



May 28, 2021

California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Comments on Electrify America's Cycle 3 ZEV Investment Plan

ChargePoint appreciates the opportunity to provide comments on Electrify America's proposed Cycle 3 Investment Plan. ChargePoint has been an active participant in Cycle 1 and Cycle 2 discussions and in other electric vehicle policy discussions at the California Air Resources Board. We appreciate the Board's continued interest in advancing transportation electrification.

Founded in 2007, ChargePoint is a category creator in EV charging, helping to make the mass adoption of electric mobility a reality. ChargePoint serves customers through its software-defined hardware portfolio, comprehensive suite of software solutions, and robust network designed for various use cases. Drivers plug into the ChargePoint network approximately every two seconds, have completed more than 88 million charging sessions to date and driven 2.6 billion electric miles.

ChargePoint proposes the following actions from CARB in response to the Cycle 3 ZEV Investment Plan:

1. Reduce or eliminate the Metro/Community Charging investments and move any remaining funds to support underserved markets.

Electrify America has proposed to spend more than half of the Cycle 3 investment on owning and operating fast charging stations in metropolitan areas in California. Due to the cost and utilization of fast chargers, metropolitan areas are a highly competitive market for deploying fast chargers. Investments by Electrify American in these areas will be in direct competition with private funding deployed by other market participants seeking to establish their own business related to EV charging. The use of settlement funds to install Electrify America-branded and owned charging stations at no cost to site hosts is anti-competitive and will not provide additional or incremental resources to the private and public investments currently underway in California. Furthermore, contracts with Transportation Network Companies (TNC) represent one of the greatest opportunities for charging network providers to have guaranteed and predictable utilization, putting Electrify America in direct competition with businesses that must leverage private capital to reach agreements with TNCs. This funding should be reallocated to support charging station deployment in rural and disadvantaged communities in the state. If CARB does approve these investments, it must ensure that any agreements signed with site host or transportation network companies are not anti-competitive, including ensuring there are no corporate or site-specific exclusivity provisions for either site host or TNCs and requiring all

sites (including all investments from Cycle 1 and 2) to enable roaming with all other EV charging networks.

2. Ensure marketing efforts aimed at TNC electrification is brand neutral

Electrify America is proposing \$28M in Public Education, Awareness, Access, and Marketing and has listed investment in three categories: Brand neutral Campaign: Boosting ZEV Adoption Through Education and Awareness (\$14M), Access: Driving Education and Awareness through TNC Electrification (\$2M), and Branded Campaign: Boosting Station Utilization through Branded Marketing (\$12M). It is unclear from the Cycle 3 proposal if the \$2M for Access: Driving Education and Awareness through TNC Electrification is intended to be brand neutral or not. CARB should require and ensure that any communications related to charging infrastructure is brand neutral and that no incentives are provided that would apply exclusively to Electrify America's owned and operated charging infrastructure. This will ensure that TNC drivers are aware of all the possible charging options and provide them with the highest level of confidence in the State's charging infrastructure.

3. Convene industry stakeholders as committed in 2017 Resolution 17-23.

On July 27, 2017, the Board passed Resolution 17-23 that stated: "Staff, after consulting with stakeholders, including environmental justice groups, labor organizations, auto manufacturers and other EV charging companies, will report to the Board at least twice a year on progress towards achieving the objective of the Consent Decree."¹ ChargePoint is not aware of efforts from CARB staff to consult with EV charging companies on the Electrify America actions in Cycle 1 or Cycle 2, despite a report being submitted to the Board.²

4. Ensure that all investments in public charging infrastructure facilitate roaming with all EV charging networks.

Through the 2.0-Liter Partial Consent Decree, Electrify America has either proposed or received approval to own and operate more than \$500 Million in publicly available charging infrastructure in California which is approved by CARB. To ensure that these investments support broad EV adoption, CARB should require Electrify America to enabling roaming with all other charging networks on all publicly accessible charging stations.

CARB's Electric Vehicle Supply Equipment Standards require charging stations to meet and maintain a protocol to enable roaming across networks called the "California Open Charge Point Interface Interim Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes" by July 1, 2021.³ Through this order, CARB has indicated its intention of facilitating roaming across networks. While CARB has rightly acknowledged its limited ability to regulate business to business transactions, CARB has a

¹ California Air Resources Board Resolution 17-23 Volkswagen Zero Emission Vehicles Investment Plan, July 27, 2017. Available at <https://www.arb.ca.gov/board/res/2017/res17-23.pdf>

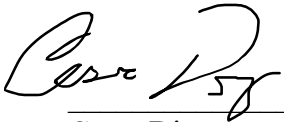
² VW ZEV Investments: Meetings & Workshops: <https://ww2.arb.ca.gov/our-work/programs/volkswagen-zev-investment-commitment/vw-zev-investments-meetings-workshops>

³ California Air Resources Board Electric Vehicle Supply Equipment Standards Final Order, May 29, 2020. Available at <https://ww3.arb.ca.gov/regact/2019/evse2019/fro.pdf>.

unique role as it relates to the investments Electrify America is deploying in California. In order to promote access to existing Electrify America charging stations and to support the competitive market for EV charging services, CARB should require Electrify America, as part of this Cycle 3 investment plan to enable full roaming access to any EV charging network that request, with no required fees, subscriptions, or payments to be made by the requesting EV charging network to Electrify America or any other organization.

Thank you for your consideration of these comments. We hope that CARB will take the time to work with Electrify America and stakeholders to modify this plan before voting on its approval to ensure these investments are done in a manner that supports, rather than undercuts other actors in the competitive marketplace for EV charging services who are investing their own private capitol to ensure California's success in meeting its ZEV goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Cesar Diaz", written over a horizontal line.

Cesar Diaz
Senior Manager, Public Policy
ChargePoint