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ChargePoint Comments on SB 123 Pre Rulemaking Workshop

Additional submitted attachment is included below.

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California Energy Commission
715 P Street
Sacramento, CA 95814
Docket No. 24-TRAN-02

RE: ChargePoint Comments on Proposed SB123 EV Charger Standards

On May 22, 2024, staff from the California Energy Commission (CEC) hosted a workshop on Senate Bill (SB) 123 to update stakeholders regarding an upcoming rulemaking to establish and clarify standards for electric vehicle (EV) charging equipment. ChargePoint has reviewed the workshop materials, the language in SB123, and we appreciate the CEC's diligence in initiating this rulemaking process and collecting stakeholder input.

Since 2007, ChargePoint has been committed to making it easy for businesses and drivers to go electric with one of the largest EV charging networks and a comprehensive portfolio of charging solutions. The ChargePoint cloud subscription platform and software-defined charging hardware are designed to include options for every charging scenario from home and multifamily to workplace, parking, hospitality, retail and transport fleets of all types. Today, one ChargePoint account provides access to hundreds of thousands of places to charge in North America and Europe. We wish to raise the following issues as items for the CEC to clarify in this rulemaking on EV charger standards.

Plug and Charge

44268.2 (a)(3)(B) sets a requirement for public fast charging stations installed on or after July 10, 2023, to be capable of Plug and Charge facilitated by the ISO 15118 protocol by July 2024. ISO 15118 is an interoperability protocol that standardizes communication between vehicle and charger, and one application of ISO 15118 is to facilitate Plug and Charge. However, Plug and Charge implementation also requires exchange of public key infrastructure (PKI) certificates between vehicle and charger for the purposes of security, which is not standardized in ISO 15118. Work to standardize PKI infrastructure is underway by SAE ITC and will not be complete for some time – at least one year or more. This means that it would be very challenging for the CEC to directly and broadly verify Plug and Charge capability in the foreseeable future, as Plug and Charge capability relies on the direct collaboration between auto OEMs and charger manufacturers, which is not standardized.

In the interim, this rulemaking should clarify if ISO 15118 conformance testing will be required, and if so, what test cases will be required to demonstrate conformance, and by when. It would be reasonable for applicable public DCFC to demonstrate ISO 15118-2 conformance after this rule language is complete and for the CEC to align its enforcement timeline with the availability of the CCS Extended independent certification by CharIN. It is not feasible to expect manufacturers to demonstrate ISO 15118-2 conformance by July 2024. We look forward to working with the CEC to provide more information on timeline for when a broader verification of Plug and Charge will be possible for public DCFC.

Additionally, ChargePoint is open to ISO 15118 Plug and Charge capability requirements applying to public Level 2 chargers at some point in the future. However, it is important to note that the industry is generally not as advanced in implementing Plug and Charge for Level 2 stations, so there is uncertainty as to when it would be reasonable to require new Level 2 stations to have Plug and Charge capability. At this time, ChargePoint recommends that should the CEC pursue Plug and Charge requirements for Level 2 stations, the rule should apply to public stations installed after mid-2025, at the earliest, with additional time to demonstrate Plug and Charge capability.

Publicly available spaces

44268(h) defines publicly available parking space. The SB123 language states, "Publicly available parking space shall not include a parking space that is part of, or associated with, a private residence, a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, visitors, residents of a common interest development, or residents of an adjacent building, or a parking space provided by a producer of electric vehicles as a service."

The underlined language could be interpreted to mean that an EV charging space operated by a producer of EVs would be exempted from requirements for public charging, if its chargers were restricted to EVs of some, but not all, vehicle makes. ChargePoint does not believe this is the intent of the language. In the California Air Resources Board (CARB) regulations supplanted by SB 123, it was made clear that a publicly available EVSE does not include "EVSE provided by a manufacturer of electric vehicles for the exclusive use by vehicles it manufactures."[1] ChargePoint believes this is an important clarification that the CEC should also adopt.

There are many chargers installed in California that are operated by an EV manufacturer and are open to some, but not all, other EV makes. It may take many months or even years for a charging network that was previously exclusively serving one vehicle make to open to all other makes. Any chargers that are not exclusively serving a single EV make should be

[1] CARB, "Electric Vehicle Supply Equipment Standards" § 2360(b), available at https://ww2.arb.ca.gov/sites/default/files/2020-06/evse_fro_ac.pdf

considered public chargers and should be expected to follow the same requirements as all other public chargers to ensure a level playing field across the industry.

Point of sale

44268.2 (a)(1) as amended by SB123, states that, "The total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for nonmembers, shall be disclosed to the public at the point of sale." We believe it is necessary to clarify the meaning of "point of sale" within this rulemaking. Point of sale may refer to display on the EVSE itself, or another display screen available to the driver, such as a phone-based app or in-vehicle dashboard display.

We urge the CEC to consider the overlap between this section and consumer Division of Measurement Standards (DMS) rules which have regulated EVSE used for a commercial purpose since 2021.[2] The DMS regulations have historically required certain EVSE to have an indicating element (i.e., a screen display) for the unit to display pricing. This requirement comes from the National Institute of Standards and Technology (NIST), which is a federal body that has established the specifications that EV fueling systems are expected to meet in Handbook 44.[3]

However, recent changes in the interpretation of NIST Handbook 44 indicate that using a display on a driver's phone via an app or in a vehicle's dashboard is an acceptable method to comply with the display requirements in Handbook 44. As a result, state and federal regulators are adjusting requirements for devices to receive national type evaluation program (NTEP) certification to certify devices without screen displays on the unit, but which display driver fees in-app or in-dash.

ChargePoint believes this change is important to reduce charger costs and accelerate charger deployment in private uses without sacrificing on transparency or driver experience, particularly for shared private chargers installed at workplaces and multifamily properties. This rulemaking should encourage consistency across all regulations applicable to EVSE and ensure shared private chargers may display driver fees in-app, rather than on the unit.

Membership in club, association, or organization

44268.2 (a)(1) as amended in SB123 states that, "Persons desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee in order to use the station, and shall not be required to obtain membership in any club, association, or organization as a condition of using the station."

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[2] Available at: https://www.cdfa.ca.gov/dms/pdfs/CA_EVSE_Regulation_Reference_Document.pdf

[3] The current edition of NIST Handbook 44, Section 3.40 related to EV Fueling Systems is available at: https://www.nist.gov/pml/owm/nist-handbook-44-current-edition

The CEC should clarify that a customer-facing app that can be downloaded online for free and requires account set-up to facilitate payment should not be considered a club, association, or organization as used in SB123.

Toll-free phone number and SMS-based payment

44268.2 (a)(3)(A) requires EVSE to accept payment via either an automated toll-free telephone number or a short message system (SMS). ChargePoint requests more clarity from the CEC on how network providers are expected to implement the phone number/SMS option. It is unclear whether the intent is to require networks to enable a driver to submit credit card information via a text message, which ChargePoint believes would present payment security issues and should not be supported by this regulation.

Signage

44268.2 (c) states, "Electric vehicle charging stations shall be labeled in accordance with Part 309 of Title 16 of the Code of Federal Regulations, and, where commercially reasonable and feasible, may be clearly marked with appropriate directional signage in the parking area or facility where they are located." ChargePoint does not believe the underlined language is a requirement for signage that should be strictly enforced, as there are many digital wayfinding options to help drivers locate chargers. Station operators should maintain discretion to utilize signage appropriate for their site, rather than be forced into a "one size fits all" signage requirement. However, should the CEC intend to enforce signage requirements, guidance is needed on what is considered "commercially reasonable and feasible."

Interoperability billing standards and OCPI

44268.2 (d) is legacy language that guided CARB's rulemaking on EVSE. Since it was passed and implemented by CARB, the Open Charge Point Interface (OCPI) has become a standard. The CEC should determine if it will broadly adopt OCPI, a specific version of OCPI (such as 2.2.1),or continue to allow California to have its own named OCPI version, which CARB implemented in its EVSE regulations.[4]

Conclusion

Thank you for consideration of these comments. ChargePoint looks forward to continuing to engage at the CEC for this rulemaking.

[4] § 2360.3 (b)

Respectfully Submitted,

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