

**DOCKETED**

<b>Docket Number:</b>	22-EVI-04
<b>Project Title:</b>	Electric Vehicle Charging Infrastructure Reliability
<b>TN #:</b>	252763
<b>Document Title:</b>	CalETC's Comments on the Draft EVSE Reporting Regulation
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	CalETC
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	10/25/2023 3:17:05 PM
<b>Docketed Date:</b>	10/25/2023

*Comment Received From: CalETC  
Submitted On: 10/25/2023  
Docket Number: 22-EVI-04*

## **CalETC's Comments on the Draft EVSE Reporting Regulation**

*Additional submitted attachment is included below.*



October 25, 2023

California Energy Commission  
California Department of Transportation  
Re: Docket No. 22-EVI-04

Submitted electronically to [https://efiling.energy.ca.gov/EComment/EComment.aspx?  
docketnumber=22-EVI-04](https://efiling.energy.ca.gov/EComment/EComment.aspx?docketnumber=22-EVI-04)

**Re: Draft Regulations for Improved EVSE Inventory, Utilization, and Reliability Reporting**

The California Electric Transportation Coalition (CalETC) appreciates the opportunity to provide comments on the draft Regulations for Improved EVSE Inventory, Utilization, and Reliability Reporting (Draft Regulations). CalETC would like to thank the CEC for all your hard work on developing the Draft Regulations and commitment to meeting California's goals with reliable charging infrastructure.

CalETC supports and advocates for the transition to a zero-emission transportation future to spur economic growth, fuel diversity and energy independence, contribute to clean air, and combat climate change. CalETC is a non-profit association committed to the successful introduction and large-scale deployment of all forms of electric transportation. Our Board of Directors includes representatives from: Los Angeles Department of Water and Power, Pacific Gas and Electric, Sacramento Municipal Utility District, San Diego Gas and Electric, Southern California Edison, Southern California Public Power Authority, and the Northern California Power Agency. In addition to electric utilities, our membership includes major automakers, manufacturers of zero-emission trucks and buses, electric vehicle charging providers, autonomous electric vehicle fleet operators, and other industry leaders supporting transportation electrification.

CalETC supports the Draft Regulations and believes it is a good first step toward improving the accuracy of charging needs forecasts, charger reliability, and grid planning. CalETC appreciates the CEC's candor about needing better data on charger inventory and utilization to improve the estimate of the state's charging needs, and reporting on reliability to inform the reliability regulation. CalETC also appreciates CEC's recognition that a successful charging experience relies on coordination between multiple stakeholders, including EV charging equipment manufacturers, charging network operators, automakers, utilities, payment processors, EV drivers, and more.

CalETC recognizes that an uptime requirement is just one part of a larger strategy to improve the charging experience in California. From an EV driver's perspective, a charger that works is paramount. Uptime and successful charge attempts are important metrics for studying and benchmarking reliability, and we must ensure we continue to focus on addressing the root causes of unreliable chargers. We commend the CEC for the recognition that the need to standardize error codes to get more clarity on root causes so we can address them. We support the CEC's approach to setting an uptime requirement by collecting data first to better tailor the regulation,

but we must acknowledge that right now charger reliability is a problem that is receiving considerable attention from the public, the legislature, and the media. Therefore, we recommend that the CEC create and maintain an index of its funding programs that shows how much of the current CEC and Federal NEVI funding is subject to the 97% percent uptime requirement and provides a percentage of deployed infrastructure that is subject to the 97% uptime requirement. This will demonstrate to stakeholders, legislators, and the public how much of California's infrastructure funding is subject to the existing uptime requirements.

CalETC recommends the CEC standardize and align all reporting requirements for electric vehicle service providers (EVSPs) and site hosts. This could take the form of a comprehensive list or index of the reporting requirements EVSPs and site hosts are subject to, including all state and federal reporting requirements. Aligning reporting requirements will ensure that there are no duplicative requirements that cause unnecessary costs or undue administrative burden. To this end, CalETC recommends that CEC work with the California Air Resources Board to eliminate duplicative reporting under CARB's Electric Vehicle Supply Equipment (EVSE) Standards and execute a data sharing agreement with CARB to receive existing inventory data on chargers subject to CARB's EVSE Standards. The inventory data fields CEC proposes to collect are duplicative of the data fields EV charging network operators are already required to report to CARB pursuant to the EVSE Standards for publicly accessible chargers and, by sharing data between agencies and combining existing reporting requirements, the CEC can reduce the administrative burden of the Draft Regulation.<sup>1</sup> Stakeholders need a clear signal that the CEC is planning to simplify reporting to a single regulation and that this regulation aligns with federal requirements.

CalETC recommends establishing a process to share the non-confidential inventory data with the utilities to improve grid planning. We recognize that grid planning is not the purpose of this regulation, however, we encourage access to as many non-confidential data points as possible and charger location is a critical data point in the grid planning process. To that end we recommend including an electric utility service provider(s) designator as part of the inventory reporting. That way the data can easily be sorted by utility and data requests by a utility can be easily fulfilled, which will help utilities track their progress towards meeting the AB 2127 Report's targets. Additionally, CalETC recommends the CEC provide some criteria for what would qualify a location to be made confidential to add transparency to the process. We further recommend that if a location is allowed to be made confidential the utility designation still be required so that a utility can know how many confidential chargers are in its territory.

Regarding the requirement in Section 3124(d)(2) for excluded downtime due to grid power loss that requires the utilities to provide documentation detailing the outage, we recommend the CEC consider an alternative means to certify that a power outage occurred including information from

---

<sup>1</sup> See CARB's Electric Vehicle Supply Equipment Standards, available at [https://ww2.arb.ca.gov/sites/default/files/2020-06/evse\\_fro\\_ac.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-06/evse_fro_ac.pdf).

a utility website, CPUC website, or other source. CalETC would be happy to set up a meeting with CEC and utility staff to discuss how outage documentation could be provided more efficiently.

Also, under Section 3124(d)(2), the definition of grid power loss for excluded downtime must account for chargers that are utility owned and operated. As written, utilities would be the “third party” and unable to claim grid power loss as excluded time. We recommend the definition of “grid power loss” include an exception where the third-party provider is the recordkeeping and reporting agent and is allowed to claim grid power loss as excluded downtime.

CalETC recommends reviewing the definition of “public and/or ratepayer funded charger” because Section 224.3 of the Public Utilities Code is limited to a “municipality or municipal corporation operating as a ‘public utility’” and does not include investor-owned utilities, only publicly owned utilities, and community choice aggregators. Additionally, we recommend the CEC clarify that “ratepayer funded” sites are defined as sites that receive an incentive or rebate for the EVSE or EV charging infrastructure that is funded by utility ratepayers. Adding this clarification to the definition will eliminate any confusion about projects that are using a tariff to install infrastructure as there is always some amount of utility or ratepayer funding for the utility-side infrastructure.

CalETC appreciates the difficulty in striking a balance between collecting and allowing public review of relevant information with the need to safeguard commercially sensitive information. CalETC recommends that charger reliability data not be publicly disclosed on a granular per-port basis as currently proposed in the draft regulation. Instead, CalETC recommends that any public reporting of reliability data should only be done on an aggregated basis to address root causes. For example, it would be appropriate to share statewide average of uptime percentages and percentages of successful charge attempts with all other reliability data remaining fully confidential.<sup>2</sup> CalETC also recommends that sensitive inventory data, including EVSE model, serial number, charger ID, and port ID not be disclosed publicly for any charger; disclosing this information unnecessarily increases cybersecurity risks that could hamper EV charger reliability. The CEC could consider collecting the make of chargers and disclosing this publicly as it does not cause the same cybersecurity concerns.

The regulation is set up to apply to chargers installed on or after January 1, 2024, which does not provide a long enough runway for regulated parties to prepare for and begin compliance. Many charging projects are already under contract but will not be installed until after January 1, 2024. These projects did not contemplate the Draft Regulation's requirements, which may result in network providers needing to increase or renegotiate service costs. CalETC recommends

---

<sup>2</sup> To fully protect confidential data from being unduly disclosed to the public, CalETC recommends that CEC remove Section 2507(f)(1)(D) in the draft regulation: “(D) Confidential data provided pursuant to section 3123(b)(2)(K) or (b)(3)(B)(1) through (b)(3)(B)(3), or section 3125(b)(4), of Article 2 of Chapter 12 may be disclosed in the following manner: 1. For an individual charging network provider or charging station operator, data aggregated at the county or census tract level by year and customer sectors. 2. For the sum of all charging network providers or charging station operators, data aggregated at the county or census tract level by year and customer sectors.”

October 25, 2023

CalETC's Comments on the Draft Regulations for Improved EVSE Inventory, Utilization, and Reliability

**Page 4**

considering whether the regulation should apply to chargers installed after July 1, 2024 and/or parties that enter into a contract to build chargers after January 1, 2024.

Finally, we recommend removing the caps on preventative maintenance and vandalism or theft in excluded downtime. At this early stage of the regulation, we recommend collecting data on how long it takes for maintenance and repairs to occur and then determining what an appropriate cap should be. CalETC is concerned that upholding a maximum five-day excluded downtime maximum for downtime may ultimately discourage EV charging providers from developing charging infrastructure in areas that experience repeated instances of vandalism and equipment damage outside of the EVSP's control. Moreover, supply chain shortages have lengthened the time for receiving replacement parts and we are concerned that EVSPs and site hosts will be unfairly penalized when they are diligently working to repair broken chargers. Finally, because many instances of vandalism, as defined in the draft regulation, are not criminal in nature, driven by customer behavior, e.g., drivers repeatedly dropping or running over connectors, and do not involve third party documentation, CalETC recommends that third-party documentation not be required to claim excluded downtime for vandalism.

Thank you for your consideration of our comments. Please do not hesitate to contact me at [kristian@caletc.com](mailto:kristian@caletc.com) should you have any questions.

Kind regards,

A handwritten signature in blue ink, appearing to read 'KTC', with a long horizontal flourish extending to the right.

Kristian Corby, Deputy Executive Director  
California Electric Transportation Coalition