SENATE COMMITTEE ON ENERGY, UTILITIES AND COMMUNICATIONS
Senator Steven Bradford, Chair
2023 - 2024 Regular

Bill No:	AB 2815	**Hearing Date:**	6/24/2024
Author:	Petrie-Norris		
Version:	6/4/2024 Amended		
Urgency:	No	**Fiscal:**	Yes
Consultant:	Sarah Smith		

SUBJECT: Clean Transportation Program: electric vehicle chargers

DIGEST: This bill makes electric vehicle (EV) charger repairs or replacements eligible for funding from the Clean Transportation Program (CTP), subject to specified requirements.

ANALYSIS:

Existing law:

1) Establishes the CTP, which is administered by the California Energy Commission (CEC) to fund the development of zero-emission vehicle (ZEV) technologies and fuels, including the deployment of EV chargers. The CTP provides approximately $100 million annually in funding for specified clean transportation technology development and deployment. (Health and Safety Code §44272 et. seq.)

2) Requires the CEC to conduct a statewide assessment every two years of EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting at least five million ZEVs on California roads by 2030, and of reducing emissions of greenhouse gases (GHG) to 40 percent below 1990 levels by 2030. (Public Resources Code §25229)

3) Requires the CEC to define "uptime" for the purposes of calculating the time when an EV charger is functioning and available for use and requires the CEC to develop uptime recordkeeping and reporting standards for EV chargers and charging stations by January 1, 2024. These recordkeeping and reporting requirements may only apply to EV chargers and stations installed on or after January 1, 2024, and they must apply for a minimum of six years unless the CEC specifies a longer time span is necessary. (Public Resources Code §25231.5)

4) Requires the CEC to assess the uptime of charging station infrastructure every two years, starting on January 1, 2025. (Public Resources Code §25231.5)

5) Requires the CEC to set standards by January 1, 2025, to establish requirements for how EV charging stations that receive CTP grants or ratepayer funds will notify customers about the availability and accessibility of publicly available charging infrastructure. Existing law specifies that this requirement does not impact the CEC's existing authority to include reporting or reliability requirements as a condition of obtaining grant funds. (Public Resources Code §25231.5)

This bill makes a program to repair or replace nonoperational EV chargers eligible for CTP funding, subject to the following conditions:

a) The charger is at least five years old and located in a publicly available parking space.

b) Charging stations owned and operated by a charging network provider that has received state agency or ratepayer incentive are not eligible for repair or replacement funds under this bill.

c) The CEC must require an applicant for these funds to provide matching or in-kind contributions as a condition of receiving funds under this bill. The CEC must reduce this matching or in-kind requirement for funding allocated to repairs and replacements in low-income and disadvantaged communities.

d) At least 50 percent of the CTP moneys allocated for repairs or replacement under this bill must be allocated to low-income and disadvantaged communities.

e) No more than 20 percent of the CTP's fiscal year funding may be allocated for charger repairs or replacements.

f) Chargers that receive funding under this bill must comply with the CEC's reliability requirements.

Background

EV charger repair and replacement is a less explored issue associated with charger reliability. Several recent bills have addressed the issue of EV charger reliability. Many of these bills have focused on reliability issues associated with maintenance and software issues within the scope of EV charger networks' control.

However, the CEC has acknowledged the extent to which damage requiring repair or replacement may impact consumers' charging experience and may be outside the scope of network's control to prevent. The CEC's *Second Draft Staff Report Tracking and Improving Reliability of California's Electric Vehicle Chargers* states:

> EV chargers are typically uncovered and unprotected from the elements. Connectors can be bent or run over by vehicles. Cables can be cut as acts of vandalism or stolen for copper. EV chargers frequently incorporate screens that are necessary for operation, but screens can fade in sunlight, break, or be smashed. Because EV chargers are typically unattended, broken hardware that the charger cannot detect itself will often be noted only by the charging network provider if a customer reports it.

The CEC is in the process of adopting standards to assess the reliability of existing EV chargers. The CEC has proposed standards that account for a charger downtime associated with unanticipated vandalism or damage and create incentives for networks to ensure that chargers are repaired or replaced. However, some charger owners may not have funding on hand to repair or replace nonfunctioning chargers.

This bill makes EV charger repairs and replacements eligible for CTP funding and sets restrictions on which chargers are eligible for these funds. This bill requires chargers that receive repair and replacement moneys under this bill to comply with the CEC's forthcoming charger reliability standards. This bill would prohibit an EV charger network operator that has received a state or ratepayer incentive from obtaining CTP funds for repairs and replacements under this bill. This bill would also limit eligibility for repair and replacement funding to those chargers that are at least five years old. These restrictions may limit the extent to which EV charger network operators can use this bill to fund service and maintenance operations that would otherwise have been funded by EV charger network operators.

Bill implies that a certain percentage of the CTP should be allocated for charger repair or replacement. While this bill does not expressly require the CEC to set aside a certain percentage of the CTP for EV charger repairs or replacements, this bill caps CTP allocations for these repairs and replacements at no more than 20 percent of the program's fiscal year allocation. This bill also specifies that at least 50 percent of funding allocated for these repairs and replacements must be reserved for low-income and disadvantaged communities. These requirements imply that the CEC must develop an annual allocation of CTP moneys for charger repairs and replacements as part the CTP investment plan.

Need for Amendments. While this bill includes a number of requirements intended to prevent EV charger networks from abusing the ability to draw down repair or replacement moneys from the CTP, this bill does not prohibit EV charging networks from obtaining funds under this bill. *The author and committee may wish to amend this bill to clarify that regardless of who obtains a grant under this bill, property owners have a right to replace nonfunctioning chargers with the charger of their choice on their premises.*

Dual referral: This bill passed out of the Senate Committee on Transportation by a vote of 15-0 on June 11, 2024.

Prior/Related Legislation

AB 2697 (Irwin, 2024) specifies that the CEC may apply roaming standards for EV charging networks to only major EV charging networks that operate a certain amount of publicly available chargers. The bill is currently pending in the Senate Committee on Transportation.

AB 1349 (Irwin, 2023) requires EV charger owners and operators that accept state grants to provide certain data about their chargers and charging network to third-party software developers for free, as specified. The bill is currently in the Senate Committee on Energy, Utilities and Communications.

AB 126 (Reyes, Chapter 319, Statutes of 2023) modified and extended the operation of the CTP until January 1, 2035. The bill also required the CEC to set standards by January 1, 2025, regarding how EV charging stations receiving CTP or ratepayer funds will notify customers about the availability and accessibility of chargers.

SB 123 (Committee on Budget and Fiscal Review, Chapter 52, Statutes of 2023) made various changes to law regarding energy resources. The bill also reassigned duties to implement and enforce EV payment and billing standards from California Air Resources Board to the CEC.

AB 2061 (Ting, Chapter 345, Statutes of 2022) required the CEC to define uptime for EV chargers, set uptime recordkeeping and reporting, and assess EV charger uptime every two years.

AB 2127 (Ting, Chapter 365, Statutes of 2018) required the CEC to conduct a statewide assessment every two years of EV charging infrastructure needed to support the levels of EV adoption required for the state to meet its goals of putting

at least five million ZEVs on California roads by 2030, and of reducing emissions of GHG to 40 percent below 1990 levels by 2030.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT:

Electric Vehicle Charging Association, Sponsor
Advanced Energy United
California Electric Transportation Coalition
California New Car Dealers Association
Center for Sustainable Energy
ChargePoint
CleanEarth4kids.org
County of Orange
FreeWire Technologies
Peninsula Clean Energy Authority
SanDiego350
Union of Concerned Scientists

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the author:

> California is a leader in the transition to zero-emission vehicles so to meet our climate goals, it is essential that we have a reliable and fully operational public charging network. AB 2815, the EV Charging Modernization Act, will modernize legacy chargers to meet today's standards by making funding existing funding available to repair or upgrade chargers if it is cost effective to do so.

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