



**California Energy Commission
October 8, 2025 Business Meeting
Backup Materials for Regulations for Improved Electric Vehicle Charger
Recordkeeping and Reporting, Reliability, and Data Sharing**

The following backup materials for the above-referenced agenda item are available as described below:

1. Proposed Resolution, attached below.

For the complete record, please visit: [22-EV1-04 Docket](#).

To stay informed about this project and receive documents as they are filed, please subscribe to the proceeding Topic, which can be accessed here:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04>. The Topic sends out email notifications and direct links when documents are filed in the proceeding docket.

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

**Rulemaking to Establish
Regulations for Improved Electric
Vehicle Charger Recordkeeping and
Reporting, Reliability, and Data
Sharing**

Docket No. 22-EVI-04

**[PROPOSED] RESOLUTION
ADOPTING REGULATIONS**

WHEREAS, the Legislature enacted and the Governor signed Assembly Bill (AB) 2127 (Ting, Chapter 365, Statutes of 2018), which created Public Resources Code section 25229 to direct the State Energy Resources Conservation and Development Commission (CEC) to assess biennially the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least five million zero-emission vehicles on California roads by 2030, and of reducing emissions of greenhouse gases to 40 percent below 1990 levels by 2030; and

WHEREAS, the Legislature enacted and the Governor signed AB 2061 (Ting, Chapter 345, Statutes of 2022), which created Public Resources Code section 25231.5 to direct the CEC to develop uptime recordkeeping and reporting standards for EV chargers and charging stations that receive an incentive from a state agency or through a charge on ratepayers and are installed on or after January 1, 2024; and

WHEREAS, the Legislature enacted and the Governor signed AB 126 (Reyes, Chapter 319, Statutes of 2023), which amended Public Resources Code section 25231.5(d)(1) to direct the CEC to adopt tools to increase EV charging station uptime, including uptime requirements and operation and maintenance requirements; and

WHEREAS, AB 126 also added Public Resources Code section 25231.5(d)(2), which requires the CEC to adopt standards requiring certain entities to notify customers about the availability and accessibility of publicly available EV charging ports; and

WHEREAS, Public Resources Code sections 25301 through 25305 direct the CEC to release a biennial Integrated Energy Policy Report (IEPR) that provides a cohesive

assessment of major energy trends and issues in California, which requires forecasting of where more EV charging ports are needed; and

WHEREAS, the CEC requires EV charging port inventory data to complete the requirements of Public Resources Code sections 25301 through 25305; and

WHEREAS, on June 26, 2025, the CEC posted to its website, a staff report providing the technical and other bases supporting the proposed Rulemaking to Establish Regulations for Improved Electric Vehicle Charger Recordkeeping and Reporting, Reliability, and Data Sharing, which also included the proposed Express Terms of the proposed regulations; and

WHEREAS, on June 27, 2025, the CEC posted the following documents on its website: a Notice of Proposed Action (NOPA) formally notifying the public of the CEC's intent to adopt proposed regulations for Rulemaking to Establish Regulations for Improved Electric Vehicle Charger Recordkeeping and Reporting, Reliability, and Data Sharing, explaining how to obtain a copy of the Express Terms of the proposed regulations, setting a 45-day public comment period, and stating that a Public Hearing to hear comments on the proposed regulations would be held on August 13, 2025; an Initial Statement of Reasons (ISOR) describing the rationale for the proposal; and the Economic and Fiscal Impact Statement (Form 399); and

WHEREAS, on June 27, 2025, the NOPA was published in the California Regulatory Notice Register, delivered to the Secretary of the California Natural Resources Agency, and distributed to the CEC's Electric Vehicle Charging Infrastructure Reliability Reporting and Performance Standard email subscription list; and

WHEREAS, on August 12, 2025, the 45-day written comment period established by the NOPA closed; and

WHEREAS, on August 13, 2025, the CEC staff for the rulemaking held a Public Hearing, on the date and time noticed in the NOPA, to receive oral and additional written comments on the proposed regulations to the Rulemaking to Establish Regulations for Improved Electric Vehicle Charger Recordkeeping and Reporting, Reliability, and Data Sharing; and

WHEREAS, on September 8, 2025, the CEC published to its website the amended Express Terms, based on comments received during the 45-day comment period and the August 13, 2025, Public Hearing; and

WHEREAS, on September 8, 2025, the CEC published a Notice of 15-day comment period on the amended Express Terms, which closed on September 24, 2025; and

WHEREAS, on September 26, 2025, the CEC staff posted a Notice of Adoption Hearing informing interested parties and the public that the CEC would consider and possibly adopt the proposed regulations at an October 8, 2025, Business Meeting of the CEC; and

WHEREAS, each of the above-referenced documents and notices was provided to every person on the CEC's Electric Vehicle Charging Infrastructure Reliability Reporting and Performance Standards email subscription list and to every person who had requested notice of such matters, and was posted to the CEC's website; and

WHEREAS, on October 8, 2025, the CEC considered adoption of the proposed regulations at its Business Meeting.

THEREFORE, THE CALIFORNIA ENERGY COMMISSION FINDS:

With regard to the California Environmental Quality Act:

- The CEC has considered the application of the California Environmental Quality Act (CEQA) to the proposed regulations and concluded that the proposed regulations are exempt from CEQA requirements under the categorical exemptions under sections 15301 and 15306 of title 14 of the California Code of Regulations and under the common sense exemption pursuant to section 15061(b)(3) of title 14 of the California Code of Regulations; and

With regard to the Warren-Alquist Act:

- The proposed regulations satisfy the requirements of Public Resources Code section 25231.5(a), which requires the CEC to develop uptime recordkeeping and reporting standards for electric vehicle chargers and charging stations.
- The proposed regulations and the CEC's process, including workshops and hearings, satisfy the requirements of Public Resources Code sections 25231.5(a)(3) and (b)(2) in defining "uptime," determining excluded time for purposes of developing a formula to calculate uptime, and identifying best practices for uptime recordkeeping and reporting standards.
- The proposed regulations will assist the CEC in carrying out the directive in Public Resources Code section 25231.5(c), which requires the CEC to assess the uptime of charging station infrastructure including, at a minimum, an assessment of equitable access to reliable charging stations in low-, moderate-, and high-income communities.
- The proposed regulations satisfy the requirements of Public Resources Code section 25231.5(d), which requires the CEC to adopt tools to increase charging station uptime and to set standards for how stations shall notify customers about the availability and accessibility of publicly available charging infrastructure.
- The proposed regulations satisfy the requirements of Public Resources Code section 25320, including that they are necessary to the development of the integrated energy policy report, including sections 25301 to 25304, because current data collection methods are insufficient.

- The proposed regulations satisfy the requirements of Public Resources Code section 25301, which requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices.
- The proposed regulations satisfy the requirements of Public Resources Code section 25304(g), which requires the CEC to conduct transportation forecasting and assessment activities including an evaluation of the success of the introduction, prices, and availability of advanced transportation technologies, low- or zero-emission vehicles, and clean-burning transportation fuels.
- The proposed regulations will assist the CEC's compliance with the requirements of Public Resources Code section 25229, which requires the CEC to assess biennially the number of EV charging ports necessary to support California's EV adoption goals.

With regard to the Administrative Procedure Act:

- The proposed regulations will not likely result in the creation of new businesses or elimination of existing businesses, will not result in the expansion of businesses currently doing business in California, and will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states; and
- The proposed regulation will not impose direct costs or direct or indirect requirements or mandates, on state agencies, local agencies, or school districts, including but not limited to costs that are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code, when savings accruing over the lifetime of the appliance is considered; and
- The proposed regulations will not result in the creation or elimination of jobs within California; and
- The proposed regulations will not result in costs or savings in federal funding to the State of California; and
- The proposed regulations will not result in nondiscretionary costs or savings to local agencies or school districts; and
- The proposed regulations will not have an impact on housing costs; and
- The proposed regulations will result in cost impacts to representative private persons or EV charging businesses in reasonable compliance with the regulations; annual ongoing costs are estimated at \$2,191 and \$79,903 for small and typical businesses, respectively; and

- The proposed regulations will not adversely impact the health and welfare of California residents, or worker safety, or the state's environment; and
- The proposed regulations have no reasonable alternatives that would be more effective in carrying out the purpose of the statutes for which it is proposed, that would be as effective and less burdensome to affected private persons in carrying out those purposes, or that would be more cost effective to affected private persons and equally effective in implementing those purposes; and
- The proposed regulations will not have a significant adverse economic impact on small business as estimated in the Economic and Fiscal Impact Statement and no reasonable alternatives were proposed that would lessen any adverse economic impact on small business; and
- The proposed regulations will set new reporting requirements upon businesses, which are necessary for the health, safety, or welfare of the people of the state; and
- None of the comments received during each separate comment period, public hearing, or at the public adoption hearing, and nothing else in the record, justified any changes to the proposed regulations as published on September 8, 2025.

THEREFORE, BE IT RESOLVED, that, on the basis of the entire record before it, the CEC finds that the proposed regulations are exempt from CEQA under the categorical exemption under sections 15301 and 15306 of title 14 of the California Code of Regulations, and the common sense exemption under section 15061(b)(3) of title 14 of the California Code of Regulations; and

FURTHER BE IT RESOLVED, after considering all comments received and CEC staff's responses, and based on the entire record of this proceeding, the CEC hereby adopts the proposed regulations implementing the Rulemaking to Establish Regulations for Improved Electric Vehicle Charger Recordkeeping and Reporting, Reliability, and Data Sharing, as set forth in the Express Terms that were published on September 8, 2025 and incorporating any changes presented and adopted today.

The CEC takes this action under the authority of sections 25213, 25218(e), and 25218.5 of the Public Resources Code, which authorize the CEC to adopt rules or regulations, as reasonable and necessary, to implement sections 25229, 25231.5, and 25300 to 25305 of the Public Resources Code; and

FURTHER BE IT RESOLVED, that documents and other materials that constitute the rulemaking record can be found at the CEC, 715 P Street, Sacramento, California, 95814. Many of these documents are also available online in Docket 22-EVI-04 <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=22-EVI-04%20>; and

FURTHER BE IT RESOLVED, the CEC delegates the authority and directs CEC staff to take, on behalf of the CEC, all actions reasonably necessary to have the proposed

regulations go into effect, including but not limited to making any appropriate non-substantive changes to the regulations; preparing all appropriate documents, such as the Final Statement of Reasons; compiling and submitting the rulemaking file to the Office of Administrative Law (OAL); making any changes to the rulemaking file required by OAL; and preparing and filing the Notice of Exemption with the State Clearinghouse. This delegation explicitly includes authority for the Executive Director or Chief Deputy Director to sign the Form 400 on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on October 8, 2025.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Kim Todd
Secretariat