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PACT Comments on CEC Reliability Regulation

Additional submitted attachment is included below.

May 15, 2024

California Energy Commission
Fuels & Transportation Division
715 P Street
Sacramento, CA 95814

Re: 22-EVI-04 Electric Vehicle Infrastructure Reliability – Second Draft Staff Report Tracking and Improving Reliability of California's Electric Vehicle Chargers

Dear California Energy Commission Staff,

Powering America's Commercial Transportation ("PACT") appreciates the opportunity to provide these comments in response to the April 30, 2024, workshop, and Second Draft Staff Report Tracking and Improving Reliability of California's Electric Vehicle Chargers.

PACT is a coalition dedicated to accelerating the development and deployment of reliable nationwide charging infrastructure for medium- and heavy-duty zero emission vehicles ("M/HD ZEVs").[1] Our membership is comprised of stakeholders across the transportation electrification ecosystem, including leading truck manufacturers, charging infrastructure technology providers and developers, commercial fleets, fleet management companies, and utilities. PACT is committed to promoting productive cross-sector collaboration to advance policies and regulations that improve access to and reduce barriers for M/HD charging infrastructure.

PACT shares the California Energy Commission's ("CEC" or "Commission") commitment to ensuring charger reliability across the state. The California Air Resources Board ("CARB") Advanced Clean Truck ("ACT") and Advanced Clean Fleet ("ACF") regulations will bring about rapid electrification of M/HD vehicles. Chargers need to be reliable in order to support that transition. PACT feels that it is also important, however, that reliability standards are designed in a manner that is not overly burdensome and are aligned with current realities of the charging ecosystem. As such, PACT provides the following recommendations and insights for consideration in the final report.

[1] PACT membership is comprised of ABB E-mobility, BC Hydro, Burns & McDonnell, Chateau Energy Solutions, Daimler Truck North America, EV Realty, Geotab, Greenlane, InductEV, J.B. Hunt Transport, Inc., Mortensen, Navistar Inc., Penske, Pilot Flying J, PittOhio, Prologis, Voltera, WattEV, Volvo Group North America, and Zeem Solutions

I. Light Duty Vs. M/HD Charging

There are distinct and significant considerations for electrifying the M/HD sector - charging reliability standards should take those factors into consideration. Particularly important is the difference in power needs for M/HD charging. M/HD charging sites require significantly more power than those for light duty ("LD") charging. The power needed to energize a M/HD charging site is more akin to a stadium complex, typically starting at around 4 megawatts ("MW") per site, and can go beyond 30 MW for a fully built out public charging site.

M/HD charging also differs in site design and construction. Existing fueling stops for LD sites often cannot be "upgraded" to accommodate M/HD charging as M/HD ZEVs require high powered dedicated direct current ("DC") chargers and additional space. However, purpose-built M/HD sites can serve vehicles of all classes and configurations.

II. Public vs. Private

PACT appreciates the Commission's attention to ensuring the reliability of public as well as private charging. However, there are certain requirements for publicly available charging that are not applicable to private fleet chargers or shared private chargers where the terms of usage are agreed upon between the infrastructure provider and the fleet customer. PACT would encourage the Commission to be cognizant of these differences and to avoid imposing overly burdensome requirements on fleets and other customers utilizing private charging.

PACT recommends that the Commission limit public and/or ratepayer funded charger uptime reporting requirements to "publicly available" chargers.[2] Specifically, PACT opposes uptime reporting requirements for fleet operators using only "behind-the-fence," non-publicly available chargers. The proposed reporting requirements would cause significant administrative burden on both small and large fleets. Moreover, operators are well-motivated to achieve high uptime and may employ different methods to do so than what public operators may use.

PACT encourages the CEC to consider only requiring reliability reporting for publicly funded charging stations that meet the CEC's own proposed definition of "publicly available charger" in the Draft Staff Report on pages A-7-8.[3]

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[2] ABB E-mobility Comments on Proposed Inventory, Utilization and Reliability Reporting Regulation (hereinafter "ABB E-mobility comments"); Industry Comments on Proposed EV Charging Infrastructure Reliability Regulation (hereinafter "EVCA comments").

[3] California Energy Commission, *Second Draft Staff Report Tracking and Improving Reliability of California's Electric Vehicle Chargers* (Apr. 9, 2024).

III. Successful Charge Attempt Rate (SCAR)

PACT has concerns with the newly proposed successful charge attempt rate ("SCAR") requirement of 90 percent, particularly for private depot charging. The administrative burden on fleets of tracking and reporting the new metric would be impractical and unnecessary. Fleets are likely to have technical staff on site at depots to ensure proper utilization of charging equipment, and have a strong incentive to keep chargers online to ensure that the fleet's EVs are operational. The SCAR requirement appears to reflect considerations specific to publicly available chargers, and should not apply to ratepayer-funded charging that is not open to the public.

For publicly available chargers where a SCAR requirement may be more appropriate, PACT recommends that the CEC align with the definition of SCAR and associated target metric currently being developed by the ChargeX consortium. We urge the CEC not to get ahead of the ChargeX process, which is iterative by nature. Our recommendation is to align the SCAR metric as closely with ChargeX as possible to avoid duplication of effort and confusion that would ensue if there are competing definitions of "charge success."

IV. Downtime Exclusion

Regular maintenance and repair of EVSE is directly related to improving the reliability of and customer experience with chargers. Oftentimes these upgrades require more than 24 hours of work within a 12-month period. PACT supports the recommendation that the CEC increase the maximum allowable downtime exclusion to 72 hours within a 12-month period.[4]

PACT also encourages the Commission to eliminate the 2-week notification requirement to CEC regarding preventative maintenance.[5] This is an unnecessarily burdensome requirement, and it is unclear to what extent this information would be beneficial to the Commission.

V. Data Sharing / Reporting

PACT appreciates that access to data and reporting on EVSE is necessary to ensure reliability standards are met. It is important, however, that reporting and data sharing requirements are appropriately applied, are not overly burdensome, and can be complied with reasonably.

[4] EVCA comments; ABB E-mobility comments
[5] EVCA comments; ABB E-mobility comments

PACT encourages the CEC to harmonize data reporting with other grant program requirements and to ensure that reporting requirements are not duplicative across CEC charging incentives.[6] As currently written, the inventory data requested from electric vehicle service providers ("EVSPs") regarding public charging stations is already collected by the California Air Resources Board ("CARB") and at the federal level by the Department of Energy's ("DOE") Alternative Fuels Data Center ("AFDC") in accordance with CARB's EVSE Standard. The CEC should engage in data-sharing agreements with both CARB and DOE's AFDC to access data on public charging infrastructure and reduce unnecessarily burdensome, duplicative reporting on behalf of the EVSP.

A. Public vs. Private Charging Inventory Data

PACT is concerned that the Staff Draft includes proposed data requirements that do not appropriately differentiate between public and private charging.

First, PACT encourages the Commission to consider what types of private charging data should be considered confidential. There have been incidents, as noted by Penske, of private charging stations appearing on various charging station location applications.[7] The Commission should consider actions to minimize this scenario, particularly in private charging depots where charging is for the sole use of a single fleet. Therefore, PACT supports Penske's recommendation that the CEC update *Table 5: Confidentiality* to include charger address, geographic coordinates, serial number, and port identification number under the "To Be Held Confidential" heading for private charging stations. This update will ensure that private entities will not have to file a request for confidential designation every time information under this program is required to be submitted.

Additionally, PACT recommends that the Commission inventory and utilization recordkeeping and reporting requirements be limited to publicly available charging stations. This is an unnecessary administrative requirement for private charging, and would be particularly onerous for small and large fleets. This information is not useful to the CEC as fleets utilizing private charging have infrastructure that is solely available to their fleet. It is not clear how information on all chargers, including those which are not funded by a state incentive and are solely for private use, is necessary to inform state progress on meeting EV infrastructure needs and goals. PACT also encourages the Commission to eliminate public disclosure of utilization data for private charging because of confidential business information ("CBI") concerns.

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[6] Penske Truck Leasing Comments on Proposed Changes to the California Energy Commission (hereinafter "Penske comments"); EVCA comments

[7] Penske comments

For public reporting requirements, PACT reiterates the above suggestion that the CEC harmonize data collection with other state agencies. Additionally, PACT encourages the CEC to anonymize or aggregate publicly available information.

VI. Conclusion

PACT appreciates the Commission's commitment to ensuring a positive charging experience across the state by establishing charger reliability standards. PACT looks forward to the final report and additional opportunities to work with the CEC on this and related efforts.

/s/
David Bonelli
Partner
Venable LLP
On behalf of PACT