August 31, 2023

Andrew Johnston
Executive Secretary
Maryland Public Utilities Commission
6 Saint Paul St., 16th Floor
Baltimore, Maryland 21202

Subject: Case No. 9478 and PC44, Electric Vehicle Work Group: Reliability and Reporting Standards Report

Dear Mr. Johnston:

Enclosed for filing in the above-referenced matter please find written comments of the Alliance for Transportation Electrification.

Respectfully submitted,

Michael I. Krauthamer

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Enclosure

In the Matter of the Petition of the Electric Vehicle Work Group for Implementation of a Statewide Electric Vehicle Portfolio	* * *	Case No. 9478

COMMENTS OF THE ALLIANCE FOR TRANSPORTATION ELECTRIFICATION

The Alliance for Transportation Electrification (ATE or the Alliance) is pleased to submit the following comments in response to the PC44 Workgroup's report dated July 28, 2023, on reliability and reporting standards for electric vehicle (EV) charging stations.

ATE is a 501(c)(6) non-profit corporation; the organization engages with regulators and policymakers at the State and local government levels to remove barriers to EV adoption and to encourage the acceleration of EV infrastructure deployment with a particular emphasis on open standards and interoperability. We consist of nearly 60 industry members that include electric utilities, auto and bus manufacturers, EV charging infrastructure providers, and related trade associations and other non-governmental organizations (NGOs). We have been actively engaged in the Commission's various EV charging proceedings since their inception.

We begin our comments by expressing support for the National Electric Vehicle Infrastructure (NEVI) rules. To the extent a charger can reasonably comply, the NEVI rules should govern. But we also note that the Maryland stations at issue were, for the most part if not entirely, deployed long before even the first version of the NEVI rules were published. Therefore, when compliance is not feasible waivers are warranted. The remainder of our comments will follow the issues as set forth in the Workgroup Report.

1. Uptime by port or by connector: ATE believes Option 3 (all connectors functioning) would be ideal, but we are cognizant of the fact that NEVI has adopted the

equivalent of Option 1, which considers a port to be functioning so long as at least one connector is functioning. Option 1 is the method of reporting that network operators are adopting nationally due to NEVI. Obtaining different data will be costly if not impossible. Moreover, as the industry coalesces around the NACS/Tesla plug, adapters become more widespread, and CHAdeMO fades away, the importance of all connectors operating will be at least modestly mitigated. **For the aforementioned reasons, ATE supports Option 1 (at least one connector but not necessarily each connector at a port is operating).**

2. Uptime percentage: As a prefatory matter, **ATE opposes the proposal which would require a utility to consider a charger to be down based on an unsubstantiated report**, which would effectively cause a charger to be "guilty until proven innocent." The fact of the matter is that EV charging remains in its infancy, vehicles and chargers often fail to connect due to no fault of the driver or the utilities, drivers often are not aware of specific sequences that must be followed, and the geographically dispersed and unattended nature of chargers means that time elapses before an outage is confirmed. The customer experience will undoubtedly improve over time, but right now it would be unfair to attribute downtime to a charger and expose utilities to penalties without confirmation.

The other issue concerns whether the lack of network connectivity means a charger is down. We recognize the operational and technical differences between the networks, the impracticality of achieving changes, and the fact that a lack of connectivity does not necessarily mean a customer cannot charge. The priority should be whether a customer can charge, regardless of network connectivity. The ability of a charger to dispense a charge in the absence of network connectivity should be considered a benefit, not a flaw. **Because of the networks' varying capabilities and methodologies, we support a policy which allows both the Shell Recharge Utilities' and PE's approaches and does**

not automatically penalize a utility when network connectivity is lost on the condition that a driver can obtain a charge.

3. Exceptions. **ATE supports the exceptions agreed to by the parties in the Workgroup.**

4. Uptime Increments. As explained in the Workgroup Report, NEVI requires that uptime be measured in minutes and HB 834 defines uptime as being measured as a percentage of both hours and days of a calendar year. PE will be able to comply with both because its vendor provides minute-level data. Shell Recharge, by contrast, currently provides uptime only as a percentage of a given reporting period; the utilities state that they believe minute-data could be available in the future for an additional fee. **If the Shell Recharge Utilities conclude that the ultimate cost of obtaining minute-level data does not provide commensurate value and seek a waiver from the Commission, ATE would support that request on the basis that such a scenario falls within what the General Assembly contemplated when it explicitly provided for alternative standards and requirements.**

5. Ability to Dispense a Charge Without Network Connectivity. We understand that PE's chargers will authenticate a session without network connectivity if the driver uses an RFID card or an NFC-enabled phone, thereby satisfying the requirement. We further understand that there is some uncertainty around Shell Recharge's capabilities in the absence of network connectivity. Given that the ability to dispense a charge is a NEVI requirement, we believe it's reasonable to conclude that this capability will be deployed eventually if it is not in fact deployed yet. While the Commission may find this lack of certainty to be surprising, we can attest to the fact that conclusively determining these very specific questions, particularly with legacy hardware, is a widespread challenge in the

industry. Accordingly, we believe the utilities' positions to be reasonable. **To the extent waivers are sought while the technology evolves, we encourage the Commission to grant such requests.**

6. Screens. The Workgroup could not reach consensus on whether a charger should be considered "up" if the screen is broken but the charger can dispense a charge via an app or other means. We believe that a driver who encounters a malfunctioning screen would be reasonable in concluding that the charger is inoperable.

7. Payment. Currently, drivers needing to call in to initiate a charge must speak with a customer service representative. The ability for a driver to utilize an automated system was raised in the Workgroup. Based on our work with companies across the EV charging ecosystem, it is ATE's understanding that speaking with a customer service agent is the standard operating procedure. We further believe that the network operators are in the best position to determine the means by which call-ins are handled. Accordingly, **because the utilities are not in a position to dictate to the national charging companies how to operate their call centers (as this relates to issues such as human interaction as well as spoken languages), ATE opposes requiring utilities to provide services which the industry currently does not offer.**

8. Outage Reporting. It is ATE's understanding that customers can report station outages directly to the networks, and that such outages are reflected in uptime reports. To the extent there is a desire for metrics related to call centers such as dropped call, hold time, etc., such metrics are not called for in the HB 834. In any event, we would expect that drivers calling in about the Maryland utilities' chargers to have a similar experience as all callers to the various networks' call centers.

9. Unreasonable Hardship Exemptions. **ATE supports the Shell Recharge Utilities' request for exemptions to minute data for purposes of calculating uptime, as well as the requirement that a charger dispense a charge when not connected to the network.** We anticipate that such features will be available eventually, and in the interim the costs outweigh the benefits.

10. Enforcement. ATE supports not including specific penalties in these rules on the grounds that Commission should retain flexibility under PUA section 13-201.

Conclusion

We appreciate the Commission's continued commitment to EV charging in Maryland and the opportunity to engage with Commission Staff and stakeholders, and we look forward to continuing to be involved with this important proceeding.

Respectfully submitted,

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