August 27, 2024

Honorable Chair Liane Randolph and Honorable Board Members
Low Carbon Fuel Standard Program
California Air Resources Board
1001 I St., Sacramento, CA 95814

Sent via email to LCFSworkshop@arb.ca.gov

Re: 15-Day Changes to Proposed Low Carbon Fuel Standard Amendments

Chair Randolph and Members of the Board:

EVgo appreciates the opportunity to comment on the California Air Resources Board's 15-Day Changes to the proposed Low Carbon Fuel Standard (LCFS) amendments. The LCFS remains a cornerstone of California's transportation electrification efforts and EVgo commends CARB's efforts to update the regulation to better reflect the state's zero-emission vehicle (ZEV) and climate policy goals.

In particular, the proposal to modify the 2025 carbon intensity (CI) target from a 5% stepdown to a 9% stepdown is one of the most essential measures CARB can take to address sustained overcompliance in the program and send a near-term signal for further low carbon fuels investment in support of CARB's foundational ZEV regulations – including Advanced Clean Cars II.[1] EVgo also appreciates the proposed modifications to the light-duty fast charging infrastructure (FCI) provisions of the regulation, including the proposal to preserve the existing pool of available FCI credits at 2.5% of prior quarter deficits and other modifications that streamline FCI credit generation opportunities. Direct current fast charging remains an essential component of the state's strategy to support widespread EV adoption – particularly in communities without access to home charging – and the continuity of FCI provisions in the LCFS will support critical operations and maintenance activities that bolster the reliability and accessibility of California's public charging network.

[1] EVgo notes that a more stringent 2025 CI target would further magnify the benefits associated with a 9% CI stepdown.

To further support goals of the LCFS and CARB's broader ZEV adoption goals, EVgo respectfully requests that CARB consider the following minor amendments:

1. Clarify that electricity dispensed for EV charging should be verified by desktop review and remove requirements for site visits to EV charging stations in §95501(b)(3) to recognize that EV charging networks' fuel transaction data is housed on electronic charging management platforms and not individual EV charging stations; and
2. Enable the Automatic Acceleration Mechanism (AAM) to trigger in 2026 based on 2025 data.

1. Clarify that electricity dispensed for EV charging should be verified by desktop review and remove requirements for site visits to EV charging stations in §95501(b)(3) to recognize that EV charging networks' fuel transaction data is housed on electronic charging management platforms and not individual EV charging stations

EVgo recognizes the importance of ensuring alignment between the quantity of electricity dispensed by EV charging stations and the quantity of electricity reported to CARB by entities generating LCFS credits from EV charging. To this end, EVgo maintains that the best way to verify the accuracy of reported fuel from EV charging stations is through data checks and reviews of electronic records as identified in §95501(b)(5). Site visits may be appropriate for verification of large liquid fuel production facilities, but they are not suited to EV charging networks for several reasons:

- **EV charging networks' fuel transaction data is housed on electronic charging management platforms, *not* at individual EV charging stations.** Third-party verifiers cannot readily obtain cumulative fuel transaction data from visiting individual EV charging stations because EV chargers, unlike liquid fuel production facilities, are unmanned and do not feature data management systems on-site. Instead, third-party verifiers can complete electronic reviews of data management systems that collect fuel transaction data from across EV charging networks that are then used to generate fuel transaction reports that are submitted to CARB. This approach can provide material time and cost savings while providing third-party verifiers with the information needed to carry out a comprehensive assessment of an entity's compliance with LCFS reporting requirements.
- **EV charger metrological accuracy is already regulated by California Department of Food and Agriculture Division of Measurement Standards (DMS).**

Many stakeholders have noted throughout the rulemaking process that DMS has already established a regulatory framework (the California Type Evaluation Program) that governs the testing and approval of EV chargers in California with EV charger accuracy requirements that are at least as stringent as those in § 95491.2 of the LCFS regulation.[2] Given the comprehensive lab and field-testing requirements that EV chargers are already subject to per DMS regulations, it is redundant for CARB to require additional site visits to assess the metrological accuracy of thousands of individual EV chargers participating in the LCFS.

- **EV charging networks are large and widespread.** Whereas third-party verifiers may feasibly carry out annual site visits to a limited number of large liquid fuel production facilities, it is costly and time-intensive for verifiers to conduct annual site visits for thousands of EV charging facilities located in diverse areas across the state.

Instead of taking a one-size-fits-all approach to a diverse suite of low carbon fuels, EVgo strongly recommends that CARB remove the requirement for site visits to EV charging stations participating in the LCFS and modify the regulations in a manner that allows third-party verifiers to complete verification services remotely, as fuel transaction data is housed on electronic charging management platforms – not at individual EV charging stations. This approach is better situated to provide third-party verifiers with the data needed to conduct in-depth verification.

2. **Enable the Automatic Acceleration Mechanism (AAM) to trigger in 2026 based on 2025 data.**

EVgo strongly supports the inclusion of the AAM in the LCFS and maintains that CARB can further support the ambition of California's decarbonization goals by allowing the AAM to be triggered in 2026 with a potential earliest effective date in 2027 (as opposed to the currently proposed 2027 trigger year and effective date in 2028). While CARB's proposed 9% CI stepdown in 2025 could potentially forestall the need for the AAM in 2026, the AAM acts as an important near-term hedge against sustained overcompliance at a time when the credit bank has reached unprecedented levels. Allowing the AAM to trigger in 2026 would ensure that the AAM can effectively achieve its express purpose of accelerating the stringency of the LCFS if certain market conditions are met.

[2] View Document - California Code of Regulations (westlaw.com)

To conclude, EVgo appreciates CARB's efforts to update the LCFS in line with California's transportation decarbonization goals and respectfully requests that CARB adopt the minor modifications described in these comments to ensure that the LCFS continues to support continued EV charging deployment in California. With these amendments, EVgo looks forward to supporting the passage and implementation of the proposed LCFS regulation.

Respectfully submitted this 27th day of August,

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