

DOCKETED

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PowerFlex Comments_Payment Methods Workshop

Additional submitted attachment is included below.



June 4, 2024

California Energy Commission
Docket Unit, MS-4
715 P Street
Sacramento, CA 95814

Re: Docket No. 24-TRAN-02—PowerFlex Comments on May 22, 2024, Workshop on Proposed EV Charger Standards Under Senate Bill 123

California Energy Commissioners and Staff:

PowerFlex appreciates the opportunity to comment on the California Energy Commission's (Commission's) May 22, 2024, workshop on Proposed EV Charger Standards Under Senate Bill 123 (workshop). PowerFlex is a leading installer, owner, and operator of distributed energy resources (DERs) including electric vehicle supply equipment (EVSE). With more than 10,000 EVSE installed in California, PowerFlex has a deep understanding of customer experience and reliability and is very supportive of the Commission's efforts to implement EVSE payment requirement standards. With this experience and perspective in mind, PowerFlex offers the following comments.

Regulatory Oversight

EVSE compliance in California has become untenably complex. Developers have to navigate at least four different regulatory agencies, including the Commission, California Air Resources Board (CARB), California Department of Food & Agriculture (CDFA), and the California Public Utilities Commission (CPUC). CDFA has promulgated its CTEP certification, which covers both hardware and software elements, CARB has promulgated its EVSE Standard Regulation, which covers roaming, reporting, labeling, and payment methods, SB 123 enacted new payment methods requirements and gave authority over those to the Commission, and both the Commission and CPUC oversee individual programs (e.g., Communities in Charge; CALeVIP; Power Your Drive) which have their own program-specific compliance requirements.

With this regulatory morass in mind and given our shared objective of substantially bolstering EVSE installations in California, PowerFlex urges the Commission to use this proceeding as a lever to streamline this compliance complexity. Specifically, given the Commission's role in developing EVSE policy and overseeing EVSE grant programs, the Commission should be the sole agency within which EVSE compliance requirements are housed, and to whom industry stakeholders can turn for clarity and oversight.

Cost Implications and Customer Experience:

Compliance requirements across these agencies cover communication protocols, display screen information, charger reliability, network roaming, labeling, and reporting. Many of these requirements serve to improve overall user experience, and PowerFlex strongly supports providing a user-friendly charging experience. However, each of these requirements incurs costs on the EVSE that are ultimately borne by customers. For this reason, the Commission should also use this proceeding to evaluate the landscape of existing requirements and determine which provide incremental value to customers and which may be duplicative, unnecessary, or even in conflict with other regulations on the books. We further encourage the Commission to work with industry stakeholders to help make this determination.



Doing so will not only streamline the compliance landscape for EVSE developers, but drive customer costs down without sacrificing reliability and a positive user experience.

Enforcement and Penalties

PowerFlex also urges the Commission to use this proceeding to provide clarity around enforcement of the various compliance requirements, including the SB 123 payment method requirements. CDFA's CTEP regulation is unevenly enforced by local counties, CARB's EVSE Standard Regulation, which includes a payment method provision supplanted by SB 123, provides onerous fines for non-compliance, and individual programs have their own non-standardized rules regarding whether and how much of an incentive may have to be repaid for non-compliance. To be clear, PowerFlex is not asking for onerous penalties or fines. However, when PowerFlex and other developers invest significant time and resources into complying with ever-changing EVSE requirements, shifting procurement strategies, enacting software changes, undertaking time-intensive reporting requirements, printing labels, and working with costly third-party certification entities, we should at least have an understanding of who is enforcing the requirement, whether and how they are enforcing the requirement, and by when they are enforcing the requirement.

Network Roaming Providers and Verification

As a general principle, PowerFlex strongly contends that regulatory requirements should not be established to benefit any one specific company or group of companies. Open, competitive markets will generally result in the best products, services, and prices available to customers. As such, PowerFlex argues that neutral third parties that do not require annual membership subscriptions should oversee network roaming certification and verification. Additionally, EVSE providers should be able to choose who to use as network roaming providers. PowerFlex believes that this will result in the best options and prices for EVSE providers and ultimately EV drivers.

PowerFlex appreciates the opportunity to provide these comments in response to the Commission's May 22, 2024, workshop and looks forward to collaborating with the Commission on this topic in the future. Respectfully,

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