DOCKETED	
Docket Number:	22-EVI-04
Project Title:	Electric Vehicle Charging Infrastructure Reliability
TN #:	261053
Document Title:	Electrify America Comments - Electrify America Comments on CEC Workshop on the Staff Proposal for Electric Vehicle Charging Station Utilization Reporting
Description:	N/A
Filer:	System
Organization:	Electrify America
Submitter Role:	Public
Submission Date:	1/10/2025 3:42:59 PM
Docketed Date:	1/10/2025

Comment Received From: Electrify America
Submitted On: 1/10/2025
Docket Number: 22-EVI-04

Electrify America Comments on CEC Workshop on the Staff Proposal for Electric Vehicle Charging Station Utilization Reporting

Additional submitted attachment is included below.

January 10, 2025

California Energy Division
715 P Street
Sacramento, CA
95814

RE: Electrify America comments on the California Energy Commission's (CEC) Workshop on the Staff Proposal for Electric Vehicle Charging Station Utilization Reporting Regulations

Dear California Energy Commission Staff:

Electrify America appreciates the opportunity to comment on the CEC's Staff Proposal for Electric Vehicle Charging Station Utilization Reporting Regulations and the related December 18, 2024, CEC Workshop. We are concerned with the new proposal and rationale presented at the workshop, which appears to be an effort to justify expanded data collection beyond what is allowed by AB 2061, the enabling statute. We remain concerned by the justification for expanding reporting requirements to include business sensitive confidential information from privately funded chargers under the Integrated Energy Resource Plan (IEPR), and the lack of response to repeated concerns that have been expressed by us and others in the industry.

About Electrify America

Electrify America is the nation's largest open network of DC fast chargers for electric vehicles (EVs), with over 4,400+ fast chargers across more than 1,000+ locations in North America, including over 1,200 chargers across nearly 270 locations open to the public in California. Electrify America is committed to building a future where EV charging is approachable, accessible, and powered by a network drivers can depend on.

Electrify America appreciates the importance of providing a reliable charging experience for EV drivers in order to drive continued adoption of zero-emission vehicles (ZEV), as supported by AB 2061. We believe uptime and recordkeeping requirements for publicly funded chargers on a go-forward basis is most appropriate.

A Competitive, Private Market for EV Charging is Necessary to Achieving California's EV Goals

If California is to achieve its transportation electrification goals, developing and maintaining a competitive market for EV charging is essential. Private companies must have a vested interest in expanding and maintaining the charging network while enhancing the consumer experience. While we support the CEC's EV charging incentive programs and utility ratepayer

investments to prepare for and accommodate EV charging, relying solely on taxpayers and ratepayers to cover the full cost of building out the network is neither feasible nor appropriate.

The CEC should focus on understanding, guiding, and supporting the EV charging market, including identifying and addressing gaps in access and opportunities to improve outcomes for EV drivers. Comments made during the recent workshop suggest that the CEC seeks to avoid overbuilding or underbuilding the EV charging network. This implies that charging infrastructure is primarily a publicly funded effort and that the CEC is responsible for determining the optimal number and utilization of chargers. We respectfully disagree with that assumption.

We appreciate the CEC's role in advancing California's transportation electrification goals, including its work on the AB 2127 report, and we fully agree that underbuilding the EV charging network would undermine the state's priorities. However, we suggest that market forces are best suited to address many questions of system optimization, and encourage the CEC to prioritize enabling a dynamic, competitive, private-sector EV charging marketplace that aligns with California's transportation electrification goals.

CEC Regulations Should Avoid Costly and Burdensome Data Reporting Requirements

For years, Electrify America and other industry stakeholders has shared concerns regarding onerous and burdensome data reporting requirements,[1] which will raise the cost to do business in California and increase charging costs for California EV drivers. Requiring privately funded EV service providers to disclose utilization data will be burdensome for the industry and will likely incur significant costs that will be levied on consumers. Already, it costs 31% more, on average, to design and construct an Electrify America station in California than it costs to build a station with the same number of chargers in another state. This higher cost per station results in California receiving fewer stations per dollar invested by Electrify America, and adding additional operating costs through unnecessary reporting requirements will increase costs and exacerbate affordability concerns even further.

We reiterate our past recommendations to:

- Avoid unnecessary, insufficiently justified and overly burdensome data requests, including session level data reporting from privately funded chargers.
- Avoid unnecessary reporting of proprietary data that could introduce privacy concerns, create cybersecurity threats, or disrupt the competitive EV charging market.
- Minimize additional cost burdens by coordinating with other agencies and aligning with existing reporting requirements wherever possible.
- Collaborate with industry, utilities, and others to address priority questions around evolving load shapes, consumer charging behavior, and other issues, through voluntary

[1] For example, see: https://efiling.energy.ca.gov/GetDocument.aspx?tn=233977&DocumentContentId=66780

data reporting or other mechanisms to address the concerns identified above and avoid perverse outcomes.
- Recognize the costs and complexities of ensuring data accuracy and avoid punitive approaches to enforcement that might add further burden and cost.

The Integrated Energy Policy Report (IEPR) Does Not Justify New Proposed Data Reporting Requirements

The new proposal to require session-level data from privately funded EV charging stations lacks sufficient statutory and practical justification. AB 2061 is explicit: Data reporting and uptime regulations "Only apply to electric vehicle chargers and charging stations that received an incentive from a state agency or through a charge on ratepayers."[2] Extending these requirements to privately funded infrastructure exceeds the mandate established in statute and represents an overreach of authority in the current proceeding.

Using the IEPR as justification for expanding beyond the scope of the AB 2061 rulemaking is both insufficient and inappropriate. The IEPR is designed to provide aggregate, state- and utility-level load forecasts, not granular site- or session-level charging data. Indeed, nothing about the inputs or outputs of the IEPR EV load model, as illustrated in slides 15 and 16 of the workshop presentation,[3] requires site-specific or session-specific data. Key inputs, as described on slide 17, are not session-level data, and are appropriately collected and represented in aggregate form. The rationale presented for why aggregated data are insufficient (slide 18), are either not pertinent to the IEPR (e.g., simultaneity of use at a site level) or can otherwise be captured through other means.

In fact, the CEC held a workshop on the IEPR demand forecast,[4] including the EV load model, less than a week before the workshop on the Staff Proposal for Electric Vehicle Charging Station Utilization Reporting Regulations. During that workshop, CEC staff highlighted the objective to develop EV load profiles, which is a "normalized" representation of hourly load from EV charging. The workshop described existing datasets used in the forecasts, and at no point mentioned a deficiency of data informing input load shapes, or a need for session level data or data from privately funded EV chargers. It noted that input load shapes and price elasticities are the same for all utilities and time-of-use (TOU) rates are held constant throughout the load forecast, reinforcing that aggregated data is sufficient for IEPR load forecasting.

[2] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2061
[3] https://www.energy.ca.gov/event/workshop/2024-12/workshop-staff-proposal-electric-vehicle-charging-station-utilization
[4] https://www.energy.ca.gov/event/workshop/2024-12/iepr-commissioner-workshop-draft-forecast-results

Existing reporting mechanisms already provide ample data for robust forecasting. Utility-level reporting requirements, CPUC mandates (such as D.16-06-011), and automated meter infrastructure (AMI) data offer comprehensive insights into EV charging patterns and load impacts. According to the CPUC:[5]

> Pursuant to D.16-06-011, the three large IOUs jointly file the annual EV Cost and Load Report to examine EV customer charging behavior and service and distribution system upgrade costs related to EV load. This report illustrates the costs of infrastructure installed through the IOUs' EV charging programs, and infrastructure installed through their Electric Rule 15 and 16, and the impact EV rates have on driver charging behavior. Beginning with the report filed in 2023, the IOUs will additionally report on data related to their EV Infrastructure Rules.

These data sources are well-suited to address IEPR forecasting needs without introducing duplicative, costly, and burdensome requirements on EV charging providers. Indeed, in the IEPR demand forecast workshop, staff specifically identified future AMI analysis as the source for improving and evolving load shape inputs into the IEPR EV load model.

To the extent the CEC seeks to analyze the impacts of TOU rates or other pricing mechanisms on charging behavior, such inquiries fall outside the scope of IEPR demand forecasts and are better addressed through statistical analysis of aggregated datasets rather than session-level data. The state already possesses sufficient tools and data streams to address these questions without imposing unnecessary compliance burdens on EV charging providers and additional costs on EV charging in California.

Using the IEPR as post-hoc justification to expand the scope of AB 2061 beyond its original legislative intent is inappropriate. Aside from the fact that the IEPR clearly does not require session-level charging data, if the IEPR were justification for the AB 2061 regulations, it should have been presented as such much earlier in the regulatory process for thorough stakeholder review. The CEC should focus on leveraging available data sources, including utility reports and AMI data, to ensure efficient and cost-effective EV infrastructure planning while respecting the boundaries of legislative intent. Given that the uptime recordkeeping and reporting standards are already well-past due, we urge the CEC to move forward with finalizing the regulations in-line with the statutory requirements of AB 2061.

CEC Regulations Must Protect Confidential Data

Electrify America appreciates that this proposal still auto-designates all utilization data as confidential and encourages the CEC to fully protect any reported session level data and prevent the disclosure of that information, even in aggregated form. Various stakeholder comments in the docket have pushed back against protecting this data, which elevates our concern and should give the CEC pause about collecting any data beyond what is absolutely

[5] https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/infrastructure/transportation-electrification/resources-and-reporting

critical to implementing the provisions of AB 2061 or other governing statutes impacting the CEC's EV and energy planning efforts.

It is unclear what purpose would be served by making public session-level charging data. This data is business proprietary and avoiding its public release is critical for supporting and maintaining a competitive marketplace for EV charging. Charging stations are connected to the grid – which is critical infrastructure – and to networks over which sensitive data is exchanged between vehicles, the grid and third parties. Any information that could open the sensitive and highly important EV charging ecosystem to bad actors could compromise California's EV charging network, today and in the future. This may include information such as charger address, geographic coordinates, charger serial number and charger and port unique identification information – all of which should be held confidential by the CEC as the default designation.

Conclusion

Electrify America appreciates the CEC's efforts to support the reliability of California's EV charging infrastructure. A positive customer experience and equitable access to reliable charging is a shared goal, and we look forward to continued collaboration with the CEC on this issue. Electrify America remains committed to partnering with the CEC to advance California's transportation and climate priorities, and we look forward to continuing to work with CEC staff on the EV charging station utilization regulations. Thank you again for the opportunity to comment and engage in this process.

Sincerely,
/s/
Rhiannon Davis
Director, Government Affairs
Electrify America, LLC