chargers subject to these regulations, to which the funding entity has dispensed public or ratepayer funds" or the CEC should be more explicit that it is the responsibility of each funding recipient to notify the charging network that an EV charger has received public or ratepayer funding. The CEC should adopt a process similar to CalEVIP 2.0, whereby networks are proactively notified of funded EVSE IDs requiring compliance.	Comment rejected. The CEC staff makes award recipients aware of reliability regulations. The CEC staff will also publish model terms and conditions that funding entities can include in the terms of any agreement granting an incentive to a funding recipient for a publicly or rate payer funded charger under section 3129 of the proposed regulations. This is consistent with Public Resources Code section 25231.5(b)(5), which states that a funding entity shall clearly disclose reporting requirements to funding recipients. Finally, the CEC staff is unable to provide a list for incentives and public funding from other sources.

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10.1	"[R]ecommends the CEC follow the NEVI calculations where uptime is calculated, but not judged for compliance purposes until a charger has been installed for a full year, allowing for a full annual uptime calculation."	Comment rejected. Excluded downtime has a subsection for "before installation" which accounts for any time within the reporting period before the charger was installed. It is not reasonable to wait to calculate uptime until a full year has passed from charger installation, since many members of the public may use a charger in that period.
10.2, 12.5	The CEC should ensure that reliability metrics reported in public disclosures or made available to funding agencies are aggregated only by station owner-operator. The CEC should remove individual network provider identifiers from public reports and ensure that aggregation methods are transparent, statistically sound, and protect commercially sensitive distinctions between network and site-level roles.	Comment rejected. The reliability metrics are intended to meaningfully communicate whether chargers managed or operated by a given entity are reliable. These metrics will be generated based on data collected as part of these regulations as well as data from other sources (e.g., data collected through field studies contracted by the CEC). This data will drive the manner in which reliability metrics are generated and, as such, CEC staff believe that limiting their shape and form prior to analyzing the data is appropriate.
10.3	"[D]raft regulations appear to misunderstand the authority that Recordkeeping and Reporting Agents or charging networks have over the chargers on their respective networks [...] this [OCPP certification 2.0.1] requirement should be properly placed on the funding entity to ensure it approves the proper charging equipment."	Comment rejected. Charging network providers (CNPs) are the entities that remotely manage networked chargers and are well positioned to serve as the recordkeeping and reporting agents for chargers on their networks. CNPs already possess the majority of data required by section 3123. Specifying an alternative recordkeeping and reporting agent such as charging station operators or funding recipients would create a fragmented network of reporting entities that are not as well positioned to aggregate and report these data as CNPs.
10.4, 12.11, 16.3	Instead of requiring uptime to be calculated on a quarterly basis, it should be calculated on a rolling 12-month basis, similar to NEVI. This will allow for a more "apples-to-apples" comparison of reliability across state lines. Additionally, the regulations impose quarterly reporting intervals per section 3123 while establishing an annual 97% uptime target per 3128. Moreover, the proposal fails to clarify whether missing the uptime target, either quarterly or annually, will trigger enforcement action under section 3135.	Comment partially accepted. Uptime calculations made over a semiannual period, as reflected in section 3124(b), would (1) provide greater insight into the recency of a charger's reliability, and (2) promote the driver experience through increased charger reliability. However, the quarterly reporting uptime requirement from the original Express Terms was revised to a semiannual requirement to align with semiannual reporting requirements under section 3123. Public Resources Code section 25231.5(a)(3)(B)(ii) states that the CEC shall consider federal definitions to ensure consistency

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		between standards when defining “uptime.” Accordingly, subsection 3121(52) of the proposed regulations provides a definition that does not conflict with an entity’s ability to comply with the National Electric Vehicle Infrastructure (NEVI) program. Finally, under section 3125 of the proposed regulations, the CEC may enforce against an entity obligated to submit “semiannual” inventory reports pursuant to section 3123(b)(2), and section 3123(a) provides dates by which the reports must be collected and submitted to the Executive Director of the CEC.
10.6	"[S]uggest that CEC modify [section 3125] to allow for monthly data submissions […] At minimum CEC should establish that charging networks will have at minimum 120 days between the publication of the technical specifications for the CEC’s API portal and the first reporting deadline to appropriately staff development and implementation of the API connection. ChargePoint further suggest that the rules be more specific that the CEC will be developing or contracting for the development of the API and that the API will be a ‘push’ model of transfer."	Comment partially accepted. The first reporting deadline is more than 120 days from the enrollment date of the regulations. Additionally, the CEC staff published the data dictionary to provide clarity and to respond to commentors who wrote requesting such clarity. The data dictionary provides a template on how to format data specified in sections 3123 and 3125.
10.7	“The data sharing requirements in § 3130 are unnecessary, distort currently in place business practices, and expose valuable and business sensitive information […] one alternative would be to adopt the approach that the California Air Resources Board [CARB] currently has in regulations.” Furthermore: "CEC should adopt the same timeline limitations for data sharing as it does for reliability regulations, 6 years. Charging networks should not be required to share data with third parties longer than 6 years.”	Comment rejected. Public Resources Code section 25231.5(d)(2) directs the CEC to set standards for how stations shall notify customers about the availability and accessibility of publicly available charging infrastructure, and the proposed regulations require data sharing of information relevant to availability and accessibility. The recommendation to rely on the CARB approach would use data that is static and does not provide real-time information about the true availability of chargers allowing for customers to be notified about availability and accessibility. Moreover, the authorizing statute at Public Resources Code section 25231.5(a)(2)(B) specifies a minimum six-year duration for the record keeping and reporting standards. Finally, data sharing provisions at Public Resources Code subsection 25231.5(d)(2) do not set any time limit for how long the data must be shared.

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10.8	“Fundamentally a replacement charger is a new charger that has been installed. [The proposed regulation] requires a statement for chargers that are uninstalled and the date the charger has been uninstalled. This information is not available to the networks, a customer uninstalling a charger has little incentive to contact the charging network and provide a statement, generally chargers are powered off and / or network agreements expire […] § 3123 (b) (2) (S) and (T) appear to be duplicative. If not duplicative, CEC should provide definitions for these two very similar terms.”	Comment rejected. An uninstalled statement with a date is necessary to accurately calculate uptime for chargers that have been uninstalled and to not unfairly penalize an uninstalled charger for downtime. Furthermore, the data dictionary for semiannual reporting that was made publicly available on August 8, 2025, states that section 3123(b)(2)(S) refers to payment sources (e.g., payments via Visa credit card) whereas section 3123(b)(2)(T) refers to payment technology that the charge can accept (e.g., card swipe, EMV card).
10.10	Provide clarity on how chargers that are installed for less than a year are treated for compliance. Recommends the CEC “follow the [National EV Infrastructure Program] calculations where uptime is calculated, but not judged for compliance purposes until a charger has been installed for a full year, allowing for a full annual uptime calculation.”	Comment rejected. The date a charger is “installed” is the date it is first available for a charging session (see section 3121). The portion of the year prior to the charger's installation date would be considered excluded downtime under subsection 3124(d)(1).
10.12	The CEC should remove section 3130(a)(11) in its entirety, which would require additional development for API purposes. This information is only provided under strict data licenses and transmitting information about roaming relationships could be confusing to drivers.	Comment rejected. Public Resources Code section 25231.5(d)(2) directs the CEC to set standards for how stations shall notify customers about the availability and accessibility of publicly available charging infrastructure, and section 3130 of the proposed regulations require data sharing of information relevant to availability and accessibility. Sharing data described in section 3130(a)(11) assists in notifying customers about the accessibility of chargers.
11.2	"I urge the CEC to continue to press and continue with the regulations for vandalism for uptime […] I think that it's essential that the regulations stay in place so that companies are very motivated to improve design to reduce vandalism."	Comment rejected. The proposed regulations limit excluded downtime for vandalism. However, in response to comments received, the CEC changed the number of days for the exclusion of vandalism downtime from 5 to 10 days to strike a balance between the time required to replace vandalism equipment and the uptime experienced by drivers.

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12.12, 12.4, 15.1, 21.1	“We'd also like to urge greater flexibility in downtime exclusions, specifically around vandalism. The proposed 5-day cap does not always account for real-world circumstances and associated delays with remediating vandalism, including scheduling qualified technicians and a need for intensive inspections. We think a tiered or a waiver-based approach, or some combination of the two would be ideal. The CEC should allow for case-by-case extensions and provide an optional administrative pathway to seek waivers for excessive downtime due to vandalism.”	Comment rejected. The revised proposed regulations increase the number of days for the exclusion of vandalism downtime from 5 to 10 days. Vandalism incidents are unrestricted. The uptime that drivers actually experience should reflect the reported uptime under section 3124, accounting for excluded downtimes and planned maintenance activities.
12.1, 16.8	“Allowing unrestricted third-party access to real-time operational and pricing data risks data misuse, unfair competition, and undermines network provider investments. A simple provision affirming the ability of providers to impose enforceable terms and conditions remains a critical and appropriate protection. Requiring an API to stream charger availability and accessibility data is technically possible but may increase costs to build and maintain an additional interface.” Additionally, the CEC should remove pricing fields from the scope of required third-party disclosures, extend section 2505 protections to data disclosed under Section 3130, and clarify the enforcement framework for terms and conditions imposed on third parties.	Comment rejected. Public Resources Code section 25231.5(d)(2) requires the CEC to "set standards for how stations [...] shall notify customers about the availability and accessibility of publicly available charging infrastructure." Price is a critical element of accessibility. Nothing in section 3130 limits regulated entities from setting appropriate terms and conditions to access these data nor specifies how the data must be shared. The CEC has a statutory interest in collecting comprehensive data about charging infrastructure in California, including pricing and payment methods. The authorizing statute requires the CEC to "set standards for how stations... shall notify customers about the availability and accessibility of publicly available charging infrastructure." Price is a critical element of accessibility. Section 2505 addresses designation of confidential records that a private party submits to the CEC Executive Director. In contrast, section 3130 regulates data sharing between a charging network provider and third-party software developers. Therefore, section 2505 confidentiality designations do not apply to data disclosed under section 3130.

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12.2, 12.10, 16.2	The inventory reporting scope under subdivisions (Q) through (V) of subsection 3123(b)(2) captures competitive business details, specifically pricing and payment methods, that are unrelated to reliability. These fields are unsupported by the legislative intent of AB 2061 and SB (Senate Bill) 410. The fields should be narrowed to only include requirements that directly support improved uptime reporting and public access.	Comment rejected. The CEC has a statutory interest in collecting comprehensive data about charging infrastructure in California. As noted in the June 27, 2025 CEC Staff Report, the CEC will use charging port inventory data in the preparation of the AB 2127 (Ting, Chapter 365, Statutes of 2018) and SB 1000 (Lara, Chapter 368, Statutes of 2018) reports, the Integrated Energy Policy Reports required by statute, and other analytical tasks. Additionally, Public Resources Code section 25231.5(d)(2) directs the CEC to notify customers about the availability and accessibility of publicly available charging infrastructure. Finally, this reporting is necessary to provide a record of customer service-related information, as noted in the Initial Statement of Reasons.
12.3	Eliminate the quarterly uptime reporting requirement, align reporting timelines with the annual service level agreement (SLA) structure, and clarify the enforcement pathway for a failure to meet the uptime standard.	Comment partially accepted. Uptime reporting requirement amended to semiannual reporting to align with semiannual reporting requirements of section 3123 of the proposed regulations. Enforcement is detailed in section 3135 of the proposed regulations.
12.13	"Public reporting of reliability metrics should avoid naming individual network providers, as this risks misrepresenting performance that's often outside a network's direct control."	Comment rejected. It is in the public interest for the CEC to publish data on the reliability of major charging network providers. As stated in the June 27, 2025 CEC Staff Report, the CEC will issue biennial reports assessing the reliability of charging infrastructure, including equitable access to reliable charging ports, regardless of funding source. Additionally, Public Resources Code section 25231.5(d)(2) directs the CEC to notify customers about the availability and accessibility of publicly available charging infrastructure.
12.7	With respect to section 3121 of the proposed regulations, “EVCA supports member recommendations to amend the definition of ‘private residential charger’ to include the phrase […] 'or user of the charger.' This clarification would more accurately reflect the intended scope of exclusion and ensure that residential-use-only stations are not inadvertently captured."	Comment rejected. Public Resources Code 25231.5(b)(4) states that the proposed regulations’ uptime recordkeeping and reporting standards shall not apply to charging stations installed at residential real property containing four or fewer dwelling units. The comment’s recommended amendments could expand the number of chargers that would be exempt from the reporting and uptime requirements of sections 3123, 3125, and 3128, which could adversely affect EV charger reliability.

Commenter Number and Comment Number	Comment or Suggested Revision	Energy Commission Response
12.9, 13.3	The real-time public API disclosure mandate in section 3130 risks forcing providers to share highly sensitive and competitive information without adequate safeguards, and this creates risk of anti-trust and misuse risks. Commenters urged the Commission to remove pricing from required disclosures, as well as extend confidentiality protections to this data, and ensure there are enforceable terms and conditions that extend to third-party access.	Comment rejected. Public Resources Code 25231.5(d)(2) requires the CEC to "set standards for how stations… shall notify customers about the availability and accessibility of publicly available charging infrastructure." Price is a critical element of accessibility. The confidentiality protections extended to data reported to the CEC in section 3123 and 3125 of these regulations is not applicable to data provided to third parties. Nothing in section 3130 limits regulated entities from setting appropriate terms and conditions to access this data.
13.2	"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 [National EV Infrastructure Program] minimum standards."	Comment rejected. The CEC staff wants reported uptime to broadly show real world reliability as experienced by the driver. Excessive excluded downtime dilutes the reported uptime values.
15.2	"[W]e recommend revising § 3125(b) to align with § 3125(c) by requiring operators to retain OCPP logs for six years and provide them to the CEC upon request within 21 days, per § 3125(e)." Transmitting this data on a near-real-time basis introduces significant privacy concerns and OCPP status messages are not always reliable indicators of charger uptime.	Comment rejected. OCPP hourly transmission of uptime data is necessary for validation of semiannual uptime self-reporting.

Commenter Number and Comment Number	Comment or Suggested Revision	Energy Commission Response
16.1	Recommends that "the CEC consider shifting the reporting mechanism from OCPP to Open Charge Point Interface (OCPI) for reliability data and is well-suited to provide data that directly correlates with the customer's perspective on charger availability." This will ensure that uptime and downtime metrics genuinely reflect a charger's "customer-ready" status and ability to dispense a charge, reduce operational overhead associated with data reporting, and enable CEC oversight of reporting and compliance more effectively. Additionally, allowing charging network providers to share with the CEC the same OCPI locations feed already available to PlugShare, the DOE AFDC database, and reporting for California Air Resources Board compliance would be a simpler alternative to requiring an API to stream charger availability and accessibility data.	Comment rejected. OCPP is already a standard within industry. OCPP is necessary for validation of semiannual uptime self-reporting.
16.4	Clarify in subsection 3124(c) that "Operating Hours" be included in total downtime (D), or to ensure excluded downtimes (E) are treated as a subset of total downtime.	Comment rejected. Section 3124 (d) (7) specifies that operating hours are calculated as part of excluded downtime.
16.5	Recommends amending section 3124(c)(1)(D) to allow the start of a charger's downtime to begin when notice of the nonfunctional charger is "made known to, received, and acknowledged by the recordkeeping and reporting entity. Reports that do not reach official channels, such as posts on social media, should not start the clock, […] because the responsible entity does not have adequate or timely information to respond to messages, relative to those received via recommended appropriate notification, escalation, or alert systems."	Comment rejected. Downtime begins when the charging network provider or the recordkeeping or reporting is made aware that a charger is not functional.
17.1	"[T]his proposed regulation is continued investments by the state into all facets of the electrification transition […CEC has developed a regulation that will be an asset to achieving California's overarching emissions reduction goals."	Comment received and does not suggest a regulatory revision.

Commenter Number and Comment Number	Comment or Suggested Revision	Energy Commission Response
19.1	“[A]ppreciates that the final draft will not impose data collection and reporting requirements on multifamily chargers that are solely for private use and thereby will not create new unnecessary hurdles to expanding EV adoption among Californians that live in multifamily housing. […] [A]ppreciates that the final proposed regulations strike the right balance between ensuring the growing network of EVSE meets drivers’ needs and minimizing regulatory barriers to installing the number multifamily chargers needed to meet California’s EV adoption goals.”	Comment received and does not suggest a regulatory revision.
23.1	The comments praised the proposed regulations for: “Clarification that EV charging networks retain the ability to set terms and conditions for using their accessibility, availability, and pricing data […] Elimination of the requirement for charging networks to report session-level utilization data for public chargers, regardless of funding source. This change removes the collection of sensitive, non-public business information and will ease the scope of reporting obligations for charging operators […] Focusing the scope of data reporting requirements to DC fast chargers and exempting Level 2 chargers from uptime reporting obligations […] Removal of the successful charge attempt rate (SCAR) metric. We appreciate the Energy Commission’s decision to exclude an untested and/or arbitrarily defined SCAR metric from reporting. While port-level uptime is an imperfect metric, it is generally accepted and implemented by industry, making it a useful point of comparison.”	Comment received and does not suggest a regulatory revision.
18“1	"Consider Other Ways to Improve Accuracy of Shared-Private and Private Residential Charger Counts. […] 1. Develop a mechanism to improve accuracy of counts for shared-private chargers at workplaces, multifamily dwellings, and fleet depots. For example, the CEC could work with a third party to conduct a more comprehensive survey of charger developers or operators annually. Alternatively, the CEC could coordinate with electric utilities	Comment rejected. These suggestions are non-regulatory and are outside of the scope of the proposed regulation.

Commenter Number and Comment Number	Comment or Suggested Revision	Energy Commission Response
	or the CPUC to solicit aggregated data on installed chargers. 2. Establish a process to estimate private residential charger deployment at single-family homes and small multifamily dwellings. Similar to shared-private chargers, the CEC could consider a more robust survey or collaborate more closely with utilities to identify data sharing opportunities to fill this data gap."	
18.2	"Coordinate with Regulated Utilities to Enable Regular Pace of Energization Analyses […] Establish a data-sharing agreement with the state's regulated utilities to obtain the following data along with energization timelines: geographic location, number and type of chargers, and vehicle class served […] Compare CEC forecasts to utility timeline data to track and report on whether the current pace of energization is aligned with anticipated infrastructure needs."	Comment rejected. These suggestions are non-regulatory and are outside of the scope of the proposed regulation.
18.3	"Consider Whether Increased Data Reporting Frequency Would Help to Advance Timely Transportation Electrification Policies. […] this cadence may hinder policymakers' ability to adopt timely course corrections and policy interventions."	Comment rejected. CEC staff did consider a higher reporting frequency (quarterly) in earlier drafts of the express terms, docketed to 22-EVI-04. Through stakeholder engagement, staff determined that the costs of a higher reporting frequency outweighed the benefits.
20"2	"Ensure reporting mechanisms [for outages] for EV drivers are accessible and easy to use [...] We encourage the CEC to consider specifying eligible mechanisms, such as app-based reporting, SMS, and a toll-free number."	Comment rejected. Section 3127 allows for various mechanisms for reporting charger outages and malfunctions. Further specification would increase cost and burden of meeting the requirement. The requirement for a mechanism for customers to report outages strikes a balance between a prescriptive measure and market-based adoption measure.
20.3	"We support the definition of 'publicly or ratepayer funded' charger and the exclusion of residential properties with four or fewer dwellings […] we asked for an explicit exclusion of	Comment received and does not suggest a regulatory revision.

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	Level 1 chargers from the entirety of the regulation, and we thank the CEC for its responsiveness to that recommendation […] Plug In America strongly supports the 97% uptime metric and the per-port definition of uptime consistent with the National Electric Vehicle Infrastructure (NEVI) minimum requirements. Additionally, we appreciate the CEC's intention to keep excluded downtime to events outside of the charging station operator's control […] Further, we support the exclusion of planned maintenance […] Plug In America supports the data-sharing requirements to increase driver understanding of functional and available charging ports […]."	
21.1	"We appreciate the level of care the Commission had taken in defining the range of causes of downtime and support the currently defined categories. However, when it comes to vandalism and site upgrades in particular, there can be several factors out of a network provider's control that may push them outside of the 5-day cap on vandalism and the annual 72-hour cap for preventative maintenance and upgrades. For example, when upgrading a charging site to add more chargers, even when leveraging existing make-ready infrastructure, utility and permitting delays can push the site to be down well past the 72-hour cap as hardware is upgraded and energized. We support the Commission maintaining the existing timing caps to set a clear standard, but encourage the addition of a pathway to request an extension of excluded downtime (with submission of appropriate documentation) to provide an option for extenuating circumstances."	Comment rejected. The uptime drivers actually experience should reflect the reported uptime under section 3124, including excluded downtimes and planned maintenance activities.
21.2	"Revise § 3125 (b) to require listed data (1) - (5) to be stored and retained, instead of transmitted via API to the Commission […] The current requirement to submit OCPP data directly to the Commission within 60 minutes after the record's generation will be a significant new development effort for many charging providers as OCPI modules are	Comment rejected. OCCP is already a standard within industry, as noted in the June 27, 2025 CEC Staff Report. OCCP is necessary for validation of required reporting.

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	typically used for external data transfers, not direct OCPP logs. The additional cost imposed on both the state and charging providers for data storage and analysis for this proposal will be material and requires additional justification. Require the data being requested under § 3125 (b) to be stored and retained, per the option already provided in § 3125 (c) for chargers installed from January 1, 2024 through 179 days after the effective date. The Commission can then request the data for further analysis, if there is reason to do so […] Provide more detail regarding what is expected to be included in the OCPP data fields requested under (4) and (5) of § 3125 (b).”	
21.3	"[W]e encourage the Commission and staff to consider ways for industry to provide feedback on the implementation details, including, but not limited to, the specific forms and processes for data submission."	Comment received and does not suggest a regulatory revision. CEC staff have already begun work to implement these regulations and are regularly in contact with regulated industries to receive their feedback.
24.2	Recommends changing “Charging station operator: The entity that owns or leases the charger and supporting equipment at one or more charging stations. Although this entity can delegate responsibility for certain aspects of charging station operation and to subcontractors, this entity retains responsibility for operation and maintenance of chargers and supporting equipment. The charging station operator and the charging network provider can be the same entity.”	Comment rejected. CEC staff do not believe that it is necessary to include a provision for leased chargers in the definition for charging station operator. In this circumstance, the lessor (charging station operator) can include minimum uptime requirements as part of the lease to ensure that performance standards are met.

First 15-Day Written Comments Received:
September 8, 2025 through September 24, 2025

Organization Name	Comment type	Assigned number	Comment Number
Ad-hoc Coalition of Fleet Charging Providers	Joint Written Comment	25	25.1
Ava Community Energy and Redwood Coast Energy Authority	Joint Written Comment	26	26.1
California Electric Transportation Coalition (CalETC)	Individual Written Comment	27	27.1-27.2
California Municipal Utilities Association	Individual Written Comment	28	28.1-28.2
CALSTART	Individual Written Comment	29	29.1-29.2
Center for Sustainable Energy	Individual Written Comment	30	30.1-30.3
ChargePoint, Inc	Individual Written Comment	31	31.1-31.7
Coalition for Clean Air	Individual Written Comment	32	32.1
Electric Vehicle Charging Association	Individual Written Comment	33	33.1-33.14
Electrify America	Individual Written Comment	34	34.1-34.2
Ford Motor Company	Individual Written Comment	35	35.1
Zoox, Inc	Individual Written Comment	36	36.1

Commenter Number and Comment Number	Comment or Suggested Revision	Energy Commission Response
25.1, 32.1	"We greatly appreciate CEC Staff's consideration of this language and incorporation of the expanded definition of 'fleet charger' in the September 8, 2025 update to the proposed regulation's language".	Comment received and does not suggest a regulatory revision.
26.1	The commenter reiterated its prior recommendation to revise the definition of "publicly or ratepayer funded chargers" under section 3121(42) of the proposed regulations. The commenter recommended 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 commenter stated that its recommendation was supported by the August 26, 2022 analysis of the Senate Rules Committee of AB 2061, which 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", which indicates that the regulations should apply to ratepayer-funded chargers only if the ratepayer funding is received through an incentive.	Comment rejected. Section 3121(42) proposes a definition of "publicly or ratepayer funded chargers", which is based upon the mandate in Public Resources Code section 25231.5(a)(2)(A) that the proposed regulations' uptime recordkeeping and reporting standards shall only apply to electric vehicle chargers and charging stations that "received an incentive from a state agency or through a charge on ratepayers." While the Senate Rules Committee's August 26, 2022 analysis might lend support for the commenter's recommendation, it is noted that the Senate Rules Committee provided an earlier analysis on August 13, 2022 that stated that the proposed regulations require entities that "receive state agency or ratepayer funding to install, own, or operate a charging station" to report uptime information to the CEC starting July 1, 2023 for chargers installed after that date. The August 13, 2022 analysis also stated that the proposed regulations require entities that "receive state or ratepayer funds for EV chargers" to report specified uptime data. Therefore, the Senate Rules Committee's August 13, 2022 analysis made no mention that there must be an incentive on ratepayer funding for a charger installed with ratepayer funding to be subject to the proposed regulations. The proposed definition also aligns with the multiple other committee analysis on AB 2061. For example, the Senate Committee on Energy, Utilities, and Communications' June 19, 2022 analysis and the Senate Committee on Transportation's June 24, 2022 analysis stated that the proposed regulations "[r]equires entities that receive state agency or ratepayer funding to install, own, or operate a charging station to report uptime information to the CEC" with no mention that there must be an incentive on ratepayer funding. As another example, the Senate Committee on Appropriations' August 5, 2022 analysis stated that the proposed regulations would require entities that "receive state agency or

Commenter Number and Comment Number	Comment or Suggested Revision	Energy Commission Response
		ratepayer funding" to install, own, or operate a charging station to report uptime and excluded time information to the CEC. As another example, the Assembly Committee on Utilities and Energy's April 5, 2022 analysis stated that the proposed regulations would require the CEC to assess the uptime of "public- and rate-payer funded" charging station infrastructure.
27.1, 33.14	"[S]upports the proposed 15-Day Changes and would like to thank the CEC for their willingness to work with stakeholders on this important regulation. We support the changes to the 'fleet charger' exemption and narrowing the definition of 'incentive' in the 15-Day Changes." Supports 10 days of excluded downtime for vandalism but would still like 45 days.	Comment rejected. The vandalism downtime will remain at 10 days as reasonable accommodations were made in response to the last round of comments to balance charger reliability with burdens to entities covered within the scope of the proposed regulations. Commenter express support of 10 days as reasonable with preference for 45 days.
27.2, 28.1	"[W]e recommend the CEC clarify that the definition of 'incentive' also excludes utility allowance proceeds from the Cap-and-Trade Program." […] "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." One commenter stated that proceeds of allowances through the Cap-and-Trade program "are neither ratepayer funded nor received from state agencies."	Comment rejected. Subsection 3121(25) of the proposed regulations, states that an "incentive" includes funds received from a state agency. If a charger is installed or operated using funds that were not received from a state agency or a charge on ratepayers then the funds would not be considered an "incentive" under subsection 3121(25).
28.2	"[C]ontinues 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 [additional category of delays] should include public-sector processes such as contracting delays, budgeting constraints, or administrative procedures that are outside a public agency's direct control."	Comment rejected. The CEC wants reported uptime to broadly show real-world reliability as experienced by the driver. Excessive excluded downtime dilutes the reported uptime value.

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29.1	Establish minimum and maximum thresholds in defining DCFC because the regulation may otherwise be unclear for low powered DC charging.	Comment rejected. The definition of DCFC is sufficiently clear under section 3121(14) of the proposed regulations.
29.2	“To provide greater clarity, CALSTART would recommend excluding off-road equipment from the definition of ‘Electric Vehicle’ similar to micromobility or separately defining ‘Electric off-road equipment’ and specifying that off-road equipment could qualify under the Fleet Charger exemption.”	Comment rejected. Many chargers that serve off-road EVs will fall under the exemption for fleet or temporary chargers. Those that do are not substantially different from those that serve on-road equipment.
30.1	“Expand hourly and semiannual data reporting requirements to explicitly include utilization data, including session and interval data. […] [R]emoved the utilization reporting requirements without any discussion regarding why these requirements were removed."	Comment rejected. Successful charge attempt rate (SCAR) requirements removed in response to public comment received in the regulation development workshops.
30.2	"Develop clear strategies to store, aggregate, and analyze data in order to enhance charger reliability and accessibility [….] The CEC should employ tools such as data warehouses and public dashboards, which can enable detailed assessments of charger accessibility and facilitate the development of consumer tools and standards.”	Comment received and does not suggest a regulatory revision. While the CEC is directed to receive reported data, analysis is outside the scope of the authorizing statute.
30.3	“Adopt enforcement measures to ensure timely and accurate data submittal […] a more explicit enforcement framework is necessary to ensure the timely and accurate submittal of reliability data, especially the submittal of hourly data reports, which are more complex than semiannual reports and are not explicitly mentioned in Section 3135.” Additionally, the CEC should adopt robust enforcement mechanisms including financial	Comment rejected. The proposed regulations contain measures in section 3135 to enforce entity obligations to submit semiannual inventory reports pursuant to section 3123(b)(2). Public Resources Code section 25231.5(e) authorizes the CEC to include reporting or reliability requirements as a condition of grants, which the CEC may consider in a future rulemaking. Additional enforcement is outside of the scope of the authorizing statutes.

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	penalties and exclusions from future grant funding opportunities from the CEC for repeated failures to submit data reports.	
31.1	"ChargePoint does not know which chargers were publicly or ratepayer funded. To enable this reporting, CEC needs to provide network providers with a list of charging equipment serial numbers that were publicly/ratepayer funded, along with a designation of whether each serial number was publicly funded, ratepayer funded, or both."	Comment rejected. The CEC staff make award recipients aware of reliability regulations. The CEC staff will also publish model terms and conditions that funding entities can include in the terms of any agreement granting an incentive to a funding recipient for a publicly or rate payer funded charger under section 3129 of the proposed regulations. This is consistent with Public Resources Code section 25231.5(b)(5), which states that a funding entity shall clearly disclose reporting requirements to funding recipients. Finally, the CEC staff is unable to provide a list for incentives and public funding from other sources.
31.2, 33.2	Regarding documentation for outage exclusions including vandalism, theft, natural disasters, and grid power loss, "Requiring reporting agents to construct systems to collect and retain exclusion documentation from charging station operators or funding recipients is a burden that is not necessary […] by allowing reporting agents to report on the exclusions, but requiring the charging station operators or funding recipients to retain any documentation of vandalism, theft, natural disasters or grid power loss, which CEC can request if needed."	Comment rejected. Collecting and retaining documentation from reporting agents maintains internal consistency in the regulations.
31.3, 33.10	"Although CEC has made the correct determination that the funding recipient is responsible for maintaining the ports, § 3129 suggests that CEC may publicly link the charging network provider with reliability metrics that are the responsibility of the funding recipients. This is inappropriate and misleading." Accordingly, the CEC should modify subsection 3129(a) to state, "Such	Comment rejected. It is in the public interest to publish the measured reliability of major charging network providers. Public Resources Code section 25231.5(d)(2) directs the CEC to set standard for how stations subject to the regulations shall notify customers about the availability and accessibility of publicly available charging infrastructure.

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	reliability metrics shall be presented as individual or aggregated charging ports by funding recipient or charging station operator." The CEC should also strike "charging network provider" from subsection 3129(c).	
31.4	"[R]eiterates its concern about the 60-minute OCPP data delivery cadence […] changing the cadence from 60-minutes to 24-hours would still help network providers reduce costs and operational overhead, and improve data quality."	Comment rejected. Hourly data is necessary for validation of required self-reported uptime.
31.6	With respect to the Is_privately_funded field in the data dictionary, "this field provides little value as an installation that leveraged only $1 in private funding would report the same value ('TRUE') as an installation that was 100% privately funded, and there are no reporting requirements tied to this value. ChargePoint recommends that the CEC remove the 'is_privately_funded' field from the list of reporting requirements."	Comment rejected. Public Resources Code 25231.5(a)(2)(A) states that the uptime recordkeeping and reporting standards shall only apply to electric vehicle chargers and charging stations that received "an" incentive from a state agency or through a charge on ratepayers. If a charger were installed or operated using private funding and an incentive from a state agency, the data dictionary for semiannual reporting that was made publicly available on August 8, 2025 allows the reporting entity to report to the CEC that the charger was installed or operated using private funding.
33.1	"The continued requirement to share real-time API data with third parties, including pricing structure information, without adequate confidentiality protections or terms-of-use enforcement (Sections 2505 and 3126)."	Comment rejected. Authorizing statute requires the CEC to "set standards for how stations... shall notify customers about the availability and accessibility of publicly available charging infrastructure." Price is a critical element of accessibility. The confidentiality protections of section 2505 of the proposed regulations are not applicable to data that entities subject to the regulations share with third parties under section 3130. Nothing in section 3130 limits regulated entities from setting appropriate terms and conditions to access this data, as noted in the June 27, 2025 CEC Staff Report.
33.3	"[R]ecommends that the CEC consider a formal exclusion pathway for planned	Comment rejected. The uptime drivers actually experience should reflect the reported uptime under section 3124, including excluded downtimes and planned maintenance activities.

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	network upgrades or preventive maintenance activities, particularly when delays are caused by long utility lead times or permitting issues outside the provider's control. The goal of the uptime standard should be to discourage avoidable outages, not improvements to long-term performance."	
31.5, 33.4	"Several fields in the inventory report (such as is_publicly_funded, Charging_funding_recipient_entity_name, and charging_site_host_entity_name) require data that many charging networks or software providers do not have access to […] recommends reassigning responsibility for these fields to the site host or funding agency, or removing them from the reporting obligation for third parties who are not the funding recipient."	Comment rejected. Reporting data is structured to be provided by a single reporting agent to maintain internal consistency in reporting. Charging network providers (CNPs) are the entity that remotely manages networked chargers and are well positioned to serve as the recordkeeping and reporting agents for chargers on their networks. Specifying an alternative recordkeeping and reporting agent such as charging station operators or funding recipients would create a fragmented network of reporting entities that are not as well positioned to aggregate and report these data as CNPs.
31.7, 33.5	"While the regulations allow operators to designate charger addresses as confidential (Section 3120(b)(2)(B)), this protection does not extend to other potentially identifying fields such as site name or coordinates. We recommend applying the 'confidential location' designation to all related geographic fields for consistency and to prevent unintended disclosure."	Comment rejected. As specified in the June 27, 2025 CEC Staff Report (table 6) the charging port address for private and shared private charging ports is confidential by default. Further, the Staff Report reads that the recordkeeping and reporting agents who wish to hold charging port address and geographical coordinates, serial number and charging port and port ID confidential must identify the data as confidential to the CEC. This information will be held confidential if not already reported to the National Renewable Energy Laboratory or through the National EV Infrastructure Program.
33.6	"A lack of clarity in how the uptime service level agreement (SLA) will be enforced, and whether non-compliance will trigger fines, penalties, or public disclosure (Section 3130)."	Comment rejected. The proposed regulations contain measures in section 3135 to enforce entity obligations to submit semiannual inventory reports pursuant to section 3123(b)(2). Public Resources Code section 25231.5(e) authorizes the CEC to include reporting or reliability requirements as a condition of grants, which the CEC may consider in a future rulemaking. Additional enforcement is outside of the scope of the authorizing statutes.
33.7	One of several "core issues that remain unaddressed: […] A misalignment between the quarterly reporting obligations in Section	Comment rejected. The comment cited "quarterly reporting obligations in Section 3120"; however, quarterly reporting periods appeared under section 3124(b) of the original draft of the Express Terms. The final

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	3120 and the annual compliance framework defined in Section 3124."	version of the Express Terms updated section 3124(b) to semiannual reporting periods to align with the semiannual reporting under section 3123.
33.8	"The inclusion of inventory fields Q–V, section 3125 Inventory (such as payment methods, power sharing, and dynamic pricing) which go beyond the scope necessary to monitor charger reliability."	Comment rejected. The CEC has a statutory interest in collecting comprehensive data about charging infrastructure in California, including pricing and payment methods. As noted in the June 27, 2025 CEC Staff Report, the CEC will use charging port inventory data in the preparation of the AB 2127 and SB 1000 reports, the Integrated Energy Policy Reports required by statute, and other analytical tasks. Additionally, Public Resources Code section 25231.5(d)(2) directs the CEC to notify customers about the availability and accessibility of publicly available charging infrastructure. Finally, this reporting is necessary to provide a record of customer service-related information, as noted in the Initial Statement of Reasons.
33.9	There is an absence of a mechanism to notify charging networks when chargers under their management receive state or ratepayer funding under section 3122.	Comment rejected. The CEC staff makes award recipients aware of reliability regulations. The CEC staff will also publish model terms and conditions that funding entities can include in the terms of any agreement granting an incentive to a funding recipient for a publicly or rate payer funded charger under section 3129 of the proposed regulations. This is consistent with Public Resources Code section 25231.5(b)(5), which states that a funding entity shall clearly disclose reporting requirements to funding recipients. Finally, the CEC staff is unable to provide a list for incentives and public funding from other sources.
33.11	"As the CEC develops the data dictionaries and reporting schema necessary for implementation, we recommend creating a structured feedback loop with technical teams from EVSE networks and operators. This collaborative process will help ensure the data structure is technically feasible, interoperable, and minimizes burdens on reporting entities."	Comment received and does not suggest a regulatory revision. CEC staff have already begun work to implement these regulations and are regularly in contact with regulated industries to receive their feedback.
33.12	Recommends the CEC “consider adopting a hub-and-spoke implementation model (with the CEC serving as the central interface for	Comment rejected. As stated in the June 27, 2025 CEC Staff Report, nothing in section 3130 limits regulated entities from setting appropriate terms and conditions to access these data.

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	third-party data access) rather than requiring peer-to-peer API connections between each operator and every requesting entity. A centralized approach would enhance security, ensure consistent data formatting, and reduce the complexity of onboarding and managing third-party integrations."	
33.13 , 34.2	"While the updated language in Section 3126 limits pricing disclosures to the 'pricing structure,' this term is undefined and may still expose sensitive rate strategies and competitive positioning. EVCA recommends that the CEC either define this term narrowly (e.g., flat vs. time-of-use vs. dynamic) or remove it from the real-time API requirements altogether." "Electrify America remains concerned about Section 3130 and the possibility that this language could lead to antitrust liabilities and data scraping. The mandated disclosure of data 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." The commenter also stated that there was an unnecessary cost burden without appropriate protections in the data dictionaries.	Comment rejected. One of the comments cited section 3126 of the proposed regulations; however, "pricing structure" is referenced in section 3130(a)(9). Price is a critical element of accessibility and is a necessary element of notifying customers about the availability and accessibility of publicly available charging infrastructure. Furthermore, Public Resources Code section 25231.5(d)(2) directs the CEC to set standards for how stations shall notify customers about the availability and accessibility of publicly available charging infrastructure. As stated in the June 27, 2025 Staff Report, nothing in this section limits regulated entities from setting appropriate terms and conditions to access these data. Additionally, section 3130(a)(9) provides a clear definition of the pricing and payment information subject to data sharing including the pricing structure, which includes "all fees associated with charging." While section 3130 requires charging network providers to share data to third-party software developers, it should not expose an entity to antitrust liabilities. Additionally, section 2505 addresses designation of confidential records that a private party submits to the CEC Executive Director. In contrast, section 3130 regulates data sharing between a charging network provider and third-party software developers. Therefore, section 2505 confidentiality designations do not apply to data disclosed under section 3130.
34.1, 33.14	"Regulations should Include Additional Modifications to Downtime Exclusions […] appreciates the proposed amendment to increase the excluded [vandalism] downtime from the five-day window to a ten-day window, but we believe the section should	Comment rejected. The CEC staff amended the number of days for the exclusion of vandalism downtime from 5 to 10 days. Vandalism incidents are unrestricted. For vandalism and preventative maintenance issues, driver experience of uptime should reflect the reported uptime including excluded downtime. The CEC wants reported uptime to broadly show

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	still align with the prevailing NEVI guidelines, which do not put a timeframe on vandalism as excluded downtime […] For site upgrades where new equipment is swapped in, the duration that a site is offline can easily exceed 72 hours […] 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 word changes. It is unclear how the two-week advanced scheduling requirement improves reliability or customer experience […] This language should similarly align with NEVI minimum standards." Regarding the responsibility for collecting documentation to support downtime exclusions, "EVCA recommends that documentation responsibilities be shifted to the party best positioned to obtain it – typically the site host, local agency, or utility."	real world reliability as experienced by the driver. Excessive excluded downtime dilutes the reported uptime value. Additionally, while recordkeeping and reporting agents are responsible for collecting documentation to support downtime exclusions, the proposed regulations provide an accommodation, as the June 27, 2025 CEC Staff Report states "downtime begins when nonoperational status is remotely reported to the charging network provider or the recordkeeping and reporting agent becomes aware that a charging port is not operational, whichever comes earliest." The Staff Report further clarifies that non-operation status must be reported to the CNP or recordkeeping agent.
35.1, 36.1	"While we appreciate these recent changes, we believe that there is still a remaining gap. Specifically, a significant share of customer fleet vehicles would not be registered as 'commercial vehicles' under California Vehicle Code § 260 used in the fleet charger definition."	Comment rejected. The CEC expanded the definition of fleet chargers in response to public comment. The expanded definition strikes a balance between recognizing fleets as self-interested in maintaining uptime and the needs of the public to have a reliable charging infrastructure.