



April 7, 2023

Liane Randolph, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted online to: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Re: Support for the Advanced Clean Fleets Rule with Modifications

Southern California Edison (SCE) appreciates the opportunity to provide comments on the 15-day Notice with proposed modifications for the Advanced Clean Fleets (ACF) Rule, which was released by the California Air Resources Board (CARB) on March 23, 2023.

SCE supports the ACF Rule with modifications

SCE supports California's ambitious air and climate goals and is committed to assisting customers through the transition to a decarbonized economy. Additionally, SCE supports a successful ACF Rule because it will help meet these goals by reducing greenhouse gas emissions and improving air quality, particularly in communities disproportionately burdened with air pollution impacts.

SCE appreciates CARB staff's efforts to collaborate with stakeholders and refine the draft requirements to clarify and address operational concerns. However, SCE respectfully requests that CARB incorporate a few additional important modifications to provide clarity and address utility operational concerns to help ensure SCE continues to provide a safe, reliable, affordable, clean, and resilient grid.

1. Modification is Needed to Clarify that Common Ownership or Control Is Specific to Long-Term Relationships and Not Those of a Temporary Nature

SCE requests that CARB consider a slight modification to its "common ownership or control" definition to make clear that common ownership or control is specific to relationships that are not of a temporary nature. Section 2015(a)(1)(A) establishes that the High Priority and Federal Fleet requirements are applicable to entities or combination of entities operating under

“common ownership or control.”¹ Section 2015(b) defines “common ownership or control” as, among other things, “[v]ehicles owned by different entities but operated using common or shared resources to manage the day-to-day operations using the same motor carrier number, displaying the same name or logo, or contractors whose services are under the day-to-day control of the hiring entity are under common ownership or control.”² Section 2015(b) defines “controlling party” as a “motor carrier, broker, or entity that directs or otherwise manages the day-to-day operation of one or more vehicles under its common ownership or control to serve its customers or clients.”³

SCE requests that this requirement be explicitly tied to relationships that are for a period of one year or longer. Otherwise, SCE is concerned that as drafted, the language would require fleets to account for even one-time requests such as hiring a semitruck to deliver equipment to a specific location. By making clear that common ownership or control includes relationships where the controlling party has the exclusive right for a period of one year or longer to direct control of the vehicle, SCE believes this situation can be avoided.

In addition, the common ownership and control language affects Section 2015.4(c)(2) which may onerously require a fleet owner involved in construction activities to track vehicle information for every vehicle used by third parties that is not typically tracked for short-term construction contractors, trades, and hired fleet services, including:⁴

- Vehicle Identification Number (VIN);
- Date vehicle purchase was made;
- Date vehicle was added to or removed from the California fleet;
- Whether the vehicle will be designated under or was purchased pursuant to any exemption or extension specified in section 2015.3;
- Odometer, or if applicable, hubodometer readings for vehicles as specified in section 2015.4(f);
- Engine family for: any vehicles added to the California fleet after January 1, 2024; tractors with a vehicle model year that is 12 years old or older; and all other vehicles with a vehicle model year that is 17 years old or older;
- Engine model year for: any vehicles added to the California fleet after January 1, 2024; tractors with a vehicle model year that is 12 years old or older; and all other vehicles with a vehicle model year that is 17 years old or older;
- Whether the vehicle being reported by the controlling party is owned by another entity, if applicable;

¹ Section 2015(a)(1)(A).

² Section 2015(b).

³ *Id.*

⁴ The following bullet points are taken from Section 2015.4 (c)(2)(A) through (S).

- Funding contract start and end date for vehicles purchased with California State-funding if the vehicle is to be excluded during the funding contract period as specified by the funding program;
- Identify whether the vehicle has a heavy front axle;
- Five-day Pass Reporting. Fleet owners claiming a five-day pass for the vehicle must report the first day the pass will be used;
- ZEV Purchase Reporting. Fleet owners utilizing the Model Year Schedule specified in section 2015.1 that are replacing a vehicle pursuant to the ZEV Purchase Exemption specified in section 2015.3(e) must identify which vehicle is being replaced pursuant to the minimum useful life limitations specified in section 2015.1(c)(7); and
- Identify whether the vehicle is replacing another vehicle that was in an accident and is non-repairable, if applicable;

2. Clarification Is Needed to Ensure the ACF Rule Does Not Hamper Utility Emergency Operations

SCE requests that CARB modify the definitions of “[e]mergency operations” and “[e]mergency support vehicle” within Section 2015(b) to make clear that utility vehicles are considered emergency support vehicles. Section 2015(b) provides definitions for “[e]mergency operations” and “[e]mergency support vehicle.” The latter definition states that outside of those vehicles defined in California Vehicle Code Section 165 as emergency vehicles, in order to be considered as an emergency support vehicle, the vehicle must be “dispatched by a local, state, federal, or other responsible emergency management agency” to provide services or supplies in connection with an emergency operation.⁵ In emergency situations, SCE and other utilities do not typically wait for requests from emergency personnel before sending crews to repair damaged infrastructure. For a utility vehicle to be considered as an emergency support vehicle under Section 2015(b), the utility would need to delay its response to an emergency event until it is dispatched by local, state, federal or other emergency management rather than using their normal dispatching protocols.

SCE believes this lack of clarity was likely an oversight but is one that must be addressed to ensure that appropriate utility vehicles are not inadvertently excluded from consideration as emergency support vehicles. Therefore, SCE respectfully requests that CARB modify the definitions of “emergency operations” and “emergency support vehicle” definition to include the language highlighted in red underline below:

“Emergency operations” means operation of an emergency support vehicle to help alleviate an immediate threat to public health or safety in response to a declared emergency event. Emergency operation includes emergency support vehicle travel to and from a declared emergency event when dispatched by a local, state, federal, or other responsible emergency management agency, or by

⁵ Section 2015 (b).

a utility to restore utility service disrupted by an emergency event. Routine operation to prevent public health risks does not constitute emergency operation.

“Emergency support vehicle” means a vehicle other than an authorized emergency vehicle as defined in California Vehicle Code (CVC) section 165 that has been dispatched by a local, state, federal, or other responsible emergency management agency, or by a utility to restore utility service disrupted by an emergency event, that is used to provide transport services or supplies in connection with an emergency operation.

3. Modify the Streamlined ZEV Purchase Exemption to Include Commercial Availability Requirements

SCE supports and appreciates the inclusion of the streamlined ZEV purchase exemption process identified in Section 2015.3(e)(1). However, SCE remains concerned that the regulation has yet to address concerns that fleets may be required to purchase vehicles that are untested or that may not meet quality standards, in those situations when there is only one vehicle option available in the market.

To address this concern, SCE requests that CARB modify the Streamlined ZEV Purchase Exemption process to specify that available vehicles must be commercially available to purchase with more than 500 units produced and sold in the United States by two or more manufacturers.

4. The Executive Officer Should Have Discretion to Adjust the Infrastructure Construction Extension Beyond a Pre-established Timeframe

SCE appreciates the inclusion of a site electrification delay extension within the ACF Rule. The Site Electrification Delay provides an initial extension up to three years and allows for an additional two-year extension if the utility cannot deliver the needed power by the end of the initial delay period.

Although SCE is preparing for the increased electric vehicle demand, we also understand that there may be instances where our forecasts are unable to capture all locations where we are expecting these high levels of growth. As a result, we have developed a Power Service Availability (PSA) initiative to improve our ability to respond to EV infrastructure requests, by streamlining our processes and leveraging new technologies when applicable. However, even with these efforts, there still may be some instances in which additional time is needed to make the necessary upgrades to the grid.

Accordingly, SCE respectfully requests that CARB modify the ACF Rule to grant to the Executive Officer the discretion to adjust the compliance timeframe beyond five years or beyond January 1, 2030 if there are exceptional infrastructure delays beyond five years for utility infrastructure construction and the fleet owner can demonstrate that there are no other alternatives for public charging, portable charging, or other ZE vehicles.

Thank you for considering our comments regarding this important regulation.

Sincerely,

/s/ Rosalie Barcinas

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