June 21, 2019

California Air Resources Board
1001 I St.
Sacramento, CA 95814

*Submitted via online comment log portal for EVSE2019*

Re: Proposed Electric Vehicle Supply Equipment Standards

The California Electric Transportation Coalition (CalETC) appreciates the opportunity to provide feedback to the California Air Resources Board (CARB) on the Proposed Electric Vehicle Supply Equipment (EVSE) Standards, proposed regulations that are in response to and under authority of SB 454 (Corbett) [Chapter 418, Statutes of 2013], the Electric Vehicle Charging Stations Open Access Act.

CalETC supports and advocates for the transition to a zero-emission transportation future as a means to spur economic growth, fuel diversity and energy independence, ensure 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: Los Angeles Department of Water and Power, Pacific Gas and Electric, Sacramento Municipal Utility District, San Diego Gas and Electric, Southern California Edison, and the Southern California Public Power Authority. Our membership also includes major automakers, manufacturers of zero-emission trucks and buses, charging station providers, and other industry leaders supporting transportation electrification.

California has goals to deploy 1.5 million zero-emission vehicles (ZEVs) and 250,000 EV charging stations, including 10,000 DC fast chargers, by 2025.[1] California also has a goal of deploying 5 million zero-emission vehicles by 2030,[2] which will require even further scale-up of the charging infrastructure for electric vehicles. The state currently has slightly over 16,700 public L2 charging connectors, and slightly over 2,900 public direct current fast charging connectors.[3] We have a long way to go to meet California's zero-emission vehicle and fueling goals, as well as the air-quality and climate-change targets underpinning these goals. In order to drive adoption of plug-in electric vehicles and meet these targets, we need to drastically increase the amount of publicly accessible, easy-to-use charging stations.

[1] Former Governor Edmund G. Brown Jr. Executive Order B-16-2012 set the goal of placing 1.5 million zero-emission vehicles on California's roads by 2025. Former Governor Edmund G. Brown's Executive Order B-48-18 set the goal of 250,000 electric vehicle charging stations, including 10,000 DCFC charging stations, by 2025. In addition, the Charge Ahead California Initiative, [SB 1275 (De León), Chapter 530, Statutes of 2014] set the goal of placing 1 million zero- and near-zero-emission vehicles into service on California's roads by 2023.

[2] Former Governor Edmund G. Brown Jr. Executive Order B-48-18 set the goal of 5 million zero-emission vehicles on California's roads by 2030.

[3] Data from www.afdc.energy.gov. Accessed on May 15, 2019. This represents 673 public DCFC stations and 4,675 public L2 stations.

CalETC shares CARB's goals of achieving straightforward, simple access to charging stations for electric vehicle drivers, and we share CARB's goals of achieving broader access to electric vehicles by disadvantaged and low-income communities. The following suggested amendments and post-regulation recommendations are intended to achieve broader access to charging stations, protect the state's existing network of charging stations, and rapidly increase the availability of charging stations to support the state's ZEV, climate, air-quality, public health, and other related goals.

## I. The regulations should be amended to include an appropriate compliance phase-in period, of at least 10 years, for all existing charging stations installed before the effective date of the regulations, particularly for the payment-option requirements.

An existing charging station should not be required to be replaced or retrofitted to comply with the proposed regulations until the end of its useful life. Because the useful life of a charging station is approximately 10 years, we suggest the regulations include a compliance period of at least 10 years after the effective date of the regulations for existing charging stations. The State of California, utilities, and other entities have spent millions of dollars putting in the current network of charging stations and the state must drastically increase the amount of publicly accessible charging stations to meet its ZEV, air quality and climate change targets. Spending public, ratepayer, or other limited funds to replace or retrofit existing stations in the near-term, instead of on installing new stations, will hinder the state's ability to achieve these targets.

## II. The date by which new DCFC stations must comply with the proposed regulations should be extended by at least 1 year.

The current regulations require DCFC stations installed on or after July 1, 2020 to comply with the proposed requirements. July 1, 2020 is only about one year after CARB's expected vote on this regulation, and is insufficient for manufacturers to develop new product lines to meet the new regulations, particularly the payment option requirements. In addition, the regulations may undergo changes following the Board vote, which would shorten the period of time from regulation adoption to the deadline for compliance. CalETC is concerned that the current deadline of July 1, 2020 will create a shortage of eligible DCFC products available to the market, which will hinder the state's ability to meet its ZEV and fueling infrastructure goals. Extending the date by which DCFC stations must comply will also provide more time for administrators of funding programs—such as state, local, and utility programs—to update program eligibility criteria for funding-eligible stations. CalETC suggests that the compliance deadline for new DCFC charging stations be no earlier than July 1, 2021.

## III. The regulations should be amended to include "independent contractors," in addition to employees and contracted drivers in the workplace EVSE exemption in section 2360, subsection (b)(i).

Workplaces may allow for independent contractors, including temporary workers, vendors, and others that are not categorized as "employees" to access employee charging stations. The regulations should

not inadvertently cause these charging stations to be defined as public for purposes of the regulations by excluding these other types of employees from the workplace exemption.

## IV. The current data reporting requirements should be limited to publicly available charging stations.

For example, in the proposed regulations, section 2360.4, subdivision (j)(4)(D) "access type," the regulations require reporting on how a user accesses the station, including examples that do not fit within the definition of public access. Given that the regulations are intended to apply to publicly accessible stations as stated in section 2360, subdivision (a), the requirements for access type related to the site being private - government only, private – residential, and private, should be struck. The regulations do not apply to fully private stations, and therefore their inclusion should be struck.

## V. CalETC recommends additional minor technical changes to ensure successful implementation of the proposed regulations.

In section 2360 "applicability," CalETC provides the following suggestions in bold, red text, with rationale following each suggested amendment:

- "Mobile payment" means a near field communication reader, enabling payment from a cell phone**, or payment via an application running on a cell phone**.
    - This proposed addition provides clarity about which types of payment should be enabled by the near-field communication device.
- Payment Card Industry Data Security Standard Level 1 (PCI-DSS Level 1)" means payment card information data security standards consistent with "Requirements and Security Assessment Procedures" published by PCI Security Standards Council ~~**(Version 3.2.1, May 2018)**~~.
    - The regulations should not specify a specific version number. PCI-DSS certification must be renewed and to receive renewal, the electric vehicle service provider must comply with the latest specification. The current proposal is inconsistent with this process and would require an out-of-date specification to be used should the security standard version be updated.

In section 2360.2, "payment method requirements for electric vehicle supply equipment," CalETC provides the following suggestions in bold, red txt, with rationale following each suggested amendment:

- (d)(1) The credit card reader shall ~~**accept**~~ **employ**, at a minimum, Euro Mastercard Visa (EMV) chip, and, at a minimum, one of Visa, MasterCard or American Express.
    - Based on CalETC's knowledge of payment transactions for charging stations, "shall accept" is incorrect technical wording. "Shall employ" means that the security features of the EMV chip are used in the financial transaction.
- (d)(3) The **complete financial transaction from** credit card read~~er~~**ing through payment processor** ~~**device**~~ shall comply with PCI – DSS Level 1.

  - This change will ensure that PCI-DSS will apply to the entire transaction chain, from the credit card reader through to the payment processor. Without this clarification, there are many additional areas where security could be compromised.
- (f) The EVSP shall provide and display a toll-free number on each EVSE or kiosk used to service that EVSE that provides the user with the option to initiate a charging session and payment at any time that the EVSE is operational and publicly available. If call center accepts credit card payment for charge sessions via phone, the call center must also be PCI-DSS certified.
  - This recommended change ensures the same security for "over the phone" payments that is currently required by the proposed regulations for physical credit card payments made using the charging station or kiosk.

CalETC also provides the following recommendations regarding tracking success and potential impacts of the proposed regulations:

I. **CalETC recommends CARB evaluate the regulations at designated intervals after implementation begins to ensure the regulations are not hindering the charging-station or ZEV market and are achieving the intended benefits.**

Charging station payment data and monitoring of charging station market impacts and benefits should be used refine the regulation, if necessary. CalETC requests that CARB use the data reported as required by the proposed regulations and conduct additional surveys or studies, as appropriate, to track the success and/or impacts of the regulations. The regulations should be revised if, for example, contactless credit/payment cards[4] (tap to pay cards) become the predominant method of payment instead of via chip, or if roaming agreements for charging payment are developed and broadly available for customer usage. Modifications should be made to any section that becomes out of date or that is shown to hinder the state's ability to meet its ZEV goals. Re-evaluation of the regulations should include examination of future new technologies to ensure the best possible solution at the lowest cost to the consumer.

The regulations should be evaluated after implementation begins to ensure the regulations are achieving the intended benefits of broader consumer access to charging stations for the next wave of electric vehicle drivers, including low-income drivers and drivers in disadvantaged communities. Additionally, CARB should evaluate the proposed regulations to ensure they will not deter innovative and emerging charging-station technologies or payment opportunities, or conversion of free, non-networked charging stations to payment stations via parking apps, such as ParkMobile. Finally, CARB should monitor the effects of the regulations on charging stations available or occasionally available for public usage at workplaces and multi-unit dwellings. If these locations no longer allow the public to use their charging stations, then we are limiting the amount of publicly available chargers in the state, which will harm electric vehicle drivers and undermine achievement of the state's ZEV targets.

[4] Payment card indicates a credit card, debit card, or pre-paid card that can be used on any station, but not a card specific to a charging network.

II. **CalETC recommends that CARB staff, in including the Open Charge Point Interface (OCPI) standard, consider version updates and whether the standard remains open and royalty free.**

CalETC recognizes the value of adopting interoperability billing standards for network roaming payment methods for charging stations, and suggests CARB staff consider version updates and accessibility of use of the OCPI standard. Specifically, if OCPI becomes private intellectual property and a royalty is associated with it, that could have a negative impact on the ability of charging station companies to utilize the standard. Should OCPI no longer be an open standard and royalty free, we would recommend CARB reconsider its inclusion in the regulations.

III. **Lastly, CalETC recommends CARB staff work with interested stakeholders to develop guidance that clarifies certain requirements of the proposed regulations, such as the reporting requirements.**

For example, more clarity is needed on how non-networked public charging stations that are free or require payment, and sites that use payment kiosks, must report pursuant to the proposed regulation.

CalETC thanks CARB staff for their commitment to involve stakeholders in this process and we look forward to continuing to engage with staff on the proposed regulations.

Thank you for your consideration of our comments. Please do not hesitate to contact me if you have any questions via phone at (916) 551-1943 or via email at hannah@caletc.com.

Sincerely,

Hannah Goldsmith
Deputy Executive Director
California Electric Transportation Coalition