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**Dylan Jaff - EV Charging Parties on CEC's Commissioner
Workshop on Title 20 Data Collection Regulations**

Comments from Organizations: Electric Vehicle Charging Association, Enel X, Tesla, and Electrify America.

Additional submitted attachment is included below.



November 18, 2020

18-OIR-01
Dr. Andrew McAllister
Ms. Patricia Monahan
Commissioners, Energy Commission
1516 Ninth Street, MS-33
Sacramento, CA 95814

Re: Commissioner Workshop Title 20 Data Collection Regulations to Support New Analytical Needs – Phase 2

Dear Commissioners McAllister, Monahan and Energy Commission Staff,

On behalf of the undersigned organizations, we want to thank the California Energy Commission (CEC) for its leadership toward accelerating the growth and development of the electric vehicle (EV) charging industry. We share the CEC's vision for transportation electrification and want to further our partnership with you to achieve the state's 2025 charging infrastructure deployment goal, 2030 EV deployment goal, and Governor Newsom's recent executive order setting new targets on zero-emission vehicles (ZEV).

We recognize the importance of the CEC's role in implementing AB 2127, which calls for the CEC to assess charging infrastructure needs to support the levels of EV adoption required for the state to meet its ZEV and greenhouse gas reduction targets. Many in our industry supported the enactment of AB 2127 because we believed then, as we do now, that California should take the necessary steps to realize these critical electric vehicle supply equipment (EVSE) infrastructure and ZEV deployment goals.

Our understanding, however, is that AB 2127 is intended to help inform the state about how many chargers are needed to support its goals, not to inform where chargers are to be deployed, nor to

gain sensitive company-specific information about the dynamic ways users interact with particular chargers and networks.

We are concerned that the CEC's proposed data collection effort will have potentially negative consequences for the industry. Specifically, we believe the data collection proposed could compromise privacy and market competitive intelligence; would be at an overwhelming scope and scale; would overlap with data collection efforts by other state agencies; and could dramatically increase soft costs for charging providers at a time when there is critically important discussion in the state on how to reduce costs for third party providers. Moreover, we are concerned that this regulation would collect data for all charging infrastructure in the state, regardless of whether these chargers were funded with support from the CEC. Further, we are concerned by how this proprietary data may be used both by the CEC and eventually the public.

In July 2020, we submitted a joint letter requesting that the CEC clarify the specific questions it hopes to answer as part of the AB 2127 assessment, and to explain the connection the CEC has identified between those questions and the data that it has proposed for collection. Further, we participated in the CEC's October 27, 2020 workshop in order to further understand CEC's intentions and data needs under AB 2127 and the Integrated Energy Policy Report (IEPR) transportation forecast.

On each occasion, we have expressed concern with the practicality and necessity of CEC's proposal to require reporting of sensitive, detailed information regarding every transaction that occurs between an electric vehicle service provider (EVSP) and a customer at a charging station. To that end, we would strongly like to work with staff to find potential alternatives that would enable CEC to complete an accurate AB 2127 assessment without increasing station costs or imposing substantial new burdens.

In our own assessments and projections of the charging infrastructure need, we deploy aggregated data, as does the National Renewable Energy Laboratory (NREL) in its modelling. We have suggested that using aggregated data would satisfy the CEC's needs and that much of the requested data can be obtained from the California Public Utilities Commission (PUC) and California Air Resources Board (CARB).¹ This would avoid duplicative reporting requirements while providing the CEC with more insight regarding the more than 80 percent of charging activity that occurs at home and at work, and about which session-level data reporting can provide no insight. Finally, we have urged the CEC to consider the cumulative impacts of the four major recent regulations in California that each ultimately increase charging station "soft costs." At this critical juncture of California's infrastructure build-out, we recommend the CEC choose less burdensome and less costly options to avoid the state's regulations becoming a barrier to the attainment of California's transportation electrification and climate goals, in direct contravention of the Legislature's AB 2127 findings.

¹ EVgo built 550+ DCFC in California under the NRG settlement and submits regular compliance reports to the CPUC. For more information, see <https://www.cpuc.ca.gov/General.aspx?id=5936>. Electrify America reports detailed quarterly site-specific utilization data to CARB. Its reports are available here: <https://ww2.arb.ca.gov/resources/documents/electrify-america-reports>

Given these concerns, we share the following basic principles and recommendations for the EVSE Data collection effort as part of the forthcoming Title 20 data proceeding that we believe to be critical as we work in collaboration with the CEC to fulfill AB 2127 implementation and help provide valuable information to inform future IEPRs.

1. Data reporting requirements may increase soft costs for charging providers.

New, duplicative data reporting requirements add soft costs to charging providers at a time when California is focusing heavily on how to reduce costs in the EV infrastructure space. The EV charging industry has experienced lay-offs, reductions in revenue, and a slowdown in day-to-day operations during the COVID-19 induced recession. Meanwhile, ever-increasing, ever-evolving technological and data reporting requirements by state agencies will continue to increase costs in the EV charging industry. For some companies, reporting requirements of this magnitude would require data points from millions of transactions occurring annually.² Given the enormity of the data that the CEC is requesting EVSPs to review and process— including detailed information on each of millions of charging sessions that occur in the State – the cost impacts of this regulation will only exacerbate limited resources further.

As such, the CEC should recognize the increased administrative burden that additional data reporting requirements place on private companies and seek to minimize duplicative efforts as much as possible. We are particularly sensitive to cost impacts from this regulation exacerbating our already stretched resources during these uncertain times, and the resources necessary to implement new IT solutions to collect some of the data that CEC is requesting. The CEC should therefore look to automate any data reporting as much as possible, utilize already publicly accessible information, and consider using some of its funds to alleviate the cost impacts of data reporting.

2. The CEC should clarify what data requests may be duplicative, and how they can work collaboratively with other agencies to collect the data necessary to fulfill their statutory obligations under AB 2127.

EVSPs are already supplying the non-session level data or will soon need to provide it to the CEC, NREL, CARB, and the PUC. Additionally, some of the information that the CEC is seeking will be made available through other efforts, such as the Order Instituting Rulemaking to Continue the Development of Rates and Infrastructure for Vehicle Electrification (DRIVE OIR, R.18-12-006). For example, the DRIVE OIR process will require utilities to publish load profiles for commercial charging starting in March 2021. At this stage, it is unclear what the CEC is requesting data for that is not already being provided to other state agencies. As such, as stated during its workshop on data collection, we recommend that the CEC detail data reporting efforts underway, suggest opportunities to extract the data they need from these ongoing efforts, and explain where such efforts are insufficient to meet their goals, necessitating additional reporting from EVSPs. In order to streamline data reporting processes for all entities, the CEC may consider collaborating with NREL, PUC, and CARB to develop a single data source which provides all agencies the ability to

² For example, ChargePoint alone has 28 million charging session each year in California.

access the necessary data points to fulfill their statutory obligation, while minimizing duplicative reporting for the industry.

3. The CEC should seek to align with existing reporting timelines to minimize duplication.

Through the Electric Vehicle Charging Stations Open Access Act³ for publicly available stations, CARB is requiring EV charging companies to begin initial data reporting, with annual reports due on March 1, 2022. Thereafter, companies will have to report network-level transaction data on an annual basis, CARB changed from requesting session-level reporting to requiring network-level reporting during the development of its regulation, in order to reduce burden on charging companies. We respectfully request the CEC to align its reporting timeline with CARB's reporting start date, as well as require reports to be submitted on an annual basis. The CEC should also explore ways in which to gain access to CARB data that EVSPs are already submitting.

4. Some data reporting should be optional for parties, recognizing EVSPs' need to protect proprietary data, consumer information, and competitive intelligence.

EV charging data is a powerful tool: it informs companies' proprietary infrastructure deployment strategies and advances their respective business models. Such competitive intelligence is an asset owned by each company. Therefore, after assessing what information the CEC seeks is already publicly accessible, the CEC should work bilaterally with organizations to understand sensitivities around sharing certain information, such as session level data under the dynamic data collecting and determine which data reporting should be optional for non-CEC funded chargers.

5. Recognize the complexities of ensuring data accuracy.

The industry is committed to providing accurate data. However, such an extensive data collection effort raises additional questions for this regulatory process; for instance, how does the CEC plan to enforce data accuracy? Will companies have to build additional verification processes into the compiling and sharing of this data to ensure compliance? We respectfully request the CEC recognize the potential for unintended reporting imperfections and provide for a pathway in the enforcement process of this regulation that takes this complexity into account. This should be coupled with the opportunity for charging companies to provide this data in aggregate and a consideration of what should be optional versus required after assessing other data collection efforts in the state.

Conclusion

We appreciate the CEC proactively reaching out to charging companies early in this process to discuss its goals with the regulation and collect feedback. Our respective organizations look forward to further dialogue on this topic with the CEC. We hope to further this process by discussing how to implement these principles with the CEC, addressing any technical questions, and providing additional information to staff.

³ <https://ww2.arb.ca.gov/our-work/programs/electric-vehicle-supply-equipment-evse-standards>

Thank you for your consideration and we look forward to our continued partnership in realizing California's transportation electrification goals. Thank you for your consideration.

Sincerely,

Abdellah Cherkaoui
Electric Vehicle Charging Association

Marc Monbouquette
Enel X

Francesca Wahl
Tesla

Matthew Nelson
Electrify America

Cc: Commission Chair, David Hochschild, MS-32
Tyson Eckerle, Governor's Office of Business & Economic Development, ZEV Market
Development
Hannah Goldsmith, Governor's Office of Business & Economic Development, ZEV Market
Development