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Comments regarding Proposed Amendments to EVI Reliability Standards

Additional submitted attachment is included below.

September 22, 2026

California Energy Commission
Docket Unit, MS-4
Re: Docket No. 22-EVI-04
715 P Street
Sacramento, CA 95814

Re: Docket No. 22-EVI-04 – Comments of Center for Sustainable Energy® regarding the California Energy Commission’s Rulemaking to Amend Electric Vehicle Charger Reliability Standards

Center for Sustainable Energy® (CSE) welcomes the opportunity to provide comments on the California Energy Commission’s (Energy Commission) proposed amendments to the electric vehicle (EV) infrastructure reliability standards.

CSE is a national nonprofit that accelerates adoption of clean transportation and distributed energy through effective and equitable program design and administration. Governments, utilities, and the private sector trust CSE for its data-driven and software-enabled approach, deep domain expertise, and customer-focused team. CSE’s fee-for-service business model frees it from the influence of shareholders, members, and donors, and ensures its independence. Our vision is a future with sustainable, equitable and resilient transportation, buildings, and communities. CSE provides these comments based on our experience designing, implementing, and evaluating statewide incentive programs in multiple states, which collectively translates to over \$1 billion worth of program value under management. CSE is pleased to implement the California Electric Vehicle Infrastructure Project (CALeVIP) on behalf of the Energy Commission.

CSE offers the following recommendations to improve the proposed amendments:

1. Adopt limited delays for chargers with Megawatt Charging System (MCS) connectors but require semiannual reports and outage reporting mechanisms.
2. Clarify reporting responsibilities for chargers operated by Enrolled Charging Network Providers (CNP) whose enrolled status has been revoked.
3. Adopt explicit enforcement measures, including civil penalties, to ensure compliance with reporting requirements.

CSE’s recommendations are discussed in detail below.

1. Adopt limited delays for chargers with MCS connectors but require semiannual reports and outage reporting mechanisms.

In the Energy Commission's proposed amendments, detailed in the Express Terms issued on August 7, 2026,¹ the Energy Commission proposes several exemptions for chargers with connectors that conform to the MCS standard, including exemptions from the 97 percent uptime standard, the semiannual reporting requirements, the hourly reporting requirements, and the requirement to include an outage reporting mechanism.

CSE appreciates the need to provide flexibility for operators of chargers with MCS connectors, given the nascency of the medium- and heavy-duty (MD/HD) electric truck sector. However, CSE does not believe all of the proposed exemptions are necessary. CSE supports the proposed exemptions from the uptime standard and the hourly reporting requirements because chargers with MCS connectors may have relatively lower utilization than light-duty chargers, and the hourly reporting requirements may be onerous for CNPs to comply with. However, CSE recommends the Energy Commission adopt delays to these requirements rather than outright and indefinite exemptions. Delays will provide flexibility for CNPs while allowing them to prepare to implement these requirements in the future, thereby preventing the potential for stranded assets that will need to be retrofitted in the future.

CSE does not support the proposal to exempt chargers with MCS connectors from the semiannual reporting requirements, which do not present the same implementation challenges as the hourly reporting requirements. CNPs for chargers with MCS connectors will likely already be tracking the information required under the semiannual reports and will require minimal effort to submit this information. Additionally, this information will yield valuable insights into charging behavior, fleets' operational needs, and downstream grid impacts.

CSE also opposes the proposal to exempt chargers with MCS connectors from the requirement to include an outage reporting mechanism. This requirement will take minimal effort to implement and will ensure timely charger operations and maintenance. Consequently, this requirement can significantly enhance charger reliability, which will be critical for MD/HD electric truck fleets who rely on fixed routes and schedules, especially for those fleets utilizing public chargers.

¹ California Energy Commission, Express Terms: Electric Vehicle Reliability and Data Reporting Standards, August 7, 2026.

2. Clarify reporting responsibilities for chargers operated by CNPs whose enrolled status has been revoked.

CSE appreciates the Energy Commission's proposal to revoke the enrolled status of Enrolled CNPs who repeatedly fail to submit accurate and complete data reports. However, CSE highlights several concerns with this proposal, including uncertainty regarding the grounds for revocation as well as the compliance obligations for operators of chargers whose Enrolled CNP loses their enrolled status.

First, the proposed amendments do not clarify what constitutes accurate and complete reports. For example, it is unclear whether one incomplete data field will be counted as a reporting failure. Similarly, it is unclear how the Energy Commission will ensure that data reports are accurate, including whether there will be an audit or evaluation process to retroactively verify the accuracy of data reports. As part of CSE's implementation of CALeVIP, CSE has experienced consistent challenges in receiving timely and complete data reports from grant recipients. For this reason, CSE recommends the Energy Commission develop explicit instructions to ensure that data reports are accurate and complete.

Second, the proposed amendments do not specify the process for ensuring compliance with recordkeeping and reporting requirements once an Enrolled CNP has their enrolled status revoked. Section 3122(c)(2) specifies that the CNP providing networking services for that charger shall serve as the recordkeeping and reporting agent. However, the proposed amendments do not specify which entity becomes responsible for fulfilling the obligations of the recordkeeping and reporting agent once an Enrolled CNP has their enrolled status revoked. If this responsibility reverts to the site host or funding recipient, it is likely that these entities would not have the technical capacity to submit semiannual and hourly data reports or otherwise ensure the reliability of chargers. If the site host or funding recipient can designate another Enrolled CNP to serve as the reporting and recordkeeping agent, there would likely be additional implementation concerns. For example, it is unclear whether another Enrolled CNP would have the proprietary systems in place to receive and report data generated from the charger. Similarly, it is unclear whether the designation of a new Enrolled CNP would result in contract violations between the site host or funding recipient and the original Enrolled CNP. Additionally, the proposed amendments do not specify the timeframe for selecting a new Enrolled CNP, the compliance status of chargers operated by an Enrolled CNP whose enrolled status is revoked, or the requirements to maintain historical records. CSE recommends the Energy Commission provide additional detail to address these uncertainties and ensure data continuity.

Third, given the technical challenges in reporting data from chargers operated by an Enrolled CNP whose enrolled status is revoked, the Energy Commission may be forced to effectively exempt these chargers from the reporting requirements. Therefore, some Enrolled CNPs may be incentivized to report incomplete or inaccurate data to receive this effective exemption, thereby undermining the goals of the reliability regulation and the enabling legislation. For these reasons, CSE recommends the Energy Commission adopt additional enforcement measures to ensure compliance with the reporting requirements, as detailed below.

3. Adopt explicit enforcement measures, including civil penalties, to ensure compliance with reporting requirements.

As highlighted above, chargers operated by Enrolled CNPs whose enrollment status is revoked may receive an effective exemption from the reporting requirements. To prevent this possibility, CSE recommends the Energy Commission adopt explicit enforcement measures, as authorized under Section 3135, for Enrolled CNPs who repeatedly fail to report accurate and complete data. These enforcement measures may include civil penalties, rescission of grant funds, or ineligibility for future grant funding opportunities. CSE highlights that Assembly Bill 1423 (Irwin, Chapter 192, Statutes of 2025) originally included language authorizing the Energy Commission to adopt civil penalties of up to \$2,500 per violation.² Although this language was not ultimately adopted, CSE suggests that a similar civil penalty may be appropriate. CSE also recognizes that the Energy Commission intends to enforce the reliability regulations through the conditions of grant agreements and recommends that these agreements explicitly detail all applicable enforcement measures. Clear enforcement processes will help ensure accurate reporting and enhance the reliability of publicly-funded EV infrastructure.

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² Assembly Bill 1423, Irwin, Chapter 192, Statutes of 2025, see version introduced on February 21, 2025.

Center for Sustainable Energy

Re: Docket No. 22-EVI-04

Page 5

September 22, 2026

Conclusion

CSE appreciates the opportunity to provide comments in response to the Energy Commission's proposed amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "K Chatterjee", is displayed on a light gray rectangular background.

Kinshuk Chatterjee

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