



December 9, 2022

Cheryl Laskowski, Branch Chief  
Low Carbon Fuel Standard Program  
California Air Resources Board  
1001 I St., Sacramento, CA 95814

**Re: November 9 Workshop on Low Carbon Fuel Standard (LCFS) Amendments**

Dear Ms. Laskowski:

Thank you for the opportunity to comment on the Air Resources Board's (ARB) LCFS workshop. Over the past 10 years, the LCFS has served as a catalyst for billions of dollars of investments in clean fuels and infrastructure, serving as a critical market-enabling mechanism to scale the EV charging industry.

FLO EV Charging ("FLO") is a leading North American EV charging network operator and a smart-charging solutions provider. We fight climate change by accelerating EV adoption through a vertically integrated business model and delivering EV drivers the most dependable charging experience, from curbside to countryside. Every month, we enable more than 1,000,000 charging events thanks to over 75,000 fast and level 2 EV charging stations deployed at public, private and residential locations. FLO operates across North America and our high-quality charging stations are assembled with care in Michigan and Quebec.

**I. Set a minimum 30 percent reduction in carbon intensity by 2030 and create an intermediate target for 2024.**

Executive Order No. N-79-20 (2020) set goals for 100 percent of in-state sales of new passenger cars and trucks to be zero emission by 2035, and for 100 percent of medium- and heavy-duty vehicles in the state to be zero emission by 2045 for all operations where feasible, and, by 2035, for drayage trucks. Even with these goals, California's transportation sector continues to be responsible for over 40 percent of annual GHG emissions statewide.

As identified by ARB's recently adopted 2022 Scoping Plan, one of the top strategies for achieving success in decarbonizing California's transportation fuels is "accelerating the reduction and replacement of fossil fuel production" and "incentivizing private investment in new zero-carbon fuel production"<sup>1</sup>. California's LCFS is one of the most critical tools at the state's disposal to achieve this outcome. ARB's own analysis shows that industry, as of 2021, has overperformed within the program, showcasing not only the effectiveness of the program, but that it's feasible for the transportation sector to increase emission reductions<sup>2</sup>.

FLO also recommends ARB staff set an intermediate CI reduction target for 2024. This step down would deliver additional near-term emission reductions and serve as a waypoint to evaluate whether the industry is on track to meet the 2030 target. The state uses this approach for its Renewable Portfolio Standard by setting intermediate goals for 2026 and 2030 as part of a longer-term plan to procure 100 percent renewable energy and zero carbon resources for the electricity sector by 2045<sup>3</sup>; FLO believes such an approach for the state's LCFS program would be beneficial.

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<sup>1</sup> Air Resources Board. 2022 Scoping Plan. November 2022. Page 191. < [Final 2022 Scoping Plan Update \(ca.gov\)](#) >

<sup>2</sup> Accessed December 5, 2022: [LCFS Data Dashboard | California Air Resources Board](#)

<sup>3</sup> Public Utilities Code Section 399.11

## II. Create an acceleration mechanism.

The LCFS' overperformance has led to an excess of credits, driving down their value and ultimately undermining investment in zero-emission transportation technologies. This dynamic creates a suboptimal program through missed opportunities to achieve additional emission reductions. To correct this, FLO recommends ARB create an acceleration mechanism that responds to a dynamic market: if the program overperforms in meeting its CI targets, then the target immediately increases in stringency based on pre-established criteria.

It's critical to develop this mechanism using transparent metrics that trigger adjustments. Key questions to explore in future LCFS workshops include:

- What are the key metrics?
- For how long must these metrics be met to finally trigger an increase?
- How much does the CI target increase by?
- What guardrails could be established to provide certainty on the maximum impact of the acceleration mechanism?

This mechanism keeps innovation, investment, and emission reductions accelerating faster than they would otherwise. By incorporating a responsive acceleration mechanism into the regulation, the program will provide the market with a clearer signal that investments in clean fuels will be rewarded, and that California will not leave climate change pollutant reductions "on the table" in the future.

## III. Extend the current light-duty capacity credit program to align with Advanced Clean Car II goals for 2035.

Through ARB's Advanced Clean Cars II regulation, California is on track to achieve 100 percent zero-emission light-duty vehicle sales by 2035, necessitating over 1 million public chargers to support them. Aligning the current light-duty charging infrastructure capacity credit program with the 2035 target is critical to supporting continued build out of charging infrastructure. Despite the state's immense progress to date, it remains far off from fulfilling its charging deployment goals. Therefore, the capacity credit program remains a critical tool.

Furthermore, FLO recommends ARB expand the capacity credit program to include charging infrastructure supporting medium- and heavy-duty (MHD) EVs. As mentioned above, the state also has ambitious targets to fully electrify MHD vehicles by 2045. California's MHD EV population remains sparse, in part due to limited available charging infrastructure. Accelerating deployment of chargers through increased incentives will provide fleet operators the certainty needed to purchase these vehicles sooner – potentially limiting bottlenecks in the future with MHD EV deployment.

Thank you for your consideration,

*[electronically submitted]*

Cory Bullis  
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FLO EV Charging