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INITIAL STATEMENT OF REASONS
Rulemaking to Amend Electric Vehicle Charging Reliability Standards
Title 20, California Code of Regulations
Amendments to Sections 3121, 3122, 3123, 3125, 3127, 3128, 3131, and 3132 in Division 2, Chapter 12, Article 2

Docket No. 22-EVI-04
Notice Published on August 7, 2026

INTRODUCTION

The California Energy Commission (CEC) proposes to adopt changes to Article 2 (Electric Vehicle [EV] Charger Data and Reliability Standards) after considering all comments, objections, and recommendations regarding the proposed regulation.

The proposed regulations, if adopted, would:

1. Exempt publicly or ratepayer funded EV chargers with Megawatt Charging System (MCS) connectors from the existing EV charger reliability standards.
2. Provide additional flexibility and time for EV charging network providers to obtain Open Charge Point Protocol (OCPP) certification.
3. Make minor refinements to the existing EV charger reliability standards included in Article 2.

PROBLEM STATEMENT

This proposed regulation addresses two main problems:

1. Existing EV charger reliability standards apply uniformly and do not account for implementation differences between charging for passenger cars and heavy-duty trucks. Deployment of MCS chargers to support heavy-duty trucking is still nascent and has unique implementation challenges.[1] Exempting chargers equipped with MCS connectors from the existing EV charger reliability standards would support the early-stage electrification of heavy-duty transport, and align with statutory intent by ensuring regulations remain technologically feasible and

[1] Electric Truck Research and Utilization Center (eTRUC) Project (Task 3.3), *High Power Charging Technology Maturity Assessment*, June 2024, p. 2, 4, 75-77.

do not inadvertently undermine the overarching zero-emission vehicle deployment goals for California.

2. Certain aspects of the EV charger reliability standards should be refined to provide clarification and support industry compliance.

To address the first problem, CEC staff propose to exempt chargers with MCS connectors from the reliability standards of Article 2.

To address the second problem, CEC staff propose to:

- Extend the timeline for charging network providers (CNPs) to obtain OCPP certification. As currently written, CNPs must be certified to OCPP version 2.0.1 if they wish enroll with the CEC to provide networking services for publicly funded DCFCs installed on or after September 28, 2026. This requirement applies to the software certification of each CNP's Charging Station Management System (CSMS) that interfaces with publicly funded DCFC installed on or after September 28, 2026. Some CNPs have expressed concerns that timeline is too tight.[2] CEC staff therefore propose giving CNPs up to 180 days after the effective date of this regulation to obtain OCPP certification, contingent upon demonstrating they have initiated the certification process and can still meet the reporting requirements defined in section 3125, which requires the use of OCPP but not the certification of the CSMS.
- Require that funding recipients shall disclose any reporting obligations to their CNP if they are separate entities.
- Clarify regulatory language to state that CNPs shall be the default recordkeeping and reporting agent.
- Propose minor updates to the data dictionary incorporated by reference. These include the addition of the J3068 and MCS charger connector types, and the ability to enhance customer data security through a process known as "hashing" to protect personal identifiable information while still allowing for data analysis.
- Clarify under what circumstances the CEC may revoke the status of an enrolled charging network provider, how the revocation process works, and how it can be appealed.

BENEFITS

This rulemaking is primarily administrative in nature. The heavy-duty charging sector may benefit through exemptions for chargers with MCS connectors in the EV Charger Data and Reliability regulation. Since this sector is in the early stages of deployment, these exemptions may support and accelerate heavy-duty electrification.

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[2] California Energy Commission, *Transcript of EV Charger Data and Reliability Implementation Workshop*, (March 26, 2026), p.11, 12, and 20.

STATEMENT OF SPECIFIC PURPOSE AND NECESSITY

SECTION 3121. DEFINITIONS

Section: 3121(a)(13) Data Dictionary
Specific Purpose: The specific purpose of this amendment is to update the data dictionary versions from those published on July 29, 2025 to those published on April 22, 2026.
Necessity: This amendment is necessary to reference the updated data dictionary incorporated by reference in sections 3123 and 3125. Providing the updated date of publication is also necessary to comply with 1 CCR §20(c)(4).

Section: 3121(a)(29) Megawatt Charging System
Specific Purpose: The specific purpose of this amendment is to provide a definition for "Megawatt Charging System" or "MCS" so that entities understand which, if any, regulatory requirements they must comply with.
Necessity: This definition is necessary to distinguish this high-power, heavy-duty connector from all other DCFCs and associated connectors. This definition lets regulated entities know that EV chargers equipped with connectors that conform to the MCS standard are exempted from the EV charger data and reliability regulation in sections 3123(c)(4), 3125(i), and 3128(c). Furthermore, incorporating by reference the Society of Automotive Engineers (SAE) J3271 standard is necessary to ensure that the regulatory language aligns with the technical specifications used by this standards-setting organization. This prevents ambiguity that could arise from using a generic or colloquial term for high-power charging, thereby ensuring consistent compliance.

Section: 3121(a)(30) – (54)
Specific Purpose: The number of each definition following (29) is increased by one due to the inclusion of a new definition. This is a nonsubstantive numbering edit.
Necessity: This renumbering is necessary to include the new definition of 3121(a)(29).

SECTION 3122. The Recordkeeping and Reporting Agent

Section: 3122(c)(1)
Specific Purpose: The specific purpose of this amendment is to clarify that charging network providers that provide networking services for EV chargers shall serve as the recordkeeping and reporting agent.
Necessity: This subdivision is necessary to clarify that charging network providers that provide networking services for EV chargers are the recordkeeping and reporting agents by default. As previously written, this subdivision required a charging network provider to be designated as the recordkeeping and reporting agent. This amendment is necessary to avoid any suggestions that affirmative steps must have been taken for a charging network provider to be designated. Therefore, this amendment clearly identifies that the charging network provider shall serve as the recordkeeping and reporting agent without any formal or informal designation process. However, after being identified as the recordkeeping and reporting agent, the charging network

provider must comply with any applicable provisions under this Article, including, but not limited to, being an enrolled charging network provider under section 3131.

Section: 3122(c)(2)
Specific Purpose: The specific purpose of this amendment is to clarify that charging network providers that provide networking services for EV chargers shall serve as the recordkeeping and reporting agent.
Necessity: This subdivision is necessary to clarify that charging network providers that provide networking services for EV chargers are the recordkeeping and reporting agents by default. As currently written, this subdivision requires a charging network provider to be designated as the recordkeeping and reporting agent. This amendment is necessary to avoid any suggestions that affirmative steps must have been taken for a charging network provider to be designated. Therefore, this amendment clearly identifies that the charging network provider shall serve as the recordkeeping and reporting agent without any formal or informal designation process. However, after being identified as the recordkeeping and reporting agent, the charging network provider must comply with any applicable provisions under this Article, including, but not limited to, being an enrolled charging network provider under section 3131.

Section: 3122 Reference
Specific Purpose: This removes a second, duplicative reference to Section 25303.
Necessity: This is necessary to remove a duplicated reference at the end of Section 3122.

SECTION 3123. Semiannual Reporting Requirement

Section: 3123(b)(2)(L)
Specific Purpose: The specific purpose of this amendment is to provide two more examples of the names of connector types, J3068 and MCS, that can be used in charging port inventory reporting.
Necessity: This amendment is necessary to not exclude these two connector types from other commonly used examples for charger port inventory reporting. This reporting is necessary to inform CEC infrastructure dashboards and other statutorily required reports on the status of EV charging infrastructure in California. This amendment is necessary because without it, a recordkeeping and reporting agent might not be aware of the ability to report J3068 or MCS as the connector type.

Section: 3123(c)(5)
Specific Purpose: The specific purpose of this amendment is to exempt charging ports equipped with a connector that conforms to the MCS standard from the uptime reporting requirements of subdivision (b)(3).
Necessity: This amendment is necessary because MCS technology is currently in the initial phase of its product lifecycle. Unlike other commercial EV charger connectors, which have benefited from over a decade of commercial refinement, MCS connectors

and associated charging infrastructure are new and untested at scale.[3] Supporting this nascent sector through fewer regulations at this early stage is expected to encourage and foster its growth.

Section: 3123(d)
Specific Purpose: The specific purpose of this amendment is to provide a reference to the updated data dictionary titled "Semiannual Charger Data Reporting Specification (April 22, 2026)" as well as an updated website link. This updated data dictionary is incorporated by reference in section 3123. This updated data dictionary adds the J3068 and MCS EV charger connector types in inventory reporting. Furthermore, this clarifies that EV charger downtime start and end timestamps are in a specific technical format conforming to the ISO 8601 standard. This updated data dictionary also adds a new way to categorize event identifications that ensure distinct incidents are counted independently for auditability, trend analysis, and root-cause reporting.
Necessity: This amendment is necessary to ensure alignment on the data dictionary version of April 22, 2026. The updates described above are necessary to reduce charging network provider confusion, align with OCPP software behavior, improve data collection quality, and better support CEC analytics.

SECTION 3125. Additional Requirements for Networked Publicly or Ratepayer Funded Chargers

Section: 3125(a)
Specific Purpose: The specific purpose of this amendment is to require that funding recipients ensure that the charging network provider providing networking services for a charger is an enrolled charging network provider. The enrollment process is identified in section 3131. This amendment also requires that funding recipients shall ensure that the enrolled charging network provider meets the requirements of subdivision (a).
Necessity: This amendment is necessary to ensure that charging network providers providing networking services for applicable chargers are aware of the requirements of section 3125 if they are separate entities from the funding recipient.

Section: 3125(f)
Summary of Change and Specific Purpose: An erroneous reference to the nonexistent subdivision (c)(1) of this section is replaced with the correct reference to subdivision (c).
Necessity: This amendment is necessary to make a nonsubstantive correction of a typo.

Section: 3125(h)
Specific Purpose: The specific purpose of this amendment is to exempt charging ports equipped with a connector that conforms to the MCS standard from the requirements of this section.

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[3] Electric Truck Research and Utilization Center (eTRUC) Project (Task 3.3), *High Power Charging Technology Maturity Assessment*, June 2024, p. 2, 4, 75-77.

Necessity: This amendment is necessary because MCS technology is currently in the initial phase of its product lifecycle. Unlike other commercial EV charger connectors, which have benefited from over a decade of commercial refinement, MCS connectors and associated charging infrastructure are new and untested at scale.[4] Supporting this nascent sector through fewer regulations at this early stage is expected to encourage and foster its growth.

Section: 3125(i)
Specific Purpose: The specific purpose of this amendment is to provide a reference to the updated data dictionary titled "Hourly Charger Data Reporting Specification (April 22, 2026)" as well as an updated website link. This updated data dictionary is incorporated by reference in section 3125. This updated data dictionary enhances customer data security through a process known as "hashing" to protect personal identifiable information while still allowing for data analysis. Furthermore, this also provides a minor clarification to charger-level events that may not have a port, and this data dictionary now allows blank values to align with OCPP software and avoid validation errors. This updated data dictionary also provides a minor update to allow an EV charger event request to calculate kilowatt-hour (kWh). This update removes a non-existent OCPP software response from CEC data collection. This also renumbers subdivisions (h) to (i), reflecting the inclusion of 3123(h) above.
Necessity: This amendment is necessary to ensure alignment on the data dictionary version of April 22, 2026 that is in use. The updates described above are necessary to reduce charging network provider confusion, align with OCPP software behavior, improve data collection quality, and better support CEC analytics.

SECTION 3127: Customer Service Requirements for Publicly or Ratepayer Funded Chargers.

Section: 3127
Specific Purpose: The specific purpose of this amendment is to exempt charging ports equipped with a connector that conforms to the MCS standard from the requirements of this section.
Necessity: This amendment is necessary to support the nascent MCS EV charging industry by excluding MCS charger connector types from the requirement that station operators make a means of reporting outages available to customers. Since CEC staff propose to exempt MCS chargers from reliability requirements, this requirement is no longer necessary.

SECTION 3128: Performance Standards for Publicly or Ratepayer Funded Chargers.

Section: 3128(c)
Specific Purpose: The specific purpose of this addition is to exempt MCS chargers

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[4] Electric Truck Research and Utilization Center (eTRUC) Project (Task 3.3), *High Power Charging Technology Maturity Assessment*, June 2024, p. 2, 4, 75-77.

from the performance standards of this section.
Necessity: This amendment is necessary because MCS technology is currently in the initial phase of its product lifecycle. Unlike other commercial EV charger connectors, which have benefited from over a decade of commercial refinement, MCS connectors and associated charging infrastructure are new and untested at scale.[5] Supporting this nascent sector through fewer regulations at this early stage is expected to encourage and foster its growth.

SECTION 3131: Enrolled Charging Network Providers for Publicly or Ratepayer Funded Chargers.

Section: 3131(a)
Specific Purpose: Sections 3122(c) and 3125(a) require that the charging network provider serves as the recordkeeping and reporting agent, and the funding recipient shall ensure that the charging network provider is an enrolled charging network provider. The specific purpose of this amendment is to identify the required enrollment application procedures.
Necessity: This amendment is necessary to clarify the responsibilities of charging network providers, which must become enrolled charging network providers if they are recordkeeping and reporting agents as described in section 3122(c)(1) and (2). The purpose of the enrolled charging network provider concept is to reduce the reporting burden of the regulation by allowing for automated data transfer. A reporting entity that is not an enrolled charging network provider is not permitted to use the API data portal because the CEC would not be able to validate that non-enrolled charging network providers are providing appropriately formatted, valid data.

Section: 3131(a)(6)(B)
Specific Purpose: The specific purpose of this amendment is to allow charging network providers that are in the process of Open Charge Alliance OCPP version 2.0.1 Certification prior to 180 days after the effective date of this regulation to become enrolled charging network providers.
Necessity: This amendment is necessary because some charging network providers may not achieve Open Charge Alliance OCPP version 2.0.1 certification by September 28, 2026, the deadline adopted by the CEC under section 3125. This amendment allows additional time to comply by providing flexibility for receiving enrolled charging network provider status. Some charging network providers may not be familiar with OCPP 2.0.1 or implement any related versions of OCPP, and transitioning to this new software could involve significant architecture changes that necessitate more resources like time or engineering staff. This additional time is necessary to allow charging network providers to implement the OCPP version 2.0.1 protocol. Furthermore, as

[5] Electric Truck Research and Utilization Center (eTRUC) Project (Task 3.3), *High Power Charging Technology Maturity Assessment*, June 2024, p. 2, 4, 75-77.

stated below in the explanation for section 3131(a)(6)(B)(ii)(b), additional time is necessary for charging network providers to complete the OCPP certification process.

Section: 3131(a)(6)(B)(i)
Specific Purpose: The specific purpose of this amendment is to renumber and add the title “Certification Obtained” to this section 3131(a)(6)(B)(i).In doing so, this amendment clearly signifies that the certification requirements of section 3131(a)(6)(B) can be met in one of two ways. First, actual certification, as described in section 3131(a)(6)(B)(i), will satisfy the requirements of section 3131(a)(6)(B). Second, a pending certification, as described in section 3131(a)(6)(B)(ii), will satisfy the requirements of section 3131(a)(6)(B).
Necessity: This amendment is necessary because it provides for one of two methods to satisfy section 3131(a)(6)(B). OCPP version certification requirements assure the CEC that a charging network provider can submit data to the CEC via API. Certification to OCPP version 2.0.1 ensures consistent and comparable data reporting across different enrolled charging network providers. These are core requirements of the enrolled charging network provider.

Section: 3131(a)(6)(B)(ii)
Specific Purpose: The specific purpose of this addition is to establish a pathway for charging network providers that have not obtained a Subset Certification of the Charging Station Management System in the Open Charge Alliance OCPP Certification Program for OCPP 2.0.1 prior to 180 days after the effective date of this regulation to become enrolled charging network providers. If the requirements of section 3131(a)(6)(B)(ii) are satisfied, then the requirements of section 3131(a)(6)(B) have been satisfied.
Necessity: This amendment is necessary to extend the amount of time that charging network providers have to obtain Subset Certification while still meeting the requirements of this subdivision. This amendment will provide additional flexibility for industry and is responsive to industry feedback received during a workshop that the CEC staff held on March 26, 2026, wherein industry reported concerns about the ability to comply with Article 2.[6]

Section: 3131(a)(6)(B)(ii)a.
Specific Purpose: The specific purpose of this addition is to require that charging network providers that have not obtained a Subset Certification of the Charging Station Management System in the Open Charge Alliance OCPP Certification Program for OCPP 2.0.1 prior to 180 days after the effective date of this regulation meet the requirements of section 3125 of this article to receive Certification Pending status.
Necessity: This amendment is necessary because section 3125 lists the specific requirements of how enrolled charging network providers transmit data to the CEC. For

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[6] California Energy Commission, *Transcript of EV Charger Data and Reliability Implementation Workshop*, (March 26, 2026), p.19, 20.

the CEC to receive usable data charging network providers that obtain Certification Pending status must transmit data in this format to the CEC, hence this requirement.

Section: 3131(a)(6)(B)(ii)b.
Specific Purpose: The specific purpose of this addition is to require that charging network providers that have not obtained a Subset Certification of the Charging Station Management System in the Open Charge Alliance OCPP Certification Program for OCPP 2.0.1 prior to 180 days after the effective date of this regulation have an application in progress to receive Certification Pending status.
Necessity: This amendment is necessary because by having submitted an application, the charging network provider will show that they are actively in the process of obtaining Subset Certification and ensure that they will have the capability to transmit data under section 3125. This subdivision establishes the requirements so that a charging network provider shall be deemed by the CEC to be in the process of obtaining said Subset Certification.

Section: 3131(a)(6)(B)(ii)c.
Specific Purpose: The specific purpose of this addition is to establish a deadline by which charging network providers must obtain a Subset Certification of the Charging Station Management System in the Open Charge Alliance OCPP Certification Program for OCPP 2.0.1. Charging network providers must obtain this Subset Certification by 180 days after the effective date of this regulation and provide receipt of this via a certification number to the Executive Director by 210 days after the effective date of this regulation.
Necessity: This addition is necessary because the CEC requires a certain, enforceable deadline to ensure the transition to a secure and standardized implementation of the OCPP 2.0.1 protocol occurs expeditiously, while still providing a viable pathway for provisional enrollment of providers with pending certifications. Without a defined deadline, the provisional "Certification Pending" status could be exploited indefinitely, undermining the regulatory goal of ensuring charging network interoperability and advanced security.

The 180-day timeline is reasonable because it aligns with standard commercial and operational realities for technical product testing. Specifically, this six-month window accounts for known administrative and technical bottlenecks, including test laboratory intake queues and campaign scheduling, the execution of formal conformance testing and performance measurements, post-testing report delivery and quality assurance reviews by the authorized independent laboratory, and final administrative processing and issuance of the formal certification number by the Open Charge Alliance.[7]

Furthermore, utilizing a relative timeline ("180 days after the effective date") rather than a fixed calendar date is necessary and reasonable to account for any unforeseen shifts or delays in the administrative rulemaking approval process. This dynamic approach ensures that all regulated entities are guaranteed a fair, uniform, and predictable six-

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[7] Open Charge Alliance, *OCPP Certification Program, Certification Procedure*, (July 3, 2026), p. 27-28.

month compliance window from the moment the law takes effect, preventing the compliance period from being unfairly compressed if the effective date shifts.

Finally, requiring the certification number to be submitted to the Executive Director within 210 days after the effective date (representing a 30-day buffer after the 180-day compliance deadline) is reasonable. This 30-day reporting window provides sufficient time for a network provider to receive their official documentation from the certification body and transmit it to the CEC without disrupting day-to-day operations, while ensuring the CEC receives timely verification to finalize the provider's enrollment status.

Section: 3131(e)
Specific Purpose: The specific purpose of this addition is to establish a process for revoking a charging network provider's deemed enrolled status that was previously granted.
Necessity: This addition is necessary to ensure that charging network providers satisfy specified reporting requirements under this Article by providing for a process where the Executive Director shall revoke a charging network provider's deemed enrolled status in certain situations. This amendment is necessary because the CEC must establish clear grounds for revoking enrolled charging network provider status. The grounds for revocation listed under this subdivision were chosen because they have a nexus to the charging network provider's ability to comply with the requirements of this section.

Section: 3131(e)(1)
Specific Purpose: The specific purpose of this addition is to establish when failing to submit accurate and complete reports under subdivision 3123(b) by any applicable deadline specified in section 3123(a) constitutes grounds for enrollment status revocation.
Necessity: This addition is necessary because section 3123 requires enrolled charging network providers to submit reports. To allow flexibility for compliance, failing to submit the information and reports will not be grounds for revocation unless it meets the threshold of a failure to submit accurate and complete reports for three consecutive reporting periods or a total of four reporting periods within any three-year period. This flexibility allows for situations such as inadvertent reporting failures.

Section: 3131(e)(2)
Specific Purpose: The specific purpose of this addition is to establish when failing to submit accurate and complete data within 60 minutes as specified in subdivision 3125(b) constitutes grounds for enrollment status revocation.
Necessity: This addition is necessary because section 3125 requires enrolled charging network providers to submit data within specified timeframes. To allow flexibility for compliance, failing to submit the data will not be grounds for revocation unless it meets the threshold including a failure to provide such data on 22 or more occasions from the beginning to the end of a calendar month or a failure to provide data on 132 or more occasions during a calendar year. The first threshold aligns with the general principles of the 97% uptime requirements under section 3128. Specifically, data is transmitted to the CEC every 60 minutes under subdivision 3125(b). For a calendar month with 30 days, this equates to 720 transmissions. For a charger that provides accurate and

complete transmissions for 97% of the month, it would have 22 incomplete or inaccurate transmissions when accounting for rounding. The second threshold allows for up to 98.5% accurate and complete transmissions for a calendar year, which would allow for 132 incomplete or inaccurate transmissions, when accounting for rounding, because there are 8,760 hours in a calendar year. This annual threshold is stricter than the monthly threshold, as the monthly threshold could account for transient or unexpected issues such as outages whereas the annual threshold is designed to prevent chronic and systemic reporting issues. Therefore, the stricter annual threshold is reasonable and necessary to ensure consistent reporting.

Section: 3131(f)
Specific Purpose: The specific purpose of this addition is to establish that if the Executive Director determines that facts exist to establish grounds for revocation, the Executive Director shall, send the enrolled charging network provider with a written Notice of Intent to Revoke by certified mail that specifies applicable grounds for revocation and the facts establishing the grounds for revocation prior to allowing for an opportunity to cure under subdivision 3131(g).
Necessity: This addition is necessary because it provides an enrolled charging network provider with notice that the Executive Director intends to revoke the charging network provider's status as an enrolled charging network provider. This addition is necessary because it requires the Executive Director to state the grounds for revocation and the facts establishing the grounds for revocation so that the charging network provider can decide how to proceed during the opportunity to cure period described in subdivision 3131(g).

Section: 3131(g)
Specific Purpose: The specific purpose of this addition is to establish the actions available to a charging network provider after the Executive Director has provided a Notice of Intent to Revoke under subdivision 3131(f).
Necessity: This is addition necessary because it provides enrolled charging network providers with the opportunity to take corrective action under subdivisions 3131(g)(1) and (g)(2) or to contest that the grounds for revocation identified in the Notice of Intent to Revoke were not present under subdivision 3131(g)(3). This addition is also necessary because it provides the Executive Director with information as to how to proceed in issuing the final written decision under subdivision 3131(h). To provide the Executive Director with administrative efficiency in issuing a written decision, charging network providers must notify the Executive Director within 10 calendar days of receiving the Notice of Intent to Revoke if they intend to act under paragraphs (1) or (2) of this subdivision. If charging network providers do not notify the Executive Director, the 30-day period in which the Executive Director shall issue a final written decision begins under subdivision 3131(h)(1). Without this condition, the Executive Director could potentially wait for up to 60 calendar days during an opportunity to cure period when a charging network provider did not intend to act under paragraphs (1) or (2) of this subdivision prior to issuing the final written decision.

Section: 3131(g)(1)
Specific Purpose: The specific purpose of this addition is to provide a charging

network provider the opportunity to cure grounds for revocation by submitting new or corrected reports and data to resolve all deficiencies identified in the Notice of Intent to Revoke.
Necessity: This addition is necessary because it balances allowing compliance flexibility (i.e., allowing failures in submitting information and reports up to a threshold under subdivision 3131(e)(1)) with the need for the CEC to receive reports and data under subdivisions 3123(b) and 3125(b).

Section: 3131(g)(2)
Specific Purpose: The specific purpose of this addition is to provide a charging network provider the opportunity to submit a written statement contesting that the grounds for revocation, as stated in the Notice of Intent to Revoke, are present.
Necessity: This addition is necessary to allow the Executive Director to provide a final decision under subdivision 3131(h) using the standards of subdivision 3131(i) and (j). For example, if the charging network provider provides facts in the written statement that were previously unknown to the Executive Director that show that the grounds for revocation were not present, then the Executive Director is required to withdraw the Notice of Intent to Revoke under subdivision 3131(e)(5).

Section: 3131(h)
Specific Purpose: The specific purpose of this addition is to establish that the Executive Director is required to send the charging network provider a final written decision by certified mail.
Necessity: This addition is necessary because it requires the Executive Director to make a decision as to whether to withdraw the Notice of Intent to Revoke or to revoke the charging network provider's enrollment status. This addition is necessary because without it, the charging network provider would be left without a decision as to whether they continue to be deemed enrolled.

Section: 3131(h)(1)
Specific Purpose: The specific purpose of this addition is to establish that the timeframe in which the Executive Director is required to provide the charging network provider a final written decision if the charging network did not notify the Executive Director that it intended to act under paragraphs (1) or (2) of subdivision (g).
Necessity: This amendment is necessary to provide the Executive Director with administrative efficiency in issuing a written decision. Without this amendment, the Executive Director could potentially wait for up to 60 calendar days during an opportunity to cure period when the charging network provider did not intend to cure or act under paragraphs (1) or (2) of subdivision (g). This amendment requires that the Executive Director issue the final written decision within 30 calendar days after the charging network provider receives the Notice of Intent to Revoke. These 30 calendar days comprise the 10-day allowance for charging network providers to provide a written notification that they intend to act under paragraphs (1) or (2) of subdivision (g). These 30 calendar days also comprise a 20-day allowance for the Executive Director to prepare the final written decision, which is a reasonable period because the charging network provider has not refuted the contents of the Notice of Intent to Revoke.

Section: 3131(h)(2)
Specific Purpose: The specific purpose of this addition is to establish that the timeframe in which the Executive Director is required to provide the charging network provider a final written decision if the charging network notified the Executive Director that it intended to act under paragraphs (1) or (2) of subdivision (g).
Necessity: This amendment is necessary to require the Executive Director with a reasonable 90-day timeframe to issue a written decision after the charging network provider receives the Notice of Intent to Revoke. These 90 calendar days comprise the 60-day period in which charging network providers are given the opportunity to cure under paragraphs (1) or (2) of subdivision (g) after notifying the Executive Director that they intend to act under these paragraphs. These 90 calendar days also comprise a reasonable 30-day allowance for the Executive Director to prepare the final written decision.

Section: 3131(i)
Specific Purpose: The specific purpose of this addition is to provide standards that the Executive Director is required to follow prior to withdrawing the Notice of Intent to Revoke as the final decision under subdivision 3131(h).
Necessity: This addition provides the necessary clarity as to the standards the Executive Director will follow when withdrawing the Notice of Intent to Revoke. Without setting specific standards to consider, it would be unclear as to when the Executive Director would consider withdrawing the Notice of Intent to Revoke.

Section: 3131(i)(1)
Specific Purpose: The specific purpose of this addition is to require the Executive Director to withdraw the Notice of Intent to Revoke if substantial evidence shows that the grounds for revocation identified in the Notice of Intent to Revoke were shown to not be present.
Necessity: This addition is necessary because a charging network provider’s deemed enrolled status should not be revoked if a final review of the facts shows that there are no grounds for revocation.

Section: 3131(i)(2)
Specific Purpose: The specific purpose of this addition is to require the Executive Director to withdraw the Notice of Intent to Revoke if the charging network provider resolved all deficiencies identified in the Notice of Intent to Revoke.
Necessity: This addition is necessary because a charging network provider’s deemed enrolled status should not be revoked if they provide reports and data that they were originally required to submit or transmit to the CEC, subject to the thresholds identified as grounds for revocation under subdivision 3131(e)(1) and (2). As stated above, the thresholds for grounds for revocation under subdivisions 3131(e)(1) and (2) balance compliance flexibility with the need for the CEC to receive required reports and data.

Section: 3131(j)
Specific Purpose: The specific purpose of this addition is to provide standards that the Executive Director is required to follow prior to revoking a charging network provider’s deemed enrollment status as the final decision under subdivision 3131(h).

Necessity: This addition provides the necessary clarity as to the standards the Executive Director will follow when revoking a charging network provider's deemed enrollment status. Without setting specific standards to consider, it would be unclear as to when the Executive Director would consider revoking a charging network provider's deemed enrollment status. The common elements in the two paragraphs of this subdivision are that grounds for revocation continue to be present despite a charging network provider's actions or inactions under subdivision (g). A final written decision revoking a charging network provider's deemed enrolled status is considered a decision, which is subject to the appeals procedure in section 3133(d).

Section: 3131(j)(1)
Specific Purpose: The specific purpose of this addition is to require the Executive Director to revoke a charging network provider's deemed enrolled status if the charging network provider has not submitted a written statement under subdivision (g)(3) and has not resolved the deficiencies identified in the Notice of Intent to Revoke.
Necessity: This addition is necessary because a charging network provider's failure to refute the grounds for revocation identified in the Notice of Intent to Revoke and the continued presence of grounds for revocation justify revoking a charging network provider's deemed enrolled status.

Section: 3131(j)(2)
Specific Purpose: The specific purpose of this addition is to require the Executive Director to revoke a charging network provider's deemed enrollment status if the charging network provider submitted a written statement under subdivision 3131(g)(3) but substantial evidence exists to show that any grounds for revocation identified in the Notice of Intent to Revoke continue to be present.
Necessity: This addition is necessary because the Executive Director must revoke a charging network provider's deemed enrolled status if grounds for revocation are present despite a charging network provider's statement under subdivision (g)(3). To provide the necessary clarity, this addition requires that substantial evidence apply to this standard such that revocation is required if substantial evidence shows that the grounds for revocation identified in the Notice of Intent to Revoke continue to be present.

SECTION 3132: Disclosure of Reporting Requirements for Publicly or Ratepayer Funded Chargers.

Section: 3132(a)
Summary of Change and Specific Purpose: Nonsubstantive numbering change that adds subsection (a).
Necessity: This amendment is necessary to make a nonsubstantive numbering change.

Section: 3132(a)(1)
Summary of Change and Specific Purpose: Nonsubstantive numbering change that adds subsection (a)(1).

Necessity: This amendment is necessary to make a nonsubstantive numbering change.

Section: 3132(a)(2)
Specific Purpose: The specific purpose of this addition is to establish that the funding recipient must notify the charging network provider of the latter's reporting obligations, in situations where the charging network provider is not the funding recipient yet must report data to the CEC.
Necessity: This addition is necessary because enrolled charging network providers may not be aware that a charger that they manage is subject to the scope of this Article by virtue of the charger's funding source. Because the funding recipient is aware of a charger's funding source but may fail to disclose this information, this addition is necessary to ensure that enrolled charging network providers are aware that a charger they manage is subject to the scope of this Article and any required reporting obligations.

SECTION 3133: General Administration.

Section: 3133(c)(A)
Summary of Change and Specific Purpose: Nonsubstantive change to renumber subdivision 3133(c)(A) to 3133(c)(1)
Necessity: This amendment is necessary to make a nonsubstantive numbering change to conform to standard CCR hierarchy and numbering conventions.

Section: 3133(c)(B)
Summary of Change and Specific Purpose: Nonsubstantive change to renumber subdivision 3133(c)(B) to 3133(c)(2).
Necessity: This amendment is necessary to make a nonsubstantive numbering change to conform to standard CCR hierarchy and numbering conventions.

Section: 3133(d)
Summary of Change and Specific Purpose: Two nonsubstantive changes that remove "to CEC" from "Appeal to CEC" and reflect that the "CEC" refers to the CEC's commissioners.
Necessity: This amendment is necessary to make a nonsubstantive change to clarify the subdivision.

Section: 3133(d)(2)
Summary of Change and Specific Purpose: Nonsubstantive change reflecting that the "CEC" refers to the CEC's commissioners.
Necessity: This amendment is necessary to make a nonsubstantive change to clarify the subdivision.

Section: 3133(d)(3)(A)
Summary of Change and Specific Purpose: This amendment notes that the CEC commissioners, rather than solely the Chair of the CEC, may appoint a committee to

conduct proceedings under this subdivision.
Necessity: This amendment is necessary to reflect that Public Resources Code section 25211 states that the commission may appoint committees to carry on hearings which the commission has the power to undertake or to hold are made.

Section: 3133(d)(3)(B)
Summary of Change and Specific Purpose: Nonsubstantive change reflecting that the "CEC" refers to the CEC's commissioners.
Necessity: This amendment is necessary to make a nonsubstantive change to clarify the subdivision.

TECHNICAL, THEORETICAL, OR EMPIRICAL STUDIES, REPORTS, OR SIMILAR DOCUMENTSbb

1. California Energy Commission. March 26, 2026. *Transcript of EV Charger Data and Reliability Implementation Workshop.*
2. Electric Truck Research and Utilization Center (eTRUC) Project (Task 3.3). June 2024. *High Power Charging Technology Maturity Assessment*. https://etruc.org/wp-content/uploads/2024/06/High-Power-Charging-Technology-Maturity-Assessment.pdf?__cf_chl_f_tk=dwnlL6yQgEEbRvuTp1h49_L2.MSRtigSDzmw9Mz0mmg-1783091567-1.0.1.1-omPgiQRGytsndSfE_aKE1HXs_BKtfZvZk4Mr_08QSQ0
3. Open Charge Alliance. July 3, 2026. *OCPP Certification Program, Certification Procedure*. https://openchargealliance.org/wp-content/uploads/2026/07/01.-Certification-Procedure-v362_final.pdf

CONSIDERATION OF REASONABLE ALTERNATIVES, INCLUDING THOSE THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

No reasonable alternatives to the proposed regulation have been proposed that would lessen any adverse impact on small business or that would be less burdensome and equally effective in achieving the purposes of the regulation in a manner that achieves the purposes of the statute being implemented.

Alternative 1

CEC staff considered maintaining the status quo with the EV charger data and reliability regulation without any amendments. This would require EV chargers with MCS connectors to meet the reliability requirements immediately and require OCPP version 2.0.1 certification for EV chargers installed on or after September 28, 2026.

Alternative 1 was not chosen primarily because it imposed reporting requirements on the nascent MCS charging sector and retained an earlier OCPP version 2.0.1 certification deadline, which would have increased burden on industry.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations mandate the use of OCPP version 2.0.1 for certain publicly- or ratepayer-funded networked chargers. This is necessary to ensure consistent and comparable data reporting across different charger models, manufacturers, and network providers. Without this uniform protocol mandate, there would be no data standardization when regulated entities report to the CEC under Article 2. Alternatives such as allowing different protocols that are not widely adopted would result in the CEC receiving data in inconsistent data formats.

ECONOMIC IMPACT ASSESSMENT

The Creation or Elimination of Jobs Within the State of California
The CEC does not expect the proposed regulations will create or eliminate jobs within the State of California.

The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California
The CEC does not expect the creation of new businesses or the elimination of existing businesses as a result of the proposed regulations.

The Expansion of Businesses Currently Doing Business within the State of California
The heavy-duty charging sector may benefit from uptime and reliability reporting exemptions. This sector remains in its early stages of growth, and granting the exemption proposed in this regulation would provide an opportunity for existing firms to expand more easily.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment
The proposed regulations are expected to indirectly support public health and environmental benefits (e.g., reduced emissions), including an expected modest increase in EV adoption within California

DETERMINATION THAT THE PROPOSED REGULATION WILL HAVE NO SIGNIFICANT ADVERSE ECONOMIC IMPACT AFFECTING BUSINESS

The CEC has made an initial determination that the proposed regulations will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Evidence supporting the CEC's initial determination that the proposed regulation will not have a significant adverse economic impact on businesses can be found attached to this Initial Statement of Reasons in *Attachment A: Economic and Fiscal Impact Modeling, Assumptions, and Calculations*.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The requirements for reliability and for sharing real-time availability and accessibility data align with those used for federally funded ports under the National EV

Infrastructure Formula Program (23 CFR § 680.116). Staff recommend extending these uptime and real-time reporting regulations to any charging ports that receive incentives from a state agency, including pass-through funds that originate from the federal government. Some ports may be covered by both state and federal funding requirements; since the regulations are nearly identical, no conflicts arise. Except for these shared reliability and data-sharing provisions, the CEC has determined that the proposed regulations neither duplicate nor conflict with federal statutes. The CEC's additional regulations are enabled by state laws AB 2061 (Ting, 2022) and AB 162 (Reyes, 2023).

FOR FURTHER INFORMATION

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or any other information upon which the proposed regulation is based, should be directed to the contact persons listed in the Notice of Proposed Action for this rulemaking.

ATTACHMENT A: ECONOMIC AND FISCAL IMPACT MODELING, ASSUMPTIONS, AND CALCULATIONS

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS

A.1. CEC estimates that the proposed regulations will not impact any of the seven topics listed in A.1.

A.2. CEC estimates that the private sector cost impacts of the proposed regulations in the first year of the anticipated effect of the proposed regulations after full implementation and ongoing will be $0.

A.3. CEC estimates that the proposed regulations will impact zero businesses in California.

A.4. CEC has determined that the proposed regulations do not create businesses in California. CEC staff has also determined that the proposed regulations do not eliminate businesses in California.

A.5. The proposed regulations will have a statewide geographic impact, but are not expected to impact businesses.

A.6. CEC has determined that the proposed regulations will neither create nor eliminate jobs in California.

A.7. CEC has determined that the proposed regulations will not affect the ability of California businesses to compete with other states because the proposed regulations do not make it more costly to produce goods or services here.

B. ESTIMATED COSTS

B.1. CEC has determined that there are no initial and ongoing costs for small businesses, typical businesses, and individuals.

B.2. CEC has determined that there are no identified economic costs of the proposed regulations that impact any industries.

B.3. The proposed regulations do not impose reporting costs on any businesses.

B.4. The proposed regulations are not expected to impact housing costs.

B.5. The federal National EV Infrastructure Formula Program (NEVI; 23 CFR Part 680) requires some similar standards found in the proposed regulations. However, NEVI only regulates federally funded EV chargers.

C. ESTIMATED BENEFITS

C.1. The proposed regulations are administrative in nature and are not expected to produce significant benefits.

C.2. These benefits are the result of the statutory requirements. AB 2061 (Ting, Chapter 345, Statutes of 2022) directed the CEC to develop uptime recordkeeping and reporting standards for electric vehicle charging ports and charging stations that received an incentive from a state agency or through a charge on ratepayers and were installed on or after January 1, 2024. Section 25231.5 further directed the CEC to regularly assess the reliability of California's EV charging infrastructure beginning in 2025. In addition, AB 126 (Reyes, Chapter 319, Statutes of 2023) directed the CEC to adopt tools to increase charging station uptime, including uptime requirements and operation and maintenance requirements. AB 126 also enacted Public Resources Code section 25231.5(d)(2), which required the CEC to adopt standards requiring certain entities to notify customers about the availability and accessibility of publicly available EV charging ports.

C.3. The lifetime benefits of the proposed regulation remain indeterminate – but positive – due to quantification challenges.

C.4. Staff expect that the proposed regulations would not result in the expansion of businesses currently doing business within the State of California.

D. ALTERNATIVES TO THE REGULATION

D.1. In addition to the proposed regulations, the CEC evaluated the following alternatives:

Alternative 1

The CEC considered maintaining the status quo with the EV charger data and reliability regulation without any amendments. This would require EV chargers with MCS connectors to meet the reliability requirements immediately. Additionally, staff considered not including relatively minor revisions in the proposed regulations, such as reporting obligations, the recordkeeping and reporting agent, and the data dictionary. Alternative 1 was not chosen primarily because of the adverse impact on a nascent MCS EV charging industry. Leaving minor ambiguity corrections out of the amendments also risked the effectiveness and clarity of the overall EV charger data and reliability regulation package.

D.2. Neither the staff proposal nor the alternatives to the regulation create quantifiable costs or benefits.

D.3. The health and environmental benefits associated with the chosen regulation remain difficult to quantify, as are potential growth estimates for expansion in the heavy-duty EV charging sector. Similar quantification challenges arise for the alternatives.

D.4. Reporting disclosure requirements for funding recipients associated with these proposed regulations are by necessity prescriptive.

<u>E. MAJOR REGULATIONS</u>

E.1. – E.3. These requirements are not applicable to the CEC as it is not a California Environmental Protection Agency board, office, or department.

E.4. CEC has determined that the proposed regulations are not major regulations. The total economic impact of the regulations in any measured 12-month period between filing with the Secretary of State and 12 months after full implementation is $0.

E.5. The proposed regulatory exemption for chargers with MCS connectors will support investment in this sector in California.

FISCAL IMPACT STATEMENT

<u>A. FISCAL EFFECT ON LOCAL GOVERNMENT</u>

A.5. The CEC has determined that the proposed regulations have no fiscal impacts on local government.

<u>B. FISCAL EFFECT ON STATE GOVERNMENT</u>

B.3. The CEC has determined that the proposed regulations have no fiscal impacts on state government.

C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS

C.3. The CEC has determined that the proposed regulations have no fiscal impacts on the federal funding of state programs.