

<b>DOCKETED</b>	
<b>Docket Number:</b>	22-EVI-05
<b>Project Title:</b>	National Electric Vehicle Infrastructure (NEVI) Funding Program
<b>TN #:</b>	255253
<b>Document Title:</b>	Rivian Comments - Rivian Comments on NEVI 2nd Solicitation Concepts
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	Rivian
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	3/25/2024 2:39:30 PM
<b>Docketed Date:</b>	3/25/2024

*Comment Received From: Rivian  
Submitted On: 3/25/2024  
Docket Number: 22-EVI-05*

## **Rivian Comments on NEVI 2nd Solicitation Concepts**

*Additional submitted attachment is included below.*



March 25, 2024

California Energy Commission  
715 P Street  
Sacramento, CA 95814

California Department of Transportation  
1120 N Street  
Sacramento, CA 95814

**RE: Docket 22-EVI-05 – National Electric Vehicle Infrastructure (NEVI) Funding Program**

California Energy Commission and California Department of Transportation Staff,

Thank you for the opportunity to provide comments on California’s NEVI Formula Program 2<sup>nd</sup> Solicitation proposal as presented to stakeholders on March 12, 2024 under Docket 22-EVI-05. We appreciate the time California Energy Commission (“CEC”) and California Department of Transportation (“Caltrans”) Staff has spent in stakeholder discussions thus far and applaud the immense amount of work required to deploy a reliable state-wide charging network while also meeting California’s nation-leading timelines regarding transportation electrification and climate.

Keeping the World Adventurous Forever

Founded in 2009, Rivian is an independent U.S. company headquartered in California. With over 17,000 employees across the globe, Rivian’s focus is the design, development, manufacture, and distribution of electric, zero emissions vehicles, ranging from pickups and full-sized SUVs to commercial vans, to our recently announced R2 and R3 vehicles.<sup>1</sup> It is Rivian’s mission to *Keep the World Adventurous Forever* and displace the highest polluting vehicles on the road today. In addition to our vehicles, Rivian is also a manufacturer of direct current fast chargers (DCFC) and deploys, owns, and operates those chargers under a nationwide charging network – the Rivian Adventure Network. Since 2022, the network has deployed over 420 DC fast charging ports nationwide at over 70 sites. California is the home to 14 of those sites, with many located in more rural, harder to electrify areas such as Bishop, Mt. Shasta, and Inyokern, with more coming soon. Although the Rivian Adventure Network is currently open to Rivian drivers only, later this year it will start to open to provide access to all EV makes and models. The network will also start to incorporate the SAE J3400 connector standard in 2025 to align with when Rivian’s consumer vehicles will natively include the SAE J3400 charging inlet.

---

<sup>1</sup> <https://rivian.com/r2>

## Flexibility and Diversity of Applicants Remain Key to the Success of NEVI in California

We applaud the significant work that went into the development of the proposed solicitation and would like to specifically highlight our appreciation for the ample time provided for feedback prior to the next funding window opening as well as the consideration of a longer application window. We also appreciate the continued strategy of not being overly prescriptive in site selection (i.e. at a specific mile marker/exit) and in most cases allowing applicants flexibility in identifying the best and most cost-effective sites along a corridor. Avoiding an overly prescriptive approach allows the state to leverage the tremendous collective expertise of the EV charging industry to identify and deploy the most cost effective and highest quality charging sites for EV drivers.

Unfortunately, there are several other elements of the proposed structure of the 2nd solicitation which would do the exact opposite by substantively limiting program participation and thereby the overall success of California's NEVI program. Most notably, the corridor grouping approach prohibits applicants from applying unless they can propose sites which fill every corridor segment in a corridor group. This structure significantly restricts participation from all but the largest charging networks and biases funding in favor of select business models. The new two-part project approach would further exacerbate these barriers to participation and create even more administrative complexity during the application scoring process.

Accordingly, to further improve upon Staff's proposal and ensure the build out of the best possible charging network for California drivers, we strongly encourage the CEC and Caltrans to consider the following modifications to California's 2<sup>nd</sup> NEVI Solicitation:

1. Transition away from the corridor grouping approach and select winners based on the highest scoring application for individual corridor segments.

Or at minimum, if the corridor grouping approach is maintained –

2. Increase the diversity and number of applicants by removing the two-part project approach and increase the number of stand-alone corridor groups.

These modifications, described in greater detail below, would facilitate greater program participation from a more diverse group of applicants, increase competition, reduce reliability risks, allow for the consideration and selection of the best-quality, most cost-efficient sites along given corridors, as well as support California's NEVI Plan goals of equitable access and community benefit maximization.

*Transition away from the corridor grouping approach and select winners based on the highest scoring application for individual corridor segments.*

The corridor approach leveraged in the 1<sup>st</sup> NEVI solicitation created a limited applicant pool by requiring both port count numbers significantly higher than the current average charging station deployment and prohibitively lengthy corridor segments at the majority of sites. We recognize and appreciate the analysis that went into informing the necessary port counts to meet future EV charging demand in California –

however future proofing beyond what is currently needed should be balanced with corridor lengths and the number of sites required to be deployed within that corridor. In addition, while we understand one of the benefits of the proposed corridor grouping approach is to simplify the number of applications Staff must review and then manage contracting for, the approach effectively excludes many established charging providers whose business models and network strategies do not align with the corridor approach. This is especially true for smaller companies or vertically integrated providers who may not be able to fill all corridor segments in a corridor group – which in many cases requires nearly 10 separate sites and as many as 88 charging ports. For example, if a potential applicant has 8 candidate sites along Corridor Group 10 (requiring 9 sites at minimum), they are completely barred from applying for funding at *any and all* of those sites — no matter how well those sites would otherwise have scored against competing applications, including how much less costly, more reliable, or higher quality those sites would be. In turn, by excluding a notable segment of charging providers, the state is not only providing a direct advantage to a smaller pool of providers but also taking on additional risk from a reliability perspective by putting “all the eggs in one basket” on any given corridor.

By significantly reducing the pool of potential applicants and biasing towards larger, legacy charging companies this approach appears to run counter to many of the stated goals of the NEVI program, including “maximizing community benefits of NEVI projects” and “ensuring equitable access and competitiveness for partners seeking to bid on NEVI-funded projects.”<sup>2</sup> In addition, it also runs the risk of reducing competition, therefore resulting in a potentially inefficient use of federal funding by deploying more costly and lower quality sites. Although the Partnership Matching tool is great in theory to address these challenges, it is not practical to expect market competitors to share confidential plans on expected site locations.

An alternative process for Staff to consider is to continue to rank corridor segments by priority, but instead of grouping corridors, allow applicants to apply for any individual corridor segment where they meet the site and port requirements. This proposal would more closely align California with numerous other states who have structured their NEVI program similarly and would still provide significant administrative streamlining compared to evaluating proposals on a site-by-site basis, which has emerged as the most common strategy leveraged by other states.

*Increase the diversity and number of applicants by removing the two-part project approach and increase the number of stand-alone corridor groups.*

If the CEC and Caltrans decline to allow applicants to apply for individual corridor segments, at a minimum, we strongly encourage the removal of the two-part project approach coupled with a significant increase in standalone corridor segments offered to ensure greater participation. The two-part project approach further exacerbates the already existing challenges detailed above of the corridor grouping strategy by requiring even larger amounts of charging ports and stations to be deployed by one applicant. Pairing corridors further increases the barrier to entry for many providers to apply and continues to favor certain business models, while disadvantaging others who may be able to provide better long-term service and reliability. While we understand the desire and need to quickly deploy much needed charging

---

<sup>2</sup> California's Deployment Plan for the National Electric Vehicle Infrastructure Program 2023 Annual Update, page 14.

infrastructure and limit administration burden on the agencies through the proposed two-part strategy, we encourage Staff to consider other methods to achieve these goals instead of increasingly limiting the applicant pool.

In addition to the increased barriers to entry, the two-part project approach also creates an opaque scoring and award methodology. For example, how would awardees be selected if the highest scoring applicants for two different high-priority corridors both select the same low priority corridor? More importantly however, the two-part approach unnecessarily delays lower priority corridors from build out. If applicants are unable to apply for a larger, high priority corridor but can build out a low priority corridor independently in the near-term, those corridors should not be delayed for the sake of pairing with a higher-priority corridor that will be addressed by a different subset of applicants. Therefore, we encourage Staff to remove the two-part approach entirely and release all identified corridors individually in future solicitations. Funding could be released either in one large round (2<sup>nd</sup> solicitation) including all corridors identified thus far, or two smaller rounds (2<sup>nd</sup> and 3<sup>rd</sup> solicitations) with the first round including the high priority corridors and the second round, closely following the first, including the lower priority corridors. By clearly communicating in advance the anticipated timing for a potential 3<sup>rd</sup> round of funding as well as the target corridors for that round applicants can start due diligence earlier, therefore enabling Staff to proceed with shorter application timelines and therefore enable faster deployment.

We acknowledge and appreciate Staff's efforts to address some of these concerns by including one proposed stand-alone corridor group in the proposed 2<sup>nd</sup> Solicitation. **However, we strongly encourage the addition of several other stand-alone corridor groups to increase the range of applicants.** We suggest reevaluating the corridors identified for the 2<sup>nd</sup> solicitation, specifically those which are longer in length or identified as lower priority, and divide them up into shorter, stand-alone segments including 1 – 4 sites. By increasing the diversity of corridors options, California can increase the diversity of applicants and thus spur additional competition. An increase in competition has shown time and time again to result in higher quality, more cost-effective and reliable charging infrastructure which is ready to serve the growing demands of California's EV drivers.

Thank you again for the opportunity to comment. We welcome follow-up discussions with Staff on any of the above topics.

Sincerely,

Kelsey G. Johnson  
Sr. Lead Policy Advisor – Charging & Energy  
Rivian