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NCPA Comments on EV Charger Reporting Regulation

Additional submitted attachment is included below.

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October 25, 2023 | Submitted electronically

California Energy Commission
Docket No. 22-EVI-04
715 P Street
Sacramento, California 95814

Re: Northern California Power Agency's Comments on California Energy Commission's Electric Vehicle Charger Regulations for Improved Inventory, Utilization, and Reliability Reporting

The Northern California Power Agency (NCPA)[1] respectfully submits these comments to the California Energy Commission (CEC) regarding the Proposed Regulations for Electric Vehicle (EV) Charger Inventory, Utilization, and Reliability Reporting, including the Draft Staff Report and Proposed Regulatory Language. NCPA appreciates the opportunity to provide feedback prior to the formal rulemaking process.

NCPA supports the CEC's efforts to more accurately estimate the state's needed EV charging infrastructure and the current deployment, as well as the need to assess the reliability of EV charging stations being deployed in California to ensure that Californians have access to a dependable EV charging network. NCPA Members are committed to supporting the EV charging needs of our communities as California transitions to zero-emission vehicles. While the regulations will provide needed data on EV charger location and usage, the regulation must also consider the reporting burden and the potential impact on the deployment of EV chargers. Many POUs own and operate EV chargers within their communities, and the regulations should consider how the regulation impacts public agencies.

We recommend the CEC align and streamline reporting requirements for EV chargers. The CEC should work with CARB and other state agencies to remove duplicative reporting requirements and minimize costs to station owners. Additionally, the CEC should provide educational resources and

[1] The Northern California Power Agency (NCPA) is a non-profit California joint powers agency established in 1968 to construct and operate renewable and low-emitting generating facilities and assist in meeting the wholesale energy needs of its 16 members: the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Shasta Lake, and Ukiah, Plumas-Sierra Rural Electric Cooperative, Port of Oakland, San Francisco Bay Area Rapid Transit (BART), and Truckee Donner Public Utility District—collectively serving nearly 700,000 electric consumers in Central and Northern California.

support to obligated reporting entities to ensure that all charger owners, including small businesses, non-profits, or public agencies, have the resources and information needed to ensure compliance.

To improve grid planning, the CEC should also establish a process to share non-confidential inventory data with utilities. While grid planning may not be the primary purpose of this regulation, access to charger location data would be immensely beneficial for utility planning purposes. We recommend including an electric utility service territory designator as part of the inventory reporting so that the data can easily be sorted by utility and provided when requested. For those locations designated as confidential, data could still be aggregated on a utility service territory level.

NCPA does not recommend adopting a 97% uptime requirement at this time. This is a new regulation with new requirements, and we must ensure that the uptime and downtime definitions are reasonable and clear before we impose a new compliance requirement. As explained below, setting arbitrary timelines for how long a repair may take should not result in penalties to those entities unable to repair a charger for reasons outside of their control. Such a policy will only dissuade public agencies, small businesses, and non-profits from installing chargers that might otherwise fill an infrastructure gap. Many state and federal programs already require 97% uptime – we should wait to see if there's a need for additional enforcement mechanisms before further complicating this regulation.

Recommended Changes to the Draft Regulatory Language

A. NCPA recommends clarifying the definition of "public and/or ratepayer funded charger" in Section 3121 (b)(38), as it's drafted with a focus on ratepayer funds from local public-owned electric utilities and community choice aggregators. The language should be clarified to include ratepayer funding from any electric load-serving entity.

B. For those non-networked EV chargers only required to submit inventory reporting, a semi-annual reporting requirement is excessive, as this information will be fairly static. The regulations should clarify that semi-annual reporting is only required when inventory changes occur.

C. Some EV charging projects are already under contract but will not be installed until after January 1, 2024. These projects did not contemplate the reporting requirements required by the Draft Regulations, which may result in network providers needing to increase or renegotiate service costs. NCPA recommends special considerations for chargers that are installed after January 1, 2024, but were under contract prior to January 1, 2024.

D. For excluded downtime due to grid power loss, we have two concerns:

    1. Requiring documentation from utilities to detail outages could inundate utilities with requests, taking away limited staff resources to fill these requests. We recommend that the CEC work collaboratively with utilities to identify alternative means to certify that a power outage has occurred.

    2. The definition of grid power loss should not define the power provider as a "third-party," as publicly owned electric utilities may be both the charger owner and the

power provider. The current definition is structured so that POUs would be unable to claim grid power loss as excluded time.

The "grid power loss" section could be simplified to say: "Downtime during which power ~~supplied by a third-party provider~~ is not supplied at levels required for minimum function of the charging port." Alternatively, the definition of "grid power loss" could be updated to use a general term for utilities, or include an exception for where the third-party provider is the recordkeeping and reporting agent and can claim grid power loss as excluded downtime.

E. We recommend removing the caps for excluded downtime related to preventative maintenance and vandalism or theft. At this early stage of the regulation, the CEC should collect data on how long it takes for maintenance and repairs to occur before determining what an appropriate cap should be. Supply chain shortages have lengthened the time for receiving replacement parts, sometimes taking months, and we are concerned that a charging station operator or site host will be unfairly penalized when they are diligently working to repair broken chargers. Additionally, public agencies that own and operate EV chargers may need additional time to make necessary repairs to chargers due to public procurement requirements and budgetary processes.

F. EV Chargers may experience downtime for additional reasons outside of the control of the owner – for example, a charger malfunction or weather conditions that cause mechanical issues leading to an outage. There should be some recognition of additional special circumstances that may impact downtime and allow a reasonable amount of time for charger owners to procure the parts necessary to make repairs.

Conclusion

NCPA appreciates your consideration of these comments. Please contact me at (916) 781-4293 or emily.lemei@ncpa.com if you have any questions.

Respectfully submitted,

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