DOCKETED	
Docket Number:	22-EVI-04
Project Title:	Electric Vehicle Charging Infrastructure Reliability
TN #:	256413
Document Title:	PowerFlex Comments_Revised EVSE Reliability Proposal
Description:	N/A
Filer:	System
Organization:	PowerFlex Inc
Submitter Role:	Public
Submission Date:	5/15/2024 4:35:36 PM
Docketed Date:	5/15/2024

Comment Received From: PowerFlex Inc
Submitted On: 5/15/2024
Docket Number: 22-EVI-04

PowerFlex Comments_Revised EVSE Reliability Proposal

Additional submitted attachment is included below.

May 15, 2024

California Energy Commission
Docket Unit, MS-4
715 P Street
Sacramento, CA 95814

Re: Docket No. 22-EVI-04—PowerFlex Comments on April 9, 2024, Staff Proposal and April 30, 2024, Workshop on Revised Proposed Regulations for Tracking and Improving Reliability of California's EV Chargers

California Energy Commissioners and Staff:

PowerFlex appreciates the opportunity to comment on the California Energy Commission's (Commission's) April 9, 2024, Revised Proposed Regulations for Tracking California's Electric Vehicle Chargers (Revised Proposal) and the April 30, 2024, workshop to discuss the staff proposal (workshop). PowerFlex is a leading installer, owner, and operator of distributed energy resources (DERs) including electric vehicle supply equipment (EVSE). With more than 10,000 EVSE installed in California, PowerFlex has significant experience with customer experience and reliability and is very supportive of the Commission's efforts to increase EVSE reliability. With this experience and perspective in mind, PowerFlex offers the following comments.

Installed vs Applied January 1, 2024, or After:

The Revised Proposal would make the new regulations apply to all publicly funded EVSE that have been installed beginning January 1, 2024. This would mean that projects that applied to publicly funded programs before 2024 and were installed in 2024 would be subject to these regulations. However, PowerFlex is concerned that some projects have applied to programs several years ago and are still waiting to be completed due to numerous delays that are outside the customers' and EVSE providers' control, including utility-side infrastructure upgrades. Projects that were designed and applied to programs before the original legislation mandating uptime reporting was signed into law did not contemplate the metering and data reporting necessary to meet this requirement. Consequently, PowerFlex contends that the cutoff for projects to comply with these requirements should be projects that ***applied*** to public programs***,*** rather than were ***installed***, January 1, 2024, or after. This would ensure that all projects held to uptime requirements were designed to do so and will be able to comply with the requirements.

Excluded Downtime – Vehicle Fault; Site Construction

The Revised Proposal has removed "Vehicle Fault" as an excluded downtime from Section 3124(d). In the workshop, staff explained that this was done to more accurately portray whether a charging session was successful. While PowerFlex understands and agrees with the need to accurately report successful charging attempts and EVSE reliability, conditions that are beyond the control of the EVSE and/or EVSE provider should be excluded from the uptime and successful charge attempts ratio. PowerFlex believes that staff agrees with this principle as well because exemptions such as "natural disasters," "vandalism," and "theft," which are all beyond the EVSE and EVSE provider's control, are all excluded downtime. In the same way that an EVSE/EVSE provider cannot control vandalism to a charger, an EVSE/EVSE provider cannot control whether a charging fault will occur on the vehicle's end. Any number of software and/or hardware issues on the vehicle side could result in the vehicle not charging, even when the EVSE would

otherwise be able to charge the vehicle. Thus, PowerFlex strongly urges the Commission to reinclude "Vehicle Fault" as an excluded downtime.

Additionally, PowerFlex requests that the Commission include "Onsite Construction" as an excluded downtime. PowerFlex has had sites that have had onsite construction that made chargers unavailable for several minutes to several days. The construction is unrelated to the EVSE and outside of the EVSE provider's control and therefore not a reflection of the EVSE being unreliable. Given that the reliability and successful charge attempt ratio metrics are designed to quantify the reliability of EVSE, PowerFlex contends that sites should have at least 72 hours of outage for non-EVSE related construction in a 12-month period, and if sites will be undergoing extensive construction that could make chargers unavailable for longer than 72 hours, EVSE providers should be able to notify the CEC and receive an exception for extraneous circumstances. These sites should inform customers, employees, or others who might charge at that location the duration that chargers will be unavailable due to construction so that drivers can plan accordingly. PowerFlex does not expect that this will be a frequent reason for chargers being unavailable, but a single site that makes chargers unavailable for several days due to construction could have a large impact on an EVSE provider's overall EVSE reliability. Thus, PowerFlex requests that the CEC include "onsite construction" as excluded downtime.

Definition of "Installed"

The Revised Proposal does not give a definition of "installed" for EVSE. However, during the workshop, staff indicated that it considers an EVSE installed when it is available for use by the public. This would assume that the site has acquired all necessary permits and, if relevant, permission to operate. PowerFlex asks that the CEC incorporate this into a definition of "installed" to clarify when an EVSE is expected to begin collecting and submitting uptime data.

PowerFlex appreciates the opportunity to provide these comments in response to the Commission's April 9, 2024, Revised Proposal and April 30, 2024, workshop and looks forward to collaborating with the Commission on this topic in the future. Respectfully,

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