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Plug In America Comments on Second Draft Proposed Regulations for EV Charger Inventory, Utilization, and Reliability Reporting

Additional submitted attachment is included below.

May 15, 2024

Dustin Schell
Air Resources Engineer
California Energy Commission
1516 Ninth Street Sacramento, CA 95814
Docket #: 22-EVI-04

Re: 2nd Draft Proposed Regulations for Electric Vehicle Charger Inventory, Utilization, and Reliability Reporting

Dear Mr. Schell,

Thank you for the opportunity to comment on the California Energy Commission's 2nd Draft Proposed Regulations for Electric Vehicle Charger Inventory, Utilization, and Reliability Reporting. We commend the CEC on the dedicated, comprehensive efforts to create regulations that will provide California with the data and tools needed to improve our charging infrastructure.

Plug In America is a nonprofit organization with a mission to accelerate the transition to affordable and accessible plug-in vehicles and charging through education, advocacy, and research. We represent electric vehicle (EV) drivers across the country and leverage their real-world insights to achieve seamless, accessible, and reliable EV user experiences.

Access to charging is one of the biggest considerations for consumers when transitioning to an electric vehicle. Plug In America conducts annual and quarterly surveys to understand the EV experience from a driver perspective across a range of topics. In March 2024, we conducted a quarterly survey on the public charging experience which confirmed that the charging process leaves room to be desired for all drivers, especially for those who do not drive Tesla vehicles.[1] According to our survey results, reliability is the biggest issue in public charging.[2] CEC's proposed regulations are timely and needed to address these concerns.

Plug In America supports this second draft of the proposed regulations. We offer the following reflections and recommendations to optimize CEC's proposed regulations for results that support a reliable, accessible charging experience across California.

- **Align with the federal National Electric Vehicle Infrastructure (NEVI) minimum standards to streamline requirements and create consistency for the market.** We appreciate the CEC's efforts to align the proposed regulations with NEVI and encourage

[1] The Public Charging Experience Survey, Plug In America, http://pluginamerica.org/wp-content/uploads/2024/05/2024.05-Q1-Quarterly-Survey-Public-Charging-.pdf
[2] The Public Charging Experience Survey, Plug In America, http://pluginamerica.org/wp-content/uploads/2024/05/2024.05-Q1-Quarterly-Survey-Public-Charging-.pdf

the CEC to continue to do so. We especially appreciate that the real-time data sharing requirement matches NEVI language and that uptime and excluded downtime also align with NEVI. We strongly encourage the CEC to continue to consider alignment with NEVI minimum standards to reduce redundancy and provide consistent, clear requirements for industry.

- **Continue to collaborate with the ChargeX Consortium to ensure alignment with the strong body of work being produced through the consortium.** As a participant of the ChargeX Consortium, Plug In America has experienced the expertise and knowledge-sharing firsthand. The ChargeX Consortium brings together EV industry stakeholders and consumer advocates to measure and improve public charging reliability and offers key insights for the CEC to include in the regulations.
- **Include the 97% uptime standard and 90% successful charge attempt rate (SCAR) proposal in the final regulations**. We thank the CEC for centering the consumer experience by requiring reporting on failed charging sessions. Plug In America strongly agrees with the CEC that the SCAR can help understand issues for the consumer that may not be well reflected by uptime metrics including failed payment attempts and interoperability failures.[3] We believe that the six-year timeline for the requirement starting January 1, 2026, is appropriate as it allows the industry time to comply with the regulations and offers a long enough duration to build a better picture of the charging experience and incentivize industry players to improve reliability. Additionally, we support the CEC's proposal that supply chain delays, labor unavailability, damage, and payment system failures are ineligible categories for excludable downtime to ensure the driver experience is well reflected in the uptime metric.
- **Include the proposed data-sharing requirements in the final regulations**. Plug In America supports the proposal for all publicly available networked Level 2 and DC fast chargers that received state and ratepayer funding and were installed on or after January 1, 2024, to share data. We especially appreciate that the language requires consistency with NEVI data-sharing requirements.
- **Update the proposed definition of "successful charge**." A "successful charge" is currently defined in the proposed regulations as "a charging session lasting for five minutes or longer, with the exclusion of charging sessions of less than five minutes that are terminated by the driver or stopped because of an emergency."[4] While we understand that most charging sessions last longer than five minutes, we believe that moving away from a time-based approach on this metric will strengthen it. A time-based approach sets an arbitrary threshold that may not tell the full picture of a successful charge. We encourage the CEC to consider an alternative definition that moves away from the time-based approach and addresses the range of charging behaviors and accounts for each charging session in full. We suggest that a "successful charge" should be defined by a charge of any duration as determined by the timestamps described in section 3124(e)(2) that is not ended by a defined set of error codes.

[3] Schell, Dustin, Ralph Lee, and Michael Dioha. 2024. Tracking and Improving Reliability of California's Electric Vehicle Chargers. California Energy Commission. Publication Number: CEC-600-2024-055-D2.
[4] Schell, Dustin, Ralph Lee, and Michael Dioha. 2024. Tracking and Improving Reliability of California's Electric Vehicle Chargers. California Energy Commission. Publication Number: CEC-600-2024-055-D2.

- **Specify types of "mechanisms" for EV charging customers to allow EV drivers to report issues.** We strongly support the CEC's proposal to require a mechanism to allow EV charging customers to report outages, malfunctions, and other infrastructure-related issues. We understand that networks and site hosts may not always know when a charger goes down and consumers can often be the first to identify an issue with a charger. We encourage the CEC to specify eligible mechanisms to satisfy this requirement, including but not limited to, a toll-free number, SMS, and app-based reporting.
- **Continue to center driver experience to prevent costs of regulation incurring higher costs for EV drivers**. While these regulations are necessary, we understand they may increase industry costs. Public charging can be expensive. Our survey results identified that over a quarter of respondents have reported that they have encountered charging costs that are too high.[5] We strongly encourage the CEC to continue to center the driver experience and minimize or eliminate charging costs for EV drivers to the extent possible. As noted above, we also encourage the CEC to continue to align with NEVI minimum standards to reduce reporting burden and costs to industry and maximize administrative efficiency.
- **Simplify the reporting standards to reduce the burden for multi-family housing charging site hosts.** Plug In America agrees with the CEC that it is key to understand the full landscape of charging across the state to better prepare for future needs and to address current issues. However, we are concerned that the current proposal places undue burden on multi-family housing (MFH) charging site hosts. MFH residents already often lack access to charging at home due to the additional complexity of providing residential charging at MFH locations, and we do not want these requirements to deter charging installation at MFH. We recommend that the CEC consider removing the uptime requirement for nonnetworked chargers at MFH locations to reduce the reporting burden for site hosts. Additionally, to prevent discouraging their deployment, we recommend the CEC explicitly exclude Level 1 outlets from the regulation as they are much simpler to maintain.

Thank you again for the opportunity to provide feedback and for your consideration of these comments. Please do not hesitate to reach out to Alexia Melendez Martineau, Senior Policy Manager, Plug In America at amartineau@pluginamerica.org with any questions or for further discussion.

Sincerely,

Joel Levin
Executive Director, Plug In America

[5] The Public Charging Experience Survey, Plug In America, http://pluginamerica.org/wp-content/uploads/2024/05/2024.05-Q1-Quarterly-Survey-Public-Charging-.pdf