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FLO Comments on Revised EVSE Reliability Regulation

Additional submitted attachment is included below.

May 15, 2024

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Fuels and Transportation Division
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
Docket: 22-EVI-04

Re: FLO Comments on Revised Proposed Regulations for Tracking and Improving the Reliability of California's EV Chargers

FLO EV Charging ("FLO") is a leading North American EV charging network operator and a smart-charging solutions provider. We fight climate change by accelerating EV adoption through a vertically integrated business model and delivering EV drivers the most dependable charging experience, from curbside to countryside. Every month, we enable more than 1,500,000 charging events thanks to over 100,000 fast and level 2 EV charging stations deployed at public, private and residential locations. FLO operates across North America and our high-quality charging stations are assembled with care in Michigan and Quebec.

Thank you for the opportunity to comment on the revised regulation to track and improve charger reliability. While we offer comments below to refine and strengthen the final draft, we believe the Energy Commission has honored the vision and intent of Assembly Bill 2061 (Ting), the EVSE Reliability Transparency Act.

I. Clarify in Section 3130 that charging networks can set terms and conditions.

As currently drafted, section 3130 creates the impression that charging networks must provide this data to third parties ***with no conditions***. If there are no conditions related to data privacy, use, and protection, it creates several risks, including but not limited to:

- Third parties would not be bound to use the data as is intended by this regulation – to develop a free public facing mobile app that helps drivers find and use charging stations.
- Third parties could use the data to estimate charger utilization and use that information to their advantage to then compete against the companies they received the data from.
- Third parties could sell the data to any other party.

Such scenarios leave charging networks vulnerable to unfair competition from these entities. Therefore, FLO recommends adding a provision to section 3130 as follows: "nothing in this section prohibits charging network providers from setting terms and conditions when sharing their real-time data." This simple disclaimer would protect charging network providers from potential misuse of their real-time data or other predatory business practices.

II. When publishing charging networks' uptime data, contextualize it by specifying the charger ownership model (i.e. owner-operator or third party).

Whether a station is owned by a charging network or a third party can affect its uptime. When owned by a third party, companies must collaborate closely with that entity to service the chargers. In some cases, an company may not be able to service a charger until the third party gives it explicit permission; in other cases, the company may not be responsible for serving a charger because (1) the third party has agreed to take on that responsibility themselves, (2) they have not purchased a warranty or operations & maintenance plan or (3) the warranty or operations and maintenance plan has ended.

Given the Commission's intent to publish detailed charging network uptime data, not specifying the ownership model could give the public and other stakeholders a skewed understanding of a charging network's reliability. If a charging network's stations are owned by a third party, and the reliability of those chargers are lower than they should be, publishing such data without proper contextualization would improperly punish the charging network for something that they cannot control.

III. Require OCPP subset certification for charging stations in addition to the charging station management system.

Section 3130 requires Enrolled Charging Network Providers to obtain OCPP 2.0.1 certification or later for the charging station management system. If the Commission's goal with this provision is to ensure that charging networks report a standardized, consistent set of data via OCPP to maintain the integrity of the regulation, then FLO recommends that the Commission also require charging networks to obtain this certification for the charging station as well. Given that the data is initially recorded on the station itself and is then transmitted to the charging station management system, there is a risk that the station will not record the information to the same specification as the charging station management system if they have not been certified against the same protocol.

Thank you for your consideration,

Cory Bullis
Public Affairs Director
FLO EV Charging