



June 24, 2019

Mary D. Nichols, Chair  
California Air Resources Board  
1011 I Street, P.O. Box 2415  
Sacramento, CA 95814

Re: Docket EVSE201 - Electric Vehicle Supply Equipment Standards

Dear Chair Nichols:

The East Bay Community Energy Authority (EBCE) is a public agency Community Choice Aggregation program and is Alameda County's local electricity supplier. EBCE is writing on behalf of its members, including Alameda County and the cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro and Union City, to express support for the Board's goal to increase driver access to Electric Vehicle Service Equipment (EVSE) and allow a more consistent and transparent electric vehicle (EV) charging experience.

EBCE's members have played a critical role in facilitating widespread deployment of EV charging infrastructure that serves residents, businesses and visitors throughout Alameda County. To date, these public agencies have filled the gap left by private markets, ensuring equitable community access to EV charging infrastructure.

Through our Local Development Business Plan, EBCE is establishing aggressive transportation electrification goals and is planning to program significant investment to accelerate the deployment of zero emission vehicles and supporting refueling infrastructure. EBCE is also facilitating EV Readiness building code enhancements with our public agency partners, organizing new pilot projects and research, and has a major EV charging infrastructure incentive program under development.

Considering our shared goals, we respectfully raise the following issues for the Board's consideration based on our participation in the EVSE Standards Rulemaking webinar on April 2, 2019, review of the proposed Initial Statement of Reasons, Regulation Order, and other attachments.

The summary of EBCE's recommendations are as follows:

1. We strongly recommend grandfathering current EV charging stations to allow rules to be applied only when the stations are upgraded with new equipment.
2. We strongly encourage flexibility in standards to avoid the risk of technology obsolescence and consideration of forthcoming technologies in the rulemaking.
3. We strongly encourage CARB's coordination with the Center for Sustainable Energy (CSE) and the California Energy Commission (CEC) to support state investment in the CALeVIP program and encourage ongoing collaboration to align the CALeVIP program and proposed regulations.

Each of these recommendations are necessary to ensure that charging infrastructure already deployed can continue to serve EV drivers throughout Alameda County. Without the changes discussed herein, millions of dollars in stranded assets will be created to the detriment of all parties supporting California's transition to a zero-emission transportation system.

**1) We strongly recommend grandfathering current charging stations to allow rules to be applied only when the stations are upgraded with new equipment.**

It appears that CARB staff is relying on inaccurate data in determining that the costs of upgrading existing EVSE will be minimal. For example, page C-34 of the associated Standardized Regulatory Impact Assessment (SRIA) of the proposal states that "local government agencies own 29 publicly available networked Level 2 EVSEs" based on early municipal participants in the Low Carbon Fuel Standard (LCFS) program. However, there are far more publicly available chargers hosted by public agencies than what is shown the LCFS program. According to the Alternative Fuels Data Center, there are approximately 900 L2 & DCFC ports in Alameda County – many of which are owned by cities, schools, and non-profit organizations. To meet the requirements of the proposed standard upgrading these stations, which are currently in use and serving our community, will cost more than \$4,500,000.

Even if the current charging stations were upgraded on an extended timeline, this would cause significant financial hardship to public agencies and others who have served as key early owners and operators of EV charging infrastructure as many of the stations operate at a loss or extremely marginal operating revenue. None operate with any meaningful payback to address installation or major upgrade. Requiring EVSE owners to upgrade existing EVSE charging infrastructure, with such marginal economics, will likely result in the unintended consequence of *extensive removal of charging infrastructure all together*.

In summary, a retrofit requirement will be counter-productive to the goals of the proposed standard. It would have removed existing infrastructure before the end of its useful life and unintentionally disincentivize or delay early adopters from installing EV charging infrastructure to avoid disproportionate compliance costs. Grandfathering current stations is a critical revision to ensure public agencies can have an ongoing role in providing equitable access to EV charging in their communities.

We urge the Board to avoid creating an unfunded mandate on public agencies and early adopters of EV charging infrastructure. Such a mandate will not increase the number of EVSE charges available to the public and could have the opposite effect.

**2) We strongly encourage flexibility in regulations to avoid the risk of technology obsolescence and encourage deeper consideration of forthcoming technologies in the rulemaking.**

Requirements to support specific payment methods and reporting are likely to result in burdensome maintenance costs, as well as potential service and reporting gaps. Mobile payments (payment with mobile phones) are undergoing tremendous growth with an estimated 20% of the population currently using it and rising.<sup>1</sup> Credit cards themselves are now being equipped with RFID which can be expected to make card readers obsolete. Card readers are subject to significant operator error, fraud, and mechanical failure resulting in significant maintenance costs.

In addition, new payment methods will soon become available for many owners of new EVs. The CCS protocol ISO 15118, or more commonly referred to as "Plug & Charge", is a VGI communication protocol enabling charging stations and vehicles to securely process payments for charging sessions using unique vehicle identifying numbers

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<sup>1</sup> <https://www.emarketer.com/content/the-mobile-payments-series-the-us>

(VINS) and individual customer payment data (credit cards) tied to that VIN. This communication protocol or a version thereof is already operational or is planned to be operational in all Tesla EVs and EVSE, Electrify America EVSE, Polestar (Volvo) and Daimler vehicles, and the world's largest automaker's vehicles and subsidiary brands, VW. The California Energy Commission (CEC) has indicated a desire to make ISO 15118 a standard requirement for all CEC funded stations in the future via the CALeVIP program.

Finally, wireless communications technologies such as NFC, RFID, Bluetooth, and WIFI are varied and rapidly evolving. Explicit rules defined around specific protocols may be subject to rapid obsolescence and stranded assets.

A potential approach could be for the rules to require support for wireless protocols expected to be universally adopted by financial institutions. In addition, reporting rules should allow flexibility of the range of current and future protocols.

**3) We strongly encourage CARB's coordination with the CSE and the CEC to support state investment in the CALeVIP program and encourage ongoing collaboration to align the CALeVIP program and proposed regulations.**

CALeVIP is an important incentive launching across the state, helping to accelerate public charging at places where property owners are not typically motivated to proactively initiate EVSE deployment. As proposed, the requirement poses a disincentive to participate in the CALeVIP program. For example, the current list of eligible CALeVIP charging infrastructure does not comply with the proposed standards. More specifically, none of the eligible L2 EVSE has point of sale (credit card) capabilities. More CALeVIP offerings will soon launch in other regions including potential CCA led programs in 2020 and 2021. By imposing new regulations that do not grandfather or exempt infrastructure currently incentivized by another state agency, the regulations will constrain the benefit of the CALeVIP program and further limit our ability to collectively meet the State's audacious goals for expansion of public EV charging infrastructure.

**4) We look forward to continued collaboration with CARB on the monitoring and reporting aspects of the regulation.**

Public agencies identified several initial concerns about the onerous reporting requirements in the May 2019 proposal. We appreciate CARB's proposed revisions to simplify data collection and reporting requirements for annual reporting. Public agencies often use more than one networking company and receive data in different formats. A coordinated approach to streamline reporting processes is necessary and must engage public agencies, network providers and CARB staff. Of note is that the public agency resources dedicate to reporting, whether staff time or funds for technical support, is public money that is diverted away from installing new EVSE infrastructure in our communities.

As previously stated, many public agencies have funded existing EVSE infrastructure through grants. These funding sources already establish quarterly and annual reporting requirements that must be completed by public agency staff. In their current form, the reporting requirements may discourage or penalize public agencies from serving as public charging operators as they have limited budgets, and CARB staff has not identified funds to support this activity. On behalf of our members, EBCE will continue to monitor and evaluate the impact of reporting on EVSE projects and programs throughout Alameda County and encourage CARB staff to collaborate with public agencies to simplify the reporting requirements.

CARB's leadership to expand access to EVSE is exemplary, and EBCE commends the important role CARB is playing to support and amplify EV adoption. We support the intent of the proposed standard, and respectfully request the

noted revisions to ensure a fair and reasonable approach to realize the State goals that do not pose undue burdens to the wide range of stakeholders necessary to deploy and operate EV charging infrastructure. We believe this balance is critical to attain our shared vision of a zero-emission mobility future.

Thank you for your consideration and the opportunity for input.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jessie Denver", with a large, sweeping flourish extending to the right.

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