

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**Rulemaking to Establish Uptime
Recordkeeping and Reporting
Standards for Electric Vehicle
Chargers and Charging Stations**

Docket No.: 22-EVI-04

**[PROPOSED] ORDER INSTITUTING
RULEMAKING PROCEEDING**

I. PURPOSE AND SCOPE OF THE PROCEEDING

The California Energy Commission (CEC) hereby institutes this rulemaking proceeding to develop and consider adopting additions to Title 20 that would establish uptime recordkeeping and reporting standards for electric vehicle (EV) chargers, charging stations, and charging station infrastructure, and related disclosure requirements. The CEC may also develop and consider adopting requirements to increase EV chargers and charging station uptime. These actions are taken under the authority of sections 25210, 25213, 25218(e), 25229, 25231.5, 25301, 25303, 25304, and 25618 of the California Public Resources Code, and sections 1220 through 1225 of Title 20 of the California Code of Regulations.

In this proceeding, consistent with Assembly Bill 2061 (Ting, Chapter 345, Statutes of 2022), and under direction of the lead commissioner, CEC staff may:

- develop uptime recordkeeping and reporting standards for EV chargers and charging stations;
- initiate a public workshop process to develop a definition of “uptime”;
- create a formula to calculate uptime;
- evaluate additional reliability metrics;
- hold a public workshop in consultation with the California Public Utilities Commission (CPUC) to identify best practices and charger technology capabilities to increase reliability;
- develop standards for disclosing reliability data reporting requirements to participants in future publicly-funded EV charger infrastructure programs; and

- develop requirements in consultation with the CPUC to increase charging station uptime, including, but not limited to, uptime requirements, operation and maintenance requirements, and operation and maintenance incentives.

CEC staff may take actions through this proceeding consistent with sections 25229, 25231.5, 25301, 25303, 25304, and 25618 of the California Public Resources Code to develop reporting requirements regarding the number and location of chargers and charging stations deployed in California, including shared private chargers and stations. Shared private chargers are those that are not open to the general public and are not dedicated to one driver, including for example, chargers shared at an apartment complex or workplace.

Additionally in this proceeding, under direction of the lead commissioner, CEC staff may take other actions reasonably necessary to present to the CEC for consideration, regulations that implement sections 25229, 25231.5, 25301, 25303, 25304, and 25618 of the California Public Resources Code related to recordkeeping and reporting standards for EV chargers, charging stations, and charging station infrastructure, and regulations for requirements to increase EV chargers and charging station uptime.

II. DELEGATION OF AUTHORITY

Commissioner Patricia Monahan is lead commissioner for this proceeding. The CEC delegates the authority to staff, under the direction of the lead commissioner, to take all actions reasonably necessary to present proposed regulations to the CEC for final adoption, including but not limited to, complying with requirements of the Administrative Procedure Act (Government Code sections 11340 et seq.) and the California Environmental Quality Act (Public Resources Code section 21000 et seq.). Adoption of any changes to the CEC's regulations pursuant to this Order Instituting Rulemaking will be by vote of the CEC at a noticed business meeting.

III. PUBLIC PARTICIPATION

The CEC encourages full and free public participation in this proceeding. Any person present at any hearing or workshop shall be afforded a reasonable opportunity to make oral comments on the subject matter of the proceeding. Petitions to intervene are not necessary. At present, no workshop or hearing dates have been specifically identified. The executive director, in conjunction with the public advisor, shall ensure that this order and notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the CEC to allow timely participation. The CEC will establish a date for the receipt of written comments on draft regulations.

The CEC will set forth a deadline for the receipt of written comments in a Notice of Proposed Action, which will be published later in this proceeding. Anyone who would like to participate in or receive information regarding this proceeding should register with the CEC [Clean Transportation Program](https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation-) subscription list at <https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation->

program. All who are registered will receive automated email messages with information regarding hearings, workshops, and documents. Manage existing list subscriptions or sign up for others at [CEC Subscriptions](https://www.energy.ca.gov/subscriptions), at <https://www.energy.ca.gov/subscriptions>.

The CEC encourages use of its electronic commenting system. Visit the [e-commenting page](https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=22-EVI-04) at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=22-EVI-04>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with 20 CCR section 1208.1. The maximum file size allowed is 10 MB.

Written comments may be submitted by email. Include docket number 22-EVI-04 and “Rulemaking to Establish Uptime Recordkeeping and Reporting Standards for Electric Vehicle Chargers and Charging Stations” in the subject line and email to docket@energy.ca.gov. A paper copy may be sent to:

Docket No. 22-EVI-04
Docket Unit, MS-4
California Energy Commission
715 P Street
Sacramento, California 95814-5512

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

The CEC’s public advisor assists the public with participating in CEC proceedings. Please call (916) 957-7910 or contact publicadvisor@energy.ca.gov for assistance.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on January 25, 2023.

AYE:
NAY:
ABSENT:
ABSTAIN:

Dated:

Liza Lopez
Secretariat