

June 24, 2019

Clerk of the Board  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

*Submitted online at: [arb.ca.gov/lispub/comm/bclist.php](http://arb.ca.gov/lispub/comm/bclist.php)*

Re: **EV Charging Station Open Access Regulation**

Dear Members of the Board:

SemaConnect, Inc. respectfully submits these comments in response to the Proposed Regulation Order posted on May 7, 2019.

### About SemaConnect

SemaConnect is a leading national provider of smart, networked electric vehicle (EV) charging solutions. Our business model is such that we sell our networked stations to our customers who then own and operate them. We champion open standards and interoperability as a way for the industry to collaboratively create a more driver-friendly ecosystem. We are active members of the [Open Charge Alliance](#) and the [Alliance for Transportation Electrification](#) and are a signatory to the [Transportation Electrification Accord](#), a multi-stakeholder blueprint to advance best practices.

SemaConnect is one of three vendor partners to Electrify America to deploy Level 2 stations across California as part of its Cycle 1 investment plan, and we have sold hundreds more stations throughout the Golden State.

### General approach

These comments are guided by three overarching principles:

#### 1. Focus new requirements on new installations, not existing stations

The State of California, its electric utilities and other actors such as Electrify America are investing over a billion dollars to meet the state's ambitious goal of deploying more than a quarter-million EV charging ports by 2025. It would be counter-productive to promulgate a new regulation that makes existing charging stations regulatorily non-compliant, thereby causing the owners to remove them from public access.

This is particularly important given the ten-year time horizons for several existing programs in which the State and other actors have already invested significant funding. For instance, the terms of the Electrify America site host agreement require the site host to maintain a unit and keep it publicly accessible for a period of ten years. If CARB then imposes a new and costly

regulation that takes effect prior to the end of the existing ten-year agreement, it would create an unfair and costly burden – the site host would be legally obligated to keep the EVSE open but may lack the funds to comply.

In short, our finite collective resources should be focused on accelerating the deployment of new charging infrastructure rather than retrofitting existing stations.

## 2. **Support open standards and interoperability...**

Consistent with SB 454, any regulation should foster open standards and interoperability to provide a more convenient and simpler charging experience. For instance, SemaConnect supports the provision to require that public chargers be accessible to any driver regardless of membership in an EVSP network.

## 3. **... however, use discretion before mandating a specific technology or standard.**

The EV charging market is evolving rapidly and so is the technology that supports it. The State should exercise restraint before mandating a specific technology or standard that may be antiquated by the time the regulation takes effect.

## Specific Provisions

SemaConnect offers the following comments on specific provisions in the proposed regulation:

### 1. **Credit card readers**

- A physical card reader is costly and unnecessary: SemaConnect recommends against requiring a physical credit card reader on each charging unit. Doing so would increase the cost of manufacturing the stations, which would in turn create upward pressure on the price of charging stations to customers. Moreover, the inclusion of a physical credit card reader would unnecessarily make a station more vulnerable both operationally and in terms of potential cybersecurity penetration.

SemaConnect has not seen any evidence that a physical credit card reader will increase access to charging. All SemaConnect stations already display a toll-free number an EV driver can call to authorize credit card payment and commence a charging session 24/7/365. The driver does not need to be a member of the SemaConnect network or any other charging network to do this. In addition, SemaConnect stations allow drivers to authenticate and pay via RFID card and by mobile app – we have partnerships with Plug Share (Pay by Plug Share), Charge Hub, the EVgo network and others. This makes it simple and easy for an EV driver to use a SemaConnect station without carrying multiple RFID network passes or even a credit card.

- Payment forms are changing rapidly: Apple Pay did not exist five years ago. Today, how many of us regularly use Apple Pay, Google Pay or a similar mobile payment service?

Now, fast forward eight years into the future to July 1, 2027 when the retroactive aspect of this regulation is proposed to take effect. Eight years from now, how many people will even be carrying a plastic credit card? And if they do, will the card use an EMV chip, NFC contactless payment, or some other mechanism?

To use the cellphone industry as an analogy: eight years ago, the prevailing USB connector for an Apple iPhone was the 30-pin port. If we had mandated eight years ago that the 30-pin USB port would be required today, the regulation would have been out of date the moment it took effect. Similarly, if we were to mandate a future USB connection for iPhones based on today's technology, we would likely mandate use of the Lightning port. Would any industry professional be willing to be bet that the Lightning port will still be standard eight years from now? The industry may have evolved fully to wireless inductive charging by then.

The notion that we can collectively predict what payment technology will be common eight years from now stretches credulity. And, to require costly retrofitting of charging stations to comply with this eight-years-out projection, though well-intentioned, would be regrettably shortsighted and needlessly expensive.

- A retroactive mandate will be counterproductive: The proposed regulation would retroactively require any existing Level 2 EVSEs to comply by July 1, 2027. As noted above in the opening section, this retroactive requirement would create an undue burden for owners of stations already deployed through existing investments such as Electrify America which CARB and other state agencies have strongly supported. If CARB does see fit to require a physical card reader, the regulation should apply only to new EVSE installed after a certain date, not to existing EVSE.

Rather than requiring a costly physical card reader, SemaConnect supports provision 2360.2 (f) which requires each EVSE to display a toll-free number through which a driver can initiate and pay for a charging session. From a cost/benefit standpoint, this provision accomplishes the same goal without creating the undue and unintended negative impacts of mandating the physical card reader.

## **2. Definition of 'publicly available' in the context of workplace charging**

The proposed definition of publicly available should be clarified to exempt stations that are installed primarily — but not exclusively — for use by employees. If the Board adopts the proposed language it would likely require workplace site hosts to pay for signage or otherwise physically restrict access when as a practical matter it would suffice to simply mark stations as restricted on EVSE mapping networks such as PlugShare.

In addition, the proposed definition needlessly prohibits workplace stations from offering any charging benefit to the public. We believe that allowing workplace charging stations to serve public drivers as an incidental, secondary use to their primary purpose makes good sense. Given the urgent need to expand access to EV charging across the state, why prevent a workplace station from being accessible by a member of the public after working hours?

## **3. Reporting requirements**

The proposed regulation significantly expands the scope of data reporting beyond what the statute requires. These added reporting requirements add layers of complexity and expense, and should be carefully weighed against the benefits they are expected to provide. SemaConnect respectfully recommends that CARB limit the scope of reporting requirements to the language explicitly provided for by statute.

#### **4. Interoperable billing standards**

As noted earlier, SemaConnect supports open standards and interoperability for billing, network roaming and similar protocols. We commend CARB for also seeking to incorporate common standards as a way to make the EV charging experience as seamless and convenient as possible for drivers.

Many industry stakeholders are taking an open standards-based approach to these protocols rather than relying on proprietary standards. Examples of open standards include the Open Charge Alliance (OCA) which promulgates the Open Charge Point Protocol (OCPP) and the Open ADR Alliance which promulgates the OpenADR standard. We believe this collaborative, open standards-based approach is the best way to be inclusive, to encourage innovation and to establish uniform protocols.

We believe it is unnecessary for California to establish its own state-specific standard for network roaming. The industry is already making significant advances in roaming and new partnerships are being announced regularly. There is no looming problem that warrants regulatory intervention at this time. If CARB does elect to designate an interoperable billing standard, we respectfully recommend that it be based on open protocols rather than a proprietary standard.

In closing, SemaConnect values CARB's important role in ensuring that EV charging supports both the letter and intent of SB 454. We respectfully urge the Board to avoid taking one step forward and two steps back, so to speak, as it promulgates new regulations. The State and the charging industry are collectively taking great strides to make EV charging more plentiful and accessible. It is critically important to avoid unintended consequences that detract from the progress we have made.

SemaConnect sincerely appreciates the accessibility of CARB staff throughout this detailed and complex stakeholder process. Please contact me at [josh.cohen@semaconnect.com](mailto:josh.cohen@semaconnect.com) or by mobile phone at 410-991-5674 if I can provide additional information or answer any questions.

Thank you for the opportunity to submit these comments.

Sincerely,



Josh Cohen  
Director of Policy and Utility Programs