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**Ford Motor Company Comments on Second Draft Staff Report
Tracking and Improving Reliability of California's EV Chargers**

Additional submitted attachment is included below.



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Docket No. 22-EVI-04

California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Ford Comments: CEC, *Second Draft Staff Report Tracking and Improving Reliability of California's Electric Vehicle Chargers* (April 9, 2024)

Ford Motor Company (Ford) thanks the staff and leadership at California Energy Commission for considering these comments. This is a vital moment for the development of electric vehicle charging infrastructure, and we appreciate the Commission's taking comments on such an important topic.

Ford is committed to addressing the charging infrastructure challenges for the success of the EV transition. In addition to providing the BlueOval™ Charge Network for convenient public charging, Ford Pro and Ford Pro Charging provide the hardware and software to ensure private fleet customers have reliable infrastructure to power their growing EV fleets. Ford supports the need for actions to improve charger reliability and continues to be engaged across the charging ecosystem in efforts to support reliability for our customers.

Ford understands that in order for California to support the transition to electric vehicles, a growing, reliable, widespread, and accessible charging network will need to be deployed. At the same time, Ford understands that the California Energy Commission will need to be a responsible steward of public funding for chargers in order to help realize that vision. Ford does have concerns, however, that the regulations under the currently proposed framework apply many of the same requirements to both charging infrastructure that is available to the general public and to charging infrastructure that is only made available to "behind the fence" private fleet chargers, which could have the effect of dampening the deployment and use of commercial fleet charging infrastructure.

Currently, the primary barriers to deploying charging infrastructure are cost, complexity, and long deployment timelines. In this context, it is important to note that the use case and driver experience for private fleet chargers fundamentally differs from chargers that serve the general public. In particular, much of the data generated from the use of fleet chargers will be needed for commercial purposes, and in many cases will be subject to confidentiality, data privacy and ownership agreements and proprietary concerns. Ford agrees that the California Energy Commission will need access to certain metrics, including certain location and usage data for all chargers that receive public funding in order to execute its mandate, including private fleet networks. However, by definition, the nature of those reporting requirements will differ from those applicable to publicly available charging. Therefore, certain

flexibilities will be required in order to accommodate the reasonable commercial needs of the fleet users. As currently drafted, the proposed regulations apply the same requirements to public and private networks, which doesn't take into account those commercial needs, and also imposes an additional administrative burden and cost to fleets without a demonstrable benefit to the public (as they are not being served by such chargers), which we believe will impact the ability to efficiently and quickly deploy and expand charging infrastructure for fleet customers.

To thread the needle between assessing, monitoring, and ensuring infrastructure progress and needs while mitigating the potential of dampening private fleet charger deployment growth, Ford offers the following for consideration:

- I. Nuanced Approach To Private "Behind the Fence" Fleet Charging:** Fleets, particularly those subject to the Advanced Clean Fleets rule will need to expand charging to support increasing vehicle electrification. Currently, fleets face significant infrastructure challenges in terms of cost, complex processes, and long deployment timelines. The regulations as drafted would exacerbate these issues by increasing administrative burden and cost.
 - a. In addition to the recommendations below, Ford proposes consideration of alternative approaches, including using existing compliance reporting requirements such as the CARB Advanced Clean Fleets rule, to assess adequate charging deployment vs. State electrification goals and targets. Should fleet chargers be implemented in a shared capacity, offering charging services in exchange for requiring [individual] payment similar to public chargers, those particular applications could be treated similar to those outlined in the current CEC regulatory framework.
 - b. Uptime is critical for drivers in a public charging application; unavailable chargers erode confidence, instill range anxiety and limit a driver's available options. The legislative findings for AB 2061 (from which the uptime recordkeeping and reporting requirements derive) are focused on the need for publicly available charging stations "to be highly reliable so that consumers can depend on them no matter where they are." Conversely, fleets have charging options very specifically tailored to defined vehicle business and operational needs, which do not merit nor require the same level of stringency in respect of individual availability as a public charging application. Charger availability, use, and future intended deployment on a fleet basis, provides a more meaningful and operationally flexible metric for charger adequacy for this segment.

- II. Reporting & Data Sharing Increase Administrative Burden & Cost, Potentially Slowing Charger Deployment - Particularly for Fleet Applications**
 - a. The contractual relationship between a fleet charging provider and its customers will typically be significantly different from those present in public charging network applications. A fleet customer needs access to a wide range of information that it will utilize for strictly commercial reasons under a variety of circumstances, while a typical public charging user will be provided only certain basic information relating to their individual use of a charger (particularly time, charge rate, and cost). In the private context, the same basic contract will apply to all individual users. On the other hand, contracts between charging providers and fleet customers are individually and specifically negotiated. Those contracts will typically contain both requirements to produce and share very strictly defined types of data from the installation and use of fleet chargers, as well as restrictions on the ownership and use of such data. Those contracts

will also typically contain confidentiality and other restrictions on access to and use of proprietary company information.

- b. In many cases, private fleet customers have already entered into contracts with third party providers relating to the deployment and use of fleet charging networks. For both existing and new fleet contracts, impacts to customer confidentiality, data privacy and commercial protections could hinder the willingness of fleet customers to participate in the deployment and expansion of fleet charging networks, as well as hindering the ability of private fleet charging network providers to introduce and improve the necessary applications to generate the necessary customer experience, which would also likely negatively impact EV fleet adoption.
- c. In private networks, the entity receiving the funding and owning operational and charging metrics (e.g., the fleet) may be different than the entity measuring and providing the network service (e.g. Ford Pro Charging). This can lead to confusion in determining the correct reporting entity, as well as data ownership and sharing concerns not contemplated in the currently negotiated agreements, especially if such regulations are retroactive.
- d. Some proposed metrics, including “near real-time uptime data” are not useful measures for a private network given availability of such information outside of the private fleet is not of value to anyone other than the fleet. Reporting and meeting performance against such metrics would create reporting and data transmissions requirements without demonstrated improvement to the customer charging experience. Private fleets already have designed specific metrics that are important to their operations and their transition to EVs. Flexibility such as accounting for planned down time (for example a fleet that is only operating chargers for a set number of hours a day) are not sufficient as they create unique calculations with no demonstrable benefit. Additionally, flexibility for some confidential information not being shared publicly similarly can introduce reporting requirements without a demonstrated benefit. To require fleets to submit this type of data without public disclosure might help with confidentiality concerns, but still impose cost and complexity and inadvertently create an environment where private fleets do not pursue public funding. This all could slow the EV transition. Private fleets are a key element of the EV transition – including in many cases areas of high pollution, near industrialized corridors, and/or in or adjacent to disadvantaged communities.
- e. The proposed regulations impinge on all of the foregoing in a way we believe will disincentivize or slow fleet EV adoption. The costs, administrative burden, and business operational implications of business data transmission, compliance overhead, uncertain enforcement and penalties, and public disclosure of sensitive business information could be a disincentive for fleet EV adoption as these requirements do not apply to internal combustion vehicles. Uncertainty and the burden of transition (charger installation, operational impacts, driver training, etc.) is already a major barrier to EV fleet introduction. Additional regulatory requirements should be evaluated in this context, and weighed against the benefit to improving charger adequacy, reducing cost, and increasing deployment timelines, especially as sensitive private fleet business and operational information may be required for disclosure, even if anonymized or assured to be kept confidential.

III. Further Considerations and Recommendations

- a. Ford recommends aligning metrics with Federal requirements especially those being developed through the National Charging Experience Forum (ChargeX).

- b. Ford recommends creating a specific definition for a charger being considered “online” for uptime calculations based on the ability to dispense energy rather than a network connectivity requirement.
- c. Ford is opposed to this regulation being applied to infrastructure retroactively. Some customers may not have the ability to meet these reporting requirements and were unaware at the time of installation that this data would be required. Additionally, if enforcement measures included the clawback of public funds or infeasible requirements for already installed infrastructure, the infrastructure might actually be removed from operation and future contracts canceled.
- d. Regarding the Successful Charge Attempt Rate, this metric may include factors outside of the charging network providers control and incorrectly reflect the source of charging error with reporting. For example, the percentage of failed charge attempts due to customer payment method issues. As an alternative, and as a first step to identify and correct error states, Ford suggests requiring the categorization of failed charge attempts rather than a minimum percentage.

Ford is committed to working with the CEC and stakeholders in the development of a regulatory framework and approach that recognizes the nuances of private fleet charging applications, limits administrative burden and cost while ensuring reliability, and supports accelerated charging deployment in line with the needs of the State of California's ZEV and electrification targets.

Thank you again for your time and consideration. Please feel free to contact me or Jeanette Clute, Electrification, Charging and Energy Services Policy Manager, at 313-600-2597 or jclute@ford.com if Ford can provide any additional information or support.

Sincerely,



Cynthia Williams