

CONCURRENCE IN SENATE AMENDMENTS

AB 2061 (Ting and Reyes)

As Amended August 23, 2022

Majority vote

SUMMARY

Requires the California Energy Commission (CEC) to develop uptime recordkeeping and reporting standards for electric vehicle (EV) chargers and charging stations, as specified, and limits applicability to chargers and stations that receive state funding or ratepayer money.

Senate Amendments

- 1) Require CEC, in consultation with the Public Utilities Commission (CPUC) to develop uptime recordkeeping and reporting standards for EV chargers and charging stations by January 1, 2024.
- 2) Require the uptime recordkeeping and reporting standards to do all of the following:
 - a) Only apply to EV chargers and charging stations that received an incentive from a state agency or through a charge on ratepayers.
 - b) Apply for a minimum of six years unless CEC decides longer is more appropriate.
 - c) Apply to EV chargers and charging stations installed on or after January 1, 2024.
- 3) Require CEC to include interoperability of software and hardware and consider federal definitions to ensure consistency between standards when defining "uptime."
- 4) Authorize CEC to consider additional reliability metrics, including success rate of initiating a charging session; customer satisfaction; and the number, nature or length of events that interrupt service.
- 5) Require CEC, in consultation with CPUC, to hold a public workshop to discuss and identify industry best practices and charger technology capabilities that are demonstrated to increase reliability.
- 6) Authorize uptime recordkeeping and reporting standards to vary by technology type, power levels, number of chargers per site, and site ownership.
- 7) Require funding entities to disclose reporting requirements to funding recipients, as specified.
- 8) Authorize, instead of require, CEC, in consultation with CPUC, to adopt tools to increase charging station uptime, including uptime requirements, operation and maintenance requirements, and authorize incentives, including operation and maintenance incentives.
- 9) Require the biennial assessment of charging station infrastructure uptime to be a standalone report, instead of incorporated into the AB 2127 (Ting), Chapter 365, Statutes of 2018, EV Charging Infrastructure Assessment.
- 10) Repeal these provisions on January 1, 2035.

COMMENTS

With these amendments, the bill is substantially similar in substance to the bill that was heard in the Assembly. Senate amendments incorporate feedback from the administration and reorganize the structure of the bill; extending dates by which requirements apply, adding detail to uptime recordkeeping, aligning future state standards with federal standards, and repealing the provisions of the bill in 2035.

Executive Order (EO) N-79-20 states the goal that 100% of new passenger vehicles sales in California will be ZEVs by 2035. The EO directs CARB to develop and propose regulations to meet that goal. Increased adoption of battery electric vehicles necessitates a corresponding increase in the supporting charging infrastructure. Deploying more charging stations will help consumer confidence in locating charging stations and transitioning to battery electric vehicles.

For passenger vehicle charging in 2030, the AB 2127 Electric Vehicle Charging Infrastructure Assessment projects over 700,000 public and shared private chargers are needed to support 5 million ZEVs, and nearly 1.2 million to support about 8 million ZEVs anticipated under Executive Order N-79-20. An additional 157,000 chargers are needed to support 180,000 medium- and heavy-duty vehicles anticipated for 2030.

Although statewide data on charging stations' performance does not exist, anecdotally the charging experience for drivers is unreliable. Drivers face situations where publicly available charging stations charge at far slower speeds than displayed, are broken upon arrival, incorrectly advertised by operators, or fail to start a charge when plugged in. In 2020, Plug In America surveyed over 4,000 EV owners and 54% reported experiencing problems with public charging, with broken chargers being the most common issue.

SB 129 (Skinner), Chapter 65, Budget Act of 2021 requires CEC to collect the following data from recipients of ZEV infrastructure funding for that year's appropriations:

- 1) Number, type, date, and location of chargers or hydrogen refueling stations installed;
- 2) Nameplate capacity of the installed equipment, in kilo Watt for chargers and kilograms/day for hydrogen;
- 3) Number and type of outlets per charger;
- 4) Location type, such as street, parking lot, hotel, restaurant, or multi-unit housing;
- 5) Total cost per charger or refueling station, the subsidy from CEC per charger or refueling station, federal subsidy per charger or refueling station, utility subsidy per charger or refueling station, and privately funded share per charger or refueling station; and,
- 6) Data on the chargers over a 12 month period including:
 - a) Number of charging or refueling sessions;
 - b) Average session duration;
 - c) Average kWh or kg dispensed; and,

d) Average charger or refueling station downtime

State planning documents and past budget legislation have determined that tracking and measuring charging station performance is critical to ZEV adoption; however, there is no policy guidance as to how this data will be collected and by whom. As the Legislature dedicates more money to ZEV infrastructure, it may wish to have uptime reporting requirements applied to these investments.

State and federal funding. Typically, the CTP receives \$100 million per year through revenue from various fees. Due to recent surpluses, the Legislature has appropriated additional General Fund money to ZEV infrastructure. Last year's 2021-22 Budget approved \$500 million for the CTP to fund charging and hydrogen refueling infrastructure for light-duty and medium- and heavy-duty ZEVs vehicles. This year's 2022-23 Proposed Governor's Budget includes \$390 million General Fund investments to deploy infrastructure to support 1,000 drayage trucks and 1,600 transit buses and \$500 million General Fund for ZEV infrastructure across a range of vehicle classes.

The \$5 billion National Electric Vehicle Infrastructure (NEVI) Formula Program is part of \$7.5 billion in electric vehicle (EV) infrastructure funding made available by the federal bipartisan Infrastructure Investment and Jobs Act (IIJA). This funding aims to provide a network of 500,000 ultra-fast EV charging stations along the nation's travel corridors to help make cross-country electric travel accessible to all Americans. The remaining \$2.5 billion, awarded on a competitive basis, will be announced later this year.

Through NEVI formula funds, California will receive \$57 million in Fiscal Year 2022, pending approval of a state plan, which must be submitted by August 1, 2022. Five-year NEVI formula funding for California totals \$384 million.

In August 2022, CEC and Caltrans submitted California's Deployment Plan for the NEVI Program. According to the plan, "[R]eliability of the EVSE network and of stations has been identified as an increasing concern, especially as the vehicle market grows beyond early adopters to mainstream consumers. To mitigate this risk, as discussed elsewhere, the CEC is investigating how to track and measure the reliability of stations over time. The CEC intends to develop and publish reliability standards to increase uniformity and transparency. Any standards for NEVI-funded projects will conform to the regulations resulting from the proposed rulemaking by the Federal Highway Administration issued on June 22, 2022, and standards for state-funded projects will also be developed with consistency with federal standards in mind." Senate amendments require CEC to consider federal definitions to ensure consistency between standards when defining "uptime."

According to the Author

"Access to reliable charging stations is the driving force that will lead to greater electric vehicle adoption, which is key to meeting our climate goals. Consumers need to know they won't be stranded and will be able to plug in wherever they travel in our state. California has been investing billions in charging infrastructure over the last decade and we need a holistic understanding of station reliability and if any steps are necessary to improve overall reliability. We need to understand the state of the charging infrastructure in order to address issues and better direct resources to fix them. This bill bolsters existing reporting requirements and expands data collected by CEC on all charging stations by July 1, 2023. This bill creates a policy

framework to track station reliability and assess if there are underlying equitable access issues beginning January 1, 2025."

Arguments in Support

"Beginning July 1, 2023, this bill would require a person who receives an incentive funded by a state agency or through a charge on ratepayers to install, own, or operate a charging station, in whole or in part, to report charging station uptime, as defined. The bill would require the Energy Commission, in consultation with the PUC, to develop a formula to calculate uptime to provide consistent, standardized reporting of information. Having EV charging be dependable for Californians is crucial in transitioning our transportation system to one that has zero emissions and is affordable for everyone."

Arguments in Opposition

No opposition on file.

FISCAL COMMENTS

Although this bill has been significantly amended since it was heard in Senate Appropriations Committee, it contains similar requirements to that version of the bill. According to the Senate Appropriations Committee:

- 1) CEC estimates ongoing costs of \$300,000 annually (Alternative and Renewable Fuel and Vehicle Technology Fund).
- 2) CPUC anticipates no fiscal impact from this bill.

VOTES:**ASM TRANSPORTATION: 14-0-1**

YES: Friedman, Fong, Berman, Cunningham, Daly, Davies, Kalra, Lee, Bloom, Nazarian, Nguyen, O'Donnell, Ward, Wicks

ABS, ABST OR NV: Gipson

ASM UTILITIES AND ENERGY: 11-0-4

YES: Eduardo Garcia, Bryan, Chen, Cristina Garcia, Holden, Muratsuchi, Medina, Reyes, Robert Rivas, Santiago, Ting

ABS, ABST OR NV: Patterson, Carrillo, Cunningham, Mayes

ASM APPROPRIATIONS: 16-0-0

YES: Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

ASSEMBLY FLOOR: 74-0-4

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

ABS, ABST OR NV: Berman, Lackey, O'Donnell, Smith

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

SENATE FLOOR: 40-0-0

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

SENATE FLOOR: 37-0-3

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Newman, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Melendez, Min, Ochoa Bogh

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