

**DOCKETED**

<b>Docket Number:</b>	24-TRAN-02
<b>Project Title:</b>	Proposed SB 123 Rulemaking
<b>TN #:</b>	256202
<b>Document Title:</b>	Order Instituting Rulemaking to Implement Electric Vehicle Charging Station Operational Standards
<b>Description:</b>	N/A
<b>Filer:</b>	Spencer Kelley
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	5/6/2024 4:23:20 PM
<b>Docketed Date:</b>	5/6/2024

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**IN THE MATTER OF:**

**Rulemaking to Implement Electric  
Vehicle Charging Station Operational  
Standards**

**Docket No.: 24-TRAN-02**

**ORDER INSTITUTING RULEMAKING  
PROCEEDING**

**I. PURPOSE AND SCOPE OF THE PROCEEDING**

Pursuant to Public Resources Code sections 25210, 25213, and 25218(e), and Title 20, California Code of Regulations, section 1222(a), the California Energy Commission (CEC) hereby institutes this rulemaking proceeding to consider modifications to regulations related to electric vehicle (EV) charging station operational standards. This proceeding is primarily intended to implement Senate Bill (SB) 123 (Stats. 2023, ch. 52) sections 3 through 5, related to payment methods, interoperability billing standards (network roaming capability), reporting, labeling, and signage. This proceeding may also take other regulatory actions related to EV chargers. These actions are taken under, but are not necessarily limited to, the authority of sections 25210, 25213, 25218(e), 25400, 25401, 25601, 25602, and 25618 of the California Public Resources Code, sections 44268 through 44268.4 of the California Health and Safety Code, and sections 1220 through 1225 of Title 20 of the California Code of Regulations.

On September 28, 2013, SB 454 (Stats. 2013, ch. 418), the "Electric Vehicle Charging Stations Open Access Act," added sections 44268 and 44268.2 to the Health and Safety Code. Section 44268.2 required, among other things, that certain EV charging stations accept payment by credit card or mobile technology and authorized the California Air Resources Board (CARB) to adopt interoperability billing standards. CARB adopted regulations in Title 13 of the California Code of Regulations, sections 2360 through 2360.5.

On July 10, 2023, SB 123 modified Health and Safety Code sections 44268 and 44268.2 and added section 44268.4. SB 123 repeals certain EV charger billing requirements and requires certain chargers to have tap card readers and mobile phone payment options, and requires fast chargers to allow "Plug and Charge." SB 123 also transfers implementation and enforcement over these statutes from CARB to the CEC when the CEC adopts regulations. CEC regulations implementing these sections will supersede CARB regulations. In this proceeding, consistent with CEC authority

mentioned above, including SB 123, and under direction of the lead commissioner, CEC staff may, without limitation:

- implement EV charging station payment methods established by SB 123 and add or subtract from those payment methods, as appropriate in light of changing technologies, effective no earlier than January 1, 2028;
- adopt interoperability billing standards (network roaming capability);
- implement reporting, labeling, and signage regulations related to EV charging stations;
- and to consider any other related modifications that are determined to be necessary.

## **II. DELEGATION OF AUTHORITY**

Commissioner Patricia Monahan is the lead commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the lead commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act (Government Code sections 11340 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.). Adoption of any changes to the CEC's regulations pursuant to this Order Instituting Rulemaking will be by vote of the CEC at a noticed business meeting.

## **III. PUBLIC PARTICIPATION**

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The executive director, in conjunction with the public advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth a deadline for the receipt of written comments in a Notice of Proposed Action, which will be published later in this proceeding. Anyone who would like to participate in or receive information regarding this proceeding should register with [the rulemaking subscription list](#) at <https://public.govdelivery.com/accounts/CNRA/signup/31898>. All who are registered will receive automated email messages with information regarding hearings, workshops, and documents. Manage existing list subscriptions or sign up for others at [CEC Subscriptions](#), at <https://www.energy.ca.gov/subscriptions>.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=24-TRAN-02>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the "Comment Text" box or attached as a downloadable, searchable document consistent with 20 CCR section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 24-TRAN-02 and "Proposed SB 123 Rulemaking" in the subject line and email to [docket@energy.ca.gov](mailto:docket@energy.ca.gov). A paper copy may be sent to:

Docket No. 24-TRAN-02  
Docket Unit, MS-4  
California Energy Commission  
715 P Street  
Sacramento, California 95814-5512

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

Documents filed related to this rulemaking are available on the [CEC's online docket for this proceeding](#) at [\[https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-TRAN-02\]](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-TRAN-02).

The CEC's public advisor assists the public with participating in CEC proceedings. Please call (916) 957-7910 or contact [publicadvisor@energy.ca.gov](mailto:publicadvisor@energy.ca.gov) for assistance.

### **CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on April 10, 2024.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo  
NAY: NONE  
ABSENT: NONE  
ABSTAIN: NONE

Dated: April 11, 2024

**SIGNED BY:**

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Kristine Banaag  
Secretariat