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Enel X Way Comments on CEC Caltrans NEVI GFO Workshop

Additional submitted attachment is included below.

September 28, 2022

California Energy Commission
Docket Unit, MS-4
715 P Street
Sacramento, CA 95814

Docket No: 22-EVI-05
Project Title: National Electric Vehicle Infrastructure (NEVI) Funding Program

Re: Enel X Way Comments on National Electric Vehicle Infrastructure Funding Program Pre-Solicitation Joint Workshop

Dear Commissioner Monahan and Staff:

Enel X Way USA, LLC (Enel X Way) respectfully submits the following comments on the California Energy Commission (CEC) and California Department of Transportation's (Caltrans's) *National Electric Vehicle (EV) Infrastructure (NEVI) Pre-Solicitation Joint Workshop* held on September 7-8, 2022. Enel X Way appreciates the agencies' diligent planning efforts to ensure that California successfully deploys its share of this generation-defining national investment in public EV charging infrastructure.

1. Introduction and Background

Enel X Way, a subsidiary of the global utility company Enel, is a market leader in EV charging technologies and services. Enel X Way manufactures and sells smart Level 2 and Direct Current Fast Charging (DCFC) EV supply equipment (EVSE) for residential, commercial, fleet, and public charging applications, along with Enel X Way's cloud software platform for managing station operations, driver access, and data and energy services. Enel X Way partners with a large network of utilities, resellers, installers, and service technicians on the provision and maintenance of EV charging infrastructure. Enel X Way is active in over 16 countries, deploying over 380,000 charge ports globally, and is the primary public charging network operator in Italy, Spain, and Chile.

Enel X Way recommends the following modifications for the final Grant Funding Opportunity (GFO) that is planned for release in Q1 2023. These recommendations are further elaborated upon below.

- Remove the eligibility requirement for project teams to include "an experienced Charging Network Provider," or in the alternative, amend the definition of "experienced" to promote inclusivity; and

- Allow applicants to bid for single sites within identified corridor groups, rather than requiring applicants to place bids for all sites within an entire group.

2. “Experienced Charging Network Provider”

Enel X Way strongly opposes the floated eligibility requirement and definition for project teams to include “an ‘experienced’ Charging Network Provider.” Although not detailed in the workshop’s presentation materials,¹ staff verbally provided a definition of “experienced” Charging Network Provider during the workshop as,

“[A] company or organization with a proven track record overseeing the procurement, permitting, installation, and maintenance of at least twenty fast chargers at three or more different property locations, and for three or more different customers in California since January 2018.”²

This requirement would dramatically narrow the market to a handful of incumbents, inhibit competition and innovation, stunt development of the private charging market and the burgeoning charging services workforce, and ultimately result in a less robust EV charging network, to the detriment of California taxpayers and EV drivers. Furthermore,

- **The proposal does not comply with statutory requirements for NEVI funding.** Chapter 1, Title 23, §151 (f) (5) (iv) pertaining to NEVI funding awards requires “support [for] a long-term competitive market for electric vehicle charging infrastructure.”³ Additionally, 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” §319 states that “All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition.”⁴ The proposal to limit applicant eligibility would contravene these directives.
- **The proposal is arbitrary.** In the limited verbal detail provided on the proposal, staff fail to explain the significance of 20 fast chargers, three sites, three customers, siting within California, deployment since 2018, and why a company or organization must have overseen all four identified functions (procurement, permitting, installation, maintenance), Staff also fail to explain why these requirements should apply to NEVI formula funding, even though they do not apply to several other sources of funding

¹ September 7, 2022 workshop presentation, slide 25, fourth bullet

² See September 7, 2022 workshop recording and transcript, at the 21:50 mark:

https://energy.zoom.us/rec/play/5L_JcxbAMjihWmEC6t3XwhZKywg6-NYOSaPzgE20MPv-tzq6YEcv9W5DiRXSfuRcOjQ37AzGUdgyvAP.sSdp9UllSlrvSSD?continueMode=true&xzm_rtaid=UK0Aa_mfaTzSU_dGrsan1bw.1663104042520.a7c257deea965b8dcc79f520dcc8146f&xzm_rtaid=996

³ <https://www.law.cornell.edu/uscode/text/23/151>

⁴ <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>

overseen by the CEC. Otherwise experienced and eligible EV charging providers may have, for instance,

- Focused public DCFC installations, operations, and maintenance in geographies other than California;
- Deployed publicly accessible charging at multiple sites but with a single customer;
- Deployed publicly accessible Level 2 charging, but not DCFC stations; or
- Partnered with other entities to oversee one of the four identified functions (procurement, permitting, installation, maintenance)

It would be entirely arbitrary for the CEC and Caltrans, as a matter of policy, to deny eligibility outright to projects that employ charging network providers that, e.g., have deep experience installing, operating, and maintaining public fast charging in geographies other than California, have installed public DCFC at two sites instead of three, etc.

- **The proposal will not guarantee better outcomes for reliability or speed of deployment.** Much has been made recently of the poor reliability performance of existing public charging infrastructure in California.⁵ Furthermore, lessons learned from the CEC’s legacy charging infrastructure incentive program, CALeVIP, have informed program design changes for future iterations (in “CALeVIP 2.0”) that will rank and prioritize applications for funding awards based on project readiness, as to improve the speed of deployment. Inferring that the proposal to limit eligibility to “experienced” providers is meant to ensure that NEVI investment dollars are used to rapidly deploy reliable charging infrastructure, it would be illogical to assume that limiting the market to the same, historically-California-focused incumbents will automatically guarantee better outcomes in these areas.

Instead of restricting the eligible pool of applicants, the state can best ensure a successful implementation of NEVI funds through an open and competitive environment that encourages innovation, workforce mobilization, and new, robust business models and partnerships. Improved station reliability and customer experience can be realized through the provided operational requirements – including 97% uptime, a five-year operations and maintenance plan, and a five-year networking agreement – while the proposed Application Evaluation and Scoring metrics⁶ for 2) Project Implementation and Readiness and 4) Team Experience and Qualifications will allow the CEC to rank and prioritize prospective projects on their merits.

For these reasons, Enel X Way respectfully urges the CEC and Caltrans to not include a provision around an “experienced charging network provider” as a precondition of eligibility for the

⁵ E.g., <https://insideevs.com/news/590679/study-public-chargers-low-reliability/>

⁶ September 7, 2022 workshop presentation, slide 42

planned NEVI GFOs. Instead, the agencies can ensure that projects are awarded to capable providers through the application evaluation process. In the alternative, Enel X Way recommends dropping the arbitrary thresholds around geography, number of stations, and number of customers and sites in the definition of “experienced.”

3. Solicitations for Entire Corridor Groups

Enel X Way recommends that the agencies allow applicants to submit project bids for individual sites within a corridor group, rather than requiring a single submission that covers an entire group. It is unrealistic to expect that market participants will always be able to lock in agreements with the minimum number of sites within a group. Enel X Way is concerned that this provision could inhibit competition and lock-in incumbents in a similar manner as above. For this reason, we urge the agencies to allow bidders to submit projects for individual sites within priority corridor groups.

4. Conclusion

Enel X Way appreciates the consideration of these comments and implores the CEC and Caltrans to make the modifications recommended herein. Please do not hesitate to reach out if there are any questions or further information or clarifications we can provide.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Monbouquette".

Marc Monbouquette
Senior Manager, Regulatory Affairs
Enel X Way