



July 21, 2020

Ms. Patricia Monahan  
Commissioner, Energy Commission  
1516 Ninth Street, MS-33  
Sacramento, CA 95814

**Re: Principles for the CEC's EVSE Data Regulation**

Dear Commissioner Monahan,

On behalf of the undersigned organizations, we want to thank the California Energy Commission (CEC) for its leadership accelerating the growth and development of the electric vehicle (EV) charging industry. We share the CEC's vision for transportation electrification and want to further our partnership with you to achieve the state's 2025 charging infrastructure deployment goal and 2030 EV deployment goal.

The EV Charging Parties recognize the importance of the CEC's role in implementing AB 2127, which calls for the CEC to assess charging infrastructure needs to support the levels of EV adoption required for the state to meet its ZEV and greenhouse gas reduction goals by 2030. Many in our industry supported the enactment of AB 2127 because we believed then, as we do now, that California should take the necessary steps to realize these critical EVSE infrastructure and zero-emission vehicle deployment goals. However, we understood this legislation to help inform how many chargers are needed to support the state's greenhouse gas reduction goals, not to inform where chargers are to be deployed. We'd also greatly appreciate the CEC clarifying specific questions it hopes to answer as part of the AB 2127 assessment, the connection the CEC has identified between those questions and the data that has been proposed for collection, and how it intends to use this information to meet state policy goals beyond AB 2127.

We have several concerns around CEC's data collection efforts, including privacy concerns around market competitive intelligence, the scope and scale of the data being requested, overlap with data collection efforts by other state agencies, and the possibility for such data collection to increase soft costs for charging providers at a time when there is much discussion in the state in how to reduce costs for third party providers. Moreover, we question whether it is appropriate

for CEC to collect data for all charging infrastructure in the state, regardless of whether these chargers were funded with support from the CEC. Further, the EV Charging Parties are concerned by how their proprietary data may be used both by the CEC and eventually the public.

Given these concerns, the EV Charging Parties share the following basic principles for the forthcoming EVSE Data collection proceeding that we believe to be critical as we work in collaboration with the CEC to fulfill the goals under AB 2127.

- 1. The CEC should clarify what data requests may be duplicative, and how they can work collaboratively with other agencies to collect the data necessary to fulfill their statutory obligations under AB 2127.**

Electric vehicle service providers (EVSPs) are already supplying or must soon supply much of the information requested by the CEC to the National Renewable Energy Laboratory (NREL), the Air Resources Board (ARB), and the California Public Utilities Commission (CPUC). Additionally, some of the information that the CEC is seeking will be made available through other efforts, such as the DRIVE OIR. For example, the DRIVE OIR process will require utilities to publish load profiles for commercial charging starting in March 2021. At this stage, it is unclear what the CEC is requesting data for that is not already being provided to other state agencies. As such, during its workshop on data collection, the CEC should detail data reporting efforts underway, suggest opportunities to extract the data they need from these ongoing efforts, and explain where such efforts are insufficient to meet their goals, necessitating additional reporting from EVSPs.

- 2. The CEC should seek to align with existing reporting timelines to minimize duplication.**

Through the Open Access Act for publicly available stations, ARB requires EV charging companies to begin reporting March 1, 2022, and thereafter companies will have to report network-level transaction data on an annual basis. We respectfully request the CEC to align its reporting timeline with ARB's reporting start date, as well as require reports to be submitted on an annual basis. The CEC should also explore ways in which to gain access to ARB data that EVSPs are already submitting.

- 3. Some data reporting should be optional for parties, recognizing EVSPs' need to protect proprietary data, consumer information, and competitive intelligence.**

EV charging data is a powerful tool: it informs companies' proprietary infrastructure deployment strategies and advances their respective business models. Such competitive intelligence is an asset owned by each company. Therefore, after assessing what information the CEC seeks is already publicly accessible, the CEC should work bilaterally with organizations to understand sensitivities around sharing certain information, such as session level data, and determine which data reporting should be optional for non-CEC funded chargers.

#### **4. Data reporting requirements may increase soft costs for charging providers.**

New, duplicative data reporting requirements add soft costs to charging providers at a time when California is focusing heavily on how to reduce costs in the EV infrastructure space. The EV charging industry has experienced lay-offs, reductions in revenue, and a slowdown in day-to-day operations during the COVID-19 induced recession. Meanwhile, ever-increasing, ever-evolving technological and data reporting requirements by state agencies will continue to increase costs in the EV charging industry. Given the enormity of the data that the CEC is requesting EVSPs to review and process— including detailed information on each of millions of charging sessions that occur in the State – the cost impacts of this regulation will only exacerbate limited resources further.

As such, the CEC should recognize the increased administrative burden that additional data reporting requirements place on private companies and seek to minimize duplicative efforts as much as possible. We are particularly sensitive to cost impacts from this regulation exacerbating our already stretched resources during these uncertain times, and the resources necessary to implement new IT solutions to collect some of the data that CEC is requesting. The CEC should therefore look to automate any data reporting as much as possible, utilize already publicly accessible information, and consider using some of its funds to alleviate the cost impacts of data reporting.

#### **5. Recognize the complexities of ensuring data accuracy.**

The industry is committed to providing accurate data. However, such an extensive data collection effort raises additional questions for this regulatory process; for instance, how does the CEC plan to enforce data accuracy? Will companies have to build additional verification processes into the compiling and sharing of this data to ensure compliance? We respectfully request the CEC recognize the potential for unintended reporting imperfections and provide for a pathway in the enforcement process of this regulation that takes this complexity into account. This should be coupled with the opportunity to provide this data in aggregate and a consideration of what should be optional versus required after assessing other data collection efforts in the state.

#### **Conclusion**

The EV Charging Parties appreciate the CEC proactively reaching out to charging companies and utilities alike early in this process to discuss its goals with the regulation and collect feedback. Our respective organizations look forward to further dialogue on this topic with the CEC. We hope to further this process by discussing how to implement these principles with the CEC, addressing any technical questions, and providing additional information to staff.

We look forward to our continued partnership in realizing California's transportation electrification goals. Thank you for your consideration.

Sincerely,

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