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## **April 7, 2023 Comment letter submitted via electronic commenting system**

Mr. Tony Brasil  
Mr. Craig Duehring  
Mr. Paul Arneja  
Mobile Source Control Division  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

### **Re: Truckee Donner Public Utility District Comments on 15-Day Language, Advanced Clean Fleets Regulation Public Fleet Requirements**

The Truckee Donner Public Utility District (TDPUD) submits the following public comments to the California Air Resources Board (CARB) in response to the recent 15-Day Language on Public Fleet Requirements (15-Day Rule). The TDPUD is a not-for-profit, community-owned and locally-governed public utility that provides essential water and electric services while supporting community safety and emergency response. While we appreciate some recent changes to the 15-Day Rule, in particular regarding the rules for snow removal equipment, we remain deeply concerned about the current 15-Day Rule's potential negative impacts on critical infrastructure and our ability to support public safety and emergency response for our community.

### **TDPUD's Fleet of Specialty Trucks Must Be Able to Do Essential Work in the Field:**

The public electric and water utility concerns about the ACF for public fleets are not new and are well-documented and coordinated through the California Municipal Utilities Association (CMUA), Northern California Power Agency (NCPA), Association of California Water Agencies (ACWA), Southern California Public Power Authority (SCPPA), and others. We support the comments they are submitting on the 15-Day Rule which include:

- The 13th model year restriction must be removed;
- The justification for daily usage of a fleet vehicle must account for all uses, including responding to major disruptions in services;
- The non-repairable vehicle exemption needs refinement to capture all non-repairable vehicle instances;
- Clarification needed on assignment of responsibilities for customer ZEV Infrastructure Delay extension requests;
- ZEV purchase exemption requires modifications; and
- Request for immediate opening of implementation rulemaking.

The TDPUD operates in the high Sierra Nevada Mountains at elevations between 6,000-8,000 feet with winter blizzards, atmospheric rivers/floods, severe thunderstorms, and wildfires. Maintaining critical infrastructure and supporting public safety and emergency response requires specialized fleets with off-road and 4x4 capabilities, and custom bodies. Almost all field vehicles

require robust power take-off (PTO) capabilities to run cranes, buckets, motors, compressors, pumps, vacuums, and a variety of equipment needed to operate a water and electric utility plus support emergency response.

It is also important to note that TDPUD is a small utility with less than 100 employees and less than 50 vehicles in our MD/HD fleet. Every vehicle in our fleet is multi-purpose and must be available 24/7/365. Most importantly, our fleets are specified to the most extreme conditions and emergencies in order to keep our communities safe. In addition, TDPUD's fleet must have both the capability to travel long distances (including mutual-aid response), along with the ability to respond to power outages or water emergencies where the truck will travel less than 10 miles but may remain in the field for many days with remote fueling until the job is done. The 15-Day Rule does not address these facts and the needs of public utilities.



*Electric Utility Work During Historic 2022-23 Winter*

TDPUD, for the last two years, has participated in CARB workshops and provided written and verbal comments with the goal of informing the regulation. This includes:

1. Formal written comments dated 10-26-21 and 10-17-22;
2. Joint comment letter from over a dozen Truckee-Tahoe public agencies dated 8-17-22, including a letter of support from local fire agency chiefs; and
3. Hosting CARB staff on 10-20-22 for an ACF tour supported by NCPA and CMUA, along with local regional utilities.

We have directly raised concerns about:

- The unavailability of commercially viable ZEVs and for the need to define commercial availability and not leave this up to the manufacturers but through an objective, neutral process;
- The need for 1:1 replacement including the ability to work and refuel in the field for weeks if needed. Critical utility vehicles must be specified to meet the most extreme conditions and emergencies; and
- The severe negative impacts to affordable rates and community safety.

### **Key Opportunities to Improve the 15-Day Rule:**

- **The Daily Use Exemption must consider the most extreme conditions and usage requirements over a 5+ year timeframe and the 13-model year requirement removed.** We appreciate the inclusion of a daily use exemption, and CARB staff have stated that this would address the “work” that utility vehicles must perform. We particularly appreciate how Section 2013.1(b)(3)(A) recognizes how fleet vehicles used to transport people, goods, & materials have fundamentally different operating requirements. As written, sections 2013.1(b)(3)(A) and 2013.1(b)(4)(A) recognize that duty-cycle requirements for fleet vehicles with power take-off (PTO) units cannot be measured using “miles per charge,” and must account for the energy needs of the PTO on the work site.

We are concerned, however, that section 2013.1(b)(3)(A) requires that an agency use a ZEV vehicle to collect the duty-cycle data used to justify a daily use exemption. Agencies should be allowed to collect duty-cycle data from existing ICE fleet vehicles to demonstrate that a one-to-one replacement does not exist in the form of a ZEV. Furthermore, we emphasize that our utility fleet vehicle specifications are derived from the most extreme situations/applications for our vehicles and, while we appreciate extending from 12 months to five years, the requirement in the 15-Day Rule that excludes the three most usage data points makes no sense for an electric and water utility. The public utility adopting a procurement policy of this nature places our communities at risk. In fact, it would ensure that not only would utilities be forced to purchase ZEVs that will not work in the most extreme emergencies, but CARB would also be sending a critically-flawed market signal that substandard vehicles meet utility needs.

Finally, while remote fueling of ICE vehicles is a viable option today, the equivalent option for MD/HD ZEVs is not available. TDPUD is not aware of commercially-available mobile DC fast-charging equipment, which would likely require a 500 kW+ generator and charging equipment (transformer, charger, etc.), which would like require a flatbed truck. TDPUD’s MD/HD vehicles are all 4x4, off-road vehicles, and any mobile charging station must have the same performance.

- **A robust definition of commercial availability along with an independent panel of experts needs to be established.** It has been widely-documented and presented to CARB Board and staff that the vast majority of ZEVs required by electric and water utilities do not exist today and likely won’t for 5-10+ years. Many consider the Ford F150 Lightning commercially available, but utilities have ordered hundreds but only received a handful, and lead times are many years long. This raises particular concern since these are light-duty trucks with a wide market base for which manufacturers have greater incentive to make readily available. This vehicle is not even part of the Draft Rule (starts at F250 equivalents and larger).

True commercial availability for ZEVs has been further compounded by the COVID and global supply chain crisis. CARB staff has stated repeatedly that lead time/availability is not an issue for compliance since it is based on placing an order. For an electric and water utility, not having a key truck for many years that is

required to maintain critical infrastructure, provide essential services, and support emergency services is not acceptable.

TDPUD strongly supports the proposals for commercial availability and some sort of expert/independent panel provided in ACWA, SCPPA, CMUA, and NCPA comment letters. These comment letters reflect the overwhelming support of the 50+ publicly-owned electric utilities, and the many hundreds in the public water utility community. Leaving this critical determination to be only informed by the automobile manufacturing industry would not represent actual commercial availability.

- **The 15-Day Rule must maintain the principal of one-to-one replacement.** A vehicle must meet all utility specifications to be considered a one-to-one replacement and commercially available. The Truckee-Tahoe public agencies comment letter to CARB dated August 17, 2022 detailed the negative impacts to performance, payload, and costs. The ACF remains untenable for public electric fleets that do work in the field (i.e. have extensive PTO), and must stay on the job for days or weeks until work is complete. In addition, the current 15-Day Rule does not ensure that manufacturers' claims are valid, and allows manufacturers to substitute a ZEV of a higher weight as equivalent.

The TDPUD appreciates the challenges that CARB faces in implementing the 15-Day Rule, especially for the electric and water utilities. We continue to support the goals of this effort and have provided extensive comments over the last two years. However, the current 15-Day Rule has done little to address very serious concerns and deficiencies which are incompatible with our public service obligations. We welcome the opportunity to continue the dialogue with CARB staff, and to lend our expertise in crafting a final rule that will meet CARB's obligations while also protecting our ability to provide essential services and support public safety/emergency response.

Please contact myself or Truckee Donner Public Utility District's Public Information and Strategic Affairs Director Steven Poncelet ([stevenponcelet@tdpud.org](mailto:stevenponcelet@tdpud.org), 530-582-3951) if we can be of further assistance or to schedule a meeting. Thank you for your consideration and support of public electric and water utilities and the communities that we serve.

Regards,



Brian Wright  
General Manager

CC: CARB Board Chair Liane M. Randolph  
CARB Board Member Gideon Kracov  
CARB Executive Officer Dr. Steven Cliff  
Nick Blair, Association of California Water Agencies (ACWA)  
Frank Harris, California Municipal Utilities Association (CMUA)  
Emily Lemei, Northern California Power Agency (NCPA)  
Elisabeth De Jong, Southern California Public Power Authority (SCPPA)