# **Questions and Answers**

**GFO-23-602**

**Charging and Refueling Infrastructure for Transport in CALifornia Provided Along Targeted Highway Segments (CRITICAL PATHS)**

**November 17, 2023**

The following answers are based on California Energy Commission (CEC) staff’s

interpretation of the questions received. It is the Applicant’s responsibility to review the purpose of the solicitation and to determine whether or not their proposed project is eligible for funding by reviewing the Eligibility Requirements within the solicitation. The CEC cannot give advice as to whether or not a particular project is eligible for funding, because not all proposal details are known.

Unless indicated otherwise, all section numbers identified are from the solicitation manual (for example, “Section II.B” refers to Section II.B of the solicitation manual).

***Administrative***

**Q1:** **The solicitation manual states “The Applicant does not need to have its company headquarters in California, but it must have at least one existing physical office within the State of California.” If a company that is a joint venture and one of the parent companies have an office in CA does that meet the requirement?**

A1: This eligibility requirement has been removed with Addendum #1. Please note that all corporations, limited liability companies (LLCs), limited partnerships (LPs) and limited liability partnerships (LLPs) that conduct intrastate business in California are still required to be registered and in good standing with the California Secretary of State prior to approval at a CEC Business Meeting. Please refer to the Section II.A for more information.

***Project Eligibility & Requirements***

**Q2:** **The Energy Commission is requiring that "proposed charging stations must be no farther than 100 miles from Applicant’s other proposed charging stations in the application.". Do you happen to know how those 100 miles will be measured?**

A2: The 100 miles, which is increased to 125 miles in Addendum #1, will be measured as highway miles between each exit. This will not include the distance from the highway exit to the refueling or charging station.

**Q3:** **I’m requesting confirmation that an applicant is ineligible for this grant opportunity, GFO-23-602, if they received Trade Corridor Enhancement Program (TCEP) funding in 2022 for the Green Power Microgrid Project along the Primary Highway Freight System.**

A3: Yes. It is the CEC’s intent to not fund projects at the same locations as projects that have been awarded TCEP or Charging and Fueling Infrastructure (CFI) Grant Program funding.

**Q4:** **Why is CFI funding excluded from the program for stacking?**

A4: Funding for this solicitation is limited and to effectively help buildout the minimum viable network, it is the CEC’s intent to not fund projects at the same locations as projects that have been awarded TCEP or CFI Grant Program funding.

**Q5:**  **Is there a clear definition of public access, and is it required across a project that encompasses both hydrogen and electric charging but only seeks funding for one?**

A5: Public access is generally identified as having no obstructions or obstacles to preclude vehicle operators from entering the station premises, not requiring a vehicle operator to obtain or to use access cards or personal identification (PIN) codes for the station to dispense fuel, and no formal or registered station training is required for individuals to use the stations. If an applicant is only seeking funding for one fuel but plans to install both, the fuel that needs to have public access is the fuel that receives funding. Please refer to Section II.B for more information.

**Q6:** **What is the competitiveness of hydrogen refueling infrastructure in this application? Since the truck market for fuel cell electric vehicles (FCEVs) is not as developed as battery electric vehicles (BEVs).**

A6: The CEC will be recommending funding to the highest passing scoring project regardless of technology category. If there are remaining funds, the CEC will recommend the next highest passing scoring project of the other technology category. Please refer to Section I.G for more information.

**Q7:** **Would the CEC consider extending the 100-mile distance between CRITICAL PATHS sites requirement to reflect the capabilities of current heavy-duty (HD) BEVs on the market? Many have been proven to do 200+ miles, and future models will certainly expand on this capability. An increase from 100 to 125, 150, or 175 miles would open up the capabilities for applicants to submit many more sites to the CEC.**

A7: Yes. In Addendum #1, the 100-mile distance between proposed charging stations has been increased to no farther than 125 miles from an Applicant’s other proposed charging stations in the application.

**Q8:** **Would the CEC consider an extension of the 1-mile from corridor restriction for sites? How might it affect competitiveness of an application if the requirement was not met?**

A8: No. The CEC will not extend the project requirement that all proposed projects must be within one linear mile, as the truck/bus drives, of the identified corridor segment’s off-ramp. If this or any other eligibility requirements in Section II are not met, the application may be disqualified during the technical screening process.

**Q9:** **The solicitation requires a Station Site Owner Letter of Commitment. Would a letter from the applicant along with a signed Purchase Sale Agreement for the specific piece of property, signed and dated, that includes an explanation of the current status of the property and sale suffice?**

A9: Applications will be evaluated on the degree to which site control is secured. With all other project aspects being equal, a signed lease or purchase agreement would score higher than a letter of commitment without a similar form of contract.

**Q10:** **In the “Minimum Technical Requirements for Open Retail Electric Vehicle Charging Stations” section of the Solicitation Manual, “The station has received all required state, local, county, and city permits to build and operate” is listed as one of the requirements. Does this mean that all required permits for the project must be issued and in-hand by the time an application is submitted?**

A10: No. Open Retail refers to a station being operational and open to the public for retail sale. Section II.C and Section II.D are the requirements for a station to be considered Open Retail after station completion, toward the end of the project’s awarded grant agreement.

**Q11:** **In the “Minimum Technical Requirements for Open Retail Electric Vehicle Charging Stations” section of the Solicitation Manual, “The station is accessible to the public” is listed as one of the requirements. Does this mean that members of the public with personal-use light-duty vehicles must also be able to access and charge at the project charging stations? If not, how will the station remain publicly accessible 24/7/365 when it restricts access only to medium-duty and heavy-duty (MDHD) vehicles?**

A11: The purpose of this solicitation is to provide funding for refueling and charging equipment to be used for MDHD vehicles. While light-duty vehicles may be able to use the equipment from a technical perspective, station operators may elect to restrict access to light-duty vehicles but may not do so for MDHD vehicles.

**Q12:** **Site 1 is located within one mile driving distance of an interchange exit numbered 205 on a priority freight corridor. Site 2 is located within one mile driving distance of an interchange exit that is numbered 309, implying a driving distance of approximately 104 miles between the two sites. Can these two sites qualify for funding given that they are approximately 100 miles apart and therefore consistent with the intent of the Grant Funding Opportunity?**

A12: Yes. In Addendum #1, the 100-mile distance between proposed charging stations has been increased to no farther than 125 miles from an Applicant’s other proposed charging stations in the application. In the example provided, these two sites would qualify.

**Q13:** **We have noticed that most of our hydrogen customers for heavy duty / light duty vehicles are interested in liquid hydrogen since the economics are preferable for transportation of the fuel throughout the state as a liquid versus a compressed gas. I noticed there is a requirement for the hydrogen to be compressed to 700 bar. Would this grant be able to support the development of a liquid hydrogen plant (without compressed gaseous hydrogen)?**

A13: No. All projects that propose hydrogen refueling infrastructure must offer compressed gaseous hydrogen. If an applicant wants to propose liquid hydrogen in addition, then these costs would be eligible for match share only.

**Q14:** **Is there a minimum acceptable uptime percentage for the hydrogen and charging stations?**

A14: Awarded applicants installing EV stations are required to ensure that the charging port uptime for each charging port installed in a project is at least 97 percent of each year for six years after the beginning of operation. Awarded applicants installing hydrogen stations are required to provide a plan explaining how hydrogen stations will maximize uptime with a goal of 95% uptime. Please review Attachment 1, Scope of Work Template.   
  
Additionally, please note that for charging equipment installed after January 1, 2024, charging equipment must comply with recordkeeping and reporting standards which the CEC is currently in the process of developing. The CEC is working to develop regulations in compliance with Assembly Bill (AB) 2061. Other requirements, including but not limited to uptime and operation and maintenance requirements, may also be adopted by regulation. Once these regulations are finalized, chargers installed under agreements resulting from this solicitation will need to comply with the new regulations. Applicants to this solicitation must be prepared to comply with any new or updated regulations, even if the regulations are not in existence at the time of application to this solicitation. Please refer to Section II.B.13 for more information.

**Q15:** **How flexible are the open retail fueling requirements if certain controls are needed to manage demand or prioritize dedicated fleet customers?**

A15: Open retail fueling requirements are described in Section II.C and Section II.D. The requirement for projects to be for public use cannot include controls to prioritize dedicated customers.

**Q16:** **What are the key factors you evaluate to determine if a project location**

**is sufficiently "shovel ready"?**

A16: To determine if a project is “shovel ready”, applications will be evaluated on the degree to which required permitting for the proposed project has been completed or the permitting schedule ensures successful project completion within the timeframes specified in this solicitation; the project has achieved compliance under the CEQA or can be completed within the timeframes specified in this solicitation; site control is secured; and coordination is underway with the respective utility provider for utility connection to minimize time to energize the sites. Project Readiness criteria are described in Section IV.E.3 of the Evaluation Criteria.

**Q17:** **What specific community engagement activities are expected during and after project implementation?**

A17: Community outreach, including but not limited to, education efforts to explain the proposed project to the public and outreach and discussions with fire marshals (if applicable) is strongly encouraged. Additionally, all projects must prepare a Workforce Plan, which shall include outreach and engagement efforts aimed at job recruitment, job-placement strategies, and local hiring especially from those facing employment barriers and residents from disadvantaged and/or low-income communities (DAC/LIC) and individuals whose income is below poverty.

**Q18:** **Does the CEC expect these community engagement activities to be carried out by a third party?**

A18: The CEC does not have any expectations on who handles community engagement activities. It is up to the applicant to determine.

**Q19:** **What level of design completeness is expected for the station plans submitted at the application stage?**

A19: There is no requirement for station designs to be completed at a specific level. However, designs/plans that are more developed may score higher with all other project aspects being equal.

**Q20:** **Can we adjust the mix of charging and fueling points between the two sites? For example, instead of electric vehicle (EV) x 6 charge points and 2 x hydrogen dispensing points at each location, could we do 5 and 3 at one and 7 and 2 at another assuming the total installed capacity is the same?**

A20: Where both EV and hydrogen technologies will be installed, the requirement is to have at least 6 DCFCs and 2 MDHD hydrogen dispensers at each location. In the example provided, the first site proposing 5 charging points and 3 hydrogen dispensers would not meet the requirement of at least 6 DCFCs, but it would appear to meet the hydrogen dispenser requirement, if they were for MDHD FCEVs. The second site proposing 7 charging points and 2 hydrogen dispensers would meet the requirements, assuming all other requirements in the solicitation are met.

**Q21:** **The public-access requirements in the solicitation do not mention reservation systems. Are tiered reservation systems that allow for some users to simply drive up and charge without reserving a station, where other users can reserve hours, days, or weeks in advance be allowable under this program? Reservation systems allow for greater flexibility and drive adoption of battery electric trucks by drivers and fleet.**

A21: No. Each project location must be open to the public 24 hours per day, 7 days per week, year-round. Each project location must also be accessible to the public, including but not limited to: The user of the station is not required to obtain or to use access cards or personal identification (PIN) codes for the station to dispense fuel. Please refer to Section II.B for more information on Project Requirements.

**Q22:** **If an applicant is in close coordination with their utility from the onset of their proposed project, but after grant submission infrastructure timelines are delayed by the utility, how does that affect funding allotments and required timelines under this solicitation?**

A22: It is the responsibility of the applicant to complete all work prior to the March 31, 2028 deadline. Agreement deliverables not completed by this date may result in loss of retention or awarded funds.

**Q23:** **Please define linear mile. Is the intention of 1-mile from an off-ramp as the crow flies, or 1-mile on roads?**

A23: 1-mile on roads.

**Q24:** **Does public access mean that hydrogen stations must accommodate both heavy trucks and passenger cars in the same facility?**

A24: No. The solicitation’s intent is that these stations will fuel heavy-duty trucks. If passenger cars are part of that project, the evaluation team will take that into account. However, the requirement for this solicitation is for MDHD zero-emission vehicles.

**Q25:** **Is there any restriction on the distance between proposed sites and**  **previous CFI or TCEP awards?**

A25: There are no restrictions on the distance, but the CEC will not reimburse for any work performed as a result of CFI or TCEP awards. This solicitation is not stackable with CFI or TCEP funding.

***Eligible Reimbursable and Match Share Costs***

**Q26:** **If we elect to pursue the hydrogen fueling only option and select sites more than 100 miles apart, can we still include EV charging infrastructure as a component of our match share?**

A26: Yes.

**Q27:** **Can hydrogen production equipment that is to be co-located with the refueling infrastructure and supply fuel to said infrastructure be included as a component of our match share?**

A27: Yes. Hydrogen production equipment on-site may be included as match share.

**Q28:** **Will the safety plan review and other hydrogen safety work undertaken with the Hydrogen Safety Panel be eligible for reimbursement by CEC?**

A28: Yes. Work with the Hydrogen Safety Panel is eligible for reimbursement.

**Q29:** **If large enough projects are submitted, will the CEC consider pulling funding from other sources to provide greater total funding to projects, past the listed $20 million?**

A29: The CEC reserves the right to increase or decrease the amount of funds available under this solicitation. It is the CEC’s intention at this time to have this solicitation available on a recurring basis. Projects that are not funded this round may be eligible for funding through potential future releases.

**Q30:** **In the “Match Funding Requirements” section of the Solicitation Manual, “The grant recipient shall incur match share expenditures at least at the same rate as CEC funds” is listed as one of the requirements. Can you please elaborate on what this means?**

A30: Awarded recipients are expected to invoice for match share at a rate similar to or greater than the grant’s reimbursable share. This means if a project is invoicing for $100,000 in reimbursable CEC funds, the same invoice should have at least $100,000 in eligible match share costs as well.

**Q31:** **What specific criteria determine whether utility upgrades or other costs are reimbursable?**

A31: Utility upgrade costs are reimbursable if deemed necessary for the project. Applicants are encouraged to reach out to their local utility to determine if utility funding is also available for upgrades. Distribution grid or other equipment costs that are otherwise covered by programs or tariff rules of the electric utilities are not eligible for reimbursement or as match share.

**Q32:** **Can we refactor/add utility costs at a later date if not identified by the November application deadline assuming the same total grant award amount?**

A32: Yes. However, significant changes to the evaluated budget may affect scoring.

**Q33:** **Can we expand fuel offerings at fuel stations to include compressed natural gas (CNG) with grant funds?**

A33: No. Costs to install CNG fueling infrastructure would not be eligible as reimbursable or as match share costs. Please see Addendum #1.

**Q34:** **Could we count any infrastructure added to include CNG fueling capacity as a component of our match share?**

A34: No. Costs to install CNG fueling infrastructure would not be eligible as reimbursable or as match share costs. Please see Addendum #1.

**Q35:** **If the network agreement with a network provider is an eligible cost, does this include long-term agreements such as 5-year network agreements?**

A35: Yes, provided the network agreement is within the term of the agreement.

***Miscellaneous***

**Q36:** **Does the CEC have a specific workforce plan template they can point applicants to, similar to the template budget, scope, schedule of products?**

A36: No. The CEC does not have a specific workforce plan template to provide to recipients. Please refer to Section II.B.12 of the manual for more information on what must be included in the workforce plan.

**Q37:** **Confirming that the CEC will not release the full details of the applications they receive during the application review process, will only provide full applications to individuals that request them after awards are announced, and will not directly provide them to the public via the CEC’s website?**

A37: Yes. The application evaluation process from receipt of submitted materials to posting of the NOPA is confidential. All submitted documents will become publicly available records after the NOPA is posted or if the solicitation is cancelled. These records will not be posted on the CEC’s website but are available upon request by contacting the Commission Agreement Officer for the solicitation.

**Q38:** **If Applicants are currently assessing the MDHD EV Charging Station hardware provider market and have parameters and standards in mind that must be met to be successful, would a list of all equipment being considered without finalizing a single provider during the application process be allowed?**

A38: Yes, this would be allowed. However, please be aware that some evaluation criteria may be impacted like Project Readiness or Environmental and Economic Benefits. Please refer to Section IV.E for more information on Evaluation Criteria.

**Q39:** **Does the CEC’s scoring criteria directly correlate to an Applicant’s ability to commit to one charging hardware provider at the time of application?**

A39: No, the CEC would be more interested in the capabilities of the charging hardware and timing for delivery and installation, rather than the manufacturer.

**Q40:** **Does the end use customer need to be defined in the application?**

A40: No, this is not required but it would be helpful for the evaluation team to understand if there is a clear customer base identified.

**Q41:**  **Is the CEC planning on doing future Phase 1 funding rounds which would exceed the total $20,000,000 currently available?**

A41: It is the CEC’s intention at this time to have this solicitation available on a recurring basis. Projects that are not funded this round may be eligible for funding through potential future releases. The amount of funding available for future solicitations will be determined at that time.

**Q42:** **The solicitation states that all work must be scheduled for completion by no later than March 30, 2028. Is this the date by which the project must be built? Operational? Do projects with an earlier completion, operational date fare better in scoring?**

A42: March 30, 2028, is the last date that projects can be completed due to liquidation of funding. We advise applicants to review the data collection requirements of the solicitation because those will need to be considered in terms of when projects should be built and operational. Additionally, there is a Project Readiness criterion in the solicitation and project timing will be evaluated.

**Q43:** **Is there a higher weighting for stations that do both electricity and hydrogen versus either?**

A43: No. There is not higher weighting of using two technologies over one technology.

**Q44: Much of the equipment on the EnergIIZE list at the time GFO-23-602 is not realistic to install for successful and fast charging events for medium- and heavy-duty trucks. Can an applicant submit a funding request for equipment it fully expects to be on the EnergIIZE list by or before the CEC business meeting in May 2024 but is not currently on the list? Said equipment is already sold and installed at sites in Europe and will meet all safety and specifications requirements listed on Attachment 11. The equipment is a different model from a reputable vendor who is already on the EnergIIZE list.**

A44: An applicant may submit an application with equipment that is not currently on the EnergIIZE list. The applicant is encouraged to explain in the proposal about the equipment not being on the list. If awarded, equipment that is purchased must be on the EnergIIZE list at the time of purchase.