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INNOVATIVE INFRASTRUCTURE FOR ELECTRIC AND HYBRID VEHICLES

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June 12, 2019

Dr. Elise Keddie
Ms. Stephanie Palmer
California Air Resources Board
1001 I St.
Sacramento, CA 95814

Re: Electric Vehicle Charging Stations Open Access
March 25, 2019 Proposed Regulatory Language, April 2, 2019 Webinar Public Comment Letter & June 27 Public Hearing

ClipperCreek, Inc. appreciates the opportunity to provide public comment to the SB 454 (Corbett) [Chapter 418, Statutes of 2013] Electric Vehicle Charging Station Open Access proceeding, ahead of the public hearing scheduled for June 27-28, 2019. These comments are provided following the public webinar on April 2, 2019 during which the revised March 25, 2019 regulatory language was presented and discussed.

ClipperCreek, Inc. is a worldwide leader in Electric Vehicle Supply Equipment (EVSE) design and manufacturing, and is globally recognized for setting new standards in product design and performance. ClipperCreek is dedicated to improving our environment for current and future generations through the promotion of the plug-in electric vehicle industry. We see this as a critical element in the fight against global warming and reducing the world's dependence on fossil fuels. ClipperCreek is headquartered in Auburn, California, where we offer free workplace and public/community charging 24 hours a day, 7 days a week, 365 days a year.

ClipperCreek, Inc. recommends the following amendments. These amendments are intended to achieve straightforward, simple access to charging stations for electric vehicle drivers, and are in the spirit of our shared goal with CARB of achieving broader access to electric vehicles for disadvantaged and low-income communities. The suggested amendments are also intended to protect the state's existing publicly accessible charging stations while rapidly increasing the availability of charging stations to support the state's ZEV, climate, air-quality, public health, and other related goals.

- 1. Grandfather all existing charging stations installed before the effective date of this regulations as being exempt from this regulation.** Pre-existing EVSE installations should be exempt from these regulatory requirements. The useful life of an existing EVSE should be used to inform the phase-in period, however the true useful life for a public EVSE is difficult to quantify at this stage in the market. The engineering design life for an EVSE is 10+ years, meaning the EVSE is designed to last in service for at least 10 years. The actual useful service life of an EVSE could be 15 - 20 years or more. Grandfathering existing EVSE from these requirements will ensure that the State's current base of publicly available EVSE remain in-tact, and available to the public through this transition to new hardware, billing and reporting requirements. Maintaining the existing base of publicly available EVSE is critical to plug-in vehicle adoption and charging location site host retention. Anti-backsliding provisions could be put in place to ensure that if an existing station is replaced outside of warranty after the compliance deadline that it is replaced with a compliant station.

ClipperCreek, Inc.

2. **Include clarifying regulatory language in the reporting section to confirm that free and non-networked stations are not required to comply with reporting provisions.** Non-networked, free to use public EVSE are offered as a “community service” and should not have to meet the burdensome reporting requirements called out in section 2360.4. Non-networked, free to use public EVSE hosts should be encouraged to voluntarily report any relevant station and site location information to CARB and whichever other agencies CARB determines the information would be useful for. This information could be voluntarily provided through the permitting process as a way to inform interested non-networked, free to use station hosts of the importance of providing these details at their discretion. Language in the rule should be clear that non-networked chargers will not be required to become networked.
3. **Amend the definition of “publicly available Electric Vehicle Supply Equipment (EVSE)” to clarify that charging stations installed at workplaces, businesses and multi-family dwellings—that are primarily used by designated employees, contractors, visitors, or residents or locations that offer only limited public use hours —are not publicly available EVSE.** Currently, and as an example, the public may be allowed to use existing charging stations at workplaces and multi-family dwellings for a portion of the day or night, or on weekends. We are concerned that the regulations will cause operators of stations like these to discontinue allowing the public to access such stations for any period of time, or remove the equipment entirely out of fear of noncompliance with the regulations. Similarly, for stations installed after the implementation date of the regulations, operators may not allow public access to avoid the added expense of compliance with the regulations, particularly the reporting and payment-option requirements. ClipperCreek is open to other options that achieve the spirit of abundant and open access to public EVSE infrastructure. One suggestion would be to add an additional definition for “community use” EVSE which could encompass scenarios like those stated above where local businesses offer free EV charging to anyone who can access their facility (local community) as a kindness/community service. Entities offering this type of community service should not have to meet these regulatory requirements, unless they choose to do so voluntarily.
4. **Amend the “Payment Method Requirement for Electric Vehicle Supply Equipment” regulatory language to allow for other “open access” payment options as alternatives to EMV chip credit card readers.** The current regulatory language does not have adequate accommodations for technological advances in mobile payment technology that will take place over the next 5 years and into the future. For the purpose of allowing application specific payment solution innovation to continue this regulatory language should be amended to provide flexibility for new and improved payment systems without burdening hardware manufacturers and EVSPs with the costs of a mandatory payment mechanism that may deliver an inferior performance (especially over time) when compared to other mobile and new payment solutions. Regulatory language could be updated to more closely align with SB454 Bill Language to outline the access requirement stated in section 44268.2(a)(1) where it states payment via credit card or mobile technology or both as opposed to stating specifically that all products must have a EMV chip credit card reader.
5. **Regarding implementation dates, we urge CARB and the Division of Measurement Standards to continue working together to align implementation dates of both the open access and accuracy regulations.** To avoid retrofits or replacements, the implementation dates of both regulations should be aligned, which would ensure charging stations manufactured after both regulations take effect are compliant with all requirements. It is important that CARB consider the Open Access proceeding holistically, in light of other existing and forthcoming requirements that will impact charging station availability and cost.