

DOCKETED

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EVCA Comments in Response to Second Draft Reliability Regulation

Additional submitted attachment is included below.



May 15, 2024

California Energy Commission
Docket Unit, MS-4
Docket No. 22-EVI-04
715 P Street
Sacramento, California 95814

RE: 22-EVI-04 and Electric Vehicle Charging Infrastructure Reliability - Comments In Response to Second Draft Staff Report

Dear California Energy Commissioners and Staff,

The Electric Vehicle Charging Association (EVCA) appreciates the opportunity to submit comments in response to the Second Draft Reliability Regulation.

EVCA is a not-for-profit trade organization of 23 leading EV charging industry member companies and a zero-emission autonomous fleet operator. The association was established in 2015 to comprehensively represent the entire EV charging value chain and provide a collective industry voice for decision-makers in California.

We support the CEC's efforts to advance electric vehicle (EV) charging infrastructure within the state and share a vision of providing access to highly reliable and dependable charging stations, while bolstering consumer confidence. As stakeholders dedicated to enhancing the EV charging experience, we acknowledge the importance of implementing reliability-focused regulations pursuant to Assembly Bill (AB) 2061 and AB 126.

The EV charging industry contends that the CEC's draft regulation must advance the agency's understanding of the root causes of charging experience issues while simultaneously protecting confidential business information, reducing administrative compliance burden, and acknowledging the ongoing efforts industry stakeholders are making to improve the EV charging experience as infrastructure deployment scales. To this end, we have identified specific comments for the Commission's consideration in developing a final regulation in accordance with AB 2061 and AB 126.

We offer the following recommendations to the CEC:

1. Real time data sharing.

As currently drafted, section 3130 creates the impression that charging networks must provide this data to third parties **with no conditions**. If there are no conditions related to data privacy, use, and protection, it creates several risks, including but not limited to:

- Third parties would not be bound to using the data as is intended by this regulation – to develop a free public facing mobile app that helps drivers find and use charging stations.
- Third parties could use the data to estimate charger utilization and use that information to then compete against the companies they received the data from.
- Third parties could sell any and all of the data to any other party.

Such scenarios leave charging networks vulnerable to unfair competition from these entities. Therefore, EVCA recommends adding a provision to section 3130 as follows: “nothing in this section prohibits charging network providers from setting terms and conditions when sharing their real-time data.” This simple disclaimer would protect charging network providers from potential misuse of their real-time data or other predatory business practices.

2. Definition of a successful charge attempt (SCAR).

EVCA strongly suggests that the CEC aligns with the definition of a SCAR and associated 90% target with the definition and target being developed by the ChargeX Consortium.

EVCA notes that the work of ChargeX remains ongoing to put key performance indicators (KPIs) into practice and establish benchmarks for the industry. While the ChargeX proposed metrics are a significant step forward, the work is far from complete, and industry needs time to further refine and implement them. We urge the CEC not to get ahead of the ChargeX process, which is iterative by nature. Our recommendation is to align the SCAR metric as closely with ChargeX as possible to avoid duplication of effort and confusion that would ensue if there are competing definitions of “charge success.”

3. Excluded Downtime, Outage for Preventative Maintenance or Upgrade.

We commend the CEC’s general alignment with the National Electric Vehicle Infrastructure (NEVI) program funding requirements regarding the uptime formula. However, we do have some concerns with the stipulations related to preventative

maintenance. Specifically, the regulation requires that preventative maintenance be scheduled at least two weeks in advance of a charger being placed in an inoperative state. Additionally, it limits maximum downtime for preventive maintenance or upgrade work to 24 hours for any 12-month period.

- *Outage for Preventative Maintenance or Upgrade:* Preventative maintenance and upgrade activities enhance charger reliability and improve the driver experience. For example, preventative maintenance visits can include replacing air filters and inspecting the fan cabinet, power modules, DC fuse(s), CPI board, connectors and more. These inspections require close visual examination, and when necessary, based on inspection, can include part replacement to avoid unplanned downtime in the future. Additionally, regular preventative maintenance activities are conducted by network providers. These activities are directly correlated to improved charger uptime and can require more than 24 hours of work in a 12-month period. Beyond the preventative work already mentioned, “upgrades” could also include additional in-field work like adding a NACS connector. With these activities in mind, EVCA recommends that the CEC increase the maximum allowable downtime exclusion to at least 72 hours in a 12-month period.

Additionally, EVCA is concerned with the requirement for companies to provide a notification to the CEC two weeks ahead of planned preventative maintenance or upgrade activities. Providing a two-week notification for preventative maintenance adds significant administrative burden and it is unclear what value that would provide to CEC. EVCA acknowledges the need for detailed reporting of what work was conducted within the claimed hours, but recommends that the CEC consider removing the requirement to notify the CEC prior to preventative maintenance or upgrades.

- *Vandalism:* EVCA appreciates the CEC’s consideration of vandalism as an excluded downtime category. In many cases, vandalized chargers can be repaired within five days as described in §3124(d)(4). However, vandalism of public EV charging stations has become more frequent and more severe in certain areas. In instances when cable and connector part availability is scarce, or when on-site electrical equipment that supports chargers is damaged, vandalism can take significantly longer than five days to resolve. Moreover, charging stations that have been repeatedly vandalized may take longer to bring back online. In light of these circumstances, EVCA recommends that CEC preserve the option to authorize additional excluded downtime for vandalism on a case-by-case basis depending on the severity of the equipment damage. This approach has been adopted in CEC agreements

with EVSPs and provides the CEC with flexibility as it learns more about the prevalence of EV charging-related vandalism.

- *Communication Network Outages*: Requiring chargers to default to free charging during communication outages could potentially be exploited by individuals, leading to system manipulation. Therefore, we oppose the provision to require free charging in the case of communication network outages.

4. Utilization data.

EVCA respectfully requests that the collection of utilization data is removed from the regulation. Because all chargers in California would be expected to report utilization data, regardless of whether they receive public funding, we are concerned that a requirement to report this data would have a chilling effect on infrastructure deployment. This data is not only commercially sensitive, but not necessary to improve the CEC's understanding of charger needs in California. At a minimum, EVCA recommends that CEC retain the provision in the regulation that ensures that all EV charger-level utilization data will be designated confidential.

5. Charger-level reliability data.

EVCA encourages CEC to clarify that any charger-level reliability data submitted to the CEC remains confidential and protected in §2505(a)(5)(B)(10). Many EVSPs and technology platforms already provide customers with an array of free, widely available information on EV chargers and the EV charging experience. Popular platforms such as Google Maps allow drivers to see reviews from drivers that have previously visited charging stations, rate their own charging experience, and access real-time station information. CEC's intent to publish detailed biennial reports on EVSPs' reliability metrics, which will inherently lag behind the current performance of charging stations, may inadvertently drive customers toward certain chargers based on outdated information. EVCA encourages the CEC to instead present EV charging reliability data on a statewide, aggregated basis to prevent unintended consequences that have competitive impacts on EVSPs.

6. Real-time transfer of OCPP status data.

EVCA understands that it is the CEC's intent, for chargers installed after January 1, 2026, to collect certain OCPP data units within 60 minutes of operative status changes. EVCA recommends that the CEC revise its requirement for OCPP operative status data to be a recordkeeping, rather than a real-time reporting, requirement consistent with the requirements for publicly funded chargers installed between January 1, 2024 and December 31, 2025 as specified in §3125(c) of the draft regulation. EVCA is concerned that submitting real-time OCPP logs could include the transfer of personally identifiable information (PII) to the CEC and that relying solely on OCPP logs will not provide an accurate picture of charger uptime. For example, dual-port

chargers that do not support simultaneous charging will set the second, unused connector as “Unavailable” when the other connector is in use. However, this message does not mean that the second connector is “down” but rather means that it cannot be used while the other connector is actively charging an EV. With the transition to OCPP 2.0.1, the CEC would not be able to easily distinguish when a charger is in maintenance (and therefore “down”) and when the charger/connector is “Unavailable” but otherwise “up”. It will be less data-intensive and easier to manage if enrolled charging network providers are required to retain OCPP status data for two years and share it with the CEC upon request.

7. Timelines.

Should the CEC move forward with real-time data sharing via API for OCPP data units, we appreciate that the CEC intends to provide EVSPs with an opportunity to review the draft API and provide feedback on the method of data collection. This will allow proper time for impacted stakeholders to understand the new requirements, update their processes, and ensure full compliance. EVSPs will require time to collect the data and build the internal reporting systems to be able to share with the CEC. This will allow for a balance between the need for regulatory compliance with the practicalities of real-world adjustments.

Finally, EVCA is very appreciative of the efforts being made to enhance reliability of new chargers and encourages the CEC to take a solutions-oriented approach to enhancing the EV charging experience. As a first-mover on EV charging, California has a significant number of legacy chargers that are at the end of their useful lives that do not meet the performance of the current generation of charging equipment. More solutions targeted at replacing and upgrading these chargers will be core to strengthening the reliability of California’s overall charging network.

Thank you for the opportunity to respond to the CEC’s draft staff report on tracking California EV chargers. We look forward to continued engagement with the CEC and other stakeholders to refine and improve the regulations, ensuring they align with the evolving needs of the EV charging industry and the state's broader ZEV goals.

Sincerely,

Reed Addis
Governmental Affairs
Electric Vehicle Charger Association