



October 16, 2024

Rajinder Sahota
California Air Resources Board (CARB)
1001 I Street
Sacramento, California 95814

RE: Electrify America comments on the Second 15-Day Changes to the Low Carbon Fuel Standard (LCFS) Amendments

Dear Ms. Sahota:

Electrify America is grateful for the opportunity to provide feedback on this latest proposed 15-Day Changes to the LCFS regulations. Electrify America is the nation's largest open network of DC fast chargers for electric vehicles (EVs), with over 4,250 fast chargers across more than 950 locations in North America, and over 1,100 chargers across more than 250 locations open to the public in California.

The LCFS plays a vital role in promoting EV charging infrastructure and advancing California's transportation electrification goals. We commend CARB staff for their exhaustive and transparent efforts to amend the program to meet the market demands of today and ensure its future longevity. We have previously advocated for, and continue to believe, that more ambitious targets are appropriate—specifically a minimum 40% reduction in carbon intensity by 2030, in-line with the Scoping Plan and ICF analysis¹—to allow the program to continue working to advance California's transportation electrification priorities. We strongly support the 9% stringency step-down and the development of the auto acceleration mechanism (AAM), which we hope will help return the LCFS market to health and allow it to continue serving as a driver of investment in EVs and other clean fuels in California.

The auto acceleration mechanism will now be more responsive to market conditions

We appreciate CARB's willingness to re-evaluate the AAM and support the change in this second 15-day change package to move from calendar year reviews of credit and deficit generation to quarterly reviews. This is a small but important change that will make the mechanism more responsive to market conditions and provide greater certainty to support ongoing investment in clean fuels and ZEV infrastructure. Electrify America believes a more responsive AAM will help maximize the potential of this new element of the program and ensure the ongoing health of the LCFS program.

¹ <https://www.arb.ca.gov/lists/com-attach/7078-lcfs2024-VDVcNFlyVGsLdFQu.pdf>

The verification process now properly reflects the distinct characteristics of EV charging stations

Electrify America strongly supports the principle behind proposed amendments in the second 15-day package to the EV fuel pathway verification process requirements, but we have some concern that the proposed regulatory language does not accomplish the underlying goal. The requirement for an annual visit still seems to include each “facility,” which is defined such that it would include EV charging stations. We recommend that the annual visit language apply to “fuel production facilities” instead, to clarify what we believe to be CARB’s intent.

We understand the crucial need for CARB to validate that fuel pathway holders are operating in line with LCFS regulations and providing accurate data. We appreciate that Staff has recognized the unique nature of EV charging and associated data storage practices and has adjusted the site visit to include company headquarters. This verification approach will better accommodate the operational realities of the charging station model while still effectively verifying the fuel dispensed at the charger level and will certainly be more cost-effective for CARB.

We look forward to continuing to work with CARB on implementing this provision moving forward, and request that Resolution language or future guidance provide the following clarifications:

- Clarify that the annual visitation language only applies to fuel production facilities, and not EV chargers
- Clarify that "central records location" does not mean the physical location where files are stored (e.g., a data center), but can encompass company headquarters or another facility with access to appropriate data
- Clarify that for verifying EV charging data, verifiers have discretion to conduct remote “desktop reviews” of files and data, as well as remote staff interviews, rather than needing to physically conduct the review at a company’s headquarters or other specified location. As charging records consist of electronic files, there is no equipment or process to physically inspect at the headquarters location as there may be with, e.g., a biofuels facility.

CARB should adopt LCFS amendments at the November 8, 2024, Board meeting

Electrify America appreciates the opportunity to provide comments on CARB's second 15-day proposal and commends staff for the thorough engagement process during the development of the new LCFS amendments. We believe the proposed changes represent a meaningful step towards cleaning up California's transportation sector and supporting the EV transition. We encourage CARB to adopt the amendments at its November 8, 2024, Board meeting and to quickly finalize the regulatory package to ensure amendments take effect as soon as possible and the step down applies in Q1 2025.

Electrify America remains committed to partnering with CARB to advance California's clean transportation and climate priorities, and we look forward to continuing to work with CARB to implement this critical program, including clarifying the items identified in these comments.

Sincerely,

/s/

Rhiannon Davis
Director of Government Affairs
Electrify America, LLC