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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:

Marin Clean Energy (MCE) writes 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.

We thank staff for providing information on the proposal during the EVSE Standards Rulemaking webinar on April 2, 2019 and the public workshop on November 7, 2018. While MCE does not oppose implementing a new rule to upgrade existing Level 2 (L2) and Direct Current Fast Chargers (DCFCs) with credit card readers, MCE is concerned that existing EVSEs or EVSE installations that are pending will become stranded assets in 5 years.

To ensure that CCAs and local government agencies can play meaningful roles in achieving the state's policy goals and standards, MCE's comments focus on recommendations that can ensure that investments already made by local governments will not incur additional cost burden. MCE also provides recommendations that can encourage further collaboration and coordination between state agencies and local communities.

I. Background

MCE has ambitious transportation electrification goals and has invested over \$800,000 in both vehicle and charging station rebates, as well as sponsoring public charging stations in our service area to improve our local communities' access to transportation electrification. MCE has programmed over \$3 million in the next 2 years to accelerate the deployment of EVs and EVSE. Current MCE programs include new and used vehicle incentives for low-income customers, rebates for EVSEs on commercial and multi-unit dwelling (MUD) properties, and special rates for EV drivers that incentivize off-peak charging. MCE also has other incentive programs under development.

MCE is committed to increasing access to EV charging stations and supporting local agencies and private retailers to do the same. Public agencies in particular play a critical role in widespread deployment of charging infrastructure to our residents, businesses and visitors. To date, public agencies have filled the gap left by private markets to ensure communities have access to affordable charging. MCE's goal is to ensure public agencies can continue serving as key partners in expanding EVSE in a manner that is equitable accessible to all.

II. MCE Recommendations on EVSE Open Access

In light of MCE's programs and goals, we respectfully raise the following issues related to the newly proposed rules for upgrading existing EVSEs for the staff and Board's consideration.

1) Existing and pending EVSEs should be grandfathered to allow rules to be applied only when the stations are upgraded with new equipment.

Upgrading existing EVSEs, even on an extended timeline, would cause significant financial hardship to public agencies, private retailers, community colleges, and others that have served as key early owners and operators of EV charging infrastructure. In MCE's service area there are an estimated 1,421 publicly available Level 2 charge ports according to the NREL's CEC EV Infrastructure Project Tool (EVI-Pro). The estimated cost of retrofitting these stations is \$5,000 apiece for a total of \$7.1 million to replace. As many of the EVSEs operate at a loss or extremely marginal operating revenue, installation or major upgrade will not likely be funded by revenue, but by the public agencies or other owners/operators of the EVSEs.

The proposed rules would likely penalize public agencies that have made early investments in charging accessibility, as public agencies do not have funding for compliance this unanticipated rule change. Furthermore, as many of the EVSEs have received state grant funding, it is highly unlikely that public agencies would receive additional funding to meet this new compliance requirement. Additionally, other costs could be triggered to bring this infrastructure into compliance that may not have been considered by CARB staff.

Without adequate funding, it is likely that the owners and operators of EVSEs may need to remove existing EVSEs as an unintended result of the implementation of this new rule. This would significantly undermine all the local transportation electrification initiatives, as well as California's environmental policy goals. To prevent this unintended consequence, MCE recommends grandfathering current stations to ensure public agencies are able to have an ongoing role in providing public L2 charging in their communities. Instead, a retrofit should only be required for existing EVSEs when other upgrades are triggered to avoid disproportionate compliance costs.

MCE also recommends that CARB staff not refer to the Low Carbon Fuel Standard program as a measure of impact on local government agencies, as it is not a comprehensive representation of what is currently deployed in our communities. We emphasize that the total costs of compliance will be much higher than described in the SRIA.

2) MCE recommends the consideration of forthcoming technologies in the rulemaking to avoid the risk of technology obsolescence and.

Requirements to support specific payment methods and reporting on such methods are likely to result in burdensome maintenance costs, as well as potential service and reporting gaps. Mobile payments (payment with mobile phones) are experiencing tremendous growth with an estimated 20% of the population using it currently and rising¹. 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

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

enabling charging stations and vehicles to securely process payments for charging sessions using unique vehicle identifying numbers (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 vehicles and charging stations, Electrify America charging stations, Polestar (Volvo), Daimler vehicles, and VW vehicles and subsequent brands. 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) MCE encourages CARB's coordination with the Center for Sustainable Energy (CSE) and the California Energy Commission 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 initiate installations of their own accord. As proposed, the requirement poses a disincentive to participate in the CALeVIP rebate 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 aggressive goals for expansion of public EV charging.

4) MCE looks forward to continued collaboration with CARB on the monitoring and reporting aspects of the regulation.

Public agencies identified a number of 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. Local governments and other 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 resources local government and other 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 in our communities.

As previously stated, many public agencies have funded existing EVSE infrastructure through grant funding. These funding sources already establish quarterly and annual reporting templates that must be completed by local government staff. In their current form, the reporting requirements may discourage or penalize public agencies from serving as public charging operators. We have limited budgets, and CARB staff has not identified funds to support this activity. We will continue to monitor and evaluate the impact of reporting

on our EV programs, 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 MCE 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 actually deploy and operate EVSE. 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,

Brett Wiley
Customers Program Manager
MCE

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MCE

Second page

Third page

Fourth Page

Fifth Page